

NIGERIA NETWORK OF NGOs
...Networking for Development

MEMORANDUM
FOR THE HOUSE
COMMITTEE ON
CIVIL SOCIETY
AND DONOR
AGENCIES

05 Decemeber 2017



In recent years, waves of repression including restrictive legal framework, administrative burdens in relation to registration and more subtly, funding restrictions under the guise of checking money laundering and probable terrorism funding is a more recent development in which authorities seek to stifle the activities of NGOs and other civil organizations.

The Nigeria Network of NGOs (NNNGO) is the first generic membership body for civil society organizations in Nigeria that facilitates effective advocacy on issues of poverty and other developmental issues. Established in 1992, NNNGO represents over 2,400 organizations ranging from small groups working at the local level, to larger networks working at the national level.

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Nigeria Network of NGOs' (NNNGO) comments on a Bill for An Act To Provide For The Establishment Of The Non-Governmental Organizations Regulatory Commission For The Supervision, Co-ordination And Monitoring Of Non Governmental Organizations, Civil Society Organisations Etc., In Nigeria And For Related Matters (hereinafter “Bill”) (HB535).

On the 22nd of June 2016, the Nigeria Network of NGOs received a copy of the Bill for an An Act To Provide For The Establishment Of The Non-Governmental Organizations Regulatory Commission For The Supervision, Co-ordination And Monitoring Of Non Governmental Organizations, Civil Society Organisations Etc., In Nigeria And For Related Matters (hereinafter “Bill”). Sponsored by Honorable Umar Buba Jubril, the Bill is currently before Nigeria's House of Representatives, has passed through the second reading stage, and was debated in plenary on July 14, 2016. The Bill has most recently been referred to the Committee on CSOs and Development Partners for further consideration.

In response to the call for submission of memoranda by the House Committee on Civil Society and Development Partners, this memorandum provides the position of the Nigeria Network of NGOs and its members. The Nigeria Network of NGOs (NNNGO) is the first generic membership body for civil society organizations in Nigeria that facilitates effective advocacy on issues of poverty and other developmental issues. Established in 1992, NNNGO represents over 2,400 organizations ranging from small groups working at the local level, to larger networks working at the national level. NNNGO champions a sector that is accountable, independent and truly representative of giving a voice to the common man.

As you will be aware nonprofit organisations and social enterprises make an important contribution to the Nigerian economy and our society, as well as providing employment. The services provided by nonprofit organisations, community groups, and social enterprises play a key role in ensuring that individuals and communities are well equipped to deal with structural changes in the nation's economy, providing support to vulnerable groups, or supporting communities to develop. Nonprofits complement government's efforts.

Many of the lessons we have learned in our work as a Network and experience from National Associations in different parts of the world revealed that a Bill such as the one being proposed serves to restrict our civic space. For example the 2013 State of Civil Society Report published by Civicus indicated that “threats to civil societies is rising in many countries further shrinking and restricting the space in which these organizations can operate and contribute to public life”.

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Between July 2016 and November 23rd 2017, we consulted with our members via the internet, telephone and through face to face meetings and national conferences to review the proposed bill. We further consulted our colleagues in different parts of the world through the Affinity Group of National Associations (AGNA) and the International Center for Non-for-Profit Law (ICNL).

USING FEEDBACKS PROVIDED, THE NIGERIA NETWORK OF NGOs NOW PRESENTS ITS POSITION AS FOLLOWS:

□ Legal Framework

The right to freedom of association is enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant for Civil and Political Rights (ICCPR), among various other treaties, conventions, and declarations. Article 22 of the ICCPR states:

Everyone shall have the right to freedom of association with others... No restrictions shall be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

Nigeria is a signatory to many of the international treaties protecting the freedom of association, including the ICCPR.¹

Regionally, the right to freedom of association is protected by Article 10 of the African Charter on Human and Peoples' Rights (ACHPR), which provides that “[e]very individual shall have the right to free association provided that he abides by the law.”² The language in the African Charter on Human and Peoples' Rights is similar to various other international treaties in effect in Europe and the Americas.

