



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families
Thirty-sixth session**

Summary record of the 517th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 29 March 2023, at 10 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Combined initial and second periodic reports of Nigeria (CMW/C/NGA/1-2, CMW/C/NGA/QPR/1-2)

1. **Ms. Sulaiman Ibrahim** (Nigeria), introducing her country's combined initial and second periodic reports (CMW/C/NGA/1-2), said that the management of migration was a growing concern for her Government in view of her country's position in the global migration landscape as a country of origin, transit and destination. Her Government was working to strengthen the protection of migrant workers in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. The National Policy on Labour Migration of 2014, revised in 2020, and the National Migration Policy of 2015 served as the national governance framework for the protection of all migrant workers in Nigeria. The International Labour Migration Division of the Ministry of Labour and Employment had been established to promote good governance of labour migration in Nigeria. It also worked to ensure ethical recruitment and job placement, both in Nigeria and abroad, through the registration and licensing of private employment agencies; conducted regular labour inspections at workplaces to prevent unfair labour practices and abuses of the rights of migrant workers; and raised awareness among migrant workers about their rights through information campaigns. Stakeholder forums, such as the Social Partner Advisory Committee, had been established to promote collaboration between State and non-State actors on migration- and employment-related issues in Nigeria. Her Government had also set up migrant resource centres, which offered information to potential and return migrants about safe and regular labour migration, and job centres that provided employment services, such as job matching and placement. Lastly, her Government had developed a pre-departure and post-arrival training manual for potential and return migrants and a gender mainstreaming strategy for the application of the gender component of the revised version of the National Policy on Labour Migration.
3. In order to enhance the benefits of international migration for migrants and for sending and receiving countries and its important link to development, her country advocated for the recognition of the rights of all migrant workers and members of their families, irrespective of their immigration status, and for their protection from violence, intimidation, xenophobia and discrimination. It also supported the provision of the same treatment for migrants as for the nationals of their host countries in relation to wages, working conditions, trade union rights, social security and access to justice.
4. Nigeria supported the ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) by all States that had not yet done so. Nigeria stood against the criminalization by some destination countries of irregular migration and called on all States, but particularly receiving countries in Western Europe and North America, Australia, the Gulf States, India and South Africa, to ratify the Convention. Her country also called for equity and parity in the international financial system's application of charges on remittances. Nigeria was committed to continuing to work towards ensuring that the rights of migrant workers and members of their families, both in Nigeria and abroad, were upheld.
5. **The Chair** said that he wished to welcome the submission by the State party of its initial and second periodic reports and to commend it for its openness and willingness to engage in an interactive dialogue with the Committee.
6. **Mr. Ünver** (Country Rapporteur) said that he wished to welcome the State party's engagement in the interactive dialogue, which he hoped would prove beneficial for migrant workers in Nigeria and Nigerian migrant workers abroad.
7. **Ms. Diallo** (Country Rapporteur) said that she would welcome more detailed information than had been provided in the report about the main international conventions relating to migration and labour that the State party had ratified. She noted that the Nigeria

Immigration Act of 2015 contained certain sections that could be deemed discriminatory under the Convention, specifically those prohibiting the entry into Nigeria of persons with a mental illness and providing for the deportation of such persons from the country. She wished to invite the delegation to comment on that language, particularly in the context of article 7 of the Convention.

8. She noted that the State party supported the use of migration management systems as a means of facilitating the employment of its nationals abroad but that the State party had made limited efforts to develop partnerships with other countries to guarantee safe, orderly and regular migration for its nationals, particularly for young persons in countries with high unemployment rates. She would like to invite the delegation to comment on a recent report by the World Bank that indicated that Nigeria had devoted the majority of its migration resources to border control and awareness-raising about irregular migration. She had noted, however, that the State party had submitted draft bilateral labour agreements to Saudi Arabia, Qatar and Kuwait, and she would be interested to know when those drafts had been submitted and what their overarching goals were. She would also like to know why the State party had no plans to enter into bilateral agreements with countries in the European Union or other countries in the global North.

9. The country's border management procedures were described in the report as "clear and accountable" but were not outlined in detail. She specifically wished to know whether those procedures were well resourced and were effective in safeguarding the rights of vulnerable migrants.

