

# C<sup>o</sup>VID-19

# Webinar

# Report

3rd Edition

**TOPIC:**

**UNDERSTANDING  
THE LEGAL FRAMEWORK  
OF HUMAN RIGHTS  
IN NIGERIA**

**DATE:**

**JUNE 11, 2020**

**FACILITATOR:**

**CHARLES E. UCHE ESQ**

**HOST:**

**BALIQEES SALAUDEEN**

## Know Covid-19 Webinar with Charles Uche

### How would you describe human rights?

Human rights are innate because you're a human being. It is universal. It's the same everywhere. They enhance or further the enjoyment of life.

### United Nations and the Human Rights

The charter that established the United Nations brought about the first authoritative human rights instrument. So, in that charter, there is the right to life, right to personal liberty, freedom of association and after this, we had the Universal Declaration of Human and Peoples' Rights in 1948. In 1966, International Covenant for Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights was established. Civil and political rights in Nigeria are the regular ones and are in chapter four of the constitution whereas Nigeria has not recognised the Economic, Social and Cultural rights as being equal and examples of these are right to education, right to housing, right to quality healthcare.

### What's your take on police brutality and infringement of human rights?

It is a result of the system of government. Nigeria is coming from a long history of military draconian regime. Coming from

The graphic is a promotional poster for a webinar. At the top left is the 'know covid19 NIGERIA' logo. At the top right is a 'COVID-19 WEBINAR NIGERIA' badge. The central text reads 'COVID-19 UNDERSTANDING THE LEGAL FRAMEWORK OF HUMAN RIGHTS IN NIGERIA' with a hand icon and a gavel. Below this, it says 'Instagram LIVE' and 'Thursday, June 11, 2020 | 4:15PM (GMT+1)'. Two circular portraits of speakers are shown: Baliqees SALAUDEEN, Moderator, Web Series Lead, Know COVID-19 Nigeria; and Charles E. UCHE Esq., Guest Speaker, Staff Attorney, CODE. At the bottom, social media links for Instagram, Facebook, and the website are provided.

such history, we see that the same leaders we have today are the same ones we used to have in that period. But definitely there is progress between then and now but there is still a lot of work to be done. Also, when you check section 66(c), it says that no court in Nigeria shall enforce any human rights provided in chapter two and chapter two is economic and social rights. So, the court should be better equipped to enforce these human rights.

If your rights have been breached as a Nigerian, you go to the court because only a court can give you a permanent justice. There are three laws that are important. The constitution, chapter four especially. Then the African Charter on Human and Peoples Rights. By virtue of section 12(1) there can be no international

law that can be enforced in Nigeria except the National Assembly passes it into law. It must be domesticated. This law was ratified by the National Assembly and thus can be enforced in Nigeria. There are other legislations like the Discrimination against People with Disabilities Prohibition Act of 2019. People with disabilities can enforce their rights, as long as they live in Abuja so these laws need to be domesticated in other states. Now to enforce the rules, there is something called the Fundamental Rights Enforcement Procedure Rules of 2009 talks about how to enforce your rights in court.

### **How do you think human rights education can be taught?**

Human rights education should be taught in schools. Though Civic Education has tried to bridge this gap, but more efforts should be made. Parents should also be educated. But who would teach the parents? Still the same educational system.

### **How do you educate and enforce human rights in rural areas?**

Lawyers are expensive to hire, but NGOs could also come in handy here as well as Pro bono cases too. Stand to End Rape, Legal Aid Council for example help people in the rural areas.

### **As regards abuse in the case of women, is pepper spray advised or is it illegal?**

Women can use pepper spray as it is not a

weapon. If it is a weapon, then you would need a permit but it is not a weapon. Women should also adopt self-defense mechanisms.

### **What advice would you give a rape victim?**

A woman who has been raped cannot simply meet a lawyer to take her case. Every criminal offence is not an offence to an individual but an offence to the state; only a state government or the federal government can prosecute any criminal offence so rape is not any different. Her lawyer can only advise and guide her. Now, immediately a rape has happened, the lady is to rush to a hospital to get a Rape Kit. This kit is used to obtain DNA of the man from either his semen or skin or hair or any form of DNA and ascertain if there was forceful penetration. A medical expert can then use the examination report to testify to the fact that the lady was raped and was raped by that man. Also, for a rape case to hold water in the court, there must be penetration. Though, now it goes beyond that. It could be a finger, stick and it could be any orifice. Further, that the person that rape that individual must not be her husband because according to the law, you cannot be raped by your husband.

### **Is there any legal provision in the case of women raping men?**

Unfortunately, according to the legal system, a man cannot be raped by a woman. Only a man raping a woman is recognized as a rape.

### **Why are you advocating for change?**

I grew up in Aba in the '90s where there was no rule of law and there abuse human rights. Now I am enlightened, I do not want the kind of society I grew up in to be what my children will grow up in. I want to enjoy this life I don't believe in the need to travel out to enjoy life because I'm a very indigenous and locally minded fellow so how do I get to enjoy this life if I don't advocate for change and stimulate the consciousness on what is, what ought and what not to be? So that's my reason.

### **About the Facilitator**

Charles is a development and humanitarian lawyer/practitioner.

He is a passionate advocate for transitional justice, social accountability, human rights, good governance, peacebuilding, rule of law, open governance, international law, citizens' engagement in governance, and the SDGs.

He is a knowledge-worker skilled in research, legal advisory, negotiation, contract negotiation and drafting, policy analysis, advocacy, and analytical (socio-legal) writing.

Charles is a graduate of Public and Private Law from Afe Babalola University, and of the Nigerian Law School, Abuja.



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