
Committee against Torture

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

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

A. Introduction

2. Nigeria acceded to the Convention on 28 June 2001. The State party was under an obligation to submit its initial report under article 19 (1) of the Convention by 28 June 2002. Each year thereafter, Nigeria was included in the list of States parties with overdue reports in the annual report, which the Committee submits to the States parties and the General Assembly. By a letter dated 27 June 2012, the Committee reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of a report as a result of the extended delay in its submission. On 10 December 2012, the State party sent a response to the Committee with information on the establishment, mandate and conducted activities of the National Committee against Torture, as follow-up to the letter sent to the Committee by the Chairman of the National Committee against Torture in Nigeria on 26 September 2012. By a letter of 30 September 2019, the Committee once again reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of its overdue report and invited the State party to accept the simplified reporting procedure to assist it in preparing such report. In the absence of a reply, the Committee informed the State party about its decision to proceed to the review of the implementation of the Convention in the absence of the State party's report at its seventy-first session by two subsequent letters of 9 December 2019 and 27 March 2020. Due to the COVID-19 pandemic and its impact on the functioning of treaty bodies and in-person sessions, by a letter of 5 October 2020, the Committee informed the State party about the postponement and rescheduling of the State party review for the seventy-second session. On 10 September 2021, the Committee once again informed the State party of the possibility of reviewing the situation in the State party in the absence of a report at its seventy-second session, in accordance with rule 67 of its rules of procedure. The Committee welcomes the State party's response confirming its participation in the seventy-second session sent on 22 October 2021 and its subsequent participation in the dialogue.

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

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

4. Notwithstanding the commitments made by the State party following the 2018 universal periodic review of the Human Rights Council to strengthen the implementation of its international obligations and cooperation with human rights protection mechanisms, in particular by reporting to all treaty bodies (see A/HRC/40/7/Add.1, para. 148.15-18), the Committee regrets that the State party has not yet complied with its reporting obligations under the Convention.

B. Positive aspects

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

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

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

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

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

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

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

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

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

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

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

(k) The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in 2011;

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

6. The Committee also welcomes the following legislative and institutional measures taken by the State party to give effect to the Convention:

(a) The Child Rights Act, in 2003;

(b) The African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, in 2004;

(c) The Evidence Act, in 2010;

(d) The Terrorism (Prevention) Act, in 2011;

- (e) The Legal Aid Council of Nigeria Act, in 2012;
- (f) The Administration of Criminal Justice Act, in 2015;
- (h) The Violence against Persons (Prohibition) Act, in 2015;
- (i) The Anti-Torture Act, in 2017;
- (j) The Nigerian Correctional Service Act, in 2019;
- (k) The Nigerian Police (Establishment) Act, in 2020;
- (l) The Judicial (Financial Autonomy) Act, in 2020;
- (m) Fundamental Human Rights Enforcement Procedure Rules, in 2009;
- (n) The action plan to end and prevent the recruitment and use of children, in 2017
- (o) The national action plan for the promotion and protection of human rights and strategic work plan 2019-2022;
- (p) The establishment of the Administration of Criminal Justice and Reforms Department.

C. Principal subjects of concern and recommendations

Direct application of the Convention by domestic courts

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

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

Absolute prohibition of torture

9. The Committee notes that in the adopted definition of torture in the Anti-Torture Act a specific purpose based on discrimination ground is linked to the purpose of intimidation or coercion of an individual or a third party, rather than a standalone purpose, as envisaged in the Convention. The Committee is further concerned that the Anti-Torture Act does not cover attempts to commit torture in accordance with Article 4 of the Convention and lacks specific provisions establishing statute of limitations and barring the amnesties and pardons for the acts of torture (arts. 1 and 4).

