

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

2006

Federal Republic of Nigeria

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A BRIEF HUMAN RIGHTS HISTORY OF 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 and association, right to enjoy private property and right to participate in governance of the affairs of the society were jealously guarded.

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. Colonialism largely eroded traditional values and 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.

The entrenchment of fundamental human rights in Nigeria in the modern sense could however be traced to 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. Fundamental Objectives and Directive Principles of State Policy in Chapter II also recognised Economic, Social and Cultural Rights. 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.

However, despite the guarantee of fundamental rights and liberties in the Nigerian Constitutions since 1960, the country has had the misfortune of military interruptions. This had profound and 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 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 this regime resulted in Nigeria becoming a pariah state at the international arena and the country was put on the agenda of the United Nations Commission on Human Rights for five consecutive years.

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.

The Concept of the National Action Plan (NAP) for the Promotion and Protection of Human Rights

The National Action Plan for the Promotion and Protection of Human rights (NAP) is the response of the government of Nigeria to the recommendation 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 consider 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 President Olusegun Obasanjo was not in existence at the time of the World Conference, but since coming into office it has fully associated itself with the Vienna Declaration and Programme of Action. The Vienna Declaration and Programme of Action emphasises 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:

Assess the current measures in place to protect and promote human rights

Identify areas that need improvement

Commit themselves to improving the protection and promotion of human rights.

The 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:

An audit of the human rights situation in our country, identifying areas in need of protection and improvement

A commitment to concrete measures that can be adopted to build and entrench a culture of human rights for the enjoyment of all

A framework for sustained and coordinated ways for the country as a whole to protect and promote human rights in the next three 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 we can improve the protection and promotion of human rights in our country.

It will also be used by the government and the organs of civil society 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.

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), with the support of the British Council, organised 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 Ministry of Justice, the media and non-governmental organisations (NGOs).

In December 1999, the chambers of the Attorney-General 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.

In April 2000, the Chambers of the Attorney-General and the Minister of Justice of the Federation requested the NHRC to commence consultations with civil society and 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 organised private sector with the concept of NAP and the need for same.

In November 2000, the NHRC with the support of Australian Embassy to Nigeria hosted a workshop on regional and international human rights instruments. The focus of this workshop was on key international and regional human rights instruments that have been domesticated, ratified or are in the process of ratification by Nigeria or 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.

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, professional bodies and other stakeholders in the civil society, Government ministries, parastatals and agencies, military, police, and other law enforcement agencies, the judiciary and parliamentarians. The summit was convened to provide a forum for government and civil society to agree on the content and framework of the NAP.

In October 2002, the Commission, in collaboration with the Senate and House Committees on Human Rights, with the support of 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 National Human Rights Commission in collaboration with the National Assembly and Legal Resource Consortium with the support from 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 program officers visited various relevant ministries/parastatals by which inputs were received on the status of various projects embarked upon by them towards the promotion and protection of human rights as enshrined in the Constitution of Nigeria and other relevant Regional and International Human Rights Instruments.

With the support of McArthur Foundation a documentary of 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 program officers to various ministries and parastatals to update the NAP document with developments in the various ministries and parastatals since the last consultations with such ministries and parastatals. 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 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 necessary to brief the new NASS on the NAP document.

Finally, the NAP document was handed over to the President by the Attorney-General of the Federation and Minister of Justice who was the Chair of the Steering Committee for the development of NAP. The Government of the Federal Republic of Nigeria successfully developed and adopted the NAP document.

The Organising Structures and the Consultative Process for Drafting the National Action Plan (NAP) for the Promotion and Protection of Human Rights in Nigeria

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

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

Consultative process involved:

1. Consultation process with government departments, Parliament, Judiciary, the private sector 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

The Rights

CIVIL AND POLITICAL RIGHTS

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

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Employment
Housing and Shelter
Health
Food
Water, Education

THE RIGHT TO SUSTAINABLE DEVELOPMENT, PEACE AND A PROTECTED ENVIRONMENT

Sustainable Development
A protected environment

THE RIGHTS OF WOMEN, CHILDREN & 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

Frame work for the Discussion of Rights Contained in the Draft NAP

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

The human rights provisions in the 1999 constitution

The provisions of relevant international and regional human rights instruments including:

The Universal Declaration of Human Rights

The International Covenant on Civil and Political Rights

The International Covenant on Economic, Social and Cultural Rights

The African Charter of Human and Peoples' Rights

Other human rights instruments, documents and treaties that seek to advance the rights of disadvantaged and valuable groups such as women, children, people with disabilities, people with HIV or AIDS and refugees.

Convention on Elimination of all forms of Discrimination Against Women

The Child Rights Act

Convention on Elimination of All forms Racial Discrimination (CERD)

Effective promotion of human rights needs 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:

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

Framework for the Discussion of Each Right

Each right that we deal with in this document is discussed in the following framework:

Constitutional obligations

International obligations

What has been done:

Policy

Legislation

Administrative steps taken

Further challenges

Addressing the challenges

Evaluation and monitoring

Resources and budget

1. 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.

2. The Auditor-General

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

3. 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

4. The National Broadcasting Commission of Nigerian (NBC)

It must:

- Regulate broadcasting in the public interest
- Ensure a diversity of views that broadly represent Nigerian society.

INTERNATIONAL/REGIONAL OBLIGATIONS

Nigeria has signed, 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)

The United Nations Convention on Rights of the Child (CRC)

The African Charter on Human and Peoples' Rights

The United Nations Convention on the Status of Refugees

The African Charter on the Rights and Welfare of Children

Organisation of African Unity's Convention governing the specific Aspects of Refugee Problems in Africa

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of All Forms of Racial Discrimination
- The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (Convention Against Torture)
- The Convention on the Political Rights of Women

Human Rights Reports that Nigeria has submitted to the UN and the African Commission include:

The Report on The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), submitted to the UN

The Report on the UN Convention on the Rights of the Child, submitted to the UN

The Report on the African Charter on Human and Peoples' Rights, submitted to the African Commission.

Further international and regional human rights challenges include to:

- Ratify further conventions that deal with torture
- Ratify the statute that establishes the International Criminal Court
- Accede to the optional protocol of The African Charter on Human and Peoples' Rights on the establishment of an African Court of Human and Peoples' Rights
- Do everything that is necessary to incorporate international and regional human rights law in to our law.

Plans to address the challenges presented by the international and regional human rights instruments:

Lead Ministries to present the key covenants and conventions to parliament for ratification

Parliament to proceed with ratification of the covenants and conventions ratified by the cabinet

Preparation of reports to the various treaty bodies and the regional structures responsible for monitoring and implementation of international and regional human rights treaties.

Institutions monitoring the implementation of the international and regional human rights instruments include:

The Presidency

The National Assembly and its various committees

The National Human Rights Commission

The Ministry of Foreign Affairs

A: Civil and Political Rights

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

- Life
- Dignity of Human Person
- Personal Liberty
- Fair Hearing
- Private & Family life
- Freedom of thought, Conscience & Religion
- Expression and Press
- Peaceful assembly and association
- Freedom of movement
- Freedom from Discrimination

Property

1. RIGHT TO LIFE

Constitutional Obligations

Everyone has a right to life and no one shall be deprived intentionally of his/her life.

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

All other relevant International and Regional Instruments relating to this right.

WHAT HAS BEEN DONE

Policy

Government policy seeks to:

Ensure that the power of the state to take away human life in the course of the administration of justice is exercised under a stringent regime of checks and balances

Curtail the power of private people to kill one another

Acknowledge the duty of the state to protect human life

Make it unlawful to take life intentionally without due process

Provide sanctions for those that breach the law.

Local Legislation

- Criminal Code
- Penal Code
- Child Rights Act

Administrative Steps taken

Government is in the process of reviewing the sections of the Criminal Procedure Act that deal with the use of lethal force in making arrests to bring them in line with the constitution.

The code of conduct and the training manual for police officials specifically discourages the use of lethal force in making arrests.

