

THE STATE OF HUMAN RIGHTS IN
NIGERIA
2009-2010

**REPORT ON THE STATE OF HUMAN RIGHTS
SITUATIONS MONITORED IN NIGERIA BY
THE NATIONAL HUMAN RIGHTS COMMISSION
IN COLLABORATION WITH THE NETWORK
OF HUMAN RIGHTS MONITORS.**



SUPPORTED BY:

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IN

NIGERIA

2009/2010

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Report on the State of Human Rights
Situations Monitored in Nigeria by
The National Human Rights Commission
in Collaboration with the Network
of Human Rights Monitors
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The State of Human Rights in Nigeria 2009/2010

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E-mail: nhrcanigeria@yahoo.com.
Website:www.nigeriarights.govng

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Introduction

The National Human Rights Commission of Nigeria was established by the National Human Rights Commission Act of 1995, pursuant to the United Nations General Assembly Resolution N48/134 of 20th December, 1993 which encourages all member states to establish National Human Rights Institutions.

In 2010, the Act was amended to give the Commission greater independence in the conduct of its officers as well as strengthening its investigative and enforcement powers.

The Commission is empowered to deal with all human rights issues taking into consideration the provisions of the Constitution of the Federal Republic of Nigeria, African Charter on Human and People's Rights, United Nations Charter, Universal Declaration on Human Rights and all other Human Rights Instruments, to which Nigeria is a party. The Commission complements the law courts and other avenues of resolving human rights violations disputes. It targets the poor, vulnerable groups and other victims of human rights abuses and violations. Its services are free, non-technical, less time consuming and easily accessible to the public.

The functions of Commission as set out under Section 5 of the Principal Act, 1995 as well as Section 6 of the 2010 amendment Act includes the following:

- a. Deal with all matters relating to the protection of human rights as guaranteed by the Constitution of the Federal Republic of Nigeria, the African Charter, the United Nations Charter and the Universal Declaration on Human Rights and other International Human Rights Instruments to which Nigeria is a signatory;
- b. Monitor and investigate all alleged cases of human rights violations in Nigeria and make appropriate recommendations to the Federal Government for prosecution and such other actions as it may deem expedient in each circumstance;

- c. Assist victims of Human Rights violations and seek appropriate redress and remedies on their behalf;
- d. Undertake studies on all matters relating to human rights and assist the Federal Government in the formulation of appropriate policies on the guarantee of human rights;
- e. Publish regularly, reports on the state of human rights protection in Nigeria;
- f. Organize local and international seminars, workshops and conferences on human rights issues for public enlightenment;
- g. Liaise and cooperate with local and international organizations on human rights for the purpose of advancing the promotion and protection of human rights;
- h. Participate in all international activities relating to the promotion and protection of human rights;
- i. Maintain a library, collect data and disseminate information and materials on human rights generally; and
- j. Carry out all such other functions as are necessary or expedient for the performance of these functions under the Act.

In fulfilment of its mandate to liaise and cooperate with local and international human rights organisation towards the promotion of human rights and to "monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendations to the Federal Commission for the Prosecution and such other actions as it may deem expedient in each circumstance", the Commission brought together stakeholders on human rights issues, trained them on monitoring and documenting human rights situations with the assistance of UNDP and Amnesty International, Dutch Section. This group of trained persons are referred to as Network on Monitoring and Documentation of Human Rights Situations. They are brought together each year to collate and

harmonise human rights reports from different parts of the Country. This effort has produced the reports on human rights situations in Nigeria since 2006. This edition is fourth in the series of publications. The monitors gather information on the obligation of state and non state actors on the promotion and protection of human Rights in the country. Some of the actors include:

- Law Enforcement and Security Agencies;
- Statutory bodies;
- Corporate bodies;
- Private organizations/ individuals
- Educational institutions and facilities
- Multi-National institutions and
- Organized labour, etc.

During the years under review, the monitors also visited police cells, prisons and other detention centres to ensure compliance with national and international standards.

The membership of the Network on Monitoring and Documentation of Human Rights situations which compiled the 2009/2010 report include:

• Titus Mann	CLO
• Tony Ojukwu	NHRC Abuja
• Harry Obe	NHRC, Abuja
• Ifeoma Nwakama	NHRC, Abuja
• Abdulrahman A Yakubu	NHRC Abuja
• Uche Nwokocha	NHRC, Enugu
• Babangida Labaran	NHRC, Maiduguri
• Damain Ugwu	Social Justice Advocacy Initiative (SJA)
• Pwaluri Yawa	NHRC, Jos
• Justine Ijeoma	Human Rights, Social Development and Environmental Foundation (HURDET)
• Shola Omotosho	CLEEN Foundation

Akriokwe Chidiogo	NHRC, Enugu
Yatchit Dala	NHRC, Abuja
Hauwa Jaro	NHRC, Kano
Chukwuma Okonkwo	NHRC Enugu
Wahab Oyedokun	NHRC Abuja
Abigail Labesa	Human Rights Monitor
Jamilah Hamza	NHRC Abuja
Bayo Okeowo	SEAC
Uloma Umozurike	NIIRC, Abuja
Wuha Isaac Pitman	NHRC, Abuja
Eliane Drakopoulos	NHRC, Abuja
Sarah Orage	NIIRC Port Harcourt
Cordeia Aghware	NHRC, Abuja

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- The MacArthur Foundation
- The Human Rights Monitors
- Network of Police Reforms in Nigeria
- Civil Liberties Organisation
- Network of Human Rights Monitors
- Participants at the Human Rights Violations Monitoring Fora, Kaduna
- Participants at the Human Rights Violations Monitoring Harmonisation Forum at Calabar
- Resource persons at the different Human Rights Violations Monitoring fora

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- | | |
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| • Harry Obe | NHRC, Abuja |
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| • Babangida Labaran | NHRC, Maiduguri |
| • Damain Ugwu | Social Justice Advocacy Initiative (SJAI) |
| • Pwaluri Yawa | NHRC, Jos |

Justine Ijeoma

Human Rights Social
Development and
Environmental Foundation
(HURDET)

CLEEN Foundation

NHRC, Enugu

NHRC, Abuja

NHRC, Abuja

NHRC, Kano

NHRC Abuja

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Akriokwe Chidiogo

Yatchir Dala

Ifeoma Nwakama

Hauwa Jaro

Chukwuma Okonkwo

Abdulrahman A Yakubu

Wahab Oyedokun

Abigail Labesa

Jamilah Hamza

Bayo Okeowo

Uloma Umozurike

Wuha Isaac Pitman

Eliane Drakopoulos

Sarah Orage

Conlelia Aghware

Finalisation Committee At Calabar

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Mr. Lambert Oparah

Mr Harry Obe

Yetunde Haastруп

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NHRC
- Nkechi China Senior Investigation Officer,
NHRC
- Godwin Odo Mac Arthur Foundation
- Moses Adagunso Consultant
- Isaac Pirman Secretary, NHRC

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Human Rights Commission

Harry Obe, Esq Assistant Director Legal/Head
of Monitoring Unit

Okwa Morphy Chief Investigation Officer,
Monitoring Unit

Cordelia Aghware Assistant Chief Legal Officer,
Monitoring Unit

Kabiru Elayo, Esq Assistant Chief Legal Officer,
Monitoring Unit

Nkechi Chima Senior Investigation Officer,
Monitoring Unit

Without your support, commitments and dedications, this edition of the State of Human Rights Report would not have been possible. The Commission acknowledges you all.

Foreword

The State of Human Rights in Nigeria Report 2008 produced by the National Human Rights Commission in partnership with the network has also introduced a table of instruments used, a list of abbreviations and an index page for ease of reference. The publication also projects some commendable actions of State agencies in Nigeria.

It is the objective of the NETWORK that the report continues to be a reference document for human rights defenders, public enlightenment, and academic research among others. This edition has been divided into chapters covering the thematic areas of focus of the Commission namely; Extra-judicial, Summary and Arbitrary Executions, Police, Prisons and other Detention Centres, Women and other Gender related Matters, Children and Young Persons, Freedom of Religion and Belief, Education, Health, Environment and the Niger Delta, Communal Conflict and other Related Violence, Labour, Food and Shelter.

To a large extent, the NETWORK has realized its objectives. Several stakeholders now refer to this yearly publication on the website of the Commission in order to conduct research and get information on the human rights situation in Nigeria. Several other stakeholders besiege the Commission and members of the NETWORK for hard copies of the publication for their libraries. The one thousand copies printed every year are hardly sufficient and are now supplemented with another one thousand CD ROM copies. It is hoped that more copies will be printed in subsequent years to meet the increasing demand of stakeholders for wider dissemination. Another key area of success is the awareness created among stakeholders of the need to document and report cases of human rights violations. The report in each thematic area of focus has increased and more victims are willing to be part of the report. It is also important to note that alleged violators especially law enforcement agencies are now conscious that their acts and omissions could be documented by stakeholders. Whereas it is hoped that this singular factor can discourage violations, there is no proof yet that violations have reduced as a result of this. The limited number of cases reported in this edition is not an indication of decreasing number of violations but change of approach by the Commission and the network in documenting and reporting

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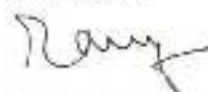
violations across the country. As indicated in the previous editions, it is hoped that subsequent editions will seek to evaluate the actual impact of the publication on human rights violations in Nigeria, especially by law enforcement agencies.

For the publication to achieve maximum impact there is need to sustain the strategy of targeting all stakeholders, particularly, the alleged violators in its dissemination. In this regard, training colleges for law enforcement agencies should continue to be targeted as the revelations in this report will discourage officials and agencies involved from further violations and create an enabling environment for redress.

Finally, the importance of sustaining the yearly publication of the report cannot be over emphasized. Stakeholders will be disappointed if this courageous effort to document and report human rights violations is discontinued. Furthermore, the report is now a statutory requirement under the National Human Rights Commission Act (as amended). It could also give a negative indication on Nigeria's ability to respond to issues relating to the Universal Periodic Review (UPR) and African Peer Review (APR) Mechanisms of the UN and AU respectively if this publication is not sustained. I therefore commend it to other development partners for its sustainability.

In conclusion, let me commend the continuous support of Macarthur Foundation for supporting the process leading to the production of this all important reports. We owe the foundation debt of gratitude as we look forward to further support. I also congratulate the NETWORK for this sustaining the publication in spite of all challenges. It is my hope that you all hands will continue to be on deck for timely production of the report; which has become an important part of the library of human rights Institutions and practitioners in Nigeria. Once again, I recommend it to all human rights defenders and activists across the globe.

Thank you.



Prof. Bem Angwe
Executive Secretary

Executive Summary

The 2009/2010 State of Human Rights Report is a compilation of the human rights situation in Nigeria in the years under review. It is an assessment of the compliance by Nigeria, with the various international, regional and municipal instruments and laws, to which it is a party. The report also focuses on the activities of Government Ministries, Departments and Agencies whose responsibilities have direct bearing on the respect, promotion, protection and fulfilment of human rights in Nigeria.

The report is divided into Five Sections covering broad classifications of human rights as follows:

SECTION A: Civil and Political Rights

Extra Judicial, Summary and Arbitrary Execution
Torture, Cruel, Inhuman and Degrading Treatment or Punishment
Police, Prisons and Other Detention Centres
Freedom of Expression and the Press
Freedom of Thought and Religion
Trafficking in Persons
Access to Justice
Persons with Disabilities

SECTION B: Economic, Social and Cultural Rights

Education
Health
Food and Shelter
Labour

SECTION C: Women and Children
Women and Other Gender Related Matters
Children and Young Persons

SECTION D: Environment and Sustainable Development
Environment and the Niger Delta

SECTION E: Good Governance
Communal Conflicts and Other Related Violence
Corruption
Human Security

SECTION F: Conclusion And Recommendations

Under Section A, Chapter One deals with Extra Judicial, Summary and Arbitrary Executions. In this chapter, the report took a look at extra-judicial execution that is perpetrated by the law enforcement agents, especially the Police. It has been discovered that the law enforcement agencies carry out extra judicial execution with impunity and most times, the cases are not reported for fear of retribution. In few cases these violations are reported on the pages of national dailies. Where there are reported, investigations are not carried out properly and where investigations are conducted, the violators are hardly prosecuted. This creates a vicious cycle of impunity that engenders more violations.

Chapter two is on torture, cruel, inhuman and degrading treatment and punishment. Torture, cruel, inhuman and degrading treatment and punishment in whatever form is prohibited by all human rights instruments and laws. Nigeria, as a member State of which these instruments operate, is bound to abide by the laws, and ensure its enforcement.

under its treaty obligations. Despite this prohibition, the use of torture and other cruel, inhuman, and degrading treatment by security agents particularly the Nigerian Police Force is still prevalent and has reached an alarming rate. Violators of this law often go unpunished, as their victim either do not live to tell the story or are too scared to tell the story. In some situations where the victims are bold enough to speak out, the perpetrators go unpunished.

Furthermore, chapter three deals with Prisons, Police Cells and Other Detention Centres. Prisons, has, for a long time, been plagued with numerous challenges, resulting from many factors including overcrowding, inadequate accommodation for both inmates and prison officers, high number of awaiting trial inmates, obsolete/dilapidated infrastructural facilities, lack of recreational and vocational facilities, poor feeding for inmates, lack of working tools for the officers, etc. On the other hand, Police cells and other detention centers are a far cry from the minimum standard required by the law. These centers are designed to humiliate, dehumanize and suppress people who are suspected to have come in conflict with the law. The detention centers are a source of great concern to the criminal justice administrators. For instance, police cells designed to hold 5 persons holds about twenty or more. There is no ventilation; no toilets facilities within the cells and inmates held there are treated in the most dehumanizing form. Despite the fact that these centers lack basic facilities, people are arrested and detained for days and months on end, contrary to the provisions of the Constitution and other legal instruments.

Chapter four deals with the Freedom of Expression and Media, while Chapters 5, 6, 7 and 8 deals with Freedom of Thought and Religion, Human Trafficking, Access to Justice and Persons with Disabilities respectively.

Meanwhile, Section B looks at Economic, Social and Cultural Rights. Here, Chapter 9 is on Education, while Chapters 10, 11, 12, 13 are on Health, Food, Shelter and Labour respectively.

Furthermore, Section C which has Chapters 14, and 15, x-rays Women and other Gender Related Matters and Children and Young Persons with a special focus on violence against women and children, which has taken an alarming dimension despite the fact that Niger is a signatory to CEDAW and other Protocols on the rights of women as well as Children and Young persons.

In a similar vein, Section D deals with Environment and Sustainable Development, looking at Environment and the Niger Delta in Chapter 16.

Section E has Good Governance as its subhead, with Chapters 17 and 18 looking at Communal Conflicts and Other Related Violence, Corruption and Human Security respectively.

Finally, Section F concludes the report and makes recommendations. This is captured as Chapter 19 dealing with general recommendations. It harmonizes all the recommendations made under each of the other chapters.

SECTION A: Civil and Political Rights

Acronyms

LIST OF ACRONYMS

NHRC	National Human Rights Commission
UN:	United Nations
MOPOL:	Mobile Police
SCID:	State Criminal Investigation Department
DPO:	Divisional Police Officer
SARS:	Special Anti-Robbery Squad
AIG:	Assistant Inspector General of Police
MASSOB:	Movement for Actualization of Sovereign State of Biafra
ACP:	Assistant Commissioner of Police
CSP:	Chief Superintendent of Police
IPO:	Investigation Police Officer
OCSARS:	Officer -in-Charge Special Anti- Robbery Squad
ASP:	Assistant Superintendent of Police
FCT:	Federal Capital Territory, Abuja
UDHR:	Universal Declaration of Human Rights
CAT:	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment
NOPRIN:	Network on Police Reforms in Nigeria
DSP:	Deputy Superintendent of Police
DCP:	Deputy Commissioner of Police
CIB:	Criminal Investigation Bureau
MDAs	Ministries, Departments and Agencies

NWGPRD:	National Working Group on Police Reform and Decongestion
DPO:	Divisional Police Officer
SOS:	Swift Operation Squad
DSS:	Department of State Service (SSS-State Security Service)
NASS:	National Assembly
FOI:	Freedom of Information
AIT:	African Independent Television
FRCN:	Federal Radio Corporation of Nigeria
MBI:	Minaj Broadcasting International
NUJ:	Nigerian Union of Journalists
ECOWAS:	Economic Community of West Africa States
NTA:	Nigerian Television Authority
CEDAW:	Convention on Elimination of All Forms of Discrimination Against Women
TIP:	Trafficking in Persons
NAPTIP:	National Agency for the Prohibition of Trafficking in Persons
ICCPR:	International Covenant on Civil and Political Rights
CFRN:	Constitution of the Federal Republic of Nigeria
ATI:	Awaiting Trial Inmates
NDLEA:	National Drug Law Enforcement Agency
EFCC:	Economic and Financial Crimes Commission
UNCAC:	United Nations Convention Against Corruption
CSO:	Civil Society Organizations
PWD:	Persons With Disabilities
ILO:	International Labour Organization

CRA:	Child Rights Act
WCEFA:	World Conference on Education For All
MDG:	Millennium Development Goals
UBE:	Universal Basic Education
EFA:	Education For All
PTA:	Parent Teachers Association
SERAP:	Socio Economic Rights and Accountability Project
UBEC:	Universal Basic Education Commission
SMC:	Schools Management Committee
ICESCR:	International Covenant on Economic, Social and Cultural Rights
CERD:	Convention on the Elimination of all Forms of Discrimination
CRC:	Convention on the Rights of the Child
ACHPR:	African Charter on Human and Peoples' Rights
CMD:	Chief Medical Director
SAN:	Senior Advocate of Nigeria
IGP:	Inspector General of Police
NYSC:	National Youth Service Corps
FMLP:	Federal Ministry of Labour and Productivity
NLAC:	National Labour Advisory Council
IAP:	Industrial Arbitration Panel
NICN:	National Industrial Court of Nigeria
NUPENG:	National Union of Petroleum and Natural Gas Workers
FEPA:	Federal Environmental Protection Agency
GDP:	Gross Domestic Product
NBS:	Nigeria Bureau of Statistics

ICPC:	Independent Corrupt Practices and Related Offences Commission
TI:	Transparency International
APRM:	African Peer Review Mechanism
UNESCO:	United Nations Educational Scientific and Cultural Organization
ALGON:	Association of Local Government of Nigeria
SSG:	Secretary to the State Government
NAFDAC:	National Agency for Food and Drug Administration and Control
NOA:	National Orientation Agency
NETWORK:	Network of Human Rights Monitors

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SECTION A:

Civil and Political Rights

CHAPTER ONE

Extra Judicial, Summary and
Arbitrary Executions

Introduction

The 1999 Constitution of the Federal Republic of Nigeria, other laws, as well as other International and regional instruments such as the Universal Declaration of Human Rights and the African Charter on Human and People's Rights provide for and guarantee the right to life for all persons. In Nigeria, despite these legal provisions, extra-judicial killings still hold sway. A few cases of these violations are reported on the pages of national dailies while many are not reported for fear of victimization by the perpetrators. Many reported cases are rarely investigated by the Police. Where there are investigations, the perpetrators are hardly prosecuted. This creates a vicious cycle of impunity that engenders more violations.

Section 33 of the 1999 Constitution guarantees the right to life except in certain circumstances. These circumstances include "in execution of the sentence of the Court in respect of criminal offence of which he has been found guilty in Nigeria". Others are; for the defence of any person from unlawful violence or for the defence of property; in order to effect a lawful arrest or prevent the escape of a person lawfully detained or for the purpose of suppressing a riot, insurrection or mutiny".

Apart from the Constitution, the Police Act also provides guidelines on the use of force by Police personnel. Beside these national laws and International instruments, there are many international standards such as the UN Guidelines on the Use of Force by law enforcement agents and the Guidelines on the treatment of persons under any form of detention. It is pertinent to note that while there were many instances of reported and unreported cases of killings by law

enforcement agents, particularly the police, there were no evidence that these killings were State sponsored or officially sanctioned.

Below are reported cases of extra judicial killings monitored and documented during the year 2009 and 2010.

On December 2nd 2009, one Mr. Asimiyu, a Police sergeant attached to the MOPOL 20 Squadron, Ikeja Lagos, stabbed Mr. Adenusi on the chest, thereby causing his death. According to the report, Adenusi, a printer, and shop owner at Akeju Street, Somolu, got to his house and met Asimiyu and an unidentified man in a heated argument which degenerated into a fight. In trying to separate the two, the victim was said to have chided the police sergeant for engaging in a fight with the unidentified man. The Police sergeant, who was infuriated by the statement, stabbed the victim with a dagger, leading to his death.

According to the victim's family, despite reporting the matter at the Police Station in Somolu, the Police did nothing to sanction the alleged violator, who is said to have resumed work at MOPOL 20 Squadron, Ikeja.

On October 1, 2009, Mr. Owolabi Shamsudeen was said to have been shot by Policemen attached to Adekunle Police Station, Pantti Yaba, Lagos. According to the victim's brother, Mr Kola Shamsudeen, the victim was declared missing on the 2nd day of October, 2009 and was not found until 14 days later when his body was discovered at the Lagos General Hospital on the 15th of October, 2009. The victim's mutilated body showed signs of having been exhumed from a grave. At the time of compiling this report, the case was before Magistrate Court, Yaba, Lagos.

On 23rd March, 2009, Demola Muniru, 27, a video operator was shot and killed by a Police patrol team on environmental sanitation duties in Ibadan. The victim was said to have been shot and killed while trying to escape arrest by the team of Policemen. The attempted arrest was based on the accusation that his environment was dirty. Aggrieved youths in the area went after the escaping Policemen, and beat them up.¹

¹Thisday 24 March 2009

On 24th July, 2009, Chibuike Anams, 23, who was in the company of his friends, was shot dead by the Police at Timi Guest House in Ilingbu, Rivers State, as he attempted to escape when the Police raided the guest house. His death was not made known to his family, who had reported him missing to the Police. After visiting several police stations in Port Harcourt, it was discovered that he was shot and killed by the Police. The perpetrator alleged that the victim was an armed robber. An allegation that investigations revealed was incorrect. The erring Policeman was dismissed from the Police Force after an orderly room trial, to face prosecution.²

On 19th March, 2009, Christian Onuigbo, 28, was shot by a policeman while trying to park his car in Jiwa, in the Federal Capital Territory. The victim was thereafter taken to a police station where he was left unattended for more than 24 hours. He was later released to his family, who took him to the hospital. At the hospital, he was refused treatment without a Police report. By the time the report was obtained, Onuigbo had died from the gunshot wounds.³

On 30th July 2009, the leader of an Islamist sect known as "Boko Haram" Muhammad Yusuf, was arrested in Maiduguri, Borno State. On the same day, the Police announced that he had been killed while attempting to escape. Few days later, an international news media, Aljazeera, aired a film footage showing the arrest of Yusuf by the military, his handover to the Police and the killing of other suspects, including children. This generated public outcry and condemnation. Consequently, the Federal Government set up an Investigative Committee to unravel the circumstances leading to his death. At the time of compiling this report, the Committee's report was yet to be made public.

On 26th May, 2009, Ken Njweigha was arrested and detained at the State Criminal Investigation Department (SCID) in Yenagoa and paraded before the media as a suspect. A few days later, it was discovered that Njweigha had been shot and killed. According to the Police, the victim was shot while trying to escape, when he was taken

² Thursday 10 December 2009

³ Thursday 10 December 2009

out for investigation. Eyewitnesses however stated that the victim was shot on the leg, ribs and neck leading to his death. His body was taken to the Federal Medical Centre Yenogoa and later buried in an undisclosed location by the Police. It was also reported that after the victim was killed, the Police went to his house and destroyed documents and laptop.

On Sunday, the 14th December, 2008, Policemen from Ketu Police Station, led by one Inspector Babatunde, allegedly tortured to death Mr. Esom Chinweoke Ogudu. According to the report, the police raided Ajelogo, a suburb of Ketu - Mile 12 in Lagos State and arrested some members of the Ogwulangu Clan of Ebonyi State, who were having an annual party.

The arrested men were taken to Ketu Police Station, where they were subjected to torture, inhuman and degrading treatment. In the course of the torture, one of the arrested persons, Mr. Esom Chinweoke Ogudu, died.

Investigation by the Commission revealed that it is a common practice for Policemen from the station to carry out raids in the community with a view to extorting money from arrested persons. When contacted, the DPO of Ketu Police Station declined comment on the allegations; rather he referred the monitoring officer to the Commissioner of Police, Lagos State.

On May 25th, 2009, 4 persons were killed and 20 injured by policemen attached to the Kaduna State anti crime outfit popularly called 'Operation Yaki', shot at youths in Zaria who were on a peaceful march, protesting the incessant power outage in the city.

On the 12th of December, 2008, Mrs. Fumilayo Abudu was shot and killed by Police officials attached to the Special Anti-Robbery (SARS) in Makun, Sagamu, Ogun State. According to the family co-workers of the victim, on that fateful day, the deceased, an attendant was sent on an errand to buy petrol for the farm. When the armed robbers struck. In an attempt to escape the cross fire between the police and the robbers, the victim was said to have taken refuge in a nearby bush where she reportedly called her workplace to alert

of the presence of armed robbers in the area. Moments later, she was hit by a police bullet. In an attempt to exonerate themselves from the shooting, the police planted charms and amulets on the victim's body and claimed that the deceased was the leader of the armed robbery gang. The family petitioned the Ogun State Government and the State Police Command.

Following the petition by the family, the Assistant Inspector General (AIG) in charge of Zone 2 Police Command, Mr. M.D Abubakar, directed that details of the case be forwarded to his office. However, as at the time of compiling this report, the family claimed that they were yet to receive any update on the case from the AIG's office and the body of the deceased was yet to be released to them for burial.

On the 25th day of April, 2006, Nkechi Obidigwe was killed by Policemen in Anambra State. According to Okechukwu Obidigwe, the victim was alighting from a commercial bus when a gun shot fired by Policemen on duty at a checkpoint hit her. She was immediately rushed to a nearby hospital but the doctor refused to treat her, except a Police report authorizing her treatment was obtained from the Police and showed. Unable to get the Police report Nkechi bled to death. In a bid to cover up, the officers who shot the deceased, the Divisional Police Officer (DPO) in charge of the Police Station, one Mrs. Edna, claimed that it was the Movement for the Actualization of Sovereign State of Biafra (MASSOB) group that shot the deceased. When the family persisted that the erring Officers be identified and prosecuted, the DPO threatened the members of the family and the eyewitness with arrest and detention. Due to the threat from the DPO, the only eye witness, a commercial motorcyclist, refused to come forth and testify. Not satisfied with the way the DPO was handling the matter, the victim's family reported to the State Police Criminal Investigation Department Headquarters, Akwa, headed by one Assistant Commissioner of Police (ACP) Mohammed Karsina. The ACP promised to bring the perpetrators to book and ordered that a forensic test and autopsy be carried out on the victim. This was conducted by three pathologists from the Nnamdi Azikiwe Teaching Hospital, Nnewi, and it confirmed that the deceased was killed by one of the guns used by the Police officers. The ACP thereafter ordered

the arrest and detention of the three officers who were at the checkpoint on that day. At their arrest and detention, the perpetrator confessed. He was thereafter tried at the orderly room, and dismissed from the police force to face the civil court trial for murder.

Ngama Fantami Umar Meremi, 19, of Bare Village Magumeri LGA, Borno State, was on October 11, 2009 at about 8:00pm, shot and killed by a team of security officers, code-named "Operation Flush II" with Vehicle No 81, based at Gajiganna in Magumeri Local Government Area, Borno State. According to the Complainant, the Operation Flush men were called up by Malam Darna, a Councilor representing Gajiganna Ward that there was a robbery attack at Gabio/Nganzai boundary. On getting to Bare village, the team saw the victim and some other villagers sitting outside their homes and Constable Abubakar, a member of the team, shot at them leading to the death of Meremi.

At the intervention of the Military Zonal Commandant, Col. Abubakar, the perpetrator was arrested and transferred to the Area Commandant's Office at Ibrahim Taiwo Police Station, Maiduguri for prosecution.

On June 18th, 2009, the Police used tear gas and live bullets on rioting youths from Bama Local Government Area of Borno State, killing two persons: Musa Zaram Tela 29 and Baha Yanziyo Ali Mallam, 26. Five policemen, one State Security Service officer and several of the demonstrators were also injured.

The victims were killed when youths in Bama Local Government Area, Borno State attacked the Bama Police Station demanding for two Fulani youths, who were in detention, on the allegation that they killed Mallam Haruna Yeri 38. The Police refused to release the suspects. As a result, the youths took the law into their hands and burned the police station along with 7 vehicles and over 30 motorcycles. According to the Police Area Commander, Bama Zone, CSP Abdullahi Ibrahim, over 20 suspects were arrested and are undergoing investigation as at the time of compiling this report.

On 31st July, 2009, the Daily Trust Newspaper reported that over 300

persons were killed in the wake of the Boko Haram attacks on police stations in some parts of Northern Nigeria. According to the Director of League for Human Rights, Shamaki Gad Peter, human rights workers saw 20 bodies after troops began an offensive on the sect's headquarters in Maiduguri. He reported that the victims were unarmed and some were shot from behind while trying to escape from the police shooting. Many other people were said to have been arrested. Similarly, Eric Gutschuss, Human Rights Watch Nigeria Researcher, raised concerns about the arbitrary killings by the troops, noting that casualties were quite high. According to the newspaper report, security forces have a history of reprisal killings and use of excessive force. For instance, in November 2009 Policemen and some Soldiers killed about 133 persons during 2 days of communal clashes in Jos. Many months after, security forces are yet to bring those implicated to book.

