

**A REPORT OF THE ONE-DAY AWARENESS SESSION ON HUMAN RIGHTS FOR
STAFF OF THE NTBLCPC ORGANISED BY LAWYERS ALERT**



ORGANIZED BY - LAWYERS ALERT

LOCATION - IBETO HOTEL, ABUJA

DATE

2ND MAY, 2024

INTRODUCTION

As part of its mission to promote the rule of law, gender equality, and rights of persons living with TB (PLTB), Lawyers Alert (LA) held a workshop on May 2ND, 2024. Stop TB Partnership sponsored this workshop. The workshop's objective is to empower the personnel of the National TB, Leprosy, and Buruli Ulcer Control Program (NTBLCP) with the knowledge of the law, gender, and rights regarding TB response.

The objectives of the workshop are:

1. **To DEVELOP SKILLS** and knowledge among the staff of NTBLCP on the nexus between Law, Gender, Rights, and TB.
2. **TO SHARE strategies** for enhancing the effectiveness of the NTBLCP Human Rights and Gender Action Plan.
3. **TO BUILD** synergy and collaboration with NTBLCP towards inclusive rights-based TB response in Nigeria.

Welcome Address

The workshop commenced with the welcome address by Rommy Mom, President of Lawyers Alert. He welcomed all participants and stated that the objective of the one-day workshop is to deepen skills and knowledge among the staff of NTBLCP on the nexus between law, gender, rights, and TB, to share strategies for enhancing the effectiveness of the NTBLCP human rights and gender action plan and to build synergy and collaboration with NTBLCP towards inclusive rights-based TB response in Nigeria. After that, he emphasized that the issue of gender and human rights is of utmost importance, which we should take seriously and consider in our laws. Finally, he thanked the NTBLCP participants and wished them a fruitful deliberation.



welcome address by Rommy Mom, President of Lawyers Alert.

Goodwill/ Keynote messages

Caoimhe Symth of Stop TB Nigeria delivered the first goodwill message. Caoimhe welcomed all participants and recognized the NTBLCP's efforts to control TB in children and adults. She also

recalled Lawyers Alert's role in tackling stigma and discrimination, TB rights, and providing free legal services to persons affected by TB (PATB). She also recalled how Lawyers Alert has partnered with the Stop TB partnership to achieve their collective goal of ending TB.



Goodwill delivered by Caoimhe Smyth of Stop TB Nigeria.

Dr. Jamila Amin delivered the second message from the NTBLCP. She welcomed all participants present and proceeded to state that on behalf of the national coordinator of the NTBLCP, she was happy that Lawyers Alert has made this training possible for the staff of the NTBLCP. She then urged all staff of the NTBLCP to pay attention and fully participate in the training.



Dr. Jamila delivered a Goodwill Message on behalf of the Director of the National Tuberculosis and Leprosy Control Program (NTBLCP), Dr. Labaran Shehu.

TECHNICAL SESSIONS

1. Human Rights, Gender & the Law: Understanding Human Rights and the Law- Mainstreaming gender and vulnerability in law and human rights

Rommy, the President of LA, anchored this session. The topic of this session is *Human Rights, Gender & the Law: Understanding Human Rights and the Law- Mainstreaming gender and vulnerability in law and human rights*. In his presentation, Rommy started by asking what participants understand by human rights and gender. He explained WHAT HUMAN RIGHTS mean. Human Rights can be defined as Fundamental Rights and Freedoms inherent to all individuals regardless of nationality, ethnicity, gender, or

other status. They are inherent in being human. They include the right to life, liberty, security, freedom from discrimination, freedom of expression, belief, religion, education, work, adequate living standards, etc. He also talked about the history of the slave trade and human trafficking in 1948 and how people's rights were violated. He also explained how the human rights intervention began. He explained that everyone has rights and that human rights are God-given. He emphasized that everyone, including persons living with disability, white or black, does not need to experience stigma or discrimination. He also talked about the rights we are entitled to, including the right to life and dignity.

What are Human Rights?

He explained human rights: 1. Framework: Enshrined in international law through treaties, conventions, and Declarations. 2. Purpose: Foundation for global justice, equality, and dignity.

Challenges

He talked about the challenges in Nigeria, that tuberculosis (TB) patients face many human rights challenges that impact their health outcomes and overall well-being.

Stigma and Social Exclusion

TB patients often experience significant stigma and discrimination, which can lead to social isolation and reduced access to healthcare. This can deter individuals from seeking medical care, thereby worsening the spread of TB and undermining public health efforts.

