

Legislation, policies and social exclusion in Nigeria

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Question

What has been done in Nigeria to increase poor and excluded people's access to resources and services? For example: legislation, policy, evidence of action and/or political will at the federal and/or state level.

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1. Summary

Social exclusion is understood as a process where individuals are unable to participate fully in economic, social, political and cultural life. While anyone is potentially at risk of social exclusion, certain characteristics or attributes, such as gender, age, disability, religion, ethnicity, sexual orientation, urban or rural location, increase the risks.

In Nigeria, there are several pieces of legislation, and a selection of policies that, if implemented, will impact on social exclusion and which aim to increase excluded people's access to services. There are also examples – such as the Same Sex Marriage (Prohibition) Act, which will increase the social exclusion of marginalised groups.

In the sections below, examples of policies, legislation and evidence of action at the federal and state level in Nigeria that either promote social inclusion, or impact on social exclusion, are grouped in the following way:

- **Legislation and policies relevant to social exclusion broadly**
Examples in this category include national development policies, along with national education, health, employment and social protection laws and policies, and legislation to prohibit violence. They also include a range of laws and policies at state level.
- **Gender equality legislation and policies**
Nigeria's gender equality policy aims to eradicate gender inequality and poverty, and promote women's empowerment. However, the Gender and Equal Opportunities Bill, first introduced in 2010, has been voted down twice in the national assembly. At state level, several pieces of legislation potentially favourable to women and girls have been passed, but to date they have had little positive impact due to low awareness, enforcement and implementation.
- **Disability legislation and policies**
The Discrimination Against Persons with Disabilities (Prohibition) Act was signed into law in January 2019. It represents an important opportunity to advance the rights of people with disabilities in Nigeria, but concerns remain that the bill is not accompanied by genuine political will, or a framework for implementation. Four of Nigeria's 36 states have state level disability laws. However, compliance of these state laws is reported to be low. At the Global Disability Summit in 2018 Nigeria made a number of policy commitments which, if implemented, will increase access to services and opportunities for people with disabilities.
- **Legislation relevant to ethnicity and religion**
Nigeria's constitution contains general non-discrimination provisions on the grounds of belonging to a particular community, ethnic group, place of origin or religion. However, there do not appear to be national policies or legislation in place focusing specifically on prejudice and hostility towards some ethnic groups, including from 'indigenes' towards 'non-indigenes'. The constitution also provides for freedom of thought, conscience and religion. However there do not appear to be national policies or legislation in place focusing specifically on discrimination against religious minorities.
- **Legislation and policies on migration and displacement**
Legislative frameworks to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) are not in

place in Nigeria. A national policy on internally displaced persons has been drafted but not yet been adopted. Nigeria has incorporated the International Convention on the Protection of All Migrant Workers and Members of their Families into domestic legislation to a large degree, and in 2014 a National Labour Migration Policy was created, followed by a National Migration Policy in 2015.

- **Legislation and policies on children and young people**

The Child Rights Act 2003 (CRA) was intended to domesticate and implement the principles enshrined in the UN Convention on the Rights of the Child. However, the CRA has not yet been implemented in twelve of Nigeria's 36 states. The National Employment Policy 2017 has specific objectives around employment creation for Nigerian youth.

- **Legislation impacting on sexual minorities**

The Same Sex Marriage (Prohibition) Act 2014 prohibits same sex marriage, but its actual scope is much wider. Critics argue that the act, and authorities' responses to it, criminalises all LGBT people on the basis of sexual orientation and gender identity, excluding them from services and opportunities.

- **Legislation and policies on HIV**

The HIV/AIDS (Anti-Discrimination) Act 2014 prevents discrimination based on real or perceived HIV status, and aims to ensure access to health care and other services for all citizens. The Revised National HIV and AIDS Strategic Framework 2019-2021 commits to addressing stigma and discrimination against all people living with, presumed to be living with, at risk of, and affected by HIV.

More published literature is available on legislation and policies at the federal level, with less information publicly available on what has been done at state level. In the time available for this review, it was not possible to look in detail at implementation of legislation and policies, although it does appear that there are significant gaps between policy and practice.

This report focuses on policies and legislation in place at federal and state level in Nigeria, which will impact on social exclusion. A review of learning from programmes in this area can be found in another helpdesk report (Kelly, 2019).

