

**RECOGNITION AND PROTECTION OF HUMAN RIGHTS
DEFENDERS, AND ENHANCING THE CAPACITY OF THE
GOVERNMENT OF NIGERIA TO PROTECT HUMAN RIGHTS
DEFENDERS BILL, 2024**

SPONSOR:

Hon Abiola Makinde

Hon Mudashiru Lukman

RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS, AND ENHANCING THE CAPACITY OF THE GOVERNMENT OF NIGERIA TO PROTECT HUMAN RIGHTS DEFENDERS BILL, 2024

SHORT TITLE

This Act may be cited as the; Human Rights Defenders Protection Act, 2024

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PART I. GENERAL PROVISIONS

Section 1: Purposes

The purposes of this Act are:

(a) To recognise, respect, protect, promote, and fulfil the right of everyone, individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms, at the national and international levels;

(b) To affirm, promote and protect human rights and fundamental freedoms in Nigeria.

Section 2: Definition of Human Rights Defender

For this Act, a “human rights defender” means any person who, individually or in association with others, acts or seeks to act to promote, protect, or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional and international levels.

PART II. RIGHTS OF HUMAN RIGHTS DEFENDERS AND RESPONSIBILITY TO DEFEND HUMAN RIGHTS

Section 3: Right to promote and protect human rights and fundamental freedoms

Everyone has the right, individually or in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the local, national, regional and international levels.

Section 4: Right to form groups, associations and organisations

(1) Everyone, individually or in association with others, has the right to form, join, and participate in groups, associations, and non-governmental organisations, whether formal or informal and whether registered or unregistered, for the purpose of promoting and striving for the protection and realisation of human rights and fundamental freedoms.

(2) The groups, associations, and organisations referred to in subsection (1) include:

(a) Groups, associations and organisations in Nigeria;

(b) Groups, associations and organisations in other countries;

(c) Groups, associations and organisations in multiple countries or at the regional or international levels.

(3) The groups, associations and organisations in Nigeria referred to in subsection (2)(a) have the right to engage with:

(a) Groups, associations and organisations in Nigeria and in other countries or at the regional or international levels; and

(b) Coalitions or networks of groups, associations or organisations referred to in subsection (2), whether formal or informal and whether registered or unregistered.

Section 5: Right to solicit, receive and utilise resources

Everyone, individually or in association with others, has the right to solicit, receive and utilise resources, including from domestic and international sources, including governmental, intergovernmental, philanthropic and private sources, for the express purpose of promoting and striving for the protection and realisation of human rights and fundamental freedoms.

Section 6: Right to seek, receive and disseminate information

(1) Everyone, individually or in association with others, has the right:

(a) To know, seek, access, obtain, receive and hold information about all human rights and fundamental freedoms, including information regarding how those rights and freedoms are given effect in the legislative, judicial and administrative systems of Nigeria;

(b) to know, seek access, obtain, receive and hold such information from business enterprises as may be necessary for exercising or protecting, or assisting to exercise or protect, human rights or fundamental freedoms;

(c) to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(d) to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other means, to draw public attention to those matters.

(2) The right in subsection (1) may be exercised orally, in writing, in print, in the form of art or through any other media, whether online or offline.

Section 7: Right to develop and advocate for human rights ideas

Everyone, individually or in association with others, has the right to develop and discuss new ideas and principles which relate to human rights and fundamental freedoms, and to advocate their acceptance.

Section 8: Right to communicate with non-governmental, governmental and intergovernmental organisations

Everyone, individually or in association with others, has the right to freely communicate with non-governmental, governmental and intergovernmental organisations, including subsidiary bodies, mechanisms or experts with a mandate relevant to human rights and fundamental freedoms, as well as with diplomatic representations.