FURTHER CHALLENGES

The general acceptance of the death penalty

An urgent need to improve the effectiveness of the criminal justice process as a deterrent to crime, particularly violent crime

ADDRESSING THE CHALLENGES

Introduction of human rights education for all, focused on the right to life

Implementation of the National Crime Prevention Strategy

MONITORING AND IMPLEMENTATION

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

Resources and Budget

- The National Crime Prevention Strategy funding
- The budget of:
- The National Human Rights Commission
- The relevant government department and agencies
- The private sector and civil society

2. RIGHT TO DIGNITY OF HUMAN PERSON

Constitutional Obligations

Everyone has the right not to:

- Be threatened or punished in a cruel, inhuman or degrading way
- Be held in slavery or servitude
- Perform forced or compulsory labour

International Obligations

Our international obligations are guided by:

- The Universal Declaration of Human Rights and the relevant articles
- The African Charter on Human and Peoples Rights
- All International Human Rights Instruments to which Nigeria is a signatory

WHAT HAS BEEN DONE

Policy

Government policy seeks to:

- Combat crime so that everyone is safe and secure
- Balance the rights of victims with the rights of people who are accused of crimes
- Enable people to have control of their own bodies
- Eliminate violence against women and children

A National Crime Prevention Strategy (NCPS) document will be prepared by a multi-sector consultative group comprising the Internal Affairs Ministry, Prisons Service, Police Affairs Ministry, Defence Ministry, Intelligence Ministry, Ministry of Justice, relevant committees in the National Assembly and civil society groups.

The objectives of the NCPS are to:

- Establish a comprehensive policy framework to enable the government to address crime in a coordinated and focused way that draws on the resources of all government agencies, as well as civil society
- Promote a shared understanding and common vision of how the whole nation will tackle crime at national, state and local government levels
- Develop a set of national programmes to kick start and focus the efforts of various government departments in delivering quality services and solving the problems that lead to high crime levels
- Maximise civil society's participation in crime prevention
- Create a dedicated and integrated crime prevention capacity, that can conduct ongoing research and evaluation of campaigns and also facilitate effective crime prevention programmes at national, state and local government levels

Local Legislation:

Child Rights Act
Children and Young Persons Law
Criminal Code
Penal Code
Marriage Act.

Proposed Legislation

Anti Discrimination Bill(HIV Status, etc)
NACA Bill(to upgrade NACA to an Agency)

ADMINISTRATIVE STEPS TAKEN

National AIDs plan focusing on people living with HIV/AIDs. It also 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 in view of prevention 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 improvement of health care service delivery to Nigerians.
- National Programme on Immunization
- Establishment of National Agency on Prohibition of Trafficking in Persons

FURTHER CHALLENGES

Addressing the following general problem areas:

- The issue of periodic Strike Action in the Health Sector poses untold danger to Patients' Right to Life and Right to Health.
- 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
- Anti-Discrimination Bill currently before the National Assembly has not been passed into Law yet.
- NACA, so far, is merely a Committee and so are SACAs, & LACAs .
- Unequal access to basic health care
- Disparities in provision of health care
- Co-operation between the private and public health services
- Unequal distribution of health resources
- Inadequate facilities
- The quantity and service delivery of health personnel
- Dealing effectively with vigilante groups
- Creating a culture of respect for human rights in Nigeria
- Trafficking in persons
- Abuse of children

ADDRESSING THE CHALLENGES

- 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
- Implementing the provisions of Justice Vision 2001
- Strengthening the inter-sector co-ordination in the administration of justice
- Developing and implementing a national policy on violence against women
- Enactment of domestic violence laws

- Expanding and intensifying education on reproductive choices
- Adoption and implementation of Child Rights Laws in all the States of the Federation.

MONITORING AND IMPLEMENTATION

Bodies:

- The Parliament
- The Judiciary
- The Ministry of Internal Affairs
- The Ministry of Defence
- The Ministry of Justice
- The Ministry of Police Affairs
- The Ministry of Health (Reproductive issues)
- The Public Complaints Commission
- The National Human Rights Commission
- Ministry of Women Affairs

Resources and Budget:

The National Crime Prevention Strategy
The National Human Rights Commission
The relevant government departments and agencies
The Private Sector and Civil Society

3. RIGHT TO PERSONAL LIBERTY

Constitutional Obligations

The Constitution entrenches the protection and promotion of the rights of arrested, detained and accused persons.

- Arrested people have the right to:
 - Remain silent and to be informed of this right
 - Be brought to court within a reasonable time in order to be charge or be informed of the reason for their continued detention
 - Not to be compelled to make any confession or admission that could be used in evidence against that person
 - Be released from detention on bail, if it is in the interest of justice
- Detained people have the right to:
 - Be informed of the reason for being detained
 - Chose and consult with a legal practitioner and to be informed promptly of this right
- Children under the age of 18 years have a right to:
 - Be detained separately from adults
 - Special protection and interventions that respect their age and development needs

Any person unlawfully arrested or detained has the right to public apology and or compensation from the appropriate body.

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
- 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
- The United Nations Rules for Juveniles Deprived of their Liberty
- Articles 6 and 7 of The African Charter on Human and Peoples' Rights
- All other relevant International and Regional Instruments relating to this right.

WHAT HAS BEEN DONE

Policy

Government policy is to ensure that arrested, detained and accused people:

- Are guaranteed protection against abuse by police officials
- Have swift access to due process of the law and legal advice

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 the White Paper, it recommits itself to complying with international human rights principles and the Nigerian Constitution.

In view of the Constitution and our international obligations, the Nigerian 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.

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

Local Legislation

Criminal Procedure Act
Criminal Code
The Penal Code

A Prisons Bill is before the National Assembly to ensure that:

- Accused people are treated with dignity
- Sentences of the court are carried out properly
- Imprisoned people are given the opportunity to develop themselves

It deals separately with:

- Sentenced prisoners
- Un-sentenced prisoners

It also emphasises the rights of vulnerable prisoners such as :

- Women
- Children

Administrative Steps Taken

- Development of curriculum for Human Rights education for police, prison officers and other law enforcement agencies
- 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 people
- Prison Audit Exercise by the National Working Group on Prison Reforms and Decongestion
- Establishment of Presidential Committee on Prison Reforms and Rehabilitation

FURTHER CHALLENGES

- Finding alternatives to prisons
- Upgrading of sub-standard facilities in prisons and other detention centres
- Transforming the Nigerian Police Force to a police service
- 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 the conditions under which prisoners are kept including:
 - Overcrowding
 - Physical and sexual assaults
 - Lack of reading materials
 - Inadequate medical treatment

- Expanding diversion programmes and access to alternatives for juveniles in conflict with the law
- Educating the public about the justice and correctional system for arrested, detained and accused people
- Protecting children from physical and sexual assaults, particularly when children are detained in police cells or borstal institutions
- Practice of holding charge.

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

MONITORING AND IMPLEMENTATION

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

Resources and Budget

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

4. RIGHT TO FAIR HEARING

Constitutional Obligations

The following are fundamental rights:

- Access to courts that are independent and impartial
- An independent judiciary that is competent, representative and human rights driven
- Accused people have the right to a fair trial. This includes the right to:
 - Be presumed innocent
 - Have adequate time and facilities to prepare a defence
 - 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
 - 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
 - Be present when being tried
 - Be tried and to receive information in a language that the accused person understands.

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
- All other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

Policy

Government policy seeks to:

- Redress the substantive, procedure, structural and administrative fragmentation and disarray in the administration of justice
- Design and implement structures and processes that are:
 - Democratic
 - Representative
 - Responsive
 - Accessible
 - Accountable
 - Fair
- 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.
 - The Ministry of Justice is presently reviewing and bringing to date the laws of the Federal Republic of Nigeria.

Local Legislation

- Criminal Procedure Code

- Criminal Procedure Act
- African Charter on Human Rights and Peoples Rights
- Ratification Act CAP (10) Laws of the Federal Republic of Nigeria

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

Administrative Steps Taken

The Federal Ministry of Justice has directed that all state Ministries of Justice set up Directorates of Citizens Rights within their Ministries. Also each state Justice Ministry has been requested to publish a Justice Charter and a Court Users Manual similar to one 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.

FURTHER CHALLENGES

- 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
- Designing, developing, and implementing legal structures and processes that are democratic, representative, responsive, accessible and accountable
- Broadening access to courts
- Improving the legal infrastructure in terms of:
 - The availability of courts, libraries and other facilities
 - Renovation of offices
 - Installation of furniture
 - Ensuring availability of basic services such as electricity, water and communication facilities in each court
- Establishing more efficient communication lines between the courts and the Ministry of Justice and other criminal justice agencies
- Making courts more accessible for:
 - People with disabilities
 - Elderly people
 - Women
 - Children
- Developing the use of inclusive processes such as:
 - Popular participation in court proceedings, e.g. traditional courts
 - Community courts and religious personal law
 - Community outreach to facilitate meaningful public participation
 - Plain language

Engaging Human Rights NGOs and other Human Rights Defenders in the Justice Sector Reform Agenda.

- Ensuring that only Lawyers prosecute cases in courts.