He stated further that it is important to understand the meaning of gender. According to him, "I don't think gender is about man or woman." He said gender has to do with what a person thinks of himself. He explained further the certain class of persons like the MSM, the inter-sex. He cited the case of Bobrisky, a cross-dresser, and how a judge asked him a question if he was a man or a woman. He stated that human rights are universal. He talked about the Government's obligations and the intersectionality of law, gender, and rights. He defined intersectionality as a means by which a person can experience multiple violations or discrimination. He also talked about the policy that the NTBLCP developed on how to mainstream gender and vulnerability in human rights. He said the NTBLCP needs to identify vulnerable groups. He also emphasized the need for a specific TB law.

Gender in the Context of Rights Discourse

He said Gender refers to the social, cultural, and psychological characteristics, roles, and expectations associated with being male, female, or other gender identity. Unlike biological sex, which is determined by physical attributes such as chromosomes, hormones, and reproductive anatomy, gender is a complex and multifaceted concept shaped by societal norms, beliefs, and practices. He further explained that Gender covers a wide range of identities beyond the traditional binary of male and female. Identities include transgender, non-binary, gender-queer, and gender fluid. It is also expressed through behaviour, clothing, interests, and relationships. Gender is fluid and can vary across cultures and contexts. It intersects other aspects of identity, such as race, ethnicity, class, sexuality, and disability.

What Are Laws: Laws are rules and regulations established by a governing authority, typically a government, to regulate behaviour within a society. He said they serve as a framework for maintaining order, resolving disputes, protecting rights, and promoting justice. Laws cover various areas, including civil rights, criminal justice, property rights, contracts, taxation, environmental protection, and more.

Government Obligation

Governments have several obligations in the realm of human rights stemming from international treaties, customary international law, and domestic legal frameworks. These include Respect: Governments are to refrain from violating the rights of individuals.

Protect: Governments should protect against human rights abuses by third parties, including individuals, corporations, or other non-state actors, by enacting and enforcing laws that prevent human rights violations.

Fulfill: Governments are required to fulfill the realization of human rights by taking measures to ensure that rights are fully enjoyed. This may include providing amenities, social security, and an enabling environment for exercising rights, such as freedom of expression, assembly, and association.

Non-Discrimination: Governments must ensure that their laws, policies, and practices are nondiscriminatory and promote equality and non-discrimination for all individuals, regardless of their race, sexual orientation, or other status.

Accountability: Governments must hold perpetrators of human rights violations accountable. This includes ensuring justice for victims.

International Cooperation: Governments are encouraged to cooperate and assist in promoting and protecting human rights globally. This may involve collaborating with other states, international organizations, civil society, etc., to address human rights issues.

Intersectionality of Law, Gender, and Rights

Intersectionality refers to the nexus of social categorizations such as race, class, gender, etc, which create overlapping and interdependent systems of discrimination. In law, gender, and human rights, intersectionality highlights how these domains intersect and influence each other in shaping experiences of discrimination, inequality, and access to justice. Laws and legal systems can intersect with gender and other social identities to either protect or perpetuate discrimination.

Intersectionality can affect minorities' and other individuals' access to justice and their experiences within legal systems. It shapes the implementation of laws and policies related to gender and human rights. Policies that fail to consider the needs of different groups might exclude some groups from decision-making.

How they Intersect and Legal Advocacy

Understanding the intersectionality between law, gender, and human rights is crucial for developing inclusive legal frameworks, promoting equality and justice for all individuals, and addressing the complex and intersecting forms of discrimination and

disadvantage that marginalized groups face. Intersectional approaches are essential in legal advocacy to promote gender equality and human rights. Advocates must address the intersecting forms of discrimination faced by individuals with diverse identities to challenge discriminatory laws effectively.

Mainstreaming Gender and Vulnerability in Human Rights

This involves incorporating an understanding of vulnerability into developing, implementing, and monitoring human rights policies. Here are some key aspects: Identifying Vulnerable Groups: Recognizing groups or individuals vulnerable to human rights violations due to age, gender, socioeconomic status, etc.

They are analyzing Intersectionality: Understanding how various forms of vulnerability intersect, causing discrimination and marginalization.

Policy Integration: Integrating vulnerability considerations into all aspects of human rights policies, including drafting legislation, designing programs, and allocating resources. Targeted Interventions: To address specific needs and challenges faced by vulnerable groups, such as access to essential services, legal protection, and social support. Monitoring and Evaluation: Captures the impact of human rights policies and interventions on vulnerable groups.

By mainstreaming vulnerability in human rights, policymakers and practitioners can better address the diverse needs and rights of all individuals, particularly those at risk of discrimination, marginalization, and exclusion.

He concluded by saying that having explored the intrinsic nature of human rights, gender identity, the foundational role of laws, and the government's obligations in upholding standards; there is a need for continuous education, advocacy, and policy-making that reflect the diverse rights of all. Therefore, the importance of intersectionality in legal and social frameworks cannot be ignored. We must ensure that all community members, particularly the vulnerable, are included and protected in our collective move forward.

