



Plenary sitting

B9-0063/2020

14.1.2020

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Nigeria, notably the recent terrorist attacks
(2020/2503(RSP))

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B9-0063/2020

European Parliament resolution on Nigeria, notably the recent terrorist attacks (2020/2503(RSP))

The European Parliament,

- having regard to its previous resolutions on Nigeria,
 - having regard to the African Charter on Human Rights and Peoples of 1981, ratified by Nigeria on 22 June 1983,
 - having regard to the Constitution of the Federal Republic of Nigeria,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention On The Rights Of The Child, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on Human Rights Defenders of 1998, and the Geneva Conventions,
 - having regard to the Human Rights Committee Concluding observations on Nigeria in the absence of its second periodic report, 29 August 2019
 - having regard the Security Council report on “La situation en Afrique centrale et les activités du Bureau régional des Nations Unies pour l’Afrique centrale,” S/2018/1065, 28 November 2018,
 - having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, and the concluding observations of Committee on July 2017,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas in the last decade, northern Nigeria has suffered hundreds of deadly attacks on mosques, schools, markets and churches, carried out by the Boko Haram group and recently, its splinter group, Islamic State West African Province (ISWAP), killing indiscriminately Christians, Muslims and anyone who does not adhere to its beliefs; whereas Boko Haram has forcibly recruited civilians to its ranks, including many women and children;
- B. whereas according to Amnesty International the violence caused by the conflict between armed forces and Boko Haram group has affected more than 14 million of people, at least 36,000 have been killed and more than 2,5 million people have been displaced; whereas according to Human Rights Watch at least 1,200 people died and nearly 160,000 were displaced in the northeast in 2019;

- C. whereas according to Human Rights Watch most internally displaced people lack the basic rights to food, housing, education, health, protection from harm, as well as the right to freedom of movement; whereas displaced women and girls suffer rape and sexual exploitation perpetrated not only by Boko Haram but also by other internally displaced persons, members of security groups, police and soldiers; whereas almost two thirds of women living in the northeast have been victims of one or more forms of gender-based violence; that according to the United Nations, in displaced persons camps, violations have acquired epidemic dimensions;
- D. whereas according to Amnesty International since the beginning of the conflict, Boko Haram and the Nigerian security forces have committed serious violations of international humanitarian law and human rights law; whereas Boko Haram has killed thousands of civilians, abducted thousands of women, girls and boys, many of whom have been forcibly recruited as child soldiers or subjected to forced marriages and sexual slavery; whereas on the other hand, Nigerian security forces have committed extrajudicial killings, mass arbitrary arrests and detentions, torture and other ill-treatment, leading to thousands of deaths in custody, enforced disappearances, and other crimes including rape and sexual violence;
- E. whereas according to UNICEF, more than 3,500 children, most of whom were aged 13 to 17, were recruited by non-state armed groups between 2013 and 2017 and have been used in the ongoing armed conflict in northeast Nigeria; whereas in addition to these children, 432 children were killed and maimed, 180 were abducted, and 43 girls were sexually abused in north-east Nigeria in 2018; whereas since the abduction of 276 school girls by Boko Haram militants from a school in Chibok on 14 April 2014, at least 100 of these girls remain missing; whereas currently, Boko Haram continues to kidnap minors;
- F. whereas since 2013, Nigerian armed forces have detained over 3,600 children, including 1,617 girls, for suspected involvement with non-state armed groups, according to the United Nations; whereas during the same period, Nigerian authorities have released at least 2,200 children; whereas according to Human Rights Watch several children were detained without charges for months or years in degrading and inhuman conditions and suffered beatings, overwhelming heat, and frequent hunger;
- G. whereas impartial and independent investigations were not carried out of crimes perpetrated by the armed forces; whereas there are complaints regarding irregularities, including lack of interpreters, inadequate legal defence, lack of prosecutable evidence or witnesses during the trials of Boko Haram suspects;
- H. whereas the security forces have also been accused of interrupting peaceful protests and meetings by members of the Shia IMN and the Indigenous People of Biafra (IPOB) separatist group, in some cases with violence, arrests and detentions;
- I. whereas the Nigerian Senate is considering two bills relating to freedom of expression online (the proposed National Commission for the Prohibition of Hate Speech bill, and the Protection from Internet Falsehood and Manipulation and the Related Offences bill) which could represent an attack against the freedom of expression; whereas the bills

give authorities arbitrary powers to shut down the internet and limit access to social media, and make criticizing the government punishable with penalties of up to three years in prison; whereas, the broadness of the bill would, if adopted, allow the arbitrary arrest of human rights defenders solely for sharing information through social media, as broad discretion is given to the authorities on which news can be considered “true” or “false;”; whereas penalties include a fine of up to N300,000 or three years imprisonment for individuals and N10 million for corporate organisations; whereas these penalties include political and anti-government speech;

