



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

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Committee against Torture

**Information received from Nigeria on follow-up to
the concluding observations in the absence of its
initial report***

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* The present document is being issued without formal editing.



I. Introduction

1. The Federal Republic of Nigeria is grateful to the Committee against Torture (“the Committee”) for its concluding observations and recommendations (CAT/C/NGA/COAR/1) following the review of Nigeria, in the absence of its initial report, at the Committee’s 1852nd and 1855th meeting (seventy-second session) held on 16 and 17 November 2021.
2. The Nigerian Government also expresses its gratitude to the Committee for dialoguing with the country delegation during the session and regrets that its initial report which was submitted through its Ministry of Foreign Affairs prior to the review of Nigeria, did not reach the Committee before the scheduled date due to communication gaps. For this reason, the Nigerian Government craves the indulgence of the Committee to exceed the word limit of 3,500 recommended for this report, to enable it to provide necessary details that may not have come to the knowledge of the Committee at the time of adopting its concluding observations.

II. Response to Committee’s Recommendations

3. The Committee, in paragraph 37 of its concluding observations, has requested Nigeria to provide, by 3 December 2022, information on follow-up to the Committee’s recommendations in paragraphs 14(b), 18, 22 and 32.
4. The following paragraphs contain the response of the Nigerian Government on the measures taken in respect of the recommendations.

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

Follow-up information relating to paragraph 14(b) of the concluding observations (CAT/C/NGA/COAR/1)

5. The Nigerian Government does not support torture, ill treatment, arbitrary detention or the excessive use of force in any form. Consequently, the Government has established legal and institutional frameworks for prevention and punishment of acts of torture that occur within its territory.
6. With specific reference to the investigation of the allegations of abuses committed by the officers of the Special Anti-Robbery Squad (SARS) of the Nigeria Police Force, the Nigerian Government had conducted investigation in two phases.
7. The first phase was by the Investigation Panel on Reform of SARS (PSARS) 2018–2019, an independent Panel both by composition and operation, which was constituted by the Nigerian Government through its National Human Rights Commission (NHRC). Upon conclusion of the investigation, a report was submitted and a white paper, which is a public document, was issued by Government. The press release of NHRC containing the recommendations of the Panel for each affected state is available on its website.¹
8. The second phase of investigations, which was instituted in response to the escalation of the Endsars protests in October 2020, was also conducted by Independent Judicial Commissions of Inquiry constituted in the Federal Capital Territory and 28 States of the Federation in accordance with extant laws.²

¹ DECISIONS OF THE PRESIDENTIAL PANEL ON SARS BY STATES – National Human Rights Commission (nhrc.gov.ng).

² NEC: States, FG To Pay Compensation To Victims Of EndSARS Protests & Prosecute Those Indicted – Prof. Yemi Osinbajo (SAN) | Prof. Yemi Osinbajo (SAN) ... The Office of the Vice-President of the Federal Republic of Nigeria.

9. The final reports of most of the panels have been submitted to the Government and are currently at different stages of implementation in line with the following resolutions of the National Economic Council (NEC):³

(a) That each State shall collaborate with the Federal Government to establish modalities for settlement of all monetary compensations awarded by the Panels;

(b) That the State Governors shall forward the reports of the Panels to the Attorneys-General of the States and the Federation for prosecution of those indicted in the Panel Reports (Security Personnel and Civilians);

(c) That where the recommendations relate to discipline, the reports should be forwarded to the Police or the relevant Security Agency for necessary disciplinary action in line with laid down disciplinary procedures of the various Security Agencies.

Redress to victims

10. In compliance with the NEC resolutions, many states have established Victims Compensation Funds from which several victims have received payments of compensations and sums awarded to them by the Panels. For instance, Federal Government, between 2021 and August 2022, paid a total of N431. 8 million to 94 victims.⁴ Lagos State paid N410.2 million to 70 victims.⁵ Osun State in May 2022, paid N53.2 million to victims⁶ while Ekiti State paid N21.2 million to victims.⁷

Prosecutions (including disciplinary actions)

11. The Panel on Reform of SARS (PSARS) 2018–2019 had made recommendations to the Attorney-General of the Federation for prosecution of 60 police officers. However, these recommendations could not be implemented as a review of the cases confirmed that the offences allegedly committed were either not federal offences, or required further evidence to establish a prima facie case. Consequently, the cases have either been referred for further investigation or for prosecution by the State Attorneys-General. Cases requiring disciplinary actions have also been referred to the Inspector General of Police for necessary action in line with established disciplinary rules, protocols and processes.

