



**NIGERIA'S 6<sup>th</sup> PERIODIC COUNTRY REPORT: - 2015-  
2016 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**

**AUGUST, 2017**

# 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 (2015-16) 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 Sustainable Development Goals.

It is against this background that this 6<sup>th</sup> 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 2015. 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.

**Mr. Abubakar Malami SAN**

The Honourable Attorney General of the Federation and Minister of Justice  
Federal Republic of Nigeria, Abuja  
August, 2017.

## 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
DS	-	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 & SD	-	Federal Ministry of Women Affairs and Social Development
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 Women
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
MPR	-	Ministry of Petroleum Resources
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 Traffic in Persons & Other Related Matters
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
NSHDP	-	National Strategic Health Development Plan
OVC	-	Orphan and Vulnerable Children
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 A**

## **SECTION 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. A9 LFN 2004.

This is the sixth 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 complements the earlier report submitted for the period of 2011 to 2013. It highlights developments that have occurred in Nigeria from 2013 – 2014 in the implementation of the country's obligation under the Charter.

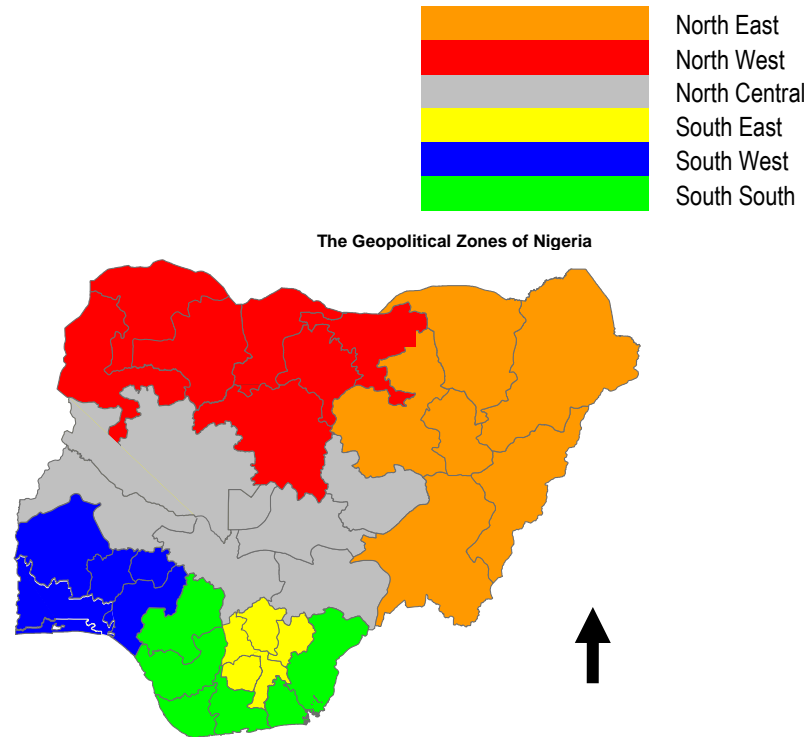
Hence the current report aims at providing progress report on the implementation of the ACHPR in line with the Commission's 2015 concluding observations, concerns, follow-up matters and recommendations.

#### **1.2 Demographic Situation in Nigeria.**

##### **1.2.1 Geography and Administrative Structure**

Nigeria lies between 4<sup>0</sup>16' and 13<sup>0</sup>53' north latitude and between 2<sup>0</sup>40' and 14<sup>0</sup>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 1a—Federal Republic of Nigeria: States and Zones



### 3. Preparatory Process for the 6<sup>th</sup> 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 and review team drawn from the Inter-ministerial Committee met with the Consultant appointed for the entire process for the following activities: -

- i. To develop a framework and a work plan for the report writing;
- ii. To place a call for input in Newspaper Adverts in two National dailies;
- iii. To generate and analyzed the data contained in the report;

iv. To produce the zero and first drafts for peer review.

A 2-day peer review workshop took place, at the Federal Ministry of Justice, Abuja where participants drawn from the ministries, agencies, NGOs and the legislature 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.

Inputs from the stakeholders' forum were incorporated in elaborating the final draft.

The Federal Executive Council, through the Attorney General of the Federation, was notified of this report.

## SECTION TWO

### PROGRESS REPORT ON THE IMPLEMENTATION OF THE ACHPR IN NIGERIA

**2.1 STEPS TAKEN TO ADDRESS THE PRINCIPAL AREAS OF CONCERN AND THE RECOMMENDATIONS OUTLINED IN THE COMMISSION'S CONCLUDING OBSERVATIONS ON NIGERIA'S 5<sup>th</sup> COUNTRY PERIODIC REPORT (2011-2014)**

CONCLUDING OBSERVATIONS AND RECOMMENDATIONS (5 <sup>th</sup> Country Report)	RESPONSIVE EFFORT (6 <sup>th</sup> Country Report 2015-2016)
<b>V. Recommendations</b>	
90. In view of the foregoing, the Commission recommends that the Government of Nigeria should:	Nigeria notes all the areas of concern raised by the Commission in its Concluding Observations and Recommendations on the 5 <sup>th</sup> Period Report on the implementation of the ACHPR (2011-2014). Attempt has been made below to address the concerns and the recommendations made for Nigeria to improve on its Human Rights promotion and protection record. Hence, the responses to the recommendations below:
<b>General</b>	
91. Continue to comply with its obligations under Article 62 of the African Charter and 26 of the Maputo Protocol;	See part B of this Report devoted to steps taken to implement the Maputo protocol.
92. Provide, <i>inter alia</i> , in its next periodic report, up-to-date statistics and data on all relevant sectors as well as on activities of bodies or institutions with a human rights mandate;	Up-to-date statistics and data on all relevant sectors as well as on NHRC, NAPTIP, EFCC and Legal Aid Council provided in sections 3-7 of the Report.
<b>Ratification and Domestication of International Instruments</b>	
93. Expedite the processes for the ratification of outstanding regional and international human rights instruments, so as to enhance the framework for the promotion and protection of human and peoples' rights in Nigeria, including the following: <ul style="list-style-type: none"> <li>i. African Charter on the Values and Principles of Public Service and Administration;</li> <li>ii. Protocol on the Statute of the African Court of Justice and Human Rights</li> <li>iii. Protocol to the OAU Convention on the Prevention and Combating of Terrorism;</li> </ul>	A National Inter-Ministerial Working Group is currently expediting action on the processes for the ratification of outstanding regional and international human rights instruments. The Group reports to the Attorney-General of the Federation/Minister of Justice for necessary action.

<ul style="list-style-type: none"> <li>iv. Optional Protocol to the International Covenant on Civil and Political Rights;</li> <li>v. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty;</li> <li>vi. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and</li> <li>vii. Optional Protocol to the Convention on the Rights of the Child on a communications procedure;</li> </ul>	
<p>94. Expedite the process initiated in order to make the declaration under Article 34(6) of the Protocol on the African Court on Human and Peoples' Rights to allow individuals and NGOs to seize the African Court directly;</p>	<p>Same as in 93 above.</p>
<p>95. Expedite the enactment of the various legislation which are being drafted or amended, which have the potential to enhance the enjoyment of human rights by the citizens;</p>	<p>See Section 3 item (i) of this Report legislative measures for the 2015 and 2016 Acts assented to by the President in this regard. Also see Chapter 5 item 3.</p>
<p><b>Right to security of person/ Right to Life and the Death Penalty</b></p>	
<p>96. Continue to guarantee the safety, security and protection of civilians in the north-east States of Adamawa, Borno and Yobe affected by Boko Haram insurgencies, and to increase efforts in securing the lives and integrity of the civilian population in accordance with its regional and international human rights obligations;</p>	<p>See Report Chapter 16 items (2), (3), (4) and the subhead – specifically on Boko Haram insurgency and the 1103 Rescued Chibok girls so far (as at May 2017).</p>
<p>97. Ensure that the operations of its Military personnel as well as the Multinational Joint Task Force in combating the Boko Haram terrorist group in the region are conducted in a transparent manner, in complete adherence to respect for human rights and humanitarian law, and in full accordance with regional and international human rights standards;</p>	<p>See Report, Section 3 item (iv) on military and Human Rights.</p>
<p>98. Take urgent steps to investigate and prosecute the perpetrators, if any, of all human rights violations alleged to have been committed by its Military personnel against the civilian population in the north-east States of Adamawa, Borno and Yobe, in the course of combating the Boko Haram militants in the region;</p>	<p>Same as in Para 97 above.</p>

<p>99. Intensify efforts in locating and rescuing persons abducted from the affected areas by Boko-Haram including the more than 200 Chibok girls, and ensure adequate records of forced displacement, as well as protection and assistance to affected persons not implicated in the insurgency;</p>	<p>See Report, Chapter 16, item 6.2 earlier referred to.</p>
<p>100. Ensure that the trial of terrorism cases are conducted in strict compliance with regional and international standards on the right to a fair trial;</p>	<p>To ensure compliance, the Federal government had embarked upon the following initiatives between 2014-2016: -</p> <ul style="list-style-type: none"> <li>• In 2014, the Defence Headquarters recommended 500 terror suspects for trial, out of which over 50 convictions have been recorded; 167 terror suspects were recommended to be freed, while 614 terror suspect cases were recommended for review.</li> <li>• Between 2014 and 2016 military field commanders and other senior security and defence intelligence officers were subjected to series of doctrinal and practical training on human rights in counter-terrorism operations. Organized by the office of the National security Adviser in collaboration with the European Union and the Office of the Attorney-General of the Federation.</li> <li>• The Federal Justice Sector Reform Coordinating committee ensured the adoption of a National Policy on Prosecutions/Code of Conduct for Prosecutors/Guidelines for Prosecutors in Nigeria (2014).</li> <li>• National policy and Strategy on Terrorism adopted in 2015.</li> </ul>
<p>101. Bolster the work of the Anti-Human Trafficking Agency (NAPTIP) and all bodies involved in preventing and combating trafficking in persons;</p>	<p>This has been done by amendment to NAPTIP Act in 2015 thereby giving it sharper teeth to combat human trafficking in Nigeria. the results are shown in the tables below under Section 3, item (iv) of this Report.</p>
<p>102. Provide, <i>inter alia</i>, in its next periodic report, information regarding the outcome of the NHRC's independent inquiry into alleged cases of extra-judicial killings and assassinations in Nigeria;</p>	<p>See Report, Section 3 item (iv) on military and Human Rights Report by the NHRC in 2016.</p>

103. Adopt an official moratorium on the death penalty, as a step towards the definitive abolition of the death penalty;	Review of the Federal ministry of Justice National Study Report on Death Penalty and Moratorium is being, considered. However, the Supreme Court decision in Kalu Onuoha v. The State reaffirms the constitutionality of death sentence in Nigeria.
<b>Prohibition of Torture and Ill Treatment</b>	
104. Enact a specific law to define, prohibit and criminalize torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Commission's Robben Island Guidelines, and initiate programs for training law enforcement agents on the Robben Island Guidelines;	The Anti-Torture Bill presented by the National CSO coalition to the legislature is already receiving attention as at December 2016. All police, security and Intelligence Agencies Academies/Institutes train officers on Human Rights and Torture etc.
105. Adequately resource the National Committee on Torture to enable it discharge its mandates effectively;	The Committee is seeking support from relevant stakeholders to carry out its mandate.
106. Expedite the production of a detailed report on the activities of the National Committee on of Torture set up since 2009;	Efforts are ongoing in this regards.
<b>Right to liberty and security of person / Conditions of Prisons and Detention Centres/ Access to Justice /Administration of Justice/Policing and Human Rights</b>	
107. Take the necessary measures to ensure strict respect for the constitutionally stipulated timelines for remands in police custody and pre-trial detention, and where breached, ensure a system for payment of compensation to affected persons;	The Nigerian Judiciary is at its best protecting such rights and a system of compensation is being worked out in accordance with section 35(6) of the 1999 Constitution and the Supreme court decision in Ogor v. Kolawole (1985)6 NCLR 534 – that the award of compensation is constitutionally mandatory.
108. Urgently conclude the process of enactment of the Administration of Criminal Justice Bill into law, as this is expected to significantly reduce prison populations, as well as take other necessary measures to reduce prison overcrowding, in particular by adopting a policy of alternative and non-custodial sentences;	Already assented to as an Act in 2015.
109. Ensure that minors are separated from adult prisons and that convicted persons are separated from detainees;	This is part of ongoing reform in practice.
110. Strengthen the ongoing remedial educational and vocational training activities in prisons to facilitate the social reintegration of prisoners after they leave prison; Ensure in-service human rights training for the police and law enforcement officers, set up human rights monitoring units within the various law	Initiatives in this regard are being pursued as part of the Penal/Prison Reform.

enforcement agencies and provide effective mechanisms for victims of human rights violations by law enforcement officers to lodge complaints;	
111. Take steps to establish independent policing oversight institutions/mechanisms to which civilians may be free to report police misconduct and abuse of power;	Steps already taken include the establishment of Human Rights and Gender Desks in Police stations and in all Ministries and Departments/Agencies (MDAs) though operational in very few MDAs, the NHRC is equally intensifying efforts at zonal levels. In 2016, efforts have been made by relevant stakeholders to ensure the establishment of Human Rights Desk in the Military Defence HQs.
112. Ensure that the relevant authorities make use of the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention, while providing training to the Police, and while adopting laws and policies;	Already part of the Police Training Manual on Human Rights at the Police Academies/Colleges
113. Raise the awareness of the population about their rights, legal procedures and available remedies;	Both the NHRC and CSOs working on various aspects of human rights have intensified efforts at state and local government levels.
114. Strengthen and effectively implement measures to combat corruption and severely punish corrupt personnel in every section of Government;	This effort is ongoing and yielding results as revealed in this Report under chapter 19 item (5) on EFCC combating corruption in Nigeria.
<b>Protection of the rights of women and children</b>	
115. Enact a legislative framework that provides for affirmative action for women including the stipulation of specific female representation quotas in decision-making positions, to increase women's representation;	The Gender Equality Opportunities Bill 2016, is receiving legislative attention and is a step in the right direction.
116. Build operational and institutional capacities to combat violence against women and children and provide support to victims of violence;	The first step taken was the presidential assent to the Bill now an Act on the Prohibition of Violence Against Persons, 2015.
117. Urgently strengthen ongoing initiatives to reduce the high rate of maternal and infant mortality in Nigeria including by eliminating all barriers to maternal health services in the country, increasing budgetary allocation to the health sector in line with the Abuja Declaration, and promoting human rights-based private-sector investment in the health sector;	Initiatives taken in this regard are shown in this Report under chapter 14 on health.
118. Revise its law on abortion, to bring it in line with the Maputo Protocol and international human rights	The Nigerian Law Reform Commission is working on the reform of the law on rape and abortion. The National Demographic Health Survey, 2013 shows



standards, and also take steps to improve access to contraceptives and family planning options;	improved access to contraceptives and family planning options compared to the 2008 report.
119. Ensure that the Violence against Women Bill is passed promptly and that cases of violence are properly investigated and prosecuted, and also raise the awareness of the public, including law enforcement bodies and the judiciary, regarding the Bill/law;	Already violence Against Persons Bill has come into force as a 2015 Act and is being implemented already.
120. Ensure that all states adopt the federal legislation that sets the age of marriage to eighteen (18) years;	Efforts are on-going to ensure that the remaining 14 states adopt the Child Right Act with the Age of Marriage in consideration.
<b>Freedom of Expression and Access to Information</b>	
121. Take the necessary measures to ensure the right to freedom of expression, in particular for the private media and human rights defenders;	Chapter 7 of this Report shows the current judicial trend on this right.
122. Decriminalize defamation and amend other existing laws in the statute books of Nigeria that restrict access to information, to bring them into conformity with the Freedom of information Act;	The National Justice Sector Reform coordinating Committee and the Nigerian Law Reform Commission are considering review of obsolete and inconsistent laws with Nigeria's human rights treaty obligations.
123. Intensify the training of staff of all appointed information offices in all its ministries, departments and agencies, on the establishment and running of effective access to information regimes;	The Ministry of Information and Culture is currently marking efforts in this regard in collaboration with relevant stakeholders.
<b>Protection of Rights of Persons Living with HIV/AIDS</b>	
124. Strengthen ongoing HIV/AIDS sensitization, prevention, treatment and care programmes, in particular, targeting the most vulnerable populations;	Nigeria appreciates this advice and will report next improvement in this regard.
125. Scale up its program for the prevention of mother-to-child transmission of HIV, towards reversing the current high incidence of children living with HIV in the country;	Efforts are ongoing in this regard as shown in chapter 14 on health below.
126. Review the Same-Sex Marriage Prohibition Act in order to prohibit violence and discrimination in access to HIV prevention, treatment and care services, as well as to ensure the protection of other human rights of sexual minorities guaranteed under the African Charter and other international instruments to which Nigeria is a party;	Nigeria notes this recommendation
<b>Human Rights Defenders</b>	

<p>127. Adopt legislative measures to protect human rights defenders in conformity with the <b>UN Declaration on Human Rights Defenders 1998</b> and the <b>Commission's Resolutions on Human Rights Defenders</b> including ACHPR/Resolution 69 (XXXV) 04, ACHPR/Resolution 119 (XXXXII) 07, and ACHPR/Res.196 (L) 11, and also create a forum for dialogue with civil society;</p>	<p>Nigeria notes this recommendation and progress made in this regard reported next to the ACHPR.</p>
<p>128. Review its legislative initiative towards regulating the procurement of foreign aid by CSOs in Nigeria, to ensure that it does not impose restrictions or complex bureaucratic procedures for CSOs fundraising activities as well as budgeting, allocation and utilisation of funds, and also does not interfere with the financial autonomy, organisational and administrative affairs of CSOs;</p>	<p>Nigeria notes this recommendation and will report next on any progress made.</p>
<p><b>The duty to promote Human Rights</b></p>	
<p>129. Take all necessary measures to popularize the Charter, the Maputo Protocol and other human rights instruments amongst the Nigerian populace, including through its incorporation in the curricula of formal and vocational institutions, and through other informal civic education programs;</p>	<p>Efforts are already on-going by both the CSOs, the Federal Ministry of Women and Children Affairs and the Federal Ministry of Education on aggressive human rights education and integration in school curricular.</p>
<p><b>Extractive Industries, Environment and Human Rights Violations</b></p>	
<p>130. Strengthen programmes and policies to protect the environment and ensure the transparent management of natural resources;</p>	<p>As reported in chapter 21 below, the national policy on environment was revised in 2016 and other programmes and projects initiated.</p>
<p><b>Protection of Older Persons and Persons with Disabilities</b></p>	
<p>131. Provide, <i>inter alia</i>, in its next periodic report detailed information in relation to older persons and persons with disabilities;</p>	<p>See chapter 16 on little progress made so far.</p>
<p>132. Establish mechanisms for inclusive protection of persons with disabilities and other vulnerable persons in the country;</p>	<p>Same as in 131 above.</p>
<p><b>Economic Social and Cultural Rights</b></p>	
<p><b><i>Right to Health</i></b></p>	
<p>133. Adopt a comprehensive legal framework for health in Nigeria, in line with its obligations under the Charter and other international instruments to which it is a party, including clearly defining the roles and responsibilities of healthcare professionals, as well as</p>	<p>Already adopted the National Health Act 2014 with clarified roles and responsibilities as reported in chapter 14 below on health.</p>

the three tiers of Government in the management of healthcare;	
134. Take the necessary measures to address the human resource constraints in the health sector;	The 2016/17 National budgets on health seek to address these constraints by the end of 2017 as shown in chapter 14 of this report.
<b>Right to Education</b>	
135. Strengthen its ongoing initiatives towards eliminating gender disparities in school enrolment, retention and completion at all levels of education (primary, secondary, and tertiary), and ensuring full and equal access to quality education for all children;	Chapter 15 item 3 of this report shows the continuing efforts to strengthen the sector for greater access, enrolment, retention, completion and elimination of gender disparities.
<b>Protection of Rights of Indigenous Populations/Communities</b>	
136. Provide, inter alia, in its next periodic report, detailed information in relation to Indigenous Populations/Communities, including the legislative and other measures in place to ensure their representation in various decision-making processes that affect them; and	Chapter 17 and 18 of this report provide information on measures taken and on-going to ensure their presentation in decision-making processes affecting.
<b>Implementation of Concluding Observations</b>	
137. Inform the Commission, in its next periodic report, of the measures taken to address the above issues of concern, and to ensure the effective implementation of the recommendations contained in the present Concluding Observations.	Sections 3-7 of this report indicate measures taken so far to address the Commission's concerns and recommendations.

## SECTION THREE

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

Having signed on 31<sup>st</sup> August 1982, ratified on 22 June 1983 and domesticated the African Charter on Human and Peoples' Rights as 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.
- Endangered Species (Control of International Trade and Traffic) Amendment Act 2016
- Prevention of Crime Amendment Act, 2016
- National Crop varieties and Livestock Breeds (Registration) Amendment Act, 2016
- Telecommunications and Postal Offences Amendment Act, 2016; National Agricultural Land Development Authority Amendment Act, 2016
- Procedure Enforcement of Export Standards Amendment Act, 2016
- Agricultural and Rural Management Training Institute Amendment Act, 2016
- Bee Import Control and Management Amendment Act, 2016
- Water Resources Amendment Act, 2016
- National Judicial Institute Amendment Act, 2016
- Advertising Practitioners Registration Amendment Act, 2016
- Utilities Charges Commission Amendment Act, 2016
- Quality Surveyors Registration Amendment Act, 2016
- Small and Medium Scale Industries Development Agency Amendment Act, 2016
- Treaty to Establish African Economic Community Relating to Pan African Parliament (Accession and Jurisdiction) Amendment Act, 2016
- University of Abuja Amendment Act, 2016
- Chartered Institute of Stock Brokers Amendment Act, 2016
- Electoral (Amendment) Act, 2015
- Violence Against Persons (Prohibition) Act, 2015
- Administration of Criminal Justice Act, 2015
- Cybercrime Prohibition and Prevention Act, 2015
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Acts, 2015
- National Tobacco Control Act 2015
- National Health Act, 2014
- HIV/AIDS (Anti-Discrimination) Act 2014
- Pension Reform Act, 2014
- The National Human Rights Commission (Amendment) Act, 2011
- The National Minimum Wage (Amendment) Act, 2011
- Employees/Workmen's Compensation Act 2011

- Niger Delta Development Commission Act 2000
- National Environmental Standards, Regulations and Enforcement Agency (Est.) Act 2007.
- National Agency for the Control of HIV-AIDS (Establishment) Act 2007.
- Electoral Act 2010
- Child's Rights Act No. 26 2003
- National Commission for Refugees Act (Cap N21, Laws of the Federation of Nigeria 2004)
- Universal Basic Education (UBE) Act 2003 (Amended in 2005)
- National Agency for Food & Drug Administration and Control Act Cap. N1 LFN 2004
- Criminal Codes (Federal and States) Act Cap. C.38 LFN 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) Legal Aid Act (Amendment) Bill 2007; b) Legal practitioners Act (Amendment) Bill 2007; c) Parole System in Nigeria Bill 2008; d) Nigeria Police Act (Amendment) Bill, 2007; f) Prisons reform Bill, 2007.
- The 2009 Fundamental Rights (Enforcement Procedure) Rules which abolishes the locus standing and statutes of limitations in fundamental rights enforcement in Nigeria.

## ii. **Policy Measures**

- National Policy on Environment, 2016
- National Agriculture Promotion Policy 2016-2020
- National Policy on Gender in Agriculture, 2016
- National Irrigation and Drainage Policy and Strategy, 2016
- National Guidelines and Referral Standards on gender-Based Violence in Nigeria, 2014/15
- The Transformation Agenda of the Federal Government of Nigeria 2011-2015
- National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria, 2014/15
- National Policy on Child Labour, 2013
- National Policy on Education, 2013
- The National Human Rights Commission Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021.
- National Peace Policy **2009**
- National Policy on Internally Displaced Persons (IDPs) **2017**.
- National Counter Terrorism Strategy (NACTEST), **2016** Revised.
- National Policy on Migration **2015**.
- National HIV-AIDS Prevention Plan **2007 (2007-9)**.
- National Health Policy **2004**
- National Strategic Health Development Plan **2010 (2010-15)**
- National Implementation Plan of Nigeria's Vision 20:20-20 (**2010-13**) **2010**.
- 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 Malaria Control (2005)
- National Guidelines on Micronutrients Deficiencies control in Nigeria (2005)
- National Guidelines and Strategies for Malaria Prevention Control During Pregnancy (2005)
- Integrated Rural Development Policy 2001
- National Policy on Poverty Eradication 2001
- National Housing Policy for Nigeria.
- National Policy on the Elimination of Female Genital Mutilation (FGM) 2002.
- National Environmental Sanitation Policy 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 1996, the Court of Appeal went a step further in *Fawehimni v Abacha* to hold that the African Charter, by virtue of its domestication, is in 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 *Fawehinwi 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 Fawehimni 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 our 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 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 **as amended by the NHRC Act 2010** is mandated to promote and protect human rights and to ensure discharge of Nigeria's human rights obligations.

The NHRC amended Act, among other things, strengthens the powers of investigation of the Commission, makes her decision enforceable and with the same status as an order of a High Court in Nigeria. The Act also gives the NHRC financial and administrative autonomy, thus enabling it to discharge her mandate without control from government.

The 2017-2021 National Action Plan for the Promotion and Protection of Human Rights in Nigeria is a strategic framework for: - an audit of human rights situation in Nigeria; a commitment to concrete measures that need to be adopted to build and entrench a culture of human rights in Nigeria; sustained and coordinated ways to monitor, promote and protect human rights and investigate and redress for violations of human rights in Nigeria.

Nigeria is the second African country to have deposited National Action Plan on the Promotion and Protection of Human Rights 2009-2013 with the U.N. Secretary General. The NHRC played critical role in the development and publication of the NAP document. The NAP is an integrated and systematic national strategy aimed at realizing the enjoyment of human rights in Nigeria. It is also a commitment to concrete measures that can be adopted to entrench a culture of human rights in the country. The document was submitted by Nigerian Government at the Office of the High Commissioner for Human Rights in Geneva on 24<sup>th</sup> July, 2009. All Ministries, Departments and Agencies (MDAs) of government were sensitized on the need to mainstream the document into their developmental plans towards the end of 2009.

**Establishment of Public Interest Litigation Unit:** The Commission observed that majority of victims of human rights violations could not access the court for appropriate redress either because of ignorance of the process or lack of financial resources. In order to assist victims seek appropriate redress and remedy and to ensure that perpetrators of human rights violations are brought to justice, the Commission established a Public Interest Litigation Unit. Through the activities of the Unit, many perpetrators were brought to justice including trans-national corporations and organized private sector. This has further brought justice to victims and sent signal to perpetrators that they could no longer violate citizens' rights with impunity.

**National Working Group on Human Rights Treaty Reporting:** Based on the advice given to the government by the commission, the Hon. Attorney General of the Federation and Minister of Justice constituted and inaugurated the National Working Group on Human Rights Treaty Reporting.

The National Working Group was to among other things, assist government to take proactive steps towards fulfilling her national and international human rights obligations, including those from UN Charter-based bodies such as Human Rights Council, ensure coordination and regular consultations among MDA stakeholders, ensure follow up actions on concluding observations and recommendations of UN and AU Treaty Bodies.

- **Legal Aid Council of Nigeria**

1. The Legal Aid Council of Nigeria **was** established by Legal Aid Act No 56 of 1976 (**now repealed and re-enacted as** Legal Act 2011) is a **parastatal** under the supervision of the Federal Ministry of Justice. The Council is charged with the statutory responsibility of providing free Legal Representation, Legal Assistance, Legal Advice, to indigent Nigerians. The Council **engages salaried lawyers and** coordinates the activities of lawyers who provide pro bono services Besides its jurisdiction over such cases as murder manslaughter, rape, stealing, common assault occasioning actual bodily harm, affray, malicious or willful wounding, conspiracy, aiding and abetting and armed robbery cases, it also undertakes civil claims in respect of (a) accidents (b) breaches of fundamental rights **and intervenes in civil matters resulting from criminal prosecutions**. In addition to the above the Council provides mediation services in all its state offices as her contribution to promoting Alternative Dispute Resolution. The Legal Aid Council introduced and implemented different projects aimed at strengthening and expanding the quality and quantity of its services across the state and local government centres.

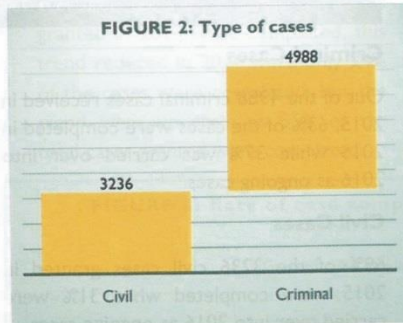
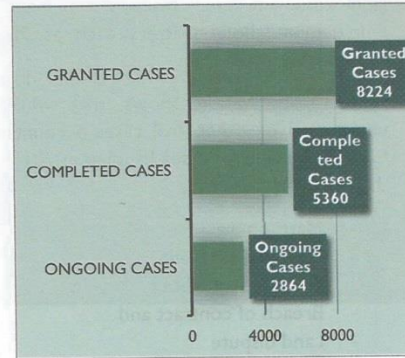


## 2 Legal Aid Services in 2015 and Demographics

### 1. Legal Aid Services provided in 2015 across the States

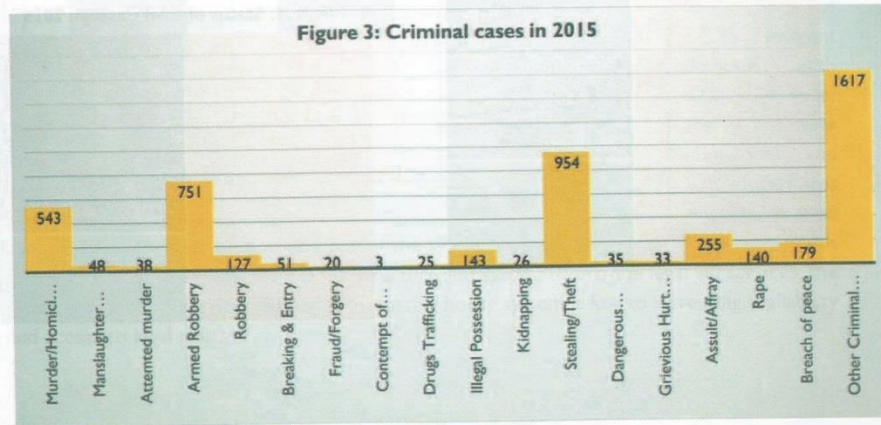
#### Status of services provided in 2015

This section provides details of the people who accessed legal aid service in 2015 across the states. The findings show that, 8224 cases were received in 2015, (this includes cases carried over from the past years) out of which 65% of the cases were completed, while 35% of the cases are still ongoing.



#### Cases received by type of offence

61% of the cases in 2015 across the states are criminal cases and 39% civil cases. Although criminal cases are spread across the following type of offences as seen in figure 3 with armed robbery accounting for 15% of the cases, stealing/theft 19% and murder/homicide 11%.



In respect of civil cases, with the exception of other civil complaints which is clustered together accounting for 53% of the cases, matrimonial matters rank highest among the civil cases properly classified with 11%, followed by landlord/tenant matters and employment/labour matters each at 9% respectively.

Further observation shows that while unclassified or other civil cases accounts for 53% of the civil cases handled in 2015, the following civil cases

- Matrimonial
- Landlord & tenant
- Employment/labour
- Breach of contract and
- Land dispute

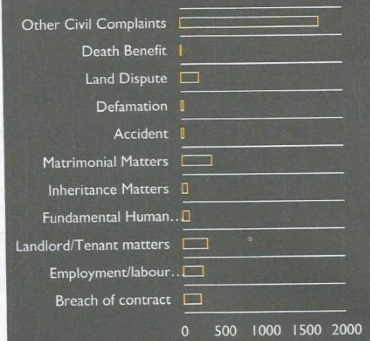
Are the major civil cases that account for 40% of the civil cases receiving legal aid services across the States

**Summary of Criminal and Civil Cases Granted, Completed and carried over to 2016 in 2015**

**Figure 5: Status of 2015 Criminal Cases**



**Figure 4: Classification of civil cases in 2015**



**Criminal Cases**

Out of the 4988 criminal cases received in 2015, 63% of the cases were completed in 2015 while 37% was carried over into 2016 as ongoing cases

**Civil Cases**

69% of the 3236 civil cases granted in 2015 were completed while 31% were carried over into 2016 as ongoing cases

**Figure 6: Status of Civil Cases in 2015**



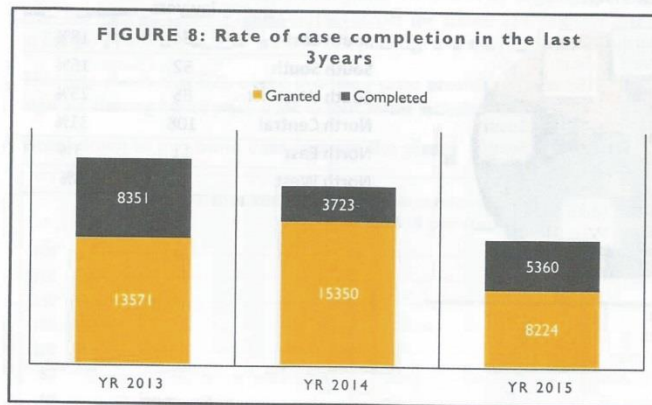
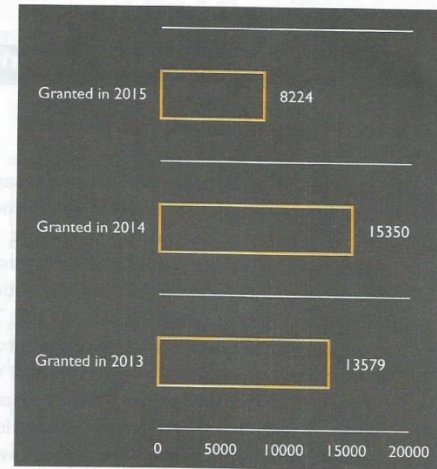
**a. Case trend in the last 3years**

**Cases received**

In the last 3years, legal aid council granted 37153 cases, 37% of the cases were received in 2013, which increased to 41% in 2014 and reduced to 22% in 2015

**Rate of completion in the last 3years**

Though the number of cases granted and services provided over the period differ, however, 62% of the cases granted in 2013 were completed, this trend reduced in 2014 were only 24% of the cases were completed, but the trend went up again as 65% of the total cases granted were completed.



This trend also shows that in the last 3years, legal aid council has provided legal aid services to a total of 37145 indigent persons, with 47% (17434) of the cases completed and 53% of the cases ongoing, carried

over to the next year or dropped out of the system due to one reason or the other, this data shows that while legal aid has the structure and system to provide legal aid services, the need to expand its services through the clearing house system is key to increasing availability and access to legal aid.

**• Human Rights Activities of the Council**

- a. The Council secured funding to lead a World Bank Project in Kaduna State on Civil access to Justice. This project was executed through creation of Rights Awareness and promotion of Alternative Dispute Resolution through Mediation at twenty (20) Legal Aid Centres across the state (16 at Local Government Areas, 3 at Senatorial Districts and 1 in Ahmadu Bello University) to ensure that civil access to justice reaches the poor. Twenty (20) centres had been commissioned as at 2014, including that of Ahmadu Bello University, Zaria in 2012.

Between 2015-2016,.A series of trainings have been undertaken for LEGAL aidcouncil lawyers by the United Nation Office on Drugs and Crime(UNODC) through the European Union

funding. This has led to the training of more than ninety administrative officers of the COUNCIL as Paralegal officers. The training touched on criminal aspects of the duties of a paralegal such as visiting detainees in prisons, linking detained client with a lawyer in the council who specializes in the offence for which the detainee is accused of.

There is also the training of about forty seven lawyers of the council on the new Administration of Criminal Justice Act. The training is to make the lawyers abreast with the provisions of the Act and its implementation.

In order to make staff of the council IT compliant the UNODC is training ninety members of staff including lawyers, administrative /personnel, accountants and secretaries to be more efficient in their work

- b. The Police Duty Solicitors Scheme (PDSS) continues to be part of the Council's Pre-Trial Detention Project (PTD) which has recorded immense successes in reducing pre-trial detention times, in conjunction with the Nigerian Police Force and Open Society Justice Initiative to fast-track processes involved in the criminal justice system as an intervention to the burgeoning prison congestion. The project which was piloted in six (6) states of Imo, Kaduna, Ondo, Sokoto, Plateau and Rivers State has now been extended to Kebbi, Edo State and Nasarawa states.
- c. **One Stop Claim Shop for Motor Accident Victims (OSCAR)** has continued to be a veritable initiative in delivering compensation services to motor accident victims. The scheme **is now extended to** Kogi, Kaduna, Nasarawa and Niger States following a successful pilot scheme in Abuja. In the period between January 2011 and May 2013 the scheme completed the claims of 129 persons involving a total claim of N37,796,470.00 (Thirty Seven Million, Seven Hundred and Ninety Six Thousand, Four Hundred and Seventy Naira) only. The **initiative** continues to discourage invalid motor vehicle insurance by verifying the validity of motor insurance policies.
- d. In the period between 2011 and 2015, **in order that the Legal Aid Council's free services reach more people at the grassroots level and make access to justice available to many more indigent persons, the Council commissioned more Legal Aid Centres in the following Local Governments – Owo (Ondo State), Auchi (Edo State), Karu (Nassarawa State), Shendam (Plateau State), Bwari (FCT), Ungogo (Kano State), Badagry (Lagos State), Warri (Delta State), Ogoja (Cross River State), Eket (Akwalbom State), Katsina-Ala (Benue State), Ogbia (Bayelsa State), Sagbama (Bayelsa State) Otuocha (Anambra State), Ningi (Bauchi State), Abomena (Rivers State), Bida (Niger State), Suleja (Niger State) and Gwagwalada (Federal Capital Territory)** as part of the drive to establish legal laid offices in all 774 local government areas of the Federation, bringing the total up to **thirteen (24)** presently. The establishment of these legal aid centres has enabled Nigerian citizens residing in the rural areas to promptly access justice.
- e. The Legal Aid Council **has commenced the drive to collate** its panels of registered lawyers into a directory of those who have applied to provide pro bono services to the over 100 million Nigerians who cannot afford the services of paid lawyers. The Council is positioned to coordinate and to monitor these activities and provide general information on pro bono lawyers, Legal aid providers and practitioners nationwide. This directory would also assist national and international donor agencies to determine who is providing legal aid services and consider collaboration and sponsorship. The pro bono panel of lawyers is constantly being updated as more lawyers are applying to be included.

