

National Action Plan for the Promotion and Protection of Human Rights in Nigeria

2009 - 2013

Federal Republic of Nigeria

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1.0 INTRODUCTION AND BACKGROUND

1.1 A BRIEF HISTORY OF HUMAN RIGHTS IN NIGERIA

The history of human rights in Nigeria predates the advent of colonial rule. Human rights and fundamental freedoms were recognised in the traditional Nigerian societies. The idea of rights was not, however, conceived in the modern notion. Such values as right to family, kin and clan membership, freedom of thought, speech, belief, right to enjoy private property and right to participate in governance of the affairs of the society were jealously guarded. However, freedom from discrimination, right to association and equality rights were hardly respected because it was believed all men were not born equal as there were slaves and sons of the land, outcastes and freeborn etc.

Also, in areas where the Sharia legal system was firmly entrenched, especially in the Northern part of the country, human rights and fundamental freedoms were specifically protected and guaranteed in accordance with the tenets of Islam which hold justice and equity in high esteem. When Colonialism came, it brought with it a new set of rights but largely denied Nigerian's political and economic rights. It was not until 1922, through the Clifford Constitution, that limited franchise was introduced for the first time in Nigeria by the British Colonial government. The struggle for better political participation by early Nigerian nationalists led to enhanced political rights in the pre-independence constitutions culminating in the Lyttleton Constitution of 1954. In the economic sphere, our agricultural products were hijacked to sustain industries in the west and upon the discovery of oil, the peoples right to manage their natural economic resources was lost to the colonial masters. The succeeding governments of the day have entrenched this culture since the end of colonial rule.

The entrenchment of fundamental rights and freedoms in Nigeria in the modern sense could, however, be traced to the Bill of Rights, 1958, which culminated in Chapter III of the 1960 Independence Constitution and those that followed. The Independence Constitution of 1960 and the Republican Constitution of 1963 have provisions for the protection of fundamental human rights. The 1979 and the 1999 Constitutions went further by providing a Bill of rights in Chapter IV. It went further to provide for Fundamental Objectives and Directive Principles of State Policy in Chapter II which recognised Economic, Social and Cultural Rights but gave it an inferior status to the rights in chapter by making the Economic and Social rights non justiceable. The entrenchment of human rights provisions in our Constitutions was aimed at creating a society which protects political freedom as well as the social and economic well-being of Nigerians. It seems the discrimination between chapter II and IV of the constitution has adversely affected the progress in the development of civil liberties and socio-economic rights in Nigeria.

Despite the guarantee of fundamental rights and liberties in the Nigerian Constitutions since 1960, the Country has had the misfortune of military interruptions. This further compounded the situation and had far-reaching effects on the promotion and protection of democratic values and fundamental freedoms among Nigerians.

Before the new dawn of democracy in Nigeria in 1999, successive military regimes systematically violated the rights and freedoms of Nigerians with impunity. This large-scale denial of human rights in Nigeria reached its peak between November 1994 and June 1998.

The abysmal situation of human rights under the military regime resulted in Nigeria becoming a pariah State in the international arena, and the Country was put on the agenda of the United Nations Commission on Human Rights for five consecutive years. At the peak of this scenario in 1996, Ken Saro-Wiwa was executed; the Commonwealth and some other international bodies and organisations severed either or both economic and diplomatic ties with Nigeria.

Nigerians, led by human rights civil society groups and professional bodies, engaged the military in the struggle for a better society, governed by Constitutionalism, the Rule of Law, Social Justice and Respect for Human Rights. This finally resulted in the Constitution of the Federal Republic of Nigeria, 1999, and the emergence of democracy and democratic institutions in 1999. There is no gainsaying in the fact that democratic rule since 1999 has not automatically translated to realisation of basic freedoms and democratic values. There is need, while engaging the government, to change tactics from confrontation to dialogue.

1.2 THE CONCEPT OF THE NATIONAL ACTION PLAN (NAP) FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA.

The National Action Plan for the Promotion and Protection of Human Rights (NAP) is the response of the Government of Nigeria to the recommendations of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights in Vienna Austria in 1993. This requested that:

“Each state considers the desirability of drawing up a national action plan identifying steps whereby the state would improve the protection and promotion of human rights”

The Government of Nigeria has fully associated itself with the Vienna Declaration and Programme of Action, both of which emphasize that all human rights are universal, indivisible, interdependent and interrelated; and that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. In developing a National Action Plan, governments are called upon to:

- (a) assess the current measures in place to protect and promote human rights
- (b) identify areas that need improvement
- (c) commit to improving the protection and promotion of human rights.

1.2.1 OBJECTIVES

This Nigerian National Action Plan is an integrated and systematic national strategy to help realise the advancement of human rights in Nigeria. At one and the same, time it is also:

- (a) an audit of the human rights situation in Nigeria, identifying areas in need of promotion and protection, as well as improvement

- (b) a commitment to concrete measures that can be adopted to build and entrench a culture of human rights for the enjoyment of all
- (c) a framework for sustained and coordinated ways for the Country as a whole to promote and protect human rights in the next four years

The NAP presents an opportunity for identifying and agreeing on areas of cooperation between Government Departments, the Private Sector, Civil Society in general, and other role players, so that together, all stakeholders can improve the protection and promotion of human rights in the country.

It will also be used by the Government,, organs of the Civil Society and the International Community to monitor and assess the observance of human rights, and to gauge the commitment of the Government to the promotion and protection of human rights in the Country.

1.3 DEVELOPING NIGERIA'S NATIONAL ACTION PLAN (NAP) FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

The Federal Government of Nigeria has consciously chosen a participatory, consultative and collaborative approach to develop the NAP. The process began in November 1999, when the National Human Rights Commission (NHRC, otherwise known as the Commission), with the support of the British Council, organized a study visit to South Africa to obtain first hand knowledge of the process that led to the development of the South African National Action Plan on Human Rights. The Study Team was composed of representatives from the NHRC, the Federal Ministry of Justice (FMOJ), the media and Non-Governmental Organisations (NGOs).

1.3.1 Consultative meeting with Ministries and Departments of Government

In December 1999, the Chambers of the Honourable Attorney-General of the Federation and Minister of Justice, in collaboration with the NHRC, hosted a consultation with all Government Ministries and Justice Sector institutions. The purpose of this consultation was to explain the concept of the NAP, as well as the obligations of the respective ministries, agencies and institutions in the process of developing the NAP.

1.3.2 Consultations with Civil society

In April 2000, the Chambers of the Attorney-General of the Federation and Minister of Justice requested the NHRC to commence consultations with the Civil Society and the National Assembly (Parliament), with a view to explaining the concept of the NAP. Between July and October 2000, the NHRC convened a series of meetings with Civil Society representatives across Nigeria. At the end of these meetings, a process for broad consultation was mapped out and the process for developing the NAP was started.

The first activity was in October 2000, when the NHRC, in partnership with the Senate Committee on Human Rights, the House of Representatives Committee on Justice and Human Rights and the Legal Resources Consortium, convened a Parliamentary Hearing

on the State of the Promotion and Protection of Human Rights in Nigeria. The purpose of this Hearing was to familiarise members of the National Assembly, Government Ministries, Service Chiefs and the Organised Private Sector with the concept of NAP and the need for same.

In November 2000, the NHRC, with the support of Australian Embassy in Nigeria, hosted a workshop on Regional and International Human Rights Instruments. The focus of this workshop was on the key International and Regional Human Rights Instruments which have been domesticated, ratified or which are in the process of ratification by Nigeria, as well as those not yet ratified or domesticated.

These activities provided a forum for identifying and agreeing on areas of cooperation between the National Assembly, Government Departments and Civil Society, including the Private Sector, in the development of the NAP.

1.3.3 Steering and Coordination Committee

In April 2001, the Federal Government of Nigeria formally inaugurated the Steering and Coordinating Committees of the National Action Plan for the Promotion and Protection of Human Rights.

In October 2001, the Federal Ministry of Justice and the National Human Rights Commission, with the support of DFID, hosted the First Nigerian Human Rights Summit. Participants at the Summit included Human Rights Defenders, other NGOs, CBOs, the NBA and other professional bodies, as well as other stakeholders in the Civil Society, Government Ministries, Parastatals and Agencies, the Military, Police, and other Law Enforcement Agencies, the Judiciary, Parliamentarians and the Academia. The Summit was convened to provide a forum for Government and Civil Society to agree on the content and framework of the NAP.

1.3.4 Consultation with Legislative Bodies

In October 2002, the Commission, in collaboration with the Senate and House Committees on Human Rights, with the support of the MacArthur Foundation, hosted all of the Speakers of the 36 State Houses of Assembly in an interactive session on the Draft National Action Plan. The purpose was to incorporate their input into the NAP Document.

On 10th October 2002, further effort was made towards the development of the National Action Plan when the National Human Rights Commission, in collaboration with the National Assembly and the Legal Resource Consortium, the support of the McArthur Foundation organized a One-Day Conference on Human Rights and the Death Penalty.

In November 2002, with the support of the McArthur Foundation, the Commission's Thematic Programme Officers visited various relevant Ministries/Parastatals and received their inputs on the status of various projects embarked upon by them towards the promotion and protection of human rights, as enshrined in the 1999 Constitution of Nigeria and other relevant Regional and International Human Rights Instruments.

With the support of McArthur Foundation, a Documentary on the Activities of the Commission, Leading to the Development of the National Action was produced for public enlightenment and educational purposes in sensitising the public on the National Action Plan during the period of 2002 to 2003.

Between the 2004 and 2005, the Open Society Initiative for West Africa collaborated with the Commission in holding consultations with the media, Government Ministries/Parastatals, and the Civil Society on strategies towards a successful implementation of the NAP Document when adopted by the Federal Government.

The Commission again sent out its Programme Officers to various Government Ministries and Parastatals to update the NAP Document with developments in those various Ministries and Parastatals, since the last consultations with such entities. These were further harmonized into the NAP Document. Preliminary Final Draft Copies were then printed for presentation to the Government.

Again on the 7th December 2005, the Commission, in collaboration with the Open Society Initiative for West Africa, organized a consultation with the new Parliamentarians elected in 2003, to brief them on the NAP Document. Having carried out the previous consultations with the former parliamentarians elected between 1999 to 2003, it was, therefore, considered necessary to brief the new NASS on the NAP Document.

1.3.5 Adoption and the Post Adoption Phase

Finally, in December 2006, the Draft NAP Document was handed over to the President by the Honourable Attorney-General of the Federation and Minister of Justice, who was the Chair of the Steering Committee for the Development of NAP. NAP has now been adopted by the Federal Executive Council as the National Policy on human rights in Nigeria. Thus the Government of the Federal Republic of Nigeria has successfully developed and adopted the NAP Document.

Since adoption in 2006, continuous efforts have been made to update the NAP document and monitor its implementation by stakeholders. Supported by the Mac Arthur Foundation and Open Society Initiative for West Africa, the Commission has organized Bi-annual meetings of all federal implementing agencies and the civil society since 2007 to sustain the awareness on NAP and monitor its implementation. To a large extent, the NAP document has been designed to be a living document during its four year implementation period. The bi-annual NAP implementation and review meetings provide useful opportunities for identifying areas of challenges that have been addressed and emerging areas of challenge not yet addressed. While continuously incorporating these emerging areas of challenge and de-emphasizing challenges already addressed, the NAP document will nevertheless undergo a comprehensive re-evaluation and review after 4 years of its implementation.

2.0 ORGANISING STRUCTURES AND CONSULTATIVE PROCESSES FOR DRAFTING THE NATIONAL ACTION PLAN (NAP) FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA

2.1 NAP STEERING COMMITTEE

Convened by the Hon. Attorney-General & Minister of Justice
Chairman, Senate Committee on Justice, Human Rights and Legal Matters
Chairman, House of Representatives Committee on Human Rights
Chairman, National Human Rights Commission

2.2 NAP COORDINATING COMMITTEE

Convened by the Permanent Secretary & Solicitor General of the Federation
Executive Secretary, National Human Rights Commission
Special Adviser, Hon. Attorney-General & Minister of Justice
Managing Partner, Legal Resources Consortium

2.3 Consultative process involved:

1. Consultation process with government departments, Parliament, Judiciary, the private sector, Public Corporations and multinational Companies and NGOs
2. Broad consultation process with professional bodies, communities and individuals in civil society
3. A public awareness campaign via the media and open participatory workshops and summits.

3.0 NATURE OF THE RIGHTS CONTAINED IN THE NAP DOCUMENT

3.1 CIVIL AND POLITICAL RIGHTS

- Life
- Dignity of the Human Person
- Personal Liberty
- Fair Hearing
- Private & Family life
- Freedom of Thought, Conscience & Religion
- Freedom of Expression and Press
- Peaceful assembly and Association
- Freedom of movement
- Freedom from Discrimination
- Right to Property

3.2 ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Employment
- Housing and Shelter
- Health
- Food
- Portable Water
- Education

3.3 THE RIGHT TO SUSTAINABLE DEVELOPMENT, PEACE AND A PROTECTED ENVIRONMENT

- Sustainable Development
- A protected environment

3.4 THE RIGHTS OF WOMEN, CHILDREN AND YOUNG PERSONS

- Women in Public Life
- Women and Harmful Traditional Practices
- Women and Crime, Safety And Security
- Women and Access to Justice
- Rights of Children and young persons to Survival, Development Protection, and Participation

3.5 RIGHTS OF PERSONS WITH DISABILITIES

Although the Convention on Persons with Disabilities had not been adopted at the time of the initial consultation on NAP 1999-2005, the rights of persons with disabilities will be treated as an emerging area of challenge and incorporated as a cross cutting issue in all sections of the present NAP.

Stakeholders will at the periodic review of the first four years of NAP implementation, develop a chapter on persons with disabilities

4.0 FRAMEWORK FOR THE DISCUSSION OF RIGHTS CONTAINED IN THE NAP

4.1 Principal Sources of the Rights

The rights that will be discussed in this document are derived from two sources:

4.1.1 Nigerian Domestic Laws -

- (a) The Human Rights provisions in the Constitution of the Federal Republic of Nigeria, 1999
- (b) The African Charter on Human and People's Rights (Enforcement and Ratification) Act, 1990
- (c) The Child's Rights Act, 2003, and the various States' Child's Rights Laws
- (d) The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003
- (e) The various States' Legislation on the Prohibition of Female Genital Mutilation, and the protection of the Girl child such as early Marriages, withdrawal of the Girl Child from School for purpose of Marriage, etc.

4.1.2 African Regional Instruments

- (a) African Convention on the Conservation of Nature and Natural Resources 1968
- (b) African Union Convention Governing the Specific Aspects of Refugee Problems in Africa 1969
- (c) Cultural Charter for Africa 1976
- (d) Convention on the Elimination of Mercenaries in Africa 1977
- (e) African Charter on Human and Peoples Rights, 1981
- (f) African Charter on the Rights and Welfare of the Child, 1990
- (g) Convention on the ban of the import into Africa and the control of Transboundary movement and management of hazardous wastes within Africa 1991
- (h) Treaty Establishing the African Economic Community 1991
- (i) African Maritime Transport Charter 1994
- (j) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples Rights 1998
- (k) OAU Convention on the Prevention and Combating of Terrorism 1999
- (l) Constitutive Act of the African Union, 2000
- (m) Protocol to the Treaty Establishing the African Economic Community Relating to the Pan African Parliament, 2001
- (n) Convention of the African Energy Commission 2001
- (o) Revised Protocol relating to the conservation of nature and natural resources 2003
- (p) Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa 2003
- (q) AU Convention on preventing and combating corruption 2003
- (r) African Charter on Democracy, Elections and Governance 2007
- (s) Africa Youth Charter 2006.
- (t) Protocol on the Statute of the African Court of Justice and Human Rights 2008
- (u) Statute of the African Union Commission on International Law 2009

- (v) The Continental Plan of Action of the African Decade on the Rights of Persons with Disability, 1999-2009 which has now been extended to take effect from 2010 to 2019
- (w) Revised Treaty of the Economic Community of West African States 1993

4.1.3 United Nations Treaties

- (a) The International Covenant on Civil and Political Rights, 1966 (and its two optional Protocols)
- (b) The International Covenant on Economic, Social and Cultural Rights, 1966
- (c) Optional Protocol to the Covenant on Economic Social and Cultural Rights.
- (d) The Convention on the Political Rights of Women, 1953
- (e) Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1979
- (f) Optional protocol to the Convention on the elimination of all forms of discrimination against Women (CEDAW-OP)
- (g) The Convention on the Elimination of All Forms of Racial Discrimination, CERD 1963
- (h) The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (Convention Against Torture), 1984
- (i) Optional Protocol to the Convention against Torture, Cruel Inhuman and Degrading treatment or punishment.
- (j) Convention on the Rights of the Child, 1989
- (k) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- (l) Optional Protocol to the Convention on the rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- (m) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organized Crime 2000
- (n) International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. 1990
- (o) Convention on the Rights of Persons with Disabilities (CRPD), 2006
- (p) Statute of the International Criminal Court ICC, 2002
- (q) Convention Concerning Forced or Compulsory Labour, 1930
- (r) Convention Concerning the Abolition of Forced Labour, 1957
- (s) Right to Organise and Collective Bargaining Convention, 1949
- (t) Discrimination (Employment and Occupation) Convention, 1958

4.1.4 Integrated Approach

Effective promotion and protection of human rights requires an integrated approach. The NAP is, therefore, based on the premise that all human rights are:

- Universal
- Indivisible
- Inter-dependent
- Inter-related

Nevertheless for the sake of convenience, the NAP will discuss human rights under four broad headings of -

- Civil and Political Rights
- Economic, Social and Cultural Rights
- Right to Development, Peace and a Protected Environment
- Rights of Women, Children and other Vulnerable Groups

4.2 Context for Discussing the Specific Rights

Each right that we deal with in this document is discussed in terms of the following -

- (a) Constitutional and other Legal Obligations
- (b) International Obligations
- (c) Steps/Actions Already Taken -
 - (i) Policy
 - (ii) Legislation
 - (iii) Administrative Steps/Actions
- (d) Further Challenges
- (e) Addressing the Challenges
- (f) Evaluation and Monitoring
- (g) Resources and Budget

4.3 The Institutions Functioning in the Field of Human Rights in Nigeria

(i) The National Human Rights Commission (NHRC)

It must -

- Promote and protect human rights
- Engender a culture of human rights
- Monitor and assess the observance of human rights in the country
- Investigate all alleged cases of human rights violations
- Assist victims of human rights violations and seek appropriate redress and remedies on their behalf.
- Publish reports and recommendations on issues of human rights.
- Guide the formulation of informed policies and legislations affecting human rights.

(ii) The Auditor-General

He/she must audit and report on the accounts, financial statements and financial management of all levels of government.

(iii) The Independent National Electoral Commission (INEC)

It must -

- Manage the elections of national and state executive and legislative bodies
- Ensure that all elections are free and fair.
- Be independent in its appointment, operations and financing.
- Provide a level playing field for all stakeholders participating in elections and electioneering processes.

