

RELIGIOUS DISCRIMINATION (PROHIBITION, PREVENTION ETC.)

BILL, 2021

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# A BILL

## FOR

AN ACT TO PROVIDE A MECHANISM FOR ENFORCING CERTAIN PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AS ALTERED, UNIVERSAL DECLARATION OF HUMAN RIGHTS, INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS, THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA, AND OTHER RELATED MATTERS

*Sponsored by Hon. Saidu Musa Abdullahi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- 1 PART A - PRELIMINARY
- 2 1. The objectives of this Bill includes to:
- 3 (a) prevent, prohibit and eliminate, so far as practicable, all forms
- 4 of discrimination, intimidation and harassment against persons on the
- 5 ground of religious belief or activity or on the ground of manifestation of
- 6 religion or religious belief in a wide range of areas of private and public life;
- 7 (b) ensure everyone has equal rights to equality before the law and
- 8 access to education, health care, employment, financial services,
- 9 recreational activities and other services regardless of religious belief or
- 10 activity and manifestation of religion or religious belief consistent with
- 11 Nigerian's obligations to respect, promote, fulfill and protect the right to
- 12 freedom of thought, conscience and religion and the rights against all forms
- 13 of discriminations enshrined in the United Nations' Declaration of Human
- 14 Rights, International Covenant on Civil and Political Rights, Convention on
- 15 the elimination of all forms of Discrimination Against Women, African

Objectives

1 Charter on Human Peoples' Rights, Protocol to the African and other similar  
2 Conventions, Charters, Treaties, Covenant or Protocol; and  
3 (c) give effect to sections 39 and 42 of the Constitution of the Federal  
4 Republic of Nigeria and, subject to specified limits, prohibit all forms of  
5 discrimination against person on the basis of religious belief or activities or  
6 manifestation of religious belief in teaching, practice, worship and observance.

7 PART B - CONCEPT OF DISCRIMINATION ON THE GROUND OF  
8 RELIGIOUS BELIEF OR ACTIVITIES OR MANIFESTATION OF  
9 RELIGION OR RELIGIOUS BELIEF

Discriminatory  
conduct

10 2.-(1) A person shall not, directly or indirectly or by any combination  
11 of the two, be intimidated, harassed, victimized or discriminated against on the  
12 basis of religious belief or activity or on the ground of manifestation of religion  
13 or religious belief or any other ground of a characteristic that people who have  
14 or engage in the religious belief or activity generally have; and on the ground of  
15 a characteristic that people who have or engage in the religious belief or  
16 activity are generally presumed to have or manifest which may include  
17 wearing religious emblem, head cover, hijab, scarf, habit, decent and modest  
18 religious dress.

19 (2) It shall constitute a direct discrimination on the ground of religious  
20 belief or activity or manifestation of religious belief where a person  
21 discriminates against another person on the ground of the other person's  
22 religious belief or activity or on the ground of manifestation of the other  
23 person's religious belief if:

24 (a) the person treats, or proposes to treat, the other person less  
25 favourable than the person treats, or would treat, another person who does not  
26 have or engage in or manifests the religious belief or activity in circumstances  
27 that are not materially different;

28 (b) the reason for the less favourable treatment is the other person's  
29 religious belief or activity or manifestation of the other person's religious belief  
30 in teaching, worship, practice or observance; and

1 (c) a person discriminated against under this section shall be  
2 deemed to have been directly discriminated against.

3 (3) It shall constitute an indirect discrimination where a person  
4 discriminates against another person on the ground of the other person's  
5 religious belief or activity or on the basis that the other person's  
6 manifestation of religious belief if:

7 (a) the person imposes, or proposes to impose, a condition,  
8 requirement, measure or practice;

9 (b) the condition, requirement, measure or practice has, or is likely  
10 to have, the effect of disadvantaging persons who have or engage in the same  
11 or different religion or activity or manifest religious belief as the other  
12 person; and

13 (c) the condition, requirement, measure or practice is not  
14 reasonable, unjustifiable or violates the provision(s) of the Constitution of  
15 the Federal Republic of Nigeria or any other existing Act of the National  
16 Assembly or the law of a state or human rights treaties, Charters,

