

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) TO INCORPORATE THE NATIONAL HUMAN RIGHTS COMMISSION AS ONE OF THE FEDERAL EXECUTIVE BODIES; AND FOR RELATED MATTERS

Sponsored by Hon. John Dyegh

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1. The Constitution of the Federal Republic of Nigeria 1999,(as
2 amended) in this Bill referred to as (the Principal Act) is altered as set out in
3 this Bill: Alteration of the
Constitution of
the Federal Republic
of Nigeria
- 4 2. Section 153(1) of the Principal Act is altered by inserting a new Alteration of
Section 153
5 subsection '(i) National Human Rights Commission" and renumbering the
6 existing paragraphs (i) to (o) accordingly.
- 7 3. Part I of the Third Schedule to the Principal Act is amended by Alteration of
the Third Schedule
8 inserting a new paragraph 'I' -National Human Rights Commission
- 9 4. Item 20 of Part I of the Third Schedule to the Principal Act is
10 altered by inserting a new item 20 and renumbering the existing sections.
- 11 "Item 20(1) The National Human Rights Commission Council
12 shall consist of the following members:
- 13 (a) a Chairperson who shall be a retired Justice of the Supreme
14 Court, or Court of Appeal, or a retired Judge of the Federal High Court, or
15 High Court of a State or a legal practitioner with 20 years post qualification
16 and requisite experience in human rights;
- 17 (b) a representative each of the Federal Ministry of:
18 (i) Justice, who shall not be below the rank of a Director,
19 (ii) Foreign Affairs, who shall not be below the rank of a Director,

- 1 (iii) Interior, who shall not be below the rank of a Deputy Controller of
2 Prisons:
- 3 Provided that ex-officio members shall not have voting powers in the
4 council;
- 5 (c) three representatives of registered human rights organisations in
6 Nigeria;
- 7 (d) two legal practitioners who shall not have less than 10 years post
8 qualification experience to be appointed on the recommendation of the
9 National Executive Committee of the Nigerian Bar Association;
- 10 (e) three representatives of the Print and Electronic Media, one to
11 represent the Public and two to represent the Private Media;
- 12 (f) a representative of the Organised Labour;
- 13 (g) two other persons who shall be women with sufficient experience
14 in human rights issues; and
- 15 (h) the Executive Secretary of the Commission.
- 16 (2) The functions and powers of the Commission are to:
- 17 (a) deal with all matters relating to the promotion and protection of
18 human rights guaranteed by:
- 19 (i) the Constitution of the Federal Republic of Nigeria,
20 (i) the United Nations Charter and the Universal Declaration on
21 Human Rights,
22 (ii) the International Convention on Civil and Political Rights,
23 (iii) the International Convention on the Elimination of all forms of
24 Racial Discrimination,
25 (iv) the International Convention on Economic, Social and Cultural
26 Rights,
27 (v) the Convention on the Elimination of all forms of Discrimination
28 Against Women,
29 (vi) the Convention on the Rights of the Child,
30 (vii) the African Charter on Human and Peoples' Rights, and

1 (viii) other International and Regional Instruments on human
2 rights to which Nigeria is a party;

3 (b) monitor and investigate all alleged cases of human rights
4 violation in Nigeria and make appropriate recommendations to the
5 President for the prosecution and such other actions as it may deem
6 expedient in each circumstance;

7 (c) assist victims of human rights abuses and seek appropriate
8 redress and remedies on their behalf;

9 (d) publish and submit, from time to time, to the President,
10 National Assembly, Judiciary, State and Local Governments, reports on the
11 state of human rights promotion and protection in Nigeria;

12 (e) receive and investigate complaints concerning violations of
13 human rights and making appropriate determination as may be deemed
14 necessary in each circumstance;

15 (f) such other functions and powers as may be provided under an
16 Act of the National Assembly

17 (3) The National Assembly shall by an Act provide for the
18 management, staffing and operations of the National Human Rights
19 Commission".

20 5. Section 157(2) of the Principal Act (as amended) is altered by
21 inserting 'and the National Human Rights Commission' immediately after
22 the Police Service Commission, deleting 'and' after the Revenue
23 Mobilisation Allocation and Fiscal Commission and, inserting', after
24 Revenue Mobilisation Allocation and Fiscal Commission and the Police
25 Service Commission.

Alteration of
Section 157

26 6. This Bill may be cited as the Constitution of the Federal
27 Republic of Nigeria, 1999 (Amendment) Bill, 2021.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to Constitutionally Guarantee the Establishment of the National Human Rights Commission.