In July 2009, the Legal Aid Council petitioned the Commission over the case of torture leading to the death of Bala Babangida Yashi of Duguri District, Alkaleri Local Government, Bauchi State. According to the petition, the victim was allegedly tortured by one Musa Abdul attached to the Maina Maaji Police Outpost based on a complaint made to the Police that the victim was seen with a lady in his room. The victim was said to have followed the Police upon invitation without any form of resistance. At the police outpost, he was subjected to torture, which led to his death at the Specialist Hospital, Bauchi two days later.

On 18th March, 2010, the Daily Trust Newspaper reported the killing of one Akeem Akinyemi by the Police. According to the publication, Mr Akinyemi was arrested based on a complaint made to the Police, by Mr. Mukaila Olayeke, alleging that Mr. Akinyemi stole Three Million Five Hundred Thousand Naira (N3.5Million) belonging to him. Upon interrogation and torture, the victim agreed to have taken the money and kept it with his mother. A search was carried out at the victim's mother's place but nothing was found. The search was carried out by four policemen in the company of the victim with his hands and legs chained. On their way back, it was alleged that the victim jumped into a river and drowned. At the recovery of the victim's body from the river, it was discovered that he had injury on

him, suggesting that he was shot.

On Wednesday, 2nd February 2010, one Mr. Owolabi Balogun Osama, a commercial motor cycle operator, was killed by the Police. According to Mrs. Grace Ajayi, the victim's neighbour, Mr. Balogun left his house in Owode-Ajgunke, a suburb of Ikorodu in Lagos State around 8:00am, to take money to his son, Qwan, who stays at Owode. But an hour later, she got a call that Mr. Balogun was shot and killed by the Police.

According to an eyewitness, the Police in response to a distress call that a suspected armed robber was escaping in a Nissan car, got to the scene and on sighting a man driving a similar car, flagged down the driver to stop. The driver of the said vehicle refused to stop and the Policemen shot at him to stop him from escaping. In the process of shooting, a stray bullet reportedly hit an innocent Okada operator identified as Owolabi Balogun. The eyewitness stated that the Policemen did not stop to help Mr Balogun. They continued in the pursuit of the Nissan car and eventually caught up with it. They arrested the driver of the car, who was discovered to be a mentally challenged man that had escaped from a healing home.

From information available to the monitor, a good Nigerian who stated that the victim should be taken to the hospital, called the Divisional Police Officer, Mr. Wale Ajayi, and informed him that there was an accident victim on the road. The DPO, who did not know what had happened, sent a patrol team to the scene. Unfortunately, the team oblivious of what had happened, ran into protesting Commercial Motor Cycle operators (*Okada riders*), who attacked the Police van, set it ablaze and injured four of the Policemen. The Okada riders in an attempt to avenge the death of their colleague tried to overrun the Police station. The Police in a bid to resist the invasion of the station by the "okada riders", shot and killed two of the protesters.

On the 17th day of January, 2010, Mr Segun Agheyomi, a Police Corporal, attached to the Pedro Police Station, shot and killed 18-year-old Ibru Okoma, along Access Road, Pedro, Lagos. Corporal Agheyomi, who was among a five man patrol team deployed on foot patrol, shot into a Toyota bus with registration number XX327AKD

thereby killing Okoma. According to Corporal Agbeyomi, he shot at the bus because the driver refused to stop for routine check. Investigation conducted by the Commission revealed that the shooting and eventual killing of the deceased was unprovoked and unjustified. The violator has been dismissed from the police force and is standing trial.

According to Daily Sun of 11th March, 2010, Phillip, a commercial bus driver was shot by the police at Ngor Okpala in Imo State. The mother of the victim, a 50 year old widow, Mrs. Tochukwu Onyewu who narrated the story to the reporter stated that she received a telephone call, saying her attention was needed at the Umunike Police Station, Ngor Okpala. On getting to the Police Station, she was requested to pay Two Hundred Naira (N200.00) before she could see her son. After paying the money, she was taken to where her son was kept outside the Station, in a pool of his own blood, semi-conscious, and with his hands and legs tied together.

Mrs Onyewu further stated that in the son's semi-conscious state, he told her that the Police demanded Five Thousand Naira (N5,000.00) from him, but he gave them Five Hundred Naira (N500.00) instead. As a result, they stripped him naked and beat him up. According to Mrs Onyewu, a Policeman at the station informed her that her son did not have a fire extinguisher in his vehicle, and that he was uncooperative. The Policeman further said that Philip would have been handcuffed but since the station did not have any, they tied him with a rope.

Upon Mrs. Onyewu's complaint to the District Police Officer, he asked her to get a taxi and take her son to the hospital. Unfortunately, before she returned with a taxi, Philip had died.

On 1st May 2010, Sergeant Fakere Adegboyega, an Investigation Police Officer (IPO) attached to the Agodi Police Station, Ibadan, Oyo State, allegedly tortured to death 28 year old Monsuru Akanji who was in detention.

Monsuru Akanji, a Polytechnic student in Ibadan was tortured to death by Sergeant Adegboyega, of Agodi Police Station, Ibadan, Oyo State. Monsuru was said to have been beaten up, with his hands and

legs tied together, and denied access to food and water. This despite appeals from Monsuru's father, Mr. Rasaki Akanji.

Monsuru was said to have been arrested and detained at the instance of Dele Dare, who lodged a complaint to the Police, stating that he suspected the deceased to have stolen his laptop worth N80,000. The allegation the deceased denied. Upon his denial, a search was carried out in his house and nothing incriminating was found. The victim was however detained and tortured to death.

After the deceased was confirmed dead by a medical doctor, the IPO Sergeant Adegboyega absconded. At the time of compiling the report, the state Commissioner of Police stated that Sergeant Adegboyega had been arrested, subjected to an orderly room trial and dismissed from the Police force, and was being prosecuted in the civil Court.

On 3rd January, 2010, Mrs. Tirilato Olatunde and her baby were shot dead by a policeman at New Yidi road in Ilorin Kwara State. The Policeman was said to have shot into the bus Mrs Olatunde was travelling in when the driver of the bus disobeyed a 'stop order' of the police at a check point.

On 21st February, 2010, Mallam Muhammadu Jazuli was shot dead by a Policeman at Kazaure in Jigawa State, for violating traffic rules.

On 3rd April 2010, 3 youths were arrested and executed without trial by a group of Policemen and vigilante at Ikenekpo village in Ankpa local government area of Kogi State, on the allegation that they were armed robbers. The deceased were said to have been on their way home from a wedding reception close to their village. The Community insisted that the youth were innocent of the crime they were executed for.

On 3rd January, 2010, at about 5:30 PM, Solomon Tonfaowei and one other man were shot by 2 soldiers in Warri, Delta State. The soldiers

were said to have shot at the vehicle when the driver disobeyed an order to stop.

On 7th January, 2010, an unidentified man was shot and killed by a policeman at a checkpoint in Ukwu Orji (Tracus Junction) Awka, Anambra State for refusing to give the Policeman the amount of money he demanded but instead, gave him N60

On 11th January, 2010, Arinze Okonkwo was killed by a policeman at Ogidi Idemili Local Government Area of Anambra State.

On 17th January, 2010, an unidentified man and woman were shot and killed by 2 Policemen at Sani Abacha road, Port-harcourt. The deceased were said to have been shot because their driver disobeyed a Police stop order.

On 17th January, 2010, at about 11:00 pm, Abiodun Awe Agboghoye, was shot dead by a Policeman in Owuru, Ikorodu in Lagos State. The victim was said to have been shot by the policeman because he tried to evade police arrest.

On 25th May, 2009, 4 persons were killed and 20 injured when Policemen attached to the Kaduna State Police anti-crime unit, popularly called 'operation yaki' fired guns on youths in Zaria who were on a peaceful protest over incessant power outage in the city.

The Daily Trust Newspaper of 18th March, 2010, reported that one Akeem Akinyemi was killed by the police. According to the report, the police arrested the deceased based on a complaint made to it by one Mr. Mukaila Olayeke, that the deceased stole the sum of Three Million, Five Hundred Thousand Naira (N3.5M). That upon arrest and interrogation, the deceased allegedly confessed to have stolen the said amount and kept with his mother at Imore Town, in Oriade Local Government Area of Lagos State whereupon four Police officers attached to the Ajangbadi Police Station went with him to recover the money. The report further stated that on their way back to the station after the search, the deceased who sat in between the Police Officers in hand cuffs and without a life jacket, was alleged to have jumped into the river and drowned.

From preliminary investigation carried out by the Commission, it was informed by the family of the deceased that they suspected foul play as the Police refused or neglected to recover the corpse from the river and that they noticed wounds on the corpse suggesting that the victim was killed and thrown into the river.

Mr Ayorinde Ajakaiye was on the 22nd day of March 2010, informed by the Area Commander of the Nigeria Police Force, Kubwa that his son, Olusola Ajakaiye died in their custody, without explaining the circumstances that led to his death. The said Olusola Ajakaiye was said to have been arrested in connection with a misunderstanding that ensued within the premises of 'Chicken Republic', an eatery located in Kubwa, and detained at the Police Area Command for more than 48 hours.

The Police claimed that the deceased died at the General Hospital, Kubwa, where he was taken for medical attention, after he took ill while in Police detention. According to the family of the deceased, when the deceased took ill, the Police did not consider it necessary to contact any member of the deceased's family when he was taken to the hospital. The family further stated that when the corpse of the deceased was released to them, they noticed that there were bruises and severe swelling to the left of the deceased's head and face. They also observed that his knees were stained with blood and his clothes were torn. According to them, the deceased was tortured to death by the Police while in detention.

On 19th August, 2010, Mr Joseph Okekwuchu Agu, 70 years, testified before a Public Tribunal held in Owerri, Imo State that Francis Ogar, an Army Sergeant, attached to 82 Division, Nigerian Army, Enugu, on 15th January 2009 at about 8:30 am beat him, using an Army belt and the belt buckle of the belt hit his eyes, which caused him to go blind. Mr Agu further testified that although the matter had been reported to the General Officer Commanding, 82 division of the Nigerian Army, nothing has been done about the matter.

On 15th October 2010, the National Human Rights Commission

received a complaint from Mrs. Abosede Mariam Ogundimuon. Mrs Ogundimuon stated that her husband was tortured to death by Mr. Segun Fabunmi, Officer-in-Charge, Special Anti-Robbery Squad, (OC SARS), attached to the Ikeja Police Division and two other officers simply called Segun and Charles attached to Mushin Police Station, Lagos State. According to the Complainant, sometime in December 2009, the three Police Officers arrested her husband without given any reason. He was thereafter taken to the SARS at Ikeja, where he was tortured and as a result, hospitalised at the General Hospital, Ikeja, Lagos State where he later died.

On 19th October 2010 men of the Nigerian Police Force, Nyanya Abuja allegedly shot and killed one Godwin Odey for 'wondering'. The victim's sister, Omari Odey claimed that the victim called her at exactly 12:30 am on that fateful day and told her that he was arrested for 'wondering'. According to Omari Odey, when she got to the Nyanya Police Station, she saw her brother's corpse on the floor.

Deborah Kaase, 27, a mother of three, of Dutse Makaranta, Bwari Area Council of Abuja, was on the 17th of March 2010 shot to death by one Ibrahim Adamu, an Assistant Superintendent of Police, (ASP), attached to the FCT Police Command. The Daily Trust Newspaper of March 22nd, 2010 reported that ASP Adamu was at the time of the incident was the Station Officer in charge of Police out-post, Dutse-Makaranta, in Bwari Area Council, Abuja. The Police Officer, who was involved in a sexual relationship with the victim was said to have shot her to death in the course of an argument. The FCT Police spokesperson, Moshood Abiola, attributed the gruesome act of the killing of the victim to "accidental discharge".

On the 6th day of March 2010, Christopher Obannor, a Police Corporal attached to the Police Mobile Force, 6 Squadron, Maiduguri Borno State shot and killed a butcher along Aba-Port Harcourt Express way, and wounded seven other, while on special duty in Umuahia. According to the report, the Police corporal shot and killed five butchers. But the Abia State Police Commissioner, Mr. Jonathan Johnson, stated that only one person was killed by the Police Corporal, while seven others sustained injuries as a result of the shooting. Mr.

Johnson further emphasized that the police officer involved had made to face orderly room trial, and was dismissed from the force to face criminal trial.

On the 24th of March 2010, it was reported in The Nigerian Tribune that men of the mobile police (mopol), manning a checkpoint at Olu area in Umuhia, Abia State on Tuesday 23rd of March 2010, killed butchers who refused to give them N20 bribe and injured several others.

Recommendations:

1. Law Enforcement Agents should be trained on the use of firearms and proportionate response to aggression in the light of all relevant national, regional and international standards. Allegations of extra-judicial killing against officers of law enforcement agencies should be investigated and diligently prosecuted in accordance with the law.
2. Mechanisms should be put in place to provide adequate protection for witnesses of extra-judicial killings to encourage them to testify in the prosecution of such cases in court. Law Enforcement Agents should be given adequate training on management of civilian population in relation to crowd control, demonstrations and other forms of civil protest.

Chapter Two

Torture, Cruel, Inhuman and Degrading Treatment or Punishment

Introduction

Torture, cruel, inhuman and degrading treatment or punishment is prohibited in all human rights instruments, laws, be it national, regional and international. Nigeria, as a member of the international community, is bound to abide by these instruments, and ensure their enforcement. The UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions in his 2006 report observed that torture was an intrinsic part of law enforcement methods in Nigeria and called on the Nigerian government and the Nigeria Police to urgently take steps to end the situation⁴. Notwithstanding that report, the use of torture and other cruel, inhuman and degrading treatment by law enforcement agencies, particularly the Nigerian Police, is still prevalent.

Freedom from torture, cruel, inhuman and degrading treatment is a key human right guaranteed by various regional, international and domestic instruments. In spite of this, torture continues to be practiced in about two third of countries worldwide.⁵ Torture takes different forms as some are systematic while others have become an integral part of the workings of law enforcement agents. In Nigeria, for instance, it has been stated that the practice of torture and summary executions by the Nigeria Police Force is systemic. It is instructive to note, however, that unlike other rights that can be derogated from in certain defined circumstances, torture cannot be justified on any grounds. Section 34 of the 1999 Constitution of the Federal Republic of Nigeria guarantees the right to the dignity of every human person. It further states under sub section (1) paragraph

⁴ Amnesty International Report 2004.

⁵ This assertion was made by the then UN Special Rapporteur on Extrajudicial killings, Summary and Arbitrary Executions in 2006.

that "no person shall be subjected to torture or to inhuman or degrading treatment.

Furthermore, Article 4 (1) & (2) of the Convention Against Torture provides that:

"Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature".

Torture is also prohibited under Article 5 of the Universal Declaration of Human Rights (UDHR); Article 5 of the African Charter on Human and Peoples' Rights; and Article 2 of the UN Convention Against Torture (CAT). Whereas Nigeria ratified the Convention Against Torture and other Inhuman or Degrading Treatments or Punishments (CAT) in the year 2001, and has taken steps at strengthening its anti-torture mechanism by setting up a National Committee against Torture in September 2009, most criminal cases in court are still being prosecuted based on 'confessions' obtained under circumstances of torture from accused persons

Torture can be both physical and mental/psychological. These are manifested in a number of forms which include beating to inflict excruciating pain (using guns, clubs and wires), hanging by the arms or legs, burying up to the neck, putting under water for a long time, looking at the sun, electric shocks, rape, sexual assault, mock execution, pulling of finger or toe nails, cutting of ears or limbs, using burning candles or cigarettes etc.

In cases of torture, perpetrators often go unpunished, as their victims either do not live or are too scared to tell the story. In cases where victims are bold enough to speak out, there are little or no evidence to ground prosecutions. For instance, in 2009, the number of reported cases at the Commission was 94 but in 2010, due to the awareness that

victims could speak out, the number increased to 1,403 reported cases on torture, inhuman and degrading treatments.

Below are some reports monitored during the years 2009 and 2010:

The Network on Police Reform in Nigeria (NOPRIN) in collaboration with the National Human Rights Commission organized public hearings in the six geo-political zones of the Federation. At the public hearing held at the South East Zone, Enugu, DSP Jude Abanajelo and Inspector Godspower of Special Anti-Robbery Squad (SARS) of the Enugu State Police Command were mentioned frequently by testifiers as notorious perpetrators of torture.

Barrister Oforkansi Nnadiume, a lawyer based in Enugu, representing 18 victims of torture recounted their horrific experiences while in detention at the SARS, Golf Course Estate, Enugu. According to Barrister Nnadiume, the torture was mostly carried out by DSP Abanajelo (then Officer in Charge, SARS) and Inspector Godspower. Nnadiume stated that the alleged perpetrators tortured Ekene Elechi to death on August 5, 2008. According to him, the deceased collapsed in the course of the torture and became unconscious. The Police took him to the hospital where he died a few hours later. Mr Nnadiume further stated that after the death of Elechi, the Police constantly threatened the remaining victims to either confess or face the same fate. He alleged that DSP Abanajelo and Inspector Godspower had the backing of the State Police authorities in their torture activities. This is because all previous complaints to the authorities did not attract any official sanction.

Emenachi Kelechi, a business man who sells beer in Enugu was arrested along with some of his customers on August 2, 2008 by some Policemen from SARS, Enugu, when they raided his 'beer parlour'. It was reported that while at the SARS office, he was tortured from August 2 to 4, 2008, at the behest of DSP Jude Abanajelo. According to the report, Kelechi looked weak and spent from the torture and the Police thought he was pretending. They therefore used teargas on his face. When the officer in-charge realized that Kelechi was truly weak,

ordered that he be taken to Parklane General Hospital, Enugu, where he was confirmed to have died 45 minutes prior to arrival at the hospital. The corpse was still at the mortuary as at the time of the testimony.

Nebechi Elomike had quarreled with a shop owner in his neighbourhood over the charging of mobile phone. As a result of the misunderstanding, the shop owner shot him and then reported to the Police that he was an armed robber. Nebechi was therefore arrested and taken to the 9th Mile Police Station and then transferred to Udi Police Station from where he was again transferred to Special Anti-Robbery Squad (SARS) in Enugu State. On the directives of the Officer-in-Charge, the complainant/shop owner who shot Nebechi was invited to the station for questioning and when it was found that Nebechi was not an armed robber, he was released. He was re-arrested, detained and tortured.

Dr. Umeh Tyndale, a medical practitioner, reported that he was shot and wounded on June 28, 2006, by the Joint Army and Police Patrol team deployed by Governor Peter Obi to maintain peace and enforce curfew in Onitsha and its environs. This was in the aftermath of the violence by the Movement for the Actualization of Sovereign State of Biafra (MASSOB) and transport union members at Onitsha. Dr. Tyndale stated that he was returning from call duty when the patrol team accosted him and demanded for his identity. Not satisfied with his identification, they accused him of being a member of MASSOB. When he denied the allegation, a soldier shot him on the leg and a police officer stabbed him with a knife in the neck. He was rescued and taken to the hospital by an army officer who was a passer by. Dr. Tyndale, who now uses crutches, said he was operated upon at the National Orthopedic Hospital, Enugu on July 9, 2007, to extract the bullets.

Mr Ikechukwu Iriaka, a commercial motorcyclist reported that he was shot and left to die by some Policemen attached to the Umuguma Police Station, Owerri West, Imo State. According to the victim, he was eating at a restaurant with his motor cycle parked outside when one Police Constable Ayan approached him and requested that he

should accompany him to see his boss at the Police station, he turned down. He stated that at that point, the Police officer gave him the keys to his motorcycle and rode away. According to him, some days later, he saw the Police officer riding another motorcycle. He stopped him and demanded for his motor bike, but in the process, the Officer slapped him. This led to a fight between him and the Officer. The Police officer left, returned with two of his colleagues and shot him on the stomach while one of the other officers shot him twice on the chest. Convinced that the victim had died, the other officers left. He then managed to come out to the road and call for help. The case was reported at the CID unit and is being handled by the Special Anti-Robbery Squad (SARS). According to him, the names of the officers who were identified as ThankGod, Ayan, Paul Henry and Samuel are yet to be prosecuted.

Mr. Onuko Ofu Donatus complained on behalf of himself and other members of the National Association of Nigerian Students who were arrested for protesting against the Imo State University's policy of requiring students seeking admission into the University to pay 'post UME fees'. According to Mr. Onuko, they were tortured and paraded as armed robbery suspects before the press, by the then Commissioner of Police (DCP) Yusuf Ibrahim, of the Imo State Police Command and authorities of the Imo State University.

The Daily Trust Newspaper of June 12, 2009, reported that on June 11, 2009 Men of Operation Flush Unit of custom market, Maiduguri, Borno state, shot and wounded 17 followers of a Muslim cleric, Malam Mohammed Yusuf. According to the report, the victims were conveying the corpse of four of their members for burial, when the men of Operation Flush accosted and arrested some of the victims for traffic offences. This led to a protest by the other members, resulting in the shooting and wounding of 17 persons. The State Commissioner of Police, Mr. Christopher Dega, confirmed the incidence and promised to cause an investigation into the matter.

On 2nd April, 2009, Malam Hashimu, 34, a commercial bus driver, and two of his assistants, Aminu, 26 and Mukaila, 27 were arrested by members of the Joint Military and Police Patrol Team (Operation Flush).

GGSS Yerwa, Unit 087). According to Mallam Hashimu, they were arrested at the instance of one Musa Dangote, who contracted the driver at Samunaka in Kaduna State, sometime in January, 2009, to convey sugar cane from Rufai village, Dogowa Local Government Area, Kano State to Maiduguri at the cost of N140,000.00. Hashimu stated that he was paid N58,000.00 as part payment, and that after spending two days at Rufai Village and the goods were not ready, he left, without conveying the goods. Mr Dangote reported to the Police and Mr Hashimu was arrested and forced to refund the money and also pay the sum of N5000 for his bail. Meanwhile, Aminu and Mukaila who were arrested along with Hashimu were tortured and also made to pay N6000 for their bail.

On June 30, 2009, around 2:30 pm Adamu Damawa, 26, and Ibrahim Yusuf, 28, were arrested and detained at the Nigeria Air Force base off Gomhole Street GRA, Maiduguri, Borno State. They were arrested for walking close to the Air Force mess gate and for that, they were suspected of been armed robbers. While in detention, the Officers on duty used belt to beat them. Adamu Dawama escaped at night, while on July 1, 2009, Ibrahim Yusuf was released with an apology from the officer on duty. A letter to the Commandant of the Nigerian Air Force, dated July 10, 2009 is yet to be responded to.

On the 16th day of March 2009, Mr. John Al Hassan complained to the Commission, stating that he was tortured and made to drink his blood and eat his faeces by one Captain A. Ali whose operational base is Abacha Barracks, Abuja. According to Al-hassan, he was accused of stealing some tiles from the Post Service Housing Development estate by the Black Factory owner. Al-hassan further stated that despite his denial, he was beaten with sticks and iron rods by some soldiers, who claimed to be acting on the instruction of one Captain A. Ali. Captain Ali thereafter took him to the site and locked him up in a room, where he was made to lie face down while the captain and his colleagues threw block on his back. While he was bleeding from the injuries, he was made to lick his blood and eat his faeces. He stated that he passed out as a result of the torture, and was abandoned by the roadside.

GGSS Yerwa, Unit 087). According to Mallam Hashimu, they were arrested at the instance of one Musa Dangote, who contracted the driver at Samunaka in Kaduna State, sometime in January, 2009, to convey sugar cane from Rufai village, Dogowa Local Government Area, Kano State to Maiduguri at the cost of N140,000.00. Hashimu stated that he was paid N58,000.00 as part payment, and that after spending two days at Rufai Village and the goods were not ready, he left, without conveying the goods. Mr Dangote reported to the Police and Mr Hashimu was arrested and forced to refund the money and also pay the sum of N5000 for his bail. Meanwhile, Aminu and Mukaila who were arrested along with Hashimu were tortured and also made to pay N6000 for their bail.

On June 30, 2009, around 2:30 pm Adamu Damawa, 26, and Ibrahim Yusuf, 28, were arrested and detained at the Nigeria Air Force base off Gomhole Street GRA, Maiduguri, Borno State. They were arrested for walking close to the Air Force mess gate and for that, they were suspected of been armed robbers. While in detention, the Officers on duty used belt to beat them. Adamu Dawama escaped at night, while on July 1, 2009, Ibrahim Yusuf was released with an apology from the officer on duty. A letter to the Commandant of the Nigerian Air Force, dated July 10, 2009 is yet to be responded to.

On the 16th day of March 2009, Mr. John Al Hassan complained to the Commission, stating that he was tortured and made to drink his blood and eat his faeces by one Captain A. Ali whose operational base is Abacha Barracks, Abuja. According to Al-hassan, he was accused of stealing some tiles from the Post Service Housing Development estate by the Black Factory owner. Al-hassan further stated that despite his denial, he was beaten with sticks and iron rods by some soldiers, who claimed to be acting on the instruction of one Captain A. Ali. Captain Ali thereafter took him to the site and locked him up in a room, where he was made to lie face down while the captain and his colleagues threw block on his back. While he was bleeding from the injuries, he was made to lick his blood and eat his faeces. He stated that he passed out as a result of the torture, and was abandoned by the roadside.

According to the victim, under torture, he agreed to pay for the stolen items, which were valued at N111, 500.00 (One hundred and eleven thousand, six hundred naira). He was therefore made to pay N13,000.00 and some of his properties were seized by the Captain in lieu of the outstanding balance.

Sunday Kehinde, an auto electrician, of Police bus stop, Dutse Makaranta, in Bwari Area Council, FCT Abuja, was on the 15th of October, 2009, arrested and detained at the Maitama Police Station for five days. This was based on a complaint made by one of his customers, stating that he stole the sum of N1.2m, which was forgotten in the car given to him to work on. Sunday was granted bail after five days in detention but was re-arrested and again detained for six days. He was thereafter transferred to the state CID where he was further detained for another sixteen days without being charged to court. At State CID, the victim was reported to have been tortured and threatened with death except he confessed to the crime. During the period of detention, the victim was not allowed visitors or food. After sixteen days at the State CID, he was released on bail to a military relation of his and was immediately admitted at the Maitama General Hospital, where he spent six days before being referred to Gwagwalada Specialist Hospital. At the Gwagwalada Specialist Hospital, he spent another one month before he was discharged to continue treatment from home.

Faka Tamunotonye Kalio and Stanley Adiele Uwakwe of Port Harcourt, Rivers State, were arrested by the Policemen attached to the old GRA Police Station, on the 10th of May 2009. The victims were arrested at Ogbunabali, in the premises of one Mr. Smith, the General Manager of Bond Global Services Company, where they worked. The victims were first detained at the old GRA Police Station and then transferred to the Criminal Investigation Bureau (CIB) unit of the Police headquarters Port Harcourt. According to the report, the victims were arrested when they arrived at Mr. Smith residence with some anti-robbery policemen, in response to a distress call made by Mr. Smith at about 4am that he was being attacked by armed robbers. It was further stated that since the arrest, the victims have been subjected to torture; denied access to both their family

members and lawyers. Despite the Court ordering the release of the victims, the police have refused to release them.

On 14th December, 2009, Ahmed Jibrin Rufai, 35, of IG Kaabo Motors, Biu road, Gombe State, was arrested, handcuffed and detained for 5 days at the Biu Road Police Station by ASP Babayola, Officer-in-Charge of "Anti-kalare" on allegation of breach of contract. He was made to undergo a session of torture, by dipping his head into stagnant muddy water.

On the 19th day of November, 2009, three commercial motor bike riders: Godspower Koffi, Wisdom Koffi and Monday Obot, were arrested, tortured and detained at the Rumujim Police Station, Port Harcourt on the allegation that they were armed robbers. According to the victims, they only went out in search of their bikes that were snatched from them on the 16th of November, 2009, by ex-militants, camped at Choba, Port Harcourt, Rivers State.

The victims stated that despite efforts made at identifying themselves, they were arrested, detained and transferred to the Special Anti-Robbery Squad Police Station at Borrukiri, where they were severely tortured to confess that they were armed robbers. The Officers kicked them with their boots, beat them using the butt of their guns and subjected them to all kinds of degrading treatment. According to the victims, they were often threatened with death, if their families fail to pay the sum of One Hundred and Fifty Thousand Naira to secure their release. They were however released at the intervention of the Commission and the Civil Liberties Organization, Rivers State Branch.

Mr. Amaraegbulem Nwogu was arrested on the 2nd day of May, 2009, by Mr. Mkpakpa, a Police Officer attached to the Rumukpakani Divisional Police Station, detained and tortured to death. According to the report, Mr Nwogu was arrested at the instance of his wife, Itozo Nwogu. The victim was said to have had a misunderstanding with his wife, and was reported to the Police, who consequently arrested him. It was further reported that Mr. Mkpakpa had always used his position as a Police officer to harass the victim. While under

detention, Mr. Nwogu was said to have been tortured by Mr. Mkpakpa and some that the Police further extorted a thousand naira from each of them as bail sum.

