**SUBMISSION FOR SRCT REPORT ON SOFT LAW**

**INPUT OF NATIONAL HUMAN RIGHTS COMMISSION - NIGERIA**

**1.10 The mandate of relevant actors, bodies and initiatives their governance structure as well as the rules and mechanisms governing their functioning.**

1.1 **National Human Rights Commission**

The Commission deals with all matters relating to the promotion and protection of human rights as guaranteed by the 1999 Constitution of the Federal Republic of Nigeria as amended, the UDHR, ICCPR, CERDAW, ICESCR, CRC, ACHPR and other International and Regional Instruments on human rights to which Nigeria is a party

**Governing Structure:**The National Human Rights Commission has 16-member Governing Council, drawn from diverse fields including legal professionals, organized labour, Non-Governmental Organization (NGOs), Women Societies, the Media and relevant government ministries particularly Federal Ministries of Justice, Ministry of Foreign Affairs, and Ministry of Interior. The President appoints the Governing Council including the Chairman and the Executive Secretary subject to the confirmation by the Senate. The Executive Secretary serves as the Chief Executive and Accounting Officer of the Commission for a renewable tenure of 5 years and the Governing Council has a renewable term of four (4) years. There are sixteen (16) departments in the administrative structure of the Commission. The Commission has offices in the thirty-six (36) State of the Federation.

**Rules and Mechanism Governing the Function of the Commission**: The National Human Rights Commission was established by the National Human Rights Commission (NHRC) Act, 1995 as amended by the NHRC Act, 2010, in line with the resolution of the United Nations General Assembly; which enjoins all Members States to establish National Human Rights Institutions for the Promotion and Protection of human rights;

The Commission also has the ‘’Standing Orders and Rules of Procedure (STORP); and Complaints Treatment Procedure Manuals. These are treatment mechanisms put in place by the Governing Counsel pursuant to sections 2(6), 6(1) (A) & (G) & 23 of the National Human Rights Commission Act 1995 (as amended). These mechanisms are designed to regulate the organization and govern the procedure of the NHRC in accordance with provisions of the NHRC Act. 1995, as amended.

1.2  **Armed Forces:**

The primary **purpose** of the Nigerian military is to defend the nation from external attack and deter of attack of would-be enemies. The realization of this function primarily entails the preservation of the territory, people, culture and the national **security** of the Federal Government of Nigeria. Nigerian Military has the primary responsibility for combating terrorism in the North East.

**Governing Structure:** The Nigerian Army is governed by the Nigerian Army Council (NAC). The Nigerian Army is functionally organized into combat arms, which are infantry and armored; the combat support arms, which are artillery, engineers, and signals; the combat support services comprise medical, supply and transport, ordinance and finance. Others include the military police, intelligence, physical training, chaplains, public relations and band

**Rules and Mechanism Governing the Function of the Armed Forces of Nigeria in Countering Violent Extremism.** The Armed Forces Act; Code of Conduct (COC), Rules of Engagement (ROE); National Policy on the Protection of Civilians and Civilian Harm Mitigation; and Code of Conduct (COC) for Civilian Joint Task Force are the rules and mechanism governing the operation of the Armed Forces of Nigeria in countering violent extremism in the country.

**1.3** **Nigeria Police Force:**

The NPF performed conventional **police** functions and was responsible for internal security generally. It’s primary **functions** include investigation and prosecution of serious and complex criminal cases within and outside the Country. The Police coordinate crime investigations generally and support the prison, immigration, and customs services in preventing, detecting and investigating crimes in the performance of their duties. Nigeria Police Force has a Counter-terrorism Unit and a Terrorist Investigation Branch. Both are responsible for conducting measures to prevent terrorist acts.

**Governing Structure:**The structure of the Nigeria Police Force is provided for in section 214 (2)(a) and 215(2) of the 1999 Constitution. These sections provide: section 214(2)(a): -“Subject to the provisions of this constitution (a) the Nigeria Police shall be organised and Administered in accordance with such provisions as many be prescribed by an Act of the National Assembly. Section 215 (2)“The Nigeria Police Force shall be under the Command of the Inspector-General of Police and any contingents of the Nigeria Police Force stationed in a state shall; subject to the authority of the Inspector-General of Police, be under the command of Commissioner of Police of that state” Three different structures in the Police Force can be identified. These are: Command (Authority) Structure; Administration structure and Organisation structure. These structures are patterned to meet the constitutional expectations of the Police to perform effectively the duties assigned to it.

