**QUESTIONAIRE ON THE IMPLEMENTATION OF CULTURAL RIGHTS AND SUSTAINED OR EMERGING ISSUES**.

1. **The general recognition of cultural rights in national legal and policy frameworks.**
2. What steps have been taken to implement the recommendations made by the Special Rapporteur, including in country and thematic reports, and to follow up on those reports? What mechanisms are utilized to investigate cases raised by the Special Rapporteur through the communications procedure and to ensure that they are resolved in accordance with the concerns that she has highlighted and with relevant international standards? What has been the outcome of any such cases?

* *The National Human Rights Commission of Nigeria has been involved in several programmes at national and state levels aimed at sensitizing citizens on the need to respect the cultural rights of others with a view to promoting religious, cultural and ethnic tolerance. The Commission partner with traditional and other stakeholders to promote peaceful coexistence and human rights friendly environment.*
* *The National Human Rights Commission is the institution with the core mandate to investigate human rights violations guaranteed by International, regional and national instruments*.

1. Please elaborate on any development, since 2009, in the legal definition and protection of cultural rights in country relevant to your work, and on whether or not the country is considering the development of existing legal and institutional protection in the near future, and if so whether and how the mandate’s work has been or will be incorporated in any such development.

* *There has been no significant development in the definition and protection of cultural rights in Nigeria since 2009. However, cultural rights are recognised as being indigenous to a people and continuous efforts are being made by government and non-state actors to educate people on the need to respect Nigerian’s cultural diversity through workshops, conferences and seminars*.
* *In addition, the government has enacted some laws aimed at incorporating international human rights standards into Nigeria’s laws notably to enhance human rights through the respect of human dignity and equality*.

1. *Violence Against Persons ( Prohibition) Act, 2015 (VAPP)*
2. *Prohibition of Child Trafficking by the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015*
3. *National Strategy to End Child Marriage in Nigeria 2016-2021*
4. Please provide information regarding developments in relevant local and national, legal, administrative and policy frameworks to improve the exercise of cultural rights as defined by the mandate. You might consider, for example, policies or measures taken:
5. To strengthen the protection of the principles of equality and non- discrimination in the exercise of these rights and ensure the enjoyment of these rights for all on an equal basis, including women and persons with disabilities;
6. To increase access to cultural life and the diversity of cultural resources and spaces for cultural interactions;
7. Foster participatory approaches and a wide array of cultural initiatives;
8. Strengthen the conditions, including in public institutions, for people to contribute to cultural life;
9. Enable participants of all concerned in decision making processes that have an impact on cultural rights.

* *In 2012, the government of Nigeria introduced the Almajiri school system to the educational structure in the northern part of the country. This was aimed at tackling the high rate of illiteracy in the northern region. The school curriculum integrates cultural norms with modern system of education. They have recorded success in places where they are present and have also promoted objectivity and tolerance.*
* *The basic education curriculum makes provision for studying the different cultures in Nigeria which includes language, arts, symbols, clothing and history with no discrimination on bases of gender or disability. To further ensure compliance, the National Institute for Nigeria Language was re-established to safeguard against the extinction of Nigerian languages.*
* *The Institute for Peace and Conflict Resolution (IPCR) was established by the Nigerian Government primarily as a research Institute, national peace building and conflict management think- tank and policy adviser with a broad mandate. In recent time with the escalation of extremism and fundamentalism the institute has scaled up its collaborative efforts with national and international institutions to enhance the capacities of religious and community leaders on cultural and religious harmony and tolerance. The institute has organised conferences, seminars and dialogue sessions in this regard.*

1. Please indicate any change or development in the monitoring of human rights obligations relating to cultural rights, for example in the interaction with UN Treaty bodies, the Universal Periodic Review, regional human rights mechanisms or any relevant national mechanisms, and what role, if any, the mandate’s work may have played in this regard.

