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## **The Federal Republic of Nigeria's Compliance with the Convention on the Rights of Persons with Disabilities**

### **Suggested List of Issues Relating to: The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**The World Coalition Against the Death Penalty**

**Avocats Sans Frontières France/Lawyers without Borders France**

and

**Hope Behind Bars Africa**

**for the 20th Session of the Committee on the Rights of Persons with Disabilities (Pre-Sessional Working Group)  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Avocats Sans Frontières France (ASF France)** is a French nongovernmental organization that promotes and defends fundamental human rights and the establishment of the rule of law.

**Hope Behind Bars Africa (HBBA)** is a non-governmental organisation with special consultative status with ECOSOC that is working to close the justice and inequality gap in Nigeria using early intervention legal support, technology and evidence-based advocacy. Under its Death Penalty Program, HBBA provides pro-bono legal representation to indigent women and other vulnerable groups on death row. HBBA also organises capacity-building training for capital defence lawyers in Nigeria in collaboration with Cornell Centre on Death Penalty Worldwide. HBBA also combines data-driven narratives, real-life stories, and other advocacy tools to engage the public, policymakers, and legal professionals, encouraging them to critically examine the application of the death penalty in Nigeria.

## EXECUTIVE SUMMARY

1. This report addresses the Federal Republic of Nigeria’s compliance with its obligations under the Convention on the Rights of Persons with Disabilities (CRPD Convention) in the context of Nigeria’s laws, policies, and customs concerning the death penalty. This report suggests questions that the Committee on the Rights of Persons with Disabilities should consider posing to the Government of Nigeria in its List of Issues, particularly with respect to the administration of the death penalty against persons with disabilities.
2. Nigeria is a party to the CRPD Convention but has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Nigeria has not abolished the death penalty but has established a *de facto* moratorium, with no known judicial execution since December 23, 2016.<sup>1</sup> Nonetheless, Nigerian courts continue to sentence people to death and have not limited the application of the death penalty to the “most serious” crimes within the meaning of Article 6(2) of the ICCPR. For example, consensual same-sex conduct between men or women may be punished by death.<sup>2</sup> In May 2024, the Nigerian Senate proposed a bill to add drug trafficking to the list of capital crimes,<sup>3</sup> but in November the Senate dropped the proposed expansion of the death penalty, responding to extensive engagement on the issue by the Nigerian abolitionist movement.<sup>4</sup> Several crimes carry mandatory death sentences, including witchcraft and juju.<sup>5</sup>
3. The Government of Nigeria does not collect or publish sufficient data regarding persons with disabilities on death row or charged with capital crimes. Hence, the number of persons with disabilities on death row or charged with capital crimes is unknown.
4. Nigeria’s criminal justice system violates the rights of persons with disabilities in several ways. First, detention facilities fail to provide accommodations for detained persons with disabilities, violating their rights to life, health, and to liberty and security of the person. Second, people on death row face poor detention conditions, with inadequate access to medical care, food, and water, which exacerbates the negative effects of psycho-social disabilities. Third, Nigeria’s criminal justice system fails to provide accommodations for defendants with disabilities, impairing their access to justice. Fourth, in some Northern States that implement Sharia law, individuals are sentenced to punishment by amputation, in violation of the right of all individuals to be free from torture, or cruel, inhuman, or degrading treatment or punishment, and promoting stigma against people with disabilities by connecting physical disability with criminality. Fifth, Nigeria’s criminal justice system discriminates against persons with

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<sup>1</sup> Maitama, Abuja-FCT, Amnesty International, *Nigeria: The Death Penalty as an Ineffective Deterrent to Crime* (2023), 18. Available online at <https://www.amnesty.org.ng/wp-content/uploads/2023/07/DEATH-PENALTY-BRIEFING-2023-final-version.pdf>.

<sup>2</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), 20. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

<sup>3</sup> Bakare Majeed, *Capital Punishment Conundrum: In Nigeria, Death Penalty no Longer Serves its Purpose*, Premium Times Nigeria (Oct. 10, 2024). Available online at <https://www.premiumtimesng.com/news/743564-capital-punishment-conundrum-in-nigeria-death-penalty-no-longer-serves-its-purpose.html?tztc=1>.

<sup>4</sup> Kenneth Udeh, *Senate drops “death penalty”, adopts “life imprisonment” for drug offenders*, Sun, Nov. 21, 2024, <https://thesun.ng/senate-drops-death-penalty-adopts-life-imprisonment-for-drug-offenders/>.

<sup>5</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), 20. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

disabilities who are the victims of crimes, violating their rights to equality and non-discrimination and equal recognition before the law

## **Nigeria fails to uphold its obligations under the Convention on the Rights of Persons with Disabilities**

### **I. Nigeria does not collect and publish sufficient data regarding persons with disabilities currently on death row or charged with capital crimes (Article 31).**

5. Article 31 requires a State Party to “to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.”<sup>6</sup>
6. Nigeria’s Initial Report states that at the federal level, the collection and analysis of statistical information is the responsibility of the National Bureau of Statistics, Federal Ministry of Budget and National Plannings, and the National Population Commission.<sup>7</sup> Individual Ministries, Departments and Agencies also collect and analyze data relevant to their areas of responsibility,<sup>8</sup> but the Initial Report provides no information about whether or how authorities collect and analyze data about persons with disabilities in conflict with the law. Moreover, most local authorities do not sufficiently collect data or disaggregate data by disability.<sup>9</sup>
7. Approximately 3,413 people were known to be under sentence of death at the end of 2023.<sup>10</sup> As of April 2024, at least 74 women were on death row.<sup>11</sup> There is no readily available information regarding persons with disabilities who (a) are currently on death row, and (b) have been charged with capital crimes.
8. The collection of such data is necessary to assess Nigeria’s implementation of its obligations under the Convention.<sup>12</sup>

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<sup>6</sup> G.A. Res. 61/106, Convention on the Rights of Persons with Disabilities, art. 31 (Dec. 12, 2006). Available online at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

<sup>7</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 112.

