



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-seventh session
2 - 19 August 2005

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

**Concluding Observations of the Committee on the
Elimination of Racial Discrimination**

NIGERIA

1. The Committee considered the fourteenth to eighteenth periodic reports of Nigeria, submitted in one document (CERD/C/476/Add.3), at its 1720th and 1722nd meetings (CERD/C/SR.1720 and 1722), held on 15 and 16 August 2005. At its 1728th meeting (CERD/C/SR.1728), held on 19 August 2005, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party and the additional written information provided. The Committee welcomes the attendance of a delegation and the opportunity it has afforded to resume dialogue with the State party. The Committee regrets, however, that the report does not fully conform to the Committee's reporting guidelines and lacks sufficient information on the practical implementation of the Convention.

3. Noting that the report was more than eight years overdue when submitted, the Committee invites the State party to respect the deadline set for the submission of its future reports.

B. Positive aspects

* Re-issued for technical reasons.

4. The Committee notes with satisfaction the State party's ratification, in 2002, of the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
5. The Committee welcomes the establishment of the National Human Rights Commission of Nigeria, pursuant to the Human Rights Commission Act, adopted in 1995.
6. The Committee welcomes the adoption, in 2004, of the National Plan of Action on the promotion and protection of human rights.
7. The Committee welcomes the establishment of the National Inter-religious Council and of the Institute for Peace and Conflict to promote inter-ethnic, intercommunal and interreligious harmony. It also welcomes the creation of the National Revenue Allocation System, which aims to improve the distribution of resources among different States.
8. The Committee welcomes the establishment of human rights desks in police stations to deal with complaints relating to human rights violations committed by members of the police force.
9. The Committee notes with appreciation the provision of mobile schools for children of nomadic communities.

C. Concerns and recommendations

10. While noting the concerns of the State party that identification of its population by ethnicity or religion may lead to national disunity, the Committee is concerned that the State party has submitted no precise figures on the ethnic composition of the population, and points out that such information is necessary to assess how the Convention is applied in practice.

The Committee invites the State party to complete the next census as soon as possible and to include indicators disaggregated by ethnicity, religion and gender on the basis of voluntary self-identification, which will make it possible to determine the situation of groups falling within the definition of article 1 of the Convention. In this connection, the Committee draws the attention of the State party to its general recommendation IV (1973) on reporting by States, as well as to paragraph 8 of its reporting guidelines.

11. The Committee is concerned about the absence of a legal definition of racial discrimination in Nigeria's domestic law (Convention, art. 1).

The Committee invites the State party to request its National Assembly Joint Committee, set up to review the Constitution, to consider adopting a definition of discrimination that includes the elements contained in article 1 of the Convention.

12. The Committee regrets the paucity of information in the State party's report on the rights of non-citizens temporarily or permanently residing in Nigeria, including

refugees, stateless persons, displaced persons and migrant workers. Furthermore, the Committee notes that the guarantees against racial discrimination contained in section 42 of the Constitution do not extend to non-citizens (arts. 1 and 2).

In the context of the current constitutional review and the drafting of an Anti-Discrimination Bill by the Parliament, the Committee invites the State party to consider extending the scope of its domestic legislation so as to protect non-citizens from racial discrimination. The Committee requests the State party to provide an update of developments in this regard and to include further information on the enjoyment of rights by non-citizens residing in Nigeria, in particular refugees, stateless persons, displaced persons and migrant workers, in its next periodic report. In this regard, the Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens.

13. The Committee notes with concern that the main principles of the Convention have not been incorporated in domestic law, in order that it can be directly invoked in the Nigerian courts (art. 2).

The Committee invites the State party to take all necessary steps to incorporate the substantive provisions of the Convention in its domestic law, with a view to ensuring comprehensive protection against racial discrimination.

14. The Committee is seriously concerned that despite attempts to foster national unity, prejudices and feelings of hostility among some ethnic groups persist in Nigeria, including active discrimination by people who consider themselves to be the original inhabitants of their region against settlers from other states. The Committee is particularly concerned at the persistence of inter-ethnic, intercommunal and interreligious violence in the country stemming from these hostile sentiments as well as at disputes over commercial interests and resource control, which have claimed thousands of lives and led to the displacement of a significant proportion of the population (art. 2).

