

NIGERIA: HUMAN RIGHTS AGENDA 2023



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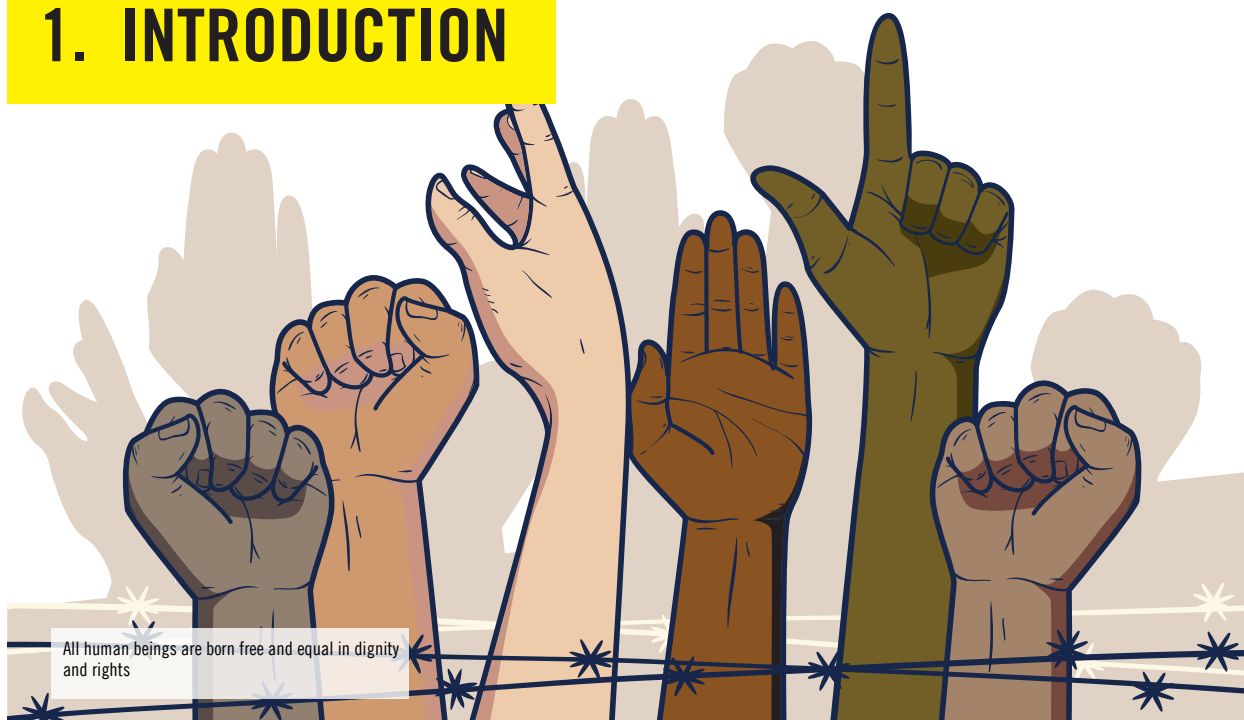
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1. INTRODUCTION



The inauguration of President Bola Ahmed Tinubu as the current and 16th President of Nigeria on 29 May 2023 following the 25 February presidential election presents an opportunity for the administration to demonstrate its commitment to human rights and undertake urgent and concrete actions to strengthen their promotion and protection in Nigeria. Even though the Nigerian Constitution of 1999 (as amended) in Chapter IV contains provisions on human rights and Nigeria has ratified several international and regional human rights treaties, the country is plagued with decades of human rights violations and abuses perpetrated by state and non-state actors respectively.¹ Amnesty International has documented many and various forms of human rights violations, the victims of which continue to lack redress.²

As the new administration kickstarts its programmes, Amnesty International is recommending some concrete measures to ensure that human rights are better respected, protected, promoted and fulfilled in Nigeria. In this regard, Amnesty International calls on the new administration to:

1. Guarantee freedom of expression
2. End all forms of violence against women and girls
3. Protect the rights of children
4. Secure economic, social and cultural rights
5. Ensure accountability for the Niger Delta clean-up
6. End torture, enforced disappearances and extrajudicial executions
7. End killings by security forces and non-state actors, and communal violence across Nigeria
 - 3.7.1 End killings by bandits in Zamfara State
 - 3.7.2 End deadly attacks on southern Kaduna
 - 3.7.3 End fatal airstrikes on civilian settlements
 - 3.7.4 End spiraling violence in South East Nigeria
 - 3.7.5 End killings in Plateau State
 - 3.7.6 End killings in Benue State
 - 3.7.7 End deadly communal clashes
8. End electoral violence
9. Abolish the death penalty and commute all death sentences

¹ Amnesty International Report 2022/3: The state of the world's human rights, 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> [Accessed 20 July 2023]

² Amnesty International, Nigeria: Accountability for human rights violations remains elusive: (Index: AFR 44/6970/2023: 12 July 2023 <https://www.amnesty.org/en/documents/afr44/6970/2023/en/> [Accessed 21 July 2023]

2. HUMAN RIGHTS OBLIGATIONS

2.1. NATIONAL HUMAN RIGHTS LEGAL FRAMEWORK

Under the Constitution of the Federal Republic of Nigeria 1999 (as amended), human rights are categorized into two separate groups: civil and political rights and economic, social and cultural rights. Civil and political rights are justiciable under Chapter IV of the Constitution while economic, social, and cultural rights are non-justiciable under Chapter II of the Constitution.

Chapter IV guarantees civil and political rights, including the rights to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly and association, freedom of movement, etc. Under section 46 of the Constitution, any person who alleges that any of the provisions of Chapter IV has been, is being or is likely to be contravened in any state in relation to him may apply to a High Court in that state for redress. Under Chapter II of the Constitution dealing with ‘Fundamental Objectives and Directive Principles of State Policy’, the government is required to direct its policies towards providing for all citizens; suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care and pensions, and unemployment, sickness benefits and welfare of the disabled, adequate medical and health facilities for all persons, opportunity for securing an adequate means of livelihood, equal pay for equal work without discrimination, equal and adequate educational opportunities at all levels and just and humane conditions of work.

By virtue of section 6(6)(c) of the Constitution, the judiciary is stripped of its authority in matters pertaining to Chapter II. However, item 60 in the second schedule of the Constitution (Exclusive Legislative List) empowers the National Assembly to promote and enforce the observance of the fundamental objectives and directive principles contained in the Constitution. The implication of this is that the Nigerian legislature has the power to enact laws to make economic, social and cultural rights justiciable and this has been confirmed by the Nigerian Supreme Court.

Thus, the Supreme Court has ruled that the “directive principles (or some of them) can be made justiciable by legislation.”³ This ruling at least acknowledges that economic, social and cultural rights should and can be made justiciable. In line with Nigeria’s obligations under the International Covenant on Economic Social and Cultural Rights,⁴ the current constitutional arrangements are contrary to the universal human rights principles of indivisibility, interdependence and interrelatedness of all human rights,⁵ and appears to have led to non-accountability by the government in relation to adequate housing, food, water, sanitation and healthcare in Nigeria.

Nigeria’s regional obligations also reinforce the need to give judicial effect to economic, social and cultural rights. The African Charter on Human and Peoples’ Rights which guarantees some economic, social and cultural rights was domesticated into Nigerian law through the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 2004.

In *General Sani Abacha & 3 ORS. v. Chief Gani Fawehinmi*, the Supreme Court of Nigeria ruled that the African Charter on Human and Peoples’ Rights “is an understanding between some African states concerned to protect and improve the human rights and dignity of their citizens and other citizens within the territorial

3 A.G. Ondo State v. A.G. Fed (2002) 9 NWLR (Pt.772) 222 where the Supreme Court held that notwithstanding the non-justiciable nature of the provisions of Chapter II, it would amount to a deficiency of obligation on the part of the branches of governments if they acted in contempt of the fundamental objectives and directive principles of state policy.

4 See CESCR *General Comment No. 9: The domestic application of the Covenant*, 3 December 1998, E/C.12/1998/24 para. 10

5 Resolution adopted by the Human Rights Council on 2 July 2015, Fiftieth anniversary of the adoption and fortieth anniversary of the entry into force of the International Covenants on Human Rights, (A/HRC/RES/29/1). See also Article 5 of the Vienna Declaration and Programme of Action, adopted 25 June 1993 by the World, Conference on Human Rights in Vienna, <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action> [Accessed 21 June 2023]

jurisdiction of their countries, to the commitment of which, that understanding has been translated into a legal obligation by adopting the Charter as a domestic law.” Thus, those rights are justifiable in Nigerian courts and individuals can seek protection for these rights from being violated, and if violated can seek appropriate remedies.⁶

Additional support for the argument that ESCR are justiciable has been provided by the Community Court of Justice of the Economic Community of West African States (ECOWAS) when it ruled, in *SERAP v. Nigeria*, that it is empowered to apply the provisions of the African Charter on Human and Peoples’ Rights and that the rights guaranteed therein are justiciable before it.⁷

To give effect to various human rights provisions in the Constitution, Nigeria has enacted a number of human rights laws including the Child Rights Act, Trafficking in Persons (Prohibition) Enforcement and Administration Act, Discrimination Against Persons with Disabilities (Prohibition) Act, Anti-Torture Act, Universal Basic Education Act, Violence Against Persons (Prohibition) Act and HIV/AIDS (Anti-Discrimination) Act. It should be noted that a number of these address ESCR.