Section 9: Right to access, communicate with and cooperate with international and regional human rights bodies and mechanisms

In accordance with applicable international instruments and procedures, everyone, individually or in association with others, has the right to unhindered access to, and to communicate and cooperate with, international and regional human rights bodies

and mechanisms, including treaty bodies and special procedures or special rapporteurs.

Section 10: Right to participate in public affairs

(1) Everyone, individually or in association with others, has the right to participate effectively in the conduct of public affairs, including participation on a non-discriminatory basis in the government of his or her country, regarding human rights and fundamental freedoms.

(2) The right in subsection (1) includes the right:

(a) to submit to any public authority, or agency or organisation concerned with public affairs, criticism on or proposals for improving its functioning with respect to human rights and fundamental freedoms;

(b) to make recommendations to any public authority regarding legislative or regulatory changes relating to human rights and fundamental freedoms;

(c) to draw to the attention of any public authority any aspect of its work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms;

(d) to draw to the attention of any public authority any action or omission by any actor, private or public, that may involve or contribute to a violation of human rights or fundamental freedoms; and

(e) to freely publish, impart or disseminate to others any information submitted to any public authority in the exercise of the rights set out in this Part II.

Section 11: Right to peaceful assembly

(1) Everyone, individually or in association with others, has the right to meet or assemble peacefully as well as to participate in peaceful activities concerning human rights and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.

(2) The right in subsection (1) includes the right to plan, organise, participate in and disseminate information regarding peaceful activities concerning human rights and fundamental freedoms, including demonstrations, protests, seminars and meetings, whether conducted in a public or private place.

Section 12 Right to represent and advocate

(1) Everyone, individually and in association with others, has the right to assist, represent, or act on behalf of another person, group, association, organisation, or institution in relation to the promotion, protection, and exercise of fundamental rights and freedoms, including at the local, national, regional and international levels.

(2) The right in subsection (1) includes the right:

(a) to complain about the policies and actions of public authorities and private entities with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to domestic judicial, administrative or legislative authorities or any other competent authority;

(b) to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms;

(c) to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national, regional and international laws and human rights and fundamental freedoms; and

(d) to submit communications and information of the type referred to in Section 9.

Section 13 Right to freedom of movement

(1) Everyone lawfully within the territory, or subject to the jurisdiction, including the power or effective control, of Nigeria shall, within that territory or place of jurisdiction, have the right to liberty of movement and freedom to choose his or her residence and the right to carry out his or her human rights activities in the entire territory or place of jurisdiction.

(2) No-one lawfully within the territory of Nigeria shall be expelled, by means of an individual measure or a collective measure, from the territory of Nigeria wholly or partially on account of his or her acts as a human rights defender.

(3) No one shall be deprived of the right to enter or leave the territory of Nigeria on the grounds of or in association with his or her status, activities, or work as a human rights defender.

Section 14 Right to privacy

(1) Everyone, individually or in association with others, has the right to privacy.

(2) The right in subsection (1) includes the right of a human rights defender to protect his or her privacy, including through encryption, and be free from intrusion and interference that is arbitrary and unlawful in or out of his or her family, home, places of work, possessions, and correspondence, both online and offline.

(3) "Intrusion and interference" within subsection (2) includes any form of surveillance, recording, search, and seizure in association with his or her activity or work as a human rights defender.

Section 15 Freedom from intimidation or reprisal

No person shall be subjected, individually or in association with others, to any form of intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender.

Section 16 Freedom from defamation and stigmatisation

No person shall be subject to any form of defamation, stigmatisation, or other harassment, whether offline or online, and whether by public authorities or private actors, in association with his or her status, activities or work as a human rights defender.

Section 17 Right to exercise cultural rights and to development of personality

(1) Everyone, individually or in association with others, has the right to the unhindered exercise of his or her cultural rights in his or her activities and work as a human rights defender and to the free and full development of his or her personality.

(2) The right in subsection (1) includes the right to challenge and change traditional customs and practices that violate human rights and fundamental freedoms.

