



Civil Society Engagement with the Legislature for Rights-based Lawmaking



**CIVIL SOCIETY ENGAGEMENT WITH THE LEGISLATURE
FOR RIGHTS-BASED LAWMAKING**

ABOUT PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes. The main focus of PLAC's intervention in the democratic governance process is legislative strengthening and promoting citizens' access. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

EMBASSY OF FRANCE IN NIGERIA

Part of the cooperation strategy of the Cooperation and Cultural Department of the Embassy of France in Nigeria is to strengthen its relations with the civil society and support its work through interventions such as awareness and sensitization programmes, training and capacity building with a view to attaining Sustainable Development Goals (SDGs). **Human rights are a priority for France's foreign policy and as such the Embassy of France celebrates International Human Rights' day annually, on the 10th of December. In 2017, the Embassy in partnership with Policy and Legal Advocacy Center (PLAC) marked the Human Rights day on 6th December with a Roundtable on Civil Society participation in rights-based approach to policymaking.**

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LIST OF ACRONYMS

ACHPR- African Charter and Peoples Rights

AI – Amnesty International

CEDAW – Convention on Elimination of All forms of Discrimination against Women

CJTF – Civilian Joint Task Force

CSOs – Civil Society Organisations

CPJ – Committee to Protect Journalist

DSS – Department of State Services

EFCC – Economic and Financial Crimes Commission

GTI – Global Terrorism Index

ICPC – Independent Corrupt Practices and other Related Offences Commission

IDPs – Internally Displaced Persons

IMN – Islamic Movement of Nigeria

INGO – International Non-Governmental Organisations

IPOB – Indigenous Peoples of Biafra

LGBTI – Lesbians, Gay Bisexual Transgender Intersex

NBS – National Bureau of Statistics

NDA – Niger Delta Avengers

NGOs – Non Governmental Organisations

NGP – National Gender Policy

NHRC – National Human Rights Commission

NOSDRA – National Oil Spill Detection and Response Agency

PLAC - Policy and Legal Advocacy Centre

SARS – Special Anti-Robbery Squad

WGI – Worldwide Governance Index

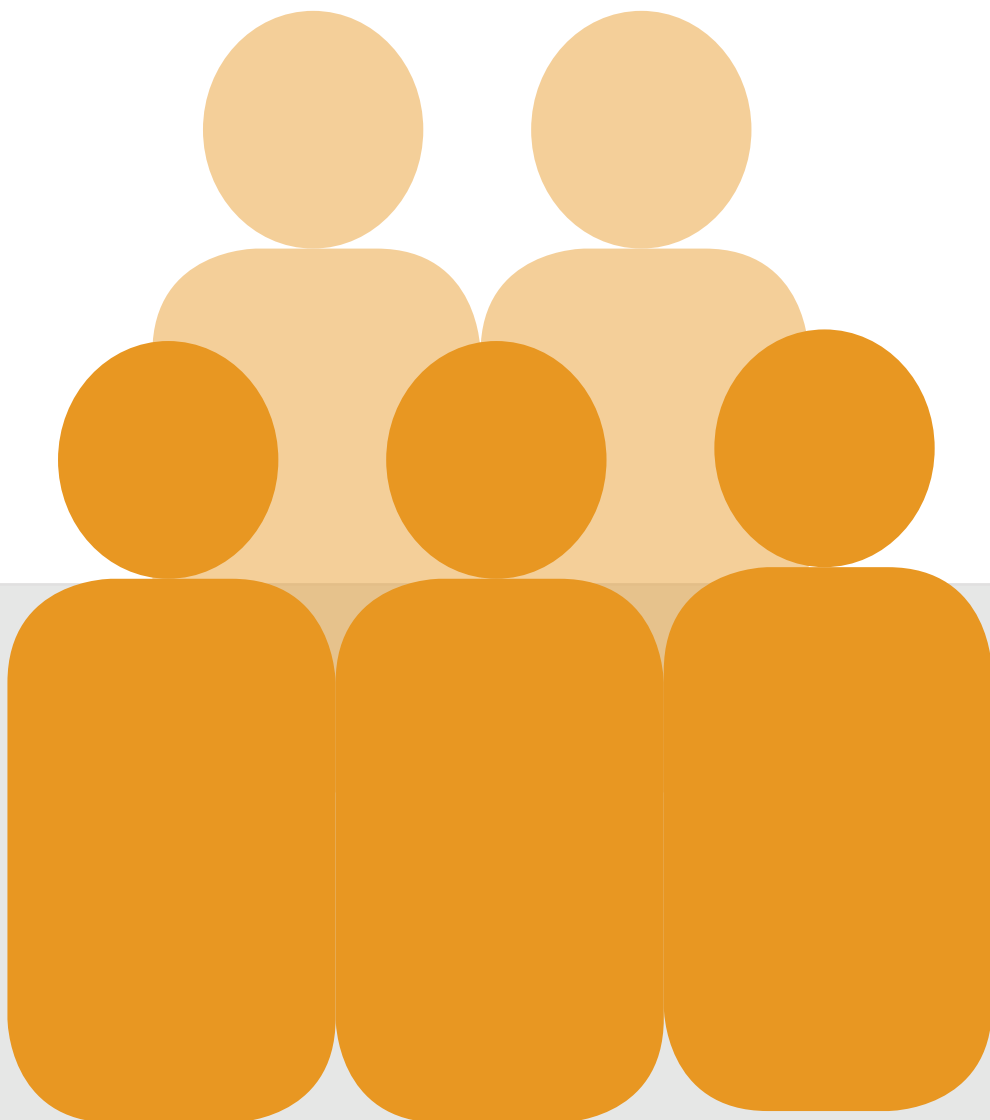


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CHAPTER ONE



BACKGROUND

The purpose of this study is to produce a written paper for publication to feed into the roundtable organized by PLAC and the Embassy of France. The paper is a detailed analysis of human rights, critical human rights issues and challenges in Nigeria, and presents clear-cut guidelines to engaging the Legislature. In addition to exploring the Nigerian context, the paper explores the importance of protecting human rights and presents the concept in such a manner that the human rights issues and challenges citizens face are clearly highlighted. Furthermore, the paper x-rays a step-by-step, possible guide to engaging with the Legislature, especially the “dos and don’ts” for engagement that will help in advocacy.