12. Generally, the Police and other Law Enforcement and Security Agencies in Nigeria have established complaint mechanisms and disciplinary procedures for addressing complaints made against individual officers. These mechanisms are effective and have resulted in imposition of sanctions on erring officers.⁸ For example, the Complaint Response Unit (CRU) of the Nigerian Police which was first established in 2015(now established by section 131 of the Police Act 2020) to specifically receive complaints against erring police officers, has since its establishment received 14,976 complaints against police officers out of which it had resolved 11,567 by June 2022. Over 258 officers have been sanctioned and 31 dismissed.⁹ In the last four months, five (5) police officers have been dismissed based on social media reports of human rights abuses against them.¹⁰

³ Pay compensation to EndSARS victims, NEC directs states (punchng.com; NEC: States, FG To Pay Compensation To Victims Of EndSARS Protests & Prosecute Those Indicted – Prof. Yemi Osinbajo (SAN) | Prof. Yemi Osinbajo (SAN) ... The Office of the Vice-President of the Federal Republic of Nigeria).

⁴ Abuja #EndSARS panel awards another N289 million compensation to victims of police brutality (premiumtimesng.com).

⁵ #EndSARS: How Lagos panel awarded N410 million to 70 victims of police brutality (premiumtimesng.com).

⁶ EndSars: Osun govt pays N53.2m compensation to victims of brutality (blueprint.ng).

⁷ (Ekiti State Concludes Payment of Compensation to Victims of Police Brutality – THISDAYLIVE.)

⁸ Dismissed Nigerian Police Officer Sentenced To Life In Prison For Killing Football Fan, Kolade In Lagos Sahara Reporters; Army dismisses killer soldiers, hands over to police for prosecution – News Agency of Nigeria (nannews.ng).

⁹ 31 policemen dismissed; others sanctioned over 14,976 complaints (punchng.com).

¹⁰ Police dismiss officer celebrating extortion in viral video (premiumtimesng.com); Police dismiss officer for searching commuter's phone – Vanguard News (vanguardngr.com); Police De-Kit, Dismiss Officer Filmed Beating A Man With Machete – Channels Television (channelstv.com).

Pre-trial detention and overcrowding

Follow-up information relating to paragraph 18(a) of the concluding observations

13. The pre-trial detention provisions of the Administration of Criminal Justice Act 2015 (section 293–299) which prescribe detention time limits and protocols, were among the innovative provisions of the Act intended to address the challenge of prolonged pre-trial detention and congestion of correctional facilities in Nigeria.

14. The Nigerian Government is concerned as much that this effort has not substantially reflected in the statistics of pre-trial detainees in correctional facilities around the country. The Government has therefore taken steps since 2019 to ensure that the provisions of the Act relating to or affecting pre-trial detention are more effectively implemented and monitored to achieve the desired purpose.

15. In 2019, the Nigerian Correctional Service Act was enacted to replace the Prisons Act 1972. Section 18 of the Act contains pragmatic provisions that are aimed at addressing the challenge of pre-trial detention and congestion of correctional centres.

16. In 2020, the Presidential Committee on Correctional System Reform and Decongestion, in collaboration with the Federal Ministry of Justice and the Administration of Criminal Justice Monitoring Committee, developed a Model Draft Practice Direction for Efficient Implementation of the Remand Proceedings under the Administration of Criminal Justice Act/Laws for adoption by the Chief Judges of the Federal Capital Territory and the States of the Federation. The proposed Practice Direction contains provisions that, among others, ensure that suspects are not detained beyond statutory limits or beyond the order of court by imposing reporting and other obligations on the magistrates, investigating agency and the Nigerian Correctional Service. The proposed Practice Direction is at the stage of consultation.

17. In 2021, the Office of the Attorney-General of the Federation and Minister of Justice in collaboration with the Presidential Committee on Correctional System Reform and Decongestion with support from development partners, developed a draft plea bargain guidelines to support implementation of section 272 of the ACJA which permits the use of plea bargain in resolution of criminal matters. The guideline when issued will help encourage the use of plea bargain thereby reducing prolonged trials and pre-trial detentions. The guideline is at the stage of consultation with prosecuting agencies.

