

SUGGESTED FOCUS AREAS FOR THE FOURTH PHASE OF THE WORLD PROGRAMME ON HUMAN RIGHTS EDUCATION SUBMITTED BY THE NIGERIAN NATIONAL HUMAN RIGHTS COMMISSION (NHRC).

SUGGESTED AREA OF FOCUS:

1.0. RIGHT TO EDUCATION

1.1. BACKGROUND

Article 1(a) of UNESCO's 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms defined Education as "the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capabilities, attitudes, aptitudes and knowledge. Also the European Court of Human Rights defined education in a narrow sense to be "teaching or instructions... in particular to the transmission of knowledge and to intellectual development" and in a wider sense as "the whole process whereby, in any society, adults endeavor to transmit their beliefs, culture and other values to the young".

Goal 4 of the Sustainable Development Goals (SDGs) also stated that Education is key to achieving other SDGs, help break from poverty, reduce inequality, reach gender equality and empower people everywhere to live more healthy and sustainable lives. It also helps to foster tolerance between people and contributes to more peaceful society.

Education has been recognized as a human right in a number of international and regional human rights instruments including the International Covenant on Economic, Social and Cultural Rights which recognises "a right to free, compulsory primary education for all, an obligation to develop Secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education".

The right to education also includes a responsibility to provide basic education for adults (individuals) who have not completed primary education and make education accessible to them. The right to education also encompasses the obligation to avoid discrimination at all levels of the educational system, to set minimum standards and to improve the quality of education.

2.0. THE PROBLEM

According to UNICEF situation report (2017), "Primary school enrolment has increased in recent years but net attendance is only 70%". Even when children enroll in schools many do not complete the primary cycle. According to current data, 30% of pupils drop out of primary school and only 54% transit to junior Secondary School. Nigeria with about 10.5 million out of school children has the world highest number of out of school dropout (UNICEF Report, 2017). According to the Permanent Secretary of Nigerian's Federal Ministry of Education, the most affected were girls (who constitute 60% of drop outs) and the children of nomadic groups". The alarming state of Education in Nigeria made Malala Yousafzai, an education activist to advise Nigeria to declare "a state of emergency on education.

The North East (NE) Geopolitical Zone of Nigeria has been facing serious security challenges since 2009 due to the activities of the Jama'atu Ahlis-Sunnah Lidda' Awati Wal Jihad, also known as Boko Haram (BH). Their incessant attacks on the zone also disrupted economic and social life in the region including educational activities. Schools in the region became targets of attacks, teachers were killed and schools burned down. This situation deprived many Children of access to education and worsened the already poor enrolment of children in primary and secondary schools in the area. This raised the number of out of school children to unacceptable levels. The United Nations special Envoy for Global Education Mr. Gordon Brown said there are about 11 million out of school children in the northeast.

Nigeria is a signatory to the various human right instruments and the 1999 Constitution of the Federal Republic of Nigeria in Chapter 2 under Fundamental objectives and directive principles of state policy in section 18(3)(a) also has provisions in support of right to education, but there have been a lot of debates as to whether this right is enforceable or unenforceable. This debate has been laid to rest in a judgment delivered in a suit filed by the Legal Defense and Assistance Project (LEDAP) against the Federal Ministry of Education and the Attorney General of the Federation, where the judge declared that every Nigerian child has the constitutional right to free and compulsory primary education, and free junior secondary education. The judge further ruled that the federal and state governments have constitutional duties to provide adequate fund for such education. He said failure by any government to fund free primary and junior secondary education will constitute breach of the constitution. The court stated that even though the right to free education in Section 18(3)(a) of the Constitution was ordinarily not enforceable being in Chapter 2 ; but that the enactment by the National Assembly of the Compulsory, Free Universal Basic Education Act, of 2004, has made that provision of the constitution an enforceable right.

Notable amongst the steps taken to implement the provisions of these regional and International treaties and conventions in Nigeria include the adoption of the Child Rights Act in 2003 to domesticate the Convention on the Rights of the Child (CRC). This law is effective in 23 of the 36 states of the Federation. It is also worthy to note that the National Human Rights Commission played a very pivotal role towards the domestication of the CRC into the CRA and is still doing tremendous work advocating that this law be passed by various states that have not already done so.

Steps at advocating for the protection of the Nigerian Child, taken by the NHRC, Civil Society and the Government led to the passing the CRA, UBEC Act, but more advocacy and sensitization needs to be done on educating the Citizens; parents in particular should enroll their children in schools to empower them to participate actively in their communities.

The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. While the obligation to fulfill (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the rights to education.

3.0. PROPOSED STRATEGIES TO FURTHER ADDRESS THE PROBLEM

1. Carrying out awareness raising HRE activities (Round table, National Conference etc) on the need for advocacy legislation on right to education, with the target group being the citizens, judiciary, parliamentarians, MDAs specific to Education and Civil Society. This fora will bring together these stakeholders to discuss way forward
2. Further advocacy on the need to enforce right to education throughout the country.

4.0. TARGET AUDIENCE

Citizens,
Teachers and Students
Parliamentarians,
Relevant Government Education Authorities,
National Human Rights Institutions,
Civil Society Organisations.

SUGGESTED FOCUS AREAS FOR THE FOURTH PHASE OF THE WORLD PROGRAMME ON HUMAN RIGHTS EDUCATION SUBMITTED BY THE NIGERIAN NATIONAL HUMAN RIGHTS COMMISSION (NHRC).

SUGGESTED AREA OF FOCUS:

1.0 ACCESS TO JUSTICE

1.1 BACKGROUND

Access to justice is a very basic requirement in any system of justice as it is one of the most basic avenues of ensuring that the rights of citizens are upheld. It has been argued that Access to Justice should not be seen only as a means of securing human rights but should also be secured as human rights itself. The effectiveness of a Country's justice delivery system is measured by how well its citizens can access effective remedies when their fundamental rights are infringed upon.

