



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General  
18 May 2023

Original: English

## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the combined initial and second periodic reports of Nigeria\*

1. The Committee considered the combined initial and second periodic reports of Nigeria<sup>1</sup> at its 517th and 518th meetings,<sup>2</sup> held on 29 March 2023. At its 530th meeting, held on 6 April 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined initial and second periodic reports of the State party, which were prepared in response to the list of issues prior to reporting,<sup>3</sup> and the additional information provided by the multisectoral delegation that was headed by the Federal Commissioner of the National Commission for Refugees, Migrants and Internally Displaced Persons, Imaan Sulaiman-Ibrahim, and was comprised of representatives of the Ministry of Foreign Affairs, the Federal Ministry of Labour and Employment, the Federal Ministry of Justice, the Nigeria Immigration Service and the National Commission for Refugees, Migrants and Internally Displaced Persons, the Labour Attaché in Geneva, and the Permanent Representative of Nigeria to the United Nations Office at Geneva, Abiodun Richards Adejola, and officials from the said Permanent Mission.

3. Nigeria acceded to the International Convention on the Protection of All Migrant Workers and Members of Their Families on 27 July 2009. The State party had been under an obligation to submit its initial report under article 73 (1) of the Convention by 1 November 2010. At its twenty-third session, in September 2015, the Committee adopted a list of issues prior to submission of the initial report,<sup>4</sup> on the basis of rule 31 bis of the Committee's previous rules of procedure,<sup>5</sup> which was transmitted to the State party on 29 September 2015.<sup>6</sup>

4. Since the State party did not submit a reply to the list of issues, which would have constituted its report under article 73 of the Convention, and did not send a delegation for the constructive dialogue at the Committee's twenty-sixth session, the Committee proceeded to review the implementation of the Convention in the State party, in the absence of a report and a delegation, and adopted concluding observations concerning Nigeria,<sup>7</sup> in 2017, on the basis of information that was available to the Committee.<sup>8</sup>

\* Adopted by the Committee at its thirty-sixth session (27 March–6 April 2023).

<sup>1</sup> [CMW/C/NGA/1-2](#).

<sup>2</sup> See [CMW/C/SR.517](#) and [CMW/C/SR.518](#).

<sup>3</sup> [CMW/C/NGA/QPR/1-2](#).

<sup>4</sup> [CMW/C/NGA/QPR/1](#).

<sup>5</sup> [A/67/48](#), para. 26.

<sup>6</sup> [CMW/C/NGA/CO/1](#), para. 2.

<sup>7</sup> [CMW/C/NGA/CO/1](#).

<sup>8</sup> *Ibid.*, paras. 3 and 4.



5. The Committee appreciates the open and constructive dialogue held with the delegation. However, the Committee regrets that the State party did not submit all the annexes to its combined initial and second periodic reports, which were therefore not available for due consideration by the Committee.

6. The Committee is aware that Nigeria, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals abroad. However, the Committee also notes that, as a country of origin, transit, destination and return, the State party faces a number of challenges in respect of the protection of the rights of migrant workers and members of their families.

## **B. Positive aspects**

7. The Committee welcomes the State party's efforts to promote and protect the rights of Nigerian migrant workers abroad, in particular with respect to the pre-departure and post-arrival awareness-raising programmes.

8. The Committee notes with appreciation that the State party is party to the fundamental Conventions of the International Labour Organization (ILO), and also that it has ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Private Employment Agencies Convention, 1997 (No. 181), on 23 March 2023, as well as the ILO Violence and Harassment Convention, 2019 (No. 190), on 8 November 2022.

9. The Committee also welcomes the adoption of:

- (a) The National Action Plan on Human Trafficking in Nigeria 2022–2026;
- (b) The National Policy on Labour Migration 2014, revised in 2020;
- (c) The National Policy on the Elimination of Child Labour and its National Action Plan of 2021;
- (d) The National Diaspora Policy of 2021;
- (e) The National Border Management Strategy and Action Plan 2019–2023;
- (f) The National Employment Policy of 2017.

10. The Committee notes as positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, which the General Assembly endorsed in its resolution 73/195. The Committee also notes as positive the State party's active participation in the regional review for Africa on 31 August and 1 September 2022, including through the submission of voluntary inputs to contribute to the regional review. The Committee recommends that the State party continue to make efforts to implement the Global Compact for Migration, within the framework of its international obligations contained in the Convention, given that both international instruments converge on the protection of the rights of migrant workers and members of their families.

11. The Committee notes as positive the invitation extended by the State party to the special procedures of the Human Rights Council in 2013.

## **C. Principal subjects of concern and recommendations**

### **1. General measures of implementation (arts. 73 and 84)**

#### **Legislation and application**

12. The Committee notes that the Labour Act is currently being reviewed to accommodate key issues and the provisions of the Convention. It reiterates its concern that the Immigration Act, 2015 stipulates broad grounds, including intellectual impairment or being an unaccompanied child, for a person to be classified as a "prohibited immigrant", who will be refused entry or is liable for deportation,<sup>9</sup> and notes the explanation given by the State party

<sup>9</sup> Ibid., para. 11.

during the interactive dialogue that the rationale for classifying persons with intellectual impairments as “prohibited immigrants” is that immigration officers could otherwise not profile the migrant.

**13. Reiterating its previous recommendation,<sup>10</sup> the Committee recommends that the State party:**

(a) **Review its migration-related legislative framework, including the Labour Act, and amend it to ensure that it is in full conformity with the Convention, taking into consideration the Committee’s general comments No. 1 (2011), No. 2 (2013) and No. 5 (2021), and joint general comments No. 3 and No. 4 (2017) of the Committee and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child;**

(b) **In doing so, guarantee the rights of migrant workers and members of their families, in particular children, under the Convention, and other applicable international human rights, refugee and humanitarian law, including the principle of non-refoulement.**

#### **Articles 76 and 77**

14. The Committee notes that the State party is considering making the declaration under article 76 of the Convention.

**15. Reiterating its previous recommendation,<sup>11</sup> the Committee recommends that the State party make the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights established by the Convention.**

#### **Ratification of relevant instruments**

16. The Committee welcomes the fact that the State party has ratified three ILO Conventions within the past year alone (see para. 8 above).

