FEDERAL REPUBLIC OF NIGERIA

NATIONAL ACTION PLAN 2022 – 2026

(Developed pursuant to the recommendations of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights in Vienna, Austria in 1993)
Preface

Nigeria with an estimated population of over two hundred million (UN 2021 estimate) is Africa’s largest democracy. The journey to the current democracy, popularly called the Third Republic, has been a chequered one. Following the overthrow of the Alhaji Shehu Usman Shagari Regime by the military juntas, human rights generally, especially fundamental freedoms, took the backstage. Things peaked however, with the annulment of the June 12th Elections in 1993; the political imbroglio and crisis that ensued; and the execution of Ken Saro Wiwa, which caused sanctions to be imposed on the country by the international community, especially the EU countries and the USA.

The above scenario birthed the National Human Rights Commission of Nigeria in 1995 and the present democracy, popularly called the Third Republic, in 1999. The restoration of democracy, and a new Constitution – the 1999 Constitution, gave people the opportunity to once more, enjoy their fundamental freedoms. However, human rights are more encompassing than the traditional freedoms. They are indivisible and mutually reinforcing and span every facet of human existence – including business.

It is in recognition of the foregoing that a lot of laws have been enacted since 1999 to promote, protect and enforce human rights in Nigeria. These laws are in the areas of:
- Civil and political right
- Economic, Social and Cultural Rights
- Women and Children’s Rights
- Rights of Vulnerable Persons
- Environment and Sustainability and
- Business and Human Rights.

In addition to the above, the Administration of President Muhammadu Buhari is committed to building an enduring democracy, marked by good governance, probity and anti-corruption, rule of law and respect for human rights. It put in place a robust Economic Recovery and Growth Plan and recently the National Development Plan (2021 to 2026) for the attainment of the SDGs and the 2030 Agenda. Presently there is the Open Government Partnership (OGP) which is aimed at economic growth and improved service delivery in governance. It is in furtherance of this that the National Action Plan (NAP) on the Promotion and Protection of Human Rights in Nigeria (2022 – 2026) has been developed, as a guiding document for the promotion, protection and enforcement of human rights in Nigeria, following the expiration of the initial NAP 2009 – 2013.

This National Action Plan reinforces the commitment by the present administration in particular, and the Government of the Federal Republic of Nigeria, to the promotion and protection of all human rights as guaranteed by the Universal Declaration of Human Rights and other international and regional instruments, as well the Constitution of the Federal Republic of Nigeria. It has been carefully crafted to meet international requirements in the development of Action Plans as prescribed by the
Vienna Declaration and Platform for Action, while taking into consideration our local realities within the country.

*Abubakar Malami, SAN*
*Honourable Attorney-General of the Federation, and Minister of Justice*
*Federal Republic of Nigeria*
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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO NIGERIA’S NATIONAL ACTION PLAN 2022 - 2026

1.1 A BRIEF HISTORY OF HUMAN RIGHTS IN NIGERIA

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

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

The entrenchment of fundamental rights and freedoms in Nigeria in the modern sense could, however, be traced to the Bill of Rights, 1958, which culminated in Chapter III of the 1960 Independence Constitution and those that followed. The inclusion of a chapter on human rights in the Constitution followed the recommendations of the Willink Commission. The Independence Constitution of 1960 and the Republican Constitution of 1963 had provisions for the protection of fundamental human rights, while the 1979 and the 1999 Constitutions went further by providing a Bill of Rights in Chapter IV as well as Fundamental Objectives and Directive Principles of State Policy in Chapter II which recognises Economic, Social and Cultural Rights but made them non-justiciable. The entrenchment of human
rights provisions in our Constitutions was aimed at creating a society which protects political freedom as well as the social and economic well-being of Nigerians. It seems the disparity between chapter II and IV of the constitution has adversely affected the progress in the development of civil liberties and socio-economic rights in Nigeria.

Despite the guarantee of fundamental rights and liberties in the Nigerian Constitutions since 1960, the Country has had the misfortune of military interventions. This further compounded the situation and had far-reaching effects on the promotion and protection of democratic values and fundamental freedoms among Nigerians. Before the new dawn of democracy in Nigeria in 1999, successive military regimes ignored fundamental rights and freedoms of Nigerian citizens. This large-scale denial of human rights reached its peak between November 1994 and June 1998 under the military administration of General Sani Abacha.

The abysmal situation of human rights under the military regime resulted in Nigeria becoming a pariah State in the international arena and the country was put on the agenda of the United Nations Commission on Human Rights for five consecutive years. At the peak of this scenario in 1996, the environmental activist, Ken Saro-Wiwa and other eight Ogoni activists were executed. This resulted in the Commonwealth and some other international bodies and organisations severing either or both economic and diplomatic ties with Nigeria. Nigerians, led by human rights civil society groups and professional bodies, engaged the military in the struggle for a better society, governed by Constitutionalism, the Rule of Law, Social Justice and Respect for Human Rights. This finally resulted in the Constitution of the Federal Republic of Nigeria, 1999, and the emergence of democracy and democratic institutions in 1999.

Two major global developments have taken place since the commencement of the second millennium, which have impact on the NAP. The first of these refers to the United Nations Millennium Declaration, signed in September 2000, and which committed world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. The millennium Development Goals, MDGs, are derived from this Declaration. The MDGs projected 2015 for the realization of its targets and indicators to monitor progress from 1990 levels. The second is the creation of the Sustainable Development Goals in 2015, a universal call to action to end poverty, protect the planet and improve the lives and prospects of everyone, everywhere. The 17 Goals were adopted by all UN Member States in 2015, as part of the 2030 Agenda for Sustainable Development which set out a 15-year plan to achieve the Goals.
There is no gainsaying the fact that democratic rule since 1999 has not automatically translated to realisation of basic freedoms and democratic values. The adoption of National Action Plan (NAP) 2009-2013 is an admission of that fact and therefore justifies the need to put the various NAP programs in place for the progressive realisation of human rights in Nigeria. This current effort is geared towards deepening the promotion and protection of human rights in Nigeria.

1.2 THE CONCEPT OF THE NATIONAL ACTION PLAN FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA, 2022 - 2026

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

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

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

(a) Assess the current measures in place to protect and promote human rights
(b) Identify areas that need improvement
(c) Commit to improving the monitoring, protection and promotion of human rights.

1.2.1 Objectives

The Nigerian National Action Plan is an integrated and systematic national strategy to help realize the advancement of human rights in Nigeria. In addition, it is:

(a) An audit of the human rights situation in Nigeria, identifying areas in need of promotion, protection and improvement
(b) A commitment to concrete measures that can be adopted to build and entrench a culture of human rights for the enjoyment of all
(c) A framework for sustained and coordinated ways for the country as a whole to monitor, promote and protect human rights in the next five years (in the short run) and ten years (in the long run)
(d) A basis for collaboration and support by civil society organizations, the international community and development partners.

The NAP presents an opportunity for identifying and agreeing on areas of cooperation between Government Departments, the Private Sector, Civil Society
Organisations in general, and other role players, so that together, all stakeholders can improve the monitoring, protection and promotion of human rights in the country. It will be used by the Government, organs of the Civil Society and the International Community to monitor and assess the observance of human rights, and to gauge the commitment of the Government to the promotion and protection of human rights in the Country.

1.3 DEVELOPING NIGERIA’S NATIONAL ACTION PLAN FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

The process for the NAP of 2022 - 2026 began with the expiration of the tenure of the first NAP in January 2014. Consultations commenced between the National Human Rights Commission and Ministries, Departments and Agencies (MDAs) as well as civil society groups, targeted at reviewing the implementation of the previous NAP and documenting the lessons learnt. The said lessons learnt, form a major guide in the development of the NAP 2022 - 2026.

1.3.1 Consultative meetings with Ministries, Departments and Agencies of Government

From January to December 2014, the National Human Rights Commission (NHRC) hosted consultations with all Government Ministries and Justice Sector institutions. The purpose of these consultations was to explain the expiration of the first NAP, request MDAs to submit reports on the annual implementation of NAP 2009-2013 and document lessons learnt in the implementation of the previous NAP. The MDAs were also intimated with the obligations of the respective ministries, agencies and institutions in the process of developing the new NAP that would succeed the previous one.

These consultations continued over the years and in 2018, elaborate consultations were carried out in the six geo-political zones of the country where inputs from State MDAs were harnessed to enrich the content of the NAP. Although activities on the NAP slowed down in 2019 due to logistic challenges, they picked up in 2020 and final consultation with MDAs took place in January and February 2021 via virtual platforms in conformity with the COVID-19 guidelines and protocols.

1.3.2 Consultations with Civil Society

The Commission held several consultations with civil society organisations from 2015 to 2018 some of which were with the MDAs. The consultations were aimed at documenting the experiences of the civil society in the implementation of the previous NAP and seeking their input in the development of the successor NAP. These consultations provided a forum for identifying and agreeing on areas of improvement, inadequacies and emphasis to guide development of the NAP 2022 - 2026.
From December 2015 – April 2016, the National Human Rights Commission embarked on one of the largest public education programmes since its inception, the *National Human Rights Public Awareness Programme*. This programme was implemented with the support and collaboration of members of the National Assembly. The programme was implemented in all the 36 States of the Federation. Specifically, the programme was targeted at communities, towns and villages outside state capitals. The purpose of this project was to engage communities frequently referred as “grassroots”, first, on the appreciation of their rights, and the workings of the National Human Rights Commission. Much of the concerns and findings from interactions with these communities have been included in the NAP current document.

1.3.3 Adoption and the Post Adoption Phase

The consultations on NAP 2022 - 2026 were completed in the last quarter of 2020, although they spilled over slightly to January and February 2021. After that, the consultative draft was cleaned up into a final draft and submitted to the Federal Executive Council of Nigeria through the Attorney General of the Federation for consideration and approval as Nigeria’s policy document on Human Rights. The approved NAP will be printed, disseminated to stakeholders and deposited with the Office of the UN High Commissioner for Human Rights.

1.4 ORGANISING STRUCTURES AND CONSULTATIVE PROCESSES FOR DRAFTING THE NATIONAL ACTION PLAN FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA

1.4.1 Steering Committee

In April 2014, 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. Members of the Steering Committee include:

- The Attorney General of the Federation – Convener
- Chairman, Senate Committee on Justice, Human Rights and Legal Matters
- Chairman, House of Representatives Committee on Human Rights
- Chairman, National Human Rights Commission

1.4.2 Coordinating Committee

- The Solicitor General of the Federation – Convener
- Executive Secretary, National Human Rights Commission
- Special Adviser to Hon. Attorney-General & Minister of Justice
- Managing Partner, Legal Resources Consortium
CHAPTER TWO

2. NATURE OF THE RIGHTS CONTAINED IN THE DOCUMENT

2.1 CIVIL AND POLITICAL RIGHTS

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

2.2 ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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

2.3 THE RIGHT TO PEACE, PROTECTED ENVIRONMENT SUSTAINABLE DEVELOPMENT

- Right to Sustainable Development
- Right to Peace
- Right to a Protected Environment
- Right to Human Right Education

2.4 THE RIGHTS OF WOMEN AND CHILDREN

- Women in Public Life
- Women and Harmful Traditional Practices
- Women and Crime, Safety and Security
- Women and Access to Justice
- Rights of Children to Survival, Development, Protection, and Participation
2.5 OTHER AREAS OF RIGHTS

- Rights of Persons with Disabilities
- Rights of Internally Displaced Persons, Refugees and Migrants
- Business and Human Rights
- Racial Discrimination, Xenophobia, Intolerance and Rights of Key Population
- Terrorism and Insurgency
- Rights of Older Persons
- Indigeneship, Settlership And Self Determination

These are all emerging areas of challenge that were left out in the first NAP. They have been incorporated as cross cutting issues in all sections. However, Business and Human Rights has been captured as a separate chapter to conform to the format prescribed by the United Nations Working Group on Business and Human Rights (UNWGBHR) for the development of a NAP on Business and Human Rights.

The adoption of the Millenium Declaration and the Millenium Development Goals as a development paradigm in the year 2000 added further impetus to Nigeria’s planning process. Invariably, Nigeria has had to domesticate both the MDGs and its successor global development Agenda, the Agenda 2030 and the Sustainable Development Goals (SDGs), for implementation within the context of its economic and social realities.

In addition, in an attempt to make a deliberate effort to address ignorance of rights which has been identified as one of the factors militating against the full enjoyment of human rights, the country has put in place a national strategy on Human Rights Education (HRE), to promote knowledge, skills, behaviour and attitudes and build a culture for the respect of human rights. This has been done using the platform of the World Programme on Human Rights Education (WPHRE) and captured under the chapter on Sustainable Development using SDG 4.7 which offers a framework and reporting obligation on HRE.
CHAPTER THREE

3. FRAMEWORK FOR THE EXAMINATION OF RIGHTS

3.1 PRINCIPAL SOURCES OF HUMAN RIGHTS IN NIGERIA

The rights discussed in this document are derived from the sources below:

3.1.1 Nigerian Domestic Laws –

(a) The Human Rights provisions in the Constitution of the Federal Republic of Nigeria, 1999
(b) The African Charter on Human and People’s Rights (Enforcement and Ratification) Act, 1990
(c) The Child’s Rights Act, 2003, and the various States’ Child’s Rights Laws
(d) The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015
(e) The various States’ Legislation on the Prohibition of Female Genital Mutilation, and the protection of the Girl child such as early Marriages, withdrawal of the Girl Child from School for purpose of Marriage, etc.
(f) The Administration of Criminal Justice Act 2015 and various state laws
(g) Discrimination against Persons with Disabilities (Prohibition) Act 2019
(h) Anti-Torture Act 2017
(i) National Senior Citizens Centre Act 2017
(j) Compulsory Treatment and Care for Victims of Gunshots Act 2017
(k) Freedom of Information Act 2015
(l) Nigeria Police Force Act 2020
(m) Nigerian Correctional Services Act 2019
(n) Violence against Persons Prohibition Law 2015
(o) E.T.C.

3.1.2 Sub-regional Instruments (ECOWAS Region)

(a) ECOWAS Revised Treaty 1993
(b) ECOWAS Conflict Prevention Framework 2016
(c) ECOWAS Protocol on Democracy and Good Governance 2001
(d) Supplementary Protocol on ECOWAS Community Court of Justice 2005

3.1.3 African Regional Instruments

(a) African Convention on the Conservation of Nature and Natural Resources 1968
(b) African Union Convention Governing the Specific Aspects of Refugee Problems in Africa 1969
(c) Cultural Charter for Africa 1976
(d) Convention on the Elimination of Mercenaries in Africa 1977
(e) African Charter on Human and Peoples’ Rights, 1981
(g) Convention on the ban of the import into Africa and the control of Trans-boundary movement and management of hazardous wastes within Africa 1991
(h) Treaty Establishing the African Economic Community 1991
(i) African Maritime Transport Charter 1994
(k) OAU Convention on the Prevention and Combating of Terrorism 1999
(l) Constitutive Act of the African Union, 2000
(o) Revised Protocol relating to the conservation of nature and natural resources 2003
(q) AU Convention on preventing and combating corruption 2003
(r) African Charter on Democracy, Elections and Governance 2007
(s) Africa Youth Charter 2006.
(t) Protocol on the Statute of the African Court of Justice and Human Rights 2008
(u) Statute of the African Union Commission on International Law 2009
(v) The Continental Plan of Action of the African Decade on the Rights of Persons with Disability, 1999-2009 which has now been extended to take effect from 2010 to 2019
(w) Revised Treaty of the Economic Community of West African States 1993

3.1.4 United Nations Treaties

(a) The International Covenant on Civil and Political Rights, 1966 (and its two optional Protocols)
(b) The International Covenant on Economic, Social and Cultural Rights, 1966
(c) Optional Protocol to the Covenant on Economic Social and Cultural Rights.
(d) The Convention on the Political Rights of Women, 1953
(e) Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1979
(f) Optional protocol to the Convention on the elimination of all forms of discrimination against Women (CEDAW-OP)

(g) The Convention on the Elimination of All Forms of Racial Discrimination, CERD 1963

(h) The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (Convention Against Torture), 1984

(i) Optional Protocol to the Convention against Torture, Cruel Inhuman and Degrading treatment or punishment.


(k) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict


(n) International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. 1990

(o) Convention on the Rights of Persons with Disabilities (CRPD), 2006

(p) Statute of the International Criminal Court ICC, 2002

(q) Convention Concerning Forced or Compulsory Labour, 1930

(r) Convention Concerning the Abolition of Forced Labour, 1957

(s) Right to Organise and Collective Bargaining Convention, 1949

(t) Discrimination (Employment and Occupation) Convention, 1958

### 3.2 Integrated Approach

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

- Universal
- Indivisible
- Interdependent
- Inter-related

### 3.3 FRAMEWORK FOR EXAMINATION OF SPECIFIC RIGHTS

Each right in this document is discussed in terms of the following -

(a) Constitutional and Other Legal Obligations

(b) Regional and International Obligations

(c) Challenges

(e) Implementation Plan
3.4 THE INSTITUTIONS FUNCTIONING IN THE FIELD OF HUMAN RIGHTS IN NIGERIA

(i) The National Human Rights Commission (NHRC)
Functions include to:
- Promote and protect human rights
- Engender a culture of human rights
- Monitor and assess the observance of human rights in the country
- Investigate all alleged cases of human rights violations
- Assist victims of human rights violations and seek appropriate redress and remedies on their behalf.
- Publish reports and recommendations on issues of human rights.
- Guide the formulation of informed policies and legislations affecting human rights.

(ii) The Auditor-General of the Federation
He/she must audit and report on the accounts, financial statements and financial management of all levels of government.

(iii) The Independent National Electoral Commission (INEC)
Functions include:
- Manage the elections of national and state executive and legislative bodies
- Ensure that all elections are free and fair.
- Be independent in its appointment, operations and financing.
- Provide a level playing field for all stakeholders participating in elections and the electioneering processes.

(iv) National Broadcasting Commission of Nigerian (NBC)
Functions include:
- Regulate broadcasting in the public interest
- Ensure a diversity of views that broadly represent the Nigerian society.
- Give equal opportunities to all political parties and individuals involved in elections.
- Ensure the protection of freedom of expression and information.

(v) Code of Conduct Bureau/Tribunal
Functions include:
- Ensure periodic asset declaration of public servants
- Arraign defaulting public servants
- Ensure probity and accountability in governance

(vi) Anti-Corruption Institutions
Namely:
- Code of Conduct Bureau/ Tribunal
• Independent Corrupt Practices and other Related Offences Commission
• Economic and Financial Crimes Commission
• Fiscal Responsibility Commission
• Financial Reporting Council
• Nigerian Financial Intelligence Unit

(v) **Federal Character Commission**
Functions include to:
• Ensure equitable distribution of political and public offices across the country
• Ensure compliance and imposes sanctions on defaulting institutions.

(vi). **Legal Aid Council**
Functions include provision of free legal Services to indigent members of society.

(vii) **Institutions Established To Protect Environmental Rights**
• Federal Ministry of Environment
• National Environmental Standards and Regulations Enforcement Agency (NESREA)
• National Oil Spill Response and Emergency Agency (NOSDREA)
• National Agriculture Land Development Agency (NALDA)
• Forestry Research Institute of Nigeria (FRIN)
• National Parks Service
• National Biosafety Management Agency
• National Agency for Great Green Wall
• National Extractive Industries Transparency Initiatives

3.5 **NIGERIA’S INTERNATIONAL/REGIONAL OBLIGATIONS**
Nigeria has signed and ratified or acceded to 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.

