

# HUMAN RIGHTS COMMISSION, ABUJA

## IMPLEMENTATION OF PRESIDENTIAL EXECUTIVE ORDERS

### 1.0 INTRODUCTION

The National Human Rights Commission was established by virtue of the National Human Rights Commission Act 1995 as amended. The mission of the Commission is as follows:

**“To create an enabling environment for extra-judicial recognition, promotion, protection and enforcement of all rights recognized and enshrined in the 1999 Constitution of the Federal Republic of Nigeria, and other regional and international treaties to which Nigeria is a party.”**

### 1.1 VISION STATEMENT

The vision statement is as follows:

**“To entrench a culture of respect for Human Rights, by promoting national values built on principles of democracy, accountability and respect for the rule of law.”**

In order to achieve its mission and make its vision a reality, the Commission has adopted the strategy of identifying 15 thematic areas of operation.

Programme officers are assigned to the thematic areas of focus for strategic development and treatment of issues in those areas. They are:

1. *Women and Gender Related Matters;*
2. *Children;*
3. *Corruption and Good Governance;*
4. *Police, prison and Other Detention Centres;*
5. *Environment and Niger Delta;*
6. *Education;*
7. *Freedom of Religion and Belief;*
8. *Torture, Extra-Judicial, Summary and Arbitrary Executions;*
9. *Law Reform and Law Review;*
10. *Independence of the Judiciary and access to Justice;*
11. *Labour;*
12. *Food and Shelter;*
13. *Communal Conflict and Other Related Violence*
14. *Health;*
15. *Freedom of Expression and the Media.*

**2.0** In Compliance with the Presidential Executive Orders issued by the Acting President on 18<sup>th</sup> May, 2017 to all MDAs, the NHRC shall implement as follows:

**A: EXECUTIVE ORDER ONE - BUDGET**

The Commission following the Presidential Executive Order has commenced work on its 2018 budget proposals and projections for the three years (2018, 2019 and 2020) to be submitted to the Budget Office of the Federation within the timeline given. Internally, all departments/state and zonal offices of the NHRC have been directed to submit their inputs into the process on or before 30<sup>th</sup> June of every year.

**B. EXECUTIVE ORDER TWO – EASE OF DOING BUSINESS**

**PROMOTION OF TRANSPARENCY AND EFFICIENCY IN BUSINESS ENVIRONMENT**

The Commission's core business is the Promotion, Protection and Enforcement of the rights of Nigerian Citizens and residents of Nigeria. To this end, the Commission has developed and adopted a set of Standard Operating Rules of Procedures which detail how complaints are received and treated. These are published in the Commission's website. Some of the key provisions are as follows:

**WRITTEN COMPLAINTS**

1. A complainant alleging violation or threat of violation of human rights may be lodged through a letter addressed to the Commission or any of its officers or Commissioners or any of its offices anywhere in Nigeria. It may also be sent through electronic or regular mail.
2. Any person or officer receiving a complaint not addressed to the Executive Secretary shall promptly transmit such complaint to the Executive Secretary.
3. A complaint shall be in writing. It shall contain a detailed and comprehensive statement on the actions or violations complained of and the reliefs sought from the Commission.
4. Upon receipt of a Complaint, the Executive Secretary shall direct appropriate officers of the Commission to notify the parties named in the complaint.

**LODGING OF A COMPLAINT**

1. A complaint may be lodged by the complainant in person or by a person acting on his or her behalf, instructions, request or best interest.
2. The Commission may, on its own motion or on the recommendation of any member of the Council, decide to take up a complaint.
3. Where a complaint is made orally, or the complainant cannot read or write in English or who, as a result of disability, is unable to write for him/herself, the complaint shall be reduced into writing by the person receiving it at or on behalf of the Commission or any other chosen by the complainant for that purpose.
4. A person who reduces into writing the oral complaint of a complainant shall:
  - a) Read over and explain the contents of the complaint to the complainant;

- b) Declare on the form or document that the complainant has fully understood or appeared to understand and appreciate the contents after they were read over to him or her;
- c) Cause the complainant to sign or thumb print at the bottom of each page of the document;

### **SCREENING COMPLAINTS**

After receiving the complaint and the necessary file opened on behalf of the complainant, the CIO has the duty to conduct a preliminary screening on:

- a) whether the Commission has jurisdiction in the matter; and
- b) whether the complaint raises a human rights violation based on the admissibility criteria.