ADDRESSING THE CHALLENGES

- Implementing the Justice Sector Reform Agenda strategies:
 - Making legal advice and legal representation accessible to all who need it
 - Using language that is accessible 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
 - Adapting courts to ensure that they have appropriate facilities and services
 - Making court procedures simple and accessible to the public
 - Providing interpreters to ensure that people can use their own language in courts
 - Enacting laws to make the system, including the services of lawyers, more affordable
 - Making legal aid available for indigent people
- Setting in place affordable and accessible alternative dispute resolution (ADR) mechanisms
- Implementing ongoing 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:
 - Transformation of the judiciary
 - Alternative dispute resolution
 - Specialist courts
 - Language policy
 - The needs of vulnerable groups
- Developing and implementing training programmes for services providers to sensitise them to the needs of:
 - People with disabilities
 - Elderly people
 - Vulnerable women
 - Children
- Ensuring that the practice of holding charge is eradicated.

MONITORING AND IMPLEMENTATION

Bodies

- The Parliament
- The Judiciary
- The Ministry of Justice
- The National Human Rights Commission
- The Legal Aid Council
- Human Rights NGOs

Resources and Budget

- The Judiciary
- The Ministry of Justice
- National Human Rights Commission
- The Legal Aid Council

5. RIGHT TO PRIVATE AND FAMILY LIFE

Constitutional Obligations

Everyone has the right to privacy, which includes the right not to have:

- Their person or home searched
- Their property searched
- Their possessions seized
- The privacy of their communications infringed

International Obligations

Our international obligations are guided mainly by:

- Article 12 of The Universal Declaration of Human Rights
- 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.

WHAT HAS BEEN DONE

Policy

- Legal restrictions have been set out for state institutions for observing people's privacy.

Local Legislation

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

- The Criminal Procedure Code
- The Criminal Procedure Act
- Penal Code
- Criminal Code
- The Marriage Act
- Personal Laws

FURTHER CHALLENGES

- Ensuring the implementation of laws to protect privacy
- Training government officials particularly law enforcement agencies and security agents on human Rights
- Ensuring that attention is given to issues of noise, pollutants and disposal of waste.

ADDRESSING THE CHALLENGES

Creating and implementing human rights training programmes especially for law enforcement agencies and security agents

MONITORING AND IMPLEMENTATION

Bodies

- The Parliament
- The Judiciary
- The Public Complaint Commission
- The National Human Rights Commission
- Non Governmental Organisations
- National Broadcasting Commission

Resources and Budget

- The Judiciary
- The National Human Rights Commission

6. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Constitutional Obligations

The Constitution provides for a Nigeria where all citizens shall be able to enjoy and exercise their religious rights. This is contained in sections 38.

International Obligations

Our international obligations include:

- Article 27 of the Universal Declaration of Human Rights
- Article 15 of the International Covenant on Economic, Social and Cultural Rights
- Article 30 of United Nations Covenant on the Rights of the Child
- Article 22 of the African Charter on Human and Peoples Rights
- Article 9 African Charter on the Rights and Welfare of the Child
- All other relevant International and Regional Instruments relating to this right.

WHAT HAS BEEN DONE

Policy

Government policies 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
- Promoting the culture of religious tolerance

Local Legislation

- Criminal Code
- Penal Code
- Sharia Penal Code

Proposed Legislation

- Hajj Committee Bill (Before the National Assembly)
- Christian Pilgrimage Bill (Before the National Assembly)

Administrative Steps Taken

Establishment by the Government of the National Inter-religious Council (NIREC) to promote understanding among the various faith.

Government facilitates and supports the activities of government and non-governmental organizations working to promote religious harmony.

Government is in support of Muslim and Christian Pilgrimages

Setting up of commissions to handle Muslim and Christians Pilgrimage

Establishment of Sharia Implementation Committees/Commission

FURTHER CHALLENGES

Continuing to create an enabling environment for the respect and protection of religious groups
Affirming diversity while at the same time building a common nation
Promotion of a culture of tolerance and respect among Nigeria's religious bodies

ADDRESSING THE CHALLENGES

Public education in religious tolerance
Facilitate frequent consultations between government and leaders of religious groups
Compulsory religious education from Primary to University levels

MONITORING AND IMPLEMENTATION

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
Sharia Implementation Commissions of various states

Resources and Budget

The Ministry of Information
National Human Rights Commission
Various state Government budgets
Ministry of Justice
The Judiciary

7. RIGHT TO FREEDOM OF EXPRESSION & PRESS

Constitutional Obligations

The Constitution provides for the right to freedom of expression and the press, which includes:

- Freedom of the press and other media
- Freedom to receive or impart information or ideas
- Freedom of artistic creativity
- Academic freedom and freedom of scientific research

However, the right does not extend to:

- Propaganda for war
- Incitement of imminent violence
- Advocacy of hatred that is based on ethnicity, gender or religion, and that constitutes incitement to cause harm

International Obligations

Our international obligations are guided by:

- Article 19 of The Universal Declaration of Human Rights. This includes the rights 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, International Convention for the Elimination of All forms of Racial Discrimination
- Article 3, CEDAW
- Article 13, CRC
- All other relevant International and Regional Instruments relating to this right.

WHAT HAS BEEN DONE

Policy

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

- The right to access of information
- Freedom of the media and other means of communication

The Government's policy is guided by its commitment to:

- Support the process of democratisation
- 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 backbone capable of giving all citizens access to the internet

Government policy on broadcasting sets out a clear separation of powers with regards 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 licensing of new entrants in both radio and television in all classes of licenses.

Local Legislation

- National Broadcasting Commission Act
- National Press Council Act
- Criminal Code
- Penal Code
- Nigeria Communication Commission (NCC) Act

Proposed Bills

National Media Examination and Accreditation Council
NUJ Registration Council
Freedom of Information Bill
Bill for Operating Digital Broadcasting
Bill for the Practice of Journalism
Bill for Review of the Nigerian Press Council

Administrative Steps Taken

Government has passed a law to all private bodies and individuals to acquire licence to operate the electronic media. This licence was hitherto restricted to only the print media.

FURTHER CHALLENGES

- Independence of the Media regulatory bodies
- Broadening transparency and access to information
- Diversifying ownership of the media
- Access to information for indigent people and rural communities
- Dissemination of information by indigent people and rural communities
- Reforming laws to bring them into line with the Constitution
- Addressing media stereotyping of women and children
- Finding a balance between harmful material and freedom of expression
- Creating or adapting laws to deal effectively with advances in technology such as electronic mail and the internet
- Respecting the freedom of artistic creativity
- Building an electronic backbone to link every school and university to the internet
- Journalists are not expected to disclose their source of information
- High licence fees for practice of journalism.

ADDRESSING THE CHALLENGES

- Continuing the debate on acceptable limitations to freedom of speech in a democracy, and making appropriate laws to cover it
- Enacting the Freedom of Information Bill and providing adequate administrative arrangements to implement it.
- 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)
- Ensure the independence of the Film and Publications Board
- Powers should be limited to matters relating to licensing and complaints

MONITORING AND IMPLEMENTATION

Bodies

- The National Human Rights Commission
- The National Broadcasting Commission
- The Press Council
- Non-Governmental Organisations
- The Film and Publications Board
- Ministry of Information
- Nigerian Union of Journalists,
- Newspapers Proprietors Association of Nigeria
- Nigerian Guide of Authors
- Radio And Television Association Workers Union
- Nigerian Communication Commission
- Other NGOs

Resources and Budget

- National Orientation Agency
- Nigerian Film Corporation
- The Ministry of Information
- The National Broadcasting Commission
- The Films and Publications Board
- Nigerian Communication Commission
- National Planning Commission

8. RIGHT TO PEACEFUL ASSEMBLY & ASSOCIATION

Constitutional Obligations

Every citizen has the right to make free political choices, including the right to:

- Form or choose a political party, trade union or any association for the protection of his interests

International Obligations

Our international obligations include:

- Article 21 of The Universal Declaration of Human Rights
- Articles 10, 11 & 13 of The African Charter on Human and People's Rights
- Article 25 of The International Covenant on Civil and Political Rights
- Article 8, International Covenant on Economic, Social and Cultural Rights
- Other relevant International and Regional Instruments relating to this Act.

WHAT HAS BEEN DONE

Policy

The government's policy is to ensure periodic free and fair elections in the absence of violence or intimidation. The electoral process is to be managed by an independent, impartial and adequately resourced institution.

Provision of conducive atmosphere to form and join trade unions

Local Legislation

The Electoral Act, 2002
Trade Union Act, 2004
Public Order Act

Proposed Bills under Consideration

The Electoral Act (Amendment) Bill 2006

Administrative Steps Taken

An Independent National Electoral Commission (INEC) has been established.

