

1 titles where he/she so merits it, and shall not be discriminated against just
2 because of his/her being an internally displaced child;

3 (v) Under no circumstance shall the child be reminded that he/she is
4 adopted from an internal displacement camp;

5 (vi) That the adoption of the child is perpetual, not reversible and non-
6 renounceable.

7 (c) IDPs shall have the right of communicating in their native
8 language or any other language of their choice;

9 (d) Under no circumstance shall an internally displaced child be used
10 for street hawking, forced labour or any other forms of child exploitation;

11 (e) Internally displaced children shall be entitled to good medical care
12 and immunization against diseases that may cause death, retard their growth or
13 affect their general well-being;

14 (f) Because of the peculiar status of internally displaced children,
15 government shall ensure their full integration into the society. Internally
16 displaced children shall not be ascribed as belonging to any cast system, such
17 as "Osu", "Abiku", "Ogbanje".

18 (g) All appropriate authorities shall ensure that internally displaced
19 children (persons below the age of 18) are protected against torture, sexual
20 exploitation, drug abuse, as well as early and forced marriage;

21 (h) All relevant appropriate authorities shall ensure the protection of
22 children in exceptionally difficult circumstances. This means that a special
23 regime shall be established for the protection of children in such difficult
24 circumstances which shall include but not limited to orphans, children with
25 health challenges and children with disabilities;

26 (i) Internally displaced children are entitled to inherit the property of
27 their parents. In case both parents are lost in conflicts, disaster or any other
28 cause in the course of displacement, the appropriate authorities in conjunction
29 with relevant state and local government agencies shall take adequate

1 measures to ensure that the law protects their orphan status and their
2 inheritance.

3 (j) Internally Displaced Children whose schools were destroyed
4 during most disasters shall be ensured to return to school while in camp.
5 Government concern shall liaise with relevant agencies within the locality
6 to assist in relocating the children to neighbouring schools that are
7 ascertained to be safe. This shall not preclude the building of new schools in
8 the place of relocation;

9 (k) All local and state education authorities shall create a
10 conducive learning environment for Internally Displaced Children by
11 collaborating with the UNICEF and other education agencies to provide
12 instructional materials and teaching aids for the schools;

13 (l) Where formal education facilities are not available, informal
14 education options including livelihood skills training shall be provided for
15 internally displaced children. While providing access to education, attention
16 shall be paid to girl-child education.;

17 (m) All relevant appropriate authorities shall liaise with UNICEF
18 and other relevant agencies and Ministries to ensure the protection and care
19 of displaced children, with particular attention to orphaned, HIV
20 infected/affected and unaccompanied children, as well as child-heads of
21 households and children with disabilities or those with other debilitating
22 conditions;.

23 (n) All relevant appropriate authorities shall promote children's
24 rights to survival, development, participation and protection in
25 collaboration with UNICEF and other humanitarian agencies. They shall
26 facilitate the establishment of child-friendly spaces in camps as an essential
27 means for providing integrated care for children. Children who have been
28 traumatised during conflicts or disasters shall be provided with appropriate
29 psycho-social support;

30 (o) All relevant appropriate authorities shall work closely with

1 relevant agencies and the camp administrators to ensure the safety and
2 security of children, including protecting them from sexual molestation,
3 child labour, abduction by armed groups, trafficking and forced prostitution.

4 **5. Rights of Internally Displaced Women:**

5 (a) That the sanctity of Nigerian womanhood shall not in any way be
6 violated;

7 (b) Every woman in an IDP camp shall have the rights to her
8 privacy;

9 (c) Women in IDP camps shall not be subjected to any form of
10 indignity; including beating, forced labour, sexual abuse, or forceful
11 stripping either for medical examination or other reasons whatsoever without
12 her consent;

13 (d) Under no circumstance shall women and men be lumped
14 together in a room except as husbands and wives or as members of the same
15 family;

16 (e) Government shall protect Internally Displaced Women from
17 forced marriage. Thus, nobody shall determine the partner of, or the period
18 within which internally displaced women ought to get married;

19 (f) Women in IDP camps shall be entitled to hold any position of
20 authority in camp without any form of discrimination;

21 (g) Women in IDP camps shall be free to take micro-credit and other
22 financial assistance with or without the consent of their husbands for
23 economic self-reliance;

24 (h) Women in IDP camps have the right to own property and
25 disburse the property with or without the consent of their spouses;

26 (i) Every woman in an IDP camp has the right to embark on any
27 form of lawful economic activity of her choice to enhance her well-being and
28 that of her family;

29 (j) Women in IDP camps are entitled to self-development,
30 particularly in the area of education and skill acquisition.

1 6. -(1) All wounded, infirm, and IDPs with disability shall receive
2 medical care to the extent practicable which shall include psychological
3 and social services whenever necessary. In order to access their rights
4 in displacement camps, Persons with disabilities need specific support
5 due to their peculiar situations related to their disabilities.

Rights of Internally
Displaced Persons
with Disabilities

6 (2) The following needs of Persons with disabilities to enable them
7 access their rights as IDPs shall be provided by all relevant appropriate
8 authorities:

9 (a) n the construction of camp infrastructure, provision shall be
10 made for entrance ramps, non-slipper floors, wide entrances/exits and wide
11 lavatories that can accommodate wheel chairs;

12 (b) Internally displaced persons in need of assistive and mobility
13 devices shall be provided with such, including wheelchairs, walking canes,
14 evacuating chairs, walkers, crutches, hearing aid equipments;

15 (c) Internally displaced persons with disability in need of
16 specialised care shall be provided with such, including caregivers to assist
17 those with ambulatory problems or intellectual and developmental
18 disabilities. Sign language interpreters are to be provided to aid
19 communication with the Deaf, physiotherapists especially for those who
20 have newly acquired disability (e.g. amputees) during the crises that
21 displaced them. Persons with mental or psychosocial disabilities shall be
22 provided with psychiatrist support to keep them under control;

23 (d) Access to information shall be provided in formats that are
24 accessible to IDPs with disability (e.g. converted into Braille for the visually
25 impaired),

26 (e) Internally displaced children with disability shall be enrolled in
27 nearby special schools that meet their specific needs (e) schools for the
28 Blind, Deaf and mentally retarded or challenged, etc) to protect their right to
29 education.