* *The Nigerian government has always adopted an inclusive inter-ministerial approach to report on its efforts to implement its treaty obligations to UN treaty bodies, Universal Periodic Review etc. The government engages representatives from ministries, department and agencies (MDAs) and consultations and validations of the reports also include CSOs, trade unions, professional bodies and pressure groups.*

**11. Specific Issues Highlighted by the Mandate’s Work**

1. Please, indicate any developments regard to the legal, administrative and policy measures in the concerned country and in the work and activities of your organization, and any examples of good practice that integrate a cultural rights approach or that implement recommendations made by the Special Rapporteur. In this regard, what has been done to ensure:

1. The right to **access and enjoy cultural heritage** (thematic reports A/HRC/17/38 and A/71/317). This may include for example the procedure to access, identify and nominate heritage resources, the mechanisms to ensure stakeholders’ participation in its interpretation, or any legal, financial, social, educational or institutional measures to ensure its preservation, conservation and transmission in all its diversity, as well as any development aiming at avoiding, preventing and protecting heritage resources from intentional destruction.

* *There are ministries at both federal and state levels who have the responsibility to ensure that culture is preserved, conserved and transmitted in all its diversity. The ongoing insurgency in the North-eastern part of the country has resulted in the intentional destruction of significant cultural and religious monuments by fundamentalist. The government inaugurated a Presidential Committee on Northeast Initiative in 2016 with a mandate to address the socio- economic and cultural recovery of the people.*

1. The full enjoyment by all of **the** **right to benefit from scientific** **progress and its applications** (thematic report A/HRC/20/26). Elaborate in particular on measures providing incentives to ensure broad access of persons from marginalized groups to information and applications and to eliminate barriers to scientific communication and collaboration.

* *ICT has been acknowledged to be one of the most critical tools underpinning socio economic development and its global importance has led to transformation in the ICT sector. In 2011 Nigeria created the Ministry of Communication Technology to ensure better coordination of ICT activities and development in Nigeria. In 2012 there was a National ICT Policy that laid out the inputs required to strengthen all productive sectors and ultimately transform Nigeria into a knowledge based, and globally competitive country, in alignment with the National Vision 20:20 objectives. It establishes a comprehensive framework for the ICT sector that will encourage and stimulate investment and also enable rapid expansion of ICT networks and services that are accessible to all at reasonable costs. To ensure inclusiveness, the policy is the product of broad based consultation drawn from the public and private sectors & academia, critical analysis of the regulatory and legal environment, evaluation of institutional framework models, and an assessment of other pertinent realities of the ICT development in Nigeria.*

1. The **right to freedom of artistic expression and creation** (thematic report A/HRC/23/34) Please indicate if your organization or the concerned country has recently adopted any specific policy, including restrictions regarding from, content and spaces of display where relevant, relating to the arts and artistic freedoms, or if it has changed its support to foster more freedom of artistic expression for all in accordance with the recommendations of the mandate.

* *During the period under review, there has been nothing done to decrease support for more freedom of artistic expression*.

1. The **women equally enjoy cultural rights** (thematic report A/67/287) Please elaborate on measures taken to strengthen and protect the right of women to have access to, participate in and contribute to all aspects of cultural life, as well as any particular effort to increase their ability to actively engage in debate and decisions concerning the identification and interpretation of cultural heritage and the cultural traditions, values or practices that are to be kept, reoriented, modified or discarded.

* *Despite the presence of non- discriminatory sections in the Nigerian constitution and other international and regional instruments, Women are deprived of basic rights, using culture and tradition to justify the abuse. Such abuses are premised on the notions that; husbands are  the  Head of the families  and their  decisions  are  final, women are  emotional and not given to rationality like men, gender  ideas from fundamentalist religions subordinating women to men, inheritance laws denying females any inheritance, since she  is considered to belong to her husband, on marriage. In rare cases, when considered for inheritance, female children get less than their male siblings, early marriage of female children*.
* *Progressively, some states have enacted laws to prohibiting traditions and ideas that inflict bodily and emotional harm on women such as female genital mutilation, widowhood practices and protecting women’s property rights. In a landmark decision the Supreme Court of Nigeria (Apex Court) in April 2016 in the case of* ***Ukeje V Ukeje*** *voided the Igbo customary law, which denies daughters inheriting their father’s estate. The court ruled that it was discriminatory and in conflict with the 1999 constitution of the Federal Republic of Nigeria*.