3.5.1 **Human Rights Country Reports that Nigeria has submitted to the United Nations and the African Commission on Human and Peoples Rights**
(i) The Initial to the fifth Periodic Reports to the Committee on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), submitted to the UN
(ii) The Initial to the Fourth Periodic Reports to the Committee on the UN Convention on the Rights of the Child

(v) The first and second Reports to the Office of the High Commissioner for Human Rights for the process of Universal Periodic Review of Nigeria.

3.5.2 **Institutions Responsible for Monitoring and Implementation of Regional and International Human Rights Instruments include:**

- The Ministry of Foreign Affairs
- Federal Ministry of Justice
- National Human Rights Commission
- Relevant Committee of National Assembly
- The National Assembly and its relevant Committees
- Federal Ministry of Environment
- The Judiciary
- Academic Institutions
- Media Houses
- Other relevant ministries and extra-ministerial bodies
- Civil Society Organisations.
CHAPTER FOUR

4. CIVIL AND POLITICAL RIGHTS

4.1 SCOPE

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

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

4.2 RIGHT TO LIFE

4.2.1 Constitutional Obligations

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

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

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

(a) for the defense of any person from unlawful violence or for the defense of property;
(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
(c) for the purpose of suppressing a riot, insurrection or mutiny.”

Regional and International Obligations

- Article 4 of the African Charter of Human and Peoples’ Rights
- Article 5 of the African Union Charter on the Rights and Welfare of the Child
- Article 3 of the Universal Declaration of Human Rights
- Article 6 of the International Covenant on Civil and Political Rights
- Article 6 of the International Convention on the Rights of the Child
4.2.2 Challenges

- Slow dispensation of criminal justice process in the Country, in particular, weak implementation of the Administration of Criminal Justice Act/Law by the federal/state judiciary
- Increase in unresolved politically motivated killings, which may affect public attitude towards the abolition of the death penalty
- The apprehension over the wider expansion of the components of right to life, especially as it relates to sexual and reproductive health, and the right to reproductive choice
- Extra Judicial killings by security agencies and increasing cases of summary executions and the accompanying impunity resulting from low capacity of the police to apprehend and prosecute offenders.
- Difficulty in obeying court orders by security forces
- Extension of the death penalty to other offences notably kidnapping
- Non domestication of some relevant international human rights instruments e.g., Optional Protocol on Convention Against Torture, AU Convention for the Assistance of Internally Displaced Persons
- Concerns over the use of death penalty as the proper sanction in face of challenges in the system of administration of justice.
- Recent introduction of capital punishment for kidnapping by some states
- Inability or difficulty in obeying court orders by Security Agencies and public officers
- Extension of death penalty to other offences, notably kidnapping and Terrorism
- Communal Clashes, Herdsmen – Farmers clashes, Terrorism and Armed Insurgences
- Non-adoption of the Administration of Criminal Justice Act in many States of the Federation.
- Delayed and slow investigation of allegations of human rights violations by security forces personnel.
- Poor inter-agency cooperation among security agencies.
- Inadequate funding of the Police and other law enforcement agencies
- Inadequate human rights education, capacity building and exposure to international best practices of the security agents.
- Inadequate funding of the National Human Rights Commission and other human rights accountability agencies

4.3 RIGHT TO DIGNITY OF THE HUMAN PERSON

4.3.1 Constitutional Obligations

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

(2) For the purposes of subsection (1)(c) of this section, “forced or compulsory labour” does not include
(a) any labour required in consequence of the sentence or order of a court;
(b) any labour required of members of the armed forces of the Federation or the Nigeria Police
Force in pursuance of their duties as such;
(c) in the case of persons who have conscientious objections to service in the armed forces of the
Federation, any labour required instead of such service;
(d) any labour required which is reasonably necessary in the event of any emergency or calamity
threatening the life or well-being of the community; or
(e) any labour or service that forms part of -
   (i) normal communal or other civic obligations of the well-being of the community.
   (ii) such compulsory national service in the armed forces of the Federation as may be
        prescribed by an Act of the National Assembly, or
   (iii) such compulsory national service which forms part of the education and training
        of citizens of Nigeria as may be prescribed by an Act of the National
        Assembly”.

4.3.2 International Obligations

Our International Obligations are guided by:
(a) The Universal Declaration of Human Rights
(b) The International Covenant on Economic, Social and Cultural Rights
(c) Optional Protocol to the International Covenant on Economic Social and Cultural Rights.
(d) Convention on Elimination of All Forms of Discrimination Against Women
(e) Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women
(f) The Convention on the Elimination of All Forms of Racial Discrimination
(g) The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment (Convention Against Torture)
(h) Optional Protocol to the Convention against Torture, Cruel Inhuman and Degrading treatment or punishment.
(i) Convention on the Rights of the Child
(j) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
(m) International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
(n) Convention on the Rights of Persons with Disabilities
(o) Statute of the International Criminal Court
(p) Convention Concerning Forced or Compulsory Labour
(q) Convention Concerning the Abolition of Forced Labour
(r) Right to Organise and Collective Bargaining Convention
(s) Discrimination (Employment and Occupation) Convention

4.3.3 Challenges

- Provision in the Sharia Penal Codes on Capital Punishment,
- Judicial conservatism.
- Non-ratification of some treaties against torture.
- Impunity and official corruption.
- Inadequate legal knowledge.
- Problems of legal aid casework
- The provision of Health Rights in Chapter 2 of the Constitution
- Unequal access to basic health care
- Non-co-operation between the private and public health services
- Unequal distribution of health resources
- Inadequate health facilities
- Low quantity and service delivery of health personnel
- Trafficking in persons
- Prevalence of child abuse
- Harmful traditional practices such as Female Genital Mutilations
- Inadequate attention to the health care of prisoners, destitute, mentally disabled
- and other vulnerable groups
- Gross and inadequate facilities and poor sanitary conditions at police detention centres.

4.4 RIGHT TO PERSONAL LIBERTY

4.4.1 Constitutional Obligations

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

(a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty
(b) by reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law
for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence

in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare

in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or

for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto:

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

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

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

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

(a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or

(b) three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

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

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of one day: and

(b) In any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

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

Nothing in this section shall be construed -

(a) in relation to subsection (4) of this section, as applying in the case of a person arrested or detained upon reasonable suspicion of having committed a capital offence; and

(b) as invalidating any law by reason only that it authorises the detention for a period not exceeding three months of a member of the armed forces of the federation or a member of the Nigeria Police Force in execution of a sentence imposed by an officer of the armed forces of the Federation or of the Nigeria police force, in respect of an offence punishable by such detention of which he has been found guilty.

4.4.2 International Obligations

- Our International Obligations are guided by:
- Articles 6 and 7 of the African Charter on Human and Peoples’ Rights
• Article 17 of the African Union Charter on the Rights and Welfare of the Child
• 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 Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
• The United Nations Rules for Juveniles Deprived of their Liberty (the Tokyo Rules)
• United Nations Standard Minimum Rules for the Treatment of Persons in Detention (Mandela Rules)
• United Nations Voluntary Fund for Victims of Torture
• All other relevant International and Regional Instruments relating to this right, as well as all other relevant United Nations Standards and Norms in Criminal Justice Administration

4.4.3 Challenges
• Sub-standard facilities in Internally Displaced Persons camps, Correctional and Detention Centres
• Non-implementation of human rights principles into all aspects of policing and the criminal justice system
• Excessive, and sometimes lethal, use of force during arrest and detention of people.
• Lack of diversion programmes and access to alternative settlement procedures for juveniles in conflict with the law
• Exposure of children to physical and sexual assaults, particularly in police cells or Borstal institutions
• Unlawful practice of Holding Charge in defiance of judicial authority.
• Overloaded legal aid case work
• Citizens’ poor knowledge of their rights
• Impunity
• Stringent bail conditions by the courts and the inability of suspects to meet the conditions
• Non-compliance with requirement by the Constitution to establish courts within specified radius
• Inadequate or absence of vocational training facilities in detention centre
• Extortion of suspects by the Police.
4.5   RIGHT TO FAIR HEARING

4.5.1   Constitutional Obligations

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

4.5.2 International Obligations

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

4.5.3   Challenges

- Prevalence of poverty and corruption.
- Lack of legal knowledge by most Nigerians
- Overbearing conduct of some security agencies
- Lack of awareness of and access to legal aid and assistance
- Onerous bail condition
- Parading suspects on television
- Arrest of innocent relatives in place of suspects
- Poor automation of Court processes.
- Absence of institutional framework to support legal research.
- Congestion of court dockets and slow process in Courts.

4.6   RIGHT TO PRIVATE AND FAMILY LIFE

4.6.1   Constitutional Obligations

S.37 - The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic
communications is hereby guaranteed and protected.
Therefore, everyone has the right to privacy, which includes the right not to have their
- person or home searched
- property searched
- possessions seized
- privacy of their communications infringed
- family life disrupted
4.6.2 International Obligations

Our International Obligations are guided mainly by:

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

4.6.3 Challenges

- Forced marriages
- Early marriages
- Discrimination against single female parents
- HIV/AIDS stigma and discrimination
- Media trial of suspects

4.7 RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

4.7.1 Constitutional Obligations

S.38. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

(4) Nothing in this section shall entitle any person to form, take part in the activity or be a member of a secret society.

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions: Provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfillment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.

(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic
(a) for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films; or

(b) imposing restrictions upon persons holding office under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law”.

4.7.2 International Obligations

Our International Obligations include:

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

4.7.3 Challenges

• Culture of intolerance and lack of respect among some Nigeria’s religious bodies
• Manipulation of religion and religious issues
• Lack of constitutional clarity on separation of State and religion
• Lack of basic knowledge of the tenets of each religion
• Weak implementation of government White Papers on religious crises

4.8 RIGHT TO FREEDOM OF EXPRESSION AND THE PRESS

4.8.1 Constitutional Obligations

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

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions: Provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfilment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.

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

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

4.8.2 International Obligations

Our International Obligations are guided by:

- Article 19 of the Universal Declaration of Human Rights, which includes the
  right to freedom of opinion and expression
- Articles 19 and 20 of the International Covenant on Civil and Political Rights
- Article 5 (d) (viii) of the International Convention for the Elimination of All
  forms of Racial Discrimination
- Article 3 of the Convention on the Elimination of all forms of Discrimination
  Against Women
- Article 13 of the Convention on the Rights of the Child
- Article 7 of the African Charter on the Rights and Welfare of the Child
  - Article 9 of The African Charter on Human and People’s Rights

4.8.3 Challenges

- Lack of independence of media regulatory bodies
- Lack of access to information for indigent people and rural communities
- Media stereotyping of women and children
- Inability to strike a balance between harmful material and freedom of
  expression
- Piracy of artistic creativity
- Exorbitant license fees for the practice of journalism.
- The Official Secrets Act, 1962
- The Sedition Laws still found in statute books
- The absence of legislation to prohibit and punish hate speech
- The prevalence of fake news
- Low compliance with the provision of Freedom Of Information Act, 2011

4.9 RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION

4.9.1 Constitutional Obligations

S.40. Every person shall be entitled to assemble freely and associate with other persons, and in
particular he may form or belong to any political party, trade union or any other association for the
protection of his interests. Provided that the provisions of this section shall not derogate from the
powers conferred by this Constitution on the Independent National Electoral Commission with respect
to political parties to which that Commission does not accord recognition.”
4.9.2 International Obligations

Our International Obligations include –

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

4.9.3 Challenges

- Inadequate voter education especially in the rural areas
- Lack of provision for Affirmative Action for ensuring equitable women participation in the electoral process.
- Low voters turn-out for registration
- Low voters turn-out at elections
- Prevalence of electoral fraud
- Abuse of the Public Order Act and Police Permit
- Use of thugs for electoral campaigns
- High level of violence and other criminal conduct in elections
- Involvement of security agency in electoral malpractices
- Inadequate resources and political will to ensure the independence of State institutions, as guaranteed by the Constitution
- Lack of provision for persons with disability to participate in the political process.

4.10 RIGHT TO PROPERTY

4.10.1 Constitutional Obligations

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

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

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

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

(a) for the imposition or enforcement of any tax, rate or duty;
(b) for the imposition of penalties or forfeiture for breach of any law, whether under civil process or after conviction for an offence.

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts.

(d) relating to the vesting and administration of property of persons adjudged or otherwise declared bankrupt or insolvent, of persons of unsound mind or deceased persons, and of corporate or unincorporated bodies in the course of being wound-up.

(e) relating to the execution of judgments or orders of court.

(f) providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals.

(g) relating to enemy property.

(h) relating to trusts and trustees.

(i) relating to limitation of actions.

(j) relating to property vested in bodies corporate directly established by any law in force in Nigeria.

(k) relating to the temporary taking of possession of property for the purpose of any examination, investigation or enquiry.

(l) providing for the carrying out of work on land for the purpose of soil-conservation.

or (m) subject to prompt payment of compensation for damage to buildings, economic trees or crops, providing for any authority or person to enter, survey or dig any land, or to lay, install or erect poles, cables, wires, pipes, or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication services or other public facilities or public utilities.

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

4.10.2 International Obligations

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

4.10.3 Challenges

- Displacement of people by indiscriminate eviction and demolition.
- Non-payment, inadequate or delay in the payment of compensation by government to victims of compulsory acquisition of land.
- Discriminatory land policies for indigenes/non-indigenes and religious groups.
- Government disobedience to court orders with respect to demolitions, evictions or payment of compensation.
- Difficulties in accessing mortgage facilities.
- Weak enforcement mechanism for the protection of intellectual property
Rights

- Unstable, unfavourable and inconsistent housing policies by government.
- Insurgency and conflicts leading to loss of property

4.11 RIGHT TO FREEDOM OF MOVEMENT

4.11.1 Constitutional Obligations

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

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

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

(ii) be tried outside Nigeria for any criminal offence, or
(iii) undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty:

Provided that there is reciprocal agreement between Nigeria and such other countries in relation to such matters."

4.11.2 International Obligations

Our International Obligations are guided by:

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

4.11.3 Challenges

- Poor infrastructures limiting the freedom of movement, especially in rural areas
- Lack of safety and security on the roads
- Lack of conducive conditions for investment in Nigeria’s aviation and inland waterways sectors
- Discrimination based on States and Local Government of Origin
- Lack of access to public buildings and other facilities by physically challenged persons
- The continued existence of police road-blocks on the roads and highways.
4.12 RIGHT TO FREEDOM FROM DISCRIMINATION

4.12.1 Constitutional Obligations

S.15 (2) National integration shall be actively encouraged while discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited

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

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

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

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

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

S. 42(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

The Nigerian Legal system does not make express provision for the concept of racial discrimination as it currently exists. The prohibition of discrimination on the basis of race may be read into the Constitutional provision prohibiting discrimination based on place of origin. This provision is in fulfilment of Nigeria’s regional and global obligations in the fights against racial discrimination.

Accordingly, the Government recognizes that everyone in Nigeria has the right to be protected under the law and should not be subjected to discrimination or segregation as a result of the following factors:

- Gender
- Race
- Ability or disability as the case may be
- Tribe
- Religion
- Ethnicity
- Status
- Health status of any other factor for that matter.
4.12.2 International Obligations

Our International Obligations are guided by:

- The African Charter on Human and Peoples’ Rights
- African Charter on the Rights and Welfare of the Child
- Protocol to the African Charter on the Rights of Women
- Protocol to the African Charter on the Rights of Persons with Disabilities in Africa
- 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
- The United Nations Convention on the Rights of the Child
- Convention on Rights of Persons with Disability
- International Convention on the Elimination of all forms of Racial Discrimination
- Discrimination (Employment and Occupation) Convention

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

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

4.12.3 Challenges

- Discrimination on grounds of ethnicity and religion
- Continued existence of gender discrimination
- Inequality and discrimination exist on the basis of:
  - Disabilities
  - HIV/AIDS status
  - Age
  - Economic status
- Harmful traditional practices such as harmful widowhood practices and disinheriance of women.
- The Caste System in some States and communities
- Non-domestication the ICERD
- The misinterpretation and misapplication of the Same Sex Marriage Prohibition Act 2014
- Discrimination as a result to sexual orientation
## IMPLEMENTATION PLAN - CIVIL AND POLITICAL RIGHTS

### RIGHT TO LIFE

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3. Review of the death penalty policy in Nigeria

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Develop an Advisory on the death penalty in Nigeria
Adopt a moratorium on death penalty
Amend the Constitution to abolish the death penalty

A country wide strategy developed on the abolition of death sentence
Bills submitted to the National Assembly seeking to amend the death penalty.

Number of death sentences commuted to life imprisonment
Percentage reduction in the judgements leading to death penalty

Ministry of Justice
The Presidency
State Governments
National and State Houses of Assembly
National Human Rights Commission
The Judiciary
Ministry of Justice
Civil Society Organizations
Nigerian Correctional Services
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<tr>
<td>5. Address security challenges of insurgency, banditry, kidnapping and emerging crimes</td>
<td>Administration of Criminal Justice Act 2015</td>
<td>National Committee Against Torture in Nigeria</td>
<td>Ensure training and retraining of security personnel</td>
<td>Number of security personnel trained on counter-insurgency, banditry and kidnapping</td>
<td>Improved security situation in the country</td>
<td>The Nigeria Police Force</td>
<td>The Police Service Commission</td>
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<td></td>
<td>Nigeria Police Act 2020</td>
<td>Police Force Order 237 on the Use of Force of 2019</td>
<td>Ensure prosecution of insurgents, bandits and kidnappers</td>
<td>Number of insurgents, bandits and kidnappers arrested and prosecuted by security agents</td>
<td>Percentage reduction on number of insurgencies, banditry and kidnapping cases in each state.</td>
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<td>Ministry of Interior</td>
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<td>Violence Against Persons Prohibition Act 2015</td>
<td>Incorporation of human rights into training curricula of security agencies</td>
<td>Educate citizens on their rights and responsibilities</td>
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<td>Ministry of Defence</td>
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<td>National Human Rights Commission (Amendment) Act 2010</td>
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<td>Ensure provision of social amenities to reduce vulnerability to insurgency, kidnapping and banditry</td>
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<td>The Judiciary</td>
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<td>National Committee Against Torture in Nigeria</td>
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<td>Nigerian Bar Association</td>
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<td>Legal Aid Act, 2011</td>
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<td>Nigerian Bar Association</td>
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### RIGHT TO DIGNITY OF THE HUMAN PERSON

