

**A BILL**

**FOR**

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**AN ACT TO PROVIDE FOR THE  
PROHIBITION OF HATE SPEECHES  
AND FOR OTHER RELATED  
MATTERS**

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# NATIONAL COHESION AND INTEGRATION ACT

[ ] Commencement

An Act of the National Assembly to promote national cohesion and integration by outlawing unfair discrimination, hate speeches and to provide for the establishment, powers and functions of the **INDEPENDENT NATIONAL COMMISSION FOR THE PROHIBITION OF HATE SPEECHES**, and for purposes connected therewith.

## PART I – PRELIMINARY

### 1. Short title

This Act may be cited as the **INDEPENDENT NATIONAL COMMISSION FOR THE PROHIBITION OF HATE SPEECHES ACT**.

### 2. Interpretation

In this Act, unless the context otherwise requires-

“**Commission**” means the **INDEPENDENT NATIONAL COMMISSION FOR THE PROHIBITION OF HATE SPEECHES** established by Section 9 of this Act.

“**Commissioner**” means a member of the Commission appointed under Section 11 of this Act;

“**Discrimination**” means discrimination as defined under Section 3 of this Act;

“**ethnic group**” means a group of person defined by reference to tribe indigenous to Nigeria, and references to a person’s ethnic group refers to any ethnic group to which the person belongs;

“**ethnic relations**” include racial, religious, tribal and cultural interactions between various communities, and the words “ethnic” and “ethnicity” shall be construed accordingly;

“**ethnic grounds**” means any of the following grounds, namely colour, race, religion, nationality or ethnic or national origins;

“**financial year**” means a period of twelve months as currently operating in Nigeria;

**“Human Rights Commission”** means the National Commission on Human Rights established under the National Commission on Human Rights.

**“Secretary”** means the secretary to the Commission appointed under section 14.

## **PART II – DISCRIMINATION TO WHICH ACT APPLIES**

### **3. Ethnic discrimination**

- (1) For purpose of this Act a person discriminates against another person if on ethnic grounds the person without any lawful justification treats another Nigerian citizen less favorably than he treats or would treat other person from his ethnic or another ethnic group and/or that **on grounds of ethnicity** a person puts another person at a particular disadvantage when compared with other persons from other ethnic nationality of Nigeria;
- (2) A person also discriminates against another person if, in any circumstances relevant for the purposes of any provision referred to in subsection (1)(b), he applies to that person a provision, criterion or practice which he applies or would apply equally to persons not of the same race, ethnic or national origins as that other.

### **4. Hate speech**

- (1) A person who uses, publishes, presents, produces, plays, provides, distributes and /or directs the performance of, any material, written and/or visual which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behavior commits an offence if such person intends thereby to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up **against any person or person from such an ethnic group in Nigeria.**
- (2) Any person who commits an offence under this section shall be liable to **life imprisonment and where the act causes any loss of life, the person shall be punished with death by hanging.**
- (3) In this section, **“ethnic hatred”** means hatred against a group of persons from any ethnic group indigenous to Nigeria.

### **5. Harassment on the basis of ethnicity**

- (1) A person subjects another to harassment on the basis of ethnicity for the purposes of this Section where, on ethnic grounds, he **unjustifiably** engages in a conduct which has the purpose or effect of —
  - (a) violating that other person's dignity; or
  - (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for the person subjected to the harassment.
- (2) Conduct shall be regarded as having the effect specified in subsection (1)(a) or (b) of this Section if, having regard to all the circumstances, including in particular the perception of that other person, it should reasonably be considered as having that effect.
- (3) A person who subjects another to harassment on the basis of ethnicity commits an offence and shall be liable on conviction to an imprisonment for a term not less than five years, or to a fine of not less than Ten million Naira, or to both.

#### **6. Offence of ethnic or racial contempt**

- (1) Any person who **knowingly** utters words to incite feelings of contempt, hatred, hostility, violence or discrimination against any person, group or community on the basis of ethnicity or race, commits an offence and shall be liable on conviction to imprisonment for a term not less than five years, or to a fine of not less than Ten million Naira, or to both.