Access to Justice is integral to achieving the Sustainable Development Goals (SDGs) and inclusive growth. An estimated four billion people around the world live outside the protection of the law, mostly because they are poor or marginalized within their societies. These people are either intimidated by the influential people in society or not able to seek redress when their rights are being infringed upon.

Additionally, Sustainable Development Goals (SDGs) 16.3 urges states to "Promote the rule of law at the national and international levels and ensure equal access to justice for all". This underscores the intrinsic links between access to justice, poverty reduction and inclusive growth. The SDGs provide a unique opportunity to reflect on how national governments can ensure that economic growth, development and poverty reduction strategies integrate equal access to justice and legal empowerment initiatives, as legal elements necessary to achieve these objectives.

In Philippines, for example, survey results by the Asian Development Bank showed that in communities with legal support, regulatory reforms resulted in higher levels of productivity, higher income, more disposable income and more investment in their farms. Also in Bangladesh, providing access to justice for women reduced the illegal practice of dowry payment and increased women's cash savings for emergencies,

compared to other communities without legal help (Asian Development Bank).

2.0 THE PROBLEM

Issues surrounding access to justice are not location specific but are global concerns which vary from country to country. They are not mere access to lawyers, courts and the National Human Rights Institutions (NHRIs) but much more broader than this, as they encompass a recognition that everyone is entitled to the protection of the law and that whatever rights are sought to be protected are meaningless unless those rights can be enforced with minimal constraints to the aggrieved persons and under circumstances ensuring that all manners of people are treated fairly according to the law and are able to get appropriate redress in circumstances when they are treated unfairly. In this context, there is no access to justice where citizens especially the marginalized groups conceive the justice delivery system as frightening, or in circumstances where citizens have no lawyers either because of inadequate resources to access them, or where individuals lack access to information or knowledge of their rights.

Section 39 of the Constitution of the Federal Republic of Nigeria states that any person arrested shall be arraigned in court within 24 hours or 48 hours if the nearest court is more than 40 kilometers. The Terrorism (Prevention) Act 2011 also stated that nobody should be detained for more than 90 days. Despite all the laws, it was recently reported by This Day (a Nigerian daily newspaper) that close to 3000 detainees including women and under age children were detained in Giwa Barracks Maiduguri for more than the stipulated time. The Administration of Criminal Justice Act 2015 was designed to quicken criminal trials, however the act is only applicable in FCT and in 3 states (Lagos, Enugu and Anambra) 33 states are yet to adopt or pass the Administration of Criminal Justice Law of their states hence the need to centre our human rights education on Access to Justice.

Further constraints and obstacles confronting the justice delivery system in Nigeria today include long delays in the adjudicatory process, long adjournments of proceedings, over reliance on technicalities, collapsing infrastructure, corruption in the system, congestion in courts and prisons, poverty of knowledge, incompetence and inadequate capacity of the legal practitioners

and a lingering culture of impunity. As a result of these, there are large awaiting trial inmates in Nigerian Prisons. There are also large numbers of detainees in detention centers of various security agencies arising from counter insurgency operations as highlighted earlier.

According to the Nigerian Prison Service (NPS) spokes person, Francis Enobore (December 15, 2017), “the current population of prisoners in Nigeria is put at 72,384 while 48,527 of the figure are awaiting trial inmates”, “the awaiting trial inmates therefore constitute about 66 percent of the prison population”.

Also communication manager of Prisoners Rehabilitation and Welfare Action (PRAWA) Mr. Edward Okeke stated at a news conference that the number of prisoners awaiting trials has been on the increase. According to Mr. Okeke, “presently, the total figure of prisoners in Nigeria oscillates between 72,000 and 72,500 as at March 19, 2018”. He further stated that “It is alarming that over 80 percent of the inmates in Nigerian Prisons are awaiting trials (Vanguard 2018).

The enormity of the this problem cannot be over emphasized as the National Human Rights Commission is inundated with complaints on detention without being taken to court in a timely manner in addition to some of the issues mentioned above.

3.0 PROPOSED STRATEGIES TO FURTHER ADDRESS THE PROBLEM AND RECOMMENDATIONS

1. Carrying out awareness raising, HRE activities (Round table, National Conference etc) on the need for legal protection, legal awareness, legal aid and counsel, adjudication, alternative dispute resolution (ADR) enforcement and civil society oversight amongst others with the target group being the citizens, judiciary, parliamentarians, lawyers, Ministries, Department and Agencies, Civil society and law Enforcement Agencies (Prison Service, Police) etc. this fora will bring together these stakeholders to discuss and chart a way forward.
2. There is the need to increase the knowledge and professionalization of justice personnel on Human rights issues when dispensing justice, this can be done by partnering with the National judicial Institute so that the

NHRC plays a pivotal role in sensitizing Judges on Human rights.

3. Continuous advocacy is required to ensure that the system of administration of criminal justice promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and the interests of the suspects, the defendants, and the victims. Innovative provisions that promote the speedy dispensation of justice, and capable of restoring public confidence in the justice system need to be promoted and implemented. This advocacy can be carried out at the national and local levels through the NHRIs so that the impact gets to the grassroots.
4. Punitive actions should be visited on all categories of professionals who by acts or omission are engaged in the subversion of justice in the Country so as to discourage impunity and ensure that the rights of all citizens are protected and enforced without bias.

4.0 TARGET AUDIENCE

Citizens

Judiciary

Parliamentarians

Lawyers

Ministries, Department and Agencies

Civil Society

Law Enforcement Agencies (Prisons and Police).