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

(a) **Continue to make efforts to bring its definition of torture fully into line with article 1 of the Convention and explicitly add the following separate purpose to the definition of torture: “or for any reason based on discrimination of any kind”;**

(b) **Include criminalization of the attempts to commit torture in the Anti-Torture Act;**

(c) **Clarify and ensure that there is no statute of limitations for the offence of torture explicitly provided in law in line with General Comment No. 3 (2012) on the implementation of article 14, and that torture is explicitly excluded from the scope of amnesty and pardon provisions.**

Fundamental safeguards

11. While welcoming the State party’s enactment of the Administration of Criminal Justice Act and its commitment to continue strengthening the justice system made during the universal periodic review (see A/HRC/40/7/Add.1), the Committee is concerned that despite

the existing legal provisions, the implementation of fundamental safeguards is subject to numerous shortcomings, including: (a) many instances in which persons are held in police custody beyond the legal time limit of 24 or 48 hours (in contravention to the section 35 of the Constitution and section 62 of the Police Act); (b) the allegations of arbitrary arrests and incommunicado detentions without any contact with the relative or person of their choice and the absence of systematic and consistent use of registers of persons deprived of liberty at all stages of detention and details thereof; (c) the reports that the arrested persons do not receive routinely information about the reason of arrest and about their rights, including the right to legal representation; (d) the fact that legal aid is difficult to obtain in practice, despite the establishment of the Legal Aid Council of Nigeria with its underfunded offices in all thirty-six states; (e) the lack of routine audio or video recording of the questioning during the investigation in police custody despite a specific requirement provided for in law; and (f) the absence of an independent medical examination from the outset of detention (art. 2).

12. The State party is urged to:

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

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

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

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

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

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

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

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

13. The Committee appreciates the ongoing efforts to reform the police, the enactment of the Police Act and the revision of the Police Force Order 237 incorporating international standards, but remains concerned at reports of excessive use of force, including lethal force by shooting leading to extrajudicial killings, during arrests or policing the demonstrations. It is also concerned at the growing militarization of policing activities through joint operations, including protests of #EndSARS held in Lagos on 20 October 2020, or in the context of the lockdown imposed to contain the spread of the COVID-19 pandemic leading to 38 complaints of extrajudicial killings recorded by the National Human Rights Commission, or other demonstrations having been held in south-eastern states. The Committee is deeply concerned at allegations of gross-misconduct by the Special Armed Robbery Squad (SARS) of the Nigeria Police Force. It notes the State party's response to these allegations, such as commissioning the National Human Rights Commission to conduct investigations, establishing judicial panels of inquiries at federal and states level, and the disbandment of SARS. The Committee observes that the judicial panels received reportedly 2,500 complaints on torture and ill-treatment, arbitrary arrests and detentions, and extrajudicial killings, but

remains concerned that no reports on investigations have been made public, accompanied by the lack of accountability. Reportedly, some of the panels stopped sitting due to the lack of funding. The Committee is also concerned at: the use of 2014 legislation by the police against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons to legitimize arbitrary arrest and detention, among others; at reports of arbitrary detention without criminal charge or conviction and ill-treatment of persons with intellectual and psychosocial disabilities in public institutions and private settings, including religious and traditional healing centres; and, ill-treatment inflicted on drug users particularly by members of National Drug Law Enforcement Agency and in the drug rehabilitation facilities (arts. 1, 2, 11-14 and 16).

14. The State party is urged to:

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

(b) Make the findings of the established judicial panels of inquiries public and immediately investigate allegations of abuses committed by police, SARS officers, and security forces employed in the policing activities, by an independent body and provide disaggregated information on prosecutions, full redress of victims, and resources allocated for that purpose;

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

Inadmissibility of confessions obtained under torture

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

16. The State party should:

(a) Adopt effective measures to ensure that confessions, statements and other evidence obtained through torture or ill-treatment are not admitted in evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress, and that prosecutors and judges ask all defendants in criminal cases whether they were tortured or ill-treated, that all allegations of torture and ill-treatment raised in judicial proceedings in the State party are promptly and effectively investigated and alleged perpetrators prosecuted and punished; Provide information on cases, where this has been applied;