Section 18 Right to effective remedy and full reparation

(1) Everyone, individually or in association with others, has the right to an effective remedy and full reparation in the event of a violation of the rights in this Part II or a breach of obligations under Part III of this Act.

(2) Anyone whose rights have been violated or who has been adversely affected by a breach of obligations has the right to apply to a court or tribunal of competent jurisdiction to obtain such effective remedy and full reparation.

(3) Any of the following may file a complaint at the competent court or tribunal relating to the violation of rights under Part II of this Act or a breach of obligations under Part III of this Act:

(a) a human rights defender;

(b) an associate of the human rights defender;

(c) a legal representative or other representative of the human rights defender appointed to conduct the affairs of or to otherwise act on behalf of the human rights defender;

(d) a family member of the human rights defender;

(e) a group, association or organisation with which the human rights defender is associated;

(f) any person acting in the public interest and consistently with the purposes of this Act; or

(g) the Mechanism established under Part IV of this Act.

Section 19 Limitations on the rights of human rights defenders

In exercising his or her rights in Part II of this Act, a human rights defender, individually or in association with others, shall be subject only to limitations that are prescribed by international human rights obligations and standards, are reasonable, necessary and proportionate, and are solely for the purpose of securing due recognition and respect of the human rights and fundamental freedoms of others and meeting the

requirements of public order and general welfare in a democratic society.

Section 20 Other rights and freedoms not affected

Nothing in this law shall affect any provisions which are more conducive to the recognition and protection of human rights defenders and which may be contained in domestic or international law or instruments.

Section 21 Responsibility to defend human rights and fundamental freedoms

(1) Everyone has a responsibility to promote and strive for the protection and realisation of human rights and fundamental freedoms.

(2) No-one shall participate, by act or omission, in any activity that violates human rights and fundamental freedoms.

PART III. OBLIGATIONS OF PUBLIC AUTHORITIES

Section 22 Obligation to respect, promote, protect and fulfil the rights of human rights defenders

Public authorities shall take all necessary measures to ensure:

(a) that the human rights and fundamental freedoms in Part II of this Act are effectively guaranteed and ensured;

(b) that all laws, policies and programs are consistent with the rights in Part II of this Act; and

(c) that human rights defenders are able to undertake their activities and work in a safe and enabling environment free from restriction.

Section 23 Obligation to facilitate the activities and work of human rights defenders

(1) Public authorities shall take all necessary measures to facilitate and protect the exercise of the rights in Part II of this Act.

(2) The obligation in subsection (1) includes the obligation:

(a) to permit and facilitate human rights defenders access to places where a person is deprived of liberty;

(b) to permit and facilitate access to places and to information required by human rights defenders to exercise their rights under Part II;

(c) to provide information about violations of human rights or fundamental freedoms that may have occurred within the territory or subject to the jurisdiction, including the power or effective control, of Nigeria;

(d) to develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to promote and protect human rights and fundamental freedoms; and

(e) to promote and publicly acknowledge the role, function, activities and work of human rights defenders as legitimate and important.

Section 24 Obligation to provide free access to materials relating to human rights and fundamental freedoms

Public authorities shall make freely available and accessible both offline and online:

(a) International and regional human rights instruments;

(b) the constitution of the Federal Republic of Nigeria, national laws and regulations;

(c) research, studies, reports, data, archives and other information and materials within the possession of public authorities that relate to human rights and fundamental freedoms;

(d) reports and information submitted by Nigeria to international and regional human rights bodies and mechanisms;

(e) minutes, reports and communications of international and regional human rights bodies and mechanisms in which Nigeria is discussed;

(f) documents and information related to the decisions or activities of national authorities with competence in the field of human rights and fundamental freedoms; and

(g) all such other information as may be necessary to secure or enable the exercise of any human rights or fundamental freedoms under Part II or access to remedy for a violation of any such right.

Section 25 Obligation not to disclose confidential sources

(1) Public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders.

