



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations in the absence of the initial report of Nigeria*

1. In the absence of the initial report of the State party, the Committee considered the status of implementation of the Convention in Nigeria at its 1852nd and 1855th meetings,¹ held on 16 and 17 November 2021. In accordance with rule 67, paragraph 3, of the Committee's rules of procedure, the Committee notified the State party that it intended to examine the measures taken to protect or give effect to the rights recognized in the Convention in the absence of a report and to adopt concluding observations. The Committee discussed information obtained from national and international sources, including other United Nations mechanisms, and adopted the present concluding observations at its 1868th meeting, held on 26 November 2021.

A. Introduction

2. Nigeria acceded to the Convention on 28 June 2001. The State party was under an obligation to submit its initial report under article 19 (1) of the Convention by 28 June 2002. Each year thereafter, Nigeria was included in the list of States parties with overdue reports in the annual report, which the Committee submits to the States parties and the General Assembly. By a letter dated 27 June 2012, the Committee reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of a report as a result of the extended delay in its submission. On 10 December 2012, the State party sent a response to the Committee with information on the establishment and mandate of and the activities conducted by the National Committee against Torture, as a follow-up to the letter sent to the Committee by the Chairman of the National Committee against Torture in Nigeria on 26 September 2012. By a letter of 30 September 2019, the Committee once again reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of the report. The Committee also invited the State party to accept the simplified reporting procedure to assist it in preparing its initial report. In the absence of a reply, by its letters of 9 December 2019 and 27 March 2020, the Committee informed the State party about its decision to review the implementation of the Convention in the absence of the State party's report at its seventy-first session. Due to the coronavirus disease (COVID-19) pandemic and its impact on the functioning of treaty bodies and in-person sessions, by a letter of 5 October 2020, the Committee informed the State party about the postponement and rescheduling of the State party review for the seventy-second session. On 10 September 2021, the Committee once again informed the State party of the possibility of reviewing the situation in the State party in the absence of a report at its seventy-second session, in accordance with rule 67 of its rules of procedure. The Committee welcomes the State party's response confirming its

* Adopted by the Committee at its seventy-second session (8 November–3 December 2021).

¹ See [CAT/C/SR.1852](#) and [CAT/C/SR.1855](#).



participation in the seventy-second session, sent on 22 October 2021, and the State party's subsequent participation in the dialogue.

3. The Committee regrets, however, that the State party has failed to meet its reporting obligations under article 19 of the Convention for more than 19 years, which precluded the Committee from assessing the implementation of the Convention by the State party on the basis of an initial report.

4. Notwithstanding the commitments made by the State party following the 2018 universal periodic review of the Human Rights Council to strengthen the implementation of its international obligations and cooperation with human rights protection mechanisms, in particular by reporting to all treaty bodies,² the Committee regrets that the State party has not yet complied with its reporting obligations under the Convention.

B. Positive aspects

5. The Committee welcomes the accession to or ratification of the following international instruments by the State party since its accession to the Convention:

(a) The United Nations Convention against Transnational Organized Crime, on 28 June 2001;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 28 June 2001;

(c) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime on 27 September 2001;

(d) The International Convention for the Suppression of the Financing of Terrorism, on 16 June 2003;

(e) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 November 2004;

(f) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on 27 July 2009;

(g) The International Convention for the Protection of All Persons from Enforced Disappearance, on 27 July 2009;

(h) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 27 July 2009;

(i) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, on 25 September 2010 and 27 September 2012, respectively;

(j) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 24 September 2010;

(k) The Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, in 2011;

(l) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2012.

6. The Committee also welcomes the adoption or establishment of the following legislative and institutional measures taken by the State party in areas of relevance to the Convention:

(a) The Child Rights Act, in 2003;

² See [A/HRC/40/7](#), paras. 148.15–148.18, and [A/HRC/40/7/Add.1](#).