Also the study is to audit and monitor compliance and implementation of selected protocols, conventions, decisions and best practice standards at international, continental, and regional platforms that Nigeria is part of. The research seeks to encourage citizens to be able to hold the government accountable for its actions, and modes of protecting the rights of citizens, as enshrined in the Constitution and other instruments signed and ratified by the Nigerian government ranging from democratic governance, peace and security, and environmental protection to economic, social and cultural rights.

The Nigerian government is committed to establishing a democratic culture, effective public institutions and meaningful citizens’ participation in public affairs,

enough to demand the delivery of key political, social, and economic rights that directly impact their lives. Nigeria's commitment is premised on the assumption that legislators react to the demands of their constituents by pushing the other arms of government to follow through on their service delivery obligations to citizens. For this to be realized, Nigerian citizens must be able to understand how the legislative decisions impact the quality of their lives, and steer the process of change by holding the government accountable. Unless the gap between policy and practice is addressed, the policies developed at the level of the government will have no impact on the development prospects, fundamental freedoms and human rights enjoyed by Nigerian citizens.

APPROACH AND METHODOLOGY

This study was conducted mainly through desk review of very relevant materials addressing themes of the research assignment and frameworks being monitored. Reports, researches and writings from studies conducted by national non-governmental organizations, international non-governmental organizations and multi-lateral organizations were widely consulted and provided relevant information to establish the level of compliance by Nigeria with regards to the subject of this study. Meetings were also held with individuals who have in-depth knowledge about the elements of this study, who are members of the civil society organizations, the academia and private sector. The meetings further supported or validated information obtained through desk review. The one-on-one interviews brought real life instances and application to the situation of the theme of the assignment and frameworks in the context of Nigeria. The knowledge and work experience of the researcher in good governance and civil society strengthening was also useful in the process of this study. Data used in this work, as much as possible were those between 1999 and 2016. However, where current data is not available, the study made use of earlier data.

CHAPTER TWO

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SITUATIONAL OVERVIEW - NIGERIA 2016/2017 HUMAN RIGHTS REPORT

This section highlights some of the reports on human rights abuses recorded by Amnesty International on the situation of human rights violation in Nigeria. The continuous conflict between the Nigerian security agencies and the armed terrorist group, Boko Haram continued and generated a humanitarian crisis that affected more than 14 million people. The security forces were reported to commit serious human rights violations including extrajudicial executions and forced disappearances. The police and military were accused of meting out torture and other degrading treatment on people. Conditions in military detention were said to be harsh, and communal violence occurred in many parts of the country. Thousands of people were forcibly evicted from their homes as well.

Armed Conflict

Boko Haram's continued terror and crimes against humanity in the northeast has left the region in chaos. The group has continued to carry out attacks and small-scale raids for over eight years since 2009, capturing villages and major farm settlements. In recent times, national and regional armed forces have recaptured some of these locations from Boko Haram's control.

In its response to Boko Haram's attacks, the Nigerian Armed Forces created special operations groups called "Operation Lafiya Dole and Operation Gaman Aiki" respectively. Some groups have accused them of arbitrary arrests, detentions, ill-

treatment and extrajudicial executions of people suspected of being Boko Haram fighters – acts which amount to war crimes and possible crimes against humanity. In May 2016, 737 men detained as Boko Haram suspects by the army were transferred to a prison in Maiduguri, capital of Borno state where they were charged for being “irredeemable vagabonds”, a crime, which carried up to two years’ imprisonment and/or a fine. Furthermore, in April 2016, the Ministry of Defense started Operation Safe Corridor to “rehabilitate repentant and surrendered Boko Haram fighters” in a camp.

On 13th October, 2016, 21 out of more than 250 Chibok schoolgirls abducted in 2014 were released by Boko Haram fighters following negotiations and this news gave affected households a sense of hope that others would be released as well. However, almost 200 Chibok schoolgirls still remain in captivity with the promise from the government of possible return of the girls. The conditions with Internally Displaced Persons (IDPs) have continued to be alarming despite the influx of humanitarian aid agencies across the north east of Nigeria, especially Adamawa, Borno and Yobe States. There are at least 2 million IDPs in northern Nigeria; 80% of them live in host communities, while the remainder lives in camps. The camps in Maiduguri remain overcrowded, with inadequate access to food, clean water and sanitation. In the so-called inaccessible territories in Borno State, tens of thousands of IDPs were housed in camps guarded by the Nigerian military and the Civilian Joint Task Force (CJTF) - a state-sponsored civilian militia formed to fight Boko Haram. Most of the IDPs were not allowed to leave the camps and did not receive adequate food, water or medical care. Thousands of people have died in these camps due to severe malnutrition. In June 2016, in a guarded camp in Bama, Borno state, the INGO, Médecins Sans Frontières also known as Doctors without Borders reported that over 1,200 bodies had been buried within the previous year. Both the CJTF and the army were accused of sexually exploiting women in the IDP camps in exchange for money or food, or for allowing them to leave the camps.

