

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COHESION AND INTEGRATION COMMISSION; OUTLAW DISCRIMINATION ON ETHNIC GROUNDS; PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTIONAL FRAMEWORK FOR NATIONAL COHESION AND PEACE BUILDING; AND FOR CONNECTED PURPOSES, 2019

Sponsored by Senator Gaidam, Ibrahim Alhaji

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria, as follow-

PART I - PRELIMINARY

1 1. This Bill may be cited as the National Cohesion and Integration Commission (Est, etc) Bill, 2019. Short title

2 2. In this Bill- Interpretation

3 "integration," means peace-building and conflict management;

4 "coded language" means information written, spoken, or sent using a special
5 system of words, letters, numbers, idioms, that is expressed in an indirect
6 way to undermine national cohesion and instigate conflicts; and can be
7 understood by a few other people;

8 "Commission" means the National Cohesion and Integration Commission
9 established under section 5;

10 "Commissioner" means a member of the Commission appointed under
11 section 9;

12 "ethnic group" means a group of persons defined by reference to colour,
13 race, religion, clan, nationality or ethnic or national origins;

14 "ethnic relations" include racial, religious, tribal, clan and cultural
15 interactions between various communities, and the words "ethnic" and
16 "ethnicity" shall be construed accordingly;

17 "ethnicity" shall be construed accordingly;

1 "Minister" means the Minister responsible for National cohesion and
2 integration.

3 "peace building" means interventions designed to prevent conflicts or their
4 escalation measures to consolidate peaceful relations through transformative
5 short term and long term processes including conflict prevention, response,
6 traditional dispute resolution, post conflict recovery, mediation and
7 reconciliation;

8 "Secretary" means the Secretary to the Commission appointed under section
9 12; and

10 "vilification" includes saying or writing unpleasant things about a person or
11 persons of a particular ethnicity and or religion so that other people may have a
12 low opinion of that ethnic group or religion.

Object of the
Act

13 3. The object of this Act is to-

14 (a) promote of national unity and non-discrimination on ethnic
15 grounds;

16 (b) provide a framework for the promotion of national cohesion, unity
17 and peace-building;

18 (c) provide mechanisms for co-ordination and implementation of
19 interventions aimed at promoting national cohesion and peace-building; and

20 (d) provide a framework for the promotion of national values and
21 principles of governance..

22 PART II - ESTABLISHMENT OF THE NATIONAL COHESION AND
23 INTEGRATION COMMISSION

24 *Establishment of the National Cohesion and Integration Commission*

Functions of
the Commission

25 4.-(1) There is established the National Cohesion and Integration
26 Commission.

27 (2) The Commission shall be a body corporate with perpetual
28 succession and a common seal and shall, in its corporate name be capable of-

29 (a) suing and being sued;

30 (b) acquiring, holding, charging and disposing of movable and

1 immovable property;
2 (c) entering into contracts; and
3 (d) doing or performing all such other things or acts for the proper
4 discharge of its functions under the Constitution, this Act or any written law,
5 as maybe lawfully done or performed by a body corporate.

6 5. The promotion of national cohesion shall be guided by the-

Guiding
Principles

7 (a) values and principles of governance; and

8 (b) values and principles of public service.

9 6. The functions of the Commission are to-

Functions of
the Commission

10 (a) formulate and implement strategies, plans and programmes for
11 the promotion of national unity;

12 (b) collaborate with institutions and stakeholders to give effect to
13 the policies relating to cohesion and integration;

14 (c) make recommendations to the federal and states governments
15 and any other relevant entities on-

16 (i) the review and reform of practices, policies and legislation
17 relating to cohesion and integration;

18 (ii) the criteria for deciding whether any public office or officer has
19 committed acts of discrimination on the grounds of ethnicity;

20 (d) identify factors inhibiting the attainment of harmonious
21 relations among different social origins and put in place measures to address
22 the problem;

23 (e) promote-

24 (i) equality and the elimination of discrimination on grounds of
25 ethnicity, race and religion;

26 (ii) peaceful coexistence, tolerance, understanding and acceptance
27 of diversity in all aspects of life and encourage appreciation by all ethnic
28 communities of all social, economic, cultural and political life of other
29 communities; and

30 (iii) equal access and enjoyment by persons from different ethnic,

1 racial or social origins of public or other services and facilities provided by
2 Government and private entities;

3 (f) investigate complaints of hate speech, ethnic or racial contempt
4 and discrimination on the basis of ethnic, clan, religious and racial origin and
5 maker recommendations to the Director of Public Prosecution or other relevant
6 authority on the appropriate measures to be taken where such complaints are
7 valid;

8 (g) initiate investigations on its own accord or on request from any
9 institution, office or person into any issue affecting ethnic, clan, racial or social
10 relations;

11 (h) develop policies for the promotion of national values and
12 principles of governance;

13 (i) undertake research and document findings on national cohesion
14 and national values, peace building and conflict management;

15 (j) foster partnerships with relevant state actors, non -state actors,
16 bilateral and multilateral agencies on peace building and conflict management;

17 (k) establish early warning and early response system on conflict and
18 put in place an emergency preparedness and response system to curb imminent
19 conflict; and

20 (l) perform such other functions as may be necessary for the effective
21 discharge of its mandate and exercise of its powers.

