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Re: **Human Rights Situation in Nigeria and Women's Rights Concerns
in Mauritania**

Dear Commissioner Asuagbor,

We trust this letter finds you well.

As part of what we hope will be an ongoing fruitful collaboration between Human Rights Watch and your mandate, we are writing to you in your capacity as country rapporteur for Nigeria and special rapporteur on the rights of women in Africa.

Human Rights Watch is an international human rights organization that conducts research and advocacy on human rights abuses in over 90 countries. The organization has documented violations of human rights in Nigeria for many years. We remain deeply concerned by human rights violations that continue to occur in the country, as detailed in two reports:

- i. [Nigeria: Officials Abusing Displaced Women, Girls: Displaced by Boko Haram and Victims Twice Over](#), released on October 31, 2016. In July 2016, Human Rights Watch documented sexual abuse, including rape and exploitation, of 43 women and girls living in seven internally displaced persons camps in Maiduguri, the Borno State capital perpetrated by government officials and other authorities. The report sets out in detail how the government is not doing enough to protect displaced women and girls and ensure that

they have access to basic rights and services or to sanction the abusers, who include camp leaders, vigilante groups, policemen, and soldiers.

- ii. ["Tell Me Where I Can Be Safe" The Impact of Nigeria's Same Sex Marriage \(Prohibition\) Act](#), released on October 20, 2016. This report documents the human rights impact of the passage of the Same Sex Marriage (Prohibition) Act, 2013. This legislation, which took effect in January 2014 has led to an increase in extortion and violence against lesbian, gay, bisexual and transgender (LGBT) people and imposed severe restrictions on non-governmental organizations providing essential services to LGBT people in Nigeria. This law also punishes establishing, supporting and participating in LGBT organizations and public displays of affection with 10 years in prison, thereby severely restricting rights to freedom of association and expression.

Noting that Nigeria has submitted its 6th periodic state party report for review under Article 62 of the African Charter on Human and Peoples' Rights and Article 26 of the Maputo Protocol, we take this opportunity to present our submission for consideration during the forthcoming 62nd session of the African Commission. **(Annex 1).**

Furthermore, Human Rights Watch conducted research and advocacy in Mauritania in 2017, primarily focused on the [repression of human rights defenders](#), restrictions on children's access to public schools, and women's rights. From January 20 to February 12, 2018 a Human Rights Watch researchers documented the obstacles sexual violence survivors face to seek recovery and judicial accountability through interviews with over 30 survivors and dozens of other civic actors in Nouakchott and Rosso. While in the country, our staff also met with the Minister of Social Affairs and Family and members of Mauritania's Parliament supporting a draft law on gender-based violence. We would welcome the opportunity to share with you our interim findings on this issue.

A Human Rights Watch delegation composed of Wendy Isaack (Researcher, LGBT Rights Division), Agnes Odhiambo (Senior Researcher, Women's Rights Division), Candy Ofime (Researcher, Middle East and North Africa Division) and Clive Baldwin (Senior Legal

Advisor) will attend the forthcoming 62nd Ordinary Session in Nouakchott and would greatly appreciate the opportunity to meet with you at your convenience to discuss these matters further.

We look forward to receiving your response and maintaining a constructive dialogue with you and the African Commission more generally. We also look forward to actively participating in the forthcoming 62nd session of the African Commission in Nouakchott, Mauritania.

Sincerely,



Mausi Segun
Executive Director, Africa
Human Rights Watch

ANNEX 1: Human rights situation in the Federal Republic of Nigeria

The ongoing Boko Haram conflict in the northeast, cycles of communal violence between pastoralists and farmers, and separatist protests in the south defined Nigeria's human rights landscape in 2017.

While the Nigerian army made considerable gains against Boko Haram, the toll of the conflict on civilians continued as the extremist group increasingly resorted to the use of women and children as suicide bombers. Over 180 civilians have been killed in suicide bomb attacks since late 2016, mostly in Maiduguri, the Borno state capital. In August, female suicide bombers killed 13 people and injured 20 others in an attack near a security checkpoint in Borno. Three suicide bombers also killed 27 people and wounded 83 in coordinated attacks at a market and an internally displaced persons (IDP) camp in Maiduguri in August. Bomb attacks in September killed at least 25 IDPs in two camps at Banki and Ngala.

Nigeria's eight-year conflict with Boko Haram has resulted in the deaths of over 20,000 civilians and a large-scale humanitarian crisis. Approximately 2.1 million people have been displaced by the conflict while 7 million need humanitarian assistance; in February the

United Nations secretary-general, together with key UN agencies, warned Nigeria was facing famine-like conditions due to insecurity triggered by the war. In June, Nigeria helped Cameroonian authorities unlawfully force almost 1,000 asylum seekers back to Nigeria.

In May 2017 after negotiations brokered by Switzerland and the International Committee for the Red Cross, 82 Chibok schoolgirls were released. Boko Haram fighters had abducted 276 schoolgirls from Chibok, Borno state, in April 2014. More than 100 of the girls and hundreds other captives, including over 500 children from Damasak, Borno, remained in Boko Haram captivity at time of writing.

Abuses by Boko Haram

Boko Haram retained control over a small portion of Nigerian territory after numerous offensives to dislodge the group by security forces from Nigeria and Cameroon. The extremist group, however, continued its violent campaign in the northeast, particularly in Borno and some parts of Yobe and Adamawa states. The group used suicide bombers in markets, universities and displacement camps; ambushed highway convoys; and raided and looted villages.

At least 300 civilians died in the group's attacks in 2017. In perhaps its deadliest 2017 attack, Boko Haram ambushed an oil exploration team from the Nigerian National Petroleum Corporation in July, killing at least 69 people in Magumeri, approximately 30 miles outside Maiduguri.