(iv) The National Broadcasting Commission of Nigerian (NBC)

It must -

- Regulate broadcasting in the public interest
- Ensure a diversity of views that broadly represent the Nigerian society.
- Give equal opportunities to all political parties and individuals involved in elections.
- Ensure the protection of freedom of expression and information.

(v) Code of Conduct Bureau/Tribunal

It must -

- Ensure periodic asset declaration of public servants
- Arraign defaulting public servants
- Ensure probity and accountability in governance

(vi) Anti Corruption Institutions namely -

- Code of Conduct Bureau/ Tribunal
- Independent Corrupt Practices and other Related Offences Commission
- Economic and Financial Crimes Commission

(v) Federal Character Commission

- Ensures Equitable distribution of political and public offices across the country
- Ensures compliance and imposes sanctions on defaulting institutions.

(vi). Legal Aid Council

Provides free legal Services to indigent members of society.

4.4 Nigeria's International/Regional Obligations

Nigeria has signed and ratified or acceded to the most important international and regional human rights instruments. Milestones regarding the incorporation of United Nations and regional human rights treaties include the domestication of the African Charter on Human and Peoples' Rights.

We have made a determined effort to accede to and ratify a number of human rights treaties, both at international and regional levels. These treaties include, but are not limited to, the following:

- The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979

- The United Nations Convention on Rights of the Child (CRC), 1989
- The African Charter on Human and Peoples' Rights, 1981
- The United Nations Convention Relating to the Status of Refugees, 1951
- The African Charter on the Rights and Welfare of the Child (CRWC), 1990
- The African Union's Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969
- The International Covenant on Civil and Political Rights, 1966
- The International Covenant on Economic, Social and Cultural Rights, 1966
- The Convention on the Elimination of All Forms of Racial Discrimination, 1966
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (Convention Against Torture), 1984
- The Convention on the Political Rights of Women, 1953
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organized Crime

4.4.1 Human Rights Periodic Reports that Nigeria has submitted to the UN and the African Commission include -

- (i) The Initial to the fifth Periodic Reports to the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), submitted to the UN
- (ii) The Initial to the Fourth periodic Reports to the Committee on the UN Convention on the Rights of the Child
- (iii) The initial and first Report on the African Charter on Human and Peoples' Rights, submitted to the African Union Commission
- (iv) The Initial Report on the African Charter on the Rights and Welfare of the Child, submitted to the Committee of Experts on the Rights and Welfare of the Child.

4.4.2 Challenges in International and Regional Human Rights Instruments

The need to -

- Ratify the Optional Protocol to the Convention Against Torture
- Ratify the Protocol on the Statute of the African Court of Justice and Human Rights 2008
- Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990
- Domestication of CEDAW and the AU protocol on the Rights of Women 2003

4.4.3 Plans to Address the Challenges Presented by the International and Regional Human Rights Instruments -

- (i) Lead Ministries have to present the key Covenants and Conventions to the National Assembly (the National Parliament) for ratification
- (ii) The National Assembly has to proceed with the ratification of the various Covenants and Conventions already ratified by the Federal Executive Council (the Federal Cabinet)
- (iii) Preparation of reports to the various treaty bodies and the regional structures responsible for monitoring the implementation of international and regional human rights treaties by State Parties

4.4.4 National Institutions Responsible for Monitoring the Implementation of International and Regional Human Rights Instruments include :

- (i) The Presidency
- (ii) The National Assembly and its various committees
- (iii) The States Assemblies and their relevant Committees
- (iv) The Ministry of Foreign Affairs
- (v) The Judiciary
- (vi) The National Human Rights Commission
- (vii) The Academic Institutions
- (viii) The Media Houses
- (ix) Other relevant ministries and extra-ministerial bodies
- (x) Civil Society Organisations.

4.4.5 Resources and Budget

The budgets of the –

- (i) Government Ministries and Departments
- (ii) Extra Ministerial bodies (Parastatals)
- (iii) Judiciary
- (iv) National and State Assemblies;
- (v) Donor Community and civil society.

5.0 CIVIL AND POLITICAL RIGHTS

5.1 SCOPE

The implementation of the following rights is discussed in this chapter -

- Life
- Dignity of the Human Person
- Personal Liberty
- Fair Hearing
- Private & Family life
- Freedom of Thought, Conscience & Religion
- Freedom of Expression and Press
- Peaceful Assembly and Association
- Freedom of Movement
- Freedom from Discrimination
- Property

5.2 RIGHT TO LIFE

5.2.1 Constitutional Obligations

The right to life is provided for in section 33 of the Constitution of the Federal Republic of Nigeria 1999 as follows -

“33.-(1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary -

(a) for the defence of any person from unlawful violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or

c) for the purpose of suppressing a riot, insurrection or mutiny.”

5.2.2 International Obligations

Our International Obligations are guided by :

- Article 3 of the Universal Declaration of Human Rights
- Article 6 of the International Covenant on Civil and Political Rights
- Article 4 of the African Charter of Human and Peoples' Rights
- Article 6 of the United Nations Convention on the Rights of the Child

- Article 5 of the African Union Charter on the Rights and Welfare of the Child

5.2.3 What Has Been Done

5.2.3.1 Policy

Government policy seeks to :

- Enhance the enjoyment of reproductive rights and promote maternal health
- Acknowledge the duty of the State to protect human life in all contexts
- Make it unlawful to take life intentionally without due process
- Provide sanctions for those that breach the law
- Provide measures against impunity
- Provide restitution and compensation for victims of crime.

5.2.3.2 Domestic Legislation

- Criminal Codes
- Penal Codes
- Criminal Procedure Act, 1945
- Criminal Procedure Codes
- Robbery and Fire Arms Act, 1984
- Police Act, 1943
- Child's Rights Act, 2003
- Child's Rights Laws of the various States
- Coroner and inquest Laws of the various States
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- Fundamental Rights Enforcement (Procedure) Rules
- Legislative Reform of Offence of Kidnapping Laws(State Laws)

5.2.3.3 Administrative Steps Taken

- Constitution of Criminal Justice Committees in some States
- Establishment of the Prerogative of Mercy Committees of some States
- White Paper on the National Commission for the Reform of Administration of Criminal Justice in Nigeria (otherwise known as the Justice Ejiwunmi Commission) has been released awaiting approval by the Federal Executive Council
- Granting of Amnesty to a certain category of inmates nationwide
- The National Committee on the Death Penalty 2001 has presented report to the A-GF
- Community Policing has been adopted as a Strategy for Crime Prevention in some States
- The drafting of a National Crime Prevention Strategy (NCPS), which is awaiting appropriate further administrative processes
- Preparation of the Administration of Criminal Justice Bill,2006
- Establishment of Human Rights Desk in some Divisional Police Formations
- Establishment of Human Rights Desks in Prison zonal commands

5.2.4 Challenges

- Non-effectiveness of the criminal justice process as a deterrent to crime, particularly violent crime
- Increase in unresolved politically motivated killings, which may affect public attitude towards the abolition of the death penalty
- The apprehension over the wider expansion of the components of right to life, especially as it relates to sexual and reproductive health, and the right to reproductive choice
- Delay in the processes of promulgation and implementation of the Administration of Criminal Justice Bill
- Extra Judicial killings by security agencies and increasing cases of summary executions and the accompanying impunity resulting from low capacity of the police to apprehend and prosecute offenders.
- Difficulty in obeying court orders by security forces
- Extension of the death penalty to other offences notably kidnapping
- Delay in the review of the Fundamental Rights Enforcement Procedure Rules
- Non domestication of some relevant international human rights instruments e.g. CAT
- The problem of *locus standi*
- Non passage of several Criminal Justice Reform Bills namely –
 - Administration of Justice Commission Bill 2006
 - (Victims Compensation) Bill 2006
 - Prisons Amendment Bill 2006
 - Legal Aid Council Amendment Bill 2006
 - Community Service Bill, 2006
- Concerns over the use of death penalty as the proper sanction in face of challenges in the system of administration of justice.
- Recent introduction of capital punishment for kidnapping by some states

5.2.5 Addressing the Challenges

- Judicial activism and enlargement of locus standi
- Legislative advocacy for the enactment of the Law Enforcement Official Responsibility Act.
- Improving infrastructures for law enforcement for the protection of life and property
- Introduction of human rights education for all, focused on the right to life
- Legislative advocacy for a Crime Witness Protection Act.
- Right to Counsel for Crime Suspects stated on Police Statement Sheets.
- Implementation of the National Crime Prevention Strategy
- Further advocacy for the passage by State legislatures of the Childs Rights Laws
- Further advocacy for passage of the Criminal Justice (Victims compensation) Bill
- Advocacy for the passage into law of the Bill on the Prohibition of Discrimination Against Women
- Legislative advocacy aimed at amending the Legal Aid Council Act
- Legislative advocacy aimed at amending the Fundamental Rights Enforcement

- Procedure Rules
- Amendment of the 1999 Constitution

5.2.6 Monitoring and Implementation

5.2.6.1 Bodies

- The Parliament
- The Judiciary
- The Prisons Service
- The Ministry of Defence
- The Ministry of Justice
- The Ministry of Police Affairs
- The Legal Aid Council
- The Public Complaints Commission
- The National Human Rights Commission
- The Military
- The Police
- Civil Society Organisations
- Faith-based institutions
- State Security Services
- National Security and Civil Defence Corps
- The Academia
- The Print and Electronic Media

5.2.6.2 Resources and Budget

- Criminal Justice Funding, including funding for the Proposed National Crime Prevention Strategy
- National Human Rights Commission
- Legal Aid Council
- The Nigeria Police
- Civil Society Organisations
- Private Sector

5.3 RIGHT TO DIGNITY OF THE HUMAN PERSON

5.3.1 Constitutional Obligations

“34. (1) Every individual is entitled to respect for the dignity of his person, and accordingly -
(a) no person shall be subject to torture or to inhuman or degrading treatment;
(b) no person shall be held in slavery or servitude; and
(c) no person shall be required to perform forced or compulsory labour.

(2) For the purposes of subsection (1)(c) of this section, "forced or compulsory labour" does not include -

- (a) any labour required in consequence of the sentence or order of a court;*

- (b) *any labour required of members of the armed forces of the Federation or the Nigeria Police Force in pursuance of their duties as such;*
- (c) *in the case of persons who have conscientious objections to service in the armed forces of the Federation, any labour required instead of such service;*
- (d) *any labour required which is reasonably necessary in the event of any emergency or calamity threatening the life or well-being of the community; or*
- (e) *any labour or service that forms part of -*
 - (i) *normal communal or other civic obligations of the well-being of the community.*
 - (ii) *such compulsory national service in the armed forces of the Federation as may be prescribed by an Act of the National Assembly, or*
 - (iii) *such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an Act of the National Assembly”.*

5.3.2 International Obligations

Our International Obligations are guided by :

- (a) The Universal Declaration of Human Rights 1948
- (b) The International Covenant on Economic, Social and Cultural Rights, 1966
- (c) Optional Protocol to the Covenant on Economic Social and Cultural Rights.
- (d) The Convention on the Political Rights of Women, 1953
- (e) Convention on Elimination of All Forms of Discrimination Against Women(CEDAW), 1979
- (f) Optional protocol to the Convention on the elimination of all forms of discrimination against Women (CEDAW-OP)
- (g) The Convention on the Elimination of All Forms of Racial Discrimination, CERD 1963
- (h) The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (Convention Against Torture), 1984
- (i) Optional Protocol to the Convention against Torture, Cruel Inhuman and Degrading treatment or punishment.
- (j) Convention on the Rights of the Child, 1989
- (k) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- (l) Optional Protocol to the Convention on the rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- (m) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, Supplementing the United Nations Convention Against Transnational Organized Crime 2000
- (n) International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. 1990
- (o) Convention on the Rights of Persons with Disabilities CRPD),2006
- (p) Statute of the International Criminal Court ICC, 2002
- (q) Convention Concerning Forced or Compulsory Labour, 1930
- (r) Convention Concerning the Abolition of Forced Labour, 1957

- (s) Right to Organise and Collective Bargaining Convention, 1949
- (t) Discrimination (Employment and Occupation) Convention, 1958
- (u) Other relevant Instruments to which Nigeria is signatory

5.3.3 What Has Been Done?

5.3.3.1 Policy:

Government has developed a National Crime Prevention Strategy (NCPS).
Government Policy seeks to:

- Combat crime so that everyone can be safe and secure
- Balance the rights of victims with the rights of people who are accused of crimes
- Enable people to have control over their own bodies
- Eliminate violence against women and children
- Encourage moratorium on persons on death row.

5.3.3.2 Domestic Legislation:

- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- Child's Rights Act, 2003
- Child's Rights Laws of the various States
- Children and Young Persons Legislations of the various States
- Criminal or Penal Codes of the various states
- Marriage Act, 1914
- Criminal Procedure Act, 1945
- Criminal Procedure Codes
- Fundamental Rights Enforcement Procedure Rules
- High Court Procedure Rules of the Federal and the Various States High Courts
- Prerogative writs.
- National Agency on the Control of AIDS (Establishment) Act,
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003
- People Living With HIV/AIDS, (Freedom from Discrimination Law) Akwa – Ibom State, 2007
- Domestic Violence Law in Jigawa State and some other States
- States Action Committee on Control of AIDS (SACA) and relevant laws in some States.

5.3.3.3 Proposed Legislation

- Anti - Discrimination Bill (HIV Status, etc)
- Protection of the rights of PLWHA in Some states
- Victims of Crime Support Fund Bill
- Abolition of Harmful Cultural Practices Against Women Bill
- Prohibition of Discrimination Against Women Bill

- Child's Rights(adoption) Bills in States that are yet to adopt
- Bill on domestication of Convention Against Torture (CAT)

5.3.3.4 Administrative Steps Taken

- National AIDS Plan focusing on people living with HIV/AIDS and which promotes prevention and education as a means of combating prejudice and discrimination.
- Launching of the National Strategic Framework for Action (NSF-2005) The NSF is to guide all sectoral activities with a view to preventing and mitigating the impact of HIV / AIDS in Nigeria
- Work Place Policy on HIV/AIDS – Among other things, the Work Place Policy is to guide against discrimination in the workplace.
- Health Sector Reforms - there is an ongoing reform in the health sector with a view to improving the health care service delivery to Nigerians.
- National Programme on Immunization
- Establishment of National Agency on Prohibition of Trafficking in Persons (NAPTIP)
- Increase in the daily feeding allowance of prison inmates
- Approval of the joint-project on the establishment of six half-way houses between the Federal Ministries of Justice and Interior
- Establishment of Lagos State Health Facilities Monitoring Agency (HEFAMA) 2007
- Increase in feeding allowance of Rehabilitation Centres for Young Offenders in Jigawa State
- Establishment of National Agency for the Control of Aids (NACA)
- Establishment of SACA in some States
- Ratification of CAT

5.3.4 Further Challenges

- Urgent need to review the various Criminal Procedure Codes
- Urgent need to review the Penal Code Laws of some states
- Urgent need to review the Sharia Penal Codes on Capital Punishment,
- Urgent need to review the Evidence Act
- Judicial conservatism.
- The narrow judicial application of the doctrine of locus standi.
- Non-ratification of some treaties against torture.
- Impunity and official corruption.
- Lack of adequate legal Knowledge.
- Private and ethnic militia, as well as cults and thugs.
- Holden charge and S. 230 (3) of the Criminal Procedure Law of Lagos State
- Problems of legal aid casework
- Pre-action notice.
- The issue of periodic Strike Actions in the Health and Education Sectors, which pose untold danger to patients' right to life and right to health, as well as students' right to education.

- The provision of Health Rights in Chapter 2 of the Constitution is a crucial challenge as per the status of Chapter 2 of the 1999 Constitution, which is said to be non-justiciable
- Anti-Discrimination Bill currently before the National Assembly has not been passed into Law yet.
- Unequal access to basic health care
- Non-co-operation between the private and public health services
- Unequal distribution of health resources
- Inadequate health facilities
- Low quantity and service delivery of health personnel
- Trafficking in persons
- Abuse of children
- Inadequate attention to the health care of prisoners, destitute, mentally disabled and other vulnerable groups
- Non-provision of feeding of persons in police custody
- Gross and inadequate facilities and poor sanitary conditions at police detention centres

5.3.5 Addressing the Challenges

- Fostering a culture of respect for human rights in Nigeria
- Judicial activism and expansion of *locus standi*.
- Legislative advocacy for a Law Enforcement Official Responsibility Act.
- Legislative advocacy for a Crime Witness Protection Act.
- Right to Counsel for crime suspect to be stated on Police Statement Sheets.
- Provision of measures against impunity
- Provision of compensation for torture victims.
- Reforming laws and administrative measures to combat trafficking in women and children
- Strengthening public education campaigns to institutionalise a culture of peaceful conflict resolution
- Developing more public awareness campaign on the rights of the child, particularly the girl child
- Strengthening the inter-sector co-ordination in the administration of justice
- Developing and implementing a National Policy on Violence Against Women
- Enactment of National Legislation on Domestic Violence
- Expanding and intensifying education on reproductive choices
- Adoption and implementation of Child's Rights Laws in all the States of the Federation.
- Increasing public awareness on the rehabilitation and reintegration of released prisoners
- Improving police operational accountability, both internal and external, such as the effectiveness of the Police Service Commission, Police Complaints Bureau and Police Human Rights Desk Offices
- Human rights education for law enforcement agencies
- Set clear guidelines for the operations of the vigilante groups

5.3.6 Monitoring and Implementation

5.3.6.1 Bodies:

- The Parliament
- The Judiciary
- The Ministry of Interior
- The Ministry of Defence
- The Ministry of Justice
- The Ministry of Police Affairs
- The Ministry of Health
- The Public Complaints Commission
- The National Human Rights Commission
- Ministry of Women Affairs
- Faith-based institutions
- NAPTIP
- NACA, SACA
- CSOs
- The Academia
- The Electronic and Print Media

5.3.6.2 Resources and Budget

- Criminal Justice Funding, including funding for the National Crime Prevention Strategy
- The National Human Rights Commission
- National Agency for the Prevention Against Trafficking In persons (NAPTIP)
- National Agency for the Control of Aids (NACA), State Agency for the Control of Aids (SACA)
- Development partners
- The relevant government departments and agencies
- The Private Sector and Civil Society

5.4 RIGHT TO PERSONAL LIBERTY

5.4.1 Constitutional Obligations

“35. (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law -

- (a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;*
- (b) by reason of his failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him by law;*
- (c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence,*

- or to such extent as may be reasonably necessary to prevent his committing a criminal offence;*
- (d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare;*
 - (e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or*
 - (f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto:*

Provided that a person who is charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.

(2) Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.

(3) Any person who is arrested or detained shall be informed in writing within twenty-four hours (and in a language that he understands) of the facts and grounds for his arrest or detention.

(4) Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of -

- (a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or*
- (b) three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.*

(5) In subsection (4) of this section, the expression "a reasonable time" means -

- (a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day; and*
- (b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.*

(6) Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, "the appropriate authority or person" means an authority or person specified by law.

