

## **P7\_TA-PROV(2013)0335**

### **Situation in Nigeria**

#### **European Parliament resolution of 4 July 2013 on the situation in Nigeria (2013/2691(RSP))**

*The European Parliament,*

- having regard to its resolutions of 13 June 2013 on the freedom of the press and media in the world<sup>1</sup>, of 11 December 2012 on a digital freedom strategy in EU foreign policy<sup>2</sup>, of 5 July 2012 on violence against lesbians and LGBT rights in Africa<sup>3</sup>, and of 15 March 2012 on the situation in Nigeria<sup>4</sup>,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security, Catherine Ashton, on 22 January 2012 on the bombings in Kano, on 11 March 2013 on the killings of hostages, on 2 June 2013 on the bill in Nigeria criminalising same-sex marriage and relationships, and on 25 June 2013 on executions in Nigeria,
- having regard to the EU-Nigeria human rights dialogue held in Abuja in March 2013 and to the Nigeria-EU Ministerial Meeting of 16 May 2013 in Brussels, which established the need to balance counterterrorism measures with the loss of civilian lives and destruction of public infrastructure,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly, meeting in May 2013 in Horsens (Denmark), on the situation in Nigeria,
- having regard to the Council of the European Union's Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People,
- having regard to the Cotonou Agreement of 2000 and its 2005 and 2010 revisions (the latter ratified by Nigeria on 27 September 2010), and in particular Articles 8 and 9 thereof concerning political dialogue and human rights, democracy and the rule of law,
- having regard to the statements made by UN Secretary-General Ban Ki-moon on 16 May 2013 on the continued violence and deteriorating security situation in north-east Nigeria, and on 22 April 2013 on the high number of civilians killed and homes destroyed in Nigeria due to clashes between military forces and the Boko Haram rebel group,
- having regard to the statements made by the UN High Commissioner for Human Rights, Navi Pillay, on 3 May 2013 in response to the violent clashes of April 2013, reminding security agents in Nigeria to respect human rights and to avoid excessive use of force in their operations, and on 17 May 2013 on the possibility that Boko Haram members may face war crimes charges,

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<sup>1</sup> Texts adopted, P7\_TA(2013)0274.

<sup>2</sup> Texts adopted, P7\_TA(2012)0470.

<sup>3</sup> Texts adopted, P7\_TA(2012)0299.

<sup>4</sup> Texts adopted, P7\_TA(2012)0090.

- having regard to the statement by the UN Security Council of 27 December 2011 on attacks by the Boko Haram terrorist sect in Nigeria,
  - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
  - having regard to the statement of 12 April 2012 by the G8 Foreign Ministers on the continuing violence in Nigeria,
  - having regard to the African Union Convention on the Prevention and Combating of Terrorism, ratified by Nigeria on 16 May 2003, and to the additional Protocol thereto, ratified by Nigeria on 22 December 2008,
  - having regard to the statement made by the African Union’s Commissioner for Peace and Security, Lamamra Ramtane, on 14 July 2012, condemning the activities and human rights violations of Boko Haram, urging the international community to assist Nigeria in resisting the terrorist sect, and emphasising the threat it poses to regional and international security,
  - having regard to the summit of the Gulf of Guinea heads of state and government on maritime security and safety, held in Yaoundé (Cameroon) on 24 June 2013,
  - having regard to the Constitution of the Federal Republic of Nigeria adopted on 29 May 1999, and in particular the provisions of Chapter IV on the protection of fundamental rights, including the right to life, the right to a fair hearing, the right to the dignity of human persons, and the protection of freedom of expression, freedom of the press, freedom of thought, freedom of conscience and freedom of religion,
  - having regard to Article 3 of the Geneva Conventions, ratified by Nigeria on 20 June 1961, and to Protocol II thereto, ratified by Nigeria on 10 October 1988, both of which establish international law in respect of non-international armed conflicts,
  - having regard to the African Charter on Human and People’s Rights of 1981, ratified by Nigeria on 22 June 1983,
  - having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the Nigerian President, Goodluck Jonathan, declared a state of emergency in the states of Borno, Yobe and Adamawa on 14 and 15 May 2013 in response to Boko Haram’s activities, mobilising additional military forces;
- B. whereas in April 2013 the town of Baga was destroyed by fighting between Nigerian military forces and Boko Haram militants, resulting in the destruction of thousands of homes and the deaths of hundreds of civilians, according to community leaders; whereas an independent investigation by Nigeria’s Human Rights Commission will conclude on the Baga killings by the end of July;
- C. whereas the federal government has categorised Boko Haram under the Terrorism

