

Human Rights Council Universal Periodic Review (UPR) of Nigeria 45th Session (January-February 2024)

Joint Stakeholders' Submission on:

Human Rights in Nigeria

Submitted by:

IIMA - Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco

VIDES International – International Volunteerism Organization for Women, Education and Development

Marist Foundation for International Solidarity (FMSI)

Company of the Daughters of Charity of Charity of St. Vincent de Paul

(NGOs in Consultative Status with ECOSOC)

Salesian Sisters of Nigeria

and

Marist Brothers of Nigeria

Geneva, July 2023

INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to **children's rights** in Nigeria, particularly **education**, **human trafficking, and labour exploitation**. Each section conveys recommendations to the Nigerian Government.

2. The data and information obtained for this submission came from various sources and includes information from youth, teachers, educators, and other civil society actors living and working in Nigeria. All information concerned the period from March 2019 to July 2023.

3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 97 countries where it provides education to children, adolescents, youth and women, particularly the most disadvantaged and vulnerable.

4. **VIDES International**, established in 1987, is an international NGO in special consultative status with the Economic and Social Council operating in 49 countries. It promotes volunteer service at the local and international levels to ensure the implementation of human rights to vulnerable groups, especially children and women.

5. The **Marist Foundation for International Solidarity** (**FMSI**) is an international NGO in Special Consultative Status with ECOSOC and operating in 65 countries. FMSI was established in 2007 and has a special focus on promoting and protecting the rights of children through supporting projects, especially for the access to quality education and advocacy.

6. The **Company of the Daughters of Charity of Charity of St. Vincent de Paul** was founded in 1633 by St. Vincent de Paul and St. Louise de Marillac. Recent survey of 2021 confirms that there are nearly 13 thousand Sister living and working in 97 countries and five continents of the world. They engage in ministries with people who live in poverty and accompany them to work for their own transformation through education, social, health and pastoral ministries. Through these ministries, they advocate for justice and human rights and bring the voices of those who are poor to the global conversation through their representation at the United Nations in Geneva and New York. They see the Sustainable Development Goals as part of the core Vincentian values and use it as a means to build international cooperation and solidarity among the Sisters in their mission with those who are poor.

7. The **Congregation of the Salesian Sisters in Nigeria** is particularly committed to the protection and empowerment of the most vulnerable children, adolescents and young people in Ikorodu, Lagos, Nigeria. Inspired by the Preventive System of St. John Bosco, the Salesian Sisters work in formal and informal education, offering vocational training and other projects for the promotion and empowerment of young people and the most vulnerable and marginalized groups especially children and women.

8. The **Congregation of the Marist Brothers in Nigeria** are expert and committed in teaching and capacity building of children and young people and marginalised group (minorities and people with disabilities). Their approach is based on the pedagogy of St. Marcellin Champagnat

of holistic education and human development for making people autonomous and protagonists of their lives. Currently, the Marist Brothers run 8 Secondary schools, 4 primary schools in Abia State, Ebonyi State, Abuja, Anambra State, Kogi State, Ekiti State, computer institute, Hopeville Rehabilitation Centre for children with disabilities Marist Polytechnic technical center in Uturu.

I. GENERAL REMARKS AND COOPERATION WITH THE UPR MECHANISM

9. Nigeria was reviewed on 6 November 2018 at the 31st Session of the Working Group on the Universal Periodic Review. This NGO coalition welcomes the constructive participation of Nigeria in the Universal Periodic Review (UPR). On this occasion, Nigeria received 290 recommendations and supported 230 recommendations while noting 60 recommendations. The present joint submission represents the follow-up to the UPR recommendations accepted by the State in 2018.

10. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, Nigeria must pay particular attention to effectively follow-up those recommendations in consultation with Civil Society.

II. VULNERABLE CHILDREN IN NIGERIA

11. Nigeria ratified the Convention on the Rights of the Child in 1991. Through this ratification, Nigeria made a commitment to create positive conditions for the realisation of the child's rights. As a state party to the treaty, Nigeria has obligations to respect, protect and fulfil the Convention on the Rights of Child. Vulnerable children and adolescents require consistent, systematic, and holistic support. The need for comprehensive social protection has been integrated into Nigerian development plans, defined as policies and practices that protect and promote the livelihoods and welfare of people suffering from critical levels of deprivation and/or vulnerability.

