



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Eighteenth periodic reports of States parties due in 2004

Addendum

NIGERIA*

[23 March 2004]

* This document contains the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth periodic reports of Nigeria, due on 4 January 1996, 1998, 2000, 2002 and 2004, respectively, submitted in one document. For the thirteenth periodic report and the summary records of the meetings at which the Committee considered this report, see document CERD/C/263/Add.3, CERD/C/283, CERD/C/SR.1114 and 1116.

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Introduction

1. The State of Nigeria has been submitting its reports as a signatory and party to the International Convention on the Elimination of All Forms of Racial Discrimination since its inception in 1963.
2. The thirteenth periodic report of Nigeria was considered by the Committee on the Elimination of Racial Discrimination at its forty-seventh session held at the Palais des Nations, Geneva, on 31 July 1995. The report included the general features of the country, such as demography, ethnic make-up and the multicultural nature of the Nigerian society. The report was prepared in accordance with the guidelines in the *United Nations Manual on Human Rights Reporting*.
3. The report has been divided into five parts. Section I contains the general update and appraisal of the Nigerian indigenous population and a description of government policies for the elimination of all forms of racial discrimination as well as the activities that have been carried out to implement those in accordance with provisions of the Convention. Section II contains an analysis of some of the articles of the Convention and information on the steps taken as well as efforts made by the State to implement them. Details of other government actions taken to strengthen the existing policies for the elimination of racial discrimination are also given. Section III contains information on specific actions taken by the Nigerian Government through social activities, especially in relation to health and education, for the indigenous population. Other topics such as indigenous participation in political and social affairs, access by indigenous people to the system of justice and legal protection, and support programmes for the voluntary repatriation of Nigerians abroad are also highlighted in accordance with the objectives of the Convention, which include the identification and enforcement of the rights of indigenous people towards the elimination of all forms of racial discrimination. Section IV provides general information on the current position of the Government in ensuring further protection of the rights of its citizens. Section V contains comments providing a brief summary of the existing situation in Nigeria regarding compliance with the provisions of the Convention and general matters on racial discrimination.

I. GENERAL ASPECT OF RACIAL DISCRIMINATION AND THE INDIGENOUS POPULATION OF NIGERIA

A. Discrimination

4. Nigeria is the most populous black country in the world with a population of over 100 million people made up of over 250 different ethnic groups. The predominant ethnic groups are the Hausa/Fulani, Yoruba and Ibo, while other ethnic groups include the Edo, Ibibio, Isoko, Urhobo, Itsekiri, Kanuri, Nupe, Effik, Ijaw, Epira, Idoma, Tiv, Ogoni, Chambe, Gwari, and Ekoto, to mention only a few. Despite the numerous ethnic groups with their diverse culture, language and tradition, Nigerians still exhibit a cohesiveness that is a product of centuries of trade, intermarriage as well as economic contacts amongst the various groups. Consequently, problems relating to ethnic, religious, cultural and/or indigenous populations or population of mixed descent rarely manifest themselves within the country.

5. The civil, political, economic and social rights of all Nigerians, regardless of their race, culture or religion, are ensured and well protected by many institutions established by Government and non-governmental organizations to ensure a society free from all forms of racial discrimination. Some of these institutions are:

- (a) The National Human Rights Commission;
- (b) The Public Complaints Commission;
- (c) The law courts;
- (d) The Code of Conduct Bureau;
- (e) The Legal Aid Council;
- (f) The Law Reform Commission and others;
- (g) The Independent Corrupt Practices and Other Offences Commission.

6. Nigeria is not experiencing any syndrome of contemporary (or any other form of) racial discrimination or of discrimination against ethnic, religious or cultural minorities. However, there have been inter- and intra-ethnic clashes between various groups in Nigeria mainly involving commercial interests and resource control, but definitely not for the reason of being a member of a particular ethnic minority or religious group.

B. General commitment of the State of Nigeria as a party to the Convention

7. In addition to the provisions for guaranteeing human rights entrenched in chapter IV of the Constitution of the Federal Republic of Nigeria (1999), there is also the Fundamental Rights (Enforcement Procedure) Rules which provide for the enforcement of these rights in the High Court.

8. Furthermore Nigeria is a State party to:

- (a) The African Charter on Human and Peoples' Rights, whose status she has consequently translated into domestic law to ensure the enforcement of its provisions in Nigeria;
- (b) The Universal Declaration of Human Rights;
- (c) The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
- (d) The International Covenant on Civil and Political Rights;
- (e) The International Covenant on Economic, Social and Cultural Rights;
- (f) The Convention on the Rights of the Child;
- (g) The Convention on the Elimination of All Forms of Discrimination against Women.

