



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

List of issues prior to submission of the initial report of Nigeria*

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session (see A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to this list of issues will constitute its report under article 73 (1) of the Convention. In accordance with General Assembly resolution 68/268, paragraph 16, the initial report should not exceed 31,800 words.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in the absence of a report, in accordance with rule 31 bis of the provisional rules of procedure (see A/67/48 and Corr.1, para. 26).

Part I

In this section, the State party is requested to submit its responses to the following questions.

A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) The rank of the Convention in domestic law and whether the Convention has direct effect or is part of the domestic law through implementing legislation;

(b) Information on the relevant national legislation of the State party regarding the protection of migrant workers and members of their families and on migration policies under the Convention, including the National Policy on Labour Migration 2014;

* Adopted by the Committee at its twenty-third session (31 August-9 September 2015).



(c) Measures taken by the State party to harmonize its legislation with the provisions of the Convention;

(d) The existence and scope of bilateral and multilateral agreements with other countries pertaining to the rights of migrant workers and members of their families under the Convention, in particular with other members of the Economic Community of West African States, the Gulf States, France, Germany, Italy, Portugal, South Africa, Spain, the Sudan, Switzerland, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Please specify how such agreements protect migrant workers' rights and guarantees in transit and destination countries, particularly in detention, repatriation, expulsion and family reunification procedures. Please provide information on measures taken to strengthen the protection of Nigerian migrant workers abroad, including by reviewing and amending such bilateral and multilateral agreements.

2. Please provide information on all policies and strategies relating to migrant workers and members of their families adopted by the State party, including information on specific, time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party and regarding migrant workers and members of their families of the State party abroad. Please also provide information on the resources allocated for their implementation and the results obtained.

3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including on the available staffing and resources, on monitoring activities, on follow-up procedures and mechanisms in place for such coordination and on the participation of relevant governmental bodies and civil society in such mechanisms.

4. Please provide information, including both qualitative information and statistical data disaggregated by sex, age, nationality and migration status, on labour migration flows in and from the State party, including returns, and other labour migration-related issues. Please also provide qualitative and statistical data or, if precise data are not available, studies or estimates on migrant workers in an irregular situation, in the country and abroad, in particular those working in less regulated sectors such as agriculture, textiles, construction, the food industry, mining and domestic work. Please also provide information on measures taken by the State party to establish a coherent and comparable system of data collection on these issues, including the measures aimed at making this information public.

5. Please provide information on whether the State party has established an independent mechanism, such as a national human rights institution, that is explicitly mandated to monitor independently the human rights situation within the State party, including the rights of all migrant workers and members of their families under the Convention. Please also provide information on complaint mechanisms and other services, including helplines, offered by that institution. Please also provide information on the human, technical and financial resources made available to the institution, as well as on awareness-raising activities by the State party among the general public and migrant workers, in both urban and rural areas, in particular on the services offered by the institution, including the right to file a complaint directly with the institution.

6. Please provide information on the steps taken by the State party to promote and publicize the Convention and increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers and government officials, including law enforcement officials and the judiciary, within the State party. With respect to migrant workers who are nationals of the State party working abroad, please also describe the measures taken by the State party

to promote training programmes on the human rights of migrant workers and their families, including on gender sensitivity and the rights of the child, for government staff who provide legal and consular assistance to nationals of the State party abroad and who deal with migration and related issues, including workplace abuse and exploitation, and migrant workers or members of their families who have been arrested, held in prison or migration-related detention centres, placed in custody pending trial or detained in any other manner, subject to expulsion or repatriation.

7. Please provide information on the cooperation and interaction between the State party and civil society organizations working on migrant workers' rights in relation to the implementation of the Convention. Please indicate whether and how the representatives of civil society organizations and other stakeholders are involved in preparing the replies to the present list of issues.

8. Please provide information on the existence of private employment agencies in the State party recruiting migrant workers to work abroad and the laws, rules and regulations pertaining to private recruitment, and in particular:

(a) The measures taken to provide information and training to migrant workers on their rights and obligations and to protect against abusive employment situations;

(b) Whether recruiters assume joint liability with the employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including wages, disability compensation, repatriation and death;

(c) Information relating to the issuing and renewal of licenses of such employment agencies and conditions for renewal;

(d) Information on complaints against agencies and inspections, as well as penalties and sanctions for non-compliance;

(e) The measures taken by the State party to strengthen migration regulation and control mechanisms to ensure that private recruitment agencies abstain from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters.

B. Information relating to the articles of the Convention

1. General principles

9. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts. If so, please give examples. Please provide information on:

(a) The judicial and administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including migrant workers in an irregular situation;

(b) The number of complaints examined by such mechanisms in the past five years and their outcome, disaggregated by sex, type of complaint and decision taken;

(c) Whether legal assistance was provided;

(d) Any redress, including compensation, provided to the victims of such violations;

(e) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

2. Part II of the Convention

Article 7

10. The Committee is concerned that the list of prohibited grounds of discrimination in employment and occupation in the Labour Standards Bill does not include nationality, that the guarantees for privacy and freedom of movement and against racial discrimination contained in sections 37, 41 and 42 of the Constitution do not extend to non-citizens, and that the constitutional provision on the acquisition of nationality (section 26 (2) (a)) stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman. In the light of this, please provide information on all measures taken by the State party to ensure non-discrimination for all migrant workers, both in law and in practice. Please indicate whether the domestic migration laws are gender sensitive and if so, in what way.

11. Please inform the Committee about any cases identified in the State party of racism and xenophobia, discriminatory conduct, ill-treatment and violence directed at migrant workers and members of their families and provide information on the normative, institutional and procedural measures adopted by the State party to prevent and combat any form of those phenomena and to protect the rights of the victims, including their right to access to justice. Please include quantitative and qualitative information on the types of discriminatory and xenophobic cases identified in the State party.

3. Part III of the Convention

Articles 8 to 23

12. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, both in regular and irregular situations, in particular those working in agriculture, construction, domestic work, the food industry, mining and quarrying, repair services and transport, and on measures taken to combat such exploitation. Please also provide information on any cases identified in the State party of domestic servitude, forced labour and commercial sexual exploitation, particularly in the context of sex tourism, of migrant workers, in particular women and children, and on measures taken to prevent and combat those phenomena. Please also provide information on measures taken to bring the national legislation into compliance with the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105).

13. Please describe the due process safeguards in situations of investigation, arrest and detention of migrant workers and members of their families for criminal offences and administrative infractions and, with regard to the latter, please include immigration-related matters. Please indicate whether the State party has taken any measures to provide for non-custodial alternatives to detention. Please provide information on services provided by the consular or diplomatic authorities of the State of origin to the detained migrant workers or members of their families in accordance with the Convention.

14. Please provide detailed information on migration detention centres, conditions of detention for migrant workers and efforts to improve those conditions, including on whether:

(a) The State party has in place alternatives to detention for immigration-related matters;

(b) Persons detained for immigration reasons are held in separate facilities or together with convicted persons or persons detained pending trial;

(c) Measures to ensure that alternatives to the detention of children exist in the State party. In cases in which alternatives are not used, please provide information on how the State party ensures that children and women are held in gender- and age-appropriate detention conditions, including by separating children from adults and female from male detainees who are not family members or partners;

(d) Women detainees are supervised by female personnel;

(e) Family-friendly facilities are provided for families where possible and appropriate.

15. Please provide up-to-date information, including disaggregated statistical data, on undocumented migrant workers and migrant workers in an irregular situation and members of their families who have been expelled or are subject to expulsion procedures. Please indicate whether collective expulsion is prohibited in the domestic laws of the State party. Please indicate whether migrant workers can challenge expulsion orders and whether such remedies have suspensive effect.

16. Please provide detailed information on the roles of the State party's embassies and consulates in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, and particularly in the case of abuse, arrest, detention and expulsion. Please indicate whether legal assistance is provided whenever the rights recognized in the Convention are impaired, including in detention and/or expulsion cases.

Articles 25 to 30

17. Please indicate what legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including migrant women, in particular in the agricultural, construction, domestic work, food, mining and quarrying, personal services, repair services and transport sectors, enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work. Please also include information on measures aimed at promoting the rights of Nigerian migrant workers abroad.

18. Please indicate whether national labour laws and regulations relating to remuneration and conditions of work, for example, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract, and minimum wage, are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and whether the rights enjoyed by nationals apply on an equal basis to migrant workers, both in regular and irregular situations.

19. Please provide information on measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to basic services such as urgent medical care. Please also provide detailed information on measures to ensure that the children of migrant workers have full access to education, regardless of their migration status, including information on firewalls to ensure that schools are not obliged to report the immigration status of children to the authorities.

Articles 31 to 33

20. Please provide information on measures taken by the State party to ensure that upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please also provide information on the measures taken to facilitate the transfer of private funds, particularly to reduce the cost of such transactions.

21. Please provide information on pre-departure programmes for the State party's nationals considering emigration, including information on their rights and obligations in the State of employment. Please indicate which government institution is responsible for providing such information and whether any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in this process. Please also describe the measures taken to ensure that migrant workers arriving in, or preparing to come to, the State party have access to clear information on immigration procedures, including full information on the conditions applicable to their admission, stay and remunerated activities in which they may engage, and on applicable laws and legislation in force.

