

Nigeria

Summary

Civil society has advocated for stronger whistleblower rights in Nigeria at least since 2001, but the legislature has yet to pass a whistleblower protection law. Consequently, protections for employees and citizens who report crime, corruption, and misconduct are virtually non-existent, and the number of known whistleblower cases is low. The only relevant provision outlined in Nigerian law relates to public officials who make disclosures under the Freedom of Information Act.

The recently-formed umbrella organization United Action for Change (UAC), which focuses on good governance, citizen participation, and rule of law, has drafted a whistleblower bill to present to 21 of Nigeria's 36 state Houses of Assembly. If adopted, the law would significantly improve legal protections for whistleblowers, who have suffered retaliation ranging from dismissal to murder.

Legal and Policy Framework

Among the few provisions in Nigerian law loosely related to whistleblowing is one paragraph in the Freedom of Information Act of 2011.

The law requires public employees to disclose information in the public interest, including information related to mismanagement, gross waste of funds, fraud, abuse of authority, or threats to the public health or public safety. The law includes protections for public officials and people acting on behalf of public institutions from civil or criminal proceedings if they disclose information under the law, even if the disclosure otherwise would violate the Criminal Code, Penal Code, Official Secrets Act, or another law. Importantly, the Freedom of Information Act does not apply to the private sector.

The Constitution grants the fundamental right to freedom of expression.

The UAC's proposed whistleblower law would significantly, though not comprehensively, enhance whistleblower protections. The law includes many international standards, including:

- a wide range of misconduct that can be reported;
- a range of disclosure channels, including the media;
- financial and other compensation for victimized whistleblowers;
- civil penalties for people who retaliate against whistleblowers; and
- a requirement that disclosures be investigated.

Legal, Legislative, and Policy Gaps

Nigeria lacks a designated whistleblower law that covers private employees and citizens from retaliation if they report crime, corruption, or public health threats. Furthermore, Nigerian law does not recognize people who make such reports as whistleblowers. There are thus no legal mechanisms to protect private sector whistleblowers from retaliation.

There is no designated governmental agency that receives and investigates reports from workplace whistleblowers, lends support or legal advice to whistleblowers, or offers them protection from retaliation and adverse consequences.

Potential Legal Improvements

As civil society organizations have long suggested, a necessary first step to improve whistleblower protections would be to pass a designated whistleblower law that meets prevailing international standards. As the current law only covers public employees, it should be broadened also to apply to people who work in private companies.

Whistleblower cases

In September 2016 lawmaker Abdulmumin Jibrin was suspended from the House of Representatives for 180 days after exposing alleged budget padding and fraud in the legislative chamber. Jibrin said that “corrupt elements have infected the House, making the institution a hub of systemic corruption.” He was forbidden from returning to the parliament until March 2018, however. And even then, he returned only after “apologizing” to his fellow parliamentarians.

Media rights and freedom

Nigeria ranks 119th out of 180 countries surveyed in Reporters Without Borders’ 2018 World Press Freedom Index, a drop of three spots in the past two years. The organization said: “It is dangerous for journalists to criticize the government’s inability to contain Boko Haram, the rebel Islamist militia that has a hold on northeastern Nigeria. Both local officials and police threaten and abuse journalists, and the all-powerful regional governors are often their most determined persecutors. In a country where street violence is common and impunity reigns, the media are sometimes also the target of hostility from crowds, especially from young political party supporters.”

Nigeria has more than 100 independent media outlets.

Relevant legislation

- [Freedom of Information Act](#)
- [Constitution of the Federal Republic of Nigeria](#)

Organizations of Interest

United Action for Change

This umbrella organization, which promotes good governance and citizen participation, has developed and is advocating for a proposed whistleblower protection law at the state level.

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Civil Society Legislative Advocacy Center

This NGO, which aims to strengthen the link between civil society and lawmakers, has been lobbying for stronger whistleblower protections since 2001.

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Keeping Score: Nigeria's versus International Standards

The following standards for whistleblower laws are derived from guidelines developed by the OECD, Council of Europe, Government Accountability Project, Blueprint for Free Speech and Transparency International.

Key

- 1 = National law is recognized as consistent with international standards
 2 = National law is partially recognized as consistent with international standards
 3 = No national law or national law is not recognized as consistent with international standards

	Standard	Public Sector	Private Sector
1.	A broad range of organisations and workplaces are covered	2	3
2.	A broad range of offenses may be reported as whistleblowing	2	3
3.	The definition of who may qualify as a whistleblower is broad	3	3

4.	A range of disclosure channels to report internally or to regulators is in place	3	3
5.	People who make disclosures to external organizations, the media or the public are protected	3	3
6.	The threshold for protection is a reasonable belief that the information disclosed is true	3	3
7.	There are opportunities and protections for anonymous disclosures	3	3
8.	Whistleblower confidentiality is protected unless expressly waived	3	3
9.	Organizations are required to establish internal disclosure procedures	3	3
10.	Whistleblowers are protected from a broad range of retaliatory acts	3	3
11.	Victimized whistleblowers have access to a full range of remedies and compensation	3	3
12.	Those who retaliate against a whistleblower are subject to sanctions	3	3
13.	A whistleblower oversight or regulatory agency has been designated	3	3
14.	Whistleblower laws are administered and reviewed transparently	3	3