

AN ASSESSMENT OF THE IMPACT OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS 1948 ON THE DEVELOPMENT OF HUMAN RIGHTS LAW IN NIGERIA

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Abstract

The Universal Declaration on Human Rights 1948 is the first all-embracing official codification of human rights designed to remedy the past declarations of rights usually enacted to remedy specific abuses and to prevent a repeat of the devastating experiences of World War II. It formed the foundation of modern human rights of all persons to equal rights devoid of discriminations and resentment by the reason of race, sex, religion and colour. The Universal Declaration on Human Rights the most translated document in the world with over five hundred and twenty translations and catalysed the making of more than eighty international conventions, treaties and local legislation. The Universal Declaration of Human Rights consists of thirty articles declaring a person's rights that, while not legally binding in and of themselves, have been expanded upon in later international treaties, financial agreements, regional human rights instruments, national constitutions and many more. The paper traced the origins of human rights and assessed the global adoption of the declaration in other international treaties and local legislations. The paper adopted the doctrinal research methodology and is structured in eight different parts. The first part covered introductory issues and the second part deals with an overview on human rights. The third and fourth parts appraised the UDHR and the legal framework on human rights in Nigeria. The fifth part interrogated the institutional framework on human rights in Nigeria and the sixth part considered the implementation of human rights legislation in Nigeria. The seventh and eighth parts dealt with factor militating against the implementation of human rights legislation and concluding matters respectively. The paper recommended the strengthening of the apex regulatory agency in the enforcement of human rights in Nigeria, fight corruption and uphold the rule of law.

1.0 Introduction

The foundation of the Federal Government of Nigeria (FGN) is the Constitution of the Federal Republic of Nigeria (CFRN) 1999 as it provides for the supremacy over every other law and any law inconsistent with its provisions is to the extent of the inconsistency void.¹ The CFRN provides for several rights, all of which are from the Universal Declaration on Human Rights (UDHR) 1948 which is one of the foremost instruments for the protection of human rights. It is said to be the bedrock and cornerstone of modern human rights. Though not enforceable, the UDHR is the basis of awareness for the need that everybody irrespective of race, sex, religion and colour are to enjoy equal rights devoid of discriminations and resentment.² The UDHR provides for equality and freedom of all human beings,

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¹ Constitution of the Federal Republic of Nigeria (CFRN), s 1

² UDHR 1948 Art 2

nearly every State in the world has accepted and domesticated the declarations.³ It has inspired more than 80 international conventions and treaties, as well as numerous regional conventions and domestic laws. The UDHR provides that everyone is equal before the law without any discrimination to equal protection of law.⁴ Guinness World Records certified the UDHR as the most translated document in November 1999 when there were 298 total translations; the certification was renewed in 2009 when there were 370 translations.⁵ Its translation into 550 languages, including the Nigerian tongues of Edo, Efik, Hausa, Ibibio, Idoma, Igbo, Ijaw, Kanuri, Yoruba, Pidgin English, Tiv, and Yoruba. This demonstrates the UDHR's widespread influence and recognition.⁶

Nigeria's first constitutional guarantee of human rights was included in the 1960 Independence Constitution's Bill of Rights. The new bill of rights was based in part on the UDHR, in part on applicable English common law principles that were carried over from the colonial legal system, and in part on the recommendations of a Commission on Minority Rights, which recommended its inclusion in the constitution as a safeguard against the repression of minority ethnic groups by the dominant groups.⁷ The CFRN 1999 enumerates the basic rights of all citizens in Nigeria by replicating all the rights provided for in the UDHR.⁸ This paper examines the influence of the UDHR on the growth and development of human rights in Nigeria and interrogate the capacity of the regulatory framework to monitor the enforcement of the CFRN 1999 and other human rights legislation in Nigeria.

2.0 Human Rights: An Overview

God created man in His own image at the beginning of creation and gave him the power to choose between right and wrong. Human rights are sacred.⁹ Human rights can be traced back to 539 BC.¹⁰ During the conquest of Babylon by Cyrus the Great's army, Cyrus set up racial equality, emancipated the slaves and proclaimed everyone had the right to practise any religion they pleased. After capturing Babylon, Cyrus the Great released the slaves who had been held there. He continued by stating that every person is endowed with a particular set of rights. He gave the order for these to be stored on the "Cyrus Cylinder," as it is now called. Cyrus Cylinder is shown in the illustration below.¹¹

³ Guinness World Record, Most Translated Document, 2009 < <https://www.guinnessworldrecords.com/world-records/most-translated-document> > Accessed 20 July 2023

⁴ UDHR 1948, art 7

⁵ Guinness World Record, Most Translated Document, 2009 < <https://www.guinnessworldrecords.com/world-records/most-translated-document> > Accessed 20 July 2023

⁶ M. Mwantok and I. A. Ahovi, UNIC, Don Task Nigerians on Respect for Human Rights, The Guardian, 21 June 2018 < <https://guardian.ng/news/unic-don-task-nigerians-on-respect-for-human-rights/> > Accessed 20 July 2023