(7) *Nothing in this section shall be construed -*

- (a) *in relation to subsection (4) of this section, as applying in the case of a person arrested or detained upon reasonable suspicion of having committed a capital offence; and*
- (b) *as invalidating any law by reason only that it authorises the detention for a period not exceeding three months of a member of the armed forces of the federation or a member of the Nigeria Police Force in execution of a sentence imposed by an officer of the armed forces of the Federation or of the Nigeria police force, in respect of an offence punishable by such detention of which he has been found guilty. “*

5.4.2 International Obligations

Our International Obligations are guided by :

- Articles 9 and 11 of The Universal Declaration of Human Rights
- Articles 9, 10, 14 and 15 of The International Covenant on Civil and Political Rights
- Articles 6 and 7 of The African Charter on Human and Peoples’ Rights
- The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Articles 37, 39 and 40 of The United Nations Convention on the Rights of the Child
- Article 17 of the African Union Charter on the Rights and Welfare of the Child
- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- The United Nations Rules for Juveniles Deprived of their Liberty (the Tokyo Rules)
- United Nations Standard Minimum Rules for the Treatment of Persons in Detention
- United Nations Voluntary Fund for Victims of Torture
- All other relevant International and Regional Instruments relating to this right., as well as all other relevant United Nations Standards and Norms in Criminal Justice Administration

5.4.3 What Has Been Done

5.4.3.1 Policy:

Government Policy is to ensure that arrested, detained and accused persons –

- are guaranteed protection against abuse by police and other law enforcement officials and
- have access to due process of the law and legal advice

Police Practices

Government Policy also provides guidelines to police officers on the limits of their powers. The Nigerian Police Force has developed a White Paper on Policing, in compliance with international human rights principles and the provisions of the Nigerian Constitution. in line with this, the Nigeria Police Force is re-evaluating the treatment of people in its custody and its approach towards interrogation methods, conditions of detention, etc. with a view to

adopting a human rights-oriented Policy. In addition, government is engaging the police, in collaboration with NGOs, to enlighten the public on their rights.

Prison Reforms

Government is transforming the prison system and the treatment of offenders, especially the treatment of offenders who are under the age of 18 years, because they are regarded as extremely vulnerable.

5.4.3.2 Domestic Legislation

- Criminal Procedure Act (CPA), 1945
- Criminal Procedure Codes
- Fundamental Human Rights (Enforcement Procedure) Rules
- Common law prerogative writs
- High Court Civil Procedure Rules.
- National Human Rights Commission Act, 1996
- Legal Aid Council Act, 1977, (as amended in 1986)
- Public Complaints Commission Act, 1975
- Mediation laws of some States
- Child Rights Act/Laws
- Nigerian Law Reform Commission Act, 1979
- Arbitration and Conciliation Act, 1988
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- Various States laws on Kidnapping (Rivers State 2009; Imo State 2009)

5.4.3.3 Proposed Legislation

- Prisons Act (Amendment) Bill
- Police Act (Amendment) Bill

5.4.3.4 Administrative Steps Taken

- Development of Curriculum for Human Rights Education for police and other law enforcement officials, and prison officers
- The Nigerian Law Reform Commission has embarked on a project to simplify our criminal procedure. The project aims to:
 - Restore the legitimacy of the criminal justice system
 - Improve legal representation for criminals
 - Protect the rights of arrested, detained and accused persons
- Prison Audit Exercise by the National Working Group on Prison Reforms and Decongestion
- Report of Presidential Committee on Prison Reforms and Rehabilitation
- Prison Watch Project established by the Human Rights Unit of the Lagos State

Ministry of Justice

- Prison Decongestion Programme of the HA-GF
- Infrastructural and capacity improvements in Prison Service.
- Establishment of the Office of the Public Defender in many States Ministries of Justice
- Establishment of Mediation Centres in some States,
- Report of the Criminal Justice Commission, and the Establishment of Criminal Justice Committees
- Establishment of Committees on the Prerogative of Mercy at both the Federal and State levels
- Establishment of Fund for Procurement of Police Equipment
- Establishment of the National Human Rights Commission
- Establishment of Citizens Rights Directorate in many States
- Stakeholder consultative meetings on Justice Sector Issues in some states
- Infrastructural and welfare improvement in the prison

5.4.4 Further Challenges

- Upgrading of sub-standard facilities in prisons and other detention centres
- Transforming the image of the Nigeria Police Force
- Implementing human rights principles into all aspects of policing and the criminal justice system
- Prohibiting the excessive, and sometimes lethal, use of force when arresting people, and on people in detention
- Improving prison condition.
- Expanding diversion programmes and access to alternative settlement procedures for juveniles in conflict with the law
- Educating the public about the justice and correctional system for arrested, detained and accused persons
- Protecting children from physical and sexual assaults, particularly when children are detained in police cells or Borstal institutions
- Unlawful practice of Holding Charge in defiance of judicial authority .
- Non-ratification of Protocol to the Convention Against Torture.
- Problems of overloaded legal aid case work
- Pre-action Notice.
- Citizens' lack of knowledge of their rights
- Impunity
- Judicial discretion on bail conditions.
- Arrest and detention of persons by vigilante, militant and terrorist groups
- Non-compliance with requirement by the Constitution to establish courts within specified radius
- Absence of vocational training facilities in detention centres

5.4.5 Addressing the Challenges

- Developing a National Policy and enactment of laws for a framework to ensure

- humane and sensitive treatment of arrested, detained and accused children
- Supporting the Police, Prisons and other law enforcement agencies on human rights education programmes
- Building more secure places of safety for children
- Constitutional right to legal counsel for crime suspects stated on Police Statement Sheets.
- Enlargement of legal aid to civil matters.
- National award for human rights cases handled on pro-bono basis
- Judicial activism.
- Legal aid Information to the accused
- Provision of legal aid to indigent accused persons and Persons Living With HIV/AIDS
- Abolition of Holding Charge in Nigerian criminal justice system
- Strengthening juvenile justice administration system
- Further advocacy for the establishment of Directorate of Citizens Rights in virtually all the States
- Further advocacy for more liberal bail conditions
- Further advocacy for the review of the Fundamental Rights Enforcement Procedure Rules
- Expanded use of the Administration of Justice Commission/Committees
- Clear guidelines to regulate the operation of Vigilante Groups
- Adoption of non-custodial measures,

5.4.6 Monitoring and Implementation

5.4.6.1 Bodies

- The Parliament
- The Judiciary
- The National Human Rights Commission
- The Legal Aid Council
- The Police, Prisons and other Law Enforcement Agencies
- The Civil Society Organisations
- The Nigerian Law Reform Commission
- Directorate of Citizens Rights
- Mediation Centres
- Ministries of Justice
- Ministry of Women Affairs
- The Academia
- The Print and Electronic Media

5.4.6.2 Resources and Budget

- The Ministries of Justice
- The Ministries of Women Affairs, Youths and Social Development
- The Legal Aid Council
- The National Human Rights Commission

- The Nigerian Law Reform Commission
- CSOs
- Development partners

5.5 RIGHT TO FAIR HEARING

5.5.1 Constitutional Obligations

“36. (1) In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.”

The following are the components of the right to Fair Hearing:

- Access to courts that are independent and impartial
- An independent judiciary that is competent, representative and human rights driven
- Accused persons have the right to a fair trial. This includes the right -
 - to be presumed innocent
 - to have adequate time and facilities to prepare a defence
 - to choose to be represented by a legal practitioner and be informed of this right promptly
 - to be assigned a legal practitioner by the state, at state expense, if citizens cannot afford one, and be informed of this right promptly
 - to have a trial that begins and concludes without unreasonable delay
 - not to be tried for an offence for which the accused person has already been acquitted or convicted
 - to be present when being tried
 - to be tried and to receive information in a language that the accused person understands.

5.5.2 International Obligations

Our International Obligations are guided by -

- Article 10 of The Universal Declaration of Human Rights
- Relevant articles of The International Covenant on Civil and Political Rights
- Article 7 of The African Charter on Human and Peoples' Rights
- UN Guidelines on the Role of Prosecutors (adopted by the UN General Assembly in its Resolution 40/32 1988)All, and other relevant International and Regional Instruments, and Standards and Norms, relating to this right
- Article 40(2) of the United Nations Convention on the Rights of the Child
- Article 17(2)(c) of the African Charter on the Rights and Welfare of the Child

5.5.3 What Has Been Done

5.5.3.1 Policy

Government Policy seeks to –

- Overhaul the substantive and procedural system in the administration of justice
- Design and implement structures and processes that are:
 - Accessible
 - Accountable
 - Fair
 - Just

In furtherance of this, the Ministry of Justice has

- drawn up a document called Justice Sector Reform Agenda beginning from 2001 to provide:
 - A new vision for the provision of justice in Nigeria
 - Strategies for transforming and improving access to justice for every Nigerian.
- updated the Laws of the Federal Republic of Nigeria into the LFN 2004

In addition a Federal Justice Sector Coordinating Committee has been inaugurated

5.5.3.2 Domestic Legislation

- Criminal Procedure Code (
- Criminal Procedure Act, 1945
- African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, 1983
- Fundamental Rights Enforcement Procedure Rules (1980)
- Various States High Court Civil Procedure Rules
- Robbery and Firearms Act, 1984
- Evidence Act, LFN, 2004

5.5.3.3 Proposed Legislation

The National Assembly is presently in the process of reviewing all laws of Nigeria that are inconsistent with democratic values, including those inherent in the right to fair hearing.

5.5.3.4 Administrative Steps Taken

- The Conference of the Attorneys-General of the Federation decided that all State Ministries of Justice should set up Directorates of Citizens Rights within their respective States Ministries of Justice.
- Also, each State's Ministry of Justice is expected to publish a Justice Charter and a Court Users Manual similar to ones already established by the Lagos State Ministry of Justice. The purpose of both documents is to enhance access to justice for Nigerians,

especially the indigents who come into contact with the justice system.

- The Federal Government inaugurated a Commission on Reform of the Administration of Justice with six terms of reference, one of which is to develop modalities for fast track courts.
- the Federal Government has approved the piloting of fast track system in three courts in Nigeria.

5.5.4 Further Challenges

- Poverty & corruption.
- Lack of legal knowledge by most Nigerians
- Overbearing conduct of some security agencies
- Lack of awareness of and access to legal aid and assistance
- Onerous bail condition
- Parading suspects on television
- Arrest of innocent relatives in place of suspects

5.5.5 Addressing the Challenges

Implementing the Justice Sector Reform Agenda Strategies by -

- Making legal advice and legal representation accessible to all who need it
- Using language that is comprehensible to all users of the justice system
- Ensuring the availability and affordability of alternative dispute resolution (ADR) mechanisms
- Responding to the special needs of vulnerable groups
- Developing a Policy framework that ensures better access to justice in civil matters
- Developing a coherent and human rights based legal system
- Building courts that are geographically accessible, including additional courts to reduce the Causes Lists.
- Adapting courts to ensure that they have appropriate facilities and services
- Making court procedures simple and comprehensible to the public
- Enacting laws to make the system, including the services of lawyers, more affordable
- Making legal aid available for indigent persons
- Putting in place affordable and accessible alternative dispute resolution (ADR) mechanisms
- Implementing on-going human rights training programmes for service providers in the system.
- Developing the internal communications strategies within the Ministry of Justice
- Developing a holistic transformation Policy for the court system, which must include developing and implementing training programmes for services providers to sensitize them to the needs of:
 - People with disabilities
 - Elderly people
 - Vulnerable women

- Children

- Ensuring that the practice of Holding Charge is eradicated
- Improved incentives for legal aid officers
- Professionalizing the position of Investigating Police Officers
- Provision of Crime Investigation equipments & capacity building for criminal investigation personnel
- Ensuring that only lawyers prosecute cases in courts
- Transforming the system of justice into one that respects, promotes, projects and fulfils the fundamental rights of the citizens
- Supporting the work of National Human Rights Commission by adequately funding and ensuring its independence and efficiency
- Supporting the work of the Legal Aid Council and finding innovative and cost-effective methods of delivering legal aid services
- Encouraging the establishment of complimentary legal aid delivery mechanisms in the Country
- Improving court infrastructure, such as libraries, offices, furniture, electricity, water, communication and IT facilities
- Establishing more efficient communication lines between the courts and the Ministry of Justice and other criminal justice agencies
- Developing the use of inclusive processes, such as, popular participation in court proceedings, e.g. traditional courts, community courts and encouraging the greater utilization of religious personal laws, community outreach to facilitate meaningful public participation, use of simple language
- Engaging Human Rights NGOs and other Human Rights Defenders in the Justice Sector Reform Agenda.

5.5.6 Monitoring and Implementation

5.5.6.1 Bodies

- The Parliament
- The Judiciary
- The Police
- The Ministry of Justice
- The National Human Rights Commission
- The Legal Aid Council
- The Nigerian Law Reform Commission
- Human Rights NGOs
- The Academia
- The Print and Electronic media

5.5.6.2 Resources and Budget

- The Judiciary
- The Ministry of Justice
- National Human Rights Commission

- The Nigerian Law Reform Commission
- The Legal Aid Council
- The Police

5.6 RIGHT TO PRIVATE AND FAMILY LIFE

5.6.1 Constitutional Obligations

“37. The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.”

Therefore, everyone has the right to privacy, which includes the right not to have their -

- person or home searched
- property searched
- possessions seized
- privacy of their communications infringed
- family life disrupted

5.6.2 International Obligations

Our International Obligations are guided mainly by:

- Article 12 of The Universal Declaration of Human Rights
- Article 17 of the International Covenant on Civil and Political Rights
- Article 16 of the UN Convention on the Right of the Child
- Relevant articles of the International Covenants that provide that people may not be subjected to arbitrary attacks on their reputation, or interference with their:
 - Privacy
 - Family
 - Home
 - Correspondence.

5.6.3 What Has Been Done

5.6.3.1 Policy

Legal restrictions have been set out for State institutions for their observance of people’s right to privacy.

5.6.3.2 Domestic Legislation

Legal limitations to the right of privacy are dealt with in -

- The Criminal Procedure Codes

- The Criminal Procedure Act, 1945
- Penal Codes
- Criminal Codes
- The Marriage Act, 1914 (found in LFN 2004)
- Child's Right Act, 2003
- Child's Rights Laws in various States

5.6.4 Further Challenges

- Forced marriages
- Early marriages
- Discrimination against single female parents
- HIV/AIDS stigma and discrimination
- Parading suspects on television

5.6.5 Addressing the Challenges

- Creating and implementing human rights training programmes, especially for the personnel of law enforcement agencies and those of other security agencies
- Providing appropriate sanctions for violation of the right to privacy
- Ensuring the implementation of laws to protect privacy
- Ensuring that attention is given to issues of noise, pollutants and disposal of waste

5.6.6 Monitoring and Implementation

5.6.6.1 Bodies

- The Parliament
- The Judiciary
- The Public Complaints Commission
- The National Human Rights Commission
- The Nigerian Law Reform Commission
- Non-Governmental Organizations
- National Broadcasting Commission
- Faith-based Organizations
- Ministry responsible for Women Affairs and Child Development
- Ministry of Justice
- CSOs
- The Academia
- The Print and Electronic Media

5.6.6.2 Resources and Budget

- The Judiciary
- The National Human Rights Commission

- The Legal Aid Council
- The Nigerian Law Reform Commission
- Ministry of Women Affairs and Social Development
- Ministry of Justice
- CSOs

5.7 RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

5.7.1 Constitutional Obligations

“39. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.”

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:

Provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfilment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.

(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society -

- (a) for the purpose of preventing the disclosure. of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films; or*
- (b) imposing restrictions upon persons holding office under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law”.*

5.7.2 International Obligations

Our International Obligations include :

- Article 18 of the Universal Declaration of Human Rights
- Article 18 of the International Covenant on Civil and Political Rights
- Article 30 of United Nations Convention on the Rights of the Child
- Article 22 of the African Charter on Human and Peoples Rights
- Article 9 of African Charter on the Rights and Welfare of the Child

5.7.3 What Has Been Done

5.7.3.1 Policy

Government policies in relation to this right are aimed at –

- Promoting and protecting the religious rights of all people in Nigeria
- Prohibiting discrimination on the basis of religion
- Protecting all religions in Nigeria, i.e. non-adoption of State religion
- Promoting the culture of religious tolerance

5.7.3.2 Domestic Legislation

- Criminal Codes
- Penal Codes
- Sharia Penal Codes
- Criminal Procedure Act, 1945
- Criminal Procedure Codes
- Sharia Codes of Criminal Procedure
- National Hajj Commission Act
- Muslim and Christian Welfare Board Laws
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983

5.7.3.3 Proposed Legislation

- Freedom of Information Bill

5.7.3.4 Administrative Steps Taken

- Establishment by the Government of the National Inter-religious Council (NIREC), to promote understanding among the various faiths.
- Establishment of inter-religious Committees in some States
- Supports for the activities of Government and the Non-governmental Organizations, working to promote religious harmony.
- Support of Moslem and Christian Pilgrimages
- Setting up of Commissions to handle Moslem and Christians Pilgrimages
- Establishment of Sharia Implementation Committees/Commission
- Establishment of National Hajj Commission
- Establishment of Muslim and Christian Pilgrims Welfare Boards in the States

5.7.4 Further Challenges

Culture of intolerance and lack of respect among some Nigeria's religious bodies, .

- Manipulation of religion and religious issues
- Lack of constitutional clarity on separation of State and religion
- Lack of basic knowledge of the tenets of each religion
- Weak implementation of government White Papers on religious crises

5.7.5 Addressing the Challenges

- Public education on religious tolerance
- Frequent consultations between government and leaders of religious groups
- Religious education from Primary to Tertiary levels
- Involving Faith-Based Organisations in education and sensitization
- Continuing to create an enabling environment for the respect and protection of religious rights and religious groups

5.7.6 Monitoring and Implementation

5.7.6.1 Bodies

- The Parliament
- The Ministry of Justice
- The Ministry of Education
- The Judiciary
- The Nigerian Law Reform Commission
- The National Human Rights Commission
- The National Broadcasting Commission
- National Orientation Agency
- Civil Society Organizations
- Nigerian Inter-religious Council (NIREC)
- Pilgrims Commissions
- Various Pilgrims Welfare Boards
- Sharia Implementation Commissions of various States
- Faith-Based Organizations
- The Academia
- The Print and Electronic Media

5.7.6.2 Resources and Budget

- The Parliament
- The Ministry of Information
- National Human Rights Commission
- Ministry of Justice
- The Judiciary
- The Nigeria Law Reform Commission
- Faith Based Organizations

5.8 RIGHT TO FREEDOM OF EXPRESSION AND THE PRESS

5.8.1 Constitutional Obligations

“(39. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:

Provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfilment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.