12. Accordingly, the government of Nigeria has formulated the Child Rights Act 2003, with the aim of expanding rights outlined in the Convention on the Rights of the Child. It aims to improve the living conditions of children in Nigeria, while ensuring that programmes of economic and social development directly address the most urgent needs of this critical population. Above all, this policy represents the government's vision and principles on issues concerning children and how they should be addressed. Despite the efforts of the government and other stakeholders, the coverage gaps in social protection remain, especially among children and adolescents who face unique vulnerabilities related to human trafficking.

Children Victims of Early and/or Forced Marriage

13. This NGO coalition note with concern that forced and early child marriages remain a very serious issue in the country. Child marriage is most common in Northern Region. Several

recommendations were addressed to Nigeria on the topic during the last UPR in 2018.¹ Nigeria accepted all the relevant recommendations regarding child marriage, with the exception of recommendation n. 148.276 that was noted².

14. Child marriage, defined by the Convention on the Rights of the Child as the legal marriage or informal union before the age of 18, was recognized as a major issue with approximately 22 million child brides in Nigeria in 2018 when data from 2005 to 2017 was compiled by UNICEF. About 40% of child brides in West/Central Africa come from Nigeria, making it the country with the most in the region. Between 2005 to 2017, over 15% of child brides were married before the age of 15 and over 25% were married between the ages of 15 and 17. ³

14. To date, many of the interventions designed to directly or indirectly end the practice of child marriage were designed independently of each other and operationalized within the parameters of different sector programs or as stand-alone initiatives. The weak coordinated approach and overall guiding strategy have diluted the potential impact of many interventions or led to competing and at times contradictory approaches. Apart from this, funding to reach the remote areas of the country has derailed the process. Therefore, more still needs to be done to totally eradicate this phenomenon in rural areas, where early child marriages still represent a serious hindrance to the right to education, especially for girls.

15. To address this critical issue, the government adopted the National Strategy on Ending Child Marriage in Nigeria 2016 - 2021, which is aimed at accelerating national efforts to end child marriage by 2030 by providing an operational framework that reflects the current national and global trends and efforts. While several challenges remain – including sustained political will, allocation of financial and human resources and the development of a National Plan of Action – Nigeria's national strategy is an important and much-needed step forward. The pitfall of the National Strategy is that is has made limited progress because it does not include an actionable work-plan with concrete steps and implementation process.

¹ Recommendations 148.50 Ensure that the Violence against Persons (Prohibition) Act and the 2017–2021 National Strategy to End Child Marriage are fully implemented in all states (Namibia); 148.250 Ensure that the rights of women are respected, protected and fulfilled, including their rights to sexual and reproductive health, addressing discrimination through wife inheritance laws and eliminating child marriage (New Zealand); 148.275 Continue with the legal, administrative and policy measures to completely eradicate early and child marriages (Kenya); 148.277 Intensify actions to end child marriage and ensure that the Child Rights Act is applied at the national level (Spain); 148.278 Continue efforts to promote the rights of children and combat child marriage in accordance with the national strategy 2017–2021 to end child marriage (Tunisia); 148.279 Intensify efforts to protect and promote the rights of children against all forms of violence and discrimination, in particular by preventing and combating child, early and forced marriages (Italy). Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its Addendum UN Doc. A/HRC/40/7/Add.1.

² 148.276 Unify the age of marriage in all states in order to eradicate child, early and forced marriage, both in law and in practice (Sierra Leone). *Idem*.

³ https://www.unicef.org/chad/media/246/file/Child-Marriage-in-WCA-At-a-Glance.pdf

Children in Street Situations

16. It is alarming to note of the increasing number of children and adolescents living and/or working on the streets in big cities of Nigeria. The first-hand information from some of these children highlights the nexus to insufficient livelihood in the family. As the transition from adolescent to adulthood is crucial, it is important to keep in mind that their safe and productive transitions have major implications for the nation's future health, economic growth, and citizens' well-being. Thus, the social support given to adolescents must respond to their immediate needs by particularly addressing issues such as food insecurity, barriers to health-care access, and barriers to school enrolment. Children in street situations are discriminated against especially in schools. We need to address stigmas facing students so schools can be a welcoming place.