**17. Reiterating its previous recommendation,<sup>12</sup> the Committee recommends that the State party ratify or accede to, as soon as possible, the ILO Safety and Health in Construction Convention, 1988 (No. 167) and the ILO Domestic Workers Convention, 2011 (No. 189).**

#### **Comprehensive policy and strategy**

18. The Committee notes that the State party is implementing a number of sectoral migration-related policies and strategies, such as the National Border Management Strategy 2019–2023; the National Visa Policy of 2020; the National Migration Policy of 2015, which is currently under review; and the National Policy on Labour Migration. The Committee is, however, concerned at the absence of a comprehensive national migration strategy that includes labour migration issues, and also that budgetary allocations have yet to be made for the implementation by the Federal Ministry of Labour and Employment of the National Policy on Labour Migration in line with the Convention.

**19. Reiterating its previous recommendation,<sup>13</sup> the Committee recommends that the State party adopt a single and comprehensive national migration strategy, and also recommends that the State party:**

(a) **Ensure that the strategy places emphasis on the implementation of the Convention and provides for a comprehensive gender-responsive, child-sensitive and human rights-based migration policy that addresses the rights of foreign migrant workers and members of their families in particular;**

<sup>10</sup> Ibid., para. 12.

<sup>11</sup> Ibid., para. 13.

<sup>12</sup> Ibid., para. 14.

<sup>13</sup> Ibid., para. 16.

(b) **Take effective measures, with clear time frames, indicators and monitoring and evaluation benchmarks, to implement the strategy, and provide sufficient human, technical and financial resources for its implementation, and include in its next periodic report information on the results obtained and the difficulties encountered, supported by statistics.**

### **Coordination**

20. The Committee notes that the National Commission for Refugees, Migrants and Internally Displaced Persons under the supervision of the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development is responsible for the coordination of migration-related matters; that the Nigeria Immigration Service under the Ministry of the Interior is the coordination agency for border management; and that the International Labour Migration Division within the Federal Ministry of Labour and Employment manages and coordinates labour migration, with the support of advisory and technical working committees comprising several ministries, departments and agencies, social partners, the National Human Rights Commission and civil society organizations. The Committee notes with concern the institutional and structural fragmentation of the coordination efforts by the State party in migration-related matters.

21. **With reference to its previous recommendation,<sup>14</sup> the Committee recommends that the State party:**

(a) **Identify or establish one appropriate standing body, at a high interministerial level, with a clear mandate and sufficient authority to coordinate all activities for the effective implementation of the rights protected under the Convention at cross-sectoral, federal, State and municipal levels;**

(b) **Ensure that the said coordinating body is provided with the necessary human, technical and financial resources for its effective and sustainable operation, and involves the National Human Rights Commission and civil society organizations, in particular migrants' organizations, in the discharge of its mandate, and that the State party include in its next periodic report information, supported by statistics, on the results obtained.**

### **Data collection and right to privacy**

22. The Committee notes the State party's continuous efforts, notably by virtue of the Working Group on Migration data management strategy, to improve data collection and disaggregation on migration by the National Population Commission, the National Bureau of Statistics and the Nigeria Immigration Service, including through the development of the National Migration Web Portal in collaboration with the International Organization for Migration (IOM) and of the Labour Market Information System. The Committee remains concerned, however, about the lack of disaggregated data and statistics, as these could better inform migration policies and decision-making, including on conditions of employment of migrant workers, and on migrant women, migrant children, migrants in an irregular situation, and the Nigerian diaspora.

23. **With reference to its previous recommendation,<sup>15</sup> the Committee recommends that the State party:**

(a) **Expedite the creation, in accordance with target 17.18 of the Sustainable Development Goals and objective 1 of the Global Compact for Safe, Orderly and Regular Migration, of a system to collect data on the situation of migrant workers and members of their families in the State party, in particular those in an irregular situation, covering all aspects of the Convention, in cooperation with the African Migration Observatory;**

(b) **Provide publicly available statistics on foreign migrant workers, in both regular and irregular situations, and migrant workers in transit, and members of their**

<sup>14</sup> Ibid., para. 18.

<sup>15</sup> Ibid., para. 20.

families, nationals working abroad and their conditions of employment, returnees, children who migrate abroad, including unaccompanied children, and spouses and children of migrant workers who are left behind in the State party, to effectively promote human rights-based migration policies;

(c) Apply a gender-responsive, child-sensitive and human rights-based approach when collecting data and ensure that the rights to privacy, personal information and data protection of migrant workers and members of their families are protected, including by establishing appropriate reporting firewalls and access limitations, in order to ensure that personal data are not used for migration control or for discrimination in public and private services;

(d) Include in such a system the situation of all migrant workers and members of their families for whom Nigeria is a country of origin, transit, destination or return, and compile data disaggregated by, inter alia, sex, age, nationality, reason for entry into and departure from the country, the type of work performed, category of migrant worker, ethnic origin, migration status and disability;

(e) Ensure the coordination, integration and dissemination of such data and design indicators to measure progress and the results of policies and programmes based on such data;

(f) Submit data based on studies or estimates where it is not possible to obtain precise information, such as on migrant workers in an irregular situation, in its next periodic report.

#### **Independent monitoring**

24. The Committee notes with appreciation that the National Human Rights Commission has been recredited with “A” status since 2011 and that it has a mandate to receive and decide on complaints with binding effect from migrants, as well as its partnership with the Nigeria Immigration Service. However, the Committee regrets the lack of information, in particular from the Commission itself, on its activities to effectively promote and protect the rights of migrant workers and members of their families under the Convention, and the reports that the Commission lacks adequate human, technical and financial resources to conduct its work effectively.

25. With reference to its previous recommendation,<sup>16</sup> the Committee recommends that the State party:

(a) Swiftly enact the National Human Rights Commission Bill 2022 to provide the National Human Rights Commission with sufficient human, technical and financial resources to effectively discharge its mandate to promote and protect the rights of migrant workers and members of their families under the Convention and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Include in its next periodic report relevant information, supported by statistics, on its activities and the results obtained, including on the complaints it has received from migrant workers and members of their families.

#### **Training on and dissemination of information about the Convention, and the participation of civil society**

26. The Committee notes the information provided about training and awareness-raising initiatives regarding international human rights in general conducted by the National Human Rights Commission and about training and capacity-building initiatives by the Government, including the Nigeria Immigration Service, regarding the Convention provided to law enforcement and other officials, partly in collaboration with international and regional organizations, and also about the involvement of civil society in the work of the various government mechanisms on the implementation of the Convention and the preparation of the

<sup>16</sup> Ibid., para. 22.

replies to the list of issues prior to reporting.<sup>17</sup> The Committee is nevertheless concerned at the lack of broad dissemination of the Convention and information about it among all communities of migrant workers, that the training programmes do not sufficiently focus on the rights enshrined therein, and that it has not received any information from civil society organizations for the present review of the State party's report.

