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Nigeria: ECOWAS Court affirms Nigeria accountable for ensuring the right to education

Amnesty International calls on the Nigerian government to implement the judgment issued by the Economic Community of West African States (ECOWAS) Community Court of Justice which requires the government to ensure that the right to free and compulsory basic education is upheld.

In a landmark decision, the court also affirmed that the right to education should not be undermined by corruption.

The ECOWAS Court held that Nigeria's Universal Basic Education Commission has the responsibility to ensure that funds disbursed for basic education are properly used for this purpose.

While the Court stated that proof of high level corruption had not been presented before it, it noted that there was *prima facie* evidence of embezzlement of funds on the basis of the reports of Nigeria's Independent Corrupt Practices Commission (ICPC). The Court stated that while steps are taken to recover funds and/or prosecute the suspects, the Nigerian government is required to provide the funds necessary to cover the shortfall in order to avoid denying any of its people the right to education.

The Court stated that it will hold ECOWAS States accountable if they deny the right to education to their people. It affirmed its earlier ruling of 27 October 2009 which rejected the government's claim that the right to education was not enforceable and which stated that the Court has jurisdiction to hear cases involving allegations of breaches of the African Charter on Human and Peoples' Rights.

This judgment is an important restatement of the principles of universality and indivisibility of all human rights established in both the African Charter on Human and Peoples' Rights and the Universal Declaration of Human Rights.

The judgment also represents an important step forward in the progressive realisation of economic, social and cultural rights in Nigeria in particular, and the West Africa sub-region in general.

The Nigerian government must publicly acknowledge that it is bound by the decision made by the ECOWAS court and that it will take immediate steps to enforce it.

Amnesty International also calls on the Nigerian government to take immediate steps to address corruption in the education sector in order to ensure the right to education.

All ECOWAS member states must insist that the Nigerian government comply with the judgment. The effectiveness of the ECOWAS court and the development of regional human rights jurisprudence can only be ensured if all ECOWAS member states use their influence to ensure that Nigeria complies with the decision of the court.

In addition, in line with their international obligations, ECOWAS member states must take steps to ensure that the right to free and compulsory basic education is upheld in their own countries.

The case (suit number: ECW/CCJ/APP/0808) was brought by the Socio-Economic Rights and Accountability Project (SERAP) against the Federal Government of Nigeria and the Universal Basic Education Commission (UBEC). Amnesty International contributed to the legal submission by SERAP to the court.

The Economic Community of West African States (ECOWAS), is a regional group of fifteen countries. Member States are Benin, Cape Verde, Cote D'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

The Community Court of Justice is the principal legal organ of ECOWAS and its main function is to ensure the observance of the rule of law and justice in ECOWAS member states.

Promoting the legal enforcement of economic, social and cultural rights is part of Amnesty International's Demand Dignity campaign which aims to end the human rights violations that drive and deepen global poverty. The campaign mobilises people all over the world to demand that governments, corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights. For more information visit <http://www.amnesty.org/en/demand-dignity>

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