#### **7. Discrimination by way of victimization**

- (1) A person victimizes another if in any circumstance relevant for the purpose of this Act, the person does any act that is injurious to the wellbeing and esteem of another person by treating the person to less favorably than, in those circumstances, such person treats or would treat other persons, and does so by reason that the person victimized has—
  - (a) Made a complaint under this Act;
  - (b) Otherwise done anything under or by reference to this;
  - (c) Given evidence or information in connection with proceedings brought by any person against any other person under this Act; or
  - (d) By reason that the person who has violated the provision(s) of this Act knows that the persons victimized intends to do any of those things, or suspects that the person victimized has done, or intends to do, any of them.

- (2) (a) A person who subjects or threatens to subject another person to any detriment because the other person, or a person associated with the other person—
- (i) has made a complaint against any person;
  - (ii) has brought any other proceedings under this Act against any person;
  - (iii) has given evidence or information, or produced a document, in connection with any proceedings under this Act;
  - (iv) has otherwise done anything in accordance with this Act in relation to any person;
  - (v) has contravened a provision of Part III, unless the allegation is false and was not made in good faith;
  - (vi) has refused to do anything in accordance the allegation is false and was made in good faith;
- (b) fails to comply with a notice by the Commission under section 57;
- (c) hinders or obstructs a Commissioner, member of staff of the Commission or the Secretary in the exercise of powers or the performance of functions under this Act;
- (d) uses insulting language towards a Commissioner, member of staff of the Commission or the Secretary when the member Commissioner, Member of staff or Secretary is exercising powers or performing functions under this Act; or
- (e) gives any information or makes any statement to the Commission, the Secretary or a person acting on behalf of the Commission or the Secretary in exercise of powers or the performance of functions under this Act which the person knows is false or misleading in any material particular, commits an offence and shall be liable on conviction to a fine of two million naira or to imprisonment for a term not less than twelve months or both.

## 8. Offences by body of persons

In the case of an offence under this Act committed by a body of persons—

- (a) where the body of persons is a body corporate, every director, trustee and officer of that body corporate shall also be deemed to be guilty of that offence; and
- (b) where the body of persons is a firm, every partner of that firm shall also be deemed to be guilty of that offence:

### **PART III – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE INDEPENDENT NATIONAL COMMISSION FOR THE PROHIBITION OF HATE SPEECHES ESTABLISHMENT OF THE COMMISSION**

- 9. (1) There is established a Commission to be known as the **INDEPENDENT NATIONAL COMMISSION FOR THE PROHIBITION OF HATE SPEECHES**
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of –
  - (a) Suing and being sued;
  - (b) Purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
  - (c) Borrowing or lending money; and
  - (d) Doing or performing all other things or acts for the furtherance of the provision of this Act which may lawfully be done or performed by a body corporate.

#### **10. Headquarters**

- (1) The headquarters of the Commission shall be in Abuja, but the Commission may establish branch offices in each of the States of the Federation in Nigeria.
- (2) Subject to the provisions of any other written law as to the meetings of the Commission, the Commission may hold its sittings at any place in Nigeria.

#### **11. Membership of the Commission**

- (1) The Commission shall consist of—
  - (a) An **Executive** Chairperson appointed by the President and Commander in Chief of the armed Forces of the Federal Republic of Nigeria on the recommendation of the National Council of State which appointment shall further be subject to the confirmation of at least two – third majority of the National Assembly.



(b) Twelve Commissioners appointed by the President and Commander in Chief of the armed Forces of the Federal Republic of Nigeria on the recommendation of the National Council of State which appointment shall further be subject to the confirmation of at least two – third majority of the Senate.

(c) Secretary;

(2) The President and Commander in Chief of the armed Forces of the Federal Republic of Nigeria shall, in making appointments under this Section observe and ensure the observance of the Federal Character principle.

## 12. Qualifications of Commissioners

(1) A person shall be qualified for appointment as a commissioner if such person—

(a) Is a citizen of Nigeria;

(b) Is a person of high moral character and proven integrity; and

(c) Has knowledge and experience in matters relating to race, ethnic and human relations, public affairs, and human rights.

(2) No person shall be qualified for appointment as a commissioner if such person—

(a) Is a member of the National Assembly;

(b) Is a member of any government authority in local, states or federal governments;

(c) Is a member of the executive body of, or is actively involved in the affairs of a political party;

(d) Has promoted sectorial, ethnic, racial or religious animosity or openly advocated for partisan ethnic positions or interests.