**27. Reiterating its previous recommendation,<sup>18</sup> the Committee recommends that the State party:**

**(a) Develop and strengthen education and training programmes on the rights of migrant workers and members of their families under the Convention and ensure that such programmes are made available to all persons working in the area of migration, in particular law enforcement and border authorities, judges, prosecutors, labour inspectors, consular and federal, State and municipal officials, social workers and civil society organizations, including migrants' organizations;**

**(b) Take further steps to ensure access by migrant workers to information and guidance on their rights under the Convention in all commonly used languages in the State party, strengthen its dialogue in this regard with the media and civil society organizations, including migrants' organizations and those serving migrants and the Nigerian diaspora, and continue to consult the latter in the preparation of its periodic reports;**

**(c) Ensure the effective and independent participation of civil society in the implementation of the Convention and the recommendations contained in the present concluding observations, and the monitoring thereof;**

**(d) Consider establishing a comprehensive mechanism for the implementation of the present concluding observations and involve the National Human Rights Commission and non-governmental organizations, in particular migrants' organizations, in the work of the mechanism, taking into account the four key capacities of a national mechanism for reporting and follow-up, namely, engagement, coordination, consultation and information management.<sup>19</sup>**

### **Corruption**

28. The Committee notes the confirmation by the State party during the interactive dialogue that corruption among officials who have responsibilities relating to the Convention persists, and the measures taken to minimize the phenomenon. It is concerned about reports that migrant workers and members of their families have fallen victim to corruption perpetrated by immigration officers, border guards and law enforcement officers, including about allegations of complicity by State officials in trafficking offences.

**29. With reference to its previous recommendation,<sup>20</sup> the Committee recommends that the State party:**

**(a) Thoroughly investigate all instances of corruption, including all cases of collusion and complicity in smuggling and trafficking and extortion, and adopt appropriate preventive and punitive measures, including the dismissal of public servants where appropriate;**

**(b) Establish safe, gender-responsive mechanisms to protect complainants from reprisals;**

**(c) Conduct awareness-raising campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to report it;**

**(d) Provide, in its next periodic report, information on measures taken, including those set forth in the National Migration Policy of 2015 and as the State party**

<sup>17</sup> CMW/C/NGA/QPR/1-2.

<sup>18</sup> CMW/C/NGA/CO/1, para. 24.

<sup>19</sup> See [www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

<sup>20</sup> CMW/C/NGA/CO/1, para. 56 (g).

committed to during the universal periodic review,<sup>21</sup> to prevent corruption among officials who have responsibilities relating to the Convention, including statistical information on investigations and sanctions.

## 2. General principles (arts. 7 and 83)

### Non-discrimination

30. The Committee welcomes the fact that the National Migration Policy and the National Policy on Labour Migration uphold the principles of equality of treatment and non-discrimination, and seek to protect migrant workers and members of their families, irrespective of their migration status, from racism, discrimination, xenophobia and related intolerance. However, the Committee remains concerned that the national legislation does not cover all the prohibited grounds of discrimination enumerated in articles 1 (1) and 7 of the Convention, and, in particular, that the right to freedom from discrimination in article 42 of the Constitution only extends to citizens.

31. **With reference to its previous recommendation,<sup>22</sup> the Committee recommends that the State party:**

(a) **Deepen its legislative and policy measures to ensure that all migrant workers and members of their families within the territory or subject to its jurisdiction, regardless of their status, enjoy without discrimination the rights recognized by the Convention, in accordance with article 7 thereof, including by considering amending the Constitution accordingly and by swiftly adopting the Labour Standards Bill;**

(b) **Raise awareness among all relevant stakeholders – in particular, officials with responsibilities for implementation of the Convention, and the general public – of the rights of all migrant workers and members of their families, and of the importance both of eliminating discrimination against them and of combating social stigmatization;**

(c) **Provide information in its next periodic report on the measures taken to improve and implement its legislative framework on non-discrimination as regards the rights of migrant workers and members of their families, irrespective of their migration status.**

### Right to an effective remedy

32. The Committee notes the information provided that the Ministry of Labour and Employment has administrative mediation and conciliation mechanisms available and that judicial mechanisms include the Industrial Arbitration Panel and the National Industrial Court of Nigeria, in addition to the complaints mechanism before the National Human Rights Commission. The Committee is, however, concerned that no information has been provided about additional avenues for migration-related complaints such as the Public Complaints Commission of the Ombudsperson, about whether the mechanisms are accessible to migrant workers in an irregular situation, and about the number, types and outcome of complaints brought under those mechanisms by migrant workers and members of their families, which may reflect a lack of awareness on their part of their rights and of legal remedies available to them.

33. **Reiterating its previous recommendation,<sup>23</sup> the Committee recommends that the State party:**

(a) **Ensure that migrant workers and members of their families, including those in an irregular situation, have opportunities, in practice, equal to those of nationals of the State party, to file complaints and obtain effective redress in the courts, through administrative and formal settlement procedures, in cases where their rights under the Convention have been violated, including by removing obstacles to access to**

<sup>21</sup> [A/HRC/40/7](#), paras. 148.83–148.90; and [A/HRC/40/7/Add.1](#).

<sup>22</sup> [CMW/C/NGA/CO/1](#), para. 28.

<sup>23</sup> *Ibid.*, para. 30.

justice, including portable justice, for migrants in an irregular situation, irrespective of where they or the members of their families are;

(b) Ensure that legal assistance is based on non-discrimination and is easily accessible and free of charge in practice;

(c) Intensify its efforts to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them, including by availing itself of the support of international organizations in awareness-raising activities;

(d) Provide in its next periodic report detailed information, supported by statistics, on the administrative and judicial remedies available to migrant workers and members of their families.