This is a crucial stage in the investigations process and the Complaint Intake Officer (CIO) has a duty to ascertain facts and to diligently capture vital information.

### **COMPLAINTS DEEMED INADMISSIBLE**

Complaints should only be deemed inadmissible based on the admissibility criteria as provided in Chapter 3 Section 3.1.

### **THE DUTY TO PROVIDE ADVICE, LEGAL OR OTHERWISE**

An officer must exercise caution in advising the complainant on the best course of action in matters that the Commission will not entertain. Consultation is mandatory in this process. The CIO has at a minimum, a duty to provide the best available advice, or appropriately refer the complainant to the HCR at the Head quarters or zonal/state offices with due recourse to the DPI or Zonal/State Coordinator, if a complaint is deemed inadmissible. Complainants should at no time be turned away without their complaints being heard or listened to.

Please note that all letters sent out from a field office must be signed by the Zonal or State Coordinators. While letters leaving the Head quarters must be signed by the Executive Secretary or a person delegated by the E.S. This will help in transparency, accountability, and enable the Zonal or State Coordinators to take responsibility for all communications going out.

### **COMPLAINTS DEEMED ADMISSIBLE**

#### **Registration of Complaints**

Where the complaint raises a human rights violation on the face of it; the CIF is filled, a file is opened and the CIO after screening is satisfied that the Commission has jurisdiction over it, he shall report same to the DPI for authorization while the CIO later forwards the file to the records/archive section for data capturing into the system or applicable case management software.

### **ESSENTIAL ISSUES TO NOTE**

#### **1. LANGUAGE**

The complainant may submit or verbally presents his or her complaint in any Nigerian language but the complaint must be recorded in English on the Commission's complaint form.

Where a complaint is made orally, or the complainant cannot read or write in English or who as a result of disability, is unable to write for him/herself, the complaint shall be reduced into writing by the person receiving it on behalf of the Commission or any other person chosen by the complainant for that purpose;

A person who writes the oral complaint of a complainant shall:

- a. Read and explain the content of the complaint to the complainant;
- b. Declare on the form or document that the complainant has fully understood or appeared to understand and appreciate the contents after they were read over to him or her;
- c. Cause the complainant to sign or thumb print at the bottom of each page of the document;
- d. Countersign by him/herself at the bottom of each page of the document that these processes have been duly complied with to the understanding of the complainant.

## **2. ACCURACY**

It is the duty of the CIOs to ensure that the correct address and telephone number of the complainant, witnesses and respondents are properly recorded.

The CIO should specially remember to record the complainant's permanent address (as defined in the form) which helps to trace complainants who keep changing addresses. The CROs must ensure capturing of information into the computer system or case management software accurately.

## **3. COMPLAINANT'S LOCATION**

Where the violation occurred in a different area from where the complainant resides, the complainant is at liberty to lodge the complaint at the nearest field offices. This is an assurance of the Commission's commitment of bringing services nearer to communities. However, where the complainant's witnesses do not reside in the zone or state where the complaint was lodged, the field office where the violation occurred shall interview the complainant's witnesses and forward their statements to the field office where the complaint was lodged. The field office where the complaint was recorded shall retain conduct of the complaint.

## **4. ADVISING ON DOCUMENTATIONS**

The CIO shall advise the complainant on documents the Commission will require to investigate the complaint. All relevant supporting documents that substantiate the claim maybe submitted where possible. Where this is impossible or impracticable, they may be provided at a later stage, but before an investigation is concluded.

## **5. PHOTOCOPIED DOCUMENTS**

Where the complainant intends to rely on photocopied documents as opposed to original documents, they should be advised that the Commission will only accept photocopied documents that have been certified.