Moreover, there have also been a number of policy measures which seek to address human rights implementation such as: the National Human Rights Commission Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021, National Policy on Internally Displaced Persons (IDPs) 2017, National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria 2014/15, National Guidelines and Referral Standards on Gender-Based Violence in Nigeria 2014/15, National Policy on Child Labour 2013, National Policy on Education 2013, National Gender Policy on Education 2008 and, National Gender Policy 2007.⁸

2.2. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria has ratified several human rights treaties imposing clear obligations on the authorities to respect, protect and fulfil human rights for everyone within its jurisdiction, without distinction of any kind. Nigeria has consented to be bound by some human rights treaty under international law, having ratified 14 of the 18 United Nations human rights treaties and optional protocols:⁹

Nigeria is yet to ratify the First Optional Protocol to the International Covenant on Civil and Political Rights which would enable the Human Rights Committee, established to oversee the implementation of the Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights in the International Covenant on Civil and Political Rights. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty has also not been ratified.

Likewise, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not been ratified. This optional protocol recognises the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications by individuals or groups of individuals claiming to be victims of a violation of any of the economic, social and cultural rights in the covenant.

6 *Abacha v. Fawehinmi* (2000) 6 NWLR (Pt.660) 228

7 *SERAP v. Nigeria*, Ruling, Suit No: ECW/CCJ/APP/08/09 and RUL. No: ECW/CCJ/APP/07/10 (ECOWAS, Dec. 10, 2010)

8 Nigeria’s 6th Periodic Country Report: 2015-2016 on the Implementation of the African Charter on Human and Peoples’ Rights in Nigeria

9 United Nations human rights instruments ratified by Nigeria include: International Convention on the Elimination of All Forms of Racial Discrimination (Ratified 1967), Convention on the Elimination of All Forms of Discrimination against Women (Ratified 1985), Convention on the Rights of the Child (Ratified 1991), International Covenant on Economic, Social and Cultural Rights (Ratified 1993), International Covenant on Civil and Political Rights (Ratified 1993), Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Ratified 2004), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratified 2001), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ratified 2009), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Ratified 2009), International Convention for the Protection of all Persons from Enforced Disappearance (Ratified 2009), Convention on the Rights of Persons with Disabilities (Ratified 2010), and Optional Protocol to the Convention on the Rights of Persons with Disabilities (Ratified 2010). Source: United Nations Human Rights Office of the High Commissioner, *Ratification of 18 International Human Rights Treaties*, <http://indicators.ohchr.org/> [Accessed 21 June 2023]

Nigeria is also yet to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure which recognises the competence of the Committee on the Rights of the Child to carry out its functions in the best interests of children. If ratified, communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of Nigeria, claiming to be victims of a violation of any of the rights set forth in the Convention on the Rights of the Child, Optional Protocol to the Convention on the sale of children, child prostitution and child pornography; and the Optional Protocol to the Convention on the involvement of children in armed conflict.

Regarding its reporting obligations under the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights respectively, Nigeria last reported to both the Committee on Economic, Social and Cultural Rights and the Human Rights Committee over a quarter of century ago in 1996, with its Initial Reports.¹⁰ However, on 14 July 2017, the Committee on the Elimination of Discrimination against Women reviewed Nigeria's seventh and eighth reports.¹¹

In relation to Universal Periodic Review, Nigeria last came up for review on the 6 November 2018 at the 31st session of the Working Group on the Universal Periodic Review and its report was adopted at the 40th session of the Human Rights Council on 14 March 2019.¹² Nigeria is due for its fourth Universal Periodic Review at the 45th session of the Universal Periodic Review Working Group in January – February 2024.¹³

2.3. REGIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria is a member state of the African Union and has also ratified several regional human rights treaties including the African Charter on Human and Peoples' Rights.¹⁴

In relation to its reporting obligations, Nigeria is yet to submit its 2020-2022 report to the African Commission on Human and Peoples' Rights, contrary to the requirement to comply with Article 62 of the African Charter on Human and Peoples' Rights¹⁵

10 United Nations Human Rights Office of the High Commissioner, 'State Parties Report' https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=29 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=45&DocTypeID=29, [Accessed 17 July 2023]

11 See Committee on the Elimination of Discrimination against Women Concluding observations on the combined seventh and eighth periodic reports of Nigeria (CEDAW/C/NGA/CO/7-8) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNGA%2fCO%2f7-8&Lang=en [Accessed 1 July 2023]; Amnesty International *Nigeria: Submission to the United Nations Committee on the Elimination of Discrimination against Women: 67th Session, 3-21 July 2017* (AFR 44/6430/2017): <https://www.amnesty.org/en/documents/afr44/6430/2017/en/>, [Accessed 10 July 2023]

12 Nigeria supported over nine recommendations in relation to gender-based violence and gender equality, including to enact the Gender and Equal Opportunities (GEO) Bill, and to implement the Violence Against Persons (Prohibition) (VAPP) Act, 2015 in all the states. See A/HRC/40/7/Add.1, recommendation 148.46 (Spain), 148.30 (Netherlands), 148.43 (Rwanda), 148.42 (Cyprus), 148.36 (Estonia), 148.251 (Canada), 148.256 (Congo), 148.51 (Finland), 148.257 (Madagascar), 148.264 (Guyana). It also supported eight recommendations aimed at preventing torture and other ill-treatment including to establish a national torture preventive mechanism for independent monitoring in all detention facilities and to create a central database of all places of detention. See A/HRC/40/7/Add.1, recommendations 148.105 (Cyprus), 148.25 (Spain), 148.156 (Ukraine), 148.155 (Czechia), 148.153 (Hungary), 148.154 (Chile), 148.10 (Niger), 148.158 (Switzerland). Further, Nigeria supported over 20 recommendations to ensure respect for human rights in counter-terrorism operations, including to protect the lives of civilians and to avoid extrajudicial killings and to investigate violations by security forces. See UN Doc. A/HRC/40/7 and its addendum, UN Doc. A/HRC/40/7/Add.1, recommendation 148.102 (Afghanistan), 148.104 (Portugal), 148.105, (Cyprus), 148.106 (Ethiopia), 148.107 (Lebanon), 148.108 (France); 148.116 (China), 148.120 (Brazil), 148.121 (Bulgaria), 148.123 (Portugal), 148.165 (Slovakia), 148.168 (Netherlands), 148.172 (Argentina), 148.173 (Canada), 148.174 (Republic of Korea), 148.175 (Switzerland), 148.176 (Australia), 148.177 (United States of America), 148.178 (Germany), 148.179 (New Zealand). Nigeria also supported three recommendations to end enforced disappearances, including to develop a database of missing persons in Nigeria, and to allow independent human rights investigators full access to investigate allegations of enforced disappearances. See UN Doc. A/HRC/40/7 and its addendum, UN Doc. A/HRC/40/7/Add.1, recommendations 148.150 (Germany), 148.151 (Azerbaijan), 148.152 (Guyana).

13 Amnesty International, *Nigeria: Accountability for human rights violations remains elusive*: (Index: AFR 44/6970/2023: 12 July 2023) <https://www.amnesty.org/en/documents/afr44/6970/2023/en/> [Accessed 21 July 2023]

14 African Union human rights instruments ratified by Nigeria include: African Charter on Human and Peoples' Rights (Ratified 1983), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Ratified 2004), African Charter on the Rights and Welfare of the Child (Ratified 2001), Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Ratified 2004), OAU Convention Governing Specific Aspects of Refugee Problems in Africa (Ratified 1986), African Youth Charter (Ratified 2009), and African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (Ratified 2012). See African Commission on Human and Peoples' Rights, *Nigeria: Legal Instruments*, <https://au.int/en/treaties> [Accessed 26 July 2023]; Full list of African Union Treaties are available at: <https://au.int/en/treaties> [Accessed 26 July 2023]

15 African Commission of Human and Peoples' Rights, *State Reporting* <https://achpr.au.int/en/taxonomy/term/224> [Accessed 24

3. HUMAN RIGHTS AGENDA FOR NIGERIA

INTRODUCTION

Nigeria's human rights situation is characterized by serious and widespread violations by state actors and abuses by non-state actors. These violations include restrictions on the rights to freedom of expression, association and peaceful assembly, enforced disappearances, extrajudicial executions, arbitrary arrests and detentions, torture and other ill-treatment, violence against women and girls, mass forced evictions, and environmental pollution. There is a lack of accountability for these violations and abuses.¹⁶

For several years, Amnesty International has documented various cases of human rights violations and abuses in Nigeria.¹⁷ This briefing provides information regarding cases of human rights violations and abuses across the country. In view of the above, Amnesty International is proposing the following human rights agenda and set of recommendations to the government which, if implemented, would contribute to improving the human rights situation in Nigeria.

3.1 GUARANTEE FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

Journalists and digital activists continue to face harassment, threats and attacks from state authorities for freely expressing critical opinions. In 2022 alone, authorities arrested and detained 10 journalists. Further, during the 2023 general elections, there were reports of at least 42 journalists who were attacked, harassed, beaten and denied access to information, among other incidents they faced while covering the elections.¹⁸

Section 24 of the Cybercrime Act, 2015¹⁹ - which criminalises sending a message via a computer system that "causes annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another" - is vaguely worded and ambiguous. The section has been relied upon by the authorities to violate the rights to freedom of expression, information and other rights of human rights defenders, activists, bloggers, journalists, broadcasters, and social media users.²⁰

