



National Human Rights Commission
Federal Republic of Nigeria

**Standard Minimum Guidelines for the Human Rights
of COVID-19 Patients in Treatment Centres in Nigeria
(2020)**

**[Made pursuant to section 5(a)(d)(I) and section 6(g) of the National
Human Rights Commission (Amendment) Act, 2010]**

About the National Human Rights Commission

The National Human Rights Commission of Nigeria (the Commission) was established by the National Human Rights Commission Act of 1995 (the Act) as a National Human Rights Institution (NHRI) charged with the mandate of protecting and promoting human rights in Nigeria as guaranteed by the Nigerian Constitution, the African Charter on Human and Peoples Rights, the United Nations Charter, the Universal Declaration on Human Rights and other international human rights treaties to which Nigeria is a party.

The mandate of the Commission was further strengthened in 2010 through an amendment to the establishment Act, making the Commission more independent and giving it quasi-judicial powers to institute investigations, summon persons, receive evidence and to award compensation and enforce its decisions on human rights violations in Nigeria. The Commission has also been conferred with the powers to visit any place of detention with a view to ensuring that detainees' rights are not violated and to institute civil actions, to assist victims of human rights violations and to seek appropriate remedies on their behalf.

Standard Minimum Guidelines for the Human Rights of COVID-19 Patients in Treatment Centres in Nigeria (2020)

Table of Contents

Part 1 - Introduction, Principles and Application

1.0	Preamble	1
2.0	Objectives	1
3.0	The Basic Principles and Application	2

Part 2 - Human Rights Guarantees and Provisions

4.0	Right to Adequate and Timely Medical Information	2
5.0	Equality and non-discrimination of COVID-19 Patients	3
6.0	Right to dignity of person	3
7.0	Mental well-being of patients and staff of Treatment Centres	4
8.0	Access to adequate accommodation	4
9.0	Access to food and water	5
10.0	Right to religious observances	5
11.0	Right to privacy and confidentiality	6
12.0	Access to Communication and Information	6

Part 3 - Protection and Guarantees for Vulnerable Groups

13.0	Special considerations for infants and children	7
14.0	Treatment of Persons with Disabilities	7
15.0	Special considerations for older persons	8
16.0	Protection of Patients in Intensive Care Units	8
17.0	Participation in clinical and drug trials	8

Part 4 - Implementation Mechanisms

18.0	Access to complaints and feedback mechanisms	9
19.0	Access to redress and remedial mechanisms	9
20.0	Implementation and Monitoring	9
21.0	Citation	10

STANDARD MINIMUM GUIDELINES FOR THE HUMAN RIGHTS OF COVID-19 PATIENTS IN TREATMENT CENTRES IN NIGERIA (2020)

Made pursuant to section 5(a)(d)(l) and section 6(g) of the National Human Rights Commission (Amendment) Act, 2010

Part 1 Introduction, Principles and Application

1.0 Preamble

- 1.1 The outbreak of the COVID-19 pandemic across the world has created unprecedented challenges to governance and the enjoyment of human rights. Across Africa and the developing world, COVID-19 has created an emergency humanitarian and human rights situation, especially in countries with little investments in the health sector. The pandemic has further exposed the underlying issues of inequalities and poverty which hitherto have had roots within and across countries.
- 1.2 In response to the pandemic, governments and health authorities have imposed restrictions on movements and assemblies which have had massive impacts on national and global economies. The Government of the Federal Republic of Nigeria has made efforts at containing the virus. At national and state levels, governments have put in place financial and institutional measures such as setting up testing infrastructures, Treatment Centres, initiated processes towards identifying a vaccine for the cure of the virus and instituting cash transfer and palliatives for the poor and needy.
- 1.3 The operation of the Treatment Centres (hereinafter referred to as the Centre) is crucial to the recovery and good health of persons who have tested positive to COVID-19. The Centres are also important in stemming the spread of the virus and ensuring the well-being of the rest of the population. In view of their special nature as health institutions and holding facilities, the Centres are required to observe all human rights and medical ethics to secure the rights, dignity and well-being of the patients and thereby build trust in the ability of the government to provide for the security and welfare of the people.
- 1.4 The National Human Rights Commission (hereinafter referred to as the Commission) in exercise of its powers and functions under section 5(a), (d), (l) and section 6(g) of the enabling Act hereby issues the following Standard Minimum Guidelines for Human Rights to be observed in the treatment of persons admitted to the Centres and in the management of the Centres thereof.

