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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Nigeria

Concluding observations (126th session): [CCPR/C/NGA/CO/2](#), 19 July 2019

Follow-up paragraphs: 23, 29 and 31

Information received from State party: [CCPR/C/NGA/FCO/2](#), 7 March 2022

Information received from stakeholders: [Indigenous People of Biafra](#), 23 July 2020;
[Jubilee Campaign and Stefanos Foundation](#),
17 July 2023

Committee's evaluation: 23 [B], 29 [C] and 31 [C]

Paragraph 23: Maternal mortality, reproductive rights and termination of pregnancy

The State party should: (a) strengthen its efforts to ensure unimpeded access to sexual and reproductive health services, including effective access to quality prenatal and post-abortion health care for women and girls in all circumstances and on a confidential basis; (b) review its legislation to ensure safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or where it is not viable; (c) ensure that women and girls who have abortions, as well as the health-care practitioners assisting them, are not subject to criminal sanctions; and (d) ensure access to quality and evidence-based information and education about sexual and reproductive health, and appropriate and affordable contraceptive methods for women, men and adolescents nationwide.

Summary of the information received from the State party

Since 2019, the State party has trained health workers in Borno State; established maternal and perinatal death surveillance and response committees in all the states in the north-east; established the Department of Family Health and the Reproductive, Maternal, Newborn, Child, Adolescent and Elderly Health plus Nutrition Platform in all the states in the north-east for better coordination and implementation of activities to reduce maternal, perinatal and

* Adopted by the Committee at its 139th session (9 October–3 November 2023).



child mortality; passed a bill in 2021 providing for the effective surveillance, review and prevention of maternal and perinatal deaths; and put in place the national maternal and perinatal death surveillance and response electronic platform to collect data from facilities in poor, rural areas to improve planning and decision-making.

The Government is taking steps to transform unsafe abortion services and provide post-abortion care for Nigerians of reproductive age across the 36 states and the Federal Capital Territory, focusing on developing guidelines on legal therapeutic abortion, capacity-building on safe abortion care and community dialogue on unsafe abortion. Health facilities and services will be revitalized, and the establishment of the national health insurance scheme will enhance universal health coverage and remove out-of-pocket expenditures.

Measures are also being taken to improve the National Family Planning Programme and support the expansion of the provision of quality family planning services, including the approval of a policy to make family planning information, services and commodities free of charge at public health facilities. Key guidelines and training manuals have been developed to facilitate programme implementation, and the federal Government is committed to providing funds for the procurement of family planning commodities. The range of family planning methods available in the country is under continuous expansion, with new family planning products providing improved autonomy and increased choice for all clients. Continuous training is provided to family planning service providers on counselling and service provision on all methods.

The second National Strategic Health Development Plan 2018–2022 is anchored in the new National Health Policy (2016) and takes a more comprehensive, inclusive and holistic approach to health. The Federal Ministry of Health is collaborating with the Federal Ministry of Labour and Employment to fast-track the implementation of an increase in paid maternity leave from 16 to 18 weeks and to continue advocacy on extending it to 24 weeks.

On 12 October 2020, as part of the Government's efforts to reduce maternal mortality, the Minister of Health launched the Reproductive, Maternal, Newborn, Child, Adolescent and Elderly Health plus Nutrition Multi-Stakeholder Partnership Coordination Platform, which seeks to improve the well-being of women, children, adolescents and older persons. Given the high mobile phone coverage in the country, the Government is planning to use mobile health technology to reduce inequities in maternal mortality, reproductive rights and pregnancy termination. Legislation will be enacted to assist Nigerian public health authorities to adopt mobile health quickly in order to overcome distance and skills gaps and enhance maternal health services such as antiretroviral adherence, sexually transmitted infection prevention, and perinatal and postnatal care.