Arbitrary Arrests and Detentions

There were several reports of the military arbitrarily arresting thousands of young

men, women and children who fled to recaptured towns for safety, including Banki and Bama, in Borno State. These arrests were largely based on random profiling of men, especially young men, rather than on reasonable suspicion of having committed an offence. In most cases, the arrests were made without adequate investigation. Other people were reportedly arbitrarily arrested as they attempted to flee from Boko Haram. Those detained by the military had no access to their families or lawyers and were not brought before a court. More than 1,500 detainees were released towards the end of 2016. The mass arrests by the military of people fleeing Boko Haram led to overcrowding in military detention facilities. At the military detention facility in Giwa barracks, Maiduguri, cells were overcrowded. Diseases, dehydration and starvation were prevalent.

At least 240 detainees reportedly died in 2016. Bodies were secretly buried in Maiduguri's cemetery by the Borno State Environmental Protection Agency staff. Among the dead were at least 29 children and newborns about five years and below.

Lack of Accountability

There was continued lack of accountability for serious human rights violations committed by security officers. No independent and impartial investigations into crimes committed by the military had taken place despite the President's repeated promises. Moreover, senior military officials alleged to have committed crimes under international law remained uninvestigated. Major General Ahmadu Mohammed, who was suspended in 2014, was reinstated into the army in January 2016. He was in command of operations when the military executed more than 640 detainees following a Boko Haram attack on the detention centre in Giwa barracks on 14 March 2014.

Corporate Accountability

The government in June 2016 launched a programme to clean up the contamination caused by oil spillage and restore the environment of the Ogoniland, a region in

the Niger Delta. There were several of oil spills recorded over the years and the government failed to hold oil companies to account. It did not provide the oversight needed to ensure that companies prevented oil spills, or responded to cases of oil spills. The National Oil Spill Detection and Response Agency (NOSDRA) remained ineffective and areas certified as clean still remained contaminated. Oil companies continued to blame their failure to prevent spills, or restore contaminated areas, on sabotage and theft. Their claims were based on a flawed oil spill investigation led by the oil companies rather than NOSDRA.

Niger Delta militants in January 2016 came up with the armed group, Niger Delta Avengers (NDA), attacking and blowing up pipelines in the Niger Delta region. The government responded by significantly increasing military presence in the region. The activities of Niger Delta Avengers caused oil production to reduce.

CHAPTER THREE

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HUMAN RIGHTS AND DEMOCRATIC GOVERNANCE

Every Nigerian is entitled to the fundamental human rights enshrined in Chapter Four (IV) of the Nigerian Constitution. Over the years, there have been challenges to these rights in Nigeria, some of which have been violated by state and non-state actors in the country. There is need to respect these rights hence the continuous call by the civil society for all the arms of government in Nigeria to enforce existing laws that protect these rights.

Human rights are variously conceived or represent those minimum conditions under which human beings can flourish (that is as moral agents) which ought to be secured for them, if necessary by force. According to the United Nations, human rights could be defined as those rights, which are inherent in our nature and without which we cannot function as human beings (Jega, 1997:3). Numerous other definitions abound. In general terms, however, human rights can be defined as rights which inhere in human beings solely on account of their being human. Such rights may be taken to derive from reason, God, nature or any other source. Whatever the case, they are supposed to apply to human beings regardless of their codification in any positive law (Hoffman, 1983; Eze, 1984; Shivji, 1989). The various revolutions (American, English, and French) popularized the idea of rights in the west.

In the works of Locke, Rousseau, and even Hobbes, "life, liberty and estate" (Locke) were taken as rights inherent in humans. The Americans were to add "the pursuit of happiness". These rights were to form the core of what later

came to be called civil and political rights - life, liberty, property, freedom of conscience, belief, assembly, association etc. Human rights have been defined as: a value system that promotes the dignity and worth of all human being, regardless of class, sex or ethnic background, but by virtue of one's humanity. Overtime, human rights have become to be regarded as ethical vision of principles to live by. These rights, as declared by the UN General Assembly in 1948 includes rights to: life, liberty and security of person, equal pay for equal work, a standard of living adequate for health and well-being, education, freedom from slavery and equal protection of the law.

HUMAN AND PEOPLES' RIGHTS

Nigeria ratified the African (Banjul) Charter of Human and People's Rights (ACHPR), (1981) in 1983. Under this Charter, the effectiveness of Nigeria's implementation of Articles 6 and 12 is accessed.

The Constitution of the Federal Republic of Nigeria has provisions similar to Article 6 and 12 of the Charter on Human and Peoples' Rights, which guarantees the rights and liberty of every individual, as well as, ensures the security of his or her person within the borders of the country. Sections 34 and 35 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) have the same provisions similar to Article 6 of the Charter.

Human and peoples' rights are not abstracts but are codified in the Nigerian law which means they should be enforced. Nigeria

has a vibrant judiciary which is relatively independent and guarantees human and peoples' rights.

However, between 2010 and 2012, Nigeria's human rights record worsened. The biggest challenge to human rights issue in the country was Boko Haram,



"Human rights violations have continued to be on the increase in Nigeria because majority of Nigerians are not yet aware of their rights and privileges."

– Prof. Ben Angwe, Immediate Past Executive Secretary, NHRC

the extremist armed group operating in North-east Nigeria. Efforts by security forces to stem the activities of the group were criticized by both local and international organizations as high handed and harmful to the rights of citizens. Rights groups accused both the military and the extremist armed group of violations dating back to 2009. Apart from this, the lackadaisical attitudes of Nigerians also aided the continuous infringement of their human rights. Citizens rarely challenged the abuse of their rights in the law courts. Recently at Mpape a suburb town of FCT where a woman was killed by the police, the court ruled against the police for extra-judicial killings and asked the police to pay N5million (five million Naira). This indicates that rights can be enforceable in Nigeria, but many citizens do not seek prosecution of such cases thereby engendering impunity.