30 (f) Persons with disability shall be prioritized in water, food and

Right of Internally
Displaced Persons
living with HIV

1 other supplies distribution queues. Where there are persons who cannot afford
2 mobility or are house-bound, mobile distribution systems shall be provided to
3 reach them;

4 7.-(1) Special attention shall be given to contagious and infectious
5 diseases including HIV/AIDS among IDPs. Under no circumstances shall
6 persons living with HIV/AIDS or who have other contagious and infectious
7 diseases be discriminated against either on account of their health conditions or
8 in the provision of social or health services. They have a right not to be
9 discriminated against on any of the above grounds. All relevant appropriate
10 authorities shall mainstream HIV and AIDS into their protection and assistance
11 interventions and shall work in collaboration with relevant government
12 agencies responsible for AIDS control at all levels (NACA, SACA, LACA)
13 and international humanitarian agencies, Non-governmental organisations,
14 and local community based support groups to ensure that:

15 (a) Displaced persons living with HIV shall have access to purified
16 water and hygienic food and sanitary environment to avoid contaminations
17 which could lead to opportunistic infections caused by their compromised
18 immunity;

19 (b) Displaced persons living with HIV shall have access to adequate
20 care and support services including psycho-social support;

21 (c) Children orphaned by AIDS shall be given special attention and
22 care;

23 (d) Displaced persons living with HIV and their families, including
24 children affected by AIDS shall not be discriminated against or stigmatized in
25 any way;

26 (e) Displaced persons living with HIV shall have access to condoms
27 and positive living education including information on positive prevention to
28 minimise infecting their partners or re-infecting themselves;

29 (f) Women living with HIV shall have access to prevention-of-
30 mother-to-child services and information, including family planning, treatment

1 and infant feeding options to minimise infecting their new-born babies;

2 (g) Displaced persons living with HIV shall have access to
3 treatment including antiretroviral drugs (ARVs) and treatment for
4 opportunistic infections. Availability of oral rehydration therapy, long-
5 lasting insecticide treated bed nets and water purifying systems shall also be
6 provided to them as a matter of priority and primary importance.;

7 (h) Confidentiality of data and information on displaced persons
8 living with HIV shall be maintained and only disclosed with informed
9 consent, to avoid stigma and discrimination.

10 **8. Right of Internally Displaced Elderly Persons:**

11 (a) Older persons left behind during flight by Family members in
12 times of emergency shall be accessed and evacuated;

13 (b) Relevant identification and documentation shall be obtained
14 for older persons in displacement;

15 (c) Land and housing rights of older persons shall be protected
16 during and after displacement especially for widows and elderly women;

17 (d) The basic needs of older persons in displacement shall include
18 nutrition, shelter (including mattresses, blankets, warm clothing, tent, rain
19 coats, etc), water, sanitation and specialised health care are provided for
20 during and after displacement;

21 (e) Older persons in displacement shall be re-united with their
22 families and that they are provided with adequate social support systems;

23 (f) Older persons' livelihoods support systems and means of
24 income generation shall be rebuilt, especially those providing care to
25 younger children whose parents might have been lost prior to or during
26 displacement;

27 (g) Older persons in displacement shall be provided with relevant
28 psycho-social support, palliative care and post-traumatic counseling since
29 they are most likely to suffer post-traumatic stress disorders;

30 (h) Transportation and mobility shall be provided to elderly

1 persons during evacuation and displacement following emergencies, disasters,
2 violence and conflicts or other causes of displacement;

3 (i) Special queues shall be provided for older people at food
4 distribution and health centres to avoid them being stampeded or pushed down
5 by large crowds struggling for same services on a "survival of the fittest basis";

6 (j) "Social spaces" shall be created in camps, collective shelters and
7 host communities where older people can meet to interact, solve problems,
8 share experiences, gain literacy skills, obtain livelihood support and reduce
9 isolation;

10 (k) Older people shall have access to official communications and
11 information disseminated in the camps by providing information in local
12 dialects and using interpreters to make sure that elderly persons are not left out
13 in planning and delivery of humanitarian services;

14 (l) water containers shall be provided in smaller sizes and with
15 handles that can easily be carried by older persons;

16 (m) Camp and shelter facilities shall be accessible and safe for older
17 persons e.g. provided with rails, non-slippery floors, etc;

18 (n) Displaced older women shall be protected from physical and
19 sexual abuse, including all forms of gender-based violence and discrimination
20 during and after displacement.

Rights of IDPs
to Voluntary Return,
Local integration
and relocation

21 **9.-(1)** IDPs shall have the right to decide if they want to return to
22 their homes or places of habitual residence, be integrated in the host
23 community, be relocated to another place within the country or seek asylum in
24 another country.

25 (2) In addition to any other rights enumerated in any other part of this
26 Act, IDPs who choose to return, be integrated locally or relocated within the
27 country shall specifically have the following rights:

28 (a) The right not to be discriminated against on account of the
29 displacement;

30 (b) The right to participate fully in public affairs, access to public

1 services and to vote and be voted for;

2 (c) The right to own property wherever durable solution has been
3 achieved for them like other Nigerians under the Constitution of Nigeria and
4 other relevant laws;

5 (d) The right to any special or general existing empowerment
6 initiatives of the government. Whether they choose to return or be relocated
7 or re-integrated, IDPs shall be entitled to a comprehensive rehabilitation
8 package with priority given to the elderly. All relevant appropriate
9 authorities shall therefore ensure that internally displaced persons have
10 access to appropriate packages for return, local integration or relocation
11 based on needs assessment including shelter, food packages, provision of
12 household items and transportation for vulnerable persons with special
13 needs.

14 **10.-(1)** IDPs shall have an obligation to be law abiding citizens.
15 IDPs shall take responsibility for the commission of individual and group
16 crimes during the events leading to displacement and thereafter.
17 Specifically, IDPs shall be responsible for the following:

Obligations of
IDPs

18 (a) Individual criminal responsibility under National and
19 International law;

20 (b) Individual criminal responsibility for genocide, war crimes and
21 crimes against humanity;

22 (c) Respect the culture and norms of host communities;

23 (d) Abide by rules and regulations in collective settlements.

24 **11.-(1)** Responsibilities of Government.

Administration

25 (a) The Federal, States and Local Governments shall bear ultimate
26 responsibility for the administrative implementation of this Act;

27 (b) Without prejudice to the generality of the foregoing, the
28 Government shall, in accordance with the provisions of this Act, bear the
29 primary duty and responsibility for-

30 (i) preventing and protecting from internal displacement,

- 1 preparing for it and mitigating its consequences;
- 2 (ii) protecting and assisting internally displaced persons throughout
3 the Federation;
- 4 (iii) creating conditions conducive to and providing durable and
5 sustainable solutions for internally displaced persons; and
- 6 iv) Ensure the registration of all internally displaced persons in order
7 to maintain a national data-base of such persons which registration shall-
- 8 (a) commence and conclude within thirty days of the occurrence of
9 internal displacement;
- 10 (b) be declared by the Secretary of the Government of the Federation
11 through the issuance of a Gazette notice;
- 12 (c) be only for reasons of ascertaining the identification, profile,
13 conditions, and numbers of internally displaced persons for the sole purpose of
14 protection and assistance in accordance with the provisions of this Act;
- 15 (d) In particular, the Government shall bear the primary duty and
16 responsibility to-
- 17 (i) designate, where necessary, official areas for the settlement of
18 internally displaced persons in the Federation;
- 19 (ii) facilitate the administration of settlement areas for internally
20 displaced persons;
- 21 (iii) ensure adequate provision of basic social and health services in
22 areas inhabited by internally displaced persons;
- 23 (iv) ensure, where necessary, the maintenance of public order, public
24 security, and public health in areas inhabited by internally displaced persons;
- 25 (v) safeguard and maintain the civilian and humanitarian character of
26 settlements; and
- 27 (vi) ensure adequate provision of the social economic rights specified
28 in Chapter 2 of the 1999 Constitution.
- 29 (e) In particular, the Government shall and in accordance with the
30 provisions of this Act-

