

## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

Abuja, 14 March 2014

Good morning, and thank you for coming.

In the twenty years since the Office of the UN High Commissioner for Human Rights was created, this is the first time any High Commissioner has visited Nigeria. I am grateful to the Government for inviting me.

This is a very important country, with easily the largest population in Africa, big ambitions and huge potential. On the international level, Nigeria has been playing an increasingly significant role in the Human Rights Council in Geneva and is currently a member of the Security Council. It can, and I believe should, play an even more significant role on the international stage in the years to come, and its embrace of human rights will be a major element in deciding its future course both internally and internationally.

Since Nigeria's transition to democracy, much has been achieved on the human rights front. At the same time, with a fourfold increase in the size of the population over the past fifty years, widespread poverty, an increasingly brutal conflict in the north east, sporadic violence in the middle belt and rising crime in other parts of the country, Nigeria is currently facing its most daunting set of challenges for decades.

During this visit, I have been particularly struck by my interlocutors' openness and frankness on most issues during my meetings with Government, judiciary and parliamentarians, as well as with the National Human Rights Commission and civil society organizations.

I was received by the First Lady shortly after my arrival. Subsequently, I held in-depth discussions with the Ministers of Foreign Affairs and Justice, and the National Security Adviser. I also met with senior officials at the Ministry of Women Affairs and Social Development, Ministry of Interior and the Deputy Inspectors General of Police; and held substantive and informative discussions with the Chairs and other members of the Committees on Human Rights, Justice and Legal Matters in the National Assembly. This morning, I met with the Chief Justice, and hope to end my visit with a meeting with President Goodluck Jonathan, after he arrives back in Abuja later today.

I have also been briefed extensively by the National Human Rights Commission, and taken on board the views of a large group of the country's leading civil society organizations - who, in Nigeria as elsewhere, play an exceptionally important role on the human rights frontline. I was also heartened to meet a group of celebrities - famous Nollywood actors and

## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

directors, as well as footballers – who told me they were committed to lending their star power and influence to promote human rights across the land.

Nigeria has ratified all nine of the core international human rights treaties. In order to have a real impact on the lives of ordinary people, international treaties must also be fully reflected in national legislation, and the national legislation must then be fully observed and implemented by the authorities at all levels. For this reason, the main focus of my visit has been on filling gaps and addressing systemic malfunctions.

As the global human rights review system, known as the Universal Periodic Review – or UPR – has shown very clearly, no country in the world has a perfect human rights record, and Nigeria is no exception.

During its second review under the UPR last October, Nigeria received 219 recommendations from other states, and immediately accepted 175 of them. It will give its response on most of the remainder later this month. Many States were concerned about torture, arbitrary detention and extrajudicial executions – in particular in relation to the military and security forces' operations to combat Boko Haram in the North East. Since arriving here, I have learned that, for the first time, there is an Anti-Torture Bill before the National Assembly. I have also been heartened to learn that the problematic Police Force Order 237, which gives police too much latitude to resort to lethal force, is being reviewed. I will be watching the progress of these important legislative initiatives closely and urge both the House of Representatives and the Senate to ensure their swift passage, and their absolute compliance with international laws and standards.

### THE CONFLICT IN THE NORTH EAST

The actions of Boko Haram have grown increasingly monstrous. The group has targeted some people simply because of their religion or professional occupation, and indiscriminately killed and maimed many others. They have burned down houses, churches, clinics and schools. They have murdered children in their beds. Some of its members are reported to have abducted and raped women and girls. Close to half a million people have been displaced inside Nigeria, and some 57,000 are now reported to have spilled across borders into neighbouring countries. Farmland has been abandoned, and the food security in many areas has most likely been compromised as a result of the terror that Boko Haram has sown.

In such circumstances, the Government has of course had no option but to deploy the army and other security services. However, it is vital that government forces do not exacerbate

## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

the problem by taking actions that displace, endanger or kill civilians. Many people I have met with during this visit openly acknowledge human rights violations have been committed by the security forces, and these have served to alienate local communities, and created fertile ground for Boko Haram to cultivate new recruits.