- (b) The African Charter on Human and Peoples Rights’ (Ratification and Enforcement) Act, in 2004;
- (c) The Evidence Act, in 2011;
- (d) The National Human Rights Commission Act, in 2010;
- (e) The Terrorism (Prevention) Act, in 2011;
- (f) The Legal Aid Council of Nigeria Act, in 2012;
- (g) The Administration of Criminal Justice Act, in 2015;
- (h) The Violence against Persons (Prohibition) Act, in 2015;
- (i) The Anti-Torture Act, in 2017;
- (j) The Nigerian Correctional Service Act, in 2019;
- (k) The Nigerian Police (Establishment) Act, in 2020;
- (l) The Judicial (Financial Autonomy) Act, in 2020;
- (m) The Fundamental Human Rights Enforcement Procedure Rules, in 2009;
- (n) The action plan to end and prevent the recruitment and use of children in armed conflict, in 2017;
- (o) The national action plan for the promotion and protection of human rights and strategic workplan for the period 2019–2022;
- (p) The Administration of Criminal Justice and Reforms Department.

C. Principal subjects of concern and recommendations

Direct application of the Convention by domestic courts

7. The Committee welcomes the enactment of the Anti-Torture Act, which is applicable in the whole territory. However, it is concerned at the lack of information on the actual practice of the direct application of the Convention by the domestic courts and on cases where the Convention has been directly applied by the domestic courts (arts. 2 and 12).

8. **The State party should provide judicial officials and lawyers with specific training on applying the Convention directly, and on asserting the rights established in its provisions before the courts, and submit information about specific cases in which the Convention has been invoked before the domestic courts in its next periodic report.**

Absolute prohibition of torture

9. The Committee notes that the definition of torture in the Anti-Torture Act includes acts of torture carried out for the purpose of intimidation or coercion of an individual or a third party for any reason based on discrimination of any kind. However, it does not include acts that can constitute torture that are carried out for a purpose based on discrimination alone, as envisaged in the Convention. The Committee is further concerned that the Anti-Torture Act does not cover attempts to commit torture in accordance with article 4 of the Convention and lacks specific provisions barring a statute of limitations as well as amnesties and pardons for acts of torture (arts. 1 and 4).

10. **The Committee recommends that the State party:**

- (a) **Continue to make efforts to bring its definition of torture fully into line with article 1 of the Convention and explicitly add the following separate purpose to the definition of torture: “or for any reason based on discrimination of any kind”;**
- (b) **Include criminalization of attempts to commit torture in the Anti-Torture Act;**
- (c) **Clarify and ensure that there is no statute of limitations for the offence of torture explicitly provided in law, in line with the Committee’s general comment No. 3**

(2012) on the implementation of article 14, and that torture is explicitly excluded from the scope of amnesty and pardon provisions.

Fundamental safeguards

11. While welcoming the State party's enactment of the Administration of Criminal Justice Act and its commitment to continue strengthening the justice system made during the universal periodic review,³ the Committee is concerned that, despite the existing legal provisions, the implementation of fundamental safeguards is subject to numerous shortcomings, including:

(a) Many instances in which persons are held in police custody beyond the legal time limit of 24 or 48 hours (in contravention of section 35 of the Constitution and section 62 of the Police Act);

(b) Allegations of arbitrary arrests and incommunicado detentions of persons without being allowed to contact a relative or person of their choice, and the absence of the systematic and consistent use of registers of persons deprived of liberty at all stages of detention, including the details thereof;

(c) Reports that arrested persons do not routinely receive information about the reason for their arrest or about their rights, including the right to legal representation;

(d) The fact that legal aid is difficult to obtain in practice, despite the establishment of the Legal Aid Council of Nigeria, which has underfunded offices in all 36 states;

(e) A lack of routine audio or video recording of the questioning of persons in police custody during investigations, despite a specific legal requirement to do so;

(f) The absence of an independent medical examination from the outset of detention (art. 2).