Registration of 30 Political Parties

- 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

FURTHER CHALLENGES

- Encouraging the public to apply for identity documents
- Encouraging the registration of voters
- Dealing with the high level of violence and other criminal conduct in order to create an environment that is conducive to staging successful elections
- Providing adequate resources to ensure the independence of state institutions as guaranteed by the constitution
- Creating a political environment of election readiness
- Allocation of sufficient funds to the Electoral Commission
- Building capacity in political parties so that they can refine their role in a democracy
- Examining the role of traditional leaders in the election process
- Giving all political parties equal access to the public for the dissemination of information
- Ensuring that people who are blind are also able to vote in secret
- Ensuring that people who are semi-literate or illiterate are also able to exercise their right to vote in secret
- Ensuring that people in rural areas have access to voter education and voting services within a reasonable distance
- Creating an environment that affirms women who either are, or want to, participate in political activities
- Encouraging Trade Unions to conduct their affairs without hindrance
- The Electoral System
- Massive and intensive enlightenment campaign on the electoral matters
- Role of police in a conflict management.

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 organisations 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

MONITORING AND IMPLEMENTATION

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.

Resources and Budget

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

9. RIGHT TO PROPERTY

Constitutional Obligations

Every citizen of Nigeria shall have the right to acquire and own immoveable property anywhere in Nigeria.

No moveable property or any interest in an immoveable property shall be taken possession of compulsorily; such compulsory acquisition shall require prompt and adequate payment of compensation.

International Obligation

This Include:

Article 17, Universal Declaration on Human Rights

Article 14, African Charter on Human and Peoples' Rights

Convention on Elimination of all forms of Discrimination Against Women

International Convention on Economic, Social and Cultural Rights

Other relevant International and Regional Instruments relating to this right.

WHAT HAS BEEN DONE

Local Legislation

- Land Use Act
- Bureau for Public Enterprises Act
- Company and Allied Matters Act
- Copy Rights Act

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.

Sale of Federal Government Houses and Properties

Administrative Steps Taken

Federal Government Housing Policy

Establishment of Bureau for Public Enterprises

Government putting on hold, any further demolition of residential houses in the FCT or anywhere in the country until compensation is paid to the affected persons or an alternative accommodation is provided for them.

People displaced as a result of the construction of dams and oil wells are compensated and resettled

Government is taking steps to pay compensation, provide alternative land for some of the displaced persons affected in the demolition exercises

Restoration of the Abuja Master Plan

Relocation of villages affected by the movement to Abuja.

FURTHER CHALLENGES

- 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,
- Introducing Mortgage system at a cheaper interest rate
- Need to amend the Land Use Act to allow for courts to assess adequate compensation
- Protection of intellectual property rights

ADDRESSING THE CHALLENGES

Developing and implementing effective education and information to increase public awareness on property acquisition and retention;

Providing adequate and affordable houses,

Ensure greater access to land,

Making access to Mortgage Systems easier and cheaper for the people,

MONITORING AND IMPLEMENTATION

Ministry of Housing and Urban Development
NHRC
Federal Capital Development Authority
Ministry of Works
Mortgage Banks and other Banks and Financial Institutions
Federal Housing Authority.

RESOURCES AND BUDGET

Ministry of Housing and Urban Development
Ministry of Works
Federal Capital Development Authority
Federal Housing Authority.

10. RIGHT TO FREEDOM OF MOVEMENT

Constitutional Obligations

Citizens of Nigeria have the right to:

Move freely around Nigeria

Live anywhere in Nigeria

Enter or leave Nigeria as they wish

No Nigerian can be expelled from Nigeria or refused entry or exit.

Restrictions may be imposed on the movement of a person who has committed, or who is suspected of having committed, a crime in order to prevent such a person from leaving Nigeria. In addition, a Nigerian may be extradited to another country to stand trial or undergo a term of imprisonment in the execution of the sentence of a court of law in respect of a criminal offence. Extradition may only be to countries to which Nigeria has a reciprocal agreement in relation to such matters.

International Obligations

Our international obligations are guided by:

- Article 13 of the Universal Declaration of Human Rights
- Articles 12 & 13 of the International Covenant on Civil and Political Rights
- Treaty of the Economic Commission of West African States
- Other relevant International and Regional Instruments relating to this right
- ECOWAS Treaty and other subsidiary legislations.

WHAT HAS BEEN DONE

Policy

Government policy is to create appropriate social, economic and political conditions to enable any citizens of Nigeria irrespective of gender, ethnic group, age or any other social attribute to travel and live anywhere in Nigeria of his/ her choice.

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.

Local Legislation

- Nigerian Immigration Services Act
- Criminal Code
- Penal Code

Administrative Steps Taken

- Demounting police check points across the country
- Integrating the Road Safety Corps with the Nigerian Police Force to ensure safety and security on Nigerian roads
- Using computerisation to simplify 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

FURTHER CHALLENGES

- Poor infrastructure limits the freedom of movement especially in rural areas
- Safety and security on roads
- Creating conducive conditions for investment in Nigeria’s aviation industry
- Eradication of States and Local Government of Origin syndrome in Nigeria.

ADDRESSING THE CHALLENGES

Government has embarked on multi-million Naira national road rehabilitation projects
 Increased police patrol teams on Nigerian roads
 Public education on speed limits and observing driving regulations
 Liberalising the aviation industry
 Upgrading airport facilities

MONITORING AND IMPLEMENTATION

Bodies

- The Parliament
- The Judiciary
- Ministry of Transport
- Ministry of Aviation
- Road Safety Corps
- Nigerian Police Force
- Ministry of Trade and Industry

Resources and Budget

- Ministry of Transport
- Ministry of Aviation
- Road Safety Corps
- Nigerian Police Force
- Ministry of Trade and Industry

11. RIGHT TO FREEDOM FROM DISCRIMINATION

Constitutional Obligations

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

- Gender
- Sex
- Ethnic or social origin
- Disability
- HIV/AIDS
- Religion
- Conscience
- Belief
- Culture
- Language or
- Birth

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 African Charter on Human and Peoples' Rights
- Other relevant International and Regional Instruments relating to this right

The international covenants enshrine the principle of non-discrimination. This means that:

All human beings are created equal and with equal rights

All their rights should be protected and promoted equally regardless of their sex, language, religion, social and economic status, national and social origin.

WHAT HAS BEEN DONE

Policy

The Government's policies are designed to prioritise 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.

Administrative Steps Taken

The following have been established:

- The National Human Rights Commission
- National Action Committee on HIV/AIDS
- Youth Commission in the office of the Vice-President
- Office of the Special Adviser on Women Affairs in the Office of the President

FURTHER CHALLENGES

- Ethnicity is a major problem affecting the development of a human rights culture: numerous violent acts, motivated by ethnicity are still taking place.

- Gender discrimination

Inequality and discrimination exists on the basis of:

- Physically challenged person
- HIV/AIDS
- Sexual orientation
- Age
- Youth

- Economic discrimination
- Inadequate enforcement mechanisms
- Paying less attention to indigeneship, State of Origin and Local Government of Origin in National Affairs

ADDRESSING THE CHALLENGES

Government is challenged to make laws and to take any other possible measures to remedy the effects of unfair discrimination, and to ensure the full and equal enjoyment of all rights and freedoms under the constitution. To this end the government will:

- Provide public education and education for service providers to enhance their awareness of diversity.
- Involve all layers of government at national, state and local government levels in the campaign against ethnicity
- Investigate and eradicate discrimination within the civil service

MONITORING AND IMPLEMENTATION

Bodies

Nigerian Immigration Services
National Human Rights Commission
Public Complaints Commission
Civil Society Organisations

Resources and Budget

- The National Human Rights Commission

B: 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 under Chapter II of the Constitution i.e. **Fundamental Objectives and Directive Principles of State Policy** and are generally termed non-justiceable under the Constitution. 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 and therefore have become **justiceable and enforceable in Nigeria!**

1. RIGHT TO EMPLOYMENT

Constitutional Obligations

Section 17 {3} provides that the government of Nigeria shall direct its policy towards ensuring that all Nigerians have the opportunity of securing adequate means of livelihood, as well as adequate opportunity to secure suitable employment. Implicit in this provision is the importance of employment in order to improve the quality of life of Nigerian citizens.

International Obligations

Our international obligations include:

- Article 23 of The Universal Declaration of Human Rights
- Article 6 of The Covenant on Economic, Social and Cultural Rights which sets out: the right to form trade unions and 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 People's Rights, which recognises the right to work under equitable and satisfactory conditions, and the right to equal pay for equal work
- Our membership of the International Labour Organisation
- Other relevant International and Regional Instruments relating to right to work.