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- 16 Amnesty International Report 2022/3: The state of the world's human rights, 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/> [Accessed 14 July 2023]
- 17 Nigeria: "Negligence in the Niger Delta: Decoding Shell and Eni's poor record on oil spills", 16 March 2018, [amnesty.org/en/documents/afr44/7970/2018/en/](https://www.amnesty.org/en/documents/afr44/7970/2018/en/); Nigeria: "The Harvest of Death – Three Years of Bloody Clashes Between Farmers and Herders in Nigeria", 17 December 2018, [amnesty.org/en/documents/afr44/9503/2018/en/](https://www.amnesty.org/en/documents/afr44/9503/2018/en/); Nigeria: "Time to End Impunity: Torture and Other Violations by Special Anti-Robbery Squad (SARS)", 26 June 2020, [amnesty.org/en/documents/afr44/9505/2020/en/](https://www.amnesty.org/en/documents/afr44/9505/2020/en/); Nigeria: "Killing of #EndSARS protesters by the military must be investigated", 21 October 2020, [amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/](https://www.amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/); Nigeria: "Further information: Retrial ordered for singer on death row: Yahaya Sharif-Aminu", 29 January 2021, [amnesty.org/en/documents/afr44/3568/2021/en/](https://www.amnesty.org/en/documents/afr44/3568/2021/en/); Nigeria: "Attacks on schools undermine right to education", 17 February 2021, [amnesty.org/en/latest/news/2021/02/nigeria-attacks-on-schools-undermine-right-to-education/](https://www.amnesty.org/en/latest/news/2021/02/nigeria-attacks-on-schools-undermine-right-to-education/); *Amnesty International Report 2020/1: The state of the world's human rights*, 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/en/#](https://www.amnesty.org/en/documents/pol10/3202/2021/en/#); Nigeria: "At least 115 people killed by security forces in four months in country's Southeast", 5 August 2021, [amnesty.org/en/latest/news/2021/08/nigeria-at-least-115-people-killed-by-security-forces-in-four-months-in-countrys-southeast/](https://www.amnesty.org/en/latest/news/2021/08/nigeria-at-least-115-people-killed-by-security-forces-in-four-months-in-countrys-southeast/); Nigeria: "A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria", 17 November 2021, [amnesty.nl/content/uploads/2021/11/NIGERIA-A-HARROWING-JOURNEY-Full-Report.pdf?x56562](https://www.amnesty.nl/content/uploads/2021/11/NIGERIA-A-HARROWING-JOURNEY-Full-Report.pdf?x56562); Nigeria: "60,000 forcibly evicted in Port Harcourt", 15 February 2022, [amnesty.org/en/documents/afr44/5225/2022/en/](https://www.amnesty.org/en/documents/afr44/5225/2022/en/); *Amnesty International Report 2021/2: The state of the world's human rights*, 29 March 2022, [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/); Nigeria: "Extrajudicial executions under the guise of tackling insecurity in the Southeast must stop", 19 July 2022, [amnesty.org.ng/2022/07/19/extrajudicial-executions-in-the-south-east-must-stop/](https://www.amnesty.org.ng/2022/07/19/extrajudicial-executions-in-the-south-east-must-stop/); Nigeria: "Nigeria must show genuine commitment to ending enforced disappearances", 30 August 2022, [amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/](https://www.amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/); Nigeria: "Two years on, more than 40 #EndSARS protesters still languishing in jail", 20 October 2022, [amnesty.org/en/latest/news/2022/10/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/](https://www.amnesty.org/en/latest/news/2022/10/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/); Nigeria: "Shell must clean up devastating oil spills in the Niger Delta", 2 February 2023, [amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/](https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/); Nigeria: "Authorities must uphold human rights ahead of elections", 15 February 2023, [amnesty.org/en/latest/news/2023/02/nigeria-authorities-must-uphold-human-rights-ahead-of-elections/](https://www.amnesty.org/en/latest/news/2023/02/nigeria-authorities-must-uphold-human-rights-ahead-of-elections/); *Amnesty International Report 2022/3: The state of the world's human rights*, 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/) [Accessed 7 August 2023]
- 18 Amnesty International Nigeria: Nigeria authorities must uphold human rights ahead of elections <https://www.amnesty.org/en/latest/news/2023/02/nigeria-authorities-must-uphold-human-rights-ahead-of-elections/> [Accessed 10 August 2023]
- 19 Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015, https://www.cert.gov.ng/ngcert/resources/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf, [Accessed 23 August 2023]
- 20 Premium Times, "Rights Violations: ECOWAS Court orders Nigerian government to amend cybercrime law", <https://www.premiumtimesng.com/news/top-news/520361-rights-violations-ecowas-court-orders-nigerian-government-to-amend-cybercrime-law>.



On 4 June 2021, the Nigerian authorities banned Twitter in Nigeria.²¹ On 14 July 2022, the ECOWAS Court declared unlawful the ban of Twitter by the Nigerian government and ordered the authorities never to repeat it again stating that Nigerian state must respect, protect, promote and fulfil the rights to freedom of expression, information and media freedom.²²

In March 2023, the National Broadcasting Commission (NBC) sanctioned 25 broadcast stations while 16 others were issued final warning over the coverage of 2023 Presidential and National Assembly elections. On 10 May, a Federal High Court in Abuja barred NBC from imposing fines to broadcast stations. The court ruling declared that NBC does not have judicial powers to impose penalties on broadcast stations. This is the second time the Federal High court has issued such a ruling. Earlier on 1 March 2019, the court set aside the N500,000 fine imposed on 45 broadcast stations in Nigeria on the grounds that NBC, not being a court of law, lacked such power.²³

Similarly, the authorities carried out punitive actions on individuals who freely express dissenting opinions. On 5 April 2022 in Kano, Mubarak Bala, president of the Humanist Association of Nigeria, was sentenced to 24 years' imprisonment under criminal charges for "breaching the peace". The charges related to Facebook posts from April 2020 in which he allegedly insulted the Prophet Muhammad. On 20 April 2023, the European Parliament adopted a resolution expressing concern over the detention of various individuals who expressed critical opinions, including Aminu Yahaya Shariff, who is in detention for alleged blasphemy, and Rhoda Jatau and Mubarak Bala who are being persecuted for alleged blasphemy.²⁴

Local and federal authorities have also unduly restricted the right to freedom of peaceful assembly. On 14 May 2022, Kaduna State government banned religious protests in the state. On 27 July 2022, the

html?tztc=1, [Accessed 23 August 2023]

21 Amnesty International Nigeria: End Twitter suspension in Nigeria <https://www.amnesty.org/en/petition/end-twitter-suspension-in-nigeria/>, [Accessed 7 August 2023a]

22 <https://www.amnesty.org.ng/2022/07/14/nigeria-court-ruling-on-twitter-ban-upholds-the-right-to-freedom-of-expression-in-nigeria/> [Accessed 12 August 2023]

23 <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/> [Accessed 22 July 2023]

24 European Parliament resolution of 20 April 2023 on the risk of the death penalty and the execution of singer Yahaya Sharif-Aminu for blasphemy in Nigeria (2023/2650(RSP)), https://www.europarl.europa.eu/doceo/document/TA-9-2023-0116_EN.html, [Accessed 26 July 2023]

Chief Judge of Akwa Ibom sentenced activist Inibehe Effiong to prison without trial for one month for “contempt”.²⁵ Similarly, Omoyele Sowore and Olawale Bakare, who Amnesty International consider to be prisoners of conscience, continue to face trumped-up charges and prolonged trials simply for organising peaceful protests to demand respect for human rights and the rule of law.

On 20 October 2020, the Nigerian army and police killed at least 12 peaceful protesters at Lekki toll gate and Alausa Lagos where thousands were protesting as part of the #EndSARS movement against abuses committed by the police.²⁶ On 20 October 2022, police used tear gas against protesters during the two-year commemoration of the #EndSARS protest at Lekki toll gate. At least four people were arrested and detained. Two years after the demonstrations, several protesters remain in prison.²⁷ More than 40 #EndSARS protesters are still languishing in prisons across Nigeria.²⁸

On 27 July 2022, the Non-Governmental Organization Regulations Bill, which seeks to gag civil society organizations, was reintroduced in the House of Representatives.²⁹

In July 2023, a leaked government memo dated 19 July 2023 indicated that the Lagos State government has in its custody the bodies of 103 people who were killed during the #EndSARS protests since October 2020, and has approved the secret mass burial of the bodies.³⁰

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Withdraw the Non-Governmental Organizations Regulatory Commission of Nigeria (Establishment) Bill.**
- **Release immediately and unconditionally all those arbitrarily detained solely for peacefully expressing their opinions or for participating in peaceful protests and ensure access of victims and their families to effective remedies, including adequate compensation, restitution, and guarantees of non-repetition.**
- **End all forms of harassment, intimidation, threats and attacks against journalists, human right defenders, and others using social media platforms to express their opinions.**
- **Ensure that all law enforcement agencies revise their policies and practices for the policing of protests in accordance with international human rights law standards, including on the use of force and firearms.**
- **Effectively investigate in an independent and impartial manner all allegations of human rights violations by police officials during protests, with a view to bringing all those responsible to account, including those in command responsibility, and provide redress to victims.**
- **Take effective measures to end the practice of arbitrary arrests, harassment and threats of journalists, bloggers and others simply for exercising their right to freedom of expression.**
- **Amend the Cybercrime Act to bring it in line with international human rights standards on the rights to privacy, freedom of expression and media freedom.**

25 Amnesty International Nigerian, “Authorities to immediately release Inibehe Effiong from arbitrary detention, <https://twitter.com/AmnestyNigeria/status/1562140954823479296>, [Accessed 26 July 2023]

26 Amnesty International Nigeria: Killing of #EndSARS protesters by the military must be investigated <https://www.amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/>, [Accessed 26 July 2023]

27 Amnesty International Nigeria: Two years on, more than 40 #EndSARS protesters still languishing in jail <https://www.amnesty.org.ng/2022/10/20/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/>, [Accessed 5 August 2023]

28 Amnesty International Nigeria: Two years on, more than 40 #EndSARS protesters still languishing in jail <https://www.amnesty.org.ng/2022/10/20/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/>, [Accessed 5 August 2023]

29 Premium Times, “Controversial NGO regulations bill back in House of Reps”; <https://www.premiumtimesng.com/news/top-news/545337-controversial-ngo-regulations-bill-back-in-house-of-reps.html>, [Accessed 23 August 2023]

30 Amnesty International Nigeria: <https://www.amnesty.org/en/latest/news/2023/07/nigeria-disclose-identities-protesters-mass-burial/> [Accessed 26 July 2023]