2.0 Objectives

1. Provide for basic human rights protection for COVID-19 patients, healthcare professionals and other persons in Centres and other treatment facilities across Nigeria.

2. Ensure the application of international and national human rights standards in the treatment and care of persons admitted to Centres and other treatment facilities across Nigeria
3. Secure institutional and professional accountability of health authorities and healthcare personnel in the Centres and other treatment facilities in line with human rights standards
4. Fulfil the constitutional responsibility of the government to provide for the security and welfare of the people.

3.0 The Basic Principles and Application

- 3.1 The purpose of the treatment of COVID-19 patients shall always be to secure their rights to life, the highest attainable standard of health and dignity of human person.
- 3.2 The treatment of patients shall take into consideration, the overriding public interest and especially, the protection of other members of the public from infection.
- 3.3 Government and the Centres shall endeavour to administer the highest attainable medical treatment and care for all patients without bias and discrimination based on the following Standard Minimum Guidelines.
- 3.4 These Standard Minimum Guidelines shall be applicable to all treatment centres and other facilities (whatever name called) managed by the federal and state governments and the private sector; and to all healthcare professionals and support staff involved in management and treatment of COVID-19 patients.

Part 2 Human Rights Guarantees and Provisions

4.0 Right to Adequate and Timely Medical Information

- 4.1. Any person who has tested positive for COVID-19 shall be entitled to a prompt notification of the result of such test not more than 24 hours after the said test. Such result shall be in a paper form or other electronic or telegraphic form of which the patient shall have access to. The communication of such test result shall respect the patients right to privacy of his medical records, unless as may be necessary under existing medical protocols or to secure the rights of the public.
- 4.2 Upon admission to the centre, every patient shall within a reasonable time (not exceeding 24 hours) be given a welcome pack containing information on the Centre's facilities, operations and other information needed for a hitch-free settling into the environment.
- 4.3 Every patient admitted to a Centre shall be entitled to adequate and timely medical information, including the diagnosis and treatment plan, and other information such as specific drugs and other medicaments to be administered by the Centre, their side effects, options and alternatives.

- 4.4 The Centre shall cause to be published, a list of human rights guarantees as enunciated in these Standard Minimum Guidelines in such format as it is available to all patients and medical personnel and support staff.
- 4.5 Every information requested by the patient or given to the patient shall be communicated in the language which the patient understands. The Centre shall provide a reasonable interpretation to ensure efficient communication with the patient. In the case of hearing or other associated impairment, the necessary assistance and facilities shall be provided.

5.0 Equality and non-discrimination of COVID-19 Patients

- 5.1 No patient shall be subjected to discrimination on grounds of ethnicity, tribe, state of origin, nationality, religion, social status, gender, sexual orientation, disability, age, political affiliation, or any other grounds as provided for by the 1999 Constitution of Nigeria (hereinafter referred to as the Constitution).¹
- 5.2 All patients shall be treated equally and in line with medical procedures and protocols laid down by the National Centre for Disease Control and other relevant health authorities and institutions without any discrimination, favour, or bias whatsoever.
- 5.3 The Centre shall ensure that any deviation from 5.2 shall be in relation to managing specific medical cases of patients or for giving attention to patients with the most vulnerable and life-threatening conditions and shall not be a form of discrimination, favour or bias.
- 5.4 For the purpose of the fore-going paragraph, it shall be the duty of government and the management of each Centre to guarantee the following for every patient:
- a. Access to the treatment Centre upon testing positive to COVID-19.
 - b. Access to every form of information and communication as enunciated in these Standard Minimum Guidelines.
 - c. Access to the highest standard of treatments, medicaments and medical care available at the Centre.
- 5.5 The Centre shall ensure adequate gender considerations in its operations and in the implementation of these Standard Minimum Guidelines.
- 5.6 Governments and the Centre shall ensure that at all times, references to the Centres as 'isolation centres' shall be discouraged. This is to eliminate stigma and boost the confidence and psychological standings of patients.
- 5.7 Government shall work with relevant media institutions and non-state actors to raise awareness and educate the public against stigma and discrimination of COVID-19 patients and survivors.
- 5.8 The National Human Rights Commission shall work with state and non-state actors to implement advocacy and campaigns aimed at educating the public and creating awareness against stigma and discrimination of COVID-19 patients or survivors.

