

## GENERAL ASSEMBLY

### Special Rapporteur of the Commission on Human Rights

The Special Rapporteur's (SR) interim report to the 1998 General Assembly (A/53/366) contains information on, *inter alia*: the concerns of the international community; political changes since the SR's report to the 1998 Commission on Human Rights; the current human rights situation; constitutional guarantees; independence of the judiciary; right to liberty and security of the person; right to a fair trial; right to life; freedom of assembly and association; right to dignity and humane treatment while in detention; the right to vote and be elected; economic, social and cultural rights; women's rights; children's rights; and the National Human Rights Commission. The addendum to the interim report (A/53/366/Add.1) notes that the government agreed to a visit by the SR; the mission was scheduled for November 1998.

The report refers to the plan outlined by General Abubakar to restore civilian rule by the end of May 1999 and the steps taken to lay the foundations of a truly representative government. The SR stated that the measures taken appeared to have resulted in a less tense political environment.

The assessment of the human rights situation notes, *inter alia*: the absence of constitutional guarantees for the protection of rights and freedoms and exclusion of the jurisdiction of the courts under Decree No. 107, which suspends the human rights provisions of the constitution; the promise of the current government to publish and circulate the 1995 draft constitution, which is to form the constitutional framework in the post-transition period starting 29 May 1999; that the independence of the judiciary is still undermined by the existence of ouster clauses contained in a number of decrees; the release of a number of political prisoners, human rights advocates, trade union leaders and journalists, noting others are reported to remain in custody, including several journalists; the continuing existence of tribunals established by decree which bypass the regular judicial system and seriously undermine the integrity of the judicial process, often resulting in denial of due process; continuing imprisonment of individuals convicted by military tribunals and by processes which fell short of international fair trial guarantees; the imposition and carrying out of a number of death sentences prior to the change in government; and reports that, under the current government, death sentences have been imposed, although not yet carried out, following trials which fell short of international standards.

Reference is also made to: the repeal of Decrees restricting the activities of trade unions; the need to review the remaining Decrees affecting trade unions (election to union office, international affiliation); the lack of improvement in conditions of detention — inhumane conditions, denial of access to families, lawyers and doctors, torture and ill treatment; reports related to

secret detention centres scattered all over the country; delays in persons being brought before a court as well as in their appeals against sentences being heard; the training workshop organized by the National Human Rights Commission at the Prison Staff College, Kakuri-Kaduna, in August 1998; continuing provisions in law allowing children to be detained and indiscriminately sentenced for indeterminate periods; inadequacies in safeguards for all children who are detained by legal authorities, the lack of medical services, and the lack of services for the recovery and rehabilitation of children who come into conflict with the law.

Concerning the right to vote and be elected, the SR stated that in order for the Nigerian transition process to be credible, elections must respect a certain number of benchmarks, including: universal and equal suffrage; voting by secret ballot; the establishment of an independent electoral commission; and respect for the rights to freedom of expression, opinion and association, and the rights to peaceful assembly and freedom from fear and intimidation. On economic, social and cultural rights, the SR referred to concerns raised by the Committee on Economic, Social and Cultural Rights (as above).

The commentary on women's rights notes, *inter alia*: female genital mutilation is reportedly still practised extensively in many parts of Nigeria, noting that government officials have supported a campaign against the practice; marital rape is unrecognized by law and under the law a man who inflicts extensive bodily harm on his wife while forcibly having sex with her is not punished for a sexual offence, but rather for an ordinary assault; the maximum punishment for rape is life imprisonment but victims are not granted anonymity during prosecutions, and media attention and social stigma are said to dissuade most victims from reporting; the law permits the beating ("chastisement") of women by their husbands; polygamy is widespread; and there has been an increase in the number of homeless women and young girls, who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence.

With regard to children's rights, the report notes, *inter alia*: concerns related to problems in such areas as the administration of juvenile justice and the institutionalization of children, in violation of the Convention on the Rights of the Child; imposition of the death penalty on persons under 18 years of age; the fact that many children resort to prostitution to feed themselves; a school drop-out rate over 20 per cent at the primary school age; child labour, with 12 million children holding jobs; widespread malnutrition among children; and the government's National Child Plan of Action and the 1994 establishment of the National Child Rights Implementation Committee.

The SR recalled that the stated objective of the National Human Rights Commission is to handle all matters relating to the protection of human rights. Activities of the National Commission are noted as including: training for the police, a weekly human rights education radio