FAQs - Law2go

Frequently Asked Questions Human Rights

[What they are]

Human Rights

What are human rights?

Human rights are rights that belong to you and every human being. Irrespective of your nationality, state of origin, place of residence, sex, gender, ethnic origin, tribe, colour, religion, sexual orientation, language, or any other status. Everyone is equally entitled to their human rights without discrimination.

Is there any human right that is more important than the other?

No, all human rights are equally important.

How many human rights are there?

There is no definite numbers of rights but all human rights are there for the benefits all humans. Human rights are interrelated and interconnected, and it doesn’t matter if your government recognizes them or not. They are inalienable. It is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of political, economic and cultural systems.

Can the government take my rights away?

No, the government cannot take away your rights except if you break the law.

Do I have a right against anybody forcing me to do labour?

Yes, no one should force you against your will to work for him or her or do any labour or compulsory work, not even your boss or relative. Except you are serving under the military, police force or National Service.

As a domestic servant (houseboy or housegirl), can my Madam or Oga beat or punish me for no reason or even when I don’t do my job well?

No. Your Madam or Oga cannot beat or punish you or take you through any form of torture or degrading treatment. They can fire you if you don’t do your job but they are not allowed to flog you or shave your hair without your consent, or do anything harmful to you. If such a thing happens it is advised that you report to the nearest police station immediately or contact a human rights lawyer.

Does an accused person still have rights?

Yes, an accused person still has rights especially the right to fair trial, freedom from torture, right to due process and even privacy in some instances.

What kind of obligations do human rights create?

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States (and also corporations and businesses) must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

I suspect that someone is using witchcraft power against me and also after my life in the dream. Can I ask the police to arrest the person or can I do something to the person?

Nigerian law does not recognize juju and witchcraft, so if you do anything to a person based on the suspicion that they are using Jazz or Juju or withcraft on you, you might be committing a crime and will be punished under the law.

Someone told me I could kill someone if they are trying to kill me. Is this self-defense?

If you suspect that someone is trying to take your life, report to the nearest police station immediately. If you are in danger, always seek help from the authorities and from others too. If at the very instance someone is trying to take your life and you cannot escape, you are allowed to use reasonable force to defend yourself or escape death. It is however advisable that you stay away from trouble as the defense of self-defense is very technical and hard to prove in court as it must be proved beyond reasonable doubt.

Women Rights

Women Rights

[E.g. Domestic violence, sexual assault, discrimination at work, human smuggling]

Is abortion allowed in Nigeria?

Yes, abortion is permitted only if the mother’s life is in danger. It is important to also note that the law permits that a child can sue his or her parents for harm/ injury caused deliberately, carelessly, negligently before, during and after the birth of the child.

She is sentenced to death but pregnant. What happens to her baby?

A pregnant woman must be commuted (in this instance the sentence must be delayed) until she delivers the baby.

As a widow do I have a right against any subjection to harmful traditional practices in Nigeria? (In my village they said I have to eat or drink something or shave my hair, do I have a right to refuse?)

Yes, you have a right against such barbaric practices (Section 15(1) of the Violence against Persons Prohibition Act 2015)

Is Female Genital Mutilation (or cutting) prohibited in Nigeria?

Yes, the law is against such practices and you can be protected against this act. (Section 6(1) of the Violence Against Persons Prohibition Act 2015)

Is it an offence for a married woman to be ejected from her home?

Yes, no matter the issue between husband and wife, the husband cannot just eject the wife away from her home. (Section 9(1) of Violence Against Persons Prohibition Act 2015)

Is it unlawful for a married woman to be beaten by her husband in Nigeria?

Yes it is unlawful for to physically harm another human being, whether by a husband or wife. (Section 19 (1) Violence Against Persons Prohibition Act 2015)

As a young girl or woman can a male security officer search me?

A male security officer can search you if he is using a scanner or electronic devise. He is also allowed to search your bag or luggage. However, if the male security officer is to use his hands, you are permitted to politely decline and ask for a female officer to conduct the search instead (it must also be noted that the female officer should search you with strictest decency while performing this duty too).