4. Part IV of the Convention

Article 40

22. Please provide information on the measures taken to guarantee migrant workers and members of their families the right to form, and to form part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention and article 2 of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Article 41

23. Please provide information on the measures taken by the State party to review its legislation and the effective implementation thereof to ensure for migrant workers and members of their families of the State party abroad the rights:

- (a) To participate in public affairs in the State party;
- (b) To exercise their voting rights in the State party;
- (c) To be elected to public office in the State party.

Article 44

24. Please provide information on measures taken to promote and protect the right to family life of migrant workers and their families in the State party and in countries of employment. Please include information on programmes and policies aimed at facilitating family reunification abroad, as well as measures intended to protect the right to family life of Nigerian migrant workers and their families in the context of expulsion procedures in destination countries.

5. Part VI of the Convention

Article 64

25. Please provide information on the measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with the international migration of workers and members of their families, including through multilateral and bilateral agreements, policies and programmes. Please include information on how such measures have been mainstreamed into overall migration policies and programmes and whether there has been a reduction in the number of violations of the rights of migrant workers and members of their families as a result of such measures.

26. Please provide information on the measures taken to address the cross-border displacement of members of the Nigerian population resulting from the violence linked to the Boko Haram insurgency.

Article 67

27. Please provide information on cooperation programmes in place between the State party and relevant States of employment for the voluntary return of migrant workers and members of their families to the State party when they decide to return or when they are in the State of employment in an irregular situation. Please also provide information on measures taken at the national and local levels to assist returning migrant workers and members of their families in resettlement and reintegration into the economic and social life of the State party. In particular, provide information on the situation of Nigerian migrant workers in detention centres in transit or destination countries and on how the State party assists them in legal procedures prior to expulsion and upon their return to Nigeria.

28. Please provide information on measures taken by the State party to ensure the rights of migrant children and their protection from economic exploitation, particularly those who are unaccompanied and/or in an irregular situation, in or transiting through the State party, including the allocation of sufficient resources for the effective enforcement of labour laws and the protection of children from economic exploitation. Please provide information on the steps taken to protect children from hazardous work, including through the implementation of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), the adoption of a comprehensive list of exploitative and hazardous work prohibited for children and the strengthening of the labour inspection system.

Article 68

29. Please provide information on the measures taken, and the corresponding human and financial resources allocated, by the State party to prevent and combat trafficking in persons, in particular women and children, and smuggling of migrants. Please include information on the effective detection of the illegal or clandestine movements of migrant workers and members of their families, the systematic compilation of disaggregated data and the efforts to bring perpetrators of trafficking in persons and smuggling of migrants to justice, as well as on training for judiciary, law enforcement officials, border guards and social workers throughout the State party, especially in rural and remote areas, on how to identify victims of trafficking.

Article 69

30. Please provide information on any measures taken to ensure that migrant workers and members of their families in an irregular situation in the State party have the possibility to regularize their situation in accordance with the provisions of article 69 of the Convention. Please describe the actions taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation.

Part II

The Committee invites the State party to briefly (three pages maximum) provide information regarding the protection of migrant workers and members of their families with respect to:

- (a) Bills or laws and their respective regulations;
- (b) Institutions and their mandates and institutional reforms;
- (c) Policies, programmes and action plans covering migration, including their scope and financing;

(d) Recent ratifications of human rights instruments, including the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Domestic Workers Convention, 2011 (No. 189);

(e) Recent comprehensive studies on the situation of migrant workers and members of their families.

Part III

Data, official estimates, statistics and other information, if available

1. Please provide, if available, updated disaggregated statistical data and qualitative information for the last three years (unless indicated otherwise) on:

(a) The volume and nature of migratory flows in and from the State party for the period from the entry into force of the Convention in the State party to the present;

(b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained abroad in States of transit and employment, and whether such detention is immigration-related;

(c) Migrant workers and members of their families who have been expelled or deported from the State party;

(d) The number of unaccompanied migrant children or migrant children separated from their parents in the State party, including the number of Nigerian migrant children in transit and employment States and Nigerian children left behind;

(e) Remittances received from nationals of the State party working abroad, in actual numbers and as a percentage of the gross domestic product;

(f) Reported cases of trafficking in and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);

(g) Legal assistance services provided to migrant workers and their families in the State party and to nationals working abroad or in transit through third States.

2. Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that the State party considers a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications, and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

3. Please submit an updated core document in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.

4. The Committee may take up all aspects of the rights of migrant workers and members of their families in the Convention during the dialogue with the State party.