12. **The Committee urges the State party to:**

(a) **Ensure the right of detainees to be brought promptly before a judge or to be freed, and to challenge the legality of their detention at any stage of the proceedings;**

(b) **Ensure that persons have their deprivation of liberty accurately recorded in registers at all stages of the proceedings and ensure their right to inform a relative or another person of their choice of their arrest or detention;**

(c) **Ensure that arrested and detained persons are informed immediately of the accusations and charges against them and that they are able to have prompt access to a lawyer or to free legal aid throughout the proceedings, including during the initial interrogation and inquiry, in line with the Basic Principles on the Role of Lawyers and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;**

(d) **Provide the human and financial resources needed to ensure the proper functioning of all local branches of the Legal Aid Council;**

(e) **Ensure that the questioning of persons deprived of their liberty is videorecorded, that those recordings are stored in a safe place under the control of oversight bodies and that the recordings are made available to investigators, detainees and their lawyers, and provide the necessary technical and financial support to police stations to facilitate the implementation of this recommendation;**

(f) **Ensure that detainees have the right to request and obtain medical examination by an independent physician or a physician of their choice, and that such medical examination is available without conditions and in full confidentiality promptly upon their arrival at a police station, detention centre or prison;**

(g) **Provide adequate and regular training on relevant legal provisions, monitor compliance and penalize any failure on the part of officials to comply.**

³ See [A/HRC/40/7](#), paras. 148.159–148.161, and [A/HRC/40/7/Add.1](#).

Allegations of torture, ill-treatment, arbitrary detention and excessive use of force

13. The Committee appreciates the ongoing efforts to reform the police, including the enactment of the Police Act and the revision of Police Order 237 incorporating international standards, but it remains concerned at reports of the excessive use of force, including lethal force by shooting, leading to extrajudicial killings during arrests or in policing demonstrations. It is also concerned at the growing militarization of policing activities through joint operations, including during the #EndSARS protests held in Lagos on 20 October 2020, in the context of the lockdown imposed to contain the spread of the COVID-19 pandemic, which led to 38 complaints of extrajudicial killings to the National Human Rights Commission, and in response to other demonstrations that have been held in south-eastern states. The Committee is deeply concerned at allegations of gross misconduct by the Special Anti-Robbery Squad of the Nigeria Police Force. It notes the State party's response to these allegations, such as commissioning the National Human Rights Commission to conduct investigations, establishing judicial panels of inquiry at the federal and state level, and the disbandment of the Special Anti-Robbery Squad. The Committee observes that the judicial panels reportedly received 2,500 complaints of torture and ill-treatment, arbitrary arrest and detention, and extrajudicial killings, but remains concerned that no reports on investigations into these complaints have been made public, and at the lack of accountability for these acts. Reportedly, some of the panels stopped sitting due to a lack of funding. The Committee is also concerned at the use of a law of 2014 by the police against lesbian, gay, bisexual, transgender and intersex persons to legitimize arbitrary arrest and detention, among other things; at reports of arbitrary detention of persons who are neither charged nor convicted of crimes; at reports of the ill-treatment of persons with intellectual and psychosocial disabilities in public institutions and private settings, including religious and traditional healing centres; and at the ill-treatment inflicted on drug users, particularly by members of the National Drug Law Enforcement Agency and in drug rehabilitation facilities (arts. 1–2, 11–14 and 16).

14. The State party is urged to:

(a) **Ensure that law enforcement and security forces personnel continue to receive training on the absolute prohibition of torture and on the use of force, including Police Order 237, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Make the findings of the judicial panels of inquiry public, ensure that allegations of abuses committed by police, Special Anti-Robbery Squad officers and security forces employed in the policing activities are immediately investigated by an independent body and provide disaggregated information on prosecutions, full redress provided to victims, and the resources allocated for that purpose;**

(c) **Stop and investigate arbitrary detentions and assaults against persons with disabilities, drug users or lesbian, gay, bisexual, transgender and intersex persons and investigate those incidents, prosecute alleged perpetrators and provide effective remedies to the victims.**