¹ Section 42 of the Constitution

6.0 Right to dignity of person

- 6.1 Every patient shall have the right to be treated humanely and with dignity in accordance with the Constitution of the Federal Republic of Nigeria² and these Standard Minimum Guidelines.
- 6.2 No patient shall be forcibly taken away to the Centres or any other location or be subjected to physical restraints of any sort during transportation or for the purpose of testing or treatment. Such process of taking away or restraint shall only be as a matter of last resort and care must be taken not to cause bodily harm to the patient.
- 6.3 In situations where the health authorities will be conveying patients from their homes to the Centre, such patients shall be accorded their rights to dignity and privacy and shall be treated with utmost respect and compassion.
- 6.4 No patient shall be stigmatised for reason of being positive to COVID-19 or on account of suffering from other diseases, ailment, or any other condition whatsoever.
- 6.5 Medical and healthcare professionals at the Centres shall not stigmatise, neglect, abandon or maltreat patients in their care.
- 6.6 In order to achieve the right to dignity of persons in the foregoing subparagraphs, it shall be the duty of the government and the Centre to:
- a. ensure that medical personnel and support staff are well trained and motivated to guarantee their physical and mental well-being to perform their duties with a high level of professionalism and compassion for the patients and their families. Non-provision of support thereof shall not be a justification for ill-treatment of patients.
 - b. ensure adequate supply of functional medical equipment, machines, and personal protective gears for the effective treatment of patients and for the protection of the lives of medical personnel and support staff.

7.0 Mental well-being of patients and staff of Treatment Centres

- 7.1 The Centre shall ensure that every patient will have access to stress counsellors to provide mental health services and advise to the patients and the Centre.
- 7.2 The provision of the services in sub-paragraph 7.1 shall be with the consent of the patient and determined on case by case basis.

8.0 Access to adequate accommodation

- 8.1 Every patient shall be entitled to a safe and secured accommodation at the Centres.
- 8.2 In furtherance to the provisions of this paragraph, government and the Centre shall ensure the provision of the following:
- a. adequate beddings and hospital robes.

² Section 34 of the Constitution

- b. adequate bed spacing to prevent infection and to secure privacy
- c. adequate toilet facilities, toiletries, and sanitation
- d. effective waste management facilities and systems

- 8.3 Every room and ward at the Centre shall be spacious and well ventilated
- 8.4 The Centre shall observe relevant religious, cultural and social norms in allocating accommodation and shall ensure separate spaces for men and women and due considerations given to the special needs of persons with disabilities, the mentally challenged, older persons and children as provided for in these Standard Minimum Guidelines.
- 8.5 In the event of lack of spaces for admission of patients in the Centre, it shall be the responsibility of the Government to secure alternative accommodation or space to place the patients. In such cases, government shall ensure that the patients have access to the highest quality of medical care, including medical professionals and essential treatment as if the patient were accommodated in a designated Centre.
- 8.6 In line with paragraph 3.4, the provisions of these Standard Minimum Guidelines shall be applicable to any other facilities so established or designated by the government or other non-state actors as additional measures or to accommodate spill-over patients from the Centres.

9.0 Access to food and water

- 9.1 Every patient shall be entitled to nutritious food and clean drinking water.
- 9.2 The Government and the Centre shall ensure balanced nutrition for the patients that will sustain the treatment process, meet specific medical needs of patients, and facilitate recovery.
- 9.3 The Government and the Centre shall ensure that a meal programme is developed and implemented to support the nutritional needs of medical personnel and support staff.
- 9.4 In cases where a patient who is admitted to the Centre is a person whose family livelihood has been affected by the prevailing circumstances of his/her ill-health and economic restriction occasioned by the COVID-19 pandemic, the family shall be categorized as an appropriate household and supported by relevant government institutions in the provision of palliatives, grants and support.

