



**NIGERIA'S 3RD PERIODIC COUNTRY REPORT: - 2005-2008 ON
THE IMPLEMENTATION OF THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS IN NIGERIA**

FEDERAL REPUBLIC OF NIGERIA

PRODUCED BY

THE FEDERAL MINISTRY OF JUSTICE, ABUJA

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PREFACE

The Federal Republic of Nigeria is committed to the progressive realization of the basic rights and freedoms of individuals and groups as well as their duties enshrined in the African Charter on Human and Peoples' Rights through legislative, policy, judicial, administrative and budgetary measures.

Efforts have been made within the period under review (2005-08) by Nigeria to improve on her obligation to promote and protect human and peoples' rights by enhancing the capacity and independence of the judiciary, relevant ministries and human rights institutions. This includes direct intervention programmes and projects that seek to impact on the standard of living, quality of life, security and welfare of the individuals and groups within her jurisdiction.

Admittedly, there are numerous challenges ahead in the effective promotion and protection of human and peoples' rights and in the realization of the time-bound Millennium Development Goals.

It is against this background that this 3rd Periodic Country Report seeks to highlight the general and specific measures adopted in the implementation of the African Charter on Human and Peoples' Rights (ACHPR) since 2005. The Report also identifies the progress made and challenges being encountered in the effective promotion and protection of human and peoples' rights guaranteed under the Charter.

The preparation of this Report was coordinated by the Department of Comparative and international law of the Federal Ministry of Justice, Abuja.

It is my hope that the distinguished experts of the African Commission on Human and Peoples' Rights will appreciate the progress made so far, the efforts being made to overcome the identified challenges and support Nigeria's commitment to sustain this momentum in the overall interest of Nigerians.

Chief Michael Kaase Aondoakaa SAN

The Honourable Attorney General of the Federation and Minister of Justice
Federal Republic of Nigeria, Abuja
September 2008.

ACRONYMS

AIDS	-	Acquired Immuno Deficiency Syndrome
ART	-	Anti-Retroviral Therapy
ARV	-	Anti-Retroviral
BFI	-	Baby Friendly Initiative
BUDFOW	-	Business Development Fund For Women
CBOs	-	Community Based Organizations
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
CFRN	-	Constitution of the Federal Republic of Nigeria
CRA	-	Child Rights Acts
CRC	-	Convention on the Rights of the Child
CSACEFA	-	Civil Society Action Committee on Education for All
CSC	-	Civil Service Commission
CSOs	-	Civil Society Organizations
CWIQ	-	Core Welfare Indicator Questionnaire Development Strategy
FBOs	-	Faith-Based Organizations
FCT	-	Federal Capital Territory
FEEDS	-	FCT Economic Empowerment and Development Strategy
FFLH	-	Female Functional Literacy for Health
FGM	-	Female Genital Mutilation
FGN	-	Federal Government of Nigeria
FIDA	-	International Federation of Women Lawyers
FMI	-	Federal Ministry of Interior
FMF	-	Federal Ministry of Finance
FMLP	-	Federal Ministry of Labour and Productivity
FMOE	-	Federal Ministry of Education
FMOH	-	Federal Ministry of Health
FMOI	-	Federal Ministry of Information and National Orientation
FMOJ	-	Federal Ministry of Justice
FMW	-	Federal Ministry of Works
FMWA	-	Federal Ministry of Women Affairs
FRSC	-	Federal Road Safety Commission
GBV	-	Gender-Based Violence
GDP	-	Gross Domestic Product
GHS	-	General Household Survey
HCT	-	HIV Counseling and Testing
HIV	-	Human Immuno-Deficiency Virus
HTPs	-	Harmful Traditional Practices
IBRD	-	International Bank for Reconstruction and Development
LACVAW	-	Legislative Advocacy Coalition on Violence Against
LEEDS	-	Local Government Economic Empowerment
LFN	-	Laws of the Federation of Nigeria
LGA	-	Local Government Area
LRC	-	Law Reform Commission
MDGs	-	Millennium Development Goals
MFA	-	Ministry of Foreign Affairs
MMR	-	Maternal Mortality Rate
MOA	-	Ministry of Agriculture

MOH	-	Ministry of Health
MTSS	-	Medium Term Sectoral Strategies
NACA	-	National Action Committee on AIDS
NAFDAC	-	National Agency for Food, Drug Administration and Control
NAPEP	-	National Poverty Eradication Programme
NAPTIP	-	National Agency for the Prohibition of Trafficking in Persons and Other Related Offenses
NBS	-	National Bureau of Statistics
NDDC	-	Nigeria Demographic Data Survey
NDE	-	National Directorate of Employment
NDHS	-	Nigeria Demographic and Health Survey
NDHS	-	Nigeria Demographic Health Survey
NEEDS	-	National Economic Empowerment and Development strategy
NHRC	-	National Human Rights Commission
NIS	-	Nigerian Immigration Service
NLC	-	Nigeria Labor Congress
NMEC	-	National Mass Education Commission
NNPC	-	Nigeria National Petroleum Corporation
NPC	-	National Planning Commission
NPHCDA	-	National Primary Health Care Development Agency
NPoC	-	National Population Commission
PHC	-	Primary Health Centre
PHCN	-	Power Holding Company of Nigeria
PLWHA	-	People Living with HIV/AIDS
PMTCT	-	Prevention of Mother to Child Transmission
UBE	-	Universal Basic Education
UBEC	-	Universal Basic Education Commission
UBTE	-	Universal Board of Technical Education
UNAIDS	-	Joint United Nations Programme on HIV/AIDS
UNDP	-	United Nations Development Programme
UNESCO	-	United Nations Educational, Scientific and Cultural Organisation
UNFPA	-	United Nations Fund for Population Activities
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children Fund
UNIFEM	-	United Nations Development Fund for Women
UNODC	-	United Nations Office of Drugs and Crime
VAW	-	Violence Against Women
VCCT	-	Voluntary Confidential Counseling and Testing
VCT	-	Voluntary Counseling and Testing
VVF	-	Vesico Vaginal Fistula
WHO	-	World Health Organization

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PART ONE: GENERAL INTRODUCTION

1. Background and Period of Report Coverage.

Nigeria as a member of the African Union was among the first countries to sign (on 31 August 1982), ratify (on 22 June 1983) and domesticated the African Charter on Human and Peoples' Rights as Cap.10 LFN 1990 or Cap. A9 LFN 2004.

This is the third periodic report submitted by the Federal Republic of Nigeria to the African Commission on Human and Peoples' Rights in conformity with Article 62 of the African Charter on Human and Peoples' Rights. It compliments the earlier report submitted for the period of 1990 to 2004. It highlights developments that have occurred in Nigeria from 2005 – 2008 in the implementation of the country's obligation under the Charter.

Hence the current report aims at regularizing the reporting cycle as the 3rd Country Report for the period 2005-2008.

2. Demographic Situation in Nigeria.

2.1 Geography and Administrative Structure

Nigeria lies between 4°16' and 13°53' north latitude and between 2°40' and 14°41' east longitude and has a land area of 924,000 sq. km, one of the largest in Africa. The geography varies greatly from tropical rainforest in the South to dry savannah in the North which is flat and sparsely vegetated. Nigeria is hilly and mountainous in the South East, along the border with Cameroon and also in the centre where the Jos Plateau rises to 5,000 feet above sea level. Nigeria is bordered to the West by the Republic of Benin, to the North by the Republic of Niger, to the North East by the Republic of Chad, to the East by the Republic of Cameroon, and to the South, by the Atlantic Ocean. The average rainfall ranges from about 500 mm/year in the North to over 2,000 mm/year in the South.

Figure 1—Federal Republic of Nigeria: States and Zones

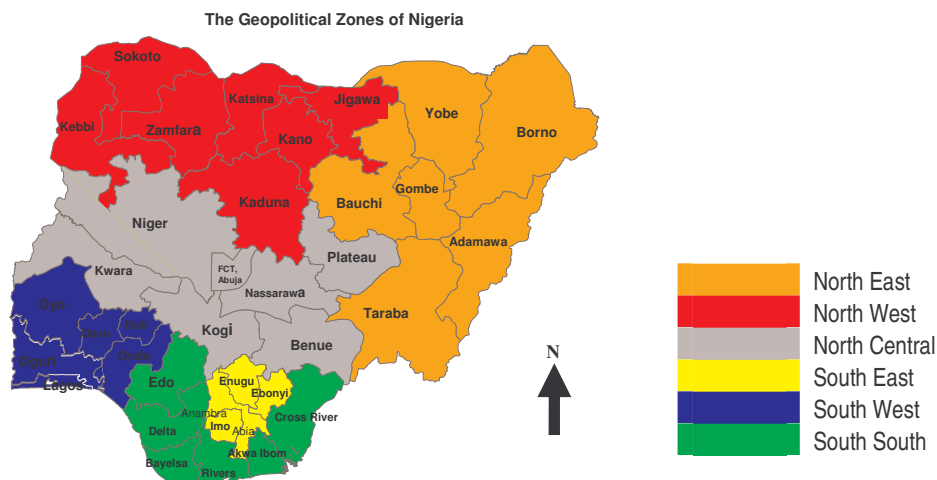


Table 1: - Nigeria in Figures: Population, Gender and Socio-Economic Indicators

NIGERIA IN FIGURES					
GENDER INDICATOR					
SECTOR	NIGERIA	MALE	FEMALE	YEAR	SOURCE
Population	140,003,542	71,709,859	68,293,683	2006	NPoC
Population with tertiary education (%)	6.00	7.50	4.50	2006	NBS(CWIQ)
Population with Secondary education (%)	25.50	27.20	23.20	2006	NBS(CWIQ)
Distribution of household by sex of headed household (%)	100.00	83.40	16.60	2003	NPoC(NDHS)
Distribution of employees in Economic Activity (%)	100.00	78.90	21.06	2005	NBS(QNEGS)
Adult literacy Rate (English/Main Nigerian Languages) (%)	65.70	74.60	56.80	2006	NBS(CWIQ)
Primary School Enrolment	22,099,553	12,182,055	9,917,498	2005	UBEC
Total number of Primary School Teachers	594,816	293,637	301,179	2005	UBEC
Secondary School Enrolment	6,255,522	3,459,007	2,796,515	2005	UBEC
Total number of Secondary School Teachers	155,555	100,341	55,214	2005	FME
Students Enrolment in Polytechnic (Number)	311,581	183,717	127,864	2005	NBTE
Students Enrolment in Fed. Colleges of Education (Number)	197,039	94,820	102,219	2003	NCCE
Students Enrolment in University (Number)	654,856	396,159	258,697	2005	NUC
Students turn-out in Polytechnic	74,568	48,303	26,265	2005	NBTE
Graduate turn-out of Post Graduate Diploma (Number)	2,775	1,931	844	2005	NUC
Graduate turn-out of Bachelor's Degree (Number)	26,042	15,327	10,715	2005	NUC
Graduate turn-out of Mater's Degree (Number)	8,385	6,352	2,033	2005	NUC
Graduate turn-out Doctorate's Degree (Number)	428	336	92	2005	NUC
Deployment of Youth Corps Members	113,026	56,505	56,521	2005	NYSC
Registered members of Teacher's Registration Council	598,751	304,659	294,092	2005	TRCN
Distribution of Men and Women by					

Marital Status (%)					
Never married		44.7	25.3	2003	NPoC(NDHS)
Married		50.8	68.0	2003	NPoC(NDHS)
Living together		2.3	2.0	2003	NPoC(NDHS)
Divorced		1.0	1.7	2003	NPoC(NDHS)
Separated		0.8	1.2	2003	NPoC(NDHS)
Widowed		0.5	1.8	2003	NPoC(NDHS)
Women currently using family planning			5.11	2005	NBS(GHS)

NIGERIA IN FIGURES			
SECTORS	INDICATOR	YEAR	SOURCE
AREA AND POPULATION			
Area (Sq Kilometres)	923,768	2006	FMW
Total Population	140,003,542	2006	NPoC
Population Growth Rate(%)	3.2	2006	NPoC
Population Density	151.6	2006	NBS
Population under age 15(%)	37.3	2005	NBS/CBN
Population under age 25(%)	51.6	2005	NBS/CBN
Population under age 64(%)	6.4	2005	NBS/CBN
Population under age 65 and above(%)	6.4	2005	NBS/CBN
Unemployment Rate	5.3	2006	NBS/CWIQ
Number of households	28,025,272	2005	NBS(GHS)
Households size average	4.8	2006	NBS(GHS)
Working Population	67.6	2006	NBS(CWIQ)
Population occupied in agriculture (%)	48.2	2005	NBS(GHS)
POVERTY INCOME			
Poverty line Food (Expenditure on Food to attain 2900 calories per day) (N)	21,743.0	2004	NBS(PPFN)
Poverty in Non Food (Average non-food expenditure for Households) (N)	8,385.0	2004	NBS(PPFN)
Composite (Food and Non Food) (N)	30,128.0	2004	NBS(PPFN)
Poverty incidence (%)	54.4	2004	NBS(PPFN)
Population in poverty (Million)	68.7	2004	NBS(PPFN)
RELATIVE POVERTY INCIDENCE			
Urban	43.2	2004	NBS(NLSS)
Rural	63.3	2004	NBS(NLSS)
ECONOMY			
PUBLIC FINANCE			
Federal Government Total Revenue (Gross)(Billion Naira)	5,547.5	2005	CBN
Federal Government Re-current Expenditure (Million Naira)	1,223,730.0	2005	CBN
Federal Government Capital Expenditure (Million Naira)	519,510.0	2005	CBN
MANUFACTURING SECTOR			
Total Manufacturing growth rate (%)	9.71	2006	NBS
Manufacturing (% GDP)	3.79	2005	NBS
Capacity Utilization in manufacturing/processing Industries	55.17	2005	NBS(QNEGS)
Total employment in Industries and Businesses	4,523,792	2005	NBS(QNEGS)

Total employment generation	169,175	2005	NBS(QNEGS)
MACRO ECONOMIC AGGREGATES			
Real GDP Growth Rate(%)	5.67	2006	NBS(SFS)
Oil Sector Growth Rate	4.51	2006	NBS(SFS)
Non Oil Sector growth Rate	8.93	2006	NBS(SFS)
Agric Sector growth Rate	7.17	2006	NBS(SFS)
Real gross fixed Capital Formation growth Rate	27.82	2006	NBS(NA)
National Disposable Income at current purchaser's Rate	17,340,121.40	2006	NBS(NA)
Gross Domestic Product at Current Basic Price (Million Naira)	18,067,833.96	2006	NBS(NA)
Saving (Billion Naira)	164.27	2006	NBS(SFS)
Gross fixed Capital formation at current purchaser's value (Mill. Naira)	2,272,759.75	2006	NBS(NA)
Inflation Rate (12 Month average)	8.2	2006	NBS(CPI)
Inflation Rate (Year on change)	8.50	2006	NBS(CPI)
Income Per Capital (US\$)	1,011.73	2006	CBN
NORMAL EXCHANGE NAIRA/US DOLLAR			
AFEMDAS	127.38	2006	NBS(SFS)
Bureau de Change	137.10	2006	NBS(SFS)
Foreign Reserve (US\$mill)	41,959.29	2006	CBN

NIGERIA IN FIGURES			
SECTOR	INDICATOR	YEAR	SOURCE
TRADE			
Total Imports (Million Naira (CIF)	2,922,248.5	2006	NBS/NFTS
Total Export (Million Naira) (FOB)	7,555,141.3	2006	NBS/NFTS
Trade Visible Balance (Million Naira)	4,632,892.8	2006	NBS/NFTS
TRANSPORT AND COMMUNICATION			
TRANSPORT			
Motor Vehicle Registered	230,761	2005	NBS
Reported cases of road traffic accidents	22,334	2006	FRSC
Total number of people killed in reported road accident	4,944	2006	FRSC
Total number of people injured in reported road accident	17,390	2006	FRSC
Air Passenger Traffic (Number)	9,288,632	2005	FMT
Aircraft Traffic (Number)	229,764	2005	FMT
Cargo loaded at Nigerian Ports (000 Tone)	13,551,854	2005	NPA
Cargo Discharged at Nigerian Ports (000 Tone)	26,051,234	2005	NPA
Railway Traffic Numbers of passengers carried (000)	753	2005	NRC
Railway Good Traffic (000 Tone)	93,762	2005	NRC
COMMUNICATION			
Fixed Phone (Number)	1,688,000	2006	NCC
Mobile Phone (Number)	31,266,000	2006	NCC
Fixed Phone Growth Rate %	15.6	2005	NCC
Mobile Phone Growth Rate %	191.3	2005	NCC
Tele density (%)	24.3	2006	NCC

Teledensity Growth (%)	153.0	2005	NCC
Number of Departmental Post offices	786	2005	NIPOST
Household with mobile/fixed telephones (%)	27.9	2005	NBS
Household with computer (%)	1.2	2005	NBS
Household with television set (%)	33.8	2005	NBS
ENERGY			
Electricity Generation (GWH)	20,635,74	2005	PHCN
Crude Oil Production ('000 Barrel)	918,972	2005	NNPC
Crude Oil Reserve (Million Barrel)	35,000	2005	NNPC
Gas Production (Mill M3)	59,285	2005	NNPC
Gas Utilised (Mill M3)	36,282	2005	NNPC
Crude Oil Exports ('000 Barrel)	843,533	2005	NNPC
EDUCATION			
Literacy Rate	63.1	2005	NBS
Youthful Literacy Rate (15-24)(%)	80.2	2006	NBS
Number of Primary Schools	60,226	2005	UBEC
Primary School Enrolment	22,099,533	2005	UBEC
Number of Primary School Teachers	594,816	2005	UBEC
Number of Secondary Schools	10,830	2005	FME
Secondary School Enrolment	6,255,522	2005	FME
Number of Secondary School Teachers	155,555	2005	FME
Number of Polytechnics	58	2005	NBTE
Polytechnic Enrolment	311,581	2005	NBTE
Total number of Federal and State Government Universities	51	2006	NUC
Total number of Private Universities	32	2006	NUC
Universities Enrolment (Undergraduate)	654,856	2004/05	NUC
University Academic Staff	27,482	2004	NUC
Population which never school (%)	36.7	2006	NBS
Student population with access to school < 30 minutes walk (%)	61.6	2006	NBS

NIGERIA IN FIGURES			
SECTOR	INDICATORS	YEARS	SOURCE
HEALTH			
Number of Public Health Facilities	13,951	2004	FMOH
Number of Private Health Facilities	9,029	2004	FMOH
Total number of Doctors	44,031	2005	FMOH
Total number of Nurses	166,866	2005	FMOH
Reported cases on malaria	3,535,724	2006	FMOH
Reported death from malaria	5,815	2006	FMOH
Reported cases on tuberculosis	9,233	2004	FMOH
Reported death from tuberculosis	144	2004	FMOH
HIV/AIDS prevalence rate	4.4	2005	NACA
Crude Birth Rate (Per 1000)	41.7	2003	NPoC(NDHS)
Infant Mortality rate (Per 1000)	113	2003	NPoC(NDHS)
Life expectancy – male (in years)	57.91	2005	NBS(GHS)
Life expectancy female (in years)	56.35	2005	NBS(GHS)
TOURISM			

Number of Hotels	1,880	2005	NBS/NTDC
Number of Hotel beds	38,870	2005	NBS/NTDC
Arrange room occupancy rate (%)	81.2	2005	NBS/NTDC
Growth rate of Hotels and Restaurants in real terms			
At 1990 Constant Factor Cost (%)	13.0	2005	NBS/NTDC
Number of visiting foreign nationals ('000)	3,109	2005	NBS/NTDC

3. Preparatory Process for the 3RD Report

The Federal Ministry of Justice being the coordinating Ministry responsible for ensuring compliance with the African Charter on Human and Peoples' Rights engaged stakeholders from the relevant ministries, agencies, human rights NGOs, legislators and the public in the participatory and transparent process of the report writing.

The core drafting team drawn from the Federal Ministry of Justice and the National Human Rights Commission met with the Consultant appointed for the entire process for the following activities: -

- i. Developed a framework and a workplan for the report writing;
- ii. Placed a call for input in Newspaper Adverts in two national dailies: - See annex 2;
- iii. Generated and analyzed the data contained in the report;
- iv. Produced the zero and first drafts for peer review.

A 2-day peer review workshop took place, at the Federal Ministry of Justice hall, where participants drawn from the ministries, agencies, NGOs and legislators reviewed the first draft and produced the second draft which was validated at a one-day stakeholders' forum attended by the core drafting team, the peer reviewers, the media and the public (See Annex 1).

Inputs from the stakeholders' forum were incorporated to produce the final draft on September 18, 2008.

The final draft was submitted to the Federal Executive Council through the Honourable Minister of Justice and Attorney General of the Federation on September 18th before it was sent to the Secretariat of the African Commission on Human and Peoples' Rights.

PART TWO: - GENERAL MEASURES OF IMPLEMENTATION: - ARTICLES 1, 25, 26 AND 62.

Having signed on 31st August 1982, ratified on 22 June 1983 and domesticated the African Charter on Human and Peoples' Rights as Cap.10 Laws of the Federation of Nigeria 1990 or Cap.A9 Laws of the Federation of Nigeria 2004, Nigeria has progressively been implementing the Charter through the following general measures: -

i. Legislative Measures:

- Incorporation as part of Nigerian Law of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap.A9 Laws of the Federation of Nigeria 2004.
- Guarantee of enforceable fundamental human rights in their civil and political contexts under Chapter 4 of the 1999 Nigerian Constitution.
- Constitutional obligations under Chapter 2 on all levels and organs of government exercising any executive, legislative and judicial functions and powers to ensure the progressive realization of the fundamental social, economic, political, educational, environmental, cultural and foreign policy objectives in Nigeria.
- The Constitution of the Federal Republic of Nigeria (1999)
- Child's Rights Act 2003
- African Charter on Human & People's Rights (Ratification) Act CAP 10. Laws of the Federation of Nigeria 1990
- National Human Rights Commission (NHRC) Act 1995
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Acts, 2003 and as amended in 2005
- National Commission for Refugees Act (Cap 244, Laws of the Federation of Nigeria 1990)
- Universal Basic Education (UBE) Act 2003 (Amended in 2005)
- National Agency for Food & Drug Administration and Control Act
- Criminal Codes (Federal and States)
- National Human Rights Commission Act Cap.N46 Laws of the Federation of Nigeria 2004.
- The on-going legislative and justice sector reform exercise aims at amending the following existing laws in order to ensure effective promotion and protection of human rights, access to justice, safety and security in Nigeria: a) National Human Right Commission Act (Amendment) Bill 2007; b) Legal Aid Council Act (Amendment) Bill 2007; c) Legal practitioners Act (Amendment) Bill 2007; d) Parole System in Nigeria Bill 2008; e) Nigeria Police Act (Amendment) Bill, 2007; f) Prisons reform Bill, 2007.

ii. Policy Measures

- National Gender Policy on Education, **2008**
- National Teacher's Policy on Education, **2008**
- National Policy on HIV AIDS Education, **2008**
- National Gender Policy, **2007**
- National Child Policy of 2007 and its Strategic plan of Action/implementation framework **2007/2008**
- National Plan of Action on OVC and its Guidelines and Standard of Practice, **2007**.
- National Policy on Environment, **1999**.
- National Policy on Malaria Control (**2005**)
- National Guidelines on Micronutrients Deficiencies control in Nigeria (**2005**)
- National Guidelines and Strategies for Malaria Prevention Control During Pregnancy (**2005**)

- National Strategic Framework and Plan for VVF Eradication in Nigeria (2005-2010)
- National Reproductive Health and Strategic Framework and Plan (2002- 2006)
- National Policy on HIV-AIDS (2003)
- National HIV/AIDS and Reproductive Health Survey (2003)
- National Policy on Food and Nutrition in Nigeria (2001)
- National Water Supply and Sanitation Policy (2000)

iii. Judicial Intervention/Measures;

In Registered Trustees of Constitutional Rights Project v The President of the Federal Republic of Nigeria, the applicants brought an originating summons to stop the execution of Zamani Lekwot and six others who had been condemned to death by the Zango-Kataf Disturbances Tribunal in Kaduna. The applicants pleaded lack of fair trial as provided by Article 7 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Laws of the Federal Republic of Nigeria, 1990. The respondents pleaded that the jurisdiction of the court was ousted from the proceedings of the tribunal by Decree 2 of 1987 and 55 of 1992. Onalaja J clearly identified the conflict of the decrees and Cap. 10. He reminded himself of his own statement in Fawehinmi v Babangida and others:

The part of constitutionalism and honour is to how to the clause, this does not thereby make the judge to be more executive-minded than the executive as the role of the Judge is to interpret the law but not to make it.

In Ogugu v The State The supreme Court rejected the argument that since the African Charter contained no provision for its domestic application, there was a gap in the law and went on to hold:

Since the Charter has become part of our domestic laws, the enforcement of its provisions like all other laws falls within the juridical powers of the courts as provided by the Constitution and all other laws relating thereto. It is apparent from the foregoing that the rights of the African Charter are enforceable by the several High Courts depending on the circumstances of each case and in accordance with the rules, practice and procedure of each court.