<sup>8</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 112.

<sup>9</sup> Amnesty International Nigeria 2023, *Persons with Disabilities in Situations of Risk and Humanitarian Emergencies, Submission to the Committee on the Rights of Persons with Disabilities on Article 11, Day of General Discussion 2023* (London, UK: Amnesty International, 2023), 5. Available online at <https://www.amnesty.org/en/wp-content/uploads/2023/03/IO4064542023ENGLISH.pdf>.

<sup>10</sup> Amnesty International 2024, *Death Sentences and Executions in 2023*, (London, UK: Amnesty International, 2024) 35. Available online at <https://www.amnesty.org/en/wp-content/uploads/2024/05/ACT5079522024ENGLISH.pdf>.

<sup>11</sup> Gift Habib, *Why 3,504 inmates on death row haven’t been executed, says NCos*, Punch Nigeria, Apr. 20, 2024, <https://punchng.com/why-3504-inmates-on-death-row-havent-been-executed-says-ncos>. The figures referenced above come from a spokesperson during an in-person conference. Amnesty International’s formal figures note that there were at least 3,413 people on death row as of the end of 2023. Amnesty International, *Death Sentences and Executions 2023* (2024), at 35, <https://www.amnesty.org/en/documents/act50/7952/2024/en/>. According to the World Coalition Against the Death Penalty’s *Data Mapping: Women on Death Row*, 61 women were on death row in Nigeria in 2021. World Coalition Against the Death Penalty, *Data Mapping: Women on Death Row*, 2023, at 15, <https://worldcoalition.org/document/data-mapping-women-on-death-row/>.

<sup>12</sup> G.A. Res. 61/106, Convention on the Rights of Persons with Disabilities (Dec. 12, 2006), 31. Available online at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

**II. The Nigerian criminal justice system does not provide sufficient accommodations for incarcerated persons with disabilities in prison facilities, violating the right to life (Article 10), right to liberty and security of the person (Article 14), right to personal mobility (Article 20), and right to health (Article 25).**

9. The Initial Report addresses the right to life,<sup>13</sup> the right to liberty and security of the person,<sup>14</sup> the right to personal mobility,<sup>15</sup> and the right to health,<sup>16</sup> but beyond mentioning non-discrimination provisions, it makes no reference to how authorities respect, protect, and fulfill these rights for people with disabilities who are in conflict with the law.
10. In 2019, Nigeria enacted the Nigerian Correctional Service Act, which requires that the Correctional Service “shall put in place healthcare services for the promotion and protection of physical and mental health, prevention and treatment of diseases.”<sup>17</sup> Despite this requirement, “prison officials made few efforts to provide mental health services or other accommodations to prisoners with mental disabilities.”<sup>18</sup>
11. In some cases, correctional centres housing several thousand people, including people under sentence of death, might have a single doctor,<sup>19</sup> and that doctor is often a general practitioner without any specialist training and is responsible for multiple custodial centres in a state. As of 2018, the Nigeria prison service employed one psychiatrist and had another in training.<sup>20</sup>
12. According to the Nigerian Correctional Service Act, 2019, if a prison superintendent suspects a person on death row is of “unsound mind,” the superintendent must appoint two or more “qualified medical practitioners . . . to inquire into the prisoner’s soundness of mind” and may order that the person be moved from the prison to another prison or to a hospital.<sup>21</sup> In a sense, therefore, the law “recognizes that prisons are not the right place for prisoners with psychosocial disabilities.”<sup>22</sup>
13. This law, however, addresses only people serving a sentence and “it does not envisage or establish procedures for persons awaiting trial.”<sup>23</sup> Nor does the law recognize the need to

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<sup>13</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 48.

<sup>14</sup> *Id.* ¶ 55.

<sup>15</sup> *Id.* ¶¶ 63-66.

<sup>16</sup> *Id.* ¶¶ 80-84.

<sup>17</sup> The Nigerian Correctional Service Act (2019) § 23 (Nigeria).

<sup>18</sup> United States Department of State, *Nigeria 2023 Human Rights Report* (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>19</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), 28. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

<sup>20</sup> A. O. Ogunlesi & A. Ogunwale, *Correctional Psychiatry in Nigeria: Dynamics of Mental Healthcare in the most Restrictive Alternative*, 15 BJPsych International, no. 2 (2018) at 36.

<sup>21</sup> Prison Act Cap 366 (1972) § 7 (Nigeria).