18. In January 2022, the Administration of Criminal Justice Monitoring Committee (ACJMC) established the Police Station Duty Solicitor Scheme (PDSS) in 16 Police Divisions in the Federal Capital Territory by placing lawyers in Police Stations to render legal services to indigents and those unrepresented by lawyers to go through their interviews, secure bails and ensure their welfare and protection of their rights.¹¹

19. In July 2022, the ACJMC also launched the Court Duty Solicitor Scheme (CDSS) targeted at ensuring speedy trials, decongestion of detention facilities and reducing the docket of the courts.¹²

Follow-up information relating to paragraph 18(b) of the concluding observations

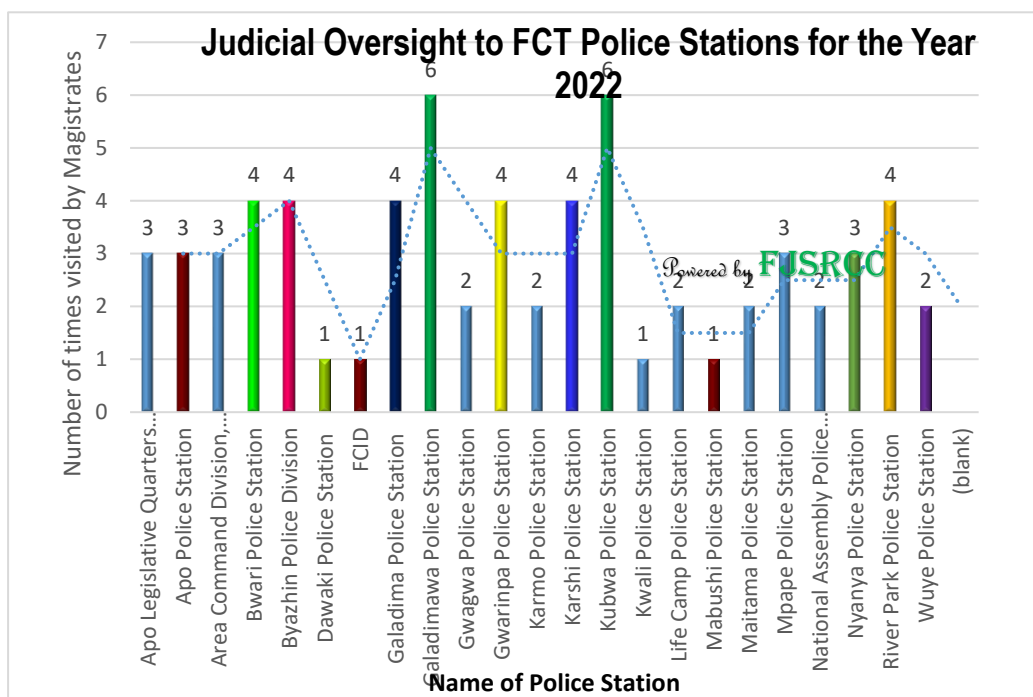
20. In addition to the response provided in paragraphs 13 and 16 above, Sections 33 and 34 of the Administration of Criminal Justice Act also empowers magistrates to monitor pre-trial detentions made by law enforcement without order of court. In order to facilitate the implementation of these provisions, the Nigerian Government, through the Federal Justice Sector Reform Coordinating Committee (FJSRCC), has organized sensitization workshops

¹¹ Indigent suspects to get free legal services as ACJA monitoring Committee launches scheme (tribuneonlineng.com).