10. She wished to invite the delegation to provide further information about the Standing Committee on Diaspora Matters, the Labour Migration Working Group and the Migration Data Management Working Group established under the National Migration Policy, including their specific roles, the technical, financial and human resources at their disposal and the results they had achieved in terms of the protection of the rights of migrant workers and members of their families.

11. As the Nigeria Immigration Act of 2015 provided for the monitoring of migrant workers through the collection by the Nigeria Immigration Service of monthly statistics on the return of migrant workers, she would be interested to learn how those statistics were collected, why they concerned return migrant workers only and whether they were disaggregated by sex, age, activity and migration status. Were disaggregated statistics available on labour migration movements to and from the State party? In addition, she wished to invite the delegation to share information on the number of migrant worker cases handled by the National Human Rights Commission over any time frame for which the data might be available. Information on the solutions used by the Commission to protect migrant workers' rights, including an example from an illustrative case, would also be welcome. She would appreciate clarification as to whether the Commission submitted reports to the Government and, if so, whether the Government acted on its recommendations.

12. Information on the procedural guarantees regarding detention and deportation provided for under immigration law would be welcome. She wished to know whether the free legal services to which migrant workers were entitled included interpretation services when necessary. Lastly, she wished to learn more about any sole or joint responsibilities that recruitment agencies might have in relation to migrant workers, particularly in cases where a migrant worker submitted a claim concerning the performance of a contract.

13. **Mr. Ceriani Cernadas** said that he wished to invite the delegation to comment on the provision in the Nigeria Immigration Act of 2015 prohibiting migrants with a mental illness from entering the country, particularly in consideration of the fact that Nigeria had ratified the Convention on the Rights of Persons with Disabilities, and on the provision in that same Act whereby children under 18 years of age who were not accompanied by a legally responsible adult were not permitted entry into Nigeria, particularly in view of the State party's obligations under the Convention on the Rights of Child and the Committee's general comments No. 3 and No. 4 on the human rights of children in the context of international migration. He would also like to learn more about the State party's deportation procedures, including about the guarantees of due process that were in place, legal aid arrangements, how

the right to effective remedy and access to justice were upheld, and whether detention was a part of those procedures.

14. He would be keen to know more about any measures taken by the State party to assist returning Nigerian adult and child migrants, particularly those who had recently returned from Libya amid serious human rights abuses in that country. He would also like to learn more about the provision of consular assistance to Nigerian migrant workers abroad, particularly those who were in detention or subject to deportation procedures. Lastly, he wished to know whether there were any procedures in place in relation to cases where Nigerian migrants had returned to Nigeria following the rejection of an application for asylum in another country in which they had claimed to be suffering persecution in Nigeria as a result, for example, of their sexual orientation or religious beliefs.

15. **Mr. Taghi-Zada** said that he would welcome data on flows of migrant workers from Nigeria to other countries and on migrant workers in Nigeria, ideally disaggregated by age and by sex. He would also welcome more information about any bilateral agreements established between the Government of Nigeria and the main receiving countries of Nigerian migrant workers.

16. **Ms. Dzumhur** said that she wished to know which conventions, including ILO conventions, had been ratified by Nigeria; in particular, she wished to know whether the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified and, if so, whether a national preventive mechanism against torture had been established. Details of the key elements of the new immigration policy would also be helpful. Had civil society been involved or consulted during its formulation? She also wondered how data on migration processes were collected and how that collection process could be improved in the future. Lastly, she wished to know the extent to which the National Human Rights Commission was engaged in issues relating to migration, what its mandate was in that regard and what kind of support it received.

17. **Mr. Ünver** said that he wondered whether there were plans to provide accreditation for the qualifications earned in other countries by Nigerian students who had studied abroad and then returned to Nigeria. He would also welcome information on the specific measures in place to ensure that children of migrant workers, including those in irregular situations, had adequate access to education, both in law and in practice. He wished to know whether the State party had plans to make primary education compulsory for all children in the country, including the children of migrant workers in irregular situations, and to end the education system's segregation or exclusion of migrant children based on their ethnicity. Lastly, he would appreciate details of any plans to enhance collaboration with authorities in receiving countries for the protection of the rights of Nigerian migrant workers abroad and their families.