3.2. ENSURE GENDER EQUALITY AND END ALL FORMS OF GENDER-BASED VIOLENCE



Despite some progress made in addressing gender-based violence against women, including the domestication of the Violence Against Persons Prohibition (VAPP) Act³¹ by the Federal Capital Territory and 35 states, violence against women and girls remains pervasive. Following the lockdown during the COVID-19 pandemic in 2020, there was an increase in reports of cases of rape across Nigeria.³² The National Human Rights Commission alone received 11,200 reported cases of rape in 2020.³³ On 5 July 2023, the Nigeria Police, Lagos State Command, said it recorded 111 sexual assault cases between April and June 2023.³⁴

Gender-based violence continues to be perpetrated by both state forces and non-state actors, with impunity, with perpetrators usually not being held accountable. In 2019, agents of the Federal Capital Territory Administration Joint Task Force arrested 70 women on charges of engaging in sex work many of whom were allegedly sexually assaulted while in custody.³⁵ On 22 June 2021, 14-year-old Keren-Happuch Aondodoo Akphagher, a boarding student at Premier Academy, Abuja, died from sepsis after she was allegedly raped in her school.³⁶ Abimbola Martins Ogbonna died in Lagos State after sustaining burns due to domestic violence on 15 October 2022.³⁷

31 Premium Times, “Minister tasks judges on speedy determination of sexual, gender-based violence cases,” 18 January 2023, <https://www.premiumtimesng.com/news/more-news/576383-minister-tasks-judges-on-speedy-determination-of-sexual-gender-based-violence-cases.html>, [Accessed 26 July 2023]

32 Amnesty International, “Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria,” 17 November 2021, Index Number: AFR 44/4959/2021, [Accessed 24 July 2023]

33 National Human Rights Commission, “2020 Annual Report”, p. 53. The reported number is often representative of only a fraction of cases, as reporting of instances of gender-based violence remains low across the world, due to many different reasons.

34 The Cable, “Police: Lagos recorded 111 cases of sexual violence in three months;” 5 July 2023, <https://www.thecable.ng/police-lagos-recorded-111-cases-of-sexual-violence-in-three-months#>, [Accessed 9 August 2023]

35 The Guardian, “Abuja raids are a case of discrimination against women,” 1 May 2019, <https://guardian.ng/news/abuja-raids-are-a-case-of-discrimination-against-women/>, [Accessed 24 July 2023]; Premium Times. “Arrest Of Women In Abuja: What Nigerian law says about prostitution”, <https://www.premiumtimesng.com/news/headlines/329180-arrest-of-women-in-abuja-what-nigerian-law-says-about-prostitution.html>, [Accessed 23 August 2023]

36 Amnesty International, “Demand justice for the death of teenage schoolgirl raped in Nigeria,” <https://www.amnesty.org/2021/06/22/demand-justice-for-the-death-of-teenage-schoolgirl-raped-in-nigeria/>, [Accessed 24 July 2023]

37 Twitter, Amnesty International Nigeria, <https://twitter.com/AmnestyNigeria/status/1606370826101587996>, [Accessed 22 July 2023]

In other instances of gruesome violence against women and girls, on 15 July 2023, Chinyere Awuda, a 27 year old woman was reportedly beaten to death and dumped in an abandoned hotel pool in Awka, Anambra State, for allegedly picking up money from the floor of a nightclub.³⁸ On 14 July 2023, Dorcas Shangev, a 32 year old woman, was found dead in Makurdi, Benue State, with her eyes, ears, tongue, and breasts, among other body parts, having been dismembered by the perpetrators.³⁹ Amnesty International has documented some of the barriers in access to justice for women and girl survivors of gender-based violence in Nigeria, including harmful cultural stereotypes, failures of law enforcement to investigate rape and other abuses, toxic misogyny and insufficient support for survivors.⁴⁰

There has been mixed progress with regards to legislative guarantees around achieving gender equality and addressing gender-based discrimination. In March 2022, the National Assembly voted against five different Bills which sought to promote more opportunities for women in governance and the society at large.⁴¹ After several protests by women's group and civil society organisations, the National Assembly rescinded its decision on three out of the five bills.⁴² In May 2023, the Gender and Equal Opportunities Bill, which seeks to eliminate all forms of discrimination against women and girls, passed the second reading at the Senate.⁴³

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Respect, protect, promote and fulfil the human rights of everyone, including women and girls.**
- **Enact the Gender and Equal Opportunities Bill by ensuring it is immediately referred to the Committee stage, third reading and passage into law.**
- **Domesticate the Violence Against Persons Prohibition Act in states yet to do so and ensure effective implementation of these laws across Nigeria.**
- **Ensure the speedy domestication of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)**
- **Ensure that all reported cases of violence against women are thoroughly, promptly, and impartially investigated and perpetrators are held accountable.**
- **Repeal existing discriminatory laws and follow up with a concrete implementation and enforcement framework.**

38 Punch, "Anambra seals hotel as partygoers beat lady to death," 21 July 2023, <https://punchng.com/anambra-seals-hotel-as-partygoers-beat-lady-to-death/>, [Accessed 9 August 2023]

39 Vanguard, "Benue: Suspected ritualists kills, dismember body of 32yr-old-lady on her birthday," 24 July 2023, <https://www.vanguardngr.com/2023/07/benue-suspected-ritualists-kills-dismember-body-of-32yr-old-lady-on-her-birthday/>, [Accessed 9 August 2023]

40 Amnesty International, "Nigeria: A harrowing journey: Access to justice for women and girl survivors of rape in Nigeria," 17 November 2021, Index AFR 44/4959/2021, <https://www.amnesty.org/en/documents/afr44/4959/2021/en/>, [Accessed 23 August 2023]; Amnesty International, "Nigeria: Failure to tackle rape crisis emboldens perpetrators and silences survivors", 17 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>, [Accessed 23 August 2023]

41 Amnesty International, "Pass bills promoting women's rights in Nigeria," <https://www.amnesty.org.ng/2022/03/08/demand-nigeria-to-pass-bills-promoting-gender-equality/>, [Accessed 28 July 2023]

42 Aljazeera News, "Nigerian parliament rescinds decision on gender equality bills," 8 March 2022, <https://www.bing.com/search?q=aljazeera+gender+bills+nigeria&cvid=e58e8fb105ce477c9ab3398c950b283a&aqs=edge..69i57j0i8j69i11004.184322j0j4&FORM=ANAB01&PC=DCTS>, [Accessed 28 July 2023]

43 Channels Television, "Gender Bill Scales Second Reading At Senate," 31 May 2023, <https://www.channelstv.com/2023/05/31/gender-bill-scales-second-reading-at-senate/>, [Accessed 28 July 2023]

3.3. PROTECT THE RIGHTS OF CHILDREN



Notwithstanding that 34 out of the 36 states have domesticated the Child Rights Act,⁴⁴ violence against children remains widespread across Nigeria. Nine years after Boko Haram abducted 276 Chibok schoolgirls, 98 girls are still in captivity.⁴⁵ Over 1,500 school children have been kidnapped by Boko Haram and bandits since the abduction of the Chibok schoolgirls.⁴⁶

Boko Haram has carried out widespread abductions of girls and boys and then subjected children in captivity to further atrocities. Rather than protecting children fleeing Boko Haram areas, the Nigerian military have often unlawfully detained them for months or years and subjected them to torture and other ill-treatment.⁴⁷ On 24 May 2023, a 35-year-old teacher, Olayiwola Ololade, was arraigned for allegedly raping a 15-year-old student inside her school premises in Mushin, Lagos State.⁴⁸

According to a UNESCO report, it is estimated that 20 million children and young people are out of school in Nigeria,⁴⁹ the third highest globally, notwithstanding that primary education is free and compulsory in Nigeria in line with its international obligations. In Nigeria, out-of-school rates among adolescents and youth of secondary school age have hardly changed in 20 years with the result that the out-of-school population in this age group increased by 61%, from 6.3 to 10.1 million. The number of out-of-school children of primary school age also increased by 50% from 6.4 to 9.7 million, as the out-of-school rate has remained constant at 28% since 2010.⁵⁰

44 Vanguard News, “Child Rights Act now domesticated in 34 states — FG,” 25 November 2022, <https://www.vanguardngr.com/2022/11/child-rights-act-now-domesticated-in-34-states-fg/>, [Accessed 28 July 2023]

45 Amnesty International, “Nigeria: Nine years after Chibok girls’ abducted, authorities failing to protect children,” 14 April 2023, <https://www.amnesty.org/en/latest/news/2023/04/nine-years-after-chibok-girls-abducted/#>, [Accessed 28 July 2023]

46 Amnesty International, “Nigeria: Authorities Must Uphold Children’s Rights to Education in Northern Nigeria,” 24 January 2023, <https://www.amnesty.org.ng/2023/01/24/nigeria-authorities-must-uphold-childrens-rights-to-education-in-northern-nigeria/#>, [Accessed 28 July 2023]

47 Amnesty International, “Nigeria: “We dried our tears”: Addressing the toll on children of Northeast Nigeria’s conflict,” May 27, 2020, Index Number: AFR 44/2322/2020, <https://www.amnesty.org/en/documents/afr44/2322/2020/en/>, [Accessed 29 July 2023]

48 Punch News: “Teacher remanded for defiling 15-year-old student”, 28 February 2023, <https://punchng.com/teacher-remanded-for-defiling-15-year-old-student/#>, [Accessed 29 July 2023]

49 UNESCO, Global Education Monitoring Report, “New estimation confirms out-of-school population is growing in sub-Saharan Africa,” <https://unesdoc.unesco.org/ark:/48223/pf0000382577>, [Accessed 28 July 2023]

50 UNESCO, Global Education Monitoring Report, “New estimation confirms out-of-school population is growing in sub-Saharan Africa,” <https://unesdoc.unesco.org/ark:/48223/pf0000382577>, [Accessed 17 August 2023]

Amnesty International has documented several attacks on schools in Nigeria. Educational facilities have been burned, thousands of children forced out of schools and teachers made to flee for safety.⁵¹ Many of these children are not able to access education due to ongoing conflicts which sees attacks on schools, teachers and pupils combined with a failure by the state to provide sufficient support for alternative education provision.