9. Towards achieving this goal, the most recent step taken by Government was the establishment of the Human Rights Violation Investigation Commission whose function is to investigate and conduct public hearings on allegations of human rights violations with a view to reconciling (and possibly compensating) the aggrieved parties.

10. Nigeria has also put in place certain policies to prevent demonstrations of xenophobia, intolerance and violence as well as the exclusion of foreigners or minority or vulnerable groups from protection against discrimination through the following measures:

(a) Enforcement of the fundamental rights entrenched in the Constitution by the appropriate courts;

(b) Accessibility of foreigners to national visas either for residence or for work;

(c) Conclusion and implementation of various bilateral agreements to enhance economic, social, political and cultural cooperation between Nigeria and other countries;

(d) Freedom of residence and employment to both nationals and foreigners in the private and public sectors;

(e) Liberalization of tourism amongst Nigerians and other nationals;

(f) Establishment of the Niger Delta Development Commission to develop the Niger Delta and oil-producing areas aimed at diffusing ethnic tension, especially in the Ogoni area;

(g) Use of mass media and inter-State/ethnic visits by opinion leaders in Nigeria to promote national unity and cohesion.

II. COMPARATIVE SUMMARY OF GOVERNMENT EFFORTS TO IMPLEMENT THE PROVISIONS OF THE CONVENTION

Article 2

11. The State of Nigeria has continued to fulfil its obligations under article 2 of the Convention by not engaging in any act or practice of racial discrimination against persons or institutions and by upholding the enforcement of fundamental human rights entrenched in the Constitution. These fundamental human rights are uniform and apply to all citizens of Nigeria. Respect for equality is recognized and promoted.

12. Various measures have been taken by Government, both at the political and socio-economic levels, to ensure equal access to education and employment and the Civil Service by ethnic groups of different geographical and cultural origins. Some of these measures are:

(a) Establishment of the Federal Character Commission and the Federal Civil Service Commission for equitable employment of all Nigerians in the Federal Civil Service. The

composition of Government or any of its agencies and the conduct of its affairs are carried out in such a manner as to reflect the federal character of Nigeria, promote national unity, and de-emphasize and diffuse ethnic tension through ethnic integration and harmony;

(b) The National Youth Service Corps (NYSC) is open to all graduates of tertiary institutions to serve Nigeria for a year to promote integration, cultural understanding and respect for all Nigerian communities;

(c) The Poverty Alleviation Programme is a nationwide effort by Government to reduce poverty without discrimination on the basis of ethnic, religious or cultural affiliation;

(d) The National Directorate of Employment (NDE) is a national body set up by the Nigerian Government to promote skill acquisition, training and provision of opportunities for self-employment to all Nigerians without any form of discrimination;

(e) Introduction and implementation of the Universal Basic Education Programme to ensure equal access to basic education by all Nigerians, irrespective of their ethnic, cultural, or geographical origin or religious inclination.

Article 3

13. The Nigerian Constitution and the various legislation on it prescribe equality for all the citizens in the application of legal protection. All citizens of Nigeria are recognized as having equal rights and obligations. This is to erase racial segregation (apartheid) and also to prevent, prohibit and eradicate all practices of racial discrimination in its territory.

14. The 1999 Constitution guarantees human rights protection for all Nigerians and residents alike as ensured by the provisions of the Fundamental Rights Enforcement Procedure Rules being implemented by the courts. The various rights contained in sections 33-44 of the 1999 Constitution remain protected, and the Nigerian courts have continued to play their expected role as an independent judiciary in the dispensation of justice. These rights are:

Section 33 - Right to life;

Section 34 - Right to dignity of the human person;

Section 35 - Right to personal liberty;

Section 36 - Right to a fair hearing;

Section 37 - Right to private and family life;

Section 38 - Right to freedom of thought, conscience and religion;

Section 39 - Right to freedom of expression and the press;

Section 40 - Right to peaceful assembly and association;

Section 41 - Right to freedom of movement;

Section 42 - Right to freedom from discrimination;

Section 43 - Right to acquire and own immovable property anywhere in Nigeria;

Section 44 - Right to compensation where landed property is compulsorily acquired.