(2) Notwithstanding subsection (1), public authorities may disclose the identity of sources used by human rights defenders if both the relevant source and the relevant human rights defender give informed consent in writing to such disclosure or if so required by an independent and impartial tribunal in accordance with international standards.

Section 26 Obligation to prevent and to ensure protection against intimidation or reprisal

(1) Public authorities shall take all necessary measures to ensure the prevention of, and protection against, any intimidation or reprisal by any other public or private actor.

(2) The reference to “measures” in subsection (1) shall include protection measures available under Annexure I of this Act.

Section 27 Obligation to ensure protection against arbitrary or unlawful intrusion and interference

(1) Public authorities shall take all necessary measures to ensure the protection of human rights defenders against arbitrary or unlawful intrusion and interference in and out of his or her family, home, places of work, possessions and correspondence, both offline and online.

(2) "intrusion and interference" in subsection (1) includes any form of surveillance, recording, search and seizure in association with any person's legitimate activity or work as a human rights defender without his or her consent.

Section 28 Obligation to conduct investigation

(1) Whenever there is reasonable ground to believe that a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, threatened or subject to a violation of any of the rights in Part II of this Act, whether by a public authority or private actor within the territory or subject to the jurisdiction, including the power or effective control, of Nigeria, Nigeria Law enforcement agencies must ensure that a prompt, thorough, effective, independent and impartial investigation is conducted with due diligence and is prosecuted as appropriate.

(2) An investigation pursuant to subsection (1) shall take into account:

(a) whether a motive for the violation of the rights of the human rights defender included his or her status, activity or work as a human rights defender;

(b) whether there have been previous violations of the rights of the human rights defenders or systematic violations of the rights of similarly situated human rights defenders; and

(c) whether the violation was perpetrated, aided, abetted or supported by multiple actors.

(3) During an investigation pursuant to subsection (1), the Nigeria law enforcement agencies shall consult with the Mechanism established under Section 34 and keep the victim, or his or her family, relatives or associates, informed of the status of the investigation.

(4) Nigeria should request such assistance from relevant international or regional human rights bodies or mechanisms as is necessary to conduct an investigation in conformity with subsection (1).

(5) Where the Nigeria law enforcement agencies are unable or unwilling to conduct an investigation pursuant to subsection (1), Nigeria or other relevant actors as listed in Section 18 (3) shall request assistance to conduct such an investigation from relevant international or regional human rights bodies or mechanisms.

Section 29 Obligation to ensure effective remedy and full reparation

Public authorities shall take all necessary measures to ensure that an effective remedy and full reparation are available and provided for violations of the rights in Part II of this Act and for breach of the obligations in Part III of this Act.

Section 30 Obligation to make intimidation and reprisal an offence

An act of intimidation or reprisal, whether by a public or private actor, against a person, on the grounds of or in association with his or her status, activities or work as a human rights defender, shall be an offence and should be prosecuted and subject to appropriate penalties which take into account the gravity of the offence.

Section 31 Obligation to promote and facilitate human rights education

Public authorities shall promote, facilitate and adequately resource teaching, training and education about human rights and fundamental freedoms within all public authorities and to all persons within the jurisdiction or subject to the control of Nigeria. Teaching, training and educational curriculum and programs shall include information about this Act and the important and legitimate work of human rights defenders.

Section 32 Obligation to implement protection and urgent protection measures

Public authorities shall take all necessary measures to fully and effectively implement protection and urgent protection measures determined under Part IV of this Law.

Section 33 Assistance to Human Rights Defenders Abroad

(1) Public authorities shall take all necessary steps within their power in conformity with national and international obligations

and standards to provide assistance to a human rights defender abroad who has been or may be subject to intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender.