Inadmissibility of confessions obtained under torture

15. The Committee welcomes the legal framework in place prohibiting the admission of confessions obtained under torture, incorporated in the Anti-Torture Act, the Evidence Act and the Administration of Criminal Justice Act, but is concerned at reports of the continuous use of torture in interrogations by police, military and Civilian Joint Task Force officers. Despite the existing legal safeguards, including the recording of confessions (see para. 11 above) or to complain about duress before a judge, numerous reports highlight that coerced confessions are accepted in practice, contrary to the law. The Committee regrets that no solid information has been provided by the State party about the application of these legal safeguards by judges in practice (arts. 2, 10 and 15).

16. The State party should:

(a) **Adopt effective measures to ensure that confessions, statements and other evidence obtained through torture or ill-treatment are not admitted in evidence in**

practice, except against persons accused of committing torture, as evidence that the statement was made under duress; that prosecutors and judges ask all defendants in criminal cases whether they were tortured or ill-treated; and that all allegations of torture and ill-treatment raised in judicial proceedings in the State party are promptly and effectively investigated, and that alleged perpetrators are prosecuted and punished, and provide information on such cases;

(b) Ensure that all police, national security and military officers, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition of torture and ill-treatment and the obligation of the judiciary to invalidate confessions made under torture.

Pretrial detention and overcrowding

17. The Committee welcomes the State party's efforts to address the overuse of prolonged pretrial detention, which is causing chronic overcrowding in detention facilities, through the enactment of the Administration of Criminal Justice Act. Section 34 of that Act mandates chief judges or magistrates at the state level to conduct monthly inspections of police stations and other places of detention within their jurisdiction, other than prisons, inspect records of arrests, direct the arraignment of suspects and grant bail. The Committee also takes note of information on the implementation of the prison decongestion programme, including the release of around 2,000 detainees and 160 juveniles, as well as reports of the release of 7,813 prisoners from the correctional centres to reduce overcrowding and control the spread of the COVID-19 pandemic in 2020. The Committee remains concerned, however, that around 72 per cent of the prison population is still awaiting trial, despite these measures. The Committee also understands that detainees can contest the legality of their detention before a judge and can submit a complaint to the National Human Rights Commission, but notes with regret the inefficiency of that system owing to significant delays in access to justice, among other things (arts. 2, 11–13 and 16).

18. **The State party should:**

(a) Ensure that the Administration of Criminal Justice Act is properly implemented, in particular that pretrial detention is effectively reviewed, that its duration does not exceed the legally established maximum and is as short as possible, and that its use is exceptional, necessary and proportionate;

(b) Ensure that pretrial detention is closely monitored by the courts;

(c) Take into account the lessons learned from the federal decongestion programme and the COVID-19 pandemic and intensify efforts to significantly reduce overcrowding in detention facilities, by making greater use of non-custodial measures, such as parole and early release, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(d) Ensure that effective, independent and accessible complaints mechanisms are available to all persons deprived of their liberty and that complaints are promptly, impartially and thoroughly investigated.

Conditions of detention

19. The Committee takes note of the State party's statement on the ongoing reform of correctional facilities, but remains concerned at numerous reports of poor material and sanitary conditions of detention that persist in all places of deprivation of liberty, the lack of access to proper medical care, including for persons with transmissible diseases, and inadequate food and water. It is also concerned at reports of a lack of separation of juvenile inmates from adults and of convicted persons from remanded detainees, in addition to the detention of pregnant and breastfeeding women and persons with disabilities in general custodial facilities and without access to appropriate health services. The Committee regrets the lack of reliable information on the total number of prison deaths, their causes and follow-

up investigations, for example with regard to the reported incident in Ikoyi prison in December 2019 (arts. 2, 11 and 16).

