



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the status of implementation of the Convention in Nigeria in the absence of the initial report of the State party, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 72nd session held from 8 November to 3 December 2021, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/NGA/COAR/1, para. 37) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 14 (b), 18, 22 and 32 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 1 December 2022 providing your Government's response to the above-mentioned paragraphs (CAT/C/NGA/FCOAR/1) and to make the following comments:

Allegations of torture, ill-treatment, arbitrary detention and excessive use of force (para. 14 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party on the two phases of investigation carried out by the Investigation Panel on Reform of the Special Anti-Robbery Squad of Nigeria Police Force and Independent Judicial Commissions of Inquiry at the federal and state levels, respectively, with regard to the allegations of abuses committed by the officers of the Special Anti-Robbery Squad.

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It also notes that the final reports of most of the panels have been submitted to the Government and are currently at different stages of implementation. It further notes that many states have established victims' compensation funds from which several victims have received financial compensation awarded to them by the panels. Moreover, the Committee notes that the recommendations made by the Panel on Reform of the Special Anti-Robbery Squad to the Attorney-General of the Federation to prosecute 60 police officers could not be implemented and that the cases have either been referred for further investigation or for prosecution by the State Attorneys-General, as a review of these cases confirmed that the offences allegedly committed were either not federal offences, or required further evidence to establish a prima facie case. Besides, it notes that cases requiring disciplinary actions have also been referred to the Inspector General of Police for necessary action. Additionally, it notes the information regarding the number of complaints lodged, as well as the sanctions imposed on erring officers. However, the Committee remains concerned that the findings of the judicial panels of inquiry have not been made public, and at the lack of disaggregated information on prosecutions, full redress provided to victims, and the resources allocated for that purpose (2/B1).

Pretrial detention and overcrowding (para. 18 of the Committee's concluding observations)

The Committee welcomes the steps taken by the State party to ensure that the provisions of the Administration of Criminal Justice Act relating to pretrial detention are more effectively implemented to address the overuse of prolonged pretrial detention and chronic overcrowding in detention places. In particular, the Committee takes note of: the enactment of the Nigerian Correctional Service Act; the development of a model draft practice direction for efficient implementation of the remand proceedings under the Administration of Criminal Justice Act; the preparation of draft plea bargain guidelines to support implementation of section 272 of the Administration of Criminal Justice Act; the elaboration of the Police Station Duty Solicitor Scheme, which allowed for the placement of lawyers in 16 police divisions in the Federal Capital Territory; and, the establishment of the Court Duty Solicitor Scheme targeted at ensuring speedy trials and decongesting detention facilities. It also notes that the Administration of Criminal Justice Act empowers magistrates to monitor pretrial detentions ordered by law enforcement officers, and that sensitization and training workshops have been organized in five out of the six geopolitical zones of Nigeria to facilitate the implementation of these provisions. It further notes the information and data provided on the judicial oversight of police stations and the release of inmates arising from such oversight in the Federal Capital Territory. Moreover, the Committee notes that the Administration of Criminal Justice Act introduced the use of non-custodial measures, including community service, suspended sentence, probation and parole, and that the Nigerian Correctional Service Act established a comprehensive structure for implementation of the non-custodial and restorative justice regime. It also notes with appreciation the steps taken by the State party to ensure that these legal provisions are effectively implemented, in particular the adoption of Practice Directions in the Federal Capital Territory and other states of the Federation which mandate courts to impose non-custodial sentences in appropriate cases, and the establishment by the Nigerian Correctional Service of the National Parole Board. In addition, it notes that the Anti-Torture Act 2017 permits a victim of human rights abuses to either directly or through a proxy, seek legal assistance from the National Human Rights Commission, non-governmental organizations or private persons in filing a complaint, and that the National Human Rights Commission Act empowers the National Human Rights

Commission to receive and investigate complaints concerning violations of human rights and make appropriate determination as it deems necessary. It further notes the drafting by the National Human Rights Commission of two documents whose purpose is to facilitate access to its complaints procedure, and the figures regarding the number of complaints received and investigated by the Commission in 2021. The Committee remains concerned, however, by the very high rate of pretrial detainees among the prison population, due to the persistent overuse of prolonged pretrial detention, which is causing chronic overcrowding in detention facilities. It also regrets the lack of information about the measures taken by the State party since the adoption of the previous concluding observations to ensure that effective, independent and accessible complaints mechanisms, other than the National Human Rights Commission, are available to all persons deprived of their liberty and that complaints are promptly, impartially and thoroughly investigated (3/B1).