(2) The assistance referred to in subsection (1) may include, as required by the nature of the intimidation or reprisal and the nationality of the human rights defender concerned:

(a) receiving the human rights defender in the diplomatic mission in that country or visiting the human rights defender at his or her home or places of work, or places where a person is deprived of liberty;

(b) making official representations, whether public or confidential, in relation to the human rights defender;

(c) attending or observing trials or legal proceedings involving the human rights defender;

(d) monitoring and producing reports on the situation of the human rights defender;

(e) issuing emergency or replacement travel documents;

(f) obtaining medical care;

(g) providing details of local lawyers;

(h) providing details of local interpreters;

(i) contacting the family members of the human rights defender;

(j) arranging for someone to accompany the human rights defender to a safe location or providing other relocation assistance;

(k) providing financial assistance; and

(l) providing emergency funds to enable the human rights defender to travel to a safe location.

PART IV. MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

Section 34 Establishment of Mechanism for the Protection of Human Rights Defenders

(1) The National Human Rights Commission shall maintain, designate and establish a Mechanism for the Protection of Human Rights Defenders, which shall have responsibility within the National Human Rights Commission for coordinating the protection of human rights defenders. The Mechanism shall perform its functions in close, cooperative consultation with the Office of the Attorney General of the Federation and civil society.

(2) The Mechanism shall fulfil the following functions:

(a) prevent intimidation or reprisal;

(b) protect human rights defenders from intimidation or reprisal;

(c) assist in ensuring investigation of, and accountability for, acts of intimidation or reprisal;

(d) facilitate and promote inter-agency and inter-departmental coordination to prevent, protect against, investigate, and ensure accountability for acts of intimidation or reprisal; and

(e) promote and publicly acknowledge the legitimate and important role, function, activities and work of human rights defenders.

(3) In fulfilling the functions in subsection (2), the Mechanism may;

(a) monitor and respond to the situation of human rights defenders in Nigeria, including risks to their security, legal and other impediments and ensure a safe and enabling environment that is conducive to their work;

(b) consult and work closely and cooperatively with human rights defenders in the implementation of this Act;

(c) coordinate the implementation of this Act, including by developing protocols and guidelines for this purpose, within a period no longer than 180 days of the entry into force of this Act;

(d) carry out assessments of risks, vulnerability or conflict at the national, regional or local levels, with the aim of identifying specific needs for the protection of human rights defenders, including by undertaking gender-based and collective risk assessments;

(e) aid, assist and inform investigations for the purpose of prosecuting the offences created under Section 28;

(f) monitor existing and draft legislation and inform the National Human Rights Commission about the impact or potential impact of legislation on the status, activities and work of human rights defenders, proposing legislative modifications where necessary;

(g) advise all agencies of government on the design and implementation of policies and programmes to guarantee and protect the rights of human rights defenders under this Act;

(h) monitor, prepare and publish annual reports on the situation of human rights defenders in Nigeria and make recommendations to the relevant authorities on the appropriate measures to be taken to promote a safe and enabling environment for their work and to mitigate and prevent the risks facing them, including by tackling the root causes of violations against human rights defenders;

(i) propose and implement, or ensure the implementation of, prevention measures and protection measures to guarantee the life, integrity, liberty, security and the work of human rights defenders, giving particular attention to the situation and protection needs of women human rights defenders, human

rights defenders with disabilities and other human rights defenders at increased risk;

(j) advise the National Human Rights Commission on the desired profiles, selection procedure, income and training of all staff and security personnel with responsibility towards the protection of human rights defenders;

(k) receive and assess applications for protection measures and implement the appropriate protection measures, including emergency measures, in coordination with other relevant authorities;

(l) disseminate information to the public about protection programmes for human rights defenders and how to access them, and about the Mechanism's work, guaranteeing transparency in regards to resource allocation;

(m) disseminate information to authorities and to the public about the UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and the vital and legitimate role, function and work of human rights defenders; and

(n) prepare and submit reports and communications on the situation of human rights defenders in Nigeria to relevant regional and international human rights bodies and mechanisms.

(4) The Mechanism shall respect and maintain the confidentiality of the personal data collected on human rights

defenders and those referred to in Section 38(2)(b) to (e). The Mechanism, together with independent experts and in consultation with civil society, shall develop obligatory information management and digital security policies for their staff and all other authorities with access to information received by the Mechanism.

(5) The Mechanism, together with independent experts and in consultation with civil society, shall carry out periodic reviews of the implementation of this Act and the Mechanism's effective functioning. The first review shall be carried out within 18 months of the entry into force of this Act.

Section 35 Consultation with civil society

The National Human Rights Commission shall consult with human rights defenders and other civil society actors in relation to all aspects of the work of the Mechanism.

Section 36 Resources

(1) The National Human Rights Commission shall provide adequate financial resources to the Mechanism to enable it to fulfil its functions and exercise its powers fully and effectively.

(2) To fulfil the purposes of this Act and for the purpose of obtaining financial resources additional to those in subsection (1), the National Human Rights Commission shall establish a Fund for the Protection of Human Rights Defenders.

(3) The Fund's resources shall be used exclusively for the implementation of protection measures and prevention measures and other acts authorised under this Act.

(4) Provided that there is no actual or apparent conflict of interest, the Fund may receive:

(a) grants and loans from the public sector and the private sector;

(b) contributions from domestic and foreign persons, groups, associations organisations and institutions; and

(c) amounts derived from the movable and immovable assets of the Mechanism.

(5) The Fund may be utilised by the Mechanism and other entities authorised by the Mechanism.

(6) The Fund shall be administered with full transparency and a report of the Fund's use shall be included in the Mechanism's annual report.

Section 37 Training and vetting

(1) All persons involved in the Mechanism, including security and law enforcement officials, shall be appropriately vetted and shall receive training prior to the commencement of their involvement, together with continuing training designed to ensure full and effective implementation of the Act.

(2) The training under subsection (1) shall include training on human rights and fundamental freedoms, including the situation and protection needs of victims and more vulnerable human rights defenders, specifically those acting or working in rural and remote areas, human rights defenders with disabilities and women human rights defenders.

PART V. DEFINITIONS AND SCOPE OF APPLICATION OF THIS LAW

Section 38 Definitions

(1) For the purposes of this Act, "human rights and fundamental freedoms" include the rights and freedoms recognised in or declared by regional and international human rights instruments and customary international law and by national laws consistent with those instruments and laws.

(2) For the purposes of this Act, "intimidation or reprisal" means any form of violence, threat, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary or abusive action or threat related to a person's status, work or activity as a human rights defender, including proposed, attempted or imputed work or activity, directed at:

(a) the human rights defender;

(b) an associate of the human rights defender;

(c) a legal representative or other representative of the human rights defender appointed to conduct the affairs of or to otherwise act on behalf of the human rights defender;

(d) a family member or relative of the human rights defender;

(e) a group, association, organisation, community or network, whether formal or informal, with which the human rights defender is associated; or

(f) the home, property or possessions of the human rights defender or any of the other persons or entities in subsections (b) to (e) above.

(3) For the purposes of this Act, the following definitions also apply:

(a) "associate" of a human rights defender means a person with whom the human rights defender acts to promote and protect human rights and fundamental freedoms;

(b) "Fund" means the Fund for the Protection of Human Rights Defenders established under Part IV. Section 36(2);

(c) "Mechanism" means the Mechanism for the Protection of Human Rights Defenders established under Part IV;

(d) "protection measures" means the measures available under Part IV of this Act and includes urgent protection measures;

(e) “public authority” means a person or body performing a function of a public nature that is conferred or imposed by or pursuant to law or delegated, contracted or procured by a governmental authority or agency.

(f) “Competent court” means the High Court

Section 39 Non-discriminatory application

This Act applies to all human rights defenders under the jurisdiction, territory, or control of Nigeria without distinction of any kind, such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth, disability, or other status.