20. **The State party should:**

(a) **Improve material conditions in police cells and correctional facilities, including with regard to ventilation and access to adequate food and running water, and take measures to bring conditions in detention and operational procedures into compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(b) **Put in place systems to separate juveniles from adult prisoners and convicted prisoners from remand detainees; ensure that women are detained in gender-sensitive conditions and that their children are immediately released from custodial facilities; ensure that inmates with disabilities are held in humane conditions and that prisons are adapted to their needs; and also ensure that remanded and convicted persons with intellectual or psychosocial disabilities are transferred from custodial facilities to psychiatric hospitals or appropriate therapeutic settings;**

(c) **Provide adequate health services to all prisoners, and particularly those with disabilities, and conduct a thorough and independent medical examination of all detainees, both at the outset of detention and on a regular basis throughout the duration of detention;**

(d) **Ensure that all instances of death in custody are promptly, thoroughly and impartially investigated, including by means of independent forensic examination; take measures to ensure the allocation of the necessary human and material resources for the proper health care of prisoners; review the effectiveness of programmes for the prevention of suicide and self-harm, as well as for the prevention, detection and treatment of chronic degenerative diseases and infectious or contagious diseases in prisons; and compile and provide detailed information on the cases of death in custody and their causes.**

Independent monitoring of places of deprivation of liberty and the Optional Protocol

21. The Committee notes that the State party ratified the Optional Protocol on 27 July 2009 and established the National Committee against Torture on 29 September 2009 with a mandate to visit places of detention in Nigeria and investigate any complaints of torture therein. It also notes that in 2014 the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment conducted an advisory visit to the State party. The Committee regrets, however, that no designation of a national preventive mechanism was notified by the State Party to the Subcommittee, and that no official visit has been conducted by the Subcommittee to the State party to date. The Committee further notes that the National Committee against Torture was established by terms of reference rather than a legislative act regulating its functions, mandate and resources, and is seriously concerned by the National Committee's lack of legal, operational and financial independence, as it is situated in the Federal Ministry of Justice, and proper funding (arts. 2, 11, 13 and 16).

22. **The State party is urged to:**

(a) **Take measures to align the functioning of the National Committee against Torture with the Optional Protocol to the Convention and ensure its independence, and that it has sufficient staff, adequate resources and the necessary budget for it to fulfil its preventive mandate effectively, in accordance with the guidelines on national preventive mechanisms;⁴**

(b) **Consider seeking technical assistance from the United Nations, including advice from the Subcommittee, on the establishment of the national preventive mechanism, in conformity with article 11 of the Optional Protocol;**

(c) **Ensure that all places of deprivation of liberty are subject to effective and regular monitoring visits by an independent body that involves medical personnel, that**

⁴ CAT/OP/12/5.

visits can be conducted without prior notice and that such monitors can hold confidential, private meetings with persons deprived of their liberty, without any reprisals, and report publicly on their findings;

(d) **Authorize non-governmental human rights organizations, as well as civil society actors providing health care and education, to undertake monitoring activities at detention centres.**

Counter-terrorism measures

23. The Committee appreciates the State party's commitment, made during the universal periodic review in 2018,⁵ to adopt measures to fight against impunity with an increased focus on the crimes carried out by Boko Haram. However, it is concerned at the continually deteriorating security environment owing to the systematic attacks by non-State armed groups, as well as farmer-herder clashes, resulting in the displacement of around 2.9 million persons in the north-east, and reports of the use of children as fighters or otherwise exploited in forced marriage, sexual slavery or forced labour by Boko Haram. In addition, the Committee is equally concerned at the numerous allegations of extrajudicial killings, torture, enforced disappearances and sexual violence committed by military and Civilian Joint Task Force personnel in the course of the security operations, as highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2021.⁶ Despite the State party's establishment of the Special Board of Inquiry and the Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement in 2017, the Committee regrets the lack of information on investigations and prosecutions conducted and their outcome, including redress for victims. The Committee is further troubled by reports of arbitrary and incommunicado detentions, including of women and children removed from the control of or allegedly affiliated with non-State actors; deaths in military-run camps for displaced people across Borno State in 2015 and 2016; the bombing of the Rann Camp for displaced persons in 2017, resulting in at least 160 casualties; deaths and poor conditions in military detention facilities, particularly in Giwa Barracks and at the military base in Kainji; and the lack of investigations into these claims. The Committee welcomes the action plan to end and prevent the recruitment and use of children in armed conflict signed by the Civilian Joint Task Force in 2017, but remains concerned at reports indicating the use of boys aged between 13 and 17 years by the military in support roles in Borno State, in 2019 (arts. 2, 11–12 and 16).