□ Specific Comments on the Bill

I. Limitations on Purposes

Issue: The Bill adopts definitions for “organization” and “non-governmental organization” that limit the purposes of both.

Discussion: The Bill defines an “organization” as an “independent, non-profit making, non-political and charitable organization with the primary objective of enhancing the social, cultural, and economic wellbeing of communities, [and the operation of that organization does not have a religious, political, or ethnic bias]” (Section 57). The Bill additionally defines a “non-governmental organization,” (“NGO”) as “a private voluntary grouping of individuals or associations, not operating for profit or for other commercial purposes but which have organized themselves nationally or internationally for the promotion of social welfare, development, charity, or research through mobilization of resources” (Section 57). The Bill states that all NGOs presently registered under any other law in Nigeria must apply and obtain a certificate (Section 37(2)), meaning that the Bill's definitions apply to all types of NGOs.

The definitions of “organizations” and “NGOs” set forth in Section 57 of the Bill limit the legitimate purposes of such organizations, and likely exclude all religious- or ethnicity-affiliated organizations as well as those engaging in policy advocacy and human rights promotion.

Any restriction on the right to freedom of association is impermissible under Article 22 of the International Covenant on Civil and Political Rights (ICCPR) unless (1) it is prescribed by law; (2) necessary in a democratic society; and (3) in furtherance of one of four clearly-defined justifications: national security or public safety; public order; the protection of public health or morals; or the protection of the rights and freedoms of others. The limitations on purposes furthered by the Section 57 definitions of this Bill violate the second and third prongs of the Article 22 test as they are neither necessary in a democratic society, nor in furtherance of one of the four clearly-defined justifications. The Study Group on Freedom of Association and Assembly in Africa has further stated, “There should be no blanket restrictions on permissible activities, and associations should be expressly permitted, inter alia, to engage on matters relating to politics, public policy, and human rights.”³⁴

Additionally, using both “organization” and “non-governmental organization” without clarifying their usage contributes to confusion regarding the scope of the bill and constitutes an improper restriction on the right to freedom of association under international and regional law. Specifically, under the first prong of the ICCPR Article 22 test, any restriction must be “prescribed by law.” To be “prescribed by law,” a restriction must:

Have formal basis in law and [be] sufficiently precise for an individual or NGO to assess whether or not their intended conduct would constitute a breach and what consequences this conduct may entail. The degree of precision required is that which sets forth clear criteria to govern the exercise of discretionary authority.⁵

Further, the Study Group on Freedom of Association and Assembly in Africa has stated: “The law must be accessible, and formulated in clear language of sufficient precision to enable persons to regulate their conduct accordingly.”⁶

II. Registration and Licensing of Non-Governmental Organizations

A. Mandatory Registration

Issue: The Bill makes registration mandatory for all NGOs and requires that an NGO hold a certificate of registration in order to operate.

Discussion: The Bill requires that all NGOs be registered (Section 11(1)). An organization that is not registered under the Bill cannot operate in the country nor benefit from the facilities made available by the government (Section 13(4)). Every NGO registered under the Bill is to be issued a certificate of registration within three months of submitting an application as conclusive evidence of authority to operate (Section 13). The Bill additionally states that all NGOs presently registered under any other law in Nigeria must apply and obtain a certificate within six months from the date of the Bill's commencement (Section 37(1)-(2)).

The UN Human Rights Committee has consistently found that mandatory registration of NGOs is not permitted under Article 22.⁷ While reserving tax incentives and other benefits for registered organizations may be appropriate, requiring registration violates the second and third prongs of the Article 22 test, as it is neither necessary in a democratic society, nor in furtherance of one of the four clearly-defined justifications. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has confirmed that “the right to freedom of association applies equally to associations that are not registered” and has called a voluntary registration regime that permits unregistered associations to operate as the “best practice.”⁸ Requiring an organization to have a certificate prior to operating violates core principles of international law, which forbid the freedom of association from being contingent on registration or legal entity status. The Study Group on Freedom of Association and Assembly in Africa agrees, stating, “States should not require associations to register in order to exist and operate freely.”⁹

B. Registration Requirements

Issue: The Bill sets forth an extensive, detailed list of requirements for registration applications.