(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society -

- (a) for the purpose of preventing the disclosure. of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films; or*
- (b) imposing restrictions upon persons holding office under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law”.*

5.8.2 International Obligations

Our International Obligations are guided by:

- Article 19 of the Universal Declaration of Human Rights, which includes the right to –
- Freedom of opinion and expression
- Holding and imparting opinions through any media without interference
- Articles 19 and 20 of the International Covenant on Civil and Political Rights
- Article 9 of The African Charter on Human and People’s Rights
- Article 5 (d) (viii) of the International Convention for the Elimination of All forms of Racial Discrimination
- Article 3 of the Convention on the Elimination of all forms of Discrimination Against Women
- Article 13 of the Convention on the Rights of the Child
- Article 7 of the African Charter on the Rights and Welfare of the Child

5.8.3 What Has Been Done

5.8.3.1 Policy:

The promotion and protection of freedom of expression in Nigeria is mainly through:

- The right of access to information

- Freedom of the media and other means of communication

Government's Policy is guided by its commitment to –

- Support the process of democratization
- Enhance transparency
- Redress inequalities regarding access to information
- Redress inequalities regarding access to the means of disseminating information
- Issue regulations to ensure the responsible use of freedom of expression so that vulnerable people are not harmed
- Build an information base capable of giving all citizens access to the Internet

Government Policy on broadcasting sets out a clear separation of powers with regard to broadcasting. It puts the responsibility for developing a national Policy framework into the hands of government and the responsibility for licensing new operators into the hands of the National Broadcasting Commission of Nigeria.

It outlines the following objectives:

- Universal access and diversity
- Democratisation of the media, especially the airwaves
- Nation building
- Education

And it introduces competition through the granting of all classes of licenses for new entrants into the fields of both Radio and Television.

5.8.3.2 Domestic Legislation

- National Broadcasting Commission Act, 1992
- Nigerian Press Council Act, 1992
- Criminal Code Laws of States in the South
- Penal Code Laws of States in the North
- Nigerian Communication Commission (NCC) Act, 1992
- Cinematograph Act, 1963
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983
- National Film and Video Censors Board Act 1993 (Cap N40 LFN 2004)

5.8.3.3 Proposed Legislation

- National Media Examination and Accreditation Council Bill
- NUJ Registration Council Bill
- Freedom of Information Bill
- Operating Digital Broadcasting Bill

5.8.3.4 Administrative Steps Taken

- Government has enacted the National Broadcasting Commission Act, which, inter alia, now enables all private bodies and individuals, wishing to do so, to acquire licence(s) to operate the electronic media. This licence was hitherto restricted to only the print media.
- Broadcasting Licenses have been issued to private broadcasters by the Federal Government
- Regular briefing and dissemination of information government activities

5.8.4 Further Challenges

- Lack of independence of the media regulatory bodies
- Lack of access to information for indigent people and rural communities
- Reforming laws to bring them into line with the Constitution
- Media stereotyping of women and children
- Striking a balance between harmful material and freedom of expression
- Piracy of artistic creativity
- Absence of electronic base/mechanism to link every school, polytechnic and university to the Internet
- Exorbitant licence fees for the practice of journalism.
- The Official Secrecy Act, 1962
- The Sedition Laws still found in statute books

5.8.5 Addressing the Challenges

- Sustaining the on-going discourse on acceptable limitations to freedom of speech in a democracy, and enacting appropriate laws to address it
- Promulgate and implement Freedom of Information Act/ Laws at all levels
- Encouraging affirmative action measures with regard to ownership of the media, with particular attention to women
- Promoting education about freedom of expression in schools
- Strengthening the implementation of the Government's Communication Strategy
- Promoting the expansion of community radio services
- Increasing radio broadcasts to rural communities
- Facilitating access to electronic information like the Internet and E-mail
- Reviewing laws to ensure a balance between freedom of expression and the rights of women and children, as expressed in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) Reports, the Beijing Platform of Action and the UN Convention on the Rights of the Child (CRC), and the African Charter on the Rights and Welfare of the Child (CRWC)
- Ensuring the independence of the Film and Video Censors Board
- Powers of regulatory bodies should be limited to matters relating to licensing and complaints
- Repeal obnoxious laws such as the Law establishing the offence of Sedition and the provisions of the Official Secrecy Act

- Broadening transparency and access to information
- Diversifying ownership of the media
- Building an electronic base/mechanism to link every school, college, polytechnic and university to the Internet

5.8.6 Monitoring and Implementation

5.8.6.1 Bodies

- The National Human Rights Commission
- The National Broadcasting Commission
- The Press Council
- The Nigerian Law Reform Commission
- Legal Aid Council
- Non-Governmental Organisations
- The Film and Publications Board
- Ministry of Information
- Nigerian Union of Journalists,
- Newspapers Proprietors Association of Nigeria
- Nigerian Guild of Authors
- Radio And Television Association Workers Union
- Nigerian Communication Commission
- Nigerian Bar Association
- National Orientation Agency
- Nigerian Guild of Editors
- Association of Nigerian Authors
- The Academia
- The Print and Electronic Media

5.8.6.2 Resources and Budget

- National Orientation Agency
- The Ministry of Information
- The National Broadcasting Commission
- Nigerian Communications Commission

5.9 RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION

5.9.1 Constitutional Obligations

“40. Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests:

Provided that the provisions of this section shall not derogate from the powers conferred by this Constitution on the Independent National Electoral Commission with respect to political parties to which that Commission does not accord recognition.”

5.9.2 International Obligations

Our International Obligations include –

- Articles 20 and 21 of the Universal Declaration of Human Rights
- Articles 10, 11 and 13 of the African Charter on Human and People's Rights
- Articles 21, 22 and 25 of the International Covenant on Civil and Political Rights
- Article 8, International Covenant on Economic, Social and Cultural Rights
- Article 15 of the United Nations Convention on the Rights of the Child
- Article 8 of the African Charter on the Rights and Welfare of the Child
- Other relevant International and Regional Instruments relating to this right.

5.9.3 What Has Been Done

5.9.3.1 Policy

The government policy is to:

- Ensure periodic free and fair elections devoid of violence and intimidation. The electoral process is to be managed by an independent, impartial and adequately funded institution, currently, the Independent National Electoral Commission (INEC).
- Provide conducive atmosphere to form and join trade unions and political parties.

5.9.3.2 Domestic Legislation

- Trade Union Act, 2004.
- Public Order Act (Judicially repealed but still in statute Book).
- Electoral Act, 2006.
- States Independent Electoral Commission Laws.
- States Electoral Laws
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983

5.9.3.3 Proposed Bills under Consideration

- The Electoral Reform Bill , at the Federal level
- The Prohibition of Discrimination Against Women in Nigeria Bill

5.9.3.4 Administrative Steps Taken

- An Independent National Electoral Commission (INEC) has been established.
- 50 Political Parties have been registered
- The Ministry of Internal Affairs has expedited the issuing of identity documents to facilitate the voting process

- Codes of Conduct and Regulations to guide the activities of political parties have been drawn up
- Establishment of Codes of Conduct and Regulations to guide the formation and joining of Trade Unions
- Establishment of Civil Society Organisations Desk in the Independent National Electoral Commission's Office

5.9.4 Further Challenges

- Absence of voter education for people in the rural areas
- Lack of provision for Affirmative Action for ensuring equitable women participation in the electoral process,, including access to elective posts
- Low voter turn-out for registration
- Low voter turn-out at elections
- Prevalence of electoral fraud
- Abuse of the Public Order Act and Police Permit
- Use of thugs for electoral campaigns
- High level of violence and other criminal conduct in elections
- Role of police in conflict management
- Inadequate resources to ensure the independence of State institutions, as guaranteed by the Constitution
- Lack of provision for persons with disability to participate in the political process
- Electoral Reforms

5.9.5 Addressing the Challenges

- Ensuring that the Electoral Commission is adequately resourced
- Ensuring that all political parties have equal access to the public, the media and all political platforms
- Supporting human right seminars at all universities and other tertiary institutions
- Introducing civic education and political rights into the formal school curriculum
- Educating political parties on the principle of human rights and democracy
- Implementing the Code of Conduct for Political Parties
- Devising, through the National Orientation Agency, a broad education strategy for public awareness on political rights and freedoms.
- Devising public education on gender equality, with particular reference to Article 7 of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Supporting organizations, such as the National Council of Women's Societies, to encourage all political parties to set targets for gender equality in their parties
- Reform of the Electoral System by ensuring independence of the electoral bodies
- Prevention of electoral fraud
- Engagement of independent election monitors and observers

5.9.6 Monitoring and Implementation

5.9.6.1 Bodies

- The Parliament
- The Judiciary
- The Independent National Electoral Commission
- The Political Parties
- The National Human Rights Commission
- National Orientation Agency
- Ministry of Labour and Productivity
- Civil Society Organisations
- Trade Unions
- Election Monitors and Observers.
- Law Enforcement agencies
- Ministry of Justice
- The Academia
- The Print and Electronic Media

5.9.6.2 Resources and Budget

- Independent National Electoral Commission
- The National Orientation Agency
- The Ministry of Internal Affairs
- Ministry of Labour and Productivity
- The Parliament
- States Electoral Commission

5.10 RIGHT TO PROPERTY

5.10.1 Constitutional Obligations

“43. Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

44. (1) No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things -

- (a) requires the prompt payment of compensation therefore and*
- (b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.*

(2) Nothing in subsection (1) of this section shall be construed as affecting any general law.

- (a) *for the imposition or enforcement of any tax, rate or duty;*
- (b) *for the imposition of penalties or forfeiture for breach of any law, whether under civil process or after conviction for an offence;*
- (c) *relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts.*
- (d) *relating to the vesting and administration of property of persons adjudged or otherwise declared bankrupt or insolvent, of persons of unsound mind or deceased persons, and of corporate or unincorporate bodies in the course of being wound-up;*
- (e) *relating to the execution of judgements or orders of court;*
- (f) *providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals;*
- (g) *relating to enemy property;*
- (h) *relating to trusts and trustees;*
- (i) *relating to limitation of actions;*
- (j) *relating to property vested in bodies corporate directly established by any law in force in Nigeria;*
- (k) *relating to the temporary taking of possession of property for the purpose of any examination, investigation or enquiry;*
- (l) *providing for the carrying out of work on land for the purpose of soil-conservation;*
or
- (m) *subject to prompt payment of compensation for damage to buildings, economic trees or crops, providing for any authority or person to enter, survey or dig any land, or to lay, install or erect poles, cables, wires, pipes, or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication services or other public facilities or public utilities.*

(3) Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils and natural gas in under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.”

5.10.2 International Obligations

These Include:

- Article 17, Universal Declaration of Human Rights
- Article 14, African Charter on Human and Peoples' Rights
- Articles 5, 13, 15 and 16, by implication, of the Convention on Elimination of all forms of Discrimination Against Women
- Other relevant International and Regional Instruments relating to this right.

5.10.3 What Has Been Done

5.10.3.1 Policy

Government Policy seeks to :

- Ensure that the compulsory acquisition of property by Government for development is for the benefit of the public. Such acquisition is done in line with the provision of the Land Use Act, 1978.
- Again, the sale of Federal Government houses and properties to the public has helped civil servants and other members of the public acquire property.

5.10.3.2 Domestic Legislation

- Land Use Act, 1978 (incorporated into the 1999 Constitution)
- Public Enterprises Regulatory Commission Act, 1996
- Public Enterprises (Privatization and Commercialization) Act, 1998
- Company and Allied Matters Act, 1990
- Copyright Act, 1958
- Married women Property Laws in some States
- Federal Mortgage Bank of Nigeria Act, 1993
- States Laws on Mortgage Institutions
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983

5.10.3.3 Administrative Steps Taken

- Establishment of Bureau for Public Enterprises
- Implementation of Federal Government Housing Policy
- Compensation and resettlement of people displaced as a result of the construction of dams and oil wells
- Payment of compensation and provision of alternative land for some of the displaced persons affected in demolition exercises
- Relocation of villages affected by the movement to Abuja.
- Establishment of the Federal Mortgage Bank and states mortgage finance institutions
- Establishment of a National Housing Fund scheme

5.10.4 Further Challenges

- Displacement caused by indiscriminate eviction and demolition of houses
- Inadequacy of compensation paid to victims of compulsory acquisition
- Misuse of power to acquire land for public purpose
- Discriminatory land policies for indigenes and non indigenes
- Government disobedience to court orders
- Difficulties in accessing mortgage facilities
- Weak enforcement mechanism for the protection of intellectual property rights

5.10.5 Addressing the Challenges

- Developing and implementing effective education and information to increase public awareness on the right to property acquisition and retention;
- Providing adequate and affordable houses,
- Ensuring greater access to land,
- Making access to Mortgage Systems easier and cheaper for the people,
- Provision of alternative places of abode before demolition exercises begin
- Creating conducive environment for acquisition of land or other properties,
- Introduction of a transparent process to acquiring property,
- Ensuring that all displaced persons due to government policies are adequately compensated and relocated,
- Recognition by Government of the need to amend the Land Use Act to allow for courts to assess adequate compensation
- Decision by Government to uphold the Rule of Law, including respect for court judgments and compliance with court orders
- Enforce Section 42 of the Constitution and develop policy guidelines for demolition and eviction.

5.10.6 Monitoring and Implementation

5.10.6.1 Bodies

- Ministry of Housing and Urban Development
- National Human Rights Commission
- Federal Capital Development Authority
- Bureau for Public Enterprises
- Ministry of Works
- Mortgage Banks and other Banks and Financial Institutions
- Federal Housing Authority
- National Copyrights Commission
- National Standards Organization
- Faith-Based Institutions
- States property and investment corporations
- NGOs and CSOs
- The Academia
- The Print and Electronic Media

5.10.6.2 Resources and Budget

- Ministry of Housing and Urban Development
- Ministry of Works
- Federal Capital Development Authority
- Federal Housing Authority.
- States property and investment corporation
- Federal Mortgage Bank

- Bureau for Public Enterprises

5.11 RIGHT TO FREEDOM OF MOVEMENT

5.11.1 Constitutional Obligations

“41. (1) Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom.

(2) Nothing in subsection (1) of this section shall invalidate any law that is reasonably justifiable in a democratic society-

(a) imposing restrictions on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria; or

(b) providing for the removal of any person from Nigeria to any other country to:-

(ii) be tried outside Nigeria for any criminal offence, or

(iii) undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty:

Provided that there is reciprocal agreement between Nigeria and such other country in relation to such matter.”

5.11.2 International Obligations

Our International Obligations are guided by:

- Article 13 of the Universal Declaration of Human Rights
- Articles 12 and 13 of the International Covenant on Civil and Political Rights
- Treaty of the Economic Commission of West African States
- African Charter on Human and Peoples' Rights
- Other relevant International and Regional Instruments relating to this right

5.11.3 What Has Been Done

5.11.3.1 Policy

- Government Policy is to create appropriate social, economic and political conditions to enable any citizen of Nigeria, irrespective of gender, ethnic group, age or any other social attribute, to travel and live anywhere in Nigeria
- Government Policy is also aimed at ensuring that accredited foreign missions in

Nigeria do not place unreasonable obstacles in the way of Nigerians who wish to travel to their countries

5.11.3.2 Domestic Legislation

- Nigerian Immigration Act, 1963
- Criminal Code Laws of various states (in the South)
- Penal Code Laws of various states (in the North)
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983

5.11.3.3 Proposed Legislation: Nil

5.11.3.4 Administrative Steps Taken

- Removal of police check points across the Country
- Computerization of passport application process
- Ensuring that Nigerians living abroad, especially those with dual citizenship, are not subjected to untold hardship in obtaining visiting permits for Nigeria
- Establishment of Urban Mass Transit Initiatives in the various States
- Government embarkation on multi-million Naira national road rehabilitation projects

5.11.4 Further Challenges

- Poor infrastructures limiting the freedom of movement, especially in rural areas
- Lack of safety and security on roads
- Lack of conducive conditions for investment in Nigeria's aviation and inland waterways sectors
- Existence of States and Local Government of Origin syndrome in Nigeria.
- Lack of access to public buildings and other facilities by the physically challenged persons
- The continued existence of police road blocks on the roads and highways
- The caveat in international passport as property of the Federal Government of Nigeria

5.11.5 Addressing the Challenges

- Increased police patrol teams on Nigerian roads
- Public education on speed limits and observing driving regulations
- Liberalization/privatization of the Aviation Industry
- Upgrading airport facilities
- Rehabilitation and maintenance of roads
- Automated movement facilities in public buildings and other public places to cater for the needs of persons with disabilities
- Striking a balance between 'federal character' and human rights principles of equality and non-discrimination

5.11.6 Monitoring and Implementation

5.11.6.1 Bodies

- The Parliament
- The Judiciary
- Ministries of Transport
- Ministry of Aviation
- Federal Road Safety Commission
- Nigerian Police Force
- Ministries of Trade and Industry
- National Human Rights Commission
- Ministry of Works, Housing and Urban development
- NAPTIP
- Nigerian Immigration Service
- The Academia
- The Print and Electronic Media

5.11.6.2 Resources and Budget

- The Parliament
- The Judiciary
- Ministries of Transport
- Ministry of Aviation
- Federal Road Safety Commission
- Nigerian Police Force
- Ministries of Trade and Industry
- National Human Rights Commission
- Ministries of Works, Housing and Urban development
- NAPTIP
- Nigerian Immigration Service
- The Academia
- The Print and Electronic Media

5.12 RIGHT TO FREEDOM FROM DISCRIMINATION

5.12.1 Constitutional Obligations

“42. (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.”

A citizen of Nigeria is protected against any unfair discrimination, directly or indirectly, whether by the State or any person, on the basis of any one or more grounds, including:

- Sex
- Ethnic or social/communal origin
- Religion
- Political Opinion
- Conscience
- Belief
- Culture
- Language
- Birth
- On ground of disability

5.12.2 International Obligations

Our International Obligations are guided by:

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The International Convention on the Elimination of all forms of Racial Discrimination
- The International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- The United Nations Convention on the Rights of the Child
- Convention on Rights of Persons With Disability
- The African Charter on Human and Peoples' Rights

- African Charter on the Rights and Welfare of the Child
- Protocol to the African Charter on the Rights of Women
- Other relevant International and Regional Instruments relating to this right

The international Conventions enshrine the principle of non-discrimination, which means that –

- All human beings are created equal and are endowed with equal rights
- All their rights should be protected and promoted equally regardless of the sex, language, religion, social and economic status, national and social origin or on grounds of disability

5.12.3 What Has Been Done

5.12.3.1 Policy

The Government policies are designed to prioritize the elimination of any form of inequality, focusing on ethnic group, gender and economic status. With particular reference to gender, Government is committed to the implementation of the Beijing Platform of Action commitments.