## **6. DOCUMENT RETENTION**

Only photocopies of original documents provided by complainants should be retained by the Commission. The original documents must remain with the complainant.

## **7. CONFIRMING CONTENTS AND SIGNING**

The complaint should be read back to the complainant after it has been recorded and the complainant should be asked to sign the complaint form to verify its contents.

## **8. DOCUMENTS TO BE GIVEN TO THE COMPLAINANT**

The complainant shall be given:

- a) a copy of the signed complaint form; and
- b) The Commission information flyer. The Commission flyer should be issued to all complainants regardless of whether their complaint will progress further or not.

## **9. DECEASED VICTIM**

Where the victim in the complaint is deceased, the complainant should be advised to obtain Letters of Administration or Grant of Probate. However, the fact that the complainant has not got Letters of Administration or Grant of probate, or a death certificate shall not bar the complaint treatment process from progressing. These documents help in determining the rightful representatives of the estate of the deceased, but are not sufficient in determining the rightful beneficiaries of a Inquiry Panel award.

## **PRELIMINARY SCREENING REPORTING**

After recording the complaint, opening a file and screening for admissibility, the CIO will complete the screening section on the CIF that indicates jurisdiction of the Commission on the complaint and stamp appropriately, which must be based on whether the complaint should proceed for investigation or not.

## **RECORDS/ARCHIVE – CASE MANAGEMENT SYSTEM**

The file moves to the records and archive section where it is captured into the case management system or a platform set-up for that purpose. The CRO would ensure data is captured accurately after which the file is transferred from the Records/Archive Section to the HCR or DPI who assigns the complaint to appropriate Investigating unit for treatment.

## **ALLOCATION OF COMPLAINTS**

The entire processes of receiving intakes, screening and recording same on the case management system available would not exceed an average time period of three (3) hours. Following the end of the processes, the CRO will forward the complaint to the HCR or DPI (at the HQ) or ZC/SC (at field offices) on the day that the complaint is received. The DPI or Field Offices Coordinator (FOC) will re-assess the complaint and where he or she believes that the allegations should be investigated, he or she will allocate the file to an investigations officer.

If the DPI or FOC is of the opinion that the complaint is not admissible, he or she will indicate his or her reasons in the CIF and shall have the file forwarded to the HCR, who will address the complaint accordingly.

## **DIFFERENCE OF OPINION ON A PRELIMINARY SCREENING**

As stated in article 4.5.5 above, where there is a difference of opinion on the preliminary screening between the DPI or FOCs and the CIO, the DPI or FOCs opinion should prevail with good documented reasons. Where the prevailing opinion

by the DPI or FOCs is for the Commission not to investigate the allegations, the DPI or FOCs will inform the complainant of the decision not to investigate the complaint through the HCR. Where the opinion of the DPI or FOCs is to substitute the rights or violations identified by the CIO, he or she shall request the CIO to obtain another statement from the complainant or take any other action on the complaint. The CIO should carry out the task as requested.

The FOC shall at all times seek the opinion of the DPI and the latter, the Executive Secretary.

## **INVESTIGATION OF COMPLAINTS**

Once a complaint is accepted and screened as admissible, the next stage is to conduct thorough investigation into the allegation (Rules 74, 75 & 76 – NHRC Rules of Procedure) with the mindset of resolving the issue. This chapter deals with the next phase of the complaint handling processes after a complaint file has been assigned by the ES through the DPI or FOC. It provides a format or guide through which investigations of complaints may be managed, handled and is intended to provide a timeline for this process.

At the headquarters there are three (3) units designated for complaints investigation and treatment based on the identified thematic areas, these units are;

1. Women & Children Rights (WCR)
2. Economic, Social and Cultural Rights (ESCR)
3. Civil and Political Rights (CPR)

These units are under the Protection and Investigation Department reporting to the Director Protection & Investigation (DPI). The same units shall be replicated at each of the field offices in creating a uniform structure and standard procedures for the investigation and treatment of complaints.

