



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

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
Thirty-sixth session

**Summary record of the 518th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 29 March 2023, at 3 p.m.

*Chair:* Mr. Corzo Sosa

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(*continued*)

*Combined initial and second periodic reports of Nigeria (continued)*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 73 of the Convention** *(continued)*

*Combined initial and second periodic reports of Nigeria (continued)*  
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1. *At the invitation of the Chair, the delegation of Nigeria joined the meeting.*
2. **Ms. Poussi** said that she would welcome the delegation's comments on the bilateral agreement reportedly signed between Nigeria and the United Kingdom of Great Britain and Northern Ireland in 2022, which she understood provided for the deportation from the United Kingdom of Nigerian nationals classified as dangerous criminals. She would first appreciate confirmation that such an agreement actually had been concluded and, if so, would like to know how it added value in terms of migration management, whether any deportations had already taken place under its provisions and what happened to deported individuals upon their return to Nigeria.
3. She wished to know whether any Nigerian migrants had been involved in the tragic events of 24 June 2022 at the border between Morocco and Spain and, if so, what steps Nigeria had taken to assist its nationals there. She would also like to know whether any migrants who had been involved in those events had returned to Nigeria, whether any follow-up mechanism had been put in place to assist with their reintegration and whether they had been provided with psychological support.
4. She would be grateful for any information the delegation could provide about the so-called "*japa*" syndrome, whereby increasing numbers of young, well-qualified Nigerians were emigrating. She would like to know how widespread the phenomenon was, what destinations were involved, whether it amounted to a brain drain and, if so, what measures were being taken to contain it. On the other hand, if it was considered a positive trend, were measures being taken to ensure that such emigration was taking place under safe, orderly and regular conditions?
5. **Mr. Ceriani Cernadas** said that he wished to clarify a question that he had asked at the preceding meeting which, judging from the delegation's reply, had apparently been misunderstood. His question had not focused on whether asylum-seekers' applications might be rejected by the Nigerian authorities because of their sexual orientation. Rather, as it was his understanding that the law in Nigeria provided for sentences of up to 14 years' imprisonment for homosexuality and that judgments passed by an Islamic court in July 2022 had condemned three homosexuals to death by stoning, he would like to know – if indeed that information was correct – whether such measures were applied to Nigerians whose applications for asylum in other countries on the grounds of their sexual orientation had been rejected and who had then been returned to Nigeria, or whether other legal provisions applied to them.
6. **Mr. Charef** said that, with regard to the trafficking of women from Nigeria to Europe and elsewhere, he would appreciate statistics relating to the victims involved, disaggregated by country of settlement and region of origin. He was aware that civil society was very actively working to combat the problem and that numerous arrangements for judicial and international cooperation in that effort were in place. He would like to know whether any measures existed to assist with the reintegration of victims who returned of their own volition to Nigeria.
7. He would also be grateful if the delegation could confirm whether or not persons who had been convicted of crimes abroad were liable to be sentenced a second time, following their release and return to Nigeria, under federal legislation punishing offences that tarnished the country's reputation.
8. **The Chair**, speaking as a member of the Committee, said that he was struck by the assertion in paragraph 136 of the State party report that no migrant workers or members of their families had been detained for reasons connected with immigration-related issues. He had also noted that the report was unclear concerning the issues of administrative detention, deportation and expulsion. He would appreciate clarification as to whether migrants who had

not committed a crime but did not have the required documentation might be considered to have been committing an administrative offence and therefore be detained.

9. It was his understanding that chapter II of the Constitution established the rights to which migrants were entitled but that those rights could not be invoked before the courts. He wondered whether that situation gave rise to a lack of judicial protection for the human rights of migrants.

10. He would welcome information on any measures the Government had taken to counter or address the forced internal displacements taking place as a result of terrorist acts in the north of the country. Had the displaced persons been provided with any humanitarian assistance or human rights protections and were efforts being made to establish conditions conducive to their safe return? Lastly, it would be useful to learn what actions were being undertaken to combat human smuggling, as distinct from trafficking in persons.