<sup>22</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>23</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

provide accommodations to people with psycho-social disabilities within the places where they are detained. With trials regularly delayed for months or years, “those persons with psychosocial disabilities cannot have their ‘soundness of mind’ evaluation, let alone be removed to a mental health care facility.”<sup>24</sup>

14. As a result, people with psychosocial disabilities who are in conflict with the law often do not receive accommodations in detention and are not “removed to health care facilities, and are left to languish in prisons without the mental health care treatment they need.”<sup>25</sup> One civil society organization reports providing legal aid to a beneficiary in conflict with the law who, prior to incarceration, had a mental health challenge and was medically unfit to undergo the rigors of a trial.<sup>26</sup> Authorities had to release her to enable her to continue her medical treatment because the Nigerian Correctional Service was incapable of providing her with the necessary medical care or even to assign a staff person to remain with her in the hospital while she was in detention. Another civil society organization reports conducting a visit to New Keffi Custodial Centre in 2019 to interview indigent detained persons with a view to potentially providing them with legal assistance. After speaking with one woman for approximately one hour, the civil society representatives could not understand what the woman was trying to communicate, and a prison officer then informed them that “she has mental illness.” When the civil society representatives asked why officers had not informed them previously or provided any accommodations, the officers responded that the civil society representatives needed to “see things for [y]ourself” so they would take up the woman’s case and help prison authorities beg the government to release her from the custodial centre.<sup>27</sup>
15. Nigeria’s detention conditions are extremely harsh and dangerous due to gross overcrowding, lack of supervision, and poor facilities.<sup>28</sup> There is little to no running water available to persons on death row,<sup>29</sup> and one civil society organization reports that some other custodial centres also have inadequate water supplies.<sup>30</sup> Furthermore, it reports that the need for improving the quality and quantity of food in detention facilities is urgent.<sup>31</sup> Even with the recent announcement to the media of the increment of daily cost of feeding of detainees increasing

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<sup>24</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOOrh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>25</sup> Jacob Bogart & Adaobi Egboka, *Realizing the Rights of Prisoners with Disabilities in Nigeria: A Case Study of Four Lagos State Prisons*, 11 World Academy of Science, Engineering and Technology International Journal of Humanities and Social Sciences, no. 02, 2017.

<sup>26</sup> Email communication with civil society organization, January 14, 2025, on file with The Advocates for Human Rights.

<sup>27</sup> Email communication with civil society organization, January 19, 2025, on file with The Advocates for Human Rights.

<sup>28</sup> Jacob Bogart & Adaobi Egboka, *Realizing the Rights of Prisoners with Disabilities in Nigeria: A Case Study of Four Lagos State Prisons*, 11 World Academy of Science, Engineering and Technology International Journal of Humanities and Social Sciences, no. 02, 2017.

<sup>29</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), 20. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

<sup>30</sup> Email communication with civil society organization, January 14, 2025, on file with The Advocates for Human Rights.

<sup>31</sup> Email communication with civil society organization, January 14, 2025, on file with The Advocates for Human Rights.

from N750 to N1,250, one civil society organization that works with the Ministry of the Interior, which supervises the Correctional Service’s “Farm to Fork” scheme, reports that in practice, the sum remains at N750 even in the new budget.<sup>32</sup> Moreover, the quality of food is very poor and sometimes unfit for human consumption. Hence, some people in detention make private arrangements for their feeding.<sup>33</sup> Adequate food is available only to detained persons with money or familial support.<sup>34</sup> Prison employees sometimes steal money intended for detained persons to use to purchase food.<sup>35</sup> People in detention who are indigent must rely on handouts from other detained persons to survive.<sup>36</sup> “Prison employees, police, and other security force personnel sometimes denied inmates food and medical treatment to punish them or extort money.”<sup>37</sup> While all incarcerated persons are affected by inadequate conditions, persons with disabilities can experience disproportionate harm due to the nature of their disabilities and due to stigma and discrimination from detention staff and the general population of detained persons.<sup>38</sup>

16. Prisons in Nigeria maintain time-limited visitation policies, increasing the difficulty of planning visits, and such difficulties may pose particular challenges to people in detention with disabilities.<sup>39</sup> In some instances, visitors gain access to prisons only if they bribe a prison officer.<sup>40</sup> Such constraints can disproportionately affect people with disabilities from disadvantaged socio-economic backgrounds as well as women with disabilities whose minor children seek to visit.
17. One study reviewed the conditions of four prisons in Lagos State and found that for people in detention with physical disabilities, “inaccessible prison facilities and a lack of mobility, hearing, or seeing assistance can often cause them to be dependent on the mercy of the other inmates for assistance in performing such basic functions as using the restroom, going to church, or washing themselves.”<sup>41</sup> As one example, in 2013, Femi Ojebisi was mistakenly

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<sup>32</sup> Email communication with civil society organization, January 19, 2025, on file with The Advocates for Human Rights.

<sup>33</sup> *FG raises inmate feeding allowance by 50%*, Punch Nigeria, Sept. 5, 2024, <https://punchng.com/fg-raises-inmate-feeding-allowance-by-50>.

<sup>34</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>35</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>36</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>37</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>38</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 7. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

<sup>39</sup> World Coalition Against the Death Penalty, Cornell Center on the Death Penalty Worldwide, Penal Reform International, *Prison conditions for women facing the death penalty: A factsheet* (Oct. 2018), 4. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2020/02/Prison-conditions-for-women-facing-death-penalty.pdf>.