2. Overview of social exclusion in Nigeria

Social exclusion is understood as a process where individuals are unable to participate fully in economic, social, political and cultural life. While anyone is potentially at risk of social exclusion, certain characteristics or attributes increase the risks (United Nations, 2016; DFID Nigeria, 2019). In Nigeria, the literature suggests that groups particularly at risk of social exclusion include: women and girls; people with disabilities; ethnic and religious minorities; migrants and internally displaced people; children and younger people; older people; sexual minorities; people without official identification; and people living with HIV. People can also experience social exclusion depending on their location. For each of these groups, social exclusion is experienced as a result of complex and intersectional factors that combine to reduce their participation in society.

The concepts of poverty and social exclusion are intertwined but distinct from each other; not *all* members of socially disadvantaged groups are economically disadvantaged (United Nations, 2016). However, social exclusion increases poverty by reducing groups' access to vital services such as health, education and social protection, and to livelihood opportunities. At the same time,

poverty increases social exclusion, when access costs to services mean that households cannot afford education and healthcare.

Social exclusion is also a causal factor in conflict and instability, especially when exclusion is based on religion, ethnicity or language (Khan, et al., 2015, p. 34; DFID Nigeria, 2019). When particular groups of people are denied the opportunity to fully participate, and have a voice in society, fractures and divisions arise (UNDP, 2018). Social exclusion can also result as a consequence of conflict. Certain groups such as women and girls are often further marginalised due to conflict and instability, while refugees are marginalised in the place to which they move (Khan, et al., 2015, p. 36).

An overview of evidence on social exclusion in Nigeria, focusing on the disadvantaged groups discussed above, can be found in another helpdesk report (Birchall, 2019).

3. Legislation and policies relevant to social exclusion broadly

National development policies

Nigeria's national policy implementation plan is Vision 20:2020. The aim of the plan is to optimise resources to achieve rapid economic growth and then to translate that growth into equitable social development for all citizens (Thompson, 2019a, p. 4). The vision aims to reduce hunger, poverty, poor healthcare, inadequate housing, low quality human capital, gender imbalance, low productivity and poor basic facilities by 2020. The vision states that it will review the educational system and laws on discrimination in order to empower people with disabilities, and that there will be "systematic inclusion of gender in every aspect of national life" (Government of Nigeria, 2010, p. 10). However, as 2020 approaches, poverty continues to increase, inequalities persist and there are great disparities by region in progress around education and healthcare (World Bank, 2018, ii).

Education laws and policies

The Universal Basic Education Law 2004 extended free basic compulsory education from six to nine years. In 2013, the federal government made a policy declaration that one year of pre-primary school would be compulsory (World Bank, 2018). The themes of the Federal Ministry of Education's Ministerial Strategic Plan 2016-19 are access, quality and system strengthening, but its goals have not yet been completely translated into state goals. The federal ministry is also developing a 10-year National Education Sector Strategic Plan for 2019-28 (World Bank, 2018).

Health laws and policies

The National Health Act 2014 provides a legal framework for the regulation, development and management of health services, and the National Health Policy 2016 sets out a framework for achieving universal health coverage (World Bank, 2018). However, publicly available data indicate that Nigeria's total public health expenditure was around 5.9 percent of total government spending in 2016; a low figure when compared to averages for sub-Saharan Africa and middle income countries (World Bank, 2018).

Employment laws and policies

The National Employment Policy 2017 aims to create an enabling environment for productive and employment related growth in Nigeria. More specifically, its objectives include (Government of Nigeria, 2017, p. 14):

- Promoting the goal of full employment
- Providing opportunities for each worker to use their skills, irrespective of race, sex, religion, political opinion, physical disability, national extraction, ethnic or social origin
- Stimulating economic growth and development, eradicate poverty and minimise unemployment

The policy includes specific interventions for young people, women and people with disabilities which are discussed in the sections below.

Protection from violence laws and policies

The Violence against Persons (Prohibition) Act was passed in 2015; its aim is to “eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.” The act addresses and criminalises various forms of violence, including physical, psychological, domestic, harmful traditional practices and discrimination against persons (Human Rights Watch, 2016, p. 15; Mayah, et al., 2017, p. 48). In 2017, the Committee on the Elimination of Discrimination Against Women noted that an enforcement framework for the implementation of the act had not yet been prepared (Committee on the Elimination of Discrimination Against Women, 2017, p. 8). In addition, Nigeria’s federal structure, which establishes a three-tiered system of governance at the national, state and local levels, means that laws such as the Violence against Persons (Prohibition) Act are only applicable in the Federal Capital Territory (Committee on the Elimination of Discrimination Against Women, 2017, p. 3).