Solomon Dinyelu, 24, a trader at Onitsha Town was on the 4th of January 2010, accused of stealing the sum of Nine Million Naira (N9,000,000) by his boss whom he had served for 9 years. He was taken before the vigilante group, called the "Bakassi", for interrogation and then to the Special Anti-Robbery Squad (SARS), where he was unlawfully detained. When the victim's family reported the matter to the Police at Awka, it refused to take any action on the matter, except the family pays a Hundred and Fifty Thousand Naira. The victim has however been released and the matter is being investigated.

On 3rd May, 2010 Florence Albert 21, of Gombole road, opposite Giwa Barrack, Maiduguri Metropolitan Council, Borno State, was brutally beaten and her clothe torn by a personnel of the Nigeria Army, attached to 21 Armored Brigade Quarter Guard, Maiduguri, Borno State, for allegedly stealing a mobile phone. She was thereafter taken to the Quarter Guard, where she was beaten and made to roll on the ground, and then coerced to accept stealing the hand set. She was ordered to pay the sum of seventeen thousand Naira (N17,000.00) on or before 4th May, 2010.



Pictures of Florence Albert with bruises on her buttocks, face and chest.

The Daily Champion Newspaper, of October 25th, 2010 reported that Mr. Lawson Tekena, a microbiologist and a father of three, was beaten to a state of unconsciousness by a Naval Rating attached to Admiral Festus Probeni (RTD), a former Minister of Transport during the Gen. Abdulsalami Abubakar's administration for attempting to make a U-turn in front of the Admiral's house in Tombia Road GRA Port-Harcourt, Rivers State

According to Mr Tekena, all his explanations to the naval rating that he was merely making a U-turn was rebuffed. Instead, he was beaten up, prevented from leaving the scene and his car side mirror broken by the Naval rating who further hit him on the head with a gun.

On 20th April 2010 the Commission received a complaint from Alex Ita & Partners, Union Chambers, 6 Ikot Ekpene Road, Uyo, Akwa Ibom State, alleging that his client, Mr. Anietie Paul Effiong was tortured to death, while in Police custody by Mr. Ekpiri, a Police Officer, of General Investigation Department, Akwa Ibom State Police Command-Headquarters, Ikot Akpan Abia, Uyo. According to the complainant, the deceased was arrested with some other men from his community on allegation of assault on 21st June 2008. On June 22, 23, and 25, 2008 and on some other days, Mr Ekpiri hung the deceased on a fan and repeatedly flogged him, using wire and machet.

The complainant reported that the victim's wife, Mrs Elizabeth Anietie Paul, who witnessed some aspect of the torture when she went to give him food, pleaded to take him on bail in order to seek medical treatment for him as he was weak. According to her, Mr Ekpiri asked her to pay N35,000 before her husband would be released.

On 30th April 2010, Mr.Ushe Kanah complained to the Commission that he was tortured by two Police men stationed at the Old Secretariat, Area 1, Garki, Abuja. He alleged that the Policemen used electric cables and their guns to hit him thereby forcing him to confess to an offence of theft. Kanah further stated that the Policemen extorted One Thousand Naira (N1000.00) from him before letting him go.

Ibrahim Idrisa Mai Mai, 22, of Zajeri Ward Bolori II, Maiduguri, Borno State reported that on April 19, 2010, he was hand cuffed, beaten and had water poured on him by Sergeant Aminu Abubakar, of Ibrahim Taiwo Road Police Station Maiduguri on allegation of breach of contract.



Ibrahim Mai Mai's knee showing injury inflicted on him as a result of beating by Sergeant Aminu

Recommendations

1. Any Police officer found to be involved in the torture should be dismissed and prosecuted.
2. There is need for training and retraining of all law enforcement personnel on all aspects of human rights.
3. The practice by the Police parading suspects/detainees before the media should be stopped.
4. The Police and other security personnel should be cautious of abuse of their powers particularly in handling matters that are civil in nature.
5. The witness/victim protection mechanism should be strengthened.

Chapter Three

Police, Prisons And Other Detention Centres

Introduction

Personal liberty is a fundamental right which cannot be denied. However, detention and arrest are exceptions permitted by law. These exceptions nevertheless, must conform to the minimum standards set by law for the treatment of persons whose right to liberty has been lawfully deprived. The general principle as defined by Articles 9 and 10 of the International Covenant on Civil and Political Rights provide that no persons shall be deprived of their liberty except on such grounds as established by law, and all such persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person. Akin to this principle is the provision of Sections 34 and 35 of the 1999 Constitution of the Federal Republic of Nigeria, the Convention Against Torture and several other international and regional instruments.

In addition to the international and constitutional provisions, various international, regional and national principles are also in place to guarantee the rights of persons in this area. Amongst these are the UN Standard Minimum Rules for the treatment of prisoners, Body of Principles for the protection of all persons under any form of detention or imprisonment. Similarly, the Nigerian government has developed a National Action Plan for the Protection and Promotion of Human Rights in Nigeria aimed at ensuring a systemic protection of rights by all ministries, departments and agencies (MDAs) of government. In addition, the Federal Government has since 2006 commenced the implementation of the decongestion strategy as recommended by the National Working Group on Prisons Reforms and Decongestion (NWGPRD).

However, despite the foregoing, a plethora of cases of violations in police cells, prisons and other places of detention abound in the country. This can be attributed to the anomalies prevalent in the administration of criminal justice. In the period under consideration, the country's Police cells were a far cry from the minimum standard required by the law. In most cases, suspects were subjected to inhuman and degrading treatments. Cells designed for a limited number of detainees are overstretched beyond capacity. Arbitrary and unlawful detention of suspects beyond the Constitutional provision, torture in a bid to extract confession and other outright acts of impunity abound. Ventilation is poor, toilet and other sanitary facilities are mostly non-functional and overstretched.

The situation is not different with the prisons and other places of detention in the country. For a long time, the Nigerian prison system has been plagued with numerous challenges. The prison is faced with the problem of overcrowding, as a result of large number of pre-trial detainees. In most cases, this category of detainees spends more time than the maximum sentence prescribed for the offences. There is also the problem of dilapidated buildings, inadequate facilities, poor access to justice amongst others.

In 2009 and 2010, the Commission carried out audit of 45 selected prisons across the 6 geo-political zones. Below are some of the findings:

- The number of awaiting trial inmates far out-numbered the convicts.
- There were inmates who have spent over two years awaiting trial for minor offences like theft.
- 80% of the prisons were built by the colonial administration and are now old and dilapidated.
- Most of the prisons have not undergone any major renovation or repairs since they were built and need urgent renovation.
- A few prisons were built by the Federal Government after Independence. These include Kebbi New - 1991, Makurdi - 2001, Okene and Oyo - 2007, while Kuje prison built in 1989 and renovated in 2004.

In some instances, mentally unstable persons were found in some prisons despite the fact that they require special care and attention. Inmates who are confirmed to be mentally unstable should be referred to psychiatric hospital where they can receive proper medical attention. None of the prisons visited had facilities to take care of psychiatric inmates. The Enugu Prison had 87 lunatics; Owerri – 19, Aha – 45, Abakiliki – 15 and Awka – 5. Others were Warri – 14, Kano – 12, Ilorin and Jos – 10 each, Kirikiri maximum – 9 and Ilesha – 6.

It was found that the number of lunatics in the South East Zone was attributable to the detention of persons regarded as civil lunatics. These are persons who have committed no crime but detained on orders of Magistrates, at the instance of their families. ■

Some of the cases monitored by the Commission under this chapter are summarized hereunder.

On 6th June, 2009 Mallam Buha Abatcha, 65, and Abubakar Malami, 34, were arrested by the Joint Military and Police Patrol Team (Operation Flush II), Gwoza Unit and taken to Maiduguri on 7th June, 2009. Mallam Abatcha was said to have been arrested and detained for marrying out his daughter, Zainab Buba, 26, to Abubakar Malami. In the course of the detention, Mallam Abatcha was beaten, as a result of which he was admitted at the General Hospital, Bama Local Government Area, Borno State.

On 17th May, 2009, Malam Hussiani Alhassan, 49, and his son Musa Hussaini, 20, of Kololori, Gwange, Maiduguri Metropolitan Council, were arrested by the Joint Military and Police Patrol Team (Operation Flush II) and detained for four days at their special detention center without trial on the allegation of causing injury to one Ali Gana during a fight and were only released at the intervention of the Commission.

On 12th March, 2009, at about 6:00 pm, Malam Gambo, 26, Hajara, 20, Hauwa, 19, Bilki, 19 and two other female actresses of Kashim Drama Hausa Film Production, Bulunkutu, Maiduguri, were arrested by a team of Policemen from Ibrahim Taiwo Police Division, led by one Sergeant Alabi.

The State Chairman and Zonal Coordinator of Kashim Drama Hausa Film Production, Malam Zaina Sadi and Abdullahi Sadona, reported to the Commission, stating that Malam Gambo, who was being pursued by the Police, ran into their premises, during rehearsal. The Police followed him and in the process, arrested five of their female members without any reason. The police then demanded for N25,000 before the victims would be released.

In December 2009, one Emmanuel Okey reported to the Commission that Ifeanyi Nnaji was arrested and detained for 5 days without trial at the Force CID, Area 10, Garki, Abuja. He was earlier arrested and released but re-arrested on alleged conspiracy and culpable homicide. Though the Police admitted that there was no evidence linking him with the crime, he was left in detention without trial.

Chika Kenneth, male, 22, and a secondary school drop-out was arrested on 8th November, 2008 at Upper Iweka Market in Onitsha, Anambra State by men of the Special Anti-Robbery Squad, (SARS) Adeniji Adele, Lagos. According to Chika, a man who identified himself as one of his boss' boys called him to come to the Market and help offload a truck, but on getting there he was arrested on the allegation that he stole phones valued over N2 Million. The victim stated that he was handcuffed and taken to Lagos, without the knowledge of his family or relations.

The victim further stated that he was detained at SARS Adeniji Adele Police Station, Lagos State, for over a year without trial. He relied on other detainees for feeding, as none of his family members knew his where about. The victim claimed to have been tortured severally by the IPC, who insisted that he should confess. Chika, who denied the allegation, stated that it was during interrogation that he got to know that one of his customers who usually brought goods to them to offload had diverted and sold the goods. All effort to convince the Police that he knew nothing about the goods yielded no positive response.

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Stating further, Chika claimed that after several months in de he was granted bail on the intervention of a Police man, who him in contacting his mother. He stated that he was how arrested two months after and has since been in detention with or had had no communication with his family.

Chief Obed Igwe complained to the Commission, stating that November 2009, men from the Special Anti-Robbery Squad Adeniji Adele, Lagos, arrested and detained him and his son for than one week. According to Chief Obed, they were arrested Hindus Krishna Temple, No. 14, Godwin Nneke Street, Oshun, Lagos by about 12 gun-wielding Police officers, informing them of the reason for their arrest. He stated further he was taken away with only a loincloth around his waist despite plea to get properly dressed.

The victim further stated that they were subjected to inhuman degrading treatment as they were kicked and made to lie on the floor of the bus on their way to the Police station. It was at the station he was informed of a petition against him alleging that he committed fraud involving the sum of N1.7 Million Naira, and thereafter, refund the N1.7 Million Naira and pay an additional N2 Million for the case to be closed.

While in detention, Chief Obed was informed by a detainee that there were several other detainees who had spent long periods of detention and subjected to different forms of torture, inhuman and degrading treatment.

Obiora Egbu, complained to the Commission, stating that on the 1st of August 2008, he was arrested along with five other persons and detained and tortured, at SARS Office, Enugu. The arrest took place in a nearby shop at No. 3 Chizoka St. Awkunanawa, Enugu, where Policemen raided the shop and ordered everyone to lie on the floor. They were physically assaulted before being pushed into the van and driven to SARS office at Golf Estate, Enugu.

He further alleged that while at the station, their legs were hung on a pole and teargas sprayed into their eyes. Sometimes they were made to lie on their back; with legs folded up while the knees and ankles were tied together. The victim also gave a gory description of how a pipe attached to a rope hanging from a ceiling fan was passed between their legs and arms while the Investigating Police Officer (IPO) pulled the rope until they suspended in the air. All these and other acts of torture were to forcefully extract confessional statements from them. One of the victims, Ekene died as a result of the acts of torture.

In September 2009, Odumegwu Adolphus, Ogbonnaya Ogochukwu, Okonkwo Kennis Victor, Sunday Okoye, Hussein Yusuf, Isah Ibrahim, Ibrahim Mohammed, Eze Leonard Heanyi, Andy Asogwa, and Amichi Nnamdi were said to have been arrested at Nsukka in Enugu State on charges of kidnapping. While in detention, they were alleged to have been subjected to various degrees of torture, inhuman and degrading treatment. Their relatives and lawyers were said to have been denied access to them. They were thereafter transferred to Abuja and paraded before the press by the Inspector General of Police, Ogbonnaya Onovo, as kidnappers. The victims were said to have been taken back to Enugu and executed on September 20, 2009. Investigation revealed that the corpses were deposited at the University of Nigeria Teaching Hospital (UNTH), by one Corporal Ugochukwu Ozoude of SARS, Enugu.

On the 23rd October, 2009, Mrs. Chidinma Obi lodged a complaint at the National Human Rights Commission, alleging the unlawful arrest and detention of her husband Mr. Obi, by Policemen attached to the Monitoring Unit of the Commissioner of Police Lagos State. Upon investigation, it was discovered that the victim, Mr. Innocent Obi, along with two other persons imported some goods in two containers. The victim contracted the service of a clearing agent, one Mr. Chukwudi, to clear the goods. One of the containers was successfully cleared from the port. However, the second container along with the goods inside was auctioned by the Ports Authority due to delay in clearing same. Consequently, one of the partners who imported the goods felt aggrieved and reported the victim to the Police, who arrested and detained him. He was granted bail but rearrested on the

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19th day of November, 2009, by the same Police unit, and kept in detention. The Investigating Police Officer (IPO), one Mr Akpan, said to have demanded that the victim must pay the sum of one hundred thousand naira (N 200, 000), before he would be released. But at the intervention of the Commission, he was released on bail.

On 21st November, 2009 at about 4:15 am officers from the Special Anti-Robbery Squad (SARS), located at Borrokiri, Port Harcourt, Rivers State invaded the residence of Engr. Patrick Odili at Oyi, a suburb of Port Harcourt, claiming to be searching for one of the persons suspected to be involved in armed robbery. He was, however, taken hostage when they did not find the suspect.

On 17th April 2009, the Commission received a complaint from Chief Titus Ibeku of Ahoada Local Government Area of Rivers State, stating that his son, Chika, had been arrested by Police officers from Omoku Police Station and detained without being informed why he was arrested.

According to Chief Ibeku, upon enquiry he was informed by the DPO of Omoku Police Station that his son and some of his friends were driving around Port Harcourt in their Jeep. He claimed that his attempt at taking his son on bail failed. Instead, he was transferred to SOS where he was accused of armed robbery.

At SOS, Chief Ibeku attempts at seeing his son failed. On 17th April 2009, he was informed by an anonymous person that his son had been executed by the Police.

On 10th December 2008, a team of about 20 policemen from the Enugu State Command stormed the residence of an Enugu State lawyer and left a message inviting him to the station. On reporting to the Police station he was accused of writing reports against the Police officers, Mr. Jude Agbanajelo. In a twist of events, the Police preferred another charge of complicity in armed robbery and kidnapping and consequently detained him for two days and subjected to torture, inhuman and degrading treatment.

The Abuja Association of the Deaf Persons laid a complaint to the Commission stating that Nasiru Dahiru, a hearing impaired person was arrested for picking the pocket of the then Hon. Minister of Sports, Alh Isah Bio. The association claimed that Mr. Dahiru was detained at Zone 3 Police station for two weeks before being charged to court on 16th October, 2009. Nasiru Dahiru claimed innocence of the crime but was said to have been denied fair hearing because of his hearing impediment.

Mr. Ikechukwu Chirah complained to the Commission on behalf of Mr. Chibuzo Isiuzo, Mr. Nwankwo Okonkwo and 26 others that were detained after the Osile Ogunike disturbances and mayhem of 2nd March, 2007. According to the complainant, 16 of them were released in October, 2007 while the remaining 10 were left in detention. Chibuzo Isiuzo and Nwankwo Okonkwo were charged to court in November, 2007 and granted bail on 12th March 2009.

On 18th January 2010 Ramatu Adamu, 18, of Gwange ward, Maiduguri was unlawfully arrested and detained on allegation of defamation of character and theft. She was detained for more than 24 hours at Gwange Division, Borno State. She was later released on bail after paying the sum of Three Thousand, Five Hundred Naira (N3,500.00) and giving an undertaking to pay the sum of Forty Seven Thousand, Six Hundred Naira (N47,600.00) as compensation to Malam Nuhu Yahaya, her ex-husband..

On 5th January, 2010, Mr. Chidi Wobo was said to have been arrested at Rumuokwuta roundabout by Police officers from Rumuepirikom Divisional Police Station in Obio-Akpor Local Government Area, Rivers State and detained. He was thereafter transferred to the Swift Operation Squad (SOS) Office, Port Harcourt, where he was detained for months without bail. Upon inquiry, his family was informed by the DPO that he was being held for armed robbery as his name was mentioned by other armed robbery suspects. According to Mr. Wobo's family, they were not allowed to see him. Mr. Chidi Wobo also complained that his statement was extracted under duress.

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Justice Onyebuchi, 16, from Isu L.G.A, Imo State and a junior at Amandogba Technical Secondary school, was convicted by Amandogba Magistrate Court for Stealing

Ifediora Okororie, 16, Primary 6 student of Central School, –Imo State. He was convicted and sentenced to 5 years imprisonment by Oguta Magistrate Court on 5th October, 2009 for stealing hundred naira (N300.00)

Uchenna Oghonna 17, student of Christiana Memorial Secondary School, Oguta, was convicted and sentenced to five years imprisonment, by Magistrate Court, Oguta, on the 5th day of October, 2009, for stealing Three hundred naira (N300.00).

Chijioke Anozie, 17, was convicted and sentenced for stealing hundred naira.

Recommendations

POLICE

1. There is need to mainstream human rights into the training curriculum of the Nigerian Police.
2. There is need to criminalize torture and domesticate both the Convention Against Torture (CAT) and Optional Protocol thereto.
3. There is need to sensitize the Police on their role in a civil society.
4. Police cells should be kept clean and provided with adequate and functional facilities.
5. Holding charge should be discourage.

PRISONS

1. Old and dilapidated prisons should be renovated. Where renovation is impossible due to space, the prison should be relocated from their present location.

2. Fast-tracking of judicial processes is also recommended in order to quickly adjudicate on matters, thereby reducing number of Awaiting Trials.
3. More barracks should be built to take care of accommodation needs of officers in order to improve their morale and productivity.
4. More Borstal/remand homes should be built in each of the geo-political zones to accommodate children in-conflict with the law.
5. Psychiatric cases should be referred to Psychiatric institutions.
6. Non-custodial form of sentencing, like fines, community service, suspended sentence, parole, etc, should be encouraged for minor offences to reduce prison congestion.
7. New prisons should be built nationwide and existing ones expanded, to cope with the increasing number of prison population.
8. Prison facilities should be upgraded to meet acceptable international standards. In particular, transport facilities should be regularly maintained, to facilitate movement of inmates to courts.
9. The welfare of inmates and prison officers should be periodically reviewed and enhanced. In this regard, adequate beds and bedding, uniforms, adequate feeding, etc should also be provided for the prisons.
10. More office accommodation should be provided and existing ones renovated, properly furnished and equipped to provide conducive working atmosphere for enhanced service delivery.

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11. The prison hospitals or clinics should be adequately stocked with medicines/medicaments, and fully equipped to cater to most forms of ailments suffered by inmates. They should also be provided with a serviceable ambulances and dedicated vehicles, to enhance the quality of health-care to inmates.
12. There is need to provide adequate natal and post-natal facilities for women and children in prison facilities.

Chapter Four

Freedom Of Expression And The Press

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Introduction

Freedom of expression and the press is one of the attributes of democracy aimed at promoting transparency, accountability, good governance and democratic participation. Under democratic dispensations, the media has freedom to express their views and promote exchange of information without fear of any repercussions thereof. They must however be transparent, accountable and responsible in carrying out their responsibility. Section 39 of the 1999 Constitution of the Federal Republic of Nigeria and Article 9 of the African Charter on Human and Peoples' Rights guarantees freedom of expression and the press. Also Article 19 of the Universal Declaration on Human Rights states that everyone "has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, to seek, receive and impart information and ideas through any media and regardless of frontiers".

These legal frameworks have over the years, encouraged the growth of a vibrant press that is critical of unpopular government policies. Nigerian press has been widely described as one of the freest in Africa. Nigerians are also known to have unrestricted access to the internet with only a few reported cases of government interference with free flow of information on the web.

Notwithstanding the avalanche of legal provisions, journalists occasionally face arbitrary arrests, detention and sometimes get killed in the course of their work. Media houses also suffer illegal closure by security agencies when they are perceived to be too critical of the government. In 2008, agents from the Department of State Security (DSS) shut down Channels TV, a private TV station, for reporting

that President Yar'adua might resign on health grounds. This cowed the media into self-censorship, which prevented them from reporting the health condition of the President even when it deteriorated towards the end of 2009. Access to information held by public institutions also remained hindered by the Official Secret Act of 1962 while the FOI Bill which seek to promote access to information, is yet to be passed into law, ten years after at the National Assembly (NASS). These developments have adversely affected the ranking of Nigeria in the global press freedom index. In its 2009 Press Freedom Index, Reporters San Frontiers rated Nigeria 135th out of the 175 countries assessed.

Below are some instances of violation of the right to Freedom of Expression and the press during the period under review:

On June 23, 2009 six journalists viz: Obinna Ume (AIT), Daniel Ayemere (MBI), Aderemi Omotoso (FRCN), Alphonsus Agborh (Nigerian Tribute), Albert Ognaka (TheTide) and Nkem Nweke (DRTV Warri) were assaulted by a Team of Policemen from Delta State Police Command, attached to the State Ministry of Lands and Survey Task Force on Demolition of illegal structures, in Delta state.

According to Daily Trust Newspaper of June 25, 2009, the Journalists were covering a demolishing exercise carried out by the Task Force along Government house Road, Asaba, when they were ordered to lie down in a gutter and made to frog jump, by the task force team led by ASP P.B Ubari.

The Newspaper further stated that Police Inspector Mesubi S Gabriel, also a member of the Task Force, ordered the beating of the journalists. In the process, Obinna Ume's medicated eyeglass was damaged, while Daniel Ayemere, MBI correspondent, was severely beaten with gun butts and had to be rushed to the hospital.

The Daily Trust Newspaper of July 26, 2009 reported that the Benue State Government was harassing and threatening journalists in the State. According to the report, the Chairman and Secretary, Nigeria Union of Journalists (NUJ) Benue Correspondents Chapcl, Mr Abel

Orib Idoma and Sam Tyav, respectively, were threatened through messages by persons believed to be agents of the State Government for refusing to compromise the ethics of their profession.

The newspaper further stated that, on July 17, 2009 Mr Ephraim Apiah, publisher of the "News Waver" Newspaper, was attacked by thugs suspected to be sponsored by the Government, leading to his hospitalization.

The Police Public Relations Officer (PPRO) of Benue State, Dr Samuel Jinadu, corroborated the statement, stating that the Commission had received the complaint on the attack on Mr Ephraim Apiah and was yet to commence investigation.

August 2009, Abdulnasir Abubakar, a news editor, and Abubakar Ibrahim, a reporter, were suspended by the Ministry of Information and Management of Rima Radio, Sokoto State. They were said to have been suspended over a report credited to them which exposed corruption in the State's Ramadan Feeding Programme.

According to the report, when they visited the designated centers for the programme, they observed that the people were not being fed according to specifications despite the fact that the state government released N100 million for this annual exercise aimed at helping the poor and privileged in the state.

September 2009, two Journalists, Mr. Osamuyi of the Independent Television/Radio and Mr. Friday Otabor of the Nations newspaper were assaulted by the ad-hoc committee set up by the Edo State Government to enforce compliance with the master plan for beautification of the State.

According to the Chairman NUJ Edo State, Comrade Friday Otabor and his Secretary, and Uche Olisah, a member of Edo State Executive, Mr. Osamuyi of ITV/Radio, was manhandled, and his digital camera seized by members of the State Task Force.

Mr. Friday Otabor of the Nations newspaper was also assaulted and had his recorder destroyed and his cloth torn to shreds by a member

the ad hoc committee, while interviewing motorist on alleged extortion carried out by members of the committee.

On 13, August 2009, at Ilam, Mr. Joseph Hir, of Judges Quarters Gboko Road, Makurdi, Benue State and a correspondent with Daily Trust newspaper, was attacked, and severely beaten at his residence by unknown armed thugs for allegedly publishing a story, viewed to be detrimental to their political interest. The victim stated that in the course of the attack the thugs smashed his Honda Acura car with registration number AU 423 SKK, was damaged, he was beaten and warned to desist from further publishing any such detrimental reports or face life threatening consequences. According to Hir, he had before now been threatened over his publications.

On 18 October, 2009, armed Policemen invaded the Hausa service studio of the Federal Radio Corporation of Nigeria, (FRCN) Kaduna and forced the continuity announcer to air a programme. According to the station's Acting Deputy Director Programme, Alhaji Sami Gwarzo, the Zonal Director, FRCN, Kaduna Alhaji Ladan Salihu, stormed the station with armed policemen, and forced the reporter on duty to air a programme sponsored by the Katsina State Government, "*Gaba Dai, Gaba Dai Jihar Katsina*", which the Director General, FRCN had suspended. Gwarzo further alleged that the Zonal Director's desperation to air the programme was due to the fact that he had collected the sum of N5.2million as fees for the program which he converted to personal use.

On Thursday April 1, 2010 at 2:25pm, the Special Assistant to the Governor of Imo State, Mr. George Egu allegedly led a team of policemen and vigilante group in vans marked "New face Organization vigilante" and armed with locally made guns, pump actions, machete, dagger, axe etc and invaded a Printing company, Excelsior Press Limited, located at Owerri, Imo state. They allegedly forced their way into the company without a search warrant. They carted away customers printed jobs and impounded the books printed for a group known as "The Alliance for Good Governance of Imo State" (a political group operating in Imo State). The title of the book reads "The Guarantee for Good Governance, Ohakim Must Go".

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Also during the raid, they allegedly destroyed several production equipment valued at millions of naira. They also arrested seven members of the company, Emeka Ugochukwu, Miss Ego Chikala; Chiamaka Ohalemi; Ime Bassey; Chinedu Igrigu and Sonye Harry. They were accused of *Distributing Subversive Materials against the Government to incite the public against Governor Ikedi Ohakim*. They were detained at the State Government House, and paraded on television as persons 'spreading fake seditious materials about the government'. They were made to kneel down for 6 hours, holding up the 'seditious' materials in their hands, and later handed over to the Commissioner of Police who ordered their detention for five days before being charged to court and later granted bail.

Mr. Ikeana Samuel, a freelance journalist, was on January 7, 2010, arrested by a team of security forces from his residence in Ikenebu Layout. He was taken to the State Security Service (SSS) where operatives took away his laptop and mobile phone unlawfully detained him. He was accused of 'spreading seditious materials against the Government'. He was held for five days without access to his family and legal representation. Samuelson was later granted bail.

Onyinvechi Nwangwu, Daily Champion reporter, on February 16, 2010, reported that the Foreign Affairs correspondent of the Daily Champion, Mr. Jude Opara, was on February 16, 2010, assaulted by Police teams headed by ACP Sunday Odukoya. According to the report, the incident occurred at the entrance gate of Transcorp Hotel, Abuja, venue of the 37th Ordinary Summit of the ECOWAS Heads of State and Government.

According to the report, the victim tried to make a turn at the gate of the hotel, but was stopped by the Area Commander (Metro), Assistant Commissioner of Police, Sunday Ogunkoya, who hit the victim with his car, thus forcing him to stop. When the victim alighted from the car, the ACP with his men immediately beat him up and subsequently

took him to Maitama Police Station, without letting him know his offence was. Even as Mr. Opara tried to explain, Odukoya seized his official ECOWAS medal and impounded both his car and other official and personal items. The Police boss immediately charged Mr. Opara to Magistrate Court, claiming he was causing obstruction by failing to obey hand signal thus contrary to section 390 and 15 of the Road Traffic Law. He claimed his conduct obstructed the conveyance of Dr. Goodluck Jonathan. Mr Okpara was then released. Presiding Magistrate, Mr. Bashir Alkali, said the case was adjourned to March 8th, 2010.

On September 20th 2009, Bayo Olu Assisani, Editor of Daily Newspaper was shot dead in front of his club while investigating a case of fraud at the Customs and Excise. The Police were still investigating this matter.

In December 2009 DSS Agents detained Editor of Daily Newspaper, Ahmed Shekarau following the security plans being put in place in the event of the death of Yar'adua who was terminally ill.

Recommendations

1. The legal protection to freedom of expression in the CFRN 1999 should be upheld and those responsible for interfering with press are brought to justice at internationally acceptable standards.
2. The NASS should accelerate the process of declassification in order to promote the free access to information by government institutions.
3. Steps should be taken to repeal the provisions of the government owned national broadcast law and the FRCS should be made autonomous.

