

[HB. 15.12.331]

A BILL

FOR

AN ACT TO PROVIDE A LEGAL FRAMEWORK FOR THE PROTECTION OF
THE RIGHTS OF INTERNALLY DISPLACED PERSONS DURING AND AFTER
DISPLACEMENT, RESETTLEMENT, RELOCATION AND REINTEGRATION;
AMONG OTHER THINGS PROVIDE PENALTIES FOR VIOLATIONS
THEREOF AND FOR OTHER RELATED PURPOSES

Sponsored by HON. ASABE BASHIR VILITA

/ /

Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal Republic
2 of Nigeria as follows—

3 1. This Act cited as the Internally Displaced Persons Protection
4 Bill, 2015.

Citation.

5 2.—(1) Consistent with the principles Chapter II, Fundamental
6 Objectives and Directive Principles of State Policy enshrined in the
7 1999 Constitution as amended also provides for the promotion and
8 protection of the rights of internally displaced persons in situations of
9 armed conflict, generalized violence, tribal/clan wars, violations of
10 human rights, aggressive implementation of development projects,
11 natural and man-made disasters.

Object of the
Bill.

12 (2) When armed conflict of a non-international character is
13 inevitable, the Federal or State Government shall ensure the promotion
14 and protection of the rights of the citizens who are non-combatants
15 and who shall enjoy in full equality, the same rights and freedoms
16 under international and domestic law as do other persons in the country.
17 These citizens shall not be discriminated against in the enjoyment of
18 any rights and freedoms on the ground that they are internally displaced.

19 3. In this Act, otherwise context, as defined accordingly, shall
20 be used in this Act:

Interpretations.

21 “Internal displacement” refers to the involuntary movement or

1 forced evacuation or expulsion of any person or group of persons
2 who flee or leave their homes or places habitual residence, without
3 crossing an internationally recognized State border, as a result of
4 or in order to avoid the effects of armed conflict, situation of
5 generalized violence, violations of human rights, land conversion
6 and any other land conflict, aggressive implementation of
7 development projects, natural and man-made disasters.

8 “Arbitrary internal displacement” refers to acts of displacement
9 or any other coercive act committed by any person or group/s of
10 persons and directed against the civilian population, which are
11 contrary to law, good morals, public order or public policy, or
12 committed with abuse of authority, oppressive or wanton disregard
13 of the right to life, liberty or property and abode of the residents of
14 an area in which they are lawfully present, and characterized by
15 those situations as defined in Section 6 of this Act.

16 “Internally displaced person” hereinafter described as an IDP,
17 refers to any individual who has suffered harm as a direct result of
18 internal displacement, whether arbitrary or not, as defined therein.

19 “Order of Battle/Watch list” refers to any document or
20 determination made by the military, police or any law enforcement
21 agency of the government, listing the names of persons and
22 organizations that is perceives to be enemies of the Staten and that
23 it considers as legitimate targets as combatants that it could deal
24 with, through the use of means allowed by domestic and international
25 law.

26 “Apartheid” refers to inhumane acts committed in the context of
27 an institutionalized regime of systematic oppression and domination
28 by one racial group or groups and committed with the intention of
29 maintaining that regime.

30 “Ethnic cleansing” refers to the act of rendering an area ethnically
31 homogenous by using force or intimidation to remove from a given

1 area persons of another ethnic or religious group.

2 “Tribal/Clan War” refers to any conflict that may arise between
3 members of different tribal groups, indigenous groups or clans, or
4 between and among member of the same tribe, indigenous group or
5 clan.

6 4. This Act shall primarily provide for the protection of rights of
7 IDPs during and after displacement, as well as their resettlement,
8 relocation and reintegration. This Act shall likewise cover arbitrary
9 internal displacement of civilians as a result of or in or to avoid the
10 effects of armed conflict, situations of generalized violence, violations
11 of human rights, aggressive implementation of development projects,
12 natural and man-made disasters. In the case of natural disasters, due
13 reference shall be made to be pertinent provisions of National
14 Emergency Management Agency Act, LFN, 2004 regarding the early
15 warning measures and durable solutions in relation to internal
16 displacement as a result of natural disasters.

Scope of this
Act.

17 5. The Federal or State authorities, including local government
18 Areas (LGAs) and parties to an armed conflict, irrespective of their
19 legal status and applied without any adverse distinction, shall respect
20 and ensure compliance with their obligations under international law,
21 including human rights law and humanitarian law, so as to prevent and
22 avoid conditions that might lead to arbitrary internal displacement of
23 persons.