National social protection policies

Nigeria’s National Social Protection Framework which was approved by the Federal Executive Council in 2017 and launched in 2019. The aim of the policy framework is to ensure social justice, equity and inclusive growth. Some states have developed, or are in the process of developing, their own social protection policies. Social protection rights are not enshrined in law, but moves towards this include the Poverty Alleviation Bill which was tabled and debated, although its progress appears to have temporarily stalled (Thompson, 2019a; World Bank, 2018).

State level laws and policies

The fact that Nigeria has 36 states and 774 local governments, all with a high degree of autonomy, means that state-level actions can be just as important in promoting social inclusion as federal ones. However, this autonomy creates challenges in terms of policy coordination implementation, and large disparities in the capacities of states and local government areas lead to different results across the country (World Bank, 2018; Holmes et al., 2011).

Examples of positive intentions at state level to address social exclusion include reforms created by Lagos state government, in collaboration with the State Partnership for Accountability, Responsiveness and Capability (SPARC). These reforms involved integrating gender and social inclusion into the state’s overarching development plan, as well as into individual strategies and budgets (SPARC, 2013). As the work developed, the focus was broadened to include other

characteristics such as disability and ethnicity. Examples of impact include the Special People's Law of Lagos State, which says that physical structures that are not accessible for people with disabilities will not be approved, and an increase in non-indigenes in the civil service workforce (SPARC, 2013, p. 2). The state government now has a social inclusion policy which aims to "protect people who may currently be excluded on the grounds of ethnicity, religion, gender, indignity, physical disability, age and HIV status" (SPARC, 2013, p. 3).

International human rights and non-discrimination treaties

Nigeria has signed and ratified a number of international treaties relevant to social exclusion of particular groups. Several of these are discussed in the sections below.

4. Gender equality legislation and policies

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Nigeria ratified CEDAW in 1985, and its Optional Protocol in 2004. Its most recent report to the CEDAW Committee was in 2017 (Committee on the Elimination of Discrimination Against Women, 2017). In its concluding observations, the committee congratulated Nigeria on new federal and state gender equality legislation (see below). Among the concerns raised by the committee were: the challenges presented by Nigeria's three-tiered governance system in fully incorporating the provisions of CEDAW; the stalling of the Gender and Equal Opportunity Bill (see below); conflicting provisions under statutory, customary and Islamic laws; the treatment of women and girls during the Boko Haram insurgency; stereotypes and harmful practices; gender-based violence; women's underrepresentation in political and public life; health and employment inequalities for women; and discrimination faced by rural women (Committee on the Elimination of Discrimination Against Women, 2017).

The National Gender Policy 2006 (reviewed in 2014)

This goals of this policy are to eradicate gender inequality and poverty, and promote women's empowerment. The policy states that the government must be proactive in its commitment to address discrimination against women and must mainstream gender equality throughout its policies and programmes. The policy has 16 thematic areas, which include: gender-based violence; poverty and economic empowerment; education and training; health; and employment. The policy also sets the objective of having a 35 per cent quota for women occupying appointed and elected positions (Federal Ministry of Women Affairs and Social Development, 2006). The policy was accompanied by a national gender policy strategic framework, or implementation plan (Federal Ministry of Women Affairs and Social Development, 2008).

Gender and Equal Opportunity Bill

The Gender and Equal Opportunities Bill was first introduced in 2010, but has not yet been passed into law. The bill, which would have domesticated CEDAW in Nigeria, aimed to eradicate gender inequality in political participation, education, health and employment, enforce women's land rights and offer protection from gender-based violence (Mayah, et al., 2017, p. 49). The bill was voted down by the Senate in 2016 and again in 2018. Its opponents argued that the bill's measures were in opposition to Nigeria's constitution, as well as religious and cultural practices and customs (Eniola, 2018). In August 2019, the UN Human Rights Committee noted its concern

that the Gender and Equal Opportunities Bill has not yet been adopted and that discrimination against women in access to justice, education, employment and enjoyment of land and property rights persists both in law and in practice (Human Rights Committee, 2019a, p. 1). The government of Nigeria, in a submission to the Human Rights Committee, stated that the bill is still being considered by the National Assembly, and that stakeholders are working hard to ensure the passage of the bill into law. It noted that “it is important to stress that women are not discriminated against in Nigeria on the basis of any law but due to cultural practices” (Human Rights Committee, 2019b, p. 6).