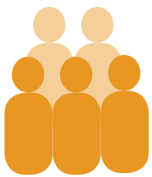
In countries, where citizens seek justice against infringements of their rights, human and peoples' rights become well protected. Reasons adduced for the unwillingness of Nigerians to seek justice at the law court, includes:

1. The high cost of retaining the services of a lawyer;
2. The length of time it takes for judgment to be delivered.
3. CSOs in Nigeria not doing a lot to test human and peoples' rights in court, rather they stop at the level of advocacy. For instance de-registration of political parties by Nigeria's Electoral Commission was not challenged by CSOs who were not in support of such action.

This means that at the level of facilitating the speedy execution of cases of human rights, the Nigerian judiciary has not facilitated proper access to justice and therefore remains weak in terms of compliance to international treaties that Nigeria is a signatory to, relating to access to justice.

CHAPTER FOUR

4



CONCEPTION OF HUMAN RIGHTS IN NIGERIA

Various rights have been provided for in successive Nigerian Constitutions. Some of these include the right to life, dignity of the human person, personal liberty, fair hearing, private and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly and association and so on. It is significant that these rights have been enshrined in law because legal recognition makes them justiciable. An important addition to this is the fact that Nigeria has also signed a number of international covenants, conventions and protocols on human rights. Nigeria is a signatory to: United Nations Declaration of Human Rights (1948); the International Covenant on Economic, Social, and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966); and the African Charter on Human and Peoples right (1982), among others.

The foregoing demonstrates the formal importance attached to the question of rights in Nigeria. It also points to the fact that how Nigeria treats its citizens is no longer an issue solely of domestic concern. Nigeria's signing of critical international instruments on human rights gives it a *mandate* to comment on the non-adherence on the part of any signatories; this applies also to the claims by such signatories that they have a right to inquire into Nigeria's shortfalls. In fulfilling obligations of some of the treaties signed, a National Human Rights Commission (NHRC) was established by the Nigerian government. The Commission has wide-ranging

powers aimed at eliminating all forms of human rights abuses in Nigeria. It is a very laudable development for the nation. Cases of human rights violations ranging from arbitrary arrests, detention without trial, to disregard for the rule of law, and executive lawlessness have been documented by scholars, human rights groups, and a number of international organizations. One major conclusion can be drawn in respect of the theory and practice of human rights in Nigeria. Since its establishment, both government and non-governmental organizations have placed more emphasis on civil and political rights. The political situation in the country, especially in the last two decades, must have contributed to this. However, as the other set of rights has gone largely ignored, it can only be hoped that the NHRC turns attention to this.

CRITICAL HUMAN RIGHTS ISSUES/CHALLENGES IN NIGERIA

Nigeria is currently facing challenges in the aspect of fundamental human rights. Different parties have perpetrated killings across the country. The 2017 Global Terrorism Index (GTI), ranked Nigeria third for the third time over among countries languishing from the impact of terrorism¹. Only Iraq and Afghanistan were ahead of Nigeria in this index. State actors have also been accused of violating fundamental human rights. Amnesty International (AI) in its 2016/2017 report accused the Nigerian military of extrajudicial killings and forced disappearances of individuals especially in the North East of the country. The report also noted that the military presence in about 30 out of the 36 states of Nigeria have contributed to these killings².

Furthermore, the report also highlighted communal violence in many parts of the country some of which have been linked to Fulani herdsmen and arable farmers. These clashes in some occasions, resulted to loss of lives and destruction of properties. Some of these clashes include Agatu killings in Benue State in February 2016, Oke-Ako community in Ekiti State in May 2016, Ussa and Takum, in Taraba

1 2017 Global Terrorism Index – Institute for Economics and Peace

2 <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

State. In response to these incidences, Ekiti and Benue States have recently passed the Anti-grazing law. The National Grazing Reserve Bill if well-drafted and passed into law can help provide a lasting solution to these clashes.

Right to Freedom of Speech

The Committee to Protect Journalists (CPJ) 2016 Global Impunity Index which focuses on countries where journalists are murdered and killers go free placed Nigeria as No. 12 in the world. The index reported that about 5 Journalists had been killed with complete impunity in Nigeria.³ Amnesty International in its 2016/2017 Report also accused the government of arresting and detaining at least 10 journalists and bloggers. In September 2016, Ahmed Salkida a Nigerian Journalist was arrested by the Department of State Security for aiding the release of a Boko Haram video.²