24. **The Committee urges the State party to:**

(a) **Step up efforts to ensure the safety and security of the population affected by the conflict, prevent violations of their human rights by any party to the conflict and ensure that military and Civilian Joint Task Force personnel respect instruments on human rights and international humanitarian law and cease detaining women and children on arbitrary grounds;**

(b) **Take measures to increase the transparency of investigations, including by publishing findings of the bodies charged with such investigations (see para. 23 above), and continue conducting prompt, impartial and effective investigations into allegations of abuses committed in the context of counter-terrorism operations, by both State and non-State actors, and particularly members of the military and the Civilian Joint Task Force, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation;**

(c) **Ensure that registers of arrests and deaths in military custody are reviewed by a judicial body, immediately release children held in all military detention facilities and use detention of juvenile offenders only as a last resort and in appropriate facilities;**

⁵ See [A/HRC/40/7](#), para. 148.164, and [A/HRC/40/7/Add.1](#).

⁶ [A/HRC/47/33/Add.2](#), paras. 38–39.

(d) **Continue strengthening efforts to prevent the use of child soldiers, ensure that children are not used in support roles by the military and investigate such incidents promptly.**

National human rights institution

25. The Committee notes that the National Human Rights Commission has a mandate to visit places of deprivation of liberty, receive complaints, conduct investigations, award compensation and request enforcement of its decisions. It also notes the institution's active involvement in advisory, training and advocacy activities and its participation in several investigative bodies. However, the Committee regrets the lack of information provided on the follow-up to 27,858 complaints of torture and ill-treatment received by the Commission between 2019 and 2020, the compensation awarded and enforced, and cases communicated to the attorney general at the federal and state level for further prosecution. The Committee is also concerned at the inadequacy of resources allocated to the institution (art. 2).

26. **With regard to the National Human Rights Commission, the State party should:**

(a) **Strengthen its office so that it can effectively carry out its mandate in all parts of the country, and provide it with adequate human, financial and institutional resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(b) **Ensure that it handles complaints of torture and ill-treatment promptly and effectively and reports publicly and regularly on the outcome of the cases and any compensation awarded;**

(c) **Clarify coordination with the National Committee against Torture concerning visits to places of detention, avoid overlap, if any, and strengthen the referral mechanism for complaints.**

Death penalty

27. While noting the recommendation made in 2003 by a national study group to place a moratorium on the death penalty and the alleged absence of executions since 2016, the Committee regrets that death sentences continued to be pronounced in 2019 and 2020. The Committee notes the enactment of the Nigerian Correctional Service Act, in particular section 12 (2) (c), which provides for commutation of death sentences to life imprisonment for prisoners who have spent more than 10 years on death row, as well as periodic reviews of death sentences carried out by the Presidential Advisory Committee on the Prerogative of Mercy and similar committees at the state level. However, it regrets the lack of official statistics with regard to the number of persons on death row – with some reports estimating there are as many as 2,700 such persons – as well as the lack of details on the application of the commutation provision and pardons granted in the whole territory. The Committee is distressed by reports that capital punishment can be imposed in 12 states that operate under sharia for offences such as adultery, apostasy, witchcraft or sexual relations between same sex persons. It is also distressed that such punishments may be inflicted on juveniles, owing to the vague definition of the child in sharia, which is linked to the onset of puberty, despite the State party's statement that death sentences cannot be imposed on persons younger than 18 years of age (art. 16).