Prevention
of Arbitrary
Internal
Displacement.

24 6. The prohibited acts of arbitrary internal displacement shall
25 include, but are not limited to, those committed:

Prohibited
Acts of
Arbitrary
Internal
Displacement.

26 (a) based on “ethnic cleansing” or similar practices aimed at or
27 resulting in altering the ethnic religious or racial composition of the
28 affected population;

29 (b) in situations of terrorist armed conflict, unless the security of
30 civilians is involved;

31 (c) in cases of large-scale development projects, including land

1 conversion and any other land conflict, which are not justified by
2 compelling and overriding public interest;

3 (d) in cases of natural and man-made disasters, unless the safety
4 and health of those affected require their evacuation;

5 (e) when used as a form of collective punishment;

6 (f) in cases of tribal/clan wars, unless the security of those civilians
7 not involved in the conflict is endangered; and

8 (g) in violation of the rights of IDPs during displacement under
9 Section 9 of this Act,

10 an Order of Battle/Watch list issued by the military or any law enforcement
11 agency of the government of the Federal Republic of Nigeria shall not
12 justify arbitrary internal displacement and shall subject the perpetrators to
13 the penalties provided under Section 13 of this Act.

Protection
from
Arbitrary
Internal
Displacement.

14 7.—(1) All authorities, including the LGAs concerned, groups
15 and persons, irrespective of their legal status and applied without any
16 adverse distinction, shall protect its citizens against being arbitrarily
17 displaced from their homes or places of habitual residence.

18 (2) Displacement shall not be carried out in a manner that violates
19 the rights to life, liberty, dignity and security of those affected.

20 (3) In addition, the following safeguards against arbitrary internal
21 displacement shall be observed by all concerned authorities, groups
22 and persons:

23 (a) all feasible alternatives shall be explored in order to avoid
24 displacement. Where no alternative exist, all measures shall be
25 undertaken to minimize displacement and its adverse effects on the
26 population that will be affected;

27 (b) if displacement is inevitable, the authorities shall ensure, to
28 the greatest practicable extent, that proper accommodation is
29 effected in satisfactory conditions of safety, nutrition, water and
30 sanitation, health and hygiene and that members of the same family,
31 especially women and children, are not separated;

1 (c) indigenous peoples, minorities, peasants, pastoralists and other
2 groups with special dependency on and attachment to their lands shall
3 be protected from arbitrary internally displacement, in accordance with
4 Chapter 2 of the 1999 Constitution as amended; and

5 (d) in situations other than during the emergency stages of armed
6 conflicts and disasters, the following guarantees shall be complied with:

7 (1) a specific decision shall be taken by the authority empowered
8 by law to order such measures;

9 (2) full disclosure of information on the reasons and procedures
10 for the displacement and when applicable, also on compensation
11 and relocation;

12 (3) free and informed consent of those persons to be displaced
13 shall be sought;

14 (4) authorities concerned shall endeavour to involve those
15 affected, particularly women, in the planning and management
16 of their relocation, resettlement and reintegration;

17 (5) law enforcement measures, when required, shall be carried
18 out by competent legal authorities; and

19 (6) the right to an effective remedy, including the review of
20 such decisions by appropriate judicial authorities, shall be
21 respected.

22 **8.** The prohibition on arbitrary internal displacement and the
23 fundamental safeguards for its prevention shall not be suspended under
24 any circumstance, including political instability, threat of war, state
25 of war or other public emergencies.

26 **9.** Pursuant to the provisions of the Chapter 2 of the 1999
27 Constitution as amended, the following rights shall be afforded to IDPs
28 during and after their displacement, without discrimination of any kind,
29 such as those based on race, sex, language, religion or belief, political
30 or other opinion, national, ethnic or social origin, legal or social status,
31 age, disability, property, birth or no any other similar criteria:

Permanent
Prohibition
against Arbitrary
Internal
Displacement.

Rights
During and
after
Displacement.

1 **(a) Provision and Access to Basic Necessities:** At the minimum,
2 regardless of the circumstances, and without discrimination, competent
3 authorities shall provide IDPs with and ensure safe access to:

4 (1) Essential and adequate food and nutrition and portable
5 drinking water;

6 (2) Basic shelter and housing;

7 (3) Appropriate clothing; and

8 (4) Essential medical and dental services and sanitation,
9 including psychological and social services and essential drugs
10 and medicines;

11 (5) Maintain a proper registration of all IDPs.