17 (2) Subject to this Bill a condition, requirement, measure or  
18 practice is unreasonable or unjustifiable depends on all the relevant  
19 circumstances of the case, including the following:

20 (a) the nature and extent of the disadvantage resulting from the  
21 imposition, or proposed imposition of the condition, requirement, measure  
22 or practice;

23 (b) the nature of the roles, functions, or activities the person  
24 discriminated against is engaged and whether the religious belief or activity  
25 or the manifestation of the person's religious belief will affect, limits or  
26 jeopardize the person's ability or capability in the performance of such roles,  
27 functions or activities;

28 (c) the likely harm or injury to be suffered by the person who  
29 imposes or proposes the imposition of the condition, requirement, measure  
30 or practice from the religious belief or activity or the manifestation of the

1 religious belief of the person being discriminated against;

2 (d) the feasibility of overcoming or mitigating any harm or injury  
3 which may result from the manifestation of the person's religious belief or  
4 activities warranting the imposition or proposed imposition of such condition,  
5 requirement, measure or practice;

6 (e) whether the harm or disadvantage is proportionate to the result  
7 sought by the person who imposes, or proposes to impose the condition,  
8 requirement, measure or practice;

9 (f) if the condition, requirement, measure or practice is an employer  
10 conduct rule, condition of service, code of conduct of an institution, the extent  
11 to which the rule would limit the right of the person to freedom of thought,  
12 conscience and Covenant or Convention which Nigeria has ratified;

13 (d) a person discriminated against under this section shall be deemed  
14 to have been indirectly discriminated against.

Conduct engaged  
in the basis of one  
or more reasons

15 3.-(1) If conduct is engaged in for one or more reasons and one of the  
16 reasons is a person's religious belief or activity or manifestation of religious  
17 belief (whether or not it is the dominant or a substantial reason for the conduct);  
18 then, for the purposes of this Bill, the conduct is taken to be engaged in for that  
19 reason.

20 (2) Subject to this Bill a condition, requirement, measure or practice is  
21 unreasonable or unjustifiable depends on all the relevant circumstances of the  
22 case, including the following:

23 (a) the nature and extent of the disadvantage resulting from the  
24 imposition, or proposed imposition of the condition, requirement, measure or  
25 practice;

26 (b) the nature of the roles, functions, or activities the person  
27 discriminated against is engaged and whether the religious belief or activity or  
28 the manifestation of the person's religious belief will affect, limits or jeopardize  
29 the person's ability or capability in the performance of such roles, functions or  
30 activities;

1 (c) the likely harm or injury to be suffered by the person who  
2 imposes or proposes the imposition of the condition, requirement, measure  
3 or practice from the religious belief or activity or the manifestation of the  
4 religious belief of the person being discriminated against;

5 (d) the feasibility of overcoming or mitigating any harm or injury  
6 which may result from the manifestation of the person's religious belief or  
7 activities warranting the imposition or proposed imposition of such  
8 condition, requirement, measure or practice;

9 (e) whether the harm or disadvantage is proportionate to the result  
10 sought by the person who imposes, or proposes to impose the condition,  
11 requirement, measure or practice;

12 (f) if the condition, requirement, measure or practice is an  
13 employer conduct rule, condition of service, code of conduct of an  
14 institution, the extent to which the rule would limit the right of the person to  
15 freedom of thought, conscience and religion and the right to manifestation  
16 of such religious belief; and

17 (g) possible inconsistency of the condition, requirement, measure  
18 or practice with the Constitution of the Federal Republic of Nigeria or the  
19 Nigerian's obligations imposed by any of the United Nations' or African  
20 Unions' Human Rights Conventions, Charters, Treaties, Covenant or  
21 Protocol Nigeria has ratified with respect to respect, promotion and  
22 protection of human rights.

23 4.-(1) For the purpose of Clause 5 of this Bill the person who  
24 imposes, or proposes to impose the condition, requirement, measurements  
25 or practice shall have the burden of proving that such condition,  
26 requirement, measure or practice so imposed or proposed to be imposed is  
27 reasonable or justifiable or does not violate the provision of the Constitution  
28 or any other existing Act of the National Assembly or the law of a state or  
29 human rights treaties, Charters, Covenant or Convention which Nigeria has  
30 ratified.