<sup>40</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), 20. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

<sup>41</sup> Jacob Bogart & Adaobi Egboka, *Realizing the Rights of Prisoners with Disabilities in Nigeria: A Case Study of Four Lagos State Prisons*, 11 World Academy of Science, Engineering and Technology International Journal of Humanities and Social Sciences, no. 02, 2017.

arrested and his trial was delayed.<sup>42</sup> While incarcerated in a Lagos State prison, he had a stroke and lost the use of his right arm and leg.<sup>43</sup> Femi requested help from the prison, but his request was met with the response that “they could not assist him physically nor provide him with the medicine or mobility aids he needed.”<sup>44</sup> Femi was left with no choice but “to rely on . . . other inmates to perform daily, basic functions, like washing, moving about the prison, and using the restroom.”<sup>45</sup> The correctional centre’s refusal to provide crutches or other mobility devices violated his “right to dignity of human person,” guaranteed under the Constitution.<sup>46</sup> In some cases, people with disabilities must compensate people in detention facilities who assist them. For example, in November 2024, a civil society organization interviewed a person with a visual impairment who was detained at the Owerri custodial centre, and he reported that he was responsible for feeding and clothing his aide, who was a fellow detainee.<sup>47</sup>

18. The Nigeria Correctional Service has confirmed it does not permit incarcerated persons with disabilities to use wheelchairs and sometimes metallic clutches inside correctional facilities due to the concern that a detained person may use such metal objects to kill another detained person during a fight.<sup>48</sup> This policy has caused “physical, emotional, and psychological trauma.”<sup>49</sup> Such denials contravene Article 20, which requires State Parties to “take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities.”<sup>50</sup>
19. Finally, it is important to emphasize that in this context women face unique challenges, particularly considering that a significant proportion of women sentenced to death in Nigeria

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<sup>42</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>43</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>44</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>45</sup> Jacob Bogart & Adaobi Egboka, *Prisoners with Disabilities: Justice Delayed Means More than Justice Denied*, Press Reader (Aug. 16, 2016). Available online at [https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN\\_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB](https://www.pressreader.com/nigeria/thisday/20160816/281788513462437?srsId=AfmBOorh4j0ZN_LJmi06qYK7DNPjRtPn5j6VKc7u3M6ZVABOsR-M0EB).

<sup>46</sup> Constitution, 1999, ch. IV sec. 34 (Nigeria).

<sup>47</sup> Email communication with civil society organization, January 14, 2025, on file with The Advocates for Human Rights.

<sup>48</sup> Daniel Chibuike, *Why We Don’t Allow Disable Inmates to Use Wheelchairs Inside Prisons – NcoS*, Daily Post (Dec. 20, 2024). Available online at <https://dailypost.ng/2024/12/20/why-we-dont-allow-disabled-inmates-to-use-wheelchairs-inside-prisons-ncos/>.

<sup>49</sup> Daniel Chibuike, *Why We Don’t Allow Disable Inmates to Use Wheelchairs Inside Prisons – NcoS*, Daily Post (Dec. 20, 2024). Available online at <https://dailypost.ng/2024/12/20/why-we-dont-allow-disabled-inmates-to-use-wheelchairs-inside-prisons-ncos/>.

<sup>50</sup> G.A. Res. 61/106, Convention on the Rights of Persons with Disabilities, art. 20 (Dec. 12, 2006). Available online at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.



are survivors of gender-based violence,<sup>51</sup> which can have an effect on mental health and psycho-social disabilities. Conditions of detention for women sentenced to death in Nigeria, as elsewhere in the world, do not meet women’s specific needs, particularly regarding access to psychosocial support services. These conditions can have a negative effect on mental health and on psycho-social disabilities.

**III. The Nigerian criminal justice system does not provide sufficient accommodations for persons with disabilities, violating the right to accessibility (Article 9) and equal recognition before the law (Article 12), which impairs access to justice (Article 13).**

20. The Initial Report addresses provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act that ensure people with disabilities have access to public buildings,<sup>52</sup> but it is not clear whether such provisions apply to or are being implemented in detention facilities, police stations, or courthouses where people with disabilities who are in conflict with the law need access in order to exercise their rights to equal recognition before the law and to access to justice. The Initial Report asserts that people with disabilities “enjoy equal recognition before the law” and can seek remedies for discrimination within the judicial system,<sup>53</sup> states that the right to a fair hearing applies equally to persons with disabilities,<sup>54</sup> and contends that “[e]fforts are ongoing by the federal government to provide procedural and age appropriate accommodations to facilitate the effective roles of persons with disabilities as direct and indirect participants including as witnesses, in legal proceedings,” but nothing in the Initial Report addresses the specific context of people with disabilities in conflict with the law and how authorities respect, protect, and fulfill their rights to accessibility, equal recognition before the law, and access to justice.
21. Access to justice means the right to access the court without obstructions and the ability to fully participate in legal proceedings without accessibility impediments.<sup>55</sup> Persons with disabilities in Nigeria do not have access to justice or equal recognition before the law as there are generally no accommodations for persons with disabilities in police stations, courthouses, or courtrooms, that would permit persons with disabilities the ability to fully participate in legal proceedings and “have their day in court particularly with the way these buildings are constructed.”<sup>56</sup>

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<sup>51</sup> Monash University, *Silently Silenced State-Sanctioned Killing of Women*, 2023, at 33,

[https://bridges.monash.edu/articles/report/Silently\\_Silenced\\_State-Sanctioned\\_Killing\\_of\\_Women/22357627](https://bridges.monash.edu/articles/report/Silently_Silenced_State-Sanctioned_Killing_of_Women/22357627)

<sup>52</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶¶ 46-47.

<sup>53</sup> *Id.* ¶¶ 50-51.

<sup>54</sup> *Id.* ¶ 52.

<sup>55</sup> Chinwe Stella Umegbolu, *Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre (TDCC) as a Case Study*, 7 Athens Journal of Law, no. 2, 2021, at 266.