Discussion: The Bill requires that the CEO of the proposed organization seeking registration submit an application that requires disclosure of, among other things, extensive details regarding the location and duration of all proposed activities and all sources of funding (Section 11(3)).

The registration requirements in this Bill violate the second and third prongs of the Article 22 test. Requiring information that is not necessary to make a determination as to whether an NGO should be registered under the Bill, including the location and duration of all activities and all sources of funding, is a burdensome requirement that is neither necessary in a democratic society nor in furtherance of one of the four clearly-defined justifications.

Further, this information is unlikely to be known to an organization at the beginning of the registration process. States employing a registration system must ensure that it is truly accessible, with clear, speedy, apolitical, and inexpensive procedures in place.¹⁰

C. Refusal and Cancellation of Registration

Issue: The Bill sets forth broad justifications for the refusal and cancellation of registration.

Discussion: The Bill allows the Governing Board (hereinafter “Board”) of the Non-Governmental Organizations Regulatory Commission (hereinafter “Commission”) to refuse to register an applicant if it is satisfied that its proposed activities or procedures are not in the national interest; the applicant has given false information in the application; or the applicant should not be registered on recommendation of the National Council of Voluntary Agencies (hereinafter “Council”)¹⁰ (Section 15). Although the Bill provides applicants with an opportunity to amend rejected applications, the Bill does not stipulate recourse for entities that have submitted applications and have received neither rejections nor certificates within the three month period set forth by the Bill (Section 13).

The Bill stipulates that the Board can cancel or suspend registration if it is satisfied that the terms or conditions attached to the certificate have been violated, the organization has breached the Bill, or the Council has submitted a satisfactory recommendation for the cancellation of the certificate (Section 18).

The broad discretion afforded officials in refusing or cancelling an organization's registration violates all three prongs of the Article 22 test as such is not prescribed by law, necessary in a democratic society, nor in furtherance of any of the four acceptable purposes.¹²

Discussing the suspension of an organization, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated that it “should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law.

It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient.”¹³

Finally, the lack of clarity regarding the status of organizations that have neither received certificates nor rejections in the three month period is improper under international and regional law, as it violates the “prescribed by law” prong of the ICCPR Article 22 test and is not sufficiently precise to enable persons to regulate their conduct accordingly.

D. Renewal of Registration

Issue: The Bill requires all nonprofit organizations to re-register under the new legislation and renew their registration every two years.

Discussion: The Bill states that all NGOs presently registered under any other law in Nigeria must apply for and obtain a certificate (Section 37(2)). The Bill also requires that an organization renew its registration every two years through a periodic submission of relevant documentation determined by the Board (Section 17(1)). Additional information may be requested by the Minister of Interior (Sections 17(5)). Failure of an organization to renew leads to the deletion of the organization's name from the NGO register (Section 17(2)).

Requiring registration under a new law and requiring reregistration every two years is not acceptable under international law as doing so violates the second and third prongs of the Article 22 test, in that such is neither necessary in a democratic society, nor in the interest of any of the four clearly-defined justifications. On the issue of reregistration under a new law, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated, “Newly adopted laws should not request all previously registered associations to reregister so that existing associations are protected against arbitrary rejection or time gaps in the conduct of their activities.”¹⁴

Further, requiring reregistration every two years places a major and unnecessary administrative burden on organizations, as well as on the Board. Allowing the Minister of Interior broad discretion to request “additional information” during the reregistration process without placing any limitations on such grants immense discretion, thus contributing to a situation in which different organizations may be subject to different reregistration requirements.

III. Project and Financial Reporting

A. Required Approval of Projects

Issue: The Bill mandates prior approval for projects put forth by certain organizations.

Discussion: The Bill establishes that the projects of an organization “whose activities are geared towards improving the economic, social, and cultural welfare of a target group within the country and a significant percentage of the contributions of its donors go directly to meet the needs of the target group” (hereinafter referred to as “welfare organizations”) must be approved by the relevant Ministry and registered with the Commission before implementation (Section 26(1)). Project proposals must include extensive and detailed information, including but not limited to a list of the activities to be undertaken, the contribution of outside entities, and all costs (Section 27(1)).