## 13. Term of office

The Chairperson and the commissioners shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

## 14. Secretary to the Commission

(1) The Executive Secretary to the Commission shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

(2) Subject to the general control of the Commission, the Executive Secretary shall –

(a) Be responsible for the administration and day-to-day management of the affairs of the Commission in accordance with ~~extant rules and regulations,~~ and

(b) Perform such other functions as may be assigned by the Commission.

### 15. Oath of office

The Chairperson, the Commissioners and the Executive Secretary shall each make and subscribe before the Chief Justice of the Federation the oath or affirmation set out in the **First Schedule**.

### 16. Vacancy

(1) The office of the Chairperson or a commissioner shall become vacant if the holder—

(a) Dies;

(b) Resigns from office by writing under his hand addressed to the President;

(c) Is removed from office in accordance with the provisions of SEC. 23;

(d) Is convicted of an offence and sentenced to imprisonment without the option of a fine;

(e) is unable to discharge the functions of his office by reason of physical or mental infirmity;

(f) Is absent from three consecutive meetings of the Commission without good cause; or

(g) Is declared bankrupt.

(2) The President shall notify every vacancy in the Gazette within seven days of the occurrence of the vacancy.

### 17. Removal from office

(1) The Chairperson or a commissioner may be removed from office by the President—

(a) For misbehavior or misconduct; or

- (b) If convicted of an offence involving moral turpitude, but shall not be removed except in accordance with this section.
- (2) A person who wishes to have a commissioner removed from office may apply for removal of the commissioner to the President, and such application shall be copied to the Chairperson.
- (3) Where the subject of an application for removal from office under subsection (2) is the Vice- Chairperson, they shall be made to the Minister and copied to the vice-chairperson.
- (4) The Minister shall, within seven days of receipt of an application under subsection (2), forward the application to the relevant Committee of the Senate, and the Committee shall inquire into the matter and report on the fact to the President, giving its recommendation as to whether or not the Chairperson or the commissioner ought to be removed from office, and shall communicate the recommendations of the Committee to the President.
- (5) Where the question of removing the Chairperson or a commissioner has been referred to the relevant Committee of the Senate under subsection (4) the President may suspend the Chairperson or the commissioner concerned, and the suspension may at any time be lifted by the President and shall, in any case, cease to have effect if the Committee of the Senate recommends that the Chairperson or the commissioner, as the case may be, should be removed.
- (6) A commissioner shall be removed from office if two thirds of the members of the Senate vote to remove the member, on the recommendation of the relevant Senate Committee.

## 18. Filling of vacancy

- (1) Where a vacancy occurs in the Commission as a result of death, disability, resignation or removal of a commissioner, the President shall **subject to Sections 11 of this Act** appoint a replacement.
- (2) A person who is appointed in place of a commissioner whose office has become vacant under this section shall hold office for the remainder of the term of office of that Commissioner.

## 19. Objects and functions of the Commission

- (1) The object and purpose for which the Commission is established is to facilitate and promote a harmonious peaceful co-existence within the people of all ethnic groups indigenous to Nigeria **and more importantly to achieve this objective by**

ensuring the elimination of all forms of hate speeches in Nigeria, and to advise the Government of the Federal Republic of Nigeria on all aspects thereof.

- (2) without prejudice to the generality of subsection (1), the Commission shall—
- (a) promote the elimination of **all forms of hate speeches against any person(s) or ethnic group indigenous to Nigeria.**
  - (b) discourage persons, institutions, political parties and associations from advocating or promoting discrimination or discriminatory practices **through the use of hate speeches.**
  - (c) promote tolerance, understanding and acceptance of diversity in all aspects of national life and encourage full participation by all ethnic communities in social, economic, cultural and political life of other communities;
  - (d) plan, supervise, co-ordinate and promote educational and training programs to create public awareness, support and advancement of peace and harmony among ethnic communities and racial groups;
  - (e) promote respect for religions, cultural, linguistic and other forms of diversity in a plural society;
  - (f) promote equal access and enjoyment by persons of all ethnic communities and racial groups to public or other services and facilities provided by the Government;
  - (g) promote arbitration, conciliation, mediation and similar forms of dispute resolution mechanisms in order to secure and enhance ethnic and racial harmony and peace;
  - (h) investigate complaints of ethnic or racial discrimination and make recommendation to the Attorney-General, the Human Rights Commission or any other relevant authority on the remedial measures to be taken where such complaints are valid;
  - (i) investigate on its own accord or on request from any institution, office, or person any issue affecting ethnic and racial relations;
  - (j) identify and analyze factors inhibiting the attainment of harmonious relations between ethnic communities, particularly barriers to the participation of any ethnic community in social, economic, commercial, financial, cultural and political endeavors, and recommend to the Government and any other relevant public or private body how these factors should be overcome;

