

HATE SPEECH (PROHIBITION) BILL, 2019

ARRANGEMENT OF CLAUSES

Clauses:

1. Objectives of the Bill
2. Offences and Penalties
3. Sacred sites and symbol
4. Prohibition of use of Self Help
5. Complaint and Enforcement
6. Power to award damages or compensation
7. Jurisdiction
8. Interpretation
9. Citation

A BILL**FOR**

AN ACT TO AMONG OTHER THINGS PROVIDE FOR THE PROMOTION OF
RELIGIOUS AND ETHNIC TOLERANCE AMONG NIGERIANS AND TO
PROHIBIT HATE SPEECHES THAT IS CAPABLE OF INCITING VIOLENCE AND
CIVIL DISORDER AND TO PROVIDE STIFFER PUNISHMENT FOR OFFENDERS
AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Monguno

[] Commencement

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

- | | |
|--|-----------------------------------|
| <p>1 I.-(a) To give effect to provision of Chapter IV of the Constitution
2 of the Federal Republic of Nigeria 1999 (as amended), particularly section
3 39;
4 (b) To give effect to international instruments and protocols signed
5 and domesticated by Nigeria on the subject by ensuring compliance with our
6 treaty obligations arising there from;
7 (c) To promote tolerance and reconciliations among Nigerians by
8 prohibiting hate speeches and providing stiffer punishment for offenders;
9 (d) To educate the public and raise awareness on the importance of
10 promoting religious and ethnic tolerance and overcoming hate speech; and
11 (e) To assist in the provision of legal redress and compensation for
12 victims of hate speech.</p> | <p>Objectives of
the Bill</p> |
| <p>13 2.-(1) Any person or institution who:
14 (a) uses threatening, abusive or insulting words, actions, or
15 behaviour, or displays any written material;
16 (b) publishes or distributes written material;
17 (c) gives a sermon or other speech or public talk during a religious
18 gathering, service, or ritual, festivities;</p> | <p>Offences and
Penalties</p> |

1 (d) distributes, shows or plays, a recording of visual images; or
2 (e) provides, produces or directs a programme; with the intent to
3 incite or propagate:

4 (i) war,
5 (ii) civil disorder and violence,
6 (iii) hatred that is based on race, ethnicity, gender or religion-
7 Commits an offence.

8 (2) Any person found guilty of the offences under sub clause (1) shall
9 be liable on conviction to a fine not exceeding One Million naira
10 (N1,000,000.00) or to imprisonment for a term not exceeding Three years or to
11 both such fine and imprisonment.

12 (3) Any institution or group of persons found guilty of the offence
13 provided in sub clause (1) shall on conviction be liable to a fine not exceeding
14 Five Million naira in addition to the proscription of the institution or group.

Scared sites
and symbol

15 3.-(1) A person or religious organization or group shall not willfully
16 desecrate a sacred place, site or symbol of any religious person or group.

17 (2) Any person who desecrates sacred spaces, sites or symbols
18 commits an offence and shall on conviction be liable to a fine not exceeding
19 Five Hundred Thousand naira or imprisonment for a term of two years or to
20 both such fine and imprisonment.

21 (3) Where a religious organization or group is found guilty of
22 desecrating sacred spaces, sites or symbols it shall on conviction be liable to a
23 fine of One Million Naira, in addition to offsetting the costs associated with
24 cleaning up or repairing any damage done to such sacred space, site or symbol.

Prohibition of
use of Self Help

25 4.-(1) No person, institution or group of persons shall resort to self-
26 help in enforcing any violation of the provisions of this Bill.

27 (2) Any person found guilty of violating sub clause (1) of this clause
28 shall on conviction be liable to a fine not exceeding Two Million naira or to
29 imprisonment for a term not less than Five years or to both such fine and
30 imprisonment.

1 (3) Any institution or group of persons found guilty shall on
2 conviction be liable to a fine not exceeding Ten Million Naira in addition to
3 the proscription of the institution or group.

4 5.-(1) Complaints for infractions of the provision of this Bill shall
5 be filed with the Nigeria Police Force or National Human Rights
6 Commission who shall consider same and deal as appropriate.

Compliant and
Enforcement

7 (2) The Commission shall, in conjunction with appropriate
8 security agencies carry out investigation into complaints submitted to it.

9 (3) Upon completion of investigation, the Commission may
10 forward their findings to the Office of the Attorney General for prosecution.

11 6. The Court may award damages or compensation to the victim of
12 any crime under this Bill.

Power to award
damages or
compensation

13 7. The Federal High Court, High Court of the Federal Capital
14 Territory and the State High Courts shall have jurisdiction to try offences
15 under this Bill.

Jurisdiction

16 8. In this Act:

Interpretation

17 "Hate speech" includes all forms of expression or actions that spread, incite,
18 promote or justify religious, ethnic, cultural, or racial hatred, xenophobia, or
19 other forms of hatred based on intolerance, including intolerance expressed
20 by aggressive nationalism and ethnocentrism, discrimination and hostility
21 against minorities, migrant and people of immigrant origin;

22 "Institutions and groups" means any social group assembly, or organization
23 concerned with God, spirituality, and morality, especially those of the
24 Islamic faiths, Christian faiths, traditional faiths, as well as any other socio-
25 cultural group;

26 "Leader" means any individual in a position of responsibility within a
27 religious group or institution;

28 "Self-help" for purposes of this Act means any act, conduct, or behaviour,
29 including assault, killing, or any form of violence in enforcing this act
30 without going through the legal procedure for enforcing this Bill;

1 "Sacred Space" means a location or space that is acknowledged and accepted as
2 where a person feels a connection to their spirituality, limited to the options
3 articulated herein, or as explicitly identified by majority vote of a local
4 government within which such a space or location may be. A sacred space shall
5 herein include a church, mosque, synagogue, shrine, temple or any other place
6 of worship as identified by a religious person, group or institution;

7 "Sacred Symbol" is defined as an iconic representation intended to represent a
8 specific religion, or a specific concept within a given religion. It is considered
9 by some to be the main characteristic of religious expression;

10 "Sacred Site" is defined as a place where a religious group or institution has
11 given sacred character, by distinguishing it from other places by constructing
12 or adding sacred objects, signs, or decorations to make it a place of spiritual
13 sanctity;

14 "Desecration" means to violate, wilfully and in sound mind, the sanctity of a
15 sacred space or site by urinating, defecating, shedding blood of an animal or
16 person in or around the sacred space or site, destroying, distorting or
17 disfiguring any and or part of the sacred space or site and by doing anything that
18 will cause any destruction or cause harm or discontent to a person that believes,
19 meditates, prays, and otherwise uses that sacred space or site.

Citation

20 9. This Bill may be cited as the Hate Speech Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to among other things provide for the promotions of religious and ethnic tolerance among Nigerians and to prohibit hate speeches that are capable of inciting violence and civil disorder and to provide stiffer punishment for offenders.