### **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

#### **Protection from violence, physical injury, threats and intimidation**

34. The Committee welcomes the fact that the National Policy on Labour Migration is aimed at improving the capacity of the diplomatic representations of the State party to assist Nigerian migrant workers and members of their families abroad who have become victims of exploitation, abuse or other forms of violence. It is nevertheless deeply concerned about:

(a) The impact that terrorist acts and the overall security and humanitarian situations might have on the full realization of the human rights of migrant workers and members of their families in parts of the territory of the State party, in particular on migrant women and children, and about the fact that migrants are often wrongly blamed for association with terrorist groups, while noting the explanation provided that the Nigeria Immigration Service has not recorded any terrorist attack affecting migrants, and regretting the lack of information about the impact of counter-terrorism and other security measures on the human rights of migrant workers and members of their families, including due to their internal displacement within the State party;

(b) The persecution of lesbian, gay, bisexual, transgender and intersex migrants under the Nigerian Criminal Code and the Same Sex Marriage (Prohibition) Act, 2014, which carry a criminal penalty of up to 15 years of imprisonment and the death penalty in sharia courts.

#### **35. The Committee recommends that the State party:**

(a) Step up its efforts to prevent violence against migrants, with a focus on vulnerable groups of migrants, that it protect them from conflict, insecurity and crime and that it vigorously investigate, prosecute and punish perpetrators, commensurate with the gravity of the crimes committed, in compliance with the Convention;

(b) Take measures to guarantee that the use of force in migration and security operations is governed by the principles of legality, absolute necessity and proportionality, and that it has a legitimate aim;

(c) Ensure that migrant survivors of such acts are identified and referred to appropriate services that are sensitive and responsive to their needs, including medical and psychosocial services, and have access to regularization on humanitarian grounds;

(d) Repeal criminal provisions that punish sexual orientation or gender identity, immediately put an end to the persecution of lesbian, gay, bisexual, transgender and intersex migrants, including by issuing pardons or granting amnesty to those convicted, incorporate an explicit prohibition of discrimination on grounds of sexual orientation and gender identity in its anti-discrimination legislation, and implement campaigns against homophobia and to promote social inclusion and respect for diversity, including for migrant workers and members of their families.



### **Border management and migrants in transit**

36. The Committee welcomes the fact that Nigeria is a party to the Economic Community of West African States (ECOWAS) Protocol on the Free Movement of Persons, Right of Residence and Establishment, and notes the efforts by the State party to simplify and automate the visa application and border-crossing procedures, including under the National Border Management Strategy and Action Plan 2019–2023 and with the support of IOM. The Committee is, however, concerned about a legal border regime in the State party that continues to focus on “prohibited immigrants” defined as a security threat, and about porous borders due to conflicts and acts of terrorism in countries neighbouring Nigeria and within the State party and the impact that border management measures might have on the enjoyment of the human rights of migrants, including migrant workers and members of their families, in particular with respect to procedures applicable to migrant workers and asylum-seekers arriving at the international borders of the State party, including at reception facilities.

**37. In line with the Office of the United Nations High Commissioner for Human Rights (OHCHR) Recommended Principles and Guidelines on Human Rights at International Borders, the Committee recommends that the State party:**

(a) **Adopt a human rights-based approach to border management, including in effective consultations with relevant stakeholders such as national judicial and human rights bodies, academia and civil society actors, including migrants’ organizations, in the development, adoption and implementation of border-related measures;**

(b) **Ensure that border governance measures address and combat all forms of discrimination by State and private actors at international borders, and are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions;**

(c) **Ensure that migrants who have suffered human rights violations or abuses as a result of border governance measures have equal and effective access to justice and effective remedies, and that violators are prosecuted and appropriately punished and that measures are taken to ensure non-repetition of such violations;**

(d) **Allocate sufficient human, technical and financial resources to strengthen border governance, ensuring that facilities are equipped to provide human rights-based and proportionate responses to migrants arriving at international borders, and that border and security authorities are trained in international human rights law relevant to their work, including gender equality training.**

### **Labour exploitation and other forms of ill-treatment**

38. The Committee welcomes the efforts undertaken by the Ministry of Labour and Employment to protect children against the worst forms of labour, which include the launch of the National Policy on the Elimination of Child Labour and its National Action Plan of 2021, the development of a monitoring and remediation system on child and forced labour in supply chains in 2021, the adoption of the Durban Call to Action on the Elimination of Child Labour, and cooperation under the Alliance 8.7 scheme aiming at the elimination of the worst forms of child labour pursuant to target 8.7 of the Sustainable Development Goals. It is, however, concerned about the fact that according to ILO, as at 2021, around 15 million children were victims of child labour in the State party,<sup>24</sup> which stands in stark contrast to the explanation by the State party that the Nigeria Immigration Service has not recorded any case of exploitation of migrant workers and their family members and that no data on labour inspections and on cases of domestic servitude, forced labour and sexual exploitation involving migrant workers in the context of travel and tourism were available.

**39. With reference to its previous recommendation,<sup>25</sup> in the light of the Committee’s general comments No. 1 (2011) and No. 2 (2013), and in accordance with targets 8.7 and**

<sup>24</sup> See [https://www.ilo.org/africa/about-us/offices/abuja/WCMS\\_803364/lang--en/index.htm](https://www.ilo.org/africa/about-us/offices/abuja/WCMS_803364/lang--en/index.htm).

<sup>25</sup> CMW/C/NGA/CO/1, para. 32.

**16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Increase unsolicited and unannounced labour inspections, in particular in the informal sector of the economy, where migrant workers are employed;**

(b) **Implement effectively the National Policy on the Elimination of Child Labour and its National Action Plan of 2021, availing itself of the technical assistance of ILO and the United Nations Children's Fund (UNICEF), and provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to migrant workers and members of their families, in particular children, who have been victims of labour exploitation and other forms of exploitation;**

(c) **Prosecute, and punish or sanction, persons or groups exploiting migrant workers, in particular women and children, or subjecting them to forced labour and abuse, especially in the informal economy;**

(d) **Compile information on the extent of child labour, including with regard to migrant children in the State party and abroad, to ensure the compliance of its legislative and policy framework and enforcement mechanisms with its obligations under the ILO Forced Labour Convention, 1930 (No. 29), the ILO Abolition of Forced Labour Convention, 1957 (No. 105) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and provide information, supported by statistics, in its next periodic report.**

#### **Due process, detention and equality before the courts**

40. The Committee notes the statement of the State party during the interactive dialogue that it opposes the criminalization of irregular migration by other countries, and that section 62 of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, and section 99 of the Immigration Act, 2015, contain provisions for migrant victims of trafficking or smuggling not to be detained, charged or prosecuted for irregular entry or stay, or their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as victims of trafficking in persons or smuggling of migrants. It is, nevertheless, deeply concerned that:

