

‘POSITIVE COLLABORATION AND THE ADVANTAGES OF NGO WORKING WITH NHRIs

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Introduction

Civil Society collaboration with National Human Rights Institutions presents a key opportunity to push forward the abolitionist agenda in our various jurisdictions or countries. This can be best achieved by each party leveraging on the strengths, mandate and expertise of the other. In this paper, I will be sharing the Avocats Sans Frontières France experience in working with the National Human Rights Commission on a death penalty project in Nigeria.

The Partnership

Avocats Sans Frontières France commenced a project on the death penalty in Nigeria in 2011 tagged **‘Saving Lives project’: SALI¹** (*funded by the European Union, the Agence Française de développement and the Netherlands Embassy in Nigeria*). This project aimed to enhancing access to justice for persons facing the death penalty in Nigeria as well as improving capacity building and advocacy on the death penalty. This project was implemented in partnership with the National Human Rights Commission (NHRC) in Nigeria, Access to Justice (a Nigerian NGO) and the Nigerian Bar Association.

Why the NHRC?

The NHRC was identified as a viable and key partner on the project for many reasons, some of which are:

- The NHRC Act had just been reviewed by the Nigerian parliament thereby widening its scope and giving it a much needed independence. We at ASF France saw this development as an opportunity to get the NHRC involved on the thematic of death penalty. Prior to this time, the NHRC had been known

¹ www.saving-lives.com.ng

to be active in other thematic of human rights but had never been involved in a death penalty project.²

- Having a government institution as a partner on the project would be a huge advantage given that most of the project interventions and advocacy was targeted at various government agencies and institutions at the federal and also at the state levels. This would be important for acceptability of the project and for easier access to the government actors at various levels. The NHRC is a government institution albeit independent working for similar objectives as ASF France in the promotion and protection of human rights’.
- We knew the partnership would be strategic given the geo-graphic spread of the NHRC zonal and state offices (the project was implemented in 7 states in Nigeria and the NHRC had its presence in all 7 states). We knew this would especially be important for state or local ownership of the abolitionist /anti-death penalty campaign and for sustainability beyond the funding period for the project.

It is important to note that another government institution had declined to participate in the SAVING LIVES project because it did not want to be seen as working against the government. Although it was a legal institution, it felt obliged to align with the position of the Nigerian government which is pro-death penalty.

Advantages of working with the NHRC on the SAVING LIVES Project: our experience

Our collaboration with the NHRC in our project served several purposes and created certain advantages for our work on death penalty in Nigeria.

- 1. Link between NGO’s and the government:** We found the NHRC bridging the gap by serving as an important link between CSO engagements with government authorities. For instance the NHRC played a key role in facilitating and leading an advocacy session to then AG F and Minister of justice on the death penalty.
- 2. Advocacy at the federal and state levels:** The partnership with NHRC served as an important channel during advocacy at the federal and state levels. From our experience, our advocacy interventions targeting especially the legislature and high level government officials at the various states were successful because of the involvement of the NHRC. For these government institutions (and in their own words), *the Saving Lives project was viewed as having more credibility because of the involvement of the NHRC.*
- 3. Capacity building for NHRC staff:** This collaboration presented a great opportunity to build the capacity of the NHRC staff both at the national and at the local level on issues around the death penalty. The project also used this opportunity to raise a pool of NHRC staff across 7 states in Nigeria who

² <http://www.nhrc.gov.ng/Commission.php>

having participated in a training of trainers (TOT), could and did subsequently facilitate workshops on the death penalty alongside ASF France for key stakeholders in the criminal justice system in those 7 states. The beneficiaries to these workshops included Judges, Magistrates, Public prosecutors, Prisons staff, Police and Lawyers.

4. Case referrals and access to prisons for pro bono lawyers: On the legal aid activity, the NHRC staff at the various target states of the project made referrals to the ASF France network of Pro bono lawyers in the relevant states on cases of persons facing or at risk of the death penalty. This in turn led to the release of some persons on death row in Nigerian prisons.

5. Role played by NHRC before and after the Edo executions in June 2014

The NHRC played a key role in trying to stop the last executions in Nigeria in June 2014. Prior to the executions in Benin City, in June 2014, the NHRC sent a passionate plea to the Edo state Governor to rescind the death warrants signed by the Governor. The Commission also joined other actors to condemn the executions which it stated as being hasty.

The NHRC also demonstrated its commitment to the project by sending its staff members to attend and monitor Court sessions in a suit filed by Avocats Sans Frontières France at the ECOWAS Community Court of justice on behalf of ThankGod Ebohs in the aftermath of the Edo executions.³

6. Awareness during World day against death penalty.

The NHRC on the platform of the SALI project issued a press statement calling for a reinstatement of a moratorium on executions in Nigeria during the World day against death penalty 2013. The NHRC also issued several joint press releases with Avocats Sans Frontières France and other partners on the death penalty⁴.

7. Engagement with prerogative of mercy committees

The NHRC also participated in engaging with prerogative of mercy committees in their respective states on behalf of persons on death row.

³ <http://www.nigerdeltanews.com/edo-officials-nhrc-in-war-of-words-over-death-sentencing/>

⁴<http://www.dailytrust.com.ng/daily/law/8095-day-death-penalty-debate-returned-to-the-fore>

Recommendations on how NGO's could engage with NHRI's in their respective countries

NHRI's – NGO's collaboration in working against the death penalty could be engineered by either party. However given that NHRI's have a broad mandate in dealing with several human rights issues, it is recommended that CSO's with expertise in working on death penalty thematic initiate such collaboration. This could be done in various ways.

1. Core involvement of the NHRI as a key partner on a project or specific intervention on the death penalty. This would mean involving the NHRI at the concept stage of the project. An example, is the partnership between Avocats Sans Frontières France and the National Human Rights Commission on the SAVING Lives project in Nigeria.
2. Providing trainings/ building the capacity of the staff of NHRI's on death penalty. This would ensure the NHRI has sufficient knowledge and adequate information and statistics to engage the issue of the death penalty even in the absence of the NGO's.
3. Involving the NHRI's in important events like the world day against the death penalty (October 10). Inviting the NHRI to make a speech or presentation or even hosting an event within the NHRI to mark the date.
4. Proposing or embarking on joint advocacy with the NHRI's at different levels of government.
5. Issuing joint press statements or press releases to stop any plans of execution or the introduction of the death penalty for new offences.

Conclusion

NHRI's as shown by the ASF France – NHRC experience can play a more proactive role on the abolition of the death penalty given their mandate for HR promotion and protection. The NGO's- NHRI partnership/collaboration can on one hand create an opportunity for the NHRI as a government institution to lend its voice to the abolitionist cause and bridge the gap between NGO's and the government. The CSO's on the other can furnish the NHRI's with the requisite knowledge and expertise on the anti-death penalty pursuit thereby pushing forward the abolitionist agenda.