15. To ensure effective protection of these rights, Nigeria established the National Human Rights Commission which is statutorily charged with the responsibility of preventing human rights violation. Nigeria also established the Public Complaints Commission whose function is to entertain complaints of violation of any of the above-listed rights by any member of the public.

16. Special jurisdiction is conferred by the Constitution on the States' High Courts to provide redress for human rights violation by virtue of the provisions of section 46 of the 1999 Constitution which states as follows:

“Any person who alleges that any of the provisions of this Chapter has been or is likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.”

17. The recently constituted Justice Oputa Panel of Inquiry into Human Rights Violations is also another landmark in Government's efforts to curb all forms of racial, ethnic, cultural or religious discrimination.

Article 6

18. With regard to protection and effective remedies for aggrieved individuals in the competent courts, Nigeria has put in place the appropriate machinery to effect and ensure remedy where any case of discrimination is reported. The Public Complaints Commission and the National Human Rights Commission together ensure the protection of human rights as guaranteed by the Constitution and other international conventions.

19. The National Human Rights Commission also monitors and investigates alleged cases of human rights violation and, where necessary, recommends appropriate reconciliatory measures to Government.

20. Further studies are undertaken by Government in the formulation of better policies to guarantee human rights.

21. The National Revenue Allocation System introduced by the Government also ensures that resources are evenly distributed all over the country.

Article 7

22. In the discharge of its obligation under the Convention to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudice which leads to racial discrimination, the Government of Nigeria has

channelled its efforts through various government agencies which have carried out specific activities to promote understanding, tolerance and friendship among nations and their racial and/or ethnic groups. Some of these activities include the following:

- (a) The launching of the Universal Basic Education Programme to increase the literacy rate amongst its citizens regardless of ethnic or religious grouping;
- (b) The improvement of infrastructural facilities to ease movement and integration amongst the various ethnic groups;
- (c) The appointment of officers to positions in Government with due consideration for geopolitical zones whenever vacancies are available in such a way that appointment of junior officers is mandated to be made in catchment areas where such offices are located, and such exercise must take cognizance of the local government areas within the zone.

Education

23. According to the National Policy on Education, education is the right of all citizens at all levels, i.e. primary, secondary and tertiary. This, in essence, is to say that there is no discrimination by the federal and State governments in the delivery of education in the country.

24. Measures adopted by the Federal Government to ensure access to education include the following:

- (a) Establishment of the Universal Basic Education Programme (UBE). This programme is essentially for ensuring that basic education gets to all pupils of primary school age in all parts of the country. Basic amenities such as classrooms, furniture, textbooks, teaching aids and an adequate number of qualified teachers in the primary schools are provided in the UBE programme to ensure good quality education in the primary schools. Three additional schools per local government will be built under the programme;
- (b) At the secondary level, both the federal and State governments have established two secondary schools in order to ensure access to education right from the Local Government Areas. In addition to the State secondary schools, the Federal Government established Unity Colleges in every state of the Federation and the FCT and there are 74 of them at present. The colleges are models of excellence in education which the states are supposed to emulate;
- (c) The Federal Government runs many institutions of higher learning - universities, polytechnics and colleges of education. There are 40 federal and State universities, 62 federal and State colleges of education and 17 polytechnics. Despite these numerous institutions, the Federal Government still encourages the establishment of private universities in order to satisfy all interests, boost higher education and make it accessible to all;
- (d) Government has also put in place a special education programme for special occupation groups such as the nomads and migrant fishermen. Education for the physically disabled is also supported by Government through award of bursaries and scholarships to them and also to the able-bodied students in higher institutions;

(e) The building of several neighbourhood schools by Government to ensure that pupils do not have to travel long distances to their school.

25. In addition to the above, and in order to satisfy the educational yearnings of all segments of the Nigerian society, the Government of Nigeria (through the Federal Ministry of Education) has adopted the following criteria for admission to Unity Colleges and tertiary institutions:

(a) Admission into Nigerian federal universities is based on the following percentages:

- | | | |
|-------|------------------------------------|-------------|
| (i) | Merit | 45 per cent |
| (ii) | Catchment area | 35 per cent |
| (iii) | Educationally disadvantaged States | 20 per cent |

(b) Admission into the Federal Government Unity Colleges are based on the following percentages:

- | | |
|-------|--|
| (i) | State quota - 40 per cent (40 per cent of the admission is reserved for equal State quotas) |
| (ii) | Merit - 30 per cent (30 per cent of the admission is reserved for students who have performed excellently in the National Common Entrance Examination into the Unity Colleges) |
| (iii) | Environmental quota - 30 per cent (30 per cent of the admission is reserved for the indigenous of the locality where the institution is situated). |

26. On the whole, there is no form of discrimination against any group in access to education in Nigeria; rather, Government has put in place numerous programmes that would enhance the equality of educational facilities and make education accessible to all its citizens.