While the scale of such abuses is not clear, the Government is evidently aware they are counter-productive, and I was assured by the National Security Adviser that steps are being taken to rectify excesses. A good first step came in the form of the establishment of a Joint Investigation Team by the Chief of Defence Staff to review cases of those detained during counter-terrorism operations against Boko Haram. The outcome of that review, announced in December 2013, indicated that 500 individuals were recommended for trial, 167 for release, with 614 other cases deemed inconclusive. In order to inspire confidence and deter further illegal actions, it is important that transparent investigations into alleged violations by security forces are also carried out as a matter of course, and essential that credible and reliable information about what is going on in the North East becomes more readily available.

With thousands of refugees fleeing from Nigeria, and arms and fighters reportedly flowing across international borders in the other direction, this terrible conflict is no longer solely an internal matter. I suggested to the National Security Adviser that a regional approach to combat terrorism, resolve the conflict and alleviate the hardship of all civilians that are caught up may be an option worth exploring with neighbouring countries and the broader international community, and I also raised this issue with the Minister of Foreign Affairs. I call on States within the region to enhance their collaboration with Nigeria.

During our discussions, the National Security Adviser agreed to facilitate access to the affected areas both for humanitarian agencies and human rights monitors, including those deployed by the National Human Rights Commission. This is a significant commitment since it should not just enable humanitarian assistance to be provided to civilians in need, but may also deter further excessive acts, combat impunity and help dispel any unfounded rumours tarnishing the reputation of the forces engaged in the extremely challenging task of combating Boko Haram.

The veil of uncertainty that is obscuring the conflict in the North East is in stark contrast to the general situation in much of the rest of the country, where a vibrant media and civil society organizations are free to report on, and criticize, many perceived shortcomings in society and government. The Freedom of Information Act has enabled the type of robust debate that is necessary for the development of a healthy democracy and the improvement of human rights.

## POVERTY AND CORRUPTION

I welcome President Jonathan's New Year statement in which he pledged to tackle corruption, as well as the announcement during my visit that the Government is launching an independent investigation into allegations of massive corruption within the Nigerian National Petroleum Corporation.

From a human rights perspective, widespread corruption is extremely damaging. It undermines rule of law, and perverts the systems that are designed to protect the rights of the people and provide justice. It exacerbates economic inequalities, and fuels poverty, and accompanying frustrations and resentment. It diverts resources from much needed social services, including education and health care. Its corrosive impact is felt most acutely by those least equipped to deal with it - namely the poorest and most marginalized members of society.

I urge everyone in Nigeria to pull together, and push each other, to tackle this scourge, which is holding back the development of the country, and undermining many people's social and economic rights. Nigeria is a wealthy nation with immensely lucrative oil reserves. Yet 62 percent of the population is living below the poverty line. Poverty and socio-economic disparities are also among the root causes not just of the original emergence of Boko Haram, but also of the outbreaks of violence between pastoralists and farmers in the Middle Belt, and the rise in violent crime and lawlessness in the North West and other areas of the country.

I hope the recent announcements mark the start of a serious effort to confront corruption head on, at all levels: federal, state and local. There are few greater gifts any Government can bestow on subsequent generations than a society that is largely free of the shackles of corruption.

## PROTECTION OF VULNERABLE GROUPS

Nigeria has shown it can launch and sustain comprehensive programs designed to tackle very difficult human rights problems. One such major success in recent years, is the country's effort to combat trafficking. A sophisticated and effective legislative and institutional framework is in place, and the main institution - the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) - is mandated to investigate and prosecute cases of trafficking, enforce cooperation and coordination, provide assistance to identified victims and enforce prevention measures. The Nigerian model is considered one of the best in existence, with NAPTIP the only independent agency in the world responsible for all

## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

aspects of anti-trafficking work from prevention to protection and support to victims including access to remedies, investigation and prosecution. While trafficking remains a major problem throughout West Africa, including Nigeria, the effort to save women and children from its deadly embrace is already having an impact.

On a less positive note, women and children are bearing the brunt of a number of harmful traditional practices in Nigeria. In the case of children, these include forced early marriages, and – in at least two states – hundreds of children have been tortured, lynched, burned, mutilated, beaten, ostracized, abandoned, raped and even murdered after being accused of witchcraft. According to UNICEF the children who are at particularly high risk of accusations of witchcraft and demonic possession are those who have lost one or both parents, suffer from physical or mental disabilities, or show unusual talent.