<sup>56</sup> Chinwe Stella Umegbolu, *Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre (TDCC) as a Case Study*, 7 Athens Journal of Law, no. 2, 2021, at 266.

22. Less than 2% of people living with disabilities in Nigeria have access to education.<sup>57</sup> Over 92% are in dire need of rehabilitation services and over 96% do not have access to assistive devices.<sup>58</sup>
23. On January 23, 2019, Nigeria adopted the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018,<sup>59</sup> which provides that “[a] person with disability has the right to access the physical environment and buildings on an equal basis with others” and provides for a five-year transitional period within which all public buildings must be modified for accessibility and use for persons with disabilities.<sup>60</sup> The Initial Report states that the government “is working with all relevant authorities in the building and construction industries for the design of codes of ethics in the design and construction of public buildings, facilities, and other infrastructure to be disabled friendly.”<sup>61</sup>
24. The Nigerian National Development Plan for 2021-2025, published by the Federal Ministry of Finance, Budget and National Planning, indicates that virtually all public infrastructures—98.5%—are inaccessible for persons with all types of disabilities, including buildings, transportation, information and communication technology, and roads.<sup>62</sup> The majority of police stations, court rooms, and other government facilities lack basic physical accessibility features for persons with disabilities, such as wheelchair ramps, handrails, elevators, and toilets.<sup>63</sup>
25. For example, the courts in Lagos and Enugu have “no post barriers on gutters, no ramps or handrails to aid disabled persons in the courts. No instructions or guidelines for the hearing impaired, no recorders, no sign language interpreters, and no provisions for the blind either.”<sup>64</sup> Persons with disabilities “cannot access the offices, rooms, including toilets (is too small) and

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<sup>57</sup> Federal Republic of Nigeria, *National Development Plan (NDP) 2021-2025*, Vol. 1, (Federal Ministry of Finance, Budget and National Planning), 166. Available online at [https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025\\_AA\\_FINAL\\_PRINTING.pdf](https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025_AA_FINAL_PRINTING.pdf).

<sup>58</sup> Federal Republic of Nigeria, *National Development Plan (NDP) 2021-2025*, Vol. 1, (Federal Ministry of Finance, Budget and National Planning), 166. Available online at [https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025\\_AA\\_FINAL\\_PRINTING.pdf](https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025_AA_FINAL_PRINTING.pdf).

<sup>59</sup> Anietie Ewang, *Nigeria Passes Disability Rights Law*, Human Rights Watch (Jan. 25, 2019). Available online at <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law>.

<sup>60</sup> Discrimination Against Persons with Disabilities (Prohibition) Act (2018) §§ 3, 6 (Nigeria).

<sup>61</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 47.

<sup>62</sup> Federal Republic of Nigeria, *National Development Plan (NDP) 2021-2025*, Vol. 1, (Federal Ministry of Finance, Budget and National Planning), 166. Available online at [https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025\\_AA\\_FINAL\\_PRINTING.pdf](https://nationalplanning.gov.ng/wp-content/uploads/2021/12/NDP-2021-2025_AA_FINAL_PRINTING.pdf).

<sup>63</sup> O. M. Atoyebi, *The Rights of Persons with Disabilities in Nigeria: Legal Framework, Access to Justice, and Inclusion II*, Omaplex (Dec. 3, 2024). Available online at <https://omaplex.com.ng/the-rights-of-persons-with-disabilities-in-nigeria-legal-framework-access-to-justice-and-inclusion-ii/>; Doma Kutigi, Halima & Okoronkwo, Suleiman & Suleiman, Rilwanu, *Access to Justice for Persons Living with Disabilities in Nigeria: Issues, Challenges, and Prospects*, 10 ABU Journal of Private and Comparative Law, no. 2, 2017, at 19-34. Available online at

[https://www.researchgate.net/publication/341090617\\_ACCESS\\_TO\\_JUSTICE\\_FOR\\_PERSONS\\_LIVING\\_WITH\\_DISABILITIES\\_IN\\_NIGERIA-\\_ISSUES\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.researchgate.net/publication/341090617_ACCESS_TO_JUSTICE_FOR_PERSONS_LIVING_WITH_DISABILITIES_IN_NIGERIA-_ISSUES_CHALLENGES_AND_PROSPECTS) at 14.

<sup>64</sup> Chinwe Stella Umegbolu, *Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre (TDCC) as a Case Study*, 7 Athens Journal of Law, no. 2, 2021, at 267.

even the roads [are] filled with stones, so even if they can afford a mobile wheelchair, the road[s] [are] unmotorable, hence cannot be used by the disabled.”<sup>65</sup>

26. Legal documentation (e.g., court forms, processes, procedures, evidence, and judgments) are not typically available in accessible formats, such as braille, audio format, or large print. Sign Language interpreters are also not typically available during proceedings or for communications with counsel, and there is a limited use of technology that could facilitate greater inclusion, such as real-time captions and screen readers.<sup>66</sup> There is also a lack of professional or trained interpreters who can translate from English (Nigeria’s official language) to any of the local languages in situations where the person in conflict with the law does not understand English.
27. Public transportation in Nigeria is generally not accessible for persons with physical disabilities, especially in rural areas, making it challenging for persons with physical disabilities who are litigants to attend hearings and/or access legal services.<sup>67</sup>

**IV. In 12 states, Sharia courts continue to sentence individuals to punishment by amputation, in violation of the right of all individuals to be free from torture, cruel, inhumane, or degrading treatment or punishment (Article 15), and promoting stigma against people with disabilities by connecting physical disability with criminality (Article 4(1)(e), Article 5(2), Article 8(1)(b), Article 16(1)).**