Prevention Act of 2011, in order to permit the prosecution of any individual associated with or supporting the group;

- D. whereas Boko Haram has been responsible for 4 000 deaths since 2009; whereas more than 700 Nigerians have been killed so far this year in more than 80 attacks associated with Boko Haram, which a recent United States report ranked as the second most deadly terrorist group in the world; whereas the connection between Boko Haram and AQIM (Al-Qaida in the Islamic Maghreb) poses a serious threat to peace and security in the greater Sahel region and West Africa in general; whereas Boko Haram continues to target state and security officials, as in its raid of 7 May 2013 on a prison compound in Bama, in which some 55 people were killed and some 105 inmates released;
- E. whereas Human Rights Watch, Amnesty International, Freedom House and other human rights organisations have documented the involvement of Boko Haram in attacks on police stations, military facilities, churches, schools, farms and banks; whereas Boko Haram has expanded its targeting of civilians, including attacks on two secondary schools in Borno and Yobe states on 16 and 17 June 2013, in which 16 pupils and 2 teachers were killed; whereas these attacks have forced several thousand schoolchildren out of formal education; whereas threats to civilians have prompted 19 000 farmers to flee their farms and abandon their crops, leading to loss of agricultural productivity and contributing to food shortages;
- F. stressing its increasing concern over Boko Haram's decision to kidnap women and children as part of its violent guerrilla campaign; whereas foreign workers in Nigeria have also been kidnapped, attacked and killed by insurgents;
- G. whereas the Office of the UN High Commissioner for Refugees has warned of a refugee crisis; whereas in the past weeks some 6 000 Nigerians arrived in Niger and between 11 and 13 June 2013 some 3 000 Nigerians crossed into Cameroon; whereas refugees are also crossing the border with Chad; whereas such displacements have put strain on the meagre local food and water resources, especially in Niger, which is itself struggling with food insecurity due to years of drought; whereas none of Nigeria's neighbours have the capacity to absorb the numbers of people who could be displaced in the event of a full-scale humanitarian disaster following mass violence;
- H. whereas Boko Haram continues to target Christians, moderate Muslims and other religious groups, whom it is driving out of the country's majority-Muslim north;
- I. whereas in response to Boko Haram's violence the Nigerian police and military have seized and carried out extrajudicial executions of numerous suspected members of the group, in particular by seizing young men from northern villages; whereas many of those detained have been held incommunicado without charge or trial, in some cases in inhuman conditions, and whereas some have been physically abused, while others have disappeared or died in detention; whereas the Nigerian Government and army officers have provided unreliable estimates of civilian casualties and damage to homes; whereas Human Rights Watch, Freedom House and other human rights organisations have described the response of the Nigerian forces in recent months as increasingly brutal and indiscriminate, leaving civilians to bear the brunt of the violence between the two groups in disproportionate fashion;
- J. whereas freedom of expression and freedom of the press are being jeopardised by threats of arrest, intimidation, violence and even death against those reporting on issues in such a way

as to criticise the Nigerian authorities; whereas Boko Haram has repeatedly threatened to attack media outlets that have reported negatively on it;

