

Human rights in Nigeria

Despite its democratic progress, Nigeria's human rights situation remains problematic. The most egregious violations occur in the context of the internal fight against the Boko Haram insurgency. Other widespread patterns of human rights violations relate mainly to weak rule of law and an intricate legal system, impunity of security forces, and discriminatory social practices.

Ratification of international instruments

Nigeria has [ratified](#) all UN human rights instruments, with the exception of [four optional protocols](#), and has made no formal reservations to them. Nigeria has also ratified all binding [African human rights instruments](#). According to Section 12 of the [Constitution](#), international conventions are not directly applicable, and have to be enacted through national law. At UN level, Nigeria went through its second [Universal Periodic Review](#) in 2013-2014. Nigeria accepted to address the [numerous recommendations](#) issued to it by other states, with the exception of those asking for the elimination of discrimination based on sexual orientation. Nigeria is a [member](#) of the [UN Human Rights Council](#) for the 2015-2017 period.

Background: a diverse country with a complex legal system

Nigeria is a federal republic and one of Africa's most diverse nations, composed of numerous ethnic groups. The two major religions are Islam and Christianity, between which there is an almost equal split. This has an [impact](#) on the human-rights situation in the country, which is strongly affected by religiously motivated violence, perpetrated by Boko Haram, but also by other groups in Nigeria's central regions. Despite the democratic progress Nigeria has experienced since 1999, strengthened by a peaceful transition of power after the 2015 elections, rule of law remains weak. The country's complex plural legal system, which combines common, customary and religious law and several tiers of government, allows for many loopholes in applying human rights norms. Implementation of legislation is slow, and many public bodies and security forces [do not respect](#) legal provisions and judicial decisions. At federal level, the Constitution includes a classic Bill of Rights, and a [National Human Rights Commission](#) established in 1995 serves as an extrajudicial mechanism for the enforcement of human rights; it is endowed with extensive [powers](#), including the right to interrogate any person or body regarding human rights violations. According to Article 4 of the Constitution, federal states have powers to enact their own legislation and, since 2000, 12 northern states have instituted Sharia law for criminal matters (including harsh physical punishments – hardly ever applied in practice), even if the Constitution provides that Sharia law [applies](#) only to civil proceedings.

In 2009, the EU and Nigeria decided to enhance their dialogue and cooperation, and adopted the [Joint Way Forward](#), a political framework featuring human rights among its priorities. Human rights feature among the issues discussed in the yearly EU-Nigeria [ministerial meetings](#). The EP has adopted several resolutions on the human rights situation in Nigeria, denouncing Nigeria's ban on same-sex marriage, strongly [condemning](#) the violence perpetrated by Boko Haram and urging the government to guarantee the security and protection of the population, while [emphasising](#) the importance of an independent, impartial and accessible judiciary. The EP has also [called](#) on the government to fight corruption, poverty and inequality, and [condemned](#) inter-ethnic and inter-confessional clashes. After the 2015 elections, observed by the EP, the institution still considers Nigeria a priority country for democracy support.

Main issues

Dignity and right to life. Since 2013, Nigeria has been the stage for extensive and heinous human-rights violations, committed by insurgent Islamist group [Boko Haram](#). The group has indiscriminately [killed](#) civilians, abducted women and girls, forcefully conscripted young men and boys, and destroyed villages, towns, and schools, targeting both Christian and Muslim communities. Boko Haram has killed more than [15 000](#) people



since 2011. At the same time, Nigeria's security forces have often been criticised for being unable to prevent the attacks, even when warned in advance, or for being slow to respond. They have also been accused of acting with impunity and committing numerous crimes themselves. Amnesty International has [collected](#) evidence of more than 1 200 extrajudicial executions, the arbitrary arrest of at least 20 000 people, countless acts of torture, and hundreds of enforced disappearances; allegedly, since March 2011, more than 7 000 men and boys have died in detention, due to starvation and thirst, severely overcrowded cells, torture and a complete lack of medical attention. Many of those arrested have been held in indefinite military detention and only a small number have appeared before the courts. Nigeria's military has [dismissed](#) these allegations, but has taken some steps to improve respect for human rights, such as [establishing](#) a human rights office and [reinforcing cooperation](#) with civil society. The Office of the Prosecutor of the International Criminal Court [considers](#) that some of the acts perpetrated by Boko Haram and the army could potentially constitute crimes against humanity.

Allegations against the security forces are not limited to the Boko Haram campaign. The army allegedly used [disproportionate](#) force against protesters belonging to a Shia movement in December 2015, causing numerous deaths. In Nigeria's central regions, local authorities and security forces have [failed gravely](#) to protect civilians from communal violence driven by competition for land and ethnic and religious cleavages, which has claimed over [4 000](#) lives since 2010. The police have also been accused of acting without due respect for human rights. According to a 2014 Amnesty International [report](#), arbitrary arrests by the Nigerian police are a frequent occurrence; people are held incommunicado and tortured to extract confessions or to extort money. There have been no serious sanctions against police officers accused of committing torture. Even though it is prohibited by the Constitution, torture has not yet been legally criminalised, but legislative work on the issue [is ongoing](#).

Freedom and citizens' rights. Nigeria is known for its vibrant and pluralistic civil society and mass media despite a sometimes hostile environment. According to [Freedom House](#), the rights to peaceful assembly and association are generally respected, although federal and state governments ban public events perceived as threats to national security, including those that could incite political, ethnic, or religious tension. Nigerian media, at least private outlets, are [considered](#) independent, strong, and free, but face numerous hurdles: for instance, government officials and powerful interest groups often subject journalists reporting about corruption, human rights violations, or communal violence to [intimidation](#), strengthening a tendency to self-censor. The government-controlled media lacks independence, as observed by the [report](#) of the EU electoral observation mission in 2015. Given the difficult conditions in which journalists operate, [Reporters Without Borders](#) ranked Nigeria 111th of 180 countries in 2015 in terms of press freedom, [criticising](#) the government for the restrictions it imposed on information about the military campaign against Boko Haram.

Equality. According to the [US International Religious Freedom Report](#), even if the constitution prohibits religious discrimination and provides for religious freedom, some state and local government laws discriminate against members of minority religions; Christians and Muslims report discriminatory practices by local authorities, security forces and employers, and fear societal pressure if they change faith.

The Constitution prohibits gender-based discrimination, yet there is widespread [discrimination](#) and [violence](#) against women. Socio-cultural [practices](#) based on customary law (regarding (forced) marriages, inheritance and widowhood) lead to discrimination and affect women's dignity. Sharia provisions in the northern states are also considered unfavourable to women. Some states have enacted laws tackling female genital mutilation, which is on the decline, and widowhood practices. At federal level, a Gender and Equal Opportunities bill [signed into law](#) in May 2015 transposes the provisions of the UN Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)).

There is widespread discrimination against LGBT persons. Same-sex relationships can carry long prison terms or even the death penalty in the northern states. The [Same-Sex Marriage \(Prohibition\) Bill](#), ratified in 2014, criminalises public displays of same-sex relationships, and penalises organisations facilitating such conduct.

Justice. The justice system [suffers](#) from numerous problems, even if, according to [Freedom House](#), in practice it has achieved some degree of independence and professionalism. Proceedings are slow because of a chronic lack of resources. Judges are low paid and [prone](#) to corruption and external pressures. Police make frequent arrests without evidence for prosecution, and many persons spend long periods in [pre-trial detention](#). A [new criminal justice act](#) seeks to tackle some of these issues, speeding up trials and [limiting](#) the powers of the police to prosecute cases.