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<tr>
<td>6. Respect for the dignity of the human person</td>
<td>Administration of Criminal Justice Act 2015</td>
<td>National Committee on Torture</td>
<td>Ensure training and retraining of law enforcement officials to respect the rights and dignity of citizens</td>
<td>Percentage increase in the number of law enforcement officials trained on principles of human rights</td>
<td>Improved respect for human dignity</td>
<td>National Human Rights Commission</td>
<td>National Human Rights Commission</td>
<td>Nigeria Police Force</td>
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<td></td>
<td>National Human Rights Commission (Amendment) Act 2010</td>
<td>Human Rights Practice Manual 2015</td>
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<td>Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized mechanisms</td>
<td>Nigeria Correctional Service</td>
<td>Nigeria Correctional Services</td>
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<td></td>
<td>Nigeria Police Force Act 2020 Anti-Torture Act 2017</td>
<td>National Crime Prevention Strategy</td>
<td>Improve conditions and facilities in Correctional Centres and other places of detention</td>
<td>Percentage increase in the number of prosecutorial cases against violators</td>
<td>Implementation of tenets of restorative justice</td>
<td>The Judiciary</td>
<td>Ministry of Justice</td>
<td>Civil Society Organisations</td>
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<td></td>
<td>Nigerian Correctional Services Act 2019</td>
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<td>Ensure conducive working conditions and reduce hazardous work, especially in the private sector</td>
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<td>Number of unsentenced detainees as a proportion of prison population</td>
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<tr>
<td>Administration of Criminal Justice Laws of Various States</td>
<td>National Committee on Torture</td>
<td>Ensure training and retraining of security officials</td>
<td>Update the Rules of Engagement for Security Agencies</td>
<td>Strengthen internal and external accountability mechanisms</td>
<td>Percentage increase in human rights compliance</td>
<td>Police Service Commission</td>
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<td>Nigeria Police Act 2020</td>
<td>Anti-Torture Act 2017</td>
<td>Ensure due process in the recruitment of security agents</td>
<td>Ensure due process in the recruitment of security agents</td>
<td>Increased transparency in recruitment exercises according to international best practices</td>
<td>Reduction in the complaints against security agencies</td>
<td>The Judiciary</td>
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<td>Protection of the rights of suspects</td>
<td>Administration of Criminal Justice Act 2015</td>
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<td>Fundamental Human Rights enforcement procedure Rule 2009</td>
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<td>Force Order 20 Duty Solicitor Scheme 2017</td>
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<td>Administration of Criminal Justice Monitoring Committee</td>
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<td>Develop a protocol for ensuring availability of legal representatives for suspects</td>
<td>Percentage increase in number of legal representatives available for suspects</td>
<td>Improved protection of rights of suspects</td>
<td>The Judiciary</td>
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<td>Establish clear framework and regulation for granting access to suspects</td>
<td>Percentage increase in the number of interpreters available to suspects</td>
<td>Enhanced access to detained suspects by their legal representatives</td>
<td>National Human Rights Commission</td>
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<td>Develop clear procedure on communication with suspects in a language they understand</td>
<td>Percentage decrease in the number of confessional statements obtained under duress</td>
<td>Number of suspects who don’t have legal representatives</td>
<td>Police Service Commission</td>
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|---------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------------------|---------|}
Ensure training and retraining of security personnel on new practice guidelines  
Ensure compliance with new practice guidelines | Number of practice guidelines and code books reviewed  
Number of security personnel trained on new practice guidelines  
Number of erring officials sanctioned | Level of compliance to international standards in the security sector | Nigeria Police Force  
Nigerian Military | Police Service Commission  
Ministry of Defence  
National Human Rights Commission  
United Nations Agencies  
International Committee of the Red Cross  
Civil Society Organisations |
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<td>10. Timely bail for detained suspects as prescribed by law</td>
<td>Police Reform Act 2020</td>
<td>Administration of Criminal Justice Monitoring Committee</td>
<td>Establish a reliable database of inmates.</td>
<td>Availability of reliable inmates database</td>
<td>Improved bail system to achieve decongestion of correctional facilities</td>
<td>Ministry of Interior</td>
<td>Nigerian Bar Association</td>
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<td>Administration of Criminal Justice Act 2015</td>
<td>Presidential Committee on Prison Reform</td>
<td>Ensure the creation of a bail review committee for Awaiting Trial inmates</td>
<td>Existence of a bail review committee for awaiting trial inmates</td>
<td>Percentage increase in bail application granted by the court</td>
<td>National Human Rights Commission</td>
<td>Nigeria Police Force</td>
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<td>Administration of Criminal Law of States</td>
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<td>Regulatory mechanism that ensures a suspect is not detained beyond the stipulated hours</td>
<td>Number of police commands that have regulatory mechanism on number of hours for detention</td>
<td>Percentage decrease in the number of Awaiting Trial Inmates in correctional facilities across the country.</td>
<td>Ministry of Police Affairs</td>
<td>Ministry of Justice</td>
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<td>Nigerian Correctional Service Act 2019</td>
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<td>Economic and Financial Crimes Commission Act 2004</td>
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<td>Civil Society Organisations</td>
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<td>Corrupt Practices and Other Related Offences Act 2000</td>
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<td>The Judiciary</td>
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<td>National Drug Law Enforcement Agency Act</td>
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<td>Economic and Financial Crimes Commission</td>
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| 11. Fast tracking criminal cases in courts | Nigeria Police Act 2020  
Administration of Criminal Justice Act 2015  
Administration of Criminal Law of States.  
Evidence Act 2011 | Administration of Criminal Justice Monitoring Committee  
Non-custodian sentencing guidelines  
Fundamental Human Rights Enforcement Procedure Rule 2009  
Federal High Court Civil Procedure Rules 2009  
FCT High Court Rule 2018  
Piloting of fast track system in three courts across the country | Ensure regular Correctional Centres visitations by the Chief Judges /Magistrates  
Ensure accurate data and records of convictions  
Ensure adequate logistics for court attendance by inmates  
Ensure that cases are properly investigated before arraignment | Percentage increase in the number of visitations of Magistrates to correctional facilities per state  
Existence of accurate data of convictions in every state and the FCT  
Percentage increase in number of convicts sentenced to non-custodial sentencing | Speedy trial of criminal cases in court | The Judiciary | Ministry of Justice  
Nigeria Correctional Service  
Nigeria Bar Association  
Nigeria Police Force  
The Nigeria Security and Civil Defence Corps  
The Nigerian Armed Forces  
Civil Society Organisations  
Economic and Financial Crimes Commission  
Independent Corrupt Practices and Other Offences Commission  
National Drug Law Enforcement Agency |
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<th>Objective</th>
<th>Legal Framework</th>
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<th>Cooperating Partners</th>
<th>Remarks</th>
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<tr>
<td>12. Access to courts within reasonable time</td>
<td>Administration of Criminal Justice Act 2015 Administration of Criminal Law of States Evidence Act 2011 Legal Aid Act 2011 National Human Rights Commission (Amendment) Act 2010</td>
<td>Administration of Criminal Justice Monitoring Committee</td>
<td>Ensure timely investigation of cases Ensure effective judicial oversight in making sure that courts are created within close radius of the detention centres</td>
<td>Enhanced capacity of the police to investigate cases Number of police trained on modern investigation techniques Increase in perfection of bail by suspects Reduced arraignment time</td>
<td>Improved access to courts within reasonable time Number of accused people who are yet to be arraigned in a court</td>
<td>Judiciary The Nigeria Police</td>
<td>Ministry of Justice, Economic and Financial Crime Commission, Independent Corrupt Practices Commission The National Judicial Council</td>
<td>The Judiciary, Ministry of Justice, Nigeria Bar Association Civil Society Organisations</td>
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Administration of Criminal Law of States  
Evidence Act 2011 | Fundamental Human Rights Enforcement Procedure Rule 2009  
National Judicial Policy | Ensure financial independence of the judiciary  
Ensure non-interference in judicial administration | Adequate and increased resources available to courts  
First line charges of Judicial Funds | Improved independence of the court from external influence  
Number of controversial and politically linked judgments by the courts | The Judiciary  
National Judicial Council | Nigeria Bar Association  
Ministry of Justice  
Legal Aid Council  
Civil Society Organisations  
National Human Rights Commission | |
National Broadcasting Commission (Amendment) Act 2004  
Ensure compliance by law enforcement agencies and the media | Practice guideline on arraignment of suspects developed  
Number of erring agencies sanctioned | Percentage decrease in media trial of suspects  
Number of suspects paraded by media in the last 12 months | The Nigeria Police  
Ministry of Justice  
National Human Rights Commission | The Judiciary  
Nigeria Law Reform Commission  
Police Service Commission  
Nigerian Communications Commission  
National Broadcasting Commission  
Nigeria Bar Association. | |
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<tr>
<td>15. Clear understanding of the proceedings of the court by suspects</td>
<td>Administration of Criminal Justice Act 2015</td>
<td>Fundamental Human Rights Enforcement Procedure Rule 2009</td>
<td>Ensure engagement of adequate number of interpreters for the criminal justice system</td>
<td>Percentage increase in the number of interpreters available to suspects</td>
<td>Improved knowledge on court proceedings by suspects</td>
<td>The judiciary</td>
<td>Ministry of Justice</td>
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<td>Administration of Criminal Law of States</td>
<td>Police Duty Solicitor Scheme 2017</td>
<td>Ensure implementation of the Police Duty Solicitors Scheme</td>
<td>Percentage increase in the number of police prosecutors who adhere to the Police Duty Solicitors Scheme</td>
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<td>The Police Force</td>
<td>National Human Rights Commission</td>
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<td>Percentage increase in compliance to the provisions of the police duty solicitor scheme</td>
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<td>Nigeria Police Force Act 2020</td>
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<td>Marriage Act 1914</td>
<td>Matrimonial Causes Rules 1983</td>
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<td>Percentage reduction in cases of child abuse, rape and child marriage</td>
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<td>National Human Rights Commission</td>
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<td>Matrimonial Causes Act 1970</td>
<td>Fundamental Human Rights Enforcement Procedure Rules 2009</td>
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<td>Increase in the number of measures put in place to ensure the protection of children across the country</td>
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<td>National Agency for Prohibition of Trafficking in Persons Act 2015</td>
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<td>Level of implementation of the Child Rights Act/law.</td>
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<td>16. Ensure the protection of citizen’s right to privacy</td>
<td>National Human Rights (Amendment) Act 2010</td>
<td>Fundamental Human Rights Enforcement Procedure rules 2009</td>
<td>Set up mechanisms and frameworks that promote cultural and religious tolerance among Nigerians.</td>
<td>Guidelines and mechanisms that promote cultural and religious tolerance</td>
<td>Improved protection of citizens right to privacy</td>
<td>The Judiciary</td>
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<td>Nigerian Communications Commission Act 2003</td>
<td>Nigerian Postal Communication Bill 2018</td>
<td>Carry out awareness and sensitization programmes on religious tolerance</td>
<td>Existence of government backed sensitization programs on religious tolerance</td>
<td>Percentage decrease in the number of premises searched without warrant</td>
<td>Ministry of Justice</td>
<td>Nigeria Information Technology Development Agency</td>
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<td>Nigeria Postal Service Act 2004</td>
<td>Implementation Framework for Nigeria Data Protection Regulation</td>
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## Right to Freedom of Expression and the Press

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<th>Remarks</th>
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<tr>
<td>19. Professionalisation of media practice in Nigeria</td>
<td>Nigerian Press Council Act (Amendment) Bill, 2019</td>
<td>Nigeria Broadcasting Code, 2020</td>
<td>Create an enabling environment to promote high professional standards for the Nigerian Media</td>
<td>Number of media practitioners maintaining high level of professionalism</td>
<td>Improved professionalism by the media</td>
<td>Ministry of Information</td>
<td>Newspapers Proprietors Association of Nigeria</td>
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<td></td>
<td>National Broadcasting Commission Act 2004</td>
<td>National Defence Policy 2017</td>
<td>Transform the National Broadcasting omission into an independent media regulatory body</td>
<td>NBC Act amended</td>
<td>Reduction in the number of media houses sanctioned by Government for unethical practices</td>
<td>Nigerian Union of Journalists</td>
<td>Nigerian Guild of Editors</td>
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<td>Freedom of Information Act, 2011</td>
<td>National Security Strategy 2019</td>
<td>Address complaints emanating from members of the public about the conduct of the Media</td>
<td>Nigeria Broadcasting Code amended complaints against the media</td>
<td>Reduction in the number of complaints received by government agencies against the media</td>
<td>National Broadcasting Commission</td>
<td>The Press Council</td>
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<td>Advertising Practitioners Registration Act Cap A7 of 2004</td>
<td>National Counter Terrorism Strategy 2016</td>
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<td>National Film and Video Censors Board Act of 1993</td>
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<td>Nigerian Film Corporation Act (Repeal and Enactment) Bill, 2019</td>
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<td>Number of policies adopted by the government to protect freedom of expression</td>
<td>Number of policies implemented by the government</td>
<td>Number of journalists who use fact checking in disseminating information accountability information dissemination</td>
<td>Enhanced verifiable and accurate information</td>
<td>Decrease in misinformation, disinformation and fake news</td>
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<td><strong>21. Protection of citizens against misinformation, disinformation and fake news</strong></td>
<td><strong>Ensure access to information for all especially rural communities</strong></td>
<td><strong>Deploy fact checking in journalism</strong></td>
<td><strong>National Broadcasting Commission</strong></td>
<td><strong>National Human Rights Commission</strong></td>
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<td>Cybercrimes (Prohibition, Prevention etc) Act 2015</td>
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<td>23. Affordable internet access for all citizens</td>
<td>National Broadcasting Commission Act 2004 Nigerian Communication Commissions Act 2003</td>
<td>Establishment of Galaxy Backbone Establishment of NigComSat Licensing and regulation of internet service providers</td>
<td>Review laws and policies on right of way on internet access Improve infrastructure for internet services</td>
<td>Percentage improvement in internet access</td>
<td>Improved and affordable internet service Number of active internet subscribers in Nigeria per 1 million people</td>
<td>Nigerian Communications Commission</td>
<td>Ministry of Communications and Digital Economy Telecommunication Companies Civil Society Organisations</td>
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### RIGHTS TO PEACEFUL ASSEMBLY AND ASSOCIATION

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<tr>
<td>24. Conducive environment for the right to universal adult suffrage</td>
<td>The Electoral Act (as amended 2015)</td>
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<td>Ensure that the 2021 Electoral Amendment Bill is signed into law</td>
<td>Electoral Amendment Bill signed into law by the President</td>
<td>Enhanced universal adult suffrage</td>
<td>Independent National Electoral Commission</td>
<td>Political Parties</td>
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<td>Guidelines for conducting Elections during the COVID-19 Outbreak in Nigeria 2020</td>
<td>Give all political parties equal access to the public</td>
<td>Electoral training programmes mounted on non-discrimination of women in politics</td>
<td>Number of women candidates</td>
<td>Ministry of Information and Culture Civil Society Organisations</td>
<td>Ministry of Women Affairs</td>
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<td>Public Order Quarantine Act (Repeal and Re-enactment) Bill, 2020</td>
<td>Ensure non-discrimination of women and other vulnerable groups in political activities</td>
<td>Number of political parties that offer incentives for women to participate in politics</td>
<td>Level of participation of women and other vulnerable groups in political activities</td>
<td>Ministry of Women Affairs</td>
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<td>INEC Regulations and Guidelines for the conduct of Elections 2019</td>
<td>Implement code of conduct for political parties</td>
<td>Achieve 35% affirmative action on participation of women into politics</td>
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<td>Ministry of Youth</td>
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<td>Support the adoption of Affirmative Action by political parties</td>
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<td>Lead Agency</td>
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| 26. Non-interference in the conduct of labour union affairs | Nigeria Police Act, 2020  
Public Order Act 1979  
Trade Union(Amendment) Act 2005  
National Human Rights Commission (Amendment) Act 2010  
Freedom Of Information Act 2011 | Trade Unions Act (Amendment) Bill, 2019 | Ensure the protection of the right to peaceful protests by labour unions  
Ensure non-interference in Labour Union elections  
Ensure protection of labour rights and promote safe and secure working environments for all workers | Number of labour union protests allowed by government  
Minimum work environment standard established by law | Formidable and non-partisan trade and labour unions  
Level of respect for labour unions right to peaceful protests  
Increase in national compliance of labour rights(freedom of association and collective bargaining) based on International Labour Organisation (ILO) textual sources and national legislation, by sex and migrant status | Ministry of Labour  
National Human Rights Commission  
National Industrial Court | Trade Unions  
Civil Society Organisations | |
| 27. Safe environment for peaceful protests | Nigeria Police Act 2020  
Public Order Act 1979  
Train law enforcement officers on protest or crowd management  
Ensure public enlightenment on peaceful protest | Number of law enforcement officers trained on protest or crowd management.  
Existing programmes on public enlightenment on peaceful protests | Improved safety during protests for protesters  
Number of peaceful protests carried out by Nigerian citizens  
Percentage increase in the number of protests that are | Ministry of Justice  
National Human Right Commission  
Ministry of Interior  
Civil Society Organisations  
National Orientation Agency |
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<tr>
<th>Objective</th>
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<tr>
<td>30. Conducive environment for investment in the aviation industry</td>
<td>Nigeria Immigration Services Act 2015</td>
<td>Immigration Act (Amendment) Bill, 2019</td>
<td>Improve efficiency of air transportation in Nigeria</td>
<td>Improvement in aviation services and air passenger safety</td>
<td>Number of air mishaps recorded in the country</td>
<td>Ministry of Aviation</td>
<td>Federal Airport Authority of Nigeria</td>
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<tr>
<td></td>
<td>Civil Aviation (Repeal and Re-enactment) Act 2006</td>
<td>Federal Airports Authority of Nigeria Act (Amendment) Bill, 2019</td>
<td>Promote safety of aircrafts, persons and property through regulation</td>
<td>Number of foreign investments in the aviation industry</td>
<td>Relative Ease of travelling by air in the country in terms of check in time, timely departure of flights and customer service</td>
<td>Ministry of Trade and Industry</td>
<td>Nigeria Civil Aviation Authority</td>
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<td></td>
<td>Nigerian Airspace Management Agency Act 1999</td>
<td>Civil Aviation (Amendment) Bill, 2019</td>
<td>Ensure the provision of incentives for airline investors</td>
<td>Number of safety trainings and retraining conducted for airline staff and management</td>
<td>Number of airports in the country with night landing facilities</td>
<td>Ministry of Foreign Affairs</td>
<td>Ministry of Foreign Affairs</td>
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<td></td>
<td>Immigration regulations 2017</td>
<td>Provide adequate infrastructure for</td>
<td>Number of routine</td>
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<td>Nigerian Meteorological Agency</td>
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<td>Nigerian Airspace Management Authority</td>
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<td>the aviation industry</td>
<td>maintenances carried out by airlines on aircrafts</td>
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<td></td>
<td>Existing national regulations for safety of investors aircrafts and passengers</td>
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<td></td>
<td>Number of waivers granted to airline investors</td>
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## RIGHT TO FREEDOM FROM DISCRIMINATION

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<tr>
<th>Objective</th>
<th>Legal Framework</th>
<th>Current Status (Policies and Administrative Steps)</th>
<th>Action</th>
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<th>Outcome Indicator</th>
<th>Lead Agency</th>
<th>Cooperating Partners</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>32. Inclusive education especially for children with</td>
<td>Discrimination Against Persons with Disabilities</td>
<td>National Policy on Education for Persons</td>
<td>Implement the Universal Basic Education Policy Enhanced inclusive education for vulnerable children</td>
<td>Number of out of school children</td>
<td>Ministry of Education</td>
<td>Ministry of Science and Technology</td>
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</tbody>
</table>