11. **Mr. Adejola** (Nigeria) said that, historically, industries had tended to gravitate towards the area around Lagos for reasons relating to logistics and supply and demand. However, the assertion that 80 per cent of the country's companies were based in that zone was not necessarily accurate, and it was not government policy to encourage that trend. New deep-water ports and cargo airports were being built in other parts of the country, and the rail system was being improved to help serve new businesses that were being established in different regions.

12. Migrants being held in Nigerian prisons were not treated differently than other inmates. Nigerians were actually favourably disposed towards migrants.

13. The ongoing clean-up operations in Ogoniland were making some headway thanks to the involvement of the Government, Shell and the United Nations Environment Programme, and the Minister of Environment had recently brought a team of experts to Switzerland to discuss the matter. Oil spills were becoming a thing of the past in Nigeria, partly thanks to government measures designed to protect the environment and ensure decent living conditions.

14. The "*japa*" phenomenon mainly had to do with emigration by Nigerians to Europe or North America. It did not only involve young people, and the reality of the situation was not as concerning as it was sometimes portrayed as being. Migration was a natural, age-old human phenomenon but, for every person who left Nigeria, countless others stayed. As a country with more than 100 public universities and a similar number of federal polytechnics, not to mention private universities, there was no national skills shortage. As for those persons who wished to pursue their education in another country and were willing to fund it themselves, it would be unjust from a human rights perspective to prevent them from doing so. The Government had made every effort to ensure that a culture of good governance prevailed, although there was naturally always room for further improvement.

15. The events in Morocco that had led to the tragic loss of life had been truly unfortunate. To his knowledge, no Nigerian nationals had been caught up in that incident.

16. Nigeria did not discriminate on the basis of sexual orientation. However, citizens sometimes included fabricated claims to the contrary in their asylum applications in the hope that it would help them obtain the right to reside in another country. Countries should also be respectful of the laws applicable elsewhere, even if they were inconsistent with their own principles.

17. **Ms. Sulaiman Ibrahim** said that the Committee should take a guarded approach when considering information circulated on social media. Nigeria was a vast, populous country with a diverse media landscape. Typically, each news channel cast a different light on the same event. When it came to serious matters, members might be best advised to seek clarification from the State party authorities to ensure that the dialogue did not revolve around speculations.

18. Nigerian society was inclusive and non-discriminatory. All legal residents had equal access to education, health care, employment and other services. Twenty per cent of the benefits and measures provided for under the National Social Investment Programme were reserved for vulnerable groups, including refugees.

19. The SERVICOM unit of the Immigration Service was not open only to migrant workers; anyone wishing to give feedback or lodge a complaint could use the service. Similar complaints mechanisms were available in all government institutions.

20. The current iteration of the bilateral agreement concluded with the United Kingdom was not limited to labour migration; it also covered issues such as money-laundering and border management. A great deal of headway had been made in the prosecution of trafficking offenders through mutual legal assistance agreements. No bilateral agreement had been concluded with South Africa to date.

21. The Government was open to the conclusion of bilateral agreements, so long as they worked to the benefit of both parties. Nigeria had recently entered into a bilateral agreement with the European Union that would contribute to a shift away from irregular to regular migration. Europe had a shrinking workforce, and the vast majority of Nigerian migrants entered by regular means. Unfortunately, Nigerians who took up employment in the European Union were rarely considered “expatriates”, as was the case for Europeans working in Nigeria, but instead viewed as “migrants”, which illustrated the persistent inequalities to be found in the area of migration. If people chose to emigrate, they should do so for the right reasons and should not be relegated to domestic service and other poorly paid jobs even though they held higher education qualifications. A range of activities were being carried out to raise citizens’ awareness of the dangers of irregular migration, protect them from human traffickers and people smugglers, and inform them of their rights when working abroad. Nigeria had a population of more than 200 million and could afford to supply labour to other countries: more than 5,000 Nigerians were legally employed in Malaga, Spain, and another 3 million in London, for example. They should be paid an adequate wage, respected and valued as the asset they were.