Second national action plan on the implementation of UN Security Council Resolution 1325 and related resolutions on Women, Peace and Security (2017)

This national action plan updates and addresses gaps in the original (2013) plan, and adds a monitoring, reporting and evaluation framework. The plan includes five pillars: prevention and disaster preparedness; participation and representation; protection and prosecution; crisis management, early recovery and post-conflict reconstruction; and partnership, coordination and management. The plan will be overseen by a national working group which will include representatives from each of Nigeria’s geo-political zones, a state implementation group and a local government implementation team (Federal Ministry of Women Affairs and Social Development, 2017). The implementation of the plan is being supported by civil society organisations, UN Women, the EU and partners through women-led peace networks in conflict-affected states (UN Women, 2017).

Northeast Nigeria road map 2018-2019

In response to the global Call to Action on Protection from Gender-Based Violence in Emergencies, the Nigerian Ministry of Women Affairs and Social Development and partners developed this road map for the most conflict-affected states of Northeast Nigeria: Borno, Adamawa and Yobe. It is a localised, multiyear initiative informed by global frameworks on addressing gender-based violence, tailored to a particular area. The aim is to ensure that humanitarian responses provide safe and comprehensive services for GBV survivors and mitigate the risks of GBV (Federal Ministry of Women Affairs and Social Development, 2018). The road map focuses on five key areas:

- Strengthening coordination
- Improving access to quality services for survivors
- Strengthening the capacity and expanding the engagement of local partners
- Securing sufficient funding for GBV programming
- Engaging security actors to improve GBV prevention and response

National Employment Policy 2017

This policy includes a specific objective on ensuring greater participation of women in the workforce. This includes: promoting the implementation of CEDAW principles; eliminating discrimination against women workers; enforcing existing maternity protection policies; and establishing mentorship and self-employment programmes (Government of Nigeria, 2017, p. 37)

State level laws and policies

At state level, legislation potentially favourable to women and girls has been passed, but to date they have had little positive impact due to low awareness, enforcement and implementation, and women's fear of reprisals if they try to seek justice. Examples include laws to ban FGM in Bayelsa, Edo, Ogun, Cross River, Osun and Rivers states, the Prohibition of Withdrawal of Girls from School for Marriage Law in Bauchi state (NGO Coalition, 2017 p. 9), and the Sexual Harassment and Rape Law in Katsina State (SAVI, 2016). Six states have passed laws against domestic violence or gender-based violence (Lagos, Osun, Cross River, Ebonyi, Ekiti and Kogi states). In 2014, when research showed that the Lagos State Domestic Violence Law had not been implemented and cases of domestic violence were increasing, an implementation committee was set up (SAVI, 2016). The Lagos state government has introduced six months paid maternity leave and ten days paid paternity leave for new parents (NGO Coalition, 2017 p. 12). In Ekiti State a gender policy was created in 2011, followed by Jigawa State in 2013 (Committee on the Elimination of Discrimination Against Women, 2017).

5. Disability legislation and policies

The Convention on the Rights of People with Disabilities (CRPD)

Nigeria ratified the CRPD in September 2007 and its Optional Protocol in 2010. Its report to the CRPD committee was due in 2010 but it has not yet been submitted, and Nigeria has not yet fully domesticated the convention (Holden et al, 2019; Thompson, 2019a).