12 **(b) Protection Against Criminal Offences and Other Unlawful
13 Acts:**

14 (1) It shall be prohibited to commit any of the following acts
15 against IDPs in all circumstance:

16 (i) murder;

17 (ii) hostage-taking;

18 (iii) summary or arbitrary execution and enforced
19 disappearance, including abduction or unacknowledged
20 detention, threatening or resulting in death; and

21 (iv) unlawful confinement;

22 (2) Attacks or other acts of violence against IDPs, who do not
23 or no longer participate in hostilities, shall be prohibited in all
24 circumstances, without prejudice to being held liable for any
25 offense committed by them. In particular, IDPs shall be
26 protected against:

27 (i) direct or indiscriminate attacks or other acts of violence,
28 including the creation of areas wherein attacks on civilians
29 are permitted;

30 (ii) starvation as a method of combat;

31 (iii) their being used to shield military objectives from attack,
or to shield, favour or impede the operations of the military,

- 1 police or any armed group;
- 2 (iv) attacks against any evacuation center, facility,
3 encampment or other settlements; and
- 4 (v) use of anti-personnel landmines;
- 5 (3) IDPs, whether or not their liberty has been restricted,
6 shall be protected in particular against:
- 7 (i) rape, mutilation, torture, cruel, inhumane or degrading
8 treatment or punishment, and other outrages upon personal
9 dignity, such as acts of gender-specific violence, forced
10 prostituting and any form of indecent assault;
- 11 (ii) slavery or any contemporary form of slavery, such as
12 sale into marriage, sexual exploitation or forced labour of
13 children; and
- 14 (iii) Acts of violence intended to spread terror among IDPs.
15 Threats and incitement to commit any of the foregoing acts under
16 paragraph (b), subsection (1) and (3) herein shall be prohibited;
- 17 (4) IDPs shall not be interned in or confined in any evacuation
18 center, facility, encampment or other settlements. If in
19 exceptional circumstances such internment or confinement is
20 necessary, it shall not last longer than what is required by the
21 circumstances, as many be determined by the Commission on
22 Human Rights (CHR); and
- 23 (5) IDPs shall be protected against discriminatory practices
24 of recruitment into the Nigerian Armed Forces; Nigerian Police,
25 Nigerian Navy and other law enforcement agencies or any armed
26 group as a result of their displacement. In particular, any cruel,
27 inhumane or degrading practice that compel compliance or punish
28 noncompliance with recruitment shall be prohibited in all
29 circumstances;
- 30 (c) ***Freedom of Movement:***
- 31 (1) Every IDP has the right to liberty of movement and freedom

1 to choose a residence. In particular, the IDP has the right to
2 move freely in and out of any evacuation centre under instructions,
3 encampment or other settlements, subject to its existing rules
4 and regulations;

5 (2) IDPs, whether or not they are living in an evacuation center,
6 encampment or other settlements, shall not be discriminated
7 against in the enjoyment of the following rights:

8 (i) to enjoy freedom of thought, conscience, religion or
9 belief, opinion and expression;

10 (ii) to seek freely opportunities for employment and to
11 participate in economic activities;

12 (iii) to associate freely and participate equally in community
13 affairs;

14 (iv) to vote and participate in governmental and public
15 affairs, including the right to have access to the means
16 necessary to exercise these rights; and

17 (v) to communicate in a language they understand;

18 (3) IDPs have the right to:

19 (i) seek safety in another part of the country;

20 (ii) leave the country;

21 (iii) seek asylum in another country; and

22 (iv) be protected against forcible return to resettlement in
23 any place where their lives, safety, liberty and/or health would
24 be at risk;

25 **(d) Recognition, Issuance and Replacement of Documents:** The
26 authorities concerned shall issue to the IDPs all documents necessary
27 for the enjoyment and exercise of their legal rights. In particular,
28 these authorities shall facilitate the issuance of new documents or
29 the replacement of documents lost in the course of displacement,
30 without imposing unreasonable conditions and without discrimination
31 against men and women, who shall have equal rights to obtain and

1 to be issued the same in their own names;