18. **Ms. Poussi** said that she wished to know what the logical basis was for prohibiting persons with mental health difficulties from entering the country, whether there were cases in which that provision had actually been applied and, if so, how those cases had been handled. She also wondered what procedural guarantees were provided for by the Nigeria Immigration Act of 2015 during the detention and deportation of migrant workers. She would be interested to know what consular assistance was provided both for migrant workers living in Nigeria and for Nigerian migrant workers abroad. Details of how migrant workers in Nigeria could obtain employment would also be helpful, including the categories of work available to them and the conditions that they must meet in order to be authorized to seek employment. Lastly, she would welcome information on any plans to amend the Nigeria Immigration Act of 2015 to ensure compliance with the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which Nigeria had recently ratified.

19. She would appreciate receiving statistics on the number of migrant workers living in Nigeria and on the number of Nigerian migrant workers living abroad and their migration status. She also wished to know what assistance the State party provided in collaboration with host countries to Nigerian migrant workers abroad who were in irregular situations. She would be interested to know why the participation of civil society in the State party review process had been so limited. Lastly, she wondered how terrorist attacks in Nigeria in recent

years had impacted the situation of migrant workers in Nigeria, especially female migrant workers, and what measures had been taken in that connection.

20. **Mr. Oumaria** said that he wondered whether there was a State authority responsible for ensuring that private employment agencies complied with labour laws and international labour standards and did not engage in illegal employment practices. He was surprised that Nigeria did not have bilateral agreements with many receiving countries, especially given that many of those countries were not party to the Convention. He wondered whether the consulate or federal labour inspectors monitored the situation to guard against the exploitation of Nigerian migrant workers, especially domestic workers, in the Gulf States, with which Nigeria did apparently have bilateral agreements.

21. **Mr. Charef** said that he wished to know more about the geographical distribution of migrants in Nigeria. He wondered what steps were being taken to implement migration policies that addressed the specific challenges faced by different regions of the country and to involve the Nigerian diaspora in the development process. He would also appreciate information on the measures taken to develop cooperative arrangements with other countries in the West African subregion and in Africa as a whole. Information on the measures taken to implement the Global Compact for Safe, Orderly and Regular Migration would also be welcome.

22. **Mr. Babacar** said that he wished to know whether the State party had any plans to ratify the ILO Domestic Workers Convention, 2011 (No. 189). He would appreciate receiving information on any legal appeal mechanisms in place for migrant workers facing deportation. He wondered how civil society actors and trade unions were involved in the implementation of the Convention and in addressing issues relating to migrants and whether any campaigns had been launched to raise awareness of the Convention among labour inspectors or among members of the security and law enforcement forces and the judiciary. Lastly, he wished to know whether migrant workers had the right to join and form trade unions.

23. **The Chair** said that he wished to know what amendments had been made to the National Human Rights Commission Act following the Commission's downgrading to B status in 2007 which had helped it to be reaccredited with category A status later on. He would welcome any further information on how increases in the Commission's budget allocations had been used to raise awareness of human rights and whether those awareness-raising activities had been related to human rights in general or specifically to the rights of migrant workers. According to the State party report, migrant workers whose employment contract had been terminated but who still had a valid residence permit would be invited to leave the country along with their families if their employer informed the Nigerian Immigration Service that he or she no longer took responsibility for that worker. He therefore wondered whether migrant workers in that situation were able to find a new job and thus remain in the country. Lastly, information on the electronic register of migrants would be helpful, including how the register would contribute to the regularization of migrants in irregular situations and how the Government planned to use it.

The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.