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Chapter Five

Freedom Of Thought And Religion

Introduction

Religion is as old as man. Freedom of religion is one of the civil liberties alienable to man. To therefore divest a man of his religious belief is akin to denying him of his existence. Religion and belief are common words and often used loosely and interchangeably. While religion is ascribed to faith in a super being, belief -sometime an offshoot of religion- on the other is rooted in traditions, conventions, taboos and folk-protocols. Man holds his religion close to heart and he is always prepared to stake his life/existence for it. This probably informs extremist tendencies being displayed by some religious faithful.

Section 38 of the 1999 Constitution of the Federal Republic of Nigeria, expressly provides for the freedom of thought, religion and conscience.

Before the menace of Boko Haram assumed the present frightening dimension, Nigeria had experienced some isolated cases of religious extremism in between the two most popular religions Islam and Christianity. For instance, a group of Muslim fanatics in Kebbi state seized one of the members of their community whom they believed had desecrated their religion and slaughtered him.¹ Also one Reverend Chukwuemeka Ezeuko aka 'Reverend King' of the Christian Praying Assembly, Lagos was also sentenced to life imprisonment for causing death of some members of his church.²

Recommendation

Persons should be allowed to hold views on religion without fear of molestation.

Chapter Six

Trafficking In Persons

Introduction

Trafficking in Persons has been recognized as one of the worst forms of human rights violations in modern times. It involves the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, for the purpose of exploitation. Article 6 of the Convention on the Elimination of All forms of Discriminations Against Women (CEDAW) provides that State parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and sexual exploitation. Section 34 (1) of the 1999 Constitution states that:

- (1) *Every individual is entitled to respect for the dignity of his person, and accordingly -*
- (a) *no person shall be subjected to torture or to inhuman or degrading treatment;*
- (b) *no person shall be held in slavery or servitude; and*
- (c) *no person shall be required to perform forced or compulsory labour.*

In Nigeria as in most other countries, victims of trafficking are mostly women and children and Nigeria has been identified as a country of source, transit as well as destination for trafficking in persons. Trafficked women and children are recruited mostly from rural areas for forced involuntary domestic servitude and forced commercial sexual exploitation. The boys are forced into street vending and different forms of servitude including mining and begging. Children from West African states like Benin, Togo, and Ghana, where Economic Community of West African States (ECOWAS) rules allow for easy entry, are forced to work in Nigeria where they are subjected to hazardous jobs in farms and mines. Nigerian women and girls are taken to Europe, especially to Italy, Spain and Russia, and to the Middle East and North Africa, for forced prostitution.

The Federal Government in an effort to address Traffic Persons (TIP) set up the National Agency for the Prohibition of Traffic in Persons (NAPTIP) in 2003. In 2005 the NAPTIP Law was amended to position the agency for more efficient effectiveness in the discharge of its mandate. Since this amendment the government has demonstrated its commitment to combat trafficking in persons. In 2009, the government, through NAPTIP, convicted 26 trafficking offenders and provided care for victims. This indicates an increase over the preceding years as seen in the table below. It also continued to undertake strong efforts to raise awareness of human trafficking.

A Guideline for the Protection of Children in Formal Care developed by stakeholders and adopted in December 2009. In addition NAPTIP formed a committee in mid-2009 to review victim care policies aimed at striking a balance between ensuring victim safety in shelters and promoting their freedom of movement. NAPTIP data reflects that out of a total of 1,109 victims identified and provided assistance at one of NAPTIP's eight shelters throughout the country in 2009, 624 were cases of trafficking for commercial sexual exploitation and 328 for labor exploitation. A Victim of Trafficking Trust Funds was set up where monies realized from the sale of confiscated and forfeited assets of convicted traffickers is paid into for the benefit of the victim. The Trust Fund is chaired by the Attorney-General of the Federation and the Minister of Justice.

In 2009 and 2010, NAPTIP received 967 victims⁶ consisting of 711 males and 258 females within the age range of 0 – 28 years. Most of these victims, especially the females have been rehabilitated through enrolment in school, skill acquisition and other forms of resettlement. A total of 197 cases were reported out of which 174 were investigated. The reported cases involved 224 suspected traffickers some of whom have been prosecuted successfully. A total number of 26 traffickers were convicted in 2009 and 19 in 2010.⁷

⁶ Annual Report 2009/2010 of National Agency For the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP).

⁷ See above.

In 2010 the Lagos State government, in an attempt to combat trafficking and prostitution, carried out a raid of some brothels where some women including some under aged victims of trafficking were rescued. They also prosecuted the owners of the brothel; one of them was sentenced to 2 years in prison, while a second one is undergoing trial as at the time of this report."

Apart from NAPTIP, the Nigeria Police, Customs and Immigration have put in place several measures to prevent trafficking and protect victims. These efforts aimed at combating human trafficking led to the removal of Nigeria in 2009, from Tier-2 watch list to Tier-1 on the United States rating for anti-human trafficking compliant nations of the world. This shows that Nigeria is complying with the best standards in the fight against trafficking in persons. This rating was retained in 2010 according to the 2010 Annual Global Trafficking Report."

SUMMARY OF CONVICTIONS BY NAPTIP SINCE 2004 MAY

	2004	2005	2006	2007	2008	2009	2010
Abuja	-	-	-	-	-	3	1
Lagos	-	2	1	1	3	5	1
Kano	-	2	-	-	7	3	13
Uyo	-	-	1	-	1	2	1
Benin	1	-	1	4	1	3	7
Sokoto	-	-	-	-	11	10	4
Enugu	-	-	1	2	2	-	2
Maiduguri	-	-	-	-	-	-	1
TOTAL	1	4	4	7	25	26	30

Source: NAPTIP, www.naptip.gov.ng

However, challenges in combating human trafficking in Nigeria include uneven adoption of international instruments against trafficking leading to non-uniform level of standards and

¹ US Department of State (2010). Trafficking in Persons Report 2010.

² NAPTIP News (2010). Vol.2, No. 2. A publication of the National Agency for the Prohibition of Traffic in Persons.

commitments amongst neighbouring countries. Trafficking, transborder and organized crime requires cooperation between countries for the measures aimed at combating it to be effective. Other challenges are weak enforcement of the rights of victims, inadequate shelter and safety nets, poverty and ignorance which people fall prey to it. In other cases, the clandestine nature of human trafficking makes it difficult to track or combat.

Below are some reports of Trafficking in Persons in 2010

On 20th September, 2010, Helen Obi was arraigned before the Federal High Court Sokoto by NAPTIP on charges of deceit and coercion and for luring 6 girls between the ages of 17 and 20 with the intention of transporting them across the border for exploitative sex contrary to Section 19(b) of the Trafficking in Persons Enforcement and Administrative Act, 2003 as Amended. She was found guilty and sentenced to 10 months imprisonment on October, 2010.

On 18th March, 2010, Abdulsalam Pangu, a Security man at S. Kasuwa Banggida Farm Minna, Niger State, was arraigned before the High Court Minna by NAPTIP for operating a brothel in his Security room where under aged girls whose ages ranged between 10-15 years were forced into prostitution by him. On the 25th of May 2010, he was convicted on two counts and sentenced to 6 and 2 years imprisonment respectively, with an option of Two Hundred Thousand Naira fine.

Cynthia Power was arraigned by NAPTIP before the Federal High Court, Sokoto on 19th February, 2010 for organizing foreign travel of 2 girls for the purpose of prostitution contrary to Section 16 of the NAPTIP Act. She was convicted and sentenced to 2 years imprisonment on the 15th of March 2010.

Recommendations:

1. The different arms of government should partner with governments of neighbouring countries to ensure uniform legal regime against human trafficking in order to check the trans-border movement of victims.
2. NAPTIP should be empowered to enforce the rights of victims of human trafficking. In doing this, they should partner with National Human Rights Commission and other relevant agencies.
3. Additional shelters should be provided for victims of trafficking. Such shelters should be equipped to provide short-term respite while efforts are being made to rehabilitate and resettle them.
4. Adequate and sustained enlightenment should be carried out in the schools, communities, places of worship, market places and other public places. The media should be actively involved in this to ensure that people are adequately sensitised on the dangers of trafficking and the *modus operandi* of traffickers.
5. Poverty predisposes people to trafficking. Government should ensure that poverty eradication schemes are properly implemented so that the benefits can reach the people for whom they are meant. Unemployment should be addressed through job creation, skill acquisition and provision of credit facilities to encourage small and medium scale enterprises.

Chapter Seven

Access To Justice

Introduction

The notion of access to justice is at the heart of the rule of law and the judicial process. This is so for Nigeria as for the whole world. Concepts, such as the separation of powers among the different arms of government, fair trial, fair hearing, and constitutionalism, are increasingly getting global attention and becoming entrenched, especially in established democracies. All these are pre-requisites for an enabling environment for access to justice as they help eliminate the clogs to the citizens' access to justice.

In recognition of this all-important concept, the Universal Declaration of Human Rights (UDHR) provides in Article 7 thereof that *"all are equal before the law and are entitled without any discrimination to equal protection of the law."*

The UDHR enumerates certain essentials to the attainment of individual dignity and social order. It affirms that everyone is entitled to the equal protection of the law; that the accused must be presumed innocent until proven guilty, in a fair and public hearing, by an independent and impartial tribunal; and that no one should suffer arbitrary arrest, detention or exile. These principles have been further amplified in the International Covenant on Civil and Political Rights (ICCPR). Indeed, the ICCPR enshrines judicial rights as a matter of law, and not just principle. These include the right of every human being to a fair trial, immunity from arbitrary arrest and immunity from retroactive sentences.

In Nigeria, this principle is enshrined in Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), particularly Sections 35 and 36

thereof. For instance, Section 35(1)(c), CFRN states that no person shall be deprived of his liberty save

"... for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence."

In underscoring the importance of the right of the citizens to access to justice, Subsection (4) of Section 35, CFRN provides that:

"(4) Any person who is arrested or detained in accordance with subsection (1)(c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of – two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date."

Section 36, CFRN further fortifies the stipulations of the UDHR and ICCPR on fair trial with a wide range of provisions on fair hearing, which is perhaps, the most pivotal ingredient of the citizens' right to access to justice. However, these conventions and the foregoing constitutional provisions remain largely unenforced, and respect is more in the breach than in the observance. Our prisons, overflowing with Awaiting Trial Inmates (ATI), while the PNDLEA, EFCC cells and other detention centres are replete with detainees who, more often than not, have no real access to justice, in respect of whom all the foregoing constitutional and international safeguards are all but ignored.

Unfortunately, even when cases are eventually charged to court, the trial lingers on indefinitely and as a result of the inordinate delays, mistrials are the order of the day, ultimately occasioning miscarriages of justice. The causes for the failure of fair trial in Nigeria are legion, but include, *inter alia*, the ill-preparedness of prosecutors; the inability of the Police and Prison Officers to convey the accused persons (most of whom are ATIs) to court on adjourned dates because of logistics/transport problems; transfer of judicial officers/magistrates, a phenomenon which inevitably causes cases to, very so often, start *de novo* (all over again); and frequent requests for adjournments by defence counsel and, curiously enough, by prosecutors alike, etc.

Besides all these, is the hydra-headed cankerworm of corruption. Corruption undermines the independence of the judiciary and hence the doctrine of equality before the law, for which reason the United Nations Convention Against Corruption (UNCAC), adopted by the General Assembly in 2003, recognizes the adverse effects that corruption can inflict on the judicial system. Indeed, other documents of the like effect, such as the Bangalore Principles of Judicial Conduct, had earlier been produced with specific reference to corruption in the judiciary.

Regrettably, as earlier stated, these conventions, many of them being part of international law, remain substantially unenforced even in countries that have ratified them. Sadly, tackling corruption, especially with regard to higher judicial officers, is difficult. In an effort at guaranteeing the independence of the judiciary, some judicial officers are invested with enormous legal immunity so as to insulate them from outside influence. But this necessary precautionary measure may be used by Judges to, unfortunately, rather effectively achieve impunity. This, to a large extent, makes the concept of fair trial elusive, leading inexorably to a denial of access to justice for inmates, nay the society at large, especially the vulnerable groups or disadvantaged communities with already limited means of access to justice. As the absence of fair legal procedures leads to arbitrary use (in fact, misuse) of judicial power, which in turn erodes all other fundamental rights and freedoms, there is, therefore, the compelling need to ensure transparency of the judiciary and in the judicial

process, in order to prevent the weakest (most vulnerable) sections of the society bearing squarely the brunt of corruption in the judicial system. For, as Mary Robinson, former United Nations High Commissioner for Human Rights points out, *"...the way in which justice is administered is a key benchmark of a country's commitment to human rights"*.

It is the realization of this seemingly onerous task, that Nigeria has embarked on several reforms aimed at improving access to justice by all especially the poor, vulnerable and the weak in the society. Some of these efforts were carried out in collaboration with civil society organizations (CSOs), professional bodies such as the Nigerian Bar Association, etc, often times, *pro bono*. Government has also established statutory bodies (like the National Human Rights Commission and the Legal Aid Council) to provide free legal services to indigent citizens. Despite these efforts, the challenge of lack (or, indeed, denial) of access to justice still persists in Nigeria.

Recommendations

1. Delay in prosecuting suspects infringes on their right to a speedy trial and impairs on justice administration.
2. Where the prosecuting authority exhibits lack of diligence to pursue a matter such that it becomes unconscionable to continue to detain a suspect, the judiciary should show greater sensitivity and empathy to such cases, and discharge the accused persons, or, at least, grant them bail.
3. The justice administration should be overhauled.
4. Periods spent awaiting trials should be taken into consideration while sentencing so that the convicts do not suffer double jeopardy.
5. There should be improved collaboration between government, CSOs and other stakeholders, to provide free and/or affordable legal services to people in need, so as to facilitate their access to justice.

Chapter Eight

Persons Living With Disability

Introduction

Persons with disabilities (PWD) are persons who as a result of physical or mental impairment are unduly challenged when carrying out their everyday activities. Regional and international instruments such as the Convention on the Rights of Persons with Disabilities as well as its optional protocol, the International Labour Organisation (ILO) Convention 159 and Article 18 of the African Charter on Human and People's Rights provide for the rights of people with disabilities.

The rights of the disabled include the right to access, on equal basis with others, to the physical environment, transportation, information and communication practice system, the right to access quality mobility aids, devices, assistive technologies and other forms of life assistance, free or at affordable cost; the right to free or affordable health insurance, sexual and reproductive health programme within their communities; the right to inclusive education and lifelong learning opportunities on equal basis with others with adequate facilities and instructors on alternative script, sign language etc.

Nigeria with a large population of Persons Living With Disabilities, although a member of the comity of nations and signatory to most of the instruments on the rights of the disabled, is yet to sign into law a Disability Bill which amongst others, seeks to establish a National Commission for Persons with Disabilities.

Recommendations

1. Efforts should be made to ensure the prompt signing into law of the Disability Bill. The National Assembly should be prepared to exercise its veto powers in the likely event of the Presidential assent thereto.

2. The establishment of skills acquisition centres for the disabled and physically challenged persons.
3. Government should establish special schools with scholarship and special sporting facilities for the disabled persons.

Section B

Economic, Social and Cultural Rights

Chapter Nine

Education

Introduction

Education is a human right that should be accorded to all human beings solely because of being human. In line with this, there are international, regional human rights instruments as well as municipal laws that provide for education as a human right. This includes Article 26 of the Universal Declaration of Human Rights (1948); Article 13 of the International Covenant on Economic, Social and Cultural Rights (1966); Article 25 African Charter on Human and Peoples' Rights (1981). Also there is Article 13 and 14 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Article 28 and 29 of the Convention on the Rights of the Child. Under the municipal law, there is Section 18 of the 1999 Constitution of the Federal Republic of Nigeria, and the Child Rights Act (CRA).

The key index often used in judging development of any country is Education. Research has shown that schooling improves productivity, health and empowerment. It reduces negative features of life such as child labour and crime. This is why there has been a lot of emphasis particularly, in recent times, for all citizens of the world to have access to basic education. In recognition of this, the international community and governments all over the world have made commitments for citizens to have access to education. Despite this, there are still inequalities in access to education, as well as high levels of absolute educational deprivation of both children and adults. In response to this problem of high rate of non-access to education, the Declaration of the World Conference on Education for All (WCEFA), which was made in Jomtien, Thailand in 1990, stated clearly in Article 1 that every person – child, youth and adult – shall be

able to benefit from educational opportunities designed to meet their basic needs. This declaration was reaffirmed at the World Summit for Children also held in 1990, which stated that all children should have access to basic education by the year 2000. The World Summit for Children placed a lot of emphasis on raising the levels of female literacy. In a bid to achieve education goals, the Dakar World Education Forum was held as a follow-up meeting to the WCEFA where new sets of goals were set to be attained by the year 2015. The goals include:

- (i) Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- (ii) Ensuring that by 2015 all children, with special emphasis on girls, children in difficult circumstances and from ethnic minorities have access to and complete free and compulsory primary education of good quality;
- (iii) Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes;
- (iv) Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women and equitable access to basic and continuing education for all adults;
- (v) Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girl's full and equal access to and achievement in basic education of good quality;
- (vi) Improving all aspects of the quality of education, and ensuring excellence for all, so that recognized and reasonable learning outcomes are achieved, especially in literacy, numeracy and essential life skills.

Similarly, the Millennium Development Goals (MDGs) adopted in September 2000 at the United Nations Millennium Declaration has

two of the eight goals devoted to education. They are goal 2 (to achieve universal primary education) and goal 3 (to promote gender equality and empower women).

In line with the above, Nigeria has expressed a commitment to education, in the belief that overcoming illiteracy and ignorance will form a basis for accelerated national development. Regardless of the incontrovertible evidence that education is crucial to the development of the community and the nation, there remain inequalities in access to education, as education is not free.

Each year, the budgetary allocation to education is minimal, leading to drastic reductions in spending on education. The result is unpaid teacher salaries, degradation of education facilities at all levels and strikes in universities and schools. The end result is declining literacy rates in the country. The poor state of education in Nigeria is aptly captured in the National Empowerment Development Strategy as follows:

...the delivery of education in Nigeria has suffered from years of neglect, compounded by inadequate attention to policy frameworks within the sector. Findings from an ongoing educational sector analysis confirm the poor state of education in Nigeria. The national literacy rate is currently 57 percent. Some 49 percent of the teaching force is unqualified. There are acute shortages of infrastructure and facilities at all levels. Access to basic education is inhibited by gender issues and socio-cultural beliefs and practices, among other factors. Wide disparities persist in educational standards and learning achievements. The system emphasizes theoretical knowledge at the expense of technical, vocational, and entrepreneurial education. School curricula need urgent review to make them relevant and practice oriented.¹⁰

¹⁰ Nigeria National Economic Empowerment and Development Strategy, Abuja, National Planning Commission, P. 34

Similarly, according to the Nigeria Millennium Development Goals 2005 report, literacy level in the country has steadily and gradually deteriorated, especially within the 15-24 years group. By 1999, the overall literacy rate had declined to 64.1 % from 71.9 % in 1991. The trend was in the same direction for male and female members of the 15-24 years age bracket. Among the male, the rate declined from 81.35 % in 1991 to 69.8 % in 1999. The decline among the female was from 62.49 % to 59.3 % during the same period.¹¹

Statistics indicate glaring imbalances against girls in enrolment, attendance and completion rates in all levels of education in Nigeria, particularly in the northern parts of the country, due to a variety of socio-cultural and religious factors. It means that the rights of millions of children, especially girls, are violated. It is estimated that 7.3 million school age children are out of primary school majority of them girls.¹² This is despite the fact that educational system in Nigeria is guided by the broad National objectives which are articulated in the National Policy on Education. In solving the problem, the Federal Government of Nigeria in 1999 launched the Universal Basic Education Programme (UBE). Specifically, the Universal Basic Education Act (2004) and the Child Rights Act provide the legal framework for the implementation of the UBE Programme, which makes basic education not only free but also compulsory. In addition, as a signatory to the 2000 World Education Conference, and the 6 Dakar Goals towards achieving Education for All (EFA), Government has also established a National EFA Coordination unit under the Federal Ministry of Education mandated to prepare a National Action Plan for the delivery of EFA in Nigeria.

But there remain lots of challenges facing Nigeria and making it difficult for good qualitative education that would empower and bring about sustainable development. One of such challenges facing education is inadequate funding by federal, states and local governments.

¹¹ Federal Republic of Nigeria (2005), *Nigeria Millennium Development Goals 2005 Report*, Abuja, The National Planning Commission p. 14.

¹² Oluye Igbozor, 'The State of Education in Nigeria' July, 2005

Secondly, there is the problem of access which has attracted a lot of attention particularly in recent years. Studies have been conducted on the reasons why people do not go to school; the people that are usually excluded and the impact of the introduction of user fees. A study conducted by Action Aid published in 2003 showed that the reasons why pupils do not go to primary schools include costs of schooling, opportunity costs, illness and hunger, limited economic costs of education and low quality of schooling.⁵

The costs of schooling include the costs of books, stationery and basic equipment, uniforms, admission fees, registration and examination fees, contribution towards building and maintenance fund, construction fees, transportation, mid-day meal, Parents/Teachers Association (PTA) fees, sports fees, library fees and extra tuition fees. The opportunity cost for parents sending children to school is the children's time that could have been of economic importance to the family either in terms of income generating activities or in supporting the functioning of the household. Limited economic benefits in terms of the fact that those who have completed school have no jobs do dissuade people from going to school. Finally, low quality of schooling particularly with regards to poor physical infrastructures, lack of motivated staff, poor utilization of resources, content of curriculum, nature of teaching methods and relationship of the school and teachers with the wider community can negatively impact on the urge to go to school. It is therefore necessary that fees are abolished, revenue and budget reforms and the need to train and employ more teachers, build new classrooms and provide more facilities to meet the increased enrolment.

Thirdly, there is the problem of poor infrastructures and lack of teaching and learning materials. A huge number of primary, secondary and tertiary school buildings and facilities are dilapidated and unfriendly to pupils. The environment of teaching and learning is not conducive.

In line with the government policies on the UBF, the EFA programme and the MDGs, attention in 2008-2009 period was

⁵ ActionAid (2003), Global Education Review. London, International Education Unit, ActionAid.

centered on net enrolment in primary education, proportion of pupils starting primary 1 who reach primary 5, primary 6 complete rate and literacy rate of 15-24 year olds. However the commitment of government to the realization of the above policies has severally been questioned by stakeholders considering the low budgetary allocation to education and poor implementation of the UBE programme at both the federal and state levels.

Pursuant to the above concerns by stakeholders on the realisation of the right to education of Nigerians, the Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) instituted a case against the Federal Government and UBEC, at the ECOWAS Court, alleging the violation of the right to quality education, the right to dignity, the right of peoples to their wealth and natural resources and to economic and social development guaranteed by Articles 1, 2, 17, 21 and 22 of the African Charter on Human and Peoples' Rights.

On the 30th of November 2010, the ECOWAS Court delivered a judgement, reiterating the position of the laws and instruments, ordering the Nigerian Government to fulfil its obligation, by providing free and compulsory education to every Nigerian child as of right. It reaffirmed that States are obliged to promote and ensure the universality and indivisibility of all human rights as recognized by the African Charter on Human and Peoples' Rights. This judgment followed the court's earlier ruling that declared that all Nigerians are entitled to education as a legal and human right. This decision has put paid to the argument that education is not a fundamental right in Nigeria.

Data obtained from the implementation of the MDGs show that continuous progress was recorded in net enrolment in primary education from 2004 to 2007. As at 2008, the gross enrolment ratio stood at 88.8 though it needed more accelerated progress if Nigeria will meet the MDG target by 2015. However the steady increase in net enrolment as at 2008 was at variance with the decrease in the proportion of pupils starting primary 1 who reach primary 5. Many of the children who enrolled also dropped out of school.

Stakeholders are of the view that unless measures are taken to address the high rate of school dropout, the 2015 MDG target is unlikely to be met.

On primary 6 school completion rate, data from the national bureau of statistics show that wide regional disparities exist in the primary school enrolment and the primary school enrolment rates. Hopefully, the literacy rate for 15-24 year olds in 2005 to 2007 rose from 76.2 % to 81.4 % consecutively. If the 2008 estimate of 80% is sustained, that would be consistent with progress in literacy rate for 15-24 year olds and could make the target realisable in 2015.

In conclusion, the low completion rate is an indication that the learning environment is poor raising an urgent need to improve the teaching standards. This contradicts the rising literacy rate for 15 to 24. Consequently, if nothing is done to the teaching standards, the literacy ratio will stop making progress.

To address the problem of teaching standards, the UBE, the Federal Teachers scheme and the National Teachers' Institute in-service training have started to address the need to improve the quality of teaching. It is hoped that these will address the problem of regional disparities and accelerate progress to enable Nigeria meet the MDGs by 2015.

The Commission received a complaint from Ufeh, Udeuche Nsini of the Department of Metallurgical and Materials Engineering, Nnamdi Azikwe University Awka on the 17th day of February, 2009. The complainant alleged that he was admitted into the school in the 2002/2003 session and at the end of the second semester of his first year, a course coded ICH171 now ICH112 was omitted. He stated that he applied to his department for a review but he received no response. He stated that in his fourth year, he had to write the course again, and for the second time, the result was omitted. After graduating, he was made to come back to write the course for the third time. This time around, the result was credited to someone who did not write the course. The Complainant stated that his complaint to the school authority had yielded no response.

The Commission received complaints from Nwagbujobi Ifeanyi, Abuchi Eze, Fidelis Okiko, Stephen Innocent, Ifeanacho Nwafor, Aneke Ogbonna Jackson Essien, all students of Institute of Management and Technology, (IMT), Enugu, alleging that they applied and paid for regular program in the school, but were admitted as evening students despite meeting the requirements for regular students. Consequently they were disqualified from the NYSC scheme. They stated that when they complained and wrote a petition to the school authority, their representative was arrested and the rest of them were threatened with expulsion from School.

The Commission received a complaint dated June 1, 2009, from the Law firm of Okenna P. Akubuzu & Co on behalf of Mrs Uzoamaka Daniel, (their CLIENT) of no 47 Ozobu Street Achara Layout, Enugu State. The complainant alleged that the daughter of their client, Chionna Amaka Daniel a final year HND Student of Akanu -Ibiam Federal Polytechnic, Uwana Afikpo, Ebonyi State was threatened with the punishment of non- graduation from the institution by a lecturer, Mr Osita Igweonyia, over a land dispute he has with her family.

The Commission wrote to the school authority to question the rationale behind the threat. In their response, the school stated that the student was not being victimised.

Recommendations

1. In order to meet the MDGs on achieving universal primary education, there is need to ensure improvement in the learning environment through the improvement of teaching skills and reduction of regional disparities in school enrolment and drop outs.
2. Building and equipping modern schools to accommodate the increase in school enrolment.
3. Implement the UBE Act and ensure that all forms of user fees are abolished

4. Deal with the problem of the number of children in one classroom and taught by one teacher.
5. Provide teaching aids and materials needed to improve on the standard of education.
6. Promotion of child friendly and teacher friendly school environment
7. Respect and protect the rights of children in school including protection from violence in schools especially of the girl child.
8. Review of school curricula to promote critical and relevant learning
9. Proper governance of schools and implementation of Schools Management Committees (SMCs)
10. Tracking of resources to ensure proper, adequate and accountable utilization of resources budgeted for education.
11. Improvement on the quality of teachers, through employment of professional and qualified teachers, provision of in-service training and retraining; as well as implementation of improved the teacher's salary structure.
12. Dealing with the HIV/AIDS pandemic in the education sector
13. Ensure the completion, popularization and utilization of EFA plan

Chapter Ten

Health

Introduction

Nigeria recognizes the right to health and has committed itself to its protection by assuming obligations under international treaties and domestic legislations mandating specific conduct with respect to the health of individuals within its jurisdiction. This is characterized by its ratification of several international treaties to which right to health is provided. Some of these treaties are the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of all Forms of Discrimination (CERD), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). Nigeria is also a party to two health-related civil and political rights treaties, namely the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, it is party to some Conventions of the International Labour Organizations, some of which contains provisions on the health of workers. Nigeria is also a party to the Geneva Conventions and Additional Protocols that prescribe rules for conduct of warfare including health-related obligations.

Furthermore, the country adheres to several non-binding instruments/standards that address health issues such as: the 1993 Vienna Declaration and Programme of Action, the Programme of Action of the 1993 UN International Conference on Population and Development and the 1995 Beijing Declaration and Platform for Action (UN Fourth World Conference on Women).

At a regional level, Nigeria is a party to the African Charter on Human and Peoples' Rights (African Charter), the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Also, at the municipal level, the 1999 Constitution of the Federal Republic of Nigeria as well as the Child Rights Act, provide for the right to health.

Prior to the economic travails of the mid 1980s, the health sector witnessed adequate support from the government, with assistance from international partners. Except in rural areas, access to health care was available at public hospitals and clinics, usually at no cost or at highly subsidized rate. However, by 1985 up till date, the health sector has been neglected. In addition to lack of basic public health infrastructure, medical treatment and consultation in public health facilities, where available, are unaffordable to most people.

It is imperative to note that the right to health is vital to all aspects of a person's life and well-being, and is crucial to the realization of many other fundamental human rights and freedoms, and that every woman, man, youth and child has the human right to the highest attainable standard of physical and mental health, without discrimination of any kind.

