**CONTRIBUTION ON CERD DRAFT GENERAL RECOMMENDATION NO. 36 ON PREVENTING AND COMBATING RACIAL PROFILING NATIONAL HUMAN RIGHTS COMMISSION – NIGERIA**

**LEGISLATIVE MEASURES**

* 1. **THE CONSTITUTION**

It is instructive to note that in Nigeria, the Constitution of the Federal Republic of Nigeria CFRN 1999 (as amended) is the ground norm, and, thus, the fulcrum from which all other laws derive their validity. Accordingly, whenever the provisions of any other law contravene any section of the CFRN 1999, the CFRN prevails, and, that other laws shall, to the extent of that inconsistency be void.

Thus, the CFRN 1999 as amended does not encourage racial profiling. Conversely, section 25, 26 and 27 of the CFRN 1999 (supra), provide for Citizenship by Both, Registration and Naturalization, respectively. Indeed, section 15(2) of the CFRN 1999 as amended promotes national integration and prohibits discrimination of all persons on ground of place of origin, sex, religion status, ethnic or linguistic association or ties.

Furthermore, the CFRN empowers each of the 36 states and the Federal Government (for Abuja, the Federal Capital Territory), through their respective legislature, and, in line with constitutional imperatives, to make laws for the good governance of the people. These legislative powers and jurisdiction are extensively listed under exclusive and concurrent legislative jurisdiction as scheduled to the constitution.

Section 14 (3) of the CFRN 1999 stated that the composition of the Government of the Federation shall be carried out in a manner to reflect federal character, thereby ensuring that there is no predominance of persons from a few state, ethnic or other sections in the government. Similarly, Section 14 (4) thereof protected the rights of minorities in the states by providing that the composition of the Government of a state or local government areas should be in a manner as to recognize the diversity of the peoples in the state or local government areas in order to promote a sense of belonging and loyalty among all the peoples.

In addition to the above, Chapter IV of the CFRN 1999, under the fundamental rights the right to freedom from discrimination states:-

42(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person-

1. be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizen of Nigeria of other communities, ethnic groups places of origin, sex religions or political opinions are not made subject; or
2. be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizen of Nigeria or other Communities, ethnic groups places of origin, sex religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.

The Nigerian government has also produced Guiding Principles for the distribution of posts in the public service which seek to deal with equal percentage of jobs and positions for persons from each State of the country to occupy public positions at the national level. The Federal Character Commission has been active in driving this policy.2

Furthermore, the National Human Rights Commission (NHRC), pursuant to her powers under the National Human Rights Commission Act 1995 as amended issued the Directives 001/2018 on Treatment of Accused Persons and Suspects by Law Enforcement Officials. This is to ensure that law enforcement agencies and their personnel respect all the rights of suspect and accused persons while exercising their investigative and prosecutorial; powers under the law.

**B. HUMAN RIGHTS EDUCATION AND TRAININGS**

The NHRC in pursuit of her mandate to protect, promote and enforce human rights organize human rights training for law enforcement officials on law enforcement and Human Rights.

The purpose of the training includes;

* To show the essence of human rights in police or other law enforcement operations and need to comply with human rights standards during such operations.
* To improve relationship between National Human Rights Commission and the law enforcement officials.

**ACCOUNTABILITY**

The NHRC, pursuant to her powers and mandate under the NHRC Act 1995 as amended has extra judicial powers to deal with all matters relating to promotion and protection of human rights as encapsulated in the Constitution of the Federal Republic of Nigeria CFRN 1999, the United Nations Charter, the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR) as well as other regional and international human rights treaties to which Nigeria is a party. A good number of the complaints received by the Commission relate to several incidents of torture, cruel, inhuman and degrading treatment carried out by the armed forces and other law enforcement agencies especially the Nigeria Police Force.

Furthermore, as a result of complaints received against the Special Anti-Robbery Squad (SARS) of the Nigerian Police Force, the Commission conducted Public Hearing on allegation of torture, inhuman and degrading treatment against SARS.

The Commission also works in collaboration with Civil Society Organizations, International partners, Non-Governmental Agencies etc. in the country to ensure better accountability of the law enforcement agencies in the country.