Powers of the
Commission

22 7.-(1) The Commission shall have all powers necessary for the
23 effective discharge of its functions under this Act.

24 (2) Without prejudice to the generality of the foregoing, the
25 Commission shall have power to-

26 (a) issue prohibition notices directing persons or entities involved in
27 actions or conduct contrary to national cohesion, integration and peace
28 building within seven days to cease such action or conduct;

29 (b) summon witnesses and call for the production of books, plans, and
30 other documents and to examine witnesses and parties on oath;

1 (c) publish the names of persons or institutions whose words or
2 conduct may undermine or have undermined or contributed towards
3 undermining good ethnic relations, or who are involved in ethnic
4 discriminations or propagation of ethnic hatred;

5 (d) enter into association with other bodies or organizations, within
6 or outside Nigeria, as it may consider desirable or appropriate and in
7 furtherance of the objective for which the Commission is established;

8 (e) control, supervise and administer the assets of the Commission
9 in a manner and for purposes that best promote the purpose for which the
10 Commission is established;

11 (f) receive any grants gifts, donations or endowments and make
12 legitimate disbursements there from; and

13 (g) open bank accounts for the funds of the Commission.

14 8.-(1) The headquarters of the Commission shall be in Abuja.

Headquarters

15 (2) The Commission shall ensure that all its services are accessible
16 to all parts of the country and may establish branches in the six Geo-Political
17 Zones as it may consider necessary.

18 GOVERNING COUNCIL OF THE COMMISSION

19 9.-(1) There shall be for the Commission, a Governing Council (in
20 this Act referred to as "the Council") which shall be responsible for the
21 discharge of the functions of the Commission.

Membership
of the Commission

22 (2) The Council shall consist of:

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

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

27 (c) A representative each of the following Federal Ministries, that
28 is-

29 (i) Justice;

30 (ii) Police Affairs;

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

1 and which resignation shall become effective on acceptance by the
2 President, Commander-in-Chief of the Armed Forces.

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

5 11.-(1) A member of the Council shall cease to hold office if-

Cessation of
Membership

6 (a) he becomes of unsound mind; or

7 (b) he becomes bankrupt or makes a compromise with his
8 creditors; or

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

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

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

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

22 12.-(1) There shall be for the Commission an Executive Secretary,
23 who shall be the chief executive of the Commission and be appointed by the
24 President, Commander-in-Chief of the Armed Forces, on the
25 recommendation of the Attorney-General of the Federation.

Executive
Secretary of the
Commission

26 (2) The Executive Secretary shall hold office for a term of five
27 years in the first instance on such terms and conditions as the President,
28 Commander-in-Chief of the Armed Forces, may, on the recommendation of
29 the Attorney-General of the Federation determine, and may be
30 reappointed for one further term of five years and no more.

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

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

Others Staff
of the Commission
etc.

7 **13.**-(1) The Council shall have power to appoint directly, and either on
8 transfer or on secondment from any public service in the Federation, such
9 number of employees as may, in the opinion of the Council, be required to
10 assist the Commission in the discharge of any of its functions under this Act,
11 and shall have power to pay to persons so employed such remuneration
12 (including allowances) as the Council may, determine.

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

17 (3) The Council may engage such consultants and advisers as it may
18 require for the proper and efficient discharge of the functions of the
19 Commission

Staff Regulation

20 **14.** The Commission may, subject to the provisions of this Act, make
21 staff regulations relating generally to the conditions of service of the
22 employees of the Commission and without prejudice to the generality of the
23 foregoing, such regulations may provide for-

24 (a.) the appointment, promotion and disciplinary control (including
25 dismissal) of employees of the Commission; and

26 (b.) appeals by such employees against dismissal or other disciplinary
27 measures.

Condition of
Service

28 **15.** The Commission shall, with the approval of the Attorney-
29 General of the Federation, determine its conditions of service, including
30 pensions and gratuities, as is appropriate for its employees.

1 16.-(1) It is hereby declared that service in the Commission is a
2 scheduled service and shall be deemed to be pensionable under the Pensions
3 Act and, accordingly, employees of the Commission shall in respect of their
4 service in the Commission, be entitled to pensions, gratuities and other
5 retirement benefits as are prescribed there under.

Pensions,
Cap. 346 LFN

6 (2) Notwithstanding the provisions of subsection (1) of this
7 section, nothing in this Act shall prevent the appointment of a person to any
8 office on terms which preclude the grant of a pension or gratuity in respect of
9 that office.

10 17. No matter or thing done by a member of the Commission or
11 any officer of the Commission shall, if the matter is done in good faith while
12 executing the functions, powers or duties of the Commission, render the
13 member officer, employee or agent personally liable for any action, claim or
14 demand whatsoever.