28. The Initial Report mentions that the Constitution prohibits torture as well as other forms of cruel, inhuman, or degrading treatment or punishment,<sup>68</sup> and mentions various provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2019 in the context of Nigeria’s obligations to prevent discrimination, engage in awareness-raising activities, and remove obstacles to the full participation of people with disabilities in all aspects of life.<sup>69</sup> The Initial Report also mentions that the Discrimination Against Persons with Disabilities (Prohibition) Act prohibits persons from using a person with a disability in begging, emphasizing that one of the government’s social objectives “is the recognition of the sanctity of the human person and the maintenance and enhancement of human dignity.”<sup>70</sup>

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<sup>65</sup> Chinwe Stella Umegbolu, *Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre (TDCC) as a Case Study*, 7 Athens Journal of Law, no. 2, 2021, at 267.

<sup>66</sup> O. M. Atoyebi, *The Rights of Persons with Disabilities in Nigeria: Legal Framework, Access to Justice, and Inclusion II*, Omaplex (Dec. 3, 2024). Available online at <https://omaplex.com.ng/the-rights-of-persons-with-disabilities-in-nigeria-legal-framework-access-to-justice-and-inclusion-ii/>; Doma Kutigi, Halima & Okoronkwo, Suleiman & Suleiman, Rilwanu, *Access to Justice for Persons Living with Disabilities in Nigeria: Issues, Challenges, and Prospects*, 10 ABU Journal of Private and Comparative Law, no. 2, 2017, at 19-34. Available online at [https://www.researchgate.net/publication/341090617\\_ACCESS\\_TO\\_JUSTICE\\_FOR\\_PERSONS\\_LIVING\\_WITH\\_DISABILITIES\\_IN\\_NIGERIA- ISSUES\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.researchgate.net/publication/341090617_ACCESS_TO_JUSTICE_FOR_PERSONS_LIVING_WITH_DISABILITIES_IN_NIGERIA- ISSUES_CHALLENGES_AND_PROSPECTS) at 14.

<sup>67</sup> O. M. Atoyebi, *The Rights of Persons with Disabilities in Nigeria: Legal Framework, Access to Justice, and Inclusion II*, Omaplex (Dec. 3, 2024). Available online at <https://omaplex.com.ng/the-rights-of-persons-with-disabilities-in-nigeria-legal-framework-access-to-justice-and-inclusion-ii/>.

<sup>68</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 56.

<sup>69</sup> *Id.* ¶¶ 33, 38-45.

<sup>70</sup> *Id.* ¶¶ 57-58.

29. The Nigerian Constitution “specifically recognizes sharia courts for noncriminal proceedings; state laws do not compel participation by non-Muslims or Muslims in Sharia courts. Sharia courts in 12 states and the [Federal Capital Territory] may prescribe punishments, such as caning, amputation, and death by stoning, . . .”<sup>71</sup>
30. In 2010, several dozen people were in jail “awaiting amputation” across several Northern Nigerian States.<sup>72</sup> “[M]ost of these Sharia law amputees in Nigeria became abandoned and distraught they eventually became beggars and destitute on the streets.”<sup>73</sup>
31. Punitive limb amputation has historically “acted as a special precautionary measure as an obvious and continuing stigma of punishment on the guilty party, and as an example to others.”<sup>74</sup> Research suggests that in contemporary sub-Saharan African countries, people with amputations are particularly at risk of stigma and marginalization, and “[e]lements of stigma [are] caused specifically by the association of amputation being a form of punishment, and so [people with upper limb absence, regardless of cause] [are] called names such as ‘thief.’”<sup>75</sup>

**V. Nigeria’s failure to implement the Discrimination Against Persons with Disabilities (Prohibition) Act deprives persons with disabilities of their equal rights and protection from discrimination to access the courts, and discriminates against individuals with disabilities who are victims of crimes, violating the right to equality and non-discrimination (Article 5), the rights of women with disabilities (Article 6), the right to life (Article 10), and the right to equal recognition before the law (Article 12).**

32. The Initial Report concedes that women with disabilities in Nigeria “suffer double risk of rights violations, stigmatization and other anti social attitudes against them; first as women and second as women with disabilities.”<sup>76</sup> It references various laws addressing domestic violence and asserts without further explanation that “[i]ssues pertaining to women and girls with disabilities are prioritized in the implementation of these laws and policies.”<sup>77</sup>
33. Disability-based violence is on the rise and victims have limited recourse. Some communities reportedly kill infants born with birth defects or albinism, but authorities rarely bring perpetrators to justice.<sup>78</sup> “Persons with disabilities, particularly women and girls with disabilities suffer one form of violence or the other on a regular basis from close relatives,

<sup>71</sup> United States Department of State, *Nigeria 2022 Human Rights Report*, (2022), 6. Available online at [https://www.state.gov/wp-content/uploads/2023/03/415610\\_NIGERIA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_NIGERIA-2022-HUMAN-RIGHTS-REPORT.pdf).

<sup>72</sup> Ademola Bello, *Who Will Save Amputees of Sharia Law in Nigeria?*, HuffPost (June 11, 2010). Available online at [https://www.huffpost.com/entry/who-will-save-amputees-of\\_b\\_532949](https://www.huffpost.com/entry/who-will-save-amputees-of_b_532949).

