

# ANTI-TORTURE ACT, 2017

## EXPLANATORY MEMORANDUM

This Act makes comprehensive provisions for penalising the acts of torture and other cruel, inhuman and degrading treatment or punishment, and prescribes penalties for the commission of such acts.

# ANTI-TORTURE ACT, 2015

## ARRANGEMENT OF SECTIONS

### Section:

1. Duty of Government.
2. Acts of torture.
3. No justification for torture.
4. Right to complain.
5. Assistance in filing complaint.
6. Right to examination.
7. Liability.
8. Penalties.
9. Regulatory Agency.
10. Education campaign.
11. Rules and regulations.
12. Repeal.
13. Citation.

# ANTI-TORTURE ACT, 2017

## A Bill

### For

**An Act to penalise the acts of torture and other cruel, inhuman and degrading treatment and prescribe penalties for such acts; and for related matters**

[ ]

Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

1. The Government shall -

Duty of Government.

- (a) ensure that the rights of all persons, including suspects, detainees and prisoners are respected at all times and that no person placed under investigation or held in custody of any person in authority shall be subjected to physical harm, force, violence, threat or intimidation or any act that impairs his free will; and
- (b) fully adhere to the principles and standards on the absolute condemnation and prohibition of torture set by the Constitution of the Federal Republic of Nigeria and various international instruments to which Nigeria is a State party.

Act No. 23, 1999.

2. (1) Torture is deemed committed when an act by which pain or suffering, whether physical or mental, is intentionally inflicted on a person to -

Acts of torture.

- (a) obtain information or a confession from him or a third person;
- (b) punish him for an act he or a third person has committed or is suspected of having committed; or
- (c) intimidate or coerce him or a third person for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity provided that it does not include pain or suffering in compliance with lawful sanctions.

(2) For the purpose of this Act, torture includes -

- (a) physical torture, which refers to such cruel, inhuman or degrading treatment which causes pain, exhaustion, disability or dysfunction of one or more parts of the body, such as -
  - (i) systematic beatings, head-bangings, punching, kicking, striking

with rifle butts and jumping on the stomach,

- (ii) food deprivation or forcible feeding with spoiled food, animal or human excreta or other food not normally eaten,
  - (iii) electric shocks,
  - (iv) cigarette burning, burning by electrically heated rods, hot oil, acid, by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices directly on the wounds,
  - (v) the submersion of the head in water or water polluted with excrement, urine, vomit or blood,
  - (vi) being tied or forced to assume fixed and stressful bodily positions,
  - (vii) rape and sexual abuse, including the insertion of foreign bodies into the sex organs or rectum or electrical torture of the genitals,
  - (viii) other forms of sexual abuse,
  - (ix) mutilation, such as amputation of the essential parts of the body such as the genitalia, ears or tongue and any other part of the body,
  - (x) dental torture or the forced extraction of the teeth,
  - (xi) harmful exposure to the elements such as sunlight and extreme cold,
  - (xii) the use of plastic bags and other materials placed over the head to the point of asphyxiation,
  - (xiii) the use of psychoactive drugs to change the perception, memory, alertness or will of a person, such as administration of drugs to induce confession or reduce mental competency, or the use of drugs to induce pain or certain symptoms of disease, or
  - (xiv) other forms of aggravated and deliberate cruel, inhuman or degrading physical or pharmacological treatment or punishment; and
- (b) mental or psychological torture, which is understood as referring to such cruel, inhuman or degrading treatment calculated to affect or confuse the mind or undermine a person's dignity and morale, such as -
- (i) blindfolding,

9. (1) A person who contravenes section 2 of this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding 25 years. Penalties.
- (2) Torture resulting in the loss of life of a person is considered as murder and shall be tried and punished under the relevant laws.
- (3) The penalties specified under this section shall be without prejudice to the prosecution of other crimes and other legal remedies available to the victim under other existing laws, including the right to claim for compensation.
10. The Attorney-General of the Federation and other law enforcement and investigative agencies shall ensure that the function of overseeing the implementation of this Act shall be specifically assigned to a particular office or unit of the agency concerned. Regulatory agency.
11. The Attorney-General of the Federation and other concerned parties shall ensure that education and information regarding the prohibition against torture is fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. Education campaign.
12. The Attorney-General of the Federation shall, with the approval of the President, make rules and regulations for the effective implementation of this Act. Rules and regulations.
13. All laws, rules and regulations that are contrary to, or inconsistent with the provisions of this Act are repealed or modified accordingly. Repeal.
14. This Act may be cited as the Anti-Torture Act, 2017. Citation.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



MOHAMMED ATABA SANI-OMOLORI  
CLERK TO THE NATIONAL ASSEMBLY

<sup>th</sup>  
16 DAY OF NOVEMBER, 2017

**Schedule to the Anti-Torture Bill, 2017**

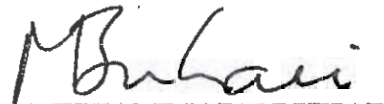
SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Anti-Torture Bill, 2017	An Act to penalise the acts of torture and other cruel, inhuman and degrading treatment and prescribe penalties for such acts; and for related matters.	This Bill makes comprehensive provisions for penalising the acts of torture and other cruel, inhuman and degrading treatment or punishment, and prescribes penalties for the commission of such acts.	13 <sup>th</sup> July, 2017	1 <sup>st</sup> June, 2016

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

  
**MOHAMMED ATABA SANI-OMOLORI**

Clerk to the National Assembly

14<sup>th</sup> Day of November, 2017



**MUHAMMADU BUHARI, GCFR**

President of the Federal Republic of Nigeria

20 Day of November, 2017

*December*

I ASSENT