22. With the establishment of the National Agency for the Prohibition of Trafficking in Persons in 2003, Nigeria had equipped itself with one of the most effective tools for fighting human trafficking in the world. The Agency was responsible for the operational, prosecutorial and protective aspects of the efforts involved in combating trafficking in persons. Its work had proven to be highly successful and served as a model for the entire continent. Nigeria had concluded mutual legal assistance agreements with several European Union countries, notably those bordering the Mediterranean Sea, to facilitate the prosecution of traffickers. The Joint Border Task Force established under the bilateral agreement with the United Kingdom played a critical role in the investigation and prosecution of trafficking cases.

23. **A representative of Nigeria** said that all female detainees underwent routine medical examinations upon admission to places of detention; if they were pregnant, they were provided with pre- and postnatal care. After they gave birth, the infants lived with their mothers up to the age of 18 months and were provided with all necessary care. Once they had reached that age, they were placed in foster care or went to live with relatives.

24. Corruption at migrant entry and exit points did exist, but the authorities were doing their utmost to curb such practices. SERVICOM had been set up precisely for that purpose, among others. Air travel passengers were advised to appear early at exit points so that they could seek swift redress should any problems arise. People wishing to lodge a complaint concerning border management procedures could do so in person at the border, or their exit point in the case of air travel, or via a telephone hotline.

25. **A representative of Nigeria** said that all reports for treaty bodies were prepared with the broadest possible engagement of governmental and non-governmental stakeholders. Civil society organizations had also participated in the preparations for the forthcoming universal periodic review of Nigeria.

26. **Ms. Sulaiman Ibrahim** said that one of the thematic areas of migration governance in Nigeria was led by civil society organizations. The Civil Society Network on Migration and Development (CSonetMADE) – a coalition of well over 200 civil society organizations working in the area of migration governance – played a crucial role in migration-related reporting.

27. Migration, displacement and trafficking had a disproportionately serious impact on women, and special shelters for women had been established. Nigeria pursued a victim-led prosecution policy, and women victims were encouraged to be present during legal proceedings. Abuse in shelters for women and children was unfortunately not uncommon, and measures were being taken to address the problem. The Trafficking in Persons Prohibition Enforcement and Administration Act of 2005 had been revised in 2015 to strengthen protection and include provisions on gender-based violence.

*The meeting was suspended at 4.10 and resumed at 4.30 p.m.*

28. **Mr. Charef** said that he was grateful for the delegation's frankness and fully shared its understanding of migration as a human right. It was a sad reality, however, that the right to leave did not necessarily go hand in hand with the right to arrive. He was curious to know whether the State party had any policies or programmes in place to encourage people to remain in Nigeria or to return to the country at some stage in their lives to contribute to the country's development. While people should certainly not be compelled to stay, incentives to do so might help curb a skills drain and encourage circular migration.

29. Could the delegation confirm whether it was true that persons who had been tried and convicted for drug trafficking and had served their sentence abroad could be tried again in Nigeria for the criminal offence of damaging the country's reputation?

30. **Ms. Diallo** (Country Rapporteur) said that the information used by the Committee in the preparation of its dialogue with States parties mainly came from governments, civil society organizations and relevant United Nations specialized agencies and special procedures, rather than social media.

31. She wished to know whether the 2022 bill concerning the National Human Rights Commission had been signed into law by the President or remained pending.

32. It would be helpful if the delegation could clarify whether appeals against expulsion orders had suspensive effect and, if so, by virtue of which legal instrument. Additional information would be welcome on any legislation and/or policies in place for regulating the situation of cross-border and seasonal workers. Given that most employment agencies appeared to be privately run, it would be useful to learn more about their responsibilities vis-à-vis migrant workers in, for example, cases where the terms of employment contracts violated labour rights. Were employment agencies held liable in such cases?