## **STARTING INVESTIGATIONS**

□ Depending on the nature of the complaint filed, the ES through DPI or FOC assigns it to the three identified categories and units as listed above. Investigations of complaints begin at receiving the complaint and the field investigations area part of the whole process. When a file is allocated to a particular investigations officer, the officer must read to understand the nature of claims and the complexity associated with the complaint.

□ Thereafter, where applicable the officer shall, within 3 days of receipt of the file, make a telephone call to the complainant inviting him or her to an initial familiarization meeting to understand the oral details of the complaint. There are situations where possible details could be given on phone to the investigation officer for clarification.

□ The investigations officer shall send out an *Allegations Letter* to the alleged violator of human rights within 5 days of being allocated the file. A standard format of the letter is available as an appendix.

□ All allegations letters must be signed by the DPI or FOC on behalf of the Executive Secretary. The alleged violator (respondent) should be asked to reply within 14 days on receipt of the letter. It is hoped that all letters will be delivered in person as much as is practicable (using a dispatch staff), with a return copy to confirm the date of

receipt upon which the number of days for a response begin running. The allegations letter may be accompanied by a copy of the signed complainant's complaint form.

Under no circumstances should the complainant be given the Allegations Letter to serve on the alleged violator. Where no reply is received from the respondent following the Allegations Letter and the 14 days have elapsed, the handling officer shall send out a reminder allowing for a further 7 days, where applicable.

Approach differs in handling some of the complaints based on the three different categories.

### **WOMEN & CHILDREN RIGHTS**

Where the complaint is under the Women and Children Rights (WCR), the allegation letter to the alleged violator shall also serve as an invitation letter to the alleged violator, who will be invited to meet with the officer to further discuss his or her side of the allegation which shall be put into writing.

Where a reply is received from the alleged violator either in person or writing with an explanation that refutes the allegations made by the complainant, the officer shall further probe into the allegation. Otherwise, it shall proceed to mediation as a resolution mechanism.

The officer shall either request within 21 days for each party to the complaint to present their witnesses or any other relevant information/materials on the matter and/or the officer conduct an independent field investigation.

It must be noted that it is cheaper to facilitate witnesses to the Commission than to send out officers to collect the testimonies of the witnesses. Therefore as much as practicable, encourage the complainants to bring their witnesses.

Where no response to the Allegation Letter is received from the alleged violator and the additional 7 days have elapsed, the handling officer shall with the permission of the Executive Secretary through the DPI or FOC prepare the *Summon Letter* which shall be sent to the alleged violator to appear before the Commission within 5 days of receiving the summon letter which shall be signed by the DPI or FOC on behalf of the Executive Secretary while a copy shall be forwarded to the Legal & Enforcement Department.

With the summon letter, it is expected that the alleged violator would appear before the Commission. Should the alleged violator fail to respond to the invitation letter, the Commission through its Legal & Enforcement Department shall follow up on same using the services of the nearest Police Division where necessary.

### **ECONOMIC, SOCIAL & CULTURAL RIGHTS**

Where the complaint is under the Economic, Social & Cultural Rights (ESCR), the allegation letter to the alleged violator shall also serve as an invitation letter to the alleged violator, who will be invited to meet with the officer to further discuss his or her side of the allegation which shall be put into writing.

The alleged violator in this case might be a corporate entity in the private and public sector and they could be represented by their counsel or respond to the allegation in writing.

Where a reply is received from the alleged violator, either in person or via counsel or appropriate representative or in writing, an explanation that refutes the allegations made by the complainant, the officer shall further probe into the allegation. Otherwise, it shall proceed to mediation as a resolution mechanism.

The officer shall either request within 21 days for each party to the complaint to present their proof or witnesses to the matter and/or the officer conduct an independent field investigation. The complainant is expected to have submitted all necessary proof to his or her claim during intakes but the respondent (alleged violator) shall be given grace period to subject his or her proof to the defense as presented before the Commission.

It must be noted that it is cheaper to facilitate witnesses to the Commission than to send out officers to collect the testimonies of the witnesses. Therefore as much as practicable, encourage the complainants to bring their witnesses.