5.12.3.2 Domestic Legislation

- High Court Civil Procedure Rules
- Fundamental Right Enforcement Procedure Rules
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983
- Electoral Reform Act, 2006: Section 57

5.12.3.3 Proposed Legislation

- A Bill to Provide for the Establishment of a Commission for Persons with Disabilities
- Federal Character Act (Amendment Bill)

5.12.3.4 Administrative Steps Taken

The following have been established:

- The National Human Rights Commission
- National Agency on the Control of AIDS
- The Youth Commission in the Office of the Vice-President
- Office of the Special Adviser on Women Affairs in the Office of the President
- Establishment of the Federal Character Commission
- Bureau for Public Service reforms to mainstream persons with disabilities concerns into public service reforms

5.12.4 Further Challenges

- Ethnicity is a major problem affecting the development of a human rights culture. For example, numerous violent acts, motivated by ethnicity, are still taking place
- Continued existence of gender discrimination
- Inequality and discrimination exists on the basis of:
 - Physically challenged person
 - HIV/AIDS status
 - Age
 - Youth
 - Economic status
- Inadequate enforcement mechanisms
- Widow inheritance and other harmful widowhood practices
- The practice by police of refusing women to take accused persons on bail
- The Caste System in some States and communities
- Social stigma and discriminations against persons with disabilities

5.12.5 Addressing the Challenges

- Provision of education/sensitization to the public and service providers, to enhance their awareness of diversity and special needs
- Appropriate legislation/framework to address the caste system
- Involvement of all levels of government in the campaign against ethnicity
- Eradication of discrimination within the Public Service
- Judicial Activism.
- Mainstreaming Persons with disabilities into public and private sectors
- Ratification and domestication of the UN Convention on Rights of Persons with Disabilities

5.12.6 Monitoring and Implementation

5.12.6.1 Bodies

- Ministry of Women and Social/Youth Development
- National Human Rights Commission
- Public Complaints Commission
- The Judiciary
- Civil Society Organisations
- Federal Character Commission
- NACA, SACA (of Various states)
- The Academia
- The Print and Electronic Media
- The NGOs and Other Civil Society Institutions

5.12.6.2 Resources and Budget

- The Parliament
- The National Human Rights Commission

- NACA, SACA
- Ministry of Interior

6.0. ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

The implementation of the following rights is discussed in this Section:

- Employment
- Housing and shelter
- Health
- Food
- Water
- Education

The above rights are subsumed under Chapter II of the Constitution, titled The Fundamental Objectives and Directive Principles of State Policy.

They are generally considered to be non-justiceable under the Constitution, unlike the Civil and Political Rights (that is, the Fundamental Rights) under Chapter IV of the same Constitution, having regard to the provision of its section 46.

However, these rights are equally provided for under the African Charter on Human and Peoples' Rights (ACHPR), which is now domesticated under CAP 10 LFN 1990. Article 7(1)(a) of that Charter confers upon every individual the right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations, and customs in force. Accordingly, it would seem that these rights are enforceable through competent national organs, including the courts. Further, as has been decided by the Indian Supreme Court, these rights can be enforced via the Fundamental Rights. Thus, for example, the rights to food, housing, education, etc., have been interpreted to be included in the right to life, in the sense that they are components of the quality of life.

Also, these rights can now be enforced through the African Commission for Human and Peoples' Rights, the African Court of Human Rights, when established, and possibly, through the ECOWAS Court.

Over time, several mechanisms have been developed for enforcing these in court through judicial review of administrative actions, originating summons and applications for enforcement of Fundamental Rights.

Having regard to the nature of its obligations to respect, protect and fulfill Economic, Social and Cultural Rights, Government recognizes the need to establish necessary institutions to work towards the progressive realization of these rights.

6.1 RIGHT TO EMPLOYMENT

6.1.1 Constitutional Obligations

17(3) "The State shall direct its policy towards ensuring that-

(a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;

(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;

(c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;

(d) there are adequate medical and health facilities for all persons:

(e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;

(f) children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect;

(g) provision is made for public assistance in deserving cases or other conditions of need; and

(h) the evolution and promotion of family life is encouraged.

6.1.2 International Obligations

Our International Obligations include:

- Article 23 of the Universal Declaration of Human Rights which guarantees everyone the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment.
- Article 6 of the Covenant on Economic, Social and Cultural Rights, which sets out: the right to form trade unions and the right to strike; the right to social security and social insurance; and the right to an adequate standard of living
- Article 5 of the African Charter on Human and Peoples' Rights, which recognizes the right to work under equitable and satisfactory conditions, and the right to equal pay for equal work
- International Labour Organisation Conventions ratified by Nigeria.

6.1.3 What Has Been Done

6.1.3.1 Policy

- National Workplace Policy(HIV/AIDS)
- NEEDS I & II, SEEDS, LEEDS
- National Policy on Employment
- National Planning Commission Five Year Rolling Plan

- Establishment of Committee on development social Security System

6.1.3.2 Domestic Legislation

- Trade Union (Amendment) Act, 2004
- Domestication of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- National Directorate for Employment (NDE) Act LFN 2004
- Child Rights Act, 2003
- Trafficking in Persons (Prohibition) and Law Enforcement Act., 2003
- Pensions Act, 1974
- Pension Reform Act, 2004
- Pension (Rights of Judges) Act, 1985
- Pensions Transfer of Responsibility (United Kingdom Agreement) Act, 1979
- Agricultural Credit Guarantee Scheme Fund Act, 1977
- Workmen's Compensation Act., 1987

6.1.3.3 Proposed Legislation:

- Physical Disability Bill

6.1.3.4 Administrative Steps Taken:

- National Economic Empowerment and Development Strategy (NEEDS),
- State Economic Empowerment and Development Strategy (SEEDS)
- Local Economic Empowerment and Development Strategy (LEEDS)
- Establishment of National Directorate of Employment(NDE)
- Establishment of National Poverty Alleviation Programme (NAPEP)
- Establishment of Pensions Commission
- Establishment of Committee on Harmonization of Salaries and Wages
- Establishment of National Salaries and Wages Commission
- Establishment of Federal Character Commission
- Establishment of National Institute of Safety Practitioners
- Establishment of Small and Medium Enterprises Development Agency of Nigeria
- Establishment of National Economic Reconstruction Fund NERFUND
- Establishment of Nigerian Investment Promotion Council
- Establishment of Nigerian Agricultural Co-operative and Rural Development Bank

6.1.4 Further Challenges

- High level of unemployment
- Low understanding of **NEEDS**, **SEEDS** and **LEEDS**
- Existence of discrimination in employment for women and persons with disabilities
- Discrimination on the basis of HIV/AIDS Status
- Poor Understanding and Implementation of the Pension Reform

- Poor Co-operative Society Culture
- Non-adoption of Rights –Based-Approaches in formulation and Implementation of Government Policies and Programmes, especially privatization and sale of Federal Government Houses.
- Casualization of Labour
- Existence of obsolete Labour Laws
- Unsafe Working Environment
- Prevalence of Child Labour

6.1.5 Addressing the Challenges

- Effective implementation of the Poverty Reduction Strategy
- Amending the Constitution to make Right to Employment enforceable in court.
- Expanding adult basic education and training programmes
- Creating a business climate that recognizes the importance of long-term profitability, thus encouraging investment
- Strengthening the National Directorate of Employment
- Integration of rights-based approach in Government Policies, especially privatization and sale of houses
- Reviewing obsolete Labour Laws
- Revision and Intensification of the implementation of NEEDS (now see NEEDS II), SEEDS and LEEDS
- Stimulating job creation
- Addressing the disadvantages faced by women, especially rural women
- Addressing the disadvantages faced by people with disabilities
- Improving the skills and training of a large unskilled labour force
- Dealing with discrimination in the workplace: HIV, Physical Disability, etc
- Harmonization of International and Domestic Legislation on labour and employment
- Upholding of Equal Work for Equal Pay principle
- Ensuring that pension benefits are realised by beneficiaries
- Ensuring that qualified people get jobs.
- Dealing with prevalence of Child Labour
- Protection of workers against unfair dismissal
- Upholding the Principles of Collective Bargaining

6.1.6 Monitoring and Implementation

6.1.6.1 Bodies

- The Parliament
- The Judiciary
- The Ministry of Finance
- The Ministry of Labour
- The Ministry of Trade and Industry

- The Ministry of Works and Housing
- The National Planning Commission
- The National Human Rights Commission
- The Nigeria Labour Congress and other Trade Union Organisations
- The Public Complaints Commission
- The National Directorate of Employment
- NAPEP
- NERFUND
- National Salaries and Wages Commission
- Pension Commission
- NACRDB
- The Academia
- The Print and Electronic Media
- NGOs and CSOs

6.1.6.2 Resources and Budget

- Ministry of Employment Labour and Productivity
- Ministry of Trade and Industry
- The Nigeria Labour Congress and other Trade Unions.
- National Directorate of Employment
- NACRDB

6.2 RIGHT TO HOUSING

6.2.1 Constitutional Obligations

This right is directly guaranteed in the Constitution of the Federal Republic of Nigeria 1999, under section 16(2)(d), which can be said to be indirectly complemented by the provisions of sections 14(2)(b), 16(1)(b), 17(2)(b), 33(1), 34(1), 37, 42(1), 43 and 44(1), respectively.

6.2.2 International Obligations

Our International Obligations are guided by :

- Article 25(1) of the Universal Declaration of Human Rights, 1948
- Article 11(1) of the International Covenant on Economic, Social and Cultural Rights. 1966
- Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Articles 4, 5, 14, 22, and 24 of the African Charter on Human and Peoples' Rights. 1981
- General comments No 4 by the Committee on Economic, Social and Cultural Rights, 1991
- Resolution 14/6 - Report of Habitat : United Nations Conference on Human Settlements, 1976

- The United Nations Millennium Declaration, 2000
- Other relevant International and Regional Instruments relating to this right.

6.2.3 What Has Been Done

6.2.3.1 Policy

Government Policy is aimed at ensuring that every person in Nigeria has access to adequate housing, and that every person has a right not to be evicted from his or her home, and not to have his or her home demolished without due process.

Government policies address the International Development Targets (IDTS) such as –

- National Economic Empowerment Development Strategy I & II. (NEEDS I & II), SEEDS and LEEDS
- Millennium Development Goals.
- Federal Government Monetization Policy, 2003.
- Federal Government Housing Policy
- Federal Mortgage Finance Policy

6.2.3.2 Administrative Steps taken

- Formulation and implementation of the National Economic Empowerment Development Strategy. (NEEDS, now including NEEDS II)
- Formulation and implementation of the State Economic Empowerment and Development Strategy (SEEDS)
- Formulation and implementation of the Local Economic Empowerment and Development Strategy (LEEDS)
- Establishment of Federal Housing Authority and the States Housing Authorities
- Floating of 100 billion Naira mortgage
- Simplification of land documentation to confer legal security of tenure.

6.2.3.3 Domestic Legislation

- National Housing Fund Act, 1992
- Federal Mortgage Bank of Nigeria Act, 1993
- Federal Mortgage Finance Act, 1990
- Federal Housing Authority Act, 1973
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983
- Land Use Act, 1978

6.2.4 Further Challenges

- Loss of economic base due to demolitions
- Internally displaced and disoriented families
- Discrimination in the implementation of the Federal Government Monetization

Policy.

- High cost of building materials
- Indiscriminate demolition of Houses
- Urban slums arising from poor planning
- Non-review of the Land Use Act
- Exorbitant rent charges

6.2.5 Addressing the Challenges

- Implementing the African Charter on Human and Peoples' Rights
- Reduction of restrictions on access to land for housing and development
- Government policies should be designed and implemented in a manner devoid of discrimination
- Uniform application of the Monetization Policy to all public servants.
- Provide legal protection against forced eviction
- Review and proper implementation of the National Housing Policy
- Providing shelter for homeless people and street children
- Sourcing for cheap, affordable, durable and local alternative building materials.
- Review of the Land Use Act and evolving a Land Tenure System that is in line with the way of life of the people in the different parts of Nigeria.
- Meeting the special housing needs of marginalized women, children, the aged and people with disabilities.
- Encouraging and supporting individuals and communities in their efforts to fulfill their own housing needs by assisting them in accessing land and services, as well as providing information.
- Ensuring a sustainable housing and urbanization process within a safe and healthy environment.
- Documentation and monitoring of forced evictions.
- Sensitization on ESC Rights Framework
- Alienation of the Federal Government properties in a transparent, fair and honest manner.
- Addressing the needs of people living in rural areas.
- Addressing the problem of overcrowding in urban centres.
- Tackling the disparity in the quality services, such as electricity, water and sanitation.
- Addressing the question of Security of Tenure.
- Addressing poor level of access to Mortgage/Housing Loans

6.2.6 Monitoring and Implementation

6.2.6.1 Bodies

- The Parliament
- The Judiciary
- Mortgage Banks, other Banks, Financial Institutions and private enterprises
- Federal Capital Development Authority

- The Ministry of Housing & Urban Development
- The National Human Rights Commission
- Federal Housing Authority
- The Academia
- The Print and Electronic Media

6.2.6.2 Resources and Budget

- Ministry of Housing and Urban Development
- Federal Housing Authority
- Federal Capital Development Authority.
- Federal Mortgage Bank

6.3 RIGHT TO HEALTH

6.3.1 Constitutional Obligations

Government has a responsibility to ensure that “there are adequate medical and health facilities for all persons:” (section 17(3) (d) 1999 Constitution”

6.3.2 International Obligations

Our International Obligations are guided by :

- Article 25 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Economic, Social and Cultural Rights
- Article 16 of the African Charter on Human and People’s Rights
- Article 24_of the United Nations Convention on the Rights of the Child
- Article 14_of the African Charter on the Rights and Welfare of the Child
- Article 12_ of the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- ESC Rights Committee General Comments no. 14 on the Right to Health
- Any other relevant International and Regional Instruments relating to these rights.

6.3.3 What Has Been Done

6.3.3.1 Policy:

The Federal Government is committed to the provision of health care within the context of its Policy on Health for All by 2025, and has consequently embarked on a wide range of Health Sector Reforms. Government Health Policy is guided by the following objectives:

- To ensure the provision of adequate health care services
- To fully implement the National Health Insurance Scheme
- To develop and implement national Primary Health Care Scheme
- To renovate and expand the health Care infrastructures

- To develop health promotion activities
- To develop the human resources available to the Health Sector
- To promote community participation across the Health Sector
- To improve planning in the Health Sector
- Understand and pay attention to the health needs of vulnerable members of society
- To promote Preventive Health Care (i.e. immunization, nutrition, provision of clean water and environmental sanitation, life skills, health education, etc.)
- Eradication of Polio

Some of the Government Health Policies include:

- National Policy on Immunization.
- National Health Policy on Primary Health – Care,;
- National Policy on HIV/AIDS
- National Strategic Framework for Action (NSF)
- Work - Place Policy on HIV/AIDS
- National Policy on Drugs
- National Policy on Roll Back Malaria
- National Policy on Reproductive Health
- National Policy on Elimination of Female Genital Mutilation

6.3.3.2 Domestic Legislation:

- Section 24 of Child Rights Act ,2003
- National Health Insurance Scheme Act, 1999
- Article. 16 of the Schedule to the African Charter on Human & Peoples' Rights (Ratification and Enforcement) Act. 1983
- S.17 (3 D) of the Schedule to the African Charter on Human & Peoples' Rights (Enforcement and Ratification) Act. 1983
- National Agency for the Control of Aids (Establishment) Act 2006
- National Agency for Food and Drugs Administration and Control Act, 1992
- African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, 1983

6.3.3.3 Proposed Legislation

- Anti Discrimination Bill (HIV Status, etc)
- Bill on Regulation of Traditional and Natural Medicine
- Bill for the establishment of a Commission for Persons with Disabilities.
- National Health Bill

6.3.3.4 Administrative Steps Taken

- National Economic Empowerment and Development Strategy I & II (NEEDS I & II)

- State Economic Empowerment and Development Strategy (SEEDS)
- Local Economic Empowerment and Development Strategy (LEEDS)
- Establishment of NACA, SACA, LACA
- Establishment of National Health Insurance Scheme
- Establishment of the National Agency for Food and Drug Administration and Control (NAFDAC)
- Establishment of the National Blood Transfusion Service
- Establishment of National Primary Health Care Development Agency
- Launching of the National Strategic Framework for Action (NSF-2005) The NSF is to guide all Sectoral activities for the prevention and mitigation of the impact of HIV / AIDS in Nigeria
- Development of the Work Place Policy on HIV/AIDS – Among other things, this Work Place Policy is to guide against HIV-related discrimination in the workplace.
- Formulation of Health Sector Reforms Strategies- There is an ongoing reform in the Health Sector, with a view to improving Health Care Service Delivery to Nigerians.
- Implementation of National Programme on Immunization
- Provision of Curative Health Care (treatment of childhood illnesses, including HIV / AIDS, provision of Child – friendly Health Facilities and Services, and provision of appropriate home based care).

6.3.4 Further Challenges

- Periodic Strike Action in the Health Sector which poses untold danger to Patients' Right to Life and Right to Health.
- The provision of the Health Rights directed in Chapter 2 of the Constitution
- Delay in the Passage of Anti-Discrimination Bill
- Limited implementation of the National Health Insurance Scheme only in public service sector.
- Unequal access to basic health care
- Lack of co-operation between the Private and Public Health Services
- Uneven distribution of health resources
- Inadequate facilities for Health Care Services
- Inadequate qualified health personnel
- Poor Service Delivery by health personnel
- Overcrowded public hospitals
- High rates of infant and maternal mortality
- Lack of data base for Health Workers
- Illiteracy and unemployment
- Inconsistency in Government Policies on health
- Poverty

6.3.5 Addressing the Challenges

- Adopting a right-based approach to public education on health issues

- Advocacy for Increased Budgetary votes and proposed legislation namely:
 - Anti Discrimination Bill (HIV Status, etc)
 - Bill on Regulation of Traditional and Natural Medicine
 - Bill for the establishment of a Commission for Persons with Disabilities I
 - National Health Bill
 - Non-Remunerative Blood Bill
 - Prohibition of Discrimination Against Women in Nigeria Bill
- Improve budgetary allocation to the Health Sector
- Measures to prevent disruptive industrial actions in the Health Sector.
- Combating ignorance, prejudice and discrimination towards persons living with HIV/AIDS and people with disabilities
- Strengthening of the Primary Health Care Programme (PHCP).
- Sustaining the National Programme on Immunization,
- Extension of National Health Insurance Scheme (NHIS) to the private and non-formal sector.
- Increasing the number of mobile and permanent clinics, and making them accessible to rural people.
- Making health care affordable and accessible for people with disabilities, and providing aids like wheelchairs, hearing aids and other special aids.
- Improving access to necessary drugs for people living with HIV/AIDS, and implementing the National AIDS Plan.
- Developing strategies to combat high rate of infant and maternal mortality.
- Advocacy for development of data base for Health Workers to check the activities of quacks.
- Strengthening regulation/standardization of Traditional Medical Practice
- Making Public Healthcare accessible and more affordable to rural people and the elderly

6.3.6 Monitoring and Implementation

6.3.6.1 Bodies:

- The Parliament
- The Judiciary
- The Ministry of Health
- The National AIDS Plan / National Agency On Control Of Aids (NSF: National Strategic Frame work for Action;
- SACAs., LACAs.(of the various states and and Local Government areas)
- National Association of Traditional Medicine Practitioners
- Pharmaceutical Association of Nigeria
- National Union of Nurses and Midwives
- National Agency for Food and Drug Administration and Control
- Nigerian Drug Law Enforcement Agency
- Standard Organization of Nigeria
- National Health Insurance Commission
- Epidemiological Units

- The National Human Rights Commission
- Civil Society Groups
- Nigerian Medical Association and other health sector NGOs
- Law Enforcement Agencies
- The Academia
- The Print and Electronic Media

6.3.6.2 Budget and Resources

- Ministries of Health (Federal and State)
- National Agency on Control of AIDS
- National Health Insurance Commission
- National Agency for Food and Drug Administration Control
- Nigerian Drug Law Enforcement Agency
- Standard Organization of Nigeria
- National Health Insurance Commission
- Epidemiological Units
- The National Human Rights Commission
- The law Enforcement Agencies

6.4 RIGHT TO FOOD

6.4.1 Constitutional Obligations

The government recognizes that it must take reasonable legislative and other measures to achieve the progressive realization of the right to adequate food for its citizens.