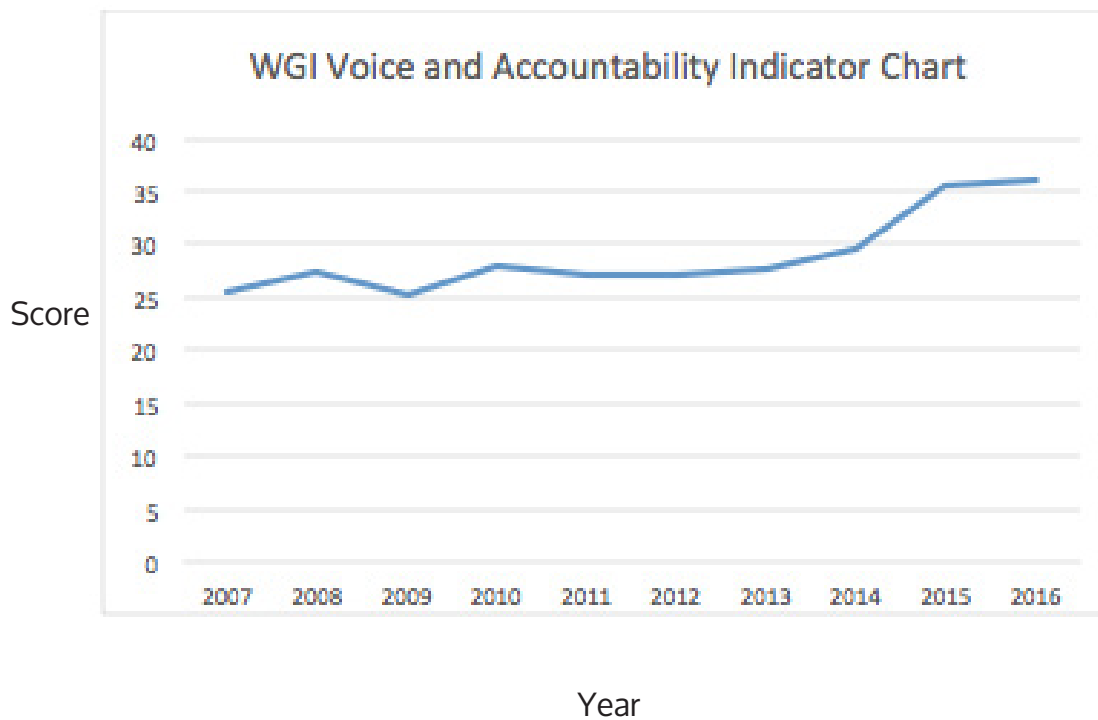
The Worldwide Governance Indicators (WGI) project constructs aggregate indicators of six broad dimensions of governance:

- **Voice and Accountability**
- **Political Stability and Absence of Violence/Terrorism**
- **Government Effectiveness**
- **Regulatory Quality**
- **Rule of Law**
- **Control of Corruption**

The six aggregate indicators are based on over 30 underlying data sources reporting the perceptions of governance of a large number of survey respondents and expert assessments worldwide. Details on the underlying data sources, the aggregation method, and the interpretation of the indicators, can be found in the

3 <https://cpj.org/reports/2016/10/impunity-index-getting-away-with-murder-killed-justice.php#index>

WGI methodology paper.⁴



(Data Source: WGI⁴)

Unlawful killings

The military was deployed in 30 out of Nigeria's 36 states and in the Federal Capital Territory of Abuja where they performed routine policing functions including responding to non-violent demonstrations. The military deployment to police public gatherings and demonstrations contributed to the number of extrajudicial executions and unlawful killings. Since January, in response to the continued agitation by pro-Biafra campaigners, security forces arbitrarily arrested and killed at least 100 members and supporters of the group Indigenous People of Biafra (IPOB). Some of those arrested were subjected to inhuman and degrading treatment. On 9 February, soldiers and police officers fired shots at more than 200 IPOB members who had gathered for a prayer meeting at the National High School in Aba, in Abia

⁴ The World Bank Governance report

state. Video footage released by Amnesty International showed soldiers shooting at peaceful and unarmed IPOB members; at least 17 people were killed and scores injured.

Torture and other ill-treatment

The police and military continued to commit torture and other ill-treatment during the interrogation of suspects or detainees to extract information and confessions. The Special Anti-Robbery Squad (SARS) of the police frequently committed torture and other ill-treatment during interrogations. Recently during a media chat aired on Channels television, the Inspector General of the police warned SARS against committing torture and encouraged them to follow due process during arrest and interrogation. Mr. Chibuikwe Edu, a suspect died in police custody after he was arrested for burglary and detained for two weeks by the SARS in Enugu. The police authorities launched an investigation into the incident but no one was held accountable for his death.

The National Assembly is yet to pass into law, the anti-torture bill, which seeks to further prohibit and criminalize torture. In June, it passed the first reading stage in the Senate. It had earlier been passed by the House of Representatives and was revised by the Nigeria Law Reform Commission. The revised version is before the Senate.

Freedom of Association

Ibrahim El-Zakzaky, leader of the Islamic Movement of Nigeria (IMN), has remained in detention without trial since his arrest in December 2015. Between 12 and 14 December 2015, soldiers killed more than 350 protesters and supporters of IMN at two sites in Zaria, Kaduna state. Hundreds of IMN members were arrested and continued to be held in detention facilities in Kaduna, Bauchi, Plateau and Kano states.

Housing rights

Forced evictions of thousands of people from their homes impacting on a range of their rights occurred in at least two states and in the Federal Capital Territory of Abuja. Recently, a Tribunal of Inquiry set up by the Lagos State government

found that the government had failed to genuinely and adequately consult, and compensate community members who were forcibly evicted from their homes and farmlands between 2006 and January 2016. Between 2nd and 5th July 2016, the Rivers State government forcibly evicted over 1,600 residents of Eagle Island, claiming that it was a strategy to tackle crime. Following earlier forced evictions, the Governor of Lagos State announced plans to commence the demolition of all settlements along the State's waterfronts. The justification was the need to respond to kidnapping incidents in the State. There were no plans announced to consult with the communities prior to eviction.

Women's rights

In September 2016, the Gender and Equal Opportunities Bill, which seeks to eliminate all forms of discrimination against women passed its second reading in the Senate. There has been no update on the status of the Bill after the public hearing failed to hold in November 2016. Although Nigeria ratified the CEDAW in 1985, the country is yet to domesticate the Convention.

Children's rights

In May, Bayelsa State passed the Child Rights Law bringing to 23, the number of States that have domesticated the law. In addition, the State House of Assembly in Enugu State passed the law in 2016 though the Governor has not assented to it.

CHAPTER FIVE

5



CONSTRAINTS TO THE REALISATION OF HUMAN RIGHTS IN NIGERIA

There are numerous constraints to the realisation of Human Rights in Nigeria. Key to this relates to the socio-economic obstacles that stand in the ways of realising not just human rights, but social justice as well. The economic difficulties of the last two decades or so have left a considerable segment of the populace in abject poverty. The connection between economic disabilities and absence of rights has long been recognized (Adedeji, 1995).