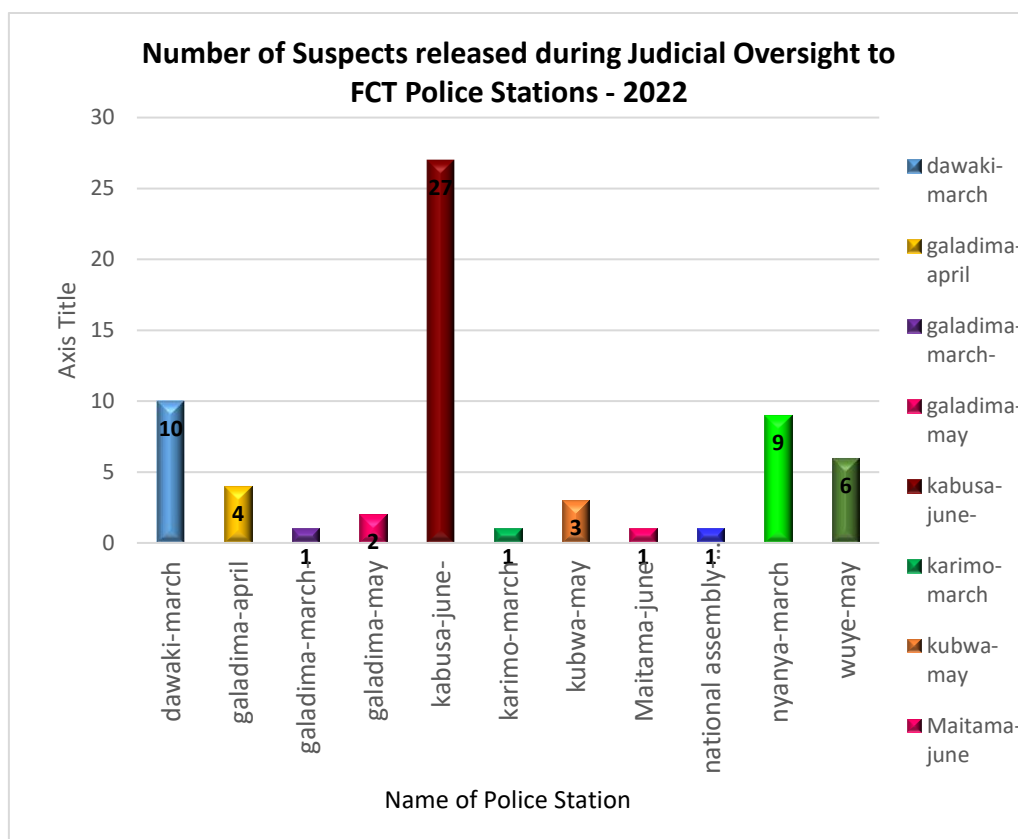
¹² FG Launches Court Duty Solicitor Scheme Targeted at Offering Free Legal Services to Indigent Nigerians – THISDAYLIVE ; FG launches Court Duty Solicitor Scheme to ensure ACJA implementation (tribuneonlineng.com).

for stakeholders in five out of the six geopolitical zones of Nigeria.¹³ So far, about 1000 stakeholders have been trained on their various roles in the implementation of the provisions and there is a high level of compliance across the country especially in the Federal Capital Territory (FCT).

21. Below are charts showing the various trends in 2022 regarding judicial oversights on police stations and inmates releases arising from such oversights in the FCT.



¹³ FG seeks collaboration of states, stakeholders to reform justice system, rule of law (tribuneonline.ng.com); FG vows to consolidate on justice sector reform. | The Guardian Nigeria News – Nigeria and World News – Nigeria – The Guardian Nigeria News – Nigeria and World News.



Follow-up information relating to paragraph 18(c) of the concluding observations

22. Consistent with the determination of the Nigerian Government to holistically address the issue of overcrowding in detention centres, the Administration of Criminal Justice Act 2015 (sections 453–467) introduced the use of non-custodial sentences which include community service, suspended sentence and probation. Section 468 of the Act also provided for parole.

23. The Nigerian Correctional Service Act 2019 (s. 37–44) has also established a comprehensive structure for implementation of the non-custodial and restorative justice regime.

24. The Nigerian Government has taken steps to ensure that the provisions of these laws are implemented. In 2020, the Presidential Committee on Correctional System Reform and Decongestion in collaboration with the Federal Capital Territory Judiciary and some development partners, developed and adopted the Federal Capital Territory Courts (Custodial and Non-custodial Sentencing) Practice Directions which mandate courts to impose non-custodial sentences in appropriate cases as defined in the Practice Directions. Several States of the Federation have also adopted similar Practice Directions.

25. In August 2022, the Nigerian Correctional Service (NCoS) inaugurated the National Parole Board with responsibility for recommending deserving cases for parole.¹⁴ This is apart from other collaborations by NCoS to implement non-custodial measures.¹⁵

Follow-up information relating to paragraph 18(d) of the concluding observations

26. The Nigerian Government has taken the following steps to ensure that effective, independent and accessible complaint mechanisms are available to all persons deprived of their liberty and that complaints are promptly, impartially and thoroughly investigated.