WHAT HAS BEEN DONE

Local Legislation

Trade Union Act

Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

Administrative Steps Taken:

National Economic Empowerment and Development Strategy (NEEDS),
State Economic Empowerment and Development Strategy (SEEDS)
Local Economic Empowerment and Development Strategy (LEEDS)

FURTHER CHALLENGES

- Dealing with high levels of unemployment
- 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
- Harmonisation of International and Local 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.

ADDRESSING THE CHALLENGES

- Implementing the programmes of the Poverty Eradication Project
- Amending the Constitution to transfer **Right to Employment to Chapter 4.**
- Expanding adult basic education and training programmes
- Creating a business climate that recognises the importance of long-term profitability and thus encourages investment

MONITORING AND IMPLEMENTATION

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 Complaint Commission

Resources and Budget

The budget of the Ministries of:

- Labour and Productivity
- Trade and industry
- The Nigeria Labour Congress and other Trade Union Organisations.

2. RIGHT TO HOUSING AND SHELTER

Constitutional Obligations

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 an order of the court. This right is guaranteed in the Constitution of the Federal Republic of Nigeria 1999, under sections 14(b), 16(1) (b), 17(2) (b), 33, 34, 37, 42, 43 and 44 respectively.

International Obligations

Our international obligations are guided by:

Article 25. The Universal Declaration of Human Rights

Article 11 of the International Covenant on Economic, Social and Cultural Rights. (1966)

Articles 2, 3, 5, 14, 15, 24 and 27. African charter on human and peoples' right. (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.

WHAT HAS BEEN DONE

Policy

Government policies which specifically address the International Development Targets (IDTS) known as:-

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

Priority for the needs of the poor

Meeting the special housing needs of marginalized women and people with disabilities.

Encouraging and supporting individuals and communities in their efforts to fulfil their own housing needs by assisting them in accessing land and services, as well as providing information.

Ensuring a sustainable housing and urbanization process.

Achieving secure housing and urbanization process.

Achieving secure housing with secure tenure within a safe and healthy environment.

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 Federal Housing Authority
- Sale of Federal Government Houses.
- Abuja Geographical Information Systems to confer legal security of tenure.

Local Legislation

National Housing Fund Act
Federal Mortgage Bank Act
Federal Mortgage Finance Act
Federal Housing Authority Act

Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

FURTHER CHALLENGES

- Loss of economic base due to demolitions
- Amending the Constitution to transfer **Right to Housing and Shelter to Chapter 4.**
- Internally displaced and disoriented families
- Discrimination in the implementation of the Federal Government monetization policy.
- Alienation of the Federal Government properties in a transparent, fair and honest manner.
- Redressing the disparities in the housing between the rich and poor.
- Addressing the needs of people living in rural areas.
- Addressing the problem of overcrowding in urban cities.
- Tackling the disparity in the quality of the services, such as electricity and sanitation.
- Addressing the needs of homeless people, particularly homeless children.
- Addressing the backlog in the building of houses, especially for people living in informal settlements.
- Addressing the question of security of tenure.

ADDRESSING THE CHALLENGES

Implementing the African Charter on Human and Peoples' Right (now domesticated) in order to protect the right to housing and shelter and ensure the enjoyment of the right by all Nigerians.
Government policies should be designed and implemented in a manner devoid of discrimination
Uniform application of the monetization policy to all public servants.
Adequate compensation and or relocation for victims of demolition exercise or acquisition
Provide legal protection against forced eviction, harassment and other threats of eviction.
Re-sourcing and implementing the National Housing Policy
Making more land available for housing development
Providing shelter for homeless people and street children
Implementing the Ministry of Housing's plan to provide one million houses.

MONITORING AND IMPLEMENTATION

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

Resources and Budget

Ministry of Housing and Urban Development
Federal Housing Authority
Federal Capital Development Authority.

3. RIGHT TO HEALTH

Constitutional Obligations

Government recognizes the need to ensure that there exist adequate medical and health facilities for all persons living in Nigeria. S17 (3) D

The State must take reasonable legislative and other measures within its available resources, to achieve the progressive realization of the right of access to health care services.

In the 1999 Constitution of the Federal Republic of Nigeria; Health Rights come under chapter Two: S.17 (3D).

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
- The United Nations Convention on the Rights of the Child
- The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Other relevant International and Regional Instruments relating to these rights.

WHAT HAS BEEN DONE

Policy:

Government Health Policy is guided by the following objectives:

- To unify the country's fragmented health services into a comprehensive National Health System
- To extend the availability and ensure the appropriateness of health services
- National Health Insurance Scheme
- To develop health promotion activities
- To develop the human resources available to the health sector
- To transfer community participation across the health sector
- To improve planning in the health sector and the monitoring of health status and health services
- Understand and pay attention to the needs of vulnerable members of society
- National Programme on Immunization.

The Federal Government, in a bid to overhaul the Health – Sector is embarking on **Health Sector Reforms**. Currently, there is a Nigerian Health Policy on Primary health –care which emphasizes:

Providing preventive and Health promotion care (i.e. immunization, nutrition, provision of clean water and environmental sanitation, life skills, health education,

HIV prevention including voluntary HIV counselling and testing and prevention of mother-to- child HIV transmission, promotion of Insecticide Treated Nets/Role Back Malaria).

Eradication of Polio

Providing 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).

Launching of **National Strategic Framework for Action(NSF)** to guide all Sectoral activities in view of prevention and mitigating the impact of HIV/AIDS in Nigeria

NHIS Scheme

There is also a Work - Place Policy on HIV/AIDs, which was adopted this year, 2005, and which aims at addressing issues of **Stigma / Discrimination** in the workplace nationwide.

Local Legislation:

- Section 24 of Child Rights Act 2003
- NHIS Act
- Art. 16 of African Charter on Human & Peoples' Rights CAP (10 LFN 1990) Ratification and Enforcement Act.
- S.17 (3 D)
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

Proposed Legislation

- Anti Discrimination Bill(HIV Status, etc)
- NACA Bill(to upgrade NACA to an Agency)

ADMINISTRATIVE STEPS TAKEN

- National Economic Empowerment and Development Strategy (NEEDS),
- State Economic Empowerment and Development Strategy (SEEDS)
- Local Economic Empowerment and Development Strategy (LEEDS)
- National AIDS plan focusing on people living with HIV/AIDS. It also 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 in view of prevention 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 improvement of health care service delivery to Nigerians.
- National Programme on Immunization

FURTHER CHALLENGES

Addressing the following general problem areas:

- The issue of periodic Strike Action in the Health Sector poses untold danger to Patients' Right to Life and Right to Health.
- The provision of Health Rights in Chapter 2 of the Constitution is a crucial challenge as per the status of Chapter 2
- Anti-Discrimination Bill currently before the National Assembly has not been passed into Law yet.
- NACA, so far, is merely a Committee and so are SACAs, & LACAs .
- Unequal access to basic health care
- Disparities in provision of health care
- Co-operation between the private and public health services
- Unequal distribution of health resources
- Inadequate facilities
- The quantity and service delivery of health personnel
- Overcrowded public hospitals

- Making Public Healthcare accessible and more affordable to rural people
- Making Public Healthcare accessible and more affordable to elderly people
- Addressing the health needs of people with disabilities
- Implementing the National AIDs Plan

ADDRESSING THE CHALLENGES

Extending public education on:

- Health Issues - **Health Rights**
- Amending the Constitution to transfer **Right to Health to Chapter 4.**
- Advocacy to parliament on passage of Health-Related Bills(e.g. - Anti Discrimination Bill, NACA Bill, and similar Bills)
- Advocacy for Increased Budgetary allocation to Health Sector
- Intermediate to prevent **Strike Action** in the Health Sector.
- Combating ignorance, prejudice and discrimination towards HIV/AIDS sufferers and people with disabilities
- Continuing the Primary Health Programme (PHCP).
- Sustaining the National Programme on Immunization (**possibly by Legislation**).
- Increasing the number of mobile and permanent clinics to benefit rural people.
- Making health care affordable and accessible for people with disabilities, and providing aids like wheelchairs, hearing aids and other special aids.
- Making the necessary drugs available for people with HIV/AIDS and implementing the national AIDs plan.

MONITORING AND IMPLEMENTATION

Bodies:

The Parliament

The Judiciary

The Ministry of Health (Health Sector Reform)

The National AIDS Plan / NACA (NSF: National Strategic Frame work for Action; SACAs., LACAs.