Despite these provisions of the law and instruments, as well as commitments made by the State, the health sector leaves much to be desired. The health centers are poorly equipped and the attendants not adequately remunerated. Doctors are often on strike, protesting the poor state of medical facilities. The questions of fake drugs abound and the law punishing importers or manufacturers of fake drugs is not punitive enough to deter such manufacturers or importers.

This is despite the fact that Nigeria is committed, under the MDGs to realize good and affordable health care by the year 2015. For instance, Goals 4, 5 and 6 deal with reduction of child mortality and improvement of maternal health as well as combating HIV/AIDS, malaria and other diseases. The question is whether there are

indications in the 2009-2010 period that the milestones in the MDGs will be met by 2015.

In the area of reduction of child mortality, interventions through integrated management of childhood illnesses that reflect the underlying causes of child deaths, sustained effort in related and lagging sectors like water and sanitation have helped to achieve progress in reduction of child mortality in the 2009-2010 periods. Nigeria MDG report for the 2010 period show that while infant mortality rate has fallen from 100 to 75 deaths per 1,000, the under-five mortality has fallen from 201 to 175 deaths per 1000 live births over the five year period of 2003 to 2008.

In order to improve maternal healthcare, the introduction of innovative midwives service scheme, incentives to attract health workers to rural areas and the expansion of areas covered by ante-natal care and quality primary healthcare are all measures in place to ensure progress in this MDG goal. As indicated in the MDG report for 2010, by the 2009 to 2010 period, the maternal mortality rate fell from 800 deaths per 1000 in 2003 to 545 in 2008 representing a fall or improvement by 32%.

In relation to combating HIV/AIDS, malaria and other diseases, there has been a some success in elimination of polio, (though the virus is creeping back into some parts of the North), malaria prevalence has decreased considerably and fight against tuberculosis has been very successful.

From the country report on the implementation of the MDGs in the 2009 to 2010 period, polio cases have been reduced by 98% between 2009 and 2010. Also the distribution of 72M insecticide-treated bed nets has protected twice as many children (10.9%) in 2009 as compared to 2008 (5.5%). HIV/AIDS prevalence rate amongst pregnant young women of 15-24 fell from 5.8% in 2001 to 4.2% in 2008.

In order to sustain the progress made under this goal of the MDGs, there is need to address challenges of improving access to

antiretroviral drugs as well as awareness on HIV/AIDS and, the effective implementation of the national strategic framework for HIV/AIDS, malaria and tuberculosis.

In the areas not covered by the MDGs, accessing health care is out of the reach of the average Nigerian, who does not have health insurance and so he or she resorts to untrained health personnel who gives wrong diagnosis and administers the wrong drug, with its attendant consequences. Most times, there are situations of wrong diagnosis from the so called experts, due to the failure of examination devices and test kits. There is therefore need to introduce health insurance to cover the areas not taken care of under the MDGs and the present health insurance scheme of the government.

Some individual cases monitored within the period under review are as follows:

Mr. Ayuba K. Alamson, holder of Ordinary National Diploma (OND) Mechanical Engineering, and a teacher in Damboa Local Government Area, Borno State petitioned to Commission on February 12, 2009, stating that he went to University Teaching Hospital, Maiduguri, and complained of a back ache on August 11, 2005. He was referred to orthopedic department. At the orthopedic department, he was seen by the consultant, Dr. Dabkana, who diagnosed him as suffering from Potts disease known as tuberculosis (TB) of the spine. He requested that he carried out further tests/investigations at the hospital laboratories.

According to Ayuba, the investigation result revealed that he had no TB bacteria, yet the doctor insisted and placed him on TB drugs for three months. He reacted to the drugs. When he complained to the Doctor, he was asked to discontinue the drugs for one month. Ayuba further stated that he was referred to Chief Physician of TB, Dr. Ngabido, by Dr. Dabkana, who again placed him on another set of TB drugs for 2 months. He again reacted to the drugs, leading to the deterioration of his health and resulting to partial hearing, blurred vision, and weakness of knee and loss of sensitivity. When he complained, he was further referred to the Neurology Department of

the hospital and further investigations through bone marrow test and MRI were carried out. The result again revealed that he had no TB related ailment, but a severe damaged of his vital organs and nerves. Thereafter, he was managed and treated for drug abuse. Ayuba further stated that when he complained to the Chief Medical Director (CMD) of the teaching hospital, he promised to look into the matter, but never did.

On April, 19, 2009, a young man (Name) died at the Federal Medical Center, Gusau, as a result of refusal by medical personnel on duty to treat him unless he produced a police report. The victim was stabbed and was bleeding but was not attended to on time because there was no police report. He died from bleeding.

The Commission suo moto, took up a case, which borders on the unethical practice at various health centers in Imo State. In these hospitals, enema pumps are used in place of mucus extractors and thread in place of umbilical cord clamps, without any form of sterilization. Syringes and needles are recycled instead of being disposed. These practices led to spread of HIV/AIDS amongst new born babies, whose parents tested negative to HIV/AIDS. It is suspected that infant mortality, prevalence of HIV/AIDS and other infectious diseases among new borns in Imo State are caused by this unwholesome use of medical disposables and other unethical methods of administering drugs in these hospitals.

Due to the failure of the health sector, a suit was instituted against the Federal Government pending before the Federal High Court seeking the following reliefs:

- a. A Declaration that Nigerians are entitled to the best attainable state of physical and mental health guaranteed by Article 16(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) Laws of the Federation of Nigeria 2004.
- b. A Declaration that the failure or refusal to repair and equip public hospitals and medical centres in Nigeria constitutes a

violation of the duty of the Nigerian government to protect the health of Nigerians and to ensure that they receive medical attention when they are sick as required by Article 16(2) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) Laws of the Federation of Nigeria, 2004.

- c. A Declaration that the failure of the Respondent to save lives through the provision of adequate medical facilities is illegal and unconstitutional as it constitutes a threat to the Applicants fundamental right to life guaranteed by Section 33 of the 1999 Constitution and Article 2 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) Laws of the Federation of Nigeria, 2004.
- d. A Declaration that the practice of having public officials treated at public expense in foreign hospitals is illegal as it violates the right of other Nigerians to equality before the law and equal right of access to the public property and services guaranteed by Articles 3 and 13 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) Laws of the Federation of Nigeria, 2004.
- e. An Order Of Perpetual Injunction, restraining the Defendant from taking any public officer to foreign hospitals, for medical checkup and/or treatment in any manner whatsoever and howsoever.
- f. An Order directing the Defendant to repair and equip Federal Government owned hospitals and medical centers to ensure that Nigerians receive adequate medical attention when they are sick forthwith.

The case is still pending in court at the time of the report.

In May 2010, DNA experts arrived Kano State from the USA to carry out DNA tests on families of affected victims of the Trojan Drug

(polio vaccine) trial to verify claimants. The DNA is a precondition for paying compensation by Pfizer to families of the victims. During an epidemic of meningitis in Kano in 1996; Pfizer sent a team to test the efficacy of its new antibiotic "trovafloxacin" (Trovan). The team conducted trial on about 200 children, aged between 3 and 18 months, many of whom died after being administered with the antibiotic. Pfizer was consequently accused of conducting unethical and illegal test on the victims with an unregistered drug. In 2001, 30 Nigerian families sued Pfizer in a federal court in New York. The suit alleged that "Pfizer chose to select children to participate in a medical experiment of a new untested and unproven drug without first obtaining their informed consent." Pfizer challenged the jurisdiction of the New York Federal Court to hear the suit.

In August 2005, Southern District of New York Judge, William H Pauley, ruled that Nigeria, not the US was the proper place to try a lawsuit over Pfizer's conduct in the Trovan Trial. 11 years after the drug trial, Kano State Government in 2007, instituted a legal action at Kano State High Court against Pfizer International and its Nigerian company along with some other notable leaders in the organization; accusing them of criminal conspiracy and deliberately causing grievous harm. It demanded \$2billion as damages. The Federal Government equally instituted a separate suit against Pfizer at the Federal High Court, Abuja, demanding \$7billion as damages and restitution.

It accused the company of violating Nigerian Laws, the International Declaration of Helsinki, and the UN Convention on the Rights of the Child. Both suits maintained that Pfizer's researcher selected 200 children and infants from an epidemic camp in Kano and gave half of the group the untested antibiotic, without obtaining the consent of the children's families and that the researchers knew Trovan to be an experimental drug with life threatening side effects that was "unfit for human use". Specifically Kano state government through their counsel, Mr Babatunde Irukera, Prof.Yemi Osibanjo (SAN), Mariam Uwais and J.B Dauda (SAN), averred that parents were banned from the ward where the drug trials took place.

The charges stated that Pfizer and its doctors "acted illegally" and behaved "in a manner so rash and negligent as to endanger human

life". In the suit, it was averred that, the families of the victims were led to believe and in fact understood that the defendants were providing their children with volunteer relief, clearly focused humanitarian medical intervention and nothing more. Parents were not told that alternative treatments were available.

Meanwhile, on January 30, 2009, a US appeal court in New York overturned the lower court's ruling, holding that the cases involving alleged harm caused by the Trovan can be properly heard in Nigeria and not the USA. However, Pfizer is said to have opted for an out of court settlement and has agreed to pay \$75million to the Federal Government, Kano State Government and the affected families of the victims.

The payment of the compensation has however been beset by controversies owing to the DNA Test precondition. According to reports, most claimants are opposed to the test as they see it as a ploy to deny compensation to the victims, whereas Pfizer insists that the DNA test is a precondition to payment of the compensation.

The Organization of Network of people living with HIV/AIDS in Nigeria (NEPWHAN) on the 18th June 2010 complained to the Commission, stating that one of their members, Peter (pseudo Name), was denied the opportunity to travel to the Republic of Liberia because of his HIV status. Peter who was employed by the Directorate of Technical AID Corps, Ministry of Foreign Affairs, went through the orientation/training for new recruits from 19th May 2008 to 1st June 2008 and was deployed to the Republic of Liberia for a two year program. He completed his documentation along with 27 others between 12th and 14th October 2009, and was scheduled to travel, but the Directorate refused to process Peters' passport because of his HIV status.

In connection with the complaint, a letter dated 1st July 2010 was written to the Minister for Foreign Affairs, requesting him to cause an investigation into the matter with a view to addressing it. At the time of compiling this report, the Commission was yet to get a response from the Office of the Minister.

Network of people living with HIV/AIDS in Nigeria (NEPWHAN) on the 21 July 2010, wrote to the Commission alleging the dismissal of one of their members, Aisha (pseudo name), from service by the Nigerian Police Force on ground of auxiliary medical problem serial No 122. They claimed that they noted that most of her colleagues whose names appeared on the dismissal signal have been called back to service but her case was treated differently because she was found to be HIV positive. This was after a screening at police clinic, Garki, which was carried out at the instance of the Nigerian Police Force. On receipt of the complaint, letters were written to the IGP, Minister for Police Affairs and the Chairman Police Service Commission for investigation of the allegations of discrimination. As at the time of this report, the Commission is yet to get any response from the said offices.

Air Vice- Marshal Winston Ibrahim Alcyideino died of kidney malfunction at the National Hospital, Abuja on June 1st 2010 due to the strike embarked upon by Medical Doctors across the country. As a result of the strike, he was left to the care of the National Youth Service Corps (NYSC) doctors in the hospital, who were not experienced to handle such complicated health situation. Resident Doctors in the hospital withdrew their services in response to a three day warning strike called by the Nigerian Medical Association. According to the report, on the 4th of June 2010, the deceased went to the hospital for routine dialysis at about 8am had the dialysis but at about 7pm he relapsed and was rushed back to the hospital. There was still no specialist to attend to him, only the National Youth Service Corps Members, who were not experienced. Effort was made to contact the Consultants but to no avail. However, when a consultant doctor eventually showed up it was too late.

On 27th August 2010, the Daily Trust Newspaper reported that more than thirteen persons died in Zamfara State, following Lead poisoning. Also in Bageda village, about 10 kilometers from Ankpa town, 10 children were reported to have died from the lead poisoning.

25 year old Joy Edobor, a graduate of Computer and Accounting from a College of Education, Ekiadolor Edo State was reported to

have lost her life due to the national strike embarked upon by the Medical personnel in Edo State. Edobor was billed to have a surgery a week earlier and needed all the medical attention she could get. However she could not get that as a result of the strike. She died as a result of some complications.

The Guardian Newspaper of 27th August, 2010 reported that the Maryam Sani Abacha nursing home in Damaturu, Yobe State has no functional incubator. According to the report, Fatsuma had triplets on the 23rd day of August, 2010 and the babies needed to be kept in an incubator for observation but there was none, thus exposing the children to danger of death. The mother of the triplets also needed blood transfusion but the facilities were also lacking.

Daily Independence August 17th 2010 reported the death of 40 persons as a result of cholera outbreak in Ganjuwa, Bauchi, Tafawa Balewa, Toro, Shira and Kirfi Local Government Councils in Bauchi State.

Recommendations:

1. There is need to collaborate with key stakeholders (Ministry of Health, Primary Healthcare Development Agency, Office of the MDG, NAFDAC, NOA, etc) to interface with community-gatekeepers in the Northern part of Nigeria to draw attention to linkages between effective/successful vaccination and MDG 4 (Reduction of Child Mortality) and relevance of this to the Child Rights Act
2. There is need to convene stakeholders' meeting to strategize on monitoring compliance with consent-requirement in vaccine trials in furtherance of Child Survival, Development, Right to health and Right to life.
3. Medical personnel should carry out proper investigation before placing patients on drugs, to avoid causing damage to peoples' lives.
4. The Medical and Dental Council of Nigeria (MDCN) a body that regulates practices of doctors should review the conduct

of the doctor in question and recommend appropriate sanction.

5. Medical centres and hospitals should be well equipped to take care of patients and their medical conditions
6. The current efforts at meeting the MDGs goals 4,5 and 6 are commendable but there is need to address challenges of improving access to antiretroviral drugs as well as awareness on HIV/AIDS and, the effective implementation of the national strategic framework for HIV/AIDS, malaria and tuberculosis.

Chapter Eleven

Food and Shelter

Introduction

The right to food is a human right. It protects the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. The right to food is not about charity, but about ensuring that all people have the capacity to feed themselves in dignity. This right is protected under national, regional and international human rights and humanitarian law, and the correlative State obligations are equally well established under international law. The right to food is recognized in the Constitution of the Federal Republic of Nigeria, The African Charter on Human and Peoples Rights, Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as a plethora of other instruments and declarations.

The Committee on Economic, Social and Cultural Rights (Committee on ESCR) in its General Comment 12 defines rights to food as follows:

"the right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement"¹⁴

Inspired by the above definition, the Special Rapporteur has concluded that the right to food entails:

"the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and

¹⁴ General Comment 12, Para. 21, 30th Session, 1999.

qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.¹⁵

It is generally accepted that the right to food implies three types of state obligations - the obligation to respect, protect and to fulfil. These types of obligations were defined in General Comment 12 by the Committee on ESCR and endorsed by States, when the FAO Council adopted the Right to Food Guidelines (Voluntary Guidelines) in November, 2004.

The obligation to respect requires governments not to take any measures that arbitrarily deprive people of their right to food, for example by measures preventing people from having access to food. The obligation to protect means that States should enforce appropriate laws and take other relevant measures to prevent third parties, including individuals and corporations, from violating the right to food of others. The obligation to fulfill (facilitate and provide) entails that governments must pro-actively engage in activities intended to strengthen people's access to and utilization of resources so as to facilitate their ability to feed themselves. As a last resort, whenever an individual or group is unable to enjoy the right to adequate food for reasons beyond their control, states have the obligation to fulfill that right directly.

The right to food means that governments must take actions that result in decreasing levels of hunger, food insecurity and malnutrition. It also means that governments must protect its citizens from the actions of other people or policies that may violate the right to food. States must also make conscious efforts at maximizing available resources and invest in the eradication of hunger.

¹⁵ [A/HRC/7/3, Para 17].

Furthermore, under Articles 2(1), 11(1) and 23 of the ICESCR, States agreed to take steps, in tune with available resources, to achieve progressively the full realization of the right to adequate food. They also acknowledge the essential role of international cooperation and assistance in this context.

Under Article 2(2) of the ICESCR, governments agreed to guarantee that the right to food will be exercised without discrimination on grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status. The principle of non-discrimination is a cardinal principle of all laws, and it plays a major role in the full realization of the right to food not only at formal level, but also at realistic level. Thus, the Voluntary Guidelines recommended the establishment of food insecurity and vulnerability maps and the use of data to identify

"any form of discrimination that may manifest itself in greater food insecurity and vulnerability to food insecurity, or in a higher prevalence of malnutrition among specific population groups, or both, with a view to removing and preventing such causes of food insecurity or malnutrition."¹⁶

In 2002, the Committee on ESCR elaborated General Comment on the right to water. In the words of the Committee: "the right to water is a prerequisite for the realization of other human rights".¹⁷ Perhaps, the intrinsic link between the right to water and the right to adequate food is nowhere as evident as in the case of peasant farmers. It is crucial to ensure sustainable access to water resources for agriculture in order to realize the right to food. The Committee stresses the special attention that should be given in this context to disadvantaged and marginalized farmers, including women farmers.¹⁸

In 1996, at the World Food Summit in Rome, governments reaffirmed the right to food and committed themselves to cut by half the number of people suffering from hunger and malnutrition by

¹⁶ Voluntary Guidelines, 12.

¹⁷ General Comment 15, Para 1, 2002.

¹⁸ *Ibid.*, para 7.

2015. Thus, the 1996 Rome Declaration set the hunger reduction target at 420 million undernourished by 2015. Five years later, the 2002 World Food Summit was held to measure progress. It was evident that little action had been taken with respect to the 1996 commitments.

Whereas the framework of the right to food is clearly established in national, regional and international law, in the past years, but in practice, regression rather than the progressive realization of the right to food has been observed. Records have shown that about 1 billion people worldwide are malnourished, with 264 million from sub-Saharan Africa.¹⁹

As a consequence of the food crisis, world leaders and public opinion seem to have finally acknowledged that agriculture cannot be continuously neglected and that the underinvestment trend of the last 30 years must be reversed. Indeed, if followed by articulated and targeted action, such commitment can bridge the gap between the right to food and the tragic realities. It is a statistical fact that already before the skyrocketing of the food prices and the economic recession most households under the extreme poverty line were to be found in rural areas. Most of the rural dwellers are farmers and yet they still suffer from hunger and malnutrition. There is therefore the need for investment in agriculture, targeted at addressing the needs of this particular group of people, so there can be real and significant effects in terms of realizing the right to food.

Before the Oil boom in the 70's, Nigeria was primarily an agrarian society with 80% of the population engaged in Agriculture. The oil windfall transformed Nigerias' agricultural landscape into a gigantic oil field. Unfortunately, the obsession with non-renewable resource over all other sectors of the economy, eventually turned Nigerians' boom into a bane. New found wealth spawned political instability and massive corruption in Government circles. Agriculture is one of the first casualties of oil regime and by the 1990s cultivation accounted for

¹⁹ FAO, 2009

just 50% of GDP. Farming modalities and support continues to remain low on the list of national priorities as vast stretches of rural areas. Nigeria gradually plunges into hunger and food scarcity. Nigeria plummeted to the bottom in world economic rankings and Africa's most populous nation acquired the unhappy distinction of having more than half of its over 140 million people living in abject poverty. The World Bank coined the term "Nigerian paradox" specifically to describe the unique condition of extreme under-development and poverty in the country. The country was ranked 80th in a 2007 UNDP poverty survey covering 108 countries. An International study conducted by anti-poverty agency, Action Aid International, revealed that Nigerian Government has done little effort in global commitment to scrape up poverty and is rated as 13th out of 28 countries surveyed. Though the country is endowed with rich and fertile soils and should be doing better, Nigeria continues to struggle to feed 140 million people, while 26% of it was children who are malnourished. In 2009 the Nigerian Budget on Agriculture was increased but government slashed spending on agriculture in the 2010 by reducing the budget to 3.6% of the total. Matters were said to have been made worse by lack of proper planning and focus.

The right to freedom from hunger is fundamental, which means that the State has obligation to ensure, as a minimum requirement, that people do not starve; and this right is closely linked to life itself. The state should therefore take necessary steps to ensure that these rights are achieved. Adequate food must also be culturally acceptable. Its provision must however not interfere with the enjoyment of other human rights and fundamental freedoms; and it must be environmentally and socially sustainable.

National and International Legal Framework on the Realization of Right to Food.

The Constitution of the Federal Republic of Nigeria, 1999 (as amended), in Section 16(2)(d) thereof, provides that

"The state shall direct its policy towards ensuring that suitable and sustainable shelter, suitable and

adequate food, reasonable national minimum living wage, old age care and pension and unemployment, sick benefit and welfare of the disabled are provided for the citizens."

2. The Child's Rights Act 2003:
Section 13(3)(c) states that government should ensure the provision of adequate nutrition and safe drinking water for young persons

3. Conventions on the Rights of the Child:

Article 24 of the Conventions on the Rights of the Child requires States parties to commit to taking steps towards ending child and infant mortality and eliminate the circumstances that lead to child death including illness and malnutrition. Government must provide children with food and food security. The Convention also acknowledges the mother's right to appropriate pre and post-natal health care as well as access to information and education regarding child health and nutrition, advantages of breast feeding, hygiene and environment.

4. Universal Declaration of Human Rights (UDHR), Articles 3,21,23,25 .The Universal Declaration of Human Rights not only asserts the human right to life, but also an adequate standard of living. This standard includes the right to food. Each person is also entitled to public services and social security.
5. International Covenant on Economic, Social and Cultural Rights

Articles 11

The treaty recognizes that "in no case may a person be deprived of its own means of subsistence". The treaty defines the right of all people to an adequate standard of living including food and right to be free from hunger.

To fully elaborate on the strategies for implementation of the rights provided by the International Covenant on Economic, Social and Cultural rights, the committee on Economic, Social and Cultural Rights, a monitoring body drafted General Comment 12 (20th session, 1999)

The GC12 defines the right to adequate food and what must be done to ensure that the nutritional needs of every man, woman and child are met.

6. Rome Declaration of The World Food Summit, 1996:

"We pledge our political and common and national commitment to achieving food security for all... food security exists when all people, at all times have physical and economic access to sufficient, safe nutrition to meet their dietary needs and food preferences for an active healthy life"

1. On September 2008 a programme on National Food Security was launched to bring about sustainable access to affordable and high quality food by Nigerians.
2. A parastatal on National Food Reserve Agency was established in 2007 to oversee Nigeria's food security strategy.
3. In 2002, the Special Programme for Food Security (SPFS) was established. By forming this programme, government sought the assistance of the Food and Agriculture Organization in disseminating information on proven and accessible technologies that have revolutionized agriculture for increased food production.
10. The establishment of National Agency for Food Drug Administration and Control Act and Standard Organization of Nigeria Act, 1970 for the regulation of the quality and standard of food in Nigeria.

11. Appointment of the Senior Special Adviser to the President on food security;
12. In Lagos State the Central Bank of Nigeria (CBN) provided a credit fund worth N50 billion as part of measures to enhance the agricultural sector of the State. Some other individual projects have also been embarked upon in this regard, for example, The Catalyst for Food Security (launched N1 billion), FADAMA III.

The Federal Government has commenced the implementation of Commercial Agricultural Development Project CADP, which is a comprehensive five-year project development by the Ministry of Agriculture in collaboration with the World Bank and other stakeholders, with a view to enhance food security, employment opportunity and availability of raw materials for industries for all States of the Federation. Some States participated in the Rural Finance Institution Building Programme (RUFIN) in order to improve easy access of small holder farmers to the funds released by CBN, e.g. Lagos State. Other food policies created are: the National Food Security Programme (NFSP), the NEEDS, Medium-Term-Sector Strategy (MTSS) plan, Millennium Development Goals (MDGs) and Vision 20:20:20.

Challenges To The Realisation Of Adequate Food For Nigerians

Poverty results from lack of income or low income and productive resources to ensure sustainable livelihoods. Its manifestation includes hunger, malnutrition and in some extreme cases of child mortality. Population increase against the background of limited natural resources, coupled with the use of pristine and also archaic, agricultural practices, increase the rate of poverty.

Secondly, the complexity of the Nigerian Government a protracted civil conflict since the late 1990 led to an economic collapse massive displacement of people and chronic state of food insecurity.

Thirdly, unemployment and underemployment lie at the core of malnutrition, hunger and poverty. Creating productive employment opportunities is essential for achieving poverty reduction and sustainable economic and social development.

Shelter

On 14th December, 2009, Supol Ogadir Usman, Alheri Bafarawa, Inspector Gloria Osaretin and Odukayo Pat, all Police officers, complained to the Commission, on behalf of other policewomen married to civilians that they had been given an ejection notice to move out of the Police barracks. They alleged that an order, ref no CH:7970/A Dept/FHQ/ABUJ/VOL 72 dated 3rd November, 2009 from the IGP, was issued to the Garki Police Barracks, instructing all Policewomen married to civilians living in the barracks to move out from the barracks. No reason was given for the ejection order.

On 22nd December, 2009, the National Human Rights Commission (NHRC) wrote a letter to the Inspector General of Police (IGP) requesting an explanation on the issue. Copies of this letter were sent to the Minister of Police Affairs and the Chairman of Police Service Commission. There was no response from the authorities concerned; necessitating a reminder dated 18th February, 2010. On 1st March, 2010, the IGP forwarded the letter to the Deputy Inspector General of Police "A" Department (Admin), for response. The Minister of Police Affairs, in acknowledging the letter, directed the IGP to respond to the letter from the NHRC. Thereafter the complainants informed the Commission (NHRC) that the said order was withdrawn.

On 10th August, 2010, Omoyemi Oladapo of Phase II Site II, Kubwa brought a complaint to the Commission that his brother-in-law, Mr Oladipupo Adesesan Baruwa, who works at Nigerian Investment Promotion Commission, was threatening to forcibly evict him and his family from his (the latter's) father's house.

On 5th of July, 2010, Mariam Rabi, a resident of Mararaba in Nasarawa State, complained to the Commission that her husband, Abubakar Sani, to whom she had been married for over 20 years, beats

her, and does not provide for her and the children of the marriage. According to the complainant, they were living in Nyanya, in the Federal Capital Territory, but due to the demolition carried out in that area, she moved to Mararaba, while her husband moved in with a mistress. At Mararaba, Mrs Rabi claimed she bought the plot of land and built it without the assistance of her husband, and was living there with the children. On 31st of June, 2010, Mrs Rabi said her husband broke into her house and took her properties, including her mattress, television and the sum of sixty four thousand Naira (N64,000) and asked her to move out of her home.

Mr Abubakar Sani was invited to the Commission for a meeting on the 5th, 6th and 7th of July, 2010, but he failed to honour the invitation. Rather, he filed a divorce proceeding at the Area Court, Nasarawa on the 15th July, 2010. The matter was adjourned to the 23rd of August 2010, for hearing. At the time of this report, the matter was still pending.

On the 9th of November, 2010 the Commission received a complaint from Onuoha Edwin, Collins Irete and Ogori Joseph, bordering on the fact that their landlord had refused to effect repairs on facilities in the house they rented from him, thereby making life unbearable for them. When they requested that he effect repairs on the toilet in particular, he refused, insisting that since the tenants were the ones using the toilet, they should repair it themselves. In the process of doing it, he stopped them and ever since the tenants have not been using toilet facilities. The landlord also pulled out the tap to stop water from flowing in the compound. When the tenants complained, he reported to the police, who arrested and detained them till the next day when they bailed themselves. The electricity meter and wires were also removed by the landlord despite their having paid water and bills as agreed in the tenancy agreement.

Recommendations:

1. The issue of food crises should be taken more seriously by governments; this can be done by way of more commitment to their international obligations in this area.

2. Government should make more budgetary provision to the agricultural sector to boost food production.
3. There should be better supervision of budget implementation to curb financial leakages in the sector.
4. Official corruption must be tackled headlong with more determination and commitment.
5. The Millenium Development Goals in the area of food security should be pursued with renewed vigour to reduce poverty and hunger.
6. Massive provision of social and other amenities in the rural areas makes life more comfortable for rural dwellers, thereby curbing rural-urban migration.

Chapter Twelve

Labour

Introduction

The rights of workers in Nigeria are guaranteed and protected by the Constitution of the Federal Republic of Nigeria 1999, Labour legislations as well as regional and international human rights Instruments to which Nigeria is a party. The effect of these instruments guarantees the basic tenets of workers' rights and seeks to uphold labour standards that represent the minimum requirements under which workers provide their services. It also provides avenues through which workers can lay claim to protection and ensure that conditions of work are just and humane.

Accordingly, Sections 17, and 42 of the Constitution of the Federal Republic of Nigeria 1999 guarantees that all citizens shall, without discrimination, have equal opportunity for securing their livelihood under just and humane environment. These provisions are also contained in the African Charter on Human and Peoples' Right (Cameroon 1999) Laws of the Federation of Nigeria 2004.

The Labour laws that confer rights on workers and defines obligation include; The Labour Act, Trade Union Act and the Wages Board and Industrial Councils Act. The combined effect of these legislation seek to guarantee and recognize the right of workers to organize, the right to collective bargaining as well as the right of unions to act on behalf of their members. Furthermore, there is the Factories Act, and Workmen's Compensation Act, which seek to protect workers from work-related hazards and diseases as well as making provisions for compensation for injuries or disabilities suffered in the course of employment.

