

## INPUTS BY NATIONAL HUMAN RIGHTS COMMISSION (NHRC) - NIGERIA

Call for inputs for the preparation of the report of the UN Secretary-General pursuant to the UN General Assembly resolution 77/205 “A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”:

ISSUED BY

Office of the High Commissioner for Human Rights

DEADLINE

10 April 2023

**Purpose:** To inform the UN Secretary-General on the implementation the General Assembly Resolution 77/05 on the global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance at the 78 session of the General Assembly.

OHCHR invites States, United Nations entities, inter-governmental and regional organizations, national human rights institutions, civil society and non-governmental organizations and all other relevant stakeholders, for their inputs on the implementation of Durban Declaration on the elimination of racism, racial discrimination, xenophobia and related intolerance to help OHCHR prepare report on its implementation.

Structure of inputs and key questions

### **I. Extent and impact of systemic racism and effective legal, policy and institutional measures that address racism beyond a summation of individualized acts (paragraph 20).**

Systemic racism presents and infuses itself in diverse spheres such as in culture, religion, social and economic etc. It leads to social and economic exclusion, religion and ethnicity oppression.

Racial discrimination has led to denial of human rights and has negative impact on the welfare and well-being of the citizens.

In the elimination of systemic racism, the following measures have been put in place to address the practices in Nigeria:

- a) The 1999 Constitution of the Federal Republic Nigeria as amended in S.42 guarantees the rights of every citizen and frowns at discrimination whether by sex, religion, place of origin or political opinion.

Other legislation and policies that derives its validity from the Constitution to eliminate all forms of discrimination are as follows:

- b. National Human Rights Commission (amendment) Act of 2010 which promotes protects and enforces the rights of everyone. The Commission has as one of its key priorities raising of awareness of respect for diversity and elimination of hateful speech and incitement to violence ethnocentrism in some parts of the world on the basis of differences.
- c. The National Industrial Court being a specialized court responsible for labour and labour related matters in its Rules 2017 protects a claimant who alleges work place discrimination on grounds of gender, ancestry, religion or family situation as the employers are to settle claim on or before judgment is delivered.
- d. 2004 HIV/AIDS (Anti-discrimination) Act prohibits the discrimination of employers on the basis of HIV/AIDS or related illnesses.
- e. Discrimination Against Persons with Disabilities (Prohibition) Act 2018 prohibits discrimination on the basis of disability and imposes sanctions including fines and prison sentences on those who contravenes it.
- f. In Nigeria, some state governments have enacted the rights of persons with disability law and prohibit discrimination on the basis of disability in the work place. For instance, the Lagos State Special Peoples Law, 2011 which establishes an office for persons with disabilities, safeguards the rights of such people as it prohibits discrimination and harmful treatment, such as cruelty and inhuman treatment of persons with disability.

**2. Hate speech, incitement to racial discrimination, hostility and violence; (preamble paragraph 6).**

In the elimination of incitement to racial discrimination, the following measures have been put in place to address the practices in Nigeria:

- a) The Electoral Act 2022 as amended in section 97 prohibits and criminalizes a candidate, person or association that engages in campaigning or broadcasting based on religious, tribal or sectional reason to promote or oppose a particular political party or the election of a particular candidate, commits an offence under the Act during political engagement.
- b) 2023 election Guidelines for Political Rallies issued by Independent National Electoral Commission (INEC) also prohibits the use of hate speech and discriminatory rhetoric during campaigns.
- c) The National Broadcasting Commission (NBC) pursuant to 2020 Amendment Code prohibits electronic media stations from airing sensitive materials injurious to national unity as this attracts punishment to the defaulting media.
- d) Nigerian Press Council Act (Amendment) Bill, 2019. It is expected that when passed into law it will protect and guide the council in checkmating fake news and tackle hate speech.
- e) Nigerian Film Corporation Act (Repeal and Enactment) Bill, 2019. The bill seeks to prohibit ethnic discrimination, hate speech harassment on the ground of ethnicity.
- f) The Executive Secretary of the National Human Rights Commission issued Advisory on hate speech on the basis of religious and ethnic sentiments to the government and stakeholders including law enforcement agencies, civil society organization, traditional rulers, political parties

and their candidates on acceptable conduct during the 2023 election in line with Section 5 of the National Human Rights (Amendment) Act 2010.

**3. Reparatory justice initiatives regarding slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies contributing to the development and recognition of the dignity of the affected States and their people (paragraph 16).**

In order to entirely eliminate any form of discrimination, Nigeria has promulgated the following laws:

- a. Violence against Person Prohibition Act 2015 (VAPP ACT) which has been adopted by many state governments. The purpose of this law is to eliminate any form of discrimination especially against women and girls. The law also give remedy to all form violence or discrimination against women and girls relating to harmful traditional and cultural practises. The enactment of the VAPP Act has been a ground-breaking initiative in defining violations such as Female Genital Mutilation (FGM), harmful widowhood practices, harmful traditional practices, and grievous bodily harm in Nigeria. These provisions contribute to the elimination of all forms of discrimination against women and girls.
- b. Child's Rights Act which guarantees the rights of all children in Nigeria, providing for the best interest of a child to be of paramount consideration in all actions. It also provides for a child to be given protection and care necessary for his or her wellbeing. This law has been adopted in almost all the States of the federation.
- c. Some States like Abia and Rivers State have laws which allow women to inherit their father's estate. This is against the age long practice of disinheritance of women and girls on the ground of gender.
- d. The National Human Rights Commission actively participates in the annual commemoration of 16 Days of Activism on the Elimination of Violence against Women and Girls with the international community, from 25<sup>th</sup> November to 10<sup>th</sup> December annually. During this period, the Commission embarks on various advocacy campaigns across all its offices, including awareness and sensitization via road walks, school visits, radio/television interviews, and meetings with critical stakeholders to stimulate support towards the elimination of violence against Women and Girls
- e. National Gender Policy in Agriculture, 2019. The Policy is to ensure equal opportunities and access to resources, services and agriculture programme thereby empowering the women economically as it reduces the total dependence of the women on men for the provision of necessities at home.
- f. National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities with emphasis on Women and Girls, 2016. This policy ensures that persons with disability enjoy their sexual and reproductive health right.
- g. The Labour Act in S. 54 prohibits the dismissal of a female worker on the ground of exceeding maternity leave or pregnancy related illnesses.

**4. Participatory and inclusive design and implementation processes that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism; and the role of people and communities of African descent and young people in these processes (paragraph 19).**

The following has been done by the people to reverse the effect or consequences of systemic racism

- a) The National Human Rights Commission in collaboration with Pillars of Hope Africa Initiative (POHAI) created a drama series SILENT PREJUDICE on Africa Independent Television (AIT). The series condemns the Osu discriminatory Caste System in some parts of Nigeria.
- b) The National Human Rights Commission had spearheaded a number of public hearings across the states to address issues of SGBV, widowhood violations/ inheritance, domestic violence and other discriminatory practices.
- c) The National Human Rights Commission actively engage in education and sensitization programme through road walks, school visits, radio/television interviews, and meetings with critical stakeholders. This is geared towards people being aware of their rights and to know where to channel their grievances when their rights are abused.
- d) The establishment of the National Orientation Agency to consistently raise awareness, positively change attitudes, values and behaviours; accurately and adequately inform; and sufficiently mobilize citizens to act in ways that promote peace and harmony.

**5. Promotion and protection of the human rights and fundamental freedoms of Africans and of People of African descent against excessive use of force and other human rights violations by law enforcement officers (paragraph 24).**

- A) The Chapter 4 1999 Constitution of the Federal Republic of Nigeria that recognizes the human rights of the citizens.
- B) Nigeria Anti-torture Act of 2017 criminalizes any form of torture in Nigeria
- C) Violence Against Person Prohibition Act of 2015 prohibits all forms of violence and criminalizes them.
- D) The Administration of Criminal Justice Act of 2015 that outlines the procedure for arrest and treatment of suspects while under investigation and engender respect for human rights by law enforcement agencies and in the Court in criminal trials
- E) National Human Rights Commission has organized trainings for Security agencies on mainstreaming human rights in law enforcement.
- F) National Committee Against Torture in Nigeria. This committee was inaugurated by the Nigeria Government with the aim of eliminating torture, cruel, inhuman and degrading treatment.
- G) Human Rights Practice Manual 2015
- H) Incorporation of human rights into training curricula of security agencies
- I) 2020 Police Act- on the effective and efficient policing in Nigeria within the ambit of respect for human rights.
- J) The Police Service Commission Reform Bill 2020
- K) Establishment of Victims Support Fund 2014 which is to provide succor to victims of terror.

- L) Correctional Service Act 2019 – this provides obligations for the correctional service with respect to observing the rights of the inmates.
  - M) The National Human Rights Commission established a Special Independent Investigative Panel on human rights violations by the defunct Special Anti- Robbery Squad (SARS) and other arms of the Nigeria Police Force in 2019 and 2020.
- 6. Racial discrimination and inequality experienced by children and youth of African descent in all areas of life, including the administration of justice, law enforcement, education, health, family life and development (paragraph 20).**
- a) The Child Rights Act, which have been adopted by almost all the state governments is a holistic law that make provision for the protection of children in Nigeria by the establishment of family courts which are designed to deal with legal matters involving children. The law emphasizes that in any case that has to do with children, the best interest of the child is paramount. It also provides for the protection of children during trials.
  - b) The Administration of Criminal Justice Act. This law has been adopted in many states of the federation. It makes provision for the smooth administration of justice in Nigeria.
  - c) National Agency for the Prohibition of Trafficking in Person Act prohibits child trafficking thereby eliminating discrimination against the child. The law also prescribes punishment for offenders.
  - d) School sensitization on child’s rights.
  - e) The National Human Rights Commission championed the adoption of Safe School Declaration in Nigeria. The Commission is presently in the process of developing a manual for human rights education in primary and secondary schools.

**7. Racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugees (preambular paragraphs 9 and 10).**

Section 41 of the 1999 Constitution of the Federal Republic of Nigeria recognizes the right to freedom of movement in Nigeria. It went further to provide that no citizen shall be expelled, or refused entry or exist therefrom. Everybody in Nigeria is entitled to move freely throughout Nigeria and reside in any part thereof.

Nigeria participated actively in the process and adoption of the Global Compact for Migration and is presently in the process of implementation of the document with regard to the treatment and protection of the Human Rights of migrants. The country is also in the process of reviewing the migration policy to ensure all the objectives of the Global Compact for migration are implemented. It also aims to consider the rights of foreigners in Nigeria with an aim to bring it in conformity with human rights tenets.