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Ensure the Child Rights Act is immediately domesticated in the two remaining states and ensure its effective implementation across Nigeria.**
- **Take steps to prevent attacks on schools and protect children's lives and their right to education by providing perimeter fencing and adequate security in all school premises.**
- **Ensure effective enforcement and implementation of the Child Rights Act across the country.**
- **Provide adequate support to expeditiously rebuild and renovate all school buildings and facilities destroyed and damaged because of violence to ensure that children's access to education can be provided again as quickly as possible.**
- **Provide alternative education provision within conflict communities/remote learning using low technology, such as radios.**

3.4. SECURE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Violations and abuses of economic, social and cultural rights; and denial of access to justice for victims have remained prevalent in Nigeria. Regarding violations of the right to adequate housing, between 24 July to 1 August 2023, the Lagos State government forcibly evicted thousands of residents of Oke-Eri, Oluwaseyi, Cornerstone, Ogo-Oluwa and other communities of Oworonshoki, without consultation and adequate notice and left more than 7,000 buildings either burned or demolished.⁵² Residents were not provided with any alternative accommodation and were therefore rendered homeless.

In February 2022, Rivers State authorities forcibly evicted thousands of residents of waterfront communities from their homes in the Diobu part of Port Harcourt, Rivers State again leaving them homeless. The area is home to an estimated population of 60,000 people.⁵³

In the Federal Capital Territory, communities such as Durumi 3, Iddo Sarki, Nepa Junction Gudu, Mpape, Katampe and Lugbe have been subjected to forced evictions, while several others are under threats.⁵⁴

On 21 and 22 May 2023, security agents and the Kaduna State Urban Planning Development Agency demolished some structures in Kaduna State belonging to some members of the Islamic Movement of Nigeria.⁵⁵

Nigerian authorities failed to implement sufficient measures to mitigate the impact of floods.⁵⁶ In October

51 Amnesty International Nigeria: 'Keep away from schools or we'll kill you': Right to education under attack in Nigeria", Index Number: AFR 44/019/2013, October 4, 2013, <https://www.amnesty.org/en/documents/AFR44/019/2013/en/>, [Accessed 17 August 2023] Amnesty International Nigeria, "Attacks on schools undermine right to education", 17 February 2021, <https://www.amnesty.org/en/latest/news/2021/02/nigeria-attacks-on-schools-undermine-right-to-education/> [Accessed 17 August 2023]

52 Amnesty International Nigeria, 1 August 2023 <https://twitter.com/AmnestyNigeria/status/1686473538897580032> [Accessed 4 August 2023]

53 Amnesty International, "Nigeria: 60,000 forcibly evicted in Port Harcourt," 15 February 2022, Index Number: AFR 44/5225/2022

54 TVC News: "Abuja: Amnesty Int'l condemns Durumi demolition," <https://www.tvcnews.tv/2022/08/abuja-amnesty-intl-condemns-durumi-demolition/>, Accessed 9 August 2023]

55 Vanguard News, "Kaduna govt demolishes Shi'ites buildings," <https://www.vanguardngr.com/2023/05/kaduna-govt-demolishes-shiites-buildings/>, Accessed 9 August 2023]

56 Amnesty International Report 2022/3: "The state of the world's human rights," 27 March 2023, [amnesty.org/en/documents/](https://www.amnesty.org/en/documents/)



2022, severe flooding in Nigeria killed 612 people and injured 2,776 others. The floods precipitated an outbreak of waterborne diseases, including cholera, which killed over 320 people in Yobe, Borno and Adamawa states. The floods also displaced more than 1.4 million people across the country and damaged more than 300,000 houses and 569,000 hectares of farmland, including arable land in Adamawa, Jigawa, Taraba, Kano, Bauchi, Niger, Anambra, and Ebonyi states.⁵⁷

There remain more than 2.4 million internally displaced people in northeastern Nigeria. In an attempt to resettle all internally displaced people living in Maiduguri, the Borno State government closed four camps in July and resettled 11,000 households.⁵⁸ Most of the resettled people lacked sufficient food and access to basic amenities.⁵⁹

RECOMMENDATIONS:

Amnesty International urges the government to:

- Establish a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards, including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.
- Enact laws prohibiting forced evictions across Nigeria.
- Provide effective remedies, including adequate alternative housing and compensation for any loss or damage to property for persons who have been victims of forced eviction.

pol10/5670/2023/en/ [Accessed 17 August 2023]

57 Amnesty International, "Nigeria: Authorities must act now to save lives amid threat of deadly flooding", 21 July 2023, <https://www.amnesty.org.ng/2023/07/21/nigeria-authorities-must-act-now-to-save-lives-amid-threat-of-deadly-flooding/> [Accessed 17 August 2023]

58 Amnesty International, "Nigeria: Plans to close IDP camps in Maiduguri could endanger lives", 15 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/nigeria-plans-to-close-idp-camps-in-maiduguri-could-endanger-lives/> [Accessed 17 August 2023]

59 *Amnesty International Report 2022/3: "The state of the world's human rights,"* 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/) [Accessed 17 August 2023]

- Amend the Constitution to guarantee legally enforceable economic, social and cultural rights as justiciable human rights and make them enforceable in court.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures.
- Immediately investigate the forced evictions in the FCT, Lagos, Rivers and Kaduna states and bring to justice without recourse to the death penalty those suspected of criminal acts and/or human rights violations committed.
- Immediately take urgent concrete steps to prepare for and mitigate the potential consequences of flash flooding to avoid a repeat of the 2022 fatal floods.
- Federal and governments of states at high risk must – with all urgency – take proactive steps, by mapping out flood zones and issuing early warnings.
- Immediately provide communities frequently affected by flooding with all the critical information on effectively preparing for floods disaster.
- Provide accessible emergency and people centred response plans, by providing evacuation routes, adequately trained search and rescue teams, location of emergency services, and lines of communication across the states that the Federal Ministry of Water Resources said are “at high risk of flooding.”
- Ensure that all resettled individuals and people living in IDP camps have access to adequate housing, food, water, sanitation and healthcare.

3.5. ENSURE ACCOUNTABILITY FOR THE NIGER DELTA CLEAN-UP

The oil-rich Niger Delta region continues to suffer from an epidemic of oil spills which have devastating impacts on the human rights and livelihoods of the communities.⁶⁰

Oil-related pollution and environmental damage continued to undermine people’s human rights in the Niger Delta. There are violations of the right to health and the right to an adequate standard of living, including adequate food, water, and the continuous improvement of living conditions. Several years of contamination make the Niger Delta one of the most polluted places on earth.⁶¹

Amnesty International has documented various impacts of oil pollution on human rights in different communities in the Niger Delta region.⁶² People living in the affected communities in the Niger Delta region have to drink, cook with, and wash in polluted water; they eat fish contaminated with oil and other toxins; the land they use for farming has been contaminated and the air they breathe reeks of oil, gas and other pollutants.

Seven years since the Nigerian Government officially launched a clean-up programme in Ogoniland, neither the oil industry nor the Nigerian government has been able to put into practice lasting solutions to prevent the oil spills and clean them up effectively.

60 Amnesty International, “Nigeria: Negligence in the Niger Delta: decoding Shell and Eni’s poor record on oil spills,” 16 March 2018, Index Number: AFR 44/7970/2018

61 Amnesty International Nigeria: *Shell must clean up devastating oil spills in the Niger Delta*, 2 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/> [Accessed 11 August 2023] Amnesty International, *The Niger Delta is one of the most polluted places on earth*, <https://www.amnesty.org/en/latest/news/2018/03/Niger-Delta-Oil-Spills-Decoders/> [Accessed 11 August 2023]

62 Amnesty International, *Tainted Sale? Why Shell’s divestment from the Niger Delta must not harm human rights* (Index: AFR 44/6797/2023): <https://www.amnesty.org/en/documents/afr44/6797/2023/en/> [Accessed 26 July 2023] Amnesty International, *Nigeria: Community in Nigeria drinking polluted water* (Index: AFR 44/9172/2018): <https://www.amnesty.org/en/documents/afr44/9172/2018/en/> [Accessed 11 August 2023] Amnesty International, *Negligence in the Niger Delta: Decoding Shell and Eni’s Poor Record on Oil Spills* (Index: AFR 44/7970/2018): <https://www.amnesty.org/en/documents/afr44/7970/2018/en/> [Accessed 11 August 2023]



In 2021, Shell announced its plans to sell its onshore oilfields and assets in the Niger Delta after 60 years of profitable operations in the area. On 16 June 2022, Nigeria’s Supreme Court upheld a lower court ruling which prevented Shell from selling its Nigerian assets until the resolution of a dispute in relation to compensation to the Niger Delta community over a 2019 oil spill. The clean-up by Shell remained inadequate. Shell has however not given any explanation on how it plans to address the widespread and systemic pollution of Nigerian communities linked to its operations.⁶³

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Take steps necessary to address the negative environmental and human rights impacts of oil pollution in the Niger Delta region. As a matter of urgency these should include health monitoring of affected communities, improvements in health care facilities and a survey of drinking water and food sources in case of contamination by hydrocarbons. The results should be made public.**
- **Effective clean-up of the oil pollution and adequate compensation for those whose livelihoods have been devastated and whose health has been harmed.**
- **Require oil operators to take all reasonable actions to prevent sabotage of oil pipelines and oil theft and impose effective penalties on those that fail to do so. If companies fail to take reasonable measures, then make them liable for compensating affected communities.**
- **Require operators to publish on their websites all reports and certificates related to oil spill investigations and clean up.**