The poverty situation has worsened over the past five years in Nigeria. The deteriorating food production was brought to the fore by the National Bureau of Statistics (NBS). Food insecurity still looms because the income of a typical Nigerian household has remained appallingly low; the minimum wage of a civil servant in Nigeria is ₦18,000, although with disparity at the State levels. In normal situations, it is expected that the worker would have a family, and cater for them by providing food, shelter, health care, education, recreation transportation and so on. Even the best trained Manager will fail this impossible balancing act. Many Nigerians are not only food insecure; they are also diseased. The health status of the ordinary citizen has worsened. There are decreased capacities in almost all facets of life of the average citizen.

There are noticeable increases in the number of reported diseases in the country. Yet the number of doctors and other health personnel is grossly inadequate to cater

to their needs. The facilities have failed and the increasing withdrawal of the State from the provision of health care has made it easier for all manner of 'entrepreneurs' to invade the sector, causing death or hardship to greater number of people. Such a state of affairs makes it impossible for the poor to fully exercise their rights. Political and civil rights are very important; for in a sense, deprivation of freedom of movement can have disastrous economic consequences for individuals.

Nonetheless, it is important to put the matter in its proper context. The number of hospital beds per 1000 as well as ratio of doctors to population is extremely low. Most rural communities in Nigeria have remained without either portable drinking water, or electricity or both.

Where these are provided, including in the major urban centers, they are not, for the most part adequate. Many villages and hamlets have remained virtually inaccessible.

The Right to Liberty and to the Security of Person

Nigerians enjoy liberty of expression, movement, thoughts, among others, as guaranteed for by the 1999 Constitution, as amended. However the present security situation in the country has reduced the level of such liberty. In recent months, Boko Haram intensified attacks and killings, around the capital city of Borno prompting many Nigerians to be suspicious of the position of the government on winning the war against the terrorist group. The insurgent attack of November 25, 2012, in which more than a dozen citizens were killed, targeted a church in an army base outside Kaduna in northern Nigeria. Since 2009, thousands of Nigerians have died at the hands of Boko Haram. On January 1, 2011, the Islamic militant group issued an ultimatum to Christians resident in northern Nigeria to leave. Cases of kidnaps and hostage taking for ransom thereafter became a daily occurrence in the region. Hostages were held against for several days and were released on receipt of the ransom. Many victims lost their lives in the process of being rescued or in an attempt by the kidnappers to erase the possibility of being traced. The sanctity of life and security of properties has been at the lowest ever in the country. This was aptly scored by the Mo Ibrahim Foundation (2012 report), which rated Nigeria among the ten lowest performing countries in the area of human rights. There were more cases

of extra-judicial killings, denial of bails at the police station for flimsy excuses, etc, even after.

Freedom of Movement and Residence within the Borders of a State

The Constitution of the Federal Republic of Nigeria provides for freedom of movement within the borders of the country for the purposes of commerce, education and services. Over the years, there has been an inter-mix in the composition of populations resident in every part of the country. However, the dynamics of the present security and political situation in the country gives indigenes from other parts of the country a sense of insecurity for both their lives and properties in northern Nigeria. In response to the security situation, security forces mounted series of operations in northern Nigeria, which led to restricted movement in entire neighborhoods and subjected the public to indiscriminate searches at security checkpoints. Unfortunately, these restrictions to the freedom of movement affect law abiding citizens as well.

From a gender perspective and particularly in the northern parts of Nigeria, women's freedom of movement is restricted. They are obliged to get their husbands' permission to obtain a travel passport or to travel out of the country. Women in purdah (in Muslim communities in the north) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress, in that Muslim women must be veiled in public.

Nigeria is yet to achieve gender parity in political representation at all levels, let alone meet the target it set in the National Gender Policy (NGP). The general elections results of 2015 suggest a regression from the apparent progress that followed the return to democracy in 1999. Less than 9% of the candidates for the National Assembly elections were women. A sparse 13 of the 340 candidates who contested on behalf of various political parties for the office of governor were women. Also, only 909 of the 10,037 candidates for available seats were women (9.06%). After only 25 women were elected to the 360-member House of Representatives, Nigeria is now ranked 118 out of 192 countries in terms of gender parity. The low 9% representation

of women in Nigeria's House of Representatives is significantly below the global average (15%), and far behind South Africa's and Rwanda's representation (43% and 56% respectively).

All these points to the fact that there is still much work to be done in making governance and processes very participatory and representative. Leaders still exist in the systems who do not believe in service but in personal exaggeration. Corruption is still a major challenge in governance in Nigeria. The federal and state levels of government have not shown seriousness in dealing with corruption. Agencies such as ICPC, EFCC, Code of Conduct Bureau and Bureau for Public Procurement have not been very effective. They are not properly funded and are not given proper latitude to operate and there is undue and unnecessary interference in their activities by the Ministry of Justice and the Presidency.

Roles of Civil Society Organisations and Media

Civic organizations can form and meet freely. However, they are still severely fragmented and mostly only active locally. Thus, their abilities to bridge numerous social cleavages are limited. Interestingly, more and more former high-ranking military officers, administrators, politicians and personalities from organized Christian and Muslim groups are founding their own NGOs. The recently proposed Non-Governmental Organizations Regulation Commission Bill (NGO Bill), which seeks to regulate the activities of CSOs, may not sail through because of the awareness created on the danger it could pose to the civil society.

The Constitution recognises the crucial role of civil society in successful good governance efforts - supporting governments to meet their constitutional obligations and contributing to ongoing assessments of their performance through the various legal platforms process. Civil society plays an important role as an independent observer of governments' implementation of the international instruments on human rights. Civil society participation is limited because they cannot replace the government's at any level but rather can work to complement what government is doing.