(a) Under section 26 of the Immigration Act, 2015, immigration officers must detain a person who appears to be a “prohibited immigrant”;

(b) A person charged with a migration-related offence and liable for deportation, upon conviction, may be remanded in custody for up to 90 days (sect. 48 (1) of the Act);

(c) The Minister of the Interior may issue notices for the detention of “persons within any category specified”, prior to their deportation (sect. 52 of the Act);

(d) Detention may also be ordered in lieu of deportation, if “deportation is impracticable or prejudicial to the efficient prosecution of any war in which Nigeria may be engaged, and the detention of the person affected by the deportation order is necessary or expedient for securing public safety, the defence of Nigeria, or the maintenance of public order” (sect. 53 of the Act);

(e) There are a number of broad migration-related offences under the Act, which can lead to criminal imprisonment (sects. 56–60 of the Act);

(f) There is a lack of information on the extent to which the State party resorts to immigration detention and imprisonment for migration-related offences in practice, while noting that the Nigeria Immigration Service has suspended detention and makes use of “migration screening centres” as an alternative to immigration detention in certain cases and pending expulsion. The Committee also notes the affirmation by the State party that no migrant workers or members of their families are being detained for migration-related offences, which, however, appears implausible given the above-mentioned immigration-related legislative framework and the information provided by the State party that the National Human Rights Commission periodically visits immigration detention centres, as well as its confirmation that irregular migration exists;

(g) There is a lack of information regarding measures to ensure that migrant workers and members of their families, in particular those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party and that they have access to information in a language that they understand in all migration-related administrative proceedings;

(h) The existing immigration detention facilities and prisons have inadequate basic services, including food, health care and hygienic conditions;

(i) Migrant workers detained for violations of immigration law are not held separately from prisoners, and that migrant children may be detained, whether unaccompanied, separated from their parents, or along with their families.

**41. Reiterating its previous recommendation,<sup>26</sup> the Committee, in the light of its general comment No. 5 (2021) and of joint general comments No. 3 and No. 4 (2017) of the Committee and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and in accordance with target 16.9 of the Sustainable Development Goals, recommends that the State party:**

(a) **Decriminalize irregular migration and make provision for appropriate administrative penalties for such offences, since the Committee considers that, in accordance with its general comment No. 2 (2013) and its general comment No. 5 (2021), inter alia, irregular entry or stay or exit may constitute administrative offences at most and should never be considered criminal offences, as they do not infringe upon fundamental, legally protected values and, as a result, are not crimes per se against persons, property or national security;**

(b) **Adopt measures to phase out, and ultimately put an end to, immigration detention; and enact a presumption in law against detention and therefore in favour of freedom;**

(c) **Immediately cease immigration detention of children, whether unaccompanied, separated from their parents, or together with their families, and of other vulnerable groups of migrant workers and members of their families as well as asylum-seekers, refugees and stateless persons;**

(d) **Ensure that:**

(i) **In all other cases, the detention of migrants is an exceptional measure of last resort, pursuing a legitimate end permitted by law, and that it is necessary and proportionate, and applied for the shortest possible period of time;**

(ii) **The grounds for detention are specified in each case, with specific reasons why alternative measures cannot be implemented;**

(iii) **The measure is reviewed within 24 hours by an independent and impartial judicial authority;**

(iv) **In line with its human rights obligations, alternative measures to detention are considered and made use of before imposing detention measures. The Committee recognizes alternatives to detention as being all community-based care measures or non-custodial accommodation solutions – in law, policy or practice – that are less restrictive than detention and that must be considered in the context of lawful detention decision procedures to ensure that detention is necessary and proportionate in all cases, with the aim of respecting the human rights and avoiding the arbitrary detention of migrants, asylum-seekers, refugees and stateless persons;**

(e) **Ensure that alternative measures to detention are applied to asylum-seekers and refugees, and in all cases of voluntary return, and that migrant workers and members of their families are informed of their rights and about procedures in the detention context in a language they understand;**

<sup>26</sup> Ibid., para. 34.

(f) In exceptional cases where detention cannot be avoided, ensure that all immigration detention facilities are officially designated for this purpose, guarantee adequate and decent conditions, such as gender-responsive health services, including sexual and reproductive health services, psychological care, water, sanitation and hygiene, food, sufficient space and ventilation, leisure and recreational activities and access to outdoor areas;

(g) Strictly separate detention regimes from “voluntary” placement in “migration screening centres”, including in statutory law, and provide for State-run or community-run shelters, which are physically separated from an immigration detention centre and are not situated on the same premises;

(h) Ensure that women detainees are held separately from men, are guarded only by adequately trained women officers and are protected against violence, in particular sexual violence, and that specific provisions are made for pregnant and nursing women;

(i) Strengthen mechanisms to regularly monitor conditions in migrant detention centres and grant human rights monitors, including humanitarian agencies, the National Human Rights Commission, and non-governmental organizations, unannounced and unhindered access to all migrant detention centres.

### **Expulsion**

42. The Committee takes note of the confirmation by the State party during the interactive dialogue that it carries out expulsions, contrary to the information provided in the replies to the list of issues,<sup>27</sup> and that it is possible to appeal, with suspensive effect, against expulsion orders issued by a court (sect. 47 (2) of the Immigration Act, 2015). The Committee is, however, concerned about:

(a) The absence of statutory protection against collective expulsions, in particular since the Minister of the Interior may issue notices for the deportation of “persons within any category specified”, who may then also be detained (sect. 52 of the Act);

(b) The mandatory deportation of “prohibited immigrants” (sect. 44 (1) of the Act), exacerbated by the discretionary executive powers of the Minister of the Interior to add “any category” of persons to the list of “prohibited immigrants”, if it is deemed to be in the public interest (sect. 44 (3) of the Act), and even to classify persons *ex post facto* as “prohibited immigrants” who are liable for deportation after their entry into the State party (sect. 45 (3) of the Act);

(c) The lack of information about the availability of appeals against administrative expulsion orders, in particular about legal provisions guaranteeing the right to request the suspension of such expulsion orders;

(d) The lack of information about the extent to which migrant workers subject to expulsion proceedings are making use of their right to appeal in practice.