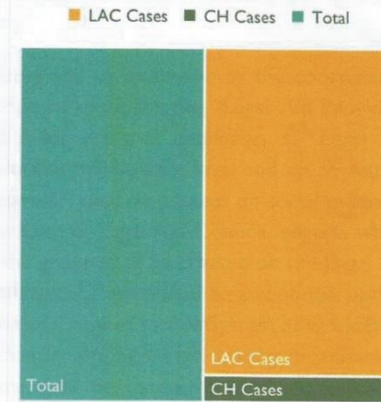


**CHAPTER 4** Legal Aid Service Provided in 2015 – Legal Aid Council & Pro Bono Cases

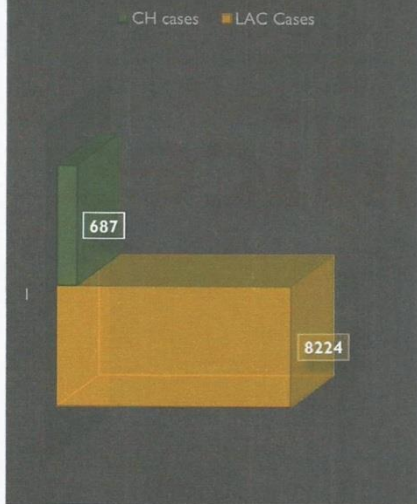
**4.1. Legal Aid Services in 2015**

In 2015, 8911 indigent persons accessed legal aid services either through legal aid council lawyers or the clearing house system with the pro-bono lawyers, 92% (8224) of this cases were handled directly by legal aid lawyers while 8% (687) by the registered pro bono lawyers, (individual lawyers, law firms, clinics, NGOs and FBO)

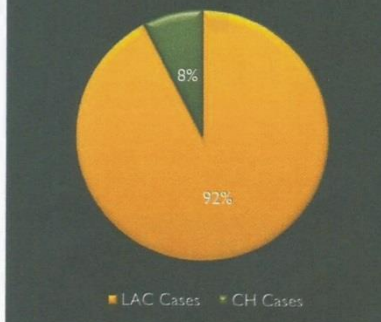
**Figure 11: Breakdown of LAC & Pro-Bono Cases in 2015**



**Figure 13: Breakdown of lac & pro bono cases in 2015**



**Figure 12: Breakdown of LAC & Pro Bono Cases in 2015**



- f. **The Council convened a workshop in collaboration with the UNODC to train 120 lawyers offering pro bono services to the indigent in Nigeria**
- g. The Council has initiated the training and upgrading of some of its administrative officers as Paralegal officers. The training covers Legal system and Human Rights, Para legalism, civil/criminal procedure, family law, landlord and tenant to give the trainees the core skills of assisting the Legal Officers in attending to the indigent who seek help and assistance from the Council. These paralegals would be deployed to the grassroots to provide first line access to justice services. UNODC

through the EU is training a further one hundred and twenty (120) administrative staff of the Council as Paralegal officers.

h. The Legal Aid Council introduced and implemented different projects aimed at strengthening and expanding the quality and quantity of its services across the states and local government centers.

**i. NATIONAL DATABASE**

The council developed and set up a National Database that captures both legal aid services provided by both Legal Aid lawyers and non-lawyers, law firms, non-governmental and faith based organizations.

The national database is designed to collect ,analyze and support production of reports of legal aid services across the states, including serving as the historical register that will aid the council produce demographics and trend reports of legal aid services in coming years

**j. Legal Aid Providers Network**

The Legal Aid Providers Network is a forum of organizations, firms, and persons that provide legal aid services and access to justice for the indigent. The mandate of the network is to unite, network and synergize all such legal aid providers in Nigeria and provide a forum for sharing of information, contact details' and experiences.

Customer Satisfaction Survey

**k. PRISON DECONGESTION**

Concerned with the number of Persons in prison detention awaiting trial, the National Assembly resolved in 2012 to charge the Council with the responsibility of decongesting the Nigerian Prisons. Accordingly the Council has set up a Prison Decongestion Unit which is articulating the Council's strategy for delivering on this starting with prison audit and collaboration with the prison authority. As part of its service delivery, the council conducts periodic prison visitations to all the prisons in Nigeria. Nigeria has about 243 prisons, the council has visited 191 prisons between 2015-2016 where it offered instant legal representation to Awaiting Trial Persons and paid fines for those who could not meet up with fines imposed on them by the courts. Furthermore the Council in the bid to put a check in the constant flow/increase in the number of Awaiting Trial Persons from the police stations into prisons, the Council engaged NGOs, CSOs, and FBOs into providing some assistance to persons arrested and detained in police stations, to ensure that some legal assistance gets to such persons before being arraigned in court where necessary. This group so engaged was formed into a network called Legal Aid Service Providers Network. This was made possible with the support of Open Society Justice Initiative (OSJI)

To further facilitate prison decongestion the Council has intensified its collaboration with the Network of University Legal Aid Institution(NULAI) for mobilization of complimentary manpower ,using clinical education law students from the various law clinics operating under NULAI network to sensitize members of society on their legal rights ,render advisory and counselling services to indigent people ,promote access to justice and provide legal aid services to prison inmates in collaboration with the council's legal and paralegal officers ,National youth corps lawyers deployed to the council and other legal aid service providers.

**I. NATIONAL LEGAL AID STRATEGIC PLAN**

The council has in collaboration with UNODC, PRAWA and other stakeholders in the justice sector in Nigeria developed a five year national legal aid strategic plan to enhance access to justice delivery to indigent and vulnerable Nigerians. Once the National Strategy on Legal Aid is adopted, the Legal aid service providers will be able to work more cohesively and this would definitely impact more positively on the Human Rights record of Nigeria

**m. THE CLEARING HOUSE SYSTEM**

The council in collaboration with PRAWA and the Nigerian Bar Association initiated two different models of clearing house system in the federal capital territory (FCT) (north central) and Enugu state (south east). The legal aid council led the Abuja model. The model was designed to provide access to quality legal representation and link them up with lawyers registered with the scheme. The project has built the council capacity to own the mandate given to it in its ACT to be the clearing house for access to justice to the poor in Nigeria which it does by engaging private practitioners who willingly apply to do pro bono service and register cases they take up. A baseline study for both Abuja and Enugu conducted in June 2011 indicated pretrial detainees in both male and female spent an average period of 592 and 407 days in Enugu and Abuja respectively, the duration has reduced to 339 and 254 days for Enugu and Abuja respectively. In recognition of the success of the scheme in these two states, the partners rolled out a nationwide programme in last quarter of 2014 with the support of justice for all and the United Kingdom department for international development (DFID).

- n. **The Council** has produced an illustrative book on the Child Rights Act / Law, to educate children and parents alike, which is presently being distributed to schools across the nation.
- o. The service delivery records of the Council, from inception to December 2016 are as tabulated below:

**Table 16: - Legal Aid Cases from Inception to 2016**

Nature of Cases	Granted	Completed
Criminal	121,563	77,820
Civil	24,509	16,311
PDSS	25,433	25,433
Total	171,505	119,564

**Source: Legal Aid Council, Nigeria:**

**Table 17: - Legal Aid Cases:2016**

Nature of Cases	Granted	Completed
Criminal	8,042	3,452
Civil	3,578	2,698
PDSS	150	150
Total	11,770	6,300

Source: Legal Aid Council, Nigeria

**LEGAL AID COUNCIL FIRST QUARTER 2017 STATISTICAL REPORT**

CASES	GRANTED	COMPLETED	PENDING
CRIMINAL	1,613	905	708
CIVIL	971	722	249
<b>TOTAL</b>	<b>2,584</b>	<b>1,627</b>	<b>957</b>

The above statistics of cases is as obtained from the zonal, states, Centre offices nationwide as at 7<sup>th</sup> April 2017. More reports of cases handled in the first quarter are still awaited at the LACON headquarters statistics unit.

**CHALLENGES**

The greatest challenge is funding. The Council lacks adequate funding to meet its obligation for ensuring access to justice to indigent Nigerians scattered in 36 states of the federation including the Capital Territory. Nigerians will soon have increased access to justice through the Legal Aid Council and this will in turn lead to more Awaiting Trial Persons being released, leading to the desired prison decongestion if the urgent needs of the Council are addressed;

- Increased reflective Federation Appropriation
- Infrastructure
- Mass personnel recruitment.

PRISON Decongestion Initiative-this is a core mandate of the Council, but it's obvious the Council lacks the capacity to represent all awaiting trial persons in Nigeria, a lot of private practitioners who wish to partner with the Council to decongest the prisons need to be paid a minimum sum for transport and court processes. No money has been appropriated by Government for the Council to effectively tackle this problem.

One key **challenge** is the lack of lawyers willing to serve in NORTH East Nigeria due to the Boko Haram insurgency.

- **The Legislature**

In Nigeria, the Senate and House of Representatives (the two houses of the National Assembly) have committees on human rights, judiciary and legal matters with oversight function on national human rights institutions and other government agencies to ensure the effective promotion and protection of human rights. The National Assembly also has a specific responsibility for the domestication of all international instruments.



The relevant Committees of the National Assembly are also engaged in the promotion and protection of human rights through their collaboration with the National Refugees Commission, National Human Rights Commission, as well as meetings with human rights CSOs and NGOs. Future activities of the Committees include: public hearing on the status of the refugees and internally displaced persons in Nigeria; public hearing on Nigeria's ratification of international human rights instruments; Consultations with National/State Houses of Assembly on legislation for the promotion and protection of the rights of women and children. The Committee also intends to publish a quarterly report of its activities.

- **Military and Human Rights**

In the course of security operations against Boko Haram in North-East Nigeria and recently in the context of countering militant and separatist groups like the Islamic Movement of Nigeria (IMN), the Indigenous People of Biafra (IPOB), and the Niger Delta Avengers, the Nigerian Military have been accused of extrajudicial killings, torture, arbitrarily arrest and detention.

International Human Rights organisations and indeed a number of local human rights organisations have in separate communications to the National Human Rights Commission alleged that the use of deadly force by the Nigerian Military led to the death of hundreds of Nigerians, and many more have died in military detention as a result of starvation, extreme overcrowding and denial of medical assistance. They further allege that these acts, committed in the context of a non- international armed conflict, constitute war crimes for which military commanders bear both individual and command responsibility, and may amount to crimes against humanity.

These allegations have formed in most part the basis for the intervention by the Office of the Prosecutor, international Criminal Court. In her report on the preliminary examination of the situation in North East, Nigeria issued on 12 November 2015, the prosecutor *"identified eight potential cases involving the commission of crimes against humanity and war crimes under articles 7 and 8 of the Statute: six for conduct by Boko Haram and two for conduct by the Nigerian Security Forces"*

The current administration has assured the international community that all allegations of torture, extrajudicial killings and war crimes made against the Nigerian Military will be investigated.

The Executive Secretary, National Human Rights Commission of Nigeria, inaugurated the Nigerian Military Human Rights Dialogue on August 19. The specific objectives of the Nigerian Military Human Rights Dialogue are:

- a) to provide a forum for the Nigerian Military(NM) and the National Human Rights Commission (NHRC) to have a shared understanding and appreciation of Nigeria's constitutional and international human rights obligations in all aspects of military operations but specifically as it relates to Military operations in conflict situations.
- b) to encourage cooperation between the NM and the NHRC specifically with a view to speedy investigation and resolution of allegations of rights violations against military personnel in theatres of conflict but also as it relates to the legal status of military personnel who come into conflict with the law. This mandate also includes dealing with petitions from military personnel or their families on matters related to pensions, gratuity and other post service entitlements.

- c) to provide the NM with the tools necessary to integrate human rights practices into their codes, education systems, field training and disciplinary systems.
- d) to provide a sustainable platform for local and international human rights organisations to constructively engage the NM on human rights concerns.

Broadly, the Dialogue seeks to contribute to three overarching goals of the NHRC. The promotion of human rights awareness, in this instance within the Nigerian Military; the prevention of human rights violation, specifically in areas of military operation thereby potentially obviating the need for the Commissions intervention; and the speedy resolution of communications alleging human rights violations against the NM.

This progress report covers the period from August 2015- June 2016. During this period there were three sessions of the dialogue. Participants in each of the sessions included senior military officials representing the Nigerian Army, Navy and the Airforce, officials of the NHRC and the Federal Ministry of Justice.

There were several smaller meetings convened by the facilitator to seek clarification on emerging issues or in response to new allegations of misconduct against military personnel. One of the sessions was open to the civil society organisations, complainants, the media and the public.

The agenda for the dialogue was identified by the National Human Rights Commission. This was the outcome of long preparations and consultations undertaken ahead of the dialogue. The agenda items were specifically tailored to as far as possible provide preliminary information on many of the complaints received by the Commission.

The following are the important findings and recommendations from the dialogue as identified by the facilitator.

### **Findings and Recommendations**

(1) The Nigerian military is overstretched and deeply challenged in its primary function of defending Nigeria and her citizens. For a country of over 170 million people facing several security challenges – from an Islamist insurgency in the north east to a resource-based conflict in the Niger Delta –in addition to several internal security operations.

(1.1) There is the need for the Federal government and Service Chiefs, working with the National Assembly, civil society and international partners, to implement comprehensive defence sector reform, including clear identification of security challenges; a new defence and security policy and structure to address them; and drastic improvement in leadership, oversight, administration and accountability across the sector.

(1.2) The Federal Government of Nigeria should give urgent consideration to embarking on fundamental reforms in the administration of our criminal justice system. Limitations in policing, weaknesses in prosecution and the absence of an effective penal system places unnecessary pressure on the Nigerian Military. The Nigerian Military should not be asked to take on the role of the Nigeria Police and the Prisons Service. The overlap of mandates is primary responsible for allegations of rights violations against the Military.

(2) Perception of Nigerian military's poor human rights record has had a debilitating impact on effectiveness. It must be disempowering for the military high command to be consistently confronted with allegations of rights violations in the midst of responding to serious security challenges affecting the country. In addition to time and resources spent on conducting investigations in response to allegations of rights violations, the ability of the

Nigerian Military to receive the much need military assistance is hampered. For example the 'Leahy Law' which has prevented US military assistance to some units in the Nigerian Army is an important impediment to the reform programme of the Nigerian Army. The NHRC should join the debate on the effectiveness of the application of the Leahy law to the Nigerian Military.

(2.1) International donors have supported numerous but patchy and uncoordinated human rights trainings programme for the Nigerian Military. The results have been limited largely because of poor coordination and funds. Donors should harmonize their efforts and mobilize greater resources.

The Human Rights Institute of the NHRC should play a leading role in ensuring that Human Rights education is mainstreamed in all military training curriculum and core human rights values are included in Military code of conduct and rules of engagement. As an important first step the Human Rights Institute should conduct certified human rights training programmes for various cadres of military personnel.

(3) There is a need to strengthen, through better resourcing, the capacity of the NHRC to investigate and report violations by military units and personnel.

(3.1) The NHRC should continue to regularly seek access to military detention centres in all areas of military operations. The Commission should also regularly visit and report on the legality of and conditions in detention. All reports should be made public.

(4) The establishment of the Military Human Rights office should urgently be backed by the appointment of a Military Human Rights adviser. The terms of reference of the office and the adviser must be made public. In addition efforts should be made to ensure that the office is accessible to civil society organisations and complainants.

(5). The reform of the military justice system is both essential and long-overdue. While the focus of criticism has been the application of human rights to combat and conflict zones, there have been less focus on the broader legal framework of the military justice system.

(5.1) The justice delivery system in the armed forces ought to adopt a procedure that is not only open and objective, but also strives towards a liberal interpretation of the principles of natural justice. Though the primary object of the system of military justice must always be to maintain discipline within the organisation, it must be focused on organisational effectiveness rather than on punishing or protecting individual actions

- **Law Enforcement Agencies and Human Rights**

The obligation to respect human rights by all law enforcement agencies, including the police, prisons, security institutions, etc. is contained in Chapter 4 of the Constitution, the Police Act and other legislations or enabling national laws. In addition, all law enforcement agents have the obligation to respect the provisions of the various human rights and humanitarian laws to which Nigeria is a signatory. In pursuance of this, all law enforcement outfits have established human rights desks for the purpose of human rights training taught in the law enforcement agencies institutions as well as monitoring activities of the law enforcement agents to ensure that they comply with acceptable human rights standards.

- **Free Legal Advice Scheme at Police Stations**

## Background

The lack of transparency and accountability in the treatment of suspects and certain victims in police stations has affected public confidence in the police. The situation is worsened by reports of violations of the legal entitlements and rights of detainees/suspects which are contrary to international human rights standards. The widespread poor public perception of the police has a damaging effect on police and community relations and can undermine the development of a constructive partnership in communities.

### Legal Advice Scheme: Steps for implementation

1. **Identify possible implementing partners** and groups interested in the initiative. See *next page for examples of implementing partners in Lagos State*.
2. **Form a steering group** with the identified partners. Develop a ToR that clearly defines and guides the implementation of the scheme. *An example ToR used in the Lagos pilot is available for reference*.
3. **Get police authorities' buy-in** by providing de-tails of the possible benefits of the scheme, and consider citing evidence from the Lagos scheme as a real-life example. Get them to identify one or two police stations in which to pilot the scheme initially.
4. Using the networks of your partners, **identify the law firms and individual lawyers** who would be interested in participating and brief them on the scheme and the roles/responsibilities of lawyers. *Example ToR for Law Firms and Lawyers are available for reference*.
5. **Nominate a coordinator** (preferably a registered CSO/NGO) for each police station. The Coordinator's role is to create and manage the duty rota for lawyers, report to the Steering Committee, and schedule regular debrief meetings for lawyers – as described in the following steps. The coordinator also liaises with the station DPO on the scheme and arranges for lawyers to have ID cards to allow them to gain access to stations.
6. **Draw up a duty rota/schedule for each law firm/lawyer** involved in the scheme so they know the dates of their visits. At the onset of the project, it is suggested that lawyers visit the stations daily and as the scheme matures, reduce visits two to three times a week. The duty rota should also include the contact details of the firm so that 'on call' services can be provided if the need arises. *A duty rota template is available for reference*.
7. The **lawyer** who visits the police station should complete a '**Monitoring Form**'. The forms should be collated on a weekly basis and forwarded to the scheme coordinator. The **coordinator** completes a '**Monitoring Analysis Form**' to track progress in the station over a period of time. *Templates of forms are available for reference*.
8. **Schedule monthly/bi-monthly meetings** for lawyers to debrief on their experiences, developments and challenges. The meetings should be hosted by the coordinator and provide additional information that may not be captured in the daily reports. The Steering Group should also meet once a month to discuss feedback and developments of the scheme.

### Cost implications

1. **Meetings** with the lawyers and the Steering Group.
2. **Production of the monitoring forms and duty rota schedules** for lawyers.
3. **Publicity costs** such as printing posters, media costs and community awareness meeting.

### Implementing Partners

As noted in steps 1 and 2 of implementation, it is important to identify implementing partners and groups interested in the initiative and ensure they fully understand and support the scheme, and also understand what role they need to play. The following is an example of how this was achieved in Lagos.

Partner	Role
<b>Commissioner of Police</b>	<ul style="list-style-type: none"> <li>• Agrees to implementation of Scheme</li> <li>• Instructs DPOs to cooperate with Scheme</li> <li>• Member of Steering Committee / Recipient of Monitoring Analysis Reports</li> </ul>
<b>Officers at the pilot police stations</b>	<ul style="list-style-type: none"> <li>• Provide access to verified lawyers</li> <li>• Ensure actions are taken in light of Monitoring Reports</li> </ul>
<b>Legal Service Providers:</b> <ul style="list-style-type: none"> <li>• The Nigerian Bar Association</li> <li>• Legal Aid Council</li> <li>• Office of the Public Defender</li> <li>• International Federation of Women Lawyers</li> <li>• NGOs that provide pro-bono legal services</li> </ul>	<ul style="list-style-type: none"> <li>• Provide advice on the design and establishment of the scheme</li> <li>• Help to identify lawyers willing to participate in the scheme</li> <li>• Help to promote participation in the scheme</li> <li>• Possible members of Steering Committee</li> </ul>
<b>Legal practitioners:</b> <ul style="list-style-type: none"> <li>• Lawyers (law firms and individuals)</li> <li>• Paralegals</li> </ul>	<ul style="list-style-type: none"> <li>• Agree to abide by Terms of Reference which set out role of lawyers in scheme</li> <li>• Attend stations according to duty schedule and on-call rota</li> <li>• Prepare monitoring reports and submit to scheme coordinator for station</li> <li>• Attend de-briefing sessions for lawyers involved in the scheme</li> </ul>
<b>Oversight and Monitoring Bodies:</b> <ul style="list-style-type: none"> <li>• National Human Rights Commission</li> <li>• Civil Society Organisations</li> <li>• Ministry of Justice Directorate for Citizens' Rights</li> </ul>	<ul style="list-style-type: none"> <li>• Provide advice on the design and establishment of the scheme</li> <li>• Possible membership of the Steering Committee</li> <li>• Possible role as Coordinators for individual Police Stations (specifically CSOs)</li> </ul>

- **Combating Human Trafficking in Nigeria: 2015-2016**

### **Jurisdiction of High Courts and Recent Trend of Case law relating to rate of Convictions**

Part 5 of the Act provides for jurisdiction of competent courts of law. The Federal High Court, the High Court of a State and the High Court of the Federal Capital Territory have jurisdiction to try offences and to hear and determine proceedings arising under the Act.<sup>1</sup> Under section 36 of the Act, where any person is convicted of an offence, the Court in passing sentence shall, in addition to any punishment which the Court may impose in respect of the offence, order the forfeiture to the Victims of Trafficking Trust Fund of any property, asset or fund with accrued interest, article, substance, device, material or conveyance which has been used or facilitated the commission of the offence or the proceed of any unlawful activity under this Act. Notwithstanding the provisions of subsection (2) of this Section, the penalty imposed on a person convicted of an offence referred to in that subsection may be reduced in such manner as the Court deems fit where that person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons.

In accordance with the above provisions 3 accused persons have recently been sentenced to prison terms for violating the provisions of the Act. In the case of AGF v. Zulai Garba and Aisha Abdullahi<sup>2</sup>, the accused persons who were charged under section 23 of (Prohibition) Enforcement and Administration Act (TIPPEA) had on arraignment pleaded guilty to the charges provided against them, involving the trafficking of 24 girls between the ages of 8 and 13 years from Wudil Local Government Area of Kano State to Lagos for domestic work. Delivering Judgment in Kano on Wednesday December 2, 2015, the accused persons were sentenced to one year imprisonment each for engaging in human trafficking activities contrary to the Act.<sup>3</sup>

In the second case under the 2015 Act, AGF v. Emmanuel Eromosele<sup>4</sup>, the accused person was charged under section 18 for attempting to traffic two females aged 17 & 20 from Delta to Libya through Kano to work as prostitutes. The accused person pleaded guilty to the charge and was subsequently convicted and sentenced to two years imprisonment.

According to table X below these 2 cases bring the total number of convictions secured by NAPTIP on human trafficking cases to 284 as at the end of December, 2015. Table XX below shows the summary of convictions from inception to December 2016.

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<sup>1</sup> Ibid sections 36-37

<sup>2</sup> FHC/KN/12/2015

<sup>3</sup> Decided by Hon. Justice Fatu Rimam. Source NAPTIP Press release dated 9 December, 2015/ [www.naptip.gov.ng](http://www.naptip.gov.ng)

<sup>4</sup> FHC/ KN/12/2015

**Table X: Summary of Convictions from August, 2004 – December 2015**

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Abuja	1	4	2	1	1	2	2	1	-	1	3	-	18
Lagos	-	-	-	-	5	7	1	6	10	13	9	4	55
Kano	-	-	-	-	5	3	12	11	5	12	18	2	68
Uyo	-	-	1	-	1	3	2	-	4	6	1	2	20
Benin	-	-	-	3	-	3	7	22	2	7	4	3	51
Sokoto	-	-	-	-	13	10	4	8	1	3	-	5	44
Enugu	-	-	-	2	2	-	2	-	2	2	4	-	14
Maiduguri	-	-	-	-	-	-	1	3	1	-	-	-	5
Makurdi	-	-	-	-	-	-	-	-	-	-	3	1	4
Abeokuta	-	-	-	-	-	-	-	-	-	-	-	3	3
Jos	-	-	-	-	-	-	-	-	-	-	-	1	1
Gusau												1	1
Total	1	4	3	6	27	28	31	51	25	44	42	22	284

**Table XX below shows summary of Convictions from inception to December 2016**

S/N	Inception to June 2016	
1.	Total number of cases received	4,240
2.	Total number of cases investigated	3,157
3.	Total number victims rescued	9,895
4.	Total number of convictions	245
5.	Total number of convicted persons	291
6.	Total no. of Convictions for Jan-Dec 2016	26
7.	Total No. of convicts for Jan-Dec 2016	32

**Table XX below shows summary of Convictions from January to April 2017**

<b>S/N</b>	<b>January to April 2017</b>	
1	Total No. of convicts for Jan-Dec 2016	32
2	Total No. of convicts for Sept-Dec 2016	18
3	Total No. of convicts for Jan-Apr 2017	6

**Table XX below shows summary of Victims Rescued and Rehabilitated from January to March 2017**

<b>S/N</b>	<b>January to March 2017</b>	
1	Total No. of rescued and rehabilitated for Jan-Dec 2016	1017
2	Total No. of rescued and rehabilitated for Sept-Dec 2016	406
3	Total No. of rescued and rehabilitated for Jan-Mar 2017	262

**Table XX below shows list of Jurisdiction**

<b>S/N</b>	<b>Jurisdiction</b>
1	Federal High Court
2	F.C.T. High Court
3	States' High Court
4	National Industrial Court

**v. Challenges**

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

Further, adequacy of funds have affected the ability of main line ministries and agencies responsible for the promotion of security, socio-economic welfare and poverty eradication programmes and projects to effectively implement most of the provisions of the economic, social, cultural, environmental and developmental rights guaranteed under the Charter.



# SECTION FOUR

## 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 and Equality

- Section 42 of the Nigerian Constitution guarantees the right to freedom from discrimination on the ground of 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 Legislative measures taken to deal with cultural practices affecting women and children.

Specific measures taken by the Government to combat such harmful cultural practices affecting women and children 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 **2015**
- Anambra State Gender and Equal Opportunities Law, 2007.
- Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in, 2009.
- Ekiti State Gender-Based Violence (Prohibition) Law, 2011.
- Imo State Gender and Equal Opportunities Law No 7 of 2007.
- Lagos State Protection Against Domestic Violence Law 2007.
- Lagos State Protection of People Living with HIV and Affected by AIDS Law 2007.
- Cross River State law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in Cross River State, 2000.
- Rivers State Dehumanizing and Harmful Traditional Practices Law of 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 such as Edo, Ebonyi, Enugu, Cross-River and Bayelsa States.

- 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 fostered children, thereby guarding against possible discrimination against such children.
- There are ongoing 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.

### **1.3 Policy Measures taken to deal with cultural practices affecting women and children.**

- National Strategy to End Child Marriage in Nigeria 2016-2021
- National Policy on Maternal and Child Health —Federal Ministry of Health, (1994).
- Gender policy for the Nigeria Police Force, September 2012 (awaiting Strategic Framework for Implementation, Monitoring and Evaluation).
- Jigawa State Gender Policy, A Holistic Approach Towards Women Development, May 2013.
- Ekiti State Gender Policy, 2011.
- National Child Policy 2007 and its Strategic Plan of Action/Implementation Framework.
- National Policy on protection and assistance to victims of trafficking, 2008.
- National Health Strategic Development Plan 2010-2015
- 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.
- HIV/AIDS National Strategic Framework for Action, 2005-2009.
- National Strategic Plan for Reproductive Health Commodity Security (2003).
- National Guidelines on micronutrients Deficiencies control in Nigeria (2005).
- National Guidelines and Strategies for Malaria Prevention Control During Pregnancy (2005).
- National Reproductive Health and Strategic Framework and Plan 2002-2006.
- National Strategic Framework and Plan for VVF Eradication in Nigeria (2005-2010).
- National Strategic Framework on the Health and Development of Adolescent and Young People in Nigeria —Federal Ministry of Health (2007-2011).

### **1.4 Policy Measures to Accelerate Equality and Equal Protection**

The National Gender Policy 2006 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.

- National Gender Policy Strategic Implementation Framework and Plan, 2008.
- Jigawa State Gender Policy Action Plan.

### **1.5 Special Measures Taken to Ensure Equality between Men and Women**

Progress on Nationality and Women in Nigeria

The major issue with nationality and women in Nigeria is with section 26(2) of the 1999 Constitution which stipulates who a citizen of Nigeria is and how citizenship may be acquired by

marriage and naturalization. The section does not allow a Nigerian woman married to a foreigner to transmit citizenship to her spouse by reason of marriage.

The National Assembly constituted a constitution review committee to anchor the process of review of the 1999 Constitution. A National Conference was also held in 2014 and one of the assignments of the conference was to review issues relating to the peaceful coexistence of the citizens of Nigeria irrespective of age, sex, ethnicity etc. State. Memorandum on issues of concern to women, which includes the gap that this section of the law creates was submitted to these two bodies and the call for review of section 26(2) of the constitution is one of the priority issues listed.

### **Monitoring and Administrative Measures**

The administrative arm of the Nigerian Government is also deploying substantial efforts within its limited resources to rid the country of discrimination on the ground of sex. This is evidenced by the plethora of policies and programmes employed to drive this obligation. The Federal Ministry of Justice has staunchly taken the lead in this project, while other relevant agencies like the National Human Rights Commission (NHRC), Law Reform Commission (LRC), Legal Aid Council, Nigerian Institute of Advanced Legal Studies (NIALS), National Agency for the Prevention of Trafficking in Persons (NAPTIP), FMWASD, the Code of Conduct Bureau, and the Federal Character Commission have joined forces to see the task is well handled.

### **Advocacy and Knowledge Creation**

The Minister for Women Affairs paid advocacy visits to key MDAs at national level to raise awareness on the provisions of CEDAW and to advocate commitment to the promotion of gender equality and the prohibition of discrimination to Chief Justice of Nigeria, the Attorney-General, IGP, INEC Chairman among others. Similar visits were also made to the State Governors, State Assemblies, Traditional leaders, CSOs) by the team during the reporting period.

The Nigerian Police Force has developed and adopted a National Human Rights Training Curriculum. The development of the gender component of the manual was done with the support of UN-Women and the manual used in all Police training colleges across the country.

### **Judicial Measures**

The role of judges in advancing the human rights of women is systematically shared into two parts —namely the ideologies of judicial restraints and judicial activism. Very recently, judicial activism has been applied in a number of decided cases on gender issues in order to depart drastically from obnoxious customs that obstructs women’s progress and full development. The following landmark decision is a boost to the legal environment for the protection of the rights of women and girls in Nigeria.

- i. **Lois Chituru Ukeje vs Mrs Gladys Ada Ukeje** April 2014, the Supreme Court of Nigeria declared in this case that no matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father’s estate. Consequently, the Igbo customary law which disentitles a female child from partaking in the sharing of his deceased fathers estate is a breach of section 42(1)(2) of the Constitution of the Federal Republic of Nigeria 1999, a fundamental Rights provision guaranteed to every Nigerian. This said discriminatory law is void as it conflicts with section 42(1)(2) of the said Constitution.
- ii. **Onyibor Anekwe and Anor v. Mrs. Maria Nweke (2014) LPELR 22697 (SC)**, the Supreme Court held that Nigerian customs which disinherit women are repugnant to natural justice, equity

and good conscience and should therefore not be allowed to stand. The court therefore declared as repulsive, the custom of the Awka people in Anambra State which allows married women to be disinherited upon the death of their husband because they did not have a male child for the late husband.

- iii. Dr. Priye Iyalla-Amadi Vs Director-General of the Nigeria Immigration Service and Nigerian Immigration Service (NIS) in which the Federal High Court in Port Harcourt held that it was discriminatory and a violation of Section 42 (1)(a) of the 1999 Constitution and Article 18(3) of the African Charter on Human and People's Rights for the immigration to insist on a written consent of the husband before an international passport can be issued for the wife (woman) when no similar condition is applicable to the men.
- iv. The provision of the Police Act, which prohibits a female officer from marrying a man of her choice without the permission of the Commissioner of Police in the command where she is serving, has been declared illegal and unconstitutional by a Federal High Court. The judge held that Regulation 124 was illegal, null and void due to its inconsistency with Section 42 of the 1999 Constitution and proceeded to annul it pursuant to Section 1(3) of the Constitution.

With these judgments many more women will be bold to come forward and challenge situations of injustice and because it is a decision of the Supreme Court, no court can legally give a contrary judgment.

#### **Attributions of Progress Recorded**

Democracy has continued to yield results including the increase in the enjoyment of the right to freedom of expression, human dignity, fair hearing, freedom of movement freedom from discrimination and all other associated rights. Governmental policies, programmes and activities have continued to witness a boost typified in extended educational, legal and legislative advocacies/outreaches. These were accompanied by trainings, workshops and seminars aimed at broadening and expanding rights horizon in issues of gender mainstreaming.

Non-governmental organizations on their part have redoubled their efforts as monitors of the government and whistle blowers when they notice improper conduct from government angles. This has resulted in greater collaborations and networking between the NGOs and the Judiciary, Legislature and other key stakeholders including other civil society groups. Attempts are directed at conscious strategic litigation and alternative dispute resolution which offer a more permanent equitable arrangement.

### **1.7 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.

## 1.8 EQUALITY IN MARRIAGE AND FAMILY

### 1.8.1 Proactive and Innovative Measures to Remove Contradictions in the Tripartite Act

- 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 22 states of the Federation have adopted the provisions of the Child's Rights Act, 2003.

- **Enhancing Family Life**

The Nigerian Law Reform Commission has undertaken extensive reforms of the Nigerian Family Law, Law Relating to Rape and Other Sexual Offences as well as Laws on Marriage. The reforms specifically address issues pertaining to Section 55 of Chapter 198 of the 1990 Constitution, and section 360 of the Nigerian Criminal Code. Issues covered include:

- a) Testifying against a Spouse: Previously only women married by ordinance were protected from testifying in court against their husbands in criminal matters but by the reform, women married under customary and Islamic Laws are now covered.*
- b) Divorce under customary and Islamic laws will now follow due process and besides return of dowry, divorce paper will now be obtainable.***
- c) Customary and Islamic marriages can now be registered.*
- d) Pregnant women no longer share cells with other detainees or prison inmates.*
- e) Nursing mothers relieved of sharing cells with other detainees or prisoners.*

### 1.8.2 Other Related Initiatives by NGOs and Government

- 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.
- Between 2014 and 2016, 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.

### 1.8.3 Decided Cases in Support of Equality in Marriage

The Nigeria Bench is not left out as activist pronouncement and cutting down of customs that held women down are declared. The Supreme Court of Nigeria has taken the violation of women's right as a special project which is evidenced in the number of judgments cutting down obnoxious customary practices against women.

Justice Bode Rhodes Vivour of the Supreme Court of Nigeria in April 2014, in the case of **Lois Chituru Ukeje vs Mrs Gladys Ada Ukeje**, wife and daughter of Mr. Lazarus Ukeje declared thus:

*“...no matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father’s estate. Consequently, the Igbo customary law which disentitles a female child from partaking in the sharing of his deceased father’s estate is a breach of section 42(1)(2) of the Constitution of the Federal Republic of Nigeria 1999, a fundamental Rights provision guaranteed to every Nigerian. This said discriminatory law is void as it conflicts with section 42(1)(2) of the said Constitution. In the light of what I have been saying, the appeal is dismissed”*

In April 2014, the Supreme Court nullified a custom that disinherited women as repugnant to natural justice, equity and good conscience in the case of **Mrs. Maria Nweke vs Onyibor Aneke and Anor**. The claim was for a declaration for the right of occupancy over a parcel of land where the Plaintiff lived with her husband until his death. The Defendants were disinheriting the Plaintiff because she had only female children for her late husband. Justice Ogunbiyi did not hesitate to make this pronouncement:

*“I hasten to add that the custom and practice of Awka people upon which the appellants have relied is hereby out rightly condemned in very strong terms. A custom of this nature in the 21st century societal setting will only tend to depict the absence of the relatives of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the women folk in the given society. One would expect that the days of such obvious differential discrimination are over. Any custom that disinherits a daughter from her father’s estate or wife from her husband’s property by reason of God’s instituted gender differential should be punitively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home where she had lived all her life with her late husband and children by her late husband’s brother on the ground that she had no male child is indeed very barbaric, worrying and flesh skinning”.*

Also the Court of Appeal in **Asika vs Atuanya (2008) 17 NWLR (Pt 1117) at 484** struck down the custom that portends to demean a woman merely because she is a person of feminine gender and declared such customary practices as unconstitutional.

Pathetic situations witnessed in **Shodipo v Shodipo (1990) WRN 98** where the court refused to consider the wife’s contribution to the 43-year old marriage and just awarded a lump sum of N200,000 equivalent of (1,800) U.S. Dollars to her, which was considered exceptionally discriminatory are now giving way to broader interpretation of 50-50 equitable distribution of marital property upon divorce. Both visible and invisible contributions of spouses must be taken into account before arriving at such decisions. This also extends to decisions in maintenance and custody of children which must be guided by overriding interest of the child. The following cases decided in Nigerian Courts within this reporting period will clearly strengthen the judicial bent.

In **LT. Adeyinka A Bibilari vs Ngozika B Aneke Bibilari** —(2011) 13 NWLR (PT 1264) p. 207 intolerable behaviour was condemned by the courts. Also in **Motoh v Motoh (2011) 16 NWLR (Pt 1274) 431-631**, the court drew distinction between forms of marriages in Nigeria and the rights attendant to such marriage and held that photographs are clear proof of celebration of marriage.

Clearly the Matrimonial Causes Act did not make cruelty a ground for divorce but by extension, Section 15(2)(c) which authorizes an aggrieved spouse to petition for divorce on the

ground that the conduct of the Respondent is reprehensible allows such cruelty to occasion divorce. Such cruelty could be physical, emotional (psychological) and economic. In **Bibilari vs Bibilari** (2011)(**supra**) the court held that cruelty, though not specifically made a ground for divorce under Section 15(2) of MCA, a court can hold that a marriage has broken down irretrievably on the ground that one of the spouses has been cruel to the other.

Marital rape, which is not a crime in Nigerian jurisprudence by reason of Section 6 of the Criminal Code Act, is now being given extensive interpretation by the courts that a rapist must be declared as one even in matrimony.

The ratification of the Protocol to the African Charter on the Rights of Women in Africa by Nigeria secured its obligation to fulfil all conditions therein stated. Towards this, the country is building on the CEDAW Bill which is an executive bill before the Parliament for parliamentary procedures.

- **Challenges**

Though between 2014 and 2016 there has been a remarkable improvement in the generation and use of gender disaggregated data by the National Bureau of Statistics, the Central Bank of Nigeria and the National Planning Commission, the absence of such data in other sectors of the economy, society and justice system is a 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 and the contribution of women in the informal sector of the economy.

## CHAPTER 2: - Right to Life: - Article 4

### 1. Constitutional and Judicial Measures

Section 33 of the Constitution of the Federal Republic of Nigeria, 1999 guarantees the right to life. Although the Constitution permits courts of competent jurisdiction to impose the death sentence, it must be emphasized that such executions can only be lawful where there is no appeal pending against the death sentence so imposed. 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 at the Court of Appeal. Appeals in such circumstances operate as a stay of execution of the death sentence. However, Section 221 (1) of the Child Rights Act 2003 provides as follows: - "No child shall be ordered to be subject to "the death penalty- or have the death penalty recorded against him or her".

In a related case law, *Esabunor v. Faweya (2008) 12 NWLR (Pt.1102)P.794*, the court held on the nature and limits of the right of patient to object to medical treatment, that it is the duty of both the court and the medical doctor to ensure that such medical treatment enhances that such medical treatment enhances the quality of life of a patient.

Further held in the case of *Kaza v. State (2008) 7 NWLR (Pt. 1085) p.125* that the nature of the right of life, sanctity and dignity of human life under the Sharia (Islamic law) is sacrosanct and can only be taken away in accordance with due process of law.

Furthermore, in the case of *Jonah Gbemre v. Shell SPDC, NNPC and AGF (2005) AHRLR151 (Nig. FHC 2005)*, (S. no.FHC/B/CS/53/05 Federal High Court Benin Judicial Division. 14, November 2005 and (2005) AHRLR 151 (Nig. HC 2005), the plaintiff Mr. Gbemre. Of Iweherekan Community Delta State, Nigeria sued Shell Nigeria, NNPC and the A.G. of the Federation on the following claims:

*A declaration that the constitutionally guaranteed fundamental rights to life and dignity of human person provided in sections 33(i) and 34(i) of the Constitution of Federal Republic of Nigeria 1999... inevitably includes the right to clean, poison free, pollution free and healthy environment.*

The court declared that the actions of the 1<sup>st</sup> and 2<sup>nd</sup> respondents in continuing to flare gas in the course of their oil exploration and production activities in the applicant community was a violation of their fundamental right to life (including healthy environment) and dignity of human person guaranteed by the constitution and the African charter. The court further declared that the 1<sup>st</sup> and 2<sup>nd</sup> respondents, i.e. Shell and NNPC were to be restrained from further flaring of gas in the applicants' community and were to take immediate steps to stop the further flaring of gas in the plaintiffs' community.

## 2. Policy and Administrative Measures to Promote and Protect the Survival Rights of Women and Children.

### I. Policy Measures

The National Child Policy 2007, the National Gender Policy 2007, the National Plan of Action on Orphans and Vulnerable Children 2006, the 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, all 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 including women and girls.

## II. Administrative Measures

### **MDG 4: Reduce child mortality**

Nigeria's efforts aimed at reducing avoidable child deaths have been met with gradual and sustained progress. The under-five mortality rate (U5MR) has improved remarkably from 191 deaths per 1000 live births in 2000 to 89 deaths per 1000 live births in 2014 as the end-point status. Considering the end-point status of U5MR, Nigeria falls short of the 2015 target of 64 deaths per 1000 live births by 28 %.

In 1990 (as the baseline), the infant mortality rate (IMR) was estimated at 91 deaths per 1000 live births. This, however, decreased to 75 deaths per 1000 live births in 2008 and to 61 deaths per 1000 live births in 2012. Although the end-point figure which stood at 58 deaths per 1000 live births in 2014 reflects progress, it is still short of the 2015 target of 30 deaths per 1000 live births.

The immunization effort against measles has been relatively effective. It has resulted in significant reductions in case burden as a result of the scale up of the administration of measles vaccination to children 9 months and older through routine immunization services led by the National Primary Healthcare Development Agency (NPHCDA). The proportion of one-year-old children immunized against measles increased from 46% in 1990 to 61.3% in 2012 and subsequently to 63.0% in 2014. Nigeria has also recorded significant progress in the effort to eradicate polio and recently celebrated one year without polio from July 2014 to July 2015.

*Overall Conclusion on Goal 4: Strong progress but goal not met.*

### **MDG 5: Improve maternal health**

The drive to make progress on this goal has seen improvements in maternal health. With a baseline figure of 1000 deaths per 100,000 live births in 1990, the Maternal Mortality Rate (MMR) consistently decreased over the years to 545 in 2008. The downward trend continued to 350 deaths per 100,000 live births in 2012 and subsequently to its end-point status of 243 per 100,000 live births in 2014.

Many policy drivers made the progress possible; one being the Midwives Service Scheme while the other was the collaborative efforts made between donors and the Federal Ministry of Health and its parastatals. In the meantime, the proportion of births attended by skilled health personnel improved appreciably from a baseline figure of 45% in 1990 to the end-point status of 58.6% in 2014 with the conviction that the national figure would have been better had it not been for the wide disparities across states with lower records. The success recorded is attributed to effective implementation of the Midwives Service Scheme (MSS).

In the case of antenatal coverage, significant progress was also recorded. Antenatal coverage of at least one visit recorded an end-point status of 68.9% in 2014, and for at least four visits, the end-point status was 60.6% in 2014. The successes imply the need for a scale-up of the policy interventions.

*Overall Conclusion on Goal 5: Maternal mortality target met, and strong progress made on other indicators.*

#### **a) Access to Primary Health Care**

- Over 433,650 lives have been saved between 2011 and 2015 through Saving One Million Lives (SOML) Initiative

- Midwives Service Scheme (MSS) and SURE-P Maternal and Child Health (MCH) programme
  - a) A total of 9,243 frontline health workers have been recruited, trained and deployed to most underserved communities in Nigeria to increase antenatal attendant coverage,
  - b) 1,500 primary healthcare facilities have been refurbished and supplied with the essential commodities to increase delivery skilled-birth attendant, and
  - c) Over 1.044 million antenatal care visits were made in the 1,000 MSS facilities across the 36 states and FCT, which is a 26 percent increase from 828,922 reported in 2011 to increase postnatal care coverage
  - d) over 141,929 deliveries were carried out by skilled-birth attendants
  - e) over 145,990 women attended family planning clinics between 2012-15
- Improving Tertiary Healthcare to bring the country's tertiary healthcare facilities to international standards
  - a) Upgrading of tertiary health facilities infrastructure (involving the rehabilitation and equipment of Federal Tertiary Hospitals)
  - b) modernisation of two additional hospitals (OAU and UniBen Teaching hospitals) completed and awaiting commissioning
  - c) modernization of Nnamdi Azikiwe University and University of Calabar Teaching Hospitals at advanced stage of completion
  - d) upgrading and accreditation of the four Regional Biomedical Maintenance Training Centres have commenced
  - e) the new trauma centres at the University of Abuja Teaching Hospital, Gwagwalada and the National Hospital (NHA), Abuja are nearing completion.

**b) Survival of Children**

Government's unalloyed desire to secure the survival rights of the Nigerian child are evident in the numerous activities and efforts that have been put in place, notably:-

The establishment of Social Mobilization Committees at national, state and local levels, on the immunization 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 pregnant women, and children up to the age of five years;

- Iodine and Vitamin A Supplementation Exercises;
- The "Roll-back Malaria" project; including the popularization of the use of insecticide treated mosquito nets;
  - Various interventions by states and local governments in cases of abject destitution and hardship, particularly where children are involved;
  - The promotion of exclusive breast-feeding for the first six months of life;
  - The promotion of household and community practices for child survival such as parent and community education initiatives;

- Group monitoring for Under-Fives;
- Oral rehydration therapy for diarrhea and gastro-intestinal diseases;
- Integrated Management of Childhood Illness (IMC); and
- School Feeding Programmes in Abia, Benue, Enugu, Imo, Kogi, Nasarawa and Osun States.

### **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.
- The Legal Aid Council is in collaboration with Lawyers Without Borders, France and the Nigerian Bar Association **has concluded** training and creating awareness on the provisions of **United Nations** Convention Against Torture to Lawyers, Police, Judiciary, Prison Officials and other Stakeholders in the four states of Kaduna, Lagos, Plateau, Kano. This three year project, sponsored by the European Union, **was concluded in 2012**.

## **CHAPTER 4: - Right to Personal Liberty: - Article 6.**

### **1. Constitutional and Administrative 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.

### **2. Prison Decongestion and Reform Initiative of the Federal Government: 2008-16**

The Nigerian Prisons Service has gone through a lot of reforms designed to make the institution meet contemporary assessment in terms of best practices. The prisons infrastructure which includes cells, offices, workshops and even the immediate environment, which a few years ago were as oppressive to both prisoners and staff alike, have now been rehabilitated. This rehabilitation also included the building of new prisons, the expansion and modernisation of old ones and the building of new and modern cells to contain the pre trial detainees in humane conditions. It is estimated that close to 45 percent of the old prisons infrastructure in Nigeria have received a face lift. That is in addition to eight new prisons completed and commissioned between 2008 and 2011.

The NPS has also upgraded its medical facilities to ensure that prisoners have access to Medicare in custody. For this reason prison hospitals have been built in Kuje, Owerri, Makurdi, Port-Harcourt which together with the existing ones in Lagos, Kaduna and Bauchi prisons provide medical services for sick prisoners. In addition, the collaboration between the prison and NACA has led to HIV/AIDS management strategy that has reduced the prevalence in the prison.

The NPS has also started the Adult Remedial Educational Programme (AREP), through which prisoners who are interested in continuing with their education are given the opportunity to do so. The NPS is collaborating with the National Open University of Nigeria (NOUN) on this project and as at today, there are up to 35 registered undergraduate prisoners studying various courses with NOUN.

On the issue of manpower development, the NPS has reorganized its training infrastructure to be in tune with current trends. The training manual has been reviewed in a collaborative effort with the United Nations Office of Drugs and Crime, (UNODC) Nigeria. This new manual contains the whole gamut of NPS training curriculum and the best part of it is its human rights slant.

The major challenge has been the high level of awaiting trial prisoners in the system. There are 240 prison facilities in Nigeria (138 main prisons, 85 satellites, 14 Farm centres, 3 Borstal institutions). The staff strength of the NPS is 28,065. With the imminent retirement of many officers in the period 2014-2016 this number may drop by as much as 4,000. The majority of persons in prisons are remand prisoners. The total prison population (as at March, 2016) is 61,527 broken down as follows: Male 60,567, Female 960. Total number of convicts 17,633, 45,864 are Awaiting Trial Persons. The rate of overcrowding in Nigerian prisons in general is 70%, however there are specific prisons with overcrowding rate of 90%.

The inability of the courts to process persons charged with criminal offences quickly has led to congestion of this population in our prisons.

One of the main reasons for the inability of the courts to process offenders quickly is due to the limited transportation infrastructure of the NPS. Specifically, the total number of vehicles available for the NPS to transport offenders to courts nationwide is two hundred and sixty-eight (268) (with a coverage area of seven hundred and seventy-four (774) local governments areas and five thousand and twenty two (5,022) courts across the thirty-six states of the Federation and the FCT) For example: Kuje Prison services ninety-five courts within and around the FCT, the total number of Black Maria (small vans) available are three.

**Summary of Nigerian Prisons statistics as at March 2016**

<b>Total number of prisons in Nigeria as at March, 2016</b>	
<b>Type of institution</b>	<b>Number</b>
Main prisons	138
Satellites prisons	85
Farms centres	14
Borstal	3
Total	240

<b>Total number of inmates by Legal Status and Sex as at March, 2016</b>			
Convicted	17,456	207	17,663
Unconvicted	43,111	753	43,864
Total	60,567	960	61,527

The Nigerian Prison Service is meanwhile collaborating with the Judiciary, Federal and State Ministries of Justice and the Non-Governmental Organizations/Nigerian Bar Association in order to find out ways of pushing through needed reforms in the Criminal Justice Sector that will help to entrench fair and faster trials of suspects in custody. This has resulted in the resubmission of the Nigeria Prisons and Correctional Service Bill, 2016 for enactment into law by the national Legislature.

This new reach out to stakeholders is yielding results because new and innovative ways of speeding up the trial of cases are being adopted in several States with very remarkable results.

Meanwhile the transformation of the Nigerian Prisons is continuing with the enthronement of Corrections in the system very much in sight.

## 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.

- **Judicial Measures**

The Supreme Court of Nigeria has consistently upheld the right to fair hearing/fair trial having determined its nature and scope of application in the following cases: - *Fadeye v. Dada* (2016) 15 NWLR (Pt.1534) p.80; *Asuquo v. The State* (2016) 14 NWLR (Pt.1532) P.309; *Ude v. State* (2016) 14 NWLR (Pt. 1531) P.122; and *Assamins v. Ararume* (2016) INWLR (Pt.1493) P.368.

### 2. Administrative Measures: - Awaiting trial inmates and prison decongestion reform initiatives 2005-16

Sequel to the Federal Executive Council's approval in 2005, the Honourable Attorney General of the Federation began a nationwide systematic prison decongestion exercise by Government to improve and strengthen the international processes of managing the nation's prisons. The Program has, through these necessary, proactive and firm measures, achieved its primary target of reducing the population of Awaiting Trial Persons (ATPs) in Nigerian prisons and generally improving the criminal justice system in the country. The Prison Act (Amendment Bill) 2016 is receiving due consideration of the National Assembly.

The Statistics obtained through the Ministry's monitoring mechanism for the Program indicate that over **47,956** inmates have so far benefited from the program through the retention of the services of a large number of private Legal Practitioners (over **3,500** Solicitors) to undertake the defence of such persons in courts across the 36 states and the FCT.

**Payment of Fines:** - The Federal Government has introduced a novel and laudable practice of payment of fines on behalf of indigent convicted for minor offences with option of fines. So far, over a thousand convicts have benefited nationwide. This is done in order to drastically reduce the number of convicts and has been found effective.

**A Success Story:** - The achievements recorded in the course of this program include: -

- i. The prosecution of over **22,000** cases before various courts in the Country through the instrumentality of this program;
- ii. Retaining the services of over **3,500** private counsel to represent over **47,000** accused persons charged for various offences;
- iii. Regular installmental payment to the external solicitors engaged, as pegged by the Ministry; and
- iv. Creating the enabling environment for officers of this Ministry to visit the prisons and have first-hand information about the conditions prevailing therein

### **3. Outputs of the Justice Sector Reform Initiatives 2014-2016**

The reform initiatives embarked upon by the Federal Government in collaboration with the States and CSOs has resulted in the following outputs: -

- The development and adoption of the national policy on Prosecutions, 2014f and its supplementary Code of Conduct for Prosecutors in Nigeria and Guidelines for Prosecutors.
- The coming into force of the 2015 Administration of Criminal Justice Act which seeks to promote efficient management of Criminal Justice institutions, speedy dispensation of justice, protection of the society from crimes and protection of the rights and interest of the suspect, the defendant and victims in Nigeria.
- The drafting of the national Justice Policy 2016 is on-going by a technical working group set up by the Attorney-General of the Federation and minister of Justice.



## 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 worship, teaching, 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 held in the recent case of *Abdulkareem v. Lagos State Govt. (2016)15 NWLR (Pt. 1535)P.177*, that refusal by Lagos State government to allow female Muslim students of public schools wear *hijab* on school uniforms during and after school hours is violative of their right to freedom of thought, conscience and religion.
- The Court of Appeal and the Supreme Court of Nigeria have struck down some local government authority policies/decisions and upheld the 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*.

The above constitutional ideals can best be translated into practice by the following:

- i. Promoting of ethno - religious tolerance among the diverse ethnic and religious groups for the purpose of peaceful co-existence and mutual respect.
  - ii. Promotion of continuing inter-faith dialogue by Faith-Base Organizations nationwide.
- The role of the leadership of the Supreme Council for Islamic Affairs and the Christian Association of Nigeria in promoting inter-faith dialogue and the promotion of freedom of religion and conscience through the promotion of religious tolerance and the prevention and management of ethno-religious conflicts largely fuelled by politicians is commendable.

## 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.
- Recently, the Court of Appeal in the case of *Sun Publishing Ltd v. Aladinma Medicare Ltd (2016)9 NWLR (Pt.1518)P.557*, held that the right to freedom of expression and of the Press is not absolute under the Nigerian Constitution.

2. **Legislative Measure: Freedom of Information Act, 2011:** The Act contains far reaching provisions capable of transforming the clandestine system of governance that has, until now, been the norm of Nigeria's public institutions. The underlying philosophy of the Act is that public officers are custodians of a public trust on behalf of the people who have a right to know what they do. In particular, the FOIA promises to remove the aura of mystery and exclusion with which public servants clothe the ordinary operations of government and public institutions and manage public records and information. Below are the highlights of the ten most significant provisions of the FOIA: - The FOIA supersedes the Official Secrets Act (OSA); anyone can request for information under the FOIA; response to access request should be given within 7 days; there are penalties for destruction of Records; fees may be charged to recover costs of duplication and transcription of records; public institutions must keep proper records; whistleblowers will be protected; some categories of information are exempted from disclosure; there is a right of access to remedies, including judicial review; the Federal Attorney-General Oversees proper implementation of the FOIA.

### 3. 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.
- Recently, the Court of Appeal held that the right to freedom of association is a fundamental right guaranteed by the 1999 Constitution subject to the limitations provided thereof: - *Governing Board, RUGIPOLY, Ondo State v. Ola (2016) 16 NWLR (Pt.1537)P.1* and *NCP v. NASS (2016)1 NWLR (Pt.1492)P.1*.
- Hence the open space provided for Nigerians to form and belong to different political parties and Civil Society Organizations. This has provided an opportunity for 63 registered political parties and over 500 registered NGOs in Nigeria.
- Nigeria has ratified and domesticated the two ILO Conventions. In the period under review, Nigeria has protected and promoted these rights in the world of work. Specifically on May 25, 2011, Nigeria under the Statutory Mandate of the Ministry of Labour and Productivity issued Guidelines on Labour Administration issues in Contract Staffing/Outsourcing in the Oil and Gas Sector. Amongst many other issues addressed by the Guidelines, it is not re-emphasized that Freedom of Association and the right to Bargain Collectively is the unfettered right of workers whether direct or contract staff.

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 Assembly: - 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.

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

## 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. 1, Vol. 7, LFN 2004 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.

- *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 2<sup>nd</sup> 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, Legislative 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 (Amendment) Act 2015 as amended: Establishes Independent National Electoral Commission (INEC) 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. Measures to Ensure Free, Fair and Credible Elections**

- INEC Guidelines for Election Observation (2014-2015): - reflect the standards of Nigeria's Electoral Act as well as the minimum standards for election observation, which Nigeria subscribes to as a sovereign member of the international community.

More importantly, these Guidelines commit INEC to ensure the conduct of free, fair and credible elections wherein every Nigerian voter is entitled to lawfully express his or her choice through the ballot and to have this choice counted and respected.
- Political Parties' Code of Conduct (2013-15): - is anchored on, among other things, issues of respect for the rule of law, internal party democracy, and compliance with regulations on campaign finance and election matters. The Code emphasizes the need for adhering to the rules of the game in political competition, focus on issues rather than personalities especially in candidate and party campaigns and the need to promote and strengthen inter and intra-party dialogue as key elements in our collective effort to build more secure and credible electoral and political processes.

The Code thus represents a significant departure in creating a mutually agreed framework for the conduct of political competition devoid of rancour but which, at the

same time, emphasizes the values of tolerance, sound conduct, a spirit of accommodation and teamwork in planning and organizing political competition.

The result of these initiatives was the conduct of a peaceful, free, fair and credible elections in 2015.

### 3. Strategic Measures Taken to Ensure Participation of Women in National Development Political and Public Life

The National Gender Policy, 2007, provides for a strategic framework and monitoring measures to enhance rural women’s access to justice, information etc as shown in table 4 below.

The strategies for achieving the policy goal and objectives are premised on the ‘**dual agenda**’ principle, which perceives gender equity and equality as beneficial not only to individuals (women and men), but also essential for producing an effective and efficient system, both at the macro (national) and micro (organizational) levels. Recognizing the cross-cutting nature of gender issues, the delivery of the gender policy shall be channeled through the seven integrated strategies outlined below.

**Table 17:** - Broad Delivery Strategies and Policy Outcomes

<b>Strategies</b>	<b>Expected Outcomes</b>
Policy, Partnerships and Programme Reforms	Mainstreaming of gender concerns across sectors and at all levels.
Information, Communication and Value Re-Orientation	Increased Gender knowledge, Attitude and Practice, Male Involvement and positive gender culture
Capacity Building and Skill Development	Technical expertise and appropriate tools and instruments for sustained gender responsive development
Legislation and Human Rights Protection	Gender Justice and guarantee of Human Rights
Economic Reforms and Financial Accountability	Enhanced productivity of all citizens and gender responsive policy and budget efficiency across sectors
Research Data and Evidence-Based Planning	Reliable sex disaggregated data and indicators
Monitoring and Evaluation	Effective gender equality tracking and benchmarking of progress.

**Source:** - National Gender Policy, 2007, p.23

In addition, the National Gender Policy 2007 of the Federal Ministry of Women Affairs contains monitoring framework and indicators to ensure that women benefit from their implementation. These include: -

- i. Monitoring inputs, the resources used to provide a service;
- ii. Monitoring outputs, the level of source provided;
- iii. Evaluating the impacts, the benefits women gain from the service in terms of better livelihoods and welfare;

- iv. Ensuring public participation in budget monitoring, public consultations, communication and benchmarking, etc.

### **Progress towards target**

- National Strategic Framework (2008-2012) of the Gender Policy produced and launched in May 2008;
- National Gender Management System of the Gender Policy produced and launched in May 2008;
- In the area of judicial appointments, between 2006 and 2016, 4 women have been appointed to the exalted Supreme Court bench, this represents 25%. Out of the 70 current justices of the Court of Appeal, about 15 of them are female. Across the 36 states of the Federation and the Federal Capital Territory Judiciaries, more women have been appointed as High Court Judges accounting for about 30% of the total number of Judges in the country. Reports tend to show that there are more female Magistrates than male in the country.
- Measures in place to support women entrepreneurs/enhance their social security include the following: -
  - i. Economic and Social Empowerment of the Nigerian women is in different stages, the Ministry of Women Affairs has transcend the initial stage of advocacy to action which involves various funding mechanisms for economic growth of the women, such as Micro-Credit Loan Scheme for Women, Women Fund For Economic Empowerment (WOFEE), Business and Development Fund for Women (BUDFOW) etc.

### **Challenges**

- Limited access to justice among rural women due to high legal fees and lack of capacities for asserting rights. Contrarily, most organizations providing free legal services are based in urban centres.
- Limited access to information as a result of inadequate power supply, inadequate knowledge and skill about information technology is a major impediment to the advancement of women in rural communities.
- Lack of equal access to land and opportunities to contribute to decision making processes at the community Level.
- Inadequate cultivating, harvesting, processing and storage facilities for women.
- Traditional beliefs that the use of certain modern technologies hinder women's progress in farming at the rural level.



## SECTION FIVE

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

#### CHAPTER 12: - Right to Property and Housing: - Article 14 Constitutional Legislative and Judicial Measures

1. **Right to Property:** Sections 43 and 44 of the Constitution of the Federal Republic of Nigeria 1999 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.
  
2. **Right to Housing / Shelter:** - Although the Constitution does not expressly guarantee the **right to housing**, a combined reading of Sections 16 and 41, in addition to other legislation disclose the following:
  - a) That the Nigerian State shall direct its policy towards **ensuring that suitable and adequate shelter** is provided for all its citizens;
  - b) That citizens have the right to move about freely and reside in any part of the country they so desire;
  - c) That **the Constitution expressly preserves the general laws governing leases, tenancies**, mortgages, charges, bills of sale or any contractual rights or obligations, while allowing for the compulsory acquisition of property that is in a dangerous state or property that is injurious to health of human beings, plants or animals. It also permits (subject to the prompt payment of compensation) damage to buildings in the course of providing or maintaining the supply or distribution of energy, fuel, water, sewage, telecommunications services or other public facilities and utilities.
  - d) That **the Recovery of Premises Act, 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 expressly prohibits forcible and violent eviction of tenants and prescribes the steps to be taken by a landlord in order to end a tenancy. It vests supervisory jurisdiction over tenancy relations on the courts and discourages self-help. The Act 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. It also provides guidelines for the courts on how to proceed in matters involving the recovery of premises.

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 the Public Lands Acquisition Act 1976, to dispossess citizens of landed property under the guise of the "overriding public interest" and "public purposes" clauses. Most recently the Court of Appeal in the case of **TIMOTHY v. OFORKA (2008) ALL FWLR 1370 at 1381** declared that a native law and custom, which does not allow women to deal in land, was not only unconstitutional but also repugnant to natural justice, equity and good conscience.

- In reality, the customary laws and practices of several communities in Nigeria **do not support the right of women to own immovable property**. However, such customary laws and practices, in fact, constitute derogations from the rights conferred upon Nigerian women by the above-mentioned provisions of the Nigerian Constitution.
- Just like the provisions of the Constitution, the provisions 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 of a State from granting a statutory right of occupancy or consent to an assignment or the subletting of a statutory right of occupancy to a minor (i.e. a person under the age of twenty-one years), except through his or her duly appointed guardian or trustee or in respect of property obtained by inheritance.

The Act also prohibits the application 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, where there are 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. 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.

### 3. Initiatives Relating to Affordable Housing:

- The National Housing Policy and National Urban Development Policy were approved on 20 June 2012, thus paving way for an inclusive and participatory process of house ownership. The goal of the National Housing Policy is to ensure that all Nigerians, men and women own or have access to decent, safe and sanitary housing with secure tenure.
- The Federal Government launched various intervention schemes through the relevant parastatals namely the Federal Mortgage Bank of Nigeria and the Federal Housing Authority. Such schemes include the Cooperative Housing Finance and Rent-to-Own schemes for the informal sector. A total of 16,447 housing units were added to the national stock. 59,000 have obtained housing loans, while 37,000 Estate Development Loans and 22,000 mortgages have been provided (Pepple, 2012).
- Funded the building of more than 61,193 housing units through the Federal Mortgaged Bank-Administered National Housing Fund (NHF) Scheme in six geopolitical zones to provide affordable and quality Homes;
- Increased total number of housing units by 1,407 in 2011 from 7,743 in 2010 through Public Private Partnership

- Provision of a total number of 1,405 and 3,529 mortgages through the Federal Mortgage Bank of Nigeria (FMBN) in 2011 and 2012 respectively.

## CHAPTER 13: - Right to Work: - Article 15

### 1. Constitutional, Legislative 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.

### 2. Judicial Intervention

Recently, both the Supreme Court and the Court of Appeal held that termination of contract of employment and dismissal from employment as well as collective agreement in labour/employment matters must comply with due process of law and principles of natural justice: - See *Aji v. CBDA* (2015)16 NWLR (Pt.1486)P.564; *NDLEA v. Zakari* (2015) 7 NWLR (Pt.1458)p.361; *NSE v. Ozah* (2015)6 NWLR (pt. 1454)p.76; *FBN Plc v. Mmoka*(2015)6 NWLR (Pt.1456)p.507.

### 3. Employees/Workmen's Compensation Act 2011 makes it compulsory for an employer to pay compensation to his/her employee or his dependants who suffers from death, injury, disease or disability arising from or in the course of employment, among others. Hence, the new Act provides for a more open and fair system of guaranteed and adequate compensation, thereby creating a room for harmonious industrial relationships between labour unions and employers in both the public and private sectors.

- i. Other Employment/Labour Legislations are: - The **Labour Act** makes provisions for the protection of wages, contracts of employment and terms and conditions of employment; the **Factories Act** provides for the registration of factories, to provide for factory workers and other professionals exposed to occupational hazards and to make adequate provisions regarding the safety of workers; the **Trade Unions Act** makes provisions with respect to the formation, registration and organization of Trade Unions; the **Trade Disputes Act** makes provisions for the expeditious settlement of trade disputes and other matters ancillary thereto; 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 Nigerian Oil and Gas Local Content Act 2010 seeks to give the force of law to the Nigerian Content Policy, the objective of which is to increase the quantum composite value added to or created in the Nigerian economy by the systematic development of capacity and capabilities through the deliberate utilization of Nigerian human and material resources and services in the country's oil and gas industry thereby creating employment and investment opportunities for Nigerians.
- The National Policy on Child Labour, 2013, seeks to provide modalities for concretized efforts to institutionalize the national programme on Child labour, harmonization of child labour projects and interventions nationwide; implementation of programmes and projects for the prevention and elimination of child labour; etc.
- 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.

The right of any party in a trade dispute to be heard starting from mediation to conciliation to a referral by the Hon. Minister of labour and productivity to the Industrial Arbitration Panel is been enhanced and if any of the parties to the dispute is dissatisfied with the IAP Award, a further referral to the National Industrial Court which is the final arbiter in trade dispute matters is available unless it is on a matter of fundamental human rights. In furtherance of the determination of the Federal government of Nigeria to strengthen rights at work the National Industrial Court has been upgraded and recognized as a superior court of record in the constitution of the Federal Republic of Nigeria. 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 and by the Headquarters labour administration when conciliation fails at the state level.

- 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.

#### **4. Expanding Employment Opportunities**

##### **Military Enlistment of Women**

To boost Women's employment in the Military, a landmark achievement was made on 14 February 2010 when Nigerian Defence Academy (NDA) commenced enlistment of female regular combatant officers with 20 females enrolled as pioneers. By 2013, the number increased to about 50 (Daily Trust, 2/2/2013). In recent years, women have also been deployed on peace keeping missions within and outside Nigeria.

##### **Advancing Women in Judiciary**

With recent developments in the Nigerian Judiciary, the acceptance of women's leadership in strategic positions is anticipated to have positive ripple effects in other sectors. In 2012 a woman, Honourable Aloma Mouktar emerged as the first female Chief Justice and head of the Nigerian Judiciary and another female Judge —Justice Zainab Bulkachuwa emerged President of the Court of Appeal in 2014. So far about five States have appointed women as their Chief Judge and/or Attorney General. Such States are: Lagos, Ogun (CJ and AG are women), Oyo (the state also has female Customary Court Judge).

##### **Women in the Private Sector**

There has been an increase in the number of women in the private sector. Women run about 20 per cent of enterprises in the formal sector (World Bank, 2009:92) and they make up 37 per cent of the total work force in the garment industry. The rate of female entrepreneurship in the micro sector is increasing as a result of increased skill acquisition and micro-loans to women. A report on the "2010 Access to Financial Services in Nigeria" indicates that majority of the 43 per cent of women cited as economically inactive make their living through private businesses.

##### **• Ongoing Legislative Initiatives of the Ministry of Labour and Productivity 2015-16:**

- Amendment of the Labour Standards Act.
  - i. Amendment of Sec 2 to include children that are self employed Artisans under Convention 138.
  - ii. Children that are used or engaged in vigorous manual labour of engaged in combating crimes, wars etc should be abolished.
- Re-enactment of 'Factories Act' to read "Occupational Safety and Health Act".
- Amendment of the NSITF Act to fall in line with the Employees compensation Act.

## CHAPTER 14: - Right to Health: - Article 16

### 1. Constitutional and Judicial Measures

- 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 recognized that the rights to life, sanctity of the human person and human dignity are necessarily connected to physical and mental health of persons.
- 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.
- 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.

The **1999 Constitution of the Federal Republic of Nigeria does not recognize the right to health directly though some provisions of the Constitution allude to the right and when one reads all such provisions making allusions to the right, it may not be wrong for one to infer recognition of the right to health as a basic constitutional right.** Section 14 of the Constitution for example, recognizes that the security and welfare of the people shall be the primary purpose of government. 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. Further, it provides that children, young persons and the aged shall be protected against exploitation, and against moral or material neglect; that provision is made for public assistance in deserving cases or other conditions of need; and the evolution and promotion of family life is encouraged. The constitutional provisions clearly recognized that the right to life, sanctity of the human person and human dignity (provided for in sections 17, 33 and 35) are clearly connected to physical and mental health of persons. Section 17(3)(b) has clearly provided that the conditions of work must be just and humane, and that adequate facilities for leisure and for social, religious and cultural life are to be provided. This provision if properly implemented will enhance the promotion of women's health generally. The prohibition of sex-discrimination (section 42) also means that women and children are entitled to good health and a decent environment.

Section 33(1) of the Constitution provides for the right to life thus:

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

**The emergent trend in international law is that governments, in protecting the right to life have to take positive measures that will include provision of adequate health facilities for all**, especially women and children. Thus, a situation wherein women and children die of preventable disease is a clear violation of their right to life. It is therefore submitted that the constitutional provision that guarantee the right to life may be construed as guaranteeing also the right to health, which includes the provision of adequate health facilities accessible by all.

Under the Constitution of the Federal Republic of Nigeria, **human rights of persons living with HIV/AIDS** can be discussed under the following: (a) Freedom from Discrimination; (b) Right to Dignity of Human Person; (c) Right to Personal Liberty; (d) Right to Life; (e) Right to Private and Family Life; (f) Right to Freedom of Expression and the Press; (g) Right of Peaceful Assembly and Association; (h) Right to Freedom of Movement.

## **2. Legislative and Policy 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 National Health Act No. 8, 2014 provides for a framework for the regulation, development and management of a national health system and set standards for rendering health services in the federation; and for related matters.
- HIV/AIDS (Anti-Discrimination) Act 2014
- National Tobacco Control Act 2015
- The National Agency for the Control of HIV and AIDS (Est.) Act No. 2, 2007 establishes NACA and sets up other high powered intervention bodies to coordinate the implementation of programmes for control of the pandemic in Nigeria.
- Nigeria is a signatory to the UN Agenda 2030 on sustainable development with 17 SDGs and SDG 3 which is to ensure healthily lives and promote wellbeing for all at all ages.
- On HIV/AIDS the goal is to achieve the UNAIDS targets of 90-90-90 by the year 2020.

**The 2004 Revised National Health Policy's long-term goal is to provide adequate access to primary, secondary, and tertiary health care services for the entire Nigeria population through a functional referral system.**

Because health is an integral part of overall development, inter-sectoral cooperation and collaboration between the different health-related ministries, development agencies and other relevant institutions shall be strengthened; and a gender-sensitive and responsive



national health system shall be achieved by mainstreaming gender considerations in all health programmes.

**The February 2005 National Policy on Population for Sustainable Development has the overall goal of improving the quality of life and standard of living for the Nigerian population. This is to be achieved through the attainment of a number of specific goals that include:**

- Achievement of sustainable economic growth, protection and preservation of the environment, poverty eradication, and provision of quality social services;
- Achievement of a balance between the rate of population growth, available resources, and social and economic development of the country;
- Progress towards a complete demographic transition to a reasonable growth in birth rates and a low death rate;
- Improvement in the reproductive health of all Nigerian at every stage of the life circle;
- Acceleration of a strong and immediate response to the HIV/AIDS pandemic and other related infectious diseases;
- Progress in achieving balance and integrated urban and rural development.

**The overall goal of the National Policy on HIV/AIDS 2003 is to control the spread of HIV-AIDS in Nigeria,** and to mitigate its impact to the point where it is no longer of public health, social and economic concerns, such that all Nigerians will be able to achieve socially and economically productive live free of the diseases and its effects.

**The primary objective of the National Health Insurance Scheme (NHIS)** is to ensure that every Nigerian has access to good health care services, protect families from financial hardship of huge medical bills, and ensure equitable distribution of health care costs among different income groups. There are several sub-programmes under this scheme such as Children under-Five Social Health Insurance Programme (CFSHIP), Permanently Disabled Persons Social Health Insurance Programme (PDPSHIP), Formal Sector Social Health Insurance Programme (FSSHIP), Urban Self-employed Social Health Insurance Programme (USSHIP), Rural Community Social Health Insurance Programme (RCSHIP) and Prison Inmates Social Health Insurance Programme (PISHIP). The programme is funded through contribution of members and employer's investment income.

**The Integrated Child Survival and Development (ICSD) Strategic Framework and Plan of Action (2005-2009)**" (National Planning Commission, 2005) combines effective interventions for preventing death and improving health, growth and development. It is to serve as a reference document to guide implementation of child-survival interventions by governments at all levels.

The overall objective of the Revised National Health Policy is to strengthen the national health system such that it will be able to provide effective, efficient, quality, accessible and affordable health services that will improve the health status of Nigerians through the achievement of the health-related Millennium Development Goals (MDGs).

The following were the targets set by the National Health Policy:

- Reduce the under-five mortality rate by two-thirds between 1990 and 2015;
- Reduce the maternal mortality rate by three-quarters between 1990 and 2015;
- Reduce the spread of HIV/AIDS by 2015;

- Reduce the burden of malaria and other diseases by 2015.

### **Initiatives to Reduce infant and Maternal Mortality and HIV-AIDS Control in Nigeria:**

#### **MDG 4:** Reduce child mortality:

Nigeria's efforts aimed at reducing avoidable child deaths have been met with gradual and sustained progress. The under-five mortality rate (U5MR) has improved remarkably from 191 deaths per 1000 live births in 2000 to 89 deaths per 1000 live births in 2014 as the end-point status. Considering the end-point status of U5MR, Nigeria falls short of the 2015 target of 64 deaths per 1000 live births by 28 %.