Health

27. Article 8 of the Convention on the Rights of the Child, to which Nigeria is a party, states that every child is entitled to enjoy good health, protection from diseases and proper medical care for survival, personal growth and development, and that no child should be deprived of his or her right to health-care services. In compliance with these provisions of the Convention, Nigeria has introduced a health policy aimed at enabling all Nigerians (especially children) to achieve socially and economically productive lives. This National Health System is based on the Primary Health Care System which is protective, preventive, restorative and rehabilitative of every Nigerian citizen. Through the activities of the federal and State Ministries of Health, the rights of children under the Convention on the Rights of the Child and the World Summit goals 1-25 on child health are promoted and protected. The reproductive health rights of women and adolescents are also protected within the country.

28. In the last few years, the existence of a social awareness of the indigenous population within a democratic and constitutional framework has contributed greatly in encouraging the organized and unorganized indigenous groups to participate more fully in activities leading to the development of the society. Government has strengthened its policies to empower local authorities by increasing participation by the indigenous population in deciding their own destiny.

III. ACCESS OF INDIGENOUS PEOPLE TO THE SYSTEM OF JUSTICE AND LEGAL PROTECTION

29. The 1999 Constitution provides for the guarantee of several human rights in sections 33-44. Of particular importance is section 34 which provides that no Nigerian may be subjected to servitude or any other condition which impairs his dignity. Every citizen or resident is entitled to free access to the national system of justice and legal protection. Men and women alike, whatever their civil status, have equal rights and responsibilities.

30. With regard to criminal responsibility for human rights violations, the courts have continued to play their expected role as an independent arbiter in upholding the rights of any citizen. In matters of human rights, provisions of treaties and conventions ratified by Nigeria are taken judicial notice of.

31. The Legal Aid Council is also established to assist in providing legal assistance to impecunious accused persons. In addition, a Legal Aid Centre for Women and Social Services was set up by Government to fight the ills of discrimination and domestic violence against women and children.

32. Government has recently set up the Human Rights Investigation Panel which is headed by a retired Justice of the Supreme Court of Nigeria. Citizens whose rights have been violated at one time or another in the past now have free access to public hearing of their grievances and may claim compensation for damages occasioned by such violation.

33. Nigerians in self-exile are now being encouraged to come back home while their safety is guaranteed by Government.

34. With regard to the *Gideon Akaluka* case in which Mr. Akaluka was allegedly murdered in prison custody at Kano on the ground of religious misunderstanding, the Kano State government, upon further investigation as directed by the Federal Government, confirmed that the incident was not an act of religious or tribal discrimination as alleged. The matter is, however, being further investigated by the Justice Oputa Panel of Inquiry into Human Rights Violations which was set up by the Federal Government.

35. The Nigerian Court has ruled that the Panel lacked jurisdiction as it was not properly constituted by the National Assembly.

IV. CURRENT OUTLOOK

36. With the coming into operation of the democratic administration in 1999, Nigerians have exercised their rights as citizens in electing a national government by universal suffrage. Government has subsequently focused on strengthening the democratic system in the context of

social stability and respect for human rights. This has registered remarkable progress in the development of the country. Government will not relent in its efforts to discourage privileges, discrimination and poverty, and it will encourage development in peace-building and guaranteeing the rights of its citizens.

37. Further programmes are being introduced to educate and create awareness of the need for the eradication of acts of violence and other social vices which breed violent crimes generally and against women in particular.

38. The Government has put in place policies to solve many problems caused by years of military rule which led to division, fragmentation and confrontation. People or groups who were most vulnerable and were greatly affected by the violence of the military regime can now seek redress in the law courts.

V. CONCLUSION AND FINAL COMMENTS

39. Nigeria acknowledges its commitment under the International Convention on the Elimination of All Forms of Racial Discrimination and is further committed to promoting all measures necessary to ensure its full implementation.

40. Nigeria does not operate any State policy that promotes, encourages or tolerates any type of discrimination. Although there are upheavals which tend to have an ethnic or religious colouration, the nation does not really have a religious crisis as Nigeria is a secular or multireligious society.

41. The country has never witnessed any cultural interference from any federal or State government nor been dominated by any ethnic group as a matter of policy.