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018

This act was signed into law in January 2019, after nine years of advocacy by disability rights groups. The act is a first step towards domesticating the CRPD, and it will establish a National Commission for Persons with Disabilities to oversee access to housing, education and healthcare. The act (Thompson, 2019a; 2019b):

- Stipulates a five-year transitional period after which public buildings and transport must be accessible
- Requires all public organisations to reserve at least five per cent of employment opportunities for people with disabilities
- Lays out penalties for non-compliance

Disability experts note that while the bill represents an important opportunity to advance the rights of people with disabilities in Nigeria, the fact that it took so long to become law demonstrates the low priority that has been given to disability among successive governments. Concerns remain that the bill is not accompanied by genuine political will, or a framework for implementation (Holden et al., 2019). The Federal Ministry of Women Affairs and Social Development is responsible for policy on disability, and made a number of commitments at the recent Global Disability Summit around inclusive education, economic empowerment and technology. Disability experts are concerned, however, that disability is not mainstreamed across the work of government ministries and that there is no framework in place to monitor disability inclusion at government level (Holden et al., 2019).

Education policies

The National Policy on Special Needs was launched in 2015. Its aim is to create an inclusive and less restrictive environment for learners with special educational needs (Thompson, 2019a). The National Teacher Education Policy 2014 commits to producing teachers with expertise in special educational needs and to making sure teachers can respond to learners with SEN (Thompson, 2019a). It remains the fact however, that nearly all of Nigeria's schools and teachers have inadequate capacity to provide education for people with disabilities (Thompson, 2019b).

At the Global Disability Summit in 2018, the Nigerian government committed to the development of an inclusive education policy, providing free compulsory education for all children with disabilities by 2020.

Inclusive employment policies and laws

In 2010 Nigeria signed the International Labour Organisation's (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention 1983 (Thompson, 2019b). The National Employment Policy 2017 has specific objectives relating to employing people with disabilities, including: ensuring the full employability of Nigerians with disabilities; removing all forms of discrimination against people with disabilities; and providing people with disabilities with access to inclusive educational and vocational training (Government of Nigeria, 2017, p. 37-38).

At the Global Disability Summit in 2018, the Nigerian government committed to supporting the self-employment of people with disabilities by providing loans, microcredit schemes, grants and training (Holden et al., 2019).

State level disability laws and policies

Four of Nigeria's 36 states: Plateau, Ekiti, Lagos and Bauchi, have state level disability laws which aim to remove discrimination and barriers to accessing services for people with disabilities. However, compliance of these state laws is reported to be low (Thompson, 2019a; 2019b). In addition, Plateau and Lagos states have set up commissions to manage disability issues. Thompson's (2019b) review of evidence on education and training for people with disabilities in Nigeria notes that while policy makers at state level have demonstrated political will to support inclusive education, particularly in Akwa-Ibom and Kwara states, knowledge and capacity gaps remain (Thompson, 2019b). Jigawa state provides a social security allowance for people with physical disabilities. An estimated 7,000 people benefit from the allowance (Jigawa State Rehabilitation Board, 2018), although the selection process has been questioned, as there is no civil society input into the initiative (Thompson, 2019a).

6. Legislation relevant to ethnicity and religion

Nigeria's constitution contains general non-discrimination provisions on the grounds of belonging to a particular community, ethnic group, place of origin or religion (Izsák, 2017, p. 7). Article 14 of the constitution contains the 'federal character principle', which aims to ensure that public appointments at the federal government level reflect an equal representation of all groups. Despite these provisions, however, the UN Special Rapporteur on minority issues reports that the federal character principle is not always applied in practice, because "it only reflects the political representation of states at the federal level without applying other criteria, such as ethnic

affiliation, in order to guarantee that all groups are adequately represented at the different government levels (local, state and federal)” (Izsák, 2017, p. 7).

Nigeria is a signatory to the **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**, but it has not submitted a report to the committee since 2005. At that time the committee included in its concerns the absence of a legal definition of racial discrimination in Nigeria’s domestic law, and the absence of census data disaggregated by ethnicity and religion (Committee on the Elimination of Racial Discrimination, 2005, p. 2). It also expressed concerns about prejudice and hostility towards some ethnic groups, including from ‘indigenes’ towards ‘non-indigenes’. The committee invited Nigeria to conduct studies to assess and evaluate occurrences of racial discrimination, and policies and programmes to prevent and eliminate practices of discrimination and segregation (Committee on the Elimination of Racial Discrimination, 2005, p. 3).