The broad language describing which organizations must partake in project reporting is unclear regarding precisely who is subject to these additional requirements, thus violating the first prong of the Article 22 test as it is not prescribed by law.

Additionally, prior approval for the projects described in Section 26(1) places constraints on the purposes of an organization in a manner not allowed under international and regional law, as established earlier in this Comment. Such extensive involvement by the Commission in the internal affairs of an organization places severe logistical and practical constraints on its ability to conduct activities independently and to associate more broadly.

Further, requiring an extensive amount of information for project approval is overly burdensome and occurs in violation of the second and third prongs of the Article 22 test, as such is neither necessary in a democratic society, nor in furtherance of one of the four clearly-defined justifications. States employing a registration system must ensure that it is truly accessible, with clear, speedy, apolitical, and inexpensive procedures in place.¹⁵

B. Financial Requirements for Projects

Issue: The Bill sets forth extensive financial requirements for projects put forth by certain organizations.

Discussion: The Bill requires “welfare organizations” to “submit the details of the funds pledged by donors for project implementation” (Section 29(1)). The funding disclosure must include “the amounts of money pledged, the sources of funding, the details of the donors and any other details of installment arrangements or any other requirements including details of donor support in kind” (Section 29(2)). The Bill additionally requires that the funds pledged by donors be disclosed before commencement of the implementation of the project, including the mode of disbursement and the conditions attached to the funding by the donor. Where part or all of the funds are made available directly from the donors or through the overseas office of the organization, the transfers must be channeled through the normal banking system (Section 25).

Requiring an extensive amount of financial information prior to project approval violates the second and third prongs of the Article 22 test as such is neither necessary in a democratic society nor in furtherance of the clearly-defined justifications. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated, “Associations should be accountable to their donors, and at most, subject by the authorities to a mere notification procedure of the reception of funds and the submission of reports on their accounts and activities.”¹⁶ The extensive amount of information required by the funding disclosure is overly burdensome and involves more information than necessary to keep regulators informed about the nature of the project.

C. Transfer of Assets

Issue: The Bill states that assets transferred to build the capacity of an organization should be done through the Commission, which will identify the operation criteria (Section 28(3)).

Discussion: It is unclear how assets transferred to build capacity are different from funding referred to elsewhere in the Bill, but this provision appears to require that such funding is to be sent from the donor to the Commission instead of directly to the organization. It is also unclear what is meant by “operation criteria,” or how a transfer of assets would be conducted through the Commission. This vague language and additional set of requirements challenges the right of associations to access their resources and violates all three prongs of the Article 22 test as not prescribed by law, not necessary in a democratic society, and not in furtherance of the clearly-defined justifications.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association writes, “Under international law, problematic constraints include...requiring the transfer of funds to a centralized Government fund.”¹⁷ He additionally states “the obligation for associations to route funding through state channels... constitute human rights violations.”¹⁸

IV. Lack of Independent Oversight

Issue: The Bill provides no independent, judicial oversight over decisions made by the Commission.

Discussion: An organization that is aggrieved by a decision of the Board has a sixty-day window from the date of the decision to appeal (Section 21(1)). On request from the Minister of Interior, the Council then is to provide written comments on the matter of the appeal. Thereafter, the Minister will issue a decision on the appeal within thirty days and the Minister's decision is “final” (Section 21(3)).

Articles 3 and 7 of the African Charter on Human and Peoples' Rights and Articles 3 and 14 of the ICCPR establish the principles of equality before the law, the right to be heard, and the right to an appeal. These guarantees require that public authorities' actions affecting an NGO “should be subject to administrative review and be open to challenge by the NGO in an independent and impartial court with full jurisdiction.”¹⁶

V. Criminal Penalties

Issue: The Bill sets forth criminal penalties, in the form of fines and jail time, in cases of violation.