- K. whereas owing to the declaration of the state of emergency, large parts of the north-eastern states have become inaccessible to aid agencies, journalists and reporters; whereas the government has shut down mobile phone services in several areas to stop militants communicating;
- L. whereas the Nigerian Government has recently broken its seven-year moratorium on the death penalty by executing four prisoners in Edo state who were sentenced when Nigeria was still ruled by a military dictatorship; whereas on 26 June 2013 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, called on the Nigerian authorities to put on hold the imminent execution of a fifth prisoner; whereas according to reports by human rights organisations, in 2012 Nigeria sentenced 56 people to death, and whereas approximately 1 000 people are reportedly on death row in the country;
- M. whereas the Nigerian House of Representatives adopted the Same-Gender Marriage (Prohibition) Bill on 30 May 2013, introducing a 14-year prison sentence for anyone who marries, or is married to, a person of the same sex, applying not only to Nigerians but also to tourists, foreign workers and diplomats, as well as a 10-year sentence for the registration or operation of social outlets or NGOs that support the human rights of LGBTI people;
- N. whereas the problems in Nigeria stem from a lack of economic development and the tensions are rooted in decades of resentment between indigenous groups, mostly Christians or animist, vying for control of fertile farmlands with migrants and settlers from the Hausa-speaking Muslim north; whereas the conflicts are being exacerbated by climate change and desert encroachment; whereas escalating armed conflict and persisting social and economic challenges are likely to fuel radicalisation, including manipulation and recruitment by fundamentalist Islamic groups such as Boko Haram;
- O. whereas the EU is Nigeria's largest financial donor; whereas on 12 November 2009 the Commission and the Federal Government of Nigeria signed the European Community-Nigeria Country Strategy Paper and National Indicative Programme for 2008-2013, under which the EU funds projects whose aims include peace, security and human rights; whereas EU assistance to Nigeria over this period totals EUR 700 million, some of which has been diverted to dealing with the increasingly problematic security situation in northern Nigeria;
- P. whereas, under Articles 8 and 9 of the revised Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination;
- Q. whereas the UN High Commissioner for Human Rights, Navi Pillay, has warned that Boko Haram's attacks may constitute crimes against humanity; whereas the International Criminal Court prosecutor Fatou Bensouda visited Abuja in July 2012 and whereas her office published a report in November 2012 stating that reasonable grounds exist for believing that Boko Haram has committed acts constituting crimes against humanity;
- R. whereas although Nigeria is one of the world's largest oil producers, nearly 60 % of the population live on less than a dollar a day; whereas the peaceful resolution of conflicts also implies fair access to resources and fair redistribution of revenues through the state budget;

1. Strongly condemns the escalation of violence on the part of Boko Haram and the tragic loss of innocent lives in the stricken regions of Nigeria, and extends its sympathies to the bereaved and the injured; expresses its concern at the ongoing tensions in which communities have been actors and victims;
2. Urges the Government of Nigeria to guarantee the security and protection of its population against the violence of Boko Haram and to abstain from further attacks or reprisal killings, while upholding its obligations under internationally recognised human rights standards and acting in line with the rule of law;
3. Condemns the Nigerian military for using disproportionate force in its clashes with Boko Haram, particularly in its raids on Baga on 16 and 17 April 2013,
4. Urges both government and sub-state actors to exercise restraint and seek peaceful means to resolve differences between religious and ethnic groups in Nigeria; emphasises, in this regard, the importance of a functioning, independent, impartial and accessible judicial system, especially during armed conflicts, in order to end impunity, enhance respect for the rule of law and protect the fundamental rights of the population;
5. Calls on the Nigerian Government to prevent further escalation of the conflict, with special consideration for the safety and wellbeing of civilians, recalling that the destruction and damage caused during the conflict to housing, public infrastructure and farmland are having a detrimental impact on the population;
6. Urges both the Nigerian Government and Boko Haram to recognise and respect freedom of the press and media and to allow journalists and reporters access to the front lines, as the press and media can play an important role in strengthening accountability and documenting human rights abuses;
7. Condemns the execution of Daniel Nsofor by the Nigerian authorities for crimes committed when he was under 18 years of age; recommends that the authorities take the necessary steps to implement the UN Convention on the Rights of the Child and the 2010 concluding observations on Nigeria, in particular by ensuring that the definition of the child in domestic legislation and at state level is in full compliance with that set out in the Convention on the Rights of the Child, to review the files of all prisoners on death row for crimes committed before the age of 18, and to outlaw the death penalty for all persons under the age of 18 in domestic legislation;
8. Strongly condemns the execution of four prisoners in Nigeria in June 2013; calls on the Nigerian authorities to uphold their recent commitments, as expressed in the framework of the EU-Nigeria human rights dialogue, to maintain the de facto moratorium on executions, and urges the country to abolish the death penalty by amending its legislation;
9. Invites the Nigerian authorities, with the support of the European Commission and Unicef, to accelerate their reform efforts in line with the UN Convention on the Rights of the Child, in particular as regards justice for children and birth registration systems; recommends that Nigeria continue and strengthen its efforts to ensure free and compulsory birth registration for all children and raise public awareness of the importance of birth registration and of the existing legislation;
10. Recognises that mobile phones represent an important form of communication for militants,

