

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL RELIGIOUS EQUITY COMMISSION AND TO PROHIBIT ALL FORMS OF RELIGIOUS DISCRIMINATION, RELIGIOUS VICTIMIZATION, RELIGIOUS HARASSMENT, HATE SPEECHES, AND FOR MATTERS CONNECTED THEREWITH

*Sponsored by Senator Stella Oduah*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT OF THE NATIONAL RELIGIOUS EQUITY  
2 COMMISSION

3 1.-(1) There is hereby established a body to be known as the  
4 National Religious Equity Commission (in this Act referred to as the  
5 "Commission").

Establishment  
of the National  
Religious Equity  
Commission

6 (2) The Commission shall be a body corporate with perpetual  
7 succession and a common seal and may sue and be sued in its corporate  
8 name.

9 2.-(1) There shall be for the Commission, a Governing Council (in  
10 this Act referred to as "the Council") which shall be responsible for the  
11 discharge of the Junctions of the Commission.

Governing  
Council of the  
Commission

12 (2) The Council shall consist of-

13 (a) A Co-Chairman who shall be a nominee of the Nigerian  
14 Supreme Council for Islamic Affairs;

15 (b) A Co-Chairman who shall be a nominee of the Christian  
16 Association of Nigeria;

17 (c) A representative each of the following Federal Ministries, that  
18 is-

- 1 (i) Justice;
- 2 (ii) Police Affairs;
- 3 (iii) Internal Affairs.
- 4 (d) Two representatives of the National Human Rights Commission;
- 5 (e) Two representatives of a registered Network of Muslim Human
- 6 rights organisations in Nigeria;
- 7 (f) Two representatives of a registered Network of Christian Human
- 8 rights organisations in Nigeria;
- 9 (g) Two legal practitioners who shall not have less than ten years post
- 10 qualification experience and each to be nominated by the Christian Association
- 11 of Nigeria and the Nigerian Supreme Council for Islamic Affairs respectively;
- 12 (h) three representatives of the media, at least, two of whom shall be
- 13 from the private sector;
- 14 (i) three other persons to represent faiths other than Christianity and
- 15 Islam; and
- 16 (j) the Executive Secretary of the Commission.
- 17 (3) The Co-Chairmen and members of the Commission shall be-
- 18 (a) persons of proven integrity;
- 19 (b) persons of proven record of religious tolerance and inter-faith
- 20 cooperation; and
- 21 (c) appointed by the President, Commander-in-Chief of the Armed
- 22 Forces, on the recommendation of the Nigerian Supreme Council for Islamic
- 23 affairs and Christian Association of Nigeria and the Attorney General in the
- 24 case of items (c), (d), (h), (i) and (j).
- 25 (4) The supplementary provisions set out in the Schedule to this Act
- 26 shall have effect with respect to the proceedings of the Council and the other
- 27 matters contained therein.
- Tenure of Office 28 3.-(1) A member of the Council, other than the Executive Secretary,
- 29 shall hold office for a term of four years and may be re-appointed for one
- 30 further term of four years and no more.

1 (2) A member of the Council may at any time resign his office in  
 2 writing addressed. to the President; Commander-in-Chief of the Armed  
 3 Forces and which resignation shall become effective on acceptance by the  
 4 President, Commander- in-Chief of the Armed Forces.

5 (3) Members of the Council shall be paid such allowances as may  
 6 be determined by the Federal Government.

7 4.-(1) A member of the Council shall cease to hold office if-

Cessation of  
 Membership

8 (a) he becomes of unsound mind;

9 (b) he becomes bankrupt or makes a compromise with his  
 10 creditors;

11 (c) he is convicted of a felony or of any offence involving  
 12 dishonesty, religious discrimination, terrorism; or

13 (d) he is guilty of serious misconduct in relation to his duties.

14 (2) A member of the Council may be removed from office by the  
 15 President, Commander-in-Chief of the Armed Forces if after due  
 16 consultation with the heads of the Nigerian Supreme Council of Islamic  
 17 Affairs and the Christian Association of Nigeria (CAN) he is satisfied that it  
 18 is not in the interest of the public that the member should remain in office.

19 (3) Where a vacancy occurs in the membership of the Council, it  
 20 shall be filled by the appointment of a successor to hold office for the  
 21 remainder of the term of office of his predecessor, so however that the  
 22 successor shall represent the same interest and shall be appointed by the  
 23 President, Commander-in- Chief of the Armed Forces.