**Remarks**

- **Objective:** Right to freedom from discrimination
- **Legal Framework:** National Agency for the Control of AIDS Act 2004
- **Current Status:** National Workplace Policy (HIV/AIDS) Employment and Labour Laws and Regulations 2020
- **Action:** Implement Federal Character principle in employment opportunities Eradicate discrimination in the public service Promote public enlightenment and education on diversity and special needs
- **Performance Indicator:** Number of citizens employed using the Federal Character principle Number of violators punished. Number of mechanisms to checkmate discrimination in the public service provided Diversified educational mechanism provided
- **Outcome Indicator:** Geographic spread by zones and states, in terms of employment, from statistics of Federal Character Commission Number of persons with disability left unemployed
- **Lead Agency:** Federal Civil Service Commission Federal Character Commission National Human Rights Commission National Orientation Agency
- **Cooperating Partners:** National Commission for Persons with Disability Ministry of Trade Public Complaints Commission National Agency for the Control of AIDS Ministry of Sports Ministry of Youth Ministry of Women Affairs Ministry of Labour
- **Remarks:** Inclusive education especially for children with Discrimination Against Persons with Disabilities National Policy on Education for Persons Implement the Universal Basic Education Policy Enhanced inclusive education for vulnerable children Number of out of school children Ministry of Education Ministry of Science and Technology
<table>
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<tr>
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<th>Cooperating Partners</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>33. Equitable allocation of resources</td>
<td>Nigerian Minerals and Mining Act 2007</td>
<td>Financial Transparency policy 2019</td>
<td>Ensure equitable allocation of resources to states and local governments in the country</td>
<td>Monthly allocations received by states and local governments</td>
<td>Improved equitable allocation of resources</td>
<td>Ministry of Finance</td>
<td>National Bureau of Statistics</td>
<td>Civil Society Organisations</td>
</tr>
<tr>
<td></td>
<td>Nigerian Populations Commission Act 1998</td>
<td>Allocation of Revenue (Federation Account) (Amendment) Bill, 2019</td>
<td>Ensure that citizens have equal access to government services</td>
<td>Percentage number of developmental projects carried out by states and local government using the federal allocations</td>
<td>Proportion of resources allocated by the government directly for poverty reduction programmes</td>
<td>Revenue Mobilisation and Fiscal Commission</td>
<td>Civil Society Organisations</td>
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<tr>
<td></td>
<td>Niger Delta Development Commission Act 2000</td>
<td></td>
<td></td>
<td></td>
<td>Proportion of total government spending on essential services (education, health and social protection)</td>
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<tr>
<td>34. Equal opportunities for both gender</td>
<td>Nigeria Police Act 2020</td>
<td>National Gender Policy in Agriculture, 2019</td>
<td>End all forms of discrimination against all women and children everywhere</td>
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<td></td>
<td>National Centre for Women Development Act 1995</td>
<td>National Gender Policy 2006</td>
<td>Review laws and practices that are discriminatory to women</td>
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<td></td>
<td>Violence Against Person Prohibition Act 2015</td>
<td></td>
<td>Review the systematic conditions, policies, laws and institutional mechanism against women</td>
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<td></td>
<td>National Agency for the Prohibition of Trafficking in Persons 2003</td>
<td></td>
<td>Create enabling environment to promote equal participation of women in public life</td>
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<td></td>
<td>National Human Rights Commission (Amendment) Act 2010</td>
<td></td>
<td>Increase advocacy targeting policy makers, traditional and religious leaders</td>
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<td>Number of laws reviewed and amended to remove discrimination against women and girls</td>
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<td>Number of reviewed systematic conditions, policies, laws and institutional mechanism</td>
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<td>Percentage number of audiences reached</td>
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<td>Review the systematic conditions, policies, laws and institutional mechanism against women</td>
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<td>Carry out grass root and rural advocacy to reach target audience</td>
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<td>Legal frameworks in place to promote, enforce and monitor equality and non-discrimination on the basis of sex</td>
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<td>Proportion of seats held by women in the National Assembly and local governments</td>
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<td></td>
<td>Proportion of women in managerial positions</td>
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<td>Average monthly earnings of female and male employees, by occupation, age and persons with disability</td>
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| | Ministry of Women Affairs | Ministry of Information | | |
| | | | National Human Rights Commission |
| | | | National Orientation Agency |
| | | | Public Complaint Commission |
| | | | Nigerian Law Reform Commission |
| | | | Civil Society Organisations |
## RIGHT TO ACQUIRE AND OWN IMMOVABLE PROPERTY

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<tr>
<th>Objective</th>
<th>Legal Framework</th>
<th>Current Status (Policies and Administrative Steps)</th>
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<th>Outcome Indicator</th>
<th>Lead Agency</th>
<th>Cooperating Partners</th>
<th>Remarks</th>
</tr>
</thead>
</table>
| 35. Conducive environment for acquisition of land and other properties in any part of the country | Company and Allied Matters Act 2020  
National Human Rights Commission (Amendment) Act, 2010  
Bureau for Public Enterprises Act 1999  
Land Use Act 1978  
National Housing Fund Act 1992  
National Urban Development and Regional Planning Commission (Establishment, etc) Bill, 2019  
Federal Government Housing Policy 1990 | Address barriers to the acquisition of properties in any part of Nigeria  
Undertake reforms to give women equal rights to economic resources as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws  
Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels | No of measures and reforms undertaken give women rights to acquisition and ownership of land and other financial resources, especially inheritance  
Existence of legislations that promote gender equality | Improved access to property ownership  
Acquisition of properties free of encumbrances in Nigeria, by both men and women  
Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and share of women among owners or rights-bearers of agricultural lands | Ministry of Works  
Ministry of Land | Ministry of Works  
Federal Housing Authority  
Federal Mortgage Bank of Nigeria  
Organised Private Sector  
Civil Society Organisations  
International Financial Institutions | Improvements in access to property ownership; increase in the proportion of women owning agricultural land |
### 36. Rights-based approach to compulsory acquisition of properties by government

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<tr>
<th>Objective</th>
<th>Legal Framework</th>
<th>Current Status (Policies and Administrative Steps)</th>
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<tbody>
<tr>
<td>Ensure payment of compensation to affected citizens</td>
<td>National Human Rights Commission (Amendment) Act 2010</td>
<td>National Policy on Internally Displaced Persons in Nigeria 2012</td>
<td>Adopt human rights principles in acquisition of land or properties</td>
<td>Number of legal practitioners skilled and experienced in IP law</td>
<td>Number of legal practitioners</td>
<td>Ministry of Works and Housing, Urban Development Agencies, National Human Right Commission</td>
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<tr>
<td>Prompt payment of compensation of citizens on compulsory acquisition of land by government</td>
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<td>Percentage number of citizens that received prompt payment from government</td>
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<td>Percentage number of citizens that received prompt payment from government</td>
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### 37. Protection of intellectual property rights

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effectively protect intellectual property rights
CHAPTER FIVE

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

5.1 Scope or Rights

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

- Right to Work
- Right to Shelter
- Right to Health
- Right to Food
- Right to Water and Sanitation
- Right to Education
- Right to Culture

In considering the above Economic, Social and Cultural (ESCR) recourse is had to the provisions of Chapter II of the Constitution, titled The Fundamental Objectives and Directive Principles of State Policy. They are generally considered to be non-justiciable under the Constitution, unlike the Fundamental Rights under Chapter IV of the Constitution, having regard to the provision of its Section 46.

However, given the inter-dependence and inter-relatedness of all human rights wherein the realization of a justiciable right is dependent on the protection of the so-called non-justiciable right, this National Action Plan gives equal importance to all categories of rights. In addition, the ESC rights contained in the Chapter 2 of the Constitution are equally provided for under the African Charter on Human and Peoples’ Rights (ACHPR), which is now domesticated under CAP 10 LFN 1990. Article 7(1)(a) of that Charter confers upon every individual the right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations, and customs in force. Accordingly, it would seem that these rights are enforceable through competent national organs, including the courts. Further, as has been decided by the Indian Supreme Court, these rights can be enforced via the Fundamental Rights. Thus, for example, the rights to food, housing, education, etc., have been interpreted to be included in the right to life, in the sense that they are components of the quality of life. Also, these rights can now be enforced through the African Commission for Human and Peoples’ Rights, the African Court of Human Rights, when established, and possibly, through the ECOWAS Court.

Over time, several mechanisms have been developed for enforcing these in court through judicial review of administrative actions, originating summons and applications for enforcement of Fundamental Rights. Having regard to the nature of its obligations to respect, protect and fulfill Economic, Social and Cultural Rights,
government recognizes the need to establish necessary institutions to work towards the progressive realization of these rights.

5.2 RIGHT TO WORK

5.2.1 Constitutional Obligations

S.17(3) "The State shall direct its policy towards ensuring that-
(a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
(b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
(c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
(d) there are adequate medical and health facilities for all persons:
(e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;
(f) children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect;
(g) provision is made for public assistance in deserving cases or other conditions of need; and
(h) the evolution and promotion of family life is encouraged.

5.2.2 International Obligations

Our International Obligations include:

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

5.2.3 Challenges

- High level of unemployment
- Existence of discrimination against women and persons with disabilities in employment
- Discrimination on the basis of HIV/AIDS Status
- Discrimination on the basis of ethnicity/State of origin
• Increase in the number of Internally Displaced Persons (IDPs) and the consequent loss of livelihood
• Poor understanding and implementation of the Pension Reform Act
• Poor Co-operative Society Culture
• Casualization of labour
• Poor and unsafe work environment
• Prevalence of child labour and trafficking
• Victimization/Intimidation of workers based on political comments/affiliation
• Loss of livelihood and other negative impact of COVID-19 on the economy and employment

5.3 RIGHT TO SHELTER

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

5.3.2 International Obligations
Our International Obligations are guided by:
• Article 25(1) of the Universal Declaration of Human Rights, 1948
• Article 11(1) of the International Covenant on Economic, Social and Cultural Rights. 1966
• Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
• General comments No 4 by the Committee on Economic, Social and Cultural Rights, 1991
• The United Nations Millennium Declaration, 2000
• Articles 4, 5, 14, 22, and 24 of the African Charter on Human and Peoples’ Rights. 1981
• Other relevant International and Regional Instruments relating to this right.
5.3.3 Challenges

- Loss of economic base due to demolitions
- Internally displaced and disoriented families
- Discrimination in the implementation of the Federal Government Monetization Policy.
- High cost of building materials
- Indiscriminate demolition of houses
- Urban slums arising from poor planning
- Non-review of the Land Use Act, 1978
- Exorbitant rent charges
- Continued existence of illegal structures
- Over reliance on imported building materials
- The dearth of long-term housing finance for home buyers
- Weak enforcement of development control regulations
- Lack of adequate capital for mass housing projects
- Natural disasters such as Flooding and erosion

5.4 RIGHT TO HEALTH

5.4.1 Constitutional Obligations

S. 17(3)(d) - Government has a responsibility to ensure that “there are adequate medical and health facilities for all persons:

5.4.2 International Obligations

Our International Obligations are guided by:

- Article 16 of the African Charter on Human and People’s Rights
- Article 14 of the African Charter on the Rights and Welfare of the Child
- Article 25 of the Universal Declaration of Human Rights
- Article 12 of the International Covenant on Economic, Social and Cultural Rights
- ESC Rights Committee General Comments no. 14 on the Right to Health
- Any other relevant International and Regional Instruments relating to these rights.

5.4.3 Challenges

- Frequent industrial action in the Health Sector
- The provision of the Health Rights in Chapter 2 of the Constitution
• Limited implementation of the National Health Insurance Scheme only in the public service sector.
• Poor primary healthcare services
• Unequal access to basic health care
• Lack of cooperation between the Private and Public Health Services
• Uneven distribution of health resources
• Inadequate facilities for Health Care Services
• Inadequate qualified health personnel
• Poor Service Delivery by health personnel
• Overcrowded public hospitals
• High rates of infant and maternal mortality
• Lack of database for Health Workers
• Illiteracy and unemployment
• Inconsistency in Government Policies on health
• Poverty
• Absence of effective and dedicated geriatric care unit in public hospitals
• Shortage of drugs to people requiring advance treatment for AIDS
• Lack of effective community mobilization in areas of sanitation and harmful traditional practices.
• Lack of adequately equipped functional trauma centres in the country
• Inadequate geriatric care for older persons.
• Inadequate functional senior citizen centres
• Exclusion of older persons in National Health Insurance Scheme

5.5 RIGHT TO FOOD

5.5.1 Constitutional Obligations
S.16(2)(d), "...the State shall direct its policy towards ensuring that suitable and adequate food is provided for the citizens.
S.13 - It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.
Thus, the government recognizes that it must take reasonable legislative, administrative as well as other measures to achieve the progressive realization of the right to adequate food for its citizens.

5.5.2 International Obligations
Our International Obligations are guided by:
• Article 25 of the Universal Declaration on Human Rights
• Article 11 of the International Covenant on Economic, Social and Cultural Rights.
• Article 24(2)(c) and 27(3) of the Convention on the Rights of the Child.
• General Comment of the UN Committee on Right to Food (ECOSOC)
• Universal Declaration on Eradication of Hunger and Malnutrition
• Voluntary Guidelines on the Right to Food developed by the Intergovernmental Working Group of the FAO
• Article 17 of the Draft Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women
• The 1981 International Code of Marketing of Breast-milk Substitutes
• Article 12 Paragraph 2, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979
• The 1993 Declaration on the Elimination of Violence Against Women (DEVAW)
• The 1995 Beijing Platform for Action at ensuring women’s rights
• ILO Conventions 87, 98 and 169
• The International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD)
• World Declaration on Nutrition adopted at the International Conference on Nutrition in 1992
• The International Conference on Population and Development, 1994;
• The Copenhagen Declaration on Social Development, 1995
• The 2002 Plan of Implementation of the World Summit on Sustainable Development
• Declaration of the World Food Summit Five Years Later in 2002
• The final Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD), 2006
• The UN Declaration on Rights of Indigenous People (UNDRIP), 2007
• The Scaling Up Nutrition (SUN) Framework and Roadmap
• Goal 1, Millennium Development Goals (MDGs)
• Rome Principles for Sustainable Global Food Security, 2009
• African Charter on Integrated Agricultural Development

5.5.3 Challenges
• Perception on non-justiciability of the right to food
• Lack of food security
• Lack of access to modern agricultural techniques and equipment
• Inadequate and obsolete storage facilities
• Inadequate infrastructural facilities
• Obsolete farming techniques
• Bottlenecks in accessing credit facilities
• Poor food preservation and high loss of perishable foods
• Lack of storage facilities to reduce post-harvest loss of agricultural products
• Inadequate power supply
• Poor access to land for farming
• Impact of Farmers-Herders clashes, terrorism and other internal conflicts leading to displacement, on food production
• Climate Change
• Rural-Urban drift

5.6 RIGHT TO WATER AND SANITATION

5.6.1 Constitutional Obligations
“The State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.”

5.6.2 International Obligations
• Article 24 of the African Charter on Human and Peoples Rights on the right to a general satisfactory environment favourable to (peoples’) development
• UN General Assembly Resolution A/RES/64/292 of July 2010 which recognized water and sanitation as a Human Right
• UN Human Rights Council Resolution 18/1 of September 2011
• Articles 11(1) & (2)(a), 12(1) & (2) (b) & (c) and 15 (10 & (2) of the International Covenant on Economic, Social and Cultural Rights
• Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
• General Comment No. 15 (2002) of UN ECOSOC on the Right to Water

5.6.3 Basic Principles of the Right to Water And Sanitation
i. Non-discrimination: Universal and devoid of abuse of power
ii. Participation: Through information and education to foster sense of ownership and responsibility
iii. Sustainability: Enduring operations with entrenched culture of maintenance
iv. Accountability: Entrenched system for complaint response and resolution
v. Impact: Progressive availability
vi. Availability: Measurable minimum literage per person per day
vii. Quality and Safety: Hygienic and harmless
viii. Acceptability: Sensitivity to user values and sensitivities
ix. Accessibility: Distance and method-friendly
x. Chargeability: Affordable and cost-friendly
6.6.4 **Challenges**
- Unplanned population mobility
- Adverse climate change
- Draught and desertification
- Flooding
- Forced movement/displacement
- Prevalence of open defecation in parts of the Country
- Inadequate funding
- Contamination during distribution
- Obsolete infrastructure
- Improper waste management

5.7 **RIGHT TO EDUCATION**

5.7.1 **Constitutional Obligations:**
S.18. (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.
(2) Government shall promote science and technology
(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide:
   (a) free, compulsory and universal primary education;
   (b) free secondary education;
   (c) free university education; and
   (d) free adult literacy programme.

5.7.2 **International Obligations**
Nigeria’s International Obligations are guided by the provisions of:
- Article 26 of the Universal Declaration of Human Rights
- Article 13 of the International Covenant on Economic, Social and Cultural Rights,
- Article 29 of the Convention on the Rights of the Child,
- General Comment on the Right to Education by the International Covenant on Economic, Social and Cultural Rights Committee
- Other relevant International and Regional Instruments relating to right to education

5.7.3 **Challenges**
- Low enrolment of children, particularly, the girl child.
- Low completion of basic education, i.e., high rate of dropout, boys in the South-Eastern Zone of the Country.
- Shortage and poor-quality infrastructures in schools, e.g. classrooms, water, electricity, toilets and furniture
• Low capacity of teachers and inadequate remuneration of trained ones.
• Low access to technological and scientific equipment for learning
• Inadequate sporting and recreational facilities.
• Lack of adequate facilities for vulnerable groups, especially people with disabilities
• Poor coordination of adult literacy programmes
• Child labour
• Inadequate provision for technical and vocational training in the existing educational curricula
• Weak regulatory mechanism on quality assurance and affordability of private higher institutions.
• Poor condition of learning especially in public schools.
• High disparity in cut-off marks among students from different States into federal institutions
• Inadequate security for students and teachers in parts of the country where banditry and insurgency occur.
• Slow implementation of Safe School Declaration across the Country
• Abduction of students and educators.
• Drop in Standard of Education

5.8 RIGHT TO CULTURE

5.8.1 Constitutional Obligations

S.21 (a)(b) State shall protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter; and encourage development of technological and scientific studies which enhance cultural values.

Thus the government recognizes that it must take steps legislative, administrative as well as other measures to protect, preserve and promote the cultures of its citizens.