Burden of proof

1 (2) A person who imposes, or proposes to impose the condition,  
2 requirement, measure or practice shall not be said to have discharged the  
3 burden of proof unless he shows that compliance with such condition,  
4 requirement, measure or practice is necessary.

5 (3) For the purposes of Clauses 7, 8, 9, 10 and 11 of this Bill a  
6 reference to an employee includes a reference to a prospective employee and  
7 reference to an employer includes a reference to a prospective employer.

8 PART C - CATEGORIES OF UNLAWFUL DISCRIMINATION

Discrimination  
in relation to hiring  
or recruitment

9 5. It shall be unlawful for an employer to discriminate against a  
10 person on the ground of the person's religious belief or activity or on the ground  
11 of the other person's manifestation of religious belief such as using or wearing  
12 religious emblem, religious head cover such as hijab, decent and modesty  
13 religious wear etc:

14 (a) in relation to the arrangements made with respect to the offer of  
15 employment;

16 (b) in the determination of who should be offered such employment;

17 © in the terms or conditions on which employment is offered or  
18 accepted.

Discrimination  
in relation to terms  
and conditions  
of employment

19 6. It shall be unlawful for an employer to discriminate against an  
20 employee on the ground of the employee's religious belief or activity or on the  
21 ground of the employee's decision to manifest religious belief such as using or  
22 wearing religious emblem, religious head cover such as hijab, decent and  
23 modesty religious wear etc:

24 (a) in relation to the terms or conditions of employment that the  
25 employer affords the employee;

26 (b) by denying the employee access, or by limiting the employee's  
27 access, to opportunities for promotion, transfer or training, or to any other  
28 benefits associated with employment;

29 (c) by dismissing the employee; or

30 (d) by subjecting the employee to any other detriment such as



1 intimidation, harassment, victimization or unfavourable working condition  
2 etc.

3 7. It shall be unlawful for any qualifying or professional body or  
4 authority to discriminate against another person on the ground of the  
5 person's religious belief or activity or manifestation of the person's religious  
6 belief:

Discrimination  
relating to qualifying  
Professional Bodies

7 (a) by refusing or failing to confer, renew, extend or vary the  
8 authorization or qualification or licence;

9 (b) in the terms or conditions on which the authority or body is  
10 prepared to confer, renew, extend or vary the authorization or qualification  
11 or licence;

12 (c) by revoking, varying or withholding or withdrawing the  
13 authorization or qualification or licence; or

14 (d) the qualifying or professional bodies or authority to which this  
15 section apply include such qualifying or professional body or authority that  
16 is empowered to confer, renew, extend, revoke, vary or withdraw an  
17 authorization or qualification or licence that is needed for, or facilitates, the  
18 practice of a profession, the carrying on of a trade or the engaging in of an  
19 occupation.

20 8. It is unlawful for an employment agency to discriminate against  
21 a person on the ground of the person's religious belief or activity or  
22 manifestation of religious belief:

Employment  
Agencies

23 (a) by refusing to provide the person with any of its services;

24 (b) in the terms or conditions on which it offers to provide the  
25 person with any of its services; or

26 (c) in the manner in which it provides the person with any of its  
27 services.

28 9.-(1) It shall be unlawful for an educational institution to  
29 discriminate against a person on the ground of the person's religious belief or  
30 activity or manifestation of the person's religious belief such as using or

Discrimination  
in Educational  
Institutions

1 wearing religious emblem, decent and modest religious wear etc:

2 (a) by refusing or failing to accept the person's application for  
3 admission as a student; or

4 (b) in the terms or conditions on which it is prepared to admit the  
5 person as a student.

6 (2) It is unlawful for an educational institution to discriminate against  
7 a student on the ground of the student's religious belief or activity or  
8 manifestation of the students' religion or religious belief by:

9 (a) denying the student access, or limiting the student's access, to any  
10 benefit provided by the educational institution;

11 (b) expelling the student; or

12 (c) subjecting the student to any other detriment.

