**NIGERIA**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| --- | --- | --- |
| Revision | Date | Author |
| *1* | *28.09.2015* | *SN* |
| *2* | *05.10.2015* | *SN* |
| *3* | *27.11.2015* | *SN* |
| *4* | *18.01.2016* | *SN* |
| *5* | *09.02.2016* | *SG* |

**Summary**

The Federal Republic of Nigeria is governed under a Constitution which entered into force in 1999. It is this Constitution which inaugurated the Fourth Nigerian Republic.

The right to adequate housing is enshrined in Article 16(2) of the Constitution. The government has recognized the need to realise the right to adequate housing for all Nigerians and in this spirit, the New National Housing Policy was enacted in 2006. Nigeria’s Vision 2020 provides for the provision of affordable housing for the people of Nigeria. The Federal Ministry of Lands, Housing and Urban Development and the National Housing Authority work towards the realization of the right to adequate housing.

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

While UN review mechanisms have generally given positive feedback on the continual pursuit of realising the right to adequate housing, they have noted the inadequate housing conditions for urban poor, and in particular women and children. UN review mechanisms have also noted with concern the practice of demolitions and forced evictions. UN-Habitat has worked on a number of projects in Nigeria, most recently in water and sanitation, slum upgrading, energy, climate change and urban mobility areas.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

The Federal Republic of Nigeria has had a series of Constitutions since gaining independence in 1960. Nigeria is governed under a Constitution which was introduced and enacted on 29 May 1999, inaugurating the [Nigerian Fourth Republic](https://en.wikipedia.org/wiki/Nigerian_Fourth_Republic).

Within the Constitution, the following section applies to the right to adequate housing:

‘Article 16 (2): The State shall direct its policy towards ensuring:

(d) suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.’

**Government**

***Political System***

Nigeria is a [federal republic](https://en.wikipedia.org/wiki/Federal_republic).  The President is the Head of State and government. Legislative power is exercised by the bicameral National Assembly, consisting of the Senate and House of Representatives. The Judiciary is an independent arm.

Federal Ministry of Lands, Housing and Urban Development[[2]](#footnote-2)

The Federal Ministry of Lands, Housing and Urban Development is divided into departments and is tasked with the preparation and submission of proposals on housing and urban development programmes. It is also tasked with reviewing existing laws on housing and urban development so as to meet the goal of providing adequate housing for all Nigerians. The Departments which are relevant to the right to adequate housing and protection from forceful evictions are:

* Lands and Housing Development
* Urban and Regional Development

Federal Housing Authority Act (1973)[[3]](#footnote-3)

‘Preamble:An Act to establish the Federal Housing Authority as a Statutory Corporation and to vest the Authority with responsibility for preparation of a National housing programme and to execute such of the programme as may be approved from time to time by the Federal Government.’

New National Housing Policy (2006)[[4]](#footnote-4)

Under the New National Housing Policy, the Federal Government has set a target of delivering one million housing units every year. With an aim to ensure that all Nigerians are able to own a home, the Federal Government is using three strategies – land swap initiatives, affordable and mass housing schemes and accessible mortgage finance. In addition to the Nigerian Mortgage Refinance Corporation (NMRC), the government also launched a national housing scheme for labour union members. The first phase of 5 000 houses was set to be delivered to labour union residents in Abuja by December 2014, while future phases will include other states.

Vision 2020[[5]](#footnote-5)

Nigeria has a 2020 Vision. The following visions are relevant to the right to adequate housing:

‘Preamble: The basic objectives for guaranteeing the well-being and productivity of Nigerians towards achieving the NV20:2020 intent is:

1. Eradicate extreme hunger and poverty

2. Enhance access to quality healthcare

3. Provide sustainable access to potable water and basic sanitation.

4. Provide accessible and affordable housing.

5. Build human capacity for sustainable livelihoods and national development.

6. Improve access to micro-credit.

7. Promote gender equality and empower women.

8. Foster a culture of recreation and entertainment for enhanced productivity.’

**Judiciary**

No legal decisions regarding housing could be sourced.

**International Conventions[[6]](#footnote-6)**

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Political Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

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| --- | --- | --- | --- |
| [Treaty Description](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl03','')) | [Treaty Name](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl04','')) | [Signature Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl05','')) | [Ratification Date, Accession(a), Succession(d) Date](javascript:__doPostBack('ctl00$PlaceHolderMain$dgReports$ctl00$ctl02$ctl00$ctl06','')) |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT | 28 Jul 1988 | 28 Jun 2001 (a) |
| International Covenant on Civil and Political Rights | CCPR |  | 29 Jul 1993 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW | 23 Apr 1984 | 13 Jun 1985 |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  | 16 Oct 1967 (a) |
| International Covenant on Economic, Social and Cultural Rights | CESCR |  | 29 Jul 1993 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |  | 27 Jul 2009 (a) |
| Convention on the Rights of the Child | CRC | 26 Jan 1990 | 19 Apr 1991 |
| Convention on the Rights of Persons with Disabilities | CRPD | 30 Mar 2007 | 24 Sep 2010 |
| Convention (and Protocol) Relating to the Status of Refugees | Refugee Convention |  | 2 May 1968 (a) |

**UN Agencies**

UN review mechanisms have generally given positive feedback on the continual pursuit of improved housing, although have noted the inadequate housing conditions for urban poor, and in particular women and children. UN review mechanisms have also noted with concern the practice of demolitions and forced evictions.