5.8.2 International Obligations

• Our International Obligations are guided by:
• Article 27 of the Universal Declaration on Human Rights
• Article 15 of the International Covenant on Economic, Social and Cultural Rights.
• Article 1 UNESCO Principles on International Cultural Co-operation
• Article 1 the UN Declaration on the Right to Development
• The Vienna Declaration and Programme of Action
• Article 17 and 22 of the African Charter on Human and Peoples’ Rights
5.8.3 Challenges

• Lack of official disaggregated data on the language, religious and ethnic composition of the population
• Inadequate protection and promotion of the cultural identity of minority groups
• The failure to include minority languages in the school curriculum
• Prevalence of some discriminatory and harmful traditional practices
• Poor maintenance, preservation and restoration of the cultural heritage
• Polarization of ethnic and religious Characteristics
• Lack of provisions for language education in lesser used languages
• Problem of environmental degradation in the Niger Delta due to frequent oil spills have deprived affected communities of their traditional livelihood
• Increased pressure exerted by languages spoken by large populations of speakers and the abandonment of native languages in favour of Nigerian Pidgin or English, among others
# IMPLEMENTATION PLAN - ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## RIGHT TO WORK

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<td>Equal opportunities for gainful employment for North East</td>
<td>Federal Competition and Consumer Protection Act, 2004</td>
<td>Ensure aggressive implementation of the National Social Investment Program (NSIP):</td>
<td>Improved number of federal, state and local government employment for women and</td>
<td>Number of federal, state and local government employment for women and</td>
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<td>Ministry of Labour and Employment</td>
<td>National Directorate of Employment</td>
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<td>Act 1961</td>
<td>Agricultural Credit Guarantee Scheme Fund Act, 1977</td>
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<td>Trade Union (Amendment) Act, 2005</td>
<td>National Salaries and Wages Commission Act, 1993</td>
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<td>Agriculture</td>
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both gender as well as Internally Displaced Persons and Persons with Disability

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<td>National Social Protection Policy 2013</td>
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<td>Federal Character Commission Act 1996</td>
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<td>Niger Delta Development Commission Act 2000</td>
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<td>Discrimination Against Persons with Disabilities (Prohibition) Act 2019</td>
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<td>Federal Character Commission Act 1996</td>
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<td>MSME Support Scheme (2020)</td>
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<td>North East Development Commission</td>
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<td>Ministry of Youth and Sports Development</td>
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<td>North-East Development Commission</td>
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<td>Ministry of Humanitarian Affairs, Disaster Management and Social Development</td>
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<td>National Commission for Refugees, Migrants and Internally Displaced Persons</td>
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<td>National Disabilities Commission</td>
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| 3. Protection of children and other vulnerable groups from economic exploitation | *Child Rights Act (2003)*  
*Discrimination Against Persons Living with Disability Act (2018)*  
*National Agency for the Prohibition Trafficking in Persons Act 2015*  
Government Initiative on Digital Skill Acquisition, Employability, Entrepreneurship, and Leadership (DEEL) | Ensure the full implementation of child rights laws in all the States  
Improve vocational, technical and entrepreneurial education at all levels | No of states that are implementing the Child Right  
Verified integration of vocational, technical and entrepreneurial education in academic institutions  
Number of persons trained in diverse skills disaggregated by sex and age | Reduced exploitation of children and other vulnerable group  
Number of children and other vulnerable groups who are not economically exploited.  
Proportion and number of children aged 5-7 years engaged in child labour  
Unemployment rate, by sex, age and persons with disabilities | Ministry of Education  
Ministry of Women Affairs  
National Agency for the Prohibition of Trafficking in Persons | Ministry of Science and Technology  
National Board for Technical Education  
National Educational Research & Development Council  
National Office for Technology Acquisition and Promotion (NOTAP)  
Industrial Training Fund (ITF)  
National Directorate for Employment  
National Human Rights Commission |
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<tr>
<td>4. Access to credit for individuals and small &amp; medium scale businesses</td>
<td>Banks and Other Financial Institutions Act (2020)</td>
<td>Anchos’ Borrowers Programme Youth Investment Programme Agri-Business /Small and Medium Enterprise Investment Scheme Artisanal and Small-Scale Miners Fund Graduate Entrepreneurship Fund Bank of Industry Bank of Agriculture Youth Ignite Initiative MSME Scheme National Youth Investment Fund Nigeria Incentive-Based Risk Sharing System for Agricultural Lending (NIRSAL) Government Enterprise and</td>
<td>Reduce bottlenecks that inhibit access to credit/loans for individuals, small and medium scale businesses Increase awareness of credit schemes and physical points of contacts for accessing credit to community levels Reduce interest rates on loans for individuals, small and medium scale enterprises. Strengthen existing entrepreneurship programmes to improve access to credit</td>
<td>Existing laws and policies that address access to credit/loans for individuals, small and medium scale businesses Percentage increase in number and volume of funds set aside to support individuals and business enterprises</td>
<td>Improved access to loan facilities for startups and existing business Number of persons or enterprises that access loans at low-interest rates Number of start-up businesses that have benefitted from various loan scheme provided by the government.</td>
<td>Central Bank of Nigeria Ministry of Commerce &amp; Industry Central Bank of Nigeria Ministry of Commerce &amp; Industry</td>
<td>National Directorate for Employment Bank of Agriculture Small &amp; Medium Enterprises Development Agency Nigeria Incentive-Based Risk Sharing System for Agricultural Lending Bank of Industry Ministry of Humanitarian Affairs, Disaster Management and Social Development</td>
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<td>5. Improved capacity and capability of relevant agencies to deliver on job creation</td>
<td>Company and Allied Matters Act 2020 National Directorate of Employment Act 1989 Small and Medium Scale Enterprises Agency of Nigeria Act 2003 Industrial Training Fund (Amendment) Act, 2011</td>
<td>Bureau of Public Service Reform Extended Special Publics Works Programme (2020)</td>
<td>Ensure increase budgetary allocation to relevant agencies responsible for job-creation Ensure improved effectiveness of systems and processes used for deployment of job creation schemes Ensure training of staff of agencies to design more relevant, appropriate job creation schemes, implement and manage them sustainably</td>
<td>Percentage increase in budgetary allocation to all relevant agencies involved in job creation Measurable framework for job creation schemes Number of staff of job creation agencies trained in job creation schemes</td>
<td>Number of jobs created by agencies set up to do so. Proportion of informal employment in non-agriculture employment, by sex</td>
<td>Ministry of Finance Office of the Head of Service</td>
<td>Ministry of Labour National Directorate of Employment Ministry of Humanitarian Affairs, Disaster Management and Social Development Federal and States Civil Service Commissions Small and Medium Enterprise Development Agency of Nigeria</td>
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<td>6. Access to quality education for all</td>
<td>Universal Basic Education Act 2004</td>
<td>Policy on Nomadic Education</td>
<td>Implement and enforce free and compulsory primary and secondary education at all levels pursuant to the Constitution and Universal Basic Education Act, and as ordered by a Federal High Court. Ensure improved security and safety of schools in the country to encourage enrollment and retention</td>
<td>Number of states with guidelines and/or rules on enforcement of compulsory education. Presence of security personnel in schools</td>
<td>Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex</td>
<td>Ministry of Education</td>
<td>Ministry Science and Technology, UBEC &amp; SUBEBs, National Commission for Nomadic Education, Education departments in LGAs, National Commission for Mass Literacy, Adult and Non-Formal Education, Ministry of Interior, UNICEF, UNESCO, Civil Society Organisations, Traditional Institutions</td>
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<td>7. Inclusive education for all children</td>
<td>Discrimination Against Persons with Disabilities (Prohibition) Act 2019</td>
<td>National Policy on Education for Persons with Disabilities.</td>
<td>Implement the Universal Basic Education policy for all children without discrimination with</td>
<td>Number of States with and/or implementing policies/guidelines</td>
<td>Improved inclusiveness in primary and secondary schools Percentage increase</td>
<td>Ministry of Education Education departments in</td>
<td>Ministry of Science and Technology Ministry of Women Affairs</td>
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focus on integration of children with disabilities
Ensure that all boys and girls have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.
Ensure recruitment and training of special needs teachers.
Increase funding for special needs education.
Review building codes to require schools to provide disability friendly infrastructure.

es on access to education for persons with disabilities
Number of States implementing policies on equal access to primary and secondary education.
Number of special needs teachers trained and recruited, by State
Inclusive education curriculum and syllabus developed and deployed at all levels
Disability friendly infrastructure – classrooms, administrative blocks, libraries, toilets, elevators, ramps and playgrounds - and teaching

in enrollment and retention of girls in primary and secondary schools
Proportion of children and young people achieving at least minimum proficiency level in reading and mathematics, by sex
Proportion of children under 5 years of age who are developmentally on track in health, learning and psychological well-being, by sex
Percentage increase in the number of pupils completing basic education

LGAs
Ministries of Education at Federal and States levels.
Ministry of Works and Education at all levels.

Universal Basic Education Commission
State Universal Basic Education Boards
UNICEF
UNESCO
Civil Society Organisations
National Human Rights Commission
National Commission for Persons with Disabilities
and learning resources made available.
Percentage increase in resources earmarked for special needs education at all levels.
Building Codes passed by National Assembly and signed into law

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Child Rights Laws in States in Nigeria  
State Laws prohibiting withdrawal of girls from school  
State laws prohibiting street trading  
State laws prohibiting early marriage | National Book Policy (Proposed)  
Home Grown School Feeding Program  
Unity Schools for girls only  
Scholarship schemes and bursary awards | Expand access to the Home-Grown School Feeding Programme.  
Adopt and implement girls’ friendly initiatives in education  
Ensure implementation of laws promoting retention of children in schools  
Create awareness on importance of education for all children | Number of beneficiaries of the school feeding programme disaggregated by sex, state and LGA.  
Number of girls’ friendly initiatives adopted and implemented  
Number of scholarships and bursaries awarded  
Number of awareness outreaches conducted | Number of children retained in schools per year, by sex | Ministry of Education  
Ministry of Women Affairs | National Orientation Agency  
Ministry of Humanitarian Affairs, Disaster Management and Social Development  
Scholarship Boards  
The Media  
Civil Society Organisations  
Parents Teachers Association  
School Based Management Committees  
Ministry of Youth & Sports Development |
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<td>12. Quality health care for all</td>
<td>National Health Insurance Scheme Act 2004</td>
<td>National Health Promotion Policy (2019)</td>
<td>Expand and strengthen the Health Insurance Scheme.</td>
<td>Number of states implementing the National Health Insurance programmes</td>
<td>Number of persons with access to quality health care, by sex, state and LGA.</td>
<td>Ministry of Health</td>
<td>National Health Insurance Scheme</td>
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<td>National Primary Healthcare Development Agency Act 1992</td>
<td>Basic Healthcare Provision Fund (2016)</td>
<td>Improve Doctor to patient and nurses to patient ratios</td>
<td>Number of persons with access disaggregated by sex, state and LGA.</td>
<td>Number of new HIV infections per 1,000 uninfected population, by sex, age and key population</td>
<td>Nigeria Medical Association</td>
<td>Nigeria Medical Association</td>
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<td>Nigeria Institute of Medical Research Act 1977</td>
<td>Nigeria Policy Towards Universal Health Coverage (2015-2020)</td>
<td>Reduce maternal mortality ratio to less than 70 per 1000 live births</td>
<td>Number of tertiary/primary institutions and states offering the insurance scheme.</td>
<td>Tuberculosis incidence per 1,000 population</td>
<td>Medical and Dental Council of Nigeria</td>
<td>Medical and Dental Council of Nigeria</td>
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<td>Nigerian Centre Disease Control Act 2018</td>
<td>National Policy on Roll back Malaria</td>
<td>End epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases</td>
<td>Proportion of births attended to by skilled personnel</td>
<td>Malaria incidence per 1,000 population</td>
<td>National Council for Nurses and Midwives</td>
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<td>Child Rights Act 2003 and Child Rights Laws of States</td>
<td>National Programme on Immunisation policy</td>
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<td>Number of people requiring interventions against neglected tropical diseases</td>
<td>National Senior Citizens Centre</td>
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<td>National Agency for Food and Drugs Administration and Control Act, 2004</td>
<td>Exclusive Breast-Feeding Policy</td>
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<td>Medical and Dental Practitioners Act 1988</td>
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<td>Reduction of risk factors to the enjoyment of the right to health</td>
<td>National Institute for Pharmaceutical Research &amp; Development Act 1987</td>
<td>Policy on Emergency Medical Services (2016)</td>
<td>Achieve national health coverage, including financial risk protection, access to quality essential health care services, effective quality and affordable essential medicines and vaccines for all</td>
<td>Increase in number of facilities adequately equipped for comprehensive maternal health care</td>
<td>Improved healthcare vis-à-vis reduced risk</td>
<td>Ministry of Health</td>
<td>National Agency for Food and Drug Administration and Control</td>
<td>National Primary Healthcare Development Agency</td>
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<td>National Human Rights Commission (Amendment) Act 2010</td>
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<td>Progressive reduction in infant mortality, especially in high-risk areas</td>
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<td>National Centre for Disease Control</td>
<td>International Non-Governmental Organizations</td>
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<td></td>
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<td>National Agency for the Control of AIDS Act 2004</td>
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<td>Number of women accessing pre- and post-natal care, especially in high-risk areas.</td>
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<td>Civil Society Organizations</td>
<td>UNICEF</td>
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<td>State Agencies for the Control of AIDS</td>
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<td>Percentage increase in access to free immunization</td>
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| 17. Effective responses to health emergencies | National Centre for Disease Control Act 2018  
National Agency or Food and Drug Administration and Control Act 2004  
Standards Organization of Nigeria Act, 2015  
Biosafety Act, 2015  
Nigeria National Pandemic Influenza Preparedness and Response Plan (2013)  
Quarantine Bill (2020)  
Preparedness and Response to Coronavirus 2019 (COVID-19) at Primary Healthcare and Community Level (2020) | Ensure the implementation of policies and action plan on preparedness for public health concerns  
Promote coordination in health emergency responses  
Promote programmes for public awareness on health emergencies | Existence of policy framework on response to health care emergencies  
Level of synergy and collaboration among health emergency response organizations  
Number of awareness creation activities on health emergencies. | Number of disease outbreak facilities and equipment procured each year.  
Health Regulation capacity and health emergency preparedness | Ministry of Health  
National Centre for Disease Control | National Primary Health Care Development Agency  
National Blood Transfusion Centre  
Health Management Boards  
National Agency for Food and Drug Administration and Control  
National Agency for the Control of AIDS  
National Health Insurance Scheme  
State Health Insurance Schemes  
Non-Governmental Organizations  
Nigerian Immigration Services |
### RIGHT TO SAFE WATER AND SANITATION

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<td></td>
<td>River Basin Development Authority Act, 1976</td>
<td>Executive Order 009 on Open Defecation in Nigeria</td>
<td>Build capacity on rainwater harvesting.</td>
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<td>Number or proportion of unserved populations reached with new water facilities</td>
<td>Ministry of Environment</td>
<td>Water Boards</td>
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<td>Strengthen systems for ensuring sustained water safety and quality.</td>
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<td>Numbers of people with improved capacity on rainwater harvesting</td>
<td>Africa Development Bank</td>
<td>UNICEF</td>
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<td>Existing legal and policy frameworks for water safety</td>
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<td>Percentage reduction in number of people/communityes relying on self-help, private boreholes</td>
<td>World Bank</td>
<td>European Union</td>
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<td>United Kingdom Department for International Development</td>
<td>International Non-Governmental Organizations</td>
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<tr>
<td>25. Access to land for agricultural purposes</td>
<td>Land Use Act 1978 National Food Reserve Agency (Establishment, etc.) Bill, 2019 River Basin Development Authorities Act 1986</td>
<td>Livelihood Improvement Family Enterprise (LIFE) N-Agro Scheme</td>
<td>Review and update laws and policies on access to land for agricultural purposes Address factors that limit women’s access to land Address environmental factors that negatively affect the availability of land for agricultural purposes</td>
<td>Number of laws and policies on land for agriculture reviewed. Number of factors that militate against access to land addressed</td>
<td>Average income of small-scale food producers, by sex and indigenous status</td>
<td>National and State Houses of Assembly Ministry of Agriculture</td>
<td>Federal Ministry of Justice Nigeria Law Reform Commission Ministry of Works and Housing</td>
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<tr>
<td>26. Enhanced access to credit for agricultural purposes</td>
<td>Central Bank of Nigeria Act 2007 Small and Medium Scale Industries Development Agency (Establishment) Act, 2003</td>
<td>Agricultural Credit Guarantees Scheme Fund (ACGSF) Agricultural Credit Support Scheme (ACSS) Commercial Agriculture Credit Scheme (CACS)</td>
<td>Create low interest revolving credit schemes for individuals, cooperative societies and corporate bodies Reduce impediments to access to agricultural loans especially by rural</td>
<td>Number of credit schemes for agricultural purposes established Level of ease in access to agricultural loans Number of persons &amp; groups accessing credit for agriculture</td>
<td>Number of persons &amp; groups accessing credit for agriculture Proportion of small-scale industries with a loan or line of credit</td>
<td>Ministry of Agriculture Central Bank of Nigeria</td>
<td>Bank of Agriculture Small and Medium Development Agency of Nigeria Ministry of Humanitarian Affairs, Disaster Management and</td>
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<td>27. Increased agricultural output</td>
<td>National Food Reserve Agency (Establishment, etc.) Bill, 2019 Bank of Agriculture Act 1991 Nigerian Institute for Oil Research, 1964</td>
<td>Agro-Processing Agricultural Productivity Enhancement and Livelihood Improvement Support (APPEALS) Nigeria Incentive-Based Risk Sharing System for Agricultural Lending (NIRSAL) International Institute for Tropical Agriculture (IITA) Federal Institute of Industrial Research, Oshodi</td>
<td>Promote mechanized and modern agricultural practices to boost production through extension services Support and strengthen agricultural cooperative societies Reduce taxes and tariffs on agricultural inputs Procure and ensure timely distribution of fertilizers to farmers across the country Build irrigation facilities to ensure all-year-</td>
<td>Number of farmers/cooperative societies reached through extension services Number of policy directives on the reduction of tariffs for agricultural inputs Comparative quantity of fertilizers procured and distributed and time of distribution</td>
<td>Volume of production per labour unit classes of farming/pastoral/forest enterprise size</td>
<td>Ministry of Agriculture</td>
<td>Agricultural Development Projects River Basin Authorities Revenue Services</td>
<td>Social Development African Development Bank World Bank Nigeria Incentive-Based Risk Sharing System for Agricultural Lending</td>
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<td>Standard Organisation of Nigeria Act, 2015</td>
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<td>National Agency for Food and Drug Administration and Control2004</td>
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<td>Nigeria Research Institutes Act, 2004</td>
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<td>Universities of Agriculture Act, 1992</td>
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<td>Agricultural Credit Support Scheme (ACSS)</td>
<td>Improve road, transportation and other infrastructure to support conveyance of both agricultural products and products. Establish clusters for the processing of agricultural products</td>
<td>Number of kilometers of agricultural feeder roads constructed</td>
<td>Proportion of small-scale agricultural industries in total industry value added</td>
<td>Ministry of Agriculture</td>
<td>Ministry of Works and Housing</td>
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<td>Nigeria Institute for Oil Palm Research</td>
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<td>Leather Research Institute of Nigeria</td>
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| 29. Attainment of food security | National Food Reserve Agency (Establishment, etc.) Bill, 2019  
Bank of Agriculture Act 1991  
National Strategic Grain Reserve Centres | Undertake research on the effects of climate change on food security  
Improve food storage and preservation and reduce spoilage  
Enhance production of high-yield seedlings and crops  
Improve food processing through establishment of cottage industries.  
End hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe nutrition and sufficient food all year round. | Research output on the impact of climate and recommendations on how they can be mitigated  
Percentage reduction in post-harvest spoilage  
Percentage increase in production of high-yield seedlings and crops  
Number of agricultural cottage industries established | Level of attainment of food security  
Prevalence of undernourishment | Ministry of Agriculture  
Ministry of Science and Technology | Manufacturers Association of Nigeria  
National Agency for Food and Drug Administration Control  
All Farmers Association of Nigeria  
Cattle Rearers Association  
National Strategic Grain Reserve  
Civil Society Organizations |
## RIGHT TO SHELTER

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</table>
| 30. Access to affordable and sustainable housing | National Housing Fund (Establishment) Act, 2018  
Federal Mortgage Bank of Nigeria Act, 1993  
Federal Mortgage Finance Act, 1990  
Federal Housing Authority Act, 1973  
African Charter on Human and Peoples’ Rights (Enforcement and Ratification) Act, 1983  
Land Use Act, 1978  
National Senior Citizens Center Act, 2017 | Nigeria Economic Sustainability Plan (2020)  
Sustainable Development Goal (SDG) 11  
Economic Recovery and Growth Plan (2017-2020)  
National Adaptation Strategy and Plan Action on Climate Change for Nigeria (NASPA-CCN) 2011. | Ensure rapid development of social housing schemes across the country  
Support research and development of cheaper local building material alternatives.  
Embark on massive housing project to lessen housing deficit in Nigeria.  
Intensify efforts to achieve sustainable housing in order to attain SDG 11.  
Massively sensitize Nigerians on available housing loan scheme | Number of operational Social Housing schemes at federal and state levels  
Number of houses delivered at the end of the Nigeria Economic Sustainability Plan.  
Increased in the numbers of locally made building materials.  
Numbers of newly constructed houses. | Numbers of individuals with access to affordable and sustaining housing.  
Proportion of urban population living in slums, informal settlements or inadequate housing.  
Number of beneficiaries of various government loan scheme or plan. | Ministry of Housing and Urban Development | Housing Authorities  
United Nations Development Programme  
National Orientation Agency  
Estate Developers & Surveyors Association  
Office of the Surveyor-General of the Federation |
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<tr>
<td>31. Improved access to mortgage facilities</td>
<td>Federal Mortgage Bank of Nigeria Act 1993</td>
<td>National Housing Fund Loan Scheme</td>
<td>Increase budgetary allocation to mortgage institutions in the country</td>
<td>Volume of funds set aside and dedicated to support mortgage financing</td>
<td>Level of reduction in illegal evictions and demolitions</td>
<td>Central Bank of Nigeria</td>
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<td>Federal Mortgage Bank of Nigeria Primary Mortgage Institutions</td>
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<td>Central Bank of Nigeria Act 2007</td>
<td>National Social Housing Programme (NSHP) 2020</td>
<td>Create a low-interest mortgage regime for individuals and housing cooperative societies</td>
<td>Increased percentage in budgetary allocation to mortgage institutions in the country</td>
<td>Proportion of people illegally evicted in a year</td>
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<td>Number of houses demolished without due process</td>
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<td>Land Use Act, 1978</td>
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<td>33. Compliance with building codes and</td>
<td>Builders Registration Act 2004</td>
<td>National Occupational Standards for Construction/</td>
<td>Ensure strict enforcement of building regulations and codes in urban</td>
<td>Building Code Bill passed in the National Assembly and</td>
<td>Level of compliance to building regulation and codes</td>
<td>Urban Development/ Town Planning</td>
<td>Council for the Regulation of Engineering in</td>
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<td>Regulations</td>
<td>Building Trades in Nigeria</td>
<td>Areas</td>
<td>Signed into Law</td>
<td>Number of collapsed buildings resulting from violation of building code</td>
<td>Authorities</td>
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<td>Environmental Standards and Regulations Enforcement Agency Act (2018)</td>
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<td>State Urban Development Laws</td>
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<td>National Human Rights Commission (Amendment) Act 2010</td>
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<td>Discrimination Against Persons with Disabilities (Prohibition) Act, 2019</td>
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<td>Council for the Regulation of Engineering in Nigeria, (Amendment) Act, 2019</td>
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<td>Standard Organisation of Nigeria, Act 2015</td>
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Develop strong monitoring mechanisms
Ensure diligent prosecution of defaulters

Nigeria
Standard Organisation of Nigeria
## RIGHT TO CULTURE

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</table>
| 34. Preservation and intergenerational transmission of culture | National Council for Arts and Culture Act 1975  
National Institute for Cultural Orientation Act 1999  
National Orientation Agency Act 1993  
National Commission for Museums and Monuments Act 1979  
Establish museums and cultural heritage locations to promote tourism and preserve culture  
Review the Nigerian Cultural Policy | Ensure the integration of indigenous languages in basic education curricula  
Review of existing curricula to confirm the integration of indigenous languages | Review of existing curricula to confirm the integration of indigenous languages  
Number of museums and cultural heritage centers in existence | Level of improvement in the preservation and transmission of culture  
Number of people who suffer rights violation as a result of cultural practices, by sex | Federal Ministry of Information and Culture  
Ministry of Culture and Tourism  
National Orientation Agency (NOA) | National Commission for Museum and Monuments  
National Council for Arts and Culture  
National Orientation Agency  
National Institute for Cultural Orientation | |

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</table>
| 35. Integration of human rights standards into cultural values and practices | National Council for Arts and Culture Act 1975  
National Institute for Cultural Orientation Act 1999  
National Orientation Agency Social Mobilization Guidelines 2019 | Ensure that cultural practices conform to national and international human rights principles  
Ensure eradication of obnoxious traditional practices | Number of initiatives to promote the integration of human rights into cultural practices  
Number of judicial | Number of people who suffer rights violation as a result of cultural practices, by sex | Ministry of Culture and Tourism  
National Orientation Agency (NOA) | National Commission for Museum and Monuments  
National Council for Arts and Culture  
National Orientation Agency | |
| National Commission for Museums and Monuments Act 1979 | decisions in which cultural practices that are against human right principles have been struck down. | Civil Society Organizations Traditional Institution Ministry of Justice National Human Rights Commission |
CHAPTER SIX

6.0 THE RIGHTS TO PEACE, PROTECTED ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The following rights are discussed in this Section:
• Peace
• Protected Environment
• Sustainable Development

In addition, Human Rights Education has been discussed using the framework of SDG 4.7 in order to promote knowledge and skill on human rights and advance a culture for the respect of rights.

6.1 RIGHT TO PEACE

6.1.1 Constitutional Obligations

Government has the obligation to ensure that all Nigerians are given equal and meaningful opportunity to attain their maximum potential. These and other instruments at the international, regional and sub-regional levels are guided by the principles of:
• A people driven process of policy formulation and programme implementation.
• Peace and Security of all; and
• Nation building


6.1.2 International Obligations:

• Article 5 of the International Covenant on Economic, Social and Cultural Rights, which deals with the protection of the rights of others.
• Articles 1, 2&3 of the convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
• Discrimination (Employment and Occupation) Convention, which deals with the prevention of discrimination against the employee and how to redress the issue, with view to ensuring industrial peace
• Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.
• Declaration on the Elimination of Violence Against Women
• Articles 1-7 of the Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities, which deals with the protection of the rights of the minorities.
• Convention on the Elimination of all Forms of Racial Discrimination
Points 12 – 14 of the Basic Principles in the use of Force and Firearms by Law Enforcement Officials which deals with the methodologies to be employed by law enforcement officials to disperse unlawful assembly

Statute of the International Criminal Court

United Nations Global Conference Development

Article 23 (1) (2) a & b page 67, Article 47 and Article 56 of the African charter on Human and Peoples’ Rights

Conference on Security, Stability, Development and Cooperation

Article 9 of the protocol on Africa Court on Human and Peoples’ Rights which deals with amicable resolution of cases

Articles 4, 5, 6, 11 of the African Union (AU) Protocol on Rights of Women in Africa

Economic Community of West African States (ECOWAS) Protocols on Conflict Prevention, Management, Resolution, Peacekeeping and Security.

1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

1997 International Convention for the Suppression of Terrorist Bombings

1999 International Convention for the Suppression of the Financing of Terrorism


1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection

Global Counter Terrorism Strategy

### 6.1.3 Challenges

- Lack of respect for human rights values
- Widening economic gap between the rich and the poor
- High unemployment rate
- Inadequate and inaccessible social services
- High rate of illiteracy
- Corruption
- Religious intolerance and bigotry, ethnicity and nepotism
- Political instability
- Proliferation of small arms and light weapons
- Growing sense of insecurity
- Insurgency, Kidnapping and banditry
- Communal and Religious Crisis
- Electoral Violence
• Ethnic agitations
• Political apathy and indifference
• Porous borders/Migrant influx
• Human trafficking
• Poor synergy between Law Enforcement Agencies
• Inadequate funding of Law Enforcement Agencies

6.2 RIGHT TO A PROTECTED ENVIRONMENT

6.2.1 Constitutional Obligations

S.20 The State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.
S.17 (2) In furtherance of the Social order ...(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented.

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

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

6.2.2 International Obligations

Our International Obligations are guided by:

• The Vienna Convention on Law of Treaties
• Convention on the Protection of Ozone Layer (Vienna Convention)
• The Basel Vienna Convention on the Reduction of the Production of Hazardous Waste and Control/Management of Hazardous waste
• Convention on the control of Desertification
• Convention on Co-operation in Protection and Development of Marine and Coastal Environment of West and Central Africa Region.
• Framework Convention on Climate change
• The Convention on Biological Diversity
• Montreal Protocol on Substances that Deplete the Ozone Layer
• Kyoto Protocol to the Convention on Climate Change on the Reduction of Green House Emissions
• Protocol Concerning Cooperation in Combating Pollution in case of Emergency
• Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters
• United Nations Convention of the Law of the Sea
• International Convention of the Law of the Sea
• International Convention on Oil Pollution Preparedness, Response and Co-operation
• International convention for the Prevention of Pollution of the Sea by Oil
• Convention on International Trade in Endangered Species of Wild Fauna and Flora
• Convention on Fishing and Conservation of the Living Resources of the High Seas
• Convention on the Control of Trans-boundary Movement of Hazardous Waste Disposal
• Rotterdam Convention on Prior Informed Consent Procedure on Movement of Certain
  Hazardous Chemicals and Pesticides in International Trade
• Ramsar Convention on Wetlands of International Importance
• International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Especially in Africa
• Bamako Convention on the Ban of Import into Africa and Trans-boundary movement of Toxic and Hazardous Waste 1991 (Signed by Nigeria in 2000).
• Other relevant International and Regional instruments Relating to the Environment.

The Government is also guided by the following non-binding instruments, which emanate from the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit or Rio summit held in Rio de Janeiro in June 1992.
• The Rio Declaration, which states how individuals are to co-operate and further develop international law in the field of sustainable development
• International Development Targets (IDTs) set in 1996 to improve economic well-being, social and human development and ensure environmental sustainability and regeneration.
• Agenda 21, which is a Blueprint and action Plan for the whole international community, linking development action for:
  - The fulfillment of basic needs
  - Improved living standards protection
  - Better protected and managed ecosystems
  - A safer and more prosperous future
• The UNCED Forest Principles

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

6.3 RIGHT TO SUSTAINABLE DEVELOPMENT

6.3.1 Constitutional Obligations
Government recognizes its obligation to ensure that all Nigerians should be given equal and meaningful opportunity to develop to their maximum potential. Government must:
• Improve the quality of life of all citizens
• Free the potential of every person in Nigeria/Respect, protect, promote and fulfill all political, civil, social, economic and cultural rights
• Ensure a cleaner and healthier environment for Nigerians

6.3.2 International Obligations
• African Charter on Human and Peoples’ Rights, 1981
• African Charter for Popular Participation in Development, 1990
• New Partnership for Africa’s Development (NEPAD) adopted by OAU IN 2001 and ratified by AU in 2002
• Article 5(2) of the African Charter on the Rights and Welfare of the Child 1989
• Article 1(1) of the Declaration on the Right to Development
• The general provisions of Universal Declaration of Human Rights
• The Vienna Declaration and Programme of Action, Adopted by the 1993 UN World Conference on Human Rights
• United Nations Convention Against Corruption, 2002
• The UN Global Conferences on:
- Population and development (Cairo) 1994
- Women (Beijing) 1995
- Development (Copenhagen) 1980

- Conference on Security, Stability, Development and Cooperation (Solemn Declaration, 2000)
- United Nations Framework Convention on Climate Change 1992
- Kyoto Protocol to the Convention on Climate Change, 1997
- Sustainable Development Goals (Agenda 2030)
- Article 8, Article 10, Article 11 of the Vienna Declaration and Programme of Action (1993),
- Article 6(2) of the United Nations Convention on the Rights of the Child,
- Other relevant International and Regional Instruments relating to this right

6.3.3 Challenges

- Misappropriation and misapplication of public funds
- Policy inconsistencies
- Corruption
- Implementation of policies that are not human rights compliant downsizing in Public Service administration and non-payment of entitlements
- Lack of a clear legal framework for Nigeria’s development
- Inadequate funding of institutions
- Lack of independence of anti-corruption agencies
- Insurgency, Kidnapping and banditry
- Communal and Religious Crisis
- Electoral Violence

6.4 Human Rights Education

6.4.1 International Obligations

- Article 26 of the Universal Declaration of Human Rights
- Article 13 of the International Covenant on Economic, Social and Cultural Rights
- Article 29 of the Convention of the Rights of the Child
- Article 10 of the Convention on the Elimination of all Forms of Discrimination against Women
- Article 7 of the International Convention on the Elimination of all Forms of Racial Discrimination
- The Vienna Declaration and Programme of Action (Part I, Paras 33-34 and Part II, Paras 78-82)
The Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance (Declaration, Paras 95-97 and Programme of Action Paras 129-139)


World Programme on HRE Phase II (2010-2014) – Human Rights Education in Tertiary Institutions and Human Rights Training for Teachers and Educators, Civil Servants, Law Enforcement Officials and Military Personnel at all levels.

United Nation Declaration on HRE and Training (2011).

6.4.2 Challenges

- Lack of an integrated national strategy for the implementation of HRE
- Lack of appropriate curriculum on HRE in the school system and the training institutions for security personnel and other professional groups.
- Poor access to education, especially in the north eastern part of the country
- Inadequate resource allocation to education
- Limitation posed by COVID 19 which affects face to face interaction and excludes critical audiences
- Diverse and deep rooted cultural practices.
- Insurgency and banditry which makes Education in general, and Human Rights Education in particular difficult.
# Implementation Plan - Right to Sustainable Development

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<tr>
<td>1. Proper waste management to protect the environment</td>
<td>Forestry Research Institute Of Nigeria (Establishment) Act 2018</td>
<td>The National Policy on Methanol Fuel Technology 2019</td>
<td>Reduce the adverse per capita environmental impact of cities, including by paying special attention to air quality and municipal and other waste management.</td>
<td>Development of a national waste database</td>
<td>Proportion of solid waste regularly collected and with adequate final discharge out of total urban solid waste generated, cities.</td>
<td>Ministry of Environment</td>
<td>Ministry of Trade and Investment</td>
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<td>Associated Gas Re-Injection Act 1979</td>
<td>Blue Box Recycling Initiative of Lagos State</td>
<td>Development of a roadmap to waste management for economic development</td>
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<td>Harmful Waste (Special Criminal Provisions, Etc.,) Act, 1988</td>
<td>National Environmental (Watershed, Mountainous, Hilly and Catchment Areas) Regulation, 2009</td>
<td>Encourage the development a circular economy strategy to encourage sustainable development</td>
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<td>National Oil Spillage And Detection Management Agency Act, 2006</td>
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<p>| Regulations Enforcement Agency Act, 2007 |
| Environmental Health Officers (Registration) Act 2002 |
| Nigeria Liquefied And Natural Gas (Fiscal Incentives, Guarantees And Assurances) Act 2004 |
| Petroleum Equalization Fund (Management Board, etc.) Act 1975 |
| Petroleum Production and Distribution (Anti-Sabotage) Act 1975 |
| Associated Gas Re-Injection Act 1979 |
| Environmental (Sanitation and Waste Control), 2009 |
| National Environmental (Permitting and Licensing System) Regulation, 2009 |
| National Environmental (Mining and Processing of Coal, Ores and Industrial Materials), 2009 |
| National Environmental (Soil Erosion and Flood Control) Regulations, 2011 |
| National Oil Spill Contingency Plan |
| Ensure the development of green economy strategy in Nigeria |
| Development Waste Management Agencies |
| Manufacturers Association of Nigeria |</p>
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<tr>
<td>2. Effective implementation of government policies and programmes on desertification and afforestation</td>
<td>Forestry Research Institute of Nigeria (Establishment) Act 2018</td>
<td>Implement policies to combat environmental degradation</td>
<td>Progress towards sustainable forest management</td>
<td>Reduced cases of environmental degradation</td>
<td>Ministry of Environment</td>
<td>Department of Climate Change National Environmental Standards and Regulation Enforcement Agency (NESREA)</td>
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<td>National Emergency Management Agency (Establishment) Act 1999</td>
<td>Ensure stronger implementation of REDD (Reducing Emissions from Deforestation and Forest Degradation) and REDD+ programmes</td>
<td>Percentage reduction in unsustainable mining</td>
<td>Increased resiliency for vulnerable communities.</td>
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<td>Ministry of Agriculture Lake Chad Basin Development Authority River Basin Development Authorities</td>
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<td>Nigerian Airspace Management Agency Act 1999</td>
<td>Develop environmentally friendly and sustainable mining policies and strategy</td>
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<td>Percentage reduction in cases of environmental degradation</td>
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<td>National Space Research and Development Agency Act 2010</td>
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<td>Percentage increase in climate resilience of communities and populations</td>
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<td>National Agency for the Great Green Wall (Establishment) Act 2015</td>
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<td>Percentage increase in sustainable livestock production</td>
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<td>Nigerian Hydrological Services Agency Act 2010</td>
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<td>Percentage increase in sustainable livelihoods and food security</td>
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<td>Nigerian Meteorological Agency (Establishment) Act 2003</td>
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<td>Nigerian Minerals and Mining Regulations, 2011</td>
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<td>National Forest Policy (NFP), 2020</td>
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<td>National Adaptation Plan (NAP) 2020</td>
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<td>National Disaster Management Framework 2010</td>
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<td>Ecological Trust Fund 1981</td>
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<td>National Disaster Response Plan 2002</td>
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<td>National Livestock Transformation Plan 2019</td>
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<td>3. Environmental management and sustainable extractive practices</td>
<td>Nigeria Mineral and Mining Act 2007 Petroleum Act 1969 Oil Pipeline Act 1956 Oil in Navigable Waters Act 1956 National Oil Spill Detection and Response Agency Act 2007 Nigerian National Petroleum Act 1977</td>
<td>Petroleum (Drilling and Production) (Amendment) Regulations, 2020 Flare Gas (Prevention of Waste and Pollution) Regulations, 2018 Hydrocarbon Pollution Remediation Project Nigerian Mining Industry Roadmap</td>
<td>Build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters</td>
<td>Percentage Increase in the number remediated sites Percentage Reduction in the number illegal extractive practices Percentage increase in the number of loans provided to the mining and extractive sector Increase in the number of offenders investigated and prosecuted</td>
<td>Number of deaths, missing persons and persons affected by disaster per 100,000 people Direct disaster economic loss in relation to global gross domestic product (GDP) Number of states with national and local disaster risk reduction strategies</td>
<td>Ministry of Environment Federal Ministry of Mine and Steel Development</td>
<td>Nigeria National Petroleum Corporation Ministry of Water Resources Corporate Affairs Commission Nigeria Extractive Industry Transparency Initiative Presidential Enabling</td>
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<tr>
<td>Nigeria Extractive Industry Transparency Initiative Act 2007</td>
<td>2017</td>
<td>Continue remediation of hydrocarbon, mineral and metal pollution sites</td>
<td>Number of public awareness programmes created by government on effect of environmental degradation</td>
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<td>Nigerian Mineral and Mining Regulations 2011</td>
<td>2011</td>
<td>Enforce laws for the eradication of illegal extractive practices</td>
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<td>National Minerals and Metals Policy 2008</td>
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<td>Provide loans and incentives in the extractive industry to ensure proper environmental management by stakeholders</td>
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<td>Nigerian Gas Master Plan 2008</td>
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<td>Ensure formal registration of companies involved in extractive practices</td>
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<td>National Gas Policy 2017</td>
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<td>Ensure diligent investigation and prosecution of offenders</td>
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<td>Business Environment Council</td>
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<td>Ensure continuous public awareness creation on effect of environmental degradation</td>
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<td>Ministry of Trade and Investment</td>
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<td>Federal Ministry of Petroleum Resources</td>
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<td>4. Reduction in financial misappropriation and money laundering</td>
<td>Economic and Financial Crimes Commission (Establishment) Act, 2004</td>
<td>Presidential Committee on Asset Recovery Whistleblowing Policy, 2016</td>
<td>Ensure efficient and timely prosecution of corruption cases to serve as a deterrence</td>
<td>Percentage increase in the prosecution of corruption cases across the country</td>
<td>Reduced cases of financial misappropriation and money laundering</td>
<td>Economic and Financial Crimes Commission</td>
<td>Central Bank of Nigeria</td>
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<td>Public Procurement Act, 2007</td>
<td>National Sanction Committee 2018</td>
<td>Ensure effective deployment of Blockchain technology to Ministries Departments and Agencies to discourage falsification and inflation of financial documents</td>
<td>Percentage decrease in the number of misappropriation cases in MDAs</td>
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<td>Nigerian Financial Intelligence Unit</td>
<td>National Human Rights Commission</td>
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<td>Administration of Criminal Justice Act, 2015</td>
<td>Presidential Advisory Committee Against Corruption 2015</td>
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<td>Percentage increase in government policies and directives to improve on transparency and accountability</td>
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<td>Fiscal Responsibility Commission</td>
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<td>Code of Conduct Tribunal Act, 1991</td>
<td>National Identity Number</td>
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<td>Revenue Mobilization Allocation and Fiscal Commission</td>
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<td>Money Laundering (Prohibition) Act as Amended, 2011</td>
<td>SIM – Card registration</td>
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<td>Auditors-General</td>
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<td>Terrorism (Prevention) Act, 2011 (As Amended)</td>
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<td>Nigerian Communications Commission</td>
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<td>Fiscal Responsibility Commission Act 2007</td>
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<td>5. Peaceful coexistence through the protection of lives and properties across religious, ethnic and political inclinations</td>
<td>Tribunal of Inquiry Act 1961 and Laws of states</td>
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<td>Incorporate religious tolerance into academic curricular</td>
<td>Curricular changed to accommodate religious tolerance for pupils/Students</td>
<td>Improved peaceful coexistence along ethno-religious, political and economic lines</td>
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<td>Institute for Peace and Conflict Resolution (Establishment) Act 2007</td>
<td>National Peace Policy 2015</td>
<td>Adopt controlled Silvo-pastoral systems to avoid farmers-herder’s conflicts</td>
<td>Level of adoption of Silvo-pastoral systems to reduce conflicts</td>
<td>Percentage decrease in rights violations by security personnel</td>
<td>Nigeria Educational Research and Development Council</td>
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<td>Nigeria Educational Research and Development Council Act 1988</td>
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<td>Ensure training and retraining of security personnel on conflict management in-line with international best practices and respect for human rights</td>
<td>Percentage decrease in rights violations by security personnel</td>
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<td>Nigerian Army</td>
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<td>National Boundary Commission, etc., Act 1987</td>
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<td>Invest in tech-based intelligence gathering for crime detection and prevention</td>
<td>Increase in the number of training provided for security officials on principles of peace, justice and democracy</td>
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<td>Increase in technology assisted intelligence gathering and sharing among security agencies</td>
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CHAPTER SEVEN