Where no response to the Allegation Letter is received from the alleged violator and the additional 7 days have elapsed, a third reminder shall be sent to the respondent. (Seven (7) days). If the situation still persists; the handling officer shall, with the permission of the ES through DPI or FOC, prepare the *Summon Letter* which shall be sent to the alleged violator to appear before the Commission within 5 days of receiving the summon letter. Same shall be signed by the DPI or FOC on behalf of the Executive Secretary while a copy shall be forwarded to the Legal & Enforcement Department.

With the summon letter, it is expected that the alleged violator would appear before the Commission. Should the alleged violator fail to respond to the invitation letter, the Commission through its Legal & Enforcement Department shall follow up on same using the services of the nearest Police Division where necessary.

### **CIVIL & POLITICAL RIGHTS**

Where the complaint is under the Civil & Political Rights (CPR), the allegation letter to the alleged violator shall also serve as an invitation letter to the alleged violator, who will be invited to meet with the officer to further discuss his or her side of the allegation which shall be put into writing.

In some cases under the CPR, the Allegation Letter will not be the first approach to investigation because the victim might actually be in police custody and it is the duty of the investigating officer to immediately secure the release of such person by writing to the police division in which the victim is held.

The alleged violator in this case might be a corporate entity in the private and public sector or government (State or Federal) and they could be represented by their counsel or respond to the allegation in writing.

□ Where cases are public sensitive the DPI or FOC shall refer complaint to the Executive Secretary, who makes recommendation to the Special Committee of the Council to address the human rights violation.

□ Where a reply is received from the alleged violator either in person or via counsel or appropriate representative or in writing with an explanation that refutes the allegations made by the complainant, the officer shall further probe into the allegation. Otherwise, it shall proceed to the Inquiries Panel or for Oral Hearing as the Council may decide appropriate as the resolution mechanism.

□ The officer shall either request within 21 days for each party to the complaint to present their proof or witnesses to the matter and the officer shall conduct an independent field investigation. The complainant is expected to have submitted all necessary proof to his or her claim during intakes but the respondent (alleged violator) shall be given grace period subject to his or her proof to the defense as presented before the Commission.

□ Where no response to the Allegation Letter is received from the alleged violator and the additional 7 days have elapsed, a third reminder shall be sent to the respondent giving another 7 days. If the situation persists; the handling officer shall with the permission of the ES through the DPI or FOC prepare the *Summon Letter* which shall be sent to the alleged violator to appear before the Commission within 5 days of receiving the summon letter which shall be signed by the DPI or FOC on behalf of the Executive Secretary while a copy shall be forwarded to the Legal & Enforcement Department.

□ With the summon letter, it is expected that the alleged violator would appear before the Commission. Should the alleged violator fail to respond to the invitation letter, the Commission through its Legal & Enforcement Department shall follow up on same using the services of the nearest Police Division where necessary.

## **FIELD INVESTIGATIONS**

Where neither the complainant nor alleged violator has provided his or her witnesses to the Commission to record their testimony after 21 days of receiving the complaint, the investigations officer should carry out a field investigation. The purpose of the investigations should be to interview or speak to witnesses of both the complainant and alleged violator, and collect any other necessary evidence and cross check information in order to ascertain, clarify or verify some facts. The investigations should also seek to identify victims of the violation(s).

The investigation officer through the Coordinator or the DPI shall forward reports on all preliminary investigations (Rules 74 (4) of STORP) to the Council for appropriate action within 45days of commencement of complaints.

## **PREPARING FOR THE INVESTIGATIONS**

The Investigations Officer should have an investigation plan that should be submitted to the DPI or FOC with the requisition for funds for any investigation trip or he shall use the available field vehicles. Where the Investigations officer believes that he or

she will have to produce documents or records or question any one relevant to the investigation, he or she should prepare for the same in consultation with the DPI and/or FOC.

The investigations plan should include:-

- i. The number of files that the investigations officer will carry on a particular trip;
  - ii. What actions will be taken on each file and why. This includes looking at what facts need to be ascertained or verified and who shall do so and how it shall be done;
  - iii. How much time is required on each file and account for the time;
  - iv. Movement plan;
  - v. Any other necessary information i.e. summonses to produce information etc.
- Where possible and necessary, using the information on file, the investigations officer should give prior notification at least two weeks on his or her intending visit to the witnesses, alleged violator and complainant.