43. **The Committee urges the State party to:**

(a) Take the necessary legislative steps to provide for a statutory and automatic suspensive effect of appeals in court against expulsion orders, in particular administrative deportation orders, and guarantee due process and procedural safeguards so as to ensure that migrant workers and members of their families who are subject to expulsion proceedings may exercise their rights to seek a stay of the decision of expulsion pending consideration of their case by a competent authority, in accordance with article 22 (4) of the Convention;

(b) Ensure that persons subject to an expulsion order, or seeking asylum, can avail themselves of support services and free legal representation, and are aware of and can exercise their right to an effective remedy in practice;

<sup>27</sup> CMW/C/NGA/1-2, para. 137.

(c) **Ensure that the principle of non-refoulement and the prohibition of collective and arbitrary expulsion are upheld at all times;**

(d) **Ensure the systematic sharing of files concerning expulsion orders with the National Human Rights Commission as the monitoring mechanism to ensure that expulsions of migrant workers and members of their families are conducted in full compliance with international standards and the State party's domestic laws, and ensure effective coordination with the State of origin or the receiving State;**

(e) **Devise policies and mechanisms that are designed to provide alternatives to expulsion or return, including asylum and international protection procedures, leave to remain on humanitarian grounds and other forms of regularization that are regulated by law, in accordance with article 69 of the Convention, and which apply to all migrants, irrespective of their migration status.**

#### **Consular assistance**

44. The Committee notes the efforts made in improving and broadening the State party's consular services through the protection of the rights of Nigerian migrant workers in transit and in the country of destination by the diplomatic representations of the State party. The Committee is, however, concerned that there is currently only one labour attaché based in Geneva, due to the lack of available financial resources.

45. **With reference to its previous recommendation,<sup>28</sup> the Committee recommends that the State party;**

(a) **Continue strengthening the capacity and human, technical and financial resources of its diplomatic representations, including by establishing more labour attachés in countries where Nigerian migrant workers are concentrated, in order to provide assistance and protection to them and members of their families, in collaboration with the National Human Rights Commission, civil society organizations and diaspora institutions, and ensure dialogue with the authorities in the countries of transit and destination;**

(b) **Ensure that all Nigerian migrant workers and members of their families, particularly those in detention or subject to expulsion orders, have recourse to consular support to protect their rights under the Convention;**

(c) **Ensure that the personnel at its diplomatic representations have appropriate knowledge of the laws and procedures of the countries of employment of Nigerian migrant workers;**

(d) **Provide, in its next periodic report, information, supported by statistics, on the number of Nigerian migrant workers and members of their families abroad, including, inter alia, on arrests, detentions and expulsions carried out, and on acts of violence, exploitation and abuse endured in transit and destination countries, as well as on the assistance provided to them.**

#### **Remuneration and conditions of work**

46. The Committee notes with appreciation the gender-responsive approach in the National Policy on Labour Migration, and the fact that the Ministry of Labour and Employment operates labour inspection offices in the Federal Capital Territory, in all 36 states, as well as in districts with a high concentration of workplaces. It is, however, concerned that:

(a) **Sanctions for violations of labour rights under the Labour Act, including those of migrant workers, are weak and therefore without deterrent effect;**

(b) **Almost all domestic migrant workers, most of whom are women, are in practice excluded from minimum wage entitlements, since the relevant obligation in the**

<sup>28</sup> CMW/C/NGA/CO/1, para. 36.

National Minimum Wage (Amendment) Act, 2011, does not apply to establishments of fewer than 50 employees;

(c) Reports available to the Committee indicate that migrant workers, in particular domestic migrant workers, are often unaware of their rights and obligations under the Convention and of the free-of-charge services of the Ministry of Labour and Employment available to them, including labour inspections and complaint mechanisms.

**47. In the light of its general comment No. 1 (2011) and in accordance with target 8.8 of the Sustainable Development Goals, the Committee recommends that the State party continue to implement measures to guarantee the rights of all migrant workers, including domestic workers, by:**

(a) **Expediting the ongoing review of the Labour Act and ensuring that it is in compliance with the provisions of the Convention, including by introducing sanctions for non-compliant employers with deterrent effect;**

(b) **Building on the existing recognition and regulation of domestic work in national legislation and ensuring that domestic migrant workers enjoy the same level of protection as national workers with respect to social security, equal pay, minimum wage, hours of work, days of rest, termination, compensation, freedom of association and other conditions of work in written employment contracts, in a language that they can understand, and that are free, fair and fully consented to;**

(c) **In accordance with article 25 of the Convention, guaranteeing in law and in practice the labour rights of all migrant workers in a framework of equality and non-discrimination, including by ensuring that labour inspections focus on conditions of work of migrant workers, that migrant workers themselves are consulted during those inspections and that labour inspectorates conduct their work in a gender-responsive manner, in confidence and independently from other government departments, in particular immigration authorities, to encourage the reporting of cases of exploitation, abuse and neglect to labour authorities by migrant workers without fear of immigration authorities becoming involved;**

(d) **Strengthening awareness about the rights and obligations of migrant workers under the Convention, in particular those in the domestic sector, and about complaint mechanisms and other resources available to them.**

#### **Freedom to join and to take part in meetings of trade unions**

48. The Committee notes with appreciation the fact that migrant workers, regardless of their migration status, have the right to freedom of affiliation in trade unions and professional organizations, in accordance with the Trade Unions Act and the Labour Act. However, it regrets the absence of information about the extent to which migrant workers in the State party exercise this right in practice.

**49. With reference to its previous recommendation,<sup>29</sup> the Committee recommends that the State party continue to take all measures necessary to guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to freely join trade unions, in accordance with article 26 of the Convention and with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

#### **Social security**

50. The Committee welcomes the fact that Nigeria is a party to the General Convention on Social Security of Member States of ECOWAS (Supplementary Act (2013)), understands that migrant workers in a regular situation enjoy, in principle, access to social security, a retirement pension and welfare schemes on equal terms with Nigerian nationals under the Employee's Compensation Act, 2010, and notes that the National Policy on Labour Migration proposes measures to enhance the portability of social security benefits.

<sup>29</sup> Ibid., para. 40.

Nevertheless, the Committee regrets the lack of information on the practical implementation of these rights, in particular information on the legal requirements that migrant workers in an irregular situation would have to fulfil to have access to social security on equal terms with nationals, and the fact that the State party has not yet ratified the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102). It is concerned that the State party has yet to enter into bilateral and further multilateral labour arrangements and social security agreements in relation to countries of destination of Nigerian migrant workers and those working in the State party.

