



NATIONAL HUMAN RIGHTS COMMISSION ACT

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NATIONAL HUMAN RIGHTS COMMISSION ACT

An Act to establish the National Human Rights Commission, for the protection of human rights, dignity and freedoms.

[Commencement.] [27th September, 1995]

PREAMBLE

Whereas considering that the United Nations Charter and several provisions of the Constitution of the Federal Republic of Nigeria 1999 are based on the principles of the dignity and equality of all human beings and seek, among other basic objectives, the promotion and respect for human rights and

fundamental freedoms for all without distinction as to race, sex, language or religion:

And whereas to facilitate Nigeria's implementation of its various treaty obligations, including, but not limited to, the Universal Declaration on Human Rights, the International Convention on the Elimination of all forms of Racial Discrimination, and the African Charter on Human and Peoples' Rights:

And whereas the Federal Government is desirous of creating an enabling environment for extra-judicial recognition, promotion and enforcement of all rights recognised and enshrined in the Constitution of the Federal Republic of Nigeria 1999 and under other laws of the land:

And whereas in furtherance of the above objectives and in its determination to provide a forum for public enlightenment and dialogue on and to limit controversy and confrontation over allegations of human rights violation by public officers and agencies and to reaffirm the sacred and inviolable nature of human and other fundamental rights.

PART I Establishment of the National Human Rights Commission, etc.

1. Establishment of the National Human Rights Commission

- (1) There is hereby established a body to be known as the National Human Rights Commission (in this Act referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Governing Council of the Commission

- (1) There shall be for the Commission a Governing Council (in this Act referred to as "the Council") which shall be responsible for the discharge of the functions of the Commission.
- (2) The Council shall consist of—
 - (a) a chairman who shall be a retired Justice of the Supreme Court of Nigeria or the Court of Appeal or a retired judge of the High Court of a State;

- (b) a representative each of the following Federal Ministries —
 - (i) Justice;
 - (ii) Foreign Affairs;
 - (iii) Internal Affairs;
 - (c) three representatives of registered human rights organisations in Nigeria;
 - (d) two legal practitioners who shall not have less than ten years post qualification experience;
 - (e) three representatives of the media, at least, two of whom shall be from the private sector;
 - (f) three other persons to represent a variety of interests; and (g) the executive secretary of the Commission.
- (3) The chairman and members of the Commission shall be—
- (a) persons of proven integrity; and
 - (b) appointed by the President, on the recommendation of the Attorney-General of the Federation.
- (4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters contained therein.

3. Tenure of office, etc.

- (1) A member of the Council, other than the executive secretary, shall hold office for a term of four years and may be re-appointed for one further term of four years and no more.
- (2) A member of the Council may at any time, resign his office in writing addressed to the President and which resignation shall become effective on acceptance by the President.

(3) Members of the Council shall be paid such allowances as may be determined by the President.

4. Cessation of membership

(1) A member of the Council shall cease to hold office if—

(a) he becomes of unsound mind; or

(b) he becomes bankrupt or makes a compromise with his creditors; or

(c) he is convicted of a felony or of any offence involving dishonesty;
or

(d) he is guilty of serious misconduct in relation to his duties.

(2) A member of the Council may be removed from office by the President if he is satisfied that it is not in the interest of the public that the member should remain in office.

(3) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the President.

LAWYARD®

PART II Functions and powers

5. Functions of the Commission

The Commission shall—

(a) deal with all matters relating to the protection of human rights as guaranteed by the Constitution of the

Federal Republic of Nigeria 1999, the African Charter on Human and Peoples' Rights, the United Nations Charter and the Universal Declaration on Human Rights and other International Treaties on human rights to which Nigeria is a signatory;

(b) monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendation to the President for

the prosecution and such other actions as it may deem expedient in each circumstance;

- (c) assist victims of human rights violation and seek appropriate redress and remedies on their behalf;
- (d) undertake studies on all matters pertaining to human rights and assist the Federal Government in the formulation of appropriate policies on the guarantee of human rights;
- (e) publish, from time to time, reports on the state of human rights protection in Nigeria;
- (f) organise local and international seminars, workshops and conferences on human rights issues for public enlightenment;
- (g) liaise and co-operate with local and international organisations on human rights with the purpose of advancing the promotion and protection of human rights;
- (h) participate in all international activities relating to the promotion and protection of human rights;
- (i) maintain a library, collect data and disseminate information and materials on human rights generally; and
- (j) carry out all such other functions as are necessary or expedient for the performance of its functions under this Act.

6. Powers of the Commission

The Commission shall have power to—

- (a) do all things which by this Act or any other enactment are required or permitted to be done by the Commission; and
- (b) do such other things as are necessary or expedient for the performance of its functions under this Act.

PART III Staff

7. Executive secretary of the Commission

- (1) There shall be for the Commission an Executive Secretary, who shall be the chief executive of the Commission and be appointed by the President, on the recommendation of the Attorney-General of the Federation.
- (2) The executive secretary shall hold office for a term of five years in the first instance on such terms and conditions as the President, may, on the recommendation of the Attorney-General of the Federation, determine and may be re-appointed for one further term of five years and no more.
- (3) Subject to such general direction as the Council may give, the executive secretary shall be responsible for the day-to-day administration of the Commission and the implementation of the decisions of the Council.
- (4) The executive secretary shall perform the functions of keeping the record of proceedings and decisions of the Council and such other functions as the Council may, from time to time, direct.