¹⁴ NCoS inaugurates parole, mental health review boards (nannews.ng).

¹⁵ NCoS to partner agencies to implement non-custodial measures – News Agency of Nigeria (nannews.ng) ; NCoS partners AMAC to implement non-custodial services – News Agency of Nigeria (nannews.ng).

27. In 2009, the Chief Justice of Nigeria issued a revised Fundamental Rights (Enforcement Procedure) Rules specifically targeted at ensuring easy access to the courts and prompt resolution of complaints through judicial process. This was achieved by expanding the modes of commencement of action and eliminating the requirements of locus standi in enforcement of fundamental rights cases through empowering the civil society organisations to commence enforcement proceedings on behalf of and in the absence of the victims.

28. The Anti-Torture Act 2017 (section 6) permits a victim of human rights abuses to either directly or through a proxy, seek legal assistance from the Human rights Commission, non-governmental organisations or private persons in filing a complaint. The National Human Rights Commission Act (sections 5 and 6), also empowers the National Human Rights Commission to receive and investigate complaints concerning violations of human rights and make appropriate determination as it deems necessary.

29. In order to ensure that these provisions are effectively utilized, the National Human Rights Commission developed two documents-the Standing Orders and Rules of Procedure of the National Human Rights Commission of Nigeria and the Complaint System Procedure Manual of the National Human Rights Commission of Nigeria – which have simplified complaint procedures.

30. These procedures have proved to be effective and have resulted in the resolution of a substantial number of complaints against human rights abuses including torture.

31. In 2021, for example, the Commission received a total of 1,701,519 complaints out of which 1,701,357 were from routine complaints. Of this number, 1,697,777 were found admissible while 1,187,079 (69.8%) had been investigated and concluded by 31 December 2021. Further details can be found in the 2021 Annual Report of the National Human Rights Commission which is available at its website.¹⁶

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

Follow-up information relating to paragraph 22(a) of the concluding observations

32. The Nigerian Government has taken steps to comply with the relevant provisions of the Optional Protocol to the Convention (OPCAT) and the recommendations in the concluding observations, by adopting a National Preventive Mechanism (NPM) model that it considers will best achieve the objective of OPCAT taking into account the peculiar political, social and economic structure of Nigeria, the prevailing security situation, and the lessons learnt from the challenges faced by the previous NPM in the discharge of their mandate.

33. In response to the recommendation in paragraph 22(a) of the concluding observations, the Nigerian Government in July, 2022, reconstituted its NPM known as the National Committee Against Torture (NCAT) in a manner that the Government believes will meet the requirements of functional independence of the NPM, the independence of their personnel, competence of their experts, gender balance, adequate representation of ethnic and minority groups, and availability of necessary resources as stipulated in Article 18 of OPCAT.

34. The re-constituted NCAT has the Solicitor-General of the Federation and Permanent Secretary of the Federal Ministry of Justice (FMOJ) as the Chair and the Executive Secretary of the National Human Rights Commission (NHRC), which is Nigeria's National Human Rights Institution (NHRI), as Alternate Chair. This model was intended to address the issue of funding within the context of NCAT's budgetary constraints. There will be separate appropriation for NCAT in the budget of FMOJ and NHRC from 2023 financial year and in the interim, funding will be jointly provided from existing appropriation. The current membership which includes a Past Career Ambassador and former Rapporteur in the UN system, a renowned academic, human rights experts, Director of Public Prosecutions of the Federation and Director of Citizens Rights of the Federal Ministry of Justice, recognizes diversity in terms of experience, knowledge, gender, ethnicity and other considerations.

¹⁶ National Human Rights Commission – National Human Rights Commission (nigeriarights.gov.ng).

There is enhanced representation of Civil Society Organisations (CSOs) which includes the Nigerian Bar Association, Human Rights Agenda Network (network of over 300 CSOs), Access to Justice, Avocas sans Frontieres, and Prisoners' Rehabilitation and Welfare Action (PPRAWA). This is to ensure independence. NCAT Secretariat is now domiciled at the NHRC with its staff seconded from NHRC and FMOJ for better efficiency. There is also representation of key law enforcement and security agencies which is intended to facilitate communication with and access to these institutions by NCAT in the discharge of its mandate, given the prevailing security situation in Nigeria.

35. Though NCAT is not directly established by statute, its establishment by the Office of the Honourable Attorney-General of the Federation and Minister of Justice is supported by legislation-Anti-torture Act 2017 (section 10 and 12).

36. The NCAT was inaugurated on September 9, 2022 with clear mandates which includes proposing appropriate draft legislation (including legislation to address paragraphs 9, 10 and 21 of the concluding observations).

37. The NCAT is intended to serve as the coordinating body regarding matters of torture in Nigeria. There are other independent agencies established by statute for the implementation of Nigeria's obligations under the Convention against Torture (CAT), OPCAT and other human rights treaties of which Nigeria is a State Party. These institutions include National Human Rights Commission (section 1 of National Human Rights Commission Act), Legal Aid Council of Nigeria (section 1 Legal Aid Act 2011), Public Complaint Commission (section 1 Public Complaint Commission Act), and Police Complaint Response Unit (section 131 of the Police Act 2020).

Follow-up information relating to paragraph 22(b) of the concluding observations

38. The Nigerian Government believes that its NPM model (as recently reconstituted), is the most suitable for meeting its obligations under the CAT and OPCAT at this time. Nevertheless, the Nigerian Government, when necessary, will consider technical assistance in line with Article 11(b) (i) of OPCAT.

Follow-up information relating to paragraph 22(c) of the concluding observations

39. The Nigerian Government has established mechanisms for effective and regular monitoring visits to places of detention by independent bodies, namely: NCAT and NHRC (section 6 National Human Rights Commission Act). Both bodies have separately conducted visits to places of detention in 2022. All visits conducted by both institutions follow laid down procedures and are in compliance with the recommendation in paragraph 22 (c) of the concluding observations (the checklist for NHRC's visits is available on its website at nigeriarights.gov.ng).

Follow-up information relating to paragraph 22(d) of the concluding observations

40. The Nigerian Correctional Service (NCoS) has had a long-standing collaboration with non-governmental organisations (NGOs) and civil society actors that provide health care and education services, to undertake monitoring activities in correctional centres as well as provide health care and education services to inmates.

41. These collaborations are now supported by the Nigerian Correctional Service Act 2019 (section 8, 14,21,23,24 and 34).

42. There are regular visits by these organisations and they, in collaboration with NCoS, organise different health care and education programmes for detainees. The key NGOs and CSOs that have been involved in this respect include, Carmelite Prisoners' Interest Organization (CAPIO), Prisoners' Rehabilitation and Welfare Action (PRAWA), Prison Fellowship of Nigeria, Dream Again, and CSO Forum on Detention and Corrections (with membership of 96 organizations). These NGOs have been supported by development partners including European Union/British Council (Rule of Law and Anti-Corruption Programme), International Committee of the Red Cross, United Nations Office on Drugs and Crime (UNODC), Swiss Embassy, United Nations Development Programme (UNDP),

National Agency for Control of Aids (NACA), Heartland Alliance, FHS 360, and United States Agency for International Development (USAID).

Gender-based violence

Follow-up information relating to paragraph 32(a) of the concluding observations

43. The Violence against Persons (Prohibition) Act (VAPPA) was enacted by the Nigerian Government in May 2015 as part of its effort to eliminate violence in private and public life, prohibit all forms of violence against persons, provide maximum protection and effective remedies for victims and punish offenders.

44. Since the commencement of this Act, the Nigerian Government through its agencies – the National Economic Council, the Governors’ Forum, the Federal Ministry of Women Affairs and the National Agency for the Prohibition of Traffic in Persons (NAPTIP) – has consistently advocated for the incorporation of the Act into the laws of all the 36 States of Nigeria.

45. These efforts have resulted in the adoption of VAPPA in 32 States out of 36.¹⁷ Efforts are ongoing to ensure that the remaining four States adopt the Act as soon as possible.

46. In addition, the Nigerian Government in collaboration with development partners and other stakeholders in some States, has simplified and disseminated the VAPP law at the local level and is working towards strengthening institutional mechanisms in some other States to ensure the effective implementation of the law through the training of police officers, welfare officers and staff of sexual assault referral centres.