33. She welcomed the State party's intention to make the declaration under article 76 of the Convention by which it would recognize the competence of the Committee to receive and consider communications from other States parties and wondered whether the State party planned to make the declaration under article 77 of the Convention which would recognize the Committee's competence to receive and consider individual communications.

34. She would appreciate receiving further information on any bilateral agreements that were being negotiated with South Africa. It was important to address the situation of skilled workers from African countries, including Nigeria, who were recruited by companies based in European countries or elsewhere for temporary contracts or internships. Once their contracts – and, consequently, their work permits – expired, those workers were often left with no choice but to leave the country to avoid entering into an irregular situation. Those jobs were also often poorly paid, with pay levels sometimes falling below the minimum wage. In that connection, she wondered whether the State party had ratified the International Labour Organization (ILO) Minimum Wage Fixing Convention, 1970 (No. 131). She would be grateful to learn whether the precarious situation of migrants in such situations had been taken into account in the negotiation of bilateral and multilateral agreements by Nigeria and whether the State party intended to explore solutions to improve the conditions of employment for those workers.

35. Reports published by the United Nations Development Programme and the World Bank indicated that the State party was not capitalizing on the benefits of migration through its bilateral agreements. Such agreements should be beneficial for developed and developing countries alike. A shift in mindset was needed: migration should be viewed not just as a national security issue but also as an opportunity to support the country's development,

increase gross domestic product and address challenges such as poverty and high youth unemployment rates.

36. **Mr. Babacar** said that he would be interested to know what options were available to migrants wishing to appeal against decisions handed down by the National Human Rights Commission. Did they have access to legal assistance on a systematic basis? He also wished to know whether appeals in such cases were subject to a specific deadline, especially where a migrant had lost the job for which he or she had been granted a work permit.

37. The employment of domestic workers in private residences was a common practice in many West African countries, yet the authorities and labour inspectors were rarely able to enforce labour laws in such settings. He wished to learn of any steps taken by the State party to protect domestic workers in Nigeria and to compile information on them.

38. He had understood from what the delegation had said earlier that labour inspectors were apparently not included in awareness-raising activities on migration, despite their position as front-line enforcers of labour laws. Had that been an accidental omission? He would also like to know whether labour inspectors received training on the contents of the ILO Labour Inspection Convention, 1947 (No. 81).

39. **Mr. Oumaria** said that the State party was in a position to establish itself as a key player in the area of migration in Africa. Sustainable development in Africa was contingent on migration, in particular South-South migration and specifically migration between African countries. When developing policies on migration, the State party should take into account the experience of the Government of Morocco, which had taken steps to create an African model of migration by focusing on the skills and resources available on the continent.

40. **Mr. Ünver** (Country Rapporteur) said that, as the worrisome issue of unaccompanied minors in African countries was often ignored despite the fact that such minors were at risk of disappearance and, in the case of girls, in particular, abuse, the delegation might wish to comment on how it intended to tackle the problem in Nigeria. Any data it could provide on unaccompanied minors would be appreciated.

41. **The Chair** said that the aim of the dialogue was to enable the Committee to critically analyse information reported by the State party and alternative sources and consider any concerns raised before issuing its recommendations. The delegation would have ample opportunity to provide a response to any matters raised during the exchange.

42. It remained unclear how the migration status regularization process functioned in practice; further information in that regard would therefore be appreciated. He was given to understand that, in certain cases, judges could order the deportation or expulsion of migrants on the basis of administrative infractions and that, in such cases, migrants were held in detention until they were removed from the country. He would welcome clarification from the delegation on that subject.

43. According to alternative sources, millions of people had been forcibly displaced within Nigeria. He would be interested to know what steps the State party was taking to address the situation of such persons, in particular in the north of the country. The delegation might also wish to comment on its efforts to combat the activities of people-smuggling networks.