#### 24 PART II - FUNCTIONS AND POWERS

25 5. The Commission shall-

Functions of the  
 Commission

26 (a) deal with all matters relating to the protection of the  
 27 fundamental human right to freedom of religion and belief as guaranteed by  
 28 the Constitution of the Federal Republic of Nigeria, the African Charter, the  
 29 United Nations Charter and. the Universal Declaration on Human Rights

- 1 and other international treaties on human rights to which Nigeria is a signatory;
- 2 (b) monitor, investigate and prosecute all cases of religious  
3 discrimination, victimization and harassment and take such other actions as it  
4 may deem expedient in each circumstance;
- 5 (c) assist victims of religious discrimination or violations and seek  
6 appropriate redress and remedies on their behalf;
- 7 (d) undertake studies on all matters relating to religious rights and  
8 practices and assist the Federal Government in the formulation of appropriate  
9 policies on the guarantee of right to freedom from religious discrimination and  
10 victimization;
- 11 (e) Monitor and investigate all cases of religious extremism, hate  
12 speeches and utterances meant to incite religious tension and prosecute persons  
13 responsible for such hate speeches;
- 14 (f) Detect early warning signals of speeches or acts that can trigger  
15 religious tension and take appropriate measures to curtail such;
- 16 (g) Review the safeguards provided by or under the Constitution or  
17 any law for the time being enforce for the protection of religious rights and  
18 recommend measures for their effective implementation;
- 19 (h) review the factors, including acts of bigotry, stereotyping,  
20 religious profiling, terrorism and religious extremism that inhibit the  
21 enjoyment of the free exercise of religious rights and recommend appropriate  
22 remedial measures;
- 23 (i) publish regular reports on the state of religious rights protection  
24 and promotion in Nigeria;
- 25 (j) create awareness and promote advocacy through seminars,  
26 workshops and conferences on religious harmony and inter-faith peaceful co-  
27 existence and any other programmes;
- 28 (k) participate in all international activities relating to the promotion  
29 and protection of human rights especially as it relates to freedoms of religious  
30 beliefs and expressions;

1 (l) maintain a library, collect data and disseminate information and  
2 materials on inter-religious harmony and coexistence; and

3 (m) carry out all such other functions as are necessary or expedient  
4 for the performance of these functions under the Act.

5 6. The Commission shall have power to-

6 (a) do all things which by this Act or any other enactment are  
7 required or permitted to be done by the Commission; and

8 (b.) do such other things as are necessary or expedient for the  
9 performance of its functions under this Act.

10 7. There shall be a Legal, Investigation and Prosecution  
11 Department which shall be responsible for prosecuting offences related to  
12 the violation of religious rights.

Powers of the  
Commission

Legal and  
Prosecution  
Department

13 PART III - PROHIBITED ACTS AND PROCEDURE OF INQUIRY

14 AND REDRESS

15 8.-(1) All direct or indirect forms of religious discrimination,  
16 religious victimization, religious harassment and religiously induced hate,  
17 speeches are hereby prohibited.

Prohibition of  
Discrimination,  
Harassment and  
Victimization

18 (2) All complaints relating to any or all of the above prohibited acts  
19 mentioned in subsection (1) of this section shall be forwarded to the  
20 Commission by persons affected by such acts or their representatives.

21 9. The Commission while inquiring into the complaints of  
22 violations of religious rights may-

Inquiry into  
Complaints

23 (a) call for information or report from an individual, private or  
24 public corporations, or government agency or any other authority or  
25 organization subordinate thereto within such time as may be specified by it:

26 Provided that if the information or report is not received within the time  
27 stipulated by the Commission, it may proceed to inquire into the complaint  
28 on its own;

29 (i) if, on receipt of information or report, the Commission is  
30 satisfied either that no further inquiry is required or that the required action

1 has been initiated or taken by the concerned individual, private or public  
2 corporation, or government agency, it may not proceed with the complaint and  
3 inform the complainant accordingly;

4 (b) Without prejudice to anything contained in clause (a), if it  
5 considers necessary, having regard to the nature of the complaint, initiate an  
6 inquiry.

