**RE: Human Rights Council Resolution 45/7 on Local Government and Human Rights: Request for Inputs**

1. **Laws, policies and programmes that have been developed by local authorities explicitly to promote and protect human rights, including those related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations**

* *Response:*

Nigeria as a federation has federating units and operates a tripod structure of; the federal, state and local government tiers of government, with each of these tiers deriving its powers from the 1999 Constitution of the Federal Republic of Nigeria. Each of the tiers of government has spheres of authority upon which it can make laws, policies and programmes. By the provision of the 1999 Constitution of the Federal Republic of Nigeria, there is the exclusive list for items the federal government alone can legislate on, the concurrent list for items the federal government in conjunction with the state can legislate on, as well as the residual list for the states alone. There is also Federal Capital Territory (Abuja) with a status analogous to a state.

Accordingly, laws can be enacted by the federal and state governments, while the local governments make only by-laws and policy pronouncements. The Federal laws are automatically operative in the Federal Capital Territory, Abuja, but they need to be adopted/domesticated by states to be operative in such states. State laws however, automatically reign supreme in local governments.

Although the primary responsibility for the promotion and protection of human rights rests with the national government, local government authorities ought to play a key role in the promotion and protection of human rights considering their proximity to the people. While local governments have not made specific laws to promote and protect human rights, including those related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations in Nigeria, the federal laws as adopted by states and the other laws enacted by the states are operative in the local governments.

The federal laws and policies promoting right to equality and non-discrimination, adopted/domesticated by states are:

1. The Child Rights Act, 2003
2. The Violence Against Persons (Prohibition) Act, 2015
3. The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018
4. The National Senior Citizens Act, 2017
5. The HIV/AIDS (Anti-Discrimination) Act 2014
6. The Administration of Criminal Justice Act, 2015
7. The National Anti-Trafficking In Persons Prohibition Act, 2015
8. The Universal Basic Education Law 2004
9. The National Health Act 2014
10. The National Health Policy 2016
11. The National Employment Policy 2017
12. Nigeria’s National Social Protection Framework
13. The National Gender Policy 2006 (reviewed in 2014)
14. Second national action plan on the implementation of UN Security Council Resolution 1325 and related resolutions on Women, Peace and Security (2017)
15. The National Policy on Special Needs
16. The Federal Character Principle

In some parts of the country, human rights promotion and protection are governed by religious laws such as the *sharia*. Nevertheless, there are additional policies established by states to tackle human rights issues. The Violence Against Person Prohibition Act known as VAPP Act was signed in 2015 in response to the problems of gender-based violence in Nigeria, an important legal tool and more comprehensive law designed to address, prohibit, and eliminate all forms of violence against persons in private and public life. It is also focused on maximum protection of persons against the different forms of violence. It makes provision for compensation to victims and punishment to offenders. It is an improvement on the Penal and Criminal Codes in relation to violence in northern and southern parts of the country respectively.

In addition, there are specific laws in the states that address the challenges that are prevalent in those states. This is in addition to the Child Rights Laws in 28 out of the 36 states of the federation. These include laws on:

* Protection of Women and Children’s Right to Inheritance
* Anti-Torture Act
* Prohibition of Withdrawal of Girls from School for Marriage
* Female Genital Mutilation Prohibition
* Law Abolishing Traditional Practices Against Women and Children
* Sexual Violence Against Children Law
* Equal Opportunity Law
* Persons with Disabilities Law
* Prohibition of Girl Child Hawking
* Anti-street Begging and Hawking
* HIV/AIDS Anti-Discrimination law
* Property Protection (Anti land grabbing)
* Gender and Equal Opportunities Law
* Prevention of Transmission of HIV (through blood transfusion)
* Employee with HIV/AIDS (Non-Discrimination) Law

Policies vary from state to state. In the North East, Gender policy is still on validation level and is being championed by the ministry of women Affairs. Certain courts have also been designated by the Attorney General in collaboration with the Chief Judge that will treat special cases. Practice directives have been passed on hearing not to exceed 2 months as it will be done daily to speed up the administration of justice in the State.

Similarly, In some parts of the South South of Nigeria, policies have been made by the State on Violence against Women (VAW) such as setting up Gender Based Violence Management Committee (GBVMC) to proffer a synchronized approach to addressing all forms of Violence against Persons in the State.

In the same vein, in Ebonyi State in the South East, there is a policy on Violence against Women in order to eliminate gender based violence and widowhood practices and Committees have been set up for this purpose. In Kano State, policies have been made on Gender Inclusion, Social inclusion and Free and compulsory education for all in the State. All the laws are being implemented by the stakeholders in the justice sector and the local government plays its role as identified by the state.

2. **Challenges faced by local authorities and promising practices to promote and protect human rights including in relations to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations**

* *Response:*

A major challenge faced by local authorities towards the promotion and protection of human rights including in relations to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations in Nigeria, is the issue of local government autonomy. While the Constitution of the Federal Republic of Nigeria, 1999 provides for local government autonomy, there is a lack of political will to make the local governments autonomous. Hence, in practice they are mere appendages of the state governments, and therefore lack the autonomy to make laws to promote and protect human rights being tied to the apron strings of the state.

Other challenges include:

* Paucity of funds created by lack of freedom from the state.
* Partial awareness on the subject of human rights at the local level.

Promising practices that would enhance the ability of local governments to promote and protect human rights including in relations to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations, include:

i. Presidential Executive Order 10 of 2020, which grants financial autonomy to local governments

ii. The National Assembly (the Legislature) has voted overwhelmingly in support of local governments in ongoing Constitutional Amendment process.

iii. In states where the Sharia legal system is operative e.g. Kaduna, Bauchi, the sharia law is not extended to local governments or communities with large Christian populations.

3. **Key Principles that should guide local and national governments in the promotion and protection of human rights**

* *Response:*

The Key Principles that should guide local and national governments in the promotion and protection of human rights are:

1. A recognition that human rights are universal and inalienable
2. That human rights are interdependent and indivisible
3. All are equal and none should be discriminated against. All human beings must be treated with dignity, fairness, equality and respect
4. That there are both Rights and Obligations
5. That there are rights holders and duty bearers.
6. That institutions should be created for the promotion and protection of human rights.

In the light of these, there should be:

* human rights education
* awareness-raising
* training for public officials at both the national and local government levels
* robust laws to empower all segments of government to promote and protect human rights.

**CONCLUSION**

Although the primary responsibility for the promotion and protection of human rights now rests with national and state governments, the promotion of a human rights culture within local public should be considered important and within the powers of the local government. This way, promoting respect for and the realisation of human rights in society will be better achieved.

Building expertise and knowledge of local government officials is therefore important in the promotion the realization of human rights in the society, especially at the grassroots.

;