In 2018 the UN Human Rights Committee, as part of its consideration of the **International Covenant on Civil and Political Rights** in Nigeria, raised concerns about whether the national legal framework contains provisions to combat discrimination, stigmatisation and violence against persons belonging to minorities. The committee also asked the government of Nigeria to comment on whether it intends to adopt a comprehensive policy and strategy to protect the rights of ethnic minorities, including in terms of their languages. The government was also asked to provide information on measures to prevent racial hatred and to ensure representation of ethnic minorities at governmental levels and participation in decisions (Human Rights Committee, 2019b, p. 8). The government did not include these issues in its response (Human Rights Committee, 2019c).

Nigeria’s constitution provides for freedom of thought, conscience and religion, including the freedom to change one’s religion. It also sets out that states can establish courts based on Sharia or customary law. Sharia courts function in 12 states in the north and the Federal Capital Territory, and customary courts function in most of the 36 states (USDoS, 2018, p. 3-4). The jurisdiction of Sharia courts has been extended from civil to criminal law in twelve of Nigeria’s northern states, leading to concerns that religious freedoms for non-Muslim groups are under threat (Idris, 2018, p. 11).

In 2018 the UN Human Rights Committee, as part of its consideration of the **International Covenant on Civil and Political Rights** in Nigeria, raised concerns about discrimination against religious minorities, and asked the Nigerian government to provide information on the measures in place to prevent and respond to hate speech, incitement to religious hatred and mob violence, particularly in the northern states against Christian minorities (Human Rights Committee, 2019b, p. 7). The government did not include these issues in its response (Human Rights Committee, 2019c).

7. Legislation and policies on migration and displacement

Nigeria ratified the **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)** in 2012. However, legislative and policy frameworks to domesticate the convention are not in place, despite being urgently needed (Beyani, 2017, p. 7). A national policy on internally displaced persons has been drafted but not yet been adopted (Committee on the Elimination of Discrimination Against Women, 2017, p. 15).

The UN and partners have developed the **Humanitarian Response Strategy 2019-2021** and the **Nigeria Regional Refugee Response Plan** to support the government of Nigeria to deal with the protracted humanitarian crisis in the country's north east. The humanitarian response strategy's objectives are to: save lives by providing timely and multisector assistance to the most vulnerable; enhance access to assistance and protection interventions; and strengthen the resilience of affected populations, promoting recovery and supporting social cohesion (OCHA, 2018, p. 5). The strategy recognises that 80 percent of those in need of humanitarian assistance in the north east are women and children, and that 800,000 people remain inaccessible to humanitarian partners (OCHA, 2018, p. 15). The strategy states that the response will be provided equitably to women, girls, men and boys, wherever they are, and that a gender and age lens, including collection and analysis of sex and age disaggregated data, will help tailor assistance to those most in need (OCHA, 2018, p. 11).

Nigeria acceded to the **International Convention on the Protection of All Migrant Workers and Members of their Families** in 2009, but did not submit its initial report in 2010. Nigeria has incorporated the convention into domestic legislation to a large degree and in 2014 a **National Labour Migration Policy** was created, followed by a **National Migration Policy** in 2015. The policy on labour migration seeks to ensure non-discrimination of equality of treatment for migrant workers, both at home and abroad; protect the rights of labour migrants; and ensure the voting rights of migrant workers (Government of Nigeria, 2010). However, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families has expressed concerns about a lack of information on implementation of both policies (Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, 2017).

8. Legislation and policies on children and young people

Convention on the Rights of the Child (CRC)

Nigeria ratified the CRC in 1991 and submitted its last report to the Committee on the Rights of the Child in 2010. In its concluding observations, the committee expressed a range of concerns, including those on the varying legal definitions of child across Nigeria's states; discrimination against girl children, children from minority ethnic groups, internally displaced children and children with disabilities; access to health and education; economic and sexual exploitation; and harmful traditional practices (Committee on the Rights of the Child, 2010).

Child Rights Act 2003

This piece of legislation was intended to domesticate and implement the principles enshrined in the CRC. The act defines a child as someone under the age of 18. Among its provisions are those entitling all children to education, freedom from discrimination, and medical and health care. The act prohibits child marriage (Bar Human Rights Committee, 2013). However, the CRA has not yet been implemented in twelve of Nigeria's 36 states. In some states where the CRA is not in force, the legal age of a child is up to 16 years old, allowing early marriage (Committee on the Rights of the Child, 2010).