**51. With reference to its previous recommendation,<sup>30</sup> the Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families, irrespective of their migration status, are able to, in law and in practice, subscribe to social security schemes on the basis of equality of treatment with Nigerian workers, including in the informal sectors of the economy and after departure from the State party, and also in case of expulsion, and that they are informed of their rights in this regard;**

(b) **Enter into, and monitor the implementation of, bilateral and multilateral social security agreements with all destination countries, including with Kuwait, Qatar and Saudi Arabia as outlined by the State party, that provide for the protection of migrant workers' human rights, including the right to social security, and include gender-responsive monitoring and review mechanisms in those agreements;**

(c) **Ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).**

#### **Medical care and education**

52. The Committee notes that migrant workers and members of their families, irrespective of their migration status, have access to essential services, such as medical care, under article 17 of the Constitution, that the policy directives in relation to education contained in article 18 of the Constitution apply equally to them and Nigerian nationals, and that section 15 of the Child Rights Act provides for the right of every child, including migrant children, to free, compulsory and universal primary education. It is, however, concerned about the lack of information on the implementation of these provisions in practice for migrant workers and members of their families, including those who are in an irregular situation.

**53. With reference to its previous recommendation,<sup>31</sup> and in line with joint general comments No. 3 and No. 4 (2017) of the Committee and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and in accordance with target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families, irrespective of their migration status, have access to the health-care system, and that migrant children enjoy the legal right and practical access to preschool, primary and secondary education on a basis of equality of treatment with nationals of the State party;**

(b) **Establish a mechanism to ensure that personal information provided by migrants upon registration with health-care services, educational institutions and other social services is not used against them for the purpose of reporting or discriminating against them on the grounds of their nationality or origin or their irregular migration status;**

(c) **Include, in its next periodic report, comprehensive information on the measures taken to these ends and their impact, supported by statistics.**

<sup>30</sup> Ibid., para. 38.

<sup>31</sup> Ibid., para. 42.

**Birth registration and nationality**

54. The Committee notes that the National Population Commission is responsible for registering all children, including migrant children, born in the State party. However, the Committee is concerned at the lack of information about the situation concerning birth registration of Nigerian migrant children abroad, and whether migrant children, in particular those in an irregular situation, who were not born in hospitals, are systematically registered at birth in the State party.

55. **In line with joint general comments No. 3 and No. 4 (2017) of the Committee and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and in accordance with target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all children of Nigerian migrant workers abroad and children born on the territory of the State party, in particular children born to migrants in an irregular situation and asylum-seekers, are registered at birth and issued with personal identity documents, and that the State party raise awareness about the importance of birth registration among them;**

(b) **Take the measures necessary, including legislative measures, to facilitate access to Nigerian nationality for children born to migrant workers and members of their families in the State party, in particular for those in an irregular situation, in order to avoid any risk of their becoming stateless.**

**4. Other rights of migrant workers and members of their families who are in a regular situation (arts. 36–56)**

**Right to form trade unions**

56. The Committee notes with appreciation that the Trade Unions Act and the Labour Act do not exclude migrant workers, even those in an irregular situation, from forming trade unions. However, it regrets the absence of information on difficulties that they may face in exercising this right in practice.

57. **The Committee recommends that the State party adopt the measures necessary to guarantee to all migrant workers the right to form, and occupy leadership posts in, trade unions, in accordance with article 40 of the Convention and with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

**Work permits and residency**

58. The Committee is concerned that loss of employment results in the loss of the work permit as well as the residency permit for the migrant worker unless the former employer informs the Nigeria Immigration Service about the termination of contract, which impacts on the legal situation of migrant workers.

59. **The Committee recommends that the State party review and improve its work permit system to prevent abusive working conditions and labour exploitation, including by:**

(a) **Establishing a provision in statutory law to ensure that migrant workers who lose their employment have sufficient time to seek legal remedies against the termination of their employment and/or alternative employment, and refraining from expelling them;**

(b) **Ensuring that the continued validity of the residency permit of migrant workers in such a situation is not dependent on the cooperation of the former employer with the immigration authorities.**



**Provisions applicable to particular categories of migrant workers and members of their families (arts. 57–63)**

**Frontier and seasonal workers**

60. The Committee notes the explanation by the State party during the interactive dialogue that Nigerian authorities coordinate with the authorities of neighbouring States on issues concerning frontier or seasonal workers. It is nevertheless concerned at the absence of legislation or policies with respect to their presence and work in the State party and of consideration of their freedom to choose remunerated activity after a specified period.

61. **The Committee invites the State party to provide information in its next periodic report on the measures taken to ensure that frontier and seasonal workers may enjoy the rights to which they are entitled by reason of their presence and work in the territory of the State party, in accordance with article 57 of the Convention.**

**5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)**

**International cooperation with countries of transit and destination**

62. The Committee is concerned that no bilateral or multilateral agreements have been concluded with destination countries where significant numbers of Nigerian migrant workers live, with a view to protecting their rights.

63. **The Committee recommends that the State party:**

(a) **Enter into bilateral and multilateral agreements on the free movement of migrant workers and members of their families, in particular with transit and destination countries with a significant Nigerian diaspora, including countries of the European Union and South Africa, in order to better protect their rights and facilitate the provision of appropriate consular and other services so as to ensure sound, equitable and humane conditions for Nigerian migrant workers;**

(b) **Ensure that such multilateral and bilateral agreements are fully consistent with the Convention, the Committee's general comments No. 1 (2011), No. 2 (2013) and No. 5 (2021) and joint general comments No. 3 and No. 4 (2017) of the Committee and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child;**

(c) **Engage with OHCHR and seek technical assistance regarding the implementation of the said agreements and the negotiation of future agreements to ensure that they are aligned with the Convention.**

**Recruitment agencies**

64. The Committee notes with appreciation that the State party has developed a robust regulatory framework for private recruitment agencies operating in the State party. It is, however, concerned about reports of “informal” recruitment agencies, which operate without a licence, leading to unethical recruitment practices and labour exploitation of Nigerian migrant workers.

65. **Recalling its previous recommendation,<sup>32</sup> and in line with the Guiding Principles on Business and Human Rights, the Committee recommends that the State party:**

(a) **Reinforce the regulatory regime, in particular the licensing system, for private recruitment agencies, in cooperation with the Human Capital Association, to ensure the rights of migrant workers in accordance with the Convention;**

(b) **Enhance recruitment monitoring and inspections to prevent private recruitment agencies from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters;**

<sup>32</sup> Ibid., para. 52.