17. This NGO coalition recommends the Government of Nigeria to:

- a) Assess the impact of the National Strategy on Ending Child Marriage in Nigeria 2016 2021 and undertake prompt and effective follow up measures.
- b) Double its efforts to address the root causes of early marriages and maintain girls in the education system.
- c) Continue strengthening the frameworks for the coordination of social protection policies focused on adolescents, so as to facilitate safe and productive transitions to adulthood in lower- and middle-income families.

III. RIGHT TO EDUCATION

18. This NGO coalition welcomes the acceptance by Nigeria of recommendations n. 148.229, 230, 231, 232, 233, 234, 235, 236, 237, 238, and 242^4 to improve access to and quality of education in the country.

⁴ Recommendations 148.229 Ensure free access to primary education (Qatar); 148.230 Continue efforts to take all measures needed to guarantee mandatory education for all children (Saudi Arabia); 148.231 Take appropriate actions to ensure that all children, regardless of their social status, have access to compulsory education (Slovakia); 148.232 Improve the quality of education in rural areas and promote inclusive education, which guarantees gender equality in education (Algeria); 148.233 Continue efforts made to improve the quality of education and fight school dropout (Tunisia); 148.234 Continue and strengthen measures to ensure equal access to quality education for all, especially for girls (Djibouti); 148.235 Take further measures to strengthen educational opportunities for girls (Lesotho); 148.236 Further strengthen educational opportunities for girls and women (Maldives); 148.237 Continue to improve the education sector to provide quality education to all its citizens (Lebanon); 148.242 Continue to implement measures for the development of its education system, including expanding access to literacy programmes (Cuba). Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its *Addendum* UN Doc. A/HRC/40/7/Add.1.

Access to Education and School Drop Out

19. Access to education remains particularly challenging for vulnerable children, such as children with disabilities,⁵ children in street situations, and girls. The government of Nigeria has made primary education free and compulsory, but 10.5 million children ages 5 to 14 still do not attend school. Only 61% of students aged 6 to 11 attend primary school on a regular basis while about 35% toddlers receive early childhood education. In the Northern part of Nigeria, only about 53% of children attend school.

20. Moreover, it is challenging to get out-of-school children back into schools. Overall, girls continue to be at a disadvantage with a large number of them dropping out in the upper primary and secondary grades, and poorer levels of transition to junior secondary and senior secondary levels.⁶

21. We note the government of Nigeria accepted specific recommendations pertaining to girls' right to education during its 3rd UPR in 2018.⁷ However, ensuring that girl children have equal access to education as boy children remains one of the main challenges, which requires coordinated interventions addressing the multiple human rights violations and discriminations suffered by girls, such as child marriages, inadequate menstrual hygiene and early pregnancies.

22. In Northeast Nigeria, 47.7% of girls attend school while Northwest Nigeria has 47.3% of their girls attending school, meaning less then half of the girls, are not receiving an education. The main issues in Northern Nigeria are economic barriers and socio-cultural norms that discourage formal education, especially for girls.

Quality of Education

23. Despite these achievements, Nigerian education system faces a perennial shortage of resources that range from qualified teachers, schools and classroom blocks (leading to overcrowding) to a shortage of books and other learning materials. Teachers are being overworked and are unable to attend to the individual needs of pupils. They also cannot manage to give adequate homework and remedial work due to large classes. Due to overcrowded classes, there is no meaningful improvement in the quality of education offered in Nigerian public schools, unless substantial investment is made in the sector. Those families with the financial means to afford tuition fees prefer to send their children to private schools where they receive better quality education.

⁵ For more information about education for children with disabilities, please refer to the specific section of this report devoted to the rights of people with disabilities.