***Universal Periodic Review (2009 and 2013)[[7]](#footnote-7)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

Nigeria was first reviewed in 2009. The Report states that in 2005, the Special Rapporteur on adequate housing requested to visit Nigeria, but the visit had yet not been agreed upon.

During its second UPR in 2013, the Report found that the Government was committed to improving access to affordable housing through legal and policy frameworks, which had increased the number of prototype housing units constructed by 151.17 per cent between 2011 and 2012. The Government was also processing the invitation to the Special Rapporteur on Adequate Housing.

‘Recommendation 135.130: Continue the efforts undertaken by the Government to guarantee inhabitants access to adequate housing and take the legal measures required to ensure the right to land tenure, in conformity with international law and international standards, and thus avoiding forced evictions.’

‘Recommendation 135.132: Continue its efforts in improving access to affordable housing through proper implementation of its existing legal and policy frameworks including mortgage financing and its Public Private Partnership housing estate schemes.’

‘Recommendation 135.133: Continue applying its successful practice to improve access to affordable housing.’

***Report of the United Nations High Commissioner for Human Rights (2013)[[8]](#footnote-8)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

‘51. In 2012, the Special Rapporteur on adequate housing sent a communication regarding the alleged forced eviction and demolition of an informal settlement in Lagos. According to the information received, on 16 July 2012, the Lagos State Government commenced the demolition of the Makoko Waterfront. Between 16 and 21 July, the Lagos State demolition squad, backed by heavily armed policemen, reportedly destroyed the homes and properties of the Makoko residents. At the time of the communication, over 30,000 residents – including women, children and the elderly – had allegedly lost their homes, and over 120,000 people faced imminent displacement.’

***Committee on Economic, Social and Cultural Rights (1998)[[9]](#footnote-9)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

‘27. The Committee is appalled at the great number of homeless people and notes with concern the acute housing problem in Nigeria where decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health. Safe, treated pipe-borne water is available to about 50 per cent of urban dwellers but to only 30 per cent of rural inhabitants. In general, only 39 per cent of Nigeria’s population has adequate access to clean drinking water.‘

‘Recommendation. 42: The Committee urges the Government of Nigeria to cease forthwith the massive and arbitrary evictions of people from their homes and to take such measures as are necessary to alleviate the plight of those who are arbitrarily evicted or are too poor to afford decent accommodation. In view of the acute shortage of housing, the Government should allocate adequate resources and make sustained efforts to combat this serious situation.’

***United Nations Country Team (UNCT)[[10]](#footnote-10)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

The UNCT report for Nigeria was concluded in May 2014.[[11]](#footnote-11)

***United Nations Development Assistance Framework (UNDAF)[[12]](#footnote-12)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2014 and 2017.*

The Nigerian UNDAF does not make any substantive references to the right to adequate housing.

***United Nations Special Rapporteur on the Right to Adequate Housing***[[13]](#footnote-13)

On 23 November 2015, the Special Rapporteur urged the Nigerian Government to put an end to the on-going trend of forced evictions in the country. The Rapporteur raised concerns about the large scale demolitions and evictions carried out in Badia, Lagos, which led to many people being rendered homeless.

**UN-Habitat[[14]](#footnote-14)**

UN-Habitat has worked on a number of projects in Nigeria:

* Total value of UN-Habitat investments (2008-2015): US$ 4,348,613
* Total number of UN-Habitat projects (2008-2015): 8 projects
* Main donors: Government of Nigeria, ECOWAS, Germany, Federal University of Technology, European Commission and, the Africa, Caribbean and Pacific Secretariat
* Implementing partners: government agencies, Ministries of Housing and Urban Planning, Youth and Sports, Planning and Budget, Energy; ECOWAS, UNIDO, BMZ/GIZ, UNDP

UN-Habitat is supporting the government of Nigeria in various areas of human settlements and urban development. At present the government is assisted with regards to water and sanitation, slum upgrading, energy, climate change and urban mobility areas through the following projects:

Socio-Economic and Urban Renewal Programme for Ondo State of Nigeria

The overall objective of this project is to improve the socio-economic situation and quality of life for the people of Ondo state. This project will build on the success and experience of the urban renewal programme and specifically focus on providing participating cities with capacities to improve urban policies and strategies that are  supportive of Local Economic development, improve land management policies,  instruments and tools that facilitate the negotiated supply of serviced urban land, efficient land use and land-based finances, improve availability and accessibility of urban data info for planning and budgeting and improve facilities and entrepreneurship capacities for young men and women.