but urges the Nigerian Government not to resort to blocking the entire network, as this also makes it impossible for citizens to communicate;

11. Underlines the importance of regional cooperation in addressing the threat posed by the connection between Boko Haram and AQIM; encourages the countries of the region to deepen their cooperation, including with the Sahel countries, in order to prevent further synergies between Boko Haram, AQIM and the Movement for Oneness and Jihad in West Africa (MOJWA); calls on the EU institutions and Member States, as well as the UN, the African Union and the Economic Community of West African States (Ecowas), to lend their support to such regional efforts and to address the threats posed by terrorism, the proliferation of light weapons and transborder crime;
12. Notes with concern the growing threat of piracy off the Gulf of Guinea and the need for more coordinated action; welcomes, in this regard, the regional efforts agreed on to tackle the challenges of piracy at the summit of the Gulf of Guinea heads of state and government on maritime security and safety held in Yaoundé (Cameroon) on 24 June 2013,
13. Calls for a fuller examination of the root causes of the conflict, including social, economic and ethnic tensions, avoiding over-general and simplistic explanations based on religion alone, which cannot provide the basis for a long-term, lasting solution to the problems of the region; urges the Nigerian Government to work for a peaceful solution by addressing the root causes of the conflict and to ensure fair access to resources, sustainable development at regional level and redistribution of revenues through the state budget;
14. Calls for an independent investigation into the human rights violations, and for those responsible to be brought to justice in accordance with international standards of fair trial;
15. Expresses its concern that an escalation of conflict in Nigeria will further intensify the refugee crisis in neighbouring Niger and Cameroon; encourages Nigerian Government officials to engage with leaders of neighbouring countries in order to coordinate responses to the influx of refugees;
16. Calls upon the Vice-President / High Representative, Catherine Ashton, to urge the Nigerian Government to exercise respect for human rights in its counterterrorism operations; expresses its readiness to follow closely the evolution of the situation in Nigeria, and proposes restrictive measures in the event of non-compliance with the Cotonou Agreement, in particular Articles 8 and 9 thereof; asks the Commission also to monitor the situation;
17. Considers deeply regrettable the adoption of the Same-Gender Marriage (Prohibition) Bill, which makes it a crime to be in a same-sex relationship, support the rights of LGBT people, operate a gay-friendly venue or display affection between two people of the same sex; calls on the President of Nigeria, therefore, not to sign the law passed by the House of Representatives, which would put LGBT people – both Nigerian nationals and foreigners – at serious risk of violence and arrest;
18. Encourages the Nigerian authorities to decriminalise homosexuality and to protect LGBTI people and the defenders of their human rights;
19. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Federal

Government of Nigeria, the institutions of the African Union and ECOWAS, the UN Secretary-General, the UN General Assembly, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, and the PAN-African Parliament (PAP).