Protection from
personal liability

15 18.-(1) if any person has a personal or fiduciary interest in any
16 matter before the Commission, and is present at a meeting of the
17 Commission or any committee at which that matter is the subject of
18 consideration, that person shall as soon as is practicable after the
19 commencement of the meeting, declare such interest and shall not take part
20 in any consideration or discussion of, or vote on any question touching on
21 such matter.

Conflict of
interest

22 (2) A disclosure of interest made under subsection (1) shall be
23 recorded in the minutes of the meeting at which it is made.

24 (3) No member or staff of the Commission shall transact any
25 business or trade with the Commission directly or indirectly.

26 (4) A person who contravenes this section commits an offence and
27 shall be liable, upon conviction, to a fine not exceeding three million naira or
28 to imprisonment for a term not exceeding seven years or to both.

29 PART III - FINANCIAL PROVISIONS

30 19.-(1) The funds of the Commission shall consist of-

Funds of the
Commission

1 (a) monies allocated by the National Assembly for purposes of the
2 Commission;

3 (b) such monies or assets as may accrue to the Commission in the
4 course of exercise of its powers or in the performance of its functions under this
5 Act; and

6 (c) monies from any other source provided, donated or lent to the
7 Commission.

Annual estimates

8 **20.**-(1) Before the commencement of each financial year, the
9 Commission shall cause to be prepared estimates of the revenue and
10 expenditure of the Commission for that year.

11 (2) The annual estimates shall make provision for all the estimated
12 expenditure of the Commission for the financial year concerned and, in
13 particular, shall provide for the-

14 (a) payment of remuneration in respect of the members and staff of the
15 Commission;

16 (b) payment of pensions, gratuities and other charges in respect of
17 benefits which are payable out of the funds of the Commission;

18 (c) maintenance of the buildings and grounds of the Commission;

19 (d) funding of training, research and development of activities of the
20 Commission; and

21 (e) any other expenditure necessary for purposes of this Act.

Power to accept
gifts

22 **21.**-(1) The Commission may accept gifts of land, money or other
23 property on such terms and conditions, if any, as may be specified by the person
24 or organization making the gift.

25 (2) The Commission shall not accept any gift if the conditions
26 attached by the person or organization making the gift are inconsistent with the
27 functions of the Commission.

Borrowing
Power etc.

28 **22.**-(1) The Council may, with the consent or in accordance with any
29 specific authority given by the Attorney-General of the Federation, borrow by
30 way of loan or overdraft from any source approved by the Attorney-General of

1 the Federation, such specified amount of money as may be required by the
2 Commission for meeting its obligations and discharging its functions under
3 this Act.

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

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

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

16 **23.**-(1) The Council shall cause to be prepared, not later than 30th
17 December in each year, an estimate of the expenditure and income of the
18 Commission during the next succeeding year and when prepared they shall
19 be submitted, through the Attorney-General of the Federation, to the Federal
20 Executive Council for Approval

Annual Estimates,
Accounts and
Audit

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

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

29 **24.** The Council shall not later than six months after the end of
30 each year, submit, through the Attorney-General of the Federation, to the

Annual Report

1 Federal Executive Council a report on the activities of the Commission and its
2 administration during the immediately preceding year and shall include in the
3 report the audited accounts of the Commission and the auditors comments
4 thereon.

5 PART IV - DISCRIMINATION, HATE SPEECH AND NEGATIVE ETHNICITY

6 25.-(1) A person discriminates against another person if-

Ethnic
discrimination

7 (a) on the basis of ethnicity or religion, the person treats that other
8 person less favorably than he or she treats or would treat another person; or

9 (b) he applies to another person a requirement or condition which
10 applies or would apply to persons not of the same ethnic group as that other
11 person but-

12 (i) which is such that the proportion of persons of the same ethnic
13 group as that other person who can comply with the condition or requirement is
14 considerably smaller than the proportion of persons not of that ethnic group
15 who can comply with it;

16 (ii) the person cannot show to be justifiable irrespective of the colour,
17 race, nationality or ethnic or national origins of the person to whom it applied;
18 and

19 (iii) is to the detriment of that other person because that person cannot
20 comply with it.

21 (2) A person discriminates against another person under subsection
22 (1) (b), if that person applies to another person a provision, criterion or practice
23 which he or she applies or would apply equally to persons not of the same race
24 or ethnic or national origins as that other person, but which-

25 (a) puts or would put persons of the same race or ethnic or national
26 origins as that other person at a particular disadvantage when compared with
27 other persons;

28 (b) puts that other person at a disadvantage; and

29 (c) the discriminator cannot show to be a proportionate means of
30 achieving a legitimate aim.

1 (3) For the purposes of this Act, treating a person less favorably
2 than another person includes the segregation of a person from other persons
3 on ethnic grounds.

4 (4) Subsection (1) does not apply to treatment of a person who has
5 made an allegation if it is proved in a court of law that the allegation was
6 false and not made in good faith.