One group at particular risk are the some 800,000 children among the 2 million people living with albinism in Nigeria. Many of them are not in school because of visual impairment, discrimination from other children, and social exclusion as a result of their skin colour.

The Child Rights Act has been adopted by 24 of Nigeria's 36 states, and I urge the remaining 12 states to follow suit. Effective implementation will be critical to combating all forms of child abuse. The bill to create a Child Protection Agency, to support the implementation of the Child Rights Act, is the next important step and will I hope soon be adopted by the National Assembly.

Another group living in fear is Nigeria's lesbian, gay, bisexual and transgender (LGBT) community. The new law known as the Same Sex Marriage (Prohibition Act) goes far beyond prohibiting same sex marriage – which was illegal anyway. The law violates international law in that it is discriminatory and seriously impinges on freedom of expression and freedom of assembly, and could lead to human rights defenders advocating for the rights of LGBT people receiving draconian prison sentences. There is also concern among medical specialists that it will have serious negative consequences for public health in Nigeria, by driving LGBT persons underground and deterring them from signing up for HIV educational programmes, prevention treatment and care services. Given that Nigeria currently has the second largest HIV epidemic in the world, this would be a heavy blow to the efforts to combat HIV. The law already appears to be having other dangerous side effects, even before it comes into force, with my Office receiving reports of widespread arrests of LGBT people in some states, some physical attacks, including by mobs, and other forms of harassment such as a rise in blackmail and extortion. It is for these reasons, among others, that this law has aroused such controversy on the international level.

## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

Nigerian women are making progress in some areas, and still facing major challenges in others: for example, there are more female Government ministers today than ever before, yet the percentage of women parliamentarians is still extremely low. Violence against women, including sexual violence, remains a chronic problem, and I hope draft domestic legislation to tackle this issue and promote equality and women's empowerment are adopted soon by the National Assembly, despite the severe under-representation of women in both the Senate and the House of Representatives. In particular I have encouraged both relevant Government Ministries and the National Assembly Human Rights Committees to finally incorporate the provisions of the Convention on the Elimination of Discrimination Against Women – which Nigeria ratified almost 30 years ago — into domestic law.

As someone who grew up in South Africa under Apartheid, and was discriminated against both because of my colour and my gender, I am acutely aware of the terrible effects of discrimination and intolerance. If I can get one clear message across during this visit, it is a call on all Nigerians to respect diversity and encourage tolerance for other human beings, no matter who they are, what they look like, or what they do in the company of their friends and loved ones. Intolerance, self-righteousness and lack of respect for others' human rights is what fuels extremism, creates discord and conflict, and ruins lives.

Another issue that has been broached in my discussions with a number of Ministries and other relevant interlocutors is the chronic overcrowding and poor conditions in Nigeria's prisons, and in particular the extraordinarily high number of prisoners who are in pre-trial detention and in some cases have spent as much as ten years in prison without actually having been convicted of anything. Once again, there is wide recognition of the problem, and some encouraging signs that the Government and National Assembly are attempting to alleviate it. A six-month audit of 39 places of detention in 10 states has just got underway, which should help expose the full seriousness of the problem and stimulate additional remedial action.

I have also expressed my concerns about the close to 1,000 people reported to be on death row, in some cases for many years. However, I welcome the Minister of Justice's clear reaffirmation of the moratorium on the death penalty at the Federal level.

One of the most positive aspects of my visit to Nigeria is that the Government and relevant authorities at the Federal level are, with few exceptions, both well aware of the various gaps in human rights protection and prepared to do something about them. I have found this attitude encouraging, and it has already borne fruit in several areas, including, for example the swift adjustments made, in the light of recommendations received during the first UPR in 2009, to bring the National Human Rights Commission up to the top international



## Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria

standard. As a result the NHRC is now a fully independent body with a strong mandate to monitor and investigate, and its findings are binding on the Government. I encourage Nigerians to make full use of this important body and, if they feel their human rights are being violated, to file complaints.

I would like to thank everyone I have met here for the warm welcome they have afforded me and my team.

ENDS

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