7.0 RIGHTS OF WOMEN AND CHILDREN

7.1 Rights of Women

The following rights are discussed in this section:

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

7.1.1 Constitutional Obligations

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

- African Union Charter on the Rights and Welfare of the Child (CRWC)
- African Union Convention on the Protection of Internally Displaced Persons (Kampala Convention)
- African Charter on Human and People's Rights
- African Union Solemn Declaration on Gender Equality, 2004
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
- Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict;
- Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography;
- United Nations Convention Against Torture
- International Covenant on Civil and Political Rights (ICCPR) (and its two Protocols)
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- International Covenant on the Elimination of all forms of Racial Discrimination, 1969
- Convention on the Political Rights of Women, 1954
- Protocol relating to the Status of Refugees.
- Convention relating to the Status of Refugees.
- Convention on the Rights of Persons with Disabilities
- International Conference on Population and Development, 1994
- International Labour Organization (ILO) Convention (No. 45) Concerning the Employment of Women on Underground Work in Mines of all kinds.
- ILO Equal Remuneration Convention (1951); and
- Rio + 10 World Summit on Sustainable Development (WSSD)
- Beijing Declaration and Platform for Action, 1995
- Organization of African Unity Refugee Convention, 1974
- ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa.
- ECOWAS Protocol on Democracy and Good Governance.
7.1.3 Challenges

- Lack of provision for Affirmative Action for ensuring equitable women participation in the electoral process including access to elective posts
- Rapid spreading of HIV/AIDS
- Trafficking in persons and inadequate preventive measures
- Illiteracy and low enrolment of the girl child
- Harmful cultural and traditional practices
- Inadequate constitutional provisions/legislation for women e.g. sexual violence, domestic violence
- Lack of political will on the part of the government
- Prevalence of Poverty.
- Adopted discriminatory practices by government agencies (immigration/taxes)
- Wrong application of religious doctrines
- Attitude – culture of silence, stereotyping, etc
- High level of Corruption
- High rate of Maternal mortality
- Lack of coordinated response for Violence Against Women
- Low presence of Gender Desks in Police formations and in other security agencies
- Inadequate shelters and rescue centres to respond to Gender Based Violence
- Multiple factors inhibiting women’s participation in politics
- Discriminatory inheritance and widowhood practices
- Lack of gender sensitive data
- Violence Against Women and Girls
- Inadequate resources for intervention programmes
- Inadequate enforcement of legislations and policies particularly those on women’s rights
- Discriminatory constitutional provisions e.g. Section 42 (3), Section 26, section 29
- Discriminatory policies and laws e.g. Section 55 of the Penal Code which permits wife beating and Regulation 121 – 129 of the Police Act, Section 363 of the Criminal Code
- Discriminatory practices against women in appointment based on State of origin and marriage
- Inadequate level of awareness of rights
- Tripartite legal system and its effect on women
- Low attention to gender sensitive budget and implementation
- Inadequate gender sensitive training programmes
- Inadequate budget allocation to the Ministry of Women Affairs
- Weak coordination between women-focused MDAs and civil society
- Non – adoption of Violence Against Persons(Prohibition), Act in some states
- Non – Passage of Gender and Equal Opportunity Bill by National Assembly
• Impact of Covid-19 Pandemic and the resultant lockdown on women

7.2 THE RIGHTS OF CHILDREN

The following rights are discussed in this section:
• Survival
• Protection
• Development
• Participation

7.2.1 Constitutional Obligations
• Every citizen’s civil and political rights are protected as Fundamental Rights under Chapter 4 of the 1999 Nigerian Constitution.
• The State is obligated under Chapter 2 of the Constitution to ensure the effective realization of the political, social, economic, cultural, educational and environmental rights of the citizens, to participate in national development.
• Section 42 of the Nigerian Constitution 1999 as amended

7.2.2 International Obligations
Nigeria undertakes to promote and protect Children’s Rights under the following:
• ECOWAS Declaration on the Decade of a Culture of the Rights of the Child in West Africa
• ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa.
• ECOWAS Protocol on Democracy and Good Governance.
• African Union Convention the Use of Children in Armed Conflict
• African Charter on Human and People’s Rights
• Organization of African Unity Refugee Convention
• African Union Protocol on the Rights of Women in Africa.
• African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
• African Union Charter on the Rights and Welfare of the Child
• Articles 25(2) and 26 of the Universal Declaration on Human Rights
• Article 24 of the International Covenant on Civil and Political Rights
• Article 10 of the International Covenant on Economic, Social and Cultural Rights
• United Nations Convention on the Rights of the Child (CRC)
• Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
• Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography
• United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
• Optional Protocol to CEDAW
• The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption
• United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
• International Covenant on the Elimination of all forms of Racial Discrimination
• Convention Relating to the Status of Refugees
• Protocol Relating to the Status of Refugees
• ILO Convention (No. 45) Concerning the Employment of Women on Underground Work in Mines of All Kinds
• ILO Equal Remuneration Convention (1951)
• UNESCO Convention Against Discrimination in Education (1960)
• Geneva Conventions 1949 on the Use of Children in Armed Conflict

7.2.3 Challenges

• Lack of proper implementation of the provisions of Child’s Rights Act, 2003 and Child Rights Laws
• Non-adoption of Child's Rights Law in some States
• Non-inclusion of sexual health and reproductive rights education in primary and secondary schools
  - Sexual violence, including rape, incest, defilement and online sexual exploitation
  - Murder/ assault/neglect/abandonment
• Problem of street, homeless and internally displaced children
• Prevalent family poverty leading to child labour, child trafficking, child sale, child prostitution, drug abuse, etc
• Weak enforcement of legislation
• Low political will leading to inadequate budgetary allocation for child rights issues across child-related sectors
• Weak implementation of available legislations
• Illiteracy caused by poverty, high school dropout rates, teenage pregnancies, urban/rural disparities in the education sector, etc
• Low public knowledge and appreciation of child rights
• Inadequate initiatives promoting participation of children in decision-making both at home and public settings.
• Inadequate shelters and rescue centers for integrated response to child survivors of rape, sexual violence, trafficking, domestic violence, prostitution and all forms of violence against children
• Harmful Cultural Practices/Beliefs/Myths
• Orphans and Vulnerable Children
• HIV/AIDS and Mother-to-Child-Transmission of HIV/AIDS
• Unhindered access and exposure to information technology leading to pornography, general online exploitation, erosion of cultural values and other vices.
• Low level of disaggregated data on children
• Non-prioritization of children’s rights in the Constitution
• Insurgency, interreligious and ethnic conflicts with disproportionate negative impact on children.
• Inadequate number of Borstal Homes and other prescribed institutions for children in conflict with the law.
• Slow implementation of Juvenile justice reforms.
• Prevalent Violence against Children and slow implementation of the recommendations of the National Violence Against Children Survey
• Child marriage.
• Absence of practice direction (Rules of Procedure) for Family Courts
• Non-regulation and monitoring of Orphanages and other privately owned Centres for children
• Bureaucracy and illegal practices on the adoption process
• Non or low implementation of fostering system
• Inadequate focus on child protection in humanitarian settings
• Non-designation of specialised staff for the Family Courts e.g., Assessors, Counsellors, etc.
• Imposition of levies and hidden charges for educational items recognized as free under the Universal Basic Education Act
• A generally slow judicial process affecting children’s right to reformation and rehabilitation
• Weak collaboration and coordination between key MDAs, security agencies and CSOs involved in Child Rights
• Weak understanding of Child Rights principles with Law Enforcement and judicial systems
• Non-prioritization of Child Rights issues in national and state budgets.
• Weak capacity of State Child Rights Implementation Committees
• Weak implementation of the UBE Act leading to high incidence of Out of School Children
• Lack of reproductive health information and services
• Sexual Abuses
• Drug Abuse
• Cultism
• Thuggery and Violence
• Prohibitive cost of education
• Impact of Covid – 19 Pandemic on children especially in education
• Under-representation of children in matters affecting them (voices not heard)
# IMPLEMENTATION PLAN – RIGHTS OF WOMEN, CHILDREN AND YOUNG PERSONS

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<td>1. Protection of women against all forms of discrimination, abuse and exploitation</td>
<td>Administration of Criminal Justice Act 2015</td>
<td>National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities with emphasis on Women and Girls, 2018</td>
<td>End all forms of discrimination against all women and girls everywhere</td>
<td>Reduction in number of harmful traditional practices, exploitation and discrimination against women</td>
<td>Legal frameworks in place to promote, enforce and monitor equality and non-discrimination on the basis of sex</td>
<td>National Human Rights Commission</td>
<td>Legal Aid Council Public Complaints Commission Ministry of Women Affairs National and State Centers for Women Development Office of the Senior Special Assistant on Sustainable Development Goals (Presidency) Ministry of Justice National Agency for the Prohibition of Trafficking in Persons Civil Society Organisations Development</td>
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<td>National Policy on Reproductive Health 2006 – 2009</td>
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<td>National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria 2013 – 2017</td>
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<td>National Strategic Framework on HIV/AIDS 2017 – 2021</td>
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<td>National Guidelines and Strategies for Malaria Prevention Control During Pregnancy, 2005</td>
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Sexuality and Family Life Education
National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions on Women, Peace and Security in Nigeria
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<td>Central Bank of Nigeria Act 2007</td>
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<td>Number of poverty alleviation programs targeted at women</td>
<td>Share of women among owners or rights-bearers of agricultural land, by type of tenure</td>
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<td>Federal Mortgage Bank Act 1993</td>
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<td>Bank of Agriculture and Agricultural Cooperative Act, 1966</td>
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<td>4. Protection of women against sexual and gender-based violence</td>
<td>National Agency for the Prohibition of Trafficking in Persons Act, 2003</td>
<td>National Gender Policy, 2006</td>
<td>Diligent prosecution of offenders of sexual and gender-based violence. Establish Sexual Offenders Register throughout the Federation. Provide adequate compensation for victims and survivors of sexual and gender-based violence. Increase advocacy on rights of women targeting traditional rulers, religious leaders, women and youth leaders. Designate specialized Courts to deal with matters of SGBV and general Violence Against Women. Establish one stop centres for multi-faceted response to survivors of rape,</td>
<td>Number of states with sexual offender's register. Number of victims and survivors adequately compensated by government. Number of the perpetrators prosecuted for sexual and gender-based violence. Number of compensations given to victims and survivors of sexual and gender-based violence. No of states with specialized courts to deal with cases of SGBV and general abuse against women.</td>
<td>Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age. Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.</td>
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<td>National Health Insurance Scheme Act 2004</td>
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<td>Number of pregnant women with access to primary health care services</td>
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<td>Administration of Criminal Justice Act 2015</td>
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<td>African Charter on Human and Peoples’ Rights (Ratification and Enforcement)</td>
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<td>National Home-Grown School Feeding Program</td>
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<td>Ensure effective implementation of Child Rights Act and Child Rights Laws across the states</td>
<td>Number of states that adopted Child Rights Law</td>
<td>Improved protection of the rights of children</td>
<td>Federal and States Ministries of Women Affairs and Education</td>
<td>Law Reform Commission</td>
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<td></td>
<td>Fundamental Human Rights Enforcement Procedure Rules 2009</td>
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<td>Promote the enforcement of the Universal Basic Education Act to reduce out-of-school children</td>
<td>Incidents of sexual and gender-based violence against children investigated</td>
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<td>National Assembly &amp; State Houses of Assembly</td>
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<td>National Child Policy, 2007</td>
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<td>National Policy on Sexuality and Family Life Education</td>
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<td>that have acquired numeracy and literary skills</td>
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<td>7. Effective primary health care services for women and children</td>
<td>National Primary Health Care Development Agency Act 1992</td>
<td>National Child Policy, 2007</td>
<td>Strengthen primary health care services to cater for women and children</td>
<td>Number of states implementing basic health care services</td>
<td>Improved health care services for women and children</td>
<td>Ministry of Health</td>
<td>National Human Rights Commission</td>
<td>National Human Rights Commission</td>
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<td>Child Rights Act 2003 and Child Rights Laws of various States</td>
<td>National Policy on Nutrition 2014 - 2019</td>
<td>Provide adequate funding for primary healthcare facilities</td>
<td>Proportion of budgetary allocation to the health sector at federal and state levels</td>
<td>Number of women and children with access to quality health care services</td>
<td>National Primary Healthcare Development Agency</td>
<td>National Orientation Agency</td>
<td>State Ministries of Women Affairs</td>
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<td>Nigerian Centre for Disease Control Act 2018</td>
<td>Fundamental Human Rights Enforcement Procedure Rules 2009</td>
<td>Ensure availability of medical personnel and equipment at primary healthcare facilities</td>
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<td>National Medical Laboratory Science Council</td>
<td>Religious and Traditional Institutions</td>
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<td>National Human Rights Commission (Amendment) Act 2010</td>
<td>Zero Hunger Initiative 2016</td>
<td>Improve accountability in primary health care services</td>
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<td>Civil Society Organisations</td>
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<td>National Health Act 2014</td>
<td>National Policy on Infant and Young Child Feeding in Nigeria 2010</td>
<td>Capacity Building for Health Care Providers</td>
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<td>National Medical Association</td>
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<td>Discrimination Against Persons with Disabilities (Prohibition) Act 2019</td>
<td>National Homegrown School Feeding Programme</td>
<td>Ensure adequate training and retraining of teachers</td>
<td>Number of teaching staff recruited</td>
<td>Number of children enrolled for universal basic education</td>
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<td>Child Rights Act 2003 and Child Rights Laws of various States</td>
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<td>Review education curriculum periodically</td>
<td>Number of teachers who received training</td>
<td>Number of children who accessed quality universal basic education</td>
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<td>National Commission for Nomadic Education (NCNE) Act 1989</td>
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<td>Provide incentives to improve school retention</td>
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<td>Number of children completing school</td>
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<td>National Agency for Prohibition of Trafficking in Persons Act 2015</td>
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<td>ICT infrastructure for children under the close monitoring/supervision</td>
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<td>Number of children retained in school</td>
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<td>National Health Insurance Scheme Act</td>
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<td>Discrimination Against Persons with Disabilities (Prohibition) Act 2019</td>
<td>Fundamental Human Rights Enforcement Procedure Rules 2009</td>
<td>Protect children from trafficking and sexual exploitations</td>
<td>Proportion and number of children aged 5-17 years engaged in child labour, by sex and age</td>
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<td>Ministry of Education</td>
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<td>National Agency for Prohibition of Trafficking in Persons Act 2015</td>
<td>National Child Policy, 2007</td>
<td>Support the adoption of VAPP Act by States</td>
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<td>Ministry of Education</td>
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<td>National Human Rights Commission (Amendment) Act 2010</td>
<td>National Policy on Sexuality and Family Life Education</td>
<td>Enforce laws and policies that address the challenge of street, homeless and internally displaced children</td>
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<td>National Human Rights Commission</td>
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CHAPTER EIGHT

BUSINESS AND HUMAN RIGHTS

Background

The United Nations Guiding Principles on Business and Human Rights (UNGP) gives a framework on how government and businesses are to protect and respect human rights, including what mechanisms are to be put in place to reduce, mitigate and redress business-related violations. This Action Plan seeks to operationalise these principles in practical, real and specific terms, exploring how government discharges the Duty to Protect in the context of business and how businesses operationalize the Duty to Respect and more importantly how to ensure Access to Remedy for individuals or communities adversely affected by business operations. It also encourages adoption of effective grievance mechanism by companies to address human rights issues.

The plan provides clear benchmarks for measuring progress and achievements in the implementation process by allocating roles and responsibilities for each stakeholder group in order to advance human rights and business in Nigeria. It therefore seeks to develop strategies for implementing human rights and business imperatives in Nigeria. It reinforces the three Pillars of the UNGPs which are:

1) The State duty to protect human rights
2) The corporate duty to respect human rights
3) Access to Remedy
The Plan is therefore developed along these three pillars. It outlines actionable items by the Federal Government of Nigeria to address business-related human rights abuses, focusing on institutional backing of appropriate agencies, ensuring FPIC, stakeholder identification and analysis, employment, casualization and contract employment, land acquisition, compensation, gender, mobilization, sensitization and awareness creation, capacity building, resettlement, community development, community consultation and engagement, security, conflict resolution, reporting and monitoring compliance, community responsibility, reward and recognition and exit strategy.