- 1 (i) request international assistance if the capacity of the
2 Government to provide such protection and assistance is insufficient,
3 inadequate or lacking;
- 4 (ii) ensure rapid and unimpeded access of humanitarian personnel
5 to all internally displaced persons;
- 6 (iii) ensure that humanitarian assistance is not diverted; and
- 7 (iv) ensure the protection of humanitarian personnel, transports
8 and goods.
- 9 (e) The Government may delegate to the Committee the exercise
10 of any of the responsibilities specified under the provisions of this section.
- 11 (2) Establishment of the Committee:
- 12 (a) There shall be established a Committee to be known as the
13 National Coordination Committee on Internally Displaced Persons.
- 14 (b) The Committee shall-
- 15 (i) Advise the president, government and inter-governmental
16 agencies and donor partners on IDP matters;
- 17 (ii) Ensure Promotion of Donor commitment to IDP response by
18 organizing missions, liaising on an ongoing basis on developments,
19 achievements and funding requirements for humanitarian interventions;
- 20 (iii) Organize and maintain the relationship with relevant
21 national authorities (MDAs) and if required, the provision of appropriate
22 advice and capacity support;
- 23 (iv) ensure programming for the displaced and must have the
24 capacity to do so. Where they lack the capacity, the National Coordinating
25 Committee on IDPs and or the government must liaise with the relevant UN
26 agencies to provide assistance;
- 27 (v) Ensure that the integration of approaches for protecting and
28 assisting displaced persons and host communities are mainstreamed into the
29 policies and practices of relevant agencies, line ministries and local
30 authorities;

1 (vi) Ensure the undertaking of comprehensive multi-
2 agency situational analyses using participatory assessment methodologies to
3 identify threats to the rights of the displaced (and host) populations and assess
4 protection risks, assistance gaps, resources and opportunities available within
5 the displaced and host communities as well as those offered by the national and
6 international players;

7 (vii) Ensure that Identifying, mobilizing and coordinating camp
8 management agencies and other sectoral partners, co-ordinate among other
9 sectors;

10 (viii) Ensure that assessment, protection activities, programme
11 delivery and camp governance are all conducted through community-based
12 approaches and with an age, gender and diversity perspective;

13 (ix) Evaluate the performance of camp managing agencies and
14 address issues relating to under-performing agencies, misuse of assets and
15 strong religious agendas, in an objective and transparent manner;

16 (x) Monitor and regularly review on an ongoing basis the
17 development, implementation and evaluation of protection mechanisms and
18 assistance programmes;

19 (xi) Identify and promote best practices in camp management,
20 including harmonizing protection/assistance standards between camps taking
21 into consideration the host community.

22 (xii) Develop and ensuring compliance (by all government, CSO and
23 humanitarian agency workers) to clear guidelines, Standard Operating
24 Procedures (SOPs) and codes of conduct for working with various groups of
25 IDPs including women, children, the elderly, and persons with disabilities;

26 (xiii) Create internal displacement coordination sectors (herein
27 referred to as sectors), prescribing the composition and responsibility of each
28 technical sector in addition to or in modification of the sectors recommended in
29 this Act;

30 (xiv) Design a lead agency for each of the sectors in this Act and such

1 other sectors that may be created or modified in furtherance of the provision
2 of this Act. In designating a lead sector agency, the committee shall have
3 regard to the mandate, capacity and capability of other relevant agencies;

4 (xv) The Committee shall constitute an IDP Inter-Agency
5 Coordinating Committee (IACC) comprising heads of the various
6 Ministries, Departments and Agencies identified in the broad Institutional
7 framework (see Section 5.4) that shall meet from time to time to plan and
8 oversee operations related to assistance and protection of IDPs during and
9 after displacement. Decisions relating to designation of sector leads and
10 functions shall be made by the Committee in consultation with the IACC.

11 (c) There shall be established an Internal Displacement
12 Coordination Sectors which shall-

13 (i) Adopt a sectoral approach to Nigeria's internal displacement
14 response to improve the predictability, speed, effectiveness, leadership,
15 coordination, collaboration and accountability of the national humanitarian
16 response in the various sectors;

17 (ii) Ensure that each sector will have a lead agency, and all sector
18 leads will need to co-ordinate their efforts under the lead of the Committee to
19 ensure the system's overall delivery within its sector;

20 (iii) where the combined response of the sector members and
21 agencies cannot meet the needs In each functional sector, a lead agency
22 (sector lead) will coordinate the efforts of all organizations active in any
23 sector, to assess needs and improve national response capacity;

24 (iv) Ensure "Sector" leads provide a "first port of call" in each
25 sector for any Humanitarian Coordination in planning and implementing
26 responses to an emergency or displacement or in the event of a lack of actors
27 and capacity on the ground, the lead agency for each sector would seek to
28 mobilize the necessary resources and additional players while remaining, in
29 effect, "a provider of last resort";

30 (v) Ensure other sector members shall accept the lead agency(ies)

1 as equal partners in performing sectoral functions, with the sector lead
2 agencies being primus inter pares under the overall auspices of the Committee;

3 (vi) Ensure the Sectors and their leads will have among their priority
4 tasks of capacity-building (national and local) and the setting and monitoring
5 of standards and best practices;

6 (vii) There shall be established Sectors who shall be responsible for
7 coordination of humanitarian assistance and protection of internally displaced
8 persons, and as may be modified and added by the Committee: The Sectors
9 shall include-

10 (a) Food Aid and Agriculture Sector;

11 (b) Camp Coordination, Management & Administration Sector;

12 (c) Human Rights and Protection Sector;

13 (d) Health and Nutrition Sector;

14 (e) Education Sector;

15 (f) Water, Sanitation and Hygiene (WASH) Sector;

16 (g) Logistics & Communications Sector;

17 (h) Emergency Shelter and Non-Food Items Sector;

18 (i) Rehabilitation, Return, Relocation and Reintegration Sector;

19 (vii) Sector leads shall have the following core responsibilities:

20 (1) Ensure inclusion of key agencies and humanitarian partners for
21 the sector, respecting their respective mandates and programme priorities;

22 (2) Ensure appropriate coordination with all humanitarian partners
23 (including national and international organisations, humanitarian agencies and
24 CSOs), through establishment and maintenance of appropriate sectoral
25 coordination mechanisms, including working groups at the national and, if
26 necessary, local levels;

27 (3) Secure commitments from humanitarian partners in responding to
28 needs and filling gaps, ensuring an appropriate distribution of responsibilities
29 within the sectoral group, with clearly defined focal points for specific issues
30 where necessary;