6.4.2 International Obligations

Our International Obligations are guided by:

- Article 25 of the Universal Declaration on Human Rights
- Article 11 of the International Covenant on Economic, Social and Cultural Rights.
- Article 24(2)(c) and 27(3) of the Convention on the Rights of the Child.
- General Comment of the UN Committee on Right to Food (ECOSOC)
- Voluntary Guidelines on the Right to Food developed by the Inter-Governmental Working Group of the FAO
- Article 17 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women
- African Charter on integrated Agricultural development

6.4.3 What Has Been Done

6.4.3.1 Policy

Government Policy aims at improving food production and economic development.

Government is committed to:

- Promoting equality and non-discrimination
- Ensuring that nothing impedes a persons' right to food.
- Eradicating poverty
- Achieving the full and equal participation of men and women.
- Achieving sustainable development of the economy
- Promoting the overall economic development of the Country through –
 - < Agricultural research and extension services
 - < The creation of adequate infrastructure
 - < Financial assistance to farming communities
 - < Mechanical Agricultural production
- Focusing on the provision of food security for everybody so as to give everyone access to enough, safe and nutritious food, in order to live a healthy and productive life.
- Reducing food importation and repositioning the Country towards achieving self sufficiency in food production.

6.4.3.2 Domestic Legislation

- National Agency For Food, Drug Administration and Control Act, 1992 (as amended)
- Standards Organization of Nigeria Act, 1970

6.2.3.3 Administrative Steps Taken

- Establishment of Strategic Grains Reserve
- Establishment of National FADAMA Projects
- Establishment of Agricultural Development Projects
- Establishment of Reforestation Projects
- Establishment of River Basin Development Authorities
- Establishment of SMEDAN
- Appointment of the Senior Special Adviser to the President on Food Security
- Development and implementation of National Economic Empowerment and Development Strategy I & II (NEEDS I & II), State Economic Empowerment and Development Strategy (SEEDS), and Local Economic Empowerment and Development Strategy (LEEDS)
- Implementation of the World Food Summit Plan of Action contained in the Rome Declaration (1996)
- Request for assistance under the United Nations Food and Agriculture Organization Special Programme for Food Security.
- Universal Basic Education 'Food Scheme' providing food for some public primary schools in the country.
- World Bank Institute - Community Empowerment Capacity Enhancement Needs

- Assessment Initiative (2003)
- Promotion of intake of iodized salt throughout the Country by National Agency For Food A and Drug Administration Control
- Provision of credit facilities to farmers by NAPEP
- Establishment of Federal Ministry of Agriculture
- Provision of credit facilities and training for farmers by National Directorate on Employment
- Establishment of Nigerian Agricultural Cooperative and Rural Development Bank.
- Creation of Agricultural Credit Guarantee Scheme by CBN

6.4.4 Further Challenges

- Achieving food security
- Lack of access to modern agricultural techniques and equipment
- Inadequate and obsolete storage facilities
- Inadequate Infrastructural facilities
- Obsolete farming techniques
- Bottlenecks in accessing credit facilities
- Non-availability of iodized salt in rural areas, leading to iodine deficiency disorders
- Lack of food preservation

6.4.5 Addressing the Challenges

- Developing and strengthening food security strategies
- Addressing the food needs of children who go to school without breakfast and those who do not have any meals during the day, through the provision of a meal-a-day in schools by the Government
- Instituting measures to support farmers
- Putting in place measures to achieve complete eradication of iodine deficiency disorders.
- Empowering all women to breast-feed their children exclusively for four to six months, and to continue breast-feeding, with complementary foods, into the second year.
- Ensuring that all household members, regardless of age or gender, have enough food to cover their basic nutritional needs.
- Preservation and storage of food
- Viewing the right to food in the context of food security
- Extending poverty alleviation programmes to the grassroots
- Continuous monitoring and collection of food security data and compilation of food balance sheets on the security status of the Country, covering issues such as:
 - Supply and price
 - Market distribution
 - Availability of food
 - Monitoring of safety standards

- Encouraging the planting of food trees
- Reducing bottlenecks in assessing credit facilities by farmers, such as high interest rates and collaterals
- Provision of affordable agricultural inputs, e.g. fertilizers, insecticides
- Making land and farming implements affordable and accessible
- Exposing farmers to modern farming techniques

6.4.6 Monitoring and Implementation

6.4.6.1 Bodies

- The Parliament
- The Judiciary
- Ministry of Agriculture and Rural Development
- Ministry of Water Resources
- National Human Rights Commission
- River Basin Development Authorities
- National Agency For Food And Administration Control
- NAPEP
- NDE
- CBN
- Nigerian Agricultural Cooperative and Rural Development Bank (NACRDB)
- The Academia
- The Print and Electronic Media

6.4.6.2 Resources and Budget

- The Ministry of Agriculture
- The Ministry of Water Resources
- River Basin Development Authorities
- National Agency For Food And Administration Control
- NAPEP
- NDE
- CBN
- Agricultural Banks

6.5 RIGHT TO WATER

6.5.1 Constitutional Obligations

"20. The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria."

6.5.2 International Obligations

- By implication from Articles 11(1) & (2)(a), 12(1) & (2) (b) & (c) and 15 (10 & (2) of the International Covenant on Economic, Social and Cultural Rights
- Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Only by implication from Article 24 of the African Charter on Human and Peoples Rights on the right to a general satisfactory environment favourable to (peoples') development
- General Comment of UN Committee on the Right to Water

6.5.3 What Has Been Done

6.5.3.1 Policy

Government Policy regarding water acknowledges the need to:

- Underline the public trusteeship role of National Government
- Ensure that water, as a basic human need, is elevated to the level of a basic right
- Satisfy the essential needs of individuals for drinking, food preparation and personal hygiene

6.5.3.2 Domestic Legislation

- Water Resources Act

6.5.3.3 Proposed Legislation

- National Water Resources (Reform Bill)

6.5.4 Further Challenges

- Inadequate provision of basic water requirements
- Lack of effective, fair and sustainable Water Services Delivery.
- Uncoordinated irrigation and damming projects

6.5.5 Addressing the Challenges

- Providing safe water to households in rural and urban areas
- Alleviating the burden on rural women, and particularly girl children who have to walk great distances to fetch water on a daily basis, by providing easier access to safe and potable water
- Ensuring adequate and sustained Water Education for Communities
- Providing basic sanitation facilities, like ventilated pit toilets
- Ensuring effective monitoring of Water Services
- Establishing energy and physical infrastructures
- Improving Management and Financial Systems

6.5.6 Monitoring and Implementation

6.5.6.1 Bodies

- The Ministry of Agriculture and Water Resources
- The Ministry of Health
- The Ministry of Environment
- The National Human Rights Commission
- The River Basin Development Authorities
- National Agency for Food and Drug Administration and Control
- Federal Capital Territory Authority/State Water Boards
- The Academia
- The Print and electronic Media

6.5.6.2 Resources and Budget

- The Ministry of Agriculture and Water Resources
- The Ministry of Environment
- The River Basin Development Authorities.

6.6 RIGHT TO EDUCATION

6.6.1 Constitutional Obligations:

“18. (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(2) Government shall promote science and technology

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide

(a) free, compulsory and universal primary education;

(b) free secondary education;

(c) free university education; and

(d) free adult literacy programme.”

6.6.2 International Obligations

Nigeria’s International Obligations are guided by the provisions of :

- Universal Declaration of Human Rights, Article 26 of which provides, inter alia, that education shall be directed to the full development of the human personality, maintenance of peace, strengthening respect for human rights and fundamental

freedoms.

- International Covenant on Economic, Social and Cultural Rights, Article 13 of which provides, inter alia, that -
 - < States Parties recognize the right of everyone to education.
 - < Education as a tool of empowerment for all citizens to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, etc.
- Convention on the Rights of the Child, Article 29 of which provides, inter alia, that -

Education of the child shall be directed to :

- < Development of the child's personality, talents and mental and physical abilities to their fullest potential
 - < Development of respect for human rights and fundamental freedoms ...
 - < Development of respect for child's parents, cultural identity, language and values
 - < Preparation of child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among peoples,
- General Comment on the Right to Education by the International Covenant on Economic, Social and Cultural Rights Committee
 - Other relevant International and Regional Instruments relating to right to education

6.6.3 What Has Been Done

6.6.3.1 Policy:

- National Policy on Education
- National Policy on Nomadic Education
- National Policy on Adult and Non-formal Education
- National Policy on Primary and Secondary Education
- National Policy on Tertiary Education
- National Policy on Education for persons with Disabilities.
- Grant of Licenses for the establishment of private Universities and Polytechnics

Government Policies are designed to:

- Build an Educational System based on a progressive increase in uniformity and qualitative basic education depending on needs and possibilities.
- Provide free compulsory, universal basic education for every child of primary and junior secondary school age.
- Elimination of gender disparities in primary and secondary school education.
- Encourage the girl-child education in the area of science and technology
- Provide educational institutions, services, equal and reasonable access for life-long learning opportunity for all citizens

- Provide functional education for national development, to promote a progressive united nation.
- Enhance development of the full potential of the individual, his/her full integration into the society and his/her participation as an effective citizen.
- Encourage Private Sector participation in the development of education.
- Ensure full participation of government, communities and teacher's association in the running and maintenance of early childhood education facilities.
- Promote national solidarity among all peoples of the Nigerian Nation
- Promote inter-African solidarity and world peace through understanding.

6.6.3.2 Domestic Legislation:

- Universal Basic Education and other Related Matters Act, 2004
- Nomadic Education Act
- Adult Literacy Act,
- Child's Rights Act, 2003
- States Child's Right's Laws of the various States
- Education Trust Fund Act,
- African Charter on Human & Peoples' Rights (Ratification and Enforcement) Act. 1983

6.6.3.3 Administrative Steps Taken:

- Implementation of the new National Policy on Education
- Development of National Economic Empowerment and Development Strategy I & II (NEEDS I & II) State Economic Empowerment and Development Strategy (SEEDS) and Local Economic Empowerment and Development Strategy (LEEDS)
- Establishment of Education Tax Fund
- Establishment of the Child's Right Implementation Committee, at the National, States, and Local Government Levels
- Establishment of Compulsory, Free, Universal Basic Education System
- Establishment of Primary Education Boards in States (SPEB)
- Establishment of National Universities' Commission and National Board for Technical Education
- Establishment of National Institute for Educational Planning and Administration
- Establishment of Nigerian Educational Research and Development Council
- Establishment of Local Education Authorities
- Establishment of National Mass Education Commission
- Establishment of National Commission for Nomadic Education
- Establishment of Universal Basic Education Board
- Establishment of National Commission for Colleges of Education
- Establishment of National Teachers' Training Institute
- Establishment of National Mathematical Centre
- Establishment of Education Resource Centres
- Establishment of Examination Bodies such as WAEC,NECO,JAMB

- Establishment of Scholarship Boards
- Establishment of Rehabilitation Centres for the Physically Challenged by Ministries of Women Affairs and Social Development
- Establishment of Special Education institutions in some States

6.6.4 Further Challenges

- Low enrolment of children, particularly, the girl child.
- Low completion of basic education, i.e. high rate of dropout, especially boys in the South-Eastern Zone of the Country.
- Shortage and poor quality infrastructures in schools, e.g. classrooms, water, electricity, toilets, and furniture
- Lack of access to technological and scientific equipment for learning
- Lack of sporting and recreational facilities.
- Lack of adequate facilities for vulnerable groups, especially people with disabilities
- Poor coordination of adult literacy programmes
- Child labour
- Inadequate provision for technical and vocational training in the existing educational curricula
- Weak regulatory mechanism on quality assurance and affordability of private higher institutions.

6.6.5 Addressing the Challenges

- Implementation of the Free, Compulsory Universal Basic Education Programme in all the States of the Federation.
- Improved curricula to enhance functionality of basic education qualifications
- Review of school curricula from primary to tertiary level to incorporate vocational and entrepreneurial skills.
- Expansion of institutional capacity to produce quality manpower and continuous training of teachers.
- Eradication of child labour through legislative, administrative and judicial measures.
- Establishment of more Vocational Training Centres to promote vocational education.
- Improved government funding of Information and Communication Technology (ICT).
- Provision of adequate modern science equipments in schools.
- Promoting the learning of French as a compulsory language in the school curricula in view of its strategic importance among ECOWAS the States.
- Expansion of existing Special Education Programmes, including Virtual Library Project, the Distance Learning Programme and Nomadic Education Programme.
- Integrating Human Rights Education into the Basic School Curricula.
- Establishment of Human Rights Clubs/WEEK in schools.
- Promote gender equity in schools among both teachers and students.

- Sustain existing Vocational On-the-Job Training Programme of the Federal Government and encourage the States to do the same.

6.6.6 Monitoring and Implementation

6.6.6.1 Bodies:

- The Parliament
- The Judiciary
- Ministries and Departments of Education
- Ministry Science and Technology
- National Primary Education Board
- National Board for Technical Education
- National Board for Colleges of Education
- National Universities Commission
- Joint Admission and Matriculation Board
- Universal Basic Education Board
- Education Trust Fund
- State Primary Education Boards
- National Human Rights Commission
- The Academia
- The Print and Electronic Media

6.6.6.2 Resources and Budget:

- Ministries and Departments of Education
- Education Tax Fund
- Ministry of Science and Technology
- Petroleum Technology Development Fund

7.0 THE RIGHTS TO SUSTAINABLE DEVELOPMENT, PEACE AND A PROTECTED ENVIRONMENT

The implementation of the following rights is discussed in this Section:

- Development
- Peace
- Protected environment

7.1 RIGHT TO SUSTAINABLE DEVELOPMENT

7.1.2 Constitutional Obligations

Government recognizes its obligation to ensure that all Nigerians should be given equal and meaningful opportunity to develop to their maximum potential. We must:

- Improve the quality of life of all citizens
- Free the potential of every person in Nigeria
- Respect, protect, promote and fulfill all political, civil, social, economic and cultural rights
- Ensure a cleaner and healthier environment for Nigerians

7.1.3 International Obligations

By Article 1(1) of the Declaration on the Right to Development, Adopted by the United Nations General Assembly on 4 December 1986, (t)he right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, , in which human rights and fundamental freedoms can be fully realized.

By Article 2(1), the human person is the central subject of development and shall be active participant and beneficiary of the right to development; whilst by its paragraph (2),(d) developmental can ensure the free and complete fulfillment of the human being.....

These Obligations are further guided, in addition to the above provisions, by:

- The general provisions of Universal Declaration of Human Rights
- United Nations Conference on Environment and Development, a.k.a. Rio Declaration of 1992
- The Vienna Declaration and Programme of Action, Adopted by the 1993 UN World Conference on Human Rights
- United Nations Convention Against Corruption, 2002
- The UN Global Conferences on:
 - Population and development (Cairo)
 - Women (Beijing)
 - Development (Copenhagen)
- The African Charter on Human and Peoples' Rights

- African Charter for Popular Participation in Development, 1990
- African Union Convention on Prevention and Combating Corruption, 2003
- Conference on Security, Stability, Development and Cooperation (Solemn Declaration, 2000)
- New Partnership for Africa's Development (NEPAD)
- United Nations Framework Convention on Climate Change 1992
- Kyoto Protocol to the Convention on Climate Change. 1997
- Millennium Development Goals (MDGs)
- Vienna Declaration and Programme of Action (1993), Article 8, Article 10, Article 11
- United Nations Convention on the Rights of the Child, Article 6(2)
- African Charter on the Rights and Welfare of the Child 1989, Article 5 (2)
- Other relevant International and Regional Instruments relating to this right

7.1.4 What Has Been Done

(A) Policy

Government has put in place the following Policies to reduce poverty and encourage development:

- National Poverty Alleviation Programme (NAPEP)
- National Economic Empowerment and Development Strategy I & II (NEEDS I & II)
- State Economic Empowerment and Development Strategy (SEEDS)
- New Partnership for Africa Development
- Federal Capital Territory Economic Empowerment and Development Strategy (FEEDS)
- Local Government Economic Empowerment and Development Strategies (LEEDS)
- New Town Development Policies in some States
- West African Gas Projects
- Revised National Environmental Policy

These **Policies** are guided by the following principles:

- Environmental Sustainability
- Deterring environmental crimes through effective enforcement
- The creation of an integrated and sustainable programme Through a people-driven and participatory process For the achievement of Peace and security for all

The key Programmes inherent in government policies are:

- National Fund for support and protection against Erosion.
- Meeting the people's basic needs
- Developing our human and capital resources

- Poverty alleviation
- External Debt Settlement
- Building a robust and diversified economy
- Building a democratic society and State
- Participatory and good governance
- Environmental governance

(B) Domestic Legislation

Laws that concern the right to development include

- National Council on Privatization Act
- Nigerian Investment Promotion Commission Act, 1995
- Security and Exchange Commission Act, 1998
- Niger Delta Development Commission Act, 2000
- The Independent Electoral Commission (Establishment, Etc.) Act, 1998
- Corrupt Practices and Other Related Offences Act (ICPC Act), 2000
- Economic and other Financial Crimes Commission Act (EFCC Act), 2004
- Federal Road Maintenance Agency Act
- National Human Rights Commission Act, 1995
- Code of Conduct Bureau and Tribunal Act, 1991
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- Child Rights Act, 2003
- National Oil Spill Detection and Response Agency Act, 2006
- Gas (Re-injection Act) LFN, 2004
- National Environmental Standards and Regulation Enforcement Agency Act, 2007
- Various States Laws on Control of Erosion and Deforestation

(C) Administrative Steps Taken:

- Establishment of Niger-Delta Development Commission
- Establishment of Development Agencies for Oil Producing Communities
- Establishment of Small and Medium Scale Enterprises Development Agency of Nigeria (SMEDAN)
- Establishment of the National Directorate of Employment
- Establishment of the National Oil Spill Detection and Response Agency (NOSDRA)
- Establishment of the National Environmental Standards and Regulations Enforcement Agency (NESREA)

7.1.5 Further Challenges

- Misappropriation and misapplication of public funds

- Policy inconsistencies
- Corruption
- Implementation of non-human rights friendly policies right sizing and down sizing in the Public Service and non-payment of entitlements
- Lack of a clear legal framework for Nigeria's development
- Lack of adequate funding of Institutions
- Lack of independence of anti-corruption agencies