7 26. A person discriminates against another person by way of
8 victimization if the person carries out an act that is injurious to the well-
9 being and esteem of that person by treating that person less favorably than
10 other persons on grounds that the person discriminated against intends to or
11 has-

Discrimination
by through
victimization

12 (a) brought proceedings against the discriminator or any other
13 person under this Act;

14 (b) done anything under this Act in relation to the discriminator or
15 any other person;

16 (c) given evidence or information in connection with proceedings
17 brought by any person under this Act; or

18 (d) alleged that the discriminator or any other person committed
19 an act which would amount to a contravention of this Act.

20 27.-(1) A public entity shall ensure representation of the diversity
21 of the people of Nigeria in the employment of staff.

Discrimination
in employment

22 (2) A public entity shall not recruit or have in its employment more
23 than one third of its staff from the same ethnic community.

24 (3) An employer shall ensure equity in the employment of persons
25 in the respective entity and shall, for this purpose,

26 28.-(1) It shall not be deemed discriminatory under this Part where,
27 having regard to the nature of the employment or the context in which it is
28 carried out-

Exception to
discrimination
in the employment
field

29 (a) being of a particular race or particular ethnic or national origin
30 is a genuine and determining occupational requirement; and

1 (b) it is appropriate to apply that requirement in the particular case and
2 the person to whom that requirement is applied does not meet it.

3 (2) Being of a particular ethnic group, is an occupational qualification
4 and not a ground for discrimination for a job where-

5 (a) the job involves cultural entertainment in a capacity for which a
6 person of that ethnic group is required for reasons of authenticity; or

7 (b) the job involves a work of art, visual image or sequence of visual
8 images for which a person of that ethnic group is required for reasons of
9 authenticity; or

10 (c) the holder of the job provides persons of that ethnic group with
11 personal services promoting their welfare, and those services can most
12 effectively be provided by a person of that ethnic group.

13 (3) The provisions of subsection (2) do not apply in relation to the
14 filling of a vacancy at a time when the employer already has employees of the
15 ethnic group in question-

16 (a) who are capable of carrying out the duties falling specifically
17 within that paragraph;

18 (b) whom it would be reasonable to employ on those duties; and

19 (c) whose numbers are sufficient to meet the employer's likely
20 requirements in respect of those duties without undue inconvenience.

Persuasion or
profession,
Discrimination
in membership
of organization

21 **29.**-(1) An organization shall not to discriminate against a person who
22 is not a member of the organization-

23 (a) in the terms in which it is prepared to admit that person to
24 membership; or

25 (b) by refusing or deliberately omitting to accept that person's
26 application for membership.

27 (2) Subsection (1) shall not apply to an organization whose
28 membership is limited to a given religious.

29 **30.**-(1) A public or private body, licensing authority, planning
30 authority, public authority, employment agency, educational establishment or

1 body offering training, not discriminate against any person in the provision
2 of services.

3 (2) Subsection (1) shall not apply-

4 (a) where it is proven that the alleged discriminatory act is a
5 necessary requirement in the nature of business transaction and there is no
6 alternative way of realizing the desired goal;

7 (b) to public authorities-

8 (i) in relation to any judicial act whether done by a court of law,
9 tribunal or other person or any act done on the instructions, or on behalf, of a
10 person acting in a judicial capacity; or

11 (ii) for any action undertaken by the comptroller General of
12 immigration, under any law on immigration, with respect to citizenship or
13 nationality of a person.

14 **31.**-(1) Public resources shall, as far as is practicable, be distributed
15 equitably geographically taking into account Nigeria's diversity, population
16 and poverty index.

Discrimination
in access to and
distribution of
public resources

17 (2) It shall be unlawful for any State or public officer, while in
18 charge of public resources and without justification, to distribute resources
19 in an ethnically inequitable manner.

20 (3) Public resources shall be deemed to have been distributed in an
21 ethnically inequitable manner where-

22 (a) an officer fails to use the criteria established under this Act or
23 any other law in allocating resources by regions;

24 (b) a specific region consistently receives more resources than
25 another region and there is no clear justification for it; or

26 (c) more resources are allocated to a region that requires remedial
27 resources than to an area that requires start up resources.

28 **32.**-(1) A manager under this section shall mean a person who has
29 the power to lease, let or dispose of public property or property that is wholly
30 meant for use by the;

Public
Discrimination
in property
ownership,
management and
disposal

1 (2) It is unlawful for a manager to discriminate against another
2 person-

3 (a) in the terms such manager offers, lets, manages or disposes the
4 property to another person;

5 (b) by unjustifiably refusing the other person's proposal for sale or
6 engagement in the manager's business, where the same conditions do not apply
7 to persons who are of the same ethnic group as such manager;

8 (c) in a manager's treatment of a person with regard to any list of
9 persons in need of property of that description.

10 (3) It is unlawful for a manager to discriminate against a person
11 occupying premises-

12 (a) in the way such manager affords a person access to any benefits or
13 facilities, or by refusing or deliberately omitting to afford a person such access;

14 (b) by evicting a person or subjecting that person to any other
15 detriment.