Independent monitoring of places of deprivation of liberty and the Optional Protocol (para. 22 of the Committee's concluding observations)

The Committee notes that the National Committee against Torture was redesigned in 2022 in a manner that the Government believes will meet the requirements of functional independence, independence of their personnel, competence of their experts, gender balance, adequate representation of ethnic and minority groups, and availability of necessary resources. It also notes that the National Committee against Torture is intended to serve as the coordinating body for the implementation of anti-torture policies in the State party, and that its current membership includes an enhanced representation of civil society organizations. It further notes that both the National Committee against Torture and the National Human Rights Commission have conducted separate monitoring visits to places of detention, in line with laid down procedures and the recommendations of the Committee. Moreover, it notes that the Nigerian Correctional Service has had a long-standing collaboration with civil society actors to undertake regular monitoring visits to places of detention to provide health care and education services to inmates. The Committee remains, however, seriously concerned that the redesigned National Committee against Torture still lacks legal, operational and financial independence and is not yet aligned with the Optional Protocol to the Convention and the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on national preventive mechanisms. It is also concerned that the redesigned National Committee against Torture still lacks proper funding, as it stems from the budgets of the Federal Ministry of Justice and the National Human Rights Commission, and a legal basis regulating its functions, mandate and resources. It is further concerned about the insufficient measures taken to ensure that all places of deprivation of liberty are subject to effective and regular monitoring visits by an independent body that involves medical personnel, that visits can be conducted without prior notice and that such monitors can hold confidential, private meetings with persons deprived of their liberty, without any reprisals, and report publicly on their findings. Finally, the Committee is concerned about the lack of information regarding the steps taken to authorize non-governmental human rights organizations, other than those providing health care and education, to undertake monitoring activities at detention centres (2/C).

Gender-based violence (para. 32 of the Committee's concluding observations)

The Committee notes with appreciation that the Violence against Persons (Prohibition) Act has been incorporated into law by 32 states out of 36, and that efforts are ongoing to ensure that the remaining four states adopt the Act as soon as possible. It

also notes the various policies, guidelines, protocols and training manuals developed by the State party to prevent and combat gender-based violence, including the National Gender Policy (2022) and the National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria (2021). It further notes the adoption and the implementation of the revised National Policy on Internally Displaced Persons in Nigeria, which aims at strengthening the institutional mechanism and framework for the realization of their rights, dignity and wellbeing through, *inter alia*, the achievement of durable solutions to internal displacements in Nigeria. Moreover, it notes the various measures taken by the State party to ensure effective investigation and prosecution of gender-based violence cases, in particular the establishment of special investigation and prosecution units in all the relevant law enforcement and prosecution agencies, the organization of regular training sessions for investigators, prosecutors and judges, including on the provisions of the Violence against Persons (Prohibition) Act, the setting up of the Inter-Ministerial Management Committee on the Eradication of Gender-Based Violence, the designation of four High Court judges for trial of sexual- and gender-based violence cases, and the creation of federal and state sexual offenders' registers. It also notes the data provided by the State party regarding the complaints filed, the prosecutions carried out and the convictions handed down for cases of gender-based violence. Besides, it notes the steps taken to ensure that victims receive adequate redress, including through the Special Investigation Panel on Sexual and Gender-Based Violence and the National Agency for the Prohibition of Trafficking in Persons. Additionally, the Committee notes the adoption of the National Guidelines on Safe Termination of Pregnancies for Legal Indications, which serve as a tool for the provision of safe termination of pregnancy in situations where the continuation of such pregnancy threatens the life of the pregnant woman, as well as the legal provisions in force in several states ensuring access to comprehensive and affordable sexual and reproductive health services for all. While taking note of the information provided by the State party that there is no known prosecution for abortion resulting from rape or other circumstances that cause the woman considerable suffering, the Committee remains concerned at the persistent criminalization of abortion, except for the purpose of saving the life of the mother, as it pushes women into illegal and unsafe abortions endangering their health and lives. It also regrets that the Violence against Persons (Prohibition) Act is not applicable in all states yet. Furthermore, it is concerned about the lack of information on the specific steps taken to protect internally displaced persons, especially women and girls, from sexual exploitation and abuse in state-run camps and informal camps, as well as in local communities in Maiduguri, Borno State, and across the north-east. Moreover, it remains deeply concerned about the lack of information on the steps taken to address the ongoing widespread sexual and gender-based violence inflicted by Boko Haram and the insufficient protection afforded to girls and boys from kidnapping by armed groups between 2014 and 2021, to ensure effective investigations into all cases of gender-based violence by State and non-State actors, notably allegations of sexual violence against women and girls committed by Civilian Joint Task Force officers, to prosecute alleged perpetrators and to provide redress to victims, including adequate compensation and access to medical services and counselling. Finally, the Committee remains alarmed at the lack of effective measures to prevent and eradicate female genital mutilation and to provide adequate protection for girls at risk (2/B2).

Implementation plans (para. 47 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Nigeria is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations adopted in the absence of the initial report of Nigeria or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Nigeria on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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Rapporteur for follow-up to concluding observations  
Committee against Torture