National Health Insurance Commission

Epidemiological Units

The National Human Rights Commission

Civil Society Groups

Nigerian Medical Association and other health sector NGOs

National Programme on Immunization.

Budget and Resources:

Ministries of Health (Federal and State)

Nation Action Committee on AIDS

National Health Insurance Commission

4. RIGHT TO FOOD

Constitutional Obligations

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

International Obligations

Our international obligations are guided by:

Article 25 of the United Nations Declaration on Human Rights
Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights.
Article 24 & 27 of the International Covenant on the Rights of the child.
Other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

Policy

Government policy aims to improve food production and economic development. We are committed to:

Promoting equality and non-discrimination
Ensuring that nothing impedes a persons' right to food.
Eradicating poverty
Achieving durable peace
Achieving the full and equal participation of men and women.
Achieving sustainable development of the economy
Promoting the social development of the Nigerian people.

We are focusing on providing food security for everybody. By this we mean that all people, at all times should have access to enough safe and nutritious food to lead to a healthy and productive life.

Alleviating food deficit in the country

Reducing food importation and repositioning the country towards achieving self sufficiency in food production.

We are trying to ensure economic development through:

Agricultural research and extension services
The creation of an infrastructure
Financial assistance to the farming community
Mechanical Agricultural production

Local Legislation

- NAFDAC Act 1993 (as amended) cap 10 Laws of the Federation 1990.
- SON (Standards Organization of Nigeria)
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

- Administrative Steps Taken National Economic Empowerment and Development Strategy (NEEDS),
- State Economic Empowerment and Development Strategy (SEEDS)
- Local Economic Empowerment and Development Strategy (LEEDS)
- We are committed to the World Food Summit Plan of Action contained in the Rome Declaration (1996)
- We requested for assistance under the United Nations Food and Agriculture Organization Special Programme for food security after the World Food Summit in 1996.
- Universal Basic Education 'Food Scheme' providing food for all primary schools in the country.
- World Bank Institute- Community Empowerment Capacity Enhancement Needs Assessment Initiative (2003)
- Elimination of iodine deficiency by NAFDAC

FURTHER CHALLENGES

- Poor people living in rural areas and informal settlements, as well as women and children.
- Developing and strengthening food security.
- Addressing the food needs of children who go to school without breakfast and those who do not have any meals during the day
- Instituting measures to support farmers
- 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

ADDRESSING THE CHALLENGES

- Viewing the right to food in the context of food security
- Extending poverty alleviation programmes
- Continuing to monitor and collect food security data, and to compile food balance sheets on the security status of the country, covering issues such as:
 - Supply and price
 - Market distribution
 - Availability of food
 - Monitor safety

MONITORING AND IMPLEMENTATION

Bodies

- The Parliament
- The Judiciary
- The Ministry of Agriculture and Rural Development
- The Ministry of Water Resources
- The National Human Rights Commission
- River Basin Development Authorities

Resources and Budget

- The Ministry of Agriculture
- The Ministry of Water Resources
- River Basin Development Authorities

5. RIGHT TO WATER

Constitutional Obligations

Government recognises the need for every person in the country to have access to sufficient water. The State is obliged to take reasonable legislative and other measures within its available resources to achieve the progressive realisation and enjoyment of this right by every person in the country.

International Obligations

- ECOSOC
- African Charter on Human and Peoples Rights
- Other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

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 a priority right
- Satisfy the essential needs of individuals for drinking, food preparation and personal hygiene

FURTHER CHALLENGES

- Addressing the backlog in basic services
- Ensuring effective, fair and sustainable water services delivery by:
 - Establishing infrastructure
 - Improving management and financial systems
 - Empowering people socially
 - Establishing appropriate institutional arrangements
 - Giving assistance in planning processes
 - Giving assistance in establishing viable financial systems
- Providing water to poor 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
- Addressing the lack of knowledge with regard to the extent of people's needs
- Bringing water closer to the people who use it
- Providing basic sanitation facilities like ventilated pit toilets
- Ensuring effective monitoring of water services

MONITORING AND IMPLEMENTATION

Bodies

- The Ministry of Water Resources
- The Ministry of Health
- The Ministry of Environment
- The National Human Rights Commission
- The River Basin Development Authorities

Resources and Budget

- The Ministry of Water Resources' national budget for water supply and sanitation
- The Ministry of Environment
- The River Basin Development Authorities.

5. RIGHT TO EDUCATION

Constitutional Obligations.

Section 18 of the 1999 Constitution:

1. Government shall direct its policy towards ensuring that there are equal and adequate education opportunities at all levels.
2. Government shall promote science and technology.
3. Government shall strive to eradicate illiteracy; to this end Government shall as and when practicable provide:
 - a. Free Compulsory, Universal primary education.
 - b. Free Secondary education
 - c. Free University education.
 - e. Free Adult Literacy programme.

International Obligations.

Nigerian's international obligations are guided by the provision of;

- a. Universal Declaration of Human Rights – Article 26 provides:
 - Education shall be directed to the full development of the human personality maintenance of peace, strengthening respect for human rights and fundamental freedoms.
- b. International Covenant on Economic, Social and Cultural Rights – Article 13.
 - States parties recognize the rights of everyone to education.
 - Education as a tool of empowerment for all citizens to participate effectively in a free society, promote understanding, tolerance etc.
- c. Convention on the Rights of the Child – Article 29

Education of the child shall be directed to:

 - Development of child's personality...
 - Development of respect for human rights...
 - Development of respect for child's parents, cultural identity, language ...
 - Preparation of child for responsible life in a free society.
- d. Other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

Local Legislation:

- The Compulsory, Free, Universal Basic Education Act 2004 and other Related Matters (UBE)
- Nomadic Education Act
- Adult Literacy Act

- Child's Right Act, 2003
- Education Trust Fund Act.
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

Administrative Steps Taken:

- The National Policy on Education
- National Economic Empowerment and Development Strategy (NEEDS),
- State Economic Empowerment and Development Strategy (SEEDS)
- Local Economic Empowerment and Development Strategy (LEEDS)
- Establishment of Education Trust Fund
- Establishment of the Child's Right Implementation Committee at the Federal level and in the states where the law has been passed.
- Establishment of Compulsory, Free, Universal Basic Education System
- Establishment of state's primary education board (SPEB)
- Nigerian Universities' Commission
- National Institute for Educational Planning and Administration
- Nigerian Educational Research and Development Council
- Local Education Authorities
- Education For All
- National Mass Education Commission
- National Commission for Nomadic Education
- Universal Basic Education Board

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.
- 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 full integration into the society and his 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 inter-African solidarity and world peace through understanding.

FURTHER CHALLENGES

Crucial issues to be addressed are as follows:

- a. Implementation of the Free, Compulsory Universal Basic Education Law in all the states of the Federation.
- b. Low enrolment of children with special attention to the girl child.

- c. Low completion of basic education i.e. high rate of dropout.
- d. Improved curricula to enhance functionality of basic education qualifications.
- e. Shortage and poor quality infrastructures in schools e.g. classrooms, water, electricity, toilets, and furniture e.g.
- f. Lack of access to technological and scientific equipment for learning. Also lack of sporting and recreational facilities.
- e. Expansion of institutional capacity to produce quality manpower and continuous training of teachers.
- h. Addressing the special vulnerable groups i.e.
 - Quality education to the poor, rural areas, women and girl-child.
 - Combat child labour.
 - More access to learners with disabilities.
- i. Promotion of human rights education:
 - Inculcating a culture of human rights at the basic education level.
 - Addressing structural violence against vulnerable groups e.g. women, children.
 - Education on HIV/AIDS.
- j. Expansion and promotion of Adult literacy education and;
 - Special education for
 - The disabled- (People with impairments)
 - The disadvantaged (nomadic children, migrant's children etc)
 - The gifted and exceptionally talented children

ADDRESSING THE CHALLENGES

Enforcing the Universal Basic Education Law in all states of the Federation

- Review of school curricula from primary to tertiary level to incorporate vocational and entrepreneurial skills.
- Campaign against child labour.
- Establishment of more vocational training centers to promote vocational education.
- Improved government funding of Information and Communication Technology (ICT).
- Science equipments in schools.
- Review French as a compulsory language in the school curricula in view of the strategic importance among ECOWAS states.
- Expand existing Special Education Programmes including Virtual Library Project, the Distance Learning Programme and Nomadic Education Programme.
- Integrate the teaching of human rights 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.

MONITORING AND IMPLEMENTATION

- The Parliament
- The Judiciary
- Ministries and Departments of Education
- Ministry Science and Technology
- National Primary Education

- National Board for Technical Education
- National Board for Colleges of Education
- National Universities Commission
- Joint Admission and Matriculation Board
- Universal Basic Education
- Education Trust Fund
- State Primary Education Boards.