Exceptions to
discrimination/
affirmative action

16 **33.-(1)** Nothing contained in this Part shall render unlawful any act
17 done-

18 (a) to afford persons of a particular ethnic group access to facilities or
19 services to meet the special needs of such persons in regard to their education,
20 training or welfare, or other ancillary benefits; or

21 (b) on grounds other than race, ethnic or national origin for the benefit
22 of a person who is not a Nigeria citizen to afford the person access to facilities
23 for education or training or other ancillary benefits, where it appears that the
24 person in question does not intend to remain in Nigeria after the period of
25 education or training.

26 (2) Nothing in this Part shall render unlawful any act done in relation
27 to particular work by a person in or in connection with -

28 (a) affording a person of a particular racial group access to facilities
29 for training which would help to equip them for that work; or

30 (b) encouraging a person of a particular ethnic group to take

1 advantage of opportunities for doing that particular work, where it
2 reasonably appears to that person, that any time within the twelve months
3 immediately preceding the doing of that act-

4 (i) there were no persons of that group among those doing that
5 work in Nigeria; or

6 (ii) the proportion of persons of that group among those doing that
7 work in Nigeria was small in comparison with the proportion of persons of
8 that group among the population of Nigeria .

9 (3) Where in relation to particular work it reasonably appears to
10 any person that although the condition for the operation of subsection (2) is
11 not met for the whole of Nigeria it is met for an area within Nigeria, nothing
12 in this Part shall render unlawful any act done by that person in or in
13 connection with-

14 (a) affording persons who are of the ethnic group in question, and
15 who appear likely to take up that work in that area, access to training in
16 preparation for that work; or

17 (b) encouraging persons of that group to take advantage of
18 opportunities in the area for doing that work.

19 **34.-(1)** A person shall not utter, publish, write or post words or
20 images intended to incite feelings of contempt, hatred, hostility, violence or
21 discrimination against any person;

Ethnic or racial
contempt

22 (2) A person who contravenes subsection (1) commits an offence
23 and shall be liable, upon conviction to a fine not exceeding one million naira,
24 or to imprisonment for a term not exceeding five years, or to both.

25 (3) A website administrator or media enterprise shall not publish
26 posts words or images intended to incite feelings of contempt, hatred,
27 hostility, violence or discrimination against any person ,group or
28 community on the basis of ethnicity or race;

29 (4) A website administrator or media enterprise that contravenes
30 subsection (3) commits an offence and shall be liable, on conviction to a fine

1 not exceeding one million naira, or to imprisonment for a term not exceeding
2 five years, or to both.

3 (5) Where a website administrator or media enterprise is a corporation
4 the principal officers shall be held personally liable on conviction to a fine not
5 exceeding five million naira or to imprisonment for a term not exceeding five
6 years, or to both.

Threats

7 **35.** A person who-

8 (a) subjects or threatens to subject another person to any detriment
9 because that other person, or a person associated with that other person-

10 (i) has made a complaint against any person;

11 (ii) has brought any other proceedings under this Act against any
12 person; or

13 (iii) has given evidence or information, or produced a document, in
14 connection with any proceedings under this Act; commits an offence and shall,
15 on conviction, be liable to a fine not exceeding two hundred thousand naira or
16 to imprisonment for a term not exceeding one year or to both.

Offences

17 **35.** A person who-

18 (a) without justification or lawful excuse obstructs, hinders or
19 threatens an officer acting under this Act;

20 (b) submits false or misleading information;

21 (c) fails to honour summons; or

22 (d) knowingly misleads the Commission or a member of staff of the
23 Commission acting under this Act, commits an offence and is liable, on
24 conviction, to a fine not exceeding two hundred thousand naira or to
25 imprisonment for a term not exceeding one year or to both.

26 PART V - COMPLAINTS, INVESTIGATIONS AND ENFORCEMENT

Complaints

27 **37.**-(1) A matter may be investigated if - Matters that maybe
28 investigated.

29 (a) it is of such serious nature that it warrants an investigation;

30 (b) it concerns a possible contravention in relation to class or group of

1 persons; and

2 (c) the circumstances are such that the lodging of a complaint by
3 one person only would not be appropriate

4 (2) If the Commission after investigation is satisfied that a person
5 has contravened a provision of part IV of this Act, the Commission shall
6 make all reasonable endeavors to conciliate the matter.

7 **38.** A complaint to the Commission may be made on behalf of an
8 aggrieved person-

9 (a) if the aggrieved person is dead or otherwise not able to act for
10 himself or herself by a member of his or her family or other person suitable
11 to represent the aggrieved person; or

12 (b) by a member of Parliament with the consent of the aggrieved
13 person or other person who, under paragraph (a), is entitled to make the
14 complaint on behalf of the aggrieved person.

15 **39.-(1)** A person wishing to lodge a complaint under this Act may Form of complaint
16 do so orally or in writing addressed to the Commission.