44. **Mr. Adejola** (Nigeria) said that it was important to ensure that migration was safe and orderly. While emigration from his country did not necessarily constitute a brain drain, it could be characterized as a skills drain. Professionals trained in Nigeria were being headhunted by other countries, which then profited from the skilled services they provided. For instance, at one point during the coronavirus disease (COVID-19) pandemic, representatives from a European country had travelled to Nigeria to recruit some 600 doctors. It was important to ensure that such arrangements would be mutually beneficial and support the development of Nigeria. To that end, the Nigerians in Diaspora Commission was exploring how the country could benefit from the emigration of its nationals. The Government would certainly take the Committee's recommendations into account as it continued to address the situation.

45. It was not true that Nigerians were punished for having tarnished the country's image, and no such offence was defined in the country's laws.

46. **A representative of Nigeria** said that he wished to provide clarification on the regularization process for migrant workers. On arrival in Nigeria, migrant workers were issued with a residence permit that applied to the migrants themselves and their families. They were then expected to register with their local immigration office within the first 90 days of their stay; that requirement did not apply to migrants who were planning to stay for shorter periods. A digital platform was used to collect data from migrants who were intending to remain in the country for more than 90 days.

47. Immigration-related infractions had not been criminalized in his country; instead, migrants who had committed such infractions were invited to a screening centre, where they might remain for up to three days. Their consular authorities were immediately informed, and migrants had access to legal assistance, including the prospect of being released under the recognizance of their consulate. There were no detention centres for migrants in Nigeria as such, only screening centres.

48. The smuggling of migrant workers was a criminal offence, and awareness-raising activities in that connection were being conducted at the community level. Smugglers were prosecuted and their proceeds confiscated and transferred to a board-managed trust fund set up for that purpose. Victims of migrant smuggling were protected, and measures were taken to promote their reintegration.

49. The movements of cross-border workers were facilitated in cooperation with neighbouring countries. A memorandum of understanding on intelligence-sharing was also in place with those countries so that law enforcement agencies could share pertinent information. The courts had the power to issue deportation orders for reasons of national security. In such cases, the consular authorities of the migrant concerned were immediately informed.

50. **Mr. Adejola** (Nigeria) said that, while it was commendable that the Committee obtained information from a range of sources, it was important to fact-check all such information, including that received from United Nations system entities and country offices.

51. **A representative of Nigeria**, providing an overview of the process involved in the adoption of legislation in the National Assembly, said that a private member's bill seeking to regulate the activities of non-governmental organizations by, for example, requiring the submission of annual reports, had led to an outcry and had subsequently been shelved at second reading in the House of Representatives.

52. The decisions of the National Human Rights Commission could be appealed against in the courts by any of the parties concerned, including migrant workers. It was important to note that there was no conflict between the Commission and the courts; both were institutions providing citizens whose rights had been violated with a means of redress.

53. **A representative of Nigeria** said that, owing to the cultural traditions in his country, the distinctions between home help, domestic servitude and child-rearing practices had been blurred. Steps were nevertheless being taken to ratify the ILO Domestic Workers Convention, 2011 (No. 189). The National Labour Advisory Council had met in November 2022 to discuss the issue, but it had been decided that further consideration would be necessary. The ILO Migrant Workers (Supplementary Provisions) Convention, 1976 (No. 143) had recently been ratified; the relevant preparatory processes now needed to be put in place ahead of its entry into force.

54. There were three migrant resource centres in the country – in Lagos, Abuja and Benin City, where there were large numbers of migrants. Consideration was being given to opening additional centres in each of the six geopolitical regions of the country. Lastly, the National Electronic Labour Exchange, more commonly known as the NELEX employment platform, had been set up by the Federal Ministry of Labour and Employment and was accessible to foreign migrant workers and Nigerians alike. Through that platform, prospective workers were matched with employers, including private employment agencies and government departments. Private employment agencies were regulated. Prior to receiving a two-year licence, they underwent a thorough registration process and were required to deposit funds

with the Federal Government. Those funds were used to pay out money owed to migrant workers in the event that the agency defaulted.

55. **A representative of Nigeria** said that persons who had been convicted of drug offences abroad were not punished twice for the same offence. In some cases, it was agreed with the other Government concerned that a convicted individual would serve a portion of his or her sentence in Nigeria.

56. **Ms. Sulaiman Ibrahim** (Nigeria) said that bilateral talks between her Government and the Government of South Africa were at an advanced stage and encompassed issues such as financial crimes, illicit financial flows, human trafficking and visas. Domestic servitude was covered in the Trafficking in Persons Prohibition Enforcement and Administration Act; the National Agency for Prohibition of Trafficking in Persons established by that Act had a toll-free number for reporting issues relating to domestic servitude. A number of such complaints had been received and, in those cases, a rapid response squad had intervened and the perpetrators had been prosecuted.

57. The Government of Nigeria took the view that, rather than facing a brain drain, it was fostering the sharing of talent and the sharpening of skills. Emigration was also a development issue, as individuals could further their education and hone their skills abroad and return later on to support the development of their home country.

58. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) had been ratified, and a bill incorporating its provisions into national law had been submitted to the National Assembly. While awaiting that bill's passage, various agencies provided assistance to internally displaced persons, ranging from first responders, which provided immediate support and stabilization services, to the National Commission for Refugees, Migrants and Internally Displaced Persons, which worked to find sustainable and durable solutions.

59. Many challenges remained to be addressed, but significant efforts had been made in her country to protect the rights of all migrant workers and members of their families. She called upon the Committee to encourage European Union member States and the United States of America to become parties to the Convention.

60. **Mr. Charef** said that the State party was the economic and cultural powerhouse of the African continent. He called upon the Government of Nigeria to leverage the country's status as the "Giant of Africa" to become a driving force on migration issues within the African Union and, given that some 75 per cent of African migration occurred within Africa, to promote the organization of a conference on the subject. It was critical to establish intra-African solutions and cooperation on migration.

61. **Ms. Diallo** said that she would welcome clarification on several issues. First, with reference to paragraph 137 of the State party's report, she wished to know whether there had actually been no cases whatsoever in which migrant workers had been expelled; second, she would like information on the status of the bill that, if passed, would repeal and amend the National Human Rights Commission Act of 2010 (as amended); and third, she would appreciate specific information on whether appeals against decisions of the Commission had suspensive effect and thus allowed the migrant worker concerned to remain in the country pending the outcome of the appeal.

62. **A representative of Nigeria** said that the bill to amend the National Human Rights Commission Act had been passed by the National Assembly and, as far as he knew, was awaiting the President's signature.

63. **A representative of Nigeria** said that certain steps were taken to see to it that migrant workers who had violated their right of stay would leave the country. However, migrant workers who were involved in legal proceedings or appeals were granted a stay of action, meaning that they had leave to remain until the case had been concluded.

64. **Mr. Ünver** said he hoped that the constructive dialogue had contributed to the State party's endeavours to enhance and improve its legislation and its implementation of the Convention. The Committee would be grateful if the delegation could submit any additional



information in writing within 24 hours. In the meantime, he wished to underscore the Committee's willingness to provide support to the State party if requested to do so.

65. **Ms. Diallo** said it was clear that the Committee and the State party shared the common goal of improving conditions for migrant workers and members of their families. She welcomed the opportunity to continue to engage in a dialogue with the delegation and the Government of Nigeria and hoped that the Committee's forthcoming concluding observations would contribute to further improvements in the situation for Nigerian citizens at home and abroad.

66. **Ms. Sulaiman Ibrahim** (Nigeria) said that the implementation of the Convention was a priority for her Government. While many challenges remained to be addressed, a determined effort had been made in her country to protect the rights of all migrant workers and members of their families. To further that goal, she called upon the Committee to encourage European Union member States and the United States of America to become parties to the Convention.

*The meeting rose at 6 p.m.*