⁶³ Amnesty International, *Tainted Sale? Why Shell’s divestment from the Niger Delta must not harm human rights* (Index: AFR 44/6797/2023): <https://www.amnesty.org/en/documents/afr44/6797/2023/en/> [Accessed 26 July 2023] Amnesty International Nigeria: *New government must ensure Shell’s sale of its Niger Delta oil business does not worsen human rights abuses*, 26 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/nigerias-new-government-mustensure-shells-sale-of-its-niger-delta-oil-business-does-not-worsen-human-rights-abuses/> [Accessed 26 July 2023] Amnesty International, “Nigeria: Shell must clean up devastating oil spills in the Niger Delta,” 2 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/> [Accessed 26 July 2023]

● **In exercising its oversight of Shell’s divestment, the Nigerian government must:**

- Protect and respect the human rights of its citizens, including their right to an adequate standard of living, water, health, and the right to access to effective remedy for people whose human rights have been infringed.
- Ensure that Shell’s divestment does not limit Shell’s liabilities without a full investigation into and remediation of all existing pollution, the maintenance and repair of existing pipelines, and the protection of pipelines from sabotage.
- Require that any purchaser be adequately capitalized to meet these requirements and given the uncertainty of the cost, consider requiring Shell to remain as guarantor should funding be insufficient.
- Ensure that all relevant stakeholders, most importantly the affected communities, be engaged in the process and that their concerns are solicited and incorporated into the final decision.
- Ensure that the National Oil Spill Detection and Response Agency is provided with the adequate resources necessary to investigate oil spills independently of the oil companies.

3.6. END ENFORCED DISAPPEARANCES, UNLAWFUL KILLINGS, TORTURE AND UNLAWFUL DETENTION

Severe human rights violations such as extrajudicial executions, enforced disappearances and torture are being committed with impunity. Amnesty International’s investigations show that several men were forcibly disappeared by the authorities in response to the activities of Boko Haram and Islamic State’s West Africa Province (ISWAP) in the North East, and the Indigenous People of Biafra in South East Nigeria.

Sunday Nwafor, Uzonwanne Ejiofor and Wilfred Dike, were secretly detained by the military without charge or trial since 27 February 2020. They were released on 14 September 2022.

Government critic Abubakar Idris, *aka* Dadiyata, remains missing since his abduction by suspected state agents in 2019.

Amnesty International’s research shows that security forces used excessive force to disperse peaceful protests and assemblies. On 17 October 2022, a coroners’ court found that police had shot dead Jumoke Oyeleke during a Yoruba Nation rally in Ojota, Lagos State. On 17 July 2022, seven persons were extrajudicially executed by members of Ebubeagu, a state-sponsored security outfit, at Awo-Omamma, Imo State.⁶⁴

In 2020, Amnesty International documented over 82 cases of torture by the Special Anti-Robbery Squad (SARS) unit of the Nigeria Police Force, which was notorious for unlawful arrests, torture and other ill-treatment, and unlawful killings.⁶⁵ In October 2020, the Nigerian authorities disbanded SARS. However, all the officers in the SARS squad were redeployed and none of them has been prosecuted.

On 5 August 2023, Adamawa State sponsored Farauta security task force, in Yola, tortured Abdullahi Tukur Abba — a 17-year-old senior secondary student — while he was in the custody of the task force for alleged

64 Amnesty International, Nigeria: Extrajudicial executions under the guise of tackling insecurity in the Southeast must stop <https://www.amnesty.org/ng/2022/07/19/extrajudicial-executions-in-the-south-east-must-stop/>

65 Nigeria: Time to End Impunity: Torture and Other Violations by Special Anti-Robbery Squad (SARS) <https://www.amnesty.org/en/documents/afr44/9505/2020/en/>, [Accessed 14 August 2023] Amnesty International Nigeria: Killing of #EndSARS protesters by the military must be investigated <https://www.amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/>, [Accessed 14 August 2023]



theft of a phone. He died upon admission at the hospital.⁶⁶

In relation to detention facilities, Amnesty International's research indicates that Nigerian Correctional Centre remain congested, with about sixty-nine per cent (69%) of inmates on awaiting trial - some for over five years.⁶⁷ On 2 December 2021, five inmates were killed, and seven others injured after being electrocuted at the Ikoyi Correctional Centre Lagos.

On 5 July 2022, gunmen attacked Kuje Correctional Centre, Abuja and freed more than 60 inmates.⁶⁸

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Ensure that enforced disappearance constitutes a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance.**
- **Ensure that all detainees suspected of a crime are brought before a court of law within 24 or 48 hours where so required by the Constitution, and in all cases within no more than a few days as required under Article 9(3) of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee.**
- **Ensure that the Anti-Torture Act is implemented fully and effectively across Nigeria and issue a clear public directive to all members of the police, military and other security forces, that torture and other ill-treatment will not be tolerated under any circumstances.**
- **Promptly, thoroughly and impartially investigate all allegations of torture and other ill-treatment**

66 Amnesty International Nigeria, "Nigerian authorities to investigate the death of Abdullahi Tukur Abba" 5 August 2023, <https://twitter.com/AmnestyNigeria/status/1689506201019531264> [Accessed 14 August 2023]

67 Source: Nigerian Correctional Service Statistics - 8 May 2023.

68 Amnesty International report 2022 – Nigeria, <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>, [Accessed 14 August 2023]

and bring anyone suspected to be responsible to justice in a fair trial without recourse to the death penalty.

- Ensure that statements and other information or materials obtained through torture and other ill-treatment are not used as evidence in courts. And include such prohibitions in professional training programmes for police, soldiers, judges, prosecutors and lawyers.
- End the practice of incommunicado detention and ensure that all detainees have access to their family, a lawyer and doctor immediately after their arrest and regularly throughout the period of their detention or imprisonment.
- Ensure that the interrogation of all suspects and detainees takes place in the presence of a lawyer and that all statements and questions be recorded in writing or electronically.
- Ensure that victims of torture and other ill-treatments are able to obtain prompt and adequate reparation from the state, including restitution, fair and adequate financial compensation and appropriate medical care, health services and rehabilitation.
- Ensure that the National Committee on Torture is adequately empowered and funded to carry out its functions including conducting periodic visits and inspections of places of detention. The Committee must have access to all places of detention, including military detention facilities, so-called 'preventive' detention centres, the premises of the security services and all correctional centres. During inspections, the Committee must be able to interview detainees in private. Inspection reports must be published.
- Initiate prompt, independent, impartial, and effective investigations into all allegations of extra-judicial executions and unlawful killings, including possible war crimes and crimes against humanity committed by the Nigerian military and other security forces with the aim of bringing suspects to justice in fair trials without recourse to the death penalty.
- Urgently implement safeguards against extra-judicial executions and unlawful killings by security forces, including taking immediate measures to end unlawful arrest, arbitrary detentions and enforced disappearances.
- Make public all reports of investigative findings led by military or government panels or committees, into allegations of extra-judicial executions and unlawful killings, including the Presidential Investigative Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement.
- Speed up the process of domestication and implementation of the state's obligations under the Rome Statute of the International Criminal Court.
- Ensure amendment of Section 33(2) of the Constitution and the Police Force Order 237 to ensure that it does not allow the use of lethal force in circumstances broader than those permitted by international human rights law.
- Allow independent international and regional human rights investigators full and free access to investigate allegations of extrajudicial executions and unlawful killings, including to inspect mass grave sites.
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance, to which Nigeria is a state party.

3.7 END KILLINGS BY SECURITY FORCES AND NON-STATE ACTORS AND COMMUNAL VIOLENCE ACROSS NIGERIA



Despite Nigeria's obligation to protect the right to life as enshrined in the 1999 Constitution (as amended) as well as in international and regional human rights treaties, Nigeria has failed in its responsibility to protect people from various abuses committed by Boko Haram and ISWAP as well as unknown gunmen; who killed at least 6,907 people, abducted 6,157, and forcibly transferred or internally displaced at least 2,000 in 2022.⁶⁹ The Nigerian military counter-insurgency operations in North East Nigeria led to gross human rights violations and crimes under international law including extrajudicial executions, enforced disappearances, arbitrary arrests, and incommunicado detention. Amnesty International has documented several killings by security forces and non-state actors as well as communal violence across Nigeria:

3.7.1 End Killings by Bandits in Zamfara State

Gunmen, locally called bandits, have killed thousands of people in Zamfara State. On 26 February 2021, they abducted about 300 girls from Government Girls Secondary School Jangebe in Talata Marafa, Zamfara State. On 24 September 2022, gunmen attacked Ruwan Jema in Bukkuyum community and killed 18 people. The authorities are yet to rescue many women and children in captivity, while many schools remain closed.⁷⁰

3.7.2 End Deadly Attacks on Southern Kaduna

Nigerian authorities have failed to end frequent deadly attacks on communities in southern Kaduna. Since December 2022, gunmen have killed over 100 people in southern Kaduna. Despite calls by Amnesty international on the authorities to take necessary measures to protect civilian lives and livelihoods and bring perpetrators to justice,⁷¹ the rampage and killings in southern Kaduna have continued to escalate.⁷²

69 Amnesty International Report 2022 – Nigeria, <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>, [Accessed 14 August 2023]

70 *Amnesty International Nigeria: Attacks on schools undermine right to education* <https://www.amnesty.org/en/latest/news/2021/02/nigeria-attacks-on-schools-undermine-right-to-education/>, [Accessed 14 August 2023]

71 Amnesty International Nigeria: Harvest Of Death: Three Years Of Bloody Clashes Between Farmers and Herders in Nigeria <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR4495032018ENGLISH.pdf>, [Accessed 14 August 2023]

72 Twitter: Amnesty International Nigeria: Nigerian authorities must end the frequent deadly attacks on southern Kaduna <https://twitter.com/AmnestyIntNigeria/status/1568888888888888888>

3.7.3 End Fatal Airstrikes on Civilian Settlements

Since July 2019, the Nigerian air force has carried out at least 17 fatal airstrikes on civilian settlements. On 17 December 2022, at least 60 people were killed in Mutunji, Zamfara State, following airstrikes by the Nigerian Airforce. Amnesty International has called on the authorities to investigate these airstrikes on civilians.⁷³

3.7.4 End Spiraling Violence in South East Nigeria

Since 2021, security forces have committed several human rights violations and crimes under international law in their response to spiralling violence in South East Nigeria. At least 115 people were killed by security forces in the South East region in 2021.⁷⁴ Similarly, “unknown gunmen” have killed hundreds of people in the South East.⁷⁵

The insurgency - kidnapping, arson, brutal murder of innocent persons - continues to escalate daily, with many lives lost.⁷⁶ Scores of persons and security personnel have been killed or disappeared. The violence appears to be compounded by the sit-at-home order given by the Indigenous People of Biafra (IPOB) in August 2021, which is observed every Monday in the South East, though IPOB insist it has cancelled the directive, and denied culpability in the killings.⁷⁷

Between 2021 and March 2023, “unknown gunmen” have killed hundreds of people in the South East, while the military has responded with reprisal attacks in Awo-Omamma,⁷⁸ Izombe⁷⁹ and other communities in Imo State, and unlawful killings and enforced disappearances.