17 (2) Where a complaint under subsection (1) is made orally, the
18 Commission shall cause the complaint to be recorded in writing.

19 (3) A complaint under subsection (1) shall be in such form and
20 contain such particulars as the Commission may prescribe.

21 (4) Upon receipt of a complaint under subsection (1), the
22 Commission may-

23 (a) call for information or a report regarding such complaint from
24 any person within such reasonable time as may be specified by the
25 Commission; and

26 (b) without prejudice to paragraph (a), initiate such inquiry as it
27 considers necessary, having regard to the nature of the complaint.

28 (5) If the information or report called for under subsection 4 (a) is
29 not received within the time stipulated by the Commission, the Commission

1 may proceed to inquire into the complaint without such information or report.

2 (6) If on receipt of the information or report the Commission is
3 satisfied either that no further action is required or that the required action has
4 been initiated by a State organ or other body responsible for the matters
5 complained of, the Commission shall, in writing, inform the complainant
6 accordingly and take no further action.

Investigations
by the
Commission

7 40.-(1) The Commission may, for the purpose of conducting any
8 investigation pertaining to an inquiry, employ the services of any public officer
9 or investigation agency of the Government at the expense of the Commission.

10 (2) For the purpose of investigating any matter pertaining to an
11 inquiry, a public officer or agency whose services are employed under
12 subsection (1) may, subject to the direction and control of the commission-

13 (a) summon and enforce the attendance of any person for
14 examination;

15 (b) require the discovery and production of any document and;

16 (c) subject to the Constitution and any written law requisition any
17 public records and copy thereof from any public officer.

18 (3) The public officer or any agency whose services are employed
19 under subsection (1) shall investigate any matter pertaining to the inquiry and
20 submit a report there onto the Commission.

21 (4) The Commission shall satisfy itself on the correctness of the facts
22 stated and the conclusion, if any arrived at in the report submitted to it under
23 subsection (3) and for that purpose, the Commission may make such inquiry,
24 including the examination of any person or person's shoes conduct can assist in
25 the investigation as it considers necessary.

Notice if
complaint was
not investigated

26 41. If the Commission decides not to investigate or to discontinue the
27 investigation of a complaint, the Commission shall inform the complainant in
28 writing of that decision and the reasons for that decision as soon as reasonably
29 possible.

1 42. Before commencing an investigation under this Act, the
2 Commission shall give notice of the intended investigation to the
3 administrative head of the State organ, public office or organization.

Notice of
investigation to
organization

4 43.-(1) subject to subsection (2), if at any stage of an inquiry the
5 Commission-

Person likely to
be prejudiced or
affected to be
heard

6 (a) considers it necessary to inquiry into the conduct of any person;

7 (b) is of the opinion that the reputation of any person is likely to be
8 prejudiced by the inquiry, it shall give that person an opportunity to appear
9 before the Commission by himself or by an advocate to give evidence in his
10 own defence.

11 (2) This section shall not apply where the credibility of a witness is
12 being impeached.

13 44. No statement made by a person in the course of giving
14 evidence before the Commission shall subject such person to any civil or
15 criminal proceedings except forgiving false evidence by such statement.

Statements made
by persons to the
Commission

16 45. The Commission may, upon inquiry into a complaint under
17 this Act take any of the following steps-

Action after
inquiry

18 (a) where the inquiry discloses a criminal offence, refer the matter
19 to the Director of Public Prosecution or any other relevant authority or
20 undertake such other action as the Commission may deem fit against the
21 concerned person or persons;

22 (b) recommend to the complainant a course of other judicial
23 redress;

24 (c) recommend to the complainant and to the relevant
25 governmental agency or other body concerned in the alleged violation, other
26 appropriate methods of settling the complaint or to obtain relief;

27 (d) provide a copy of the inquiry report to all interested parties; and

28 (e) submit summonses as it deems necessary in fulfillment of its
29 mandate.

30 46.-(1) After concluding an investigation or an inquiry under this

1 Act, the Commission shall make a report to the State organ, public office or
2 organization to which the investigation relates.

3 (2) The report shall include-

4 (a) the findings of the investigation and any recommendations made
5 by the Commission;

6 (b) the action the Commission considers should be taken and the
7 reasons for the action; and

8 (c) any recommendation the Commission considers appropriate.

9 (3) The Commission may require the State organ, public office or
10 organization that was the subject of the investigation to submit a report to the
11 Commission within a specified period on the steps, if any, taken to implement
12 the recommendations of the Commission.

13 (4) If there is failure or refusal to implement the recommendations of
14 the Commission within the specified time, the Commission may prepare and
15 submit to the National Assembly report detailing the failure or refusal to
16 implement its recommendations and Parliament shall take appropriate action

Report to
organization

17 **47.** If, after an investigation, the Commission is of the opinion that
18 there is evidence that a person, an officer or employee of the State organ, public
19 office or organization which was investigated under this Act is guilty of
20 misconduct, the Commission shall report the matter to the appropriate
21 authority.