Summary of the information received from stakeholders

Jubilee Campaign and Stefanos Foundation

Mobile phone coverage, particularly in rural areas, is not stable and can be affected by weather and other conditions. It is necessary to find other means of getting information to rural areas until full and reliable phone coverage is provided. Priority should be placed on providing fully functioning and well-equipped medical centres in rural areas, since most rural areas lack such facilities.

Committee's evaluation

[B]

The Committee welcomes the efforts made to reduce maternal, perinatal and child mortality and to scale up the provision of quality family planning services throughout the State party. Nevertheless, it regrets the lack of information provided on steps taken to: (a) review national legislation to ensure safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or where it is not viable; and (b) to ensure that women and girls who have abortions, as well as the health-care practitioners assisting them, are not subject to

criminal sanctions. The Committee requests additional information on the impact of the measures taken to reduce maternal, perinatal and child mortality, as well as information on any steps taken to review its legislation on access to abortion, ensuring that criminal sanctions are not applied to women and girls who have abortions or to the health-care practitioners who assist them.

Paragraph 29: Intercommunal and inter-ethnic violence

The State party should strengthen its efforts to: (a) ensure safety and security in the region, including through providing safe shelters, especially for women and children; and (b) ensure that all attacks and acts of inter-ethnic violence and allegations of excessive use of force by governmental actors are investigated, those responsible are brought to justice and victims granted full reparations.

Summary of the information received from the State party

In 2019, the Nigeria Security and Civil Defense Corps – Agro Rangers came into force as part of the federal Government’s Agro Rangers programme designed to protect farmers. The Defense Corps has deployed 3,000 Agro Rangers to forestall attacks on farms and conflict between farmers and herdsman, particularly in parts of Benue, Kaduna, Nasarawa, Niger, Plateau and Taraba States, among others, and to boost farmers’ confidence to work on their farms without fear of attack. Measures to ensure safety and security in the region include capacity-building to increase critical infrastructure protection for soft targets, and the development of a national protection strategy. In 2021, a draft national policy on the protection of civilians and civilian harm mitigation was drawn up and shared by the Ministry of the Interior for inputs.

Summary of the information received from stakeholders

Indigenous People of Biafra and Jubilee Campaign and Stefanos Foundation

Both submissions indicate that, in spite of the State party’s efforts, communal violence has continued since July 2019. Jubilee Campaign and Stefanos Foundation reported that militant violence has increased exponentially and new actors, such as the so-called Islamic State West Africa Province and bands of Islamist Fulani militants, have taken on roles in the violence, including carrying out executions and inhuman and degrading treatment of civilians, burning homes and places of worship, kidnapping and enslaving women and girls and implementing coerced conversions. Indigenous People of Biafra indicated that there have also been numerous shootings and that there is extensive evidence of attacks perpetrated by Fulani herders on the Igbo people of south-east Nigeria, which are committed with impunity and are aimed at the forcible transfer of the Igbo population, within the context of a widespread and systematic attack on the civilian population. Indigenous People of Biafra also noted that many Almajiris and other peoples from the northern states have been refused entry into various Nigerian states, such as Abia and Enugu States. The Nigerian authorities have failed to bring those responsible to justice and to ensure that reparations are paid to the victims and their families.

Jubilee Campaign and Stefanos Foundation reported that in January 2023, some 5,014 Christians were killed by Islamists and other militant groups, and that, between October 2019 and September 2021, jihadi assailants, including Fulani militants, Boko Haram and the so-called Islamic State West Africa Province, had killed over 8,500 Nigerian Christians and 2,417 Muslims. Nevertheless, Islamist militants are not the sole perpetrators of such heinous atrocities.

Committee’s evaluation

[C]

While taking note of the information provided on the deployment and efforts of the Agro Rangers and on the draft national policy on the protection of civilians and civilian harm mitigation, the Committee is concerned by reports of a significant increase in communal

violence committed by herders and Islamist groups against civilians and of continued impunity for such acts. Furthermore, it regrets the lack of information on investigations into cases of excessive use of force by governmental actors, their results and any reparation granted to victims. The Committee reiterates its recommendation and requests further information on the draft national policy, whether it has been enacted, on its implementation and the impacts it may have had in terms of reducing violence and ensuring safety and security in the region.