24. **Ms. Sulaiman Ibrahim** (Nigeria) said that the long-standing bilateral agreement on migration with the United Kingdom of Great Britain and Northern Ireland had been reviewed in 2022, and talks with the Government of South Africa and the European Union on reaching such agreements were at an advanced stage. The funding for migration matters was currently managed by the National Commission for Refugees, Migrants and Internally Displaced Persons, but plans associated with the review of the National Migration Policy included the establishment of a dedicated budget for the five thematic groups of the migration governance structure. Civil society played an active role in migration governance, particularly in the implementation of the Global Compact for Migration. The standard operating procedures concerning the return, reintegration and rehabilitation of Nigerian migrants, which delineated the roles of the various levels of government, had been approved by the Federal Executive Council. In addition to terrorism, climate change was another driver of internal displacement, as well as of refugee flows in and out of Nigeria, and thus had a strong impact on migratory dynamics in the country.

25. **A representative of Nigeria** said that the National Human Rights Commission Act of 2010, which had been adopted to bring the Commission into line with the Paris Principles, guaranteed the Commission's budget and the security of tenure of its board members once they had been confirmed by the Senate. Furthermore, the Commission had the authority to issue a summons to any individual or institution in connection with alleged infractions, and its decisions bore the same weight as court judgments. The Government complied with the Commission's recommendations, with one example being a case where the Commission had found that victims of the excessive use of force should be awarded compensation. The Commission enjoyed the confidence and support of the population and worked with all relevant government entities in discharging its mandate.

26. **Mr. Adejola** (Nigeria) said that the Commission was a powerful body. As recently as the previous week, it had pressed authorities in the armed forces to respond to reports that they had compelled women who had allegedly been impregnated by members of Boko Haram to undergo abortions. The reports had been shown to be false.

27. **A representative of Nigeria** said that prospective labour migrants must apply for a work visa of from one to three years in duration at a Nigerian embassy on the basis of a promise of employment in Nigeria. They were then assigned a spot in the visa quota and received the necessary documentation within 90 days of arrival. However, if their visa expired without the host employer validating their inclusion in the quota, they were advised to return to their country of origin. If their employment ended before their visa expired, they and their families could remain in the country until the expiry date. If they then wished to return to Nigeria, they had to reapply from abroad.

28. As Nigeria was surrounded by French-speaking countries, there tended to be a communication gap between immigration officers and migrants. Accordingly, the authorities had signed a memorandum of understanding with their counterparts in the Niger concerning intelligence-sharing arrangements.

29. The President had approved a programme whereby undocumented migrants had six months to obtain the requisite documentation in order to have their situation regularized. Under an amnesty announced by the President, undocumented migrants who could not meet that requirement were allowed to leave the country without incurring the usual penalty for overstaying. Once they had obtained the documentation from their country of origin, they were free to return to Nigeria. The programme had enabled the authorities to collect data on undocumented migrants and to provide them with better advisory assistance. The pilot Integrated Border Management System, which had been launched in 2019, served as a basis for assessing migration strategies and identifying shortcomings and was an initial step towards the introduction of a migrant e-registration scheme. The differences between Nigerian immigration law and the Convention regarding the entry of persons with mental health impairments was a difficult issue which was of concern to the Government. Migrants were viewed as an asset, and upholding their dignity as human beings was a priority.

30. **A representative of Nigeria** said that the migration governance structure was made up of five levels – the lead ministry, the Technical Working Group, the thematic groups, including one on diaspora engagement, the Return and Reintegration Committee and the border management authority. While the Ministry of Labour and Employment was the thematic lead agency for labour migration, the National Population Commission and the National Bureau of Statistics were responsible for data collection in that domain. Due to confidentiality concerns, only certain types of data could be made public. Efforts were under way to coordinate the data compiled by the various standing committees to facilitate seamless migration governance.

31. Nigeria was involved in the provision of pre-departure counselling and ensured that a legal guardian brought any children who were intending to migrate on their own back to their homes. Unaccompanied minors who arrived in Nigeria were placed in shelters and further assistance was provided to them by civil society organizations.

32. An inaugural meeting on the review of the National Migration Policy had been held and roles had been assigned. Civil society organizations were actively involved and reported to the Technical Working Group. The purpose of the review was to ensure that the policy

was as comprehensive as possible by incorporating the goals of the Global Compact for Migration and addressing gaps and emerging issues.