Hearings of the
Commission

22 **48.** The hearings of the Commission during an inquiry shall be open
23 to the public, except where the Commission decides otherwise.

Protection of
persons giving
evidence and
information

24 **49.** A person shall not be liable for any loss, damage or injury suffered
25 by another person by reason of lodging of a complaint or the production of
26 documents, information or evidence.

Report to the
complaint

27 **50.-(1)** If the Commission considers that a complaint may be
28 conciliated successfully, the Commission shall refer the complaint to the
29 Secretary for conciliation.

- 1 (2) The Commission shall endeavor to resolve any matter before it
2 through conciliation, mediation and negotiation. Commission may
refer complaint
to conciliation
- 3 (3) The Commission shall constitute a conciliation committee
4 from amongst its members.
- 5 (4) A conciliation committee shall, by written notice require any
6 person to-
- 7 (a) attend the committee sittings to discuss the subject matter of the
8 complaint; or
- 9 (b) produce any documents specified in the notice.
- 10 **51.-(1)** If, pursuant to section 53, the parties to the complaint reach
11 an agreement, the conciliation committee shall record the conciliation
12 agreement. Conciliation
agreements
- 13 (2) The parties shall be bound to comply with the conciliation
14 agreement under subsection (1).
- 15 **52.-(1)** The Commission may decline to consider a complaint if it
16 considers that a complaint- Commission may
decline to
entertain
Complaint
- 17 (a) is frivolous, vexatious, misconceived or lacking in substance;
- 18 (b) involves a subject matter that would be more appropriately
19 dealt with by a court of law; or
- 20 (c) relates to an alleged contravention of the Act that took place
21 more than twelve months before the complaint was lodged
- 22 (2) The Commission shall notify the complainant and the
23 respondent of its decision in writing within thirty days after the complaint
24 was lodged.
- 25 **53.-(1)** A respondent may apply in writing to the Commission to
26 have a complaint or any part of it struck out on grounds that it is frivolous,
27 vexatious, misconceived or lacking in substance. Application to
strike out
complaint
- 28 (2) An application under subsection (1) may be made at any time-
- 29 (a) before the respondent has been given notice to attend under

1 section 53 or has otherwise been notified by the Commission of a date for
2 conciliation; or

3 (b) after the conciliation has been completed but before the complaint
4 is set down for hearing.

5 (3) The Commission shall begin to hear the application within
6 fourteen days after conciliation has failed and shall determine it as
7 expeditiously as possible.

decisions of
the Commission

8 **54.** The Commission shall after, hearing the evidence that the parties
9 to a complaint, adduce-

10 (a) find the complaint or any part of it proven and issue a compliance
11 notice in a manner provided for under section 63; or

12 (b) find the complaint or any part of it not proven and make an order
13 that the complaint or part of it be dismissed

Compliance
Notice

14 **55.-(1)** The Commission may issue a compliance notice to any person
15 requiring the person to whom it is issued to comply with the duty specified
16 therein.

17 (2) A person issued with a compliance notice under subsection (1)
18 shall inform the Commission within thirty days of the date on which the notice
19 is served, of the steps that the person has taken, or is taking, to comply with the
20 duty specified in the notice.

21 (3) A compliance notice issued under subsection (1) may require the
22 person concerned to furnish the
23 Commission with such documents required by the notice in order to verify that
24 the notice has been complied with.

25 (4) A compliance notice issued under subsection (1) may require the
26 person concerned to furnish the Commission with such documents required by
27 the notice in order to verify that the notice has been complied with.

28 (5) A compliance notice shall specify-

29 (a) the date, no later than three months from the date on which the
30 notice is served, when any information specified in the notice is to be furnished

1 to the Commission; and

2 (b) the manner and form in which any information is to be
3 furnished.

4 (6) A compliance notice issued under this section shall not require a
5 person to furnish information which that person would not be compelled to
6 furnish in evidence in civil proceedings before a court of law

7 **56.**-(1) The Commission may apply to the High Court for an order
8 requiring a person to furnish any information required by a compliance
9 notice if-

Enforcement of
Compliance
Notice

10 (a) that person fails to furnish the information to the Commission in
11 accordance with the compliance notice; or

12 (b) the Commission has reasonable cause to believe that the person
13 does not intend to furnish the information.

14 (2) If a person has not complied with section 63, the Commission
15 may apply to the High Court for an order requiring the person to comply
16 with the requirement of the notice

17 **57.**-(1) The Commission shall, in exercising its powers, expedite
18 the disposal of special references.

Special References

19 (2) A special reference is-

20 (a) a complaint the resolution of which may have significant social,
21 economic or financial effects on a community or a section of a community;

22 (b) a complaint the subject matter of which involves issues of a
23 particular complexity and the resolution of which may establish important
24 precedents in the interpretation or application of this Act.

25 (3) The Commission shall determine whether or not a matter
26 brought before it is a special reference.