In 1996, the Court of Appeal went a step further in Fawehinmi v Abacha to hold that the African Charter, by virtue of its domestication, is on a class of its own from other national laws and supersedes other municipal laws (including, the Constitution and the military decrees). Justice Mustapha, speaking for the court said:

It seems to me that the learned trial judge erroneously acted when he held that the African Charter contained in cap 10 Laws of the Federation of Nigeria 1990 is inferior to the Decree of the Federal Military Government. It is common place that no government will be allowed to contract out by local legislation its international obligation. It is my view that, notwithstanding, the fact that Cap.10 was promulgated by the national Assembly in 1983, it is a legislation with international flavour and the ouster clause contained in Decrees No. 107 of 1993 or No.12 of 1994 cannot affect its operation in Nigeria.

Many other cases endorsed Fawehinmi v Abacha on the point of international flavour of the domesticated African Charter. These include: Chima Ubani v. Director of State Security Service, Comptroller General of Prison v Adekanye and other. In the latter case, Justice Galadima of the Court of Appeal, Lagos said that:

The High Court should not shirk its responsibility to consider issues bordering on infraction of fundamental human rights as protected under Cap.10 Laws of the Federation of Nigeria under the thin disguise that there is ouster provision. I subscribed entirely to the

observation of Mustapher JCA in Chief Gani Famehimni v General Sani Abacha] that the African Charter on Human and peoples Rights (Ratification and Enforcement) Act Cap.10 is superior to our municipal laws on question of human rights.

As mentioned above, the Supreme Court, in overruling the Court of Appeal in Fawehinmi v Abacha (supra), held that the African Charter could not be superior to the Constitution, which is good reasoning, as the Charter could not supersede the very legal basis on which it was incorporated. But the Supreme Court did not say that the Charter is not superior to other statutes of the national Assembly, nor did their lordships overrule the statements of the justices of the Court of Appeal on the international flavour of the Charter, which gives it precedent over municipal laws, it is my submission that though the African Charter is on the same broad hierarchy with other laws of the National Assembly in terms of the decision referred to above the ordinary, the Charter, as any other domesticated treaty, stands above the ordinary law of the national Assembly that is on concurrent hierarchy with it by reason of the judgements discussed above.

iv. Institutional Measures for the Promotion and Protection of Human and Peoples' Rights:

-

- The National Human Rights Commission established by the NHRC Act Cap.N46 Vol.11 Laws of the Federation of Nigeria 2004 is mandated to promote and protect human rights and to ensure discharge of Nigeria's human rights obligations.

v. Challenges

One of the key challenges in the effective implementation of the Charter in Nigeria is the multi-ethno-religious-cultural character of the Federation coupled with its tripartite systems of law and administration of Justice.

Another important challenge is the low level of literacy and high percentage of poverty among Nigerians.

Furthermore, poor budgetary allocations to main line ministries and agencies responsible for the promotion of security, socio-economic welfare and poverty eradication programmes and projects presents another important challenge in the effective implementation of most of the provisions of the economic, social, cultural, environmental and developmental rights guaranteed under the Charter.

Below however are some of the efforts made within the reporting cycle to address the above challenges and to improve on the quality of implementation of the provisions of the Charter in Nigeria.

PART THREE: - INDIVIDUAL CIVIL AND POLITICAL RIGHTS: - ARTICLES 2-13

Chapter 1: - Rights to Non-Discrimination and Equality before and Equal protection of the Law: - Articles 2 and 3.

1.0 Legal/Policy and Administrative Measures.

1.1 Non Discrimination

- Section 42 of the Nigerian Constitution guarantees the right to freedom from discrimination on the ground sex, religion, ethnicity, political opinion, circumstances of birth, place of origin etc except in accordance with the constitutional limitations provided therein;
- Section 16(1)(b) obligates the State to ensure the control of the national economy in such a manner as to secure the maximum welfare. Freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;
- Section 17 obligates the state to ensure that in furtherance of the social order founded on ideals of freedom, equality and justice: -
 - a) Every citizen shall have equality of rights, obligations and opportunities before the law;
 - b) 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;
 - c) There is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever.

1.2 Steps taken to eradicate discrimination against children

The following steps are being taken at all levels of government to stamp out discrimination:

- Enlightenment campaigns; skills acquisition centres for girls; laws against Female Genital Mutilation in the southern states of the country where the incidence is most prevalent; motivation for school enrolment of the girl-child and automatic scholarships for girls in the states of Zamfara, Bauchi, Katsina, Yobe, Sokoto and Borno;
- Provision of scholarships for girls in twelve states of the country by various NGOs;
- Girl-Child Education Projects (GEP) across the country;
- Schools for refugees and displaced children have been established in the border towns of Akwa Ibom, Bayelsa, Bauchi and Ogun States;
- Establishment of 14 Schools in Leprosy settlements nationwide, 28 schools for physically challenged children in Delta, Rivers, Akwa-Ibom, Bayelsa, Cross- River, Niger, Plateau, Kogi, Sokoto and Kwara States and the FCT;
- Establishment of five rehabilitation centers for street children in Rivers and Cross River States;
- Establishment of drop-in-centres by the Federal Government in Sokoto and Ebonyi States and also in Lagos by some NGOs;
- Establishment of shelters for trafficked Children in Edo, Kano, Akwa Ibom, Sokoto, Lagos and the FCT;
- Prohibition of childhood marriage in Kebbi and Niger States.
- Prohibition of withdrawal of girls from schools in Kano, Borno, Gombe and Bauchi States.
- Provision of free and compulsory primary and secondary education in Ebonyi, Lagos and Oyo States.

1.3 Measures taken to deal with cultural practices affecting children.

Specific measures taken by the Government to combat such harmful cultural practices against the best interest of the child include:

- Prohibition of child marriage and child betrothal under **Sections 21 and 22** of the **CRA**.
- Prohibition of tattoos and skin marks under **Section 24** of **CRA**

- Prohibition of Child Trafficking by Trafficking in Persons (Prohibition) Law Enforcement and Administration Act **2003**
- Edo State Law on Female Genital Mutilation (FGM)—**2000** bans the practice of FGM and prescribes the punishment of N1000 fine or six months imprisonment for its violation.
- Bills prohibiting Female Genital Mutilation have been passed in eleven states
- The National Policy on Food and Nutrition in Nigeria **2001** addresses among others, cultural nutritional practices that cause deficiencies associated with high rate of infant mortality and morbidity.
- The Northern States of Zamfara, Sokoto, Kebbi, Kaduna, Kano, Jigawa, Yobe, Bauchi, and Borno, where the Shari'a Legal system is being applied, have witnessed commitment of government to the welfare of the less privileged children, notably orphans and the numerous child beggars prevalent in those states.
- The Shari'a Legal system does not provide for adoption but allows for fostering and inheritance rights defined by a will (**Wasiyyah**) for children, thereby guarding against possible discrimination against such children.
- There are on going efforts across the country by NGOs to scale up children participation in decision making in schools - particularly in the areas of school administration, drafting school's time table, choice of prefects and involvement in Parent/Teachers Association meetings.

1.4 Challenges

A major constraint on meaningful planning for physically challenged children is the dearth of accurate data. To address this gap, the Federal Government has included in the National Policy on Education, a commitment to carry out a census of all physically or emotionally challenged children. Other constraints are:

- Inadequate number of safe homes/shelters/boarding schools for physically challenged children and disadvantaged children;
- Lack of emphasis in public enlightenment programmes to draw the attention of the public to the plight of disadvantaged children;
- Disadvantaged children face lower school enrolment;
- Insufficient personnel and educational facilities for physically challenged children.
- Effort to prevent discrimination against physically and mentally challenged children need scaling up.

The acceptance of child participation at community level is still low; and therefore poses a challenge to implementation of best interest of the child principle.

1.5 Administrative and Legislative Measures to Accelerate Equality

The National Gender Policy 2007 provides the framework for ensuring the acceleration of equality between men and women. The document specifies guidelines for the promotion of gender equality in all sectors of the economy.

In 2003, the **Nigeria Labour Congress (NLC)** the then umbrella labour union coalition in the country articulated a **Gender Policy** within the union. The policy tagged "The Gender Equality" amended the congress constitution and provided for a National Women's Commission whose Chairperson shall have the status of the Vice President of the Nigeria Labour Congress. The thrust of the policy was geared towards ensuring that all constituent unions within the NLC made concerted efforts to meet the 30% representation of women in all leadership structures.

The above stated policies are in furtherance of the legal provisions contained in the 1999 Constitution, especially Section 42 which guarantees freedom from all forms of discrimination including gender. Constitutional obligations consistent with sections 13 – 15, 16, Section 1(b), 17 -

18 of the 1999 Constitution and the three arms of government: the executive, legislature and the judiciary provide competent organs for the promotion and protection of women against all forms of discriminatory practices, policies and laws. However, patriarchy and the predominance of cultural stereotypes still inhibit the attainment of equality between men and women.

1.6 Special Measures Taken to Ensure Equality between Women and Men

Government and civil society organizations in Nigeria have put in place measures to ensure the acceleration of equality between men and women. At the national level, the NEEDS document of the Federal Government provides for the engendering of all programs emanating from the document through affirmative action.

Other measures for ensuring the full advancement of women outlined in paragraphs 3.1 and 3.2 of this report contribute to providing accelerated mechanisms for achieving equality between women and men. These cumulative efforts have helped to bridge disparities in equality and fast track the processes in the period under review.

Following the financial gains that accrued to the Nigerian government as a result of the debt relief it secured in 2005, special funds have been allocated to the FMWA. The Special funding provided through the Debt Relief Gains and Millennium Development Goals office is to accelerate capacity building of the Women Affairs Ministry and other concerned actors to effectively monitor MDG implementing sectors for gender equality compliance.

1.7 Political Parties

Efforts are on going by the FMWA, CSOs and the National Coalition on Women's Political Participation to engage political parties on affirmative the need to adopt the policy of affirmative towards ensuring increased participation of women in party politics particularly in the 2007 elections.

Female Political Pressure groups are being set up to build the capacity of female aspirants, encourage more women to register and join political parties and participate more effectively in the political processes.

1.8 Challenges

Despite the concerted efforts that the federal and state governments and gender machineries are making, at ensuring gender equality in all sectors, policies and programmes, challenges that are attributable to patriarchy, deep rooted traditional beliefs and customs, low level of male involvement and participation in creating change, have contributed immensely to the perpetuation of gender inequality in the country.

1.9 EQUALITY BEFORE THE LAW

1.10 Reform Measures to Enhance Equality Before the Law

- *In order to address the impact of discriminatory laws and practices on women as well as unequal access to justice, several reform measures have been initiated especially in the hindsight of the 2005 NCWD/UNICEF/World Bank-IDF project discussed severally in earlier paragraphs.*
- *The Domestic Violence (Prevention) Bill 2005 which seeks to prevent domestic violence and empower courts to grant protection orders to victims of such violence.*
- *The Violence (Prohibition) Bill 2003 which was presented to the National Assembly by the Legislative Advocacy Coalition on Violence against Women (LACVAW). The bill seeks to outlaw, rape, incest, etc., establish a trust fund for victims of violence and set up a Commission to aid victims. Advocacy for its passage into law is on going.*

- *In 2004, the Attorney General of the Federation and Minister for Justice(AG) inaugurated a National Committee to Review the Administration of Justice Law. This Committee submitted a final draft national bill on Criminal procedure containing recommendations for the simplification of the criminal procedure to accommodate the interests of vulnerable groups including women and children.*
- *In 2005, the AG inaugurated another National Committee on the Review of Discriminatory Laws against Women with the National Human Rights Commission facilitating the process. The outcome is the Abolition of all Forms of Discrimination Against Women in Nigeria and other Related Matters Bill, 2006 which seeks to domesticate CEDAW, promote affirmative action and abolish all forms of discrimination against women. It is now an executive bill currently under consideration by the national assembly.*
- *The Elimination of Violence in Society Bill, 2006 being tabled by the Federal Ministry of Justice for consideration as an executive bill by the House of Representatives and Senate. This bill seeks to end, by prohibiting and punishing perpetrators of all forms of violence in the society.*
- *Nigeria's President Obasanjo, inaugurated on March 16, 2006, a seven -member, Presidential Commission on the Reform of the Administration of Justice. The Commission was charged with the responsibility of (i) developing a strategic plan for the reform of the administration of Justice sector in Nigeria (ii) proposing modalities for the efficient coordination and functioning of the various agencies of the Justice system (iii) evolving a national crime prevention strategy and (iv) developing a legislative framework for the protection of the rights of victims of crime and human rights violations, especially women and children. It is expected that the reform will include fair representation of women in the judiciary, the Police Force and Prisons.*

1.11 Challenges

In spite of the constitutional and administrative measures in place, several issues account for the limited access of women to justice in Nigeria amongst which are:

- The high cost of litigation, including lawyer's and court fees, which make it unaffordable for most women due to their low economic status in society;
- The inaccessibility of courts of law due to their distance/locations coupled with poor transportation systems, are major inhibitive factors for most poor/rural women.
- Barrier deriving from use of English rather than local languages as communication medium in courts and the complex nature of the court system.

1.12 EQUALITY IN MARRIAGE AND FAMILY

1.12.1 Proactive and Innovative Measures to Remove Contradictions in the Tripartite

- The report of the study published in October 2005 contained a number of recommendations to Nigeria's Federal and State Governments for the amendment or outright abolition of provisions of discriminatory and obnoxious laws, policies and practices.
- The recommendations of the above report lead to the Draft Bill on the Elimination of Violence in Society, 2006 and the Draft Bill on Anti-Discriminatory Laws and Practices in Nigeria, 2006, presented as Executive Bills to the National Assembly in 2007 for due consideration.
- Precedent cases proposed for amendment include court decisions such as the Akinbuwa V. Akinbuwa and Otti v. Otti, case which upheld the objectionable provisions of Sections 15(2) (C) and 16(e) of the Matrimonial Causes Act, recognizing extreme violence as a ground for divorce. Judgement was premised on extant provisions which require that the abusive spouse must have been convicted of a list of other serious offences before such violence can be ground for a divorce.

- The proposed amendment is that any degree of violence should be a ground for divorce; and the abusive spouse need not have been convicted of any of the listed offences. Previous abuses or violence on the spouse/petitioner should simply be required as confirmatory evidence of such violence that is presented as ground for divorce.
- Also recommended for repeal is Section 55(1) (d) of the Northern States Penal Code Law which endorses wife battery as chastisement and equates the relationship of husband and wife with that of a master and servant. It gives a husband license to discipline his wife by beating. This recommendation is aimed at promoting and protecting the rights of women to equality in marriage.
- To further guarantee equality in marriage, Section 21 of the Child's Rights Act stipulates eighteen years as the minimum age for marriage and betrothal. This takes care of the absence of a fixed age of marriage in the Marriage Act, Cap. M6, Vol. 8, Laws of the Federation of Nigeria, 2004, and the Matrimonial Causes Act, Cap, M.7, Vol.8, Laws of the Federation of Nigeria, 2004, and outlaws the arbitrary fixing of age of marriage under customary and traditional practices. At least ten states of the Federation have adopted the provisions of the Child's Rights Act, 2003.

1.12.2 Other Related Initiatives by NGOs and Government

- WRAPA's work on Codification of Muslim Family Laws (2005/6), to give married women enhanced access to justice, protection of their equal rights in marriage, divorce and ownership of property, will facilitate uniform decisions within the judiciary once enacted. The codification will also enhance the judiciary's ability to interpret and enforce legislation in a gender-equitable way because the proposed code accommodates both international equality norms and progressive interpretations of Sharia used in other Muslim countries.
- A validation workshop held in April 2006, reviewed the findings and recommendations of the Report on the Review of Reproductive Health Policies and Legislations in Nigeria. Under the coordination of the Independent Policy Group, Abuja, supported by ENHANSE/USAID, a policy brief has been prepared for President Obasanjo and submitted to the Federal Ministry of Health for due consideration. The review identified gaps in the existing policies and legislations and made policy-oriented recommendations that seek to address the problem of maternal mortality and enhance the promotion and protection of the rights of women in Nigeria.
- Also worthy of mention here are the health sector initiatives on gender-based violence embarked upon by Federal Ministry of Health. These include the development of a draft policy guideline for the management and control of Gender-Based Violence (GBV) targeting health workers, law enforcement agents and the Judiciary. This is a follow-up to the findings of its 2003 National HIV/AIDS and Reproductive Health Survey.
- According to the March 2006 Report on Gender Mainstreaming and Future Challenges towards Gender Equality in Nigeria, commissioned by the Government of Japan, and conducted by WRAPA, Abuja, the draft policy guideline was tested between December 2005 - January 2006 and utilized for the training of different categories of target groups in Lagos.
- Between 2004 and June 2006, the under listed Nigerian NGOs and several others, engaged in diverse public education activities, capacity building initiatives, legal assistance and counseling services for female victims and survivors of violence and violation of human rights: Project Alert, Lagos; WRAPA, Abuja; BAOBAB for Women's Human Rights, Lagos; WACOL, Enugu; Action Health Incorporated, Lagos; Girls' Power Initiative (GPI), Calabar; WOCON, Lagos; CIRDDOC, Enugu; WOTCLEF, Abuja; Women's Optimum Development, WARDC, Lagos; GADA Lagos; LRRDC Lagos, AHIP, Kano; GHARF Enugu; WHARC, Benin etc.

- Highlights of the Gender Mainstreaming Report produced also reveal that GBV is influenced largely by:-
 - Women's reluctance to discuss violence
 - Lack of adequate support and protection for women who disclose having been abused;
 - Lack of existing laws to adequately protect victims;
 - Lack of technical competence and resources, among others.

- **Challenges**

Dearth of gender disaggregated data is a major constraint to the achievement of equality of women and men before the law, depriving gender actors evidence to argue for affirmative action and gender specific concessions and interventions as a strategy for attaining gender equality. There is need to have useful data on the prevalence and pattern of violence against women and discriminatory practices in the various parts of the country.

Another constraint is the inadequate legal framework and enforcement mechanisms for existing legislation. Whereas Nigeria is signatory to an array of international human rights instruments which affirm in clear terms the aspirations of enhancing women's rights, Nigeria also has an array of laws reflecting aspirations in direct variance to what these international instruments espouse. Nigeria still has many customary laws that provide institutional support for practices such as early marriage, early and unspaced child bearing, FGM, widowhood rites and dis-inheritance that limit women's enjoyment of their right to equality. Even where statutory laws exist to outlaw some of these inimical customary and religious practices, practical experience and evidence abound that enforcement level is negligible.

Right to Life: - Article 4

1. Constitutional and Judicial Measures

- Section 33 of the 1999 Nigerian Constitution guarantees the right to life.
- Though the Constitution authorizes the execution of death sentence imposed by a competent court of law, it must be emphasized that such executions could only be justified under the provision where there is no pending appeal. Thus the Supreme Court of Nigeria in *Bello v. Attorney General of Oyo State* (1986) 12 S.C.1 awarded damages against the Government of Oyo State for executing a condemned criminal whose appeal was pending in the Court of Appeal. Appeal in such circumstances should operate as a stay of execution.
- However, Section 221(1) of the Child Rights Act 2003, provides that: - "No child shall be ordered to be subject to the death penalty or have the death penalty recorded against him or her".

2. Policy and Administrative Measures to Promote and Protect the Survival rights of children and women.

i. Policy Measures

The provisions of the National Child Policy 2007, National Gender Policy 2007, National Plan of Action on Orphan and Vulnerable Children 2006, National Reproductive Health Policy and Strategy, 2001, the National Policy on HIV-AIDS, 2003, the National Policy Health Policy and Strategy, 1998 and 2004, the National Policy on the Elimination of Female Genital Mutilation, 1998 and 2002, the National Adolescent Health Policy, 1995, the National Policy on Maternal and Child Health, 1994, and the National Policy on Population for Development, Unity, Progress and Self-reliance, 1998 and 2004, constitute the key policy frameworks that seek to promote the survival rights of Nigerians especially women and children to achieve quality reproductive and sexual health for all Nigerians, especially women and girls.

a) Survival of Children

The unalloyed desire of the government to secure the survival rights of the Nigerian child can be seen in the numerous activities and efforts that have been put in place, notably:

- Development of the Integrated Maternal, New born and Child Health Strategy in the FMOH launched in March 2007;
- Formation of Social Mobilization Committees, at national, state and local levels, on immunisation of children against Poliomyelitis and other childhood killer diseases;
- Regular de-worming exercises for children in primary schools across the country;
- Free pre- and post-natal medical care for women and children up to the age of five years;
- Iodine and Vitamin A supplementation exercise;
- *Roll-back Malaria* project, including the popularization of the use of insecticide-treated mosquito nets;
- Various intervention by state and local governments in cases of abject destitution and hardship, especially, where children are involved;
- Promotion of exclusive breast-feeding for the first six months of life;
- Promotion of household and community practices for child survival, such as parent and community education initiatives;
- Group monitoring for under-five;
- Oral dehydration therapy for diarrhea diseases;
- Integrated Management of Childhood Illness (IMCI); and

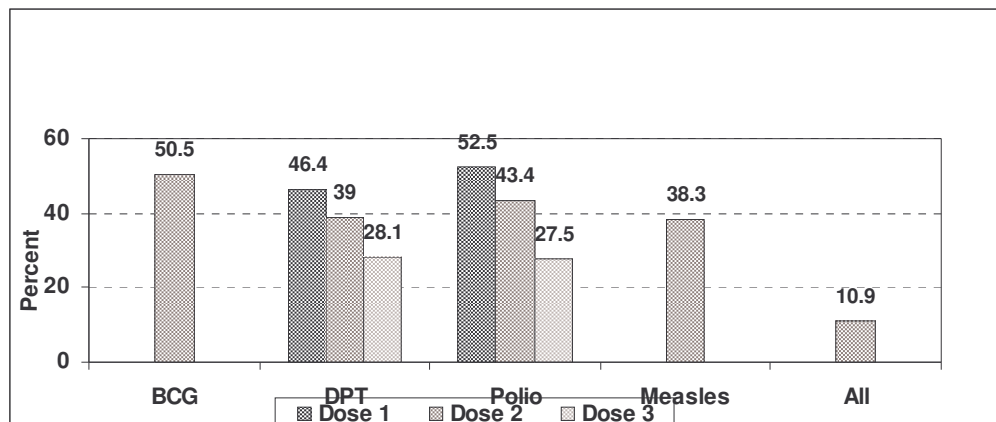
- School Feeding Programme in Abia, Benue, Enugu, Imo, Kogi, Nasarawa and Osun States.

**d. Preventive Measures taken to reduce child’s death
Immunisation**

According to UNICEF and WHO guidelines, a child should receive a BCG vaccination to protect against tuberculosis, three doses of DPT to protect against diphtheria, pertussis, and tetanus, three doses of polio vaccine, and a measles vaccination by the age of 12 months.

The percentage of children aged 12 to 23 months who received each of the vaccinations is shown in Figure 2.

Figure 2: Percentage of children 12-23 months who received immunisations by age 12 months, Nigeria 2007



Source: MICS 3, 2007.

Approximately 51 percent of children aged 12-23 months received a BCG vaccination by the age of 12 months and the first dose of DPT was given to 46 percent. The percentage declines for subsequent doses of DPT to 39 percent for the second dose, and 28 percent for the third dose (Figure 2). Similarly, fewer than 53 percent of children received Polio 1 by age 12 months and this declines to fewer than 28 percent by the third dose. The coverage for measles vaccine by 12 months is over 38 percent. The percentage of children who had all eight recommended vaccinations by their first birthday is just 11 percent.

Table 2—Immunisation by background characteristics

Percentage of children aged 12-23 months currently vaccinated against childhood diseases, Nigeria, 2007

Background Characteristics	Percentage of Children who received										No Vaccinations	% age with Vaccination cards	No. of children
	DPT	Polio 1				Measles			All				
	BCG	1	2	3	0	1	2	3	Measles	All			
Gender													
Male	52.6	48.8	40.3	28.7	37.8	54.9	45.3	29.7	43.9	16.0	38.0	17.9	1,656
Female	50.2	48.4	41.3	30.6	37.2	56.3	46.5	29.0	44.2	16.9	38.0	18.5	1,530
Residence													
Urban	41.3	38.2	31.0	20.6	26.5	48.0	39.6	24.8	33.4	10.5	46.1	14.1	2,237
Rural	75.2	72.8	63.5	50.8	63.2	73.4	60.6	40.1	68.8	30.3	18.9	27.8	950
Zones													
North Central	68.9	63.5	56.1	38.7	44.7	77.4	70.1	46.8	60.1	28.9	19.3	25.0	330
North East	39.0	38.7	30.8	24.4	35.6	39.3	28.4	20.3	37.1	13.7	52.6	8.1	758
North West	21.1	19.6	12.7	7.7	11.3	31.4	25.1	17.2	17.0	3.2	63.3	6.1	970
South East	88.1	80.9	73.4	51.7	64.3	81.5	63.9	35.1	66.8	20.4	9.6	32.4	262
South South	74.3	71.1	60.4	39.9	46.1	75.1	65.5	39.5	58.9	20.8	14.9	37.0	455
South West	84.2	79.7	72.2	59.8	70.5	87.0	74.7	46.0	77.3	35.6	10.1	29.8	412
Mothers Education													
No education	24.3	20.7	15.6	9.5	14.1	33.3	26.9	16.9	19.0	5.1	63.3	5.5	1,491
Primary	69.6	65.1	55.5	40.6	50.0	72.7	59.8	36.6	57.7	21.1	19.6	23.6	752
Secondary	84.3	82.9	72.3	55.9	68.5	79.5	66.9	45.0	75.8	32.5	9.6	36.0	883
Non-standard curriculum	20.5	25.9	14.6	5.1	6.6	40.4	34.5	18.6	25.3	3.4	59.6	4.2	59
Wealth Quintile													
Lowest	21.2	18.9	15.8	9.6	11.6	30.3	24.8	14.9	17.7	5.4	67.1	6.0	6.0
Second	31.5	30.7	24.9	14.9	17.4	41.8	35.0	22.2	25.5	8.6	54.2	10.2	10.2
Middle	45.0	39.8	29.7	18.8	25.7	53.3	42.8	26.9	33.6	8.4	38.9	14.6	14.6
Fourth	72.7	68.2	59.3	47.0	59.1	73.1	60.3	38.4	61.9	25.4	20.2	28.9	28.9
Highest	85.4	83.7	72.4	56.6	72.4	78.2	65.5	43.7	79.6	33.4	10.8	30.6	30.6
Total	51.5	48.6	40.8	29.6	37.5	55.6	45.9	29.4	44.0	16.4	38.0	18.2	

Note: Figures in parenthesis are based on 25-49 un-weighted cases,

Polio 0 is the polio vaccination given at birth

BCG, measles, and three doses each of DPT and polio vaccine (excluding polio vaccine given at birth)

Source: NBS; MCS 3, 2007

e. Indicators for Maternal Mortality.

Table 3: Summary Table of Findings: MICS 3 and MDG Indicators, Nigeria, 2007

TOPIC	MICS3 INDICATOR NUMBER	MDG INDICATOR NUMBER	INDICATOR	VALUE	UNIT
Child Mortality	1	13	Under-five mortality rate	138	Per 1,000 live births
	2	14	Infant mortality rate	86	
Nutrition	6	4	Underweight prevalence (≤ 2 SD) (≤ 3 SD)	25; 8	Percent
	7		Stunting prevalence (≤ 2 SD; ≤ 3 SD)	34; 19	Percent
	8		15Wasting prevalence (≤ 2 SD; ≤ 3 SD)	11; 3	Percent
	15		Exclusive breastfeeding rate (0-5 months)	11.7	Percent
	16		Continued breastfeeding rate At 12-15 months; At 20-23 months	30.5; 77.8	Percent Percent
	17		Timely complementary feeding rate (6-9 months)	40.9	Percent
Child Health	25		Tuberculosis immunization coverage	50.5	Percent
	26		Polio immunization coverage	27.5	Percent
	27		DPT immunization coverage	28.1	Percent
	28	15	Measles immunization coverage	38.4	Percent
	31		Fully immunized children	10.9	Percent
	22		Antibiotic treatment of suspected pneumonia	46.4	Percent
	24	29	Solid fuels	75.0	Percent
	37	22	Under-fives sleeping under insecticide-treated nets	3.5	Percent
	38		Under-fives sleeping under mosquito nets	4.1	percent
39	22	Antimalaria treatment (under-fives)	52.0	percent	
Environment	11	30	Use of improved drinking water sources	49.1	percent
	12	31	Use of improved sanitation facilities	42.9	percent
Reproductive Health	21	19c	Contraceptive prevalence	14.6	Percent
	4	17	Skilled attendant at delivery	61.4	percent
	5		Institution deliveries	40.5	percent
Education	55	6	Net primary school attendance rate Girls Boys	62.1 60.0 64.1	percent percent
	61	9	Gender parity index Primary school Secondary school	93.6 97.6	Ratio Ratio
	62		Birth registration	23.3	percent
Child Protection	67		Marriage Before age 15 Before age 18	15.3 36.4	percent
	68		Young women aged 15-19 currently married/in union	24.7	percent
	70		Polygyny	42.6	percent
	82	19b	Comprehensive knowledge about HIV prevention among young people	27.4	percent
HIV/AIDS, Sexual Behaviour, and Orphaned and Vulnerable children	83	19a	Condom use with non-regular partners	39.1	percent
	85		Higher risk sex in the last year	39.3	percent
	77	20	School attendance of orphans versus non-orphans	1.16	percent

Chapter 3: - Right to Human Dignity and Prohibition of Torture and Inhuman Treatment: Article 5
1. Constitutional and Judicial Measures

- Section 34 of the 1999 Nigerian Constitution guarantees the right to human dignity and to freedom from torture, inhuman or degrading treatment, and freedom from being held in slavery or servitude as well as freedom from being subjected to any unconstitutional forced or compulsory labour.
- Although the death penalty may be a form of cruel, inhuman and degrading treatment, the Supreme Court of Nigeria in *Kalu Onuoha v. The State* (1998)(supra) held that it was nevertheless constitutionally permissible, having regard to the qualified nature of the right to life under the constitution.
- However, an inordinate delay in the execution of death sentence may amount to inhuman and degrading treatment. In the case of *Peter Nemi v. Attorney General of Lagos State and Anor* (1996)6 NWLR 587, the Court of Appeal held that the right to human dignity avails condemned prisoners. Consequently, ending the life of a condemned prisoner must be done according to due process of law, and the due process of law does not end with the pronouncement of sentence.
- Chief Chinedu Eze and 1 Other v. Inspector-General of Police and 4 Others (2007) CHR pages 43-68: - The Court in its judgement referred, amongst others, to Articles 5 and 6 of the African Charter on Human and Peoples' Rights which guarantees the right of every individual to the dignity of his person and to liberty and the security of his person. Happily today, apart from ratifying the African Charter on Human and Peoples' Rights, Nigeria has gone a step further by enacting this Treaty into Municipal law. Thus, by virtue of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap 10) Laws of the Federation of Nigeria, 1990 the provisions of the Charter have the force of law in Nigeria. It is therefore established that international treaties which have been enacted into local laws pursuant to Section 12 of the Constitution are enforceable by Municipal Courts in Nigeria. See *Oshevire v. British Caledonia Airways* (1987) 4 NWLR pt. 163 at 507 and *Ibidapo v. Lufthanse Airlines* (1997) 4 NWLR pt 498 at page 128.

The African Charter has thus been domestically applied in a plethora of Cases such as *Oguqn v. The State* (1996) 9 NWLR (pt. 366) is Directive SSS. V. *Olisa Agbakoba* (1998) NWLR pt. 595 at page 425. *Nwangwu v. Duru* (2002) 2 NWLR pt. 751 at page 265. it goes without saying that the observance of human rights is a tribute to the rule of law.

- *Ndukwem Chiziri Nice v. A-G Federation & Another* (2007) CHR 218-235: - The Court held, amongst others, that:
 - i. The arrest and detention of the Applicant by the 2nd Respondent's officers from the 3rd January 2006 at the police command station and later at the Garki Police Station and also at the Police Force Headquarters is unreasonable, unconstitutional and Constitutes a grave violation of the Applicant's Fundamental Rights to liberty guaranteed under Section 35 (i) of the 1999 Constitution and Article 6 of the African Charter on Human and Peoples' Rights.
 - ii. The arrest, violent assaults on the Applicant, dragging of the Applicant by the officers of the 2nd Respondents, forcing another man to lie on top of the Applicant on the 3rd January 2006 in public before a huge crowd in front of Top Rank Hotel at Gimbiya Street, Area 11 is inhuman and degrading thereby Constituting a violation of his right to human dignity guaranteed by Section 34(1) of the 1999 Constitution and Article 5 of the African Charter on Human and Peoples' Rights. The Court also awarded the sum of 5 million Naira to the Applicant as damages.

Chapter 4: - **Right to Personal Liberty: - Article 6.**
1. **Constitutional and Judicial Measures**

- Section 35 of the 1999 Nigerian Constitution guarantees the right to personal liberty and no person shall be deprived of such liberty except in accordance with the qualifications provided by law; for the limit within which to bring a suspect to the competent court of law; and for compensation and public apology to a wrongfully detained person.
- **Preye Johnson v. Commissioner of Police Lagos State & 2 Others (2006) CHR 389-395:** - It was held by the Court that Section 35(1) (c) of the 1999 Constitution as well as Articles 5, 6 and 7 of the African Charter on Human and Peoples' Rights guarantees the applicant, the right to personal liberty which can only be curtailed upon reasonable suspicion of having committed a criminal offence.

That an allegation of crime levelled against the Applicant must be tried within a reasonable time and that failure to justify the detention of the Applicant by the Respondents violated his rights to personal liberty and fair hearing as guaranteed by the Constitution and the African Charter on Human and Peoples' Rights.

- **Chief Chinedu Eze and 1 Other v. Inspector-General of Police and 4 Others (2007) CHR pages 43-68:** - The Court in its judgement referred, amongst others, to Articles 5 and 6 of the African Charter on Human and Peoples' Rights which guarantees the right of every individual to the dignity of his person and to liberty and the security of his person. Happily today, apart from ratifying the African Charter on Human and Peoples' Rights, Nigeria has gone a step further by enacting this Treaty into Municipal law. Thus, by virtue of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap 10) Laws of the Federation of Nigeria, 1990 the provisions of the Charter have the force of law in Nigeria. It is therefore established that international treaties which have been enacted into local laws pursuant to Section 12 of the Constitution are enforceable by Municipal Courts in Nigeria. See Oshevire v. British Caledonia Airways (1987) 4 NWLR pt. 163 at 507 and Ibidapo v. Lufthanse Airlines (1997) 4 NWLR pt 498 at page 128.

The African Charter has thus been domestically applied in a plethora of Cases such as Oguqn v. The State (1996) 9 NWLR (pt. 366) is Directive SSS. v. Olisa Agbakoba (1998) NWLR pt. 595 at page 425. Nwangwu v. Duru (2002) 2 NWLR pt. 751 at page 265. it goes without saying that the observance of human rights is a tribute to the rule of law.

- **Otunba Oyewole Fashawe v. Attorney-General of the Federation & 3 Others (2007) CHR 890-116:** - Based on the above facts, the Applicant brought an action for the enforcement of his fundamental rights as contained in Section 35, 36, 37, 40, 41 and 43 of the 1999 Constitution and Articles 6, 7, 11-12 and 14 of the African Charter on Human and Peoples' Rights.

- i. A declaration that the arrest, detention and incarceration of the Applicant by the 2nd Respond at Abuja and later in Lagos without any warrant and without any charge laid or framed against him is unconstitutional, illegal and constitutes a violation of the Applicant's fundamental right to personal liberty, fair hearing and freedom of movement as respectively guaranteed by Section 35, 36 and 41 of the 1999 Constitution and Articles 6, 7, 11 and 12 of the African Charter on Human and Peoples' Rights.

In a considered ruling the Court dismissed the Respondent's Preliminary Objection, allowed the application and granted the reliefs sought by the Applicant.

- **Blessing Onomeku v. Commissioner of Police, Delta State Command (2007) CHR page 173-183:** - The Court held that:

- i. The treatment of Violent assault mixed out to the Applicant amounts to inhuman or degrading treating which has eroded the dignity of her person;
- ii. Even where an arrest is warranted, in carrying out their duty the Police have no right to torture a person in course of interrogating him.
- iii. The arrest, torture and detention of the Applicant by and at the instance of the Respondents constitutes a violation of her fundamental rights guaranteed under Sections 34 and 35(1) of the Constitution of the Federal Republic of Nigeria and Article 6 of the African Charter on Human and Peoples' Rights.

The sum of N500,000 (Five Hundred Thousand Naira) was awarded to the Applicant as exemplary damages.

- **Nduukwem Chiziri Nice v. A-G Federation & Another (2007) CHR 218-235:** - The Court held, amongst others, that:
 - i. The arrest and detention of the Applicant by the 2nd Respondent's officers from the 3rd January 2006 at the police command station and later at the Garki Police Station and also at the Police Force Headquarters is unreasonable, unconstitutional and Constitutes a grave violation of the Applicant's Fundamental Rights to liberty guaranteed under Section 35 (i) of the 1999 Constitution and Article 6 of the African Charter on Human and Peoples' Rights.
 - ii. The arrest, violent assaults on the Applicant, dragging of the Applicant by the officers of the 2nd Respondents, forcing another man to lie on top of the Applicant on the 3rd January 2006 in public before a huge crowd in front of Top Rank Hotel at Gimbiya Street, Area 11 is inhuman and degrading thereby Constituting a violation of his right to human dignity guaranteed by Section 34(1) of the 1999 Constitution and Article 5 of the African Charter on Human and Peoples' Rights. The Court also awarded the sum of 5 million Naira to the Applicant as damages.

2. **PRISON DECONGESTION AND REFORM INITIATIVE OF THE FEDERAL GOVERNMENT: 2005-08**

- a. Following the submission to the President of the February 2005 recommendations contained in the Report of the National Working Group on Prison Reforms and Decongestion, the Federal Government, among 15 others, ordered the release of all Prison Intimates who are above 60 years on account of old age for minor offences,
- b. The Federal Government committed 8 billion Naira in the 2008 Budget to facilitate the above initiative,
- c. The Prison Act (Amendment Bill) 2007 is receiving due consideration of the National Assembly.

Chapter 5: - Right to Fair Trial: Article 7

1. Constitutional and Judicial Measures

- Section 36 of the Nigerian Constitution guarantees the right to fair hearing/trial and deals with fair hearing within reasonable time, presumption of innocence, legal assistance and interpretation to the accused, the rule against retroactivity of laws and the rule against compellability of evidence and undefined law.
- *Otunba Oyewole Fashawe v. Attorney-General of the Federation & 3 Others* (2007) CHR 890-116: - Based on the above facts, the Applicant brought an action for the enforcement of his fundamental rights as contained in Section 35, 36, 37, 40, 41 and 43 of the 1999 Constitution and Articles 6, 7, 11-12 and 14 of the African Charter on Human and Peoples' Rights.
 - i. A declaration that the arrest, detention and incarceration of the Applicant by the 2nd Respond at Abuja and later in Lagos without any warrant and without any charge laid or framed against him is unconstitutional, illegal and constitutes a violation of the Applicant's fundamental right to personal liberty, fair hearing and freedom of movement as respectively guaranteed by Section 35, 36 and 41 of the 1999 Constitution and Articles 6, 7, 11 and 12 of the African Charter on Human and Peoples' Rights.

In a considered ruling the Court dismissed the Respondent's Preliminary Objection, allowed the application and granted the reliefs sought by the Applicant.

Chapter 6: - Right to Freedom of Conscience: - Article 8

1. Constitutional and Judicial Measures

- Section 38 of the Nigerian Constitution guarantees the right to freedom of thought, conscience and religion.
- The section gives the latitude to every person to change his/her belief, to manifest and propagate his/her religion in worships, teachings, practice and observance either alone or in concert with others, subject to the constitutional limitations such as in the interest of defence, public safety and order, public morality or health or for the purpose of protecting the rights and freedom of others.
- The Court of Appeal and the Supreme Court of Nigeria have struck down some local government authority policies/decisions and right to freedom of conscience, thought and religion: - Adamu v. Attorney General of Borno State (1996) 8 NWLR 203; Theresa Onwo v. Oko (1996) 6 NWLR 587; Agbai v. Okogbue (1991) 1 NWLR (pt.204)p.391 at 444.

Chapter 7: - Right to Freedom of Expression: - Article 9

1. Constitutional and Judicial Measures

- Section 39 of the 1999 Nigerian Constitution guarantees the right to freedom of expression and the press subject to the constitutional limitations of public interest/reasonably justifiable in a democratic society.
- Under Section 22 of the Constitution, on obligations of the Mass Media: - The Press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in chapter two of the constitution and uphold the responsibility of the government to the people.
- In the case of *Akinnola v. Babangida and Ors* (1999) JHRLP Vol.4 Nos.1-3, p.250, the Court held that a federal government law banning a newspaper was violative of the right to receive and impart information under article 9 of the Charter.

2. Measures guaranteeing the child's right to freedom of expression:

Section 39 of the Nigerian Constitution and Section 3 of the CRA 2003 guarantee freedom of expression to all citizens including children. The inauguration of the Nigerian Children's Parliament in December 2000 has provided a forum for children to participate in affairs affecting them and has been institutionalized. A platform for children to dialogue with the President of Nigeria and other leaders on a regular basis is assured.

Chapter 8: - Right to freedom of Association: - Article 10

1. Constitutional and Judicial Measures

- Section 40 of the Constitution of Nigeria, 1999 guarantees the right to freedom of association with other persons and to form or belong to any political party, trade union or any other association for the protection of his interests.
- The Public Order Act has been whittled down by the recent Court of Appeal pronouncement. Hence citizens no longer require police permit before they can freely assemble.
- In the case *Anigboro v. Sea Trucks Ltd* (1995) 6 NWLR (pt.399) 35, the Court of Appeal held that it is not for the employer to choose a trade union for his employees. That the summary dismissal of the workers who remained adamant as to their choice of a trade union was violative of their right to freedom of association.
- In *Egri v. Uperi* (1973) 1 SC 299, the Supreme Court speculated that it may be contrary to the right to freedom of association for a court to compel a wife to return to her husband.

The Constitution of Nigeria (1999) guarantees the right to freedom of association and peaceful assembly to all its citizens including children. In addition the ***Child's Rights Act*** contains adequate provisions to ensure the freedom of association and assembly by all children.

Chapter 9: - Right to Freedom of Association: - Article 11

1. Constitutional and Judicial Measures

- Section 40 of the Constitution of Nigeria 1999 guarantees the right to freedom of assembly subject to the constitutional limitations of reasonably justifiable in a democratic society such as in the interest of defence, public safety, order, morality or health or for the protection of the rights of other persons.
- Public assembly is an essential part of the activities of political parties, trade unions, religious bodies, professional associations etc.
- Under the Electoral Act 2006, every registered political party shall give the Electoral Body (INEC) 21 days notice of any convention, congress, conference or meeting convened for the purpose of electing members of the executive committee etc.

Further, political parties and their candidates shall not use places of worship, police stations and other public offices for political rallies, campaigns and processions.

- All Nigeria Peoples Party & 11 others v. Inspector General of Police (2006) CHR 181-199: - That by the combined effect of Sections 39 and 40 of the 1999 Constitution as well as Article 11 of the African Charter on Human and Peoples' Rights, the right to assemble freely cannot be violated without violating the fundamental right to peaceful assembly and association.

Chapter 10: - Right to Freedom of Movement: - Article 12

1. Constitutional and Judicial Measures

- Section 41 of the 1999 Nigerian Constitution guarantees the right to freedom of movement subject to the constitutional limitations relating to measures that are reasonably justifiable in a democratic society.
- A good example of law that forms an exception to the right to freedom of movement as enshrined in the constitution is Section 36 of the Immigration Act Cap. 171 LFN 1990 which stipulates thus: "Subject to the provision of Subsection (2) of this Section, the minister (of Interior) may if he thinks it to be in the public interest, by order prohibit the departure of any person from Nigeria, and if the travel document of any person are not in proper order or there is, to the knowledge of the Immigration Officer, an unsatisfied order of a Court of Competent Jurisdiction or Warrant of arrest relating to that person, an immigration officer may refuse to allow such person to leave Nigeria, or in his discretion he may refer the case of the Comptroller General of Immigration Service for further consideration. By virtue of Section 36(2), this power of the Minister to prohibit departure cannot be exercised in respect of exempted persons who enjoy certain immunities.

With respect to foreigners – whether aliens or West African Citizens, their freedom of movement into, out of and within Nigeria is subject to compliance with certain Immigration requirements as provided in the various Nigeria Immigration Laws especially the Immigration Act, Immigration Regulations (Control of Aliens), African Charter on Human and Peoples' Rights as well as ECOWAS protocol on free movement of persons, residence and establishment.

- In the case of Director of SSS and Olisa Agbakoba (1999) 3 NWLR (pt.599) p.314 both the Court of Appeal and the Supreme Court of Nigeria held that the right to freedom of movement includes the right of the citizen not to be expelled from Nigeria or be refused entry thereto or exist therefrom, and the withdrawal of passport from the citizen was contrary to the right to freedom of movement under both the Constitution and article 12 of the Charter.
- Otunba Oyewole Fashawe v. Attorney-General of the Federation & 3 Others (2007) CHR 890-116: - Based on the above facts, the Applicant brought an action for the enforcement of his fundamental rights as contained in Section 35, 36, 37, 40, 41 and 43 of the 1999 Constitution and Articles 6, 7, 11-12 and 14 of the African Charter on Human and Peoples' Rights.
 - i. A declaration that the arrest, detention and incarceration of the Applicant by the 2nd Respond at Abuja and later in Lagos without any warrant and without any charge laid or framed against him is unconstitutional, illegal and constitutes a violation of the Applicant's fundamental right to personal liberty, fair hearing and freedom of movement as respectively guaranteed by Section 35, 36 and 41 of the 1999 Constitution and Articles 6, 7, 11 and 12 of the African Charter on Human and Peoples' Rights.

In a considered ruling the Court dismissed the Respondent's Preliminary Objection, allowed the application and granted the reliefs sought by the Applicant.

Chapter 11: - Right to Participate in Government: - Article 13

1. Constitutional and Judicial Measures

- Though not explicitly provided for as a right under the constitution, the cumulative effect of sections 14 and 17 of the constitution is that: -
 - a) the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice;
 - b) the participation by the people in their government shall be ensured in accordance with the constitution such as: -
 - c) the ideals of freedom, equality and justice on which the state social order is founded;
 - d) every citizen shall have equality of rights, obligations and opportunities before the law, in furtherance of the State social order;
 - e) citizens' right to elect and to be elected or the right to choose and participate in political decision without any discrimination and in accordance with the Electoral Act;
 - f) citizen's right to free and fair elections that is not characterized by an atmosphere of intimidation, electoral malpractices resulting into electoral violence and denial of the right to participate in democratic governance.
- Electoral Act 2006: Establishes Independent National Electoral Commission to conduct free and fair elections, conduct registration of political parties and monitor their compliance with the electoral law, among others.
- The Courts have held that the right to free and fair elections is a major determinant of the right to participate in democratic governance without discrimination and abuse of legal power: - See *Abubakar v. INEC* (2004)1 NWLR (pt.854)207; *Ngige v. Peter Obi and Ors* (2006)14 NWLR (pt.999)1 CA at 66; *Atiku and Action Congress and Ors v. INEC and Ors* (2007) ALL FWLR (pt.353)3.

2. Strategic Measures Taken to Ensure Participation of Women in Political and Public Life

a). Progressive agitation for 30% Affirmative Action in favour of women to bridge gender gaps in both elective and appointive posts at all levels by 2015 which led to the Increase in the number of female appointed to key portfolios such as First Female Speaker of the House of Representative, First Female Head of Civil Service of the Federation, Ministers of Environment, Health, Education, Aviation/Transport, and Heads of agencies such as Federal Inland Revenue Service (FIRS), National Human Rights Commission (NHRC), National Agency for the Prohibition of Traffic in Persons (NAPTIP), Bureau for Public Enterprise (BPE), Bank of Industry, (BOI), National Agency for Food and Drugs Administration and Control (NAFDAC) and others.

This has also translated into gains for women in the military and para-military set ups as more women are being promoted into the top level decision making positions. The principle of Affirmative Action has also translated into gains in the area of judicial appointments. Most of the 36 States and the Federal Capital Territory judiciaries now have women as High Court Judges, accounting for about 30% of the total number of Judges in the Country.

b). The Establishment of six Zonal Women Political Empowerment Offices to build the capacity of intending female political office seekers by the Federal Ministry of Women Affairs in partnership with the States and CSOs which contributed in no small measure to the increase in the number of females in elective positions;

- c). Political party commitments to promoting women's participation through the waiver of participation fees;
- d). Strategic design and constant airing of media messages (print and electronic) in English and other local languages as well as IEC materials drumming up support for women political office seekers,
- e). The adoption of the National Gender Policy and its subsequent launch by the former President, Federal Republic of Nigeria in 2007 with specific objectives, targets and monitoring framework to pursue the realization of the above policy declaration. It is particularly meant to guide activities towards eliminating discrimination and improving the participation of women in national life,

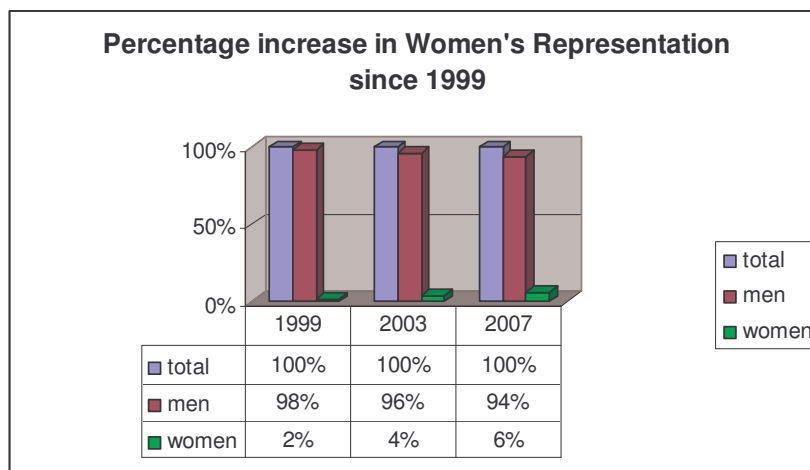
The tables and charts below demonstrate a comparison of the figures of elected women between 1999 and 2007. From these figures there has been a steady increase of 2% in the numbers of women over the past three general elections. There is no doubt that, over the years the stakes of partisan politics in Nigeria have become higher and the battles tougher for women. These increases no matter how marginal attests to the fact that women are determined to overcome these challenges and register their participation and contributions to Nigeria's democratic governance. These figures also affirmed the impact of programmes to support women while highlighting the need to sustain and fine-tune future programmes in order to improve on the present gains.

Table 4: The table shows a progressive increased participation of females in appointive/elective positions since 1999

Office Type	No. Available	1999		No. Available	2003		No. Available	2006		No. Available	2007	
		Male	Fem		Male	Fem		Male	Female		Male	Female
<i>President</i>	1	1	0	1			1			1		
<i>Vice President</i>	1	1	0	1	1	0	1	1	0	1	1	0
<i>Senate</i>	109	106	3	109	106	3	109	102	4	109	100	9
<i>Senate President</i>	1	1		1	1		1	1		1	1	0
<i>Deputy Senate President</i>	1	1		1	1		1	1		1	1	
<i>House of Representatives</i>	360	348	12	360	338	22	360	339	21	360	335	25
<i>Speaker</i>	1	1		1	1		1	1		1	1	
<i>Deputy Speaker</i>	1	1		1	1		1	1		1	1	
<i>Governors</i>	36	36	0	36	36	0	36	36	1	36	36	0
<i>Deputy Governors</i>	36	35	1	36	34	2	36	32	4	36	30	6
<i>State House of Assembly</i>	1002	990	12	1,002	964	38	1,002	981	21	1,002	948	54
<i>State House of Assembly Speaker</i>	36	35	1	36	34	2	36	35	1	36	35	1
<i>State House of Assembly Deputy Speaker</i>	36	35	0	36	35	1	36	35	1	36	35	1
<i>Cabinet Ministers</i>	49	45	4	49	41	8	49	39	10	41		8
<i>Perm Sec.</i>	40	32	8	40	28	12	40	27	13	39		
<i>Snr.. Special Assistants</i>										14	12	2
<i>Special Assistant</i>												
<i>Special Advisers</i>										7	6	1
<i>Local Govt. Chairman</i>	774			774			774			774		
<i>Councilors</i>	8,953			8,953				8,810	143	8,953		

Source: National Gender Data Bank of the National Centre for Women Development. Abuja, November, 2007

Figure 3 Percentage increase in Women's Representation since 1999



Source UNIFEM, 2007

PART FOUR: - INDIVIDUAL ECONOMIC SOCIAL AND CULTURAL RIGHTS: - ARTICLES 14-18.

Chapter 12: - Right to Property: - Article 14

1. Constitutional Legislative and Judicial Measures

- Sections 43 and 44 of the 1999 Nigerian Constitution read together guarantee the right to acquire and own immovable property anywhere in Nigeria and the right to prompt, due and adequate compensation when any moveable property or any interest in any immovable property is compulsorily acquired by government.
- Although the Constitution of Nigeria does not expressly guarantee the right to housing, a combined reading of sections 16 and 41 in addition to other legislations reveal the following: -
 - a) That the State shall direct its policy towards ensuring that suitable and adequate shelter are provided for all citizens;
 - b) That citizens have the right to move freely and reside in any part of the country;
 - c) The Constitution expressly preserves the general laws governing leases, tenancies, mortgages, charges, bills of sale of any contractual rights or obligations, while allowing for compulsory acquisition of property in a dangerous state or which is injurious to health of human beings, plants or animals. It also permits (subject to prompt payment of compensation) damage to building in the course of providing or maintaining the supply or distribution of energy, fuel, water, sewage, telecommunications services or other public facilities or public utilities.
 - d) The Recovery of Premises Act, 1945 was passed to lay down a general procedure for the recovery of possession of premises and confer a measure of security of tenure on tenants and occupiers of premises in all parts of Nigeria. The Act prohibits forcible and violent eviction of tenants. It lays down the steps that a landlord has to take to end a tenancy. It vests supervisory jurisdiction over tenancy relations on the courts. The Act frowns at self-help. It lays down the length of notice required to properly and effectively terminate periodic tenancies as well as the mode of service of statutory notices on the tenant. The Act also provides guidelines for the courts on how to proceed in recovery matters.
- The Yarádua Administration's recent probe the mode of revocation of lands by the previous Federal Capital Territory administration with a view to ascertaining compliance with due process of law aims at protecting the right to own property in Nigeria.
- The Courts have been able to rise to the defence of citizens where government agencies have abused the provisions of the Land Use Act 1978 and Public Lands Acquisition Act 1976 to dispossess citizens of landed property under the guise of "overriding public interest" and "public purposes" clauses;
- Most recently the Court of Appeal in the Case of Timothy v. Oforika (2008) ALL FWLR 1370 at 1381 declared that orafite native law and custom which does not allow women to deal in land not only unconstitutional but also repugnant to natural justice,, equity and good conscience.
- However, the Customary Laws and Practices of several communities in Nigeria do not support the right to own immovable property by women. Such Customary laws and practices, in fact, constitute derogations from the rights conferred upon Nigerian women by the above-cited provisions of the **Nigerian Constitution**.
- Just like the provisions of the **Constitution**, those of the **Land use Act, 1978** also confer general powers to own real property upon both men and women. The only

restriction under the **Land Use Act** is that which forbids the Governor from granting a statutory right of occupancy, or consent to an assignment or subletting of a statutory right of occupancy to a minor under the age of twenty-one years, except through his or her guardian or trustee duly appointed for the purpose, or through inheritance.

- Also, the **Act** prohibits the applicability of any customary law which prohibits, restricts or regulates the devolution on death to any particular class of person or the right to occupy land for purposes of depriving any person of any beneficial interest in any such land other than the right to occupy same, or depriving him or her of the right to the proceeds of sale thereof to which he or she may be entitled under the rules of inheritance of any other customary law. This means that, in the event of two or more competing or conflicting customary laws governing inheritance, the one which is more or most favourable to a successor, on inheritance, will be applied to the successor. This provision may, therefore, make it possible for a woman to inherit beneficial interests, rather than the land itself, in the case of the demise of her parents or husband, if the deceased is subject to any customary law, such as that of his or her personal law or that of the locality of the land, which is favourable to her inheriting such interests.

i. Access to Credit Facilities

Access to any resources is inter-related to the ability to collateral. Lack of access to land for example, reduces the access to credit facilities and other inputs needed for productive activities. A distribution by gender across various age-groups shows that access to credit was higher for the 30-44 years age group **Table 5**. However, one distinct feature shows that males aged 60 and above (16.9 percent) reported a higher access to credit compared to only 8.9 percent female for the same group.

Table 5: Access to Credit Facilities by Gender and Age

	15-29YRS	30-44YRS	45-59YRS	60 +YRS	TOTAL
Female	24.9	38.8	27.4	8.9	100.0
Male	14.5	38.5	30.1	16.9	100.0
Total	19.3	38.6	28.9	13.3	100.0
Credit facility: Bank Loan					
Female	24.4	33.8	33.3	8.5	100.0
Male	8.5	37.6	37.2	16.7	100.0
Total	12.0	36.7	36.4	14.9	100.0
Credit Facility: Micro Credit					
Female	39.8	44.4	12.0	3.8	100.0
Male	14.8	42.6	30.8	11.8	100.0
Total	21.8	43.1	25.6	9.6	100.0
Credit Facility Grants					
Female	42.7	25.8	23.7	7.8	100.0
Male	7.9	53.3	24.9	13.8	100.0
Total	17.6	45.6	24.6	12.1	100.0
Credit Facility: Esusu					
Female	25.1	38.1	27.3	9.5	100.0
Male	16.8	37.0	29.1	17.1	100.0
Total	21.4	37.6	28.1	12.9	100.0
Credit facility: Cooperatives					
Female	18.5	42.1	32.2	7.2	100.0
Male	10.6	40.5	31.8	17.1	100.0
Total	13.4	41.0	31.9	13.7	100.0
Credit Facility: Others					
Female	27.0	47.3	17.6	8.2	100.0

Male	17.9	38.2	25.8	18.1	100.0
Total	20.9	41.2	23.1	14.8	100.0

NBS, 2006 CWIQ Survey, Nigeria p. 221

Table 6: Access to Credit Facilities by Age and Gender

	15-29YRS	30-44YRS	45-59YRS	60 +YRS	TOTAL
Access to credit facility					
Female	59.1	45.9	43.4	30.8	45.7
Male	40.9	54.1	56.6	69.2	54.3
Total	100.0	100.0	100.0	100.0	100.0
Credit facility: Bank Loan					
Female	44.6	20.2	20.1	12.5	21.9
Male	55.4	79.8	79.9	87.5	78.1
Total	100.0	100.0	100.0	100.0	100.0
Credit Facility: Micro Credit					
Female	51.0	28.8	13.1	11.1	27.9
Male	49.0	71.2	86.9	88.9	72.1
Total	100.0	100.0	100.0	100.0	100.0
Credit Facility Grants					
Female	67.7	15.8	27.0	18.1	28.0
Male	32.3	84.2	73.0	81.9	72.0
Total	100.0	100.0	100.0	100.0	100.0
Credit Facility: Esusu					
Female	65.1	56.4	54.1	41.1	55.7
Male	34.9	43.6	45.9	58.9	44.3
Total	100.0	100.0	100.0	100.0	100.0
Credit facility: Cooperatives					
Female	48.0	35.6	35.0	18.3	34.7
Male	52.0	64.4	65.0	81.7	65.3
Total	100.0	100.0	100.0	100.0	100.0
Credit Facility: Others					
Female	42.5	37.8	25.2	18.2	33.0
Male	57.5	62.2	74.8	81.8	67.0
Total	100.0	100.0	100.0	100.0	100.0

NBS, 2006 CWIQ Survey, Nigeria p. 222

ii. Access to Resources and Ownership

Statistical Table 7 shows that access to facilities and ownership of assets by age and gender was dominated by males. Lack of ownership of assets invariably deters access to agricultural inputs; agricultural extension services, storage facilities and other facilities since they are inter-related. As depicted by Statistical Table 8, the younger age groups by gender has access to many facilities except ownership of land and a house.

Access to facilities and especially ownership of land and house shows a male dominance across the sub-categories. However, ownership of land and house shows a very large divergence by gender where nearly five times as many males stated ownership (land 15.8 percent females vis-à-vis 84.2 percent males; house 15.0 percent vis-à-vis 85 percent males). These results could be explained based on traditional right of males among many ethnic groups where ownership of land and houses were traditionally the right of males; and females' access was mostly based on their relationship to men.

Table 7: Access to Facilities and Ownership of Assets by Gender and Age

	15-29YRS	30-44YRS	45-59YRS	60 +YRS	TOTAL
Computer					
Female	63.9	25.2	9.3	1.7	100.0
Male	49.5	28.9	15.6	6.0	100.0
Total	55.2	27.4	13.1	4.3	100.0
Farmland					
Female	32.4	31.8	22.8	13.0	100.0
Male	23.6	30.8	25.5	20.2	100.0
Total	26.8	31.1	24.5	17.6	100.0
Agricultural Inputs					
Female	27.1	34.1	26.6	12.1	100.0
Male	18.0	35.0	27.7	19.2	100.0
Total	20.5	34.8	27.4	17.3	100.0
Agricultural Extension Services					
Female	28.3	43.7	18.6	9.4	100.0
Male	16.0	35.8	29.7	19.5	100.0
Total	18.8	36.9	27.2	17.2	100.0
Storage Facility					
Female	33.5	38.2	20.4	8.0	100.0
Male	17.1	35.8	28.0	19.1	100.0
Total	21.3	36.4	26.0	16.2	100.0
Labour					
Female	36.4	33.7	20.3	9.5	100.0
Male	25.1	31.6	26.0	17.4	100.0
Total	29.5	32.4	23.8	14.3	100.0
Fixed Line Phone					
Female	44.1	32.1	18.0	5.8	100.0
Male	35.5	29.6	22.6	12.3	100.0
Total	39.0	30.6	20.8	9.7	100.0
GSM					
Female	48.3	29.3	16.5	5.9	100.0
Male	38.5	32.2	19.2	10.0	100.0
Total	42.7	31.0	18.1	8.3	100.0
Internet					
Female	70.1	20.4	8.6	0.9	100.0
Male	56.8	28.4	11.2	3.6	100.0
Total	62.1	25.2	10.1	2.6	100.0
Own land					
Female	13.5	27.7	30.8	28.0	100.0
Male	10.8	33.8	30.9	24.5	100.0
Total	11.3	32.8	30.9	25.0	100.0
Own House					
Female	12.8	20.7	31.4	35.1	100.0
Male	9.9	32.3	31.0	26.8	100.0
Total	10.3	30.5	31.1	28.1	100.0

NBS, 2006 CWIQ Survey, Nigeria p. 224

TABLE 8: Access to Facilities and Ownership of Assets by Gender and Age

	15-29YRS	30-44YRS	45-59YRS	60 +YRS	TOTAL
Computer					
Female	46.1	36.6	28.2	15.5	39.8
Male	53.9	63.4	71.8	84.5	60.2
Total	100.0	100.0	100.0	100.0	100.0
Farmland					
Labour	43.4	36.6	33.4	26.5	35.9
Female					

Male	56.6	63.4	66.6	73.5	64.1
Total	100.0	100.0	100.0	100.0	100.0
Agricultural Inputs					
Female	35.4	26.2	26.0	18.8	26.7
Male	64.6	73.8	74.0	81.2	73.3
Total	100.0	100.0	100.0	100.0	100.0
Agricultural Extension Services					
Female	34.4	27.1	15.6	12.5	22.8
Male	65.6	72.9	84.4	87.5	77.2
Total	100.0	100.0	100.0	100.0	100.0
Storage Facility					
Female	40.8	27.3	20.4	12.8	26.0
Male	59.2	72.7	79.6	87.2	74.0
Total	100.0	100.0	100.0	100.0	100.0
Labour					
Female	47.8	40.3	33.0	25.7	38.7
Male	52.2	59.7	67.0	74.3	61.3
Total	100.0	100.0	100.0	100.0	100.0
Fixed Line Phone					
Female	45.5	42.1	34.8	24.0	40.2
Male	54.5	57.9	65.2	76.0	59.8
Total	100.0	100.0	100.0	100.0	100.0
GSM					
Female	48.1	40.2	38.8	30.6	42.5
Male	51.9	59.8	61.2	69.4	57.5
Total	100.0	100.0	100.0	100.0	100.0
Internet					
Female	45.1	32.3	33.6	14.4	39.9
Male	54.9	67.7	66.2	85.6	60.1
Total	100.0	100.0	100.0	100.0	100.0
Own land					
Female	18.9	13.3	15.8	17.7	15.8
Male	81.1	86.7	84.2	82.3	84.2
Total	100.0	100.0	100.0	100.0	100.0
Own House					
Labour	18.5	10.2	15.2	18.7	15.0
Female					
Male	81.5	89.8	84.8	81.3	85.0
Total	100.0	100.0	100.0	100.0	100.0

NBS, 2006 CWIQ Survey, Nigeria p. 225

- iii. Measures in place to support women entrepreneurs/enhance their social security nets include the following: -
 - Recognizing all of these, the ministry in collaboration with other partners have put in place mechanisms to boost entrepreneurial activities among women through the provisions of micro-credit facilities such as Women Fund for Women Empowerment (WOFEE) and Business and Development Fund for Women (BUDFOW).

Chapter 13: - Right to Work: - Article 15

1. Constitutional and Judicial Measures

- Though the 1999 Nigeria Constitution does not contain explicit provisions on the right to work, it nevertheless provides under chapter 2, sections 16 and 17 read together as follows that: -
 - a) The state shall, within the context of economic objectives (section 16) protect the right of every citizen to engage in any economic activities (including the production, distribution and exchange of wealth or of major sectors of the economy;
 - b) The state shall direct its policy towards ensuring that: - 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; conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life; the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused; there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect.
- Other Employment/Labour Legislations are: - The Labour Act regulations regime of employment; the Factories Act regulating health and safety rules in employment; Workmen's and Compensation Act regulating remuneration and compensation in employment; the Nigerian Maritime Labour Act, 2003 regulates the activities of seafarer employers, stevedoring companies, dockworkers and other maritime workers; the Social Insurance Trust Fund Act operates the social security system of assistance to the less privileged members of society and aims at cushioning the effect of uncertainties brought about by death, disability and old age; the Pension Reform Act 2004 seeks to ensure that employees covered by the Act receive their retirement benefits as and when due, aims at assisting improvident persons save for old age etc.
- The Courts in Nigeria have protected workers against unfair dismissal/wrongful termination of their appointments: - *Olaniyan v. University of Lagos* (1985) 2 NWLR (pt.9)599; *Ewarami v. ACB* (1978) 4 SC 99.
- Unlike Nigerian citizens who can take employment and establish business as of right, employment of foreigners and establishment of business by foreigners is subject to compliance with requirements of consent of the Comptroller General of Immigration or issuance of Resident Permit, and business permit as well as quota positions by the Minister of Interior under Section 8 of the Immigration Act. This is to protect the right of such nationals within Nigerian confinement.
- As one of the member states making up the International Labour Organization (ILO), **Nigeria has currently, fully ratified and domesticated to an extent, all eight Core Labour Standards entrenching human and peoples' rights in the world of work.** During the period of this report, the workers' rights embedded in the core labour standards, were protected and ensured by Labour Officers in the Ministry through various forms of Intervention entailing Social Dialogue, Tripartite meetings, Integrated Labour Inspections, and other functional modes at the disposal of the Ministry. Individual labour complaints (as different from trade disputes declared by Trade Unions) were handled nationwide by the respective State Controller manning each of the States' Labour Officers of the Federation including the FCT.
- Nigeria has given credence to the domestication of ILO Conventions 87 and 98 by presently having over 78 registered and recognized trade unions. This fact was given leverage during the period of this report by the enactment of the Trade Union (Amendment) Act 2005 which further liberalized trade union membership. Furthermore, there are over 36 applications pending in the Ministry for registration as

Trade Unions. Registration shall be accorded by the Registrar of trade unions if and when the applications satisfy all laid down criteria as provided by the Trade Unions Act and redress is available to any aggrieved group if registration is denied.

- The Ministry of Labour recognizes that the worker is the most important factor of production and has collaborated with the Social Partners, Development Partners, Non-Governmental Partners Organizations and People Living with HIV/AIDS to develop and produce the National Workplace Policy on HIV/AIDS as well as an implementation manual of the policy. The policy which is right based provides guidelines for government, employers, workers and other stakeholders in the workplace and also identifies strategies and programmes for protecting the rights and dignity of workers infected by the virus. The Ministry is also extending care and support to some of its staff that are affected by the scourge to enable them to be in employment as long as they could.

Chapter 14: - Right to Health: - Article 16

1. Constitutional and Judicial Measures

- Though the Nigerian Constitution does not explicitly provide for the right to health, yet the provisions of sections 17, 33 and 35 allude to the right to health in Nigeria.
- Section 17 dealing with the social objectives of the Nigerian State obligates government to direct its policies to ensure adequate medical and health facilities for all persons; ensure that the health, safety and welfare of all persons in employment are not endangered or abused.
- Clearly the constitutional provisions under sections 33 and 35 recognised that the rights to life, sanctity of the human person and human dignity are necessarily connected to physical and mental health of persons.
- In June 2008 the Federal Government passed into law The National Health Act which seeks to promote accessible, affordable, available and qualitative access to health care services at all levels in Nigeria.
- Further the constitutional provisions of sections 17, 33 and 35 implicitly on the right to health includes the provision of affordable, available, adequate, qualitative and accessible health care facilities and services by all, especially women's reproductive health rights without any discrimination.
- Furthermore, human rights of persons living with HIV/AIDS are protected under the rights to freedom from discrimination, to human dignity, to personal liberty, to life, to private and family life, to freedom of expression, to peaceful assembly and association and to freedom of movement.
- In the case of *Odafe and Ors v. Attorney General and ors* (2004) AHRLR 205, the Federal High Court, Port Harcourt, held that failure by the prison officials to give the applicants/prison inmates as confirmed HIV/AIDS patients due medical attention and access to medical services while in prison custody was violative of the rights to human dignity and health under articles 5 and 16 of the Charter.
- Furthermore, having signed and ratified the following multilateral treaties, Nigeria is bound legally to ensure the effective promotion and protection of the provisions and state obligations contained therein that are relevant to the right to health and HIV/AIDS.

2. Legislative and Other Measures

Nigeria has shown keen commitment to promote and protect the rights of Nigerians, particularly women and children to basic health and welfare, through principal legislative, policy, strategic and administrative measures.

- The **Child's Rights Act, 2003**, in **Section 13** provides for the child's rights to health and health care services and imposes the duty on all levels of government and relevant bodies responsible for the healthcare and welfare of a child. It states that every child is entitled to enjoy the best attainable state of physical, mental and spiritual health.

The Act mandates the reduction of infant, and under- five mortality rates and the provision of necessary medical assistance and child health- care services to all children with emphasis on the development of primary health care, and the combating of childhood diseases and malnutrition within the framework of primary health care through the application of appropriate technology.

Nigeria has developed a number of policies, plans and strategies that provide enabling environment for child survival and development. These include:

- **National Child Health Policy of May 2005:** This provides a long-term direction for protecting and promoting the health of children. It provides a holistic and integrated vision for child health, bringing together in one document all key policy elements to promote child health and development. The document elaborates on core responsibilities of the different

tiers of government and major stakeholders and provides the framework for planning, management, delivery and supervision of services to address critical problems affecting childcare in the target group.

- **National Response Plan of Action on Orphans and Vulnerable Children (OVC), 2006-2010:** This has been developed with the establishment of an OVC Unit in the FMWA & SD. The National Plan of Action on OVC when fully implemented would address the needs of OVC at various locations in the country.
- **National ARV Plan:** Measures to reduce mother-to-child transmission of HIV include a plan to accelerate access to Anti-Retroviral Therapy (ART) by reaching 250,000 People Living with HIV/AIDS (PLWHA) in need of treatment by the end of year 2006.

Since the submission of the last report other notable policies, plans and strategies that have been developed include:

- National Policy on Female Genital Mutilation (2005)
- National Policy on Malaria Control (2005)
- National Health and Insurance Scheme (2005)
- National Guidelines on Infant & Young Child Feeding (2005)
- National Policy on Infant & Young Child Feeding (2005)
- National Strategic Plan for Implementing Global Strategy on Infant & Young Child Feeding (2006) on Infant & Young Child Feeding (2005)
- National Guidelines on Micronutrients Deficiencies control in Nigeria (2005)
- National Guidelines and Strategies for Malaria Prevention/Control During Pregnancy (2005)
- National Strategic Framework and Plan for VVF Eradication in Nigeria (2005-2010)
- National Reproductive Health Policy and Strategy (2002- 2006)
- National Policy on Adolescent Health and Development (2006)
- National Maternal, Newborn and Child Health Strategic Document (2007)

(c) Provision of Health Services

In general, the provision of health services is the responsibility of federal, state, and local governments in collaboration with civil society and NGOs. The services are organised in a three-tier health care system:

- Primary Health Care, which is largely the responsibility of local governments, with the support of the State Ministries of Health, is provided for in Nigeria. These include health education; nutrition information, safe water and sanitation, reproductive health including family planning; immunisation against five major infectious diseases; provision of essential drugs; disease control and treatment of common illnesses. Nigeria has also established a minimum health care package that ensures minimum health interventions are provided to children at the first level of care.
- Secondary Health Care, which provides specialised services to patients referred from the primary health care level and it is the responsibility of the State governments;
- Tertiary Health Care, which provides highly specialised, referral services to the primary and secondary levels of health care delivery system, is situated in the domain of the federal and state governments.
- Upgrade of Teaching Hospitals: Upgrade work on the Teaching Hospitals is at an advanced stage. This is bringing better quality health care services to the people. The first phase of the project consisting of 8 teaching hospital as been completed. Phase II of 6 other teaching hospitals is in progress. To further bring health services to the people, the Federal Government has approved the upgrading, modernization and equipping of FMCs

& Specialty Hospitals under 2008 budget. It is intended to bring these Centres to “five star status.” The essence of this effort is to enhance health care delivery and improve service to the people thereby meeting the social health needs of the people.

3. **Measures to ensure the highest attainable standard of health and health facilities**

Several measures have been taken by government to ensure the rights of the child to the enjoyment of the highest attainable standard of health and health facilities in all parts of the country – particularly:

(a) Policy

- Passage of the National Health Bill, June 2008: The bill recognises the need to ensure equitable access to health services by all especially the vulnerable groups including women and children. This clearly defines the responsibilities of the three tiers of government in the provision of primary health care services among others. This bill ensures that children have increased access to basic health services.
- Development of a Ward Minimum Health Care Package: This package contains minimum list of interventions to address the major health problems of Nigerians including children at first level of care. It contains a strategic thrust for the delivery of high impact child survival interventions at primary health care level. The passage of the National Health Bill aims at facilitating effective implementation of the Ward Minimum Health Care Package. Several states have declared free medical health services to women and children.

(b) Programmes

- The National Health Management Information System (NHMIS), established by the Federal Ministry of Health, promotes health data management for Planning, evaluation and balancing of health services and to correct inadequacies.
- Research programmes are also going on, on children with learning disability in collaboration with an NGO (the Child Care Trust)
- Ultimately, **Section 13** of the **Childs Right Act, 2003** guarantees every child the enjoyment of the best attainable state of physical, mental and spiritual health.
- Integrated Management of Childhood Illness Strategy through the PHC centres is now being expanded to cover families and communities both in the rural and urban areas. Coverage has also expanded from 6 pilot States in 1999, 24 States in 2003 and 33 States in 2007 including the FCT.
- The National Programme on Immunisation organizes national and sub-national immunisation days all through the year and provides vaccines for routine immunisation. There is an intense campaign to eradicate Poliomyelitis. Since the submission of the last report this programme has embarked on immunisation plus days. These are periodic National or Sub-National days during which children under five years of age are offered child survival and development interventions such as Vitamin A, ITN, ORS, de-worming tablets along with Polio vaccines.
- The baby-friendly-hospital initiative continues to be a cost effective approach to child survival and development through promotion, protection and support of exclusive breastfeeding for six months, and continued breastfeeding with adequate complementary foods for two years and beyond.
- HIV/AIDS programmes focus on massive awareness creation, the availability of treatment with Anti Retro Viral (ARV) drugs (including paediatric –anti retroviral drugs), the **prevention of mother-to-child** transmission of HIV as well as care of HIV/AIDS orphans and treatment of opportunistic infections.
- Adolescent Reproductive Health Guidelines, including sexuality education have been adopted and promoted in Nigeria. Safe motherhood programme is another successful programme, providing essential obstetric care that ensures the health of the neonatal and survival of the mother.

- Micronutrient control programme focuses on iodization of salt, which is about 98%, Vitamin A supplementation for children and breastfeeding mothers in the first 6 weeks including Iron supplementation and de-worming of school children.
- The Onchocerciasis and Guinea Worm Control programmes are on-going.
- The Roll Back Malaria initiative was recently adopted to control malaria. Through this programme insecticide treated bed nets (ITNs) and anti-malaria drugs are made available free to under-five and pregnant women at affordable prices to other groups.
- The Federal Government has set into Motion mechanisms to get ITN to the rural populace, who are usually the most at-risk by subsidizing the costs.
- The Bamako Initiative is implemented in all the PHC centers to ensure ready availability of essential drugs. Also the role of the National Agency for Food, Drugs and Administration Control (NAFDAC) is combating the menace of fake and sub-standard drugs, contributes to child survival.

Despite these vertical programmes, marginal improvement has been recorded in terms of childhood mortality rate. In order to make significant progress in reduction of childhood mortality rate, the country is now paying more attention to integrated health care delivery system through the IMNCH Strategy- 2007 that ensures a continuum of care along the life cycle from home/community through primary facility to referral hospital. In line with the above, the National Programme on Immunisation has been merged with the National Primary Healthcare Development Agency (NPHDA) to curb waste and promote synergy.

4. **Mortality Rates**

In MICS3, infant and under-five mortality rates are calculated based on an indirect estimation technique; the so-called Brass method. The data used in the estimation are: the mean number of children ever born for five year age-groups of women from age 15 to 49, and the proportion of these children who are dead, also for five year age-groups of women. The technique converts these data into probabilities of dying by taking account of both the mortality risks to which children are exposed and their length of exposure to the risk of dying.

Table 9 provides estimates of child mortality by various background characteristics. In Nigeria, the infant mortality rate is estimated at 86 per thousand live births, while the under-five mortality rate is 138 per thousand live births. The Nigerian male child has greater probability of dying as an infant or as under-five than his female counterpart, 92 versus 79 per 1000 at infant and 144 versus 131 per 1000 live births at under-five, respectively. Infant mortality rate decreases from rural to urban sectors of the population (94 to 62 per 1000), from the non-educated to secondary school or higher educated mother's (94 to 63 per 1000), and from the poorest to the richest households (101 to 64 per 1000). There is considerable geopolitical zonal variation in infant mortality rates from 68 per 1000 in the South West to 101 per 1000 in the North West; North-South disparity is also evident.

Under-five mortality rate is constantly about 160% higher than infant mortality rates across segments of the population; thus variations in under-five rates follow the same pattern as those of infant rates across sex of child, residence, levels of education, wealth status and geopolitical zones.

Table 9: Infant and under-five mortality rates in Nigeria, 2007

	<i>Infant mortality rate*</i>	<i>Under-five mortality rate**</i>
Sex		
Male	92	144
Female	79	131
Geopolitical Zones		
North central	74	117
North east	84	135
North west	101	166
South east	88	142
South-South	71	111
South west	68	106
Area: Sector		
Rural	94	153
Urban	62	96
Women's education		
None	94	153
Primary	84	134
Secondary +	63	97
Wealth index quintiles		
Poorest	101	165
Second	99	162
Middle	92	150
Fourth	73	114
Richest	54	81
Total	86	138

Source: MICS3, 2007,

* MICS indicator 2; MDG indicator 14

** MICS indicator 1; MDG indicator 13

(d) Access to safe water, Sanitation and hygiene

Table 10 below gives a breakdown of Nigerians' access to safe drinking water by place of residence and geographical zones. The data cover the periods 1999, 2003, 2006 and 2007.

Generally, the percentage of Nigerians that has access to safe drinking water rose from 42.3% in 2003 to 49.1% in 2007. More urban and rural dwellers now have access to safe drinking water. Latest figures show that access of urban dwellers increased from 64.6% in 2003 to 76% in 2007 while that of rural areas rose from 29.8% to 37.4% within the same period.

Except in the South East zone where access to safe drinking water dropped from 68.8% in 2003 to 54.3% in 2007, there was remarkable increase in access to safe drinking water in the geo-political zones. The South West recorded the highest percentage (71.1%) in 2007, a substantial improvement from the figure of 51.1% in 2003. The North East showed the most dramatic improvement from 21.6% in 2003 to 42.5% in 2007.

Table 10: Access to safe drinking water

		1999	2003	2006	2007
National		54.2	42.3	50.9	49.1
Place of residence	Urban	70.6	64.6	72.8	76.0
	Rural	48.2	29.8	39.6	37.4
Geo-Political Zones	North Central	-	34.4	48.5	42.2
	North West	66.9	37.9	50.2	42.5
	North East	49.1	21.6	30.3	42.0
	South West	59.3	51.1	73.1	71.1
	South East	38.4	68.8	40.3	54.1
	South-South	-	53.7	45.5	54.1

Source: MICS 1999, NDHS 2003 and NBS CWIQ 2006, MICS 3, 2007

According to MICS 3, 2007, overall, 49 percent of the population has access to improved drinking water sources – 76.0 percent in urban areas and 37.4 percent in rural areas. Comparing the national and urban figures in 2006 with year 2007, a slight variation was recorded in the level of access to improved drinking water. The situation in the Northern states is still considerably worse than in the South. Zonal disparities in availability of improved sources remain the same within the reporting period.

Hygiene and sanitation interventions are public health prescriptions which include access to safe drinking water, hygienic disposal of human waste and the promotion of good hygiene practices. The Water, Sanitation and Hygiene (WASH) initiative promotes the washing of hands with soap. The programme is targeting mothers and other primary care givers to create a hand washing place within the home. This package is being practised together with the treatment of diarrhea with ORS and zinc supplementation. Likewise, low cost water treatment materials are ensuring that there is safe drinking water for every member of the household resulting in reduction of risk infection in U5s. The construction of latrines and the safe disposal of excreta are also part of the widespread intervention at the community level.

5. Routine immunisation coverage

The government of Nigeria has shown increasing commitment and determination to achieve the health MDGs including MDG4. The NPI is being restructured for more effective decentralization. Table 11 indicates the percentage of children aged 12-23 months currently vaccinated against childhood diseases. There is still a wide disparity between the urban (41.3%) and rural areas (75.2%). There is increased attention to routine immunisation which has led to a change in the polio eradication initiative making it less vertical with plans to add other antigens and child health interventions. This was most manifest in the North Central zone with 68.9% coverage and indicative of the positive massive and aggressive programme on going within the country. A lot of effort is still being required to combat the low level recorded in other northern zones- with an all time low of 39% in north east and 21.1% in North West.

Table 11: Percentage of children aged 12-23 months currently vaccinated against childhood diseases.

Percentage of children aged 12-23 months currently vaccinated against childhood diseases, Nigeria, 2007

Background Characteristics	Percentage of Children who received											No. of children	
	DPT	Polio 1				Measles			All	No Vaccinations	% age with Vaccination cards		
BCG	1	2	3	0	1	2	3	Measles				All	No Vaccinations
Gender													
Male	52.6	48.8	40.3	28.7	37.8	54.9	45.3	29.7	43.9	16.0	38.0	17.9	1,656
Female	50.2	48.4	41.3	30.6	37.2	56.3	46.5	29.0	44.2	16.9	38.0	18.5	1,530
Residence													
Urban	41.3	38.2	31.0	20.6	26.5	48.0	39.6	24.8	33.4	10.5	46.1	14.1	2,237
Rural	75.2	72.8	63.5	50.8	63.2	73.4	60.6	40.1	68.8	30.3	18.9	27.8	950
Zones													
North Central	68.9	63.5	56.1	38.7	44.7	77.4	70.1	46.8	60.1	28.9	19.3	25.0	330
North East	39.0	38.7	30.8	24.4	35.6	39.3	28.4	20.3	37.1	13.7	52.6	8.1	758
North West	21.1	19.6	12.7	7.7	11.3	31.4	25.1	17.2	17.0	3.2	63.3	6.1	970
South East	88.1	80.9	73.4	51.7	64.3	81.5	63.9	35.1	66.8	20.4	9.6	32.4	262
South-South	74.3	71.1	60.4	39.9	46.1	75.1	65.5	39.5	58.9	20.8	14.9	37.0	455
South West	84.2	79.7	72.2	59.8	70.5	87.0	74.7	46.0	77.3	35.6	10.1	29.8	412
Mothers Education													
No education	24.3	20.7	15.6	9.5	14.1	33.3	26.9	16.9	19.0	5.1	63.3	5.5	1,491
Primary	69.6	65.1	55.5	40.6	50.0	72.7	59.8	36.6	57.7	21.1	19.6	23.6	752
Secondary	84.3	82.9	72.3	55.9	68.5	79.5	66.9	45.0	75.8	32.5	9.6	36.0	883
Non-standard curriculum	20.5	25.9	14.6	5.1	6.6	40.4	34.5	18.6	25.3	3.4	59.6	4.2	59
Wealth Quintile													
Lowest	21.2	18.9	15.8	9.6	11.6	30.3	24.8	14.9	17.7	5.4	67.1	6.0	6.0
Second	31.5	30.7	24.9	14.9	17.4	41.8	35.0	22.2	25.5	8.6	54.2	10.2	10.2
Middle	45.0	39.8	29.7	18.8	25.7	53.3	42.8	26.9	33.6	8.4	38.9	14.6	14.6
Fourth	72.7	68.2	59.3	47.0	59.1	73.1	60.3	38.4	61.9	25.4	20.2	28.9	28.9
Highest	85.4	83.7	72.4	56.6	72.4	78.2	65.5	43.7	79.6	33.4	10.8	30.6	30.6
Total	51.5	48.6	40.8	29.6	37.5	55.6	45.9	29.4	44.0	16.4	38.0	18.2	18.2

Note: Figures in parenthesis are based on 25-49 un-weighted cases,
 Polio 0 is the polio vaccination given at birth
 BCG, measles, and three doses each of DPT and polio vaccine (excluding polio vaccine given at birth)

Source: NBS; MCS 2007

Maternal, newborn and child health

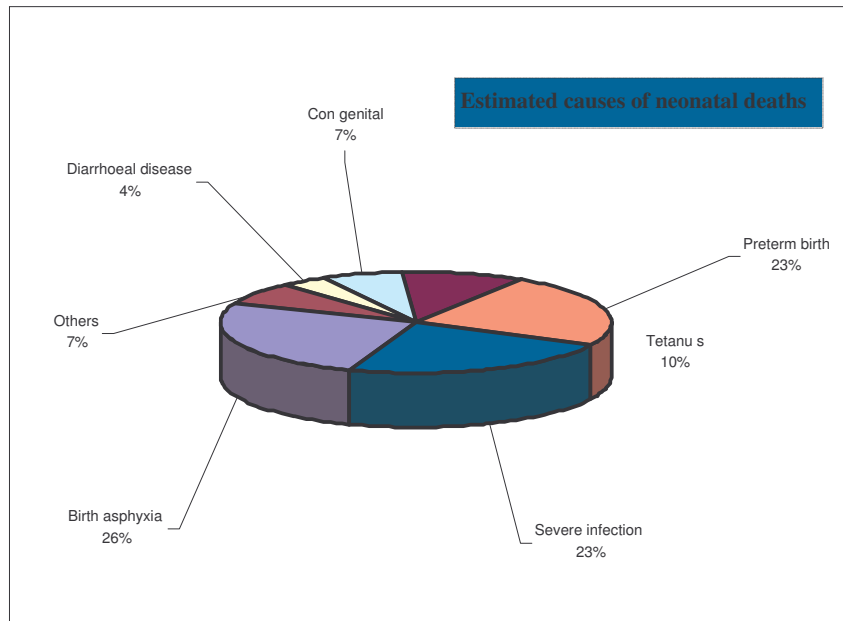
The Maternal Mortality Rate (MMR) in Nigeria is estimated to be 800/100,000 live births (IMNHC 2007). Wide variations exist across the geo-political zones. The North East has the highest MMR of 1,159/100,000 live births compared to 165/100,000 live births in the South West Zone, an almost 10fold difference. There is a marked urban-rural variation in MMR with 351/100,000(urban) to 828/100,000 (rural).

The estimated distribution of the causes of neonatal deaths are identified in Figure 4 and indicated as birth asphyxia (25.6%), followed by Preterm birth (23.4%), severe infection (23.1%) and the lowest being diarrhoea disease at 3.9%.

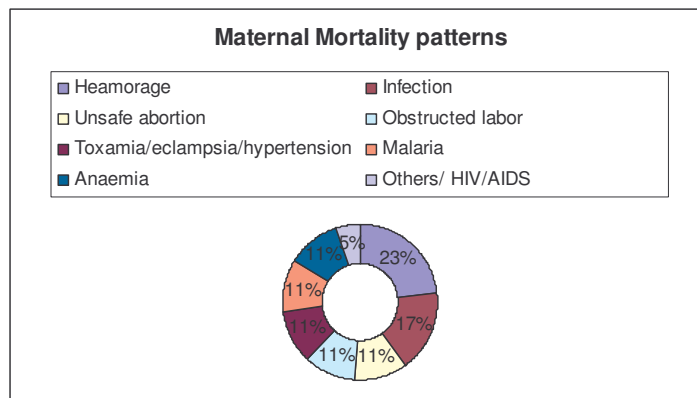
Maternal deaths, still births and new born deaths are strongly linked in terms of place of death and delay in access to care. In figure 5, the estimated maternal morbidity patterns shows that 23% of maternal deaths were due to Hemorrhage, followed by infection 17% and anaemia, malaria, obstructed labor, toxemia, eclampsia/hypertension and unsafe abortion at 11% while others including HIV/AIDS account for 5% of maternal death.

Inadequate coverage and low quality of essential obstetric care underlies the high maternal mortality rates in the country. Poverty has significant implications for health and development. Low income household generally have poorer health status. The incidence of poverty is higher in the rural areas where the MMR is also higher than in the urban area. The distance from the place of dwelling to a health care facility is another reason for most women not accessing health care services.

Figure 4 Estimated distributions of the causes of neonatal deaths



Source: Integrated Maternal New Born and Child Health Strategy (IMNHC), 2007
Figure 5: Maternal Mortality Patterns



Source: Integrated Maternal New Born and Child Health Strategy (IMNCH), 2007

7 Measures to improve the status of maternal, newborn and child health situation

In recognition of the high U5MR and MMR, the government since the 1990's has adopted the Integrated Management of Childhood Illnesses Strategy (IMCI) and recently Integrated Maternal New Born and Child Health Strategy (IMNCH) to reduce childhood morbidity and maternal mortality. To date the IMCI is being successfully implemented in 33 States.

Within the reporting period, the Nigerian government has shown a greater commitment to substantially reducing maternal, newborn and child mortality as well as meeting the MDG targets. The implementation of some interventions calling for a scaled momentum includes exclusive breastfeeding, adequate complimentary feeding, oral dehydration therapy and the treatment of acute respiratory infection.

Table 12 indicates the U5 deaths being prevented through achievement of universal coverage with individual interventions.

Table 12: Estimated U5 deaths prevented

	Estimated Under5 deaths prevented	
	Number of deaths	Proportion of all deaths (%)
Preventive Intervention		
Breastfeeding	1301	13
Insecticide Treated Nets	691	7
Complementary Feeding	587	6
Zinc Supplement	459	5
Clean delivery	411	4
Hib Vaccine	403	4
Antenatal steroids	204	3
Newborn temperature management	227	2
Vitamin A	225	2
Tetanus Toxoid	16.1	2
Nevirapine and replacement feeding	150	2
Antibiotics for premature rupture of membranes	133	1
Measles vaccine	103	1
Anti malaria treatment in pregnancy	22	<1
Treatment Intervention		
Oral rehydration therapy	1477	15
Anti biotics for sepsis	583	6
Anti biotics for pneumonia	577	6
Anti malaria	467	5
Zinc	394	4
Newborn resuscitation	359	4
Anto biotics for dysentary	310	3
Vitamin A	8	<1

Source: Lancet Series on maternal Survival, 2006; Adapted from Lancet, 2003

Priority interventions for morbidity and mortality reduction during the immediate post partum period include:

- Promotion, protection and support for exclusive breastfeeding
- Detection of complications (e.g breathing difficulties, infection, jaundice, complications of prematurity, birth injury and other malformations)
- General monitoring of the well being of the mother and neonate

Other areas of focus are:

- Infection prevention and control
- Rooming-in
- Information and counseling on home care
- Advice on danger signs
- Emergency preparedness and birth readiness
- Immunisation
- Sleeping under ITN

- Proper cord and eye care
- Administration of Vitamin k
- Identifying and management of the low birth weight babies

8. Measures to scale up high impact intervention for maternal, newborn and child health

(a) Integrated Management of Pregnancy and Child birth (IMPC)

The Making Pregnancy Safer Initiative through the Integrated Management of Pregnancy and Child birth (IMPC) offers opportunities for addressing early newborn care. The clinical guidelines for the integrated management of childhood illnesses (IMCI) have also been expanded to include the new born in the first 7 days.

(b) The National Health Insurance Scheme (NHIS)

The implementation of NHIS started in 2005 focusing initially on public sector employees. The potential for this scheme to improve access for the poor and informal sector is dependent on how quickly it can build up a sizeable number of contributors. The NHIS was established to support secondary and tertiary health payment systems

(c) Health Service Delivery System

Health services are provided through the various hospitals and clinics owned by Federal, State and Local governments. The Local government is responsible for Primary Health Care (PHC) which includes comprehensive health centres, primary health care centres, health clinics and health posts. Overall, the number of PHC facilities indicates reasonable availability with less regional disparities than is the case with hospitals. There were over 13,000 public sector PHC facilities and almost 7000 private PHC facilities. Although the population/PHC facility ratios are higher in the north east, northwest and south – south, the disparities are not as marked. More importantly, there are relatively more public sector PHC facilities in the north compared to the south.

(d) Prevalence of HIV/AIDS

Administrative and Policy measures

- In addition to the introduction of the Prevention of Mother-to-child Transmission (PMTCT) of HIV programme, HIV Counselling and Testing Centres (HCT) have been established in most states of the Federation.
- The PMTCT programme, which began in six tertiary sites in 2002, has expanded to 230 sites, and about 400,000 pregnant women have benefitted from it.
- HIV/AIDS control has been integrated into the country's PHC system and decentralised to the LGAs, with responsibility for HIV control put in the hands of women.

HIV sentinel surveillance was established to monitor trends in the epidemic and assess the impact of the response. The 2005 HIV and syphilis sentinel survey was conducted from August 29 to November 26, 2005. The objectives of the survey were to determine HIV prevalence among pregnant women attending antenatal clinics; assess the trend in HIV prevalence and provide data for estimating and projecting the HIV epidemic in the general population.

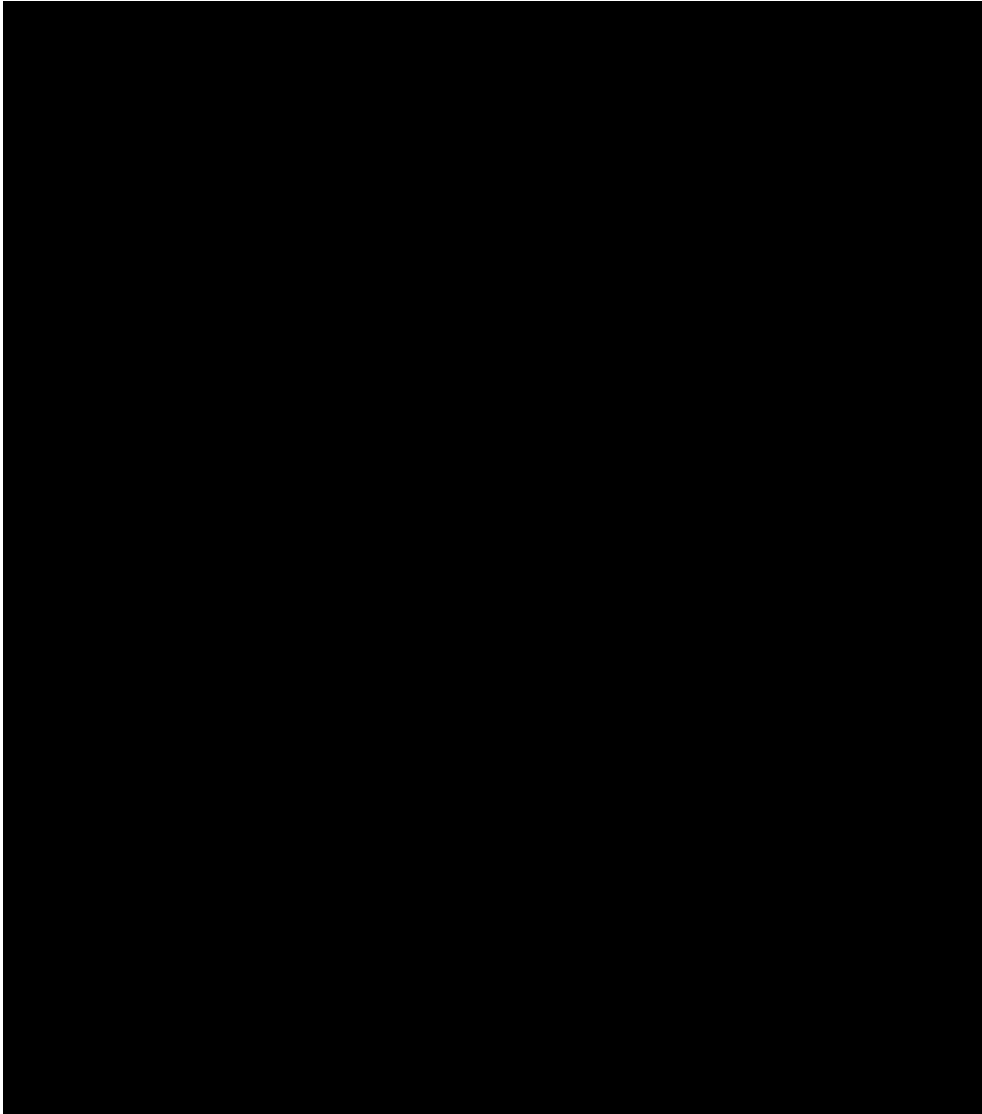
The 2005 Sentinel Survey (HSS 2005) involved 36,931 pregnant women attending antenatal clinics in 160 sites (86 urban and 74 rural) in 36 States and the FCT. The survey was managed by a Survey Management Team set up by the Federal Ministry of Health under the chairmanship of the Director of Public Health. The National Action Committee on AIDS (NACA), UN agencies, bilateral agencies and other stakeholders participated as members of the committee. The outcome of the survey is indicated in Figure 6. The unlinked anonymous testing strategy was adopted using syphilis and other routine blood tests as entry points. Specimens generated were screened for HIV and syphilis antibodies.

Overall, the HIV prevalence was 4.4% with 95% Confidence Interval (CI). Benue State in the North Central Zone had the highest State prevalence of 10% while Ekiti State in the South West had the least State prevalence of 1.6%. In general, HIV prevalence was higher in urban (4.6%) than in rural sites (3.9%). However, this observation was not consistent across the States. The highest site specific prevalence (14.7%) was recorded at

Iquita-Oron, a rural site in Akwa-Ibom State. The overall prevalence for Syphilis is 1.5% ranging from 0.0% in Abia to 7.6% in Rivers.

The HIV prevalence among pregnant women aged 15-49years has declined over the last few years (5.8% in 2001 to 5% in 2003 and 4.4% in 2005). The same trend has been observed among young pregnant women aged 15-24years. Several factors linked with the national response explain the observed decline including the effect of the ongoing intervention efforts, the increase in the number of rural survey sites, and death of those previously infected. Based on the current HIV prevalence in the country, it is estimated that about 2.9 to 3.3 million people are presently living with HIV/AIDS.

Figure 6: HIV Prevalence – Country Situation (HSS 2005)



Source: Health Sentinel Survey 2005

In order to address the grossly inadequate treatment regiment for children infected with HIV/AIDS government developed a Pediatric Anti-retroviral Therapy (ART) Guideline, a draft pediatric ART training manual and National Pediatric Framework. Also the demonstration phase of 'Early Infant Diagnosis' for early detection of HIV/AIDS in HIV-exposed infants has been concluded.

Measures for Improving Access to Affordable Healthcare by Adolescent Girls

There has been increased focus by government to proactively address adolescent reproductive health in Nigeria over the past few years. The National Adolescent Health Policy recognizes adolescents as persons within the ages of 10 to 24 years. Specific policy objectives include the creation of a supportive climate for policies and laws addressing adolescent health needs. The National Reproductive Health Policy and Strategy affirms that reproductive health is the right of all individuals including adolescents. The policy pays particular attention to youth and adolescent reproductive health concerns, characterizing the current state of adolescent reproductive health in Nigeria as “poor”.

The objectives of government in addressing youth reproductive health as outlined in the policy include:

- increasing the proportion of young people who have access to accurate and comprehensive reproductive health information and services;
- initiating and supporting the enactment and review of laws relevant to adolescent health.

The Nigeria National Youth Policy and Strategic Plan of Action also recognizes that youths represent the most active and vulnerable segment of the population. The health component of this policy strives to “seek and offer solutions to youth problems such as drug abuse, addiction, teenage pregnancy and sexually transmitted diseases”.

In addition, in 2001, Nigeria’s response to HIV/AIDS, which disproportionately affects young people, was articulated in a 3-year HIV/AIDS Emergency Action Plan (HEAP). Within the framework of HEAP, as outlined in Strategy 5.1, the establishment of youth friendly health services across the nation is a planned activity (5.1.1.28) aimed at reducing the transmission of HIV/AIDS among high-risk youth, both in and out of school. Many CSOs have emerged on the scene working to reverse the poor status of adolescent health in the country. Umbrella bodies such as the Nigerian Association for Promotion of Adolescent Health and Development (NAPHAD), Nigeria Network of NGOs on Population and Reproductive Health (NINPREH) and Civil Society for HIV/AIDS in Nigeria (CiSHAN) have also been formed to coordinate activities of non-governmental organisations (including youth serving NGOs) on adolescent health and development.

Active NGOS in the field of Adolescent Reproductive include Action Health Incorporated (AHI), Girls’ Power Initiative (GPI), Adolescent Health Information Projects (AHIP), etc.

- AHI works to improve the poor status of adolescent health and well being. Some of the achievements recorded by the organization include the establishment of a Youth centre which provides over 1000 young people with age-appropriate information on a monthly basis.
- The centre runs an adolescent-friendly clinic which reaches over 3000 young people annually with sexual and reproductive health services.
- AHI Facilitated the establishment of youth-friendly health services in states such as Lagos, Akwa Ibom, Benue, Ebonyi, Bauchi, Borno, Kaduna and Nasarawa. The current project in Bauchi, Borno, Kaduna and Nasarawa States, supported by the Packard Foundation has (since 2001 to date) reached over 70,000 young people with youth-friendly sexual and reproductive health information and clinical services through activities implemented by 7 NGOs, 7 government hospitals and 1 school peer education programme.
- The Centre has trained Master Trainers and Teachers on FLHE curriculum implementation as follows:
 - 45 National Master Trainers on behalf of the Federal Ministry of Education)
 - 40 teachers from Federal Govt. Colleges on behalf of the Federal Ministry of Education
 - 34 HIV/AIDS Desk Officers from 16 states on behalf of Capacity for Universal Basic Education (CUBE)/British Council)
 - 137 Master Trainers from 15 states on behalf of the United Nations Population Fund
 - 1,400 (90%) carrier subject teachers in Lagos State on behalf of the Lagos State Ministry of Education and over 60 NGO programme managers, youth workers and health care providers in various aspects of youth-friendly health services and youth programming.

- AHIP Implements various programmes focused on improving adolescent health and development including peer education sports known as edutainment, in Kano. The centre is currently working with the Kano State Governments to adapt the National Family Life and HIV/AIDS Education (FLHE) curriculum for the State.
- Youth, Adolescent Reflection and Action Centre is focused on mainstreaming sexuality education into schools programmes through trainings, and use of mobile phones.
- Global Health Awareness Research Foundation is implementing FLHE in schools by training teachers, peer educators and instituting peer educator clubs in schools. Also provides counseling services that can be linked to mobile phones.
- Girls' Power Initiative is also involved in implementing the national FLHE and training teachers and trainees in colleges of education. Runs computer training/ formal vocational education schools empowering young girls in the communities.
- Education as Vaccine Against AIDS, an Abuja based NGO runs a youth programme in schools in serves as the host of the V-mobile/NACA AIDS voluntary counseling and testing centres.

Challenges

Poverty constitutes a serious problem to the health of women and children in Nigeria. Poverty explains the numerous cases of nutritional deficiencies leading to different kinds of diseases especially among pregnant women and children. This led to the introduction of the National Food and Nutrition Policy 2001 and the National Guidelines on Micronutrients Deficiencies and Control in Nigeria in 2005.

Another impediment is traditional practices especially FGM which harms and threatens women's health and make them vulnerable to HIV/AIDS. Government has also invested heavily in support of the National Policy and Plan of Action on Elimination of Female Genital Mutilation in Nigeria, 2002, while eleven States have passed legislation prohibiting FGM. Other challenges include lack of adequate access to health services especially in the rural areas of Nigeria.

There are no laws to facilitate access to contraceptives that recognizes the confidentiality rights of individuals seeking reproductive health services, particularly adolescents. There are also various forms of prejudices displayed by healthcare providers that constrain young users' access to health care. However, there are pockets of youth friendly health centres in some parts of the country even though inadequate, but some NGOs have set up functional youth friendly centres to meet the needs of young people and adolescents.

Chapter 15: - Right to Education: - Article 17

1. Constitutional, Legislative and Judicial Measures

- Though the Nigerian Constitution does not directly provide for the right to education, yet section 18 of the Constitution on educational objectives obligates the government to 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.

- Section 15 of the Child Rights Act, 2008, every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education.
 - (2) Every parent or guardian shall ensure that his child or ward attends and completes his –
 - a) Primary school education; and
 - b) Junior secondary education.
 - (3) Every parent, guardian or person who has the care and custody of a child who has completed his basic education, shall endeavour to send the child to a senior secondary school, except as provided for in Subsection (4) of this section.
 - (4) Where a child to whom Subsection (3) of this section applies is not sent to senior secondary school, the child shall be encouraged to learn an appropriate trade and the employer of the child shall provide the necessaries for learning the trade.
 - (5) A female child who becomes pregnant, before completing her education shall be given the opportunity, after delivery, to continue with her education, on the basis of her individual ability.

2. Policy Measures

- The National Policy on Education 2004 provides for the following: - philosophy and goals of education in Nigeria; early childhood/pre-primary education; basic education; primary education; secondary education; mass literacy, adult and non-formal education; science, technical and vocational education; tertiary education; open and distance education; special education; educational services; planning, administration and supervision of education; financing education.
- The Strategy for the Acceleration of Girls' Education in Nigeria seeks to achieve gender parity in access to, retention, completion and achievement in basic Education by 2015 in Nigeria.

3. Increased Participation of Girls/Women in Science and Postgraduate Education

The impact of efforts under taken in this regard can be instanced as follows: -

Table 13 provides the number of girls who benefited from the National Policy on Education (2004)

Table 13: University Matriculation Examination (UME) Application Statistics for Science and Technology

YEAR	ENG & ENV TECH		MEDICAL SCIENCE		SCIENCES	
	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
1999	63811	8609	35213	32594	12314	9842
2000	64085	9162	37195	36068	12276	10328
2001	111490	15318	61885	56143	21747	18789
2002	142616	19423	79240	71292	28025	25846
2003	145106	17939	92125	78563	40521	29060
2004	287722	37362	171365	149855	68546	54906

Source: EDB (FME) 1999 – 2004

Table 14 takes a cursory look at the summary of the total graduate output from Bachelor's to Doctorate degrees by discipline and gender from 2001-2005. It shows a progressive increased participation of females in science and technology.

Table 14: - Graduate output Bachelors Degree, Postgraduate Diploma, Master's and Doctorate Degrees (2000/2001-2004/2005).

DISCIPLINES	2000/2001		2001/2002		2002/2003		2003/2004		2004/2005	
	M	F	M	F	M	F	M	F	M	F
Administration	10247	4600	9080	4998	12670	6843	7777	5116	5315	3215
Agriculture	1558	689	2058	908	1939	1073	1882	987	690	284
Arts	3885	2771	4242	3403	4433	4310	3538	3154	2104	1725
Education	5370	5150	5575	4783	5313	4713	3958	4405	3031	2634
Engr/technology	5215	637	5665	832	6199	1028	4989	819	1824	188
Envir. Science	1343	444	1347	464	1488	699	1335	487	1105	397
Law	1797	1130	2459	1939	3099	2797	2233	1644	1043	638
Medicine	1316	605	1890	775	1821	1074	1776	868	448	284
Pharmacy	269	86	340	154	245	172	433	277	25	17
Science	6020	3154	5781	3279	6715	4593	5375	2978	5092	1610
Social science	7633	4056	12708	6201	10693	6662	8853	5269	4170	3113
Dentistry	29	12	46	22	67	30	57	22	2	0
Veterinary Medicine	98	21	152	53	190	64	86	32	48	13
Others	832	423	1278	512	1152	497	681	269	280	211
Total	45612	23778	52621	28323	56024	34555	42793	26327	25177	14329
Grand total	69390		80944		90579		69300		39506	

Source: - National Bureau of Statistics: Social Statistics in Nigeria, 2006, p.38

i. According to the 2006 CWIQ Report (earlier referred to), there is a growing evidence of increased females adult and youth literacy rates, primary school net enrolment and secondary school net enrolment nationwide.

Adult literacy is defined for persons aged 15 years and above who could read and write in any language. The rate was estimated as 64.2 per cent. Higher literacy rate was recorded for urban areas (78.6 per cent) than for rural areas (56.9 per cent). The gender estimates show 73 per cent for male and 55.4 per cent for females. The lowest literacy rate was recorded for the North-East zone (40.7 per cent), while the highest rate was recorded for the South-West (78.5 per cent).

The youth literacy rate for persons aged 15-24 years who could read and write in any language was 76.5 per cent with male recording 80.7 and females, 72.2 per cent. Three zones, South-West, South-East and the South-South recorded rates higher than the national average. Generally, youth literacy rates for males were higher than those for females at all levels.

The net national primary school enrolment rate was 62.4 percent. South-West (82.9 percent), South-East (82.4 percent), South-South (77.3 per cent) and North-Central (73.3 per cent) had rates higher than the national average. The proportion of males aged 6-11 years enrolled in primary school is 64 per cent, higher than that of females (60.4 per cent).

Net national secondary school enrolment rate (43.9 per cent) was much lower than that for primary. Desegregations by sex showed that net secondary school enrolment for males was 45.9 per cent and 46 per cent for females. Secondary enrolment in the rural areas stood at 39.8 per cent and in urban areas, 59.8 per cent. As for the zones, the female figures were higher in the South-East and South-South zones than the corresponding figures in other zones. The female secondary net enrolment ranged from 22.6 per cent in the North-West to 66.0 per cent in the South-West when compared with male figures that ranged from 27.4 per cent in North-East to 66.0 per cent in the South-West.

ii. The Government allocation to educational sector has been increased steadily over the last 5 years; this has translated into greater access to education at all levels, thus encouraging both enrolment and completion, especially by females nationwide.

iii Primary school enrolment and completion

(a) Primary school enrolment rate

The National School Census (NSC) has become a major source of educational data in the country. The UBE/FME has conducted two of such surveys so far - the maiden census which was conducted in 2003 and the latest in 2006. In terms of technical qualities, there is a marked improvement in the standard of reporting of the 2006 NSC data when compared with the 2003 version.

The 2006 NSC revealed a Net Enrolment Rate [NER] of 80.60% suggesting that a substantial proportion [19%] of the primary school age population [6-11 years] is not enrolled in primary schools nation-wide. This represents 4.7m Nigerian children aged 6 to 11 that do not have access to primary education.

A comparison of the 1999 MICS data with the 2006 NSC will show that the system recorded an overall improvement in GER from 81% in 1999 to 90% in 2006.

Both GER and NER varied tremendously across states and school ownership [public versus private]. Gender participation still favours males but the gap appears to have been narrowed marginally from 12% in 2003 to 10% in 2006. There were, however, wide variations in gender gap across the states and zones. While wide gender gaps (in favour of males) still exist in the North, with the North West zone presenting the worst case scenario, they seem to have disappeared in the South. More females than males are denied their rights to lower basic (primary) education in the North

Chapter 16: - Protection of the Family and the Rights of Women Children, Aged and the Disabled: Article 18.

1. Constitutional and Judicial Measures

- The combined effect of sections 14 to 18 of the 1999 Nigerian Constitution is that Government shall direct its policies towards ensuring: -
 - a) that evolution and promotion of family life is encouraged;
 - b) that children, young persons and the aged are protected whatsoever, and against any moral and materials neglect;
 - c) that the conditions of work are just and humane, and that there are adequate facilities for leisure, social, religious and cultural life;
 - d) that the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;
 - e) that suitable and adequate shelter, suitable and adequate food, reasonable minimum living wage, old age care and pensions, unemployment, sick benefits and welfare of the disabled are provided for all citizens;
 - f) that the security and welfare of the people shall be the primary purpose of government.

2. Measures adopted to ensure the responsibilities, rights and duties of parents

The most recent legal measure adopted in this regard can be found in **Sections 19-20** of the **CRA 2003**, to the effect that subject to age, ability and other legal limitations, every child in Nigeria shall work toward the cohesion of his/her family and community; respect his/her parents and elders at all times and assist them in case of need, among others.

Section 20 states that:

“Every parent, guardian, institution, person and authority responsible for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of a child has the duty to provide the necessary guidance, discipline, education and training for the child in his/its care, such as will equip the child to secure his assimilation, appreciation, and observance of the responsibilities set out in this part of the Act.”

The FMWA & SD has the mandate to promote income generation and employment processes through access to loan schemes. The Ministry also assists women to set up cottage industries, acquire life skills and other vocational training within the context of their assessed needs and potentials. In order to attain these objectives, the Ministry has a long term programme to facilitate the establishment on a yearly basis, three small scale industries to be spread out in all the states of the federation.

In year 2006, a new initiative on women's empowerment was launched by the Ministry of Women Affairs in collaboration with the financial institutions-tagged the Women Fund for Economic Empowerment (**WOFEE**). It is a revolving loan scheme for grass root women. WOFEE aims among other things to facilitate access to better strategies for goods marketing, business training, infrastructural facilities, and provision of a supportive policy environment. Food processing machines were distributed to women as income generation drives in 19 selected states of the Federation to empower women and combat poverty level of families, while the plan to distribute to the remaining 17 states and FCT of the Federation is ongoing.

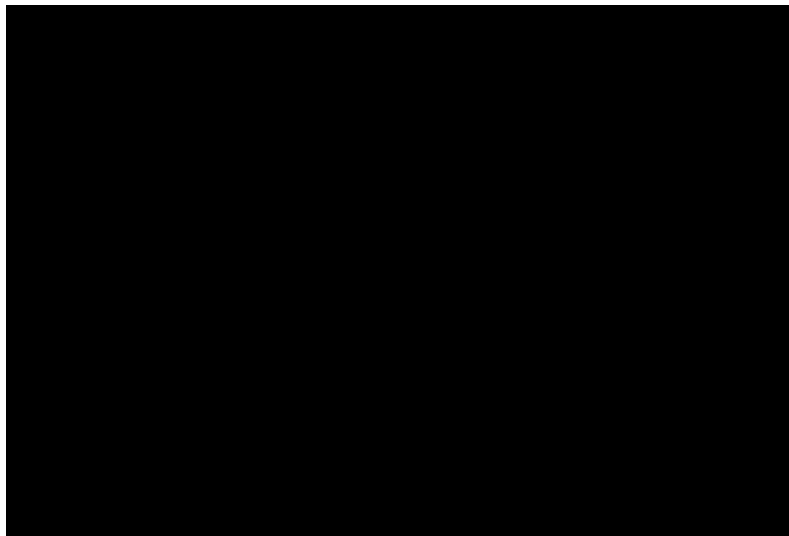
3. Support for Single Parents

Due to social stigmatisation, single mothers often do not make their status public. There are still no reliable disaggregated data on single-parent families. However, this information was part of the questionnaire in the last Census exercise which report is yet to be disaggregated for public use as at the time of this report. **NEEDS II** document has proposed a framework for providing support to vulnerable groups, especially single parents and teen aged mothers.

4. Orphans and Vulnerable Children Responses

Orphans and children made vulnerable by HIV/AIDS include children who have lost both parents due to any cause of death and children affected by HIV/AIDS. This includes children living with HIV-infected parents and those in foster families affected by HIV/AIDS. The national HIV/AIDS Sero-prevalence was 4.4% in Nigeria, with series of different AIDS epidemic emerging at state levels. According to the 2006 report by the Federal Ministry of Health, there were about 2.9 to 3.3 million adults living with HIV/AIDS. The number of children orphaned and others made vulnerable by the HIV/AIDS epidemic has increased drastically since 2003. The estimated orphan population in Nigeria was 7 million in 2003, out of which 1.8 million was due to AIDS. It is projected that the numbers will increase exponentially to 8.2 million by 2010.

Figure 7: Nigeria Projection of Orphans at National level



5. Core Principles and Strategies for responding to the phenomenon

In response to the growing phenomenon of OVC, the following strategies are being applied to:

- Strengthen the protection and care of orphans and other vulnerable children within their extended families and communities.
- Strengthen the economic coping capacities of families and communities
- Enhance the capacity of families and communities to respond to the psychosocial needs of orphans, vulnerable children and their caregivers
- Foster linkages between HIV/AIDS prevention activities, care and support for people living with HIV/AIDS, and efforts to support orphans and vulnerable children.
- Target the most vulnerable children and communities, and not only AIDS orphans

- Give particular attention to how gender role make a difference and address gender discrimination
- Ensure the full involvement of children and adolescents as part of the solution
- Strengthen the role of schools and education systems
- Reduce stigma and discrimination
- Accelerate learning and information exchange
- Strengthen partnerships at all levels and build coalitions among key stakeholders
- Ensure that external support does not undermine community initiative and motivation

6 Steps taken to combat the illicit transfer and non-return of children abroad.

Legislative measures

Legislative measures against human trafficking, including trafficking in children, have been taken at the national level by the federal government and at the state levels by some state governments. At the National level, the CRA under **Section 30(2) (b)** provides that *'a child shall not be used as a slave, or for practices similar to slavery such as trafficking of the child, debt bondage etc.'*

Sections 223-225 of the Criminal Code, applicable in Southern Nigeria, and **Articles 278-280 of the Penal Code**, applicable in Northern Nigeria provide for sanctions against human trafficking. **Section 34 of the 1999 Constitution** prohibits slavery and forced labour.

Further, **Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003** prohibits trafficking in human persons and provides for the rehabilitation of victims of trafficking. In line with this Act, Nigeria established the **National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)** in August 2003.

With the amendment to the legislation in 2005 Section 54 established for NAPTIP, trafficked victim's fund into which all proceeds of the sale of assets and properties of traffickers are channeled for victim's rehabilitation.

Administrative Measures

A number of administrative measures have been undertaken to combat illicit transfer and non-return of children. In September 2001, the Federal Government inaugurated an inter-Ministerial Committee on Human Trafficking, to deal with all issues on human trafficking, including the repatriation and rehabilitation of trafficked victims. This evolved into the office of the Special Assistant to the President on Human Trafficking and Child Labour.

In 2003, the Government of Nigeria in a systematic effort to fight trafficking set up the **National Agency for the Prohibition of Traffic in Persons (NAPTIP)** pursuant to the Act vesting it with the responsibility for *'investigation and prosecution of offenders thereof and the counseling and rehabilitation of trafficked persons'*.

Cooperation Agreements have been signed between Nigeria and Spain, Italy, Benin Republic and Saudi Arabia. Two coordinating groups and an Anti-Trafficking Network have been set up by the Agency, with the support of the United State Department of State and UNICEF to facilitate synergy and convergence on combating Child Trafficking in Nigeria

The Anti - Trafficking Network has been established in 11 Southern Nigeria trafficking endemic States of Ogun, Lagos, Ondo, Delta, Edo, Akwa Ibom, Cross River, Rivers, Ebonyi, Imo and Abia for sensitisation and awareness creation of people at the grassroots to stem the problem of trafficking from source.

With the emerging trends, focus has also shifted to identifying the major routes for trafficking situated in the Northern States. Consequently, an assessment of the situation of child trafficking in Borno, Yobe, Jigawa, Adamawa, Taraba and Kano States was conducted to provide an update on the magnitude, sources, transit routes, perpetrators and destinations of children trafficked in these states leading to the expansion of the

Network to another 11 States in the North namely Kano, Katsina, Yobe, Borno, Niger, Jigawa, Sokoto, Kebbi, Kwara and Taraba, bringing the total to 22 states. However, with support of various UNICEF Field offices in the country, four more states (Kogi, Enugu, Anambra, Bayelsa) have been added to the network.

Strong partnerships have been developed both at national and state levels with the Police, Immigration, NGOs and other governmental agencies to address the problem of child trafficking.

The **Act** has so far been circulated to educate, sensitise and create awareness on the malaise of child trafficking. The Nigeria Immigration Service (NIS) and other border control agencies, including the Nigeria Customs Service (NCS), have intensified operations at the borders to check the illegal movement or transfer of children across the borders.

The Immigration Service recently established a specialised Anti-Human Trafficking Department. The Nigeria Police Force also has a unit dealing with internal and external trafficking. Several NGOs have undertaken awareness programmes on the issue of human trafficking, especially of women and children.

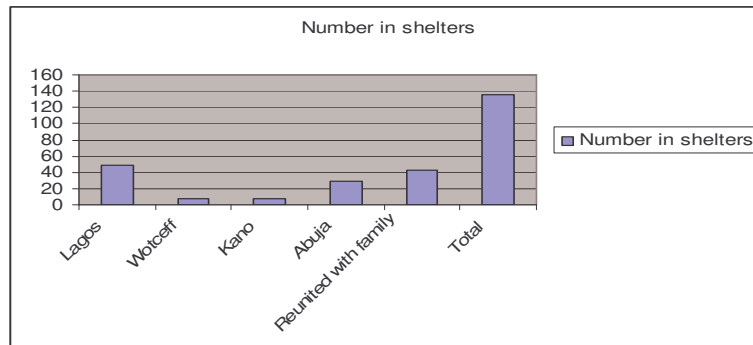
The impact of Nigeria's cooperation with countries of destination has resulted in an increase in the level of arrest and prosecution of those involved in women and child trafficking and other forms of sexual exploitation. Development partners and international agencies and NGOs have given materials and technical support to NAPTIP to assist in the rescue, rehabilitation and social reintegration of trafficked persons.

7 Efforts to Combat Child Trafficking

(a) NAPTIP works closely with other government ministries, CSOs and development partners in effecting the provisions of the Law. Joint collaborative initiatives have resulted in the design, implementation and monitoring of programmes to rescue, rehabilitate and reintegrate trafficked victims and survivors. In line with international standards, careful plans are developed for reception, sheltering, and counselling of each trafficked person identified. In addition, family tracing mechanism is employed to reunite survivors with their families. Arrangements are made for skills acquisition programmes and start up grants/loans for the survivors. Supporting trafficked persons to establish an income-generating activity is employed as a preventive strategy since it has been shown that vulnerability, particularly of children, is increased with increased poverty.

(b) To facilitate its protection programmes, NAPTIP established shelters in Abuja, Kano, Uyo, Enugu and Sokoto. Shelters in Lagos and Benin were established with support from IOM and UNICEF and rehabilitation of trafficked persons is undertaken in close collaboration with local and international organisations that provide both technical and financial assistance. The shelters are staffed and managed by qualified social workers employed by NAPTIP. Figure 8 below indicates the number of rescued victims in shelters.

Figure 8: Number of rescued victims in shelters



Source: NAPTIP 2006

(c) In the same reporting period, as shown in figures 9 and 10 below, children made up almost 40% (302) of rescued victims while adults from 25 years and above were only 12% of the total number rescued by March 2006. It was also noticed that some of the trafficked victims (100 or 13%) are unaware of their date of birth,

and have no birth certificates, confirming the fact that most children trafficked do not have their births registered at birth calling for interventions in this area. The same trend was shown in 2007 with children below 18 years making up 38% of rescued victims.

Figure 9 Age Range of victims

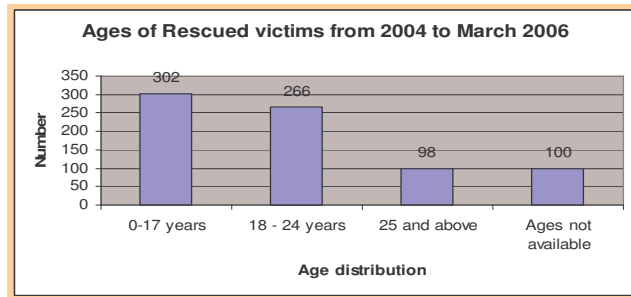


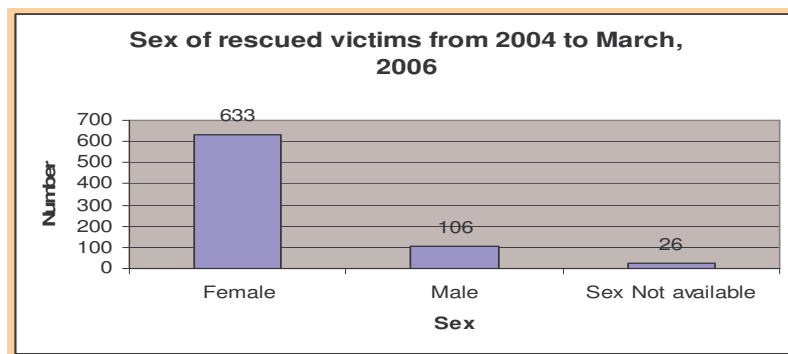
Figure 10 Age Range of victims from inception to December, 2007



Source: NAPTIP Reports, 2007

(d) Figure 11 below indicates the gender dimension to trafficking. It was found that out of the total number of rescued victims from 2004 to 2006, 83% were female compared to the male victims being only 13%. The gender of the remaining 4% was not indicated. It became apparent that girls and women are more susceptible to trafficking in comparison to boys in this reporting period.

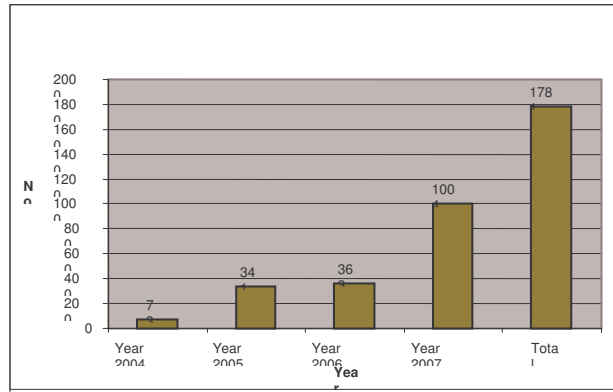
Figure 11 Victims rescued by gender



S
Source: NAPTIP Reports, 2006

(e) Based on NAPTIP's 2007 reports, about 341 victims were rescued between 2004 and 2005, 363 in 2006, and 1004 in 2007. This phenomenal increase in 2006 and 2007 was due to the level of awareness created by relevant government agencies already mentioned and CSOs which invariably augmented successful arrests of trafficking occurrences. (see Table 15 below).

Figure 12: Number of rescued victims from 2004-2007



Source: NAPTIP Reports, 2007

(f) The level of success recorded in the numbers shown in figure 12 can be linked with interagency cooperation and collaborative initiatives existing between the role players involved in the area of rescue and reintegration of child victims of trafficking. The Police have consistently played a commendable role in the rescue of children. This is demonstrated in Tables 15 and 16 where we found the Police being able to rescue 71% or 96 of the number of children recorded in year 2006, and repeated the same leadership role in year 2007 with the rescue of 34% or 277. Families and community members also participated in the rescue of children, but the exact numbers of such families were not recorded here.

Table 15: Agency and Organisations involved in rescue of victims –March 2006

Agency/Organization	Number Rescued
NAPTIP	21
Police	96
Immigration	16
Individual	2
Total	135

Source: NAPTIP Reports, July 2006

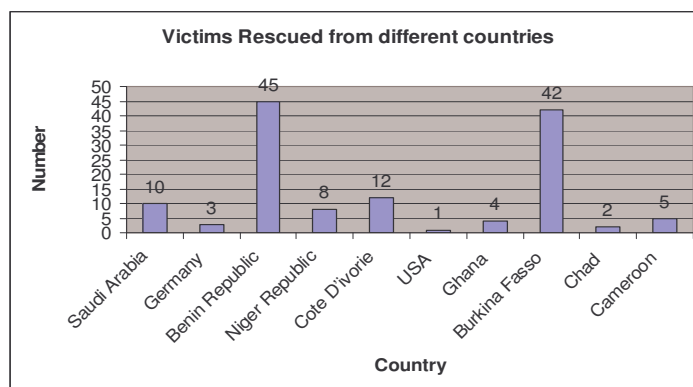
Table 16: Agency and Organisations involved in rescue of victims –December 2007

Agency/Organization	Number Rescued
NAPTIP	142
Police	277
Immigration	258
Individual	14
SSS	30
NGOs	12
FMWA & SD	7
Total	740

Source: NAPTIP Reports, 2007

(g) In figure 13 below, signing of Bilateral Agreements especially with Benin Republic facilitated the rescue operations of 45 children from Benin Republic followed by children from Burkina Faso, the least numbers being from Germany and USA.

Figure 13: Number of children rescued from different countries from inception to December, 2007



Source: NAPTIP Reports, 2007

(h) A number of government institutions, law enforcement agencies, civil society organisations, and community-based organisations involved in the fight against trafficking were able to build new skills and strengthen their capacity for advocacy, mobilization, monitoring, and improved service delivery.

Development partners provided specific training as part of efforts to ensure that officials and individuals engaged in recovery services for survivors have necessary skills to undertake better and improved recovery services. Some attention was given to law enforcement and in 2003/2004, the UNODC/UNICRI in partnership with IOM organised a training of trainers workshop on the use of the Interpol Manual on Human Trafficking. Fifty law enforcement officers were guided to support other investigating officers to understand and apply the techniques indicated in the manual. In 2005, the United States Department of Justice supported the training of NAPTIP Investigators and Prosecutors, while officials of the Counselling and Rehabilitation Unit also had improved skills for providing recovery services to trafficked children through programmes organised by UNICEF.

(i) Under the FGN-UNICEF Programme of Cooperation 2002 – 2007, the Protection and Participation section reported the following results under its anti-child trafficking network project in year 2006:

- 97 officers from NAPTIP Lagos and Enugu, zonal offices, law enforcement officers, and immigration officers were equipped with improved skills to work effectively in the area of prevention, arrest, reporting, and prosecution of child traffickers and repatriation and reintegration of child trafficking victims
- 45 law enforcement officers comprising NAPTIP, Police and Immigration officers acquired skills on trafficked victim support and are contributing to the overall support for victims of child trafficking in Adamawa, Taraba, Kano, Jigawa, Yobe and Borno states.
- 50 Nigeria Police officers in the anti human trafficking units and juvenile welfare desks were equipped with improved knowledge on standardized rehabilitation procedures for the care and support of 990 abandoned babies and child survivors of trafficking from Borno, Edo, Plateau and Lagos states.
- Production of a manual on Trafficking in persons infused into the Police Training Curricula has strengthened the capacity of the Nigerian Police to deliver protection services to the vulnerable children and women, facilitates the arrest, prosecution and conviction of traffickers.
- 1,204 duty bearers including media executives, parents, market women leaders, NURTW members and children and 520 right holders in Plateau and in 23 LGAs in Lagos, Ondo and

Ogun States acquired better understanding of the current trend in child trafficking and its dangers and are providing support towards its prevention in the states.

- *700 persons in 14 LGAs of Edo and Delta states, 1,790 school children and teachers, from focus LGA's in Akwa Ibom, Anambra, Bayelsa, Cross River, Imo and Abia states are all in a better position to make informed decisions on various techniques and strategies employed by traffickers in luring victims and are able to protect themselves from traffickers*
- Provision of reading materials and skills training equipment for the training of child victims awaiting reunion with families at NAPTIP Transit shelter, Lagos enhanced rehabilitation and reintegration skills and a good learning environment for child victims of trafficking.
- Anti-trafficking networks established in 44 LGAs in Adamawa, Taraba, Kano, Jigawa, Yobe and Borno states are actively promoting awareness on child trafficking with prompt response to incidents of child trafficking including facilitation of family tracing and reintegration.

8 Rehabilitation of Victims of Trafficking

A total of 2,120 victims have been sheltered and counselled. 145 victims have been fully rehabilitated with various skills (Trading, Knitting, Beading, Auto-Mechanic, Catering and Hair Dressing) while some are pursuing their educational careers in various Primary and Secondary Schools and Colleges of Education in Nigeria. Another 155 victims are at various stages of skill acquisition trainings and in the educational institutions.

9 Number of Trafficking Cases Prosecuted Convicted etc.

Between 2003 and April 2008, the total number of cases handled by the Agency stood at 510 out of which 90 were found prosecutable, 25 convictions with sentences imposed on perpetrators. The range of sentences imposed have been between 1 year – 14 years imprisonment. The lower sentences have been for attempted offences. 42 cases at various stages of prosecution are pending in courts nationwide. A few others were discharged.

For example, in the case of AGF Vs. Mrs. Sarah Okoya (Edo State High Court. Judgment delivered on 19th November, 2004) the accused was sentenced to 3 years imprisonment with hard labour for initial attempt at trafficking her victim to Spain but ended up in the Republic of Cotonou for prostitution.

In the case of Attorney-General of the Federation Vs. Hussaina Ibrahim and Anor (Kano State High Court Judgment delivered on 27th June, 2005), the two accused persons were found guilty of trafficking the victim to Saudi Arabia for prostitution and upon conviction were sentenced to 3 and 2 years imprisonment respectively without any option of fine.

Also the case of AGF Vs. Jean Ajayi (Lagos State High Court and 2 others, charge No. HCL/2C/05). The case involved 2 foreigners and a Nigeria who committed various offences relating to procurement of victims from Cotonou and subjecting them to various forms of sexual abuse. Judgment was delivered on the 22nd December, 2005 and the accused persons sentenced to 7 years imprisonment.

In addition, in the case of AGF Vs. Joseph Sunday Effiong, charge No. FHC/UY/70C/07, Federal High Court, Uyo). The accused having custody of an 11 year old victim, as house help, seduced and had carnal knowledge of her. The accused person Mr. Effiong was sentenced to 10 years imprisonment with hard labour on count 1 and 10 years imprisonment on count 2. The sentences ran concurrently.

AGF Vs. Eshter Asuquo, Tina Okoro and Samuel Umabong at Lagos High Court. The three accused were jailed for 5 years each, for procuring minor for prostitution, allowing them to stay in the brothel, and deceitful inducement for trafficking.

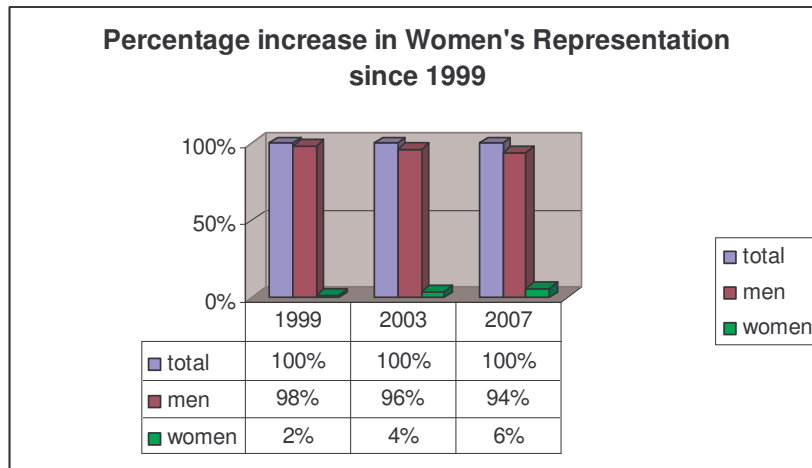
10. **Progressive Increase in Percentage of Women in Appointive/Elective Positions**

Table 17: The table shows a progressive increased participation of females in appointive/elective positions since 1999

Office Type	No. Available	1999		No. Available	2003		No. Available	2006		No. Available	2007	
		Male	Fem		Male	Fem		Male	Fem		Male	Fem
<i>President</i>	1	1	0	1			1			1		
<i>Vice President</i>	1	1	0	1	1	0	1	1	0	1	1	0
<i>Senate</i>	109	106	3	109	106	3	109	102	4	109	100	9
<i>Senate President</i>	1	1		1	1		1	1		1	1	0
<i>Deputy Senate President</i>	1	1		1	1		1	1		1	1	
<i>House of Reps</i>	360	348	12	360	338	22	360	339	21	360	335	25
<i>Speaker</i>	1	1		1	1		1	1		1	1	
<i>Deputy Speaker</i>	1	1		1	1		1	1		1	1	
<i>Governors</i>	36	36	0	36	36	0	36	36	1	36	36	0
<i>Deputy Governors</i>	36	35	1	36	34	2	36	32	4	36	30	6
<i>State House of Assembly</i>	1002	990	12	1,002	964	38	1,002	981	21	1,002	948	54
<i>State House of Assembly Speaker</i>	36	35	1	36	34	2	36	35	1	36	35	1
<i>State House of Assembly Deputy Speaker</i>	36	35	0	36	35	1	36	35	1	36	35	1
<i>Cabinet Ministers</i>	49	45	4	49	41	8	49	39	10	41		8
<i>Perm Sec.</i>	40	32	8	40	28	12	40	27	13	39		
<i>Snr.. Special Assistants</i>										14	12	2
<i>Special Assistant</i>												
<i>Special Advisers</i>										7	6	1
<i>Local Govt. Chairman</i>	774			774			774			774		
<i>Councillors</i>	8,953			8,953				8,810	143	8,953		

Source: National Gender Data Bank of the National Centre for Women Development. Abuja, November, 2007

Figure 14: Percentage increase in Women's Representation since 1999



Source UNIFEM , 2007

UNIFEM records show that the gender gap is fast changing even though variations exist across the nation. The national gender gap average is 16.59% but it is as high as 48% in Sokoto and Zamfara. The trend of slight improvement in some segments of the country is certain to have positive effect on women as they now have role models of their gender in those who have attained prominence in politics or business.

11. Measures for the protection of the Rights of Refugees/Internally Displaced Persons

The National Commission for Refugees (NCFR) was established by Decree 52 of 1989 now Cap. N21, Laws of the Federation of Nigeria, 2004 which incorporated the 1951 United Nations Convention relating to the status of Refugees, its 1967 Protocol and the 1969 Organisation of African Unity Convention governing specific aspects of Refugees problems in Africa and they together form the guide to the protection and management of refugees and asylum seekers in Nigeria.

The Commission was further directed in 2002, by the Federal Government to manage Internally Displaced Persons (IDPs) in Nigeria. A national Policy on IDPs in Nigeria is currently being formulated.

Persons of Concern in Nigeria

- Asylum seekers; Refugees; Returnees; Stateless Persons and Internally Displaced Persons

REFUGEES

The total refugee and asylum seekers population in Nigeria is 17, 790 comprising of both urban and camp based refugees. There are presently about three camp locations, Oru refugee camp in Ogun State, Ituave, in Benue State and Amana in Cross River State.

Presently, the Commission caters for refugees in Lagos, Ogun, Benue and Cross River States and Abuja. The Commission also caters for Returnees in Taraba State and Internally Displaced Persons in the Bakassi Peninsular and 7 other locations in the country.

All refugee camps have civilian character with freedom of movement. Refugees live in the camp out of their own volition. Refugees benefit from food assistance, shelter, health, education, skills acquisition and reproductive health activities and other care and maintenance programmes in line with standard practice and procedure. Thousands of Refugees also benefit from employment within the host communities and some cities in Nigeria.

Self-Reliance Initiatives

The problem of prolonged refugee situation (particularly of the Liberian and Sierra Leonean refugees) is a challenge, considering the scarce job opportunities in the country whereby refugees compete with nationals for employment. The NCFR has designed and in collaboration with other implementing partners produced a perspective plan in the following areas at the Oru Refugee Camp in Ogun state:

- Self-help employment generation
- Skill acquisition in different trades
- Improve agricultural schemes
- Small scale enterprises for vulnerable groups
- Education and Reintegration programmes

It is a point of note that without appropriate measures to ensure the economic empowerment of refugees, irregular movement, the smuggling of light weapons and trans-border crime, cannot be comprehensively tackled.

Local Integration of Liberian and Sierra Leonean Refugees

The limited success recorded on the Voluntary Repatriation of refugees, prompted the promotion of Local Integration, which is on-going.

Following the withdrawal of care and maintenance from the Oru refugees Camp by the United Nations High Commissioner for Refugees (UNHCR), the full responsibilities of caring for the refugees' population fell on the shoulder of the FGN/NCFR.

Conscious of the fact that there are few professional refugees and believing that the cessation of conflict and restoration of democracy in most of the affected countries has brought peace and stability, the Commission and its implementing partners pursued the durable solution through local integration of about 4,500 Liberian and Sierra Leonean refugees in Nigeria, as part of these efforts, a Multipartite Agreement by Governments of Liberia, Nigeria, Sierra Leone, UNHCR and ECOWAS was signed. Consequent upon this was the convening of National Conference of all the Stakeholders by the Secretary to the Government of the Federation to produce an operational Work Plan and Programme of Action for the implementation of socio-economic activities as well as the restoration of the Oru Camp to its original state.

The conference on Local Integration was preceded by experts Technical Meetings from 27th-29th November, 2007 and produced a work plan that has been endorsed by the parties to the Agreement. The Multipartite Agreement uses ECOWAS protocol on Free Movement, Residence and Establishment as a legal basis for the integration of refugees thereby transforming their refugee status into ECOWAS citizen as a durable solution measure.

Cessation Clause

As part of the Government of Nigeria effort in fast-tracking the finding of durable solutions to refugees as well as in a bid to end the prolonged refugee situation of Liberian and Sierra Leonean refugees an official announcement was made in April 2008 to officially invoke the application of cessation clause as well as the technical closure of the camp by 30th June 2008 with effective implementation date of December 2008.

Cameroonian Refugees in Nigeria.

The communal land dispute between the Oyivee and Oliti ethnic groups in the Southern part of Cameroon border town with Nigeria led to massive influx of more than 4,000 Oliti ethnic groups into border communities of Amana in Obanliku local government of Cross River state, while the Oyivee tribe on the other hand, numbering about 3,000 fled into Ityuava village in Kwande local government area of Benue state. (see table 5 for a summary of persons of concern to NCFR).

RETURNEES

The United Nations High Commissioner for Refugees (UNHCR) and the National Commission for Refugees (NCFR) facilitated and assisted the return of 7, 401 returnees as part of the 38,000 Nigerian refugees in Cameroon. Since then some 3000 also returned spontaneously during the same period making total returnee population equal to 10,401 at the beginning of 2006. Sardauna Local Government area has an estimated population of 500,000 comprising of both returnees and all other communities.

The UNHCR in collaboration with NCFR signed a bipartite agreement on 1st September 2006 on implementation of re-integration programmes for the benefit of Returnees and the general community at the ratio of 50/50. The successes recorded are as follows:

- Construction of community centres for skills acquisition and application in five communities,
- Construction of spring water projects in all the five communities;
- Rehabilitation of two Secondary schools (In Gembu and Banga) and 1 primary school in Gembu.
- The rehabilitation of Gembu Water Plant which was not functioning for over ten years before the rehabilitation as well as the provision of 2 motor cycle to facilitate revenue collection
- Rehabilitation of Gembu Power Plant and provision of 1 motorcycle to facilitate revenue collection
- Provision of computers, sewing, knitting and grinding machines to women in five community skills acquisition centres as well as 5 generators for the community centres.
- Distribution of Relief materials to hospitals and secondary schools; including sanitary pads to women in the reproductive age group.
- Sensitization and awareness workshops/campaign on HIV/AIDS as well as Training of Trainers (TOT) of 80 persons on care of Orphans and Vulnerable Children (OVC) affected by HIV/AIDS.
- TOT workshops of livestock and agriculture as well as distribution of seeds and fertilizer to the five communities
- Micro-Finance Revolving Loan
- Adoption of Taraba State strategic Plan on HIV/AIDS launched by the Executive Governor of Taraba State on 14th April 2008.

INTERNALLY DISPLACED PERSONS

The magnitude, scope, character and dimension of Internally Displaced Persons (IDPs) in Nigeria is high. Since the advent of democracy in 1999, the suppressed freedoms and other mismanaged political issues may have contributed to the various conflicts in displacements across the country. People who felt caged for a long time thought that there was a need to continue the struggle in democratic dispensation against the rule of law. This is no doubt, the anarchic tendency which on its own also led to preponderance of IDPs in places such as Ogoni in Rivers State, Odi in Bayelsa State, Warri, Sapele, Itsekiri in Delta State and Akwa Ibom – Cross River States have contributed to displacement in that region.

Displacement Caused by Natural Disaster

IDPs situation arising from natural disasters abound in Nigeria. In Abia, Enugu and Anambra States, soil erosion has destroyed many communities and rendered about 200,000 homeless as IDPs. In Northern part of the country, especially Kebi, Katsina, Yobe, Jigawa and Gombe, there are five major causes of IDPs.

- Improper and untimely discharge of dams both from Cameroon and the neighbouring dams.

- Windstorm and bush fire
- Overflow of major rivers.
- Excessive rainfall result into flooding.
- Desertification and Erosion

The above factors have actually left more than 300,000 people displaced in Jigawa and Yobe. The local people use canoes for intra-community transportation as a result of flooding. Apart from destruction of schools, hospitals, houses, sources of livelihood such as farmland, animal husbandry and local craft-making have been destroyed. In Gombe State, many communities and villages have been washed away by flooding and more than 100,000 displaced.

As of the end of 2007, total IDPs population is placed at more than 248,000. However as of the end of the 1st quarter of 2008, this number dropped as a result of the following factors.

- The elastic nature of African family which led to temporary absorption of IDPs families by their kits and kins.
- The IDPs migration into their farming lands to ensure that they have enough food for the next farming seasons.
- Migration into big cities. The National Commission for Refugees (NCFR) in collaboration with other agencies are engaged in investigation work on urban IDPs in FCT.

Reintegration in neighbouring communities where the IDPs are welcomed.

STRATEGIES ADOPTED. DURABLE SOLUTION 4RS

The Commission has adopted the strategy of resettlement, rehabilitation, reconstruction and reintegration of the IDPs referred to as 4rs.

Rehabilitation

National Commission for Refugees is engaged in projects aimed at rehabilitating the displaced persons both in skills acquisition, agricultural scheme, small scale enterprises and community based development programmes using the existing framework of relevant government partners and agencies. This is a plan to shift emphasis from palliative measures in which only relief materials are distributed to the IDPs to last for few days. The emphasis now is on medium-long term development assistance which could bring about mental reorientation and stability of the IDPs. The rehabilitation programme also includes possible upgrading and reconstruction of damaged infrastructures, schools, dwelling units as a result of conflicts or disasters.

NCFR has embraced partnership networking with international donor agencies, international development agencies and humanitarian organisations to assist in realising these goals.

Re-construction and Resettlement

The essence of resettlement based on concrete and genuine reconciliation is about the internally displaced persons returning to their original places of abode after cessation of crisis.

To achieve a successful resettlement programme, NCFR emphasis on bridging the institutional and funding gaps between emergency relief and medium-long term development efforts. The strategy involves assistance in areas of building and reconstruction materials, micro-credit and IDPs cooperative scheme, communal task force etc.

Reconciliation

It is clear that in post-conflict situations, IDPs often go back to situations of fragile peace and instability. In such situation, prevention of renewed fighting and further displacement depends largely on efforts made by the government and local communities.

The Commission has collaborated with Institute of Peace and Conflict Resolution and other stakeholders in advocating enduring reconciliation with chiefs, elders, community leaders and related organisations.

These effort yielded positive result in areas where there were persistent conflicts. The crisis between Ife-Modakeke, TIV-Jukun, Aguleri-Umuleri have now subsided.

Reintegration

National Commission for Refugees' reintegration programme is designed to achieve a more successful transition from conflict to sustainable development and peace in communities emerging from conflict. This programme is targeted towards returnees, and IDPs for their integration into their various communities, and the refugees local integration programme as a durable solution.

In Oru camp, about 5,000 Refugees from other African Countries are made to undergo various skill acquisition programmes to be self-sufficient and for post-war resettlement such as garri processing, bakery, fashion design and tailoring services, Tie and dye for local Ankara cloths, outdoor catering equipment have all been provided for commercial production of different types of goods for sale to the public. As at today, more than 4,500 refugees in the camp have been gainfully engaged in different trades and skills for post war reintegration programme.

The same type of medium-long term programmes have been executed and others earmarked for the various IDPs sites and especially areas massively affected by crisis such as Plateau, Cross River, Ebonyi, Jigawa, Enugu, Akwa Ibom, and especially along the Niger Delta axis to reduce youth unemployment and restivity.

The Commission also believe that cessation of conflict by government intervention without genuine reconciliation, resettlement, reintegration by the people themselves mean postponing the evil-days. The attitude of Nigerian culture forbids people to live in camps, as a result, the IDPs integrate with their friends and identified family members elsewhere albeit on temporary basis. This pattern of relocation sooner than later generates another cycle of violence when the IDPs have overstayed their compassionate period of welcome. The only obstacle towards implementing and achieving substantial resettlement and reintegration programmes has been the reluctance of international humanitarian agencies to genuinely support and provide assistance.