- 1 (4) Ensure the complementarity of different humanitarian actions
2 targeting IDPs;
- 3 (5) Promote emergency response actions while at the same time
4 considering the need for early recovery planning as well as prevention and
5 risk reduction concerns;
- 6 (6) Ensure effective links with other sectoral groups;
- 7 (7) Ensure that sectoral coordination mechanisms are adapted over
8 time to reflect the capacities of local actors and the engagement of
9 development partners;
- 10 (8) Represent the interests of the sectoral group in discussions with
11 the Humanitarian Coordinator and other stakeholders on prioritization,
12 resource mobilization and advocacy;
- 13 (9) Coordination with national/local authorities, State institutions,
14 local civil society and other relevant actors
- 15 (10) Ensure that humanitarian responses build on local capacities;
- 16 (11) Ensure appropriate links with national and local authorities,
17 State institutions, local civil society and other relevant actors (e.g. security
18 agencies) and ensure appropriate coordination and information exchange
19 with them;
- 20 (12) Ensure utilization of participatory and community based
21 approaches in sectoral needs assessment, analysis, planning, monitoring
22 and response.
- 23 (13) Ensure the integration of agreed priority cross-cutting issues
24 in sectoral needs assessment, analysis, planning, monitoring and response
25 (e.g. age, diversity, environment, gender, HIV/AIDS and human rights);
- 26 (14) Contribute to the development of appropriate strategies to
27 address these issues;
- 28 (15) Ensure gender-sensitive programming and promote gender
29 equality;
- 30 (16) Ensure that the needs, contributions and capacities of women

- 1 and girls as well as men and boys are addressed;
- 2 (17) Ensure effective and coherent sectoral needs assessment and
3 analysis, involving all relevant partners
- 4 (18) Ensure adequate contingency planning and preparedness for new
5 emergencies and displacements;
- 6 (19) Ensure predictable action within the sectoral group for
7 identification of gaps;
- 8 (20) Developing and updating agreed response strategies and action
9 plans for the sector and ensuring that these are adequately reflected in overall
10 country strategies, such as the Comprehensive Displacement Management and
11 Implementation Framework (CDMIF) Drawing lessons learned from past
12 activities and revising strategies accordingly;
- 13 (21) Developing an exit, or transition, strategy for the sectoral group;
- 14 (22) Ensure that sectoral group participants are aware of relevant
15 Act guidelines, technical standards and relevant commitments that the
16 Government has undertaken under international human rights law;
- 17 (23) Ensure that responses are in line with existing Act guidance,
18 technical standards, and relevant Government human rights legal obligations.
- 19 (24) Ensure adequate monitoring mechanisms are in place to review
20 impact of the sectoral working group and progress against implementation
21 plans;
- 22 (25) Ensure adequate reporting and effective information sharing
23 with due regard for age and sex disaggregation.;
- 24 (26) Identify core advocacy concerns, including resource
25 requirements, and contribute key messages to broader advocacy initiatives of
26 the IDP Focal Coordinating Institution and other actors;
- 27 (27) Advocate for donors to fund humanitarian actors to carry out
28 priority activities in the sector concerned, while at the same time encouraging
29 sectoral group participants to mobilize resources for their activities through
30 their usual channels;

- 1 (28) Promote and support training of staff and capacity building of
2 humanitarian partners;
- 3 (29) Support efforts to strengthen the capacity of the national
4 authorities and civil society;
- 5 (30) Responsible for acting as the provider of last resort (subject to
6 access, security and availability of funding);
- 7 (viii) The lead agencies referred to in this Act shall include-
- 8 (a) National Commission for Refugees;
- 9 (b) National/State Emergency Management Agency;
- 10 (c) National Human Rights Commission;
- 11 (d) National Security Agencies;
- 12 (e) Nigeria Security and Civil Defence Corps;
- 13 (f) National Agency for the Prohibition of Trafficking in Persons;
- 14 (g) National Directorate of Employment;
- 15 (h) Institute for Peace and Conflict Resolution;
- 16 (i) International Institute for Tropical Agriculture;
- 17 (j) National Oil Spill Detection and Response Agency;
- 18 (k) National Environmental Standards and Regulations
19 Enforcement Agency;
- 20 (l) UN Agencies;
- 21 (m) The Nigerian Red Cross Society;
- 22 (n) National Population Commission;
- 23 (o) National Planning Commission;
- 24 (p) Civil Society Organisations;
- 25 (q) Private Sector Institutions;
- 26 (r) International Humanitarian Organizations;
- 27 (s) Mass Media;
- 28 (t) Ministry of Interior;
- 29 (u) Ministry of Special Duties;
- 30 (v) Ministry of Justice;

1 w) Social Sector Ministries, Departments and Agencies National
2 Planning Commission.

Funding

3 **12.**-(1) There shall be established a joint humanitarian fund under the
4 National Coordinating Committee. During complex emergencies, disasters
5 and displacements irrespective of the cause, The Committee shall oversee an
6 annual joint appeals process (JAP). This includes a Joint Humanitarian Action
7 Plan (JHAP) based on the CDMIF. JHAP shall be a joint strategy analysing the
8 political, social and security situation of the particular situation or crisis;
9 projecting short-term and long-term humanitarian needs; assessing the
10 capacities of the agencies involved in addressing these needs; and proposing a
11 common set of objectives, actions and indicators for success. JAP shall sets out
12 the specific projects and resources required to meet these objectives. These
13 documents serve as the primary tool to mobilize resources at the field level.
14 The joint humanitarian fund shall serve as a joint donor basket for
15 humanitarian agencies to furnish in preparation for interventions. All
16 intervening donor agencies shall be required to contribute a minimum of 5% of
17 their resources for intervention into the joint humanitarian funding basket that
18 shall be deployed on need basis by the National Coordinating Committee on
19 IDP, in consultation with the Inter-Agency Coordination Committee (IACC).

20 (2) The President shall provide seed funds into the Joint Humanitarian
21 Funding Basket to jump-start critical operations, and fund life-saving
22 programmes that are not yet funded.

23 (3) Shorter Flash Appeal shall be prepared to enable more rapid
24 resource mobilization and response, although agencies and organizations can
25 also apply for bilateral funding.

26 (4) The Government shall access grants and/or loans available from
27 the UN Central Emergency.

28 (5) Response Fund (CERF) and other AU emergency and IDP
29 contingency funding mechanisms to support activities to respond to rapid onset
30 or under-funded emergencies and displacement.

1 (6) Individual Institutional and Agency Funding Mechanisms
2 Various governments and humanitarian agencies shall use their internal
3 funding mechanisms including budgetary allocations to ensure that there are
4 adequate resources for responding to their various sectoral responsibilities
5 in the respective sectors.