33. **A representative of Nigeria** said that Nigeria had ratified 42 of the ILO conventions, 26 of which were already in force in the country. The instrument of ratification for the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) had been deposited the previous week. The Human Capital Providers Association of Nigeria was the umbrella organization for the over 1,300 registered private employment agencies and, as such, regulated the sector and identified agencies that engaged in unethical practices. Job centres did not discriminate on the basis of nationality; their focus was on workers' skills. An electronic platform had been set up where migrants could post their profiles and a skills-matching function connected workers with vacancies.

34. Nigeria had signed bilateral labour agreements with several Gulf States and other countries. Domestic labour laws, regulations and policies did not discriminate against any category of worker. A mechanism had been put in place to receive reports concerning instances of forced labour, which was strictly prohibited. Nigeria had ratified the ILO Violence and Harassment Convention, 2019 (No. 190). The National Labour Advisory Council was responsible for considering the ratification of international labour standards.

35. National labour laws provided for the right to freedom of assembly and association without restrictions. Industry-wide wage agreements were negotiated with the participation of trade unions and the Nigeria Employers' Consultative Association, an umbrella organization of employers. Disputes between employers and employees not resolved by the corresponding government office could be reported to the Ministry of Labour and Employment, which appointed a mediator. If the outcome of the mediation was not acceptable to the parties, the dispute was referred to the Industrial Arbitration Panel and, as a last resort, to the National Industrial Court.

36. **A representative of Nigeria** said that consular officers visited Nigerian citizens who were being held in detention abroad and verified their identity. Persons whose asylum claim had been rejected were provided with assistance in leaving their host country, including through the issuance of emergency travel certificates. Efforts were made to ensure that persons whose claim was pending were not deported until a determination had been made. The Ministry of Justice cooperated with civil society organizations to provide pro bono legal counsel to returnees.

37. **A representative of Nigeria** said that, as one of the champions of the Global Compact for Safe, Orderly and Regular Migration, Nigeria had developed a national framework for its implementation, actively participated in national and international migration forums and shared best practices in migration governance. The Government took a holistic approach to migration issues involving multi-stakeholder participation at many different levels.

38. **Mr. Adejola** said that asylum applications were never rejected because of an applicant's sexual orientation or religious beliefs; the authorities would never ask applicants to disclose their sexual orientation.

39. **Ms. Sulaiman Ibrahim** (Nigeria) said that all parts of the country were involved in migratory flows, as different locations appealed to different groups of people. Nigeria was open to signing bilateral labour migration agreements that benefited both parties.

40. **Ms. Gahar** said that she would appreciate further information, including statistics, on the SERVICOM platform mentioned in paragraph 58 of the report and on the nature of the complaints that were filed on it. Moreover, she wished to know how many migrant resource centres had been established and where, whether their geographical distribution was strategic, whether they had clear protocols for data handling and, if so, whether any of the data they compiled were available. A description of the extent to which the centres cooperated with civil society organizations would also be welcome.

41. Regarding the right to health, it would be useful to know whether prison clinics provided psychological health services, whether imprisoned mothers were allowed to have their children with them until the child reached a certain age and whether pregnant inmates benefited from prenatal care.

42. She would be grateful for details on the National Action Plan for the Elimination of Child Labour 2021–2025, a description of the extent to which civil society organizations were involved in the State party’s efforts to prevent child labour and disaggregated statistics on the Plan’s implementation and on cases of the economic exploitation of children.

43. **Ms. Diallo**, noting that the Committee had not yet received all the annexes to the State party’s report, said that she would be interested to know whether the State party intended to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97), Minimum Wage Fixing Convention, 1970 (No. 131) and Domestic Workers Convention, 2011 (No. 189), whether the bilateral agreements that had been signed with South Africa and the United Kingdom pertained specifically to labour migration and whether there were any plans to develop a national migration strategy. Which government ministries had been involved in preparing the report and had civil society organizations been consulted during its preparation?

44. She would also like to know what measures had been taken to combat corruption among public officials, in particular law enforcement officers and border guards, whether any migrants had filed complaints concerning corruption and what had been done to raise awareness of the dangers of corrupt practices.

45. Lastly, she invited the delegation to comment on the impact of oil spills in the Niger Delta on domestic and international labour migration and to describe the steps taken at the federal and state levels to address that impact.

The meeting rose at 1 p.m.