- (k) Determine strategic priorities in all the socio-economic political and development policies of the Government impacting on ethnic relations and advise on their implementation;
- (l) Recommend to the Government criteria for deciding whether any public office or officer has committed acts of discrimination on the ground of ethnicity or race;
- (m) monitor and review all legislation and all administrative acts relating to or having implication for ethnic or race relations and, from time to time, prepare and submit to the Government proposals for revision of such legislation and administrative acts;
- (n) initiate, lobby for and advocate for policy, legal or administrative reforms on issues affecting ethnic relations;
- (o) Monitor and make recommendations to the government and other relevant public and private sector bodies on factors inhibiting the development and harmonious relations between ethnic groups and on barriers to the participation of all ethnic groups in the social, economic, commercial, financial, cultural and political life of the people;
- (p) Undertake research and studies and make recommendations to the Government on any issue relating to ethnic affairs including whether ethnic relations are improving;
- (q) Make recommendations to the Government on any issue relating to ethnic affairs including whether ethnic relations are improving;
- (r) monitor and report annually to the Nation Assembly the status and success of implementation of its recommendations;
- (s) issue notices directing person, persons or institutions involve in actions or conduct amounting to violations on the basis of ethnicity or race to stop such actions or conduct within a given period; and
- (t) Do all other acts and things as may be necessary to facilitate the efficient discharge of its functions.

## 20. Powers of the Commission

- (1) The Commission shall have all the powers necessary or expedient for the proper performance of its functions under this Act.
- (2) In the discharge of its functions under this Act, the Commission—

- (a) Shall not be subject to the direction or control of any other person or authority;
- (b) Shall publish the names of persons or institutions whose words or conduct may undermine or contribute towards undermining ~~good ethnic relations, or~~ who are involved in ethnic discrimination or the propagation of ethnic hate;
- (c) may enter into association with such other bodies or organizations within or outside Nigeria as it may consider desirable or appropriate and in furtherance of the purpose for which the commission is established;
- (d) control, supervise and administer the assets of the Commission in such manner and for such purposes as best promote the purpose for which the Commission is established;
- (e) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom; and
- (f) open a banking accounts for the funds of the Commission as may be necessary based on existing extant rules and regulations.

#### **21. Power to summon witnesses**

The Commission shall have power to summon witnesses and to call for the production of books, plans and other documents and to examine witnesses and parties on oath.

#### **22. Summons for attendance of witnesses**

Summons for the attendance of witnesses or other persons or for the production of books, plans and other documents shall be in such form as may be specified by the Commission and shall be signed and sealed by the Executive Secretary.

#### **23. Expenses of witnesses**

Every person summoned to attend and give evidence or produce books, plans or other documents at any sitting of the Commission shall be bound to obey the summons served upon him as if such summons were issued by the High Court, and shall be entitled to like expenses as a summoned to attend the High Court on a criminal trial.

#### **24. Conduct of business of the Commission**

The conduct and regulation of the business and affairs of the Commission shall be as provided in the **Second** Schedule but subject thereto, the Commission shall regulate its own procedure.

## **25. Delegation by the Commission**

The Commission may, by resolution either generally or in any particular case, delegate to any Committee of the Commission or to any member, officer, employee or agent of the Commission, the exercise of any of the powers or the performance of any of the functions or duties of the Commission under this Act.

## **26. Remuneration of commissioners**

The remuneration and allowances of the members of the Commission shall as determined by the Revenue Mobilization, Allocation and Fiscal Commission.

## **27. Staff of the Commission**

- (1) The Commission may appoint such officers or staff as are necessary for the proper discharge of the functions of the Commission under this Act, upon such terms and conditions of service as the Commission may determine.
- (2) The principles of ethnic and gender balance shall guide all staff appointments and in line with the Federal Character principles.
- (3) The Government may, upon request by the Commission, second to the Commissions such number of public officers as may be necessary for the purpose of the Commission.
- (4) A public officer seconded to the Commission shall, during the period of secondment be deemed to be an officer of the Commission and shall be subject only to the direction and control of the Commission.

