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DESIGNATION OF THE NATIONAL HUMAN RIGHTS COMMISSION AS NIGERIA'S NATIONAL PREVENTIVE MECHANISM ORDER, 2024



ARRANGEMENT OF ORDER

Order:

1. Designation of Nigeria's National Preventive Mechanism
2. Institutionalisation of NPM
3. Functions and powers of the NPM
4. Citation

S. I. No. 21 of 2024

**DESIGNATION OF THE NATIONAL HUMAN RIGHTS
COMMISSION AS NIGERIA'S NATIONAL PREVENTIVE
MECHANISM ORDER, 2024**

[20th Day of May, 2024]

Commence-
ment

WHEREAS, the Federal Republic of Nigeria is a signatory to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("UNCAT") adopted by the United Nations General Assembly on 10th day of December, 1984, as well as the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("OPCAT") adopted on 18th Day of December, 2002 ;

WHEREAS, Nigeria ratified the UNCAT on 28th June, 2001 and the OPCAT on 27 July 2009 respectively, and enacted the Anti-Torture Act on 20th December, 2017 ;

WHEREAS, by Articles 3, 17 and 19 of the OPCAT, each State Party is under obligation to, amongst other things, set up, designate or maintain at the domestic level, one or several independent National Preventive Mechanisms ("NPM"), latest one year after the entry into force of the Protocol or of its ratification or accession, for the purpose of conducting inspections of all places of detention, and examining the treatment of persons deprived of their liberty, with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment ;

AND WHEREAS, Nigeria is desirous of designating the National Human Rights Commission, an independent statutory body established under the National Human Rights Commission Act, 2010 (as amended), with powers to, amongst other things, promote and protect human rights, conduct investigations of alleged violation of human rights, and enforce decisions arising from its findings, as its National Preventive Mechanism in line with the requirements of OPCAT ;

NOW THEREFORE, in exercise of powers conferred on me by section 5(1)(b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and in line with Nigeria's obligations under Article 2 of the UNCAT, and Articles 3 and 17 of the OPCAT, and all other powers enabling me in that behalf, I, BOLA AHMED TINUBU, GCFR, President, Federal Republic of Nigeria, hereby make the following Order —

Designation of Nigeria's National Preventive Mechanism

1. The National Human Rights Commission ("NHRC") established under section 1 of the National Human Rights Commission Act, 2010 (as amended), is designated as Nigeria's National Preventive Mechanism ("NPM") in accordance with Articles 3 and 17 of the OPCAT and in line with Nigeria's obligations under Article 2 of the UNCAT.

Institutionalisation of NPM

2.—(1) The NHRC shall have a Specialised Department within the Commission to undertake responsibilities and obligations as Nigeria's National Preventive Mechanism under the OPCAT.

(2) The NHRC shall, in line with applicable guidelines for the constitution and operations of an NPM take necessary measures to ensure the —

(a) operational independence of the NPM ; and

(b) appropriate resourcing of its activities, programmes and projects.

Functions and powers of the NPM.

3. The Specialised Department shall perform the functions and exercise the powers to be exercised by an NPM under the OPCAT, including —

(a) regular inspection and examination of the treatment of persons deprived of their liberty in places of detention as defined under Article 4 of the OPCAT, with a view to strengthening their protection against torture and other inhuman or degrading treatment or punishment ;

(b) having access to information relating to the treatment of persons deprived of their liberty as well as their conditions of detention ;

(c) having opportunity to have private interviews with persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary ; and

(d) making recommendations to the relevant authorities with the aim of—

(i) improving the treatment and conditions of the persons deprived of their liberty, and

(ii) preventing torture and other inhuman or degrading treatment or punishment.

Citation

4. This Order may be cited as Designation of the National Human Rights Commission as Nigeria's National Preventive Mechanism Order, 2024.

Dated this 20th day of May, 2024.

BOLA AHMED TINUBU, GCFR

President, Federal Republic of Nigeria

EXPLANATORY NOTE

*(This note does not form part of this Order
but is intended to explain its purport)*

This Order designate the National Human Rights Commission (“NHRC”) established under section 1 of the National Human Rights Commission Act, 2010 (as amended), as Nigeria’s National Preventive Mechanism (“NPM”) in accordance with Articles 3 and 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.