The Committee encourages the State party to continue monitoring all initiatives and tendencies that may give rise to racist and xenophobic behaviour, and to combat the negative consequences of such tendencies. The Committee recommends that the State party carefully monitor the negative impact of its efforts to promote national unity through regional and state action and, in particular, the effects on relations between and among ethno-religious groups. The Committee recommends that the State party endeavour, by encouraging genuine dialogue, to improve relations between different ethnic and religious communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. It invites the State party to conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination.

15. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to

social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5).

The Committee draws the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent, and suggests that a detailed response on this issue should be included in the State party's next report. It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.

16. The Committee expresses deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee is particularly disturbed at reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee takes note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it is concerned that most of the investigations have failed to produce prosecutions and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommends that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urges the State party to make public the results of all investigations previously announced in response to these events and to sanction those responsible.

17. The Committee expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention (art. 4).

In the light of its general recommendation XXX (2004), the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance. The Committee would also appreciate more detailed information on the procedure applicable to and the authorities competent to deal with cases of organizations reported to be racist.

18. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in

the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommends that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service, and to submit in its next periodic report more detailed information on achievements under these programmes.

19. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to take urgent measures to combat “environmental racism” and degradation. In particular, it recommends that the State party repeal the Land Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterates that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urges the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

20. In the light of the “intersectionality” of ethnic and religious discrimination, the Committee remains concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, can be subjected to harsher sentences than other Nigerians. While noting the explanations provided by the delegation that all persons have the freedom to make their own choice with regard to the application of statutory, customary or religious law, the Committee notes that concerned persons may not necessarily be in a position to exercise individual choice in the matter (art. 5 (a)).

The Committee reminds the State party that all persons shall have the right to equal treatment before the courts and all other organs administering justice, and draws the attention of the State party to its general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

21. The Committee notes with concern that the provision regarding the acquisition of nationality as laid down in section 26 (2) (a) of the Constitution does not appear to comply fully with article 5 (d) (iii) of the Convention, since it stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman (art. 5).

The Committee recommends that the State party consider reviewing section 26 (2) (a) of its Constitution, so as to bring it into line with the provisions of the Convention, and update the Committee on this matter in the next periodic report. In this connection, it draws the attention of the State party to general recommendation XXV (2000) and to general recommendation XXX (2004), which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

22. While welcoming the extensive counter-trafficking measures taken by the State party, including the establishment in 2003 of the National Agency for Prohibition of Trafficking in Persons and the adoption in 2003 of the Anti-Human Trafficking Law, the Committee remains concerned that human trafficking, including trafficking of foreign women, men and children, remains a serious problem in the State party (art. 5).

The Committee recommends that the State party include information in its next periodic report on human trafficking and continue to undertake necessary legislative and policy measures to prevent and combat trafficking. The Committee urges the State party to provide support and assistance to victims, wherever possible in their own language. While underlining the paramount importance of prompt and impartial investigations, the Committee recommends to the State party that it continue to make determined efforts to prosecute the perpetrators.

23. The Committee regrets that no statistics were provided on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be an indication of the absence of relevant specific legislation, a lack of awareness of the availability of legal remedies, or insufficient will by the authorities to prosecute (art. 6).

The Committee recommends that the State party provide for the relevant provisions in national legislation and inform the public of the availability of all legal remedies in the field of racial discrimination. The Committee further requests that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences that relate to racial discrimination and where the relevant provisions of the existing domestic legislation have been applied.

24. The Committee, while taking note of information on measures taken by the State party to enhance better understanding, respect and tolerance between different ethnic groups living in Nigeria, is of the view that the measures taken to promote intercultural understanding and education between ethnic groups are unsatisfactory (art. 7).

The Committee recommends that the State party strengthen measures to promote understanding, tolerance and friendship between ethnic groups, including comprehensive public education campaigns and intercultural education in school curricula. The Committee requests the State party to provide more detailed information on this issue in its next periodic report.

25. The Committee, while noting the information provided by the delegation, reiterates its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7).

The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.

26. The Committee invites the State party to consider ratifying:

(a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and

(b) The International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).

27. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention. The Committee strongly recommends that the State party consider the possibility of making the declaration.

28. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

29. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention. It further recommends that it include in its next periodic report information on measures taken to implement the Durban Declaration and Programme of Action at the

national level, in particular the preparation and implementation of the national plan of action.

30. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

31. Pursuant to article 9, paragraph 1, of the Convention and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 14, 16 and 19 above, within one year of the adoption of the present conclusions. The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report on 4 January 2008, and that it address all points raised in the present concluding observations.