1. That the **writing and teaching of history and memorialization processes** of the events of the past (thematic reports A/68/296 and A/HRC/25/49) contribute to the promotion of mutual respect and understanding, the development of inclusive societies conscious of their diversity and to sustainable peace.

* *The Federal government this year (ie 2018), ordered the reintroduction of history as an independent subject into the basic and junior secondary schools in the country. The new history curriculum is designed to expose students to a body of knowledge that would enable them appreciate history as an instrument of national integration and nation building in the 21st century and beyond*.

1. That **commercial advertising and marketing practices do not affect negatively the enjoyment of cultural rights** (thematic report A/69/286)Please indicate if your organization or the concerned country has recently adopted specific approach or regulations on advertising and marketing methods aimed at protecting human rights, online and offline, in public spaces and in educational settings.

* *Commercial advertising in Nigeria is regulated by a combination of federal laws, state laws, subsidiary legislation and guidelines to ensure the respect and protection of human rights*.

1. That **intellectual property regimes**, in particular copyrights and patent policies, are in line with both the right of everyone to benefit from the protection of the material interests resulting from scientific, literary and artistic production of which he or she is the author and the right of everyone to access and enjoy cultural heritage and the benefits of science and its applications ( thematic reports A/HRC/28/57 and application of these regimes to take into consideration the recommendations of the mandate.

* *Nigeria has a Copyright Commission mandated to deal with all aspects of intellectual property, patent and copy right. Its mandate includes registration of inventions which created a favourable condition for actualisation of authors' potentials through comprehensive protection of creative works. The Commission also has the power to arrest and prosecute violators of the provisions of the copyright act*.

1. That various **forms of fundamentalism and extremism do not infringe on the enjoyment of cultural rights** (thematic reports A/HRC/34/56 and A/72/155).Please elaborate on any efforts to mitigate the negative impact of such ideologies and the movements which espouse them, and ensure respect, protection and realisation of human rights in general, and of cultural rights in particular, for all, and indicate if any specific attention has been dedicated to the impact on the cultural rights of women.

* *The Nigerian Counter Terrorism Strategy recognised that force alone was not enough to combat violent extremist elements in Nigeria and that a multi-faceted approach was required to counter the threat of violent extremism. The Office of the National Security Advisor (ONSA) developed a countering violent extremism (CVE) programme consisting of three elements: community-based counter radicalisation; strategic communications; and de-radicalisation. The de-radicalisation element of the CVE programme included establishing a prison based de-radicalisation programme for sentenced and pre-trial prisoners.*
* *In addition, the Institute for Peace and Conflict Resolution is implementing a Community Coping Strategy against Violent Extremism in the Northeast, with series of training and community sensitization programmes in Borno, Adamawa, Yobe and Taraba states. This is aimed at strengthening community determination to provide support for counter insurgency and countering violent extremism in communities of the North-East that are confronting the challenges of Boko Haram insurgency. The programme was deliberately designed to sensitize communities of their rights in armed conflict situation such as on the rights of displaced persons to participate in the in political and electoral processes, right to education, right to health for women and children adversely affected by extremism.*

1. That **artistic and cultural initiatives which contribute to creating, developing and maintaining societies that respect human rights** are supported and not hindered( thematic report A/HRC/38/55).Please indicate any recent changes aiming at supporting, promoting and facilitating these initiatives, the free exercise by artists and cultural workers of their cultural rights and their access to public space.