7.1.6 Addressing the Challenges

- Providing adequate resources to the State institutions, especially institutions that promote small, medium and micro enterprises
- Supporting constitutional democracy
- Guaranteeing the independence of the National Human Rights Commission to enforce her recommendations on the protection of socio-economic rights
- Combating corruption and bad administration
- Involving NGOs and members of the Civil Society in the planning, implementation and monitoring of development projects
- Ensuring that Nigeria retains its independence and sets its own priorities when entering into international, regional and sub-regional Development Aid Agreements
- Providing adequate resources to implement NEPAD Programmes and the realization of the Millennium Development Goals
- Enactment of Development laws in Nigeria
- Promoting and encouraging economic growth
- Creating a culture of respect for human rights
- Eradicating poverty
- Aligning economic growth with development
- Promoting rural development
- Involving local communities in Development Project Planning
- Making Development Strategies people-oriented
- Promoting voluntary compliance with environmental laws and regulations, including promotion of the use of pollution-control technologies
- Deterring environmental crimes through effective enforcement

7.1.7 Monitoring and Implementation

(A) Bodies

- The Parliament
- The Judiciary
- Ministry of Finance
- Ministry of Work
- Federal Ministry of Environment
- The Budget Office
- Bureau for Public Procurement

- National Planning Commission
- National Human Rights Commission
- Anti-Corruption Agencies (ICPC, EFCC)
- National Poverty Eradication Programme (NAPEP)
- Office of Budget Monitoring and Price Intelligence Unit (Due Process)
- Nigerian Investment Promotion Commission (NIPC)
- National Directorate of Employment
- Niger-Delta Development Commission (NDDC)
- Investment and Security Tribunal
- Federal Inland Revenue Service and the states' equivalents
- National Oil Spill Detection and Response Agency (NOSDRA)
- National Environmental Standards and Regulations Enforcement Agency (NESREA)
- National Emergency Management Agency (NEMA)
- States Emergency Management Agency (SEMA)
- Development Control Agencies
- Department of Petroleum Resources
- Civil Society Organisations (CBOs, NGOs, etc.)
- The Academia
- The Print and Electronic Media

(B) Resources and Budget

- National Planning Commission
- Ministries and Departments of Finance
- Ministries and Departments of Works
- Ministries of Justice
- Federal Ministry of Environment
- Ministries and Departments of Housing
- Housing Corporations
- National Bureau of Statistics
- NIPC
- Development partners

7.2 RIGHT TO PEACE

7.2.1 Constitutional Obligations

Government has the obligation to ensure that all Nigerians should be given equal and meaningful opportunity to their maximum potential. These and other instruments at the international, regional and sub-regional level are guided by the principles of:

- A people driven process of policy formulation and programme implementation;
- Peace and Security for All; and
- Nation building

The 1999 **Constitution** provides in section 15(1):

“The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress. “

7.2.2 International Obligations:

- Article 5 of the International Covenant on Economic, Social and Cultural Rights, which deals with the protection of the rights of others
- Articles 1, 2&3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Discrimination (Employment and Occupation) Convention, which deals with the prevention of discrimination against the employee and how to redress the issue, with a view to ensuring industrial peace
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts
- Declaration on the Elimination of Violence Against Women
- Articles 1-7 of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities, which deals with the protection of the rights of the minorities.
- Convention on the Elimination of all Forms of Racial Discrimination
- Points 12-14 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which deals with the methodologies to be employed by law enforcement officials to disperse unlawful assembly
- Statute of the International Criminal Court
- UN Global Conference Development
- Article 23 (1) (2) a & b – page 67, Article 47 and Article 56 of the African Charter on Human and Peoples’ Rights
- Article 9 of the Protocol on Africa Court on Human and Peoples’ Rights which deals with amicable resolution of cases
- Articles 4, 5, 6, 11 of the AU Protocol on Rights of Women in Africa
- Conference on Security, Stability, Development and Cooperation
- ECOWAS Protocols on Conflict Prevention, Management, Resolution, Peacekeeping and Security

7.2.3 What Has Been Done:

(A) Policy

Government policies are guided by the following principles:

- An integrated and sustainable programme targeted at peace and security for all.
- Nation building and national integration

The Key Programmes inherent in Government Policies are:

- Building a democratic society
- Providing an enabling environment for local and international investment.
- Promoting mutual respect among the people of Nigeria
- Ensuring integrated National Development Strategies

(B) Domestic Legislation

- Institute for Peace and Conflict Resolution Act
- Judicial Commissions of Inquiry Act
- National Emergency Management Agency (Establishment) Act, 1999
- National Boundary Commission, etc., Act, 1987
- National Human Rights Commission Act, 1995
- Niger-Delta Development Commission (Establishment, etc.) Act, 2000
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- Federal Character Commission (Establishment, etc.) Act, 1995
- National Youth Service Corps Act, 1993
- Land Use Act, 1978

(C) Administration Steps Taken

- Establishment of Institute of Peace and Conflict Resolution
- Establishment of National Human Rights Commission
- Setting up of National Human Rights Violation Investigation Commission (Opota Panel)
- Establishment of Nigeria-Cameroun Mixed Commission
- Establishment of National Boundary Commission
- Establishment of Niger-Delta Development Commission
- Establishment of Nigeria Inter-religious Council
- Setting up of Peace and Reconciliation Commission for the Niger-Delta, headed by the Vice- President.
- Setting up of Electoral Reform Committee, Headed by the Former Chief Justice of Nigeria
- Establishment of Federal Character Commission

7.2.4 Further Challenges

- Lack of respect for human rights values
- Widening economic gap between the rich and the poor
- High unemployment rate
- Unavailable and inaccessible social services
- High rate of illiteracy
- Corruption
- Religious intolerance, ethnicity and nepotism
- Political instability

- Proliferation of small arms and illegal weapons
- Growing sense of insecurity

7.2.5 Addressing the Challenges

- Ensuring the promotion and protection of human rights
- Making conscious efforts towards reducing illiteracy
- Creation of dignifying and productive employment opportunities
- Promoting good and accountable governance
- Re-orientation of the security agents on the need for respect of human rights
- Reducing corruption to the barest minimum level
- Empowering security agencies to reduce crime

7.2.6 Monitoring and Implementation

(A) Bodies:

- Institute for Peace and Conflict Resolution
- The Police
- The Ministry of Interior
- Ministry of Defence
- NHRC
- NDE
- Ministry of Foreign Affairs
- Boundary Commission
- Public Complaints Commission
- The Parliament
- NGOs, CBOs, CSOs and Religious bodies
- The Academia
- The Print and Electronic Media

(B) Resources and Budget

- Institute for Peace and Conflict Resolution
- The Police
- The Ministry of Interior
- Ministry of Defence
- NHRC
- Public Complaints Commission

7.3 RIGHT TO A PROTECTED ENVIRONMENT

7.3.1 Constitutional Obligations

“20. The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

Section 17(2)

“In furtherance of the Social order ...(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented”

Accordingly, Government recognizes that everyone in Nigeria has the right to:

- An environment that is not harmful to his or her health or well being
- Protected environment for the good of present and future generations, through reasonable laws and other ways of –
 - < Promoting conservation
 - < Preventing pollution and ecological degradation
 - < Forestation
 - < Securing ecologically valid economic and social development
 - < Protection of workers against hazardous work environment

7.3.2 International Obligations

Our International Obligations are guided by:

- The Vienna Convention on Law of Treaties
- Convention on the Protection of Ozone Layer (Vienna Convention)
- The Basel Convention on the Reduction of the Production of Hazardous Waste and Control/Management of Hazardous waste
- Convention on the Control of Desertification
- Convention on Co-operation in Protection and Development of Marine and Coastal Environment of West and Central Africa Region
- International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Especially in Africa
- Framework Convention on Climate Change
- The Convention on Biological Diversity
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Kyoto Protocol to the Convention on Climate Change on the Reduction of Green House Emissions
- Protocol Concerning Cooperation in Combating Pollution in case of Emergency
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters
- United Nations Convention of the Law of the Sea

- International Convention on Oil Pollution Preparedness, Response and Co operation
- International Convention for the Prevention of Pollution of the Sea by Oil
- Convention on International Trade in Endangered Species of Wild Fauna and Flora
- Convention on Fishing and Conservation of the Living Resources of the High Seas
- Convention on the Control of Trans-boundary Movement of Hazardous Waste Disposal
- Rotterdam Convention on Prior Informed Consent Procedure on Movement of Certain Hazardous Chemicals and Pesticides in International Trade
- Ramsar Convention on Wetlands of International Importance
- Bamako Convention on the Ban of import into Africa and Trans-boundary Movement of Toxic and Hazardous Waste 1991 (Signed by Nigeria in 2000).
- Other relevant International and Regional Instruments Relating to the Environment

The Government is also guided by the following non-binding instruments, which emanate from the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit or Rio Summit held in Rio de Janeiro in June 1992.

- The Rio Declaration, which states how individuals are to co-operate and further develop international law in the field of sustainable development
- International Development Targets (IDTs), set in 1996 to improve economic well-being, social and human development and ensure environmental sustainability and regeneration.
- Agenda 21, which is a Blueprint and Action Plan for the whole international community, linking development action for:
 - < The fulfillment of basic needs
 - < Improved living standards protection
 - < Better protected and managed ecosystems
 - < A safer more prosperous future
- The UNCED Forest Principles

7.3.3 What Has Been Done

(A) Policy

Government's policies are guided by the Principle of Protecting the Environment for the Benefits of the Current and Future Generations

Some of these policies include:

- Federal Environmental Protection Guidelines Standards for the Petroleum Industry in Nigeria (1991)
- DPR Environmental Guidelines and Standard for Petroleum in Nigeria (1991)
- National Environmental Policy and Guidelines, by which Government has taken over the responsibility of becoming the Custodian of the Nation's resources, and protecting the interest of Nigerians in equitable utilization of such resources

- National Economic Empowerment and Development Strategy I & II (NEEDS I & II), SEEDS and LEEDS
- Polluter Pays Principle
- Tree Planting Policy
- Guidelines for the Oil and Gas and Solid Mineral Sector in Nigeria
- West African Gas Project
- Tran-Saharan Gas Project with Algeria
- National Environmental Protection Regulations for the Chemicals, Pharmaceuticals, Food and Beverages, Mines and Extractive Industries
- National Environmental Protection Regulations for the Protection of the Ozone Layer, Wetlands, Mountainous and Hilly Areas including an Access and Benefit Sharing Regime
- 2012 Deadline for the abolition of Gas Flaring.
- Ban of Smoking in Public Places

(B) Domestic Legislation

- Petroleum Production and Distribution (Anti-Sabotage) Act, 1975
 - Environmental Impact Assessment Act (1992)
 - African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
 - National Oil Spillage and Detection Management Agency Act, 2006
 - National Environmental Standards and Regulation (Enforcement) Agency Act, 2007
 - Miscellaneous Offences Act, 1983
 - Oil Pipelines Act, 1956
 - Harmful Waste (Special Criminal Provisions, Etc.) Act, 1988
 - Associated Gas Re-Injection Act, 1979 (amended by 5 year policy)
 - Ecological Fund Act
 - Endangered Species (Control of International Trade and Traffic) Act,
 - Anti smoking legislation

(C) Proposed Bills:

- Ecological Commission Bill
- Waste Management Bill
- Climate Change Commission Bill

(D) Administrative Steps Taken

- Establishment of Ministry of Niger Delta
- Establishment of the National Atomic Energy Commission
- Establishment of the National Environmental Standards and Regulations Enforcement Agency (NESREA)
- Establishment of State Environmental Protection Agencies

- Establishment of the National Oil Spill Detection and Response Agency (NOSDRA)
- Establishment of Development Control Agencies
- Establishment of Niger Delta-Development Commission
- Establishment of the Ecological Fund
- Establishment of National and State Emergency Management Agencies
- Establishment of Minimum Requirements for Handling, Classifying and Disposing of Hazardous Waste
- Establishment of the Sokoto Desertification Control Programme and Integrated Environmental Protection Programmes
- Establishment of the Katsina Arid Zone Development Programme
- Establishment of the North East Arid Zone Development Programme
- Resolution on the Stoppage of Gas Flaring by 2008
- Establishment of Niger-Delta Coastal Development Commission
- Adoption of 13% Oil Derivation Formula
- Establishment of Niger-Delta Development Plan
- Adoption of Erosion Control Policies
- Promotion and Protection of Green Belts in some States
- Establishment of Waste Management Bodies in some States
- Monitoring of Discharge of Industrial Waste Effluence in Waterways
- Development of Regulations to combat e-waste, desertification and drought
- Forging regional alliances to stem practice of exporting e.waste
- Govt/CSO partnership programmes (LEAP)
- Development of Regulations to combat e-waste, desertification and drought
- Forging regional alliances to stem practice of exporting e.waste
- Govt/CSO partnership programmes (LEAP)

7.3.4 Further Challenges

- Desertification and deforestation
- Unchecked gully and soil erosion with life threatening consequences
- Lack of Waste Disposal Management Strategies
- Lack of adequate water supply
- Upsurge in violent activities within the oil producing communities
- Weak implementation of laws and policies on environmental protection
- Increase in illegal oil bunkering
- Proliferation of small arms and illegal weapons
- Uncontrolled gas flaring and consequent damage to the Ozone layer
- Increased oil and gas pipeline vandalization
- Inefficient and inadequate emergency response and prevention strategy
- Poor implementation of erosion control and management policies
- Non-enforcement of Environmental Impact Assessment Laws.
- Low awareness of environmental protection issues by the public.
- Non- domestication of most international instruments already signed or ratified.

7.3.5 Addressing the Challenges

- Development and implementation of effective education and information strategies to increase public awareness on environmental issues
- Taking environmental decisions that:
 - < Ensure greater access to land and prevention of erosion
 - < Tackle overcrowding and pollution density
- Public awareness and enlightenment on pollution, and waste disposal and sustainable development
- Taking waste management and disposal actions that:
 - < Provide adequate waste containers and refuse removal services
 - < Increase people's access to clean water
 - < Increase people's access to sanitation services
- Taking anti-pollution actions that increase access to affordable, less pollutant energy sources like electricity, especially for:
 - < Disadvantaged households
 - < Medium and Small-Scale businesses
 - < Community services
- Auditing and reviewing environmental laws to make sure that they are always appropriate and relevant
- Increasing co-operation between Government Departments and Civil Society Organizations
- Using the Tree Planting Policy to encourage reforestation
- Gully Erosion Fund
- Enhancing capacity of National and State Emergency Management Agencies
- Effective enforcement of oil laws and sanctioning of erring oil companies
- Regular auditing and monitoring of oil and gas pipelines across the Country
- Introduction of alternative energy source such as solar, nuclear and bio-energy
- Stoppage of gas flaring by oil companies
- Effective Environmental Impact Assessment (EIA)
- Inclusion of Human Rights Impact Assessment (HRIA) in all projects
- Strict enforcement of laws regulating solid minerals exploitation.

7.3.6 Monitoring and Implementation

(A) Bodies

- The Legislature
- The Judiciary
- Federal and States Ministries of Environment
- National Environmental Standards and Regulations Enforcement Agency (NESREA)
- Ministry of Solid Minerals
- Nigeria National Petroleum Corporation

- National Human Rights Commission
- Niger Delta Development Commission
- Department of Petroleum Resources
- Nigeria Liquefied Natural Gas
- Oil Exploration Companies
- National and States Emergency Management Agencies
- National Orientation Agency (NOA)
- CSOs
- The Academia
- The Print and Electronic Media

(B) Resources and Budget

- Federal and States Ministries of Environment
- Ecological Fund office
- Niger Delta Development Commission
- Nigeria National Petroleum Corporation
- Nigeria Liquefied Natural Gas
- Oil Exploration Companies.
- National Human Rights Commission
- National Planning Commission
- Development partners

8.0 RIGHTS OF WOMEN, CHILDREN AND YOUNG PERSONS.

8.1 RIGHTS OF WOMEN

The following rights are discussed in this section:

- Women's Rights to protection in peace and armed conflict situations, against all forms of discrimination, abuse, exploitation and harmful practices etc;
- Women's rights in public and political life/decision-making;
- Women's social, economic and cultural rights;
- Women's rights to equality before the law, access to justice, safety and security;
- Women's rights to equality in marriage and family relations;
- Women's reproductive and sexual health rights.
- Women and HIV/AIDS and related issues
- Women Empowerment

8.1.1 Constitutional Obligations

- The State is obligated under chapter 4 of the 1999 Constitution to guarantee, promote and protect every citizen's civil and political rights as fundamental rights.
- The State is obligated under S. 42 of the Constitution to protect citizen's right to non – discrimination on the basis of sex, ethnicity etc.
- The State is obligated under Chapter 2 of the 1999 Nigerian Constitution to ensure the effective realization of the social, economic, cultural, environmental rights and the participation of all citizens in national development.
- Section 17 (2) places a duty on the government to ensure equality of rights, obligations and opportunities before the law for every citizen and obligates the state to ensure equal pay for equal work without discrimination on grounds of sex
- Under Section 21 of the 1999 Constitution, the State is obligated to protect, promote and preserve Nigerian culture that enhance human dignity and are consistent with the fundamental objectives as provided.
- The state is obligated under Section 34 of the 1999 Constitution to protect citizen's rights to dignity of the human person

8.1.2 International Obligations

- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- Optional Protocol to CEDAW;
- UN Convention on the Rights of the Child (CRC)
- AU Charter on the Rights and Welfare of the Child (CRWC)
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict;
- Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography;
- UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

- International Covenant on Civil and Political Rights (ICCPR) (and its two Protocols);
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (;
- International Covenant on the Elimination of all forms of Racial Discrimination;
- Convention on the Political Rights of Women;
- Protocol relating to the Status of Refugees;
- Convention relating to the Status of Refugees;
- African Charter on Human and People's Rights
- African Union Solemn Declaration on Gender Equality
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
- International Conference on Population and Development
- OAU Refugee Convention;
- UN Convention Against Transnational Organized Crime; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa;
- ECOWAS Protocol on Democracy and Good Governance;
- ILO Convention (No. 45) Concerning the Employment of Women on Underground Work in Mines of all kinds;
- ILO Equal Remuneration Convention (1951); and
- UNESCO Convention Against Discrimination in Education (1960).
- Rio + 10 World Summit on Sustainable Development (WSSD)
- Beijing Platform for Action

8.1.3 What Has Been Done

(A) Policy

- National Gender Policy, 2007
- National Gender Statistics Book, 2007
- National Gender Data Bank 2007
- Published the Report of the Review of all Discriminatory Laws, Policies and Practices Affecting Women and Children in Nigeria, October 2005
- Drafted Law Prohibiting Discrimination Against Women in Nigeria.
- National Gender Policy and Strategy for the Acceleration of Girls' Education in Nigeria, 2003
- National Policy on Reproductive Health
- National Strategic Framework on HIV/AIDS (NSF)
- National Strategic Framework and Plan for Visco-Vaginal Fistula (VVF) Eradication in Nigeria
- National Guidelines and Strategies for Malaria Prevention Control During Pregnancy, 2005
- National Reproductive Health and Strategic Framework and Plan
- National Policy on Trafficking in Persons
- National Policy on Nutrition
- National Health Insurance Programme

- National Policy on Health
- National Policy on HIV/AIDS 2003
- National Policy and Plan of Action on Elimination of Female Genital Mutilation in Nigeria 2002
- National Policy on Sexuality and Family Life Education
- National Workplace Policy 2005