10.0 Right to religious observances

- 10.1 Every patient shall have the right to freedom of religion as guaranteed by the Constitution and to the practice of their religion thereof.³

³ Section 38 of the Constitution

- 10.2 The Centre shall determine on a case by case basis, the fitness of a patient to participate in any religious observance and may place a temporary restraint for the purpose of facilitating treatments and recovery.
- 10.3 The Centre shall also make a determination on the appropriateness of religious practices within the wards and rooms with a view to securing the rights of other patients and ensuring that at all times, the Centre remains conducive as a treatment facility.
- 10.4 The Centre and the health authorities shall ensure that in the event of the death of a patient, the professed religious beliefs and practices are observed to the full extent possible during burial. In all circumstances, a religious minister or leader of the professed faith of the patient shall be present and preside over the burial.

11.0 Right to privacy and confidentiality

- 11.1 Every person who has tested positive to COVID-19 shall be entitled to the right to privacy and confidentiality as guaranteed by the Constitution⁴ and other human rights instruments.
- 11.2 Every admitted patient shall be informed of their right to privacy and the confidentiality of their health status.
- 11.3 In cases where patients elect on their own to reveal their identities and status to third parties or to the public, the Centre shall provide counselling before and after such revelation.
- 11.4 The Centre shall keep the medical records and identities of the patients and shall not expose or reveal same to third parties without the informed and written consent of the patient or their elected family or legal representatives.
- 11.5 In established situations of the abscondment of a person who has tested positive to COVID-19 or a patient from the Centre, the government and the health authorities may in such circumstances as it deems fit, reveal identity of the patient or person, only for the purpose of identification and tracking.
- 11.6 In every case, in the situation referred to in the foregoing subparagraph, governments and the health authorities shall take adequate consideration of the rights of third parties and their immediate family members. In all situations, government shall not reveal the physical address of the dwelling place of the patient to the public.

12.0 Access to Communication and Information

- 12.1 The Centre shall ensure that every patient will have access to communication and information.
- 12.2 The Centre shall ensure that patients will have access to their personal communication gadgets and to other communication facilities, including telephones and internet for patients and medical personnel.

⁴ Section 37 of the Constitution

- 12.3 The Centre shall provide access to news and entrainment as it deems appropriate for the benefit of all patients. These shall include but not limited to television, newspapers, and magazines.

Part 3

Protection and Guarantees for Vulnerable Groups

13.0 Special considerations for infants and children

- 13.1 The Centre shall ensure that the treatment of infants and children meets the highest national and international human rights standards and will always be geared towards securing the best interest and well-being of the child in accordance with global, regional and national child rights instruments including the Child Rights Act and Laws.⁵
- 13.2 No infant or child shall be denied access to treatment and healthcare services in the Centre or discriminated against for any reason whatsoever.
- 13.3 The Centre shall be a safe and protective environment for children. Safeguards shall be put in place to prevent abuse and harm to the children.
- 13.4 Health personnel and support staff shall be friendly, patient and as much as possible treat the children with the care, compassion, and dignity.
- 13.5 The Centre shall ensure the presence of paediatricians and qualified childcare professionals to provide specialised care for the physical and mental health issues of children.
- 13.6 In furtherance to the provision of this paragraph, the Centre shall ensure that:
- a. Children's accommodation shall be separated from adults and decorated with appropriate colours, child friendly images and with toys.
 - b. As much as practicable, a family member or minder is with the child at all times to ensure the emotional and psychological wellbeing of the child and in line with treatment protocols.
 - c. Adequate nutritional arrangements are put in place for the mental and physical well-being of the child.
 - d. Adequate provision is made for safe recreational facilities and spaces for children.

14.0 Treatment of Persons with Disabilities

- 14.1 The guarantees provided for in the foregoing Standard Minimum Guidelines shall be applicable in all ramifications to persons with disabilities.
- 14.2 The Centre shall ensure that persons with disabilities are not discriminated against in the provision of treatment, care and other services at the Centre.

⁵ The Convention on the Rights of the Child (CRC) and African Charter on the Rights and welfare of the Child (ACRWC) are key instruments which have been ratified by Nigeria.