13 (3) Provided that if an educational institution shall adopt any uniform  
14 dress code or code of conduct prescribing decent dressing as well as manner of  
15 dressing, a student shall take into consideration such dress code or code of  
16 conduct as to decency and manner of dressing in the manifestation of his  
17 religious belief in relation to the choice of colour, type, or design of such  
18 religious emblem, religious head cover such as hijab, decent and modesty  
19 religious wear etc.

20 (4) Nothing in sub-clause (3) of this Clause shall be construed to  
21 empower any educational institution to impose or propose to impose condition,  
22 requirement, measure or practice in its dress code or code of conduct limiting  
23 the right of the students to manifest their religious belief in worship, teaching,  
24 practice and observance.

Goods, services  
and facilities

25 10.-(1) It shall be unlawful for a person who, whether for payment  
26 or not, provides goods or services, or makes facilities available, to discriminate  
27 against another person on the ground of the other person's religious belief or  
28 activity or manifestation of the other person's religious belief;

29 (a) by refusing to provide the other person with those goods or  
30 services or to make those facilities available to the other person;

1 (b) in the terms or conditions on which the person provides the  
2 other person with those goods or services or makes those facilities available  
3 to the other person; or

4 (c) in the manner in which the person provides the other person  
5 with those goods or services or makes those facilities available to the other  
6 person.

7 (2) It shall be unlawful for a person to deny or propose to deny or  
8 limit another person's access to public good, services or facilities such as  
9 health care, finance, education or recreational activities, registration in any  
10 private or public office, or services such as registration for passport or any  
11 other means of identification, SIM card registration, or any other enrollment  
12 exercise of a public nature, on the basis of the person's religious belief or  
13 activities or on the ground of manifestation of the person's religious belief in  
14 practice, teaching, worship or observance.

15 (3) A person shall not be subject to any condition, requirement,  
16 measure or practice that limits or proposes to limit the person's right to  
17 manifest his religious belief such as using or wearing religious emblem,  
18 religious head cover such as hijab, decent and modesty religious wear etc.,  
19 as a condition to access public good, services or facilities such as access to  
20 finance, education, recreational activities or registration with any private or  
21 public office, or services such as registration for passport or any other means  
22 of identification, SIM card registration, or any other enrollment exercise of a  
23 public nature.

24 11.-(1) It shall be unlawful to discriminate against a person  
25 employed in the security sector, military, paramilitary or otherwise on the  
26 basis of the person's religious belief or activities or manifestation of religion  
27 or religious belief:

28 (a) in relation to the terms or conditions of employment that the  
29 employer affords the person so employed;

30 (b) by denying the employee access, or by limiting the employee's

Discrimination  
in employment  
in security and  
other sectors

1 access, to opportunities for promotion, transfer or training, or to any other  
2 benefits associated with employment; or

3 (c) by dismissing the employee; or

4 (d) by subjecting the employee to any other detriment such as  
5 intimidation, punishment, harassment, victimization or unfavorable working  
6 condition etc.

7 (2) Any person employed in the security sector, whether within the  
8 military or paramilitary or otherwise, shall not be discriminated against on the  
9 ground of the exercise of his right to manifestation of his religions in worship,  
10 teaching, practice and observance manifest such as wearing religious emblem,  
11 head cover, or hijab in concomitant with the common uniform code or code of  
12 conduct in relation to the choice of colour, type, or design of such religious  
13 emblem, religious head cover or hijab.

14 (3) It shall be unlawful for any person charged with the performance  
15 of any function or exercises any power:

16 (a) under an Act of the National Assembly or the Law of a State;

17 (b) under any international treaties, charters, covenant or convention  
18 whether of the United Nations, African Union, Commonwealth or ECOWAS  
19 etc. which Nigeria has ratified; or

20 (c) for the purposes of a program conducted by or on behalf of the  
21 government of the Federal Republic of Nigeria or of a state or the United  
22 Nations, African Union, Commonwealth, or ECOWAS etc. or; has any other  
23 responsibility for:

24 (i) the administration of a law or conduct of a program administered  
25 or conducted by or on behalf of the government in relation to subsections (a),  
26 (b) and (c) above, to discriminate against another person on the ground of the  
27 other person's religious belief or activity or on the ground of the manifestation  
28 of the person's religious belief, in performing that function, exercising that  
29 power or fulfilling that responsibility.