28. **The Committee urges the State party to:**

(a) **Immediately prohibit the death penalty for all persons under the age of 18, in compliance with federal law, including in the states that operate under sharia;**

(b) **Commute all death sentences already handed down to prison sentences, in accordance with the provisions set out in the Nigerian Correctional Service Act; consider declaring an official moratorium on the death penalty for all crimes in law, covering the whole territory; consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and provide details on sentences commuted and pardons granted.**

Corporal punishment of children

29. The Committee is deeply concerned about the prevalent use of corporal punishment on children in private settings, such as home and other alternative care, which is permitted in law (section 295 of the Criminal Code applicable in the southern states and section 55 of the Penal Code in northern states). It also regrets that the Child Rights Act of 2003 has not been transposed in the legislation of all states. The Committee particularly takes note of section 11 of the Act, prohibiting torture and ill-treatment, and section 221 (1) (b), prohibiting corporal punishment for criminal offences. It is distressed by reports that section 11 is not interpreted as prohibiting corporal punishment of children in private settings, and that corporal punishment can be still imposed on persons under the age of 18 as a sentence for a crime in states operating under sharia (arts. 1, 2, 4, 11 and 16).

30. **The State party should:**

(a) **Take further steps to ensure that the Child Rights Act of 2003 is also incorporated into law by all states throughout the whole territory, align the interpretation of its section 11 with international standards, and explicitly prohibit in law and in practice the corporal punishment of children in all settings, through acts or omissions by State agents and others who engage the State's responsibility under the Convention, as a sentence for a crime or for disciplinary purposes;**

(b) **Promote positive non-violent forms of discipline as an alternative to corporal punishment and conduct public awareness-raising campaigns about the harmful effects of corporal punishment, including of children.**

Gender-based violence

31. While welcoming the adoption of the Violence against Persons (Prohibition) Act, the Committee regrets that it is not applicable in all states yet. It takes note of other administrative interventions of the State party, including the declaration of a state of emergency with regard to gender-based violence by State governors, the establishment of gender units by the Ministry of Justice, and the creation of sexual violence and assault referral centres. However, the Committee remains alarmed by the ongoing widespread sexual and gender-based violence inflicted by Boko Haram and the lack of protection for girls and boys from kidnapping by armed groups between 2014 and 2021, according to reports. The Committee is seriously concerned at the allegations of sexual violence against women and girls committed by Civilian Joint Task Force officers, in particular in Bama Hospital and Secondary School camps, and of sexual exploitation and abuse in the state-run camps for internally displaced persons and informal camps, and in local communities in Maiduguri, Borno State, and across the north-east. Furthermore, the Committee is alarmed that female genital mutilation continues to be practised without any effective steps taken by the State party to eliminate it. It is also concerned at the high rate of maternal mortality often resulting from rape, obstacles to accessing contraception and the criminalization of abortion, except for the purpose of saving the life of the mother, as it pushes women into illegal and unsafe abortions endangering their health and lives (arts. 2, 12–14 and 16).

32. **The Committee urges the State party to continue its ongoing efforts to combat all forms of sexual and gender-based violence, especially those cases involving actions or omissions by State authorities or other entities which engage the international responsibility of the State party under the Convention. In particular, the State party should:**

(a) **Strengthen efforts to ensure that the Violence against Persons (Prohibition) Act is also incorporated into law by all states throughout its whole territory;**

(b) **Take effective steps to protect internally displaced persons, especially women and girls, prevent and eradicate female genital mutilation and provide protection measures for girls at risk, and ensure effective investigations into all cases of gender-based violence by State and non-State actors, the prosecution of alleged perpetrators and the provision of redress to victims, including adequate compensation and access to medical services and counselling, and provide details on such cases;**

(c) **Ensure access to comprehensive sexual and reproductive health services and decriminalize the voluntary termination of pregnancy in cases where carrying a pregnancy to term would cause the woman considerable suffering, where the pregnancy is the result of rape and where the pregnancy is not viable.**

Impunity: lack of investigations into and prosecution of acts of torture and ill-treatment