- J. whereas the Nigerian authorities have targeted human rights defenders, activists and journalists including by stifling dissenting voices and passing repressive legislation to restrict the civic space; whereas Omoyele Sowore, Olawale Bakare and Agba Jalingo have faced ongoing arbitrary detention and unfair trials solely for exercising their right to freedom of expression;
- K. whereas the most common acts of violence against women in Nigeria include sexual harassment, physical violence, emotional and psychological violence, socio-economic violence and violence against non-combatant women in conflict situation; whereas 28% of Nigerian women aged 25-29 have experienced some form of physical violence since age 15; whereas the 43% of girls in Nigeria are married off before their 18th birthday and 17% are married before they turn 15; whereas at least 26% of women and girls have been victims of female genital mutilation (FGM) despite being prohibited by law since 2015;
- L. whereas the law prohibiting marriage between persons of the same sex continues to be in force; whereas Forty-seven men went on trial in Nigeria on December for public displays of affection with members of the same sex, an offence that carries a 10-year jail term in the country; the men were arrested in a police raid on a hotel in the impoverished Egbeda district of the commercial capital, Lagos, in 2018; whereas until now the law had historically been used to harass and blackmail gay people but there had not been any convictions
- M. whereas thousands of Nigerians are risking their lives on the migration routes to the EU in hope of living in better economic, social and security conditions; whereas Nigerian people held in official Libyan detention centres report having been beaten, sexually abused and denied food and medicine by guards;
- N. whereas in November 2017 Nigeria refused to sign an EPA between European Union (EU) and the Economic Community of West African States (ECOWAS); whereas Nigeria highlight the negative impact this agreement will have for the economy and the development of the population;
- O. whereas Nigeria is the most populous, cultural diverse country in Africa inhabited by over 500 ethnic groups and marked by a North-South division with severe economic and social disparities; whereas Nigeria is the largest economy in the African continent, but despite its vast resources, Nigeria is among the most unequal countries in the world with the 10% of the country's population controlling more than 90% of its wealth and resources; whereas Nigeria has the largest extreme poverty population with 87 million Nigerians living on less than USD 2; whereas the extreme poverty is even more acute

in the northern states; whereas this poverty contributes directly to a social, religious and regional division;

- P. whereas until the discovery of oil in the 1960s, Nigeria was among the world's leading producers of agricultural products such as cocoa, peanuts, rubber, cotton, hides and skins; whereas today Nigeria is a net importer of raw materials and food and currently faces the risk of a food insecurity; whereas Nigeria is the sixth largest oil producer in OPEC and it is the fourth largest exporter of natural gas however, Nigeria imports fuel and contends with regular fuel scarcity; whereas the the EU remains the top destination for Nigeria's oil exports; whereas the extraction of oil in the country is mostly in the hands of foreign companies;
- Q. whereas there are complaints against European companies for complicity in human rights violations and corruption; whereas Shell was denounced because its complicity in human rights violations committed by the Nigerian armed forces against the Ogoni people in the 1990s; whereas in October a Hague Court heard the testimonies of people who accuse Shell of offering them bribes to give false testimonies, the consequence of which was the death sentence and execution of "the nine ogonis";
- R. whereas the Niger Delta is one of the most polluted regions on the planet; whereas the reckless extraction of oil has damaged the region's environment and the livelihoods of local communities; whereas there are complaints against European companies such as the Italian company Eni, accused by the Ikebiri community of the damages caused by the explosion of an oil pipeline in 2010;
- S. whereas social equality, education, literacy, women's rights, social justice and a fair distribution of state revenues in society, reducing inequality and the fight against corruption are key for good governance and to fighting fundamentalism, violence and intolerance;
1. Strongly condemns the ongoing and increasing violence in Nigeria which has led to thousands of deaths and injuries and displaced more than 2,5 million of persons;
 2. Deplores the massacre of women, men and children, the rapes, the use of torture, the recruitment of child soldiers, and stands with the people of Nigeria in their determination to fight all forms of violence in their country;
 3. Insists on the fact that the fight against terrorists groups could be efficient only if we address the causes and specifically problems related to inequality, unemployment and poverty; highlights the fact that the terrorist attacks shouldn't be a pretext to derogate from the rules of the rule of law and restrict human rights and fundamental freedoms, they must not be used to combat any form of opposition or to commit crimes;
 4. Supports the recommendation from the Human Rights Committee calling to the Nigerian authorities to conduct prompt, impartial and effective investigations into allegations of human rights abuses (including extrajudicial killings, torture, rapes, children abuses, arbitrary arrests, and extortion-related abuses) committed in the context

of the conflict with Boko Haram, both by non-State and State actors, in order to identify, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation; to take steps to increase the transparency of the investigations, including publishing their findings and to take measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict;