6 (7) The Fund shall be used for meeting the capital and recurrent
7 expenditure relating to-

8 (a) the protection and assistance to internally displaced persons
9 and the provision of a durable solution to them as provided under the
10 provisions of this Act including-

11 (i) Their former homes or alternative settlement sites;

12 (ii) The replacement of their basic household effects;

13 (iii) Enabling them to re-start their basic livelihood;

14 (iv) The reconstruction of destroyed basic housing and
15 rehabilitation of community utilities and institutions;

16 (b) The prevention of internal displacement through preventive
17 measures, including-

18 (i) The establishment of the preventive mechanism as provided for
19 in this Act;

20 (ii) Public awareness campaigns, sensitization, training and
21 education on the causes, impact and consequences of internal displacement
22 as provided for in this Act;

23 (c) Assisting in the operations of the Committee and non State
24 actors' programmes in accordance with provisions of this Act;

25 (e) Any other matter incidental to the matters stated in paragraphs
26 (a) (b) and (c).

27 **13.-(1).** No person shall cause, aid or abet arbitrary displacement
28 through acts that amount to genocide, a crime against humanity or a war
29 crime in accordance with international law and shall be punished in
30 accordance with the International Crimes Act, 2008.

- 1 (2) No person shall intentionally-
- 2 (a) cause the arbitrary displacement of other persons as provided for
- 3 in in this Act;
- 4 (b) impede access to internally displaced persons;
- 5 (c) cause harm to internally displaced persons;
- 6 (d) cause harm to humanitarian personnel;
- 7 (e) impede the work of humanitarian personnel;
- 8 (f) obstruct the provision of humanitarian assistance to internally
- 9 displaced persons;
- 10 (g) steal, or loot, or destroy humanitarian supplies for internally
- 11 displaced persons; and
- 12 (h) misuse or abuse the use of humanitarian assistance for internally
- 13 displaced persons;
- 14 (i) aid or abet the commission of any of the acts or omissions specified
- 15 in paragraphs (a) to (h).
- 16 (3) Any person who contravenes the provisions of subsection (2)
- 17 commits an offence and is liable to a fine not exceeding Two Million Naira or to
- 18 imprisonment for a term not exceeding ten years or to both such fine and
- 19 imprisonment.
- 20 **4.** Any person who-
- 21 (a) pretends to be an internally displaced person or presents himself in
- 22 a manner likely to suggest that he is an internally displaced person whilst he is
- 23 not such person;
- 24 (b) provides false information during the verification or profiling of
- 25 internally displaced persons;
- 26 (c) establishes an institution or camp which consists of persons
- 27 pretending to be internally displaced persons as contemplated in paragraph (a),
- 28 commits an offence and is liable upon conviction to a fine not exceeding Two
- 29 Million Naira or to imprisonment for a term not exceeding ten years or to both
- 30 such fine and imprisonment.

1	14. Matters relating to the violation of the any provision of this Act	Jurisdiction
2	shall exclusively lie with the Federal High Court.	
3	15. -(a) All Laws, Degrees, administrative policies or parts thereof	Miscellaneous Provisions
4	which are inconsistent with the provision of this Act are hereby repealed;	
5	(b) If any part or provision of this Act shall be declared	
6	unconstitutional or invalid, the other provisions hereof which are not	
7	affected hereby shall remain in full force or effect.	
8	16. -(1) Arbitrary Displacement: Arbitrary displacement as used in	Interpretation
9	this Act shall connote the meanings adopted in the UN Guiding Principles	
10	and the Kampala Convention. The UN Guiding Principles (Principle 6) and	
11	the Kampala Convention (Article 4) Recognized and construe arbitrary	
12	displacement to mean:	
13	(i) Displacement based on policies of racial discrimination or other	
14	similar practices aimed at/or resulting in altering the ethnic, religious or	
15	racial composition of the population;	
16	(ii) Individual or mass displacement of civilians in situations of	
17	armed conflict, unless the security of the civilians involved or imperative	
18	military reasons so demand, in accordance with international humanitarian	
19	law;	
20	(iii) Displacement intentionally used as a method of warfare or	
21	due to other violations of international humanitarian law in situations of	
22	armed conflict;	
23	(iv) Displacement caused by generalized violence or violations of	
24	human rights;	
25	(v) Displacement as a result of harmful practices;	
26	(vi) Forced evacuations in cases of natural or human made	
27	disasters or other causes if the evacuations are not required by the safety and	
28	health of those affected;	
29	(vii) Displacement used as a collective punishment;	
30	(viii) Displacement caused by any act, event, factor, or	

A BILL

FOR

AN ACT TO PROTECT THE RIGHTS OF INTERNALLY DISPLACED PERSONS (IDPS) AND TO PRESCRIBE PUNISHMENT FOR VIOLATIONS THEREON AND FOR RELATED MATTERS

Sponsored by Hon. Ayuba Mohammed Bello

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. Consistent with the principles enshrined in the 1999
 2 constitution, the standards set by international humanitarian laws and
 3 human rights laws, international and regional treaties and conventions
 4 adhered to by the Federal Republic of Nigeria, states policies to promote and
 5 protects the rights of internally displaced persons (IDPS) in situations of
 6 armed conflicts, generalized violence, communal / tribal wars, violation of
 7 human rights, aggressive implementation of development projects, natural
 8 and man- made disasters.

Declarations of Principles and states policies

9 When armed conflict of a non - international character is inevitable, the state
 10 shall ensure the promotion and protection of the rights of the citizens who
 11 are noncombatants and who shall enjoy in full equality, the same rights and
 12 freedom under international and domestic law as do other persons in the
 13 country. These citizens shall not be discriminated against in the enjoyment
 14 of any rights and freedoms on the ground that they are internally displaced.

15 2. This Act shall primarily provide for the protection of rights of
 16 IDPs during and after displacement as well as their resettlement, relocation
 17 integration. This Act shall likewise cover arbitrary internal displacement of
 18 civilians as a result of or in order to avoid the effects of armed conflict
 19 situations of generalized violence. Violations of human rights, aggressive
 20 implementation of development projects, natural and man-made disasters.

Scope

1 phenomenon of comparable gravity to all of the above and which is not
2 justified under international law, including human rights and international
3 humanitarian law.

4 (2) Armed Groups: This refers to dissident armed forces or other
5 organized armed groups that are distinct from the armed forces of the Federal
6 Republic of Nigeria;

7 (3) Camps: These are erected sites with non-permanent shelters (e.g.
8 tents) used for the collective and communal accommodation of evacuated or
9 displaced persons. Camps can be planned (i.e. purposely-built sites, completed
10 before or during the influx) or self-settled (i.e. set up spontaneously by
11 internally displaced persons or host communities without the support of the
12 government or the humanitarian community).

13 (4) Clusters: are sectoral groups aimed at strengthening the
14 effectiveness of humanitarian response, particularly by building partnerships;
15 to ensure predictability and accountability by clarifying the division of labour
16 among organisations and better defining their roles and responsibilities.

17 (5) Collective centres: These refer to pre-existing buildings and
18 structures used for the collective and communal non-permanent
19 accommodation of evacuated/displaced persons in the event of a disaster.
20 Types of buildings and structures used as collective centres vary widely. They
21 include schools, hotels, community centres, town halls, hotels, sport
22 infrastructures, hospitals, religious buildings, police posts, military barracks,
23 warehouses, disused factories, and unfinished buildings, etc. warehouses,
24 disused factories, and unfinished buildings, etc.