27 **PART VI - MISCELLANEOUS PROVISIONS**

28 **58.**-(1) Proceedings against the Commission shall be deemed to be
29 proceedings against the Government and shall be subject to the Government
30 Proceedings Act.

Legal Proceedings
against the
Commission

1 (2) Any notice or other process in respect of legal proceedings under
2 subsection (1) shall be served upon the Secretary to the Commission.

Confidentiality
of information

3 59.-(1) A person shall not, either directly or indirectly disclose,
4 communicate, or make a record of any information obtained during the
5 performance of their functions or duties under this Act, unless it is necessary to
6 do so for the purpose of or in connection with, the performance of a function or
7 duty or the exercise of power under this Act or any other written law.

8 (2) Subsection (1) applies to every person who-

9 (a) is or has been-

10 (i) a member of the Commission;

11 (ii) the Secretary to the Commission;

12 (iii) a member of staff of the Commission; or

13 (iv) any other person acting under the authority of the Commission;

14 (b) has obtained information as a result of another person performing
15 functions or duties or exercising powers under this Act.

16 (3) A person who contravenes subsection (1) commits an offence and
17 shall be liable on conviction to a fine not exceeding one hundred thousand
18 shillings or to imprisonment to a term not exceeding of six months or both.

Protection of
witnesses and
informants

19 60. If a complaint has been lodged or a document or any information
20 or evidence has been produced or given to the Commission, a person is not
21 personally liable for any loss, damage, or injury suffered by another person by
22 reason only of the lodging of the complaint or the production or giving of the
23 document, information or evidence.

Offences by
members of staff

24 61.-(1) A member of the Commission or member of staff commits an
25 offence if he or she-

26 (a) causes anything to be done through another person that would
27 constitute a contravention of the Act if done by the member or officer; or

28 (b) allows or directs a person under their supervision or control to do
29 anything that is in contravention of the Act.

30 (2) Subsection (1) (b) shall not apply where any thing is done without

1 the member of staff's knowledge or consent or if the member of staff has
2 taken reasonable steps to prevent it.

3 (3) A member of staff who acts under an unlawful direction shall be
4 responsible for his or her action.

5 62.-(1) If a public officer considers that anything required of them
6 is in contravention of the Act or is otherwise improper or unethical, the
7 member or officer shall report the matter to the Commission.

Reporting

8 (2) The Commission shall investigate the report and take
9 appropriate action within ninety days of receiving the report. improper
10 orders.

11 63.-(1) A person who-

12 (a) fails to comply with a notice by the Commission issued under
13 section 64;

14 (b) without reasonable justification or other lawful cause hinders
15 or obstructs or uses insulting language against a Commissioner, member of
16 staff of the Commission or the Secretary in the exercise of powers or the
17 performance of functions under this Act; or

18 (c) gives any information or makes any statement which the person
19 knows is false or misleading in any material particular to the Commission,
20 the Secretary or a person acting on behalf of the Commission commits an
21 offence, and on conviction, is liable to a fine not exceeding one hundred
22 thousand naira or to imprisonment for a term not exceeding one year or to
23 both.

24 64. Any person who commits an offence under this Act for which
25 no penalty is provided is liable, on conviction, to a fine not exceeding one
26 million naira or to a term of imprisonment not exceeding two years or to
27 both.

Other offences

28 65.-(1) A person who is aggrieved by a decision of the Commission
29 under this Act may, within fourteen days apply to the Commission for
30 review of that decision.

General penalty

1 (2) The Commission shall, within thirty days, determine and
2 communicate its decision to the appellant Review.

Regulations

3 66.-(1) The Minister may, in consultation with the Commission make
4 Regulations for the effective implementation of this Act.

5 (3) Despite the generality of subsection (1) the Minister shall make
6 Regulation.

7 (a) promoting the use of alternative and traditional dispute resolution
8 mechanisms;

9 (b) prescribing procedures of complaints, conciliation committee and
10 other bodies established under this Act; or

11 (c) prescribing forms for the purposes of this Act.

12 SCHEDULE

13 *Section 9 (4)*

14 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

15 *Proceedings of the Council*

16 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
17 Council may make standing orders regulating its proceedings or those of any of
18 its committees.

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

23 2.-(1) The Council shall meet at least once a month in each calendar
24 year and subject thereto, the Council shall meet whenever it is summoned by
25 the Co-Chairmen, and if the Co-Chairmen are required to do so, by notice given
26 to them by not less than six other members, they shall summon a meeting of the
27 Council to be held within fourteen days from the date on which the notice is
28 given.

29 (2) At any meeting of the Council, Co-Chairmen shall preside but if
30 any of both is absent, the members present at the meeting shall elect one of their

1 number to preside at the meeting.

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

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

8 *Committees*

9 3.-(1) The Council may appoint one or more committees to carry
10 out, on behalf of the Council, such of its functions as the Council may
11 determine.

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

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Cohesion and Integration Commission; outlaw discrimination on ethnic grounds; provide for the establishment of an Institutional framework for national cohesion and peace building