In 1990 (as the baseline), the infant mortality rate (IMR) was estimated at 91 deaths per 1000 live births. This, however, decreased to 75 deaths per 1000 live births in 2008 and to 61 deaths per 1000 live births in 2012. Although the end-point figure which stood at 58 deaths per 1000 live births in 2014 reflects progress, it is still short of the 2015 target of 30 deaths per 1000 live births.

The immunization effort against measles has been relatively effective. It has resulted in significant reductions in case burden as a result of the scale up of the administration of measles vaccination to children 9 months and older through routine immunization services led by the National Primary Healthcare Development Agency (NPHCDA). The proportion of one-year-old children immunized against measles increased from 46% in 1990 to 61.3% in 2012 and subsequently to 63.0% in 2014.

Nigeria has also recorded strong progress in the effort to eradicate polio and recently celebrated one year without polio from July 2014 to July 2015. *Overall Conclusion on Goal 4: Strong progress but goal not met.*

#### **MDG 5:** Improve maternal health:

The drive to make progress on this goal has seen improvements in maternal health. With a baseline figure of 1000 deaths per 100,000 live births in 1990, the Maternal Mortality Rate (MMR) consistently decreased over the years to 545 in 2008. The downward trend continued to 350 deaths per 100,000 live births in 2012 and subsequently to its end-point status of 243 per 100,000 live births in 2014.

Many policy drivers made the progress possible; one being the Midwives Service Scheme while the other was the collaborative efforts made between donors and the Federal Ministry of Health and its parastatals. In the meantime, the proportion of births attended by skilled health personnel improved appreciably from a baseline figure of 45% in 1990 to the end-point status of 58.6% in 2014 with the conviction that the national figure would have been better had it not been for the wide disparities across states with lower records. The success recorded is attributed to effective implementation of the Midwives Service Scheme (MSS).

In the case of antenatal coverage, significant progress was also recorded. Antenatal coverage of at least one visit recorded an end-point status of 68.9% in 2014, and for at least four visits, the end-point status was 60.6% in 2014. The successes imply the need for a scale-up of the policy interventions. *Overall Conclusion on Goal 5: Maternal mortality target met, and strong progress made on other indicators.*

#### **MDG 6:** Combat HIV and AIDS, malaria and other diseases:

The prevalence of HIV among pregnant young women aged 15–24 years has steadily declined from 5.4% in 2000 to 4.1% in 2010 (end-point status). The decline resulted from the implementation of tested high impact interventions implying the need for consistent implementation of such high impact interventions in the sector.

With respect to the incidence of tuberculosis per 100,000 people, the efforts have not produced appreciable results. In the past 7 years, the value for this indicator has fluctuated between 343.00 in 2005 and 339.00 in 2012. The end-point status of the incidence of tuberculosis in Nigeria was 338 as of 2013. This latest figure is still unacceptable and calls for renewed efforts, more resources and interventions in order to drastically reduce the prevalence of tuberculosis. *Overall Conclusion on Goal 6: Appreciable progress in combating HIV and AIDS, but weak progress in other diseases. Goal not met.*

## **SURE-P Achievements on Maternal and child Health 2012-2015**

### **Background**

The Federal Government in January 2012 made a decision to channel its own share of the Subsidy Reinvestment Funds into a combination of programmes to stimulate the economy and alleviate poverty through the provision of critical infrastructure and social safety net projects. The Maternal and Child Health (MCH) component of the Subsidy Reinvestment and Empowerment Programme (SURE-P) aspires to contribute to the reduction of maternal and newborn morbidity and mortality. The SURE-P MCH Project provides a unique opportunity to focus on increasing access to maternal and child health services through the continuum of care for pregnant women and their newborn.

Nigeria, the most populous country in Africa, constitutes just 1% of the world's population but accounts for 10% of the world's maternal and under-5 mortality rates despite several efforts that have been aimed at reducing the incidences and generally improve maternal and child health. A woman's chance of dying from pregnancy and childbirth in Nigeria is 1 in 13 (compared to 1 in 5000 in developed countries), with only about 40% of deliveries attended to by skilled birth attendants (Integrated Maternal & Child Health Strategy, FMOH). The most recent figures from the National Demographic and Health Survey estimated Nigeria's overall maternal mortality ratio at **565/100,000** live births. There is however, a high degree of variation across the country, with the highest maternal mortality ratio (**1549/100,000**) found in the North East and the lowest (**165/100,000**) in the South West (NDHS 2013). Most of these maternal and child deaths occur in rural communities hence the SURE P MCH is focusing on delivering services at primary health care facilities in rural communities across the 36 states and FCT.

### **Objectives**

The objectives of SURE-P MCH Project are to:

- Increase the availability of skilled health workers to provide maternal and child health services at the primary health care (PHC) level;
- Provide visible infrastructural renovations to primary health care centres under the SURE-P MCH Project;
- Increase supply of essential service commodities at PHC facilities to improve service delivery; and
- Increase the demand for MCH services in rural communities through the use of conditional cash transfer (CCT) and community engagement at the grassroots

## **SURE-P MCH Components**

There are two main components – the ‘supply side’ and the ‘demand side’.

The ‘**supply side**’ involves increasing and improving both infrastructure and human resources to improve health service delivery at the primary health care level.

Specifically, this component will refurbish PHC infrastructure, scale-up the number of trained health workers (i.e. midwives, community health extension workers (CHEWs) and village health workers (VHWs) to guarantee adequate antenatal attendance, skilled delivery at birth, routine immunization and postnatal care for women and their babies.

The ‘**demand side**’ component aims to increase the utilization of maternal and child health services in the PHC facilities through the use of incentives such as the conditional cash transfer (CCT) after the fulfilment of prescribed co-responsibilities.

### **SUMMARY OF ACHIEVEMENTS**

- Total number of Primary Health Care Facilities Supported by SURE P MCH across the 36 States and FCT = 1000
- Total Number of Health Workers employed and deployed to the Health Facilities = 12,110
- Midwives = 3158, Community Health Extension Workers = 3123 and Village Health Workers = 5829
- Medical equipment and Maternal and Child Health drugs supplied to the 1000 facilities
- Mama kits supplied = 680,000, Midwifery kits supplied = 2000, Outreach kits supplied = 1000 and village health worker kits supplied = 3000
- 500 Primary health care facilities renovated, 625 boreholes installed and 145 units of midwives accommodation built across the 36 States and FCT.
- Total number of women beneficiaries from the conditional cash transfer = 49,708
- Total amount of cash paid out to date to these women = N69,000,000.00

### **OUTCOMES:**

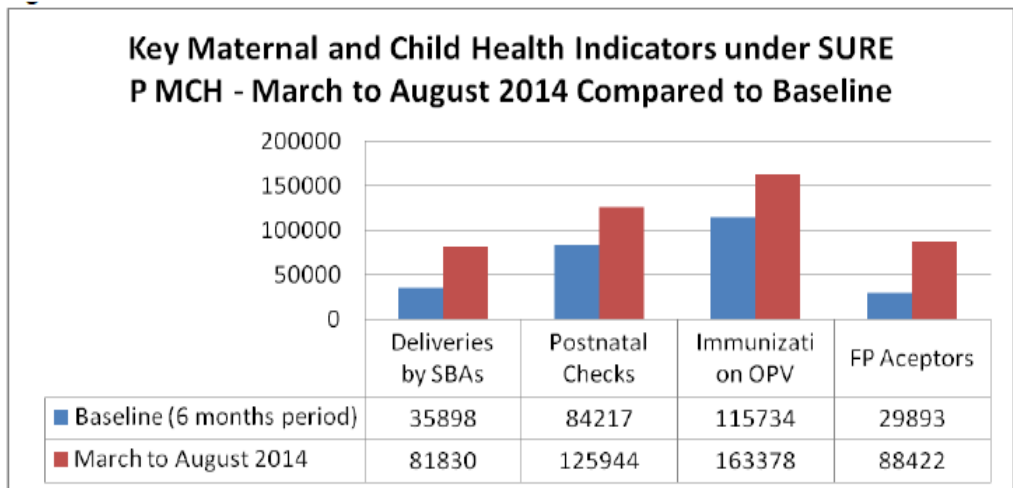
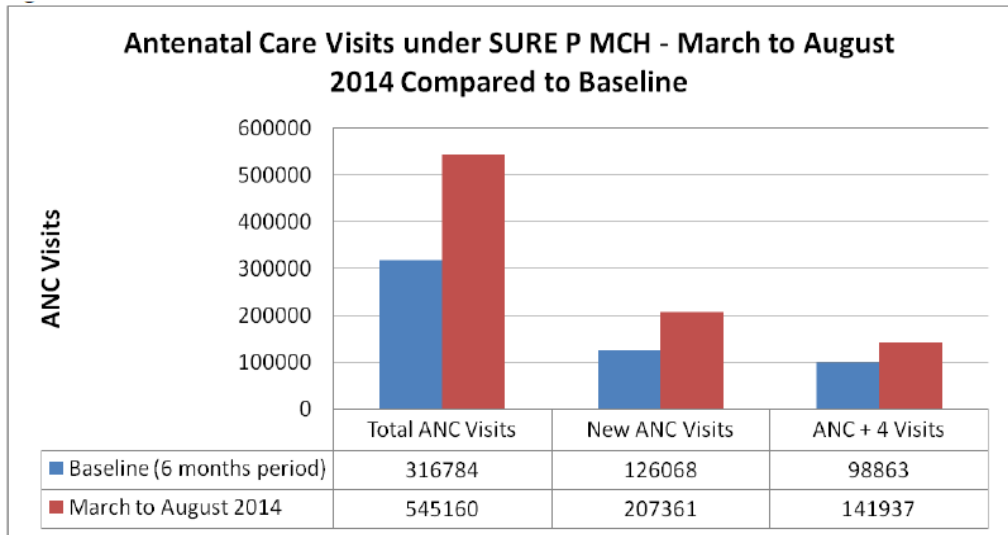
**SURE P MCH health workers are now providing quality antenatal, skilled birth delivery and postnatal services to pregnant women and their babies across the country.** The SURE-P MCH Programme has generated significant increase in the uptake of services at 1000 primary health care centres in communities hosting them.

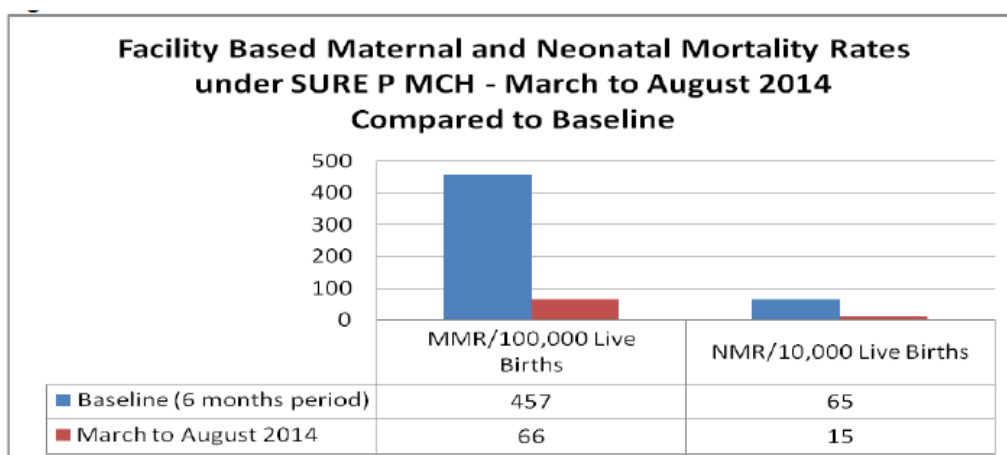
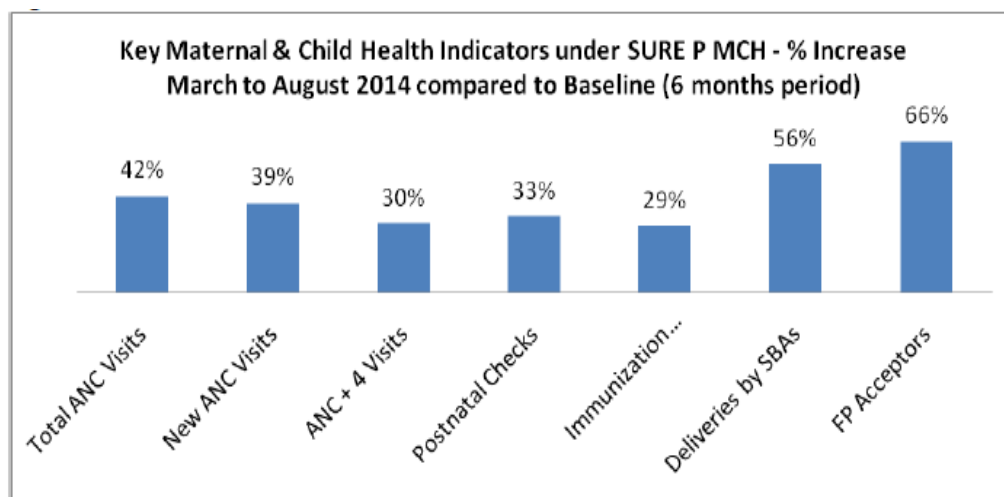
- **1,273,517 pregnant women** have received antenatal care services in SURE-P MCH supported facilities from October 2012 when health care workers were deployed to the PHC facilities till August 2014.
- **345,877 pregnant women** have completed focused antenatal care (ANC+4 visits) within the same period.

- **490,962 new antenatal care visits** have been recorded in SURE-P supported primary health care (PHC) facilities in the same period.

- **113,060 women** have accepted modern contraceptive methods in SURE-P supported primary health care (PHC) facilities within the same period.
- **182,956 babies have been delivered** by skilled birth attendants deployed to SURE-P supported primary health care (PHC) facilities within the same period.
- **235,082** women have come back for **post natal care** after delivering at the facilities under SURE P MCH within the same period.
- **378,873 babies received Oral Polio Vaccine (OPV)** from facilities under SURE P MCH in

- Reduction of facility based maternal and neonatal **deaths by 50%** in communities served by SURE P MCH and **increase in antenatal attendance** in these facilities **by 42%** compared to the baseline before SURE P started.





## **STRENGTHS OF THE NATIONAL HEALTH SYSTEM**

### **Strong political will and support**

The support that the Federal Ministry of Health enjoys since the beginning of this administration has been unprecedented. At the Federal Level for the first time, Mr. President rallied and got all State governors and the Honourable Minister of FCTA to sign a Declaration to improve health outcomes in Nigeria; he also launched the National Strategic health Development Plan and approved it as the compass for health development in Nigeria including the NV20:2020 and the Transformation Agenda.

### **Partners/Donor Support**

In Nigeria, the health sector is the one in which the highest proportion of international agencies are active. They comprise the multilaterals such as the World Health Organisation (WHO), UNICEF, UNFPA, UNAIDS, World Bank, African Development Bank; the bilateral which include DFID, USAID, CIDA, JICA, NGOs including Bill and Belinda Gates Foundation, MacArthur Foundation, Packard Foundation etc. These international agencies strongly cooperate with the government and provide significant technical and financial resources in the sector. It is estimated that they provide about 4% of health expenditure in the health sector. The highlight of collaboration between government and the development partners was evidenced with the



collective effort to develop the National Strategic Health Development Plan (NSHDP). It is noteworthy that the partners also signed an international health partnership and related initiatives (HP+) compact to affirm their commitment to the provision of predictable and sustainable funding for the implementation of the NSHDP.

The World Health Organisation (WHO) has an office in every state of Nigeria while most of the other agencies also have structures and are active in more than one state. Through such decentralized presence, the partners are able to work with government not only at the national level but also at the state and local levels.

### **Potential for Sufficiency in Human Resources for Health**

Nigeria has one of the largest pools of human resources for health in Africa comparable only to Egypt and South Africa. By the end of 2015, there were 66,162 doctors, 148,343 nurses and 101,709 midwives, 15,911 pharmacists registered in the country. Compared with most of the other countries in the region. Nigeria has a high human resources for health production rate due to the availability of many medical schools, schools of pharmacy, and each of the 36 states has at least one school of nursing and midwifery as well as one school of health technology. Each of these institutions turns out graduates every year.

### **Promising Health care Financing Arrangements for protection of the Poor**

The National Health Insurance Scheme (NHIS) was set up by Act 35 of 1999. Health sector reform in 2004 reinvigorated the drive to push the actualization of Health Insurance (a contributory pre-payment method) as a veritable programme for improving the health of Nigerians by making healthcare easily available, affordable and accessible. It is a social health insurance scheme. Various programmes or products were developed to meet the needs of the different groups/sectors of the population.

The Formal sector social health insurance programme (public sector), targeted employees under the Federal government and their dependents and was flagged off in 2005.

NHIS-MDG/MCH: A major component of the NHIS that holds great promise for women and children is the MDG/NHIS project for pregnant women and under 5s. This project ensures the provision of free health services to pregnant women and under 5s in twelve states of the federation. Plans are on to extend the coverage to other states of the federation.

Community Based Social Health Insurance: CBHI is a form of private health insurance whereby individuals, families, or community groups finance or co-finance costs of health services. CBHI was designed for people living in the rural area and people in the informal sector who cannot get adequate public, private, or employer-sponsored insurance. We intend to use CBHI to cover people employed in the informal sector and in the rural area especially women and children that constitute majority of the highly vulnerable groups. The CBHI was flagged off in 2011 by Mr. President at Isanlu, Kogi State.

Since then, many communities in eleven states have keyed into the programme. The States are: Anambra, Bauchi, Borno, Ebonyi, FCT, Kaduna, Katsina, Kogi, Kwara, Lagos and Ogun.

Three states, Bauchi, Cross-River and Enugu are participating in the Health Insurance Programme. Unfortunately, payment has not been consistent thus affecting implementation of the programme in those States. Other programmes include tertiary institutions social health insurance and road transport health insurance programmes.

The scheme has extended health insurance cover to over 6,806,687 Nigerian through one payment mechanism or the other.

**Table 20: - Distribution of lives covered under different programmes of NHIS**

<b>Programme</b>	<b>Number Covered</b>	<b>Number expected to be covered</b>	<b>% covered</b>
Public Sector (Worker under employment of the federal government and their dependents, military and police) Health Insurance	Principals = 853,537 Dependents = 1,610,408 Total = <b>2,463,945</b>	870,956	98%
Community Based Health Insurance (Pregnant Mothers and Children under five NHIS-MDG/NHIS 6 LGAs in the 6 Zones) and other community Social Health Insurance Programmes	NHIS-MDG/NHIS=1,433,019 Isanlu = 2,000 Katsina = 17,200 Total = <b>1,452,219</b>	As communities enroll	-
Tertiary Health Insurance	<b>382,415</b>	As Institutions enroll	-
Road Transport Health Insurance	<b>1,900,000</b>	As operators enroll	-
States Health Insurance (Cross River and Bauchi)	Cross River = 41,060 Bauchi = 66,912 Total = <b>95,000</b>	As states enroll	-
Private Health Insurance	<b>500,136</b>	As individuals enroll	-
<b>Grand Total</b>	<b>6,806,687</b>		

Suggested sources of funds to finance mandatory health insurance:

- i. Contributions from formal sector employees (both public sector and private sector). These can be arranged as a single pool or maximum of two pools
  - ii. Contributions from the formal informal sector. These include those employers who by nature of their number do not qualify to be called Organised Private Sector based on the CAMD 1990, other interested Nigerians, foreigners etc. These contributions will be pooled with the formal sector contributions for maximum cross subsidy and to reduce adverse selection. Family enrolment is also encouraged to further check adverse selection.
- e) The Informal sector contributions, using CBHI model but pooled at the level of the LGA or state to increase the pools and harness the advantages of economies of scale.
  - f) An equity fund to be established. This fund will be used to pay the contributions of the vulnerable groups and the poorest of the poor in the society. It is proposed that this fund will be financed through the following:
    - Sin tax – This includes taxes on goods with known deleterious effects on health. These include cigarette tax, levies on alcoholic beverages etc.
    - Levies on mobile phone use

- The National Health Bill – When this is passed and signed into law, will provide an additional source of revenue to fund healthcare for the poor in Nigeria.
- Subsidy Reinvestment and Empowerment Programme Fund (SURE-P) earmarked for universal health coverage. A portion of the SURE-P fund should be used for financing the Fund for the vulnerable groups.

### **Robust System for Strengthening Primary Health Care**

Under the auspices of PHC Under One Roof, the NPHCDA has been in the forefront as an advocate for the establishment of State Primary Health Care Development Agencies/Boards, a platform that is seen as a necessary step for alignment and harmonization of the functions of multiple ministries, departments and agencies (MDAs) at the state level with overlapping responsibility for primary health care. It is expected that this development will improve PHC governance and performance in general. Towards this end, guidelines have been developed and circulated. The National Health requires that states establish State PHC Agencies/Boards to have access to the National PHC funds. So far, 17 states have set up Primary Health Care Development Agencies/Boards.

### **Increasing access to required health care facilities**

There are 34,173 health facilities all over Nigeria, of which 30,098 are primary health care facilities located in rural areas, 3,992 secondary facilities and 83 tertiary facilities. In terms of Ownership; Government owns 22,850 while 11,323 are private owned. While the number of available health care facilities are still in-adequate. Government has been investing in the refurbishment/upgrading as well as construction of health care facilities to meet the required needs, Debt Relief Grant funded Conditional Grant Scheme managed by the Office of the senior Special Assistant to the President on MSGs, as well as the GAVI and Global Fund grants.

## **CHALLENGES**

### ***Human Resources for Health***

Human Resources for Health in the country are beset by the following issues and challenges:

- a) Shortages, mal-distribution and under-utilization of health professionals as a result of persistent brain-drain, skewed rural/urban disparity in the distribution of health service providers and inefficiencies in the rational deployment and utilization of staff on the basis of workload.
- b) The overall HRH picture in Nigeria is inconsistent and lacks integrity as HR information and data collection are fragmented and incomplete, with various stakeholders collecting and collating bits and pieces in the absence of any common data source or human resource management information system (HRMIS).
- c) Production of health professionals is not related to the requirements of the country as there is no mechanism in place to inform health training institution intake and output targets on the basis of service demand and staffing projections.
- d) There are systemic deficiencies in the planning, management, development and administration of the health workforce.

### ***Health Care Financing***

Acc

ording to a report, about one million children and women die from preventable diseases annually in Nigeria. That 69% of health spending in Nigerian households is without insurance. That Nigerians are spending one billion US Dollars annually on medical tourism abroad.

Official data analyzed shows that the federal and 36 state governments have budgeted a total of 519.8 billion naira for health, representing 4.3% of their total spending of 13.5 trillion naira combined budgets for 2017. The breakdown of the combined budgetary allocations to health at the federal, state and zonal levels is shown on table XXX below:

Federal Government Health Budget		State Government Health budget		Zonal Level Health Budget			
		Top Spenders		Zone	Budget	Health	%
2006	107bn	Lagos	N51.4bn	N/W	N1.01tr	N46.2bn (minus Kebbi)	4.6%
2007	122bn	Rivers	N27bn	S/W	N1.47tr	N75.4bn (minus Ondo & Ekiti)	1.1%
2008	138bn	Kwara	N26bn	N/E	N593bn	N57.8bn (minus Adamawa)	3.4%
2009	156bn	Bauchi	N23bn	N/C	N781.5bn	N51.2bn (minus Benue)	4%
2010	165bn	Borno	N19.5bn	S/S	N1.77tr	N51.1bn (minus Cross River)	9%
2011	236bn	Ogun	N15bn	S/E	N581.2bn	N5.9bn (minus Ebonyi & Imo)	3%
2012	283bn	<b>Low Spenders</b>					
2013	283bn	Abia	N685m				
2014	264bn	Osun	N894m				
2015	260bn	Niger	N2bn				
2016	250bn	Enugu	N2.5bn				
		Gombe	N2.6bn				

### **Environmental Factors**

It is widely acknowledged that there are other “non health” factors that significantly impact health status of populations. These include poverty, poor environmental sanitation, food insecurity and poor nutrition as well as climate change with its consequent disasters and emergencies.

## CHAPTER 15: -Right to Education: - Article 17

### 1. Constitutional, Legislative, Policy and Judicial Measures

- In addition to the main poverty reduction strategy paper NEEDS and the Seven Point Agenda of the Federal Government of Nigeria, the following are the main documents on national laws, policies and key programmes in the education sector:
  - The 1999 Constitution
  - National Policy on Education, 6<sup>th</sup> edn., 2013
  - Draft National Policy on Special Needs Education/Implementation Guidelines, 2012
  - Training Manual on Adaptation and Implementation of Inclusive Education in Nigeria, 2010
  - A Strategic Framework for the Revitalization of Adult and Youth Literacy in Nigeria, 2012.
  - Universal Basic Education (UBE) Act 2004
  - Child's Right Act 2003
  - National Child Policy 2007
  - National Policy for Integrated Early Childhood Development in Nigeria (2007)
  - National Minimum Standard for Early Child Care Centres in Nigeria (2007)
  - National Gender Policy on Education 2007
  - National Framework on Girls' and Women Education, 2012
  - Guidelines for Implementing National Policy on Gender in Basic Education, 2007
  - National Policy on Gender in Basic Education, 2007
  - Gender Education Desk, 2011: Aim to promote gender education as a necessity in Nigeria.
- The policies/laws seek to ensure the access of all children of primary and junior secondary school age (6-14+ years) in Nigeria to free, compulsory and universal basic education. This policy objective of free and compulsory education including skill acquisition fits well into employment and job creation objectives, the overall national development strategy on the free mid-day meal will no doubt impact positively on the health and nutrition objectives. Governments in Nigeria (Federal, State and Local) have primary responsibility to fund and manage basic education; with Federal Government playing the intervention/assisting role. The Agencies involved include: the Universal Basic Education Commission (UBEC), State Universal Basic Education (SUBEB), Local Government Education Authority, private sector and development partners.
- The UBE ACT prescribes minimum standard of basic education throughout the country and UBEC is expected to monitor, supervise and coordinate the implementation of specific programmes for the attainment of compulsory, free and universal basic education. Relative to health and nutrition, basic education has the highest budgetary allocation and is most essential in poverty and deprivation reduction. This is because of the linkages between education, health, improved sanitation, access to information and improved knowledge of child rights and protection. Thus it is a very effective means of addressing the MDG goals and targets relating to children.
- **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, 2003**, 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.

- **The Universal Basic Education Act 2004 and strategic plan provides commitment to compulsory and free education**
- The National vision 2020 for Nigeria is to become an emerging economy model, delivering sound education policy and management for public good. Nigeria is also on course to meet the target of Millennium Development Goal that all boys and girls complete primary education i.e. 100% by 2015.

Government also collaborates with some international agencies like UNICEF, JICA, UNESCO, DFID, USAID, WHO and other development partners for the promotion of education in Nigeria. Their intervention and contributions are in the following areas: Manpower training; Supply of textbooks and equipment; Development of new institutions; Curriculum Development; Construction/refurbishing of classrooms, libraries, laboratories toilets etc; Provision of computers and other related facilities; Research and Giving scholarship among others.

## 2. Policy Measures

- **The National Policy on Education (Revised 6<sup>th</sup> edn), 2013** 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.

### **3. Initiatives and Achievements in Promoting the Right to Education: - (2014-2017)**

- i. The Final Report on Implementation of the Revitalizing Adult and Youth Literacy (RAYL) programme presented to the Federal Minister of Education on December 6, 2016, indicated that out of a total 5,101,719 (5.1 million) learners enrolled in the programme between 2013 and 2015 in 146 focused local governments, 4.5 million (4,589,637) of them have been made literate, and 4,807 facilitators were also graduated. A total of \$6.4 million dollars was made available for the project by the MDG-Presidency, aimed at reducing illiteracy level in Nigeria and building a critical mass of educators for literacy and life skills acquisition.
  - The ultimate beneficiaries of the project are young girls and women, youth and out-of-school children, excluded or marginalized from the formal education system.
  - Other achievements during this period include, the establishment and equipping of Community Learning Centres in 13 States, Publications on Adult and Non-Formal Education, Capacity building for NMEC Staff and establishment of Non-formal education management System NMEC.
  - The challenges encountered in executing the programme included lack of commitment by states to utilize the trained facilitators, poor conditions of service for Non-Formal Educators and Boko Haram Insurgency in the North-East.
- ii. A twin-partnership project between the Federal Ministry of Education and the World Bank, known as the State Education Programme Investment Project (SEPIP) and the Nigerian Partnership for Education Project (NIPEP), have made remarkable progress in education delivery, by addressing the out-of-school children challenge and low education quality arising from difficulty in teacher deployment to critical areas. The Minister of Education reported that, SEPIP is operational in three states namely: - Anambra, Bauchi and Ekiti with the sole objective of improving school performance through teacher availability in core subject of mathematics, English and the Sciences. Participating states have used the grants from Development partners to introduce special incentives for teachers posted to schools that are 'hard to staff'.

On the other hand, the issue of out of school children, especially girls was also being addressed in the five NIPEP states: - Kano, Katsina, Sokoto, Kaduna and Jigawa through the provision of scholarships for girls and female teachers. A total of 1,528 female teachers in Kaduna, Sokoto and Jigawa and 935 female teachers in Katsina and Kano have at separate periods received scholarships to pursue National Certificate Education (NCE) Programmes.

The idea of the above scholarship is to create models for female pupils in the communities. This has led to considerable improvement in the external examination in the participating states.



- iii. Attention in the area of Access and Equity has concentrated on accelerating enrolment in all sectors of education. At the basic education level, attention has been paid to the reduction of the number of out-of-school children totaling 10.1million in Nigeria. this started with the National Campaign on Access to Education followed with a number of initiatives including: - the Almajiri Education Programme which has led to the construction of 135 day and boarding schools in the participating Northern States. The Girls' Child Education and the Special vocational Education Programmes are targeting both girls and boys in the drive for greater access.

At the tertiary level, progress have been made in increasing access through the establishment of 12 new conventional Federal Universities in e.g., Lafia, Lokoja, Otuoke, Wukari, Dutse, etc and a specialized one. Four new Federal Polytechnics have also been established to address the need for Technical and Vocational Education. Attention has also been given to alternative routes to higher education especially through Open and Distance Education. Nine new private universities that met requirements have been licensed to participate in the provision of quality tertiary education.

The result of the above initiatives is that for the first time Nigeria recorded a ratio of student to textbook of 1:1 due to the provision of a total number of 4.88million free instructional materials in the core subject areas in primary and junior secondary schools valued at the cost of 6.02billion naira.

Further, the result of the Needs Assessment of Public Universities provided a commitment of 1.3 trillion naira over five years period for direct infrastructural and equipments intervention. Similar assessments have been carried out for public polytechnics and Collages of Education. So far, a total of 15 billion naira had been committed to the development and rehabilitation of laboratories in 51 Federal and State Polytechnics.

- iv. Funding the Education Sector: - To cater for 36 Federal universities, 25 Federal Polytechnics, 22 Federal Colleges of Education and 104 Federal unity colleges, the Federal Ministry of Education's annual budgetary allocations stood at 306.3bn naira in 2011, 400.15bn in 2012, 425.53bn in 2013, 493bn in 2014, 492bn in 2015, down to 369bn in 2016 and 398.01bn in 2017, out of each year's total annual budget, accounting for less than 10% of each year's budget and less than 26% of UNESCO's threshold for all countries.
- v. Table XXX below shows budget releases made by the Federal Government from the 2016 budget in 2017 on the primary School Feeding Programme aimed at boosting pupils' enrolment, retention and completion, especially for the Girl-Child. The table shows over 631 million naira released for school feeding in 7 pilot states of the federation, paid to a total of 11,775 cooks, meant to feed over one million primary school pupils.

SN	States	No. of Pupils	Amount (Naira)	No. of Cooks Employed	Geo-Political Zones
1	Anambra	96,489	67,500,000	937	South East
2	Ogun	170,927	119,648,900	1,381	South West
3	Ebonyi	164,598	115,218,600	1,466	South East
4	Zamfara	269,665	188,700,000	2,738	North West
5	Osun	142,193	867,370	2,688	South West
6	Oyo	103,269	72,200,000	1,437	South West
7	Enugu	96,024	67,200,000	1,128	South East
	<b>Total</b>	<b>1,043,165</b>	<b>631,334,870</b>	<b>11,775</b>	<b>3 out of 6</b>
<i>Source: - Daily Trust, Newspaper, Abuja, Nigeria, Monday, January 23 2017, p.3</i>					

- vi. Apart from budgetary provisions at the Federal level, there are specialized funding sources of the basic and Tertiary Education levels. To support Basic Education, 2% of the Consolidated Revenue Fund is dedicated to supporting States to improve quality education outcome.

At the tertiary sector, the Education Tax Act was amended to create the Tertiary Education Trust Fund (TETFUND). With this, the 2% of accessed profits of Nigerian companies are dedicated to development, rehabilitation of infrastructure, capacity building and provision of resources in tertiary institutions. As a result of this, complementary funding are provided to public tertiary institutions with Special Interventions through the High Impact Fund, Book Development Fund, National Research Fund, etc.

Partnerships with national and international organizations have also led to support for the Federal and State governments in education. Recently, Nigeria was admitted into the Global Partnership on Education (GPE) which is bringing with it an initial grant of \$100 million dollars to help selected states in the drive for better access to education.

- vii. Provision of text books, first and boxes sports equipments and computers to schools (2015-2017) in the twenty states with gender disparity including those with boys' drop-out syndrome.
- viii. Institutionalization of students tutoring, mentoring and counseling programme (STUMEC) to ensure that pupils are enrolled in schools, stay in schools and that the teaching-learning process is made attractive and rewarding for both the teacher and pupils.

### **Challenges/Opportunities**

- The critical challenge in the Education sector is that of adequacy of funding to address to numerous problems facing tertiary, secondary and primary education, particularly adequate facilities, laboratories, equipments to cater for the size of the students and pupils in the sector. This requires incremental budgetary allocation from the current 8.7% of the annual budget to the UNESCO standard of 26%. This low level of fiscal allocation to the sector which is below the UNESCO threshold of the total budget certainly affect the implementation of government policy on education in the country and in particular the Universal Basic Education since its inception.
- Very recent opportunity to address the plight of the Almajirai children that are largely out of school is the Constitution of a National Implementation Committee on Almajirai Education Programme after the foundation laying stone of the Almajiri Model School launch in Jigawa State on December, 2010. The Committee has come out with the following documents to address the Almajiri child education: -
  - A Strategic Plan of Action (short term 2011-2015; long term 2020);
  - Operational guidelines complementing the Almajiri education programme;
  - The workplan for the integration of 400,000 Almajirai and distribution of model schools.

**The above documents aim at addressing the integration of the more than 9,523,699 Almajirai across the country. A breakdown of this figure shows that: North-East has 2,657,767 pupils; North-West – 4,903,000 pupils; North-Central – 1,133,288; South-West- 809,317; South – East – 3,827; South-South – 18,500.**

- 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.

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

### Constitutional 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 against any exploitation whatsoever, and against any moral and material 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.

### Legislative 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.”***

- Other legislative measures initiated to protect the family, women, children, aged and the disabled are: - the 2016 Bill on Prohibition of Discrimination Against Persons with Disabilities passed the National Legislature on 13<sup>th</sup> July 2016, which seeks to provide social protection to persons with disabilities and safeguards against discrimination that they may suffer from. It establishes a National Commission that will ensure that their rights to education, healthcare and other social and economic rights contained in the 1999 Constitution and other relevant treaties to which Nigeria is a party, are attained.

Also, the 2015 Violence Against persons (Prohibition) Act prohibits all forms of violence against persons in public and private life, and provides maximum protection and effective remedies for victims as well as punishment of offenders.

### **Administrative/Policy Measures**

- i. National guidelines and Referral Standards on Gender-Based Violence (GBV) 2014/15: - provide a roadmap for all stakeholders to work together in the prevention of and response of GBV in Nigeria, and for the provision of high quality and comprehensive support systems and services to GBV Survivors. This policy framework also encourage service providers to identify and quickly mobilise the required resources, materials and essential logistics for interventions on GBV.
- ii. National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria (2014/15): - It reinforces the commitment of all stakeholders at the Federal, State and Local Government levels to strengthen care and support services provided to vulnerable children. It offers guidelines to VC community service providers for improving the quality of services provided to VC, and to strengthen existing safety nets. The seven core service areas covered include: education and training, health care services, household economic strengthening, nutrition and food security, protection psychosocial support, and shelter and care.

### **Efforts to Improve on the Quality of Life and Dignity of the Family, Women, Children, Aged and the Disabled Through the MDGs: - End-Point Report 2015**

**MDG 1:** Eradicating extreme poverty and hunger: - Nigeria made notable progress in this goal and particularly in the fight against hunger, but generally missed meeting the targets of most of the indicators. The strong progress under this goal can be seen in the persistent reduction in poverty prevalence in recent years. Although poverty prevalence fluctuated, it declined from 65.6% in 1996 to 45.5% in 2010; short of target (21.4%) by 24.1%. However, the World Bank's most recent estimates of poverty incidences in Nigeria indicate it at the lower of 33.1% in 2012/2013; a figure much closer to the target.

One major challenge to effective poverty reduction in the country is the very limited reduction effect of economic growth. Thus, whereas the country recorded largely impressive growth rates in the 2000s decade and in more recent times, this was not entirely inclusive and neither did it reduce poverty or even generate employment. In one particular area of strength, Nigeria was able to reduce hunger by 66% in 2012 (three years in advance) and this earned her international recognition in 2013 from the Food and Agricultural Organization (FAO). However, while Nigeria is very close to meeting the hunger target owing to the transformative interventions in the nation's agricultural sector, there are still high level disparities across the geo-political zones, states and between the urban and rural areas. Thus, the prevalence of hunger is much higher in the Northern states and more endemic in rural than in urban areas.

Generally, the policy environment for the goal has been a good one and promises to deliver more in the future given the assurances of priority to agriculture by Nigeria's new administration. Indeed, increasing agricultural productivity could have positive implications for poverty reduction. As significant is the fact that the proportion of underweight children under-five years of age declined from 35.7% in 1990 to 25.5% in 2014 (short of target which is 17.85% by 7.6%). Thus, although Nigeria did not meet the target of this indicator, strong progress was recorded within the prevailing good policy environment.