(B) Domestic Legislation:

- Prohibition of Infringement of a Widow's and Widower's Fundamental Human Rights Law, No.3 of 2001, Enugu State
- Malpractices Against Widows and Widowers Law, 2002, Ekiti State.
- Malpractices Against Widows and Widowers (Prohibition) Law, 2005, Anambra State
- Widows' Empowerment Law, 2002, Oyo State
- Inhuman Treatment of Widows (Prohibition) Law, 2004, Edo State
- Widowhood Practice Law 2003, Imo State
- Inhuman Treatment of Widows (Prohibition) Law, Ondo State
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, as amended in 2005.
- Trafficking in Women and Children, Edo State Criminal Code (Amendment) Law, 2000
- Prohibition of Early Marriage Law (Kebbi, Niger and Osun [2003]States)
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- A Law to Prohibit Girl-Child Marriages and Female Circumcision, No. 2 of 2000, Cross River State
- A Law to Prohibit Domestic Violence Against Women and Maltreatment, Law No. 10 of 2004, Cross River State.
- Abolition of Female Circumcision Law, No. 2, 2001, Rivers State.
- Female Circumcision and Genital Mutilation (Abolition) Law, No. 4 of 1999, Edo State.
- Female Circumcision and Genital Mutilation (Abolition) Law, 2000, Ogun State.
- Women's Reproductive Rights Law, 2005, Anambra State.
- Safe Motherhood Law Edo State
- Reproductive Services Law, No 3 of 2003, Rivers State.
- Female Genital Mutilation (Abolition), Delta State
- Female Genital Mutilation(Abolition) Law, 2004, Osun State
- Female Genital Mutilation(Abolition) Law, 2002, Ekiti
- Administration of Estates (Small Payments) Law, 2006, Lagos State
- Dehumanizing and Harmful Traditional Practices (Prohibition) Law, 2003, Rivers State [Re-check Title]
- Withdrawal of Girls from School for Marriage (Prohibition) Laws (Bauchi, Gombe, Borno, Katsina, Yobe, Zamfara and Kano States).
- National Commission for Refugees Etc., Act, 1989
- Street Hawking Prohibition Law Lagos State
- Street Trading Law Anambra State
- National Agency for Mass and Adult Literacy Act

- Imo State Gender and Equal Opportunities Law No 7 2007
- Anambra State Gender and Equal Opportunities Commission Law 2007
- National Human Rights Commission Act 2004
- National Centre for Women's Development Act

(C) Proposed Legislation

- Bill on Abolition of all Forms of Discrimination Against Women In Nigeria and Other Related Matters
- Bill on Elimination of Violence in the Society
- Gender Mainstreaming Bill, Ogun State
- Widows Protection Bill
- Elimination of Violence in Society Bill 2006
- CEDAW Domestication Bill
- Prohibition of Violence Against Women Bill
- Gender and Equal Opportunity Bill, Imo State
- Equal Opportunity Bill, Ebonyi State
- Girl Child Education Bill. Ebonyi State
- Anti-Discrimination and Stigmatization Bill, Enugu State
- Gender Bill, Kaduna State
- Prohibition of Sexual Violence Bill
- Bill for the establishment of a Commission for Persons with Disabilities.

(D) Administrative Steps Taken

- Establishment of the National, State and Local Government Centres for Women Development.
- Establishment of the Federal and State Ministries and Departments of Women Affairs.
- Establishment of Offices of Citizens Rights Directorate In Federal and State Ministries of Justice
- Establishment of the Office of the Special Rapporteur on Women and Gender Related Matters in National Human Rights Commission
- Ratification of Optional Protocol to CEDAW in 2004
- Setting up of Committee to Review Discriminatory Laws, Policies and Practices Against Women
- Establishment of National Consultative and Coordinating Committee for Monitoring and Evaluation of the Implementation of Beijing Platform for Action and the African Plan of Action
- Establishment of National Action Committee on Women in Politics (NACWIP)
- Establishment of National Technical Team of Experts to Ensure Gender Mainstreaming in all Sectors
- Measures targeted at Preventing Mother to Child Transmission of HIV/AIDS
- Establishment of National Agency for Prohibition of Traffic in Persons (NAPTIP)
- Establishment of State Working Groups on Trafficking in Persons
- Establishment of National State and Local Government Agencies on the Control of

AIDS (NACA, SACA, & LACA)

- Free legal counsel to women by the Legal Aid Council and the Civil Society Organizations
- Gender Mainstreaming Initiatives by government, development partners and civil society groups
- Appointment of Senior Special Assistant to the President on Millennium Development Goals
- Maternity Leave for nursing mothers (but no annual leave the same year as maternity leave even if you are entitled to the two)
- Inauguration of National Women Coalition on HIV/AIDS
- Inauguration of Inter-ministerial Committee on Gender and Peace Keeping
- Establishment of Focal Girls Schools in Zamfara, Katsina, Borno and Yobe States
- Establishment of Continuing Education for Female School Drop-outs in Zamfara and Gombe States
- Establishment of Day-Care Centres in the Workplace
- Establishment of Shelters for Trafficked Persons
- Establishment of the Federal Ministry of Youth Development

8.1.4 Further Challenges

- Lack of provision for Affirmative Action for ensuring equitable women participation in the electoral process,, including access to elective posts
- Rapid spreading of HIV/AIDS
- Trafficking in persons and inadequate preventive measures
- Illiteracy and low enrolment of the girl child
- Harmful cultural and traditional practices
- Inadequate constitutional provisions/legislation for women eg sexual violence, domestic violence
- Lack of political will on the part of the government
- Poverty.
- Adopted discriminatory practices by government agencies (bail/immigration/taxes)
- Wrong application of religious doctrines
- Attitude – culture of silence, stereotyping, etc
- Corruption
- Maternal mortality
- Lack of gender sensitive data
- Violence Against Women
- Inadequate resources for intervention programmes
- Non-enforcement of legislations and policies
- Discriminatory constitutional provisions eg Section 42 (3), Section 26, section 29
- Discriminatory existing laws and policies eg S. 55 of the Penal Code which permits wife beating and Regulation 121 – 129 of the Police Act, Section 363 of the Criminal Code
- Lack of awareness of rights
- Tripartite legal system

- Lack of gender sensitive budget and s implementation
- Lack of gender sensitive training programmes
- Lack of adequate budget allocation to the Ministry of Women Affairs
- Lack of national law on Female Genital Mutilation
- Lack of a victims' friendly judiciary

8.1.5 Addressing the Challenges

- Need for Advocacy for the passage into Law of Bill on Abolition Of All Forms Of Discrimination Against Women In Nigeria And Other Related Matters ,
- Domestication of the African Union Protocol to the African Charter on the Rights of Women in Africa and other regional and international instruments
- Implementation of the Pro-poor and Gender-based 2001-2007 Federal Government of Nigeria/DFID Access to Justice, Security and Growth Project with Jigawa, Ekiti, Benue and Enugu States as focal States.
- Increased advocacy for the enactment of the Domestic Violence (Prevention) Bill
- Mainstreaming Gender into budgeting and budget tracking
- Establishment of functional PRS Departments in Ministries of Women Affairs for data collection
- Free legal representation to protect women's rights
- Skill Acquisition for women in all States
- New National Policy on Education with provisions encouraging girls to embrace technical education
- Involvement of Faith-Based Organizations in enlightenment and sensitization
- Increased advocacy targeting policy makers, traditional rulers and religious leaders
- Capacity building for improved programming on women
- Improved network amongst stakeholders
- Gender Sensitive training for all government officials including the judiciary, police and other security agencies, legislature and the executive
- Affirmative Action principles to be integrated into the Constitution, laws and constitutions of political parties
- Enactment of the Gender Policy into law to provide a legal framework for gender mainstreaming
- A reorientation of the citizenry to remove gender roles and stereotyping
- Review of all existing laws and policies and Abolition of all discriminatory laws
- Gender disaggregated data
- Accessible health care services, especially in rural areas

8.1.6 Monitoring and Implementation

(A) Bodies

- The Parliament
- The Judiciary
- National Human Rights Commission
- Federal and State Ministries responsible for Women Affairs

- Federal and State Ministries of Justice
- Federal and State Ministries of Health
- Offices of the Public Defender (of various states)
- Citizens Rights Directorate
- Legal Aid Council
- Public Complaint Commission
- National Agency for the Prohibition for Traffick in Persons
- Independent National Electoral Commission (INEC) and State Independent Electoral Commissions (SIEC)
- Ministries of Information (and National Orientation)
- Nigerian Law Reform Commission
- National and State Assembly Committees on Women Affairs and Youth Development.
- National Poverty Eradication Programme
- Office of the Senior Special Assistant on Millennium Development Goals (Presidency)
- NACA, SACA, LACA
- Civil Society Organizations
- Faith-Based Organizations
- The Academia
- The Print and Electronic Media
- The Police
- All Ministries

(B) Resources and Budget:

- Federal and States Ministries of Women Affairs
- Federal and States Ministries of Information
- Federal and States Ministries of Justice
- National and States Centres for Women Development
- Ministries of Health
- Nigerian Law reform Commission
- Legal Aid Council
- Public Complaint Commission
- Independent National Electoral Commission (INEC) and State Independent Electoral Commissions
- The Judiciary
- National Human Rights Commission
- Office of the Senior Special Assistant on Millennium Development Goals (Presidency)
- National Agency for the Prohibition of Trafficking in Persons
- Citizens Rights Directorate
- Legal Aid Council
- Public Complaint Commission
- Independent National Electoral Commission (INEC) and State Independent

- Electoral Commissions
- Development Partners

8.2 THE RIGHTS OF CHILDREN AND YOUNG PERSONS

The following rights are discussed in this section:

- Survival
- Protection
- Development
- Participation

8.2.1 Constitutional Obligations

- Every citizen's civil and political rights are protected as Fundamental Rights under Chapter 4 of the 1999 Nigerian Constitution.
- The State is obligated under Chapter 2 of the Constitution to ensure the effective realization of the political, social, economic, cultural, educational and environmental rights of the citizens, to participate in national development.

8.2.2 International Obligations

Nigeria undertakes to promote and protect Children's Rights under the following:

- Articles 25(2) and 26 of the Universal Declaration on Human Rights
- Article 24 of the International Covenant on Civil and Political Rights
- Article 10 of the International Covenant on Economic, Social and Cultural Rights
- UN Convention on the Rights of the Child (CRC)
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict;
- Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography;
- African Union Charter on the Rights and Welfare of the Child;
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- Optional Protocol to CEDAW;
- UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- International Covenant on the Elimination of all forms of Racial Discrimination;
- Convention Relating to the Status of Refugees
- Protocol Relating to the Status of Refugees
- African Charter on Human and People's Rights
- OAU Refugee Convention;
- AU Protocol on the Rights of Women in Africa;
- UN Convention Against Trans-National Organized Crime; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Geneva Conventions 1949 on the Use of Children in Armed Conflict (*check title*)
- AU Convention the Use of Children in Armed Conflict (*check title*)

- ECOWAS Declaration on the Decade of a Culture of the Rights of the Child in West Africa;
- ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa;
- ECOWAS Protocol on Democracy and Good Governance;
- ILO (1999) Convention on the Elimination of the Worst Forms of Child Labour;
- ILO Convention (No. 45) Concerning the Employment of Women on Underground Work in Mines of All Kinds;
- ILO Equal Remuneration Convention (1951); and
- UNESCO Convention Against Discrimination in Education (1960).

8.2.3 What Has Been Done

(A) Policy

Government Policies have been guided by the principles in the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, as well as those in the Child's Rights Act, 2003, and the various States' Child' Rights Laws.. These are all now embodied in the:

- National Child Policy, 2007
- National Policy on Nutrition
- National Policy on Sexuality and Family Life Education

(B) Domestic Legislation

- The Child's Rights Act, 2003
- Child's Rights Laws of some States
- Criminal Codes
- Penal Codes
- Children and Young Persons Laws (State)
- Universal Basic Education Act, 2004
- Universal Basic Education Laws of some States
- Prohibition of Infringement of a Widow's and Widower's Fundamental Human Rights Law, No.3 of 2001, Enugu State
- Malpractices Against Widows and Widowers Law, 2002, Ekiti State.
- Malpractices Against Widows and Widowers (Prohibition) Law, 2005, Anambra State
- Widows' Empowerment Law, 2002, Oyo State
- Inhuman Treatment of Widows (Prohibition) Law, 2004, Edo State
- Widowhood Practice Law 2003, Imo State
- Inhuman Treatment of Widows (Prohibition) Law, Ondo State
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, as amended in 2005.
- Trafficking in Women and Children, Edo State Criminal Code (Amendment) Law, 2000

- Prohibition of Early Marriage Law (Kebbi, Niger and Osun [2003]States)
- African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983
- A Law to Prohibit Girl-Child Marriages and Female Circumcision, No. 2 of 2000, Cross River State
- A Law to Prohibit Domestic Violence Against Women and Maltreatment, Law No. 10 of 2004, Cross River State.
- Abolition of Female Circumcision Law, No. 2, 2001, Rivers State.
- Female Circumcision and Genital Mutilation (Abolition) Law, No. 4 of 1999, Edo State.
- Female Circumcision and Genital Mutilation (Abolition) Law, 2000, Ogun State.
- Women's Reproductive Rights Law, 2005, Anambra State.
- Safe Motherhood Law, Edo State
- Reproductive Services Law, No 3 of 2003, Rivers State.
- Female Genital Mutilation (Abolition), Delta State
- Female Genital Mutilation(Abolition) Law, 2004, Osun State
- Female Genital Mutilation(Abolition) Law,2002, Ekiti
- Administration of Estates (Small Payments) Law, 2004, Lagos State
- Adoption Law of Lagos State 2004
- Dehumanizing and Harmful Traditional Practices (Prohibition) Law, 2003, Rivers State
- Withdrawal of Girls from School for Marriage (Prohibition) Laws (Bauchi, Gombe, Borno, Katsina, Yobe, Zamfara and Kano States).
- Street Trading Restriction Law, 2004 Anambra State.

(C) Administrative Steps Taken

- The establishment of the National Programme of Action for Nigerian Children (NPAC).
- Establishment of the National Agency for the Prohibition of Trafficking in Persons
- Establishment of Family Courts in some States
- Setting up Juvenile Welfare Centres and Rehabilitation Centres
- Setting up of the Children's Parliament
- Setting up of the Child Rights Implementation Committees at the Federal, State and Local Government levels
- Establishment of Unity Schools for Girls Only in each State of the Federation.
- Appointment of Special Rapporteur on Child Rights in the NHRC
- Establishment of Child Rights Information Bureau
- Establishment of National Youth Service Corps
- Establishment of Youth Resource Centres in some States
- Establishment of Free Meal Programme for Children in Primary Schools in some States
- Measures targeted at Preventing Mother-to-Child Transmission of HIV/AIDS

- New National Policy on Education with provisions encouraging girls to embrace technical education
- Establishment of Human Rights Clubs in secondary and tertiary institutions
- Establishment of Orphans and Vulnerable Children (OVC) Units and Steering Committees in all Ministries of Women affairs
- Adoption of a new National Child Policy, 2007
- Adoption of National Guidelines on the Establishment of Institutional Child Care Centres
- Adoption of National Guidelines on OVC
- Adoption of National Action Plan on OVC
- Coalition of NGOs on OVC
- Establishment of Zonal, State and Local Government Working Groups on Child Justice Administration
- Celebration of Landmark Events for children
- Children Holiday Programmes in some States
- Scholarship Schemes and Bursary Awards for children and youth
- Free medical services for under 5 children in some States (for all children in Zamfara state)
- Establishment of OVC Hospitals in a few States
- Establishment of Zakat Endowment Board to take care of vulnerable children and the elderly in some States

8.2.4 Further Challenges

- Lack of proper implementation of the provisions of Child's Rights Act, 2003 and Child Rights Laws
- Non-adoption of Child's Rights Law in some States
- Non-inclusion of Human Rights Education in Primary, Secondary and Tertiary Institutions curricula
- Non- inclusion of sex education in primary and secondary schools
- Prevalence of crimes against children, especially:
 - Sexual assaults, including rape, incest and defilement
 - Murder/ assault/neglect/abandonment
- Problem of street, homeless and internally displaced children
- Poverty
- Weak enforcement of legislation
- Lack of political will / participation
- Illiteracy/School Drop-outs
- Child Trafficking and Child Labour
- Harmful Cultural Practices/Beliefs/Myths
- Orphans and Vulnerable Children
- HIV/AIDS and Mother-to-Child-Transmission of HIV/AIDS
- Unhindered access and exposure to information technology
- Child Prostitution
- Lack of data base

- High infant mortality rate and Prevalence of child killer diseases like polio
- Discriminatory constitutional provision eg
- Inter religious and ethnic conflicts
- Child pregnancy
- Inadequate and effective borstal homes
- Juvenile justice reforms
- Unemployment
- Violence

8.2.5 Addressing the Challenges

- Development of an implementation the Work Plan on the CRA/CRL
- Advocacy/ enlightenment on the adoption of the CRA in all States of the Federation
- Implementation and provision of resources for a National Programme of Action for Children
- Effective investigation and prosecution of criminal offences such as sexual assault, rape, defilement, and neglect, abandonment etc
- Funding and providing services to assist street children and to bring them back into their families and the community
- Putting policy, laws and other administrative measures in place to deal with child abuse and neglect
- Implementing the National AIDS Plan, particularly for children and young people living with HIV/AIDS
- Developing indicators that measure all aspects of child well-being
- Strengthening the role and contribution of NGOs on children
- Strengthening the links between NGOs and the government about children
- Encouraging children and young persons to know and to promote their own rights through establishment of Child Rights Clubs in Schools
- Provision of adequate legal framework for protection of women, children and young persons, as vulnerable groups
- Advocacy, targeting policy makers, traditional rulers and religious leaders
- Involvement of Faith-Based Organisations in enlightenment and sensitization
- Capacity building for improved programming on children
- Policies for addressing child poverty and inequalities
- Social protection programmes
- Skills acquisition programmes
- Implementing the MDGs
- Data and research analysis on the situation of children

8.2.6 Monitoring and Implementation

(A) Bodies

- Federal and State Ministries of Justice
- Federal and State Ministries responsible for Child and Youth Development
- State Ministries for Religious Affairs

- National Assembly and State Houses of Assembly
- National Human Rights Commission
- National Agency for the Prohibition of Trafficking in Persons
- Child Rights Information Bureau (CRIB)
- National and State Child Rights Implementation Committees
- National Assembly and State Assemblies Committees on Women
- Office of the Senior Special Assistant on Millennium Development Goals (Presidency)
- Civil Society Organizations
- Faith-Based Organizations
- Offices of the Citizens Rights Directorate/Offices of the Public Defender
- The Academia
- The Print and Electronic Media

(B) Resources and Budget

- Ministries responsible for Child Development
- National Human Rights Commission
- Ministries and Departments of Youth and Social Development
- Office of the Senior Special Assistant to the President on Millennium Development Goals (Presidency)
- Development Partners
- Organized Private Sector