Launch of the “Strengthening Partnerships for a New African Urban Agenda”

This is an IDF project, to prepare the signing ceremony for the grant funding from Nigeria during GC24 and to field a mission to discuss the take-off of the Strengthening Partnerships programme.

Establishment of HAPSO Abuja, Nigeria

For the Habitat programme Support Office in Nigeria that will coordinate the UN-Habitat programme and promote the goal of the Habitat Agenda and the monitoring of MDGs.

Preparation of structure plans for four urban areas in Nasarwa State

Development of Structure plans for the 4 cities to promote sustainable human settlements development and management and the attainment of HABITAT Agenda, the goals of Nasarawa State Economic Empowerment and Development Strategies (NASEEDS), and monitoring MDGs.

Development of the Ibadan Abidjan urban Energy Corridor for Sustainable Urbanization and Economic Growth

An IDF project to promote sustainable urbanization and adequate shelter for all through adequate urban planning processes and affordable access to modern energy services.

Development of structure/Master plans for nine cities in the State of Osun, Nigeria

To strengthen the State and the Local Governments responsible for the planning and management of the 9 cities to adopt City Development Strategies that will guide their growth and development for the next 20 years.

Mainstreaming energy and resource efficiency measures into building codes, building policies and building practices in Senegal, Nigeria and Cameroon

To assist the government of Senegal, Nigeria and Cameroon to integrate policy measures on energy and resource efficiency in buildings.

Participatory Slum Upgrading Programme

The Programme aims to strengthen community, city and national key stakeholders’ capacities in participatory slum upgrading in Nigeria, particularly in the selected cities/towns of Lagos, Onitsha, Lafia/ Doma and Karu, thus adding value to the development of policy, institutional, legislative, and financial frameworks.

**Further Information**

* The Constitution of Nigeria: <http://www.refworld.org/docid/44e344fa4.html>
* Federal Housing Authority: <http://lawnigeria.com/LawsoftheFederation/FEDERAL-HOUSING-AUTHORITY-ACT.html>
* Federal Ministry of Lands, Housing and Urban Development: <http://www.landsandhousing.gov.ng/>
* New National Housing Policy: <http://www.housingfinanceafrica.org/country/nigeria/>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Vision 2020 - <http://www.nationalplanning.gov.ng/images/docs/NationalPlans/nigeria-vision-20-20-20.pdf>
* Report of the United Nations High Commissioner for Human Rights (2011):<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/162/67/PDF/G1316267.pdf?OpenElement>
* UNCT: <http://reliefweb.int/sites/reliefweb.int/files/resources/Revision_2014-2016_Nigeria_SRP_August2014.pdf>
* UNDAF:<http://www.unicef.org/nigeria/UNDAF_III_2014-2017.pdf>
* UN Special rapporteur on the right to adequate housing- News (Nigeria): <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16790&LangID=E>
* UN-Habitat Nigeria Summary: <http://unhabitat.org/nigeria/>
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

1. http://www.refworld.org/docid/44e344fa4.html [↑](#footnote-ref-1)
2. http://www.landsandhousing.gov.ng/index.php/about-us/our-structure [↑](#footnote-ref-2)
3. http://lawnigeria.com/LawsoftheFederation/FEDERAL-HOUSING-AUTHORITY-ACT.html [↑](#footnote-ref-3)
4. http://www.housingfinanceafrica.org/country/nigeria/ [↑](#footnote-ref-4)
5. http://www.nationalplanning.gov.ng/images/docs/NationalPlans/nigeria-vision-20-20-20.pdf [↑](#footnote-ref-5)
6. http://www.ohchr.org/EN/countries/AfricaRegion/Pages/NGIndex.aspx [↑](#footnote-ref-6)
7. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NGSession4.aspx>; http://www.ohchr.org/EN/HRBodies/UPR/Pages/NGSession17.aspx [↑](#footnote-ref-7)
8. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/162/67/PDF/G1316267.pdf?OpenElement> [↑](#footnote-ref-8)
9. E/C.12/1/Add.23 <file:///C:/Users/habint577/Downloads/G9816466.pdf> [↑](#footnote-ref-9)
10. <http://web.ng.undp.org/unct.shtml> [↑](#footnote-ref-10)
11. http://reliefweb.int/sites/reliefweb.int/files/resources/Revision\_2014-2016\_Nigeria\_SRP\_August2014.pdf [↑](#footnote-ref-11)
12. <http://www.unicef.org/nigeria/UNDAF_III_2014-2017.pdf> [↑](#footnote-ref-12)
13. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16790&LangID=E [↑](#footnote-ref-13)
14. http://unhabitat.org/nigeria/ [↑](#footnote-ref-14)