At the end of his presentation, the following questions were asked, and the following answers were given:



Picture of the NTBLCP staff

This session was anchored by a TB survivor he welcomed all participants and shared his story “My name is Ekong Francis Ubong I work with the TB People in Nigeria and I

am also a TB Survivor. My experience as a Survivor of Tuberculosis has broadened my horizon in getting to know how the rights of PATB have been trampled upon. Lawyers Alert has also made our understanding of knowing our rights to exist. Unfortunately, so many PATBs and TB survivors don't know that they all have the right to live and survive in Nigeria. So many marriages have been affected by TB, and some have lost their jobs as a result of their status. However, we need to understand that the right to health and the right to access good medical response is key to the effective eradication of TB in Nigeria by 2030. The NTBLCP's participation in this meeting is very vital to understand the import tired around human rights. I also suggested that the TB Survivors be incorporated into the DOT counseling space to assist in the counseling of PATB'S. Across the country. The Civil Society Organizations and the media should be educated more to know these rights accruing to the PATB”.



Ekong Francis Ubong a TB survivor

Bamidele Jacobs, Director of Legal at Lawyers Alert, anchored the second technical session his presentation, Bamidele talked about the origin of TB. He said everything changed in May 2019 in Geneva and that this was when they took note of the fact that the rights of persons affected with TB were violated. At that point, there was a need to mainstream human rights and gender. He also talked about “rights infringement infraction: violation vs abuse”. He said when a violation comes from the government, it is an offense, but when it is from an individual, it is a violation. He also said that the rights of TB patients include the right to life.

What Challenges Should We Expect?

He also discussed the challenges we should expect when using Nigerian law and courts to combat TB 1. Access to Justice Challenges: he explained that court delays for pending legal cases are sometimes more than a year. High costs of litigation, including high filing fees. Complex procedural rules in courts.

Lack of clearly applicable law that recognizes and protects the rights of people affected by TB: Nigerian courts do not fully recognize the right to health. He said the law does not explicitly prohibit TB discrimination. The right to privacy and confidentiality is subject to public health exceptions that courts may apply to people with TB.

The lack of Applicable Laws Continues

The Federal and Lagos State HIV laws do not likely apply to people with TB who are not living with HIV.

2. Nigeria human rights and gender action plan for TB care and prevention in Nigeria: Using Nigerian Law and Courts to Combat TB Human Rights Violations

Reduce stigma & discrimination, Enhance TB community participation, Provide accessible, acceptable, and quality TB services, and Implement gender-transformative interventions.



Picture of the NTBLCP staff

Bamidele Jacobs, Director of Legal at Lawyers Alert, anchored the fourth training session. This session examined how to use Nigerian law and courts to seek remedies and accountability for TB-related human rights violations. In his presentation, he said there are several legal frameworks by which we can deploy to combat TB human rights violations. These include laws in Nigeria, the Nigerian court system, human rights laws, and patient charter.

Key Issues on HR Enforcement in Nigeria

- Chapter 4 of the Nigerian Constitution deals with fundamental human rights.
- The High Court is the court of first instance in applications to enforce rights enshrined in Chapter 4 of the Constitution.
- Locus Standi and the position of item 3 of the preamble to the FREP 2009.
- Justiciability of Chapter 2 of the Constitution.
- Petition to the NHRC
- Linking rights to those in Chapter 4
- The Decision in AG (Ondo state) V. AG (Federation) and Bamidele Aturu v Minister of Petroleum Resources & Ors
- Reliance on provisions of ACHPR.
- Approaching the ECOWAS Court of Justice and the African Commission on Human and Peoples Rights in Banjul, Gambia.

The Law on TB in Nigeria

- There is no one specific law on TB in Nigeria as of today.
- The ones available are of a general nature
- The ACHPR
- Art 4: Right to Life
- Art 5 of ACHPR: Right to dignity of the human person.
- Art 6 of ACHPR: Right to personal liberty.
- Art 2, 18 of ACHPR: Right to freedom from discrimination

- Art 13: Right to Participation
- Art 15: Right to work under a satisfying condition
- Art 16: Right to health
- Art 17: Right to education
- Art 19: Equality of persons



Picture of the NTBLCP staff

CLOSING REMARKS

A representative of NTBLCP delivered the closing remark. In his closing remarks, the representative of NTBLCP thanked Lawyers Alert and all the participants.



Group pictures

Meeting Outcome

The one-day awareness session on human rights organized by Lawyers Alert for the National Tuberculosis and Leprosy Control Programme (NTBLCP) staff was a resounding success. Participants understood human rights principles more deeply, particularly in health care. The session included interactive discussions, case studies, and practical exercises, which empowered the NTBLCP staff to better recognize and address human rights issues in their work. Feedback from attendees was positive, highlighting the relevance and applicability of the knowledge gained. This initiative has strengthened the

commitment of NTBLCP staff to uphold human rights in their daily operations and improve patient care outcomes.

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