⁶ <u>https://www.unicef.org/nigeria/education</u>

⁷ Recommendations n. 148.36, 232, 234, 235 and 236. Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its *Addendum* UN Doc. A/HRC/40/7/Add.1.

24. The poor quality of education is also attributed to poor transition rates from the primary to the secondary education, with many children still unable to read and write even after several years in school. The reasons of poor transition rates include poor literacy and numeracy skills acquired among primary school pupils, limited spaces for higher level education, and the high cost of secondary and tertiary education. The progression into secondary and tertiary education largely depends on whether pupils have learned to read and count in primary school.

Education in Rural Areas

25. Moreover, the universal provision of primary education has raised certain challenges in the rural areas. Those who live in the villages have difficulty in accessing learning institutions. In most cases, children are subjected to walk long distances to go to school. Those who cannot return to their villages after the school day due to long distances, come as weekly boarders renting some accommodation nearby the schools. Among them, girl children become particularly exposed to sexual abuse.

26. Significant challenges that face rural areas are insurgents especially in the states of Borno, Yobe, Adamawa. In Northeastern Nigeria, 2.8 million children cannot attend schools because 802 schools are closed due to the conflict and 497 classrooms are destroyed while 1392 classrooms are damaged but have no funds to repair. There are not many schools in rural areas forcing children to go to cities. Labour options are also limited so students go to big cities to find jobs. As a result, poor children and children from rural areas are promised education in exchange for working but when they arrive in the city, they are kept busy by work and never attend school. Children who work are late to school.

27. Moreover, it is always a challenge for teachers to stay in distant villages as life is hard mostly without electricity. Therefore, some teachers shun rural areas or they stay for a short time and they cannot wait relocating to an urban school, a situation which disadvantages the learners.

28. The government has made a serious commitment to achieve free and accessible education from early childhood to secondary school, which is unprecedented in the history of Nigeria. However, this has come with many challenges to the extent that this positive achievement risks not being sustainable without serious additional measures to alleviate these challenges.

29. To address the education crisis especially for the most disadvantaged and vulnerable children, we recommend the Government of Nigeria to:

- a. Continue its efforts to address school dropout especially for girls, in coordination with other initiatives to eradicate early marriages.
- b. Increase budget allocations to guarantee the quality of education, prioritizing gaps in school infrastructure; recruitment, training and adequate salaries for teachers; and provision of textbooks and educational materials.
- c. Undertake specific measures to address the multiple challenges linked to the accessibility of education for children living in rural areas, including the safety of girls

travelling to attend school and the need for educational continuity through incentives for teachers.

d. Develop poverty alleviation programs / social protection programs to cover families whose children have had to stop schooling.

IV. CHILD ABUSE AND EXPLOITATION

Human Trafficking

30. We note the government of Nigeria accepted specific recommendations pertaining to girls' right to education during its 3rd UPR in 2018.⁸ However, human trafficking in Nigeria continues to be of main concern with 1.3 million victims in 2018. Nigeria is 32 out of 167 countries for the most trafficked persons. Seven out of 10 trafficked victims are women.

31. There is no protection for trafficked girls who face retaliation if they report. A faster response to trafficking is needed. The government setup the National Agency for Prohibition of Trafficking with a primary focus on rescuing victims and prosecuting traffickers. The Agency is also pushing for education on human trafficking in schools. Manipulation by sex traffickers allows sexual trafficking to persist because traffickers use voodoo curses to control victims to ensure they will not report them or cooperate with authorities.

Child Labour

32. We regret that no specific recommendations were addressed to Nigeria on the issue of child labour during its 3rd UPR in 2018. Economic exploitation of children remains another serious issue in Nigeria. Already in 2010, in its concluding observations, the Committee on the Rights of the Child had expressed it concerns for "the very high number of children engaged in worst forms of child labour, in particular reports of forced child labour in agriculture, construction, mining and quarrying, involving the trafficking of children from neighbouring countries."⁹ Agents will go to poor families or rural communities and promise families they will find employment for their children but when the children show up to the cities, the agent pockets the money directly and does not give the pay to families.