**Constitutional Obligations**

*S.17(3)* - *the State directs its policy towards ensuring that-

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

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

(c) **The health, safety and welfare of all person in employment are safeguarded and not endangered or abused;**

(d) **There are adequate medical and health facilities for all person;**

(e) **There is equal pay for equal work without discrimination on account of sex, or no any other ground whatsoever;**
(f) Children; young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect;

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

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

**Domestic Legislation**

- National Industrial Court Act 2006
- The Companies and Allied Matters Act (CAMA) CAP C20 LFN 2004
- The Investment and Securities Act, 2007
- The Banks and Other Financial Institutions Act (BOFIA) 2004
- the Nigerian Sustainable Banking Principles, 2012
- Sustainability Disclosure Guidelines, 2018
- Nigeria Data Protection Regulation, 2019
- Environmental Impact Assessment Act CAP E12 LFN 2004;
- Nigeria Labour Law Act 2004
- Harmful Waste (Special Criminal Provisions) Act CAP H1 LFN 2004
- Oil Pipelines Act 2004
- Nigerian Communications Commission Act 2003
- Federal Competition & Consumer Protection Act 2019
- National Health Act 2014
- Nigeria Extractive Industries Transparency Initiative 2007
- National Environmental Standards & Regulations Enforcement Agency 2018
International Obligations

- The African Charter of Human and Peoples’ Rights
- The Universal Declaration of Human Rights (UNDHR),
- The International Covenant on Civil and Political Rights (ICCPR),
- The International Covenant on Economic, Social and Cultural Rights (ICESCR).
- The Convention on the Elimination of All Forms of Discrimination (CERD);
- The International Convention on the Elimination of all Forms of Racial Discrimination (ICERD);
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- The United Nations Convention on the Rights of a Child (CRC);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The International Labour Organisation (ILO) Convention 54 of 1935

Policies and Administrative Steps

- Nigerian Code of Corporate Governance, 2018
- Nigeria Data Protection Regulation, 2019
- Establishment of Committees on public petition, human rights and justice in the National and State Houses of Assembly
- Establishment of Investment Tribunal and National Industrial Court
Challenges

- Casualisation of employment, especially in the oil and gas sector, as well as the telecommunications, banking and financial services sectors.
- Contradictions in the provisions of Nigerian Labour Act with regards to freedom from discrimination on basis of sex at place of employment as provided by Section 42 of the Nigerian Constitution.
- Cost of litigation is a major impediment to access to remedy for victims of business human rights abuses.
- Enforcement of judgment of court for successful litigants.
- Ratification of convention 176 (safety and health in mines 1995).
- Non-review of the existing Labour Act
- Non-ratification of Convention 176 (Safety and Health in Mines 1995).
- Ignorance and lack of awareness of rights by communities
- Challenges regarding Freedom of Association under the Trade Union (Amendment) Act, 2005.
- Limitation of Freedom of Information Act, 2011 to only public institutions, including lack of Whistleblower Protection Law.
- Lack of adequate human rights, conflict and environmental impact assessment when land is being acquired for development or business purposes.
- Lack of government involvement in observing stakeholder’s engagement and consultation to the detriment of the host communities.
• The increasing reliance on businesses by the government to develop communities.

• Lack of effective, transparent, sustainable grievance mechanisms for businesses to address conflicts with communities including documenting and reporting of activities of settlement.

• Businesses not taking the Local Content Act 2010 into consideration in their employment process.

• Certain laws on business and employment being obsolete and not aligned to international standards.

• Lack of involvement and inclusion of the community in the design and management of security architecture and operations of businesses that they host.

• Lack of human rights training for security providers in their logistic support and general oversight, including the Nigeria Security and Civil Defense Corps (NSCDC).

• Lack of inclusive security coverage for every entity in the business value chain including business facilities, employees, suppliers, contractors, infrastructure and the community.

• Inability of Government to adequately monitor and ensure human rights are protected in the provision of security.

• Lack of partnership between businesses and public security

• Lack of a realistic, implementable business and human rights reporting mechanism for businesses to report on their business and human rights situation.

• Lack of incentives developed by Government for businesses to comply with business and human rights provisions.
• Lack of a clear policy and guidance note developed by Government on the exit strategy of businesses when their operations come to an end.
• Violation of right to fair hearing by the courts.
Pillar 1

State Duty to Protect Human Rights

The Nigerian government is the primary duty bearer for the protection and progressive realisation of human rights in Nigeria. As part of this duty, government is obligated to regulate business practices and activities within its territory, as well as prevent, mitigate and address adverse impacts of business operations through policies, legislation, regulation, adjudication or other measures. In line with State Duty to Protect, there should be legislative and policy coherence to ensure that state human rights obligations are complied with and applied effectively.

Actionable items

A. Establishment of a National Working Group on Business and Human Rights (NWGBHR)

The government shall establish a National Working Group on Business and Human Rights (NWGBHR) to coordinate all activities of agencies that are involved in dealing with human rights and business-related issues. Membership of the Working Group shall include the following:

i) Ministry of Justice
ii) National Human Rights Commission (NHRC)
iii) Ministry of Trade, Industry and Investment
iv) Ministry of Mines and Power
v) Ministry of Petroleum Resources
vi) Ministry of Environment
vii) Ministry of Labor and Productivity
viii) Ministry of Niger-Delta
ix) Ministry of Environment
x) Consumer Protection Council (CPC)
xii) National Environmental Standards Regulatory and Enforcement Agency (NESREA)
xiii) National Oil Spill Detection and Response Agency (NOSDRA)
i) Niger-Delta Development Commission (NDDC)
ii) National Agency for Drug Administration and Control (NAFDAC)
iii) Standard Organization of Nigeria (SON)
iv) Nigerian Investment Promotion Council (NIPC)
v) Nigerian Bar Association (NBA)
vi) National Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA)
vii) National Electricity Regulatory Commission (NERC)
viii) Federal Airports Authority of Nigeria (FAAN)
ix) Manufacturers Association of Nigeria (MAN)
x) Nigeria Labour Congress (NLC)
x) Non-Governmental Organization with focus on Human Rights and Business, gender, environment and development.
xii) Any other relevant organization.

This composition will be replicated in the states. The Working Group will have the following responsibilities, among others:
i. To determine the capacity needs of businesses and other agencies in the area of business and human rights.

ii. Conduct capacity-building trainings for different stakeholders on human rights and business using the UNGP framework.

iii. Design and agree on a format for reporting human rights and business by stakeholders.

iv. Review the reports periodically and provide technical support for stakeholders in their area of need.

v. Drive the process of reviewing the NAP periodically.

vi. Periodically assess and support the establishment of grievance mechanisms in companies.

vii. Oversight companies’ human rights Due Diligence activities and Human Rights Impact Assessment.

viii. Convene an Annual Business and Human Rights Forum to review developments in the field.

ix. Support research and academic work on Business and Human Rights.

B. Legislation and Policies

Government shall improve human rights protection in business through legislation, policy initiatives, programmes and similar interventions in the following ways:

➢ Enforce and review existing laws or enact new legislation that require businesses to respect human rights in their operations.
➢ Ensure that all businesses carry out Human Rights Impact Assessment before commencement of business while those already in business should do so within 2 years.

➢ Mandate businesses to communicate how they address human rights impact of their operations.

➢ Review the Trade Union Act (2005) to address the challenges of freedom of association, the right to collective bargaining and the right to strike actions.

➢ Enact Whistleblower Protection Laws at the Federal and State levels to protect whistleblowers from any form of victimization or retaliation and encourage employees of both public and private sectors to report cases of human rights abuses and violations without fear of losing their jobs.

The Federal Government of Nigeria and all the state governments to include in all contracts, Memoranda of Understanding and other business-related policy documents, a clause that clearly spells out the human rights obligations of the parties including possible sanctions for violations. Lead Agencies to realize this include the Ministry of Trade, Industry and Investment, Ministry of Finance, Ministry of Budget and National Planning, Corporate Affairs Commission, Nigerian Investment Promotion Council.

C. Human Rights Due Diligence

Regulatory bodies and agencies shall ensure the conduct of Human Rights Due Diligence and Human Rights Impact Assessment in all business operations.
The Central Bank of Nigeria shall ensure that in every loan agreement in all banks, as part of the conditions for the loan facility, there is a clause that spells out that the loan receiver for business is under obligation to respect human rights in all operations.

Similarly, specialized banks and other financial institutions such as Bank of Agriculture, Bank of Industry, and Nigerian Agricultural Insurance Corporation etc. must ensure that as part of their risk assessment and due diligence the client must show that it has a human rights policy and that it has taken measures to conduct human rights due diligence and human rights impact assessment.

D. Free, Prior and Informed Consent

Free, Prior and Informed Consent (FPIC) of the host community must be ensured to enable a community have the right to give or withhold consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use. FPIC is recognized by the jurisprudence of international treaty bodies. To do this, government will use participatory methods of stakeholder identification and analysis to ensure that before the commencement of any project. In this regard, it is necessary to build the capacity of community leaders and decision makers to negotiate with businesses and ensure that their rights are protected at all times.
E. Stakeholder Identification and Analysis

Government shall ensure that companies conduct a thorough and detailed Stakeholder Identification and Analysis (SIA) in their area of operation to provide invaluable data for sustainable stakeholder consultation and engagement. This enables companies to be aware of the operational environment and sensibilities and helps operational decision-making, as well as implementation of community engagement strategy and prioritizing.

F. Environment

When acquiring land for development or business, government must ensure the conduct of human rights conflict and environmental impact assessment.

In respect of environmental hazards and workplace safety, there will be periodic monitoring and inspection of company premises, operations and surroundings of manufacturing, construction, and extractive industries among others to ascertain their compliance with environmental standards.

G. Employment

In relation to employment, the National Working Group on Business and Human Rights will develop Guidance Notes for companies to manage their employment processes in compliance with human rights standards to ensure nondiscrimination and prevent child labor. In doing so, the issues of gender, and disability concerns will be taken into consideration pursuant to relevant provisions of
H. Casualisation and Contract Employment

The Ministry of Labour and Employment should take steps to curb the incidence of Casualisation in labour as well as hazardous workplace practices. Accordingly, it should strengthen its monitoring and implementation processes to give effect to applicable laws. Where the laws are not in compliance with human rights standards, they should be reviewed. Adequate education of the public should be carried out to empower them to demand for a letter of contract/engagement from employers irrespective of the nature or duration of the engagement.

I. Gender

There will be deliberate measures to mainstream Gender Considerations in Business and Human Rights. Government and businesses should ensure that in the award of scholarship or other benefits, employment, contracts and compensation, special consideration should be taken to cater for the interest of women. Accordingly, in all meetings, consultations, dialogue or negotiation, women should represent themselves.

In addition, labour practices that are discriminatory to women with respect to employment, promotion and incentives, will be addressed and eliminated.
J. Resettlement

Efforts will be made to minimize the negative impact of resettlement. Emphasis must be on the livelihood system of affected communities. Under business and human rights, Nigeria's handling of the resettlement of Bonny and Finima during the construction of the Nigeria Liquefied Natural Gas Project has been acknowledged as a best practice case study.

Where resettlement for business becomes necessary, government and investors will be guided by best practices such as the Principles of Resettlement enunciated by the African Development Bank and the Asian Development Bank.

K. Mobilisation, Sensitisation and Awareness Creation

Government, through its agencies, will engage in massive mobilization, sensitisation and awareness creation on the NAPBHR. The awareness creation will be strategic and involve the three tiers of government.

The National Working Group on Business and Human Rights will enter into negotiation with Manufacturers Association of Nigeria and related bodies to ensure compliance with this plan. It will also carry out robust sensitization of the public to empower them to demand for a letter of contract/engagement from employers irrespective of the nature or duration of the engagement.

Considering the importance of education in Human Rights
Protection, government at all levels will develop policies that advance Business and Human Rights Education. This may include introduction of courses on Business and Human Rights in tertiary institutions and the introduction of scholarships, fellowships, research grants, to contribute to knowledge in the area of human rights and business. The National Working Group on Business and Human Rights is responsible to liaise with Ministry of Education and relevant parastatals to realise advancement of Human Rights Education as a channel to enhance government protection obligation.

**L. Reward and Recognition as Incentive**

Reward and recognition system is necessary to ensure that businesses get benefits for implementing the Business and Human Rights Action Plan. To promote this, government through the National Working Group on Business and Human Rights is urged to work out incentive packages for businesses that comply with the provisions of NAPBHR.

**M. Capacity Building**

The following capacity building needs have been identified:

- Training of Judges to mainstream the norms and tenets of human in their decisions when considering business related human rights cases.

- Training business operators to be able to develop a coherent, robust and implementable human rights policy;
establish, maintain and monitor their grievance mechanisms. Also, build their capacity on monitoring and reporting compliance with the UNGPs.

- Regulatory agencies should be strengthened to enable them monitor and evaluate the implementation of NAPBHR and also provide remedies when violations occur.

- Community leaders and decision makers should be capacitated to negotiate with businesses and ensure that their rights are protected at all times.

Governments at all levels will develop policies that will meet these needs. This may include introduction of courses on Business and Human Rights in tertiary institutions and the introduction of scholarships, fellowships, research grants, to contribute to knowledge in the area of human rights and business.

N. Security

When businesses conduct risk assessment, the focus is mainly on the risk posed to their operation within the community without considering the risk their operations pose to communities. This makes them design their security apparatus without community input and consultation.

In addressing the issue of security and human rights in business operations, the Voluntary Principles on Security and Human Rights provides a useful guide. To this end;
- Government shall fulfill its obligation as the primary provider of security.

- Communities will be involved in the design and management of company security.

- Government shall provide human rights training for security providers, logistic support and general oversight.

- Government shall monitor and ensure that human rights are protected in the provision of security.

- Security arrangement will be all inclusive and offer protection to business facilities as well as employees, suppliers, contractors and the community.
PILLAR 2
CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

The Corporate Responsibility to Respect human rights implies that companies must avoid infringing on the rights of individuals and communities but ensure that they do not undermine State ability to protect human rights. They must show willingness to put in place measures to address human rights abuses when they occur. This responsibility obligates compliance of Corporations or other business entities with human rights principles and norms in the course of business as well as prevention or mitigation of adverse impact of their operations. It is different from Corporate Social Responsibility (CSR) which is voluntary. Failure to respect human rights should attract sanctions.

**Actionable Items**

**A. Policy**

Every company will have a clear, simple and understandable human rights policy within their value chain that reflects their commitment to promote human rights in their operations. This policy shall guide all operations of the business and should be conspicuously displayed either on the website, gate or reception area of the company.

In the Policy, the rights of staff should be made clear as it relates to respect for human rights. Staff should also be trained on various aspects of human rights especially as it pertains to company operations. It is expected that the policy will clearly allocate roles and responsibilities and state the department(s) in the company that has responsibility for human right issues. This will be applicable to all companies in relation to size, scope of operations and type of business.

**B. Human Rights Due Diligence**

Businesses operating in Nigeria will ensure that they conduct Human Rights Due Diligence from onset, which should identify possible human rights violations arising from their operations. Human Rights Due Diligence should address negative human rights impact which may be linked directly or remotely to business operations, products or services. Where a state directly engages in business, government assumes dual roles- i.e. the International Human Rights obligation to Protect is retained; and having delved into business, it also has additional obligation to Respect Human Rights from a corporate perspective.
C. Reporting Human Rights Compliance
Businesses operating in Nigeria will be obligated to report on their human rights compliance, annually. The National Working Group on Business and Human Rights will work closely with various regulatory agencies to incorporate human rights reporting and monitoring template in their regulatory framework. Appropriate sector specific template and checklist will be developed for this with input from relevant stakeholders in respective sectors.

D. Capacity Building
Capacity building is critical in ensuring corporate responsibility to respect human rights. Businesses will build the capacity of their staff in carrying out human rights due diligence and implementing their human rights policy. The NWGBHR will be available to provide the requisite expertise where necessary.

E. Grievance Mechanisms
Businesses are obligated to have an Operational Level Grievance Mechanism. A system shall be put in place for the monitoring and reporting of the activities of the grievance mechanism. This will be established in line with the Eight Effectiveness Criteria of the UNGP and in consultation with the target group. A system shall also be put in place for the monitoring and reporting of the activities of the grievance mechanism to identify issues and areas that require administrative, policy or legislative intervention.

F. Community Relations
Businesses must have a Community Relations Guideline. This will be developed in conjunction with the community stakeholders. The Community Relations Guideline shall draw from the report of the Human Rights Due Diligence (HRDD) and Human Rights Impact Assessment (HRIA). The company is also expected to conduct Peace and Conflict Impact Assessment (PCIA) as part of their entry strategy. The extent of these assessments will depend on the kind of business the company is involved in.

The Community Relations Guide shall provide for such things as employment, community development, contracts, scholarships etc. To ensure inclusiveness, gender consideration and broad representation of all interest shall be taken into account.

G. Partnerships
Businesses are encouraged to forge strong and sustainable partnerships and collaborations with any agency, individual or organization that will provide the needed support for the progressive realisation of human rights in their area of operations. Part of this partnership and collaboration include the use of the media and engagement with different government agencies.
PILLAR 3

ACCESS TO REMEDY

Access to remedy for communities or persons who are victims of adverse impact of business operations can be through the following framework;

i. State-Based Judicial Mechanism
ii. State-Based Non-Judicial Mechanism
iii. Non-State-Based Grievance

Access to remedy includes legal, administrative, judicial and non-judicial remedy.

State Based-Judicial Mechanisms

State-Based Judicial Mechanisms are faced with a number of challenges associated with general justice delivery in Nigeria. These challenges include, delay in the judicial process, overbearing political interference, lack of judicial independence, judicial corruption, low level of judicial awareness of the UNGPs etc.

To address these challenges, the NWGBHR shall carry out intensive advocacy to the Judiciary in order to effect the issuance of 'Practice Directions' that will facilitate speedy resolution of cases of human rights violations by businesses. There will also be a continuous sensitisation of judges and magistrates on the Action Plan. In addition, Alternative Dispute Resolution approach will be encouraged.

The NWGBHR shall organise Consultative Engagement Sessions for Judicial Officers at various levels on addressing the problem of delay in resolving business related human rights cases.

The NWGBHR shall encourage Strategic Litigation, not just municipally where these businesses are carried out, but also in the home countries of the respective multinational companies in instances where the violation is caused by transnational corporations. Such litigation would raise awareness on corporate liability for human rights abuses. The Working Group will liaise with the Nigerian Bar Association to explore possibilities of Legal Aid to indigent persons or communities who are adversely affected by business operations but unable to pursue remedy due to cost.

State-Based Non-Judicial Mechanism

These consist of State Agencies which, though non judicial, exercise statutory powers and regulatory functions pertaining to Business and Human Rights. They have the potential of addressing the greatest number of human rights violations by businesses because they exercise statutory powers and regulatory functions.
They include the following:

- National Human Rights Commission (NHRC)
- Public Complaints Commission (PCC)
- National Oil Spill Detection and Response Agency (NOSDRA)
- Consumer Protection Council (CPC)
- Nigerian Communications Commission (NCC)
- National Administration of Food and Drug Control (NAFDAC)
- National Bio-Safety Management Agency
- National Environmental Standard and Regulatory Enforcement Agency (NESREA)
- Standards Organisation of Nigeria (SON)
- Central Bank of Nigeria (CBN)
- Corporate Affairs Commission (CAC)
- Nigerian National Petroleum Corporation (NNPC)
- Department of Petroleum Resources (DPR)

In order to improve the effectiveness of State Based non-judicial mechanism, the following plan of action will be implemented:

- Capacity-building for these agencies to enable them appreciate the human rights component of their mandate and enhance their ability to offer remedy pursuant to their statutory functions.
- Strengthening of the Institute for Peace and Conflict Resolution (IPCR) through capacity building and close partnership to enable the organization to work more effectively with communities, state and businesses to resolve conflicts efficiently.
- Strengthening of the National Human Rights Commission to discharge its quasi-judicial responsibilities in addressing human rights violations by businesses; and rendering of effective remedy.
- Convening of periodic meeting of regulatory bodies whose functions are relevant.
- Mapping of these bodies to clearly identify them and properly delineate their mandates so that their operations may be streamlined for speed and efficiency in relation to business and human rights related remedy.
- Scale up of Community Sensitization on the functions of various agencies.
- Collation of reports and feedback on progress made by State Based non Judicial
Non-State Based Grievance Mechanism

The law cannot take care of all the complexities of the relationship between the community, the state and corporations. This therefore necessitates the adoption of some non-state-based grievance mechanisms to fill the gaps. These include all the centres and agencies established by companies, NGOs, Media, CSOs, Labour Unions, Faith-Based Organisations, communities and other sundry agencies. Some of them are formal and some are informal in their operations. Some specialize in advisory services and the provision of information, while others are mainly concerned with referral and monitoring.

IMPLEMENTATION STRATEGY

Specific activities will be designed from the Initiatives contemplated in this plan by the National Working Group on Business and Human Rights in consultation with respective sectors, business operators, relevant agencies of government, Civil Society Organizations and Development Partners in realization of each of the three Pillars.