33. In view of the vast scale of allegations and complaints of torture, ill-treatment and gender-based violence by non-State actors and State officials, including by members of the police, the Special Anti-Robbery Squad, the military and the Civilian Joint Task Force, the reports that the police oversight mechanisms, including the Police Service Commission and the National Human Rights Commission, remain ineffective, and the fact that numerous commissions of inquiry and panels at the federal, state and military level were established to no avail, the Committee is deeply concerned at the lack of accountability, due to the limited number of disciplinary measures and criminal prosecutions reportedly carried out, which contributes to an environment of impunity (arts. 1–2, 4, 11–13 and 16).

34. **In addition to the above recommendations urging the State party to carry out prompt and effective investigations into the allegations of abuses committed by State and non-State actors, the State party should:**

(a) **Provide comprehensive information on precise disciplinary and criminal punishments handed down against members of the police, the Special Anti-Robbery Squad, the Civilian Joint Task Force and the military suspected or convicted of engaging in torture, ill-treatment, extrajudicial killings and arbitrary detentions, among other things, as well as against non-State actors;**

(b) **Take immediate measures to ensure the operationalization of an effective and independent police oversight mechanism;**

(c) **Ensure that the judicial commissions or boards of inquiry are not merely established and used to replace proper criminal justice processes and ensure that there is no institutional or hierarchical relationship between investigators for these bodies and the suspected perpetrators of such acts;**

(d) **Ensure that, in cases of alleged torture or ill-treatment, suspected officials are suspended from duty immediately and for the duration of the investigation, to avoid the risk that they might otherwise be in a position to repeat the acts alleged, commit reprisals against the alleged victim or obstruct the investigation;**

(e) **Ensure that training on the provisions of the Convention and the absolute prohibition of torture is mandatory for law enforcement and security forces personnel, prison staff, medical personnel, judges, prosecutors and lawyers and that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is included as an essential part of the training.**

Redress, including compensation and rehabilitation

35. While welcoming sections 6 and 9 of the Anti-Torture Act, which stipulate the right of persons to access legal assistance and to claim compensation for torture and ill-treatment, and part 32 of the Administration of Criminal Justice Act of 2015, which provides for costs, compensation, damages and restitution for victims of crime, the Committee regrets the lack of information on the actual application of those provisions, including data on victims of torture and ill-treatment who have obtained redress thus far. The Committee also regrets the lack of information on whether victims of torture have received medical or psychosocial rehabilitation, in addition to compensation, and whether specific rehabilitation programmes have been established for them (arts. 2 and 14).

36. **The State party should:**

(a) **Ensure that an explicit provision in the Anti-Torture Act allows victims of torture and ill-treatment to obtain redress, including the means for as full a rehabilitation as possible, as set out in the Committee's general comment No. 3 (2012);**

(b) **Establish rehabilitation programmes for victims of torture and ill-treatment, in cooperation with specialized civil society organizations, for example by mandating judicial panels of inquiry operating across the country to do so, and allocate resources to implement such programmes.**

Follow-up procedure

37. **The Committee requests the State party to provide, by 3 December 2022, information on follow-up to the Committee's recommendations on allegations of torture, ill-treatment, arbitrary detention and excessive use of force, in particular by members of the Special Anti-Robbery Squad, pretrial detention and overcrowding, the national preventive mechanism and gender-based violence (see paras. 14 (b), 18, 22 and 32 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

Other issues

38. **The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.**

39. **The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet party.**

40. **The State party is requested to widely disseminate the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.**

41. **The Committee calls upon the State party to comply with its reporting obligations under article 19 of the Convention and to submit its report, which will be considered its second periodic report, by 3 December 2025. To that end, the Committee invites the State party to accept, by 3 December 2022, to prepare its report under the simplified reporting procedure, whereby the Committee will transmit to the State party a list of issues prior to reporting. The State party's response to that list of issues will constitute its second periodic report under article 19 of the Convention.**