5. Calls on the Nigerian authorities to give the UN access to its military detention facilities, sign a formal handover protocol to ensure that children apprehended by the military are quickly transferred to appropriate child protection authorities, and end military detention of children;
6. Denounces the role played by AFRICOM and the increasing of its presence in the destabilization of the African Continent; affirms that today it's even more clear that the presence of more troops, more military bases leads to more wars and conflicts in the African continent; from Somalia to Nigeria, from Mali to Niger, from the Central African Republic to the Democratic Republic of Congo on the pretext of combating terrorist groups, the US and their allies justify their military interference in Africa; the African continent faces today the spread of wars and fratricidal divisions which provokes instability and chaos and favour the control and plundering of the continent's natural resources by the imperialist powers;
7. Considers that the peaceful resolution of conflicts can only take place through respect for human rights, especially the inalienable right of the people to dispose of themselves and their resources; encourage Nigerian's authorities to support and work with civil society organizations and community based groups to introduce platforms for peace-building initiatives that encourage peaceful engagement, dialogue, reconciliation and co-existence amongst all the stakeholders;
8. Emphasises the importance of an independent, impartial, accessible judiciary system for all citizens, to put an end to impunity, to enhance respect for rule of law and fundamental rights of the population;
9. Condemns the Same-Sex Marriage (Prohibition) Law, criminalizing LGTBI people; calls for the abolition of this law;
10. Supports the recommendation from the Human Rights Committee calling for a promptly and thoroughly investigate all reported cases of the harassment, arbitrary arrest and detention of bloggers, journalists and human rights defenders, bring the perpetrators to justice and provide victims with full reparations, and take specific measures to protect journalists and human rights defenders;
11. Expresses its concern about the arbitrary detentions of Omoyele Sowore, Olawale Bakare and Agba Jalingo and calls for the release of all detained for peacefully exercising their rights to freedom of expression and assembly; Urges the Nigerian authorities to ensure the security of all citizens, irrespective of their political views, affiliation or confession, to uphold the rule of law and respect human rights and fundamental freedoms, to protect the freedoms of association, of peaceful assembly, of expression and of the press, to commit to dialogue and non-violence, and to respect and fulfil the country's international obligations; calls again on the authorities to guarantee

that domestic and international civil society organisations, independent trade unions and journalists can operate freely, without interference;

12. Expresses serious concerns at the Protection from Internet Falsehood and Manipulations Bill, which could put human rights defenders at grave risk, and therefore urges the Senate of the Federal Republic of Nigeria to withdraw the bill or amend the bill so as to ensure its compliance with international standards;
13. Is deeply concerned that Nigerian women continue to be victims of discrimination, violence, sexual abuse and rape; calls on the Nigerian authorities to revoke all laws that contain elements of discrimination against women, which are in breach of the international treaties signed by Nigeria; calls on the authorities to implement the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); fully supports full implementation of UN Security Council resolution 1325 (2000) on women, peace and security, and other domestic measures to promote gender equality and the empowerment of women and girls in Nigeria, as well as to tackle violence against women;
14. calls for a comprehensive EU approach on violence against women and girls with increased efforts and resources to prevent and eliminate all discriminatory practices against women as well as to combat and prosecute all forms of violence including trafficking in human beings, female genital mutilation, forced sterilisation, forced pregnancy, gendercide, domestic violence and marital rape, child, early and forced marriage and gender-based violence in conflict and post-conflict situations; calls for the development of specific EU actions to strengthen the rights of different groups of women, with a special attention to youth, migrants, women living with HIV, LGBTI persons and persons with disabilities;
15. Urges Nigerian's Authorities to implement the moratorium on death penalty in view of its abolition;
16. Calls the EU and its Member States to facilitate their access to European asylum and ensure human rights to all migrants; strongly condemns all readmission policies, especially those relating to countries such as Nigeria, where these people risk their lives and face ill-treatment contrary to the Geneva Convention; criticise the financial support of the EU for policies whose aim it is to externalise border controls without changing the current situation of the people in need in those countries; Calls for ensuring rights and a safe passage to both migrants and displaced; stresses further that development aid must not be made conditional on cooperation in migration matters such as border management or readmission agreements; recalls its concerns about the increasing use of trust funds, such as limited transparency, lack of consultation and regional ownership;
17. Welcomes the refusal of Nigeria to sign and ratify an EPA with EU due to the dramatic consequences it could have for the economy and the Nigerian people; urges the EU to stop unbalanced and unfair trade agreements with third countries, including EPAs, and to build a new cooperation based on mutual development for the benefit of people instead of the interests of the multinational companies; recalls the European Union and its Member States when negotiating tax treaties, shall comply with the principle of policy coherence for development established in Article 208 TFEU; The European

Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries such Nigeria;

18. Urges transnational companies to respect human rights and the principle of due diligence as the UN Guiding Principles on Business and Human Rights, and to take all the necessary measures to respect and protect the environment; Calls on the institutions of the Union to work towards the conclusion of binding international agreements that reinforce respect for human rights, especially in the case of companies based in the Union operating in third countries; calls on the European Commission and the Member States to take the necessary measures against European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly their responsibility;
19. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the national parliaments of the 28 Member States, the President, Government and Parliament of Nigeria, the Representatives of ECOWAS and the African Union, the Office of the UN High Commissioner for Human Rights.