Steps during  
and after inquiry

7 **10.** The Commission may take any of the following steps during or  
8 upon the completion of an inquiry held under this Act, namely-

9 (a) Where the inquiry discloses the commission of violation of  
10 religious rights and freedom or negligence in the prevention of violation of  
11 religious rights or abetment thereof by a private individual or public servant, it  
12 may direct the concerned individual or Government authority:

13 (i) To make payment of compensation or damages to the complainant  
14 or to the victim or the members of his family as the Commission may consider  
15 necessary:

16 (ii) to initiate proceedings for prosecution or such other suitable  
17 action as the Commission may deem fit against the concerned person or  
18 persons;

19 (iii) to take such further action as it may think fit;

20 (b) direct the concerned individual, private or public corporation, or  
21 government agency at any stage of the inquiry, for the grant of such immediate  
22 interim relief to the victim or the members of his family as the Commission  
23 may consider necessary.

#### 24 Part IV - Staff

Executive  
Secretary of the  
Commission

25 **11.-(1)** There shall be for the Commission an Executive Secretary,  
26 who shall be the chief executive of the Commission and be appointed by the  
27 President, Commander-in-Chief of the Armed Forces, on the recommendation  
28 of the Attorney-General of the Federation.

29 (2) The Executive Secretary shall hold office for a term of five years  
30 in the first instance on such terms and conditions as the President; Commander-

1 in-Chief of the Armed Forces, may, on the recommendation of the Attorney-  
 2 General of the Federation determine, and may be reappointed for one further  
 3 term of five years and no more.

4 (3) Subject to such general directions as the Council may give, the  
 5 Executive Secretary shall be responsible for the day-to-day administration  
 6 of the Commission and the implementation of the decisions of the Council.

7 (4) The Executive Secretary shall perform the functions of keeping  
 8 the record of proceedings and decisions of the Council and such other  
 9 functions as the Council may, from time to time, direct.

10 12.-(1) The Council shall have power to appoint directly, and either  
 11 on transfer or on secondment from any public service in the Federation, such  
 12 number of employees as may, in the opinion of the Council, be required to  
 13 assist the Commission in the discharge of any of its functions under this Act,  
 14 and shall have power to pay to persons so employed such remuneration  
 15 (including allowances) as the Council may determine.

Others Staff of  
 the Commission  
 etc.

16 (2) The terms and conditions of service (including terms and  
 17 conditions as to remuneration, allowances, pensions, gratuities and other  
 18 benefits) of the persons employed by the Commission shall be as determined  
 19 by the Council from time to time.

20 (3) The Council may engage such consultants and advisers as it  
 21 may require for the proper and efficient discharge of the functions of the  
 22 Commission.

23 13. The Commission may, subject to the provisions of this Act,  
 24 make staff regulations relating generally to the conditions of service of the  
 25 employees of the Commission and without prejudice to the generality of the  
 26 foregoing, such regulations may provide for-

Staff Regulation

27 (a) the appointment, promotion and disciplinary control (including  
 28 dismissal) of employees of the Commission; and

29 (b) appeals by such employees against dismissal or other  
 30 disciplinary measures.



1 way of loan or overdraft from any source approved by the Attorney-General  
2 of the Federation, such specified amount of money as may be required by the  
3 Commission for meeting its obligations and discharging its functions under  
4 this Act.

5 (2) The Council may, subject to the provisions of this Act and the  
6 conditions of any trust created in respect of any property, invest all or any of  
7 its funds with consent or general authority of the Attorney-General of the  
8 Federation.

9 (3) The Council may invest any surplus funds of the Commission  
10 in securities prescribed by the Trustee Investments Act or such other  
11 securities as may, from time to time, be approved by the Attorney-General of  
12 the Federation.

13 (4) Subject to the provisions of the Land Use Act, and any special  
14 or general direction which the Attorney-General of the Federation may give  
15 in that behalf, the Council may acquire or lease any land required for its  
16 purpose under this Act.

17 19.-(1) The Council shall cause to be prepared, not later than 30th  
18 December in each year, an estimate of the expenditure and income of the  
19 Commission during the next succeeding year and when prepared they shall  
20 be submitted, through the Attorney-General of the Federation, to the Federal  
21 Executive Council for approval.

Annual Estimates,  
Accounts and Audit

22 (2) The Council shall cause to be kept proper accounts and proper  
23 records in relation thereto and when certified by the Council such accounts  
24 shall be audited as provided in subsection (3) of this section.