Follow-up information relating to paragraph 32(b) of the concluding observations

47. The Nigerian Government does not support gender-based violence in any form and has, through its laws and policies, shown its commitment towards combating all forms of sexual and gender-based violence including those involving actions or omissions by State authorities or other entities.

48. In addition to the interventions acknowledged in paragraph 31 of the Committee’s concluding observations, the Nigerian Government through its agencies (including the Federal Ministry of Health and the Federal Ministry of Women Affairs) and in collaboration with major stakeholders, has developed and is implementing the following policies, guidelines, protocols and training manuals that are aimed at preventing, mitigating and generally addressing gender based violence in Nigeria as well as medically managing health problems arising from gender-based violence:

- (a) National Gender Policy 2022 (covering the period 2021–2026);
- (b) Standards and Guidelines for the Medical Management of Victims of Violence in Nigeria 2017;
- (c) National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities: With Emphasis on Women and Girls 2018;
- (d) National Gender in Health Policy 2021;
- (e) Essential Services Package for Sexual and Reproductive Health and Rights Needs of Women and Girls Survivors of Gender Based Violence, Child Marriage and Female Genital Mutilation;
- (f) National Protocol on the Management of Complications from Female Genital Mutilation in Nigeria 2020;
- (g) National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria 2021;

¹⁷ VAPP TRACKER – Partners West Africa Nigeria (partnersnigeria.org).

(h) National Guidelines on Healthcare for Those Who Have Experienced Gender Based Violence: A clinical Handbook;

(i) National Guidelines on Healthcare for Those Who Have Experienced Gender Based Violence: Facilitators' Guide for training Healthcare Providers;

(j) National Guidelines on Healthcare for Those Who Have Experienced Gender Based Violence: Resource for Exercise.

Internally displaced persons, especially women and girls

49. As part of its efforts to protect internally displaced persons, especially women and girls, the Nigeria Government in 2021 adopted and is implementing the revised National Policy on Internally Displaced Persons (IDPs) in Nigeria which is aimed at strengthening the institutional mechanism and framework for the realization of the rights, dignity and wellbeing of vulnerable populations through the mitigation of impact and achievement of durable solutions to internal displacements in Nigeria.

50. The Nigerian Government has also implemented a number of programmes through its key focal agencies which include the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, the National Commission for Refugee, Migrants and Internally Displaced Persons, the National Emergency Management Agency, and the National Human Rights Commission.

Investigation and prosecution

51. The Nigerian Government prioritizes the investigation and prosecution of gender-based violence by State and non-State actors and has consequently established special investigation and prosecution units in all the relevant law enforcement and prosecution agencies including the Police, National Agency for the Prohibition of Traffic in Persons (NAPTIP) and the Federal Ministry of Justice.

52. NAPTIP which is the lead implementing agencies for VAPPA has fully digitalized its call centre for ease of reporting cases and has recently completed its conducive work interrogation room.

53. In collaboration with development partners including UNODC, UNICEF and EU/British Council, trainings are regularly organized for investigators and prosecutors to enhance their investigative and prosecutorial capacities.

54. Trainings have been provided for High Court judges on the provisions of VAPPA and four of the judges have been designated for trial of Sexual and Gender based violence cases to ensure speedy trial.

55. Federal and State Sexual Offenders' Registers are being established for convicts of sexual violence offences as part of Government's efforts to discourage gender based violence in general.

56. Several convictions have been recorded by the various prosecuting agencies and there are also ongoing prosecution of cases. NAPTIP, for example, has since 2017 received 1,023 reports, rescued and counselled 825 victims, prosecuted 72 cases (including on-going prosecutions) and secured convicted in 14 cases.¹⁸ The Sexual and Gender-Based Violence Unit of the Federal Ministry of Justice has filed 22 cases since January 2022.

57. The Federal Government also established the Inter-Ministerial Management Committee on the Eradication of Gender based Violence comprising several relevant Ministries and Agencies to monitor and manage Gender based violence cases around the country. The Committee was formed with a view to creating synergy between the relevant Ministries and to strengthen action against Gender based violence in Nigeria.

¹⁸ Nigeria Sexual Offender & Service Provider Database (naptip.gov.ng).