3.7.5 End Killings in Plateau State

Since 2021, Amnesty International has documented several killings in Plateau State. Between 15-17 May 2023, over 100 people were killed in the Mangu Local Government Area of Plateau State. On 11 June, a gunman shot dead at least 21 people in Ryom local government area. On 10 August 2023, 21 people were killed in Batin and Rayogot in the Heipang district, Barkin Ladi Local Government area of Plateau State⁸⁰.

3.7.6 End killings in Benue State

Over the years, Amnesty International has investigated several killings in various communities in Benue State.⁸¹ Throughout May 2023, at least 100 people were killed in a number of communities in the state⁸². On 7 and 8 July 2023, gunmen killed at least 27 persons in Adogo Ugbaam, and Diom communities in Ukum Local Government Area.⁸³

twitter.com/AmnestyNigeria/status/1647654427153580032, [Accessed 14 August 2023]

73 The Cable, Amnesty asks FG to probe ‘accidental air strike’ in Yobe <https://www.thecable.ng/amnesty-asks-fg-to-probe-accidental-air-strike-in-yobe>, [Accessed 10 August 2023]

74 Amnesty International Nigeria: At least 115 people killed by security forces in four months in country’s Southeast <https://www.amnesty.org/en/latest/news/2021/08/nigeria-at-least-115-people-killed-by-security-forces-in-four-months-in-countrys-southeast/>, [Accessed 10 August 2023]

75 Amnesty International Nigeria – Twitter <https://twitter.com/AmnestyNigeria/status/1628710086569754626?lang=en>, [Accessed 10 August 2023]

76 Amnesty International Nigeria, “At least 115 people killed by security forces in four months in country’s Southeast”, <https://www.amnesty.org/en/latest/news/2021/08/nigeria-at-least-115-people-killed-by-security-forces-in-four-months-in-countrys-southeast/>, [Accessed 10 August 2023]

77 Guardian News; “IPOB disowns enforcers of sit-at-home order, condemns shootings in Enugu”, <https://guardian.ng/news/ipob-disowns-enforcers-of-sit-at-home-order-condemns-shootings-in-enugu/>, [Accessed 10 August 2023]

78 Punch News: “Soldiers on reprisal invade community, burn hotel, houses”, <https://punchng.com/soldiers-on-reprisal-invade-community-burn-hotel-houses/>, [Accessed 10 August 2023]

79 Tribune News: “Imo government condemns izombe violence, orders for immediate investigation”, <https://tribuneonline.com/imo-government-condemns-izombe-violence-orders-for-immediate-investigation/>, [Accessed 10 August 2023]

80 The Sun Nigeria: “21 killed in midnight attack in plateau” <https://sunnewsonline.com/21-killed-in-midnight-attack-in-plateau/>, [Accessed 15 August 2023]

81 Amnesty International, *Nigeria: The Harvest of Death – Three Years of Bloody Clashes Between Farmers and Herders in Nigeria*: AFR 44/9503/2018 <https://www.amnesty.org/en/documents/afr44/9503/2018/en/>, [Accessed 12 August 2023]

82 Amnesty International Nigeria, Twitter: “Benue: Gunmen killed over 134 people in bloody five-day attacks that preceded Easter”, https://twitter.com/AmnestyNigeria/status/1651302255696519169?ref_src=twsrc%5Etfw, [Accessed 15 August 2023]

83 Amnesty International, Twitter: “Benue: Gunmen kill at least 27 people in two communities in Ukum”, <https://twitter.com/AmnestyNigeria/status/1678000256888320000?t=my5OqmgX4g5D5UdGWRD45g&s=08>

3.7.7 End deadly communal clashes

Violent clashes between members of farmer communities and members of herder communities in parts of Nigeria over access to water, land, and pasture have remained unaddressed.⁸⁴ On 7 April 2023, at least 43 persons were killed by armed invaders at the LGEA Primary School Mgban IDP camp, in Nyiev Council Ward of Guma Local Government Area of Benue State.⁸⁵ On 12 May 2023, armed gunmen killed at least seven people and burned at least 50 houses in Takalafiya Mada, Nasarawa State. In Benue State, herder–farmer conflicts remain common, leading to the killing of thousands of people.⁸⁶

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Implement safeguards against human rights violations by the security forces, including arbitrary arrest, incommunicado and arbitrary detentions, rape and other forms of torture and other ill-treatment, enforced disappearance, and extrajudicial executions and other unlawful killings, and airstrikes on civilians.**
- **Initiate independent and effective investigations into all allegations of war crimes and possible crimes against humanity committed by the Nigerian military, Boko Haram, bandits and “unknown gunmen” with the aim of bringing suspects to justice in fair trials.**
- **Protect ordinary people against attacks by rival communities, including by taking all necessary legal measures to guarantee their safety and security and protect their life and property.**
- **Initiate an independent, impartial, and effective investigation into the conflicts between farmers and herders with the aim of bringing suspects to justice in fair trials and providing a remedy to the victims.**

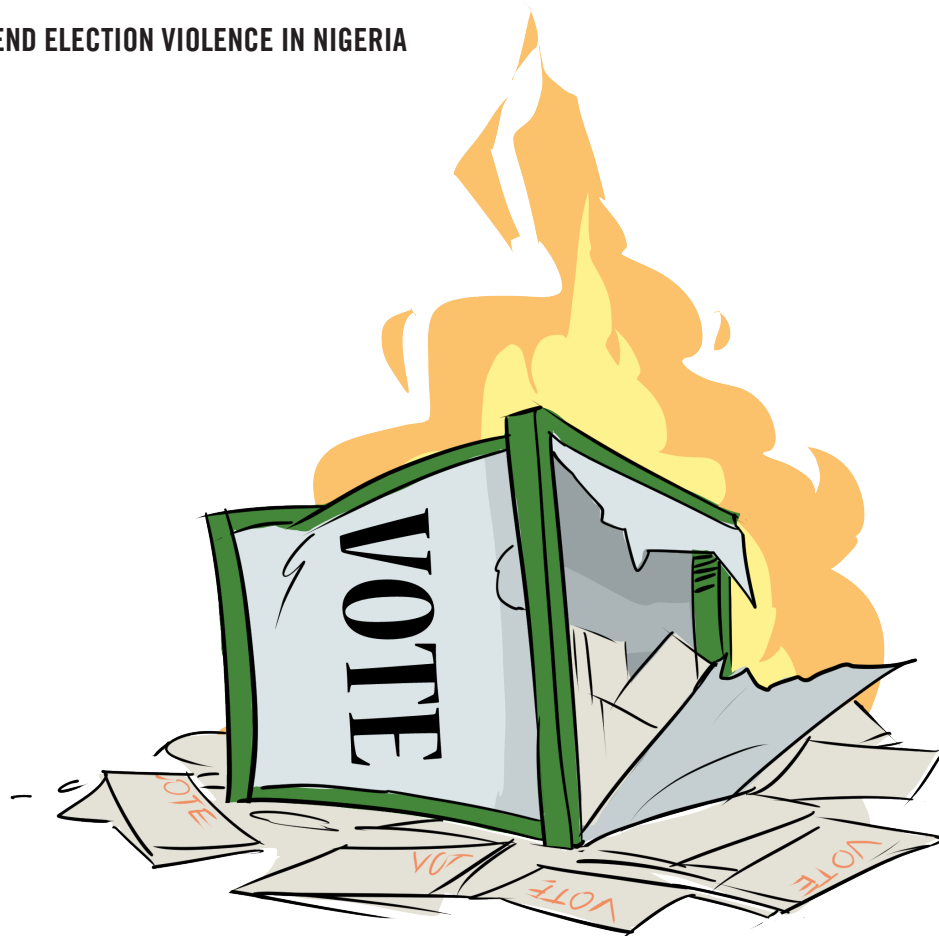
84 Amnesty International Nigeria, “BENUE: Gunmen killed over 134 people in bloody five-day attacks that preceded Easter”, Twitter: <https://twitter.com/AmnestyNigeria/status/1651302255696519169>, [Accessed 12 August 2023] Amnesty International Nigeria: “More than 120 people killed since President Tinubu’s inauguration” <https://www.amnesty.org/en/latest/news/2023/06/nigeria-more-than-120-people-killed-since-president-tinubu-inauguration/>, [Accessed 12 August 2023]

85 Amnesty International Nigeria, “BENUE: Gunmen killed over 134 people in bloody five-day attacks that preceded Easter”, Twitter: <https://twitter.com/AmnestyNigeria/status/1651302255696519169>, [Accessed 12 August 2023]

Amnesty International Nigeria: “More than 120 people killed since President Tinubu’s inauguration” <https://www.amnesty.org/en/latest/news/2023/06/nigeria-more-than-120-people-killed-since-president-tinubu-inauguration/>, [Accessed 12 August 2023]

86 Amnesty International, *Nigeria: The Harvest of Death – Three Years of Bloody Clashes Between Farmers and Herders in Nigeria*: AFR 44/9503/2018 <https://www.amnesty.org/en/documents/afr44/9503/2018/en/>, [Accessed 12 August 2023]

3.8 END ELECTION VIOLENCE IN NIGERIA



The 2023 elections were characterized by violence and human rights violations and abuses by both state and non-state actors. Electoral violence was witnessed in every part of the country, with Lagos and Rivers states taking the lead, with varying human rights implications. Candidates, politicians, INEC infrastructure, and personnel were violently targeted in the run-up to the elections. Party militias, criminal gangs, and other armed groups engaged in violence to suppress opponents, deter rival candidates from running, and influence the electoral process. There were reported 109 election-related deaths in the build-up to the 2023 elections in Nigeria⁸⁷.

Violence during elections marred the electoral process in many parts of the country, with reports of multiple incidents of violent armed attacks, intimidation of voters, polling officials, observers, and journalists. Elections in other parts of the country were violently interrupted by hoodlums, armed assailants as well as community thugs. Ballot boxes were snatched and destroyed while some voters were harassed, intimidated, injured, and killed. Multiple sources recorded 39 deaths⁸⁸ The European Union Election Observer Mission to Nigeria reported 21 deaths⁸⁹. The killings cut across five states while electoral violence was widespread across the country with a concentration in the southern part of the country.

Additionally, violence against women in politics and elections remains pervasive in Nigeria. Jennifer Efidi -a Lagos State resident, was attacked by thugs at the Nuru/Oniwo Ward, Polling Unit 065, in Surulere while waiting to vote on Saturday, 25 February 2023.⁹⁰

87 Thisday Newspaper, "Nigeria recorded 109 deaths related to 2023 elections CDD reveals", <https://www.thisdaylive.com/index.php/2023/03/19/nigeria-recorded-109-deaths-related-to-2023-elections-cdd-reveals>, [Accessed 17 July 2023]

88 Leadership newspaper, "Nigeria counts over 39 deaths in 2023 elections", <https://leadership.ng/nigeria-counts-over-39-deaths-in-2023-elections/>, [Accessed 17 July 2023]

89 Channels TV, "At Least 21 Killed In Nigeria's Electoral Violence, Says EU Observer", <https://www.channelstv.com/2023/03/20/at-least-21-killed-in-nigerias-electoral-violence-says-eu-observer/>, [Accessed 17 July 2023]

90 Punch Newspaper, "I felt fulfilled going back to vote after being attacked by thugs- Lagos woman," 6 March 2023, <https://punchng.com/i-felt-fulfilled-going-back-to-vote-after-being-attacked-by-thugs-lagos-woman/>, [Accessed 17 July 2023]

According to the National Human Rights Commission, there were 450 cases of human rights abuses and violations during the 2023 general elections⁹¹.

Participation in public affairs, including through elections, is a human right protected by international human rights law instruments, including the Universal Declaration of Human Rights⁹² and Article 25 of the International Covenant on Civil and Political Rights.⁹³ For the right to vote and be elected to be exercised meaningfully, it is important that there is an environment in which human rights are respected and enjoyed by all individuals, in particular the rights to equality and non-discrimination, to freedom of opinion and

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Conduct, support, or participate in investigations or fact-finding missions on the violence and human rights violations before, during, and after the last elections with a view to ensuring accountability, discouraging the culture of impunity, and preventing reoccurrence.**
- **Strengthen the electoral policies and system to support constitutionally prescribed political inclusion, respect and implement Nigeria’s international commitments to eradicate marginalization and discrimination against women and people with disabilities.**
- **Ensure that political actors must also tone down the aggressive rhetoric that characterized the election process and especially avoid ethnic slurs and hate speech.**

expression, to freedom of peaceful assembly and association, to security and to an effective remedy.

91 Punch newspaper: “450 rights violation cases recorded during elections –NHRC”, <https://punchng.com/450-rights-violation-cases-recorded-during-elections-nhrc/>, [Accessed 17 July 2023]

92 United Nations, Universal Declaration of Human Rights: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf, Accessed on 17 June 2023

93 United Nations, Economic social-Cultural rights: <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights> Accessed on 17 June 2023

3.9 ABOLISH THE DEATH PENALTY AND COMMUTE ALL DEATH SENTENCES



The death penalty remains a legal sanction in Nigeria and continues to be imposed throughout the country. Nigeria is resorting to using the death penalty as a quick fix to deal with insecurity and violent crime. In addition to the Nigerian Constitution and other federal laws providing for death penalty throughout the country, twenty-six states have passed laws prescribing the death penalty for kidnapping and other crimes.⁹⁴

As of 8 May 2023, 3,322 people were known to be under sentence of death,⁹⁵ although no judicial executions are known to have been carried out since 23 December 2016. Nigeria had the highest number of people known to be under sentence of death in sub-Saharan Africa at the end of 2022.⁹⁶ At the end of 2022, at least 6,155 people were known to be under the sentence of death in sub-Saharan Africa; with those in Nigeria constituting 51% (3,167) of the recorded number.⁹⁷

The death penalty is the ultimate cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty in all cases without exception – regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution. Amnesty International holds that the death penalty breaches human rights, in particular the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment. Both rights are protected under the Universal Declaration of Human Rights, adopted by the UN in 1948.⁹⁸

Since 1977, Amnesty International has been campaigning for the global abolition of the death penalty and has recorded huge success around the world. Support for abolishing the death penalty is rising globally. By the end of 2022, 112 countries have abolished the death penalty for all crimes.⁹⁹ There are credible arguments for the abolition of the death penalty.

There is no evidence that the death penalty is any more effective in reducing crime than terms of imprisonment.

94 Amnesty International Nigeria: Not A Quick Fix to Insecurity: The Death Penalty as An Ineffective Deterrent To Crime, AFR 44/6354/2023:, <https://www.amnesty.org.ng/2023/05/16/nigeria-not-a-quick-fix-to-insecurity/#>, [Accessed 7 August 2023]

95 Amnesty International Nigeria: Not A Quick Fix to Insecurity: The Death Penalty as An Ineffective Deterrent To Crime, AFR 44/6354/2023:, <https://www.amnesty.org.ng/2023/05/16/nigeria-not-a-quick-fix-to-insecurity/#>, [Accessed 7 August 2023]

96 Amnesty International, “Abolitionist and Retentionist Countries as of May 15, 2023 Death sentences and executions 2022”, Index Number: ACT 50/6548/2023, 16 May 2023 , <https://www.amnesty.org/en/documents/act50/6548/2023/en>, [Accessed 214 August 2023] Abolitionist and Retentionist Countries as of May 15, 2023, Index Number: ACT 50/6591/2023, <https://www.amnesty.org/en/documents/act50/6591/2023/en/>, [Accessed 14 August 2023]

97 Amnesty International, *Abolitionist and Retentionist Countries as of May 15, 2023*, Index Number: ACT 50/6591/2023, <https://www.amnesty.org/en/documents/act50/6591/2023/en/>, [Accessed 14 August 2023]

98 Amnesty International, *Death Penalty*, <https://www.amnesty.org/en/what-we-do/death-penalty/> [Accessed 14 August 2023]

99 Amnesty International, *Death penalty 2022: Recorded executions skyrocket to highest figure in five years*, <https://www.amnesty.org/en/latest/news/2023/05/death-penalty-2022-executions-skyrocket/> [Accessed 14 August 2023]

Death penalty is often used within skewed justice systems - in cases where people are convicted in grossly unfair trials, based on torture-tainted evidence and with inadequate legal representation. The weight of the death penalty is disproportionately carried by those with less advantaged socio-economic backgrounds or belonging to a racial, ethnic or religious minority.¹⁰⁰ The death penalty is the ultimate, irrevocable punishment and the risk of executing an innocent person can never be eliminated.

RECOMMENDATIONS:

Amnesty International urges the government to:

- **Establish an official moratorium on executions with a view to abolishing the death penalty.**
- **Commute all death sentences to terms of imprisonment.**
- **Abolish the death penalty for all crimes.**
- **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**
- **Immediately remove all provisions in national laws that violate international human rights law, in particular by abolishing all provisions that allow the death penalty for crimes.**
- **Make available information on the use of the death penalty and relevant related issues, which can contribute to informed and transparent national debates on its abolition. This information should include statistics on the number of executions, death sentences imposed, people on death row, sentences commuted, and pardons granted.**
- **Ensure that the criminal justice system is sufficiently resourced and capable of investigating crimes effectively; supporting victims and ensuring that suspects have a fair trial without recourse to the death penalty.**

100 Amnesty International, Death Penalty, <https://www.amnesty.org/en/what-we-do/death-penalty/> [Accessed 14 August 2023]

4. CONCLUSION

Despite Nigeria's ratification of human rights treaties and commitments at international and regional level and accompanying obligations to respect, protect, promote and fulfil human rights, the country continues to face worsening human rights crises across its territory. The administration of President Bola Ahmed Tinubu must urgently address these widespread and repeated human rights violations and abuses in Nigeria.

Amnesty International is calling on the Nigerian government to seize this opportunity to end decades of human rights violations and pervasive impunity including by making human rights central to its agenda and ensuring that they are not suppressed. The government must demonstrate its commitment to human rights by taking concrete actions on the proposed recommendations in this agenda as a matter of priority.

Amnesty International will continue to assess the human rights situation in Nigeria and to call for greater protection of everyone's human rights.

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IS A GLOBAL MOVEMENT
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WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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