

**Mandates of the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 34/6 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **rising incidents of hate speech and incitement to violence by the Hausa ethnic group against the Igbo minority residing in northern Nigeria.**

According to the information received:

On 6 June 2017, northern youth groups issued a public ultimatum calling all Igbos to leave northern Nigeria by 1 October 2017. The ultimatum was issued during a press briefing by the Arewa Youths Consultative Forum held at Arewa house in the city of Kaduna, Kaduna State. It called for sustained and coordinated campaigns to remove the Igbo people from the northern region and to reclaim the land and resources "currently owned, rented, or in any way enjoyed" by the Igbo population.

Following the ultimatum, a hate song performed in Hausa language by an unidentified female has been published and is currently being circulated on the internet and on social media in Nigeria. The song calls for the division of Nigeria, describing Igbos as unwanted criminals who are ruining the country and living off resources and land that do not belong to them. The chorus of the song claims that "Igbos are a curse to Nigeria, whose existence and birth as a people in Nigeria is useless, that abortion is greater than the birth of the bastards."

Reports have also been received about a widely circulated audio message, which urges northern Nigerians to rise up against the Igbos. The message, published in Hausa language, calls for the killing and destruction of property of all Igbos who refuse to leave by 1 October 2017.

Some political and religious leaders have publically condemned the hate speech and incitement to violence against the Igbos. On 17 August 2017, Acting President Yemi Osinbajo stated on social media that hate speech aimed at

intimidating the population may amount to terrorism. He called upon leaders to condemn hate speech in the strongest possible terms, recalling that silence on such issues promoted genocide in Nazi Germany and Rwanda. Nevertheless, some local leaders and elders have reportedly expressed their support for the ultimatum and hate speech targeting the Igbos.

In an effort to calm rising tensions, the State governor of Kaduna ordered the arrest of those who issued the ultimatum for the eviction of the Igbo people from northern Nigeria. However, it is reported that, to date, no arrests have been made in relation to the ultimatum or the continuing circulation of the audio message and song promoting hatred and violence against the Igbos.

Given the harm that these rising incidents of hate speech and incitement to violence can have on the Igbo minority, which can lead to serious human rights violations against the population pertaining to this group and put their personal integrity and their life at risk, we consider the alleged situation of extreme gravity.

In connection to the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government's to its obligations under International Law.

We would like to also stress the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to by Nigeria on 16 October 1967, in particular Articles 1, 2, 4, 5, 6 and 7 that address applicable States' obligations.

Article 2, paragraph 1 establishes the obligation of States "to pursue without delay a policy of eliminating racial discrimination in all its forms and promoting and understanding among all races". Article 2, paragraph 1 (d) prohibits racial discrimination by any persons, group or organization and Article 2, paragraph 1 (e) refers to the discouragement of "anything which tends to strengthen racial division".

Article 4 provides that States must condemn all propaganda "based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination of any form". It also outlines the need, in its paragraph (a) and (b), to criminalize the "dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as incitement to such acts against any race or group of persons of another colour or ethnic origin"; and provides for the illegality and prohibition of propaganda activities promoting and incite racial discrimination. The Committee for the Elimination of Racial Discrimination in its General Recommendation No. 15 on article 4 of the Convention refers to the need to prohibit the "dissemination of ideas of racial superiority, and of organized activity likely to incite persons to racial violence" (para. 1). It recalls the obligations of the States to enact appropriate legislation and to ensure it is effectively

enforced and the need to immediately intervene in cases of threats and acts of racial violence (para. 3).

Article 5 of the CERD enumerates States' obligations to protect persons' rights to security, protection against bodily harm, and protection of a number of political and civil rights. Article 6 describes how States must assure every person within its jurisdiction effective protection against racial discrimination and access to remedies. Article 7 refers to the adoption by States of "immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination".

The Committee for the Elimination of Racial Discrimination in its General Recommendation No. 35 on Combating racist hate speech, underlined, "the role of racist hate speech in processes leading to mass violations of human rights and genocide" (para. 3) and urged States Parties "to include measures against racist hate speech in national plans of action against racism, integration strategies and national human rights plans and programmes" (para. 47). In this regard we also refer to the 2015 report of the UN Special Rapporteur on minority issues on 'Hate speech and incitement to hatred against minorities in the media' (A/HRC/28/64) which provides a number of recommendations in this respect.

In relation to the anti-Igbo song circulated, we wish to refer to the Convention on the Prevention and Punishment of the Crime of Genocide to which Nigeria is a Party since 27 July 2009, which prohibits incitement to Genocide (Article 3) and provides that the State Parties to the Convention must undertake a number of actions to prevent and to punish such incitement (Articles 4 and 5).

We would like to also recall that the International Covenant on Civil and Political Rights, to which your Excellency's Government is a party since 29 July 1993, provides in its Article 20(2) that States must prohibit by law and to ensure full enforcement of the law against every incident of advocacy of hatred that constitutes incitement to discrimination, hostility or violence in accordance with article 20(2), which is further provided for by the Human Rights Committee in paragraph 8 of its General Comment No. 34.

We wish to also refer to the African Charter on Human and Peoples' Rights, ratified by your Government on 22 June 1983, in particular articles 2 and 4 on the right to freedom from discrimination, based, among others, on race, ethnic group, colour and language and the right to life, respectively.

Recognizing that those affected are members of an ethnic and linguistic minority, we also call to the attention of your Excellency's Government the international standards regarding the protection of minorities, in particular the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, which refers to the obligation of States to protect the existence and

the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We would like to refer to the Durban Declaration and Programme of Action. Recalling article 4 (b) of CERD, the Declaration reiterates that States are obliged to “be vigilant and proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts” (para. 87). With regards to new information and communications technologies, including the internet, the Declaration urges States to implement legal sanctions as well as to adopt and apply appropriate legislation for prosecuting those responsible for incitement to racial hatred and violence. Such measures are to be taken in accordance with relevant international human rights law, including standards on freedom of expression (paras.145 and 147).

We would like also to refer to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Rabat Plan of Action calls on States to enhance their engagement in broad efforts to combat negative stereotypes of and discrimination against individuals and communities on the basis of their nationality, ethnicity, religion or belief; to ensure that persons who have suffered actual harm as a result of incitement to hatred have a right to an effective remedy, including a civil or non-judicial remedy for damages; to promote intercultural understanding, including on gender sensitivity, and to build a culture of peace and a duty to put an end to impunity (A/HRC/22/17/Add.4, paragraphs 33, 42 and 43).

Finally, we would also like to remind your Excellency’s Government that States have the responsibility to protect persons from human rights violations committed by non-state actors, by exercising due diligence to prevent, punish, investigate and bring perpetrators to justice; this is set out by the Human Rights Committee in paragraph 8 of its General Comment No. 31;

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In the view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the Igbo population, in compliance with international instruments.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide detailed information, and where available the results, of any investigation or inquiries carried out in relation to this case in order to ensure that the perpetrators of above-mentioned allegations are identified and held accountable. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, administrative or other sanctions been imposed on the alleged perpetrators?
4. Please provide information on the measures your Excellency's Government has taken to publically condemn the ultimatum and statements described above.
5. Please provide information on the steps taken by your Excellency's Government to prevent, investigate and combat hate speech, in particular incitement to violence, including against the members of the Igbo ethnic group.
6. Please provide information on any other measures taken by the authorities to prevent further calls for, and acts of, intimidation, incitement, hostility and violence against the Igbo population.
7. Please elaborate on any measures taken to protect ethnic minorities, including the Igbo population in the North of Nigeria, from acts of intimidation and violence by private actors.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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and related intolerance