Resources and Budget:

- Ministries and Departments of Education
- Education Trust Fund
- Ministry of Science and Technology
- National Human Rights Commission

C: THE RIGHTS TO DEVELOPMENT, PEACE AND A PROTECTED ENVIRONMENT

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

- **Development**
- **Protected environment**

1. RIGHT TO DEVELOPMENT

Constitutional Obligations

Government recognises 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 fulfil all political, civil, social, economic and cultural rights

International Obligations

According to Article 1 of the Declaration on the Right to Development, adopted by the General Assembly of the United Nations in December 1986:

Development is:

A 'comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals, in which human rights and fundamental freedoms can be fully realised.'

Our international obligations are guided by:

- The Universal Declaration of Human Rights
- The UN Declaration on the Right to Development
- The Vienna Declaration and Programme of Action that was adopted by the 1993 UN World Conference on Human Rights
- UN 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)
- Millennium Development Goals (MDGs)
- Other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

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 (NEEDS)
- State Economic Empowerment and Development Strategy (SEEDS)
- Federal Capital Territory Economic Empowerment and Development Strategy (FEEDS)

These policies are guided by the following principles:

An integrated and sustainable programme

- A people-driven process
- Peace and security for all
- Nation building

The key programmes inherent in government policies are:

- Meeting basic needs
- Developing our human resources
- Getting rid of poverty
- Building the economy
- Building a democratic state and society
- Governing well

Local Legislation

Laws that concern the right to development include:

- The Independent Electoral Commission Act
- Independent Corrupt and other related Offences Commission Act (ICPC Act)
- Economic and other Financial Crimes Act (EFCC Act)
- Federal Road Maintenance Agency Act
- National Human Rights Commission Act
- Code of Conduct Bureau and Tribunal Act
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

FURTHER CHALLENGES

- Promoting and encouraging economic growth
- Creating a culture of human rights
- Implementing economic, social and cultural rights
- Meeting basic needs
- Eradicating poverty
- Making sure that economic growth goes hand in hand with development
- Promoting rural development
- Making sure that local communities take part in development project planning
- Placing people at the centre of development
- Meeting the challenges of globalisation and development
- Promoting and developing small, medium and micro enterprises
- Creating a legal framework for development in Nigeria
- Meeting challenges of Millennium Development Goals.

ADDRESSING THE CHALLENGES

- Providing adequate resources to the state institutions and supporting constitutional democracy
- Implementing the recommendations of the National Human Rights Commission on the improvement and protection of socio-economic rights
- Fighting corruption and bad administration
- Involving NGOs and members of civil society in planning and implementing development projects
- Making sure that Nigeria retains its independence and sets its own priorities when we enter into other development aid agreements
- Providing adequate resources to institutions that promote small, medium and micro enterprises
- Implementing NEPAD programme
- Realization of the Millennium Development Goals
- Network of stakeholders to advocate and ensure the passage of a development law in Nigeria

MONITORING AND IMPLEMENTATION

Bodies

- The Parliament
- The Judiciary
- Ministry of Finance
- National Planning Commission
- National Human Rights Commission
- Anti-Corruption Commission
- Civil Society Organisations
- National Poverty Eradication Programme (NAPEP)

Resources and Budget

- Provision of resources under this right is guided by the principle that :
- We need to re-prioritise the way that we spend public money, in order to:
 - Develop our infrastructure
 - Meet basic needs
 - Promote growth
 - Stimulate job creation
 - Ministries and Departments of Finance
 - Ministries and Departments of Works
 - Ministries and Departments of Housing
 - Housing Corporations

2. RIGHT TO ENVIRONMENT

Constitutional Obligations

Government recognizes that everyone in Nigeria has the right to:

- An environment that is not harmful to his or her health or well being
- Have the environment protected, 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

International Obligations

Our international obligations are guided by:

- The Vienna Convention on Law of Treaties
- Convention of 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
- Desertification Convention
- 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 Africa
- Framework Convention on Climate Change
- The Convention on Biological Diversity
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Kyoto Protocol
- 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 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 high seas
- Convention on the Control of Trans-boundary Movement of Hazardous Waste Disposal
- Other relevant International and Regional Instruments relating to this right

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 protected
 - Better protected and managed ecosystems
 - A safer more prosperous future
- The UNCED forest principles

WHAT HAS BEEN DONE

Policy

Government's policies are guided by the following principle:

- Protecting the environment for the benefits of current and future Generations
- National Environmental Policy and Guidelines

- Acting as custodian of the nation's resources
- Protecting the interest in ensuring fair access to such resources
- National Economic Empowerment and Development Strategy, SEEDS and LEEDS
- Using renewable resources in sustainable way.
- Polluter Pay Policy
- Operation Plant a Tree Policy
- Guidelines for Petroleum Industries in Nigeria

Local Legislations

Laws that concern the right to environment include:

- Petroleum Production and Distribution (anti sabotage) Act 1975
- Federal Environmental Protection Guidelines Standards for the Petroleum Industry in Nigeria (1991)
- Environmental Impact Assessment Act (1992)
- DPR Environmental Guidelines and Standard for Petroleum in Nigeria (1991)
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

Proposed Bills Undergoing Considerations

- Ecological bill, Waste Management Bill, Facing out of Gas flaring

Administrative Steps Taken

- There are minimum requirements for handling, classifying and Disposing of hazardous waste
- Nigeria is part to the Basel Convention, which has, from January 1998, banned imports of toxic waste by developing countries from Industrial countries
- Establishment of Federal Environmental Protection Authority
- Restoration of the Abuja Development Plan
- Establishment of Niger Delta Development Commission
- Establishment of three Ecological Fund
- Establishment of National Emergency Management Agency
- Sokoto Desertification Control Programme and Integrated Environmental Protection Programmes
- The Katsina Arid Zone Development Programme
- The North East Arid Zone Development Programme

FURTHER CHALLENGES

- Making sure that all Nigerians have fair access to our environmental Resources
- Conducting continuous Public awareness campaigns on:
 - Sustainable development
 - Environmental conversation
 - Pollution and waste disposal
- Environmental challenges include:
 - Addressing the tension between the need for economic development and the need to protect the environment, particularly the Niger Delta areas
 - Addressing soil erosion
 - Reducing population density and over crowding
 - Promoting recycling

- Pollution Challenges includes:
 - Enforcing the regulations on industrial pollution and gas flaring
 - Establishing an effective body to regulate pollution
 - Developing a holistic policy on integrated pollution control
- Waste disposal management Challenges include:
 - Extending the regulation and control of dumping sites
 - Developing more effective refuse removal
 - Providing suitable containers for refuse
 - Promoting consistency in the policies on hazardous waste
 - Enforcing hazardous waste disposal measures
- Dealing with the inadequate water supply to most people
- Dealing with the need for flush toilets
- Addressing Desertification in Northern Nigeria
- Looking at areas of environmental policy that need to be improved, and encouraging participative research to achieve these improvements
- Addressing the environmental needs of vulnerable people, including:
 - People living in the rural areas, especially oil producing areas
 - People living close to industries and waste disposal
 - People living in residential areas without electricity
 - Poor communities
 - Workers exposed to toxic and hazardous substances
 - Illiterate people
 - Subsistence fisherman
 - People with inadequate water resources
 - People in low-lying areas adequate to rivers
 - Rural women
 - People with disabilities
 - Desertification and deforestation

ADDRESSING THE CHALLENGES

- Development and implementing 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 with education and Public awareness
 - 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
 - Small businesses
 - Community services
- Auditing and reviewing environmental laws to make sure that they Are always appropriate

- Increasing co-operation between government departments and civil society organizations
- Using the plant a Tree Policy to encourage reforestation

MONOTORING AND IMPLIMENTATION

Bodies

- The Parliament
- The Judiciary
- The Ministry of Environment
- The Ministry of Solid Minerals
- Nigeria National Petroleum Corporation
- The National Human Rights Commission
- Niger Delta Development Commission
- Department of Petroleum Resources
- Ministry of Special duties
- Federal Environmental Protection Agency
- Nigeria Liquefied Natural Gas
- Oil Exploration Companies

Resources and budget

- Ministry of Environment
- Ministry for Special Duties (ecological funds)
- Niger Delta Development Commission
- Nigeria National Petroleum Corporation
- Nigeria Liquefied Natural Gas
- Oil Exploration Companies.