(c) **Ensure that controls are in place to prevent the re-registration of unscrupulous agencies that have had their licences revoked, develop a rating system which assesses the conduct of recruitment agencies against human rights norms and labour standards so that migrants are empowered to make informed decisions, provide market incentives for agencies to comply with human rights norms and labour standards, and develop and maintain a blacklist of unethical agencies that exploit migrant workers;**

(d) **Investigate and punish illegal practices by recruiters, with a view to punishing those involved in exploitative practices;**

(e) **Ensure that actions following the detection of unethical recruitment practices never economically or criminally penalize migrant workers.**

### **Return and reintegration**

66. The Committee recognizes the measures taken to assist the return and reintegration of Nigerian migrant workers, including in cases of forced return, such as the Assisted Voluntary Return and Reintegration Scheme carried out in collaboration with IOM. It is, however, concerned about the exodus of large numbers of highly skilled Nigerian migrant workers abroad (known as *Japa* in Yoruba) and about reports that the standard operating procedures for the federal level of the Technical Working Group on Return, Readmission and Reintegration established under the National Policy for Labour Migration have not been adopted and adapted to the state levels, where in part a lack of capacity and budgetary constraints hinder effective reintegration and socioeconomic support.

67. **Recalling its previous recommendation,<sup>33</sup> the Committee recommends that the State party continue to take measures to:**

(a) **Ensure the appropriate social, economic, legal or other conditions necessary to facilitate the gender-responsive return and durable reintegration of Nigerian migrant workers and members of their families into the economic, social and cultural life in the State party, in particular at state levels, as provided for in article 67 of the Convention and in line with target 10.7 of the Sustainable Development Goals;**

(b) **Ensure that any bilateral or multilateral mobility or readmission agreements promote circular migration, which is beneficial for the economic, social and cultural development of the State party, and are in conformity with the Convention, and that such agreements include appropriate procedural guarantees.**

### **Trafficking in persons**

68. The Committee notes the efforts to prevent and combat trafficking in persons, including migrant workers and members of their families, such as the revision of the Trafficking in Persons (Prohibition) Enforcement and Administration Act, and the adoption of the National Action Plan on Human Trafficking in Nigeria 2022–2026, and the activities carried out by the National Agency for Prohibition of Trafficking in Persons. The Committee is nevertheless concerned that the State party is considered to be a country with a very high number of victims of trafficking, in particular women and children exploited in forced labour and prostitution, indicating that the legislative, policy and institutional measures taken to prevent and combat the phenomenon might be underdeveloped.

69. **With reference to its previous recommendation,<sup>34</sup> and in accordance with the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, the Committee recommends, in line with target 5.2 of the Sustainable Development Goals, that the State party:**

(a) **Allocate sufficient human, technical and financial resources for the implementation of the National Action Plan on Human Trafficking in Nigeria 2022–2026, to prevent and combat trafficking in persons, especially women and children;**

<sup>33</sup> Ibid., para. 54.

<sup>34</sup> Ibid., para. 56.

- (b) **Enhance guidelines for the early identification of victims of trafficking and reinforce the mechanisms of support, referral, rehabilitation and social integration of trafficking victims, including by providing them with access to shelters and with legal, medical and psychosocial assistance;**
- (c) **Ensure that child victims of trafficking are provided with appropriate assistance and protection; full account should be taken of their special rights and needs;**
- (d) **Effectively investigate and prosecute trafficking cases and impose on perpetrators sentences commensurate with the gravity of the crime;**
- (e) **Strengthen gender-responsive and child-friendly training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, health-care workers and the staff of the State party's diplomatic representations, and disseminate more widely information on trafficking in persons and on assistance for victims;**
- (f) **Step up awareness-raising campaigns and the provision of information on the prevention of trafficking of migrant workers, and encourage the private sector to adopt a "zero tolerance" policy to sex tourism and to protect persons against all forms of exploitation, including commercial sexual exploitation and forced labour and services;**
- (g) **Strengthen international, regional and bilateral cooperation through agreements with countries of origin, transit and destination on the prevention and combating of trafficking in persons;**
- (h) **Collect and regularly publish disaggregated data on the extent of the phenomenon of trafficking in persons, including on the number of victims of trafficking in persons and of smuggled migrants who have applied for temporary or permanent residence, and the number of authorizations granted;**
- (i) **Provide in its next periodic report data on trafficking, exploitation of prostitution of women and girls, and the number of prosecutions and convictions in trafficking and sexual exploitation cases, and on the impact of the measures taken to combat these phenomena.**

#### **Measures to address the situation of irregular migrant workers**

70. The Committee notes the introduction by the State party of an electronic registration system and the creation of migrant resource centres with the aim of ensuring that the situation of irregular migrant workers and members of their families within its territory does not persist, and of awareness-raising, training and capacity-building measures addressed to stakeholders for the prevention of irregular migration. It is, however, concerned that the failure of a migrant in an irregular situation to register with the Nigeria Immigration Service is criminalized and renders the migrant liable to imprisonment under section 57 (5) of the Immigration Act, 2015, and that owners of premises where migrants in an irregular situation dwell must denounce them to the authorities.

**71. The Committee recommends, in line with the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, that the State party:**

- (a) **Decriminalize the failure to register with the authorities as a migrant in an irregular situation and lift the obligation for third parties to denounce them;**
- (b) **Review the results of the measures addressing irregular migration or the smuggling of migrants that aim for the regularization of the situation of migrant workers in an irregular situation and members of their families, in particular women migrant workers, so as to ensure that such a situation does not persist;**
- (c) **Raise awareness among migrant workers who are in an irregular situation about such procedures;**
- (d) **Provide information about the regularization measures and their results in its next periodic report.**

## **6. Dissemination and follow-up**

### **Dissemination**

72. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages and recognized languages of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

### **Technical assistance**

73. The Committee recommends that the State party avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with specialized agencies and with programmes of the United Nations.

### **Follow-up to concluding observations**

74. The Committee requests the State party to provide, within two years (that is, by 1 May 2025), written information on the implementation of the recommendations contained in paragraph 13 (legislation and application), paragraph 33 (right to an effective remedy), paragraph 41 (a)–(c), (d) (ii)–(iv) and (h) (due process, detention, and equality before the courts) and paragraph 63 (international cooperation with countries of transit and destination).

### **Next periodic report**

75. The State party's third periodic report is due by 1 May 2028. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State party explicitly opts for the traditional reporting procedure concerning its third periodic report. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.<sup>35</sup>

---

<sup>35</sup> [HRI/GEN/2/Rev.6](#).