25 (6) Collective shelters: This includes camps and collective centres as
26 defined above. Conflict-Induced Displacement: This refers to displacement
27 resulting from people being forced to flee their homes for one or more reasons
28 including armed conflict such as civil war, communal conflicts, generalized
29 violence, etc and where the state authorities are unable or unwilling to protect
30 them.

1 (7) Committee: This refers to National Coordinating Committee
2 on IDPs.

3 (8) Development-Induced Displacement: This refers to a situation
4 where people are compelled to move as a result of policies and projects
5 implemented to supposedly enhance 'development'. Examples of this
6 include large-scale infrastructure projects such as dams, roads, ports,
7 airports, refineries and oil and gas installations.

8 (9) Disaster Management: Disaster Management is the
9 coordination and integration of all activities necessary to build, sustain and
10 improve the capability to prepare for, protect against, respond to and recover
11 from threatening or actual natural or human-induced disasters. Disaster
12 Management can also be defined as the coordination and integration of all
13 activities necessary to build, sustain and improve the capability for disaster
14 prevention, mitigation, preparedness, response and recovery.

15 (10) Disaster: In this Act, a disaster refers to an unanticipated
16 occurrence resulting in serious disruption of the functioning of a community
17 or a society causing widespread human, material, economic or
18 environmental losses which exceed the ability of the affected individuals,
19 community or society to cope using their or its own resources.

20 (11) Disaster-Induced Displacement: This category includes
21 displacement of people caused by natural hazards, disasters (floods,
22 volcanoes, landslides, earthquakes), environmental change (deforestation,
23 desertification, land degradation, global warming) and human-made
24 induced disasters (industrial accidents, radioactivity).

25 (12) Discrimination: In the context of this Act, discrimination
26 means any disadvantageous distinctions that are based on race, colour, sex,
27 language, religion, political or other opinion, national or social origin, state
28 or local government of origin, indigeneity, property, birth, age, disability or
29 other status of a person. To give advantage or preference to someone on the
30 basis of objective and serious reasons (e.g. particular vulnerability; specific

1 needs not shared by others) rather than these criteria above does not amount to
2 discrimination even if the person concerned possesses them.

3 (13) Durable Solutions: A durable solution is achieved when
4 internally displaced persons no longer have any specific assistance and
5 protection needs that are linked to their displacement and can enjoy their
6 human rights without discrimination on account of their displacement. This
7 requires comprehensive approach encompassing voluntary return, local
8 integration and resettlement.

9 (14) Early Recovery: Recovery that begins early in humanitarian
10 settings that involves multi Recovery that begins early in humanitarian settings
11 that involves multidimensional process, guided by development principles and
12 restoration of basic services.

13 (15) Early Warning: Network systems for gathering information on
14 hazards and its use in taking action to better protect the environment and entire
15 population.

16 (16) Emergency: A situation in which lives and property are at risk
17 and outside intervention or unusual initiatives by the group or community
18 affected is needed.

19 (17) Evacuation: This refers to facilitation or organization of transfer
20 of individuals or groups from one area or locality to another in order to ensure
21 their security, safety and wellbeing. Evacuations are forced if they are ordered
22 and/or enforced by authorities. A forced evacuation is not considered arbitrary
23 or unlawful displacement and thus permissible if it is done in accordance with
24 the law, absolutely necessary under the circumstances, to protect life, health or
25 the physical integrity of affected persons, and to the extent the emergency
26 allows, in proper consultation with the affected population.

27 (18) Forced Displacement: Refers to the involuntary movements of
28 people due to conflicts, natural hazards or environmental disasters, chemical or
29 nuclear disasters, famine, or development projects.

30 (19) Forced Eviction: According to the UN Basic Guidelines on

1 Development-based Evictions and Displacement, this refers to acts and/or
2 omissions involving the coerced or involuntary displacement of individuals,
3 groups and communities from homes and/or lands and common property
4 resources that were occupied or depended upon, thus eliminating or limiting
5 the ability of an individual, group or community to reside or work in a
6 particular dwelling, residence or location, without the provision of, and
7 access to, appropriate forms of legal or other protection. The notion of
8 forced evictions does not apply to evictions carried out both in accordance
9 with the law and in conformity with the provisions of international human
10 rights treaties. Forced eviction does not automatically mean arbitrary
11 displacement, but can be the first step leading to it.

12 (20) Government: This refers to Federal, States and Local
13 Governments of Nigeria.

14 (21) Guiding Principles: This refers to the 1998 United Nations
15 Guiding Principles on Internal Displacement, which are recognized as an
16 important international framework for the protection of internally displaced
17 persons.

18 (22) Hazard: This refers to an event or incident which, if it
19 materialises, can adversely affect the survival, security and safety of
20 individuals, households or communities e.g. conflict, epidemics, flood and
21 drought etc.

22 (23) Host Community: This refers to a community that, though not
23 displaced itself, experiences the impact or consequences of displacement,
24 either because it has to host a considerable number of internally displaced
25 persons either in camps, collective centres, informal settlements or directly
26 integrated into households. It also refers to a community that has to receive
27 and integrate formerly displaced persons who decide to return to their homes
28 and places of habitual residence or who have decided to settle permanently
29 elsewhere in the country.

30 (24) Humanitarian worker: This includes any worker engaged by a

1 humanitarian agency, whether internationally or nationally recruited, or
2 formally or informally retained from the beneficiary community, to conduct
3 the activities of that agency.

4 (25) Internal Displacement: According to the African Union
5 Convention for Protection and Assistance of Internally Displaced Persons in
6 Africa (Kampala Convention, 2009), "Internal displacement" means "the
7 involuntary or forced movement, evacuation or relocation of persons or groups
8 of persons within internationally recognized state borders" [Article 1 (l)];

9 (26) Internally Displaced Persons: According to the African Union
10 Convention for Protection and Assistance of Internally Displaced Persons in
11 Africa (Kampala Convention, 2009), the term "Internally Displaced Persons"
12 is defined as "persons or groups of persons who have been forced or obliged to
13 flee or to leave their homes or places of habitual residence, in particular as a
14 result of or in order to avoid the effects of armed conflict, situations of
15 generalized violence, violations of human rights or natural or human-made
16 disasters, and who have not crossed an internationally recognized State border"
17 [Article 1 (k)].

18 (27) Kampala Convention: This refers to the African Union
19 Convention for the Protection and Assistance of Internally Displaced Persons
20 in Africa adopted by the special summit of the Union held in Kampala, Uganda,
21 on 22nd October 2009.

22 (28) Livelihoods: This refers to "the combination of the resources
23 used and the activities undertaken in order to live. The resources might consist
24 of individual skills and abilities (human capital), land, savings and equipment
25 (natural, financial and physical capital, respectively), and formal support
26 groups or informal networks that assist in the activities being undertaken
27 (social capital)."