**Rules and Mechanism Governing the Function of the Nigeria Police Force:** The Nigeria Police Force carries out its functions under the Police Act. However, the National Assembly of Nigeria has passed the Nigeria Police Reform Bill 2019 which is yet to get the assent of the President of the Federal Republic of Nigeria.

**1.4 State Security Service**

The State Security Service is response for intelligence within Nigeria. They are to protect and defend the Federal Republic of Nigeria against domestic threats,to uphold and enforce the criminal laws of Nigeria and to provide leadership and criminal justice services to both Federal and Law Enforcement organs.

**Governing Structure:** The State Security Service is headed by the Director General and assisted by Departmental Directors,

**Rules and Mechanism Governing the Function of the Agency.** The State Security Serviceoperates under the National Security Agency Act

**1.5 Federal Ministry of Justice**

The Ministry of Justice has the mandate to investigate, prosecute and adjudicate terrorism cases in accordance with human rights standards and develop an Action plan on the Criminal Justice Responses to Terrorism in North East of Nigeria which will support implementation of the Policy Framework and National Action Plan for Preventing and Countering Violent Extremism.

**Governing Structure:** The Federal Ministry of Justice is headed by a lawyer who is also the Attorney-General and Minister of Justice. He is assisted by Departmental Directors/Heads.

**Rules and Mechanism Governing the Function of the Ministry.** The 1999 Constitution of the Federal Republic of Nigeria as amended is the fundamental law under which every ministry operates including the Ministry of Justice.

**2.0 Rules Governing the Standard-setting and other Processes Leading to the Establishment of Soft law instruments and Standards.**

There are no formalized rules, as it were. However, standard setting process pertaining to the promotion and protection of human rights and fundamental freedoms while countering terrorism in Nigeria includes: meetings, consultations, dialogues and training workshops by stakeholders to put in place soft law instrument and standards such as Code of Conduct (COC), Rules of Engagement (ROE), Standard Orders and Rules of Procedure (STORP) for all institutions/bodies involved in countering violent extremism in Nigeria.

**3.0 Ways in which International law norms and standards are incorporated in the work of these actors, bodies and initiatives.**

**3.1 National Human Right Commission**

The National Human Commission deals with promotion and protection of human rights and incorporate International Law norms and standard in its work by observing the provisions of UDHR, ICCPR, CERDAW, ICESCR, CRC, ACHPR and other International and Regional Instruments on human rights whichNigeria is a party.

**3.2** **Nigerian Armed Forces**

The Nigeria Armed Forces incorporate International law norms and standards in its work while countering violent extremism by observing the provision of Geneva Convention of1949 and its Optional Protocols of 1977. Specifically, the Armed Force of Nigeria take into consideration the provisions of Common Article ‘’3’’ of the Geneva Conventions and Optional Protocol of 1977 in their operations in countering violent extremism in Nigeria.

Also the Armed Forces of Nigeria observes the provisions of Rule of Engagement (ROE) adapted from the Sanremo Hand Book and other International Customary Law Principles pertaining to the Law of Armed Conflict.

**3.3 Nigeria Police Force**

The Nigeria Police incorporate International Human Rights norms and standards and Humanitarian Law in carrying out its activities by making resort to the UDHR, ICCPR, CERDAW, ICESCR, CRC, ACHPR, and other International and Regional Instruments on human rights to which Nigeria is a party.

Furthermore, there is the Nigeria Police Reform Bill 2019 which is awaiting the assent of the President before being operationalized.

**4.0 Information on the Dissemination and Use of these Instruments and Standards and Ways in which they Influence Policy.**

Generally, these instrument and standards hereafter referred to as ‘’Standing Orders and Rules of Procedure (STORP); Rules of Engagement (ROE) and Code of Conduct (COC) are brought to the knowledge of the concerned institution/bodies as well as general public through seminars, training workshop, conferences, consultations and meetings for the promotion and protection of human rights and fundamental freedom in countering violent extremism in Nigeria.

The practical observation of the provisions of these instruments and standard in the protection and promotion of human rights while countering violent extremism enable the Federal Government to gauge the level of protection and promotion of human rights by the concerned bodies while countering violent extremism in Nigeria.