National Plan of Action on the CRC and Child Rights Act 2009-2015

The aims of this action plan were poverty reduction, protection of children from harm and exploitation, education for children, and participation of children in decision making. However, the

Committee on the Rights of the Child noted that the plan lacked gender sensitivity, cost planning and clear goals (ECPAT, 2014, p. 2).

National Employment Policy 2017

This policy has specific objectives around employment creation for Nigerian youth, including providing temporary employment for 500,000 graduates annually in education, agriculture, health and tax education, and implementing a range of programmes around youth and agriculture (Government of Nigeria, 2017, p. 35).

State level policies

One of the experts consulted in the preparation of this report noted that in Lagos and Akwa Ibom states, there are Youth Development Fund Bills.

9. Legislation or policies on older people

Nigeria currently has no national policy on the inclusion, care or welfare of older people, and no national social security system to provide a safety net in old age. In 1989 the government developed a national social development policy which aimed to create a framework to protect elderly people from neglect, however the policy was not implemented effectively by federal agencies (Tanyi et al., 2018, p. 14-15).

10. Legislation impacting on sexual minorities

Sections 214 and 215 of the **Nigeria Criminal Code** criminalise certain sexual conducts, terming them 'offences against morality.' Same sex sexual activity is punishable with up to 14 years' imprisonment (AGHI et al., 2019, p. 7). The **Sharia Penal Codes** adopted in twelve states in the north of Nigeria have penalties which include imprisonment, caning and death for 'sodomy', and imprisonment and caning for 'lesbianism' (AGHI et al., 2019, p. 8).

The Same Sex Marriage (Prohibition) Act (SSMPA) 2014 passed quickly through the national assembly and was signed into law in 2014. While the notional purpose of the SSMPA is to prohibit same sex marriage, its actual scope is much wider. The act:

- Prohibits cohabitation between same sex partners
- Bans public shows of same sex 'amorous' relationships
- Imposes a ten-year prison sentence on anyone who registers, operates, participates in or supports the activities of gay clubs, societies and organisations

Punishments range from ten to 14 years in prison. Human Rights Watch argues that the act "effectively criminalises lesbian, gay, bisexual and transgender persons based on sexual orientation and gender identity" (Human Rights Watch, 2016, p. 1).

In a submission to the UN Human Rights Committee, the Nigerian government stated that: "same-sex marriage is not provided for in Nigerian laws because it is against the country's national values [...] Sexual and gender minorities are not visible in Nigeria and there are no officially registered associations of gay and lesbians" (Human Rights Committee, 2019b, p. 6).

Human rights and LGBT rights advocates argue that the SSMPA is in opposition to several regional and international treaties already ratified by Nigeria, such as the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The African Commission on Human and Peoples' Rights has urged the Nigerian government to review the SSMPA in order to prohibit violence and discrimination on the basis of sexual orientation and gender identity and ensure access to services for LGBT people (Human Rights Watch, 2016, p. 4).

11. Legislation and policies on people living with HIV

The National Agency for the Control of AIDS (NACA) was set up in 2007 to sustain and improve the effectiveness and coordination of the national HIV response, and states have also created their own agencies (National Population Commission, 2019). NACA has produced the **Revised National HIV and AIDS Strategic Framework 2019-2021**. This revised framework aims to fast track the national HIV/AIDS response by communicating new information and providing strategic guidance to support the national response to end AIDS in Nigeria by 2030 (NACA, 2019). The specific objectives of this national response include:

- To eliminate new HIV infections by 2030
- To ensure 90 percent of the population have access to HIV combination prevention interventions by 2020, and 95 percent by 2030
- To eliminate mother-to-child transmission of HIV by 2030
- To ensure that 90 percent of people living with HIV know their status by 2030 (NACA, 2019, p. 16).

The framework states its commitment to addressing stigma and discrimination against all people living with, presumed to be living with, at risk of, and affected by HIV (NACA, 2019, p. 28).

The HIV/AIDS (Anti-Discrimination) Act 2014 prevents discrimination based on real or perceived HIV status, and aims to ensure access to health care and other services for all citizens (Human Rights Watch, 2016, p. 16).

Promising **legislation has been passed at state level**, but to date it has had little positive impact due to low enforcement and implementation. Examples include the Prevention of Transmission of HIV (through blood transfusion) Law and the Rivers State Employee with HIV/AIDS (Non-Discrimination) Law (NGO Coalition, 2017).

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