In order to give effect to these laws, the Nigerian government established statutory bodies with defined mandates, namely, the Federal Ministry of Labour and Productivity (FMLP), National Labour Advisory Council (NLAC), Industrial Arbitration Panel (IAP) and the National Industrial Court of Nigeria (NICN).

However, in spite of the legal and regulatory framework for the protection of workers and the fact that Nigeria is a party to over 30 International Labour Organisation (ILO) Conventions, violations of trade union rights are widespread in the country. The trend of these violations include, but are not limited to intimidation of workers that are members of trade unions, refusal by employers to recognise trade unions, and dismissal of workers' representatives for trade union activities.

An increase in the casualisation of workers has led to difficulties in organising workers particularly in the oil and construction industries. A recent report indicated that casual workers constitute 45 percent²⁰ of the entire working population in Nigeria. This follows that in a factory of 20 workers, nine are casual workers.²¹ The National Union of Petroleum and Natural Gas Workers (NUPENG) in its petition to the Minister of Labour and Productivity lamented the effect of casualisation,²² outsourcing and refusal to allow workers to freely associate and unionize²³ which violates the worker's right to freedom of association as guaranteed by the Constitution of the Federal Republic of Nigeria 1999. The problem of non implementation of collective bargaining agreements also constitutes one of the major problems in industrial relations in the country. While government and some employees may agree on collective bargaining, it generally fails to honour such agreements leading to disputes.²⁴

Furthermore, existing labour legislation in the country are outdated, and, therefore, fall short of the minimum standards expected from the ILO. This makes it difficult to provide the much-needed protection

²⁰ Report of the Campaign for Democratic Rights in Nigeria.

²¹ *Ibid*

²² NUPENG stated that casual workers constitute 30 percent of the workforce in the oil industry.

²³ The Vanguard Newspaper, August 12, 2010.

²⁴ International Trade Union Confederation 2010 Annual Survey on Trade Unions in Nigeria, 9th June 2010.

Nigerian workers deserve. For instance in 2010, Nigeria's attention was drawn to provisions of some labour legislation that are not consistent with her obligations under ILO conventions No. 29 on Forced Labour and Convention No. 105 on Abolition of Forced Labour.²⁵ These laws include the Nigerian Press Council (Amendment) Decree No. 60, 1999, the Merchant Shipping Act and the Trade Disputes Act.

However, due to obvious lapses in these legislations and the need to reform the labour relations system, critical stakeholders worked on new set of Bills. The bills were a product of joint efforts of the ILO, FMILP, Federal Ministry of Justice (FMJ), Nigeria Employers' Consultative Association (NECA), Nigeria Labour Congress (NLC), Trade Union Congress (TUC), IAP, NICN and Michael Imodu National Institute for Labour Studies (MINILS). These Bills are the Labour Standards Bill, Collective Labour Relations Bill, Labour Institutions Bill, Occupational Health and Safety Bill and the Employee's Compensation Bill. The Bills had been presented to the National Assembly for consideration in 2009.²⁶

The International Trade Union Confederation (ITUC) reported that in September 2009, lecturers from the University of Agriculture, Abeokuta, Ogun State took to the streets in protest of government's continued refusal to sign an agreement it reached with Academic Staff Union of Universities (ASUU) in 2001.

Monday, September 6th 2010, lecturers from State Universities of the five South-East States, under the aegis of ASUU were prevented from carrying out a peaceful protest by officers and men of the Nigeria Police Force who were armed with guns, security dogs and tear gas.²⁷ The lecturers reportedly gave appropriate notice to the Police and other relevant authorities of their resolve to protest against poor remuneration and decay in infrastructure and further press for implementation of the new Universities Salary Scale in State-owned Universities within the zone.

²⁵ General Comments of the Committee of Experts on Applications and Recommendations CEACR, 2010 Report of the CEACR, www.ilo.org.

²⁶ United Nations Conference on Trade and Investment (UNCTAD) Blue Book on Best Practice in Investment Promotion and Facilitation- UNCTAD/DIAE/PUB/2009/7 page 25.

²⁷ Investment Promotion and Facilitation- UNCTAD/DIAE/PUB/2009/7 page 25.
Clampson Newspapers (Online Edition), 14th September 2010.

Mr. Ahulo .O. Jonathan and 101 others complained to the National Human Rights Commission (NHRC) stating that they were staff of the Federal Ministry of Cooperation and Integration in Africa (FMCIA) until the Federal Government, in December 2006, merged FMCIA with the Ministry of Foreign Affairs (MoFA).

According to Mr. Jonathan, consequent upon the merger, MoFA absorbed selected staff from FMCIA while a list containing names of other members of staff who were not absorbed was sent to the Office of the Head of Civil Service of the Federation (OHCSF) for deployment to other ministries. The Head of Civil Service disagreed with MoFA and asked it to reconsider its decision and include all affected staff of FMCIA.

He stated further that while awaiting communication from the two government bodies, MoFA, in 2008, suspended payment of their salaries and requested OHCSF for a reduction in the number of staff to be redeployed. Thereafter 31 of his colleagues were redeployed while the rest of them were left without posting neither were they paid salaries. Their names were subsequently published in the Daily Trust Newspaper of Monday, October 12 2009 for pre-retirement training despite directives from OHCSF regarding payment of their salaries and determination of their status in service.

The NHRC received a complaint on 7th April, 2009 from Ex Police Constable (PC) Pendamo Godwin and 6 others who were allegedly dismissed by the Nigeria Police Force in December, 2006 while undergoing training at the Nigeria Police College in Kaduna. According to the complainants, before they resumed training, they were made to undergo two medical tests to determine their fitness, which results were not made known to them. However, while preparing for the passing out parade on the 15/12/2006, 36 trainees were asked to leave the college on 8/12/06 for failing the medical test. The complainants also claimed that some of their colleagues who fell within this category were later recalled and are presently still serving.

Mr. Aminu Hussein a staff of Oando Service Station, Jabi – Abuja claimed to have been asked to stay away from work by the Station Manager on 25th August, 2009, because he was the Public Relations Officer of Petrol Station Workers branch of National Union of Petroleum and Gas Workers, (NUPENG) Abuja Chapter. He stated that prior to his dismissal from work; the trade union was to embark on a campaign against petrol station managers who engage in unwholesome practices which did not go down well with the station's management. He further claimed that on the intervention of Federal Ministry of Energy, he was reinstated but that, the station failed to abide by the Company's rules and procedure with regard to the reinstatement as he was not given a reinstatement letter, neither was his name included in the staff pay roll.

The NHRC received a complaint on 27th October, 2009 from Mr. Emmanuel Nsa Eyo, on behalf of Mr. E. E. Eyo who retired from the Federal ministry of Aviation between 1983 and 2000 at the age of 60. He claimed that payment of Mr E.E Eyo's pension was stopped in 2006 and he was asked by the ministry to come to Abuja to sort out the matter. The Complainant further stated that on Mr. Eyo's way to Abuja, he had an accident along the airport road in Jabi and later died in the hospital and all effort by his family to collect the pension arrears proved abortive.

Mr. S. S. Jock complained to the NHRC, stating that he was an officer of the Nigerian Army, but was dismissed without first being heard. He stated that he was denied fair hearing over his wrong interdiction, for allegedly going on a post graduate programme at University of Maiduguri without formal approval. According to complainant, he instituted a matter at the court for reinstatement, the case has suffered several unnecessary adjournments.

Abbas Danlami complained to the Commission, stating that he involved in a road traffic accident on his way to work on 6th Jan 2004, and it was officially reported in the Report Book of 81 MRS, Ikoyi, Lagos before he was referred to Yaba Military Hospital and finally to the Greek Military Hospital, where he underwent surgery in April, 2009. According to the complainant, though

office was aware that he was undergoing treatment for the accident, he was charged for being absent from duty between 15th January to 17th May, 2004, allegedly found guilty and dismissed from the Nigerian Army. He alleged that he was not given a chance to defend himself.

Ekundayo Victor and nine other staff of Drumstix Food and Investment Limited Abuja complained to the Commission, stating that their employment was terminated on the 2nd of December 2009 on allegation of theft without affording them the opportunity to defend themselves.

The Daily Sun Newspaper of August 19th, 2010 reported that 5 staff of Celpas Industries Nigeria Limited, Matori Lagos, Ejike Okonkwo, Onyime Akpan, Uchenna Ozoemenam, Nnamdi Ezekiel and Nwachukwu Chinedu who were employed as casual workers were unlawfully dismissed without proper medical care despite severe permanent injuries sustained by them while on duty.

On May 27th, 2010 the NHRC received a complaint from three staff of Nigeria Institute for Trypanosomiasis Research (NITR), Kaduna. The complainants alleged that they were victimized and denied salaries, promotions, and subsequently dismissed because they gave evidence against the former Director General of the organization Prof L.T. Zaria and the Director of Administration and Finance (DAF) A. A Dangaladima, when invited by the Independent Corrupt Practices and other related Offence Commission (ICPC). The complainants stated that Alhaji Dangaladima, the Director of Finance and Administration who is also standing trial for official corruption is still at his duty post and had used his office to intimidate, victimise and recommend their dismissal. They further alleged harassment, threat to their lives and eviction from official residence at the behest of the said principal officers.

On 30th March 2010 received a complaint from some staff of the Federal Mortgage Bank, alleging that 152 members of staff had their appointment unlawfully terminated, without recourse to the laid down Civil Service Rules.

Recommendations

1. Critical stakeholders in the industrial relations system should work closely in sharing experience and expertise in addressing labour issues;
2. The National Assembly should ensure the speedy consideration and passage of labour related Bills before it;
3. The Federal government should strengthen institutions with mandate to protect workers' rights for optimal performance.

Section C

Women and Children

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Chapter Thirteen



**Women and Other Gender
Related Matters**

Introduction

Violence against women and children has grown in proportions and taken an alarming dimension in our society today. This is in spite of the fact that Nigeria is signatory to CEDAW, Convention on the Rights of the Child (CRC), their protocols as well as other international and regional instruments on the rights of women, children and young persons. Despite acceding to these laws and making provision and rights of all irrespective of sex and religion, violence and discrimination against women is still prevalent in Nigeria today. Women are subjected to sexual exploitation, rape, assault and other domestic violence. In most cases, these offences are taken as domestic issues and as such treated with laxity by law enforcement agencies. Sections 357 of the Criminal Code and 282 of the Penal Code which define the offence of rape and prescribe 14 years imprisonment with an option of fine or both, seem not to deter most perpetrators since most accused persons are almost never brought to justice. The offence of rape is rarely reported; this is attributed to fear of stigmatization, cultural barriers and lack of institutional support for victims of rape. This is further compounded by shoddy investigation by the Police, gender discrimination, and insensitivity to the plight of victims.

For instance it has been argued that some members of the Police force sometimes do not investigate reports of rape properly because they are also perpetrators of the crime.²⁸ It added that inadequate reporting in rape investigations carried out by the Police was partly because the Police cover up for their colleagues. Lack of economic opportunities, illiteracy, poverty, early marriage and overall disempowerment has been identified as factors that continue to impact negatively on the human capital development of women.

²⁸ "Rape – The Silent Weapon", Amnesty International (November 2006).

Below are few cases reported on the issue of women and children:

On June 15th 2009, Aishatu Habu, 35, complained to the Commission that she was married to Shetima Bukar for 10 years and the marriage was blessed with 3 children aged between 8, 6 and 3. She alleged that throughout the marriage, she was responsible for the upkeep of the family without any assistance from her husband. In 2007 her husband sold one of the cars she bought, converted the money for his personal use and also took over the second car without her consent.

She further stated that, Bukar Shetima often beat, harassed, insulted and disgraced her at the slightest provocation. Despite all these, Mrs Shetima claimed to have divorced her.

Aisha Salihu complained to the Commission that she and her daughter had been abandoned by Mr Bello, whom she had married for years. According to the complainant they were divorced and he refused to be responsible for the upkeep of the only child of the marriage.

Magdalene Udokpoh, 39, of Apostolic Church Avenue, Madalla, Niger State, complained to the Commission, stating that she was accused by her late husband's brother of being an accomplice in her husband's death. According to her, she was asked to take an oath to exonerate herself but she refused. She stated that on her refusal to take the oath to affirm her innocence, she was denied access to her home and two children. She was also denied access to her places of business, a restaurant and salon. She claimed to have taken shelter in church.

Onyinye Okonkwo, of the Redeemed Christian Church of God, Lugbe, Abuja reported to the Commission, that she was made to leave her matrimonial home by her husband, Chihuike Okonkwo, under the guise that she needed rest from numerous sympathizers after the death of their child in a domestic accident. When she left the matrimonial home, her husband took their children, one of who was four months old to an unknown destination. According to the Complainant, investigation has revealed that the children were not

living with him nor any of his known relatives.

Veronica Umoh, a nurse who resides at Life Camp, Abuja complained to the Commission, stating that her husband, Mr. David Adigidzi, assaults and batters her constantly in their matrimonial home and even when she was pregnant and had to be hospitalized as a result. She further stated that he threatens to take the children from her and report her to her employers whenever she attempts to separate from him. The Complainant moved out of the house with her children in April 2010 when the assault and battery became unbearable.

Nnawusa Tsado, 18, of Mamafa village, Niger State, complained to the Commission that her guardian Mr. and Mrs. A. Tsado want to give her out in marriage to a man she had never met instead of sending her to school and despite her plea to be enrolled in school. Nnawusa further stated that she was also prevented from attending church services, because her guardians are of the opinion that she would be exposed to peer influence. To avoid being forced into marriage, Nnawusa had to escape from the home.

Wens Chinyelu Olive of Army Quarters, Kubwa, Abuja complained that she was thrown out of her matrimonial home in June 2009 by her husband, and has since been denied access to their three children, ages twelve, nine and five. According to the Complainant, she had suffered series of untold cruel, inhuman and degrading treatment in the hands of her husband who had also threatened her life several times with a gun. She stated that she once narrowly missed being hit on the head by a breakable plate he threw at her sometime in 1998 and he further threatened to pour hot water on one of their children whom he claimed were not his children.

The Commission on the 25th day of August, 2009, received a complaint from one Mrs. Akabogu, of 11b Okigbo Crescent, Independence Layout, Enugu, alleging that she was employed by a bank (Name withheld), and was, in a subtle way, asked to use her 'virtues' as a woman to get specific and substantial accounts for the bank. She claimed to have been treated in various derogatory ways by her employer due to her inability to comply. Due to the harassment to

get huge deposit/targets 'fat accounts'; she had to resign her appointment.

She alleged that banks use their female staff as 'corporate prostitutes' to enhance their businesses. She stated that the female staff are given targets to meet and directed to top ranking persons in the society, a source for cash deposits for the banks.

Miss Ginika Omeh, 18, who worked as a fuel attendant at the BEF Filling Station Nsukka alleged that she was arrested by the Police on the instance of her employer, one Mr. Nnamdi Ilo, on allegation of theft. She was subjected to Cruel, inhuman and degrading treatment while in the hands of a certain herbalist and the Police. She narrated how her boss took her to the herbalist where she was forced to drink concoction in order to extract confession from her. She was thereafter taken to the Special Anti- Robbery Squad, (SARS) Enugu State Police command, where she was tortured and raped by the Officer in Charge and an Administrative officer.

According to the Daily Champion November 14th, 2010, Mr. Awara, a middle aged man of Okpanam Road, Asaba, Delta State, sent his wife away from their matrimonial home for refusing to give him breast milk.

Ismaila Adegoke, of Abania off Ologuneru and Nasiru (surname of Alafara area, Ologuneru, Ibadan, on 6th March 2010, were reported to have had canal knowledge of a 15year old apprentice (name withheld). One of the men Ismaila Adegoke was arrested immediately by the Police in Eleyele Police Station, Ibadan, while Nasiru is still at large.

October 8, 2010, Daily Sun online newspaper reported that a Divisional Police Officer, at Aba, Abia State, raped Princess Zia Chingasa Uwakwe of Amakpor Ighere in Bende Local Government, Abia State to death in his office when she went to his office to seek release of her detained relative.

On 15th September, 2010, the Commission received a complaint

one Mrs. T. A, against Mr. J A, a Police Officer attached to Duamba New Police Station, Lafia, Nasarawa State.

Mrs. T. A. stated that she and Mr. J. A. were live-in lovers and that they have two children together. They started cohabiting in 2004. She further stated she was often assaulted by Mr. J A, who smokes Indian hemp (*cannabis sativa*) and is a drunk. Furthermore, she stated that when he smokes and drinks, he beats her up before the children. After beating her, he will force her to have sex with him.

According to Mrs. T A when the beatings became unbearable, she moved out of the house and took the children with her to her mother's place. But Mr. J A, being a Police Officer, used his position, harassed and intimidated her family and took the children away.

On the 29th day of September, 2010, the Commission received a complaint from Mrs. O.O., complaining about maltreatment and threat to her life by her husband, Mr. R.O. She stated that she married R.O. in 2008 and had been the breadwinner since the 2008 because Mr. R.O. was unemployed.

According to Mrs. O. O, when Mr. R.O. subsequently started a business and earning some money, his attitude changed. He started beating her and had on several occasions sent her and their son out of the house at night. Mrs. O. O. stated that on one such occasion, she slept in an uncompleted building with her son. She stated further that on the 25th of June 2010 she had a miscarriage, as a result of the beating from Mr. R O and she had to move out of the house.

Anefiok complained to the Commission, alleging battery, adultery and neglect of their children by her husband, Chukwunos. She stated that the abuse has been going on for seven years, since their marriage in 2003. According to Anefiok, she lost a four months old pregnancy due to the beating she received from her husband. Despite family interventions, the assault continued. Her report to the Police yielded no result as the police made mockery of her. She further stated that her husband forces her to have sexual inter course with him after beating her, stating that it is her duty to do so.

Recommendations

1. Women should be sensitised and encourage to seek redress against any form of abuse.
2. There is need for campaign against the concept of 'Corporate Prostitution', and victims should be encouraged to speak out.
3. There is need for sensitisation of the security personnel on the civil policing.
4. The Police and other law enforcement agencies should be sensitized to realise that the wife battery, assaults and other offences committed against women are offences which should be investigated and possibly prosecuted.
5. The training curricular at the Police College should include human rights as a core course.
6. Reports of all forms of violation by the Police should be made public and erring officers brought to book.

Chapter Fourteen



Children and Young Persons

Introduction

The rights of the child and young persons are provided for under the Child Rights Act, as well as other regional and international instruments relating to the protection and promotion of the rights of the child and young persons. The survival and development of the child and young person's is at the center of these instruments. Despite the fact that Nigeria has passed the Child's Right Act, which invariably points to the fact that it has domesticated the United Nations Convention on the Rights of the Child, and that it is signatory to the African Charter on the Rights of the Child and Young Persons, yet there are challenges with providing the enabling environment for the respect and protection of the rights of the child and young persons.

The high rate of infant morbidity and mortality raises doubts and concerns about attainment of goal 4 of the Millennium Development Goals (MDG). The six childhood diseases continue to be a leading cause of death and disability among children in Nigeria, because Vaccines which protect against them are often not available.

Notwithstanding global efforts to combat polio, the disease poses a major public health challenge in Nigeria. Nigeria is listed as one of the four countries worst hit by polio in the world. Regrettably, despite several rounds of nationwide immunizations, Nigeria remains a center of transmission for the Wild Polio Virus. Records show that most of the cases are in the Northern part of the Country where indices for routine immunization remain very poor, particularly in the North West and North East States making total polio eradication more challenging.

This high prevalence seems attributable to poor vaccine coverage during previous control campaigns. Also, the attitude of health Officers charged with administering the vaccination is a matter of concern. Nigeria has conducted various Supplemental Immunization Activities (SIAs) yet children continue to be paralyzed. Boycott of the polio immunization campaign in three States in Northern Nigeria due to public distrust and rumors contributed to this deteriorating state of affairs.

Vaccinations are crucial tools for preventing and controlling the diseases, but its use has been overwhelmed by controversies and concerns. There is great concern that Nigeria is one of the countries where polio immunization is in danger of failing because of widespread refusals/challenges in the Northern region arising from proffered reasons including the following:

It is a deliberate move on the part of the Western world in collaboration with the Nigerian government to reduce the population of the Northern region.

There are allegations that some vaccinators connive with care-givers to pretend that children had been immunized. Some politicians are also said to see polio campaigns as means of providing jobs to their supporters. This raise issues of credibility of the vaccinators who community members may see as "political loyalists"

In a similar vein, some groups discourage caregivers from allowing children to be immunized because of their disbelief in Polio vaccine. Data on number of children reached are accordingly falsified. The heavily publicized disclosure that a vaccine (Trovan) produced by Pfizer to combat meningitis in Kano State was linked to several deaths and health problems further fuelled anxieties about the polio vaccine.

Subsequently, it is also of great concern that the issue of child abuse and molestation is still rampant in the country, in this 21st Century. Children are made to hawk wares on the street, despite its attendant danger. They move in and out of heavy traffic, selling things as menial as sachet water (pure water), ground nuts and others. In the process,

the children are exposed to both danger of being hit by car molestation. In some instances, young persons are used as thugs often pitched against the law.

Furthermore, the Government's effort at introducing free compulsory education has not gone beyond rhetorics'. The Universal Basic Education Programme is more of an ideal than reality.

On 19th November 2009, Ifeoma, aged 10 and an indigene of Imo State, who resides with her aunty at Asara Street, Enugu was hawking on the busy street of Enugu instead of being in school. According to Ifeoma, she lost her father at an early age and had to live with her aunty because her mother could not cater for her and her other siblings. While her aunt's children go to school, she stays at home to sell "okpa"; a local delicacy, in one of the motor parks in Enugu. Ifeoma stated that she would love to go to school but because she does not have help and there is no free education, she cannot. She is however optimistic that some day she would be able to achieve her goal.

An 11 year-old Rose, from Ebonyi State, was sentenced to 7 years imprisonment by a Magistrate Court sitting in Effum, for allegedly stealing Ten Thousand Naira (N10,000) from her foster parent. Rose stated that she was sent to live with her cousin, Mr. Nicholas Okeke by her father. While living with her cousin, she hawked goods on the streets and was made to go most times without food. She stated that Mrs Otunba, accused her of stealing N10,000.00 and took her to the Magistrate Court. At the Court, apparently not understanding what was going on, she pleaded guilty to taking the money and buying bread to eat, as she was hungry and was not always given food by her foster mother. Without taking into consideration her age, the Magistrate sentenced her to seven years imprisonment. At the time of compilation of this report, Rose was serving the prison term at Abakaliki Prisons.

On 17th December, 2009, a compliant was received at the Human Rights Commission, alleging that a Medical Doctor was arrested by the Policemen and detained at the New Haven Divisional Police Headquarters along with pregnant girls whom he had held captive.

his premises located along Independence Avenue, Enugu. Investigations revealed that the said Doctor was one Dr. Akunne whom the Commission had earlier reported to the authorities for his alleged involvement in the sale of babies. Detained with Dr. Akunne were girls found in the hospital, some of whom claimed to have been impregnated by him.

Children In Prison

On December 9, 2009, monitors from the Commission visited Umuahia Prison and found that 2 children between 9 months and 18 months were kept with their mothers in detention. The following children were in prison with their mothers:

Similarly, contrary to provisions of the United Nations Minimum Standard Rules for Juvenile Justice Administration, young persons were found in Owerri prison on December 9, 2009.

Sometime in October, 2009, Rukaya and her sister Nana, 5 and 2 years old respectively (Real Names withheld) were reported to have been defiled by one Ahmed, at Badarawa, Kaduna North. He has since been arrested and standing trial.

November, 2009, Eleojo, 4 years old was defiled by one James in Kakuri, Kaduna State. Mr James was arrested and he is standing trial before a Magistrate Court in Kaduna State.

On January 21st, 2009, it was reported that Asma'u, 14 year-old girl was forcefully married out to a 63 year old man. According to her Islamic teacher in Kaduna who reported to the incidence to the Commission, Asma'u grew up with her grand-parents in Kaduna, but was taken away from them by her parents, and given out in marriage to the 63 year old man against her wishes. However, at the time of compiling this report, Asma'u had left the 63 year old husband and is back to her grandparents place in Kaduna.

On May 7 2010, Saidat Akintunde a five year old girl was beaten to death, by her father, Abolore Akintunde, for urinating and defecating in the one room shared by a family of five. Abolore Akintunde who

lives at Omologede Street, Ogolinto, Ikorodu, was however arrested by the Police.

March 2010, Abike, 15, who hawks groundnuts on the street, alleged that she was raped twice, while hawking, thereby resulting to her being pregnant at the age of 13. A pregnancy she aborted because of the stigma attached to it.

Taye, 13, who hawks pure water, stated that she and her brother, Kehinde, started hawking when they were 7 years old. During one of their outings in May 2009, his brother was hit by an unknown driver and was left to bleed to death. According to Taye, despite the ugly incident, she was still sent out to hawk pure water on the street by her parents.

In 2007, Mercy, 11, was taken from Bayelsa State to Lagos by her uncle, to live with him. On getting to Lagos, Mercy was made to hawk food on the busy streets of Lagos instead of going to school for the past three years. According to Mercy, she was taken from Bayelsa State to Lagos State with the promise of sponsoring her in school, but on arrival at Lagos she was made to hawk food to support her guardians. Her dream of going to school has been dashed in the light of her present predicament. She also stated that she was exposed to rape but was lucky to have escaped it.

In May 2010, Ese, a 16 year-old senior secondary school student and an indigene of, Edo State was allegedly trafficked to Libya by a Benin High Chief. According to Ese's mother, Madam Joy, in her petition to NAPTIP, her 16 year old daughter was taken to Libya without her consent. She alleged that she came back from the market and discovered her daughter was nowhere to be found. After a thorough search, she was informed that a certain chief had taken her to Libya, and on getting to the Chief's place she met with the Chief's wife, who said she had to make a payment of two hundred thousand Naira (N200,000.00) before she can see her daughter again. Being unable to make such payments, she reported the matter to NAPTIP which in the course of their investigation arrested the Chief. An attempt to arrest his wife who was discovered to have been engaged in the trafficking in under-aged persons failed as she escaped abroad.

February 2010, Nasiru, 10, a class 1 pupil of Shagogo primary school Gaya Local Government, Kano State and his sister Sekina, 13, were said to have been engaged in hard labour in order to make some money for their feeding.

According to Nasiru, he was lured into the risky business of fetching out mud blocks from a burrow by Sekina his 13 year old elder sister, a primary 5 pupil. Nasiru further stated that their involvement in the business despite the health hazard associated with it and the meager sum they earn was with the consent of their parents. She confirmed that about 250 children of school age are involved in the business.

Sometime in May 2010, Abigail Udem (not the real name) the elder Sister of Mr. X (name withheld), 11 years old, reported to Kano Police Station that her brother, X was sexually assaulted by Mr Y (name withheld) an older boy in the area. According to the complainant, she noticed that her brother was losing weight over a period of time and when asked what the problem was, he refused to say, because the older boy had threatened to kill him if he told anyone about it. The complainant stated that she monitored her brother's movements and on a fateful day, she saw the violator molesting her brother as usual on his way to work. Mr. X was thereafter taken to the Hospital, where they were told that he needed surgery to evacuate the deposited semen in him. The alleged perpetrator was arrested.

Daily Champion, Friday, October 15th, 2010, reported on page 35 that a four-year-old child was defiled by 26-year-old Sunday Nwale of Gwagwalada Area Council, Abuja. According to the victim's mother, Mrs. Victoria, the incident took place on Saturday, October 9th, 2010 when she left her four-year-old daughter and her other three children at home to attend the burial ceremony of a friend. Upon discovery that her 4 year-old daughter had been defiled, she reported the case to Gwagwalada Police station, and the suspect was arrested.

The Daily Champion Newspaper, of April 29th, 2010 reported that 63 year-old Johnson Afolabi attempted to defile a 2 year old child. According to the report, Mr Afolabi lured the 2 year old child into his house and then stripped her naked and was struggling to penetrate her when it was discovered, the matter was reported at the Agugu police

station. On 30th July, 2010, a four year-old girl (name withheld) was defiled by 22 year old Onyedikachi Samuel of Shamura Street, Oshodi, Lagos State. According to the report, the father of the victim reported that his 4 year-old daughter was playing at her mother's shop when their neighbour lured her into his room and had carnal knowledge of her. Upon investigation by policemen from the Markinde Police Station where the matter was reported, traces of semen were found on the child. Onye was arrested and is standing trial.

Recommendation:

1. The Commission should foster collaboration with relevant stakeholders to sensitize the public on basic human rights standards as it relates to children and young persons.
2. The Commission needs to collaborate with National Orientation Agency, Nigerian Television Authority, Radio Nigeria, Ministry of Health, Civil Society Organizations, etc to develop appropriate communication strategies to educate the citizens of importance of immunization of children.
3. It is imperative that stakeholders engage in sensitization, advocacy and monitoring of the effective implementation of Polio-Eradication Strategies of the Federal Government of Nigeria from right based perspective.
4. There is need for detention centres to have provision for nursing mothers who are in conflict with the law.
5. There is also need to fast-track the Criminal Justice system to reduce the level of Awaiting Trial detainees.
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Section D

Environment and Sustainable Development

Chapter Fifteen

Environment and The Niger Delta

Introduction

Environment is important to man and any activity that affects the environment affects the human nature. This is so because we live and carry out activities on the environment and these needs to be carefully managed in terms of development.