Child Abuse

⁸ Recommendation n. 148.210 Strengthen measures to prevent child trafficking and enhance social and economic welfare opportunities for the victims (Nepal). Other relevant recommendations: 148.201, 202, 203, 205, 206, 207 and 281. Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its *Addendum* UN Doc. A/HRC/40/7/Add.1.

⁹ CRC/C/NGA/CO/3-4, p. 21, § 82.

33. We note the government of Nigeria accepted relevant recommendations during its 3rd UPR in 2018.¹⁰ Violence against children is perpetrated both in the domestic and school environment. Girls are often physically and sexually abused by employers.

34. Corrupt police dismiss claims of domestic violence. The chauvinistic culture also lessens the chance that women will report cases of domestic violence. The government of Nigeria needs to implement better anti-corruption laws because the laws cannot be implemented with corruption hindering.

35. We recommend the Government of Nigeria to:

- b. Work with civil society and local authorities to sensitize urban and rural poor communities to eradicate child work.
- b. Develop or strengthen existing parenting programs with messages and actions aimed at engaging the parents in reducing the child labour and prioritize children's education.
- c. To tackle the root causes and improve the situation of children at risk, especially the girl child, through economic reintegration and rehabilitation of victims.

V. RIGHTS OF PEOPLE WITH DISABILITIES

36. According to the World Health Organization's 2011 World Disability Report, about 15% of Nigeria's population (about 25 million people), live with a disability. Many of them face several human rights abuses including stigma, discrimination, violence, and lack of access to quality healthcare, housing, and education. We welcome Nigeria's acceptance of recommendations n. 148.35, 280, 282, 283, and 284.¹¹

37. Nigeria was among the countries to ratify the Convention on the Rights of Persons with Disabilities (CRPD) in 2007 and is a party to five key international human rights treaties and two African treaties protecting and guaranteeing children economic and social rights. In 2011 and 2015, the National Assembly passed the Discrimination Against Persons with Disabilities (Prohibition) Bill 2009, but former President Goodluck Jonathan declined to sign it into law.

¹⁰ Recommendations n. 148.171 Implement safeguards to prevent the sexual exploitation and abuse of vulnerable persons and hold those responsible accountable (United States of America); 148.209 Continue its efforts to combat trafficking in persons, female genital mutilation, early and forced marriages and sexual and gender-based violence (Gabon). Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its *Addendum* UN Doc. A/HRC/40/7/Add.1.

¹¹ Recommendations n. 148.35 Pass into law the National Disability Bill (Bhutan); 148.280 Continue efforts to provide qualitative and accessible education and health care for all children (Nepal); 148.282 Step up efforts to implement the National Disability Bill (Georgia); 148.283 Continue working on implementing the rights of persons with disabilities (Jordan); 148.284 Take measures by which women and girls with disabilities facing physical and economic barriers in various fields gain, with no restrictions, access to health care, education and employment (Serbia). Report of the Working Group on the Universal Periodic Review of Nigeria, 26 December 2018, UN Doc. A/HRC/40/7 and its Addendum UN Doc. A/HRC/40/7/Add.1.

38. The bill for the new law was passed by the House of Representatives and the Senate joint committee in November 2016 but was not sent to President Buhari for his signature until December 2018. On 23 January 2019, Nigeria's President Muhammadu Buhari signed into law the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, following 9 years of relentless advocacy by disability rights groups and activists. More steps need to be taken to ensure proper implementation.

39. Since 2019, the government introduced strong constitutional protections including implementation of policies and legal measures to safeguard every child's right to education free from discrimination. The law prohibits discrimination against people with disabilities and imposes sanctions including fines and prison sentences for those who contravene it. It also stipulates a five-year transitional period for modifying public buildings, structures, and automobiles to make them accessible and usable for people with disabilities.

40. The law suggested the establishment of a National Commission for Persons with Disabilities, responsible for ensuring that people with disabilities have access to housing, education, and healthcare. The Commission will be empowered to receive complaints of rights violations and support victims to seek legal redress amongst other duties. It is important that government officials, policymakers, and decision makers are aware of the importance of disability as a development issue and enhance data collection on disability.

The enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act is only a first step in the fulfilment of Nigeria's obligations under the CRPD. Authorities should now put effective measures in place for its full implementation to ensure equal treatment and participation of people with disabilities across Nigeria.

41. We remain particularly concerned for the lack of accessibility to basic education and health services, aggravated by cultural stigmatization for which it is generally accepted by many Nigerians that children and adults with disabilities do not have access to an inclusive education system and quality healthcare.

42. Accordingly, children with disabilities are viewed as a nuisance by their families because they cannot work or contribute to the household income. Persons with disabilities may experience negative attitudes at family and community levels, including name-calling, negative beliefs, and misconceptions surrounding the causes of disabilities (usually associated with religious or cultural norms, and beliefs). These negative attitudes manifest in rejection, neglect, loss of respect, denial of identity or self-worth, and often result in low self-esteem, depression, and isolation. This, along with structural limitations and challenges, also reinforces barriers for persons with disabilities in accessing basic services such as education, health, public transport, and social safety nets. Persons with disabilities, including children, face difficulties accessing adequate health services, often being limited by the availability of accessible hospitals and personnel who are aware of and specialized in disability inclusion and providing services for persons with disabilities.

Education of Children with Disabilities

43. The government of Nigeria has not prioritized children with disabilities' access to quality, inclusive education as it committed to do in 2007. The government has not reached 'universal'

education because it has left millions of children and adults with disabilities out of schools, and hundreds of thousands of children with disabilities, who are presently enrolled in school, behind. In terms of access to education, many parents cannot even afford getting them admitted to schools and the system itself is not inclusive enough to cater to their needs to continue.

Therefore, children with disabilities experience poor educational outcomes on account of the absence of adequate facilities, including accessible infrastructure; learning materials; and teachers trained in inclusive education.

43. As a religious and solidarity organisation, the Marist Province of Nigeria contributes to the care of the physically challenged people by giving them access to quality education, but only few receive help since the resources available for this are limited and there is no state support.

44. Further efforts are needed by the government of Nigeria, in partnership with local civil society actors, to fully implement the Convention on the Rights of Persons with Disabilities. Barriers to inclusive education begin in the very early stages of children's lives because children are classified according to their disabilities. Persons with disabilities in Nigeria persistently face stigma, discrimination, and barriers to accessing basic social services and economic opportunities. A concerted effort to raise awareness surrounding disability issues would serve to shift negative perceptions and stigma against persons with disabilities among families and communities.

45. Today, they face greater barriers brought about by the impacts of the pandemic. The Nigeria Rapid Assessment on Disability Inclusion identified a number of these salient barriers. The state should rise up to the eradication of the barriers. To forge a disability-inclusive recovery from the pandemic, support for existing disability inclusion legislation in Nigeria is imperative. This means promoting the implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 and strengthening the institutional landscape for disability inclusion through the Disability Commission.

Unemployment of Persons with Disabilities

46. Unemployment rates among persons with disabilities are almost double that of the general population, owing to attitudinal, mobility-related, technological, and physical barriers (lack of accessible workplaces). Assistive devices are expensive and not easily available, which limits the mobility and access to technology for persons with disabilities. In addition, many will experience frequent denial of job opportunities, employers' negatives attitudes, inappropriate job placement, lower expectations at work, and a lack of reasonable accommodation. Further efforts are needed by the government to ensure employment to persons with disability who are trained and qualified for jobs regardless disabilities. Those not trained should be given the opportunity to do so through free access to vocational training services.

47. Investments in inclusive employment and livelihood interventions are critical to addressing unemployment challenges among persons with disabilities. These could include entrepreneurship training and business advisory services, as well as the promotion of locally produced assistive devices and accessible workplaces. Disability-focused organizations in Nigeria should be empowered to support this process and provide services to persons with disabilities and caregivers.

- 48. We call on the Government of Nigeria to:
 - a. Enact disability laws to safeguard the rights of persons with disabilities and fully implement policies.
 - b. Establish funds for persons with disabilities that hinder them from finding gainful employment.
 - c. Make educational institutions accessible to persons with disabilities.