

QUESTIONNAIRE RESPONSES ON NATIONAL HUMAN RIGHTS INSTITUTIONS AND HUMAN RIGHTS DEFENDERS FROM THE NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA (NHRC)

Question 1

- a. The National Human Rights Commission of Nigeria (NHRC) was established by virtue of the National Human Rights Commission Act Cap. N46, Laws of the federation of Nigeria, 2004. It was enacted by the National Assembly of the Federal Republic of Nigeria and signed into law by the President. This Act was further amended by the National Human Rights Commission (Amendment) Act, 2010 and signed into law in 2011.
- b. The NHRC Act complies fully with international human rights standards as outlined in the Paris Principles.
 - I. The NHRC has the competence to promote and protect human rights in Nigeria. (Section 5 NHRC Amendment Act).
 - II. The NHRC is able to advise the government and legislature on violations of human rights and appropriate policies that promote human rights. (Section 5[d], [e], [k], [n], [o] NHRC Amendment Act).
 - III. The NHRC is also empowered to liaise and cooperate with local, regional and international organizations for the purpose of advancing human rights. (Section 5[g], [h] NHRC Amendment Act).
 - IV. The NHRC has the mandate to educate, undertake studies and inform in the field of human rights. (Section 5[l], [m]).
 - V. The NHRC also has quasi-judicial competence. (Section 6[1][e], [2], [3], [4] and Section 22 NHRC Amendment Act).
- c. The NHRC currently has an “A” accreditation status with the ICC. In accordance with the recent recommendations of the Sub Committee on Accreditation, the NHRC has taken the following steps:
 - I. The Monitoring Unit of the NHRC has been strengthened to include follow up on the reports and recommendations of the NHRC. Monitoring and evaluation indicators have also been developed for internal and external assessment.
 - II. The NHRC continues to assert its independence by insisting on receiving finances from the “first-line charge” of the federation account which is free from the “administrative regulation” of the government.
 - III. The NHRC has also put in place measures to ensure the timely publication and accessibility of its Annual Report.

Question 2

- a. The mandate adopted by the NHRC in relation to the protection and promotion of human rights includes:
 - I. The adoption of a robust complaints treatment mechanism using judicial and extra-judicial means;
 - II. Acting as a conciliator between parties to a complaint;
 - III. Observation of relevant court proceedings and representation in court; and
 - IV. The promotion of a sustainable human rights culture through public awareness campaigns, town hall meetings, media interactions and adopting behavioural and communication change initiatives.
- b. The NHRC is mandated to consider and/or adjudicate individual complaints of human rights violations. Section 6 of the NHRC (Amendment) Act, 2010 gives the NHRC investigative, prosecutorial and adjudicatory powers.
- c. The mandate of the NHRC covers all human rights complaints against the government, police and military. The NHRC is empowered to investigate complaints, mediate between parties to a complaint and make awards. (Section 5(q) & Section 6 NHRC Amendment Act).
- d. The NHRC is empowered to carry out protection related functions including:
 - I. Providing remedies to victims of human rights violations (Section 6[1][e], [2], [3], [4] and Section 22 NHRC Amendment Act);
 - II. Providing confidentiality protection to complainants and victims based on its rules and guiding principles; and
 - III. Conducting visits to detention facilities. (Section 6(1)(d) NHRC Amendment Act).

Question 3

- a. The NHRC protects human rights defenders by ensuring all complaints are taken up with the relevant agencies. The human rights defenders benefit fully from the mandate and powers of the NHRC and the NHRC intervenes in any situation where they are considered to be at risk.
- b. The NHRC has not encountered significant obstacles with regard to the protection of human rights defenders.

Question 4

- a.** The NHRC has a healthy working relationship with civil society organizations (CSOs) and human rights defenders and collaborates on various programs with the CLEEN (Centre for Law Enforcement Education in Nigeria) Foundation, Network on Police Reform in Nigeria (NOPRIN), Women Aid Collective (WACOL) and the Legal Resource Consortium (LRC) among others.
- b.** A number of CSOs lack credibility and often operate with the motive of financial gain. The NHRC attempts to work with only reputable CSOs with sound operating principles and antecedents.

Question 5

- a.** A number of NHRC staff have been victims of threats and harassment by alleged violators and security officials.
- b.** The NHRC usually reports cases of threats and harassment to the relevant authorities. The NHRC refers violations bothering on criminality to federal or state attorneys general for prosecution and has the mandate to institute civil actions in court.
- c.** For the past few years, the NHRC has not been subject to any unannounced visit by representatives from the police or state authorities.

Question 6

- a.** The main source of funding for the NHRC is the Nigerian Government. The NHRC also receives funding by way of support for programs from the UNDP, DFID, Western Embassies in Nigeria, and the European Union among others.
- b.** The functional autonomy of the NHRC is not directly affected by the funding from the government, however, a delay in passing of the National Budget coupled with the shortfall of available funds means the NHRC can not adequately meet its obligations and effectively carry out its mandate.

Question 7

- a.** Members of the Governing Council are appointed by virtue of the NHRC Amendment Act. Section 2 & Section 7 of the Act particularly provides that Chairperson of the Council and Executive Secretary (both appointed by the President) be a retired judge or lawyer with 20 years post qualification experience and requisite experience in human rights. Other members of the Council are drawn from the Ministries of Justice, Foreign Affairs and Internal Affairs, representatives from human rights

organizations, journalists, organised labour and the Nigerian Bar Association.

- b.** The NHRC Amendment Act requires that members of the Council be persons of proven integrity (Section 2[3][a] NHRC Amendment Act)) and are appointed from a broad spectrum of society (Section 2[2] NHRC Amendment Act)). The tenure of members of the Council is fixed at four years (renewable)(Section 3 [1] NHRC Amendment Act)). Members of the Council can only be removed by the President, subject to confirmation of the Senate based on their incapacity or inability to judiciously carry on their duties as council members. (Section 4 NHRC Amendment Act).