2 ***(e) Family Unity and Missing Persons:***

3 (1) members of internally displaced families who wish to
4 remain together shall be allowed to do so. Families that are
5 separated by displacement and whose personal liberty have been
6 restricted by internment or confinement in any evacuation center,
7 facility, encampment or other settlements should be reunited
8 immediately, with appropriate measures taken to expedite the
9 reunion, particularly when children are involved;

10 (2) the State shall encourage cooperation among international
11 and local humanitarian organizations engaged in the task of family
12 reunification;

13 (3) the authorities concerned shall endeavour to establish the
14 fate and whereabouts of IPDs reported missing and cooperate
15 with relevant international organizations engaged in this task.
16 They shall inform the next-of-kin on the progress of the
17 investigation and notify them of any result;

18 (4) the authorities concerned shall endeavour to collect and
19 identify the mortal remains of the deceased, prevent their
20 despoliation or mutilation and facilitate the return of those remains
21 to the next-of-kin or dispose of them respectfully; and

22 (5) grave sites of IDPs shall be protected and respected in all
23 circumstances and shall have the right of access to the grave
24 sites of their deceased relative.

25 ***(f) Health and Education:***

26 (1) certain IDPs, such as children, especially unaccompanied
27 minors, expectant mothers, mothers with young children, female
28 heads of households, persons with disabilities and elderly persons,
29 shall be entitled to protection and assistance required by their
30 condition and to treatment which takes into account their special
31 needs;

1 (2) all wounded and sick IDPs, as well as those with disabilities,
2 shall receive to the fullest extent practicable and with the least
3 possible delay the medical care and attention they require, without
4 distinction on any ground other than the medical ones. When
5 necessary, IDPs shall have access to psychological and social
6 services;

7 (3) special attention shall be paid to the health needs of women,
8 including access to female health care, providers and services,
9 as well as appropriate counselling for victims of sexual and other
10 abuses;

11 (4) special attention shall also be given to the prevention of
12 contagious and infectious diseases, including AIDS, among IDPs;
13 and

14 (5) the authorities concerned shall ensure that IDPs, in
15 particular, displaced children, receive education that shall be
16 free and compulsory at the primary level. Special efforts shall
17 be made to ensure the full and equal participation of women and
18 girls in educational programs, and that respect for their cultural
19 identity, language and religion, educational and training facilities
20 shall be made available to them as soon as circumstances permit;
21 and

22 (g) ***Property and Possessions:*** The property and possessions of
23 IDPs shall, in all circumstances, be protected against the following
24 acts;

25 (1) pillage;

26 (2) direct and indiscriminate attacks or other acts of violence;

27 (3) being used to shield military operations or objectives;

28 (4) being made the object of reprisal;

29 (5) being destroyed or appropriated as a form of collective
30 punishment; and

31 (6) destruction, arbitrary and illegal appropriation, occupation

1 or use. The rights and obligations herein shall not be interpreted
2 as restricting, modifying or impairing the provisions of any
3 international human rights or international humanitarian law or
4 rights granted to persons under domestic law.

5 10.—(1) The primary duty and responsibility for providing
6 humanitarian assistance to IDPs lie with Federal and State Government
7 policies in close collaboration with the LGUs exercising zonal
8 jurisdiction over the affected area/s.

Assistance
during
displacement
of IDPs.

9 (2) Humanitarian assistance to IDPs shall not be diverted for any
10 political or military reasons. All authorities concerned shall grant
11 and facilitate the free passage of humanitarian assistance to the
12 internally displaced and ensure rapid, safe and unimpeded access of
13 persons engaged in giving such assistance, their transport and supplies
14 to the displaced communities. They shall not be the objects of attack
15 or other acts of violence.

16 (3) All concerned authorities shall assist the IDPs in the recovery
17 of their property and possessions, and shall provide or assist these
18 persons in obtaining appropriate compensation or other forms of just
19 reparation.

20 11.—(1) The Federal Government Agencies such as the military
21 and law enforcement agencies conducting operations, the Department
22 of Social Welfare and Development (DSWD), the Ministry of Health
23 (MOH), the local government hospitals, the LUGs concerned and other
24 appropriate government agencies, shall have the primary duty and
25 responsibility to establish conditions and provide means for IDPs to
26 return voluntarily in safety and with dignity, to their homes or places
27 of habitual residence, or to resettle voluntarily.

Return,
Resettlement,
Empowerment
and
Reintegration.

28 (2) The authorities in sub-section (1) shall likewise ensure the
29 full participation of IDPs in the planning and management of their
30 return resettlement, empowerment and reintegration.

Mechanisms
for
International
Humanitarian
Assistance.

1 12.—(1) International humanitarian organizations, their local
2 counterparts and other appropriate actors shall have the right to offer
3 their services in support of the internally displaced. These acts shall
4 be considered in good faith and not as unfriendly acts or interference
5 in the internal affairs of the government. Consent thereto shall not be
6 arbitrarily withheld, particularly when authorities concerned are unable
7 or unwilling to provide the required humanitarian assistance.

8 (2) When providing assistance to IDPs, said organizations shall
9 respect relevant domestic laws, international standards and codes of
10 conduct. They shall give due regard to the protection of the needs and
11 human rights of the IDPs.

12 (3) The importation and donation of food, clothing, medicine and
13 equipment necessary for relief and assistance of IDPs are hereby
14 authorized in accordance with the relevant sections of the Customs
15 Act LFN, 2004 as amended, and the prevailing laws of the Federal
16 Republic of Nigeria regards national internal revenue taxes and import
17 duties of national and local government agencies.

Penalties.

18 13. The penalty of reclusion temporal in its minimum to medium
19 period shall be imposed upon the following persons:

20 (1) Those who directly commit the act of arbitrary internal
21 displacement;

22 (2) Those who directly force, instigate, encourage, induce or
23 incite others to commit the act of arbitrary internal displacement;

24 (3) Those who cooperate in the act of arbitrary internal
25 displacement by committing another act, without which the act of
26 arbitrary internal displacement would not have been carried out;

27 (4) Those commanding officers, as well as all elements of the
28 military, police and/or other law enforcement agencies, who actually
29 and/or directly participate in the act of arbitrary internal
30 displacement;

31 (5) Those who cooperated in the execution of the act of arbitrary

1 internal displacement by previous or simultaneous acts; and
2 (6) Those commanding officers of the military, police or other
3 law enforcement agencies or other authorities, for acts of arbitrary
4 internal displacement committed by forces under their effective
5 command and control, or effective authority and control as the case
6 may be, as a result of their failure to exercise proper control over
7 such forces, where the commanding officers or authorities know
8 or, owing to the circumstances at the time, should have known that
9 the forces were committing or about to commit such crimes, and
10 failed to take all necessary and reasonable means within their power
11 to prevent or repress their commission, or to submit the matter to
12 competent authorities for investigation and prosecution.

13 (a) The penalty of three years imprisonment in its minimum
14 period shall be imposed upon those who attempt to commit the
15 offense of arbitrary internal displacement.

16 (b) The penalty of three years imprisonment in its minimum
17 period shall be imposed upon persons, who, having knowledge of
18 the act of arbitrary internal displacement and without having
19 participated therein, either as principals or accomplices, took
20 part subsequent to its commission by any of the following acts:

21 (1) By themselves profiting from or assisting the offender to
22 profit from the effects of the act arbitrary internal displacement.

23 (2) By concealing the act of arbitrary internal displacement
24 and/or destroying the effects or instruments thereof, in order
25 to prevent its discovery; and

26 (3) By harbouring, concealing or assisting in the escape of
27 the principal/s in the act of arbitrary internal displacement:
28 Provided, That the accessory acts are done with the abuse of
29 the official's public functions.

30 (c) The courts shall impose the corresponding accessory
31 penalties under the Revised Penal Code, especially where the

	1	offender is a public officer.
Applicability of the Penal Code and Special Penal Laws.	2	14. The provisions of the revised penal code and other relevant
	3	special penal laws, insofar as they are applicable, shall be
	4	supplementary to this Act.
Jurisdiction of the Courts.	5	15. The proper and competent civilian courts shall have
	6	jurisdiction over the offense of arbitrary internal displacement as
	7	defined and penalized in this Act.
Financial Assistance to IDPs.	8	16. Where the operations conducted by the military, police and
	9	other law enforcement agencies cause damage to IDPs, the necessary
	10	financial assistance for their return, resettlement or re-integration
	11	shall be provided.
Compensation.	12	17. The NHRC shall determine the damages inflicted against
	13	IDPs and direct the parties and agencies responsible for arbitrary
	14	internal displacement to award monetary compensation under the
	15	following circumstances:
	16	(a) where death of an individual victim occurs, the amount of
	17	One Million Naira only (₦1,000,000.00) shall be granted to the
	18	legal heirs of the victim as a death benefit;
	19	(b) where physical, emotional and/or psychological injury is
	20	caused to an individual victim, actual and compensatory damages,
	21	including moral, nominal, exemplary and temperate damages
	22	resulting from such injury, shall be paid to the victim, and
	23	(c) where loss of or damage to property of an individual victim
	24	occurs, the amount corresponding to the fair market value of the
	25	property lost or destroyed or the amount mutually agreed upon by
	26	the parties involved, whichever is higher, shall be paid to the victim.
The Role of the National Human Rights Commission.	27	18. The National Human Rights Commission [NHRC] shall be
	28	designated as the institutional focal point for IDPs. As such, the NHRC
	29	shall have the following additional functions:
	30	(a) to monitor IDP conditions to ensure that their rights are
	31	respected and protected in all phases of internal displacement;

1 (b) to conduct public inquiries, document violations of human
2 rights, assist IDPs in seeking redress of grievance and work to
3 ensure an effective response by the concerned authorities;

-4 (c) to investigate, on its own or on complaint by any party, all forms
5 of human rights violations against IDPs involving civil and political
6 rights, in accordance with Chapter 2, of the 1999 Constitution, and
7 when found in the investigation that the filing of a case in court is
8 warranted, request the assistance of any Agency, bureau, office or
9 body such as the National Prosecution Service of the Federal Ministry
10 of Justice or the Ombudsman, by virtue of an Executive Order;

11 (d) to determine the damages incurred against IDPs and facilitate
12 award of compensation for such victims by directing the parties
13 and agencies responsible for the violations to grant the same;

14 (e) to cite any person in contempt for violations of the orders
15 issued by them in accordance with the Rules of Court;

16 (f) to follow up on early warning and ensure effective measures to
17 protect the civilian population against arbitrary internal displacement;

18 (g) to advise the government on the rights of IDPs, formulate
19 sound national policy and legislation and to facilitate discussions to
20 effectively address situations internal displacement;

21 (h) to undertake educational activities and training programs for
22 State authorities, including the AFP;

23 (i) to hold public information drives on the protection and rights
24 of IDPs, and foster IDP participation in the decision-making process
25 regarding issues that concern them; and

26 (j) to carry out such other acts that may be necessary to fully
27 implement the purposes of this Act.

28 **19.—(1)** There is hereby constituted a Joint National Assembly
29 Oversight Committee comprising of the:

30 (i) The Chairman, Senate Committee on Judiciary, Human Rights
31 and Legal Matters;

Joint
National
Assembly
Oversight
Committee.

1 (ii) Seven (7) other Senators appointed by the Senate President, and

2 (iii) The Chairman, House Committee on Internally Displaced

3 Persons;

4 (iv) Seven (7) other Members of the House of Representatives,

5 appointed by the Speaker of the House of Representatives;

6 (2) Provided, that, of the seven (7) Members to be designated by

7 each House of the National Assembly, four (4) shall represent the

8 Majority and three (3) from the Minority.

9 (3) The Joint National Assembly Oversight Committee shall also

10 have the power to inquire into summon and investigate the Orders of

11 Battle as defined under this Act, as well as the legal and factual justifications

12 for the inclusion of specific persons and groups in said Orders of Battle.

13 In this regard, the Joint National Assembly Oversight Committee may

14 issue mandatory process directing the transmission of all such documents

15 relevant and necessary for the Committee to determine the validity of the

16 inclusion of specific persons or groups in the Orders of Battle. For this

17 purpose, the highest ranking officers or heads of offices shall be charged

18 with testifying before the Joint National Assembly Oversight Committee

19 in relation to any inquiries on the Orders of Battle.

20 (4) The invocation of national security as a defence may not

21 prevent the Joint National Assembly Oversight Committee from

22 inquiring into the factual and/or legal bases for the existence of an

23 Order of Battle or the inclusion of specific persons or groups in said

24 Order of Battle. Should there be a need to inquire into the factual

25 basis for the invocation of national security, the Committee shall

26 convene in an executive session and hear the officials invoking it. Should

27 the basis not be satisfactory to the Committee, the public hearing/s

28 will continue and appropriate recommendations shall thereafter be

29 made by the Committee.

Monitoring
of
Compliance
with this Act.