28 (29) Non-state actors: This refers to private actors who are not public
29 officials of the Government of Nigeria, including other armed groups not
30 referred to in article 1(d) of the Kampala Convention, and whose acts cannot be

1 officially attributed to the Nigerian government.

2 (30) Protection: According to the Inter-Agency Standing
3 Committee Internally Displaced Persons Protection Act(1999), protection is
4 defined as "... all activities aimed at obtaining full respect for the rights of
5 the individual in accordance with the letter and the spirit of the relevant
6 bodies of law (i.e. human rights law, international humanitarian Law,
7 refugee law). Protection therefore involves creating an environment
8 conducive to respect for human beings, preventing and/or alleviating the
9 immediate effects of a specific pattern of abuse, and restoring dignified
10 conditions of life through reparation, restitution and rehabilitation.

11 (31) Reintegration: To provide services to assist the displaced into
12 meaningful employment or other forms of economic empowerment within
13 the society and to stimulate the development of effective service delivery.

14 (32) Resettlement: Enabling internally displaced persons to
15 voluntarily return to their communities, rebuild their homes and re-unite
16 with their families or enabling them to integrate into another community or a
17 place within the territory of Nigeria other than their place of original
18 displacement for the purpose of durable solution".

19 (33) Returnee: This refers to persons or group of persons returning
20 to their communities after displacement by armed conflict, natural or human
21 induced disasters, situations of generalised violence, forced evictions or
22 human rights violations.

23 (34) Risk: is the probability or likelihood that a hazard will
24 materialize.

25 (35) Sexual abuse: this refers to actual or threatened physical
26 intrusion of a sexual nature, including inappropriate touching, by force or
27 under unequal or coercive conditions.

28 (36) Sexual exploitation: this refers to any abuse of a position of
29 vulnerability, differential power or trust for sexual purposes; this includes

1 profiting monetarily, socially or politically from the sexual exploitation of
2 another.

3 Sphere Minimum Standards: This refers to internationally acceptable
4 minimum standards for monitoring and evaluating the effectiveness and
5 impact of humanitarian assistance.

6 (37) Vulnerability: Vulnerability refers to "the characteristics of a
7 person or group and their situation that influence their capacity to anticipate,
8 cope with, resist and recover from the impact of a hazard." (Wisner et al, 2004).
9 It involves a combination of factors that determine the degree to which
10 someone's life, livelihood, property and other assets are susceptible to risk
11 caused by a discrete and identifiable event (or series or cascade of such events)
12 in nature and society.

Short Title

13 17. This Bill may be cited as the Rights of Internally Displaced
14 Persons (IDPs) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to protect the rights of Internally Displaced Persons (IDPs) and to prescribe punishment for violations thereon and for related matters.

FCT TRAFFIC MANAGEMENT AND ENFORCEMENT AUTHORITY BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF FCT TRAFFIC MANAGEMENT AND
ENFORCEMENT AUTHORITY

1. Establishment of the Authority
2. Governing Board

PART II - FUNCTIONS OF THE AUTHORITY

3. Functions of the Board
4. Functions of the Authority

PART III - STAFF OF THE AUTHORITY

5. Chief Executive officer of the Authority
6. Other staff of the Authority
7. Staff regulations

PART IV - STRUCTURE OF THE AUTHORITY

8. Departments of the Authority
9. Commands of the Authority
10. Establishment of management and other committees for the Authority

PART V - FINANCIAL PROVISIONS

11. Establishment of fund for the Authority
12. Application and management of the Fund
13. Annual budget of the Authority
14. Reports
15. Power to accept gift

PART VI - MISCELLANEOUS PROVISIONS

16. Offences and punishment
17. Procedure and limitation of suit against the Authority
18. Service of process
19. Indemnity of members etc.
20. Acquisition of property

21. Regulations
 22. Directives by the Minister
 23. Power of officer of the Authority
 24. Establishment of Road Traffic Mobile Court
 25. Interpretations
 26. Citation
- Schedule

Rights and
obligations of
IDPs

- 1 **3.-(1) General and Specific Rights:**
- 2 (a) All rights contained in the Constitution of Nigeria statutes and
- 3 domesticated sub-regional, regional and international human rights and
- 4 humanitarian instruments which all citizens of Nigeria are entitled to shall be
- 5 applicable to all internally displaced persons in Nigeria;
- 6 (b) All IDPs shall have the right to enjoy in full equality, the same
- 7 rights and freedoms under both international and domestic law as do all other
- 8 citizens and persons in Nigeria. However, non-citizens may not be eligible to
- 9 vote and be voted for in local elections unless the law expressly entitles them
- 10 to;
- 11 (c) IDPs shall have-
- 12 (i) The right to seek safety in another part of the country;
- 13 (ii) The right to leave their country;
- 14 (iii) The right to seek asylum in another country; and
- 15 (iv) The right to be protected against forcible return to or resettlement
- 16 in any place where their life, safety, liberty and/or health would be at risk.
- 17 (d) IDPs shall have a right to request and receive protection and
- 18 assistance from the state and local authorities and shall not be punished or
- 19 prosecuted for making such a request;
- 20 (e) Vulnerable IDPs shall have a right to receive protection and
- 21 assistance required by their condition or special needs. Such vulnerable IDPs
- 22 shall include children accompanied, unaccompanied and orphans, women
- 23 including nursing and expectant mothers and female heads of households,
- 24 persons with disabilities, and the elderly.
- 25 (2) Rights to Protection from Displacement:
- 26 (a) Every person shall have a right not to be arbitrarily displaced from
- 27 his or her home or place of habitual residence. All acts of arbitrary
- 28 displacements as defined in Section 2(1) of this Act are therefore specifically
- 29 prohibited;
- 30 (b) In situations other than during the emergency phases of armed

1 conflict, generalized violence and disasters and despite due consultations
2 and participation of affected persons, all the following guarantees shall be
3 put in place by the government authorities effecting the eviction prior to its
4 execution:

5 (i) A specific decision authorizing the evictions has been taken by
6 the relevant government authority empowered by law to order such
7 measures;

8 (ii) An opportunity for genuine consultation with those affected,
9 including public hearings on the proposed eviction plans and alternatives;

10 (iii) Adequate and reasonable notice prior to the scheduled date of
11 eviction;

12 (iv) The timely provision of information in an accessible format on
13 the eviction process, future use of the land and resettlement plans for
14 affected persons;

15 (v) The presence of government officials during an eviction;

16 (vi) The proper identification and registration of all persons being
17 evicted;

18 (vii) The proper identification of all persons carrying out the
19 eviction;

20 (viii) The prohibition of evictions during bad weather or at night;

21 (ix) Provision of legal remedies including provision of affected
22 persons and their advocates with opportunities to challenge the eviction
23 decision and/or to present alternative proposals and to articulate their
24 demands and development priorities;

25 (x) Provision of adequate compensation for loss of properties and
26 inconveniences resulting from the evictions based on comprehensive
27 assessment reports; and

28 (xi) Provision of legal aid by the legal aid council and other
29 agencies providing pro-bono legal aid services to affected persons, where
30 needed, to seek redress from the courts.