### **DEALING WITH WITNESSES**

- Investigation officers should always formally introduce themselves, show their Commission's identification card and state the purpose of their visit to enlist cooperation from witnesses.
- The investigations officer may interview as many witnesses as he or she wants but must list a maximum of two of the most credible witnesses to prove a particular violation or event in the process of a violation.
- It is important for the investigations officer to achieve all tasks set out in the investigations plan on the first trip. It is only under exceptional and convincing circumstances that a second trip may be authorised by the DPI or FOC.

### **DEALING WITH ALLEGED VIOLATOR AND THEIR WITNESSES**

- It is common for the alleged violator to be uncooperative with the Commission in its investigations. Where the alleged violator and his or her witnesses are unlikely to be cooperative, the investigations officer in consultation with the DPI or FOC may take a decision whether or not to inform the alleged violator of the investigations officer's impending visit.
- Where the respondent has failed to respond to the allegations letter and the reminder, and appears uncooperative, the investigations officer should form an opinion and make the same a part of his or her observations in the report.

### **IMPORTANT NOTES FOR INVESTIGATION OFFICERS**

- a) Show his or her identification.
- b) Under no circumstances should the Investigations Officer assign duties to another person.
- c) Always be professional and courteous.

- d) Investigations officers and witnesses shall sign and date every page of the witness form or complaint form (as appropriate).
- e) He or she shall identify victims in the complaint.

### **SECOND OR FURTHER INVESTIGATION TRIP**

Where the first investigation trip has failed to yield the required results according to the investigations plan, the investigations officer should write an investigations report and a second investigations plan explaining what was achieved in the first investigations plan and what was not achieved, why it was not achieved and how he or she proposes to achieve what is lacking during the second trip and submit this to the Director, P&I or FOC for the approval of the Council through the Executive Secretary within 45 days of receipt of Complaint.

In line with STORP Rule 75, the Council will assess the information provided and determine:-

- i. Whether or not the information received during the first investigation trip is sufficient;
- ii. Whether or not there is a need for a further investigation trip;
- iii. Whether or not the investigations officer used the Commission's funds and time appropriately.

The Director, P&I or FOC may then formulate a new plan for the second investigations or devise another way of sourcing the information required.

Where the Director, P&I or FOC authorizes a second investigations trip, he or she will document on file the reasons for doing so.

The Director, P&I or FOC must always ensure that every investigation trip provides value for money spent, and this assessment should form part of the appraisal considerations for the officer involved.

### **CONCLUDING INVESTIGATIONS**

The investigations officer has two (2) months from the time of being allocated the file, in which to conclude the field investigations, all other factors remaining constant.

### **INVESTIGATION REPORT WRITING**

Within 14 days of concluding the field investigations, the investigating officer should write and complete the investigations report. The investigations report should adopt the following format:-

- Background
- Objective
- Methodology
- Identification of beneficiaries and victims
- Findings
- Observation
- Opinion
- Recommendations

(a) It is important for the investigations officer to bear in mind that his or her role is to investigate facts of the allegations and not to determine legal liability. The investigations report must deal exclusively with factual findings and not legal findings.

(b) The investigations officer, based on his or her factual findings, may recommend that either the complaint be closed or further proceeded.

(c) The investigations report should be submitted to the DPI or FOC for endorsement. The DPI or FOC will review the investigations report and:

i. Determine whether or not to endorse the recommendations of the investigations officer, or ii. Recommend further investigations or different action. The DPI or FOC will make the final decision on all investigations reports.

(d) The DPI or FOC forward the endorsed report to the Council through the Executive Secretary for necessary action and approval.

### **RECOMMENDATION NOT TO PROCEED**

Where the recommendation is that the Commission should not proceed with the complaint, the HCR or DPI or FOC will inform the complainant in writing; issue a notice of inability to proceed with the complaint and advise the complainant on other possible medium within 14 days of the investigation report. A copy of the 'notice of inability to proceed' must be attached to the file.

### **RECOMMENDATION FOR FURTHER ACTION**

Where the decision by the Council is in support of the investigations officer who recommended further or alternative action, the file will be returned to the investigations officer through the DPI who shall carry out the remedial actions within 30 days.

### **RECOMMENDATION TO PROCEED WITH THE COMPLAINT**

Where the recommendation or decision is for the complaint to proceed further, the DPI will forward the file if it relates to Civil & Political Rights and/or Economic, Social & Cultural Rights to the ***Legal and Enforcement Department*** for a legal opinion.

While Women & Children Rights would be forwarded to the investigations officer for appropriate remedial action within 30 days.

At the field offices, the Field Office Coordinator (FOC) shall take up the responsibility of a legal officer (where no such exist) in writing the legal opinion in this regard and take appropriate decision as it relates to the complaint.

d) Counter-sign by himself or herself at the bottom of each page of the document that these processes have been duly complied with to the understanding of the complainant.

### **CONTENT OF A COMPLAINT**

1. A written complaint shall be in the form set out in Form 1 of Schedule 1 to these Rules of Procedure and shall include:

a) The name, address, telephone or other contact numbers(s) and description of the complainant;

- b) The name, address, telephone or other contact numbers(s) and description of the person or entity against whom the complaint is lodged or made;
  - c) If the person making or lodging the complaint is not the victim or beneficiary of any remedies sought, the complaint shall indicate the name and contact address of the victim or person on behalf of whom the remedies are sought as well as the nature of the relationship with the victim;
  - d) The name, address, telephone or other contact numbers and description of legal or other duly authorized representatives of the complainant or respondent if applicable;
  - e) A summary of the facts, claims or allegations within the knowledge of the complainant or of the persons lodging the complaint that constitute the bases of the complaint;
  - f) The date and place where the alleged violations occurred;
  - g) The nature of violations alleged;
  - h) Any previous steps taken by the complainant to remedy the violations complained of;
  - i) The remedies sought from the Commission;
  - j) An indication whether the case has been submitted to any other form of judicial, administrative or other dispute settlement procedure.
2. The complainant shall, upon completing the complaint, attach thereto such documents, if any, in support of the claims contained in the complaints.
  3. A complaint should not be made in abusive language.

i. All written complaints are to be addressed to the Executive Secretary, National Human Rights Commission, No. 19, Aguiyi Ironsi Street, Maitama Abuja

ii. Complaints can also be received by the NHRC via phone calls to the NHRC'S Call Centre which operates on 24/7/52 basis. The hot lines are: 08077091123, 08077091124, 08077091126.

iii. Complaints can also reach the Commission on its website: [nhrc.gov.ng](http://nhrc.gov.ng) or via emails sent to [info@nigeriarights.gov.ng](mailto:info@nigeriarights.gov.ng)

**iv. Complainants/victims should note that the Commission does not charge fees for its services.**

**NOTE:** for any further enquiries/assistance on treatment of complaints, please contact the complaint registry of the Commission.

## **C. EXECUTIVE ORDER THREE - SUPPORT FOR LOCAL CONTENTS IN PUBLIC PROCUREMENT**

In compliance with this Presidential Executive Order, the NHRC directed its Legal Services and Enforcement Department to ensure that draft agreements for the procurement of goods and services are in compliance with the Presidential Executive Order on local contents. The Procurement Unit of the Commission has also been directed to ensure strict compliance with the Order in the procurement of goods and services for the Commission.