It is therefore important that CSOs actively advocate for transparency and

participation at all levels of governance processes in their country. CSOs engagement with the legislature in rights-based lawmaking advocacy aims to achieve the advancement of a country's compliance to international standards and signed instruments. The civil society input is valuable at all stages of the policy making process. Civil society organisations:

- Monitor implementation of the law, and policies of government, and report in parallel on the implementation;
- Comment on the official country report on human rights implementation; and
- Follow-up implementation of the country review report recommendations.

In May 2011, Nigeria became only the second country in West Africa to have a Freedom of Information (FOI) law, giving Nigerians the power and resources to unearth facts; battle corruption and hold officials and institutions accountable. Under the legislation, all institutions spending public funds will have to be open about their operations and expenditure while citizens will have the right to access information about their activities. Whistleblowers who report or blow whistle on wrong doings by their employers or organisations will be protected from reprisals.

However, the society is yet to be totally aware of the existence and the relevance of the Freedom of Information (FoI) Act. Government departments that have been used to the culture of secrecy and confidentiality of information are yet to be fully indoctrinated to the expected culture of openness in government and access to information, which the Act aims to promote. In general, citizens, organizations and the mass media express opinions rather freely. However, Individuals and organizations expressing critical views are sometimes harassed by officers of the Department of State Security (DSS). Most news reports often centered on positive activities and achievement of government with less attention paid to aspects, which may be considered critical. In contrast, private media organizations have high degree of autonomy and often very objective on issues, which government and individuals in government may not be comfortable with. The power to issue licenses for radio and television still lies with the President, and he uses that power in the government's

favor. Against this background, the Press Freedom Survey 2010 by Freedom House still considers Nigeria “partly free.”⁵

5 Transformation Index: 2012, Nigeria Country Report, <http://www.bti-project.org/countryreports/wca/nga/>

CHAPTER SIX

6



GUIDE TO LEGISLATIVE ENGAGEMENT

The legislature is not only a symbol of democracy but also the hub of popular participation. Legislature is an arm of government that avails citizens the opportunity to participate in law making and oversight of the other arms of government. This enhances accountability and good governance. This paper focused on how to enhance legislative accountability through effective citizen's participation in legislative processes. Elected officials care about what their constituents have to say. To make a difference, civil society needs to be informed and engaged. One does not need to be an expert, but their insight on the local impact of policy helps elected officials understand which policies work and which have a negative impact on the populace.

Whether one advocates as an individual or as part of a group, their efforts will benefit from a little planning. Taking action can be as simple as writing a letter to a representative on a human rights abuse. Being part of a larger group of coalition may be more effective in sending a message to a representative as, additional steps might be considered, such as communicating as allies, testifying at public hearings, or joint visitation to legislators at the National Assembly.

Communicating with Legislators

In advocacy, respectful relationships build the foundation for change. Before communicating with a legislator, one needs to do their "homework". Getting to know

your legislator by researching him/ her through National Assembly website (<http://www.nassnig.org/>) is one way of doing that. The website offers the opportunity of knowing a legislator, his/her full name, length of time in office, and professional history. The website provides information on the demographics of the constituency or senatorial district and their voting records, committee assignments, and areas of interest. It is recommended to look at the bills they have introduced or sponsored in the past few years as well. On finding any interesting information, taking note of follow-up questions to find out more would help. In addition developing certain questions to test their knowledge of and interest in a particular issue would be relevant.

It is worth knowing that legislative aides are the key support staff for legislators, and are important gatekeepers who can facilitate a relationship with a legislator. Some aides also have substantial influence on policy issues and can help to shape the legislators' positions. Regardless of how much policy influence a particular aide has, it will be of benefit to establish a good working relationship with a legislator's aide. Each one would appreciate any courtesies shown to them; any help offered to the legislator, and any information provided to keep them fully informed. In all interactions with lawmakers and staff, it is important to remember, these key points:

Be positive and nonpartisan. Legislators are turned off by threatening or argumentative advocacy. "NEVER threaten a legislator" ("I will not vote for you if you do not support this legislation."). Do not argue if it is clear that the lawmaker will not support a certain position, just providing the facts and allowing them to consider another viewpoint could do the trick. This will keep the lines of communication open for discussing future issues.

Be personal. Feel free to call your legislators' office to share views and opinions. Visits are better than letters or emails. Personal letters and emails are better than formal letters. Sharing personal experiences and concerns during a visit or in a letter/email will make a message more compelling.

Be persistent and patient. Building a relationship with your legislator and their staff takes time. Also, on many issues it may take several years to pass legislation.

Stay on message. Focus a visit, letter, or email on the topic in question. Use separate communications for different topics. During a visit, work to return to your topic if the legislator changes the subject. Never give inaccurate information. It is better to tell a legislator, "I don't know, but I will find out and get back to you." Your credibility (and the legislator's if he/she uses your information) is important. Be sure to follow up with the complete information. Relax. Advocacy does not have to be complex or intimidating. It is simply you exercising your right as a citizen and having a conversation to express your views to the person elected to represent you.

One does not need to be an expert; just sharing concerns and values, knowing that one's views as a voter, are important to legislators.