1 (c) In cases of armed conflict, displacement may be unavoidable to
2 ensure the safety and security of civilians involved or for imperative military
3 reasons while in the case of disasters, residents may require evacuation for their
4 safety and health;

5 (d) Displacement shall not be carried out in a manner that violates the
6 rights to life, dignity, liberty, security of the person of IDPs.

7 **3. Rights to Protection and Assistance During and after**
8 **Displacement:**

9 (a) The right to life shall be fully protected by law. IDPs shall be
10 protected in particular against genocide; ethnic cleansing; murder; summary or
11 arbitrary executions; enforced disappearances; as well as from threats to
12 commit any of the aforementioned acts. IDPs shall also be protected from acts
13 of violence when they are not participating in hostilities. It is prohibited for
14 special areas to be created wherein attacks on civilians are permitted;
15 starvation shall not be used as a method of combat; IDPs shall not be used as
16 human shields, nor shall landmines be used against them;

17 (b) The right to dignity, physical, mental, and moral integrity of all
18 human beings is hereby guaranteed by this Policy. IDPs whether or not their
19 liberty is restricted shall be protected against rape, sexual harassment,
20 mutilation, torture, inhuman treatment or punishment, gender specific
21 violence, forced prostitution, indecent assault, slavery in any form, forced sale
22 into marriage, sexual exploitation, forced labour of children, and acts of
23 violence intended to spread terror among internally displaced persons. Threats
24 to commit any of the above are also forbidden persons. Threats to commit any
25 of the above are also forbidden;

26 (c) The right to liberty and security of every person is guaranteed. No
27 one shall be arbitrarily arrested or detained. IDPs shall not be interred in camps.
28 If confinement is necessary, it shall not last longer than absolutely necessary
29 and warranted by exigencies. Such confinement must cease immediately the
30 necessity or exigency ends. IDPs shall not be taken hostage.

1 (d) Displaced children shall not be recruited as child soldiers or
2 permitted to take part in hostilities. Cruel, inhuman, and degrading practices
3 that compel compliance with recruitment shall be prohibited always;

4 (e) Every Internally displaced person shall have the right to
5 freedom of movement in and out of camps or settlements, and freedom to
6 choose where he/she will reside;

7 (f) The right of IDPs to know the fate of missing relatives enshrined
8 in this Act. Human Rights Commission in collaboration with Security
9 Agencies, other relevant authorities and international humanitarian
10 agencies shall endeavour to establish the fate and location of IDPs reported
11 missing, and shall cooperate with international organizations that are
12 engaged in this task. IDPs must be informed of any progress in this type of
13 investigation. Authorities concerned shall endeavour to collect and identify
14 mortal remains of the deceased, prevent their mutilation and disposal, and
15 endeavour to return those remains to next of kin wherever possible.
16 Gravesites should be protected and marked for easy identification. Except
17 where hostilities may resume due to access to gravesites, such access should
18 be granted and protected;

19 (g) Respect for family life should be guaranteed for all IDPs.
20 Proper accommodation should be provided to the greatest extent possible;
21 members of the same family may not be separated unless necessary. All
22 efforts should be made to reunite families quickly. The relevant IDP camp
23 management authorities should make all effort to respond to enquiries by
24 families and should facilitate the work of national and international
25 organizations involved in family reunification. While in camps, IDPs are
26 entitled to the sanctity of normal family relationships;

27 (h) All IDPs shall have the right to an adequate standard of living.
28 At the minimum and without discrimination, relevant authorities shall
29 provide IDPs with safe access to essential food and water, basic shelter and
30 housing, appropriate clothing, and essential medical services and sanitation.

1 Women should be full participants in the distribution of these supplies. Good
2 conditions of safety, nutrition, health, and hygiene should be ensured;

3 (i) All wounded, infirmed, and IDPs with disability shall receive
4 medical care to the fullest extent practicable which shall include psychological
5 and social services whenever necessary. Special provision should be made for
6 female health care needs. Attention should also be given to contagious and
7 infectious diseases including HIV/AIDS among IDPs;

8 (j) Every human being including IDPs has the right to recognition as a
9 person before the law. Therefore the Human Rights and Protection Sector lead
10 shall liaise with the relevant authorities (including the Nigeria Immigration
11 Services, Independent National Electoral Commission, Nigeria Police Force,
12 Federal Road Safety Commission, Local Government authorities, and any
13 other institution to ensure that all IDPs are issued all documents necessary for
14 the enjoyment of their legal rights. This shall include the issuance of passports
15 or other travel documents, national or personal identification documents,
16 drivers' licenses, voters' cards, birth certificates, marriage certificates, and
17 other related documents;

18 (k) Authorities should issue replacement documents as required by
19 IDPs without the imposition of unreasonable conditions, such as requiring the
20 return to former residences to obtain such documents. Women and men shall
21 have equal rights to obtain documentation, and to have it issued in their own
22 names;

23 (l) No one shall be arbitrarily deprived of property and possessions.
24 The property and possession of IDPs shall be protected from pillage,
25 indiscriminate attacks, being used as shields for military operations, objects of
26 reprisal, or as a form of collective punishment;

27 (m) IDPs, regardless of whether they live in camps or not, shall enjoy
28 the right to freedom of thought, conscience, religion, belief, opinion or
29 expression; the right to seek employment or participate in economic activities;
30 the right to vote and participate in government or civic affairs; and the right to

1 communicate in a language they understand. IDPs shall also have the right
2 to associate freely with other persons. right to associate freely with other
3 persons.

4 (n) Every human being has the right to an education. The Federal,
5 state and Local Governments shall liaise with other relevant education
6 authorities and humanitarian agencies to ensure that all IDP children receive
7 education that shall be free and compulsory at the primary level. Education
8 should respect their cultural identity, language, and religion. Special efforts
9 should be made to encourage the full participation of women and girls in
10 educational and training programmes. For the purposes of this Act reference
11 is made to the responsibility of State Security agencies to secure the lives of
12 people and property, such agencies shall include but are not limited to the
13 Nigerian Police Force, the Military, the Nigeria Security and Civil Defence
14 Corps, and the State Security Services or other relevant security agencies by
15 whatever name called.

16 **4. Rights of Internally Displaced Children:**

17 (a) That every child has the right to a name and he/she also has a
18 right to be identified with the community of his/her birth, where possible.

19 (b) To ensure his/her proper upbringing, an internally displaced
20 child that is orphaned could be adopted by a family either from his/her ethnic
21 group or otherwise, which means his/her status could be decided by his/her
22 new family. This shall be in compliance with all state and federal legislation
23 on adoption.

24 In such a case:

25 (i). The new parents must ensure that he/she attains full educational
26 development as their biological children;

27 (ii) That the child shall not be subjected to child abuse;

28 (iii) That the child shall be fully integrated into the family and
29 treated equally like other biological children;

30 (iv) That the child shall be entitled to honours such as traditional