<sup>73</sup> Ademola Bello, *Who Will Save Amputees of Sharia Law in Nigeria?*, HuffPost (June 11, 2010). Available online at [https://www.huffpost.com/entry/who-will-save-amputees-of\\_b\\_532949](https://www.huffpost.com/entry/who-will-save-amputees-of_b_532949).

<sup>74</sup> Anna Mavroforou et al., *Punitive Limb Amputation*, *Clinical Orthopaedics & Related Research* (2014), 3102-3106, <https://pmc.ncbi.nlm.nih.gov/articles/PMC4160514/>.

<sup>75</sup> Dafne Zuleima Morgado Ramirez et al., *The lived experience of people with upper limb absence living in Uganda: A qualitative study*, *African Journal of Disability* (2022), <https://ajod.org/index.php/ajod/article/view/890/1799>.

<sup>76</sup> Committee on the Rights of Person with Disabilities, Initial Report Submitted by Nigeria Under Article 35 of the Convention, 24 June 2024, U.N. Doc. CRPD/C/NGA/1, ¶ 104.

<sup>77</sup> *Id.* ¶ 105.

<sup>78</sup> United States Department of State, *Nigeria 2023 Human Rights Report*, (2023), 33. Available online at [https://www.state.gov/wp-content/uploads/2024/02/528267\\_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_NIGERIA-2023-HUMAN-RIGHTS-REPORT.pdf).

acquaintances, and strangers.”<sup>79</sup> In an interview with the Programmes Officer of Inclusive Friends Association, Tracy Onabis noted that persons with disabilities who are victims of sexual violence are refusing to pursue their cases as “they easily bow to pressure from family and community leaders not to prosecute the perpetrator, so as not to bring stigma and shame upon the family.”<sup>80</sup> In turn, this pressure “has served to increase the rate of sexual violence as offenders take huge advantage of the fact that they will not be brought to face the wrath of the law.”<sup>81</sup>

34. In 2022, a woman born with a visual impairment was nearly strangled to death by her husband. She went to the police station to file complaint but was met with questions from the officers about whether her blindness preceded her marriage or if she became blind after her husband married her.<sup>82</sup> The officers also questioned “how [she] could prove he had beaten [her] when [she] couldn’t see him”<sup>83</sup>
35. In a groundbreaking 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence<sup>84</sup> and manipulative or coercive relationships with male co-defendants.<sup>85</sup> Cornell’s data indicate that most women under sentences of death have been sentenced to death for the crime of murder.<sup>86</sup> These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.<sup>87</sup> In many cases, the abuse occurred repeatedly. Many women under sentence of death are survivors of gender-based violence and come from

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<sup>79</sup> Blessing Oladunjoye, *Ending the Culture of Disability Based Violence in Nigeria*, BONews (Apr. 4, 2022). Available online at <https://bonewssng.com/ending-the-culture-of-disability-based-violence-in-nigeria/>.

<sup>80</sup> Blessing Oladunjoye, *Ending the Culture of Disability Based Violence in Nigeria*, BONews (Apr. 4, 2022). Available online at <https://bonewssng.com/ending-the-culture-of-disability-based-violence-in-nigeria/>.

<sup>81</sup> Blessing Oladunjoye, *Ending the Culture of Disability Based Violence in Nigeria*, BONews (Apr. 4, 2022). Available online at <https://bonewssng.com/ending-the-culture-of-disability-based-violence-in-nigeria/>.

<sup>82</sup> Opeyemi Rasak-Oyadiran, *Failure to Protect: Disabilities and Gender-Based Violence in Nigeria*, Minority Africa (Nov. 17, 2022). Available online at <https://minorityafrica.org/failure-to-protect-disabilities-and-gender-based-violence-in-nigeria/>.

<sup>83</sup> Opeyemi Rasak-Oyadiran, *Failure to Protect: Disabilities and Gender-Based Violence in Nigeria*, Minority Africa (Nov. 17, 2022). Available online at <https://minorityafrica.org/failure-to-protect-disabilities-and-gender-based-violence-in-nigeria/>.

<sup>84</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>85</sup> <sup>5</sup> Cornell Center on the Death Penalty Worldwide, *“No One Believed Me”: A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

<sup>86</sup> Cornell Center on the Death Penalty Worldwide, *“No One Believed Me”: A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

<sup>87</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

disadvantaged socio-economic backgrounds.<sup>88</sup> At a global level, sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.<sup>89</sup>

36. Research suggests that the situation is the same in Nigeria. One interviewee from Nigeria, who has worked on more than 30 death penalty cases involving women defendants, stated in 2023 that she had “almost never met a woman facing a capital charge of homicide that is not linked to gender-based violence.”<sup>90</sup> In December 2023, the abolitionist non-governmental organization HURILAWS conducted interviews with six women under sentence of death and all but one stated that she had experienced domestic violence.<sup>91</sup> Of all the people under sentence of death in 2008, 53% had been convicted of murder, and 10 of the 11 women on death row at the time had been convicted of murder or culpable homicide.<sup>92</sup>
37. As discussed in paragraphs 5 through 8 above, Nigeria does not publish data about people with disabilities in conflict with the law. Global trends suggest, however, that women with disabilities are at risk of coming into conflict with the law due to systemic failures to protect them from protracted domestic violence. Data about people charged with capital crimes and people sentenced to death, disaggregated by gender, disability, any previous experience of gender-based violence, crime of conviction, and relationship to the victim, would assist civil society in testing this hypothesis.