In conclusion, below are the few outstanding bills that CSOs and other stakeholders can follow up with National Assembly for an accelerated passage. A lasting solution must be found to the violent security challenge in the Northeastern zone and other states where there are still crises or insecurity. Security agencies, including the armed forces must be trained in human rights and the respect for same in the course of their law enforcement duties

The passage of the following bills after due diligence will help in strengthening these rights:

- Anti-Jungle Justice Bill 2015
- Abduction, Wrongful Restraint and Conferment Bill, 2016
- National Commission for Peace Reconciliation and Mediation Bill, 2015
- Rights of Internally Displaced Persons (IDPs) Bill, 2016

The passage of the following bills after due diligence will help in strengthening the right to freedom of speech:

- Digital Rights and freedom Bill, 2016
- Whistle Blowers Protection Bill, 2016
- Lobbying Disclosure Act (Amendment) Bill, 2015
- National Human Rights Commission Act (Amendment) Bill, 2017

CONCLUSION



The Federal Republic of Nigeria was proactive in signing and ratifying international protocols and legal instruments, the implementation of which this study has examined. Progress has been made in domestication of some of these instruments; however, these efforts are more at the federal level as most States in the country are yet to take action with the domestication of appropriate legislations. For instance, the Federal Government of Nigeria enacted the Child's Rights Act to domesticate the African Charter on the Rights and Welfare of the Child but most States of Nigeria are yet to take similar action. Free education policy is practiced by the government but the introduction of different kinds of fees, makes it tough for children of the poor to afford education. It is not a surprise therefore that Nigeria has one of the largest numbers of out of school children; a situation which is avoidable. There is therefore the need for the governments at all levels to muster the needed efforts to domesticate these relevant laws.

The natural step after documentation is the implementation of the laws which, if well done, will lead to the delivery of dividends of democracy and the realization of other commitments such as the United Nations Sustainable Development Goals before 2030, and Agenda 2060 of the Africa Union. Governments at all levels in Nigeria need to show commitment by introducing measures to enforce the implementation of the law passed at all levels. For instance, steps have to be taken to educate Nigerian citizens, government officials and civil society practitioners about bills passed and signed. There is presently very little knowledge about the implementation of existing laws, even among the civil society organizations, that would have been expected to use the laws for advocacy purposes. The media and

few CSOs practitioners who are knowledgeable in this respect have a role to play in championing these commitments to Nigerians. The more awareness is created among citizens and officials of Nigeria, the more there would be demands for implementation and accountability.

HUMAN RIGHTS INSTRUMENTS SIGNED AND RATIFIED BY NIGERIA

RIGHT	TREATY	SIGNATURE	RATIFICATION
RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES	Indigenous and Tribal Peoples Convention, 1989		Not a member
PREVENTION OF DISCRIMINATION	<p>Equal Remuneration Convention, 1951 (No. 100)</p> <p>Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</p> <p>International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)</p>		<p>8 May 1974</p> <p>02 Oct 2002</p> <p>16 Oct 1967</p>

RIGHT	TREATY	SIGNATURE	RATIFICATION
RIGHTS OF WOMEN	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	23 Apr 1984	13 Jun 1985
	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP)	8 Sept 2004	22 Nov 2004
RIGHTS OF THE CHILD	Worst Forms of Child Labour Convention, 1999 (No. 182)		02 Oct 2002
	Convention on the Rights of the Child (CRC)	26 Jan 1990	19 Apr 1991
	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC)	8 Sept 2000	27 Sep 2010
	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OPAC)	8 Sept 2000	25 Sep 2012

RIGHT	TREATY	SIGNATURE	RATIFICATION
RIGHTS OF PERSONS WITH DISABILITIES	Convention on the Rights of Persons with Disabilities	30 Mar 2007	24 Sep 2010
	Optional Protocol to the Convention on the Rights of Persons with Disabilities	30 Mar 2007	24 Sep 2010
HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: PROTECTION OF PERSONS SUBJECTED TO DETENTION OR IMPRISONMENT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	28 Jul 1988	28 Jun 2001
	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)		27 Jul 2009
	International Convention for the Protection of All Persons from Enforced Disappearance	27 Jul 2009	27 Jul 2009

RIGHT	TREATY	SIGNATURE	RATIFICATION
MARRIAGE	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages		Not a member
FREEDOM OF ASSOCIATION	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)		17 Oct 1960
	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)		17 Oct 1960

RIGHT	TREATY	SIGNATURE	RATIFICATION
SLAVERY, SLAVERY-LIKE PRACTICES AND FORCED LABOUR	Slavery Convention		26 Jun 1961
	Protocol amending the Slavery Convention signed at Geneva on 25 September 1926	N	N
	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery		26 Jun 1961
	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	25 Sept 2003	
	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	13 Dec 2000	28 Jun 2001

RIGHT	TREATY	SIGNATURE	RATIFICATION
RIGHTS OF MIGRANTS	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPMW)	13 Dec 2000	27 Jul 2009
	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime		27 Sep 2001

RIGHT	TREATY	SIGNATURE	RATIFICATION
NATIONALITY, STATELESSNESS, ASYLUM AND REFUGEES	Convention on the Reduction of Statelessness		NOT A MEMBER
	Convention relating to the Status of Stateless Persons		23 Oct 1967
	Convention relating to the Status of Refugees		
	Protocol relating to the Status of Refugees		

RIGHT	TREATY	SIGNATURE	RATIFICATION
WAR CRIMES AND CRIMES AGAINST HUMANITY, INCLUDING GENOCIDE	Convention on the Prevention and Punishment of the Crime of Genocide		27 Jul 2009
	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity		1 Dec 1970
	Rome Statute of the International Criminal Court		27 Sep 2001

RIGHT	TREATY	SIGNATURE	RATIFICATION
HUMANITARIAN LAW	Geneva Convention relative to the Treatment of Prisoners of War		20 Jun 1961
	Geneva Convention relative to the Protection of Civilian Persons in Time of War		20 Jun 1961
	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)		10 Oct 1988
	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)		10 Oct 1988

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ABOUT PLAC:

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organisation committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes. The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy.