Boko Haram mostly used women and girls as suicide bombers, forcing them to detonate bombs in urban centers. According to the UN Children's Fund, UNICEF, 83 children were used as suicide bombers since January: 55 girls and 27 boys, one was a baby strapped to a girl. The group abducted 67 women and children in 2017.

On October 9, authorities began closed-door trials in a Kainji Niger state military base of more than 2,300 Boko Haram suspects, some detained since the insurgency's inception in 2009. Concerns about due process and fair hearing heightened when, within four days of trial, 45 of the first batch of 565 defendants were convicted and sentenced to between three to 31 jail terms for undisclosed charges. The court threw out charges against 34, discharged 468, and referred 25 defendants for trial in other courts. Prior to October, only 13 Boko Haram suspects had faced trial, out of which nine were convicted for alleged involvement in crimes committed by the group.

Conduct of Security Forces

On January 17 the Nigerian air force carried out an airstrike on a settlement for displaced people in Rann, Borno State, killing approximately 234 people according to a local official, including nine aid workers, and injuring 100 more. The military initially claimed the attack was meant to hit Boko Haram fighters they believed were in the area, blaming faulty intelligence. After six months of investigations, authorities said they had mistaken the settlement of displaced people for insurgent forces. At the time, the settlement was run by the military.

In June, a military board of inquiry made up of seven army officers and two lawyers from the National Human Rights Commission concluded that there was no basis to investigate allegations of war crimes committed by senior army officials in the northeast conflict and elsewhere. The allegations they investigated included extrajudicial killings, torture, and arbitrary arrests of thousands.

Authorities have failed to implement a December 2016 court order for the release of Ibrahim El Zakzaky, leader of the Shia Islamic Movement of Nigeria, IMN. Zakzaky and his wife Zeenat, as well as hundreds of IMN members, have been in detention without trial since December 2015, when soldiers killed 347 IMN members in Zaria, Kaduna state.

In August 2017, acting President Osinbajo established a presidential judicial panel to investigate the military's compliance with human rights obligations and rules of engagement. The seven-person panel, which began hearing complaints in September, was set up in response to allegations of war crimes committed by the military across the country, including the December 2015 Shia IMN incident in Zaria, the killing of pro-Biafra protesters in the southeast, and the killing, torture, and enforced disappearance of Boko Haram suspects in the northeast.

Inter-Communal Violence

Violence between nomadic and farming communities spread beyond the north-central region to southern parts of the country in 2017. Hundreds of people were killed, and thousands displaced. In July 2017, two days of clashes between herdsmen and farmers killed over 30 people in Kajuru village, 31 miles outside the city of Kaduna, Kaduna state. A similar attack in Jos, Plateau State left 19 dead and five injured in September. The governor of Kaduna state called for the intervention of the regional bloc, the Economic Community of West African States (ECOWAS), to end the perennial violence between the two groups.

In April, Nnamdi Kanu, leader of the separatist Indigenous People of Biafra (IPOB) was released from detention on the orders of a court. He was arrested in October 2015 and detained on treason charges. In response to calls for Igbo independence by IPOB, in June a northern-interest pressure group, the Arewa Youth Consultative Forum (AYCF), issued a notice demanding that Igbos leave northern Nigeria before October 1, or face “visible actions.” Following condemnation by various interlocutors, including UN independent experts, the AYCF withdrew the quit notice in late August 2017.

Sexual Orientation and Gender Identity

The passage of the Same Sex Marriage (Prohibition) Act (SSMPA) in January 2014 effectively authorized abuses against the lesbian, gay, bisexual, and transgender (LGBT) community in 2017. The law has undermined freedom of association and expression for members of the LGBT community, human rights organizations, and others. In July 2017, authorities arrested over 40 men attending an HIV awareness event at a hotel in Lagos and accused them of performing same-sex acts, a crime that carries up to 14 years in jail. In April 2017, 53 men were arrested for celebrating a gay wedding, and charged with “belonging to a gang of unlawful society.”

In addition to the SSMPA, under the Nigeria Criminal Code Act of 1990, “carnal knowledge of any person against the order of nature” carries a maximum sentence of 14 years in prison. The Sharia penal code adopted by several northern Nigerian states prohibits and punishes sexual relations between persons of the same sex, with the maximum penalty for men being death by stoning and whipping and/or imprisonment for women.

Freedom of Expression, Media, and Association

Nigerian press, bolstered by strong civil society, remains largely free. Journalists, however, face harassment, and the implementation of a 2015 Cyber Crime Act threatens to curtail freedom of expression.

In January 2017, police arrested two journalists, the publisher and judiciary correspondent of an online publication, Premium Times, in Abuja for articles that allegedly showed “deep hatred for the Nigerian army.” In June, Ibraheema Yakubu, a journalist with the Hausa radio service of the German Deutsche Welle, was arrested and detained while covering a procession by the Muslim Shiites group in Kaduna. He told media that policemen beat and slapped him. In August, police arrested and detained journalist Danjuma Katsina in Katsina state for posting “injurious comments” about a politician on Facebook. The two journalists were released after a day each in detention following the intervention of officials of the Nigerian Union of Journalists.

The director of defense information announced in August 2017 that the military would monitor social media for “hate speech, anti-government and anti-security information.” The government also directed the National Broadcasting Commission to sanction any radio or television station that broadcasts hate speech. It threatened to charge people found to spread yet-to-be defined hate speech under the Terrorism Prevention Act.

A “Bill to provide for the Establishment of Non-Governmental Organizations (NGOs),” described by local groups as an attempt to crackdown and monitor NGOs has passed two readings in the House of Representatives.