The connection between human rights and environmental protection is no longer in doubt. Environmental degradation has an adverse effect on the quality and enjoyment of life as guaranteed fundamental human rights and ultimately the achievement of sustainable development. It was in the 1970s that the connection between human rights and environmental protection became manifest; thus it was recognised, adopted and developed progressively. What is more, the Bhopal and Chernobyl (refer to 1984 Bhopal Disaster in India and the 1986 Chernobyl Disaster in Ukraine) disasters played a significant role in the realisation that human rights and the environment are inherently interlinked and that a clean and healthy environment is a human right.

From the foregoing, every environmental development must go through an environmental impact assessment. In practice, this is far from being enforced in Nigeria. Environmental pollution has its attendant effect both on the lives of people and the environment.

In Nigeria, various legal instruments provide for the protection of the environment. Although the 1999 Constitution of the Federal Republic of Nigeria does not grant an express right to a healthy and clean environment, Section 20 thereof makes it a directive principle of state policy that "The state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria".

Accordingly, there are a number of Laws in Nigeria for the protection of the environment. The Federal Environmental Protection Agency Act of 1988 creates the Federal Environmental Protection Agency (FEPA) for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources and environmental technology. The agency is also charged with the responsibility of initiating policies related to environmental research and technology, among other functions.

Other regulations include the Petroleum Act, Petroleum (Drilling and Production) Regulations 196936, Regulation 43 of the Petroleum (Drilling and Production), Associated Gas Reinjection Act 197938 and Associated Gas Re-Injection (Continued Flaring of Gas Regulations) 198439 amongst others.

It is instructive to note that in 2007, the United Nations General Assembly made an important declaration on the environment where it adopted the UN Declaration on the Rights of Indigenous Peoples. Article 29 thereof proclaims that "Indigenous peoples have the right to the conservation and protection of the environment..." Other international instruments in this regard include the Aarhus Convention.

However, in spite of these legal and regulatory mechanisms, Nigeria is bedevilled with environmental problems ranging from erosion, spill and desertification. The Eastern part of the country is struggling to cope with erosion; the North with desertification and the South with soil and water pollution, due to oil exploration.

Felling of trees and indiscriminate mining of minerals has led to desertification and erosion. There is no alternative source of cooking gas hence people use mostly firewood, as kerosene or cooking gas is out of the reach of the common Nigerian citizen. Kerosene which hitherto, cost Twenty Naira, is now sold for Fifty Naira or more per litre; a 12.5kg of cooking gas goes for as high as four thousand Naira in an economy where the minimum wage is eighteen thousand Naira and the inflation rate is above two digits.

Furthermore, the exploration of Oil in the Niger Delta particularly in the South-South since the discovery of Oil in Oloibiri in 1959 seems to have a negative impact on the region. The region's environment has been adversely affected by the activities of multinational oil companies which have resulted in land, air and water pollution. Oil spill and gas flaring are the two major pollutants in the region. In this report our major focus is on oil spill as it affects both the land and water in the communities where oil exploration takes place.

There is also the problem of illegal mining of minerals in the Northern part of the country, leading to pollution and death

This report is not only focused on the South South region but other parts of the Country where environmental pollution had been reported to have taken place, in the year 2009 and 2010. It does not, however, chronicle all oil spills in the region within the mentioned period but focuses on the major ones. The following are some of the major environmental pollution and oil spills recorded and monitored during the period under review.

Kalaba community is one of the six communities that make up Okordia clan in Yenagoa LGA of Bayelsa State. It is Ijaw speaking and its people are mainly fishermen and farmers, depending on their land and water for income. The community was affected by oil spill which occurred in February, 2009 at the Agip oil pipeline which ruptured, as a result of equipment failure. It took two months for Agip to move to the site of the spill to commence a cleanup. Before the Company started the cleanup, a lot of damage had been done to the Community's land and water. The people complained of the slow response from Agip and the lack of care by the Government to ensure that the spill was cleaned up and the environment preserved.

Human Rights Monitor reported that on Saturday May 29th 2010, over 300 hundred residents of Kakuri Suburb in Kaduna South were affected by pollution from an emission from gas explosion. It was reported that the victims became unconscious and were taken to the hospital. The incident occurred around 1:30 pm when a welder working with Sokoejen Enterprises Ltd attempted to cut open a gas

cylinder which exploded emitting a toxic substance that dried up leaves, turned the area dark and the sky yellowish. In less than 10 minutes hundreds of people fainted and were rushed to nearby hospitals.

On June 8th, 2010, about 300 people were reported to have died from lead poisoning found in water and soil due to illegal gold mining in Zamfara State. In Sunke and Abare of Anka Local Government Area, 100 people mostly children died while many women had miscarriages as a result of inhaling the poisonous substance. There are fears that more deaths would result and children born with deformity.

Angiama is a community located along the River Nun, in Southern Ijaw Local Government Area of Bayelsa State. It is about an hour away from Yenogoa by speed boat. Its people are Ijaws and they are fishermen and farmers by occupation. They are host to both Shell Petroleum Development Company and Nigeria Agip Oil Company. An oil spill associated with Agip is reported to have occurred in April 2010 which led to fire destroying many economic trees and food crops in the community. The people also complained that their fishing nets and traps were affected by the spill and fire. They further stated that the incident which affected their water ways also had adverse health and economic consequences. Fire caused air pollution, affecting their health adversely. Those who used water from the creeks or river to bath or wash cloths contacted various kinds of skin disease.

Ikparama Community is located in Adibawa in Bayelsa State. Its people are ethnic Ijaws and they are mostly fishermen and farmers. The Adibawa oil delivery line owned by Shell is located very close to the community. The line was broken on the 15th of August, 2010 resulting in oil spill. The community claimed that though Shell has since repaired the affected pipe, it refused to compensate the community; instead it accused the people of sabotage. This allegation was denied by the community. They stated that the strong burning smell of the crude makes it so difficult to breathe especially for the children. They complained of the effect of the spill on their lands and water ways, all these they stated has already had an adverse effect on their economy and health.

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The people like other oil company host communities in the South-South had always complained of oil spills, the most recent occurring on the 11th of September, 2010 which resulted from old rusty oil pipes belonging to Shell. The spill occurred along the delivery lines of one of the forty wells. The Community has since reported the matter to shell.

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Ogbunugbene is a community in Sagbama Local Government Area of Bayelsa State. It is located along the Osilama creek. It is a small settlement of Ijaw people who depend on fishing and farming as their major source of income. The Community plays host to Agip's oil pipeline connected to the Ogboinbiri Flow Station. It was discovered on the 3rd of November 2010 that one of the pipes had ruptured and there was oil spill. The spill spread from the Ogbunugbene community to neighboring Umbugbene, Ondewar and Okpotuwari communities as a result of flood in the area which affected their farmlands, water ways and wells with attendant health challenges. The indigenes complained of untold hardship resulting from this and other oil spills they had suffered in the past.

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Section D



**Environment and
Sustainable Development**

Chapter Fifteen

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cylinder which exploded emitting a toxic substance that dried up leaves, turned the area dark and the sky yellowish. In less than 10 minutes hundreds of people fainted and were rushed to nearby hospitals.

On June 8th, 2010, about 300 people were reported to have died from lead poisoning found in water and soil due to illegal gold mining in Zamfara State. In Sunke and Abare of Anka Local Government Area, 100 people mostly children died while many women had miscarriages as a result of inhaling the poisonous substance. There are fears that more deaths would result and children born with deformity.

Angijama is a community located along the River Nun, in Southern Ijaw Local Government Area of Bayelsa State. It is about an hour away from Yenogoa by speed boat. Its people are Ijaws and they are fishermen and farmers by occupation. They are host to both Shell Petroleum Development Company and Nigeria Agip Oil Company. An oil spill associated with Agip is reported to have occurred in April 2010 which led to fire destroying many economic trees and food crops in the community. The people also complained that their fishing nets and traps were affected by the spill and fire. They further stated that the incident which affected their water ways also had adverse health and economic consequences. Fire caused air pollution, affecting their health adversely. Those who used water from the creeks or river to bath or wash cloths contacted various kinds of skin disease.

Ikparama Community is located in Adibawa in Bayelsa State. Its people are ethnic Ijaws and they are mostly fishermen and farmer. The Adibawa oil delivery line owned by Shell is located very close to the community. The line was broken on the 15th of August, 2010 resulting in oil spill. The community claimed that though Shell has since repaired the affected pipe, it refused to compensate the community; instead it accused the people of sabotage. This allegation was denied by the community. They stated that the strong burning smell of the crude makes it so difficult to breathe especially for the children. They complained of the effect of the spill on their lands and water ways, all these they stated has already had an adverse effect on their economy and health.

Jk4 (EDAGBERI/BETTERLAND COMMUNITY), as popularly called, is Joinkrama 4 Engene speaking Ijaw Community, which is located along Taylor Creek, Ahoada West Local Government Area, Rivers State. The community plays host to Shell Adibawa oil field. It also has forty oil wells which is drilled and operated by the same Shell Petroleum Development Company (SPDC). The people are mainly farmers and fisher men.

The people like other oil company host communities in the South-South had always complained of oil spills, the most recent occurring on the 11th of September, 2010 which resulted from old rusty oil pipes belonging to Shell. The spill occurred along the delivery lines of one of the forty wells. The Community has since reported the matter to shell.

The spill affected the fishing ponds and the farm lands of the community Shell has claimed that it will deduct Two Hundred Thousand Naira from its royalty payment to the community since the spillage was as a result of sabotage. The community also stated that it reported to Shell that one of its staff was involved but nothing was done to ascertain the identity of the staff. The damage to the community has resulted in the indigenes going a longer distance to fish which in itself is a problem as other communities have claimed trespass.

Ogbunugbene is a community in Sagbama Local Government Area of Bayelsa State. It is located along the Osiama creek. It is a small settlement of Ijaw people who depend on fishing and farming as their major source of income. The Community plays host to Agip's oil pipeline connected to the Ogboinbiri Flow Station. It was discovered on the 3rd of November 2010 that one of the pipes had ruptured and there was oil spill. The spill spread from the Ogbunugbene community to neighboring Umbugbene, Ondewar and Okpotuwari communities as a result of flood in the area which affected their farmlands, water ways and wells with attendant health challenges. The indigenes complained of untold hardship resulting from this and other oil spills they had suffered in the past.

The community has since reported to Agip about the oil spill but nothing has been done to clean up the spill. The Oil Company has however closed up the ruptured pipe but claims that the pipe was vandalized as such the spill was not as a result of negligence or neglect on their part. They also claimed that the swampy nature of the area makes it difficult to carry out an effective clean up.

Recommendations:

1. Regulatory authorities should ensure that oil companies live up to their responsibilities of keeping their pipe lines well maintained to avoid incessant and avoidable oil spills.
2. Oil companies must ensure prompt response to reported cases of oil spill and take immediate steps to clean up the affected areas.
3. The National Human Rights Commission should ensure that Government implements its laws on protection of the environment to reduce cases of oil spills in the country.
4. The Local Government Areas where the affected communities are located should be alert and educate the people on the inherent dangers of oil pipe line vandalisation and spills.
5. Victims of oil spill should be adequately compensated.
6. All developmental projects should be preceded by Environmental Impact Assessment.
7. All pending bills on environmental protection before the legislature should be attended to speedily.
8. There is need to upscale discussion on activities in the extractive industries and its human rights implications.
9. Government should implement and enforce the recommendation of RIO Conference on Climate Change.

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Section E

Good Governance

Chapter Sixteen

Communal Conflicts And Other Related Violence

Introduction

The security and welfare of the people shall be the primary purpose of government (section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria, 1999.)

One of the greatest challenges to the above constitutional responsibility of government is the problem of communal and other related violence. Nigeria provides one of the best examples or case studies of ethno-religious conflicts. With over 400 ethnic groups or nationalities distributed among the two major religions (Christianity and Islam), Nigeria has, since independence, produced a catalogue of ethno religious conflicts that resulted in an estimated loss of over three million lives and unquantifiable psychological and material damages. (B. Salawu: *Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies* - Department of Sociology, University of Ilorin, Ilorin, Nigeria)

Conflicts are not new to human societies. In fact they are necessary characteristics of every human society¹. It has been argued that the absence of overt conflict does not mean that a society is stable. This is because there may be some unrecognized cleavages and mutual suspicion between and among individuals and groups, which, if not addressed, could render the society apart.

Therefore, clashes and schisms are only but one way of manifesting overt conflict². No doubt conflict could be functional especially if it leads to innovations and other positive changes in the society³. On the other hand, it could be dysfunctional especially if it threatens order and stability which are the very foundation of human society⁴.

One cannot over-emphasize the fact that peaceful co-existence is a major requirement for any meaningful development to take place in the society, hence the need for order and stability.

Conflict threatens to undo much of what has been accomplished in Nigeria within the last ten years. These past years witnessed some tragic examples of how violent conflict can impact on our fragile democracy. Economic and social dislocations that pervaded the Nigerian society have made it possible for unemployed and impoverished youths to become willing tools in the hands of disgruntled politicians who manipulate them at will to perpetuate mayhem at the slightest provocation.

Indeed clashes, crises and demonstrations have characterized Nigeria's history as far back as 1914, when the Southern and Northern protectorates were amalgamated. All these snowballed into the Nigerian civil war that lasted for some two and half years¹.

With the transition to democratic governance in 1999 after a prolonged military rule, Nigerians were full of hopes and expectations. The ecstasy with which Nigerians ushered in the newly elected democratic government was with great hopes; the expectations were that democracy would unite the people and give everyone equal sense of belonging, thus paving way for the end to communal clashes. Not too long after the enthronement of democracy, however, some parts of the country started experiencing communal clashes in an unprecedented fashion.

A major concern of every Nigerian in the current democratic arrangement that started on May 29th, 1999, is that the negative and divisive tendencies which characterized the successive military regimes have not abated. The quest for economic and political space appeared to have aggravated these clashes against the basic tenets of democracy which prescribes justice, peace and mutual co-existence between and among the various ethnic and religious groups in a plural society like Nigeria.

Proliferation of small arms and light weapons in the country which many have attributed to the various armed conflicts in parts of Africa have contributed to the increase and sophistication of conflicts, which, in turn, lead to high number of human casualties with attendant human rights violations. Religious and other faith-based violence such as the issue of 'Boko-Haram' in Nigeria (which started in 2002 in Borno State), have led to the death of thousands of innocent citizens. The Islamic Sect seeks to establish the strict application of the Sharia Criminal Law as a State law governing Nigeria. The sect was led by late Ustaz Yusuf Mohammed and Albaji Fuju Foi, a former Commissioner for Religious Affairs in the Government of Borno State., The struggle and violence resulting from this, assumed a factional and sectarian conflict after the extra judicial killing of Yusuf Mohammed in 2009.

To function effectively, a democratic system must reflect the unique needs and culture of a given country. In fostering citizen participation, accountability, transparency, respect for human rights and delivering social services, there is need to accommodate ethnically diverse population, while promoting political inclusion. It is assumed that this will assist in reducing mutual religious and ethnic suspicion that most times lead to violent clashes. In addition, there is the need for government to take seriously the issue of job creation and poverty alleviation.

There is also the need for vigorous public enlightenment programme by governmental and non-governmental organisations on ethnic and inter group relations. Together with this is the need for security agencies to be trained on crises management skill so that crises could be detected and nip in the bud, before they escalate.

The deployment of military to handle civil unrest and conflicts should be minimized so as to curtail the reports of human rights violations resulting from military involvement in internal conflicts.

In Nigeria, the method of managing ethno religious conflicts takes different forms depending on the magnitude of the crises in question.

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Conventional policemen are usually drafted to handle small scale ethno-religious crises and may be assisted by the mobile police-men in cases where the conventional police men cannot cope.

However, in very serious ethno-religious conflict, government may be forced to make use of combined military force made up of the Police, army, navy and the air force. Considering the combatant and coercive nature of military intervention, cases of rape, shooting and other vices usually abound. Consequently, this method of intervention in ethno-religious conflicts has not been successful as a mechanism.

Below are some reports of communal violence monitored during the period under review.

On January 20th and 21st, 2009, a convoy of vehicles carrying over 300 armed security personnel of the Joint Task Force and members of the Abia State vigilante group the 'Bakassi Boys' invaded Abala Community in Obingwa local government area of Abia State as a reprisal attack on the villagers over the death of an ASP who was killed in their attempt to arrest a group of armed robbers who had robbed a bullion van and escaped into an area close to the village was resisted by the villagers. After the attack, a lot of lives were lost and others maimed. Also, about 400 houses were destroyed rendering homeless about 20,000 persons.

According to a witness, a resident of Azuahia village, the security operatives entered the village, seized petrol from petrol hawkers while shooting into the air. The villagers had to run into the bushes and their houses were set ablaze. Another witness, a 28 year old fuel hawker at Orié Abala Market, stated that: "We were in our shades when six security patrol vehicles came to the market square that Tuesday evening. Before the vans came to a standstill, we saw Police and "Bakassi Boys" jumping down with corked guns and charging towards us. We begged them not to shoot us and fled into the bush, leaving several jerry cans of petrol and diesel behind. When we came out of the bush, we did not see a single jerry can in our shades. We

learned that the police and vigilante people had loaded them into their vehicles and drove towards Akrika, where we learnt they were trailing armed robbers."

The affected villages are, Umuibe, Umuokorokpo, Nkpukpu Okoro, Umulelu and Umuachilefa, Umu Ogbuji, Azu Ahia, Umu Oparaoku, Umu Chuewunna and Umughoria.

On 14th February 2010, a communal clash broke out between Ezillo and Eizza communities both in Ishielu LGA of Ebonyi State. The crisis which started on May 10th, 2008 over the erection of a GSM phone booth in a local market, escalated into a full fledge clash in February 2010. Both communities had experienced crisis, leading to loss of lives and destruction of properties, which extended to neighbouring communities. It was estimated that more than 100 lives had been lost, thousands of people displaced and properties worth millions of naira destroyed.

The 2001 Jos riot claimed at least 1,000 lives in Jos (HRW, 2001). Subsequently, long-standing tensions within smaller towns and villages in Plateau State violently escalated. The killings only came to a halt when the Federal government declared a state of emergency in 2004, after about 700 people had been killed in an attack on the town of Yelwa in southern part of Plateau State (HRW, 2005). Clashes between Muslim and Christian youths rocked the city of Jos again in 2008, killing at least 700. The year 2010 has been one of the worst on record, with more than 1,000 lives reportedly lost.

The number of internally displaced persons since 2001 peaked in 2004, with up to 220,000 persons displaced (IRIN, 2005). After the 2008 riot, more than 10,000 persons were displaced, while violence in 2010 resulted in about 18,000 people fleeing from the crisis area. (IRIN, 2010). Numerous houses in Jos have been burnt while blackened remnants litter the streets. Violence and displacement have reshaped Jos and many rural settlements as neighbourhoods become religiously segregated 'no-go areas'.

Recommendations

1. The issue of indigeneship should be discouraged
2. Persons who have lived in a State for more than five years should be regarded as an indigene of that State and accorded all the rights accruable to the locals in that State
3. People should be enlightened on the need to tolerate one another.

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Chapter Seventeen

Corruption and Good Governance

Introduction

Nigeria is reputed to be the most populous country in Africa. It accounts for over half of West Africa's population and it is always said that one out of every five black persons is a Nigerian. With the discovery of oil in 1968, the country's economy has witnessed tremendous growth with oil accounting for 95% of foreign exchange earnings and less than 25% of GDP in 2009 (CIA World Fact Book).

As at 2009, the country's GDP was \$353.2 billion while revenues that accrued to the Federal Government was \$10.49 billion. Exports was said to be \$45.43 billion. About 57% of the population however lives below poverty line, on an income of about \$1 a day.

Despite huge resources at the disposal of Federal, State and Local Governments, this does not translate to good standards of living for the people. The main reason for this is the high level of corruption exhibited by political office holders, public servants and captain of industries. Successive governments have taken bold steps to address this menace, but it appears the battle is far from being won. The high rate of corruption in the country has tremendous negative impact on development and governance. This also slew down government's commitment to rule of law and respect for human rights.

Corruption is so pervasive in Nigeria that it has eaten deep into the country's national psyche. No tier or arm of government is free from this cankerworm. The private sector has now joined the fray on a very disturbing and alarming level. Some analysts have attributed this situation to colonial experiences. Studies have, however, shown that other countries with colonial experiences as Nigeria had witnessed

momentous development in the last fifty years. Example is Ghana, Botswana, South Africa, Singapore, India and Malaysia.

One could not but agree with a Professor of Political Science and a former Vice Chancellor of a Nigeria University who once said:

Corruption has brought ridicule on Nigeria and her citizens and has discouraged foreign investment. A band of shortsighted and greedy elite nurtured and perpetrated the conversion of public treasury and national wealth for exceedingly private uses. These elites eschewed transparency and abhorred rules and regulations, broke laws, violated due process and crudely stole from the public coffers.

A recent study by the Ahmadu Bello University, Zaria a leading University in Nigeria points to the fact that institutions that are most critical to democracy, development and human rights are among the most corrupt institutions in the country. They include Nigeria Police Force, Political Parties, National and State Parliaments, Local Government Authorities, Power Holding Corporation of Nigeria, among others.

Also, a joint 2010 study by the Nigeria Bureau of Statistics (NBS) and the Economic and Financial Crimes Commission (EFCC) lists the most corrupt institutions in Nigeria in order of ranking as follows:

- Nigeria Police Force
- Power Holding Corporation of Nigeria²⁹
- Water Boards
- Revenue Collecting Institutions
- Nigeria Customs Service

The study also shows that the judiciary in Nigeria is one of the most corrupt institutions. Even though the judiciary in recent times has given landmark judgments to serve the cause of justice in the country and is playing great role in restoring the rule of law, there have been grave concern from stakeholders on the high level of corruption in the judiciary.

²⁹ The leading national institution responsible for generating transmission and distribution of power in Nigeria. It is instructive to note however, that the Federal Government of Nigeria is poised to reform the power sector and has put in place steps to ensure adequate provision of power in the nearest future in the country.

The high level of corruption in the country has led to critical challenges to governance in Nigeria. Good governance is expected to guarantee the socio-economic wellbeing and the protection of human rights of the people, creates enabling and conducive environment for job creation, food security and secure and safe environment. These, are however far from being attained in Nigeria despite the efforts of government at all levels.

Corruption can be said to be manifested in Nigeria in three broad levels namely;

- Political Corruption leading to election rigging and subversion of the will of the people to elect leaders of their choice;
- Governance- The people are not enjoying good governance that will translate into infrastructural development and high standard of living;
- Private Sector Corruption which has led to stunted growth in economic development.

Legal Framework

The Constitution of the Federal Republic of Nigeria, as well as other local legislation frowns at corruption and all forms of corrupt practices. Among the "Fundamental Objectives and Directive Principles of State Policy" as espoused in the Constitution are that: Nigeria shall be a state based on the principles of democracy and social justice;

The security and welfare of the people shall be the primary responsibility of government;

The state shall abolish all corrupt practices and abuse of power;
The state shall harness the resources of the nation and promote national prosperity and an efficient dynamic and self-reliant economy;

The state shall control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

In spite of efforts of government to ensure that these ideals are

translated into reality, corruption, particularly at the highest levels of governance has turned Nigeria into a country of "Rich Nation, Poor People". What else can account for 57% of the population living below \$1 a day in a country that generates over \$10 billion in a year. Reports abound that revenues accruing to government may be much more than the above figure, if not high level of corruption in the country. Most revenue-generated agencies were alleged to have short-changed the government. A former Chairman of Revenue, Mobilization and Fiscal Allocation Commission questioned the rationale of these agencies keeping certain percentage of revenues without resources to the National Assembly, i.e the Parliament.

Apart from the Constitution, other legislations which address issues of corruption include:

- Corrupt Practices and other Related Offences Act 2000 which establishes the Independence Corrupt Practices and Other Related Offences Commission (ICPC);
- Economic and Financial Crimes Commission (Establishment) Act 2004;
- Code of Conduct Bureau and Tribunal Act;
- Fiscal Responsibility Act 2007
- Nigeria Extractive Industries Transparency Initiative Act 2007.

Nigeria is also a party to the African Union Convention on Preventing and Combating Corruption and the United Nations Convention Against Corruption (UNCAC). It is therefore apparent that there is adequate legislative framework to tackle the menace of corruption. Although, some legal experts have criticized the use of plea bargaining mechanism in our anti corruption law as counterproductive. While there may be need to revisit the anti-corruption laws from time to time, plea bargaining has its own usefulness and should not be thrown away out rightly. What is critically required at this time of Nigeria's development is political will and commitment on the part of the political elite to good governance, broad participation and dramatic attitudinal change.

Corruption Perception Indices

Nigeria has been ranking low in many corruption perception indices

which include those of Transparency International (TI), African Peer Review Mechanism (APRM) and M.O. Ibrahim Foundation. According to TI Reports, Nigeria ranked 120 among the least corrupt nations in 2008, 130 in 2009 and 134 among 178 countries in 2010. Out of the score of 10, Nigeria had 2.4.

According to the 2009 APRM Report, Corruption in the political and economic spheres primarily explains poverty in Nigeria. The country has high poverty rate in the midst of plenty which makes Nigeria about 60% of the worlds poor.

According to the M.O Ibrahim Foundation Report of December, 2009 on Governance in Africa. The country scored 46.5% out of 100, scoring below the overall continental average of 51.2% and also below the West African. In the 2010 Report, Nigeria is 40 out of 50 countries in Africa, which indicated that Nigeria is better than only 10 countries in Africa in terms of good governance.

The M.O. Ibrahim Index of African Governance measures the delivery of public goods and services to citizens by governments and non-state actors across 84 indicators of governance. The indicators are grouped in four categories, namely:

- Safety and Security;
 - Participation and Human Rights;
 - Sustainable Economic Opportunity; and;
 - Human Development.
- Nigeria scored below the continental and regional averages in all the four categories.

Effects Of Corruption On The Enjoyment Of Human Rights In Nigeria.

Good Governance and low level corruption is critical to the realization of human rights in any country. Despite improvement recorded in the protection of human rights in the last decade, there are still grave concerns regarding the enjoyment of human rights in Nigeria. The challenge of governance in Nigeria has resulted in high rate of poverty in the country. This is particularly so in the rural and semi-urban cities. According to The World Distribution of Income by Xavier Sala-I-Martin, one of the largest increases in poverty rates

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occur in Nigeria, rising from 14.5% of the population in 1970 to over 50% in 2000. (This Day of 6 July 2010).

Poverty in Nigeria has been increasing over the years. The Gini coefficient reveals that in 2003, the lowest 10% of the population owned only 19% of the national income, while the highest 10% owned 33.2%. The 2010 Global Monitoring Report of UNESCO indicates that about 92% of the Nigerian population survives on less than 2US dollars daily, while about 70% survive on less than \$1 dollar a day.

The Report of the African Peer Review Mechanism in December 2009 corroborates the above revelations. According to the report, poverty level in Nigeria declined from over 70% that it was few years to about 54%. However, majority of Nigerians still suffer high deprivation despite high increased in Oil Revenue.

It is difficult for human rights to be effectively guaranteed in an environment where poverty level is so pervasive and entrenched. Besides the fact that poverty is itself a human right violation, it also lead to the violation of many other human rights. Corruption by public officials and corrupt national institutions has negatively impacted on the provision and availability of important infrastructures and other social and economic facilities.

Important sectors such as health, education and job creation have been neglected over the years. These sectors have witnessed low level funding for many years and the funds as meager as they were have always found their ways into private pockets.
Some cases of corruption in 2009/2010

The Federal Government has not relented in her efforts to wipe out corruption in the country. In this regard, key national anti-corruption agencies such as EFCC and ICPC beamed their searchlights on national institutions. This has resulted in investigation, arrest and prosecution of many public office holders and technocrats during the period under review.

Both the EFCC and ICPC carried out investigations and initiated criminal prosecution of corrupt officials. Some of the cases are:

The arraignment of Ezeibunwo Nyeson Wike, River State Chief of Staff by EFCC before an Abuja High Court on a seven count charge of criminal breach of trust and illegal diversion of funds totaling about 5 billion Naira;

The arraignment of Nasir El-Rufai a former Minister by the EFCC before a Federal High Court in Abuja on allegation of misappropriation of over 32 billion naira, proceeds from sale of Federal Government houses in Abuja during his tenure as Minister;

The EFCC also arrested, investigated and charged the following persons: Nicholas Ugbane, a Senator; Ndudi Flumelu, Chairman of House Committee on Power; Sam Gekpe, CEO of Rural Electrification Agency; Abdulahi Aliyu, Permanent Secretary of Federal Ministry of Power and some others before the FCT High Court on 130-count charge bordering on conspiracy, diversion and misappropriation of public funds;

The ICPC arraigned Othman Kyari, a former Managing Director of University of Maiduguri Teaching Hospital before a Maiduguri High Court on allegation of corrupt related offences;

In August 2009, the ICPC investigated allegations of 90 billion Naira fraud leveled against managers of Pension Funds for retirees in the health sector. The ICPC in September 2009 also summoned officials of Federal Ministry of Education Reform Programme.