## **28. The seal of the Commission**

- (1) The common seal of the Commission shall be kept in the custody of the Executive Secretary of the Commission and shall not be used except on the order of the Commission.
- (2) The common seal of the Commission when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization of the Commission under this section shall be presumed to have been duly given.

## **29. Protection from personal liability**

No matter or thing done by a member of the Commission or any officer, employee or agent of the Commission shall, if the matter or thing is done in good faith for executing the functions, power or duties of the Commission, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

### 30. Liability of the Commission for damages

The provision of **Section 29** shall not relieve the Commission of the liability to pay compensation for damage to any person arising from any injury sustained by any person for any personal or proprietary interest of the person as a result of the exercise of any power conferred by this Act.

### 31. Funds of the Commission

The funds of the Commission shall consist of—

- (a) monies appropriated by the National Assembly for the purpose of the Commission;
- (b) such monies or assets as may accrue to the Commission in the course of the exercise of its powers or the performance of its functions under this Act; and
- (c) all monies from any other source provided for or donated or lent to the Commission.

### 32. Annual estimates

- (1) At least three months before the commencement of each financial year, the commission shall cause to be prepared estimates of the revenue and expenditure of the commission for that year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and in particular, shall provide for—
  - (a) The payment of the salaries, allowances and other charges in respect of staff of the commission;
  - (b) The payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the commission;
  - (c) The maintenance of the buildings and grounds of the commission;
  - (d) The funding of training, research and development activities of the Commission;
  - (e) The proper maintenance, repair and replacement of any installation and of the equipment and in respect of such other matters as the Commission may think fit.
  - (f) the creation of such funds to meet future or contingent liabilities in respect of such other matters as the Commission may think fit.



- (3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate, and shall be submitted to the **National Assembly** for approval and after the **National Assembly** has given approval, the Commission shall not increase any sum provided in the estimate without the Resolution of the National Assembly approving such increase.

No expenditure shall be incurred for the purpose of the Commission except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Commission given with the prior approval of the National Assembly.

### **33. Accounts and audit**

- (1) The Commission shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Commission.
- (2) The Minister for the time being responsible for finance may prescribe the form of any book required to be kept under subsection (1) and unless a form has been prescribed, a form suitable for the purpose shall be used.
- (3) Within a period of three months after the end of each financial year, the Commission shall submit to the National Assembly and the Auditor-General of the Federation the accounts of the Commission in respect of that year together with—
  - (a) A statement of the income and expenditure of the Commission during that financial year; and
  - (b) A statement of the assets and liabilities of the Commission on the last day of that financial year.
- (4) The account of the Commission shall be audited and reported upon by the National Assembly and Auditor-General.

### **34. Investment of funds**

- (1) The Commission may invest any of its fund in securities in which for the time being trustees may by law invest trust funds or in any other securities which the Minister in charge of finance may, from time to time, approve.

### **35. Annual reports**

- (1) The Commission shall cause an annual report to be prepared for each financial year.
- (2) The Commission shall submit the annual report to the National Assembly and **National Council of State** within three months after the end of the year to which it relates.

- (3) The annual report shall contain, in respect of the year to which it relates—
- (a) the financial statements of the Commission;
  - (b) description of the activities of the Commission;
  - (c) such other statistical information as the Commission considers appropriate relating to complaints to the Commission, investigations by the Commission and reports by the Commission on the results of investigations;
  - (d) any other information relating to its functions that the Commission considers necessary.
- (4) The Commission shall cause the annual report to be published in the *Gazette* and in such other manner as the Commission may determine.

### **36. Special reports**

The Commission may, at any time, submit a special report to the National Assembly with respect to any aspect of the functions of the Commission which the Commission considers should, in the national interest, be brought to attention of the National Assembly if the subject matter of the report affects a wide cross section of the populace and there could be disastrous consequences if a report thereon is not brought to the attention of the National Assembly.

## **PART VI – ENFORCEMENT**

### *Complaint and compliance procedure*

#### **37. Complaints**

- (1) Any person who claims that another person has contravened a provision of this Act in relation to that person **or another** may complain to the Commission.
- (2) Two or more persons may complain jointly.
- (3) A complaint may be made by or against an individual as well as a body of persons whether corporate or unincorporated.
- (4) In order to complain to the Commission under this section, it is not necessary for the alleged contravention to relate to the complainant.

#### **38. Lodging a complaint**

- (1) A person shall complain to the Commission by lodging a written complaint to the Commission by hand, facsimile or other electronic transmission or post, setting out the alleged contravention.

- (2) The Commission shall notify the respondent in writing of the complaint as soon as practicable after receiving it.

**39. Commission may decline to entertain some complaints**

- (1) Where the Commission considers that a complaint—
- (a) is frivolous, vexatious, misconceived or lacking in substance;
  - (b) involves subject matter that would be more appropriately dealt with by a court;
  - (c) involves subject matter that has been adequately dealt with by a court; or
  - (d) relates to an alleged contravention of the Act that took place more than twelve months before the complaint was lodged, the Commission may declining to entertain the complaint by notifying the complainant and the respondent in writing within **forty five (45)** days after the day the complaint was lodged.
- (2) Before declining to entertain a complaint, the Commission may, by written notice, invite any person to—
- (a) attend before the Commission, or a member or member of staff of the Commission, for the purpose of discussing the subject matter of the complaint; or
  - (b) produce any documents specified in the notice.

**40. Application to strike out complaint**

- (1) A respondent may apply in writing to the Commission to have a complaint or any part of it struck out on the grounds that it is frivolous, vexatious, misconceived or lacking in substance.
- (2) An application under subsection (1) may be made at any time—
- (a) before the respondent has been given a notice to attend under section 39 (2) (a) or has otherwise been notified by the Commission or the Secretary of a date for conciliation; or
  - (b) after the conciliation has been completed but before the complaint is set down for hearing.
- (3) The Commission shall begin to hear the application within fourteen days after reconciliation has failed and shall determine it as expeditiously as possible.

**41 Commission may dismiss a stale complaint**

(1) The Commission may dismiss a complaint, and shall notify the complainant accordingly, if the Commission has had no substantive response from the complainant in the period of twelve months following a request by the Commission for a response in relation to the complaint.

(2) A complainant may take no further action under this Act in relation to the subject matter of a complaint dismissed under this section.

#### **42 Reference of a matter to Commission**

(1) Where the **National Assembly or any other authority** if it considers that any matter raises an issue of important public policy, may refer the matter to the Commission, whether or not a complaint has been lodged or the Commission has considered the complaint or the complaints is in the process of being conciliated.

(2) The **National Assembly or any other authority** shall not be a party to a proceeding in a matter referred to the Commission under subsection (1) unless joined by the Commission.

#### **43. Commission to refer complaint for conciliation**

(1) If the Commission does not consider it reasonably possible that that a complaint may be conciliated successfully it shall notify the complainant and the respondent in writing.

#### **44. Where conciliation is inappropriate**

(1) Where the Commission does not consider it reasonably possible that a complaint may be conciliated successfully it shall notify the complainant and the respondent in writing.

(2) Within **fifteen** days after receiving the Commission's notice under subsection (1), the *complainant*, by written notice, may require the Commission to set the complaint down for hearing and the Commission shall comply with such notice.

(3) Where the *complainant* does not notify the Commission under subsection (2) the Commission may dismiss the complaint and the *complainant* may take no further action under this Act in relation to the subject matter of the complaint.

#### **45. Conciliation by the Commission**

The Commission shall make all reasonable endeavors to conciliate a complaint made or referred to it under **this Act** and may, by written notice, require any person to—

(a) attend before the Commission for the purpose of discussing the subject matter of the complaint; or

- (b) produce any document specified in the notice.

#### **46. Conciliation agreements**

If, following conciliation, the parties to the complaint reach agreement with respect to the subject matter of the complaint, the Secretary shall record the agreement and the parties shall be bound to comply with such agreement as if it were an order of the Commission.

#### **47. Where Commission fails to conciliate**

- (1) If the Commission does not consider it reasonably possible that a complaint may be conciliated successfully, or has attempted unsuccessfully to conciliate the complaint, it shall notify the complainant and the respondent in writing.
- (2) Within sixty days after receiving a notice under subsection (1), the complaint, by written notice, may require the Commission to set down the complaint for hearing.
- (3) If the complainant does not notify the Commission under subsection (2), the Commission may dismiss the complaint and the complainant may take no further action under this Act in relation to the subject matter of the complaint.

#### **48. Special references**

- (1) The Commission shall, in exercising its powers, pay particular attention to and expedite the disposal of **all complaint made or referred to it.**

#### **49. Parties to a proceeding**

- (1) The complaint and the respondent are parties to a proceeding in respect of a complaint referred to in Section 42.
- (2) The ~~National Assembly or any other authority~~ shall not be a party to a proceeding in respect of a complaint referred to the Commission unless it has been joined as a party to the proceeding by the Commission.

#### **50. Decisions of the Commission**

After hearing the evident and representations that the parties to a complaint desire to adduce or make, the Commission may—

- (a) find the complaint or any part of it proven and issue a compliance notice in the manner provided for under section 51;
- (b) find the complaint or any part of it proven but decline to make any further action in the matter; or

- (c) find the complaint or any part of it not proven and make an order that the complaint or part of it be dismissed.

## **51. Compliance Notices**

- (1) A compliance notice issued under section 56 shall require the person(s) or group(s) concerned to—
  - (a) comply with a duty specified in the notice; and
  - (b) inform the Commission, within thirty days of the date on which the notice is served, of the steps that the person(s) or group(s) has taken, or is taking, to comply with the duty specified in the notice.
- (2) A compliance notice may also require the person(s) or group(s) concerned to furnish the Commission with such other written information as may be reasonably required by the notice in order to verify that the notice has been complied with.
- (3) The notice may specify—
  - (a) the time (no later than three months from the date on which the notice is served) at which any information is to be furnished to the Commission; and
  - (b) the manner and form in which any such information is to be so furnished.
- (4) A compliance notice shall not require a person(s) or group(s) to furnish information which the person could not be compelled to furnish in evidence in civil proceedings before the High Court.

## **52. Enforcement of compliance notices**

- (1) The Commission may apply to a Magistrates Court or any other court for an order requiring a person(s) or group(s) to furnish any information required by a compliance notice if—
  - (a) the person(s) or group(s) fails to furnish the information to the Commission in accordance with the notice; or
  - (b) the Commission has reasonable cause to believe that the person(s) or group(s) does not intend to furnish the information.
- (2) If the Commission considers that a person(s) or group(s) has not, within three months of the date on which a compliance notice was served on that person(s) or group(s), complied with any requirement of the notice for that person(s) or group(s) to comply with a duty imposed by an order under section 51, the Commission may apply to a Magistrates Court or any other court for an order requiring the person to comply with the requirement of the notice.

- (3) If the court is satisfied that the application is well-founded, it may grant the order in terms applied for or in more limited terms.

### **53. Investigations by the Commission**

- (1) If the Commission becomes aware of circumstance(s) where a contravention of the provision(s) of this Act may have occurred (other than an alleged contravention that is the subject of proceedings before the Commission), the Commission may initiate investigation.
- (2) If, in the course of performing its functions and powers under Sections 19 and 20 of this Act, the Commission becomes aware of circumstances where a contravention of any provision of this Act may have occurred, the Commission shall extend its investigation to such matter.
- (3) If, in the course of dealing with a complaint or investigating a matter under subsection (1) or (2), the Commission becomes aware of circumstances where a contravention of the provision(s) of this Act may have occurred (other than the contravention alleged in the complaint or the contravention being investigated), the Commission may investigate those circumstances.

### **54. Conduct of investigations**

- (1) The Commission shall conduct an investigation under this Part in the same manner, as nearly as practicable, as if it were a complaint
- (2) If the Commission, after investigation, is satisfied that a person has contravened any provision of the Act, the Commission shall make all reasonable endeavor to conciliate the matter.

### **55. JURISDICTION TO TRY OFFENCES**

The Federal High Court shall have and exercise exclusive jurisdiction to try all offence under this Act.

**SCHEDULES**

SECOND SCHEDULE - OATH/AFFIRMATION OF THE OFFICE OF A  
COMMISSIONER/SECRETARY

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THIRD SCHEDULE - PROVISIONS AS TO THE CONDUCT OF BUSINESS  
AND AFFAIRS OF THE COMMISSION