PREVENTIVE MECHANISM

Security reports and application of preventive strategy to forestall conflicts/violence

The need to have preventive mechanisms is considered very essential, as it is the tool to forestall any impending crisis. The government's emphasis on being proactive rather than reactive and has evolved different early warning systems. A framework has been proposed and vigorously being pursued for the creation of communal emergency preparedness committees at the local and state levels to work closely with the different security agents for monitoring and detecting possible areas of conflicts. This is to be monitored from the Zonal centres about to be established by the Commission at strategic areas.

The first step towards forestalling any crisis which at times is considered inconsequential is security report. The report would indicate flash point of conflict. The Commission therefore, believes that having broad based and comprehensive security report on likely conflicts areas in Nigeria is very essential. There are more hazards and unpleasant consequences resulting from violent crisis than there are from natural

occurrences. This would help the authorities in understanding the causes in order to forestall its eruption as well as provide durable solutions.

Creating awareness and mobilizing the citizenry towards conflict prevention

The Commission also emphasises on creating awareness and mobilizing the citizenry towards conflict and disaster prevention and control. The people who are likely to be affected by a specific conflict are the first line of defence against the calamity, hence the effective use of the appropriate media channels (i.e. Television, radio and Newspapers), Social mobilisation, rallies and public meetings, extensive information, education and communication materials (e.g. posters) to sensitise the public on how to prevent and control conflicts, floods, fire and other form of disasters. The Commission is collaborating with National Orientation agency in this regard to reach out to the public.

Create inter/intra communal dialogue forum amongst the local communities

The Commission has commenced and encouraged inter/intra communal dialogue amongst villages and communities which perpetually engage one another on hostilities. This will bring understanding of a situation at hand; the communities would be able to discuss issues affecting them and arrive at a consensus position to resolve impending crises amicably.

Creating monitoring and evaluation of potential risk areas and other vulnerable zones in the country

For effective monitoring and evaluation of potential conflict generating virus, the Commission in collaboration with UNHCR have organised various capacity building workshops and interactive for related agencies and civil societies. This led to the formation and establishment of National Humanitarian Framework of Cooperation (NUPC) with NGOs and relevant states focal agencies. The Commission has encouraged and supported various government related agencies involved in conflict management and as a matter of urgency, to register and support related NGOs and organisation towards harnessing their expertise and resources into conflict prevention. This will create a synergy for the communal emergency preparedness committee as well as community leaders to provide conducive environment for harmonious relationship.

POLICY INITIATIVES

- Voluntary Repatriation of Liberian and Sierra Leonean refugees (Tripartite agreements with the two countries signed and implementation is on-going).
- Multipartite Agreement on Local Integration of Sierra Leonean and Liberian Refugees in Nigeria (an agreement between Nigeria, Liberia, Sierra Leon, ECOWAS and UNHCR was signed and implementation has commenced).
- Declaration of Cessation Clause in the situation of Liberian and Sierra Leonean refugees in Nigeria (The Federal Government has decided to declare Cessation in June 2008 with effective date of implementation of December 2008)

- 12 Rehabilitative care for victims of armed conflict, torture and neglect**
- (a) Measures adopted to promote physical and psychological recovery and reintegration of victims of armed conflict:**

- Provision of relief materials
- Free medical services
- Counseling by religious bodies
- Reintegration into their families
- Temporary shelter
- Provision of recreational facilities and psycho-social support

PART FIVE: - PROMOTION AND PROTECTION OF PEOPLES' RIGHTS: - ARTICLES 19-24

Chapter 17: - Rights of all Peoples to Equality, Exist and Self-Determination: - Articles 19-20.

- Though the Constitution of Nigeria does not expressly guarantee this right, the cumulative effect of sections 14-17 is that the State shall direct its policy towards ensuring that: -
 - a) the security and welfare of the people shall be the primary purpose of government;
 - b) the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or in any of its agencies.

The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation.

- c) the State shall foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional interests.
- d) in furtherance of the social order – every citizen shall have equality of rights, obligations and opportunities before the law; the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced; governmental actions shall be humane; exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented.

Chapter 18: - Rights of all Peoples to Control their Natural Resources and to Freedom from Foreign Economic Exploitation: - Article 21.

- Though the Nigerian Constitution does not declare or guarantee the above right, the combined effect of sections 14-20 is that the State shall direct its policy towards ensuring that : -
 - a) the State shall, within the context of the ideals and objectives for which provisions are made in this Constitution - harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy; control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity; without prejudice to the right of any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.
 - b) the State shall direct its policy towards ensuring: - the promotion of a planned and balanced economic development; that the material resources of the nation are harnessed and distributed as best as possible to serve the common good; that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group.
 - c) a body shall be set up by an Act of the National Assembly which shall have power - to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the President on same; and to administer any law for the regulation of the ownership and control of such enterprises.
 - d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented.

Challenges

- It is evident that a key challenge here is the mismanagement of resources and lack of transparency in the administration of the institutional mechanisms such as OMPADEC and NDDC put in place by successive governments to address plight of the people in the Niger Delta.
- To address the above, the Yar'adua Administration decided to create in September 2008 a new ministry of the Niger Delta with a view to ensuring effective implementation of a comprehensive master plan, programs and direct intervention projects in the region.

Chapter 19: - Rights of all Peoples to Economic, Social and Cultural Development: - Article 22

- Though there is no express declaration or guarantee of the above right under the Nigerian Constitution, it is evident that the Constitution obligates the State to ensure the following through its policy measures: -
 - a) the State shall, within the context of the ideals and objectives for which provisions are made in this Constitution: - harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy; control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity; without prejudice to the right of any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.
 - b) The State shall direct its policy towards ensuring that- 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; conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life; the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused; there are adequate medical and health facilities for all persons; there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect; provision is made for public assistance in deserving cases or other conditions of need; and the evolution and promotion of family life is encouraged.
 - c) The 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 two; and encourage development of technological and scientific studies which enhance cultural values.

Chapter 20: - Rights of all Peoples to National and International Peace and Security: - Article 23

- Though there is apparent lack of specific guarantee of the above right in the Nigerian Constitution, it is evident from the combined effect of sections 14(2)(b), 19 and 23 that the State shall ensure that: -
 - a) the security and welfare of the people shall be the primary purpose of government;
 - b) the foreign policy objectives shall be the promotion and protection of the national interest; promotion of African integration and support for African unity; promotion of international co-operation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its manifestations; respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication; and promotion of a just world economic order.
 - c) the national ethics shall be Discipline, Integrity, Dignity of Labour, Social, Justice, Religious Tolerance, Self-reliance and Patriotism.
 - d) increased awareness raising on gender issues is part of the measure being used in Nigeria towards the promotion of the advancement of women to ensure their full and effective participation and representation in peace processes including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa.
 - e) having ratified the AU Constitutive Act and the ECOWAS Protocol on Peace Security and Conflict Prevention Management and Resolution in West Africa, Nigeria is obligated to strengthen its institutional and human resource capacity especially, women peace advocates and peace building mechanisms. Accordingly the Federal Government of Nigeria has established under the Presidency, the Institute for Peace and conflict Studies which has three women directors that are peace advocates and security analysts in the departments of Human Rights and Democracy, Governance, Security and Conflict Assessment.
 - f) The Institute has intervened in the last four years in a number of ethno-religious and political conflicts in the geo-political zones of Nigeria. It has identified the route causes of such conflicts and has published about five volumes of its conflict assessment report, trained and retrained through workshops and seminars over 100 men and women peace advocates and post-conflict builders.
 - g) The government has in the last three years strengthened the human, material, financial, and technical capacity of the Institute for African Peace and Conflict Resolution at the National Defence College Abuja. This has resulted in the training of senior female police, security and armed force personnel in strategic planning, research and implementation of peace and security principles, enshrined in the AU Constitutive Act and the ECOWAS Protocol.
 - h) Furthermore, collaborative activities between notable NGOs, ICRC (International Committee of the Red Cross) the Nigerian Red Cross Society and the National Human Rights Commission have resulted in the conduct of series of workshops in the last four years on peace building and alternative measures to violent conflict across the federation of Nigeria, leading to the training of several human rights and women peace advocates in Peace and Security initiatives.
 - i) Nigeria has shown unprecedented commitment to national and international peace and security treaties by complying with the decision of the international

Court of justice in the Bakassi Peninsula Case between Nigeria and Cameroon.

j) **Administrative Measures on Child Soldiers**

- There are ongoing programmes for the sensitization of the armed forces of the Federal Republic of Nigeria regarding the use of children in war situations, as part of their professional training. Moreover, Nigerian soldiers' participation in international Peace Keeping missions in war-torn countries like Bosnia, Sierra Leone and Liberia has provided opportunity for the Armed Forces Authorities to further understand relevant international laws concerning the rights of children in armed conflict situations.
- The official age for recruitment into the Nigerian Army is 18 years, thus making it illegal and impossible for children to be directly recruited into the Armed Forces. The child-soldier phenomenon as well as abuse of girl children as wives and sex slaves in violation of their rights is not a manifest problem in Nigeria.

Chapter 21: - Rights of all Peoples to Environmental Protection: - Article 24 Legal Measures

Under section 20 of the Nigerian Constitution, the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.

More recently, Justice C.V. Nwokorie of the Federal High Court Benin City of Nigeria in *Jonah Gbemre v. Shell PDC Ltd and Ors (2005)* Suit No. FHC/B/CS/53/05 granted leave to the applicant to institute these proceedings in a representative capacity for himself and for each and every member of the Iweherekan Community in Delta State of Nigeria, and to apply for an order enforcing or securing the enforcement of their fundamental human rights to life and human dignity as provided by sections 33 (1) and 34(1) of the 1999 Constitution of Nigeria, and reinforced by Articles 4, 16 and 24 of the African Charter on Human and Peoples' Right Cap. A9 Vol. 1, LFN 2004. The Court held that these constitutionally guaranteed rights inevitably includes the rights to clean, poison and pollution-free healthy environment. The Judge further declared that the actions of the respondents (Shell PDC and NNPC) in continuing to flare gas in the course of their oil exploration and production activities in the Applicant's Community is a violation of their fundamental rights. Furthermore, the judge ruled that the failure of the companies to carry out an Environmental Impact Assessment in the said community concerning the effects of their gas flaring activities is a clear violation of the E.I.A. Act and has contributed to a further violation of the said environmental rights. The judge's order restrained the respondents from further gas flaring and to take immediate steps to stop the further flaring of gas in the community. That the Attorney General should ensure the speedy amendment, after due consultation with the Federal Executive Council, the Associated Gas Re-Injection Act to be line with Cap.4 of the Constitution on Fundamental Human Rights. But the Judge made no award of damages, costs or compensation whatsoever.

This is a landmark judgment in the sense of application of fundamental human rights to an environmental case for the first time in Nigeria, consistent with the trend in other jurisdictions.

National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 No. 25, provides for the establishment of the national environmental standards and regulations enforcement agency charged with the responsibilities for the protection and development of the environment in Nigeria; and for related matters

Under section 2 of the NESREA Act, the Agency, shall, subject to the provisions of this Act, have responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines.

2 Policy Measures: - National Policy on Environment, 1999

Nigeria is committed to a national environmental policy that will ensure sustainable development based on proper management of the environment. This demands positive and realistic planning that balances human needs against the carrying capacity of the environment. This requires that a number of complementary policies, strategies and management approaches are put in place which should ensure, among others that;

- Environmental concerns are integrated into major economic decision – making processes;
- Environmental remediation costs are built into major development projects;
- Economic instructions are employed in the management of natural resources;
- Environmentally friendly technologies are applied;
- Environmental Impact Assessment is mandatory before any major development project is embarked upon;

- Environmental monitoring and auditing of existing major development project are routinely carried out.

This policy, in order to succeed, must be built on the following sustainable development principles;

- The Precautionary Principle which holds that where there are threats of serious or irreversible damage, the lack of full scientific knowledge shall not be used as a reason for postponing cost – effective means to prevent environmental degradation;
- Pollution Prevention Pays Principle (3P+) which encourages Industry to invest positively to prevent pollution;
- The Polluter Pays Principle (PPP) which suggests that the polluter should bear the cost of preventing and controlling pollution;
- The User Pays Principle (UPP), in which the cost of a resources to a user must include all the environmental costs associated with its extraction, transformation and use (including the cost of alternative or future uses forgone).
- The Principle of Inter-generational Equity which requires that the needs of the present generation are met without compromising the ability of future generations to meet their own needs;
- The Principle of Inter-generational Equity which requires that different groups of people within the county and within the present generation have the right to a clean and healthy environment; and
- The Principle of Participation which requires that decisions should as much as possible be made by communities affected or on their behalf by the authorities closest to them.

This new policy thrust is based on fundamental re-thinking and a clearer appreciation of the interdependent linkages among development processes, environmental factors as well as human and natural resources. Since development remains a national priority, it is recognized that the actions designed to increase the productivity of the society and meet the essential needs of the populace must be reconciled with environmental issues that had hitherto been neglected or not given sufficient attention.

In enunciating a national policy on the environment, cognisance must be taken of the various institutional settings and professional groupings as well as the complex historical, social, cultural and legal considerations which have been and continue to be involved in the identification and implementation of measures designed to solve national environmental problems. The provisions of the Policy have thus been informed by recent national policy initiatives in Science and Technology, Agriculture, Health, Industry Oil and Gas, Population, Culture, etc, as well as the major international efforts in the field of environment. The Policy aims to provide a rational, practicable, coherent and comprehensive approach to the pursuit of economic and social development in a way that minimize contradictions and duplications, while enhancing inter – and intra sectoral co-operation and effectiveness at all levels.

Since the health and welfare of all Nigerians depend on making the transition to sustainable development as rapid as possible, this National Policy on the Environment Provides the concept and strategies which will lead to the procedures and other concrete actions required for launching Nigeria in to an era of social justice, self-reliance and sustainable developments as we enter the 21st Century.

The goal of the National Policy on the Environment is to achieve sustainable development in Nigeria and in particular to:

- a) secure a quality of environment adequate for good health and well being;

- b) conserve and use the environment and natural resources for the benefit of present and future generations;
- c) restore, maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems;
- d) raise public awareness and promote understanding of the essential linkages between environment, resources and development, and encourage individual and community participation in environmental improvement efforts; and
- e) co-operate in good faith with other countries, international Organisations and agencies to achieve optimal use of transboundary environmental degradation.

The National Policy on the Environment is basically a programme of actions rooted in a conceptual frame within which the linkages between environment problems on the one hand and their causes, effects and solution on the hand can be discerned. This is achieved in the Policy document through five major policy initiatives, viz;

- a) preventive activities directed at the social, economic and political origins of the environmental problems;
- b) abatement remedial and restorative activities directed at the specific problems identified, and in particular:
 - problems arising from industrial production processes;*
 - problems caused by rapid population growth and the attendant excessive pressure of the population on the land and other resources; and problems due to rapid growth of urban centres.*
- c) design and application of broad strategies for sustainable environmental protection and management at systemic or sub-systemic levels;
- d) enactment of necessary legal instruments designed to strengthen the activities and strategies recommended by this POLICY;
- e) establishment/emplacement of management organs, institutions and structures designed to achieve the policy objectives.

The implementation of the National Policy on the environment depends on specific actions directed towards all sector of the economy and problems areas of the environment. Consequently, the approach to problem solving adopted in this Policy is predicated on an integrated holistic and systemic view of environmental issues.

The actions envisaged will establish and or strengthen legal, institutional, regulatory, research monitoring evaluation, public information and other relevant mechanisms for ensuring attainment of the specific goals and targets of the policy.

It is also expected that these strategies will lead to:

- a. improvement in the quality of life of the people;
- b. the establishment of adequate environmental standards as well as the monitoring and evaluation of changes in the environment and the adoption of appropriate restorative measure;
- c. the acquisition and publication of up-to-date environmental data and the dissemination of relevant environment information;
- d. prior environmental assessment of proposed activities which may impact the environment or the use of a natural resource.

PART SIX: - DUTIES OF INDIVIDUALS: - ARTICLES 27-29

Chapter 22: - Individual Duties to Family, Society and State

Under section 24 of the 1999 Nigerian constitution, it shall be the duty of every citizen to –

- a) abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities;
- b) help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required;
- c) respect the dignity of other citizens and the rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood;
- d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides;
- e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and
- f) declare his income honestly to appropriate and lawful agencies and pay his tax promptly.

Chapter 23: - CONCLUSION

It is evident from the analysis contained in Part 1 of this Report that with the inauguration of democratic governance in Nigeria in May 1999, concerted efforts have been made to evolve a comprehensive legal and institutional framework for the promotion and protection of human rights in Nigeria.

Information contained in **Parts 2, 3, 4 & 5** of this Report indicated clearly that there are various socio-cultural religious economic, political and legal impediments to the promotion and protection of human and peoples' rights in Nigeria.

However, the analysis of steps taken to promote civil and political rights confirm the commitment of all the levels of government in Nigeria to ensuring that the majority of Nigerians, particularly women and children and the disabled/other vulnerable groups no longer suffer from discrimination.

The health and welfare of Nigerians remain major areas for intervention for survival, optimal development and achievement of full potential in life. The programmes and strategies outlined above are the main areas of focus by the government in collaboration with development partners, especially UNICEF, ILO, WHO, NGOs and the private sector.

Although a lot of human and material resources have gone into the health and welfare sectors, more still needs to be done. The large population, vast area of coverage, high disease burden, high level of illiteracy and poverty are compounding factors which militated against attainment of the goals of the well articulated National Health Policy and the Social Development Policy.

The statistical figures, trends, volume and analysis contained in Parts 1 - 5 of this report revealed a measure of inadequacies in budgeting, management, planning, monitoring and evaluation in the implementation process of the above core rights guaranteed to children, but the data disaggregated indicates that Federal Republic of Nigeria demonstrated fairly, its willingness to discharge its obligations through putting in place such policies, programmes, and institutional infrastructure including principal legislative and administrative measures for the realization of the provisions of the Charter.

Finally, government's success in the critical areas recorded in this report is essentially due to the collaborative and cooperative efforts of development partners, donor agencies and the aggressive and sustained campaigns/initiatives embarked upon and being organized by the Civil Society Groups nationwide, and it is hoped that this will be sustained in moving the nation forward on the realization of human and peoples' rights in Nigeria.

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ANNEXURES

1. Workplan for the report writing process

Activity	Date	Status
Activity 1: - Draft Framework for the Writing of Nigeria's 3 rd Country Report.	June 30 – July 15	Completed
Activity 2: - Presentation of Framework by the Consultant to the Federal Ministry of Justice for input.	July 16 – 19	Completed
Activity 3: - Newspaper adverts for publicity and call for memoranda / inputs to the Country Report.	August 20 – 22	Completed
Activity 4: - Collection of relevant materials and data in the light of the Framework under Activity 1.	July 19 – Sept 15	Completed
Activity 5: - Submission of 1 st draft report to the FMJ.	Sept 4	Completed
Activity 6: - A Two-day Peer-review Workshop.	Sept 16 – 17	Completed
Activity 7: - One-day Stakeholders' Validation Workshop.	Sept 17	Completed
Activity 8 - Submission of final draft to FMJ.	Sept 19	Completed
Activity 9: - Hard and soft copies of Report to the AU Commission on Human Rights in Banjul, the Gambia via the AU Secretary General's office in Addis Ababa, Ethiopia.	Sept 20	Sent

2. Newspaper Adverts on Call for Memoranda to the 3rd Country Report



FEDERAL MINISTRY OF JUSTICE, ABUJA

CALL FOR INPUTS

Compilation of Nigeria's 3rd periodic report (2005-2008) on the implementation of the African charter on human and peoples' rights in Nigeria to be presented at the forthcoming 44th ordinary session of the African commission on human and peoples' rights (ACHPR), Abuja, Nigeria, 10th – 24th November, 2008.

Advertised in THE PUNCH, Wednesday, August 20, 2008 Page 32 and Daily Trust, Friday, August 22, 2008 Page 30.

The Federal Ministry of Justice, as the focal point for the Committee on the African Commission on Human and Peoples' Rights (ACHPR), is compiling Nigeria's Periodic Report on Human Rights incidences/Interventions for submission to the ACHPR Secretariat in preparation for the 44th Session scheduled to hold in Abuja, Nigeria, from 10th – 24th November, 2008.

This advert is to invite Federal, state and Local Government Establishments, Academic Institutions, Development Agencies, media Organizations, Corporate Organizations, Non-Governmental Organizations (NGOs), Civil Society Groups, Individuals and the General Public to forward their inputs on the implementation of African Charter on Human and Peoples' Rights in Nigeria to the address provided below.

Such should include reports, statistics, data and impact assessment of programmes; positive and negative outcomes of interventions, social reforms, legislation and projects undertaken since 2005. The focus of the submissions should cover the under-listed articles/issues as contained in the African Charter Document:

PART ONE: - GENERAL INTRODUCTION

PART TWO: - GENERAL MEASURES OF IMPLEMENTATION: - ARTICLES 1, 25, 26 AND 62.

- vi. Legislative Measures
- vii. Policy Measures
- viii. Institutional/Administrative Measures for the Promotion and Protection of Human and Peoples' Rights: -
 - a. Independence of the courts;
 - b. NHRC
 - c. Public Complaints
 - d. Consumer Protection Council;
- ix. Difficulties and Challenges.

PART TWO: - INDIVIDUAL CIVIL AND POLITICAL RIGHTS: - ARTICLES 2-13

- Chapter 1: - Rights to Non-Discrimination and Equality before and Equal protection of the Law: - Articles 2 and 3.
Legal/Policy and Administrative Measures.
- Chapter 2: - Right to Life: - Article 4 Legal, Policy and other Measures.
- Chapter 3: - Right to Human Dignity and Prohibition of Torture and Inhuman Treatment: Art. 5
Legal, policy and other measures.

- Chapter 4: - Right to Personal Liberty: - Article 6.
Legal, policy and other measures.
- Chapter 5: - Right to Fair Trial: Article 7
- Chapter 6: - Right to Freedom of Conscience: - Article 8
Legal, Policy and other measures
- Chapter 7: - Right to Freedom of Expression: - Article 9
Legal, Policy and other Measures
- Chapter 8: - Right to freedom of Association: - Article 10
Legal, Policy and other Measures
- Chapter 9: - Right to Freedom of Association: - Article 11
Legal, Policy and other Measures
- Chapter 10: - Right to Freedom of Movement: - Article 12
Legal, Policy and other Measures
- Chapter 11: - Right to Participate in Government: - Article 13
Legal, Policy and other Measures (including statistical data and analysis)
- PART THREE: - INDIVIDUAL ECONOMIC SOCIAL AND CULTURAL RIGHTS: - ARTICLES 14-18.**
- Chapter 12: - Right to Property: - Art. 14
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 13: - Right to Work: - Art. 15
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 14: - Right to Health: - Art. 16
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 15: - Right to Education: - Article 17
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 16: - Protection of the Family and the Rights of Women Children, Aged and the Disabled.
Legal, Policy and other Measures (including statistical data and analysis)
- PART FOUR: - PROMOTION AND PROTECTION OF PEOPLES' RIGHTS: - ARTICLES 19-24**
- Chapter 17: - Rights of all Peoples to Equality, Exist and Self-Determination: - Articles 19-20.
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 18: - Rights of all Peoples to Control their Natural Resources and to Freedom from Foreign Economic Exploitation: - Article 21.
Legal, Policy and other Measures (including statistical data and analysis)
- Chapter 19: - Rights of all Peoples to Economic, Social and Cultural Development: - Art.22
Legal, Policy and other Measures (including data and analysis)
- Chapter 20: - Rights of all Peoples to National and International Peace and Security: - Art.23
Legal, Policy and other Measures (including data and analysis)
- Chapter 21: - Rights of all Peoples to Environmental Protection: - Article 24
Legal, Policy and other Measures (including data analysis)
- PART FIVE: - DUTIES OF INDIVIDUALS: - ARTICLES 27-29**
- Chapter 22: - Individual Duties to Family, Society and State
Legal, Policy and other Measures
- PART SIX: - DIFFICULTIES, CHALLENGES AND CONCLUSION**
- Chapter 23: - Difficulties and Challenges in the Implementation of the Charter.
Legal, Policy and other Practices
- Chapter 24: - Conclusion
(Conclude with the way forward).

Submission of reports on innovations and best practices that have positively enhanced the situation and well being of individuals/citizens at the National, State or Community Level are welcome and could be forwarded.

All submissions must be typed doubled-spaced and forward by hand, postal or Electronic mail not later than 29th August, 2008, to reach:

ACHPR COMMITTEE SECRETARIAT,

*% The Director, International & Comparative Law (ICL) Department,
Federal Ministry of Justice, FMJ Complex,
Off Shehu Shagari Way,
Maitama District, Abuja, Nigeria.*

E-mail: achpr44thsession_nig@yahoo.com

Further clarifications and inquiries can be obtained by phone on:

0705 552 2802, 0803 337 8838

Collated inputs shall be reviewed at a Stakeholders' Validation Workshop to be convened at a date to be announced later.

**MRS MERCY UZO AGBAMUCHE
DIRECTOR
INTERNATIONAL AND COMPARATIVE LAW DEPARTMENT**