A number of key institutional and policy drivers can be said to have been responsible for the appreciable progress made on Goal 1; notably, the Federal Ministry of Agriculture (FMARD), the office of the Senior Special Assistant to the President on Millennium Development Goals (OSSAPMDGs), Development Partners, the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN), the National Poverty Eradication Programme (NAPEP)-among others. *Overall Conclusion on Goal 1: Strong progress made but goal not met.*

**MDG 2:** Achieve universal primary education: - The net enrolment in basic education (as domesticated in Nigeria to mean six years of primary schooling and three years of junior secondary education) has had a fluctuating history of an upward trend to the mid-point assessment year. This positive trend was however halted in later years as a result of the disruptions brought about by the Boko Haram insurgency. The insurgency led to the destruction of many schools with the school children constituting a large size of the internally displaced population. Consequently, the net enrolment of 60% in 1995 declined to the end-point net enrolment of 54% in 2013. There is, however, a good policy environment provided by the Federal Ministry of Education and its parastatals which will aid significant growth in net enrolment once the Boko Haram phenomenon is effectively checked.

With respect to primary six completion rate, the trend and end-point status show strong and significant progress. Nigeria remained largely on track towards achieving this indicator. The completion rate which stood at 73% in 1993 trended upwards in most of the subsequent years culminating in 82% at the end-point year. The policy environment is good and supportive of consolidation of the achievements. There are however variations across states which need to be addressed in efforts to consolidate the achievements.

The literacy rate trended marginally upwards in most of the years from 64% in 2000 to 66.7% in 2014. The significant rate of 80.0% achieved in 2008 could not be sustained. There were marked variations across states and between the north and the south. With respect to variations across geo-political zones, the North-east recorded the highest rate of illiteracy with the insurgency compounding the problem. However, the policy environment at both the national and subnational levels is very supportive especially with active and growing collaboration between Nigeria and international development partners. *Overall Conclusion on Goal 2: Appreciable progress but goal not met.*

**MDG 3:** Promote gender equality and empower women: - The pursuit of gender parity in basic education in Nigeria has witnessed strong progress when seen against the prevailing patriarchal culture and practices in most parts of the country. There has been a steady increase in the ratio of girls to boys in basic education in Nigeria with the end-point status of 94% in 2013 being a significant achievement compared to the 82% achieved in 1991. The statistics from both the World Bank and Multiple Indicator Cluster Survey (MICS) corroborate the high gender parity index recorded by Nigeria. The success at the basic education level has not been replicated at the tertiary level where there is weak progress even though the policy environment has been supportive at every level of the educational pipeline.

Similarly, Nigeria has not done well in the area of proportion of women in wage employment in the non-agricultural sector with an end-point status of 7.7% in 2010 (the most recent data). However, in terms of women's contribution to the total labour force in both agricultural and non-agricultural sectors, the proportion has considerably increased to a record 37.7% in 2014. The ILO statistics corroborates this with a 48.1% increase in 2011.

As regards the proportion of seats held by women in the National Parliament, Nigeria has done badly, with an end-point status of 5.11% in 2015 against the expected target of 35%. The prevailing patriarchal culture and practices remain a major factor against women's access to elective positions. This is however not the case with women in appointive positions as over 30.0% of women got appointed to higher level political decision making positions in recent years. *Overall Conclusion on Goal 3: Strong progress made in gender parity but weak progress in women empowerment. Goal not met.*

**MDG 4:** Reduce child mortality: - Nigeria's efforts aimed at reducing avoidable child deaths have been met with gradual and sustained progress. The under-five mortality rate (U5MR) has improved remarkably from 191 deaths per 1000 live births in 2000 to 89 deaths per 1000 live births in 2014 as the end-point status. Considering the end-point status of U5MR, Nigeria falls short of the 2015 target of 64 deaths per 1000 live births by 28 %.

In 1990 (as the baseline), the infant mortality rate (IMR) was estimated at 91 deaths per 1000 live births. This, however, decreased to 75 deaths per 1000 live births in 2008 and to 61 deaths per 1000 live births in 2012. Although the end-point figure which stood at 58 deaths per 1000 live births in 2014 reflects progress, it is still short of the 2015 target of 30 deaths per 1000 live births. The immunization effort against measles has been relatively effective. It has resulted in significant reductions in case burden as a result of the scale up of the administration of measles vaccination to children 9 months and older through routine immunization services led by the National Primary Healthcare Development Agency (NPHCDA). The proportion of one-year-old children immunized against measles increased from 46% in 1990 to 61.3% in 2012 and subsequently to 63.0% in 2014.

Nigeria has also recorded strong progress in the effort to eradicate polio and recently celebrated one year without polio from July 2014 to July 2015. *Overall Conclusion on Goal 4: Strong progress but goal not met.*

**MDG 5:** Improve maternal health: - The drive to make progress on this goal has seen improvements in maternal health. With a baseline figure of 1000 deaths per 100,000 live births in 1990, the Maternal Mortality Rate (MMR) consistently decreased over the years to 545 in 2008. The downward trend continued to 350 deaths per 100,000 live births in 2012 and subsequently to its end-point status of 243 per 100,000 live births in 2014.

Many policy drivers made the progress possible; one being the Midwives Service Scheme while the other was the collaborative efforts made between donors and the Federal Ministry of Health and its parastatals. In the meantime, the proportion of births attended by skilled health personnel improved appreciably from a baseline figure of 45% in 1990 to the end-point status of 58.6% in 2014 with the conviction that the national figure would have been better had it not been for the wide disparities across states with lower records. The success recorded is attributed to effective implementation of the Midwives Service Scheme (MSS).

In the case of antenatal coverage, significant progress was also recorded. Antenatal coverage of at least one visit recorded an end-point status of 68.9% in 2014, and for at least four visits, the end-point status was 60.6% in 2014. The successes imply the need for a scale-up of the policy interventions. *Overall Conclusion on Goal 5: Maternal mortality target met, and strong progress made on other indicators.*

**MDG 6:** Combat HIV and AIDS, malaria and other diseases: - The prevalence of HIV among pregnant young women aged 15–24 years has steadily declined from 5.4% in 2000 to 4.1% in 2010 (end-point status). The decline resulted from the implementation of

tested high impact interventions implying the need for consistent implementation of such high impact interventions in the sector.

With respect to the incidence of tuberculosis per 100,000 people, the efforts have not produced appreciable results. In the past 7 years, the value for this indicator has fluctuated between 343.00 in 2005 and 339.00 in 2012. The end-point status of the incidence of tuberculosis in Nigeria was 338 as of 2013. This latest figure is still unacceptable and calls for renewed efforts, more resources and interventions in order to drastically reduce the prevalence of tuberculosis. *Overall Conclusion on Goal 6: Appreciable progress in combating HIV and AIDS, but weak progress in other diseases. Goal not met.*

**MDG 7:** Ensure environmental sustainability: - Nigeria has made appreciable progress in improving households' access to safe drinking water with an end-point status in 2015 at 67.0% access. The country is also deemed to have done well on this indicator from the statistics of the Joint Monitoring Programme (JMP) / United Nations Children's Fund (UNICEF) and World Health Organization (WHO) indicating the recorded end-point status of 69% in 2015. This compares well with the baseline figure of 40% in 1990. However, there are wide disparities in access to safe drinking water across states, with those in the south having higher access than those in the north.

Nevertheless, in Nigeria as a whole, there is a good policy environment for the provision of safe drinking water with the Conditional Grant Scheme (CGS) being a major policy driver of the intervention in all parts of the country and mostly in the rural areas. Again, the Federal Ministry of Water Resources and its parastatals, as well as the Federal Ministry of Lands, Housing and Urban Development, along with many donors have played prominent roles in the provision of safe drinking water to Nigerians. Given the existence of many policy drivers targeting both the urban and rural areas for improved access to safe drinking water, as well as the scaling up of interventions, it is only a matter of time for safe drinking water to be available to a large majority of Nigerians.

The success recorded in the provision of safe drinking water has, however, not been witnessed with respect to the proportion of the population using improved sanitation facilities. The endpoint status of only 41% using improved sanitation facilities in 2014 is not encouraging and in fact, suggests weak progress in this indicator. The JMP estimate is even worse here, as it recorded 29% for this indicator in 2015.

The percentage of the urban population living in slums has been on the decline since 1990. From a baseline figure of 77.3% in 1990, it declined to an end-point status of 50.2% in 2014. Although this implies strong progress, the number of persons living in slums is still very alarming and also considering that the number of slum dwellers has been on the rise owing to increasing housing deficits of 16-18 million units against the reality of growing number of cities with populations of one million and over. *Overall Conclusion on Goal 7: Strong progress in the provision of safe drinking water but weak progress in other indicators. Goal not met.*

**MDG 8:** Develop a global partnership for Development: - Nigeria has performed better on this goal as compared to the others. There has been a rising trend in per capita Official Development Assistance (ODA) with potential impact felt in infrastructure and human development. The appreciable decline in debt service as a percentage of exports of goods and services is attributed to the debt relief granted in 2005.

The socio-economic benefits associated with Information and Communication Technology (ICT) has seen to appreciable growth in the industry. The growth in the number



of cellular phone subscribers and the tele-density per 100 people standing at 77.8 and 99.3, respectively, in 2014 signifies wide coverage. Conversely, the growth in the number of internet users per 100 people, standing at 42.68 in 2014 implies that there is need to step up interventions in this sector. *Overall conclusion on Goal 8: Goal met.*

### **Selected MDGs Success Stories from Nigeria: - Most Outstanding Stories**

The challenges which attended the implementation of MDGs in Nigeria notwithstanding, there are some **six** notable success stories which can also be considered best practice examples to inform the post-2015 development agenda. Some of the significant success stories include the following:

***The Nigeria Polio Eradication Effort;*** which has resulted in the country's celebration of one year without polio (July 24, 2014 – July 24, 2015). Indeed, this is seen as Nigeria's MDGs implementation exit gift to the world. The strategies used for achieving this feat were replicated in the dogged and successful fight against the outbreak of the deadly Ebola virus in Nigeria;

***The Conditional Grant Scheme (CGS);*** which has helped tremendously to: (a) scale-up investments at the sub-national levels, (b) promote ownership and sustainability of such investments, (c) empower the people, (d) promote improvements in service delivery, (d) leverage on public service reforms especially in public expenditure reform, and (e) strengthen partnership between the tiers of government. The Scheme remains a major success story from Nigeria to the rest of the world;

***Implementation of the Village Health Workers Scheme (VHWs);*** which has been recognised internationally for its notable success in reducing morbidity and averting mortality where the overall Primary Health Care (PHC) system is weak;

***Adoption of the independent monitoring and evaluation system;*** which is a result-based monitoring strategy anchored on good planning, good budgeting and effective feedback. The system contributed immensely in the success of CGS given the systemic nature of corruption in Nigeria.

***Implementation of the Midwives Service Scheme (MSS);*** This scheme resulted in the tremendous progress recorded in crashing the high maternal mortality rate in Nigeria. It is a notable intervention in the health sector that needs to be scaled-up under the SDGs;

***NYSC MDGs Corps Volunteers projects;*** This offered excellent mentoring skills to Corps members, many of whom excelled and received awards in later years.

### **Support for Single Parents**

Due to social stigmatization, 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.

### **Measures for the Protection of the Rights of Refugees/Internally Displaced Persons/Migrants**

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.

### **National Policies on IDPs 2017 and Migrants 2015**

The Federal Government of Nigeria, conscious of its obligation to protect the civil and human rights of all its citizens, by this Policy on Internal Displacement, hereby confirms its commitment to the international instruments and human rights standards relevant to Internally Displaced Persons, particularly the United Nations Guiding Principles on Internal Displacement. The Federal Government declares that the following clauses among others, are the aims and objectives it seeks to accomplish by the development of this National Policy: -

- i. To guide the various arms and levels of the Nigerian Government in the protection of persons firstly from displacement and secondly to assist in their protection during displacement;
- ii. To provide comprehensive guidelines to all international, humanitarian, and development agencies in the provision of assistance and protection to IDPs in Nigeria;
- iii. To assist State governments, security agencies, and other relevant bodies in designing policies that will provide for the security and well being of displaced persons within their respective States;
- iv. To protect displaced persons from disease, epidemic, and other health related problems;
- v. To provide basic amenities such as clothing, food, and shelter in collaboration with governmental and non-governmental humanitarian agencies;
- vi. To establish camp facilities and effective administration in order to cater for the needs of displaced persons;
- vii. To process displaced persons through formal registration and the issuance of identity cards;
- viii. To create an awareness of the needs of IDPs in this nation and in the international community; to mobilize support within the humanitarian community;

The Federal Government in pursuance of its obligation to establish and strengthen the structures that protect the human, civil and economic rights of its citizens at home and abroad, as well as the rights of aliens residing in Nigeria, hereby affirms its commitment to all international and national instruments, principles and standards that are related to migrants.

### **Rescue of Chibok Girls and Addressing the Flight of IDPs in the North-Eastern Nigeria – 2015-2016 – May 2017**

Official records show that over 100,000 persons died, 2.1 million people displaced as IDPs and property worth \$9bn destroyed by the Boko Haram insurgents in Borno state as at December 2016.

- July 2015 – May 2017 : - After months of delicate and complex negotiations with the Boko Haram insurgents over the 2014 Abducted Chibok school girls, the Federal government secured the release of 103 of them, rehabilitated and reunited then with their families. The Government promised to take care of their education and provide them jobs.

- In 2016, government is continually rebuilding thousands of destroyed homes and resettling and rehabilitating about two (2) million IDPs. Pursuing aggressive policy of job creation through skills acquisition and establishment of agriculture-based factories.
- Also pursuing aggressive youth de-radicalization programme in order to shield youths against extremism and intolerance.
- FADAMA III Additional financing Programme, supported by the World Bank, has begun distribution of 4 she-goats and one he-goat or 3 sheep and one ram to 5,320 households affected by Boko Haram insurgency in 133 communities of 14 local governments, Yobe State.
- The UN Food and Agriculture Organisation reported (on Feb. 15, 2017) to have trained and empowered 8,800 returnee IDPs (women and youths) for dry season irrigation farming in three local government areas of Borno State.
- UNDP estimated that \$1bn (one billion dollars) is needed to rehabilitate about 6.9million people affected by the Boko Haram insurgency in the North-East.
- The Federal government signed a tripartite agreement with the UNHCR and the Republic of Cameroon for the protection of over 65,000 Nigerian Refugees in Cameroon.

## SECTION SIX

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

#### CHAPTER 17: - Articles 19 & 20 - Rights of all Peoples to Equality, Existence and Self-Determination.

##### 1. Constitutional Measure

Although the Constitution of the Federal Republic of Nigeria 1999 does not expressly guarantee this right, the cumulative effect of Sections 14-17 is that the Nigerian 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 in such a manner as to reflect the federal character of Nigeria and the need to promote national unity and 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 their agencies and the conduct of their affairs shall be carried out in such a 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 Nigerian 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 preservation of 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. Government actions shall be humane and the exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented.

##### 2. Judicial Measure: - Trend of Case Law

- **SERAC v. Nigeria (ACHPR 2001) AHRLR 60:** - In this case, the Government of Nigeria through its state-owned oil corporation, Nigeria National Petroleum Corporation (NNPC) and a multinational company, Shell Petroleum Development Corporation, was alleged to have caused severe environmental degradation to the Ogoni People. The land and water sources were poisoned as a result of oil exploration, thereby making farming and fishing (the two principal means of livelihood of the Ogoni) impossible. The complainant also alleged that Nigerian government condoned the violations because despite several petitions, the government failed to ask the oil companies to conduct environmental or social impact studies of its activities.

'Governments have a duty to respect their citizens, not only through appropriate legislation and enforcement, but also be protecting them from damaging acts that may be perpetrated by private parties.'

**SERAC Case, para 57**

The communities were also not consulted before the companies began operation. Security forces were unleashed to attack, burn and destroy their villages, homes and farmlands whenever they tried to protect. The complainants alleged that these activities of the Nigerian government violated the rights of the Ogoni people to enjoy the best attainable state of physical and mental health, clean environment, property, natural resources and adequate housing.

'The right to food is inseparably linked to the dignity of human beings and is therefore essential for the enjoyment and fulfillment of such other rights as health, education, work and political participation..... The minimum core of the right to food requires that...government should not destroy or contaminate food sources.'

**SERAC Case, para 65**

The Commission found the Nigerian government in violation of the Charter. It appealed to the government to stop attacks on Ogoni communities, ensure adequate compensation for victims of the violations and also to undertake appropriate environmental and social impact assessments for future oil development.

- **Jonah Gbemre v. Shell, NNPC AGF (supra)**

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

### **1. Constitutional Measure**

- Though the Nigerian Constitution does not declare or guarantee the above rights, 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.

### **2. Legislative Measure**

- Furthermore, the Federal Government of Nigeria seeks to address the above through NEITI Act 2007: -
  - Ensure due process and transparency in the payments made by all extractive industry companies to the federal government and all statutory recipients.
  - Monitor and ensure accountability in the revenue receipts of the Federal Government from the extractive industry companies.
  - Eliminating all forms of corrupt practices in the determination, payments, receipt to and posing of revenues to the Federal Government from extractive industry companies.
  - Ensure transparency and accountability by government in the application of resources from payments received from extractive industry companies.
  - Ensure conforming with the principles of extractive industry transparency initiative (EITI) in all activities relating to mining.

- **Nigeria Oil and Gas Industry Content Development Act 2010: -**

The most recent is the Nigeria Oil and Gas Industry Content Development Act 2010 which was signed into law in April, 2010. The Act provides that Nigerian companies must be given primary consideration in the award of oil blocks, oilfield licenses, oil lifting licences and any other contract available in the Nigerian oil industry. It also requires all companies seeking for license in the oil and gas sector to provide a plan for a Nigerian local content in terms of employment, procurement and use of local resources. The Act established the Nigerian Content Development Agency which has the following responsibility of putting in place a framework for continuous growth of Nigerian Content in the Nigerian Economy through a balanced programme of planning, target setting, monitoring, stimulating employment, improving contractor capability and capacity, while ensuring international competitiveness of the materials, equipment and services provided by Nigerian companies.

- The Niger Delta Development Commission (NDDC) (establishment) Act, No.6, 2000, LFN 2004, seeks to, among others, establish the NDDC with a recognised management and administrative structure for more effectiveness and for the use of the sums received from the allocation of the Federation Account for tackling ecological problems which arise from the exploration of oil minerals in the Niger Delta area and for connected purposes.
- In addition to the NDDC mentioned above, the Ministry of Niger Delta Affairs was established in 2009 for interventions in infrastructural development, housing schemes, land reclamation/shoreline protection, rehabilitation/remediation of oil-impacted sites, roads, skills acquisition and water schemes.
- The Niger Delta Regional Development Master, 2005-2020 outlines the economic and social strategic objectives for the effective and sustainable development of the Niger Delta Region (NDR) over the period of 2005-2020. Tables 18.1 below outline the economic development targets for the planned period (2005-2020).

Table 18.1: - Economic Development Targets for the planned Period (2005-2020)

	National Averages		NDR Economic Targets		
	1983 - 1993	1993 -2003	2005-2010	2010- 2015	2015- 2020
Annual Growth in GDP	4.9%	2.9%	7.0%	8.5%	10%
Annual Growth in GDP per Capita	1.9%	0.3%	3.6%	5.0%	7.0%
Annual Growth in	4.8%	4.0%	6.0%	7.5%	10.0%
Agricultural Production	3.6%	1.5%	7.0%	8.0%	10%
Annual Sector Growth in Industrial					
Growth in Manufacturing Sector	4.7%	2.7%	7.0%	10%	15%
Annual Growth in Services Sector	6.9%	3.3%	8.0%	16%	24%
Imports of Goods/Services (as % of GDP)	34%	50%	40%	35%	30%
Annual Growth in Imports of Goods/Services	5.8%	8%	15%	15%	15%
Exports of Goods/Services (as % of GDP)	30.5%	48.5%	55%	60%	70%
Annual Growth in Exports of Goods/Services	4.4%	2.1%	30%	35%	40%
Growth in Credit to Private Sector	N/A	N/A	30%	30%	30%

Notes: - sources for the national Averages include: - The Nigeria at a Glance report by the World Bank, and the NEEDS document NDR Economic Targets are adapted from: a) The NEEDS Target, and (b) NDR Sector Reports



**Table 18.2: - Summary Cost Projections**

SOURCES	Total Projected Expenditures	YEARS 1-4 (Short Term)	YEARS 5-9 (Medium Term)	YEARS 10-15 (Long Term)
	\$'000	\$'000	\$'000	\$'000
<b>A: Economic Development</b>				
Agriculture	438,235	223,529	185,294	29,412
Fishing/Aquaculture	438,235	223,529	185,294	29,412
Micro/Small Enterprises	420,744	79,625	160,511	180,607
Med/Large-Scale Industries	594,110	198,037	198,037	198,037
Solid Minerals	102,750	62,750	20,000	20,000
Tourism	296,897	110,723	95,047	91,127
Financial Instruments	300,000	100,000	100,000	100,000
Investment Promotion	150,000	50,000	50,000	50,000
<i>Econ. Dev Sub Total</i>	2,740,971	1,048,193	994,183	698,595
<b>B: Human/Community Needs</b>				
Healthcare	2,003,166	869,094	720,093	413,980
Housing	6,617,647	3,970,588	1,985,294	661,765
Water/Sanitation	6,617,647	3,970,588	1,985,294	661,765
Education	4,006,336	1,738,188	1,440,188	827,960
Vocational Training	337,500	112,500	112,500	112,500
Security	337,500	112,500	112,500	112,500
Social Welfare	59,703	31,273	14,215	14,215
Community Development	337,500	112,500	112,500	112,500
Art, Sports & Culture	296,897	110,723	95,047	91,127
Women & Youth	296,897	110,723	95,047	91,127
Leisure	148,449	55,362	47,523	45,564
<i>Hum/Community Needs, Sub Total</i>	21,059,239	11,194,038	6,720,198	3,145,002

**Table 18.3: - Potential Financial Resources (US\$)**

SOURCES	YEARS 1-5	YEARS 5- 10	YEARS 10-15
	\$'000	\$'000	\$'000
<b>A: Statutory NDDC Sources</b>			
15% FG Contribution	766,381	989,088	1,403,503
3% Oil/Gas Industry Contributions	1,549,566	1,666,514	1,681,132
3% Gas Processing Industry Contributions	288,000	90,000	60,000
<b>B: Indirect Fed/State/ Local Govt Sources</b>			
FG Development Spending	3,207,307	4,139,334	5,873,663
State Development Spending	3,704,845	4,781,454	6,784,823
LG Development Spending	224,264	289,434	410,703
<b>C: Discretionary Development Sources</b>			
Oil/Gas Industry CD Project Budgets	51,652	55,550	56,038
Dev. Fin. Agency Grants and Aids	25,000	25,000	25,000
50% Ecological Funds to States	-	-	-
Miscellaneous Grants/Aids	-	-	-
<b>D: Discretionary Private Investments</b>			
Dev. Finance Agency Loans	-	-	-
Direct Private Sector Investments, For-Profit	3,812,537	3,812,537	3,812,537
<b>Total</b>	<b>13,629,553</b>	<b>15,848,911</b>	<b>20,107,400</b>

### 3. Initiatives and Projects implementation in the Niger Delta 2014-2016

The NDDC First Quarter Report 2016 reveals the following: -

- i. Infrastructure Development Projects: - The Infrastructure Development Projects under execution upon by the Commission are in the following Project Areas: i. Roads/Bridges; ii. Jetty/Shore Protection; iii. Canalisation/Reclamation; iv. Electricity/Power; v. Water; vi. Buildings; vii. Flood Control; viii. Equipping/Furnishing.

### Project Statistics

S/No	Item	Quantity	Percent
1	Number of awarded projects since inception on-going projects as at March 2016.	8,557	
2	Number of ongoing projects as at March 2016 since inception.	2,257	26.3
3	Number of completed projects since inception.	3,424	40.0
4	Number of stalled/abandoned projects since inception.	292	0.3
5	Number of awarded projects yet to mobilize to sites	2,506	29.3
6	Number of projects terminated since inception	49	0.005
7	Number of projects taken over by State Governments/Other Agencies	29	0.003

### Summary of NDDC Infrastructure projects by State and Type

Below is a summary of the status of NDDC infrastructure projects by state and by type. The tables show the year of award; project status-completed or uncompleted.

LIST OF PROJECTS INSPECTED BY ACTING MD/CEO/SENATE COMMITTEE AND PMS.  
DURING THE 1ST QUARTER 2016

SN	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
<b>ABIA STATE</b>						
1	CONSTRUCTION OF UMUWANWA OBIZI ROAD	ZEROCK CONST. LTD	811,927,902.50	10-Dec-04	45	Scope change issues and delayed payment
2	CONSTRUCTION OF INTER-STATE ROAD ALONG OZARA/ACHA-IVO ROAD ABIA, EBONYI STATE	COSMOBUILT NIG. LTD	3,480,857,061.00	26-Apr-12	46	Scope change issues and delayed payment
3	CONSTRUCTION OF IHE UKWU ROAD NETWORK, ABIA STATE	ONEPLUS HOLDING NIG. LTD.	1,967,689,553.75	20-Apr-12	75	Delayed payment
4	CONSTRUCTION OF OBOHLA-OHANKU-ABA ROAD WITH SPUR TO OHAMBELE-OBEAKU (32.30KM)	HERBERTECH NIG. LIMITED	2,080,262,907.19	5-Nov-09	25	Project is currently stalled due to inconsistency in design, scope & cost.
5	CONSTRUCTION OF UMUNTEKE JUNCTION-MKPOROBE OBEGU-IHIE ROAD, ABIA STATE	AGLAIRE SOLUTION LTD.	2,644,717,351.50	26-Apr-12	75	Contractor absent from site
6	CONSTRUCTION OF OBOHLA-OHANKU-ABA ROAD WITH SPUR TO OHAMBELE-OBEAKU (32.30KM)	HERBERTECH NIG. LIMITED	2,080,262,907.19	5-Nov-09	25	Project is currently stalled due to inconsistency in design, scope & cost.
<b>AKWA IBOM STATE</b>						
1	PROTOTYPE UNIVERSITY HOSTEL AT TEACHING HOSPITAL UNIVERSITY OF UYO, AKWA IBOM STATE	BASE STAR ENG. LTD.	1,283,179,348.20	10-Dec-04	100	Completed and commissioned
2	AWARD OF CONTRACT FOR THE CONSTRUCTION OF ACCESS ROAD AT THE UNIVERSITY OF UYO TEACHING HOSPITAL, UYO	BASESTAR ENG. LTD.	197,400,566.00	14-Jun-14	100	Completed and commissioned
3	CONSTRUCTION OF EDIENE ABAK IKOT EKAN ROAD, ABAK / ETINAN L.G.As., AKWA IBOM STATE	TOOLSPUSHERS NIG LTD	248,210,917.20	1-Mar-11	41	Stalled due to withheld payment as a result of contractor's poor workmanship

**LIST OF PROJECTS INSPECTED BY ACTING MD/CEO/SENATE COMMITTEE AND PMS.  
DURING THE 1ST QUARTER 2016**

S/N	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
4	AWARD OF CONTRACT FOR THE CONSTRUCTION OF IKO-ATABRIKANG-AKATA-OPOLOM-IKOT ENWANG-OKOROUTIP-IWUOCHANG ROAD (2.5KM) (PHASE 7)	CHESA LIMITED	857,257,500.00	14-Aug-14	20	Work ongoing at time of visit
5	CONSTRUCTION OF IKO-ATABRIKANG-AKATA-OPOLOM-IKOT ENWANG-OKOROUTIP-IWUOCHANG ROAD (DREDGING & SAND FOR ROAD FILLING) - LOT 7, AKWA IBOM STATE	VICHE RESOURCES (NIG) LTD	870,595,000.00	28-Nov-14	20	Work ongoing at time of visit
6	CONSTRUCTION OF NSASAK JUNCTION-AKON ROAD, AKWA IBOM STATE	SEYANG LTD.	5,819,165,840.52	20-Apr-12	66	Project at slow pace awaiting payment of approved IPC
<b>BAYELSA</b>						
1	CONSTRUCTION OF AKENFA BRIDGE	OSMOSERVE LTD	800,993,396.31	05-Nov-09	65	Delayed payment and design/scope change
2	CONSTRUCTION OF PROTOTYPE UNIVERSITY HOSTEL AT NDU SITE 1	FIRST MARINE ENG'G SERVICES LTD		10-Dec-04		Delayed payment and construction challenges
3	CONSTRUCTION OF OGBIA-NEMBE ROAD BAYELSA STATE	SETRACO NIG. LTD	24,421,857,276.17	30-Dec-05	85	Project going on well except for delayed payment by project sponsor partner - SPDC
4	CONSTRUCTION OF INTERNAL ROADS NETWORK (PHASE 1), AT FEDERAL UNIVERSITY OF TECHNOLOGY OTUEKE, BAYELSA STATE	ONEPLUS HOLDING NIG. LTD.	4,625,666,015.00	26-Apr-12	12	Delayed payment and scope change
<b>IMO STATE</b>						
1	CONSTRUCTION OF ISINWEKE ONICHA, UBOMA, IMO RIVERS, UMUHIA EPF ROAD, IMO & RIVERS STATE	DEAHYUN NIG. LTD.	5,603,357,408.00	26-Apr-12	70	Contractor on site working, while awaiting valuation of work done for payment purposes

S/N	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
2	CONSTRUCTION OF UMUACHI UMUNZE 1- UMUDE-UMUNAKANU ROAD BRIDGE, IMO STATE.	SILVERBROOK INVESTMENT LTD.	2,036,136,650.00	28-Jun-12	80	Contractor not currently working. Anticipating review of scope
3	AWARD OF CONTRACT FOR THE ASA/OBILE ELECTRICITY PROJECT	N. CINOTEX NIG. LTD.	90,985,733.31	10-Dec-04	80	Stalled due to community unrest and vandalism shortly before testing/commissioning
4	CONSTRUCTION OF 2 X 15MVA INJECTION SUBSTATION & 33/11KV TRANSMISSION AT IKEM COMMUNITIES, NGOR OKP	GINSCON CONST. COY	1,081,218,231.83	28-Jun-12	5	Contractor claimed that major equipment for substation have been procured and stored in warehouse at Asaba Delta State.
5	CONSTRUCTION OF OGUTA LAKE BRIDGE/ ROAD	MESSRS. JINARCO. NIG. LTD	2,389,439,195.00	13-Apr-11	30	Project currently stalled due to pending approval of revised scope of
6	RECLAMATION/SHORE PROTECTION OF OPUOMA	ROUDO NIG. LTD	4,878,921,078.29	5-Nov-09	50	Though contractor was on site, there are pending issues regarding scope change and cost, putting on hold payment processing.
7	DUALIZATION OF PORT HACOURT/OWERRI ROAD JUNCTION- AVU- ADAPALM- ETEKWURU (PHASE II), IMO STATE.	HADO NIG. LTD	6,448,062,762.49	26-Apr-12	20	site abandoned by contractor, complaining of uncondusive atmosphere for work due to community disturbances and unresolved compensation issues
8	CONSTRUCTION OF UMUDIKE INTERNAL ROAD/DRIANAGE	BUILDING INVESTMENT NIG. LTD	1,403,027,437.61	13-Apr-11	10	Though contractor was on site, there are pending issues regarding scope change and cost, putting on hold payment processing.

**LIST OF PROJECTS INSPECTED BY ACTING MD/CEO/SENATE COMMITTEE AND PMS  
DURING THE 1ST QUARTER 2016**

SN	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
9	CONSTRUCTION OF UKWUGBA JUNCTION-EGBEMA-ETEKWURU-UMUAPU ROAD	ENERCO NIGERIA LTD	2,549,620,908.06	5-Nov-09	86	Contractor on site working towards completion of short section of road at Ummapu. However, approval of scope reduction requires verification
10	AWARD OF CONTRACT FOR THE CONSTRUCTION OF IZOMBE-AGWA - OBOKOFIA ROAD	NIGER DELTA PROJECTS CONSORTIUM LTD.	795,964,238.19	14-Aug-14	100	Verification visit for purpose of confirming payment indicate that project has several major defects despite being reported as completed in February 2015.
<b>RIVERS STATE</b>						
1	CONSTRUCTION OF NIGER DELTA REGIONAL SPECIALIST HOSPITAL (CARDIOVASCULAR HOSPITAL) AT RIVERS STATE	MX MX HUGHES NIG. LTD	791,729,412.69	20-Apr-12	75	Delayed payment and scope shortcoming stalling completion
2	CONSTRUCTION OF NIGER DELTA REGIONAL SPECIALIST HOSPITAL (ORTHOPEDIC HOSPITAL) AT RIVERS STATE	S.J.ODIOKA SOLID NIG. LTD	791,729,412.69	20-Apr-12	80	Delayed payment and scope shortcoming stalling completion
3	NDDC NEW HEADQUARTERS BUILDING, RIVERS STATE	MARSHLAND PROJECTS LTD	4,949,733,997.40	5-Nov-09	70	Delayed payment affecting pace of work
4	CONSTRUCTION OF ANCILLARY BUILDING AT NDDC CORPORATE HEADQUARTERS BUILDING COMPLEX, EASTERN BY-PASS, PORT HARCOURT, RIVERS STATE (LOT 1)	MARSHLAND PROJECTS LTD & OTHERS	3,900,000,000.00	10-Dec-14	30	Delayed payment affecting pace of work
5	CONSTRUCTION OF NDDC STATE OFFICE PROJECT	KOMESS NIG LTD	99,200,000.00	20-Apr-12	80	Delayed payment
6	CONSTRUCTION OF PROTOTYPE NDDC HOSTEL, UNIVERSITY OF PORT HARCOURT	FEZNAT NIGERIA LTD	1,369,665,764.20	10-Dec-04	90	Very poor construction/finishing.

SN	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
7	CONSTRUCTION OF NIGERIAN POLICE BARRACKS (SPECIAL PROTECTION UNIT- BASE 6) LOT 1: CONSTRUCTION OF ADMIN BLOCK, COMMANDER'S RESIDENCE, SERVICE BLOCK AND GATE HOUSE	AMVILLE SYSTEM NIGERIA LIMITED.	249,910,500.00	28-May-12	65	Delayed payment reducing pace of work
8	CONSTRUCTION OF MOBILE POLICE BARRACKS (SPECIAL PROTECTION UNIT - BASE 6), LOT 6 - GENERAL EXTERNAL WORKS, PORT HARCOURT	CEC CIVIL ENGINEERING CO. LIMITED	249,750,825.00	28-May-12	60	Delayed payment reducing pace of work
9	THE CONST. OF NIG. POLICE BARRACKS -BASE 6 LOT 2: CONST OF BLOCK OF FLATS/ RES QUARTERS (BLOCK A) IN P/ H.	RHINOSHIELD NIG. LTD	249,750,000.00	28-May-12	70	Delayed payment reducing pace of work
10	THE CONST. OF NIG. POLICE BARRACKS -BASE 6 LOT 4: CONST OF BLOCK OF FLATS/ RES QUARTERS (BLOCK A) IN P/ H.	MAKRICKY NIG LTD	249,750,000.00	28-May-12	73	Delayed payment reducing pace of work
11	THE NIGERIA POLICE BARRACKS (SPECIAL PROTECTION UNIT- BASE6) LOT 5 CONSTRUCTION OF BLOCK OF FLATS/RESIDENTIAL QUARTERS (BLOCK D) IN PH RIVERS STATE	ANESTONY CONST CO. LTD	249,750,000.00	28-May-12	40	Delayed payment reducing pace of work
12	CONSTRUCTION OF IGBIRI-ABAM-ABIBO-OBA LINK ROAD AND BRIDGES	MADMOSELLE LTD/ AUSPHEZ LTD	2,985,708,705.22	5-Nov-09	20	The site visit confirmed that this is clearly a failed contract despite the payment of about N400M mobilization, as the new contractor to whom contract was reassigned has clearly stated that he is unable to execute outstanding works within the contract awarded cost

**LIST OF PROJECTS INSPECTED BY ACTING MD/CEO/SENATE COMMITTEE AND PMS.  
DURING THE 1ST QUARTER 2016**

S/N	DESCRIPTION	CONTRACTOR	PROJECT COST	AWARD DATE	COMPLETION STATUS (%)	REMARKS / ISSUES
13	CONSTRUCTION OF BOROKIRI OKIRIKA ROAD & BRIDGE, RIVERS STATE.	ZEROCK CONSTR. NIG. LTD	16,787,393,981.88	20-Apr-12	30	Though contractor was on site, request for adequate provision in 2016 budget to ensure payment for completed works was made
14	CONSTRUCTION OF KIRA DERE MOGHO ROAD & BRIDGE ON GOKANA L.G.A-RIVERS STATE.	MESSRS. SOUTHSIDE CONSTRUCTION LTD.	2,474,519,928.30	5-Sep-12	70	Issue of scope change in terms additional bridge stalling completion
15	SANDFILLING AND SHORE PROTECTION OF OGU TOWN	ROUDO NIGERIA LIMITED	12,014,341,090.58	13-Jun-07	75	Issue of actual protection not yet done
16	CONSTRUCTION OF NIGER DELTA REGIONAL SPECIALIST HOSPITAL ( CHILDREN & MATERNITY HOSPITAL) AT RIVERS STATE.	REHABVITAL SOLUTIONS LTD	1,974,408,677.09	28-May-12	12	Delayed paymnt

**ii. Other Programmes and Projects: -  
Agriculture & Fisheries  
Table XXX**

S/No	Description of programme	No. of beneficiaries	Description of beneficiaries	Duration of scheme	Challenges	Activities	Way Forward
1.	Agricultural Entrepreneurial Skills Development	200 additional trainees were approved to benefit	Farmers from large farms across 9 mandate states	Two weeks	Delay in release of funds for the capacity building of selected farmers from the mandate states	* Training of the additional 200 farmers approved * Collation of data on trainees ongoing * Funds for beneficiaries being processed	Early release of funds to complete the implementation of the 2013 Agric Skills Training Programme
2.	Credit delivery to Farmers' Co-operatives in partnership with Bank of Agriculture	374 of 1,100(10-member) Co-operatives have accessed the NDDC/BOA agricultural loan	NDDC agricultural skills training programme graduates from 9 mandate states	4 years	* Lack of adequate funds to empower backlog of 726 co-operatives trained by the Agric/ Fisheries Directorate	Monitored and supervised 374 beneficiary co-operatives	Release of N2bn to empower 726o youths and women to their farms after undergoing NDDC training

S/No	Description of programme	No. of beneficiaries	Description of beneficiaries	Duration of scheme	Challenges	Activities	Way Forward
					* Lack of vehicles for proper evaluation and supervision * Non-commitment of co-operatives to loan repayment		
3.	IFAD/FGN/NDDC – CBNRM-ND	421,571	Youths, women/men from the poorest of the poor communities	10 years	Lack of counterpart funding from partners of the programme	* Approval for release of final payment made * Preparation to end programme within this year's 1 <sup>st</sup> Quarter was intensified	
4.	Farm mechanization	Large farms, agricultural institutes, research	Large farms, agric institutes, research institutes, co-operative	Performance within period under review good	* Non-availability of service centres * Scarcity of	Distributed tractors to large farms, research institutes	*Establish service centres
S/No	Description of programme	No. of beneficiaries	Description of beneficiaries	Duration of scheme	Challenges	Activities	Way Forward
		institutes, cooperatives	societies, universities in the region		tractor maintenance technicians		*Provide tractor technicians *Provide spare parts in the service centres

#### a. IFAD/FGN/NDDC/CBN Programme

i) Under the IFAD/FGN/NDDC/CBN Programme, aimed at improving the standard of living and quality of life of rural poor households in the Niger Delta region, the Commission has so far contributed the sums of N2,312,000,000.00, or \$15,534,000.00 & \$4 million since 2006 when the programme began. A balance payment of \$3,511,000.00 or N575,804,000.00 is due for this programme. Approval for the release of the final payment for the programme has been given. A total of 421,571 households are currently receiving services under the programme. The IFAD programme was closed out at the end of March 2016, after 10 years of implementation.