- 14.3 The Centre shall ensure that appropriate infrastructures and accommodations are put in place for patients with physical and other forms of disabilities to ensure access and ease of movements within and around the facility.
- 14.4 The Centre shall ensure that there are support staff to assist the visually impaired and other patients with various forms of disabilities and impairments, including movement, speech and hearing.
- 14.5 The Centre shall put in place facilities to aid access to information and communication for persons with disabilities in order to facilitate their communication, mobility, entertainment, general well-being and recovery.

15.0 Special considerations for older persons

- 15.1 The guarantees provided for in the foregoing Standard Minimum Guidelines shall be applicable in all ramifications to older persons.
- 15.2 The Centre shall ensure that older persons are not discriminated against in the provision of treatment, care and other services at the Centre.
- 15.3 The Centre shall ensure that older persons will have access to assistive devices and aids to support their mobility, accommodation and general wellbeing.
- 15.4 Older persons shall have access to specialised medical care and support to address their on-going medical needs and pre-existing conditions.
- 15.5 The Center shall ensure that difficult medical decisions affecting older people are guided by a commitment to secure the rights to life, dignity and the highest attainable healthcare.

16.0 Protection of Patients in Intensive Care Units

- 16.1 Governments and health authorities shall ensure the establishment of fully equipped Intensive Care Units (ICU) in the Centres to cater for patients in vulnerable and severe medical conditions.
- 16.2 The Centre shall ensure that every patient shall have access to the ICU on the basis of medical judgement and protocols and not based on economic, social or political status or any ethnic, tribal and other considerations whatsoever.
- 16.3 The Centres shall ensure that the rights to personal dignity and the highest attainable standards of health shall remain applicable to patients in ICU.
- 16.4 The Centre shall put in place adequate protective measures to prevent abuse and discrimination against persons in ICU.

17.0 Participation in clinical and drug trials

- 17.1 The Centre shall ensure that every patient that is participating in a clinical trial shall give a written consent in the presence of an informed family member or legal representative.

- 17.2 The Centre shall ensure that it provides detailed explanation of possible side effects and consequences of clinical or drug trials to patients.
- 17.3 The health authorities and the Centre shall obtain a written consent from the patients and his informed family member or legal representative before the extraction or donation of body tissues for experiments or further treatments of COVID-19.

Part 4 Implementation Mechanisms

18.0 Access to complaints and feedback mechanisms

- 18.1 Every patient shall be entitled to freedom of expression as provided for in the Constitution.⁶ In exercise of this right, patients shall be entitled to express in a formal and civilised manner, in written or verbal form, complaints on the operation of the Centre, treatment, actions or inactions of medical personnel and support staff or other issues of concern.
- 18.2 The Centre shall put in place, mechanisms to receive and address complaints from patients in a timely and responsive manner.
- 18.3 The Centre shall ensure the provision of writing materials and stationeries to the patients to enable them to communicate effectively with the Centre.

19.0 Access to redress and remedial mechanisms

- 19.1 Nothing in the foregoing paragraphs shall limit or deny patients from exercising their rights to enforcement of human rights as provided for in the Constitution.⁷
- 19.2 Every patient shall be availed of the expertise and facilities of the National Human Rights Commission to present complaints, seek advice, redress and remedies of violations of human rights provided in the Constitution and as enunciated in these Standard Minimum Guidelines.⁸

20.0 Implementation and Monitoring

- 20.1 The Commission shall monitor and report on regular basis, the implementation of these Standard Minimum Guidelines.

⁶ Section 39 of the Constitution

⁷ Section 46(1) of the Constitution provides for the right of individuals to seek enforcement of their human rights in a High Court in Nigeria

⁸ Section 5(c) of the National Human Rights Commission (Amendment) Act mandates the Commission to assist victims of human rights violations and seek appropriate remedies on their behalf.

- 20.2 The Commission shall when called upon, assist governments at national and state levels, the health authorities, private sector and the Centres in designing frameworks for effective implementation of these Standard Minimum Guidelines.
- 20.3 The Commission shall in exercise of its mandate, investigate any allegation of human rights violations arising from the Centres and shall present such reports as appropriate under its enabling legislation.

21.0 Citation

This instrument may be cited as the **Standard Minimum Guidelines for the Human Rights of COVID-19 Patients in Treatment Centres in Nigeria (2020)**.

Issued in Abuja, Nigeria this 13th Day of May 2020

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