D: RIGHTS OF WOMEN, CHILDREN & YOUNG PERSONS

The following rights are discussed in this section:

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

1. RIGHTS OF WOMEN

Constitutional Obligations

Everyone in Nigeria, male or female, is protected against any discrimination be it direct or indirect by the state or any person on grounds including, gender, sex or any other attribute.

Every individual is entitled to respect for the dignity of human person Section 34.

Every citizen shall have equality before the law Section 17.

There shall be adequate medical and health facilities for all persons. Section. 17 (3)(d).

International Obligations

- International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- African Charter on Human and Peoples' Rights
- Beijing Platform of Action
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on Elimination of all forms of Discrimination Against Women.
- African Charter on Women's Rights
- United Nations Convention Against Torture
- Optional Protocol to the African Charter on the Rights of Women
- Beijing + 10 Document
- Other relevant International and Regional Instruments relating to this right

WHAT HAS BEEN DONE

Policy

- Establishment of a Ministry of Women's Affairs and Youth Development
- National Policy on women drawn in line with CEDAW
- Ratification of CEDAW
- The Government set up a Law Review Committee to look into anti-women laws with a view to making positive change
- The setting up of Committee on Domestication of international/conventions and instruments

Local Legislation:

- Prohibition of Infringement of a Widow's and Widower's Fundamental Human Rights Law No.3 of 2001, Enugu state
- Trafficking in Women and Children, Edo State Criminal Code (Amendment) Law 2000
- Prohibition of Early Marriage Law (Kebbi and Niger states)
- National Agency for the Prohibition of Trafficking in Persons (NAPTIP) Act
- Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

Proposed Legislation:

- Widows Protection Bill
- CEDAW Domestication Bill
- Violence Against Women Bill

Administrative Steps Taken:

- Establishment of the Office the Special Rapporteur on Women and Gender Related Matters in National Human Rights Commission
- Ratification of Optional Protocol to CEDAW (2004)
- Signing of Optional Protocol to the African Charter on the Rights of Women (2004)
- Setting up of Committee to review laws discriminatory to women
- Retention in schools and Against withdrawal of girls from school (Bauchi, Gombe, Borno, Kano states)
- 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 (outcome of the African regional Conference for implementation of Beijing P. A.)
- Establishment of National Action Committee on Women in Politics (NACWIP)
- Establishment of National Technical Team of Experts to ensure gender mainstreaming in all sectors
- New National Policy on Education with provisions encouraging girls to embrace technical education
- Establishment of Unity schools for girls only in each state of the federation
- Measures targeted at preventing Mother to Child Transmission of HIV/AIDS
- National Policy on Reproductive Health
- Establishment of National Agency for Prohibition of Traffic in Persons (NAPTIP)
- Free legal counsel to women by Legal Aid Council

FURTHER CHALLENGES

- HIV/AIDS
- Trafficking
- Illiteracy
- Harmful cultural and traditional practices
- Religion
- Stereotype
- Inadequate constitutional provisions/legislation
- Lack of political will on the part of the government
- Poverty

- Obnoxious laws
- Adopted practices by government agencies (bail/immigration)
- Corruption

ADDRESSING THE CHALLENGES

- Affirmative action - reserving certain political offices for women
- Education and enlightenment campaigns
- Sensitisation of the public by Government through its agencies, news and print media
- Providing adequate funding for existing establishments
- Investigation into specific sets of rules adopted by some government agencies, e.g. the restrictions on women not being allowed to take somebody on bail, the issue whereby women cannot obtain international passports without clearance from their husbands.
- The elimination and/or reduction of corruption and corrupt practices
- Review of gender unfriendly laws
- Domestication of CEDAW
- Legislation against HTP

MONITORING AND IMPLEMENTATION

Bodies

The Parliament

The Judiciary

National Human Rights Commission

Ministry of Women Affairs and Youth Development

Judiciary

Legal Aid Council

Non-governmental organisations

Public Complaint Commission

- Independent National Electoral Commission (INEC)
- Ministry of Information and National Orientation
- Law Reform Commission

Resources and Budget:

- Ministries and Departments of Women Affairs
- National Human Rights Commission

E: THE RIGHTS OF CHILDREN AND YOUNG PEOPLE

Constitutional Obligations

Government recognizes that children have rights to:

- A name and a nationality from birth
- Family care, or correct alternative care when they are removed from their families
- Basic food, shelter, health care services and social services
- Be protected from bad treatment, neglect, abuse or shame
- Be protected from abusive labour practices. Be protected from doing anything that:
 - Is wrong for a child of that age
 - Puts the child's well-being, education, physical health, mental health, spiritual health, moral development or social development at risk
- Not be detained except if there is no other way to deal with the situation, and then:
 - The child may only be detained for the shortest time
 - The child must be kept away from people over the age of 18
 - The child must be treated in ways appropriate for a child of that age
- Have a lawyer, at the State's expense in civil cases if it would be unfair not to do so.
- Not to be used directly in wars and to be protected during wars

International Obligations

Our International obligations are guided by:

- Article 4 of The Universal Declaration of Human Rights
- Article 8 of The International Convention on Civil and Political Rights
- The United Nations Convention on the Rights of the Child
- The African Charter on the Rights and Welfare of the Child
- The United Nations Rules for Juveniles Deprived of their Liberty
- Universal Declaration of Human Rights, Article 4
- International Convention on Civil and Political Rights, Article 8
- Hague Convention on the Civil Aspects of International Child Abduction Act of 1997. - This stops people, organizations and countries from removing children across International borders and establishes procedure for getting them back to their own countries as soon as possible.
- Other relevant International and Regional Instruments relating to this right

Local Legislation

Criminal Code

Penal Code

The Child Rights Act

National Agency for the Prohibition of Traffic in Persons Act

National Agency for the Prohibition of Trafficking in Persons

Ratification of the African Charter on Human and Peoples' Rights Act CAP (10) LFN

WHAT HAS BEEN DONE

Policy

- Government's policies are guided by the principles in The United Nations Conventions on the Rights of the Child.
- Establishment of a National Programme of Action on Nigerian Children in the Office of the Vice President
- The establishment of the Youth Commission in the Office of the Vice President Legislation

Administrative Steps Taken

- The establishment of the National Programme of Action for Nigerian Children (NPA).
- Establishment of NAP TIP
- Establishment of Juvenile Courts
- Setting up Juvenile Welfare Centres
- Setting up of the Children's Parliament
- Setting up of the Child Rights Implementation Committees at the Federal and State levels
- Appointment of Special Rapporteur on Child Rights Within the NHRC
- Establishment of Child Rights Information Bureau
- Children's Parliament
- Establishment of National Youth Service Corp

FURTHER CHALLENGES

- Inclusion of the Human Rights Education in Primary and Tertiary Schools
- Fighting crimes against children, especially:
 - Sexual assaults and rape
 - Murder/ assault/neglect
 - Neglect/Abandonment
- Dealing with the problem of street and homeless children
- Dealing with poverty by supporting families and helping them to stay together and to develop individual potentials
- Enforcement of legislation
- Lack of political will / participation
- Illiteracy/School Drop-outs
- Child Trafficking
- Murder and neglect
- Harmful Cultural Practices
- Sexual assault and rape
- Street begging and homelessness
- Cultural Practices / Beliefs / Myths
- Orphans and Vulnerable Children
- Pediatric HIV/AIDS
- Implementation the National Programme of Action for Children
- Implementation of the provisions of Child Rights Act 2003
- Provision of adequate legal frame work for protection of women, children and young persons, as vulnerable groups.

ADDRESSING THE CHALLENGES

- Cultural practices
- Develop an implementation work plan on the CRA/CRL
- Advocacy/ enlightenment on the passage of the CRA
- Implementing and providing resource for a national programme of Action for children
- Passing of the CRA in all the states of the Federation
- Prosecution of criminal offences such as:
 - Trafficking in children
 - Child prostitution
 - Child pornography
 - The exploitation of child labour
- Funding and providing services to assist street children and to bring them back into their families and the community
- Putting policy, laws and other things 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 measures 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 young people, especially children, to know and to promote their own rights
- Funding and providing services to assist street children and to bring them back into their families and community
- Putting in place policies, laws and other instrument to deal without child abuse and neglect.

MONITORING AND IMPLEMENTATION

Bodies

- The Federal Ministry of Justice
- State Ministries Of Justice
- Ministry of Women Affairs and Youth Development
- State Ministries of Women Affairs
- National & State Houses of Assembly
- National Human Rights Commission
- NAPTIP
- CRIB (Child Rights Information Bureau)

Resources and Budget:

- Ministries and Departments of Women Affairs
- National Human Rights Commission
- Ministries and Departments of Youth and Social Development