## **DOCUMENTS EXPECTED TO BE SUBMITTED BY COMPANIES/NGOs WILLING TO PROVIDE GOODS AND OR SERVICES FOR NATIONAL HUMAN RIGHTS COMMISSION**

- i. Certificate of Incorporation/Evidence of Registration with the Corporate Affairs Commission (CAC), Memorandum and Articles of Association.
- ii. Current Pension Clearance from PENCOM
- iii. Evidence of Tax Clearance Certificate for the last three years corresponding to declared turnover.
- iv. Evidence of compliance certificate in line with the provision of section 6(1) (3) of the amended Industrial Training Fund (ITF) Act No. 19 of 2011.
- v. Evidence of Contribution/Remittance of 1% of Annual Total Emolument accrued to members of staff of the company payable to ITF.
- vi. Evidence of membership of relevant professional bodies.
- vii. Evidence of remittance to NSITF.
- viii. Evidence of Registration on the Database of contractors, consultants and service providers by inclusion of the Interim Registration Report (IRR) issued by Bureau of Public Procurement (BPP) in line with the provision of section 5(h) of the Public Procurement Act (PPA), 2007.

### **OTHER REQUIREMENTS:**

- i. Company audited Accounts prepared by a reputable Chartered Accountant firm for the last three years preceding the year in question.
- ii. Evidence of technical capability
- iii. Verifiable list of similar jobs successfully executed in the last three years including letters of award and job completion certificate.
- iv. Evidence of financial capability to execute the projects (Bank Guarantee)
- v. Company profile and technical qualification/curriculum vitae of key personnel with evidence of experience on similar consultancy jobs.
- vi. A sworn affidavit confirming that all information presented and attached are true and correct of the company and that no officer of the Commission is a former or present director, shareholder or has any pecuniary interest in the bidder.

### **PROCUREMENT PROCEDURE**

In addition to the above, the National Human Rights Commission abides by and applies all procurement procedures as enshrined in the Procurement Act, 2007. All procurement issues are therefore treated within the specified timelines as shown below.

When the procurement plan is approved by the Management, the Commission places advertisement, soliciting for prospective vendors to indicate interest to provide needed services as may be required. The advert is usually placed in at least two National Dailies, the Procurement/Tenders Journal, Commission's website and Commission's notice board. The advertisement is usually for a period of six weeks within which all interested companies/contractors are expected to have submitted their profiles. The day the advert closes, the bids are usually

opened in the presence of all who have submitted bids, civil society representatives, relevant NGOs, etc. The Bids are scrutinized and referred to regulatory agencies such as CAC, PENCOM, FIRS, ITF etc for verification and authenticity of their claims. Between 3 – 6 weeks, the list of companies that meet the requirements are published on the Commission's website and notice boards. This list is called Pre-qualification List. The companies prequalified will then be invited for financial bids on the various jobs, but subject to fund availability.

#### Submission of Tender Documents:

1) Interested contractors submit their documents enclosed in a sealed tamper proof envelop addressed as follows:

Director, Procurement,  
Room 413, National Human Rights Commission,  
No. 19, Aguiyi Ironsi Street,  
Maitama, Abuja.

2) Closing time for submission of tenders documents is within six weeks from the date of the publication.

#### Opening:

Opening of profiles will commence at 12.00 noon on the last day of the sixth week of publication. All Bidders and/or their representatives, relevant professional bodies and NGOs are invited to witness the public opening bid exercise.

#### Note:

- (i) All CAC, VAT, PENCOM, ITF, and Tax Clearance Certificate (TCC) may be referred to the regulatory agencies, Corporate Affairs Commission, Federal Inland Revenue Services (FIRS), National Pension Commission and other relevant bodies for verification.
- (ii) Only successful bidders at this stage are prequalified and will be invited for the next stage of the bidding process (financial) where applicable.
- (iii) The National Human Rights Commission reserves the right to reject any or all the submission that do not meet up with the bidding as specified.
- (iv) The evaluation of the received documents shall be strictly based on the National Human Rights Commission internal process.

#### **MODE OF COMMUNICATION:**

Names of successful and unsuccessful bidders are pasted on the Commission's website, Notice Board and communicated through text messages.

#### **TIMELINE:**

The timeline for the submission of financial bid documents is 21 days from date of publication.

**CONCLUSION:**

In accordance with the Public Procurement Act 2007, the National Human Rights Commission complies strictly with the requirement and specification of the “ease of doing business” in the country and presently the Commission uses 100% local content in all its business. However, if the need arises to source for products outside the country, it shall be so stated after obtaining approval from appropriate authority.