#### b. Construction of Rice Processing Plant in Akwa Ibom State

i. A rice plant with a capacity of 30 tons per day was commissioned and handed over to the State Government by NDDC at Mbiabet in to serve the rice farmers within and around Akwa Ibom State following necessary repairs and refurbishment. Approval had been given by the previous Governing Board of the Commission to handover the facility to the Akwa Ibom State Government.



**c. NDDC/Cross River State Poultry/Hatchery Project**

i. The on-going NDDC/Cross River State Poultry/Hatchery Rehabilitation Project was designed to support poultry farmers in the region. The Commission made its commitment to the project and a meeting was fixed for March 31, 2016 to renegotiate the Memorandum of Understanding (MoU) for the partnership.

**d. Integrated Farm Projects**

i. The construction of two integrated farms is ongoing at Mkpara-Otop, in Odukpani LGA in Cross River and Afana Ekpenedi, Esit Eket LGA in Akwa Ibom States. Fish Farm production output.

S/NO	ACTIVITY	EXPECTED OUTPUT	CASH VALUE (PER CYCLE)
1	Fish Farm Production	19,500	13,650,000.00 (6months)
2	Poultry Layers Unit	8,000 @ 224 crates Daily	134,400.00 (daily)
3	Oil Processing Mill	1000 litres/daily	

The project shall also provide employment opportunities for 40 community members and 40 professionals.

**Education**

The Commission initiated and or executed a number of programmes geared toward human capital development in its mandate region during Q1, 2016. These included activities in the educational and health sectors (see Table 4).

S/ No	Project title	Program/ project details	Status	Program/ project cost	Location /State	Remark
1.	Capacity building, Educate-the-Educators on ICT, Edo Zone (comprising Edo, Delta & Ondo)	450 teachers benefitted	100%	N150m	9 mandate states	Completed
2.	2-day capacity building workshop for secondary school teachers in Mathematics and the	450 teachers	100%	N38m	9 mandate states	Completed



S/ No	Project title	Program/ project details	Status	Program/ project cost	Location /State	Remark
	English Language					
3.	Advertisement of 2016 NDDC Post Graduate Foreign Scholarship programme				9 mandate states	Approved
4.	Procurement and distribution of 500 laptops to secondary schools	Donated 202 laptops to Niger Delta Science School, Port Harcourt	40%	N150m	Rivers and Bayelsa States	40% completed. Awaiting further distribution
5.	Procurement and distribution of Lassa Fever tablets	LASSA FEVER: *30,000 Lassa fever Personnel Protective Equipment, PPEs;  *2,000 sanitizer kits distributed;  *awareness campaigns on Lassa fever in 9	100%	N455,225,000	9 mandate states	

S/ No	Project title	Program/ project details	Status	Program/ project cost	Location /State	Remark
		mandate states via radio jingles and fliers; another 15,000 kits being processed				
6.	Management and Staff fitness walk exercise	Fitness walk for staff of NDDC Headquarters and Ste Offices			9 mandate states	
7.	Free medical mission	Free medical missions a) Torubeni – Bayelsa State - Jan 31 – Feb 6, 2016 b) Opokuma – Bayelsa State – Jan 24 – 30, 2016			9 mandate states	

### Capacity Building for Secondary School Teachers

- i. Educate-the-educator on ICT Programme was carried out in the nine states of the Niger Delta region.
- ii. The Edo Zone comprising Edo, Delta and Ondo States was completed during this period under review.

- iii. A total of 450 teachers benefited from the programme and were given Laptop Computers.
- iv. A two-day Capacity Building Workshop for 450 Secondary School Teachers in Mathematics and English Language in the nine NDDC states was completed.

#### **NDDC Foreign Postgraduate Scholarship**

- i. The 2016 NDDC Foreign Postgraduate Scholarship Programme kicked off during the Quarter with a public advertisement for applications from interested applicants.
- ii. Meanwhile, the 2015 NDDC Foreign Postgraduate Scholarship Awards to 200 beneficiaries drawn from the various NDDC states was concluded with the disbursement of funds to the successful awardees.

#### **Civic Education and Campaign against Electoral Violence**

The Commission, in collaboration with a Non-Governmental Organisation, NGO, (NGO name) held civic education and campaign against electoral violence in Rivers State. Youths, the political class and women were the target groups as the NGO held workshops and town hall meetings.

#### **Skills Acquisition and Development**

##### **a. MSME Capacity Building & Empowerment**

i. A total of 198 Entrepreneurs from the nine states of the Niger Delta were selected through a rigorous competitive process. They have been trained in various aspects of entrepreneurship including mentoring under business consultants. Ninety-five percent of the trainees have received their expansion grants depending on the nature of their business or the approved business proposal. Monitoring & Evaluation of the business was undertaken within the review period.

##### **b. Training on Building Skills Technology**

i. The Commission conducted the NDDC Building Skills Technology Training Programme at King Amachree Academy in Cotonou, Republic of Benin on March 31, 2016. Two hundred and seventy (270) youths and women are to benefit from this programme. The first batch of 130 trainees has completed the theoretical aspect and internship (hands-on experience). The second batch of 140 trainees would soon commence training.

#### **NDDC Oil Spill Response Management Training Programme**

i. The Commission has commenced implementation of the NDDC Oil Spill Response Training Programme. One hundred and eighty (180) trainees will benefit from this training. The key objective of this programme is to create a pool of qualified and competent Oil Spill Respondents to be certified by National Oil Spill Detection and Response Agency (NOSDRA) to manage oil spill and carry out environmental remediation in the Niger Delta. The theoretical aspect of the programme has been completed. The field work / practical aspect is ongoing.

#### **NDDC Telecommunication (Fibre Optics) Training Programme**

i. The Commission has embarked on the training of 180 Niger Deltans on Telecommunication (Fibre Optics) technology. The training is currently going on in Owerri, Imo State capital. The key objective of this initiative is to build specific skills in leading-edge technologies to

enhance employment creation and growth in the communities. Theoretical instructional activities have been completed. The trainees are currently undergoing field work / practical activities.

### **Environment**

Environmental protection and control is very central to the mandate of the Commission as per the NDDC Act of 2000. Some activities that took place within this sector during the period under review included:

#### **a. Environmental Impact Assessment of Projects**

i. Environmental Impact Assessments (EIA) were carried out on major projects prior to their execution in accordance with the relevant environmental laws and policies of the Federal Government. During the period under review, the Consultants on the EIA of various projects submitted their Reconnaissance Visit and Dry Season Reports on nine (9) Infrastructure Projects that the Commission is working on in various states of the Niger Delta. The Infrastructure Projects are in the areas of roads/bridges; canalization/reclamation; and electricity/power. The Wet Season Report would be submitted after the rainy season by the 3rd Quarter, while the Final Reports would be submitted to the Federal Ministry of Environment in November 2016.

#### **b. Health Safety & Environment/Environmental Monitoring of Projects (HSE/EMP)**

i. During the 1st Quarter of 2016, HSE/EMP whose principal function is to implement a method of systematically identifying, assessing and controlling hazards that may arise from project execution, submitted reports on ten (10) infrastructure projects in the areas of roads/bridges (1) and reclamation/canalization (9).

### **iii. Challenges: -**

#### **a. Administration**

The following Administration challenges were identified:

- i. Weak internal processes, procedures and control mechanism.
- ii. Poor-adherence to policies, procedures and processes.
- iii. A disconnect between the State offices and the Head Office in terms of projects/programmes delivery, information flow, and incomplete implementation of the decentralization exercise.
- iv. Weak organizational culture and low employee discipline, leading to lack of commitment and dedication to duty amongst staff.
- v. Poor internal and external corporate image.

#### **b. Project/Programme Administration**

- i. Poor project initiation practices
- ii. Non-compliance with the procurement procedures, resulting in the incidence high failure rate of NDDC projects and programmes
- iii. Poor Quality assurance processes and technology
- iv. Inadequate internal control mechanism leading to unethical practices and compromises
- v. Delay in payment for certified works done, leading to rapid deterioration of uncompleted works

- vi. Lack of Commission-specific Standards and Specifications for Projects
- vii. Overtrading in project and programme contract awards

**c. Stakeholders' Engagement**

- i. Weak Stakeholders' Engagement, lack of synergy and poor collaboration
- ii. Inability to engage critical stakeholders for partnership
- iii. Lack of implementation of the Niger Delta Regional Development Master Plan (NDRDMP) by all stakeholders in the Region
- iv. High level of insecurity in the region hampering development of effective partnerships
- v. Non-alignment of the activities of the Commission to the Niger Delta Regional Development Master Plan

**d. Finance/Funding**

- i. Late passage of the budget likely to cause a relatively low budget performance
- ii. Minimal funding by the Federal Government throughout the period under review
- iii. Non-compliance with the provisions of the NDDC Act of 2000 in the funding of the Commission by all the contributing partners
- iv. Delayed/Non-payment of contractors that had earned Interim Payment Certificates (IPCs) for work done
- v. Poor and inadequate funding of projects and programmes in the NDDC Budget largely due to the large number of budget line items
- vi. Almost all projects being embarked upon by the Commission are solely funded by the Commission

**e. Terrain and Climatic conditions**

- i. Due to the deltaic nature of the region, the construction of roads is very expensive compared with the upland areas of the country
- ii. The region presents the most difficult logistics challenges in the country and has made NDDC projects comparatively expensive

**iv. Budget and Project Performance and Challenges facing the Federal Ministry of Niger Delta Affairs**

The enormous sums of money spent on the oil-producing Niger Delta region by the Federal Government between 2009 and 2015 delivered very meager impact on the lives of the people of the area. According to the report of the Ministerial Technical Audit Committee on Contracts Awarded by the Ministry of Niger Delta Affairs, the Federal Government spent over N700billion on 427 contracts and achieved a measly 8 percent impact, indicating that it was money not well spent.

The beneficiary states are Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Ondo, Edo, Imo, Rivers. The distribution of capital projects shows that contracts were awarded for canalization, electricity, food and cassava processing plants, housing schemes, land reclamation/shoreline protection, rehabilitation/remediation of oil-impacted sites, roads, skills acquisition centres and water schemes.

On training, the sum of N6,091,647,748.28 was budgeted. For training, N14,909,329,548.00 while M1,270,868,251.8 was budgeted for food and cassava processing plants. Canalization drew a budget of N6,051,864,657; electricification, N2,404,325,571.19; road construction, N631,762,221,046.6t and land reclamation/shoreline protection, N14,367,443,759.00. Figures also show that housing schemes attracted a budget of N7.3billion, conservation and development of coastal eco-system, N217,366,668.75; skill acquisition centres N30.7billion; water schemes, N2.24billion and rehabilitation and remediation of oil-impacted sites, N1.31billion.

The failure of the projects to deliver the envisaged impact, noted the committee in its report, was a product of many factors. These include project cost vis-à-vis performance. In general, the committee observed that the costs of projects awarded by the Niger Delta Ministry were higher than those awarded by other establishments such as the Niger Delta Development Commission (NDDC), which also operates in the same area.

It also observed that the aggregate of value of contracts awarded during the period audited was N700,538,741,691.30. This figure was exclusive of services such as security, rent, and facility management. Of the ascertained sum, a cumulative of N423,172,256,347.84 was paid, leaving a balance of N32,111,887,779.32. What this implied was that between 2009 and 2015, about 60 percent of contracts awarded were paid for, while approximately 40 percent of work was done.

Another hindrance to the Federal Government intervention in the Niger Delta, noted the committee, was a duplication of functions, which manifested in the repetition of programs and conflict of projects in the region by the Niger Delta Affairs Ministry, NDDC, the Presidential Amnesty Programme (PAP) as well as state and local governments.

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

### **1. Constitutional Measure**

- Though there is no express declaration or guarantee of the above right under the Nigerian Constitution, it is evident that chapter two of 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.

### **2. Sustainable Energy for All Action Agenda 2016-2030**

- **Energy Access**

- To increase electricity access from the current aggregate level of 40% (urban=65%, and rural=28%) in 2015 to 75% (urban= 90%, and rural= 60%) by 2020
- By 2030, the population share living without electricity supplies will drop from the current 60% in 2015 of the total population down to about 10%.
- To replace 50% of traditional firewood consumption for cooking by improved cook stove technology by 2020

- **Renewable Energy**

- The electricity generation capacity will increase from the present grid supply of 4,500 MW in 2015 to 115,000 MW by 2030

- By 2030, renewable energy is expected to contribute about 20% share in the available electricity mix
  - To achieve a 9% and 13% contribution of hydroelectricity (both large and small hydro) to the nation's electricity generation mix by 2015 and 2020 respectively
  - To achieve a 1% contribution of wind energy to the nation's electricity generation mix by 2020
  - To achieve a 3% and 6% contribution of solar energy to the nation's electricity generation mix by 2020 and 2030 respectively
  - To achieve a 2% power generation capacity using biomass resource by 2020
- **Energy Efficiency**
    - By the end of 2015, efficient lighting will be used by 20% of the households, 40% by 2020 and almost 100% by 2030
    - For high-energy consuming sectors (transport, power and industrial sectors), efficient energy technologies will be progressively introduced as well as other demand side management measures such as peak load management when possible. Compared with the current 2015 level, energy efficiency will increase by at least 20% by 2020 and 50% by 2030
    - Achieve 10% biofuel blends by 2020 using locally produced renewable bio-fuel from secondary biomass

The third pillar of Nigeria's vision 20:2020 is to foster Sustainable Social & Economic Development by: Establishing a competitive business environment characterized by sustained macroeconomic stability; Developing sufficient and efficient infrastructure to support sustained economic growth; Preserving the environment for sustainable socio-economic development.

To achieve a technology-driven renewable energy sector that harnesses the nation's resources to complement its fossil fuel consumption and guarantees energy security. It is expected that the electricity supply industry will be private sector led with government providing an appropriate legal and regulatory environment for private capital investment.

### **3. Management of Water Resources for Sustainable Development**

- Water resources is one of the key drivers of any nation's economy for development. It plays a dual role in the economy, both as infrastructure and as service commodity. The goods and services provided by water resources play a significant role in achieving Nigeria's Vision 20:2020, African Vision on Water, Change Agenda and the Sustainable Development Goals (SDGs).

From the infrastructure view point, water is pivotal in Agriculture, marine Transport, hydropower generation and sanitation. Nigeria's socio-economy sector, including agriculture, industry and sanitation rely heavily on water resources and related services. Improved access to water services and efficient management of water resources contribute significantly to economic growth and development. In the global focus on Sustainable Development Goals (SDGs), water resources is under Goal 6 which ensures availability and sustainable management of water and sanitation for all. Besides Goal 6, all other goals depend on efficient management of water resources

to meet the present and future needs of our teeming population through application of appropriate technologies, integrated water resources development, good water governance and environment friendly development strategies.

The 2013 National Water Resources Master Plan indicated that Nigeria is endowed with abundant water resources estimated at 340 billion cubic meters for surface water resources while the ground water is estimated to be 100 billion cubic meters. Of the total annual renewable water resources, 77.2% is estimated to be produced locally while the rest is surface water coming in from neighbouring countries. In sum total, Nigeria has about 1,800m<sup>3</sup>/capital/year of total renewable water resources, which is well above the 1,000m<sup>3</sup>/capital/year typically used to define water scarcity. Based on the above statistics, it is therefore the responsibility of the Ministry and various agencies in the sector to harness the nation's water resources potentials for the benefit of all.

Similarly, as part of the efforts to mitigate, resettle and address one of the underlying causes of the situation in the North East, the Ministry has accelerated its activities in Lake Chad. The Lake Chad Basin Water Transfer project from River Banqui in Central African Republic has received greater impetus as one of the strategic means of addressing the security challenges in the North East. Among other benefits, the resuscitation of the Lake Chad Basin will impact on the livelihood of more than 40 million people living in the region as well as mitigate the rate of desertification southward. In this regard, the project is a key component of the overall efforts to address the challenges of climate change. Relatedly, this forms part of the initiative geared towards reducing and mitigating the incidents of flooding and drought in the country.

- **National Irrigation and Drainage Policy and Strategy, 2016**

Nigeria's irrigation and drainage policy and the strategy for its implementation are designed to reposition the sub-sector and open up the investment space for intensified and diversified irrigated agriculture in Nigeria where there is clear comparative advantage. The policy is designed to accomplish this by addressing eight key 'problem' areas concerning the formal, informal, farmer-owned and managed irrigation, and the consultative review.

The policy is predicated on a commitment to decentralization of irrigation services, and private-sector participation.

Irrigation Policy goal: Sustainable growth and enhanced performance of irrigation contributing fully to the goal of the Nigerian agriculture sector.

Policy Target: national food security: intensified and diversified production of agricultural commodities; increased livelihood options; optimum natural resource use; reduced negative environmental impacts; and expanded investment space for irrigation productions. Policy beneficiaries: The Nigerian economy as a whole and all existing and potential irrigators and related user groups, including private sector service providers. This document presents the Irrigation and Drainage Policy and Strategy for improving irrigation and drainage development and management in Nigeria in order to achieve the broad goals of the agricultural sector, which are: (a) food and raw materials security; (b) increased employment; (c) creation of wealth and poverty alleviation; and (d) greater contribution to GDP, foreign exchange reserve and government revenue. it addresses the



problems, constraints and opportunities, which cut across the whole irrigation sub-sector; and specifically for informal and commercial irrigation.

#### **4. The National Agriculture Promotion Policy 2016-2020**

Nigeria is facing two key gaps in agriculture today: an inability to meet domestic food requirements, and an inability to export at quality levels required for market success. The former problem is a productivity challenge driven by an input system and farming model that is largely inefficient. As a result, an aging population of farmers do not have enough seeds, fertilizers, irrigation, crop protection and related support to be successful. The latter challenge is driven by an equally inefficient system for setting and enforcing food quality standards, as well as poor knowledge of target markets. Insufficient food testing facilities, a weak inspectorate system in FMARD, and poor coordination among relevant federal agencies serve to compound early stage problems such as poor knowledge of permissible contaminant levels.

Putting Nigeria's agriculture sector on a path to growth will require actions to solve these two gaps: produce enough fresh, high quality foods for the Nigerian market; and serve the export market successfully and earn foreign exchange. The new federal Agricultural Promotion Policy (APP) is a strategy that focuses on solving the core issues at the heart of limited food production and delivery of quality standards. As productivity improves domestically and standards are raised for all Nigerian food production, export markets will also benefit impacting positively on Nigeria's balance of payments. Given limited resources and the importance of delivering sustainable results, the Federal Ministry of Agriculture & Rural Development (FMARD) in consultation with partners has identified an initial pool of crops and related activities that will be Nigeria's path to tackling the aforementioned gaps.

First, FMARD will prioritize improving productivity into a number of domestically focused crops and activities. These are rice, wheat, maize, fish (aquaculture), dairy milk, soya beans, poultry, horticulture (fruits and vegetables), and sugar. Nigeria believes that the gap can be closed by partnering closely with private investors across farmer groups and companies to develop end to end value chain solutions. These chains will receive facilitated government support as they make deep commitments to engaging a new generation of farmers, improving supply of specialized fertilizers and protection chemicals, as well as wider scale use of high yielding seeds. In addition, Nigeria expects to work with investors to sharply improve the distribution system for fresh foods so as to reduce time to table, reduce post-harvest losses, and overall improve nutritional outcomes e.g. lowering of diabetic risk, stunting risk, etc.

Second, FMARD will prioritize for export markets the production of the following crops and activities: cowpeas, cocoa, cashew, cassava (starch, chips and ethanol), ginger, sesame, oil palm, yams, horticulture (fruits and vegetables), beef and cotton. FMARD will also work with a network of investors, farmers, processors and other stakeholders to deepen the supporting infrastructure to ensure that quality standards are defined and maintained across the value chain. That will involve adding more testing laboratories, improving traceability of crops, disseminating intelligence on export markets and consumer preferences, etc. Our goal is to build a high quality brand for Nigerian foods

based on rigorous data and processes that protect food safety for both domestic and export market consumers.

To ensure that the strategy is executed as intended, FMARD is working closely with states and other federal MDAs e.g. Power, Transportation and Trade. FMARD will also evolve itself to become a more focused policy maker and regulator to ensure accountability for results. FMARD will use its convening and related powers to ensure that the enabling system is in place to support agribusiness. From investments in rural roads to reduce transport time to improved security of farming communities to reduce incidence of criminality to reduction in intra-state taxes and levies, FMARD will intensify oversight. That oversight will ensure that farmers and investors are working in a market that is safe, competitive, and capable of enabling wealth creation in the coming years and decades.

Finally, FMARD will periodically publish metrics to track performance against the strategy e.g. tonnage of rice paddy produced, or yields/milking cow. The systems to repeatedly collect accurate data and integrate these into policy making, as well as investor planning will be refined over the next few months as part of this next wave of reform. We anticipate that if successful, key gaps such as Nigeria's continued imports of rice will disappear, while Nigerian produce e.g. beans and cocoa will once again become a quality benchmark across the globe. Reaching that point will require significant investments in people, processes and systems. Nigeria is committed to taking the necessary steps in order to move Nigerian agriculture from "a business" to a commercial ecosystem that can produce the capabilities necessary to create sustainable jobs and wealth.

Table 18.4: Gaps in Nigeria Demand and Supply Across Key Crops and Activities (2016 Estimate)

Crop	Demand (tons)	Supply (tons)	Observations
<b>Rice</b>	6.3 million	2.3 million	Insufficient supply chain integration remains issue
<b>Wheat</b>	4.7 million	0.06 million	Driven by demand for various types of wheat (white, hard, durum), etc. for bread, biscuits and semovita
<b>Maize/Corn</b>	7.5 million	7.0 million	Limited imports required but can shift due to feed demand
<b>Soya Beans</b>	0.75 million	0.6 million	Animal feed and protein cost alt. driving demand
<b>Chickens</b>	200 million birds	140 million	Gap filled by illegal imports that enter market at lower price point than domestic producers; gap also a moving target based on fast food/QSR demand
<b>Fish</b>	2.7 million	0.8 million	Fall off in ocean catch and weakness in aquaculture yields due to cost of fish feed a constraint on growth
<b>Milk / Dairy</b>	2.0 million	0.6 million	Driven by insufficient milking cows and low yields (~15-25 liters/day versus norm of 35 – 40 liters NZ/US)
<b>Tomato</b>	2.2 million	0.8 million	Actual production is 1.5 million tons but 0.7M ton is lost post-harvest
<b>Yams</b>	39 million	37 million	Limited gap today but volumes expected to rise in planning period
<b>Oil Palm</b>	8.0 million	4.5 million	Refers to fresh fruit bunch (FFB) from which oil is extracted at a 10% - 15% efficiency rate
<b>Cocoa</b>	3.6 million	0.25 million	Demand is global demand which will rise to 4.5M by 2020
<b>Cotton</b>	0.7 million	0.2 million	Demand is for seed cotton and could rise to 1.0 – 1.5 million tons subject to textile sector revival
<b>Sorghum</b>	7.0 million	6.2 million	Demand will rise further as use in feed grows in 2016 – 2020. Import of malt extracts and glucose syrup is currently used to manage gap, hence a commercial threat for Nigerian farmers

## Policy Thrust and Objectives

Therefore in **2016 to 2020**, Nigeria's policy now needs to be readjusted to solve the aforementioned challenges. The go forward federal priorities (in partnership with State Governments) will be the following four: food security; import substitution; job creation; and economic diversification.



The new policy regime, tagged the **Agriculture Promotion Policy (APP)** Policy is founded on the following guiding principles, a number of which are carryovers from the ATA reflecting the strong desire for policy stability. New elements added reflect the lessons from the ATA, as well as priorities emerging from the aspirations of the Buhari Administration:

1. **Agriculture as a business** – focusing the policy instruments on a government-enabled, private sector-led engagement as the main growth driver of the sector. This essential principle was established in the ATA and will remain a cardinal design principle of Nigeria's agriculture policies going forward.
2. **Agriculture as key to long-term economic growth and security**—focusing policy instruments to ensure that the commercialization of agriculture includes technologies, financial services, inputs supply chains, and market linkages that directly engage rural poor farmers because rural economic growth will play a critical role in the country's successful job creation, economic diversity, improved security and sustainable economic growth.
3. **Food as a human right** – focusing the policy instruments for agricultural development on the social responsibility of government with respect to food security, social security and equity in the Nigerian society; and compelling the government to recognize, protect and fulfill the irreducible minimum degree of freedom of the people from hunger and malnutrition.
4. **Value chain approach** – focusing the policy instruments for enterprise development across successive stages of the commodity value chains for the development of crop, livestock and fisheries sub-sectors, namely input supply, production, storage, processing/utilization, marketing and consumption. Building complex linkages between value chain stages will be an important part of the ecosystem that will drive sustained prosperity for all Nigerians.
5. **Prioritizing crops** – focusing policy on achieving improved domestic food security and boosting export earnings requires a measure of prioritization. Therefore, for domestic crops, the initial focus in 2016 – 2018 will be expanding the production of rice, wheat, maize, soya beans and tomatoes. For export crops, the initial focus will be on cocoa, cassava, oil palm, sesame and gum Arabic. In 2018 onwards, the export focus will add on bananas, avocado, mango, fish and cashew nuts. Investments in closing infrastructure gaps to accelerate productivity and investment in these crops will also be sequenced to reflect capital availability and management attention.
6. **Market orientation** – focusing policy instruments on stimulating agricultural production on a sustainable basis, and stimulating supply and demand for agricultural produce by facilitating linkages between producers and off takers, while stabilizing prices or reducing price volatility for agricultural produce

through market-led price stabilization mechanisms (commodity exchanges, negotiated off-take agreements, extended farm-gate price under value chains coordination mechanisms, agricultural insurance, etc.)

7. **Factoring Climate change and Environmental sustainability** – focusing policy instruments on the sustainability of the use of natural resources (land and soil, water and ecosystems) with the future generation in mind while increasing agricultural production, marketing and other human activities in the agricultural sector.
8. **Participation and inclusiveness** – focusing instruments on measures to maximize the full participation of stakeholders including farmer’s associations, cooperatives and other groups, as well as NGOs, CBOs, CSOs, development partners and the private sector. This places a premium on the role of these organizations or groups as agents of economic change in general and agricultural economy in particular, thereby drawing benefits from their policy advocacy roles as partners to and watchdog of government.
9. **Policy integrity** – focusing policy instruments on measures for sanitizing the business environment for agriculture, in terms of accountability, transparency and due process of law, ensuring efficient allocation and use of public funding and fighting corruption on all programmes involving public resources. This also applies to compliance with international commitments, protocols and conventions that Nigeria is a signatory to.
10. **Nutrition sensitive agriculture** – focusing policy instruments on addressing the issues of stunting, wasting, underweight and other manifestations of hunger and malnutrition with particular reference to the vulnerable groups, which include children under 5, nursing mothers and persons with chronic illness and disabilities
11. **Agriculture’s Linkages with Other Sectors** – focusing policy instruments on the connected relationship between agriculture and other sectors at federal and state levels, particularly industry, environment, power, energy, works and water sectors.

Within this overall set of policy principles, the Federal Government will concentrate on providing an enabling environment for stakeholders at federal and state level to play their distinctive roles. The policy emphasis will be on providing a conducive legislative and agricultural knowledge framework, macro policies, security enhancing physical infrastructure and institutional mechanisms for coordination and enhancing access to adequate inputs, finance, information on innovation, agricultural services and markets.

## 5. **Corruption as an Impediment to Realizing ECOSOC Rights for Sustainable Development: - Combating Initiatives and Achievements**

Corruption impedes the progressive realization of the peoples’ rights to economic, social and cultural development because it illegally drains out resources from public treasury to private individuals and groups to the detriment of basic social0-welfare programmes and infrastructural developments for the benefit of all in society. It also triggers inflationary trend, cripples both the economic and financial systems of a nation and impoverishes citizens as well as debases human dignity.

This is evident in recent findings of anti-corruption initiatives embarked upon by Nigeria. official records revealed the following trends: -

- Nigeria is estimated to have generated about \$700bn (N220.41trn) from oil, but lost over \$500bn (five hundred billion dollars) to corruption and abuse of office since independence (N157.45trn)
- Between 2012 and 2015 Nigeria lost about \$50bn (fifty billion dollars)(equivalent to n15.745trn)s
- The Financial sector alone is estimated to have lost between 2002-2014 about \$321.7 million and N122.59bn.
- The Anti-Corruption Agency (EFCC) has recovered from corrupt public officers looted funds totaling N2 trillion naira (\$6.35bn) in 12 years (2004-2016) of operation.
- Between May 2015 – may 2016, the EFCC made cash recoveries totaling N78.33bn; \$185.1mn; £3.5mn pounds and 11,250euros. Further made recoveries under interim, forfeiture (cash and assets) totaled N126.56bn, \$9.09bn (over nine billion dollars), 2.48mn pounds and 303,399 euros.
- Further, awaiting repatriation from foreign jurisdictions are : - \$321.3m, 6.9million pounds and 11,826 euros.
- Also a total of 239 non-cash recoveries of farmlands, landed properties, vehicles and maritime vessels.
- As at February 17, 2017 the Federal Government made the following recoveries under Interim forfeiture: - \$153 million (N34bn), \$15mn (N4.5bn), \$9.8mn (3.1bn), \$40mn (N12.72bn) and a total of cash in naira totaled N36.565bn from individuals. This includes several landed properties and exotic cars valued at hundreds of millions of naira.
- EFCC had secured the following number of convictions: - 125 in 2016, 103 in 2015, 126 in 2014 and 117 in 2013.
- The resultant consequence of the above lost to corruption and abuse office is the fact that the reportedly generated \$700 billion dollars (N220.4trillion) from crude oil between 1999 and 2015, have made little impact on the quality of life and standard of living of ordinary Nigerians and on infrastructural development. The above development has already rendered negligible the recently reported recoveries of about N2 trillion (\$6.35bn) only.
- See EFCC website: - [www.efccnigeria.org](http://www.efccnigeria.org); see also Daily Trust Newspaper, Abuja, Friday, February 17, 2017 at pp.1 and 6).

#### **4. Social Protection and Economic Benefits initiatives: - 2015-2016/17**

- i. N-Power Graduates Job Creation Scheme: - is designed to engage the teeming number of unemployed youths/graduates from tertiary institutions across the country. A total of 200,000 unemployed graduates selected for the first batch of the scheme are being paid N30,000 per month stipends. 150,00 out of the total have been deployed as support teachers to help address shortage of teachers in school at the basic and secondary school levels. Another 30,000 graduates have been deployed as extension worker in various communities to boost government's diversification agenda. Another 20,000 graduates have been deployed as community health workers to strengthen community health services.
- ii. The pilot phase of the Bank of Industry (BOI) – UNDP Solar Power Scheme was concluded with the commissioning of four solar systems at off-grid rural locations in Gombe, Kaduna, Edo and Adamawa States. Those in Niger and Osun states were commissioned in 2015. More than 1,500 homes and small businesses were electrically powered.

- iii. More than N800bn has been released for capital expenditure in the 2016 budget, since implementation started in June 2016. This is the largest ever capital spending within a single budget year in the history of Nigeria. These monies have enabled the resumption of work on several stalled road, rail and electric power projects nationwide.
- iv. Under the new Social Housing Scheme launched in 2016, the Family Homes Fund will take off with N100billion naira provision in the 2017 budget. The rest of the funding will come from the private sector.
- v. The Federal integrated Staff Housing (FISH) Scheme is a strategic initiative designed purposely as an intervention project for massive housing delivery to federal civil servants and is in partnership with the relevant Ministries, Departments and Agencies. Allocations of about 1,500 houses have commenced on first come first serve basis, at different locations in Abuja and Lagos. Over 23,000 federal workers have registered as members of the FISH programme. The first phase of the mass housing scheme would go to the first batch of 16,000 federal civil servants.
- vi. Though the Contributory Pension Scheme (CPS) had witnessed sustained growth in 12 years, millions of Nigerians are yet to key in. about 6.3 million retirement Savings Account (RSAs) holders are just about 10% of the 60 million labour force in the country, indicating that the market penetration of CPS is still not enough.
- vii. Addressing the over 70% of the country's working population are in the untapped informal sector by any structured pension scheme, the government has launched the Micro Pension Scheme. Its target is self-employed citizens, especially those with irregular income, largely financially uninformed, with limited or no access to financial services, especially pension plan. This is expected to boost the pension contributions to 20 million Nigerians by 2019 and 30 million by 2024.

The most critical challenge of the implementation of the CPS in Nigeria is the non-payment of retirement benefits of federal government employees who retired in 2016 due to insufficient budget appropriation and late release of appropriated funds for payment of accrued pension rights.

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

In the Constitution of the Federal Republic of Nigeria, Sections 14(2)(b), 19 and 23 declare 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 unity; promotion of international cooperation 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.

2. **National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions in Nigeria:** - The development of the National Action Plan (NAP) for the implementation of United Nations Security Council Resolution 1325 became imperative for the inclusion of Women in the process of peace building, peace keeping, conflict resolution and management in Nigeria. This has become so because Nigerian Women have paid a heavy price in the long and violent conflicts that have been ravaging the country especially in the past two decades. The women have continued to endure unprecedented levels of sexual violence and assault, along with related HIV infections, involuntary pregnancies and health complications as a result of abuses. Violent conflicts have forced several women to flee from their homes.

A NAP reflects government's commitment as well as accountability in ensuring the security of women and girls during armed conflicts and enhancing their active and direct participation in conflict prevention and peace building as well as post-conflict efforts. It is also a practical and operational tool for those affected by armed conflicts- women, children and communities to be informed about the governments' response to their plight including assistance programme options available to them.

For frontline enforcement agencies and other peace-keeping forces, the NAP affirms their significant role in protecting the physical safety and security of women and girls from sexual and gender-based violence and in identifying their specific need in the times of crises as NAP enjoins peace-keeping forces to strictly observe the highest standards of conduct and behavior of the armed forces vis-à-vis women, girls and other vulnerable groups in the communities during such emergencies.

NAP further serves as a useful roadmap in defining the important and distinct roles of implementers of UN Resolution 1325 both at the policy level and enforcement levels. It ensures that government programmes respond to immediate and long term needs of women and children before, during and after conflict. Government, Civil Society, Community Organizations and all relevant stakeholders engaged in peace, security, governance, elections and humanitarian efforts will find the roadmap useful. Development Partners who seek to provide support to address gender inequality in all the pillars relevant to the Nigerian situation – Prevention,



- participation, Promotion, protection and prosecution will provide the much needed guide to be part of strengthening women, peace and security processes in Nigeria. I wish to remind all that the implementation of the NAP is the key to a result-oriented and success story in the women, peace and security agenda in Nigeria and Africa.
3. The Federal Government of Nigeria has reinforced its commitment to promote gender issues in the national development agenda. This is evident in measures and policies geared towards the advancement of women to strengthen full and effective participation and representation in various strata of national life. Nigeria continues the pursuit of affirmative action in gender empowerment. At the moment, the participation of women in politics is more than twenty per cent (20%).
  4. Nigeria remains irrevocably committed to the African Union and its various organs and legal frameworks, including the African Union (AU) Constitutive Act and the Protocol on the Establishment of the Peace and Security Council of the African Union. As a founding member of the African Union Peace and Security Council, Nigeria has been active and vigorously pursuing Africa's agenda for peace, stability and reconstruction of the continent. Both within Africa and the ECOWAS, Nigeria's leadership and commitment to peace have continued to yield dividend as recent political developments in Guinea Bissau, Mali, Niger, Sudan, Darfur and the Sahel-Sahara region.
  5. In the same vein, Nigeria continues to affirm determination on commitments of Africa to its shared values on the rule of law, good governance, democracy and human rights in the sub-region and at the continental levels. As a State party to Africa's Charter on Human and Peoples Rights as well as the Charter on Democracy, Elections and Governance, Nigeria remains firm and unequivocal in upholding democratic values and principles on the continent through free, fair and credible elections as well as respect for rule of law and constitutionalism. Nigeria remains resolute against unconstitutional change of government in line with the Constitutive Act and other legal frameworks of the Union.
  6. Furthermore, Nigeria has continued to be responsive on humanitarian situations including post conflict reconstruction and disaster management in Africa. The National Emergency Management Agency (NEMA), a national institution established to deal with disasters and tackle disaster related issues has been active and supportive of a number of African countries facing various challenges and therefore contribute to peace building and political stability in order to pave way for development and prosperity of governments and peoples.
  7. Collaborative activities between notable NGOs, International Committee of the Red Cross (ICRC), the Nigerian Red Cross Society and the National Human Rights Commission have resulted in the conduct of series of workshops.
  8. Taking cognisance of the nexus between peace, security and development, Nigeria is in the vanguard of the pursuit of democratic ideals and principles with a strong commitment to ensuring sustainable culture for rule of law, human rights and constitutional democracy in Africa.