Discussion: The Bill specifically criminalizes the operation of an NGO in Nigeria “for welfare, research, health relief, agriculture, education, industry, the supply of amenities or any other similar purposes” without registration and certificate under the Act (Section 24). An individual operating an unregistered NGO under this Section may face a fine of 500,000 Naira, a prison sentence of 18 months, or both (Section 24). Further, any individual convicted is additionally disqualified from holding office in any NGO for ten years (Section 24).

The Bill imposes criminal penalties for violations that are either not deserving of such penalties, or are better left to the Nigerian Criminal Code Act. Because general criminal laws already apply to all Nigerians, the Bill's criminal penalties are likely to be either redundant, or improper and unfair. The Special Rapporteur on the rights to freedom of peaceful assembly and of association states, “Individuals involved in unregistered associations should indeed be free to carry out any activities... and should not be subject to criminal sanctions... This is particularly important when the procedure to establish an association is burdensome and subject to administrative discretion, as such criminalization could then be used as a means to quell dissenting views or beliefs.”²⁰

VI. Other Comments

In addition to the aforementioned, ICNL would like to note a few additional provisions in the Bill:

Non-Governmental Organizations Regulatory Commission: The Bill contemplates the establishment of a Commission to register and oversee the regulation of NGOs and civil societies, as well as a Board to manage the Commission. Although several countries have established commissions to certify charities or public benefit status, very few have established stand-alone commissions to regulate and monitor civil society organizations like the one envisioned by this Bill. Such stand-alone commissions may be costly. Further, it is vital that when government bodies, like the proposed Commission at hand, exercise regulatory authority over an NGO, they adhere to a “minimalist approach to regulation” and that “very close scrutiny of attempts to interfere with the choices that associations and their members make about the organization of their affairs” be maintained.²¹

Limitations on Commercial Purposes: The Bill defines an “NGO” as one that is “not operating for profit or for other commercial purposes” (Section 57). While it is appropriate to define an “NGO” as not operating for the primary purpose of producing profit, the ability to carry out some revenue-generating activities is vital for NGO fiscal viability and sustainability. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated that the protection of Article 22 extends to all activities of an association, including fundraising activities.²² The Study Group on Freedom of Association and Assembly in Africa additionally states that although limiting engagement in for-profit activity is acceptable, “fundraising initiatives to support the association’s not-for-profit activities should be allowed.”²³ The vague language in this provision raises questions on the extent to which commercial or fundraising activity is limited and whether this limitation is proper.

Monitoring and Evaluation of Projects: The Bill states that it is the responsibility of the Commission to monitor and evaluate the organization’s programs (Section 28). As explained in the first bullet point in this section, regulation by government entities like the Commission over an organization should adhere to a “minimalist approach.” Thus, all monitoring and evaluation can only be satisfied via regular, annual reporting requirements initiated by the organization instead.

Conclusion

On the strength of this detailed analysis, the Nigeria Network of NGOs and its members (<http://nnngo.org/list-of-ngos-on-our-database>) submits that Bill HB585 is not fit for our sector and requests that the House of Representatives desist from its further consideration.

NNNGO appreciates the opportunity to comment on the latest draft of the Non-Governmental Organizations Regulatory Commission of Nigeria (Establishment) Bill and would be pleased to answer any additional questions or provide further assistance.

Footnotes

¹ Nigeria acceded to the International Covenant on Civil and Political Rights on July 29, 1993. The Universal Declaration of Human Rights (Article 20) (1948), the European Convention on Human Rights (Article 11) (1950) (ECHR), and the American Convention on Human Rights (Article 16) (1978) all contain almost identical provisions protecting the freedom of association.

² Nigeria ratified the African Charter on Human and Peoples’ Rights on June 22, 1983.

³ African Commission on Human and Peoples’ Rights, ACHPR Report on Freedom of Association and Assembly in Africa, 2014, §IV (para. 48), http://www.achpr.org/files/special-mechanisms/human-rights-defenders/report_of_the_study_group_on_freedom_of_association_assembly_in_africa.pdf. [hereinafter “ACHPR Report”]

⁴ The European Court of Human Rights has made clear, “only convincing and compelling reasons can justify restrictions on the freedom of association” and interferences with the right to freedom of association must be “proportionate to the legitimate aim pursued” and supported by “relevant and sufficient” justifications. European Court of Human Rights, *Sidiropoulos and Others v. Greece*, application No. 26695/95, Jul. 10, 1998, para. 40.