Redress to victims

58. In addition to the various laws and policies that are targeted at preventing and punishing sexual violence, eradicating cultural practices and values that encourage sexual violence, and providing redress to victims of sexual violence, the Nigerian Government has employed other measures including ad hoc measures, to ensure that victims of sexual violence get redress.

59. In October 2019, for example, the Nigerian Government, through its National Human Rights Commission, set up an independent panel – Special Investigation Panel on Sexual and Gender Based Violence. The Panel received and treated a total of 162 cases from 8 States relating to rape, domestic violence, discrimination on grounds of gender, denial of inheritance on the ground of gender, confiscation of property and threat to life, intimidation and assault, forceful marriage, inhuman and degrading treatment, abandonment, ostracism, denial of resources, forceful separation from children, etc..

Table showing determination of cases by the Panel

<i>S/N</i>	<i>Determination</i>	<i>Number of cases</i>
1	Resolved	65
2	Compensated	8
3	Referred for prosecution	4
4	Referred to other agencies	24
5	Cash Assistance	4
6	Struck out	57
Total		162

60. NAPTIP routinely provides psycho-social counselling, rehabilitation and appropriate health care to victims and also partners with CSOs in providing training and empowerment for victims of Sexual and Gender Based Violence.

Follow-up information relating to paragraph 32(c) of the concluding observations

61. The approach of the Nigerian Government to provision of a comprehensive and accessible sexual and reproductive health services is holistic. As part of its effort to ensure that affordable health care services are, in general, available to all within the country, the Nigerian Government, through the Federal and State Ministries of Health and their relevant agencies, own and manage hospitals and other health institutions at primary, secondary and tertiary levels that provide sexual and reproductive health services at subsidized cost.

62. There is a National Health Insurance Scheme (established under the National Health Insurance Act 1999 now repealed and replaced by the National Health Insurance Authority Act 2022), a National Health Act 2014, and National Health Policy 2019, which cover and promote universal access to sexual and reproductive health services.

63. In 2018, the Nigerian Government adopted the National Guidelines on Safe Termination of Pregnancies for Legal Indications to serve as a tool for the provision of the safe termination of pregnancy within the legal framework in circumstances where the continuation of such pregnancies threatens the lives of the women.

Decriminalisation of abortion

64. The Nigerian Government has a peculiar challenge with regard to the recommendation to decriminalise abortion because of religious and cultural sentiments and the facts that decriminalisation of abortion is a residual matter within the legislative competence of the various States of the Federation.

65. In 2012, for example, the Government of Imo State enacted the Violence Against Persons (Prohibition) Law 2012 which in section 40, legalized abortion in cases of rape and

incest. However, public outcry especially from religious leaders and traditional rulers, led to the repeal of that law in 2013.¹⁹

66. The Violence against Persons (Prohibition) Law 2022 of Imo State²⁰ did not re-enact the equivalent of section 40 of the 2012 law. However, section 47 (1) of the new law guarantees other rights of a victim of sexual violence including the rights to receive medical assistance through governmental agencies and other providers and the right to be informed of the availability of free legal, health and social services and be readily afforded access to them. Similar provisions exist in the VAPP Act and Laws of other States.

67. In spite of the challenges, Nigerian Government remains committed to ensuring that there is provision of comprehensive and accessible sexual and reproductive health services for all.

68. The Nigerian Government will continue to engage and sensitize stakeholders towards a progressive implementation of the recommendation as religious, social, cultural and security conditions become more conducive.

69. While these efforts are ongoing, existing jurisprudence (*R v Bourne* (1938) 3 All ER 615)²¹ remains available as a defence though there is no known prosecution for abortion resulting from rape or other circumstances that cause the woman considerable suffering.

III. Conclusion

70. Finally, in response to paragraph 41 of the concluding observations, the Nigerian Government accepts to prepare and submit its second periodic report in 2025 under the simplified reporting procedure and invites the Committee to transmit a list of issues to be reported on.

71. The Federal Republic of Nigeria remains committed to its obligations under the Convention against Torture and the Optional Protocol and will continue to adopt all possible measures to ensure that it fulfils its obligations.

¹⁹ Imo Government Repeals Abortion Law – Channels Television ([channelstv.com](https://www.channelstv.com)).

²⁰ VAPP-law.pdf (alliancesforafrica.org).

²¹ *R v Bourne* (e-lawresources.co.uk).