Paragraph 31: Conflict with Boko Haram and civilian protection

The State party should conduct prompt, impartial and effective investigations into allegations of human rights abuses committed in the context of the conflict with Boko Haram, both by non-State and State actors, in order to identify, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation. It should take steps to increase the transparency of the investigations, including publishing their findings. The State party should take measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict.

Summary of the information received from the State party

In addition to the Constitution, the Terrorism (Prevention) (Amendment) Act (2013), the National Action Plan for Preventing and Countering Violent Extremism (2017) and the National Security Strategy (2019) are all relevant institutional frameworks for counter-insurgency operations in the north-east and across Nigeria. The Chief of Army Staff issued a policy directive to commanders to prevent violations and improve compliance with Nigerian laws in order to guide the conduct of operations by army personnel.

The Service Compact with All Nigerians, a social contract between the Government and the people, was strengthened in relevant ministries and agencies with the appointment of desk officers to attend to complaints from the public, ensuring redress for grievances. Officers in legal departments are trained on conducting thorough investigations into human rights violations.

With the aim of stemming the tide of radicalization in the country, reducing violent activities, changing the behaviour of violent extremists and promoting core national values, under the Countering Violent Extremism Programme, various projects and activities were carried out focusing on education and awareness-raising, dialogue with communities and on the reintegration of reformed extremists. Furthermore, human rights curricula have been introduced in the training institutions of the various armed forces, the Nigerian Police Force and other law enforcement agencies, and the Government has organized human rights education and training for police and military officers through the National Human Rights Commission.

The National Internally Displaced Persons Policy (2012) prioritizes the protection of displaced women and establishes a framework for seeking restitution and holding State and non-State abusers accountable for human rights violations. Resettlement and rehabilitation of internally displaced persons is currently ongoing in affected parts of north-east Nigeria.

The counter-insurgency operations in north-east Nigeria have three simultaneous goals that are difficult to achieve: the protection of counter-insurgency forces, observance of human rights under the concept of distinction, and insurgent annihilation. There appears to be an irreconcilable tension between safeguarding counter-insurgency forces and eliminating insurgents, while also respecting individual human rights. The conflict is irreconcilable because the simultaneous pursuit of these three objectives usually entails a trade-off. The national security goals of protecting counter-insurgency forces and eliminating insurgents trump advancing the more sustainable goal and pathway to peace of respecting and protecting the human rights of civilians caught up in the middle of the insurgency, as evidenced by the human rights outcomes of counter-insurgency operations in the north-east.

Summary of the information received from stakeholders

Jubilee Campaign and Stefanos Foundation

The State party's initiatives have not been seen to be effective on the ground. Abductions by criminal gangs are increasing. There are concerning reports of criminal gangs taking over rural communities in Katsina, Kogi, Zamfara and other northern states and forcing the communities to pay a tax to the gangs to be able to harvest their own crops without threats of violence. Criminal gangs continue to attack and take over whole communities and villages, without arrest, and remain there with impunity.

There are at least three million internally displaced persons in Nigeria. The majority are displaced in parts of north-east Nigeria and the Middle Belt region, with increasing numbers of internally displaced persons also being reported in the north-west. Internally displaced persons in the Middle Belt region report that nearly all of the aid and shelter provided comes from civil society actors.

Committee's evaluation

[C]

While welcoming the information regarding the steps taken to ensure the safety and security of the population affected by the conflict, including through the Countering Violent Extremism Programme, the Committee is concerned by reports that little impact has been seen on the ground and by the allegations that violence, including abductions by criminal gangs, is increasing. It requests further information on the impacts of the activities implemented under the Countering Violent Extremism Programme. The Committee regrets the lack of information provided on the investigations into allegations of human rights abuses committed in the context of the conflict with Boko Haram, both by non-State and State actors, and reiterates its recommendations.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