25 (3) The accounts of the Commission shall be audited by auditors  
26 appointed from the list of auditors and in accordance with the guidelines  
27 issued by the Auditor-General of the Federation and the fees of the auditors  
28 and the expenses for the audit generally shall be paid from the funds of the  
29 Commission.

Annual Report 1                   **20.** The Council shall not later than six months after the end of each  
2 year, submit, through the Attorney-General of the Federation, to the Federal  
3 Executive Council a report on the activities of the Commission and its  
4 administration during the immediately preceding year and shall include in the  
5 report the audited accounts of the Commission and the auditors comments  
6 thereon.

7                                   **PART V - MISCELLANEOUS PROVISIONS**

Matters not 8                   **21.** The Commission shall not inquire into any matter which is  
subject to 9 pending before a Court of Records of a State or Federal Government or before  
jurisdiction of 10 the National Human Rights Commission.  
the Commission

Power of the 11                   **22.** Subject to the provisions of this Act, the Attorney-General of the  
Attorney General 12 Federation may give to the Council such directives of a general nature with  
13 regard to the exercise by the Council of its functions under this Act;

Regulations 14                   **23.** The Attorney-General may make such regulations as he deems to  
15 be necessary or expedient for giving full effect to the provisions of this Act

Interpretation 16                   **24.** In this Bill, unless the context otherwise requires-  
17 "Commission" means the National Religious Equity Commission established  
18 under Section 1 (1) of this Act;  
19 "Council" means the Governing Council established for the Commission under  
20 Section 2 (1) of this Act;  
21 "Harassment", means conduct or actions with the purpose or effect of violating  
22 the dignity of a person and of creating an intimidating, hostile, degrading,  
23 humiliating or offensive environment;  
24 "Direct discrimination" means the treatment of a person less favourably than  
25 others because of his religion or belief;  
26 "Indirect discrimination" means practices, criteria, policies or employment  
27 rules which, when equally applied to, all employees, have the effect of  
28 disadvantaging people of a particular religion or belief;  
29 "victimisation" means the treatment of a person less favourably for having  
30 made a complaint about religious discrimination, or having supported another

1 person in their complaint procedure.

2 25. This Bill may be cited as the National Religious Equity Citation  
3 Commission Bill, 2019.

4 SCHEDULE

5 Section 2 (4)

6 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

7 *Proceedings of the Council*

8 1.-(1) Subject to this Act and section 27 of the Interpretation Act,  
9 the Council may make standing orders regulating its proceedings or those of  
10 any of its committees.

11 (2) The quorum of the Council shall be eleven members, including  
12 the Chairman and Co-Chairman or, in their absence, the person elected  
13 under paragraph 2(2) of this Schedule to preside, and nine other members  
14 and the quorum of any committee of the Council shall be determined by the  
15 Council.

16 2.-(1) The Council shall meet at least once a month in each calendar  
17 year and subject thereto, the Council shall meet whenever it is summoned by  
18 the Co-Chairmen, and if the Co-Chairmen are required to do so, by notice  
19 given to them by not less than six other members, they shall summon a  
20 meeting of the Council to be held within fourteen days from the date on  
21 which the notice is given.

22 (2) At any meeting of the Council, Co-Chairmen shall preside but if  
23 any of both is absent, the members present at the meeting shall elect one of  
24 their number to preside at the meeting.

25 (3) Where the Council desires to obtain the advice of any person on  
26 a particular matter, the Council may co-opt him to the Council for such  
27 period as it thinks fit, but a person who is in attendance by virtue of this sub-  
28 paragraph shall not be entitled to vote at any meeting of the Council and  
29 shall not count towards a quorum.

1 (4) The decision of the Council shall be by simple majority.

2 *Committees*

3 3.-(1) The Council may appoint one or more committees to carry out,  
4 on behalf of the Council, such of its functions as the Council may determine.

5 (2) A committee appointed under sub-paragraph (1) of this paragraph  
6 shall consist of such number of persons (not necessarily members of the  
7 Council) as may be determined by the Council, and a person other than a  
8 member of the Council, shall hold office on the committee in accordance with  
9 the terms of his appointment.

10 (3) A decision of a committee of the Council shall be of no effect until  
11 it is confirmed by the Council.

#### EXPLANATORY MEMORANDUM

The Bill seeks to establish the National Religious Equity Commission to be charged, amongst other things, with the task to monitoring, investigating and prosecuting cases of religious discrimination, religious harassment and religious victimization in Nigeria.