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

Pretrial detention and overcrowding

17. The Committee welcomes the State party's efforts to address the overuse of prolonged pretrial detention causing chronic overcrowding in detention facilities, through enactment of the Administration of Criminal Justice Act and its section 34 mandating chief judges or magistrates at state level to conduct monthly inspections of police stations and other places of detention within their jurisdiction, other than prisons, inspect records of arrests, direct the arraignment of suspects and grant bail. The Committee also notes the information on the

implemented prison decongestion program and release of around 2,000 detainees and 160 juveniles as part of the program and reports on release of around 7,813 prisoners from the correctional centres to reduce overcrowding and control the spread of the COVID-19 pandemic in 2020. The Committee remains concerned however that around 72 per cent of the prison population is still awaiting trial even after the aforesaid measures. The Committee also understands that detainees can contest the legality of their detention before a judge and can submit a complaint to the National Human Rights Commission, but regrets to note the inefficiency of such system due to the significant delays in access to justice, among others (arts. 2, 11–13 and 16).

18. **The State party should:**

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

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

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

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

Conditions of detention

19. The Committee notes the State party's statement on the ongoing reforms of correctional facilities, but remains concerned at numerous reports of poor material and sanitation conditions of detention that persist in all places of deprivation of liberty, the lack of access to proper medical care, including to persons with transmissible diseases, and inadequate food and water. It is also concerned at the reports of the lack of separation of juvenile inmates from adults, convicted persons from remanded detainees, in addition to detention of pregnant and breastfeeding women and persons with disabilities in general custodial facilities and without access to appropriate health services. The Committee regrets the lack of reliable information on the total number of prison deaths, their cause and follow-up investigations, such as the reported incident in Ikoyi prison in December 2019 (arts. 2, 11 and 16).

20. **The State party should:**

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

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

(c) Provide adequate health services to all prisoners, and particularly those with disabilities, and conduct a thorough and independent medical examination of all

detainees, both at the outset of detention and on a regular basis throughout the duration of detention;

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

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

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

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

(a) Take measures to align the functioning of the National Committee against Torture with the Optional Protocol to the Convention and ensure its independence, sufficient staff and adequate resources and budget necessary for it to fulfil its preventive mandate effectively, in accordance with the guidelines on national preventive mechanism of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/12/5);

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

(c) Ensure that all places of deprivation of liberty are subject to effective and regular monitoring visits by an independent body that involves medical personnel, that visits can be conducted without prior notice, that monitors hold confidential, private meetings with persons deprived of their liberty, without any reprisals and report publicly on their findings;

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

Counter-terrorism measures

23. The Committee appreciates the State party's commitment to adopt measures to fight against impunity with an increased focus on Boko Haram's crimes, made during the universal periodic review in 2018 (see A/HRC/40/7/Add.1). However, it is concerned at the continuous degrading security environment owed to the systematic attacks by non-State armed groups as well as farmer-herder clashes, resulting in around 2.9 million of internally displaced persons in the northeast, and the reported use of children as fighters or wives by Boko Haram. In addition, the Committee is equally concerned at the numerous allegations of extrajudicial killings, torture, enforced disappearances and sexual violence by military and the CJTF in the course of the security operations, as highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2021 (A/HRC/47/33/Add.2, paras. 38-39). Despite the State party's establishment of the Special Board of Inquiry and Presidential

Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement in 2017, the Committee regrets the lack of information on conducted investigations and prosecutions, their outcome, and redress of victims. The Committee is further troubled by the reports of arbitrary and incommunicado detentions, including women and children removed from or allegedly affiliated with non-State actors, deaths in military-run camps for displaced people across Borno State in 2015 and 2016, the 2017 bombing of the Rann Camp for displaced persons resulting in at least 160 casualties, deaths and poor conditions in military detention facilities, particularly in Giwa Barracks and Kainji military base and the lack of investigations therein. The Committee welcomes the action plan to end and prevent the recruitment and use of children signed by CJTF in 2017 but remains concerned at the reports indicating the use of boys aged between 13 and 17 years by military in support roles in Borno State, in 2019 (arts. 2, 11, 12 and 16).

24. The State party is urged to:

(a) Step up efforts 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 and ensure that military and CJTF respect instruments on human rights and international humanitarian law and cease detaining women and children on arbitrary grounds;

(b) Take measures to increase transparency of the investigations, including publishing findings of above-mentioned panels, and continue conducting prompt, impartial and effective investigations into allegations of abuses committed in the context of counter-terrorism operations, both by non-State and State actors, particularly military and CJTF, prosecute and punish those responsible, and ensure the victims access to effective remedies and full reparation;

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

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

National human rights institution

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

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

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

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

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

Death penalty

27. While noting the 2003 recommendation of a national study group on moratorium of death penalty and the alleged absence of executions since 2016, the Committee regrets that death sentences continued to be pronounced in 2019 and 2020. The Committee notes the enactment of the Nigerian Correctional Service Act, in particular section 12(2)(c) that provides for commutation of death to life sentence for prisoners who have spent more than 10 years on death row as well as periodic reviews carried out by the Presidential and State Committees on Prerogative of Mercy. It however regrets the lack of official number of persons on death row –some reports estimate 2,700– as well as details on application of the commutation provision and pardons granted in the whole territory. The Committee is distressed by reports that capital punishment can be imposed in twelve states under sharia jurisdiction for offences, such as adultery, apostasy, witchcraft, or sexual relations between same sex persons, among others, including on juveniles, due to the vague definition of the child by puberty, despite the State party’s statement that death sentence cannot be imposed on person younger than 18 years of age (art. 16).

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

(a) Prohibit immediately the death penalty for all persons under the age of 18 in compliance with federal law, including in the states under sharia jurisdiction;

(b) Commute all death sentences already handed down to prison sentences as provided by the Nigerian Correctional Service Act; consider declaring an official moratorium on the death penalty for all crimes in law in the whole territory; consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights; and, provide details on commuted sentences and granted pardons.

Corporal punishment of children

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

30. **The State party should:**

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

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

Gender-based violence

31. While welcoming the adoption of the Violence against Persons (Prohibition) Act, the Committee regrets that it is not applicable in all states yet. It takes note of other administrative interventions of the State party, including declaration of the state of emergency by the governors on gender-based violence, the establishment of gender-based units by the Ministry of Justice, and creation of sexual and assault referrals centres. The Committee, however, remains alarmed by the ongoing widespread sexual and gender-based violence inflicted by Boko Haram and the lack of protection from the reported kidnappings of girls and boys by armed groups between 2014 and 2021. The Committee is seriously concerned at the

allegations of sexual violence against women and girls committed by CJTF officers, in particular in Bama Hospital and Secondary School camps, and sexual exploitation and abuse in the state-run camps for internally displaced, informal camps, and local communities in Maiduguri, Borno State, and across the northeast. Furthermore, the Committee is alarmed that female genital mutilation continues to be practised without any effective steps taken by the State party to eliminate it. It is also concerned at the high rate of maternal mortality often resulting from rape, impeded access to contraception and the criminalization of abortion, except for the purpose of saving the life of the mother, as it pushes women into illegal and unsafe abortions endangering their health and lives (arts. 2, 12–14 and 16).

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

(a) Strengthen efforts to enact the Violence against Persons (Prohibition) Act in its whole territory;

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

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

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

33. In view of the great scale of allegations and complaints of torture, ill-treatment and gender-based violence by non-State actors and State officials, including police, SARS, military and CJTF, that have been made, the reports that the police oversight mechanisms, including the Police Service Commission and the National Human Rights Commission, remain ineffective, and the fact that numerous commissions of inquiries and panels at federal, state and military level were established to no avail, the Committee is deeply concerned at the lack of accountability due to a limited number of reported disciplinary measures and criminal prosecutions, which contributes to an environment of impunity (arts. 1, 2, 4, 11-13 and 16).

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

(a) Provide comprehensive information on precise disciplinary and criminal punishments handed down against police, SARS, CJTF and military suspected or convicted of engaging in torture, ill-treatment, extrajudicial killings, arbitrary detentions, among others, as well as against non-State actors;

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

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

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

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

Redress, including compensation and rehabilitation

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

36. **The State party should:**

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

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

Follow-up procedure

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

Other issues

38. **The Committee invites the State party to consider making the declarations under articles 21 and 22 of the Convention and to ratify any core United Nations human rights treaties to which it is not yet party.**

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

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