On October 7th, 2009, Daily Champion reported that Professor Bridget Omotunde Soka, ex Executive Secretary of UBE; Molka Manasseh Mufawang; Michael Mtonga Aule; Dr. Andrew Ekpunobi; Intermarkets USA; Inter-markets Nigeria Ltd; and Alexander John Cosma were arraigned before Justice Adamu Bello of the FCT High Court, on 64-count charges brought against them by the EFCC, for using their offices to misappropriate funds belonging to Government, and breach of trust. The accused persons were charged with conspiracy to induce and deceive Universal Basic Education into awarding contract in the sum of N787, 968, 000 out of which the sum of N636, 284, 160 representing 85% of the contract sum was paid as mobilization fee.

Also reported in Daily Champion of October 14th, 2009, a Lagos based legal Practitioner, Victor Otuyemi, was charged before the Federal High Court sitting in Lagos for allegedly defrauding one of his clients, Titilayo Okuyiga, of the sum of N11.5 million. The accused was charged for obtaining the sum under false pretences in respect of resale of a family land situated at No. 12, Church Street, Lagos to her (Titilayo) and stealing property belonging to Okuyiga between March 19th, and September 10th, 2009.

Thisday Newspaper of 13th November, 2009 reported that the Registrar of National Examination Council, Prof. Promise Okpala, the Assistant Director/ Secretary to Tenders Board, Adesina Adetola, and Account Director, Isaac Adisa Ishola were arrested by EFCC over an alleged fraud of N2.4 billion. Their arrest was based on a petition dated November 30th, 2007, accusing them of corrupt enrichment. Prof. Okpala was alleged to have arbitrarily inflated the monthly salary bill of the organization from N100 million to N400 million. He was also alleged to have borrowed the sum of N750 million from three banks, whose names were withheld, without permission from the FEC or approval from NASS.

Daily Champion, January 29, 2010, reported the 6 billion Naira scam lingering in the Upper Chamber of the National Assembly (NASS) which involves the Chairman of the Presidential Implementation Committee on Alienation of Federal Government Houses and Minister of State for Housing, Mrs. Grace Ekpiwhre. The Minister admitted in a said letter dated November 28, 2009 that it was not 6 billion Naira that was missing, but only 1.2 billion Naira housing fund.

Daily Champion, February 17th, 2010, reported that Chimaroke Nnamani, the Ex Governor of Enugu State, is standing trial before the Federal High Court, Abuja division along with , Mrs. Sylvia Onwuebetelli, former Permanent Secretary; Peter Mbah, former Finance Commissioner; Sam Ejiofor, former Commissioner for Local Government and Chieftaincy Matters; Victor Udeh; Sunday Anyaogu and a consultant to the State government, on a 124 count charge over alleged money laundering and other corrupt practices that made the State lose about 5.4 billion Naira during his tenure as Governor from 1999 to 2007. Also the following six firms:

Rainbownet Nigeria Limited, Cosmos FM, Capital City FM, Automobile Nigeria Limited, Renaissance University Teaching Hospital and Mea Mater Elizabeth High School that were linked to the ex-Governor are being prosecuted.

Thisday, May 27th, 2010, reported that Chief Orji Uzor Kalu, Ex-Governor of Abia State, has been charged to court by EFCC for allegedly laundering about 5 billion Naira, belonging to Abia State, while in office.

Thisday, May 28th, 2010 reported the re-arrest of five officials of the Oyo State Government: Mr. Hosea Agboola, the Commissioner for Local Government; Mr. Ojo Ademola Obafemi; Chairman, Association of Local Government of Nigeria (ALGON); Mrs. Florence Okeniyi, the State Accountant General; Alhaji Muslim Oyedemi, Commissioner of Works; and Mr. Olufemi Babalola Ademola, a consultant, by the EFCC over alleged diversion of 8.2 billion Naira, local government funds. This was as a result of fresh indictment brought against them in the cause of investigating the fraud. Also, the Secretary to the State Government (SSG) was indicted by further investigations on the matter, as he was alleged to have diverted the money into his private account, after he had made it public that the money had been released into the local councils account.

Daily Champion, 28th May, 2010 reported that EFCC has charged former Aviation Minister, Chief Femi Fani-Kayode, before the Federal High Court, Lagos, on a 49 count charge of money laundering (cash lodgment of over 250 million naira in his account in a new generation bank while he was a Minister). The matter is still pending before the Federal High Court, Lagos.

Miss Agbasi Ifeoma Franca, a public servant working with the Supreme Court of Nigeria, Abuja, complained to the Commission, that during the Federal Government sale of government houses, she indicated interest and was given a letter of offer dated 23rd June, 2008 at the cost of N850,000.00.

She stated that she obtained a loan from Aso Savings & Loans and made full payment for the house on 8th August, 2008, but that it was

arbitrarily withdrawn by the Ad-hoc Committee on Sale of Government Houses and given to another public servant, Miss Rebeca Ango on 24th March, 2009.

She stated that she had made several efforts to get a refund of the money from the Adhoc Committee without success.

Other reports indicating allegations of high level corruption by public officials were reported by 'This Day Newspaper' of 16th March, 2010. It was alleged that officials of Federal Ministry of Aviation inflated contracts for the construction of a second runway at Nnamdi Azikwe International Airport, Abuja. The 4.4km runway contract was allegedly increased from 4 billion naira to 64 billion approximately 423 million USD. Also sometime in 2010, the Senate Committee on Public Accounts investigated the expenditure of 2.4 billion naira on the purchase of tricycles, usually distributed to unemployed peoples as means of wealth creation. Dr. Moses Kpako, the Coordinator of National Poverty Eradication Programme was said to have awarded the 2.4 billion naira contract to a company and paid the entire amount upfront which was contrary to procurement procedure in the country.

Some Challenges In The Fight Against Corruption In Nigeria

- Delays in the administration of criminal justice system;
- Inadequate protection for witnesses and whistle blowers
- Inadequate sanctions for offenders;
- Lack of strong commitment on the part of political and ruling elite;
- Inefficient and outdated systems and processes in the Public Service;
- Unmotivated Public Service and
- Very poor and discriminatory remuneration systems in the Public Service

Recommendations

1. Zero tolerance for corruption and all forms of corrupt practices which should be the cornerstone for the conduct of government business;
2. Transparency and Accountability in all governmental functions;

3. Free and Viable Press that can report on corrupt practices;
4. Organization of the Civil Society to report and fight corruption;
5. Effective Protection for Whistle blowers and Witnesses;
6. Strengthening of anti-corruption agencies;
7. Liberation of Government regulations to minimize rent seeking activities;
8. Severe sanctions for Corrupt Government Officials and accomplices;
9. Payment of living wages to Public Servants and removal of highly discriminatory remuneration system in the Public Services;
10. Carefully planned income redistribution to benefit the poor majority through progressive taxation and welfare scheme

Chapter Eighteen

Human Security

Introduction

Between 1991 and 2009 there were several reported cases of kidnapping and abduction, such that Nigeria was ranked ninth on the list of nations where kidnapping take place, behind other nations like Columbia, which had reported cases of 5,181. In the last two years (2008 and 2010) Nigeria has recorded 887 kidnapping cases, a development that has taken a disturbing dimension, says the Inspector General of Police, Mr. Ogbonna Onovo, at Alumni Association of the National Institute of Advanced Legal Studies, with the theme "Kidnapping as a Threat to National Security".² According to Onovo, available data revealed that between 2008 and 2010, incidents of kidnapping was highest in Rivers State with 216 cases, followed by Anambra State with 191 cases, Edo 166, Akwa Ibom 100, Delta 85, Abia state 68 and Imo state with 61 cases.

The menace of kidnapping is attributed to unemployment, poverty, ostentatious display of wealth and greed, high level of crime and corruption, a weak judiciary and a history of political, social conflict and instability.

Kidnapping and abduction which was effectively introduced into Nigeria as a form of organized protest in the Niger Delta region by the various groups agitating for infrastructural development of the region, has spread to other parts of the Country unhindered. Before now, it was considered a viable option for drawing the attention of government and other international organizations in the long drawn struggle for resource control and better living conditions in the region, but in recent times, it has taken a different dimension, and has degenerated into criminality.

² 'Nigeria Records 877 Kidnap Cases In Two Years', 2010

It is appalling to note that as agitations continued, politicians saw some of these groups as instruments for intimidation of opponents and manipulation of electoral processes. Kidnapping and abduction became weapons for pursuing pecuniary gains as huge sums of money in form of ransoms were collected from victim's family members or from their employers. This phenomenon poses a threat to national security.

Thus, kidnapping as a crime has crept into the Nigerian society and caused a lot of mental and emotional trauma for the citizenry, affected their right to freedom of movement and freedom from inhuman and degrading treatments. Like an epidemic, it has not spared any facet of our nationhood, the economy being the worst hit as foreigners and citizens are more often than not, the target. The resultant effect is low investor confidence and a stagnant or regressing economy. A disheartening development about kidnapping and hostage taking in Nigeria is that sometimes, the victims or hostages lose their lives even when the required ransom is paid. Kidnapping and hostage taking is a veritable threat to the people's right to life. Below are some cases recorded during the period under review.

A 45 year old man, Mr Hunge Tanimowo who was arrested by men of Ogun State Police for masterminding the abduction of his 16 year old son, John Tanimowo and demanding the sum of One Hundred Thousand Naira as ransom from the victim's uncle, is a typical example of family involvement in kidnapping and hostage taking.

Mr. Hunge a drum maker, and native of Maun in Ipokia Local Government Area Abeokuta, was said to have tricked his son, John (who was residing in Lagos with his brother-in-law, Mr. Joseph Dosa), to a friend's house and then contacted Mr Dosa that John had been kidnapped by some people who were demanding the sum of One hundred thousand Naira (N100,000) from him as ransom.

According to Mr. Dosa all efforts to get the alleged abductors' telephone number from Mr. Hunge proved abortive as he claimed that the abductors warned him not to release the telephone numbers to any person. The ransom was arranged through the Police and Mr.

Hunge. When the supposed abductor came out to collect the ransom, he was arrested.

On 24th March, 2009, Mrs. Maria Adigwe 75, mother of the Group Managing Director of one of the old generation banks, was kidnapped from her family house at Ogboeweke Quarters in Ibusa, Delta State. The kidnappers were said to have demanded N50 million as ransom, which was later reduced to N5 million after negotiations. The State Security Personnel who had been working with forensic experts traced the telephone call data of the kidnappers and were able to arrest two of the suspected kidnappers. The arrested suspect led the team to the key player known as Ifeanyi and this ultimately led to the arrest of the other kidnappers.¹¹

On 12th January, 2009, Mr Ikechukwu Alozie, the Deputy General Manager of Total was kidnapped by unknown gunmen. This was confirmed by Mr. Fred Owahauha, the spokesman of the company.¹²

On 29th January, 2009, the Chief Executive Officer of Nomagbon Pharmacy, Osadolor Nomagbo was kidnapped by four armed men. The kidnappers were said to have trailed him from church and took him away at Omoruyi Street, off Upper Lawani Road, while he was returning home from a Sunday service. They were said to have pulled him out from his car and forced him into the boot of their Mercedes Benz 190 car.¹³

On 11th, November 2009, Mr. Nath A. Inegbedion and three of his children were kidnapped at Ekpoma. The Benin Branch Chairman of the Nigerian Bar Association, Mr. Barnidele Ahina, requested the members of the association not to offer any legal services to the people charged for armed robbery or kidnapping as a result of that, until he is released.¹⁴

On 16th April, 2009, Mrs. Julie Ann Mulligan, 45 a Canadian National, who was in Kaduna with 4 others, on a Group Study Exchange Programme under the auspices of the Rotary International Club, was

¹¹Thisday 31 March 2009

¹²Vanguard 14 January 2009

¹³Thisday 30 June 2009

¹⁴Vanguard 11 November 2009

abducted by armed men, at gun point. Mrs. Mulligan was in the company of one Mr. Moses Kadeer her host, who was dispossessed of his wallet, phone and car keys. The kidnappers initially demanded for a ransom of N100 million, but reduced it to Twenty Million Naira after negotiations. However, on April 28th, 2009 Mrs. Mulligan was rescued unhurt by the State Security Services, after being held hostage for 13 days. The kidnappers were arrested and arraigned at the Chief Magistrate Court, Ibrahim Taiwo, Kaduna.

On 9th July 2009, Shamsiyya, the youngest wife of the Chairman of Kubau Local Government Area of Kaduna State was kidnapped by unidentified armed men from her home in Zaria Who demanded for a ransom of Twenty-Five Million Naira. On Saturday, July 11th, 2009, Shamsiyya was found in Zaria, lying by the roadside, unconscious in a pool of her own blood by passers-by. She was taken to St. Luke Hospital for treatment.

On Tuesday 13th April, 2010, Mr. Precious Oforji, the Chairman of Oyiabo Local Government Area of Rivers State was kidnapped by four gunmen and taken to an unknown destination. He was released by his abductors somewhere in Abia State on Friday 23rd April after an undisclosed ransom had been paid.⁵⁵

Sometime in February 2010, Madam Florentina Emmanuel, mother of Senator Emmanuel Paulker was kidnapped by gunmen who stormed her country home in Opolo and took her away. The kidnappers demanded for \$30,000. After negotiations, the kidnappers agreed to be paid N100 million ransoms. They were arrested at the new gateway road, in an attempt to collect the ransom.⁵⁶

On 21st February, 2010, Ayobanmi Adehare, 50, a fisherman was kidnapped by an unknown group from his home in Rumuododoro, Rumuaholu in Obio/Akpo Local Government Area, Rivers state. The kidnappers posed as fish buyers but when let into the compound, locked the victim's three children in the toilet and took him away.⁵⁷

⁵⁵ *Punch*, May 17 2010.

⁵⁶ *Vanguard* March 2010.

⁵⁷ *Thisday* 23 February 2010.

The Principal of Exxon Mobil's Pegasus Schools in Eket, Akwa Ibom State, Mrs. Lakshmi Tombush, an Indian, was abducted by unknown gunmen on October 13th, 2010. Mrs Tombush was kidnapped along with her aids, which were killed. She has since been set free, but it was not clear whether or not ransom was paid.

Mrs. Comfort Ewang, wife of former Military Governor of Rivers and Ogun States, Air Commodore Basssey Ewang (Rtd), was kidnapped and was held for 22 days. The kidnappers were said to have demanded for N25million as ransom. After the ransom was paid, the kidnappers demanded for additional N100 million and further requested that he drops his political ambition.

Two workers of the National Petroleum Development Company (NPDC), Benin City, Edo State, Messrs Danjuma Bashir and Malabu Ahmad were kidnapped on March 13th, 2010. They were later found dead in a bush at Mosogar area of Delta State.

The Paramount ruler of Umuebule community in Oyibo local government Area of Rivers State, Eze Sunday Njoku, was on Sunday June 13th, 2010, kidnapped by unknown gunmen. The kidnappers were said to have abducted Eze Njoku at about 9:30am during a church service at the Assemblies of God Church in Umuebule. The kidnappers stormed the church, shot sporadically into the air, to scare away worshipers before moving to where Njoku, the Ochimba 1 of Umuebule, was seated. Two men who tried to prevent the kidnappers from getting to Njoku were shot dead. He was released after ransom was paid.

On Monday July 5th, 2010, unknown gunmen abducted High Chief Dr. Sam Ezebalike and his wife, Sarah in Ahoada East Local Government Area, Rivers state. The kidnappers set the Nissan Station Wagon they came with ablaze before disappearing with the hostages in a speed boat through Osahi Oppudo waterway in Ahoada East. The wife was released after four days with a demand for ransom, while the Chief was later released after the ransom was paid.

Five female NYSC members serving in Omuma Local Government

Area of Rivers State were on Thursday, September 17th, 2010, at about 11:30am kidnapped by unknown Gunmen at their Lodge at Umuogba Community Secondary School in Rivers state. They were however rescued by a combined team of the Rivers State Police and Military Joint Task Force.

On Saturday 30th October, 2010, a Medical Doctor, Ekimah Micha was kidnapped by unknown gunmen in Port Harcourt Rivers State. After spending several days with his captors an agreement was reached for a ransom, and he was released upon payment of the ransom.

A militant group, the Movement for the Emancipation of the Niger Delta on Sunday November 7, 2010 abducted 19 oil workers during an attack on the offshore oil rig in southern Akwa Ibom state. The kidnapped workers were staff of a London based oil exploration firm, Afren. The attack took place at the Shallow Water of Okolo oilfield in Akwa Ibom State. Those abducted were: two Americans, Two Frenchmen, Two Indonesians, one Canadian, and twelve Nigerians. They were however, rescued by men of the Military Joint Task Force.

On Thursday 25th November, 2010 it was reported that Mr. Tuned Ebozoje, General Manager of Edo Broadcasting Service was kidnapped while on his way from work. The kidnappers were said to have demanded for N4.2m ransom.

Recommendations

1. There is need for the Government and stakeholders to pursue socio-economic development to reduce the incidence of unemployment, poverty, and massive deprivation that exist in our society. In other words the overall development of society especially the development of human capital is the first step to dealing with the phenomenon of kidnapping in our society.
2. A conscious effort should be made to engage the large

number of Nigerian youth in productive activities by creation of employment opportunities and creating a conducive environment for financially empowering Nigerians.

3. Management of information during the investigation and monitoring of kidnap incidents is critical. It is imperative, therefore that partnerships with relevant stakeholders including the media is established. In this regard, information and intelligence sharing mechanisms should be established to bridge the gaps that could weaken the country's capacity to contain the trend.
4. The law enforcement agencies should be adequately equipped with modern technology to enable the agencies to stay ahead of the kidnappers. Training and re-training of such agencies is imperative.
5. Government should embark on a nation-wide re-orientation programme for its citizens.

Section F

Conclusion and Recommendations

Chapter Nineteen

Recommendations

A. Extra Judicial, Summary And Arbitrary Execution

1. Law Enforcement Agents should be trained on the use of firearms and proportionate response to aggression in the light of all relevant national, regional and international standards.
2. Allegations of extra-judicial killing against officers of law enforcement agencies should be thoroughly investigated and diligently prosecuted in accordance with the law.
3. Mechanisms should be put in place to provide adequate protection for witnesses of extra judicial killings to encourage them to testify in the prosecution of such cases in court.
4. Law Enforcement Agents should be given adequate training on management of civilian population in relation to crowd control, demonstrations and other forms of civil protest.

B. Torture, Cruel, Inhuman And Degrading Treatment Or Punishment

1. Any Police officer found to be involved in the torture should be dismissed and prosecuted.
2. There is need for training and retraining of all law enforcement personnel on all aspects of human rights.
3. The practice by the Police parading suspects/detainees before the media should be stopped.

4. The Police and other security personnel should be cautious of abuse of their powers particularly in handling matters that are civil in nature.
5. The witness/victim protection mechanism should be strengthened.

C. Police, Prisons And Other Detention Centres

i. Police

1. There is need to mainstream human rights into the training curriculum of the Nigerian Police.
2. There is need to criminalize torture and domesticate both the Convention Against Torture (CAT) and Optional Protocol thereto.
3. There is need to sensitize the Police on their role in a democratic society.
4. Police cells should be kept clean and provided with adequate and functional facilities.
5. There is need to take steps to discourage indiscriminate use of holding charge.

ii. Prisons

1. Old and dilapidated prisons should be renovated. Where renovation is impossible due to space, the prison should be relocated from their present location.
2. Fast-tracking of judicial processes is also recommended in order to quickly adjudicate on matters, thereby reducing number of Awaiting Trials.
3. Building of more barracks is to take care of accommodation needs of officers in order to improve their morale and productivity.

4. More Borstal/remand homes should be built in each of the geo-political zones to accommodate children in-conflict with the law.
5. Psychiatric cases should be referred to Psychiatric centres/institutions.
6. Non-custodial form of sentencing, like fines, community service, suspended sentence, parole, etc, should be encouraged to reduce prison congestion.
7. New prisons should be built nationwide and existing ones expanded, to cope with the increasing number of prison population.
8. Prison facilities should be upgraded to meet acceptable international standards. In particular, transport facilities should be regularly maintained, to facilitate movement of inmates to and from courts.
9. The welfare of inmates and prison officers should be periodically reviewed and enhanced. In this regard, adequate beds and bedding, uniforms, adequate feeding, etc should also be provided.
10. More office accommodation should be provided and existing ones renovated, properly furnished and equipped to provide a conducive working atmosphere for enhanced service delivery.
11. The prison hospitals or clinics should be adequately stocked with medicines/medicaments, and fully equipped to cater for most forms of ailments suffered by inmates. They should also be provided with serviceable ambulances and dedicated vehicles, to enhance the quality of health-care to inmates.
12. There is need to provide adequate natal and post-natal facilities for women and children in prison facilities.

D. FREEDOM OF EXPRESSION AND THE PRESS

1. The legal protection to freedom of expression and press in the CFRN 1999 should be upheld and enforced, to ensure that those responsible for interfering with freedom of the press are brought to justice according to law and internationally acceptable standards.
2. The NASS should accelerate the passage of the FOI Bill in order to promote the free access to relevant information held by government institutions.
3. Steps should be taken to repeal the Official Secrets Act.
4. Government owned national broadcast networks, NTA and FRCN should be made autonomous and independent, so as to encourage objectivity and balanced reportage.
5. Govt should reduce the broadcast licence fee and taxes paid by the electronic media in order to reduce the capital outlay required for establishing such organisations.

E. Access To Justice

1. Delay in prosecuting suspects infringes on their right to a speedy trial and impairs on justice administration.
2. Where the prosecuting authority exhibits lack of diligence to pursue a matter such that it becomes unconscionable to continue to detain a suspect, the judiciary should show greater sensitivity and empathy to such cases, and discharge the accused persons, or, at least, grant them bail.
3. The justice administration should be comprehensively overhauled.
4. Periods spent awaiting trials should be taken into consideration while sentencing to ensure that the convicts do not suffer double jeopardy.
5. There should be improved collaboration between government, the Nigerian Bar Association, CSOs and other

stakeholders, to provide free and/or affordable legal services to people in need, so as to facilitate their access to justice.

F. Education

1. In order to meet the MDGs on achieving universal primary education, there is need to ensure improvement in the learning environment through the improvement of teaching skills and reduction of regional disparities in school enrolment and drop outs.
2. Building and equipping modern schools to accommodate the increase in school enrolment.
3. Faithful implementation of the UBE Act to ensure that all forms of user fees are abolished.
4. Deal with the problem of the number of children in one class room and taught by one teacher.
5. Provide teaching aids and materials needed to improve on the standard of education.
6. Promotion of child friendly and teacher friendly school environment
7. Respect and protect the rights of children in schools including protection from violence especially of the girl child.
8. Review of school curricula to promote critical and relevant learning.
9. Proper governance of schools and implementation of Schools Management Committees (SMCs).
10. Tracking of resources to ensure proper, adequate and accountable utilization of resources budgeted for education.
11. Improve on the quality of teachers, through employment of professional and qualified teachers, provision of in-service

training and retraining; as well as implementation of improved the teacher's salary structure.

12. Deal decisively with the HIV/AIDS pandemic in the education sector.
13. Ensure the completion, popularization and utilization of EFA plan.

G. Health

1. There is need to collaborate with key stakeholders (Ministry of Health, Primary Healthcare Development Agency, Office of the MDG, NAFDAC, NOA, etc) to interface with community-gatekeepers in the Northern part of Nigeria to draw attention to linkages between effective/successful vaccination and MDG 4 (Reduction of Child Mortality) and relevance of this to the Child Rights Act
2. There is need to convene stakeholders' meeting to strategize on monitoring compliance with consent-requirement in vaccine trials in furtherance of Child Survival, Development, Right to health and Right to life.
3. Medical personnel should carry out proper investigation before placing patients on drugs, to avoid causing damage to peoples' lives.
4. The Medical and Dental Council of Nigeria (MDCN) a body that regulates practices of doctors should review the conduct of the doctor in question and recommend appropriate sanction.
5. Medical centres and hospitals should be well equipped to take care of patients and their medical conditions.
6. The current efforts at meeting the MDGs goals 4,5 and 6 are commendable but there is need to address challenges of improving access to antiretroviral drugs as well as awareness on HIV/AIDS and, the effective implementation of the

national strategic framework for HIV/AIDS, malaria and tuberculosis.

H. Food And Shelter

1. The issue of food crises should be taken more seriously by governments; this can be done by way of more commitment to thier international obligations in this area.
2. Government should make more budgetary provision to the agricultural sector to boost food production.
3. There should be better supervision of budget implementation to curb financial leakages in the sector.
4. Official corruption must be tackled headlong with more determination and commitment.
5. The Millenium Development Goals in the area of food security should be pursued with renewed vigour to reduce poverty and hunger.
6. Massive provision of social and other amenities in the rural areas makes life more comfortable for rural dwellers, thereby curbing rural-urban migration.

i. Labour

1. Critical stakeholders in the industrial relations system should work closely in sharing experience and expertise in addressing labour issues.
2. The National Assembly should ensure the speedy consideration and passage of labour related Bills pending before it.
3. The Federal government should strengthen institutions with mandate to protect workers' rights for optimal performance.

J. Women And Other Gender Related Matters

1. Women should be sensitised and encouraged to seek redress against any form of abuse.
2. There is need for campaign against the concept of 'Corporate Prostitution', and victims should be encouraged to speak out.
3. There is need for sensitisation of the security personnel on the civil policing
4. The Police and other law enforcement agencies should be sensitized to realise that the wife battery, assaults and other offences committed against women are offences which should be investigated and possibly prosecuted.
5. The training curricular at the Police College should include, human rights as a core course.
6. Reports of all forms of violation by the Police should be made public and erring officers brought before the law.

K. Children And Young Persons

1. The Commission should foster collaboration with relevant stakeholders to sensitize the public on basic human rights standards as it relates to children and young persons.
2. The Commission should collaborate with National Orientation Agency, Nigerian Television Authority, Ministry of Health, Civil Society Organizations, etc to develop appropriate communication strategies to educate the citizens on the importance of immunization of children.
3. Stakeholders should engage in sensitization, advocacy and monitoring of the effective implementation of Polio-Eradication Strategies of the Federal Government of Nigeria from right based perspective.

4. Detention centres to have adequate provision for nursing mothers who are in conflict with the law.
5. There is also need to fast-track the Criminal Justice system to reduce the level of Awaiting Trial detainees.
6. There is need for more Borstal/ remand homes to be built across the Country to take care of the need of young persons in conflict with the law.

L. Environment And The Niger Delta

1. Regulatory authorities should ensure that oil companies live up to their responsibilities of keeping their pipe lines well maintained to avoid incessant and avoidable oil spills.
2. Oil companies must ensure prompt response to reported cases of oil spill and take immediate steps to clean up the affected areas.
3. The National Human Rights Commission should ensure that Government implements its laws on protection of the environment to reduce cases of oil spills in the country.
4. The Local Government Areas where the affected communities are located should be alert and educate the people on the inherent dangers of oil pipe line vandalism and spills.
5. Victims of oil spill should be adequately compensated.
6. All developmental projects should be preceded by Environmental Impact Assessment.
7. All pending bills on environmental protection before the legislature should be attended to speedily.
8. There is need to step up discussion on activities in the extractive industries and its human rights implications.

9. Government should implement and enforce the recommendation of RIO Conference on Climate Change.

M. Corruption And Good Governance

1. Zero tolerance for corruption and all forms of corrupt practices should be the cornerstone of the conduct of government business.
2. There should be transparency and accountability in all governmental functions.
3. Free and Viable Press that can report on corrupt practices.
4. Organization of the Civil Society to report and fight corruption.
5. Effective Protection for Whistleblowers and Witnesses.
6. Strengthening of anti-corruption agencies.
7. Severe sanctions for Corrupt Government Officials and accomplices to serve as sufficient deterrent. In this regard, in addition to mandatory custodial sentence, tracing, confiscation, seizure and forfeiture of proceeds of corruption should be pursued to make the venture unattractive.
8. Payment of living wages to Public Servants and removal of highly discriminatory remuneration system in the Public Services.
9. Carefully planned income redistribution to benefit the general public through progressive taxation and welfare scheme.

N. Human Security

1. There is need for the Government and stakeholders to pursue socio-economic development to reduce the incidence of unemployment, poverty, and massive deprivation that exist in our society. In other words the overall development of society

especially the development of human capital is the first step to deal with the phenomenon of kidnapping in our society.

2. A conscious effort should be made to engage the large number of Nigerian youth in productive activities by creation of employment opportunities and creating a conducive environment for financially empowering Nigerians.
3. Management of information during the investigation and monitoring of kidnap incidents is critical. It is imperative, therefore that partnerships with relevant stakeholders including the media is established. In this regard, information and intelligence sharing mechanisms should be established to bridge the gaps that could weaken the country's capacity to contain the trend.
4. The law enforcement agencies should be adequately equipped with modern technology to enable the agencies to stay ahead of the kidnappers. Training and re-training of such agencies is imperative and is highly recommended.
5. Government should embark on a nation-wide re-orientation programme for its citizens.



National Human Rights Commission
19, Aguiyi Ironsi Street, Maitama
P.M.B. 444, Garki Abuja, Nigeria
Tel: 234-9-4135274, Fax: 234-9-4135274
Email: nhrcanigeria@yahoo.com
website: www.nigeriaright.gov.org

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