30 20.—(1) An inter-agency coordinating committee shall be tasked

31 to periodically monitor the compliance with this Act. The committee

1 (b) to conduct public inquiries, document violations of human
2 rights, assist IDPs in seeking redress of grievance and work to
3 ensure an effective response by the concerned authorities;

-4 (c) to investigate, on its own or on complaint by any party, all forms
5 of human rights violations against IDPs involving civil and political
6 rights, in accordance with Chapter 2, of the 1999 Constitution, and
7 when found in the investigation that the filing of a case in court is
8 warranted, request the assistance of any Agency, bureau, office or
9 body such as the National Prosecution Service of the Federal Ministry
10 of Justice or the Ombudsman, by virtue of an Executive Order;

11 (d) to determine the damages incurred against IDPs and facilitate
12 award of compensation for such victims by directing the parties
13 and agencies responsible for the violations to grant the same;

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27 the basis not be satisfactory to the Committee, the public hearing/s

28 will continue and appropriate recommendations shall thereafter be

29 made by the Committee.

Monitoring
of
Compliance
with this Act.

30 20.—(1) An inter-agency coordinating committee shall be tasked

31 to periodically monitor the compliance with this Act. The committee

1 shall be headed by the Chairman of the NHRC. Members of the
2 group shall be composed of:

3 (a) a representative, with the rank of Director, from the
4 Department of Social Welfare and Development

5 (b) a representative, with the rank of Director, from the Ministry
6 of Defence;

7 (c) a representative, with the rank of Director, from the Ministry
8 of Interior;

9 (d) a representative from the Nigerian Security and Civil Defence
10 Corps/NEMA and National Disaster Risk Reduction and
11 Management Coordinating Council;

12 (e) a representative of human rights non-governmental
13 organizations (NGOs) and other human rights groups, nominated
14 by a selection board composed of human rights groups and non-
15 governmental organizations (NGOs);

16 (f) the Chairman, House Committee on Justice and Human Rights
17 of the Senate; and

18 (g) the Chairman of the Committee on Justice of the House of
19 Representative.

20 (2) The Committee shall work towards the collection of data on
21 the number and conditions of IDPs, leading to a registry that will aid
22 the government in efficient planning and policy making regarding issues
23 affecting IDPs.

24 (3) The Committee shall likewise prioritize the releasing of
25 immediate financial assistance, allotted by its component agencies, to
26 those affected by arbitrary internal displacement.

27 (4) The Committee shall submit an annual report to the Joint
28 Assembly Oversight Committee herein created, thirty (30) days after
29 the end of each fiscal year. Such annual report shall be the basis for
30 proposed amendments to existing legislation to improve the conditions
31 of internally displaced persons.

- Appropriations. 1 **21.** The amount necessary for the initial implementation of this
2 Act shall be charged against the current year's appropriations of the
3 NHRC, the DSWD, the Ministry of Defence (MOD) and the Ministry
4 of the Interior and Local Government (MI&LG). Thereafter, such
5 sums as many be necessary for the continued implementation of this
6 Act shall be included in the General Appropriations Act.
- Implementing 7 **22.—**(1) The NHRC shall issue the necessary rules and regulations
Rules and 8 to implement the provisions of this Act within sixty (60) days from its
Regulations. 9 effectivity.
10 (2) In the formulation of the rules and regulations, the NHRC
11 shall take the lead and coordinate with DSWD, NH&UD, Ministry of
12 Environment, Presidential Task Force for IDP, National Housing and
13 Urban Development Council NEMA and National Disaster Risk
14 Reduction and Management Coordinating Council, National Housing
15 Authority (NHA) and consult with the LUGs concerned, Human
16 Rights, Non-Governmental Organizations and people's organizations.
- Repealing 17 **23.** All laws, decrees, executive orders, memorandum orders,
Clause. 18 memorandum circulars, administrative orders, ordinances or parts
19 thereof which are inconsistent with the provisions of this Act are hereby
20 deemed repealed or modified accordingly.
- Separability 21 **24.** If any part or provision of this Act shall be declared
Clause. 22 unconstitutional or invalid, the other provisions hereof which are not
23 affected thereby shall remain in full force and effect.
- Effectively. 24 **25.** This Act shall take effect fifteen (15) days upon its publication in
25 the Official Gazette or at least two (2) newspapers of national circulation.

EXPLANATORY MEMORANDUM

This Bill seeks provide a legal framework for the Protection of the Rights of Internally Displaced Persons, during and after displacement, empowerment, resettlement, relocation and reintegration; among other things provide penalties for violations thereof and for other related purposes.

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