## 9. Administrative Measures on Child Soldiers

- 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.
- 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.

## 10. National Policy on Peace in Nigeria 2009

Nigeria is a multicultural, multi-religious and multi-linguistic society; nonetheless its unity and strength lie in its diversities which have continued to propel the country towards cohesion and vibrancy. Such diversities have continued to be managed within the Federation by restructuring its institution and administration in a manner that allows mediation into its sectional politics and ethno-territorial demands and to balance competition over resources, all with the view to promote inclusivity and representation and thus unity, peace and stability of the country.

The diversity and complexity of conflicts in Nigeria require a comprehensive focus on peace building. It also requires a socially inclusive approach to the formulation, adoption, implementation, monitoring and evaluation of the policy designed to achieve this objective in a sustainable manner. Currently, there is widespread agreement that domestic peace and stability are critical to national prosperity as well as subregional and international peace and security. Nigeria is committed to the fundamental principles enshrined in international treaties, charters, protocols and conventions that focus on proactive conflict management and peace building. This provides the justification for the development of this national peace policy which serves as the framework for the country's peace efforts.

The National Peace Policy (NPP) consists of the guiding philosophy, sets of fundamental objectives and principles, as well as strategies for implementation and evaluation for all peace-related activities by Nigerian stakeholders. It is driven primarily by Nigeria's national interest as encapsulated in the Constitution of the Federal Republic of Nigeria (1999). This policy emerged from an all-inclusive multi-stakeholder process involving State and non-State actors across the country.

The NPP is in furtherance of Nigeria's commitment to the fundamental principles of the Economic Community of West African States (ECOWAS) in relation to the "maintenance of regional peace, stability and security through the promotion and strengthening of good neighborliness; and peaceful settlement of disputes among member states, active co-operation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development" (ECOWAS Treaty 1993, Article 4 paragraphs e and f). Also, it conforms with the main objective of the African Union (AU) to "promote peace, security and stability on the Continent and the principle of peaceful resolution of conflicts among member states of the union through such appropriate means as may be decided upon by the Assembly" (Article 3, paragraph 3 and Article 4, paragraph e Charter of the OAU 1963; and Article 3, paragraph 4, the Constitutive Act of the AU, 2000).

To this end, the Peace Policy ensures that the opportunities and resources in Nigeria are harnessed in a fair, just and equitable manner, with a view to preventing those tendencies that generate social discord and violence.

## CHAPTER 21: - Rights of all Peoples to Environmental Protection: - Article 24

### i. Legal and Judicial 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 in 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.

- ### ii. National Policy on Environment, 2016: -
- The Revised National Policy on education, 2016 was adopted by the Federal Executive Council on February 22<sup>nd</sup> 2017. It captures some emerging and critical issues like climate change, coastal erosion, desertification, erosion, pollution and environmental insecurity. The new policy framework put in place a much better opportunity to engage with states, local governments and communities.

- ### iii. The Ogoniland Clean-Up Plan-2016

Home to 20 million people and 40 different ethnic groups, this floodplain makes up 7.5% of Nigeria's total land mass. It is the largest wetland and maintains the third-largest drainage basin in Africa. The Delta's environment can be broken down into four ecological zones: coastal barrier islands, mangrove swamp forests, freshwater swamps, and lowland rainforests. For decades, oil extraction in the Niger Delta has led to wide-scale contamination of the environment. However the full extent and intensity of this contamination was never clear to authorities and the public.

The Federal Government of Nigeria (FGN) in its desire to internally reconcile the Ogoni people and ensure the clean-up and remediation of past oil impacted sites in Ogoniland, set up a Presidential Implementation Committee (PIC) in July 2006 headed by Bishop Mathew Hassan Kukah. In view of its competence and experience in conflict and disaster management, as well as its capabilities for unbiased monitoring as a pre-requisite for clean-up and remediation work, the President Obasanjo Administration commissioned the United Nations Environment Programme (UNEP) to carry out an Environmental Assessment Study of the oil impacted sites in Ogoniland. UNEP eventually commenced the Environmental Assessment of Ogoniland, which lasted from 2009-2011.

The last administration, in a bid to implement the UNEP report established the Hydrocarbon Pollution Restoration Project (HYPREP) as a vehicle for the Ogoniland and other impacted areas in the Niger Delta region. A gazette to this effect was put in place in July, 2014. Further to the need for extensive consultation with all relevant stakeholders, preliminary meetings were held in September and October, 2014 in Abuja, Nigeria. This was followed by meeting of stakeholders in Geneva, Switzerland in November, 2014 and another meeting in Abuja, Nigeria on 23rd June, 2015 and 28th – 29th July, 2015.

Oversight: - On 16 September 2016, the Governing Council held its inaugural meeting in Port Harcourt. On 21 October the Board of Trustees held its inaugural meeting in Abuja.

Management: - A Technical Committee set up in the Ministry of Environment is driving the transition process pending the establishment of the Project Coordination Office. Temporary premises have been secured for the Project Coordination Office in Port Harcourt. Consultative meeting with international development partners hosted by the World Bank on 6 September 2016. Advertisement for the project coordinator position has closed. Hundreds of applicants were received. The recruitment process is currently ongoing.

Projects: - From 28 August to 2 September, 4 ad-hoc committees comprising representatives of Ogoni local communities met and issued reports on: emergency (interim) Measures; Training and livelihood; selection of location of the Centre of Excellence and the integrated Contaminated Soil Management Centre; Communications Centre. Based on the above, the following projects have been identified for immediate implementation: - provision of clean drinking water; training; centre of excellence; integrated soil management centre; pilot remediation project; health study.

Procurement: - Ongoing Procurement: - To drive these and upcoming projects, procurement for the following services is currently ongoing: project management consultants; monitoring and evaluation consultants; communications consultants. Upcoming Procurement: - Fund management

consultants; investment advisory services. Procurement General: a database has been established by the Ministry of environment to collate different expressions of interest from individuals and businesses that wish to participate in the process in one capacity or another. Procurement will in any event be conducted strictly in accordance with the Public procurement Act.

These meetings culminated in the decision to review the HYPREP Extra-ordinary Gazette No.65 Volume 101 of July 2014 to prevent its interference with the statutory duties of already existing agencies. The HYPREP Gazette was reviewed to make the institutional structure more inclusive and transparent in its assigned roles and responsibilities, and the reviewed Gazette was forwarded to the Federal Executive Council for consideration and approval. The reviewed Gazette provided the institutional framework needed to drive the process, namely, the HYPREP Governing Council, the Board of Trustees and the Project Coordinator. From January to May, 2016, the Federal Ministry of Environment convened several meetings with key stakeholders including the Special Adviser in charge of the Amnesty Programme to ensure consideration and inclusiveness. The Ministry also consulted other stakeholders including the Paramount Ruler and other Traditional Rulers in Ogoniland and some oil impacted communities, the International Oil Companies (IOCs), the Niger Delta States, Civil Society Organisations, and Security Organisations.

A Stakeholders' Sensitization Meeting was held in Port Harcourt, Rivers State on Thursday 28th April, 2016. The meeting further secured the commitment of the people of Ogoniland and other stakeholders in the support of the clean-up project as well as an agreement of no re-pollution after clean-up. At the meeting, the Honourable Minister of Environment promised to constitute four (4) Adhoc Committees to commence preparation for activities on the clean-up project. Hon. Minister of Environment inaugurated these committees and Task Team on the 24th May 2016.

President Muhammadu Buhari launched the clean-up of Ogoniland on June 2nd 2016 in Bodo, Rivers State which has been ravaged by devastating oil spillage in the last 10 years, destroying farmlands, aquatic life, and unleashing monumental and multiple forms of land, air and water pollutions in the process.

In continuation of a series of interactive engagements with leaders in oil-producing communities in the Niger Delta region in Port Harcourt Rivers State the Acting President Yemi Osinbajo revealed that the Ogoni Clean-Up project flagged off in 2016 will cost \$1billion and the funds will be provided by Shell Petroleum Development Company.

The Federal Ministry of Environment has set about establishing the governance framework with strong systems and controls that are required to carry the Project through its 25 year life cycle.

A key component of that infrastructure is a robust governance structure, comprising mainly a Governing Council, a Board of Trustees and a Project Coordination Office (PCO). The Governing Council and Board of Trustees were inaugurated by the President on 4 August 2016 and have since had 2 meetings.

The parameters outlined in the UNEP Report within which the Program must operate was approved by the Federal Executive Council before being officially gazetted on the 12th December 2016.

On 12th January 2017, the Governing Council approved the appointment of Dr. Marvin Dekil, an indigene of Ogoniland, as the Project Coordinator after an international competitive process that saw applications received from other well qualified candidates from around the world.

The Project office will be staffed by an initial 30 staff from both federal and state levels. Additional contracted experts from outside the system will be supported by Project Management Consultants, Monitoring & Evaluation Consultants and Communication Company.

The clean-up project is to be funded by SPDC with an initial \$1bn disbursed at \$200m per annum over 5 years. A \$10m takeoff grant has been provided.

Following the flag off, a Technical Committee was set up in the Ministry, and has been working on the project-related activities that must be addressed immediately. Some of these projects in preparation include;

1. Provision of clean drinking water to the impacted communities.
2. Conducting a health impact assessment study being planned, in order to begin to better understand the level of the human health issues referred to in your letter.
3. Demonstration of remediation technology, which will allow for the testing of the different approaches that are being proffered from around the world, and to ensure that only the best is ultimately applied.
4. Groundbreaking for the construction of an integrated contaminated soil management centre which will be critical to the clean-up process.
5. Groundbreaking for the construction of a Centre of Excellence. &
6. Training

These are the activities that the UNEP Report recommended for start-up.

On 16th February, the Governing Council performed a ground breaking ceremony for the construction of an integrated Contaminated Soil Management Centre, provided for in the UNEP Report.

On the same day, the project for demonstrating technologies for the clean-up, were launched at selected sites in the four local government areas of Ogoniland.

An important part of the planned work is skills and livelihood training, which will be essential in ensuring the long term sustainability of the result of the clean-up.

As part of our behavioral change strategy, we plan to train about 2000 women from the four local governments in different skills that will enable them to be financially independent. These skills include Snail Farming, Palm Oil Processing, Green Housing, Fishing – Shrimps, Agriculture Extension, and Pottery.

- iv. **Interventions Relating to Environmental Protection:** The environment sector has witnessed improvements in the areas of the development of a National Green House Gas Inventory System and purchase of green gas measurement equipment. Other are the establishment of a 1500km Great Green Wall initiative to check desertification in the frontline States; the establishment of procedures for the Clean Development Mechanism (CDM) and the generation of 20 CDM projects in 2012, among others.

v. **Green Bond Initiative**

Green Bonds enable capital-raising and investment for new and existing projects with environmental benefits. The nationally determined contributions (NDC) reflect Nigeria's commitment to the COPs of the UNFCCC in reducing the impact of climate change. It has significant overlaps with the nations development objectives and provides a platform to redirect resources in an effective manner that can have a dual impact, key development targets such as power and agriculture and emissions targets in both renewable and energy efficiency.

The resources needed to achieve the targets in the NDCs by 2030 are put at some USD142billion, translating to about USD10billion per annum. Nigeria's confirmed recession and reduction in its main source of income requires creative and directed means to mobilize resources that will fill its funding gap while also ensuring that project implementation achieves the expected outcomes.

The expansion of the global market for Green bonds presents an opportunity to join the momentum to provide resources for the NDCs. Nigeria's relatively developed fixed income market provides a platform for a pilot green bond. However, the fixed income market is dominated by FG debt with a limited slice attributed to the private sector.

A green bond issuance is expected to have multiple objectives:

1. Issuance of an FG backed Green bond to kick start the market
2. Achieve greening of FG debt portfolio and budget
3. Leverage pilot issuance to mobilize private sector issuance of Green bonds with sensitization of operators in order to ensure ownership of the process
4. Reduction of FG share of fixed income market with larger representation from private sector issuers
5. Ensuring that the oversight tools are in place to guarantee segmentation of resources and implementation of projects

### **Objectives of Issuance**

The issuance of a Green bond will enable the country achieve the following:

- a. Raise awareness of economic benefits of the themes in the NDC
- b. Develop framework guidance for subsequent tranches.
- c. Increase financial and industry sector confidence in either issuing green bonds or financing green projects.
- d. Establish internal capacity to monitor issuer performance and aggregate information to report back to investors and the UNFCCC
- e. Leverage partner programs and funds to direct resources towards providing technical support or participation in green bond issuance

Initiatives that will drive implementation

- a. Build institutional base within the capital market for regular green bond issuance
- b. Build capacity within Federal ministry of Environment for oversight
- c. Develop dialogue across relevant MDAs to regularly identify projects and redirect resources to initiate or scale
- d. Periodic interface with Ministry of Budget and National Planning and Finance on the outcomes

Guidelines

These Green Bond Guidelines (GBG) are issued by the Federal Ministry of Environment (FME) to guide the process for issuance of green bonds targeted at the Nigeria market. The GBG



are intended for broad use by the market: they provide the FMEEnv a means to ensure resources raised are channeled towards activities that compliment the NDCs; they provide issuers with guidance on the key components involved in launching a credible Green Bond; they aid investors by promoting availability of information necessary to evaluate the environmental impact of their Green Bond investments; and they assist underwriters by moving the market towards expected disclosures which will facilitate transactions. The GBG recommend a clear process and disclosure for issuers, which investors, banks, investment banks, underwriters, placement agents and others may use to understand the characteristics of any given Green Bond. The GBG emphasize the required transparency, accuracy and integrity of information that will be disclosed and reported by issuers to stakeholders. The GBG has four components: Use of Proceeds; Project Eligibility; Management of Proceeds; Reporting

**vi. Nigeria Erosion and Watershed Management Project (NEWMAP)**

The effort to mitigate the adverse effects of soil and land degradation in targeted watershed for environmental sustainability in the country envisioned and created the Nigeria Erosion and Watershed Management project (NEWMAP). The World Bank agreed to finance the Project with a credit of \$500 million. This credit was approved in addition to fully blended grants of \$3.96 million from the Global environment Facility (GEF) and \$4.63 million from the Special Climate Change Fund (SCCF) by the World Bank Board on May 8, 2012.

The project being a state-led intervention commenced initially with seven states in the south east and South South of Abia, Anambra, Cross River, Ebonyi, Edo, Enugu and Imo. Currently, civil works/land reclamation activities have started in 21 gully erosion sites across the even participating states while compensation has been paid to Project Affected persons (PAPs) directly affected by the ongoing construction works. The bioremediation/vegetation component of the project which would complement the engineering work and help regenerate the soil has commenced in 15 of the 21 gully sites at 65% - 70% completion.

**vii. Clean Energy Initiatives**

The Renewable Energy Programme was initiated by the Federal Ministry of Environment in fulfilment of the Federal Republic of Nigeria's obligation to the United Nations Framework Convention on Climate Change (UNFCCC) and as part of African strategy on voluntary emission reduction. The main thrust of the Programme is to ensure all sector of the economy make a switch to cleaner sources of energy. So as we work towards achieving objectives of the Vision 20:2020 , we do so sustainably with minimal ecological footprint.

Nigeria has a commitment under the UNFCCC accord to make voluntary "non-binding" efforts to reduce atmospheric concentrations of greenhouse gases to mitigate the effects of climate change. In order to effectively administer this ratified instrument, the government has put in place certain structures and one of it is the Renewable Energy Programme.

The main trust of the Renewable Energy Programme is to;

1. Fulfil Nigeria's obligation to the United Nations Framework Convention on Climate Change (UNFCCC)

- Address the nation's challenges of moving towards clean, reliable, secure and competitive energy
  - Develop and implement strategies/policies that would regulate the renewable energy sector as obtained in global best practices
  - And ensure that the renewable energy sector develops sustainably and profitably
2. Partner with all the three tiers of Government, relevant government Agencies, NGOs, FBOs, CBOs, as well as local and international investors
  3. Partner with Multilateral Agencies, national and international financial institutions
  4. Make sure the renewable energy sector is safe for investors and the renewable energy sector develops in line with global best practices

As renewable energy industries continue to develop, the primary driving forces are less likely to be environmental and more likely to be employment potential and job creation. The employment potential for the global renewable energy industry is significant.

And as global petroleum output declines, fossil energy jobs may become scarcer, allowing a shift to the labour-intensive renewable energy industries. Hence we:

In April 2012, Nigeria became a State Partner in the Climate and Clean Air Coalition (CCAC) to reduce Short-Lived Climate Pollutants (SLCPs) with initial focus on methane, black carbon, hydrofluorocarbons (HFCs). Nigeria is currently the Co-Chair of the coalition made up of over 40 countries and 38 Non State partners including the World Bank, WHO and UNEP. Necessitating action on SLCPs reduction could address, inter alia, reducing black carbon emissions from heavy duty diesel vehicles & engines in the transport sector, mitigating SLCPs from brick production, mitigating SLCPs from landfills and municipal solid waste sector, promoting HFC alternative technology and standards, accelerating methane and black carbon reductions from oil and natural gas production, improving cook stoves and domestic heating; reducing methane emissions in agriculture production systems, and reducing SLCP emissions from open burning in forest/agricultural practices.

The Various achievements of the Renewable Energy Programme in the last few years of its establishment are highlighted on our Partnership that work and our On- going projects.

#### PARTNERSHIPS THAT WORK

Nigeria-German Energy Partnership. Nigeria-Nordic ( Sweden, Finland & Norway)Energy Forum. Bank of Industry/ UNDP Access to Renewable Energy Programme Nigeria- India Partnership on Renewable Energy development. Inter-Ministerial Committee on Renewable Energy and Energy Efficiency (ICREEE). Secretariat is in the Ministry of Power Renewable Energy Investment Team Committee ( NIPC, Customs, FIRS, Immigrations). Secretariat is in NIPC Partnership with National and International corporations And a Host of Others

#### ONGOING PROJECTS

**THE RURAL WOMEN ENERGY SECURITY (RUWES) PROJECT:** Ten (10) rural women Cooperatives are already empowered with the RUWES Business Model Package-tricycle loaded with the cleaner energy lighting and cooking kits aimed at creating viable market potentials for the women while creating jobs for foundry workers, welders, mechanics etc in cookstoves production.

**THE NATIONAL CLEAN COOKING SCHEME (NCCS):** The NCCS is an aggressive drive to reduce and eventually eliminate cooking with solid and fossil fuels such as firewood and kerosene,

which are expensive and difficult to source while being detrimental to our health and the environment at large. The REP in collaboration with UNDP has empowered four secondary schools namely; (i) GGSS Kawo, Kaduna State (ii) FGGC Zaria (iii) GGSSS Kwoi (iv) Govt. College Fadan Kaje by retrofitting the kitchens from firewood to LPG stoves under the National Clean Cooking Scheme (NCCS).

Through the NCCS also REP successfully launched the National Assembly Intervention on Clean Cookstoves Initiative (NAICCI) which has distributed clean cooking products across Kwara & Akwa Ibom States as pilot.

**THE RURAL ENERGY ACCESS PROJECT (REAP):** The Renewable Energy Programme (REP) successfully embarked on Rural Electrification, providing and installing Stand Alone Solar Systems for 600 households as well as training in Mutum Biu, Gassol LGA, Taraba State.

**THE CLEAN ENERGY TRANSPORT SCHEME (CETS):** The Renewable Energy Programme in collaboration with the Indian Government through the TATA Group has proposed an initiative to run mass transit transportation on Compressed Natural Gas (CNG). CNG is a cleaner and more efficient fuel than the Premium Motor Spirit (PMS) and diesel that is currently being used for mass transportation in Nigeria. The office of the GED -Gas and Power ( NNPC) is the leading this effort.

The System is modeled after the city of New Delhi which has retrofitted all vehicles to run on CNG thereby restoring clean air and also earning carbon credits for the State.

#### viii. **National Roadmap for Improved Water Supply**

The Federal Government, recently launched the 2011 roadmap for the water sector in Nigeria which basically highlights three major approaches that are expected to enable the country realize the target of potable water supply by 2015 in line with the United Nation Millennium Development Goals' target.

With the expectation of hitting a target of 75 percent portable coverage by 2015, the Federal Government would require the sum of N575 billion annually to make this a reality.

The roadmap is basically hinged on three strategic plans, the short, medium and long term measures have the potential of ensuring 100 percent total potable water delivery to the Nigerian populace by 2025.

#### ix. **Interventions in the Water Sector**

##### **Water Supply Scheme**

- Completed the Greater Makurdi Water Supply Scheme to supply 50 litres of water per day to nearly one million people in Makurdi
- 85 percent completion of Galma Dam water supply to supply 186 million cubic metres for portable water for over 23 twons/villages in six local government areas in Kaduna State
- 65 percent completion of Kashimbilla Multipurpose a Buffer Dam Project for water supply and irrigation with treatment plant capacity of 60,000 m<sup>3</sup>/day in Taraba State
- Completed the Mangu Water Supply to provide 10 million litres of water per day to serve communities of Gindiri and Mangu township in Plateau State
- Completed the Northern Ishan Water Supply to supply nine million litres of water per day to serve communities of Uromi, Ubaiaja, Ugengu, Ugboha and Iguben in Edo State

- 35 percent completion of the Central Ogbia Regional
- Water Supply to provide potable water and sanitation in 16 communities of Ogbia LGA, Uteke and its environs at Uteke, Bayelsa State

#### **Boreholes**

- Completed the Drilling of 545 hand pump wells and motorized boreholes to increase access to water in rural communities to about 2 million people across the nation

#### **Irrigation projects**

- 55 percent completion of Bakolori Irrigation to irrigate 23,000ha to cover 5,964.77ha of rice and 35 metric tons of rice, 40 metric tons of maize, 18 metric tons of cowpea, 1,206 metric tons of sweet potato, 5 metric tons of groundnuts, 800 metric tons of sugar cane and 1,575 metric tons of vegetables in Bakolori
- 80 percent completion of the South Chad Irrigation project to cover 67,000ha of land
- 85 percent completion of Galma Dam (irrigation) To provide a reservoir capacity for irrigation of 2,500ha in Kaduna State
- Completed the Goronyo Dam emergency spillway repairs (irrigation) 2000 ha irrigation in Sokoto State
- 80 percent completion of the rehabilitation of existing infrastructure at Jibia Irrigation project to provide opportunity for more farming families to be empowered economically in Katsina State
- Completed seven other major dam projects (with capacity of 2,269 million cubic meters), including Gurara, Owiwi, Sabke, Owena and Shagari dams to Water to be used for irrigation, water supply, hydropower, fisheries, etc in Gurara, Owiwi, Sabke, Owena, and Shagari

#### **Studies**

- Completed feasibility studies for hydro power installation at sites that show potentials for hydropower generation in Oyan, Ikere Gorge, Bakolori, Dadin Kowa, Tiga, Kiri, Jibiya, Challawa Gorge, Owena, Doma, Waya, Mgowo, Zobe, Kampe, Kashimilla, Ogowashiku, Zungeru and Mambilla to generate a total capacity of 3,557 MW of electricity
- Assessment of water releases from the discharge along Benue and Niger rivers, to establish maximum flood levels all over the country for decision making

## SECTION SEVEN

### 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 Sections 1-7 of this Report that with the return to democratic governance in Nigeria in May 1999, concerted efforts have been made to evolve a comprehensive legal, policy and institutional frameworks for the promotion and protection of human rights in Nigeria.

Information contained in **Sections 2, 3, 4, 5 & 6** of this Report indicates 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 other vulnerable groups no longer suffer from discrimination.

The health and welfare of Nigerians remain major areas of 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 militate against attainment of the goals of the National Health and Social Development Policies.

The statistical figures, trends, volume and analysis contained in Sections 1 - 7 of this report revealed a measure of inadequacies in budgeting and implementation process of the above core rights guaranteed to women, children and other vulnerable groups. The disaggregated data by gender indicates that the Federal Republic of Nigeria demonstrated fairly, her willingness to discharge her 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.

# PART B

## Section 8

### 8.1 MEASURES TAKEN TO IMPLEMENT ARTICLE 26 OF THE MAPUTO PROTOCOL ON THE RIGHTS OF WOMEN IN AFRICA

Consistent with Articles 26 of the Maputo Protocol and 62 of the African Charter on Human and Peoples' Rights, Nigeria wishes to indicate legislative, policy, institutional and programmatic measures taken so far to implement the above Protocol. Having ratified the Protocol on 16th Dec. 2004.

#### Legislative Measures

- **Gender and Equal Opportunities Bill, 2016:** - An enabling legislation to domesticate the Maputo Protocol and UN CEDAW and other matters connected therewith is being considered by the National Legislative Assembly.

This Bill seeks to incorporate as part of Nigerian Law the provisions of Articles 1-24 of the Maputo Protocol under its sections 2-41 with a view to ending gender discriminatory practices, policies and programmes.

- **Violence Against Persons (Prohibition) Act, 2015:** - A Bill for an Act to eliminate violence in private and public life; prohibit all forms of violence including physical, sexual, psychological, domestic violence; harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.

- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015;
- Anambra State Malpractices against Widows and Widowers (Prohibition) Law No. 2005.
- Anambra State Gender and Equal Opportunities Law, 2007.
- Anambra State Women's Reproductive Rights, Anambra State, 2005.
- Anambra State Street Trading Restriction Law, 2004.
- Bauchi State Withdrawal of Girls from Schools for Marriage (Prohibition Law No 17 of 1985).
- Bayelsa State, The Female Genital (Prohibition) Law, 2000.
- Child Rights Laws passed in 14 more states plus the Federal Capital Territory after the last country's report (A total of 23 States out of 36 have passed the Child's Rights Law).
- Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in, 2009.
- Cross Rivers State Law to Prohibit Domestic Violence against Women and Maltreatment. No. 10 of 2004.
- Ebonyi State Domestic Violence and Related Matters Law, Law No 003 of 2005.
- Edo State Inhuman Treatment of Widows (Prohibition) Law 2004.
- Edo State Law for Monitoring of Maternal Mortality in Edo State and Other Matters Connected Thereto, 2001.
- Edo State Law for Monitoring of Maternal Mortality and Other Matters Connected Thereto, 2001.
- Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No.4 of 1999.
- Ekiti State Gender-Based Violence (Prohibition) Law, 2011.
- Enugu State HIV/AIDS Anti-Discrimination and Protection Law, 2007.

- Enugu State Prohibition of Infringement of a Widow's and Widower's Fundamental Rights Law No. 3 of 2001.
- Imo State Gender and Equal Opportunities Law No 7 of 2007.
- Imo State Widows (Protection) Law 2003.
- Lagos State Street Hawking (Prohibition) Law.
- Lagos State Protection Against Domestic Violence Law 2007.
- Lagos State Administration of Criminal Justice Law, 2011.
- Lagos State Protection of People Living with HIV and Affected by AIDS Law 2007.
- Lagos State Law to Provide Rules on Criminal Conduct, Regulate Public Order and for Connected Purposes, 2011.
- Lagos State Same Sex (Prohibition) Law 2007.
- National Human Rights Commission Amendment Act 2010.
- National HIV/AIDS anti-stigma law, 2014.
- Cross River State law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation in Cross River State, 2000.
- Rivers State Reproductive Health Service Law No. 3 of 2003.
- Rivers State Schools Rights (Parents, Children and Teachers) Law No.2, 2005.
- Rivers State Dehumanizing and Harmful Traditional Practices Law of 2003.
- Rivers State Abolition of Female Circumcision Law, No. 2 of 2001.
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, as amended in 2004.
- Universal Basic Education and other Related Matters Act (2004).

### **Policy Measures**

- **National Gender Policy, 2006/7:** - The goal of the National Gender Policy is to “build a just society devoid of discrimination harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights and protect the health, social, economic and political well being of all citizens in order to achieve equitable rapid economic growth; evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable development.”

Some of the key principles upon which the policy is premised are:

- a) Commitment to gender mainstreaming as a development approach and tool for achieving the economic reform agenda, evidence based planning, value reorientation and social transformation.
- b) Recognition of gender issues as central to and critical to the achievement of national development goals and objectives and a requirement for all policies to be reviewed to reflect gender implications and strategies as contained in the gender policy and implementation modalities specified in the National Gender Strategic Framework;
- c) Realization that effective and results-focused policy implementation demands a cooperative interaction of all stakeholders.
- d) Promotion and protection of human rights, social justice and equity.



The core strategies for achieving the objectives of the National Gender Policy include:

- Policy, partnership and programme reforms through mainstreaming of gender concerns at all levels;
- Gender education and capacity building to enhance necessary technical expertise and positive gender culture;
- Legislative reforms to guarantee gender justice and respect for human rights and
- Economic reforms for enhanced productivity and sustainable development, especially that which addresses the needs of women and children, and other vulnerable groups.

Information and Communication, Research and data as well as Monitoring and Evaluation are supportive strategies for achieving the policy goal.

Guided by international, regional and national instruments especially the strive to attain the Millennium development Goals, the policy earmarks targets that are in concert with sectoral targets and is aimed at accelerating economic recovery and progress towards the MDGs. A holistic multi-sectoral approach is proposed for implementation of the policy. Strengthening of existing organs of government is required for policy efficiency and additional institutions and mechanisms are proposed to improve sectoral performance.

An anticipated major challenge to achieving the policy objectives is moving from the policy prescriptions to the actualization of the policy goals and targets. For the conceptual framework to be functional, greater synergy is required among stakeholders. Furthermore, overarching institutional restructuring and increased professionalism is required in order to meet the demands of this policy document. The efficacy of the policy strategies is contingent on a functional gender management system while the following elements and actions are indispensable:

- Political Will
  - Gender as a Core Value for Transforming the Nigerian Society
  - Confronting Patriarchy
  - Coordination, Networking, and Monitoring
  - Resource Mobilization
- 
- **Policy Strategic Implementation Framework and Plan, 2008:** - This plan and implementation strategy was developed and adopted at a time when government made a renewed committed to the progressive implementation of constitutional and treaty obligations relating to gender equality, empowerment of women, and respect for women's human rights.
  - **National Child Policy, 2007:** - Serves as a guide for implementation of the Child Rights Act, 2003, which domesticated the provisions of the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. It sets out specific objectives to be achieved under the four clusters of rights namely, survival, development, protection and participation based on an analysis of the situation of the Nigerian child, especially the Girl-child.
  - **Strategic Plan of Action for the National Child Policy, 2008/9:** - This Plan translates the specific goals, objectives and strategies specified in the National Child Policy into time-bound, sustainable programmes and projects that are congruent with the vision and mission of the Policy.

- **Guidelines for implementing National Policy on Gender in Basic Education, 2007:** - The National Gender Policy in Basic Education is the response to the challenges of achieving gender equality in education as expressed in the 1999 constitution of the Federal Republic of Nigeria which states that access to quality education is the right of every Nigerian child. The attainment of gender equality is not only seen as an end in itself, being a human rights issue, but is also a prerequisite for the achievement of national and international development goals-Education For All (EFA) and Millennium Development Goals (MDGs) targeted by the year 2015.

Elimination of gender disparities in primary and secondary education, ensuring full and equal access of quality education for all children is imminent. The Nigerian Government is committed in building a nation devoid of discrimination irrespective of gender, physical condition, geographical location and socio-economic status of parents, harnessing full potentials of all and guaranteeing equal access to political, social, and economic wealth creation opportunities.

Over the years, data and statistics from surveys and research in developing countries, including Nigerian, have increasingly suggested that development is a gendered exercise, impacting differently on women and men, girls and boys. Ruling social norms, political and economic factors endemic in any particular society determine how development benefits different groups of the society. Consequently, promotion of the goal of gender equality has become globally accepted as a strategy for reducing poverty levels among women and men, improving health and living standards and enhancing efficiency of public investments.

In Nigeria, the entrenched patriarchal social system translates into male domination and subordination of women in both private and public spheres, the results of which is construction and perpetuation of gender inequality. Women/girls are seen to be more vulnerable to poverty, cultural and societal vices. Empirical evidence shows gender disparity in enrolment, retention and completion at all levels of education (primary, secondary, and tertiary). In 15 northern states the disparity in favour of boys is quite high. In the South-East, where boys drop out and engage in income generating activities to supplement household income, the disparity is in the favour of girls.

Women education is a road to gender equality and social justice; it is key to gender equity, justice, improved skills and technological knowledge acquisition, improved nutrition, reproductive health, and economic empowerment.

The Gender Policy in Basic education compliments other policies like the National Policy on Education, the Universal Basic Education Policy, Early Child Care Policy and the National Gender Policy by the Federal Ministry of Women Affairs and Social Mobilization. They all advocate acquisition of basic education as a means to meaningful contribution to development. The Federal Ministry of Education is the vehicle for the delivery of this Policy. This will increase gender sensitivity of all stakeholders and equip them with strategic skills to drive this initiative down to the community level for full participation in implementation for sustainability.

The implementation of the Policy is premised on the existing policies as contained in the Nigerian Constitution, National Policy on Education, the Universal Basic Education Act, National Gender Policy and other related instruments.

The Guidelines for the Policy include the following broad elements: -

- Increase access to education;
- Retention, completion and performance;
- Resource mobilization and sustainability;
- Research, planning, monitoring and evaluation;
- Conditions for success: - Advocacy, sensitization and mobilization of all stakeholders at all levels;

- Creating and strengthening of partnerships at all levels among all stakeholders.

### **Institutional Measures**

The Government of Nigeria is committed to building a nation devoid of gender discrimination, guaranteeing equal access to political, social and economic wealth creation opportunities for women and men, and developing a culture that places premium on the protection of all children. In furtherance of this goal, the government has established the lead national and state gender machineries, **the Federal Ministry of Women Affairs, Child and Social Development and the 36 States and the Federal Capital Territory Ministries of Women Affairs, Child and Social Development.**

The mission of the above Ministries is to serve as the national and state vehicles to bring about speedy and healthy development of Nigerian women and men in the mainstream of the national development processes and ensure the survival, protection, development and participation of all children, especially the girl-child, in preparation for meaningful adult life.

- **National Centre for Women Development, Abuja:-** Is an institution established by law responsible for the following, among others: -
  - Conduct research on status of women;
  - Develop women empowerment indicators;
  - Develop and implement women empowerment programmes and projects, including gender education, vocational skills training schemes, access to credit etc;
  - Execute special programmes to promote gender equality;
  - Relate with federal and state Ministries of Women Affairs, Child and Social development on gender policy implementation.
- **ICT initiative for women:-**
  - The National Centre for Women Development (NCWD) has embarked on a lot of initiatives to promote women's employment such as the Vocational Skills training. The NCWD has trained 10,00 women and girls in various vocational skills from 2012 – date and provided them with toolkits/scks.tarter p
  - The Technology & Entrepreneurship Training for Women in Nigeria (TETWIN): Since 2014 the NCWD trained 100 women and provided them with toolkits to harness ICTs and the Internet as tools for advancing women's empowerment and gender equality as reflected within UN Women's Global Strategic Plan (2014-2017). The NCWD is Promoting Women & Girls Access to ICT and the Internet to Accelerate Gender Equality aand Empowerment Project, it has since 2015 trained 100 women and girls to enable them access latest e-service and develop the required skills that would enable them enlarge their businesses. In 2016 the NCWD through its "Bridging the Gender Divide ICT Programme for Women" trained and sensitized 300 women on how best to approach Digital Marketing and expose them to job opportunities in digital space.
  - The National Gender Data Bank Project:- the NCWD host a repository and one stop referral point for gender data source, which is utilize as a mechanism for engendering inform decision based on evidence.
  - The NCWD Women Development Centres (WDC) Activation Project whose goal is to empower rural women through the activities in the WDCs and reduce poverty in the households has since 2010-

date reactivated a total of 40 WDCs, with a total of 8000 women trained in the reactivated WDCs and equipped with toolkits/starter packs.

- NCWD Day Care Centre: provides day care services to enhance the productivity of working mother and self-fulfillment.
- **The Legislative Chambers of the National Assembly:** - There exists a strong synergy and collaboration between the Senate and House of Representatives Committees on Women and Children Affairs, Human Rights and Justice on the one hand, on the other, with the Federal Ministry of Women Affairs in the advancement of equal access to opportunities, gender equality, promotion and protection of women's rights against all forms of discrimination, through the passage of laws that seek to remedy the effects of discriminatory practices, policies, programmes and projects in Nigeria.
- Women and gender concerned activists, civil society organizations and women focused NGOs have formed a **National Coalition on Affirmative Action in Nigeria** to lobby and sensitize on the domestication and progressive implementation of both CEDAW and the Maputo Protocol in Nigeria. Efforts are being made by the NGO Coalition and the Gender Ministry to re-table the Gender and Equal Opportunities Bill 2010/11 and the Violence against Women Bill in 2013 and re-engage the National Assembly Law Makers on their passage.
- **National Human Rights Commission:** - The National Human Rights Commission was established by the National Human Rights Commission (NHRC) Act, 1995, as amended by the NHRC Act, 2010, in line with the resolution of the United Nations General Assembly which enjoins all member States to establish national human rights institutions for the promotion and protection of human rights. The Commission serves as an extra-judicial mechanism for the enhancement of the enjoyment of human rights. Its establishment is aimed at creating an enabling environment for the promotion, protection and enforcement of human rights. It also provides avenues for public enlightenment, research and dialogue in order to raise awareness on human rights issues.

## **Other Measures**

### **Promoting Women and Development**

With women constituting about half of Nigeria's population, there is overwhelming evidence that they are a formidable productive force and a repertoire of incredible human resource that is critical for attaining for national economic development. Therefore, the role of this vast human capital in the socio-economic advancement of the country cannot be over-emphasized. In recognition of this reality, Government is, among others, taking increasing steps to:

- i. Make more and more major policy interventions targeted at improving the social status of women;
- ii. Improve women's economic base by making special bank loans available —through the Central Bank of Nigeria, Nigeria Infrastructure Bank, Bank of Agriculture and the Bank of Industry;
- iii. Ensure massive increase in girl-child education;
- iv. Discourage early girl-child marriages.

### **Enhancing Women's Economic Empowerment**

Government has embarked on numerous programmes to boost women's economic empowerment. Some of these are the WOFEE and BUDFOW which are still making giant strides all over Nigeria. The FMWASD, in partnership with the Central Bank of Nigeria (CBN) and the Bank of Industry (BOI) have provided financial empowerment to women through their various initiatives, such as Micro, Small and Medium Enterprises Development Fund as well as the Agricultural Financing Scheme. So far over 5000 women have benefitted nationally and it is still work in progress.

Government has also put in place many other gender-specific economy-boosting Programmes including: Subsidy Re-investment and Empowerment Programme (SURE P); YOU-Win; G-Win; United Nations Development Programme (UNDP)/SMEDAN technical and entrepreneurial skills programme among others.

### **Political Participation**

Since 2007, there have been increased efforts to ensure increased women's representation and participation in both elective and appointive positions in the country through:

- i. Increased emphasis on implementing the provisions of the National Gender Policy, in all spheres of government and non-governmental activities;
- ii. Insistence on the 35 per cent Affirmative Action target of the National Gender Policy in all appointive and elected offices.
- iii. Massive sensitization of the citizenry on the negative impact of harmful traditional practices hampering women from political participation.
- iv. Deliberate schemes and programmes aimed at the economic empowerment.

Additionally, Political Parties are advancing policies aimed at encouraging women into political decision making positions at the highest levels. Most political Parties now allow women seeking political offices to obtain nomination forms free of charge whereas their male counterparts pay heavily to obtain same. The FMWASD with UN-Women and other development partners put in place a Trust Fund to assist female politicians bidding for elective offices.

The Independent National Electoral Commission (INEC) as a strategic institution developed its in-house gender policy to positively influence the enabling legislative environment for electoral processes. It will also facilitate the adoption of relevant institutional measures and mechanisms related to the achievement of impartiality and equality and contribute to bridging gender gaps in political representation at all electoral related levels, especially in elected and appointive positions.

### **Working towards a more gender responsive Nigerian Police Force**

The Nigeria Police Force has developed a context specific **Gender Policy for the Nigerian Police**. This was demand-driven response to the outcomes of a workshop on improving gender sensitive policy response to the issues of GBV organized in November 2009. Also, the Nigeria Police Force recently adopted a new Human Rights Training Manual which has gender equality mainstreamed and was presented to the Inspector General of Police in February 2014 —for use in all Police Training Schools and Colleges, nationwide.

## Gender Ratio in the Nigerian Foreign Service, As at July 2017

Number of Ambassadors in Foreign Service by Gender, 2017

S/N	Cadre	Male	Percentage (%)	Female	Percentage (%)
i.	Career	36	76.6	11	23.4
ii.	Non-Career	40	90.9	4	9.1
	<b>Total</b>	<b>76</b>	<b>83.5</b>	<b>15</b>	<b>16.5</b>

Number of Officers in Foreign Service by Gender, as at July 2017

S/N	Cadre	Male	Percentage (%)	Female	Percentage (%)
i.	Top Management	195	90.7	20	9.3
ii.	Middle Management	221	71.3	89	28.7
iii.	Lower Management	176	66.9	87	33.1
	<b>Total</b>	<b>592</b>	<b>75.1</b>	<b>196</b>	<b>24.9</b>

### Significant Findings:

- i. Over the years, there has been a progressive improvement in the ratio of female Foreign Officers recruited into the Nigerian Foreign Service.
- ii. In the Next decade, female Foreign Service Officers will constitute not less than 35% of the Management Cadre of Officers. This will compare favourably with any Foreign Service in the world and be among the global best practice.
- iii. Another implication is that in the next one decade at the maximum, not less than 30% of Nigeria's Career Ambassadors will be women. This will also represent a global best practice.

### Response Measures for victims of violence

#### (a) Rehabilitation Services/Provision of Shelters

There has been a remarkable increase in the number of shelters available to victims of violence since the last reporting period. Table 8.1 below presents some of such shelters currently operational in the country.

Table 8.1  
Shelters and their Location

Location	Name of Organization	Services Rendered
Lagos	Project Alert —Sophia’s Place (NGO)	Provides a safe, quiet and serene space for women (and their children) seeking time and space away from their abusive environments
	Lagos state Government	156-bed shelter for women and children victims of GBV
	Rehoboth Homes —Women of Global Impact of The Redeemed Evangelical Mission (TREM)	Houses stranded ladies who have been trafficked, and who are deported or repatriated into the country
	Genesis House by Freedom Foundation	Helps sexually abused ladies and former commercial sex workers within the ages of 13 and 25 years
	Rehabilitation Centre (Peace Villa) by The Real Woman Foundation	Rehabilitation centre for girls and young women who have been victims of sexual abuse and sexual exploitation. Runs rehabilitation programme, which runs for six months, it includes counselling and vocational training
	Hope House by Pastor Bimbo Odukoya Foundation (PBOF)	Provides shelter for pregnant single girls aged between 13 and 23 years. The girls are sometimes victims of abuse
	Media Concern Initiatives (MEDIACON)	Provides shelter for sexually abused young people
	Echoes of Mercy and Hope Foundation	Provides shelter for sexually abused and street girls between the ages of 12 and 17 years.
(Abuja, Lagos, Benin, Uyo, Enugu, Kano, Sokoto and Maiduguri)	National Agency for the Prohibition of Trafficking in Persons (NAPTIP)	Eight (8) shelters across the country mainly for rescued victims of trafficking
Enugu	Women’s Aid Collective (WACOL)	Provides temporary accommodation to female victims of battery and violence

Ekiti	Ekiti State Ministry of Women Affairs —Social Intervention Home	Transition/temporary shelter for abused/displaced women
Abuja	Federal Ministry of Women Affairs and Social Development	Temporary shelter for abused women and victims of domestic violence
Cross River	Destiny Care Centre	Home for abandoned children and those who suffer sexual abuse
	Mothers Against Child Abandonment	Home for pregnant teenagers
Kaduna State	UNFPA/KD State Ministry of Women Affairs and Social Development	Shelter construction is at finishing stage.
Osun State	Osun State Ministry of Women Affairs	Temporary Shelter for battered women

**(b) Hotlines and Helpline Services** In order to enhance response to incidences of Gender Based Violence (GBV) several government agencies and civil society organizations have hotlines/helplines on GBV albeit focusing on different and specific aspects of GBV. Most of the hotlines run 24 hours some of which are toll free.

**(c) Counselling and Medical Services**

Several organizations offer different types of counselling services tailored to their areas of expertise for people who have experienced or are experiencing physical or sexual violence. Some of such counselling service providers are Lagos state Ministry of Youth, Sports and Social Development, Project Alert, GPI, WACOL, CIRDDOC, Mirabel Centre, Hello Lagos, MEDIACON, OPD etc. Majority of the services provided are legal counselling, group and individual counselling, and health related counselling. Some organizations offer victims Psycho-social and Trauma counselling/management. The Mirabel Centre also provides sexual assault trauma counselling services.

**(d) Training/Capacity building (*Police, Health Care Workers, Counsellors and Others*)**

Targeted training of professionals who interact with those impacted by GBV has been a critical aspect of efforts being taken to address the problem of GBV and HIV. Such training covers knowledge and information sharing, sensitization as a first step in changing norms, attitudes, and behaviour, as well as strengthening the technical skills needed to implement a range of services and support to victims of GBV.

**(e) Awareness raising, Mobilization and Advocacy**



The Government, its partners and other stakeholders routinely carry out enlightenment campaigns during the annual 16 days of activism on violence against women to raise awareness on issues of GBV across the country. Various groups have held awareness campaigns in tertiary and secondary institutions to raise awareness on both GBV and VAW among youths in formal educational institutions. Others have media campaigns —television and radio programmes.

**(f) Mobilizing men in the fight against GBV**

The involvement of men is crucial to achieving the desired change in gender based norms which fuels the incidence of GBV. To this end, various organizations are mobilizing men and boys to reduce GBV and promote gender equity and equality. The Ebonyi Men’s Resource Centre (EB-MRC) which is hosted by Daughters of Virtue and Empowerment Initiative (DOVENET) has a network of men, allied with women, acting as role models in violence prevention and positive masculinity. The UNFPA carries out a yearly dialogue with young boys and traditional rulers on their role in eliminating gender based violence while the UN-Women has a network of male champions on VAW.

**Dealing with Abductions and Internally Displaced**

There is no doubt that crisis situation in Nigeria especially in the Northern parts of the country has escalated and have led to an increase in the number of Internally Displaced Persons (IDPs) across the country. Nigeria is said to have over 3,000,000 IDPs with over 20 camps across the affected states.

In response to this, Government set up some interventions such as:

- Presidential Initiatives to support infrastructural development and reconstruction in the crisis affected areas.
- Save Schools Initiatives Project initiated by United Nations Special Envoy for Global Education, Mr. Gordon Brown and a coalition of Nigerian Business leaders in May 2014 to provide additional security and security personnel for pupils and students including provision of school facilities to ensure safe, secure and conducive environment for learning.
- The Victims Support Fund which was able to raise N100 Billion (\$625m USD) in support of the care and rehabilitation for the victims of Boko Haram, who have been predominantly women and children.

**Accelerating Equality between Men and Women**

**Introduction**

The Nigerian Government has made and continues to make laws and policies striving to consistently put in place necessary mechanisms for enforcing such laws and implementing its policies in order to ensure that it remains on course towards bridging gender gaps in different sectors. The FMWASD, NCWD, CSOs and other development partners have also worked and collaborated on various interventions to ensure gender equality at the 3 levels of government and in all sectors.

**Administrative and Policy Measures on Gender Mainstreaming**

The Beijing Platform of Action (BPFA) alongside the provisions of the CEDAW continues to inform policies, strategies and actions of government and stakeholders in the promotion and protection of the rights of women

and girls in the country. Although, CEDAW has not been made wholly a part of the Nigerian legal system it has continued to influence policy implementation by the Government as it relates to different areas of concern. Many laws have been passed over the years that support different principles of CEDAW.

### **Enhancing Family Life**

The Nigerian Law Reform Commission has undertaken extensive reforms of the Nigerian Family Law, Law Relating to Rape and Other Sexual Offences as well as Laws on Marriage. The reforms specifically address issues pertaining to Section 55 of Chapter 198 of the 1990 Constitution, and section 360 of the Nigerian Criminal Code. Issues covered include:

- a) Testifying against a Spouse: Previously only women married by ordinance were protected from testifying in court against their husbands in criminal matters but by the reform, women married under customary and Islamic Laws are now covered.
- b) Divorce under customary and Islamic laws will now follow due process and besides return of dowry, divorce paper will now be obtainable.
- c) Customary and Islamic marriages can now be registered.
- d) Pregnant women no longer share cells with other detainees or prison inmates.
- e) Nursing mothers relieved of sharing cells with other detainees or prisoners.

### **Expanding Employment Opportunities:**

#### **Military Enlistment of Women**

To boost Women's employment in the Military, a landmark achievement was made on 14 February 2010 when Nigerian Defence Academy (NDA) commenced enlistment of female regular combatant officers with 20 females enrolled as pioneers. By 2013, the number increased to about 50 (Daily Trust, 2/2/2013). In recent years, women have also been deployed on peace keeping missions within and outside Nigeria.

#### **Advancing Women in Judiciary**

With recent developments in the Nigerian Judiciary, the acceptance of women's leadership in strategic positions is anticipated to have positive ripple effects in other sectors. In 2012 a woman, Honourable Aloma Mouktar emerged as the first female Chief Justice and head of the Nigerian Judiciary and another female Judge —Justice Zainab Bulkachuwa emerged President of the Court of Appeal in 2014. So far about five States have appointed women as their Chief Judges and/or Attorney General. Such States are: Lagos, Ogun (CJ and AG are women), Oyo (the state also has female Customary Court Judge). Zamfara and Sokoto have the oldest serving states CJs as women.

#### **Women in the Private Sector**

There has been an increase in the number of women in the private sector. Women run about 20 per cent of enterprises in the formal sector (World Bank, 2009:92) and they make up 37 per cent of the total work force in the garment industry. The rate of female entrepreneurship in the micro sector is increasing as a result of increased skill acquisition and micro-loans to women. A report on the "2010 Access to Financial Services in

Nigeria” indicates that majority of the 43 per cent of women cited as economically inactive make their living through private businesses.

## **Conclusion**

The Nigerian Government recognizes the pertinence of achieving gender equality and has over the years, rolled out policies to achieve this goal. Salient impediments in achieving gender equality and particularly during the reporting period, include the pervasive negative socio cultural beliefs and practices that shape choices and decision in different spheres of life, and pushing to obscurity some of the draft bills geared at redressing the challenges.

## **Gender Roles and Stereotypes**

### **Key Efforts to Eliminate Gender Roles and Stereotypes for Girls and Women**

Awareness creation on gender issues has been one of the major measures put in place to address gender stereotypes that impede the progress of women and girls in the country. Much of the gains recorded since 2006 can be attributed to the ensuing measures highlighted below:

The National Coalition on Affirmative Action has promoted and ensured the enactment of Gender and Equal Opportunity Law (derived from CEDAW) in Ekiti, Imo and Kogi States. This law among others provides that every *“organ, agency of government, public or private institution, community, educational institutions modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices, customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes, or stereotyped roles for men and women.”*<sup>1</sup> (Gender and Equal Opportunity Bill, 2010). The Law protects women’s inheritance rights, land ownership rights, political participation and economic opportunities. Meanwhile advocacy and lobbying has been intensified to have the Bill passed at the National Assembly.

Barriers are constantly being dismantled thereby allowing women and girls to participate in some vocational jobs that have for a long time been considered the preserve of men and boys. For instance girls are now being trained in vulcanizing (vehicle tire repair), wheel alignment. Through the project women are trained to drive taxis and empowered with vehicles to run transport businesses.

Government and NGOs are increasingly working in collaboration with Faith Based Organizations and traditional authorities to conduct awareness programmes. These programmes have ensured the gradual but steady dislodgement of the culture of male superiority. The increasing numbers of female clerics in both Christian and Muslim denominations attest to this.

Furthermore in Igbo land, there is a rise in female chiefs with not less than 10 women in Iyom category. The Iyom Chieftaincy is the highest traditional title for a woman among a large segment of Igbo communities. This titled leadership position almost went extinct but its resurgence in the past five years attests to the progress

in the march to gender aware attitudes. Women are now represented in the “Eze” Traditional Rulers’ Cabinets in the South Eastern states.

Several governments in the South East are now involved in the yearly Women’s Mass Home Coming otherwise known as August Meeting and now use it as a platform for creating awareness at the rural level on the need to abrogate harmful traditional practices.

The National Gender Policy and the National Policy on Education have prioritized Science and Technical Education for girls as a path to decent jobs for them.

To reverse stereotype, Government at various levels and NGOs have taken the following actions to reverse this trend. For example, Kano state initiatives in this regard are as follows:

- Establishment of New Day Junior Secondary Schools for girls in each of the 44 LGAs
- Provision of international scholarship awards to 100 women to study Medicine and qualify as Gynaecologists and other medical related fields
- 100 females undergoing training as Pharmacist
- 100 females undergoing training as Nursing Tutors
- 100 females undergoing training as Commercial Pilot and at the moment 30 had graduated
- Female Teachers Scholarship Scheme (FTSS).

Other states’ initiatives include mobilization of religious and traditional rulers and communities in (Cross River, Zamfara and Yobe States); involvement of women through mothers’ association (Kebbi State); Networking and partnership by various NGOs, Civil Society Action Committee on Education For All (CSACEFA) and formation of Girls Education Advocacy Groups known as EGBENN Project.

### **Awareness Creation and public sensitization**

To create the necessary awareness and sensitization, the Government has been supporting the fast growing film industry in Nigeria. Financial support and other incentives ensure that the film industry serves as a medium for promoting positive perceptions of women and girl with the ultimate aim of eliminating gender stereotypes.

### **Growing Girls and Women in Nigeria (G-Win)**

GWIN (Growing Girls and Women in Nigeria) is an innovative programme that links government budgeting processes to specific targets to improve the lives of disadvantaged girls and women in Nigeria. The pilot phase is implemented by five ministries: Agriculture, Communications Technology, Health, Water Resources, and Works. The Ministry of Women Affairs monitors and evaluates the implementation.

Table 8.2

**Key Implementation Results**

<b>SN</b>	<b>MINISTRY</b>	<b>FOCUS</b>	<b>TARGET</b>	<b>ACHIEVED</b>
1	Federal Ministry of Agriculture and Rural Development	1. Provide training, starter packs and mentoring to young women farmers  2. Register women on the E-Wallet agro database through which women receive subsidized inputs  3. Provide, in collaboration with Ministry of Communication Technology, women with agricultural information through text/voice messages	500 women  500,000 women	3,500  100,000 identified
2	Federal Ministry of Communication Technology	Girls and women access/receive reliable and relevant daily information content via any mobile device.  Secondary school girls gain access to ICT tools and mentorship to prepare them for career in the ICT sector  Young girls provided with 3-day general ICT training, the best 200 receive higher level training certification by Huawei and 200 certified provided job placement  IT Club Managers gain access to ICT tools for effective IT club management and mentoring of beneficiaries of Girls ICT Club	2 million  1,200  1,000  48	nil  1,850  400  28
3	Federal Ministry of Health	Treat young women with VVF, provide counselling and rehabilitation  Build management skills of health workers  Train Peer-to-peer health educators	Nil  4,600 girls	128  4,497

		Train teachers and FBOs/CBOs as P2P coordinators	Nil	600 teachers 120 FBOs
		Train Out-of-school young people as peer Educators	Nil	1,200 youths
4	Federal Ministry of Water Resources	Train Women to set up and operate water management committees	240 women (12 States)	76 Women
		Train rural women and girls on leadership skills and conflict resolution	240 women (12 States)	80 (4 states)
		Train rural women and girls on water kiosk management	240 women (12 states)	80 women
		Train women in procurement processes	55 women	50 women
		Establish WASHCOMS and post triggering support	120 WASHCOMs	28 WASHCOMs
		Establish WASHCOMS and post triggering support	360 (4 States)	120 (4 States)
		Train rural Women and girls on entrepreneurial skills	480 (4 States)	160 (4 States)
		Train rural women and girls on Community Led Total Sanitation (CLTS), facility Operation and maintenance and Health education	480 (4 States)	160 (4 States)
5	Federal Ministry of Works	Train women and employ in road maintenance projects	229 women	1,500 women
		Train women in procurement processes	50 professional women	50 professional women
		FERMA Road Maintenance Training Programme involving production of hand craft and artefacts, at the Federal Ministry of Works Training School in Kaduna	50 rural women	50 rural women

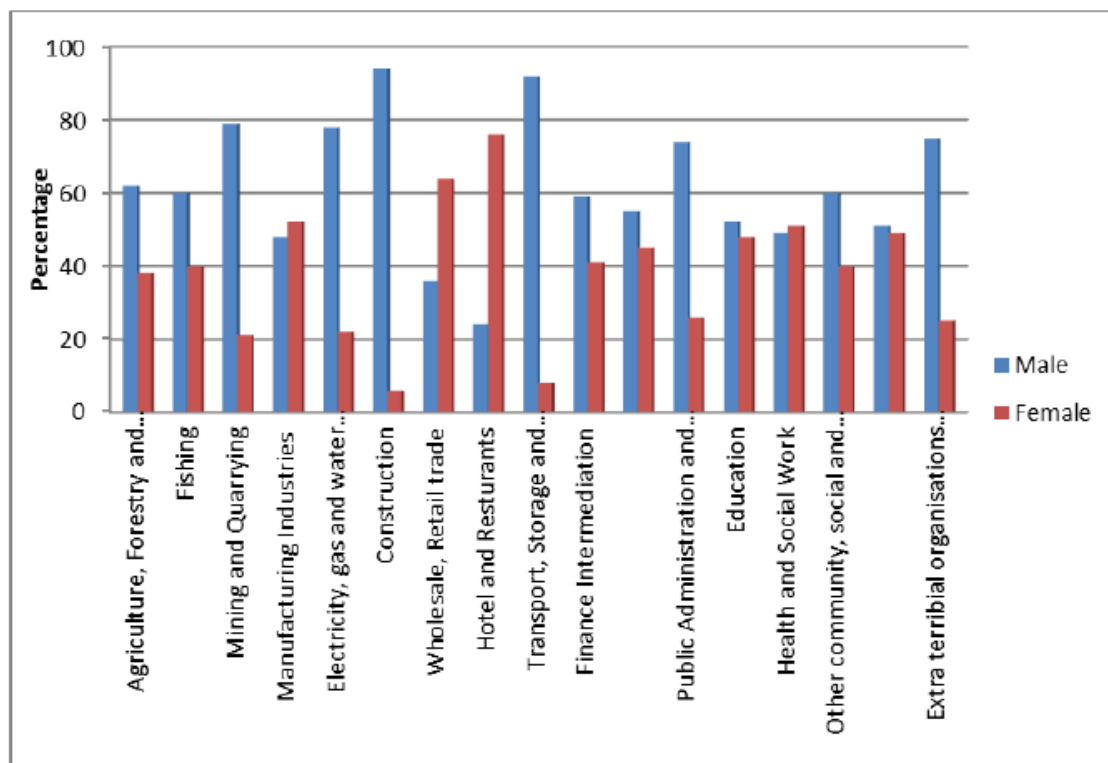
**Source:** Federal Ministry of Finance

## Improvements in gender occupational roles

Occupational Distribution by Gender in 2007 and that of Distribution of Persons by Occupational Group (per cent) show a marked improvement in women's participation in more lucrative occupations compared with 2006 when the ratio of participation of men and women in the formal sector was 87 per cent to 11 per cent (NGP, 2007).

Figure 8.1

### Distribution of Workers in Major Occupations by Sex, 2007



## Key Challenges

Despite the progress being made in terms of changing gender roles and stereotypes, a lot of challenges still persist. The following challenges still need to be tackled:

- Religion —lack of proper interpretation of religious texts and the quoting of religion as an alibi for certain stereotypes and religious practices.
- Culture and Traditional practices.
- Legislature —there is still a general lack of awareness and enforcement of existing laws and a slow response to change by law enforcement officers.

## Women in Foreign Service

Nigeria has put women in the fore-front of its development agenda pillar, which includes its foreign policy. The trend which became noticeable from 2003 to 2007 peaked in 2011 with the appointment of 13 women Ministers including a Minister of State for Foreign Affairs.

There has been a gradual increase in the number of female ambassadors representing the country. As at 2006, out of 87 Ambassadorial appointments, 7 were women, representing 8.04 per cent with 80 of them being male, representing 91.96 per cent. Of the total of the 593 diplomatic staff, 63 are women representing 10.6 per cent of the total number. In 2007, a total of 71 Ambassadors were appointed, 64 were male representing 90.1 per cent and 7 female representing 9.9 per cent showing an increase from what it was in 2006. In 2014, a total of 93 Ambassadors have been appointed with 82 male representing 88.2 per cent while female is 11 representing 11.8 per cent. (See table 8.3 below)

Table 8.3 Numbers of Ambassadors in Service by Gender —2006, 2007-2008, 2014

Year	2006		2007-2008		2014	
	Male	Female	Male	Female	Male	Female
Number	80	7	64	7	82	11
%	91.96	8.04	90.1	9.9	88.2	11.8
<b>Total</b>	<b>87 (100%)</b>		<b>71 (100%)</b>		<b>93 (100%)</b>	

**Source:** Ministry of Foreign Affairs, Abuja 2014, Daily Champion Newspaper, September 2007; The Punch Newspaper, January 2014.

Table 8.4 Number of Officers in Foreign Service by Gender, 2014

S/N	Cadre	Male	Percentage	Female	Percentage
i.	Top Management	94	90.4%	10	9.6%
ii.	Middle Management	210	72.7%	79	27.3%
iii.	Lower Management	230	58.1%	166	41.9%
	<b>Total</b>	<b>534</b>	<b>67.7%</b>	<b>255</b>	<b>32.3%</b>

**Source:** Ministry of Foreign Affairs, Abuja 2014.

From Table 8.4 above, generally more male than female are in foreign service and women are particularly few at the decision making level i.e. 9.6 per cent female top management staff compared to 90.4 per cent of their male counterparts at the same level.



## Women in International Organizations

Many international organizations report that they have internal gender parity strategy on employment. However it is not clear the extent of enforcement/ adherence to such guidelines. Most international organizations stipulate however that they are **equal opportunity employers**.

## Challenges

Family, growing up and socio-cultural background; Patriarchal Culture And Practices; Finance Constitutional Constraints.

## Recent Improvement in the Employment of Women

The efforts of the Government are beginning to yield positive results some of which are reflected in the data below:

- The share of women in wage employment in the non-agricultural sector rose from 6.60 per cent in 1990 to 7.90 per cent in 2004 and the FMWA&SD estimates that it increased to 14.0 per cent in 2012.
- ILO study reveals narrow gap in male/female labour force participation rates from 2007 to 2011 (see table 8.5 below).

Table X8.5 Labour force participation for ages 15-24 and 15-64 by sex and year (%)

<i>Age Group</i>	<i>Gender</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
15-24 years	Female	34.50	34.50	34.60	34.60	34.70
	Male	39.60	39.70	39.90	40.00	40.20
	Total	37.10	37.20	37.30	37.40	37.50
15-64 years	Female	47.80	47.80	47.90	48.00	48.10
	Male	62.20	62.40	62.70	62.90	63.20
	Total	76.40	76.20	76.11	75.87	75.67
	Ratio of Female to Male	76.40	76.20	76.11	75.87	75.67

Source: ILO (2011).

**Table 8.6 Job creation in fourth Quarter of 2012 by Gender (Formal Sector)**

Sector	Full Time		Part Time		Total		All Total
	Male	Female	Male	Female	Male	Female	
Agriculture, Hunting, Forestry and Hunting	420	78	319	61	740 (84.22%)	139 (15.78%)	878 (0.58%)
Mining and Quarrying	42	10	73	91	115 (53.11%)	101 (46.89%)	216 (0.14%)
Manufacturing	5 853	1 200	1 016	160	6 869 (83.39%)	1 369 (16.61%)	8 238 (5.42%)
Construction	1 334	33	57	10	1 391 (97.00%)	43 (3.00%)	1 434 (0.94%)
Trade, Repair of vehicles and household goods	1 096	651	368	88	1 464 (66.45%)	739 (33.55%)	2 203 (1.45%)
Hotels and Restaurants	1 389	1 324	170	142	1 559 (51.55%)	1 465 (48.45%)	3 025 (1.99%)
Transport, Storage and Communication	1 388	269	263	30	1 652 (84.66%)	299 (15.34%)	1 951 (1.28%)
Financial Intermediation	11 752	11 476	363	583	12 115 (50.12%)	12 059 (49.88%)	24 175 (15.90%)
Real Estate, Renting and Business Activities	1 759	1 190	242	169	2 000 (59.55%)	1 359 (40.45%)	3 359 (2.21%)
Education	27 767	27 755	12 945	8 080	40 712 (53.19%)	35 835 (46.81%)	76 547 (50.35%)
Health and Social Work	1 709	21 022	274	549	1 982 (8.42%)	21 570 (91.58%)	23 552 (15.49%)
Other Community, Social and Personal Service Activities	271	108	5	6 056	277 (4.29%)	6 164 (95.71%)	6 441 (4.24%)
<b>Total</b>	<b>54 782</b>	<b>65 124</b>	<b>16 094</b>	<b>16 018</b>	<b>70 876 (46.62%)</b>	<b>81 142 (53.38%)</b>	<b>152 018 (100%)</b>

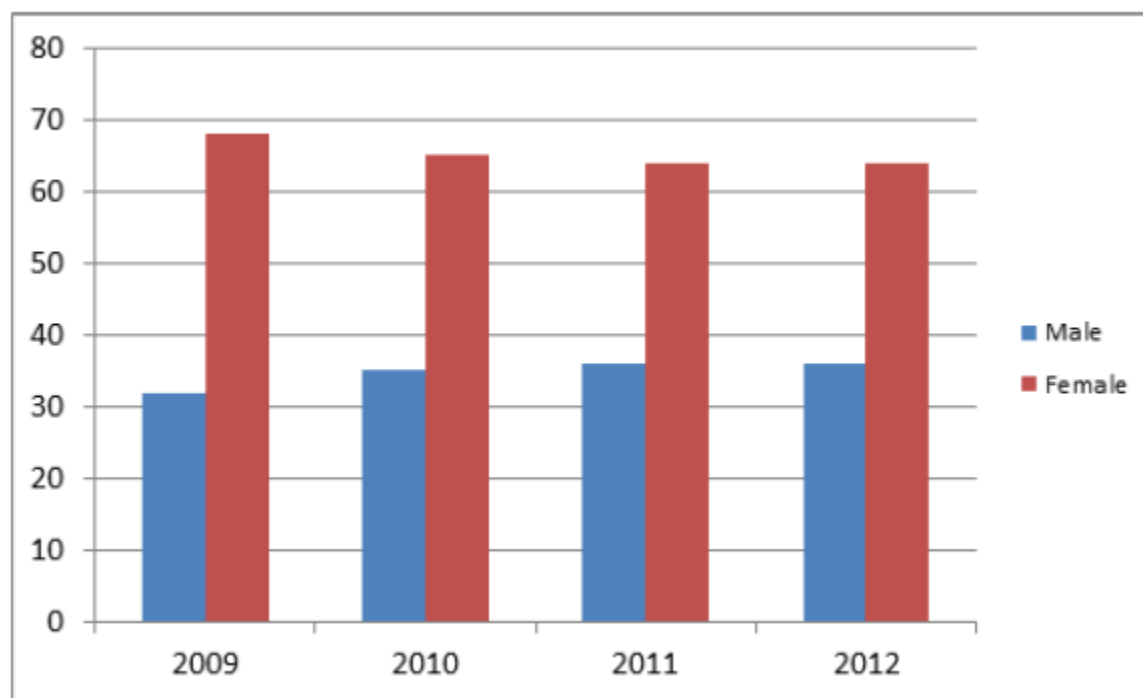
*Source: NBS fourth Quarter 2012 job creation survey.*

**Table 8.7 Job Creation in 1st Quarter of 2013 by Gender (Formal Sector)**

Sector	Full Time		Part Time		Total		All Total
	Male	Female	Male	Female	Male	Female	
Agriculture, Hunting, Forestry and Hunting	696	337	214	21	910 (71.72%)	359 (28.28%)	1 269 (0.73%)
Mining and Quarrying	92	27	50	23	143 (74.04%)	50 (25.96%)	193 (0.11%)
Manufacturing	7 104	1 789	1 614	574	8 718 (78.68%)	2 363 (21.32%)	11 080 (6.36%)
Construction	2 200	60	81	0	2 281 (97.46%)	60 (2.54%)	2 341 (1.34%)
Trade, Repair of vehicles and household goods	2 732	1 350	288	56	3 019 (68.23%)	1 406 (31.77%)	4 425 (2.54%)
Hotels and Restaurants	1 614	1 900	177	155	1 790 (46.56%)	2 055 (53.44%)	3 845 (2.21%)
Transport, Storage and Communication	1 648	589	162	10	1 810 (75.14%)	599 (24.86%)	2 409 (1.38%)
Financial Intermediation	18 872	1 955	369	445	19 241 (49.03%)	20 000 (50.97%)	19 241 (22.51%)
Real Estate, Renting and Business Activities	2 922	1 964	394	316	3 316 (59.25%)	2 281 (40.75%)	5 597 (3.21%)
Education	27 263	25 887	9 844	5 844	37 107 (53.91%)	31 731 (46.09%)	68 838 (39.49%)
Health and Social Work	2 678	23 326	307	516	2 985 (11.13%)	23 842 (88.87%)	26 827 (15.39%)
Other Community, Social and Personal Service Activities	275	153	15	7 818	290 (3.51%)	7 972 (96.49%)	8 262 (4.74%)
<b>Total</b>	<b>68 096</b>	<b>76 937</b>	<b>13 515</b>	<b>15 778</b>	<b>81 611 (46.82%)</b>	<b>92 715 (53.18%)</b>	<b>174 326 (100%)</b>

**Source:** NBS first Quarter 2013 Job creation Survey.

Figure 8.2: Distribution of pharmacist workforce by gender in Nigeria (2009-2012)



Source: FRN (2013).

The distribution of labour participation by occupation and gender indicate that there is hardly any sector where women do not participate, and in most of these sectors, there are almost as many females as there are males (Table 8.8).

Table 8.8 Distribution of labour participation in Nigeria by occupation and sex

<i>Occupation/sector</i>	<i>Male</i>	<i>Female</i>	<i>Gender parity index (GPI)</i>
<b>Agriculture</b>	41.48	22.41	0.54
<b>Trade and industry</b>	35.08	44.95	1.28
<b>Oil and gas</b>	3.77	1.59	0.42
<b>Services</b>	11.32	13.81	1.22
<b>Others</b>	8.36	17.25	2.06

Source: Federal Government of Nigeria, 2008.

### Recent Interventions towards improving women's employment opportunities

These include:

- The Nigerian Government conceptualized in 2011 the Community Service, Women and Youths Employment (CSWYE) Project under the social safety net programme of the Subsidy Re-investment and Empowerment Programme (SURE-P) as a short term intervention that engaged

185,000 women, youths and other vulnerable members of the society in stop gap employment services in their communities. Thirty (30 per cent) and twenty (20 per cent) per cents of beneficiary slots were reserved for women and other vulnerable groups respectively. Distribution of beneficiaries of the programme by sex as at 2013 is presented in Figure XX.

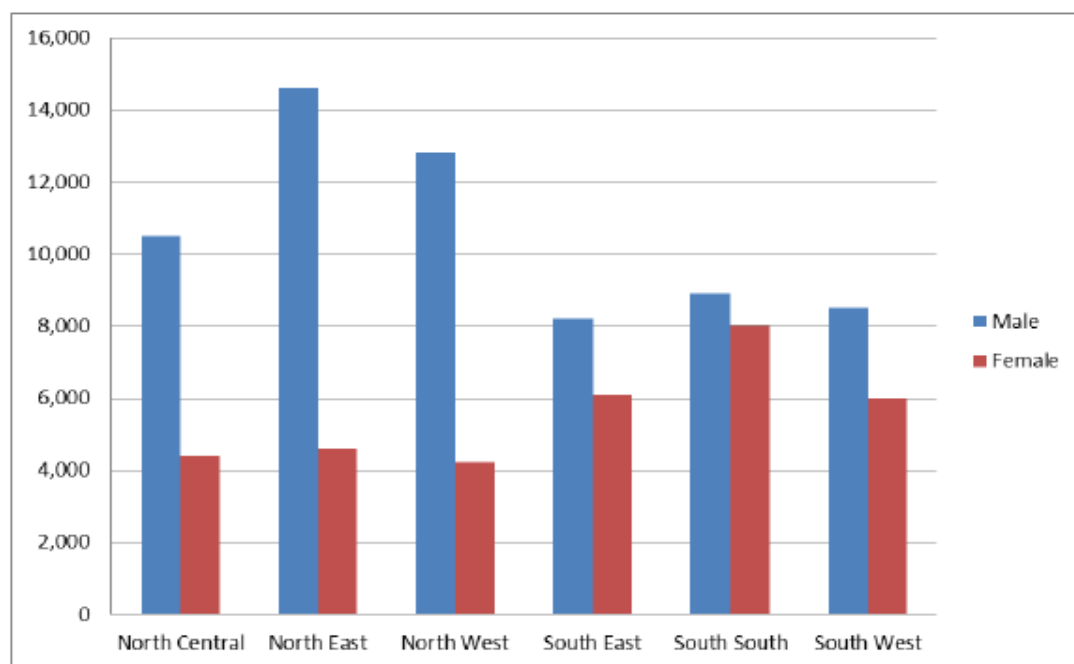
- The National Directorate of Employment (NDE) initiated and is implementing programmes to combat mass unemployment amongst women and youths. In 2011, 182,797 women and youth were employed through the programme, of this number 75,301 (41.19 per cent) were women and 107,496 (58.81 per cent) were men. The distribution by gender of employment by the NDE programme is presented in Table 8.9.

**Table 8.9 Summary of NDE Beneficiaries by Scheme and sex, January-December, 2011**

<i>Scheme</i>	<i>Gender</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Skills Acquisition	22 981	9 731	32 712
Resettlement Loan	1 072	653	1 725
Entrepreneurship Development Programme	76 412	60 310	136 722
Start Your Own Business	118	70	188
Enterprise Creation Fund	1 259	1 475	2 734
Women Employment branch	0	695	695
Basic Business Training	83	21	104
Rural Agricultural Development Training	2 893	1080	3 973
Graduate Attachment Programme	1 785	1 001	2 786
Community Development	23	03	26
Environmental Beautification Training	761	237	998
Solar Energy Training	109	25	134
<b>Total</b>	<b>107 496</b>	<b>75 301</b>	<b>182 797</b>

Source: NDE Annual Report, 2011.

Figure 8.3 **SURE-P beneficiaries of the community services, women and youth employment project in 2012.**



Source: FGN SURE-P (2013).

**Other initiatives aimed at promoting women’s employment include:**

- The Growing Girls and Women in Nigeria (G-WIN) initiative.
- The Youth Enterprise with Innovation in Nigeria (You WIN) intervention meant to support aspiring youth with a platform to show case their business acumen, skills and aspirations to business leaders, investors and mentors in Nigeria and receive grants ranging between N1,000,000 to N10,000,000 to start their businesses.
- Currently, the main sector strategy targeting poverty reduction is the Federal Government’s Agricultural Transformation Agenda, comprising the Growth Enhancement Scheme, the Value Chain Development Programme and the Nigeria Incentive-based Risk-sharing Agriculture Lending Schemes.
- Conditional Cash Transfer scheme.
- The National Directorate of Employment.
- The National Poverty Eradication Programme.
- The Subsidy Reinvestment Programme (SURE-P).
- Entrepreneurial Development Programmes.
- Skills Acquisition Programme.
- The Young Women Economic Empowerment Programme (YWEENP).
- ICT training for Girls.
- Young women female professional drivers.