

P5_TA(2002)0188

Human rights: Violation of human rights in Nigeria

European Parliament resolution on the violation of human rights, specifically women's rights, in Nigeria

The European Parliament,

- having regard to its previous resolutions of 15 February 2001¹ and 15 November 2001² on human rights in Nigeria,
 - having regard to the European Parliament's appeals for clemency for Safiya Hussaini and Hafsatu Abubakar,
 - having regard to the resolution adopted by the ACP-EU Joint Parliamentary Assembly on 21 March 2001 on the situation in West Africa, with particular reference to the paragraphs on Nigeria,
 - having regard to the EU Council statement of 27 March 2002, which 'welcomes the acquittal of Safiya Hussaini by the Sokoto Sharia Court of Appeal',
 - having regard to the current 58th session of the UN Commission on Human Rights in Geneva from 18 March to 26 April 2002 and its probable conclusions,
 - having regard to its resolution of 7 February 2002 on the EU's rights, priorities and recommendations for the 58th session of the UN Commission on Human Rights in Geneva³,
 - 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. considering the acquittal on 25 March 2002 of Safiya Hussaini by the Sokoto Sharia Court of Appeal and the earlier acquittal of 18-year-old Hafsatu Abubakar on 24 January 2002, but emphasising that all Ms Hussaini's and Ms Abubakar's human rights must be guaranteed so that they can fully reintegrate into Nigerian society,
- B. whereas the Nigerian Islamic law court at Bakori in Katsina State sentenced Ms Amina Lawal - a 35-year-old woman from the village of Kurami - to death by stoning after she confessed to having had a child while divorced, but acquitted the man involved,

¹ OJ C 276, 1.10.2001, p. 284.

² Texts Adopted, Item 16.

³ P5_TA(2002)0057.

- C. whereas Sokoto and Katsina states are among a dozen states in the country's predominantly Muslim north that had introduced strict Islamic Sharia law over the past two years, which has serious consequences for civil liberties and respect for human rights,
- D. whereas current legal interpretations of the Sharia penal codes in Nigeria include the application of the death penalty, which violates international human rights agreements ratified by Nigeria, including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights,
- E. whereas, although 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 Magistrates' Court, whose very existence is incompatible with the supreme law of the land,
- F. whereas the Penal Code of Nigeria explicitly states that assaults committed by a man on his wife are not an offence if permitted by customary law, whereas it is also estimated that about 60 percent of Nigerian women are subjected to female genital mutilation, and whereas there are numerous reports of the organised trafficking of women between Nigeria, other West African countries and Europe,
- G. deeply concerned by the rules in 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,
- H. having regard to the efforts undertaken by some northern Governors, especially the decision of 29 February 2001 to suspend Sharia law in certain states already enforcing it, and to the serious retaliatory attacks that followed,
- I. whereas the Minister of Justice, Bola Ige, who has since been assassinated, described the sentence of stoning as 'cruel and primitive',
- J. whereas, on 22 March 2002, the international media carried reports about Nigerian Justice Minister Godwin Agabi's letter to the 12 northern Nigerian states applying Sharia law stating that 'a Muslim should not be subjected to a punishment more severe than would be imposed on other Nigerians for the same offence' and that any court 'which imposes discriminatory punishment is deliberately flouting the constitution' (Section 42 (1a) which guarantees sexual, religious, ethnic and political freedoms),
- K. whereas Nigeria - Africa's most populous country with 110 million citizens, over 250 ethnic groups, and a federal structure of 36 states - has been riven by ethnic, religious and political tensions which have killed thousands since the 1999 elections that ended 15 years of military rule and repression,
- 1. Welcomes the decision by the Sharia Court of Appeal of Sokoto State, in northern Nigeria, to act positively on Safiya Hussaini's and Hafsatu Abubakar's appeals against their sentence of stoning to death for adultery, and ordering their acquittals;

2. Condemns the decision by the Islamic court at Bakori in Katsina State to sentence Amina Lawal to death by stoning for having a child while divorced;
3. Condemns all forms of religious intolerance and expresses its concern that the fundamentalist interpretation and implementation of 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;
4. Acknowledges the key role played by civil society, particularly human rights and non-governmental organisations, and the international media in seeking to ensure that Nigeria's constitutional and international agreements are upheld to protect the human rights of all Nigerian citizens, whatever their background or religion;
5. Urges the European Union and international organisations to provide technical and legal assistance during the 30-day period in which Amina Lawal can appeal against this latest Sharia ruling;
6. Calls on the Nigerian government to ensure that the courts operate in accordance with international human rights law and the bill of rights in Nigeria's own constitution;
7. Urges the Nigerian federal authorities to guarantee the constitutional right of appeal for all Nigerians, and in particular women condemned by Sharia codes, to higher courts both at the state and federal levels so that an independent, free and fair judicial system prevails;
8. Urges the Nigerian Government to undertake further steps in order that all executions are halted and the use of the death penalty is ended;
9. Expresses its categorical opposition to the death penalty in all circumstances because it represents the ultimate violation of the right to life guaranteed by international law;
10. Considers that the current practice and many regulations in the new Sharia penal codes and Sharia codes of criminal procedure violate many international human rights instruments ratified by Nigeria, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights;
11. Calls on the Council to open a political dialogue under the Cotonou Partnership Agreement with Nigeria so as to support and consolidate Nigeria's pluralistic democracy, social and economic justice, and respect for human rights and religious freedoms ahead of the 2003 elections;
12. Calls on the Commission to provide extra financial and technical aid to strengthen Nigeria's legal and democratic structures, including the training of lawyers, judges and the police, ahead of the 2003 elections, and to include women in this form of aid;
13. Encourages the efforts of the government-appointed National Human Rights Commission to investigate past human rights abuses and to promote respect for human rights; regrets, however, the fact that it is not allocated enough resources;

14. Recognises the pivotal role that Nigeria could play in the future development of democracy and trade both in the West African region and in Africa as a whole, in particular the creation of the African Union, and trusts that all political and religious leaders in Nigeria will seize this chance to end religious, ethnic and political violence;
15. Instructs its President to forward this resolution to the Council, the Commission, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the Secretaries-General of the United Nations, the African Union, the Commonwealth, the OECD, the Inter-Parliamentary Union and the Organisation of the Islamic Conference, the Presidents of the European Investment Bank, the African Development Bank, the World Bank and the International Monetary Fund, and the President, Government, Parliament and 36 State Governors of Nigeria.