1 (d) upon conclusion of the investigation determine the appropriate  
2 redress within 30 working days, and

3 (e) require any person to comply with such order or terms of redress  
4 within specified days not more than 14 days.

5 (2) Where Commission upon receipt of a complaint and after due  
6 investigation gives a direction under this Bill and a person to which such direct  
7 relates fails to take any step to reverse any act of discrimination the  
8 Commission may proceed to initiate proceedings against such person, organ,  
9 body, institution, public or private enterprise in the appropriate court.

10 (3) Nothing in this Bill shall be construed to limit or foreclose the right  
11 of an aggrieved person to approach the court, at the first instance, to seek  
12 redress upon a seven (7) days' pre-action notice served on the person against  
13 whom the allegation is made.

Jurisdiction

14 16. A High Court shall have original jurisdiction to look into  
15 applications arising from any breach or violation of the provisions of this Bill.

Procedure

16 17. Procedure for enforcing this Bill in court shall be in accordance  
17 with the extant procedure for the enforcement of Fundamental Rights in a High  
18 Court.

Miscellaneous provisions

19 18. If a breach or violation of this Bill is proved to have been  
20 committed with the consent, acquiescence or connivance or is attributed to any  
21 neglect on the part of any director, manager, secretary or other similar officer of  
22 a body corporate, or any person who was purporting to act in any such capacity,  
23 such officer as well as the body corporate, commit an offence and are liable to  
24 be proceeded against and punished accordingly.

Interpretation

25 19. In this Bill:  
26 "Commission" means the National Human Rights Commission;  
27 "Condition of service" includes rules, procedures and stipulation that  
28 employees must abide by as part of their employment contract;  
29 "Code of conduct" means a set of rules setting out or outlining the norms, rules,

1 and responsibilities or proper practices of an individual party or an  
2 organization;

3 "Educational institution" means a school, college, university or other  
4 institution at which education or training is provided;

5 "Employer" includes a person acting or purporting to act on behalf of an  
6 employer;

7 "Employer conduct rule" means a condition, requirement or practice;

8 (a) that is imposed, or proposed to be imposed, by an employer on  
9 its employees or prospective employees; and

10 (b) that relates to standards of dress, appearance or behaviour of  
11 those employees;

12 "Employment" means:

13 (a) work under a contract of employment or

14 (b) work that a person is otherwise appointed or engaged to  
15 perform; whether the work is on a full-time, part-time, temporary or casual  
16 basis, or whether it is paid or unpaid;

17 "Engage in conduct" means:

18 (a) do an act; or

19 (b) omit to perform an act;

20 "High Court" means a High Court of a state, High Court of the Federal  
21 Capital Territory including the Federal High Court;

22 "Person" has the same meaning as in the Interpretation Act Cap 123 LFN  
23 2004;

24 "Registered charity organization" means non-profit making entity that is  
25 registered with the Corporate Affairs Commission under Part C the  
26 Companies and Allied Matters Act for the time being in force.

27 "Religious emblem" include decent religious wear, dress, head cover, hijab,  
28 scarf, habit etc.

29 "Religious belief or activity" means:

30 (a) holding a religious belief; or

- 1 (b) engaging in lawful religious activity; or  
2 (c) not holding a religious belief; or  
3 (d) not engaging in, or refusing to engage in, lawful religious activity;  
4 "Services" means services of any kind, including the following:  
5 (a) services relating to banking, insurance, healthcare,  
6 superannuation and the provision of grants, loans, credit or finance;  
7 (b) services relating to entertainment, recreation or refreshment;  
8 (c) services relating to transport or travel;  
9 (d) services relating to telecommunications;  
10 (e) services of the kind provided by the members of any profession or  
11 trade;  
12 (f) services of the kind provided by a government, a government to  
13 authority or a local government body;  
14 LFN means Law of the Federal of Nigeria.
- Citation 15 20. This Bill may be cited as Religious Discrimination (Prohibition,  
16 Prevention etc.) Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide a mechanism for enforcing certain provisions of the Constitution of the Federal Republic of Nigeria 1999 as altered, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of all forms of Discrimination Against Women, African Charter on Human and People's Rights, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa,