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SYNOPSIS AND RECOMMENDATIONS ON THE HUMAN RIGHTS DEFENDERS PROTECTION BILL, 2024

Review of Relevant Information on Nigeria's Democracy



A. Background

The *Human Rights Defenders Protection Bill, 2024* represents a significant legislative initiative within the Nigerian legal framework, aimed at ensuring the protection, promotion, and fulfilment of the rights of human rights defenders (HRDs) across the country. The Bill was introduced by Senator Shehu Sani, Chair of the Senate Committee on Human Rights and Legal Matters, and supported by civil society organisations, including Global Rights Nigeria, as well as the National Human Rights Commission (NHRC). It was gazetted and passed for second reading in the Nigerian National Assembly in 2024.

The rationale for the Bill stems from Nigeria's ongoing human rights challenges and increasing threats faced by individuals and groups advocating for justice, accountability, and social equity. Human rights defenders—comprising activists, journalists, lawyers, and community organisers—have been subject to harassment, surveillance, arbitrary arrest, and extrajudicial violence. This has occurred within a broader regional context where defenders are increasingly targeted. According to a 2022 report by Amnesty International, since the adoption of the UN Declaration on Human Rights Defenders in 1998 until 2021, an estimated 4,814 HRDs have been killed worldwide. It is probable that this statistic does not fully capture the extent of the issue and may be subject to underreporting.

The Bill is also motivated by Nigeria's obligations under international and regional human rights instruments, including the United Nations Declaration on Human Rights Defenders (1998) (UNDHRD), the African Charter on Human and Peoples' Rights (ACHPR), and the ECOWAS Human Rights Framework. These

instruments call on nations to create an enabling environment for civil society, ensure legal remedies for violations, and facilitate access to national and international mechanisms.

Specifically, the Human Rights Defenders Protection Bill, 2024 seeks to:

- Provide a **comprehensive legal definition of human rights defenders**;
- **Codify their entitlements and legal protections**;
- Create a **dedicated protection mechanism** within the NHRC;
- **Establish a Protection Fund** for the support and safety of HRDs;
- Set out the **responsibilities of public authorities**;
- **Criminalise acts of intimidation, reprisal, or violence** against HRDs.

B. Definitions and Scope of Application

The Human Rights Defenders Protection Bill, 2024 provides a broad and inclusive definition of human rights defenders (HRDs), consistent with international standards. Under Clause 2, an HRD is defined as:

“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 or international levels.”

This definition is reinforced in the Interpretation section of the Bill, which further recognises HRDs as including:

“individuals, groups and associations contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals.”

The Bill also defines several other key terms that clarify its scope:

- **Public authority:** any government body or institution at federal, state, or local level.
- **Intimidation:** includes threats, harassment, surveillance, defamation, and other forms of coercion intended to obstruct HRD activities.
- **Reprisals:** adverse actions taken in response to a person's human rights work.

Scope of Application

The Bill applies across all levels of government in Nigeria, covering actions of public authorities and non-state actors alike. Notably, the Bill mandates non-discriminatory implementation, as stated in its final clause:

“This Act shall be implemented in a manner that is non-discriminatory and ensures equal protection and benefit of the law, irrespective of an individual's race, ethnic group, language, sex, gender, sexual orientation, gender identity, age, disability, religion, political or other opinion, national or social origin, birth or other status.”

This provision affirms the Bill's commitment to inclusive protection, particularly for HRDs from marginalised or vulnerable communities.

C. Key Rights of HRDs under the Bill

The Human Rights Defenders Protection Bill, 2024, affirms a comprehensive set of rights for HRDs grounded in international human rights norms. These rights are outlined in **Clauses 3 to 18** and serve to empower defenders and shield them from interference or reprisal.

Right	Summary of Right
Clause 3 – Right to Promote and Protect Human Rights and Fundamental Freedoms	HRDs have the right to freely engage in activities that promote and defend human rights, without fear of obstruction, discrimination, or criminalisation.
Clause 4 – Right to Form Groups, Associations and Organisations	HRDs have the right to form, join, and participate in organisations—whether formal or informal, registered or unregistered—within Nigeria or internationally, for the purpose of promoting and protecting human rights.
Clause 5 – Right to Solicit, Receive and Utilise Resources	HRDs have the right to seek, obtain, and use resources, including funding from domestic or foreign sources, to support their human rights work without undue restriction.
Clause 6 – Right to Seek, Receive and Disseminate Information	HRDs have the right to access and share information related to human rights, including from public authorities and private actors, through any medium, online or offline.
Clause 7 – Right to Develop and Advocate for Human Rights Ideas	HRDs have the right to generate, discuss, and promote new ideas or principles relating to human rights, and to advocate for their recognition and implementation.
Clause 8 – Right to Communicate with Non-Governmental, Governmental and Intergovernmental Organisations	HRDs have the right to freely engage with a range of actors—including civil society, governmental bodies, and diplomatic missions—without interference or restriction.
Clause 9 – Right to Access, Communicate with and Cooperate with International and Regional Human Rights Bodies and Mechanisms	HRDs have the right to access and cooperate with international and regional human rights mechanisms, including treaty bodies and special rapporteurs, without reprisal.
Clause 10 – Right to Participate in Public Affairs	HRDs have the right to engage in public affairs, including submitting proposals or criticisms to authorities, participating in policymaking, and holding the state accountable for human rights compliance.
Clause 11 – Right to Peaceful Assembly	HRDs have the right to organise and participate in peaceful meetings, protests, or demonstrations, free from arbitrary interference by public or private actors.
Clause 12 – Right to Represent and Advocate	HRDs have the right to represent others, offer legal or advisory support, attend hearings, and act on behalf of individuals or communities in pursuit of human rights protection.

Right	Summary of Right
Clause 13 – Right to Freedom of Movement	HRDs have the right to move freely within Nigeria, to choose their place of residence, and to enter or leave the country without restriction based on their status or activities.
Clause 14 – Right to Privacy	HRDs have the right to privacy in their personal and professional lives, including protection from unlawful surveillance, intrusion, or seizure of communications and data.
Clause 15 – Freedom from Intimidation or Reprisal	HRDs have the right to be free from threats, violence, or any other retaliatory actions arising from their work in defence of human rights.
Clause 16 – Freedom from Defamation and Stigmatisation	HRDs have the right to protection from defamatory attacks, stigmatising narratives, or smear campaigns by state or non-state actors that aim to undermine their credibility or work.
Clause 17 – Right to Exercise Cultural Rights and to the Development of Personality	HRDs have the right to express their cultural identity in their work and to challenge traditions or customs that infringe upon human rights.
Clause 18 – Right to Effective Remedy and Full Reparation	HRDs have the right to access judicial or administrative remedies for any violation of their rights under the Bill, and to obtain full reparation through legal or institutional processes.

D. Obligations of Public Authorities under the Bill

The Human Rights Defenders Protection Bill, 2024, imposes explicit duties on public authorities to uphold, facilitate, and not interfere with the work of human rights defenders. These obligations are primarily outlined in **Clauses 22 to 33**, reinforcing the state's responsibility to create an enabling environment for the exercise of human rights.

Obligation	Summary of Obligation
Clause 22 – Obligation to Respect, Promote, Protect and Fulfil the Rights of Human Rights Defenders	Public authorities are obligated to ensure that the rights set out in Part II are fully guaranteed in law and practice. This includes ensuring that all laws, policies, and programmes align with the Bill's protections and that HRDs operate in an enabling environment free from arbitrary restrictions.
Clause 23 – Obligation to Facilitate the Activities and Work of Human Rights Defenders	Authorities must take proactive steps to support HRD activities, including by facilitating access to detention centres, information, and sites of concern. They are also required to develop supportive policies and publicly legitimise HRD work.
Clause 24 – Obligation to Provide Free Access to Human Rights Materials	Government bodies must make all human rights-related documents and information publicly accessible, including international instruments, domestic legislation, reports, and data, both online and offline.

Obligation	Summary of Obligation
Clause 25 – Obligation Not to Disclose Confidential Sources	Authorities are barred from compelling disclosure of HRD sources, unless both the HRD and source give informed written consent, or if ordered by an independent tribunal in accordance with international standards.
Clause 26 – Obligation to Prevent and Ensure Protection Against Intimidation or Reprisal	Public authorities must adopt all necessary measures to prevent and respond to threats or retaliation against HRDs, including the implementation of protective measures outlined in Annexure I.
Clause 27 – Obligation to Ensure Protection Against Arbitrary or Unlawful Intrusion and Interference	Authorities must protect HRDs from surveillance, recording, search and seizure, or any unlawful intrusion into personal or professional life, whether physical or digital.
Clause 28 – Obligation to Conduct Investigation	Where there are reasonable grounds to suspect a violation of HRD rights, law enforcement must initiate prompt, independent, and impartial investigations. These must consider motive, patterns of abuse, and potential state or non-state complicity, and include regular consultation with the Mechanism under Section 34.
Clause 29 – Obligation to Ensure Effective Remedy and Full Reparation	Authorities must ensure that mechanisms exist to deliver effective remedies and full reparations to HRDs for violations of their rights or breaches of state obligations.
Clause 30 – Obligation to Make Intimidation and Reprisal an Offence	Acts of intimidation or reprisal linked to HRD status or work must be criminalised and prosecuted with penalties proportionate to the severity of the offence.
Clause 31 – Obligation to Promote and Facilitate Human Rights Education	The state is required to incorporate human rights education across all public institutions and ensure curricula include awareness of this Act and the legitimate work of HRDs.
Clause 32 – Obligation to Implement Protection and Urgent Protection Measures	Authorities must fully implement any protective or urgent security measures granted under the mechanisms in Part IV, without delay or obstruction.
Clause 33 – Assistance to Human Rights Defenders Abroad	Public authorities must take all necessary diplomatic and practical steps to assist Nigerian HRDs facing threats or reprisals abroad. This includes consular visits, legal support, relocation assistance, and emergency funding.

E. Protection Mechanisms

I. Establishment of a Protection Mechanism (Section 34)

The Bill mandates the National Human Rights Commission (NHRC) to establish a Mechanism for the Protection of Human Rights Defenders. This Mechanism is central to the implementation and coordination of the protective framework envisaged under the Act.

The Mechanism is tasked with a broad mandate:

- **Preventive and Protective Measures:** It must prevent and protect HRDs from intimidation and reprisals, including by supporting accountability processes.

- **Inter-agency Coordination:** It is empowered to foster coordination across government entities to respond to risks facing HRDs.
- **Monitoring and Reporting:** It will monitor the situation of HRDs nationally and publish annual reports with evidence-based recommendations.
- **Risk and Needs Assessments:** Including gender-based and collective risk assessments tailored to vulnerable HRDs.
- **Legislative Oversight:** The Mechanism is authorised to review existing and proposed laws and advise on necessary reforms.
- **Public Awareness and Advocacy:** It is responsible for promoting awareness of the UN Declaration on Human Rights Defenders and the legitimate role of HRDs.

Importantly, the Mechanism is required to develop protocols and guidelines within 180 days of the Act's entry into force and must ensure that all measures are inclusive of the needs of women HRDs, defenders with disabilities, and those operating in rural or high-risk areas.

2. Confidentiality and Information Security (Section 34(4))

To protect sensitive data, the Mechanism is obligated to develop robust information management and digital security protocols, in consultation with independent experts and civil society. Confidentiality is especially critical given the nature of threats often faced by HRDs.

3. Oversight and Review (Section 34(5))

The Mechanism must undertake periodic reviews of both the Act's implementation and its own institutional functioning. The first review must occur within 18 months, ensuring early evaluation and course correction.

4. Consultation with Civil Society (Section 35)

The Bill embeds participatory governance by requiring the NHRC to engage in ongoing consultation with civil society and HRDs themselves, across all operational aspects of the Mechanism.

5. Resourcing the Protection Mechanism (Section 36)

Creation of the Human Rights Defenders Protection Fund

To supplement its financial base, the NHRC must establish a dedicated Protection Fund to implement prevention and protection measures.

The Fund may receive:

- Grants from the public and private sectors;
- Contributions from domestic and international donors;
- Revenue from the Mechanism's assets.

The Fund must be managed transparently, and its annual financial report must be made publicly available in the Mechanism's annual report.

6. Training and Vetting (Section 37)

All individuals involved in implementing the Mechanism—including law enforcement and security personnel—must undergo:

- Pre-engagement vetting, ensuring suitability and impartiality;
- Initial and continuous training, specifically on:
- Human rights law and principles;

- The particular vulnerabilities of rural HRDs, women HRDs, and those with disabilities;
- Best practices for effective and victim-sensitive protection delivery.

This provision enhances the institutional capacity of the Mechanism and promotes **rights-based, victim-centred protection frameworks**.

F. Observations and Recommendations

Our recommendations draw extensively from the [Declaration +25 report¹](#), a landmark initiative developed through a year-long global consultation process with over 700 human rights defenders and experts. Released in 2024 by a coalition of 18 leading international and regional human rights organisations, the Declaration +25 builds on and complements the 1998 UN Declaration on Human Rights Defenders by incorporating key regional and international jurisprudential developments from the past 25 years. This initiative identifies enduring gaps in protection, responds to the evolving challenges faced by defenders, and sets out updated principles to guide legislative and institutional reform. The principles contained in both the 1998 Declaration and Declaration +25 together serve as a comprehensive baseline for the protection and promotion of human rights defenders globally.

The gaps and shortfalls in the current version of the Nigerian Bill are highlighted in Figure 1. Based on this, below we present our recommendations and observations for the amendment of the bill.

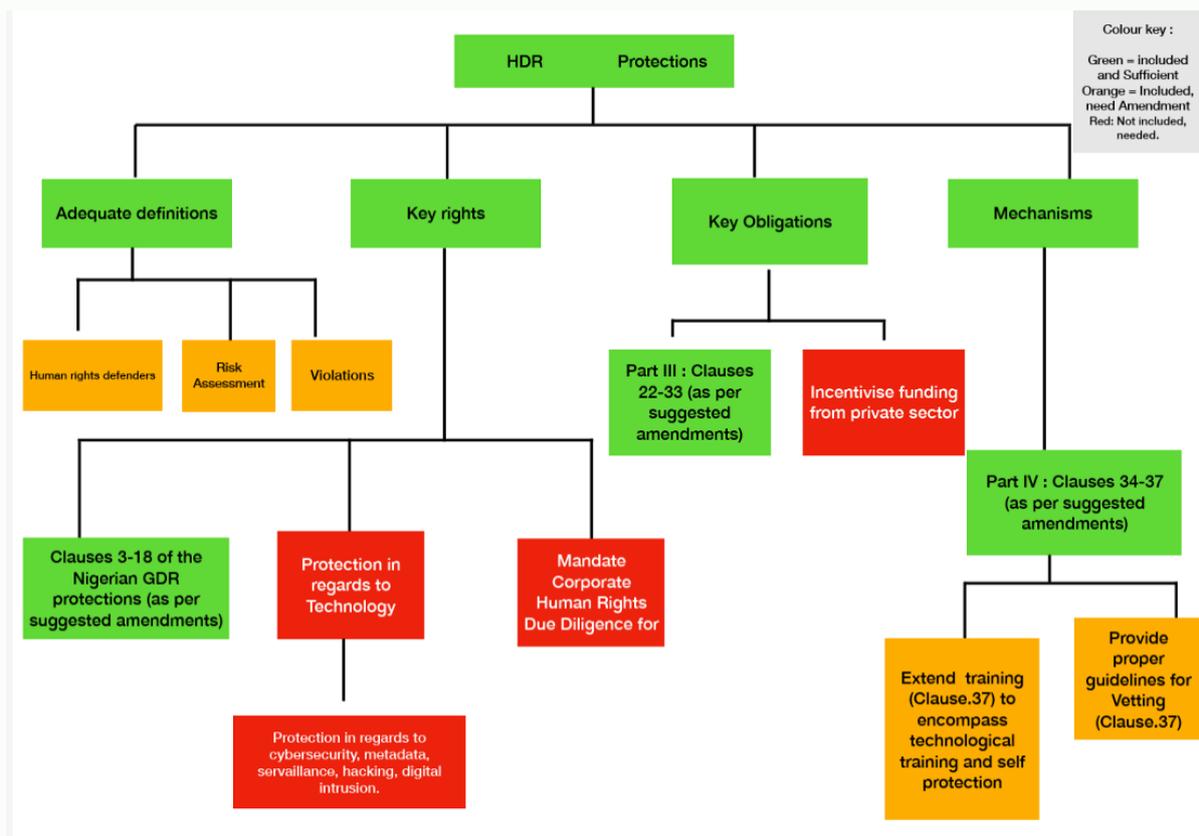


Figure 1.

¹ <https://ishr.ch/defenders-toolbox/resources/declaration-25/>

I. Amend Section 2 – Definition of Human Rights Defender

The current definition of a “human rights defender” in **Section 2** of the Nigerian Bill should be expanded and clarified to align with internationally accepted standards, including the *UN Declaration on Human Rights Defenders (1998)* and *Declaration+25 (2023)*. In particular, the Bill should:

- Define a human rights defender as:

“Any person who, individually or in association with others, or any group or organ of society, 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, or international level, through peaceful means.”

- Explicitly include informal actors, such as grassroots activists, journalists, environmental defenders, and those acting without formal legal registration or affiliation.
- Affirm that the right to defend human rights is not contingent on compliance with domestic law, particularly where such laws may contradict international human rights standards. As clarified by *Declaration+25 and the Inter-American Court of Human Rights (José Alvear Restrepo Lawyers Collective v. Colombia, IACtHR, 2023)*, peaceful actions may still be legitimate even if unlawful under repressive domestic legislation.
- Emphasise that the status of a defender must not require prior accreditation, licensing, or state recognition.
- Include a clause ensuring that the definition includes persons acting digitally or anonymously to account for defenders working under surveillance or threat.

Ia. Implications

Amending Section 2 accordingly would ensure legal certainty, enhance protection coverage, and affirm Nigeria’s alignment with international best practices and jurisprudence relating to the recognition and legitimacy of human rights defenders. Without such a definition, HRDs will remain more vulnerable to a range of violations, resulting in a bill that offers only partial and inconsistent protection.

2. Introduce Clear Timelines for Investigations under Section 28

Section 28 outlines the obligation to conduct investigations into violations against human rights defenders but lacks specific timelines, risking delays that may undermine accountability and protection. To ensure prompt and effective responses, the section should be amended to:

- Specify a maximum period (e.g., 30 days) for initiating investigations from the date a credible complaint or incident is reported;
- Mandate periodic reporting (e.g., every 60 days) to victims or their families on the status of ongoing investigations;
- Require the Mechanism (under Section 34) to monitor and report on compliance with these timelines.

2a. Implications

This recommendation aligns with international due diligence standards (see *UN Manual on the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions*) and reinforces victims’ rights to timely justice under Article 2(3) of the ICCPR. Without aligning these standards, access to justice will be significantly delayed. The path to justice for HRD victims must be clearly and precisely defined, ensuring they understand how and when justice will be pursued, and most importantly, that it is genuinely attainable.

3. Strengthen Digital Security and Surveillance Safeguards

While **Section 34(4)** of the Nigerian Human Rights Defenders Bill provides for the confidentiality of personal data collected by the Mechanism, the Bill lacks robust and explicit protections against digital threats such as surveillance, hacking, metadata interception, and other forms of technological intrusion. **Informed by Principles 6 and 8 of Declaration+25** and evolving international digital rights standards, a new provision should be introduced—preferably under Part III or Part IV—to:

- Prohibit the use of spyware, digital surveillance, or interception technologies against HRDs without judicial authorisation that complies with international human rights standards;
- Require state agencies and telecommunications providers to adopt safeguards against unauthorised access to HRDs' communications and data;
- Mandate the Mechanism to develop binding digital security protocols, including metadata protection, encryption support, and secure data storage procedures;
- Ensure training of law enforcement and relevant authorities in digital rights protection and cyber-risk mitigation for HRDs.

3a. Implications

This reform would address the increasing use of digital tools to silence or monitor defenders.

4. Mandate Corporate Human Rights Due Diligence for Non-State Actors

The Bill currently does not impose obligations on non-state actors, including business enterprises, to respect or protect the rights of human rights defenders (HRDs). In line with the UN Guiding Principles on Business and Human Rights, **Principle 9 of Declaration+25**, the Bill should be amended—ideally through a new provision under Part III (Obligations of Public Authorities) or a standalone section—to require corporate human rights due diligence. This should include:

- Mandatory human rights impact assessments;
- Public disclosure of risks and mitigation strategies;
- Withdrawal from partnerships with actors implicated in reprisals against HRDs;
- Supportive engagement, including technical resources and platforms for HRDs;
- Establish an enforceable Code of Conduct to guide corporate engagement with civil society.

4a. Implications

Such measures are essential for closing accountability gaps and ensuring private sector actors contribute to, rather than undermine, an enabling environment for human rights advocacy.

5. Incorporate Provisions Encouraging Private Sector and Philanthropic Support

The current Bill lacks provisions that incentivise or facilitate private sector engagement and philanthropic support for protecting and promoting human rights defenders (HRDs). Drawing on **Principle 9 of Declaration+25**, the Bill should be amended to explicitly encourage private donations, establish tax benefits, and enable support initiatives from domestic and international donors. Enabling such frameworks would diversify funding sources, enhance the sustainability of protection mechanisms, and promote shared responsibility in safeguarding HRDs.

5a. Implications

Increased funding and support would diversify the financial base for HRD protection, thereby reducing the dependency on government agencies and enhancing institutional sustainability. Moreover, such

investment would strengthen safeguarding mechanisms, potentially decreasing the incidence of violations and improving access to justice when violations do occur.

6. Introduce a Comprehensive and Explicit Definition of “Violation”

Although the Bill refers to violations in various sections—most notably Section 28 on investigations—it lacks a precise and legally binding definition of what constitutes a violation against human rights defenders (HRDs). Informed by international guidance, including *Declaration+25* and regional instruments such as the *ACHPR Guidelines on Freedom of Association and Assembly (2017)*, the Bill should be amended to include a definition of “violation” encompassing both direct and indirect forms of harm. This should cover physical attacks, legal harassment, reputational smear campaigns, digital surveillance, cyber threats, and reprisals targeting family members, legal representatives, or affiliated organisations. Such definitional clarity would establish a clear threshold for prosecution, enhance deterrence, and align the Bill with global best practices.

Inspiration for a definition could also be taken from Article 4.1.5 of Mongolia’s HRD bill (named the most comprehensive HRD bill worldwide). Mongolia’s law offers a granular definition of violations, covering both direct and indirect acts, physical and reputational harms, and attacks on family or associates. It states:

“violating the rights of human rights defenders” means acts and omissions committed in connection to the human rights protection activities carried out by a human rights defender against the human rights defender or his/her family members, domestic partner, relative or legal representative in forms of insult, defamation, deception, fraud, any discriminative act, violence, dissemination of false rumours, or refusal of activities of human rights defenders or call for such refusal, coercion, use of force or threatening by use of force, unlawful surveillance, harming life and damaging health or property;”

Such an encompassing definition allows all types and variations of attacks and offences to be classed as ‘violations,’ expanding the scope of protection for HRDs. Moreover, as seen in Figure 2, HRD violations are only considered and thus recorded under a narrower scope definition. This leads to an absence of statistics, monitoring, and awareness around other forms of violations.

6a. Implications

The absence of a comprehensive definition of “violation” in the Bill limits the scope of what is formally recognised and recorded as harm against HRDs, leading to significant underreporting of non-physical abuses such as digital surveillance or reputational attacks. This gap not only weakens protection mechanisms but also hinders evidence-based policy responses and public accountability.

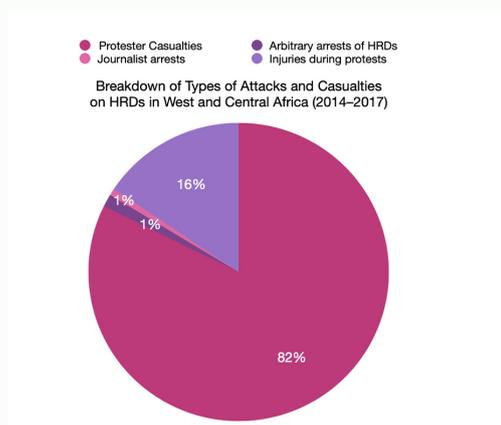


Figure 2, Amnesty International ‘West and Central Africa: Attacks on Human Rights Activists Reach Dangerous Levels’ 2017

7. Strengthen Extraterritorial Protection under Section 33

While **Section 33** of the Nigerian Human Rights Defenders Bill introduces a laudable provision on support to human rights defenders (HRDs) abroad, it remains discretionary and lacks enforceable guarantees. To align with *Principle 7 of the Declaration+25* and international standards such as *ICCPR Article 2(1) and General Comment No. 31*, **Section 33** should be amended to establish a binding obligation on Nigerian authorities to provide timely and practical assistance to HRDs facing reprisals or threats outside national borders. The forms of support should be legally defined and include diplomatic protection, consular monitoring, emergency travel documents, legal assistance, and relocation support.

7a. Implications

Strengthening **Section 33** in this way would reflect Nigeria's extraterritorial human rights obligations and address the increasing reality of transnational repression against exiled HRDs. Without amendments, the bill will leave HRDs vulnerable to these transnational violations.

8. Strengthen Training Provisions in Section 37

Section 37 of the Bill, while establishing basic requirements for training and vetting of those involved in the mechanism, would benefit from greater specificity and scope. Drawing on *Principles 9 and 10 of the Declaration+25*, it is recommended that **Section 37** be amended to expand training beyond mechanism staff and security personnel to include judges, prosecutors, administrative officials, and educators. The content of such training should be standardised, mandatory, and developed in consultation with civil society and human rights defenders, covering areas such as digital security, gender-specific threats, trauma-informed care, and engagement with non-state actors. In addition, a mechanism should be introduced to ensure accountability and compliance, such as proof of training for public officials involved in HRD-related matters and corrective measures for non-compliance.

8a. Implications

Enhanced training and vetting will improve the understanding and preparedness of relevant actors to respond to the evolving nature and complexity of threats faced by HRDs. Furthermore, by clearly defining the scope and standards of such processes, the overall effectiveness, accuracy, and credibility of justice mechanisms will be significantly strengthened.



About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

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