## VI. Suggested questions for the Government of Nigeria

38. The coauthors of this report suggest that the Committee pose the following questions to the Government of Nigeria:
- Provide comprehensive data from 2010 to the present about the number of persons charged with capital crimes or sentenced to death, disaggregated by disability, gender, age, race/ethnicity, nationality, relationship to any codefendants or victims, crime of conviction, date of conviction, sentencing authority, status of any appeals or petitions of clemency, current sentence, and current location.
  - Provide comparative data regarding persons with disabilities and persons without disabilities who have been convicted of crimes that carry a mandatory death sentence.

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<sup>88</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>89</sup> Cornell Center on the Death Penalty Worldwide, “*No One Believed Me*”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

<sup>90</sup> Monash University, *Silently Silenced State-Sanctioned Killing of Women*, 2023, [https://bridges.monash.edu/articles/report/Silently\\_Silenced\\_State-Sanctioned\\_Killing\\_of\\_Women/22357627](https://bridges.monash.edu/articles/report/Silently_Silenced_State-Sanctioned_Killing_of_Women/22357627).

<sup>91</sup> *Gender and Death Penalty in Action: Nigeria*, HURILAWS, ASF France, LEDAP, and Eversheds Sutherland, Mar. 4, 2024.

<sup>92</sup> Amnesty International, *Nigeria : Waiting for the hangman*, 2008, <https://www.amnesty.org/en/wp-content/uploads/2021/06/afr440202008en.pdf>.

- Provide comprehensive data from 2010 to the present about the number of women charged with capital murder, disaggregated by relationship to any codefendants or victims, disability, and any history of past gender-based violence.
- Describe the measures that are in place to provide accommodations for persons with disabilities who are in conflict with the law, including in the context of detention.
- What safeguards are in place to guard against authorities using torture against persons with disabilities during detention and interrogation?
- In what circumstances may persons with disabilities under sentence of death be kept in solitary confinement? To what extent do their detention conditions differ from the general conditions of detention for persons with disabilities in prison?
- What efforts are underway to ensure that, consistent with international human rights standards, no person is sentenced to death except for in a case in which the person intended to kill and did in fact kill?
- What provisions are in place to ensure that persons with disabilities are not charged with witchcraft or juju, and therefore at risk of being sentenced to death, based on stereotypes among law enforcement and the general public regarding disabilities?
- What efforts are underway to ensure that the criminal justice system takes full account of any mitigating factors related to people's backgrounds, including evidence of trauma, gender-based violence including domestic violence, as well as failures within the criminal justice system to provide adequate accommodations for people with psycho-social and intellectual disabilities.
- What efforts are underway to ensure that persons with disabilities are not arbitrarily sentenced to death?
- What processes are currently in place to accommodate persons with disabilities throughout the legal process and related judicial proceedings when they come into conflict with the law? Are such accommodations required?
- Provide an update on the measures that have been taken since the adoption of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 to make courthouses, courtrooms, and police stations accessible for persons with disabilities.
- Provide a summary of all plans and the timelines for implementation of services and accommodations for persons with disabilities to enable them to fully participate in legal proceedings.
- How many courthouses currently have working elevators?
- What efforts are underway to improve detention conditions, particularly relating to sanitation and hygiene, food, and access to proper medical care?
- What efforts are underway to prohibit the use of amputation as punishment and to prevent stigma towards people with amputations, regardless of cause?

- What steps, if any, has the government taken to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights?
- How do authorities ensure that no person with a disability is sentenced to death as a result of legal proceedings that did not fully accommodate the person's disability?
- What policies and procedures are in place to ensure that persons with disabilities charged with a capital offense have access to qualified legal counsel with prior experience in such cases and who have the necessary training and resources to accommodate their client's disability, and to ensure that legal counsel have adequate resources to conduct investigations and hire experts to mount an effective defense?
- How are judges and prosecutors trained to understand the intersection of disability rights and the death penalty? What steps do authorities undertake to include civil society organizations, including organizations of persons with disabilities, in preparing and implementing such training?
- What policies and procedures are in place to ensure that sentencing authorities in the criminal justice system take full account of any mitigating factors related to discrimination and stigma faced by people in conflict with the law who have psycho-social and intellectual disabilities.
- What efforts are underway to remove mandatory sentencing regimes so that courts may properly consider mitigation evidence for every person with disability charged with a capital offense, and to order resentencing of all persons with disabilities who are under sentence of death to allow sentencing authorities to fully consider all relevant mitigating circumstances?
- What training is available to capital defense counsel representing persons with disabilities regarding disability-based defenses and mitigation?
- What policies are in place to ensure that persons with disabilities under sentence of death have timely and adequate access to healthcare?
- Describe the training that correctional officers receive to address the specific needs of persons with disabilities, including people with physical, sensory, and psycho-social disabilities.
- What safeguards exist to protect persons with disabilities on death row from abuse, neglect, or discrimination by other people on death row or correctional staff?
- In the clemency and pardon processes, does the government take into account a petitioner's experiences as a person with disabilities on death row or the criminal justice system's failure to provide adequate accommodations in capital cases?
- What remedies are available to persons with disabilities who allege that they experience disability-based violence when in custody?
- What measures are in place to hold perpetrators of gender-based violence against women with disabilities accountable and to protect such women from further gender-based violence? Provide data about the number of reports received since



2018 regarding gender-based violence against women with disabilities, the response to those reports, and the ultimate outcome of any criminal proceedings against alleged perpetrators.