I have just been raped, where do I go to make a report? – (Are there NGOs that can support me? Will my identity be made public? Should I take a shower – will that be eliminating any evidence?)

Rape is a serious offence in Nigeria. You should report immediately at the nearest police station (ask questions about how evidence can be taken to prove your case from experts at the station and immediately proceed to the nearest medical center close to you so that a test can be carried out, where necessary). It is advisable that you don’t take a shower after such an incident as this might eliminate certain vital evidence like DNA. But if taking a shower is inevitable then you can. Also, there are many NGOs that can support your case and your identity can be shielded if you are concerned about publicity. Even if the rape occurred several weeks, months or even up to a year ago, you can still report the crime.

Can I report a sexual or any form of harassment issue at work (even as a uniform woman)?

Yes, any form of harassment is an offence. It is advisable to report to the appropriate authorities at work like your HR department and if nothing is done you can take the matter to the public complaints commission or civil service commission or police service commission. You can also report to the police.

Where can I report an erring police officer?

The Nigeria police force has a police service commission arm where all complaints about the unlawful acts of police officers can be reported and dealt with. If possible, try and get the number on the police officer’s uniform but if not, you can still make a complaint.

As an under aged girl, do I have a right against forced marriage?

Yes, you have a right against forced marriage; you cannot be forced into any union you don’t want even if your parents agree to it.

Can I be disinherited, as a female or on the circumstances of my birth?

No, all humans are equal in the eye of the law, whether male or female, or otherwise, or whether born in or out of wedlock, no child can be disinherited or excluded based on the circumstance of their birth.

Where my husband is accused of an offence, can I be forced to give testimony against him?

No, you should not give testimony against him but where the crime is against you or your child, then in that instance you may be compelled to give evidence.

As a woman do I have the right to own property?

Yes, the Nigerian law allows everyone, whether male or female to be economically independent and to own property anywhere they like – whether as an individual or even as a couple.

Children Rights

Children Rights

[E.g. forced labour, defilement, harmful traditional practices]

Is it my business to report when my neighbour physically abuses his/her child?

Yes it is your duty to report the violation of any human right that you witness especially where is threatens the life of another human being.

What can I do to save a child who has been accused of witchcraft? ¬

You can report to the police to come and rescue such a child or in the alternative, if there are child protective services in your area, find and contact them. It is advisable that you act swiftly as an innocent child’s life might be in serious danger if there is any delay.

Can a child less than 17 years who committed offense punishable by death be sentenced to death?

No, children under 17 at the time of the commission of the crime cannot be sentenced to death. The law provides for less punitive measures on such an offender e.g. the child may be remanded in a juvenile center.

I am a child born out of wedlock, are my rights different from that of any other child?

No, your rights are not different from those of other children whether born in or out of wedlock, and you are protected against all forms of discrimination that may arise from this.

Am I protected against discrimination as a child born in a caste system e.g. the Osu caste?

Yes, you are protected. The Nigerian constitution frowns at any form of discrimination on any Nigerian from whatever tribe, whether there is a caste system or not in existence in that tribe. You are free to participate and integrate in society in any way e.g. you have equal right of employment whether or not you belong to any caste and anyone that discriminates you would be committing an offense.

What is sexual abuse in relation to a child?

Sexual abuse is: sexually molesting or assaulting a child or allowing a child to be sexually molested or assaulted; encouraging, inducing or forcing a child to be used for the sexual gratification of another person; using a child in, or deliberately exposing a child to sexual activities or pornography; procuring or allowing a child to be procured for commercial sexual exploitation, or in any way participating or assisting in the commercial sexual exploitation of a child.

How do I know if a child is a “street child”?

A “street child” is a child who, because of abuse, neglect, poverty, community disorder or any other reason, has left his/her home, family or community and lives, begs or works on the streets. It can also be a child who, because of inadequate care, begs or works on the streets, but returns home at night.

How do I know if a child has been abandoned?

A child has been abandoned if the parent, guardian or caregiver has deserted him/her; or if he/she has, for no apparent reason, had no contact with the parent, guardian, or caregiver for a period of time.

I am a child. Will the court allow me to speak and tell my side of the story, or will the grown-ups make all the decisions?

If you are of such an age, maturity and stage of development that you are able to participate in the proceedings, you have the right to participate in an appropriate way and express your views.

I am a 17 years old boy and I have been told that I need to be circumcised. Can I be forced to do this?

No you cannot be forced. Circumcision is a thing of choice. You must give your consent and be properly counselled before you make the decision to undergo circumcision.

My parents keep threatening me that they will take me for virginity tests. Can I refuse this?

It is illegal for people to carry out virginity testing on children or even adults without their consent or without genuine medical reasons, this is prohibited by Law.

Is it possible for a child to bring a matter to Court on their own? Or does he/she need the permission of his parents or guardian?

Every child has the right to bring a matter to court and also to be assisted in bringing a matter to Court, provided that the matter falls within the jurisdiction (authority) of that Court to handle it.

I am a child with no parents to support me (orphan), can I sell something on the street to survive?

Yes, the law permits you to make money for your sustenance, however you will not be allowed to sell on the main city streets, brothels or highways (because this can endanger your life as a vehicle might hit you) and this should not deprive the you of education. (Section 30 of the Childs Right Act)

Does every child in Nigeria have the right to education?

Yes, up to secondary school level (Section 15 of the Child Rights Act)

Can a child dictate his or her religious convictions?

Yes but his/her parents or guardian can provide directions (Section 7 of the Child Rights Act 2003)

Can a child contract a valid marriage in Nigeria?

No, a child cannot contract a valid marriage because he/she is under aged (Section 21 and 22 of the Child Rights Act). A person can only enter a marriage when they are 18 and above.

Sexual Orientation and Gender Identity Rights (LGBTI)

Sexual Orientation and Gender Identity Rights (LGBTI)

[e.g. Blackmail, extortion, hate speech, discrimination]

Lesbian, gay, bisexual, transgender or Intersex (LGBTI) persons in Nigeria face unique legal and social challenges not experienced by non-LGBT Nigerians.

Can I be arrested because of my sexual orientation?

No. Nigerian law does not punish identity (being gay or lesbian) but it criminalizes “homosexual” conduct (sodomy) hence you cannot be arrested for being gay or lesbian, but may be arrested for sexual conduct when if caught or proven. Any arrest based on identity could be seen as arbitrary and you should seek legal help.

Can I contract same sex marriage in Nigeria?

Marriage between persons of the same sex is not recognized in Nigeria and is prohibited by the Same Sex Marriage Prohibition Act.

Are the rights of LGBTI individuals protected in Nigeria?

Yes. LGBTI Nigerians, just like other Nigerians are protected within the law. Any LGBT or I individual who suffer any form of abuse, torture or discrimination based on their sexual orientation or gender identity should seek legal help

Dis(ability) Rights

Dis(ability) Rights

[E.g. Exclusion from public spaces, Discrimination]

Is there a law that protects my rights as a disabled person?

Yes. Any person who has a physical or mental impairment, which has substantial and long-term effect on his abilities to carry out day-to-day activities is protected within the law and has rights just like any other citizen. No body should be discriminated based on their physical or mental limitations.

Environmental rights

Environmental rights

[e.g. Environmental degradation, bush burning]

Will I be prosecuted for bush burning in Nigeria?

Yes, you will be prosecuted because you are destroying the environment and making it inhabitable for others.

Civil and Political Rights

Civil and Political Rights

[e.g. Arbitrary arrests, kidnapping, torture]

Is it right to be tortured in police custody?

No, it is illegal for a policeman or any security officer to torture a suspect. A separate case can be made out of this if you experience any form of torture.

They tortured me and I had to lie that I committed the offense so that they will stop torturing me. Will I go to prison for this?

Any statement made under threat or inducement will not be admissible in court. Tell the judge or magistrate about the condition within which you made the statement and it should not be admissible as evidence against you.

They promised to set me free if I said that I committed the offense. I didn’t commit the offense but I wanted to be free to I lied that I committed the offense, will this be held against me?

Any statement made under a promise will not be admissible in court. Tell the judge or magistrate about the condition within which you made the statement and it should not be admissible as evidence against you.

Can I carry out an arrest as a private citizen – a right originally vested in the police?

Yes, a private person can also arrest where he witnesses the offence and the police isn’t around, however, he must hand over the suspect to the nearest police station or officer immediately.

Can the police use force in arresting me?

No, as long as you comply with the police officer no use force is necessary. By law the police officer is allowed to restrain you, so that you don’t escape, but he is not allowed to use unnecessary force on you e.g. dragging your shirt, trouser or hitting you unnecessarily.

Can I bribe a police officer in Nigeria?

No, if you bribe a police officer, you can be arrested.

A police officer asked me for bribe. How do I say no?

Be polite but let him or her know that you are refusing/declining to bribe him or her. Also you can report the police officer to the Police Service Commission. Remember to get hold of their details or description where possible

Can a Police Officer arrest any person without warrant?

Yes he can, provided he informs the individual of the reason of arrest and produces the warrant at a reasonable later time. (Section 32(2) of the VAPP Act, Criminal Code…, ACJA)

Do I need permission to organize a protest in Nigeria?

No, you don’t need a permission to organize a peaceful protest because this is your fundamental right. However, it is advised to inform and apply to the police station in the area where this protest will take place especially if you fear that the protest can get out of hand or be hijacked by individuals who are just looking for any opportunity to cause trouble. Also to protect yourself from people with opposing views, it is good to have the police around.

Can my right to freely move within Nigeria as a Nigerian be restricted?

No, freedom of movement is your right as a Nigerian, except where you commit a crime and also in some instances where your safety is involved. (Section 45 of the 1999 Constitution)

Can I be prosecuted for criticizing the Government of the day?

No, the government cannot restrict your freedom of expression, however, where such a speech might incite any form of violence and offends public order, there may be a restriction. (Section 45 of the 1999 Constitution)

Do I have a right to bail?

Yes, the law ensures your right to bail in most offences except if it is a capital offence like murder. Also bail is free.

Do I have the right to change my religion?

Yes, Nigeria is country where freedom of religion is a guaranteed right. Nigeria as a country is a secular state and there is no state religion. You are free to practice or not practice any religion.

Since I have a right to freedom of thought and religion and belief, why can’t I join a secret cult?

No, the constitution of Nigeria prohibits any activity of secret cults. Section 38(4) 1999 constitution.

Can I be discriminated upon by virtue of my sex, community, ethnic group or place of origin?

No, the law frowns upon any form of discrimination, based on any of these grounds. Section 42(2) 1999 constitution.

Can my house or premises be searched and on what grounds?

Yes, your house or premises can be searched if the police has reasonable grounds to believe that there are stolen items or a crime is being committed, however, they must have warrant.

My neighbour lied to the police and my house was searched but nothing was found. Can I challenge it?

Yes, you have a right to sue your neighbor for libel.

Am I qualified for legal aid services from the government?

Yes, the government has created the Legal Aid Council, which provides legal aid for very poor people who would not be able to afford legal services.

What are my rights as a foreigner in Nigeria?

Your rights are the rights guaranteed by the Universal Declaration of Human Rights, which are similar to the human rights provisions of the Constitution. The diplomatic immunities and privileges act also grants you certain privileges and immunities if you are a diplomat.

Socioeconomic Rights

Socioeconomic Rights

[E.g., healthcare, food, etc.]

My land containing minerals, oils, natural gas and the government wants to take it away; do they have a right to?

Whilst the land may belong to you, according to Nigerian law, the minerals and natural resources in the land belong to the government. The federal government has a right to take over your land if it is found to contain some minerals, however, they may have to compensate you for repossessing your land.

Do I have the right to food, clean water, healthcare, shelter and education in Nigeria?

Yes, you have a right to food, clean water, healthcare, shelter and education, as these are necessary for your survival. However, the constitution does not guarantee the enforcement of these rights. These rights are couched as “fundamental objectives and directive principles of state policy” and the government should work towards making these rights enforceable. However, the supreme court has delcared that where an act of the National Assembly has legislated on any of these rights, then they become enforceable. E.g. The Universal Basic Education Act has legitimized and justified the right to free primary education in Nigeria so the right to primary education is enforceable.