⁵ ICNL and World Movement for Democracy Secretariat at the National Endowment for Democracy, *Defending Civil Society: A Report of the World Movement for Democracy* (2008), p. 23 (citing the Organization for Security and Cooperation in Europe - Office for Democratic Institutions and Human Rights, *Key Guiding Principles of Freedom of Association with an Emphasis on Non-Governmental Organizations*, p. 4). The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

has similarly stated: “the law must be accessible and its provisions must be formulated with sufficient precision.” Maina Kiai, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Human Rights Council, 20th Session, May 21, 2012, para. 16, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf. [hereinafter “2012 Report”]

⁶ African Commission on Human and Peoples' Rights, ACHPR Report note 3, §III.B.2.1 (para. 5).

⁷ E.g., United Nations General Assembly, “Lebanon,” Report of the Human Rights Committee: Volume 1 (A/52/40)

(1997), paragraphs 357 – 358; United Nations General Assembly, “Lithuania,” Report of the Human Rights Committee: Volume 1 (A/53/40) (1998), paragraph 177. Maina Kiai, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, A/HRC/26/29, Apr. 2014, para. 55, http://freeassembly.net/wp-content/uploads/2014/05/A-HRC-26-29_en1.pdf. [hereinafter “2014 Report”] ⁸ Maina Kiai, 2014 Report, *supra* note 7.

⁸ African Commission on Human and Peoples' Rights, ACHPR Report note 3, §IV. (para. 11).

⁹ Report submitted by the UN Special Representative of the Secretary-General on human rights defenders, Hina Jilani, in accordance with General Assembly resolution 58/178, Dec. 22, 2003, p. 21, <http://repository.un.org/handle/11176/250634>.

¹⁰ The National Council of Voluntary Agencies is a collective forum of NGOs that is meant to set forth a Code of Conduct for self-regulation on “activities, funding programs, foreign affiliations, national security, training, the development of national manpower, institution building, scientific and technological development and such other matters as may be of national interest” (Section 35, 36(1)). The Code of Conduct is subject to approval by the Board. The Council is made up of the first 100 NGOs registered by the Board.

¹¹ In *Sidiropoulos v. Greece*, the European Court of Human Rights found a violation of the right to free association where an association was denied registration based on “good reasons ... to believe” that the association would unlawfully carry out purposes other than those stated in its founding documents. The Court dismissed the reasoning as “based on a mere suspicion as to the true intentions of the association's founders and the activities it might have engaged in once it had begun to function” and thus, insufficient to sustain the denial of registration. European Court of Human Rights, *Sidiropoulos and Others v. Greece* note 4.

¹² Maina Kiai, 2012 Report, *supra* note 5, para. 75.

¹³ Maina Kiai, 2012 Report, *supra* note 5, paras. 58-59, 95.

¹⁴ *Id.* at para. 62.

¹⁵ Maina Kiai, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Human Rights Council, 23rd Session, Apr. 24, 2013, para. 37, http://freeassembly.net/wpcontent/uploads/2013/09/A.HRC_.23.39_EN-annual-report-April-2013.pdf. [hereinafter “2013 Report”]

¹⁸ *Id.* at para. 20. ¹⁸ *Id.* at para. 36.

¹⁶ Recommendations of the Committee of Ministers to member states on the legal status of on-governmental organizations in Europe, CM/Rec(2007)14, Oct. 10, 2007, Art. 10. ²⁰ Maina Kiai, 2012 Report, *supra* note 5, para. 56.

¹⁷ Public Interest Law Initiative, *Enabling Civil Society: Practical Aspects of Freedom of Association*, (Budapest, 2003), p. 42, <http://www.pilnet.org/public-interest-law-resources/30-enabling-civil-society-practical-aspects-offreedom-of.html>.

¹⁹ Maina Kiai, 2013 Report, *supra* note 16, para. 16.

²⁰ African Commission on Human and Peoples' Rights, ACHPR Report, *supra* note 3, §IV (para. 47).

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