* Nigeria has always operated an open policy with regard to artistic and cultural initiatives which contribute to creating, developing and maintaining societies that respect human rights. There are presently no hindrances to the free exercise of artists and cultural workers in their creations and initiatives.

1. The **full implementation of the universality of human rights, including cultural rights**, and the promotion of cultural diversity in accordance with international standards, including by making a clear distinction between cultural rights and cultural relativism and promoting the message that cultural rights are not a justification for violence or discrimination but rather to be enjoyed in the context of the universal human rights framework (thematic report A/73/227).

* *Nigeria has put in place a Cultural Policy/mechanism that aims at protecting and promoting the diversity of the nation’s cultural expressions. Administratively, Nigeria has 7 government agencies under the supervision of the Federal Ministry of Information & Culture, each with statutory responsibilities covering the different aspects of protection, preservation and promotion of cultural diversity. They are involved in the creation, production, distribution/dissemination and management of the diverse Nigerian culture. There are several non-governmental agencies, guilds and associations for the various groups of cultural workers and these bodies are given government recognition and assistance to a large extent. Internally, government policies are tilted towards the promotion of the people’s culture. The Culture Sector is working in collaboration with Tourism, Information and Education Sectors to actualize these policies, although there are needs to work in harmony with other stakeholders in order to be more effective*.

1. In light of your experience, please indicate the main difficulties or obstacles preventing the respect, protection and realisation of cultural rights in the areas listed above as well as the impact the mandate may have had in addressing these. Kindly make any relevant suggestions for how the mandate can further address these going forward.

* *Nigeria is a multi- cultural society where a variety of diverse cultures co-exist for common social, economic and political goals. Some challenges that may hamper the respect, protection and realisation of cultural rights is that the scope of culture is very diverse and may mean different things to different people. Though enumerated together with economic and social rights, cultural rights receive less attention and quite often are completely forgotten. As a developing country, Nigeria is grappling with its constitutional and treaty obligation towards realizing its social and economic rights and is unable to contend with paying the needed attention towards the promotion and protection of cultural rights.*
* *In addition, the preservation of Nigerian cultural heritage is arguably threatened by human activities and natural forces such as theft, trafficking of artefacts and modernization. Nigeria has a National Commission for Museum and Monuments (NCMM) responsible for the establishment and maintenance of museums and for discovery of heritage sites, ensuring the preservation and study of traditional art and culture. NCMM is underfunded by the government which is the only source of funding.*

III **Lessons learned and the way forward**

1. Has your institution or the concerned country undertaken any assessment of the implementation of law, policies, plans, activities and/or programmes that address the exercise of cultural rights and if so, does your institution or the concerned country have examples of good practices and lessons learned? How has the work of the mandate affected any such processes and measures?

* *The Commission has carried some research or assessment on human rights promotion and protection including cultural rights. The Commission championed the development of National Action Plan for the promotion and protection of human rights including cultural rights. The focal MDAs equally have work plans for the actualization of their mandates*.

1. Please indicate how your institution cooperates with other stakeholders to increase the implementation of cultural rights at the local, sub-national and national levels, as well as at the regional and international levels.

* *The National Human Rights Commission of Nigeria has a broad mandate which includes the capacity to liaise and cooperate in such manner as it considers appropriate with local and international organisations on human rights with the purpose of advancing the promotion and protection of human rights. In carrying out this mandate, the Commission has organised trainings, workshops and seminars on the need to promote economic, social and cultural rights. The Commission recently upgraded the focal unit of the Commission on Economic, Social and Cultural Rights to a full fledged Department*.

1. Are there new and emerging issues related to cultural rights that need to be addressed at the national, regional and international levels?

* *The escalation of violent extremism and terrorism and their target on cultural and artefacts calls for new ways of protecting cultural rights*.

1. What could the Special Rapporteur do to enhance follow up, implementation and effectiveness?

* *The mandate can leverage on existing national, regional and internal avenues to propagate the message for protection of cultural rights*