8. Other staff of the Commission, etc.

- (1) The Council shall have power to appoint directly, and either on transfer or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Council, be required to assist the Commission in the discharge of any of its functions under this Act, and shall have power to pay to persons so employed such remuneration (including allowances) as the Council may determine.
- (2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other benefits) of the persons employed by the Commission shall be as determined by the Council from time to time.
- (3) The Council may engage such consultants and advisers as it may require for the proper and efficient discharge of the functions of the Commission.

9. Staff regulations

The Commission may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, such regulations may provide for—

- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission; and
- (b) appeals by such employees against dismissal or other disciplinary measures.

10. Conditions of service

The Commission shall, with the approval of the Attorney-General of the Federation, determine its conditions of service, including pensions and gratuities, as are appropriate for its employees.

11. Pensions

- (1) It is hereby declared that service in the Commission is a scheduled service and shall be deemed to be pensionable under the Pensions Act and, accordingly, employees of the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

PART IV Financial provisions

12. Fund of the Commission

- (1) The Commission shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Act.

- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section—
 - (a) such sums as may be provided by the Government of the Federation for the Commission;
 - (b) any fees charged for services rendered by the Commission; and
 - (c) all other sums accruing to the Commission by way of gifts, testamentary dispositions, endowments and contributions from philanthropic persons and organisations or otherwise however.

13. Power to accept gifts

- (1) The Commission may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission.

14. Borrowing power, etc.

- (1) The Council may, with the consent or in accordance with any specific authority given by the AttorneyGeneral of the Federation, borrow by way of loan or overdraft from any source approved by the AttorneyGeneral of the Federation, such specified amount of money as may be required by the Commission for meeting its obligations and discharging its functions under this Act.
- (2) The Council may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority of the Attorney-General of the Federation.
- (3) The Council may invest any surplus funds of the Commission in securities prescribed by the Trustee Investments Act or such other securities as may, from time to time, be approved by the Attorney-General of the Federation.

- (4) Subject to the provisions of the Land Use Act, and any special or general direction which the Attorney General of the Federation may give in that behalf, the Council may acquire or lease any land required for its purpose under this Act.

15. Annual estimates, accounts and audit

- (1) The Council shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the commission during the next succeeding year and when prepared they shall be submitted, through the Attorney-General of the Federation, to the Federal Executive Council for approval.
- (2) The Council shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Council such account shall be audited as provided in subsection (3) of this section.
- (3) The accounts of the Commission shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines issued by the Auditor-General for the Federation and the fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Commission.

16. Annual reports

The Council shall, not later than six months after the end of each year, submit, through the Attorney General of the Federation, to the President a report on the activities of the Commission and its administration during the immediately preceding year and shall include in the report the audited accounts of the Commission and the auditor's comments thereon.

PART V Miscellaneous

17. Power of the Attorney-General of the Federation to give directives

Subject to the provisions of this Act, the Attorney-General of the Federation may give to the Council such directives of a general nature with regard to the exercise by the Council of its functions under this Act.

18. Regulations

The Attorney-General of the Federation may make such regulations as he deems to be necessary or expedient for giving full effect to the provisions of this Act.

19. Interpretation

In this Act, unless the context otherwise requires—

“Commission” means the National Human Rights Commission established under section 1 (1) of this Act;

“Council” means the Governing Council established for the Commission under section 2 (1) of this Act; “President” means the President of the Federal Republic of Nigeria.

20. Short title

This Act may be cited as the National Human Rights Commission Act.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

[Section 2 (4).]

Proceedings of the Council

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Council shall be nine members, including the chairman or, in his absence, the person elected under paragraph 2 (2) of this Schedule to preside, and seven other members and the quorum of any committee of the Council shall be determined by the Council.
2. (1) The Council shall meet at least once a month in each calendar year and subject thereto, the Council shall meet whenever it is summoned by the chairman, and if the chairman is required to do so, by notice

given to him by not less than four other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

- (2) At any meeting of the Council, the chairman shall preside but if he is absent, the members present at the meeting shall elect one of their members to preside at that meeting.
- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it thinks fit, but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
- (4) The decision of the Council shall be by simple majority.

Committees

3. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.
- (2) A committee appointed under sub-paragraph (1) of this paragraph shall consist of such number of persons (not necessarily members of the Council) as may be determined by the Council, and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of any person specifically authorised to act for that purpose by the Council.
- (2) Any contract or instruments which, if made or executed by a person, not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the

chairman or any person specifically authorised to act for that purpose by the Council.

- (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or committee.
6. Any member of the Council or of a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or committee shall disclose his interest to the Council or committee and shall not vote on any question relating to the contract or arrangement.

NATIONAL HUMAN RIGHTS COMMISSION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation