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Proposal for a resolution

tabled by KARAMANOU, GRÖNER , VALENCIANO, GHILARDOTTI, VAN DEN BERG,

in the name of the PES Group

On women's human rights violation in Nigeria

The European Parliament

- having regard to Article 11(1) of the Treaty on European Union and Article 177 of the EC Treaty, which establish the promotion of human rights as an objective of the common foreign and security policy,
 - having regard to its previous resolutions on human rights in Nigeria, and in particular that of 15 November 2001,
 - having regard to the resolution adopted by the ACP-EU Joint Assembly on the situation in West Africa, with particular reference to the paragraphs in Nigeria,
 - having regard to the international human rights covenants ratified by Nigeria, particularly the International Covenant on Civil and Political Rights, the Convention on the Elimination of All forms of Discrimination against Women and the African Charter on Human and Peoples Rights,
 - having regard to the Nigerian Constitution as amended in 1999,
- A. whereas "Sharia" law, since 1999 that had been introduced in eleven northern states of Nigeria, has very serious consequences for civil liberties and human rights and for the peace between different ethnic groups,
- B. whereas Nigeria recognises the legitimacy of Islamic Sharia Courts of Appeal, dealing with religious and family matters, alongside a federal court system, it does not provide for a Sharia Magistrate Court which is void to the extent of its inconsistency with the supreme law of the land,
- C. whereas Sharia law violates the right to freedom of conscience and religion, as declared by Section 38 (1) of the Nigeria's 1999 Constitution, as well as by the African Charter on Human and Peoples Rights and the Universal Declaration of Human Rights to which Nigeria is signatory,
- D. whereas the rights of women in some Nigerian states are routinely violated and current state law prove to be inadequate and/or not applied,

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- E. whereas the Penal Code of Nigeria explicitly states that assaults committed by a man on his wife are not an offense, if permitted by customary law, it is also estimated that about 60 percent of Nigerian women are subjected to female genital mutilation, additionally, there are numerous reports of the organized trafficking of women between Nigeria, other West African countries and Europe,
- F. deeply concerned by the rules regarding Sharia-bound states, compelling women to remain indoors at night, segregating the transport system by sex and denying women's equal rights in the inheritance of property,
- G. being aware of the efforts undertaken by some northern governors, especially the decision in Feb. 29, 2001 to suspend Sharia in states already enforcing it and subsequent serious retaliatory attacks that had followed,
- H. Considérant que la cour d'appel islamique de l'Etat de Sokoto a annulé pour vice de procédure le verdict de condamnation à mort par lapidation, pour adultère à l'encontre de Safiya Hussaini;
- I. Considérant la condamnation à mort par lapidation, conformément à la Charia d'Amina Lawal Kurami, villageoise illettrée de l'Etat de Katsina pour avoir donné naissance à un enfant après son divorce;
- J. Considérant que le ministre de la justice, Bola Ige, assassiné depuis, avait qualifié de "cruelle et primitive" la peine de la lapidation;
- K. Considérant la lettre envoyée par le ministre fédéral de la justice Kanu Agabi aux gouverneurs de tous les Etats du Nigeria, rappelant "qu'il est impératif que les droits des musulmans soient préservés à l'instar de ceux des autres citoyens, comme le prévoit la Constitution";
- L. (Considérant que le gouvernement n'a pas saisi la Cour suprême à qui incombe de décréter quels actes juridiques sont anticonstitutionnels;)
1. Condemns all forms of religious intolerance and expresses its concern that fundamentalist interpretation and implementation of the Sharia Law, in some Nigerian states, is contrary to respect for basic human rights and calls on the Federal Government of Nigeria to ensure full respect for the constitution and the rule of law;
 2. Condemns in particular the northern Nigerian Islamic court's selective justice that sentenced Ms Safiya Hussaini-Tungar-Tudu to death by stoning after finding her guilty of adultery, while the male adulterer was acquitted;
 3. Calls on the Nigerian government to monitor all courts in Nigeria, to ensure that the courts operate in accordance with the international human rights law and the bill of rights in Nigeria's own constitution;

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4. Urges the Nigerian government to undertake further steps in order that all executions are halted, the use of the death penalty is ended and the states that have introduced the Sharia legal system are forced to withdraw it;
5. Calls the Nigerian government to enhance its efforts to integrate all the international human rights covenants that Nigeria has ratified and particularly the Cotonou Agreement, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All forms of Discrimination against Women and the African Charter on Human and Peoples Rights;
6. Encourages the efforts of the government-appointed National Human Rights Commission to investigate past human rights abuses and to promote the respect of human rights, regretting though the fact that it is not allocated with enough resources;
7. Calls on the European Union to improve the dialogue with Nigeria, with a view to strengthening the existing processes in Nigeria towards the consolidation of democracy, social and economic justice and respect for human rights and religious freedoms;
8. Instructs its President to forward this resolution to the European Council, the Commission, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the African Union, and the Government of Nigeria.

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