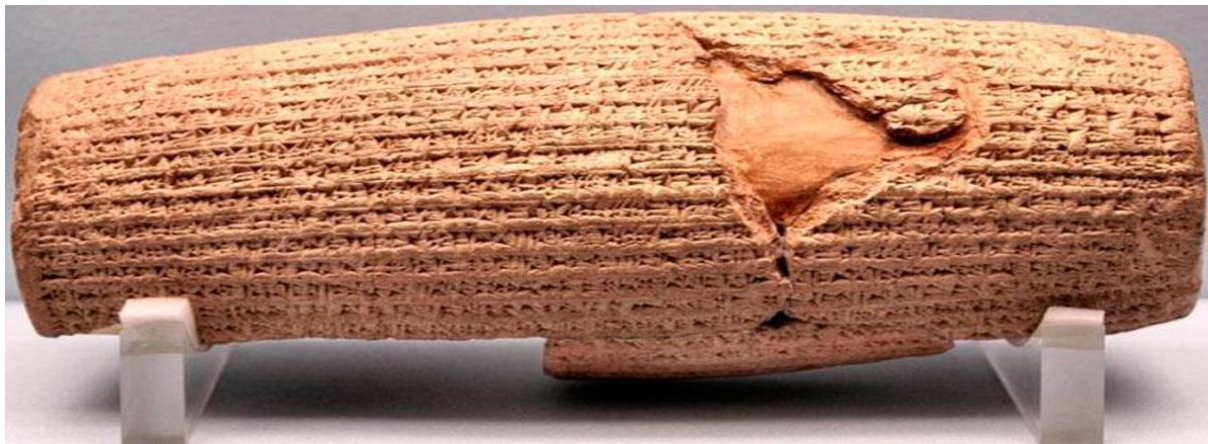
⁷ B. Ibhawoh, *Human Rights Organisations in Nigeria - an Appraisal Report on the Human Rights NGO Community in Nigeria*, The Danish Centre for Human Rights, 2001.

⁸ CFRN 1999, ss. 33 -

⁹ C. C. Ani, 'The Rudiments of Human Rights', [2010] (1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 74 - 106

¹⁰ M. R. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, University of California Press, 2008 2nd edition, 1 - 480

¹¹ A Kuhrt, The Cyrus Cylinder and Achaemenid Imperial Policy. [1983] (8)(25), *Journal for the Study of the Old Testament*, 83-97.



Due to Cyrus II's long-standing veneration by leaders of all stripes, the Cyrus Cylinder has had a massive impact that cuts across cultural and religious boundaries. Thomas Jefferson, owned two personal copies of Xenophon's book *Cyropaedia* - the Education of Cyrus - which was "a mandatory read for statesmen" and Niccol Machiavelli was fascinated by Cyrus II's statesmanship, and it also inspired Jefferson as he drafted the country's Declaration of Independence.¹² Since 1971, when Princess Ashraf Pahlavi, the Iranian Shah's sister, presented the UN with a duplicate, the organisation has marketed the artefact as an "ancient declaration of human rights." The Cyrus Cylinder was accepted by the Secretary General, who connected it to the UNGA's efforts to address "the question of respect for human rights in armed conflict." The duplicate has been housed at the UN Headquarters and the text has been translated into each of the six official U.N. languages.¹³ Human rights became widely known in India, Greece, and eventually Rome. The most significant developments since then have been: the *Magna Carta* of 1215, the Petition of Right of 1628, the United States Declaration of Independence of 1776 and the Declaration of the Rights of Man and of the Citizen of 1789.

The League of Nations Covenant, which, among other things, sparked the founding of the International Labour Organisation, already gave voice to human rights. When the League of Nations was in existence, international cooperation did not result in the creation of a comprehensive plan for the defence of human rights.¹⁴ The UN Charter, which followed, stipulated that everyone must be treated equally and with respect for their fundamental freedoms, regardless of their colour, sex, language, or religion.¹⁵ Other human rights documents under the auspices of the UN followed the UNDR covering a plethora of thematic issues like economic, social, cultural, civil, political rights; combating racial and gender-based

¹² W. Hanasz, 'Machiavelli's Method Revisited: The Art and Science of Modelling,' [2010] (8) *The Review Journal of Political Philosophy*, 1-31. Cyrus Cylinder: How a Persian monarch inspired Jefferson, BBC News, 11 March 2013, Accessed < <https://www.bbc.com/news/world-us-canada-21747567> > 14/04/19.

¹³ United Nations, Iran Presents Replica of Ancient Edict to United Nations, 14 October 1971 < <https://search.archives.un.org/uploads/r/united-nations.../> > Accessed 20 July 2023

¹⁴ E. Schwelb, 'International Conventions on Human Rights' [1960] (9)(4) *The International and Comparative Law Quarterly* 654-675; M. S. McDougal and G. Bebr, 'Human Rights in the United Nations' [1964] (58) *The American Journal of International Law*, 603.

¹⁵ UN Charter, art. 1(3)

discrimination, prohibition of torture and enforced disappearances and protection of the rights of children, migrant workers and people with disabilities.¹⁶

Human rights are described as fundamental freedoms and rights that belong to every person in the world, from conception to finality; in other words, they are morally inalienable rights that every man, anywhere, and at any time, should enjoy. Human rights cannot be denied to anyone without committing a significant injustice, and everyone has a right to them merely by virtue of being a person.¹⁷ Human rights are fundamental just by virtue of being a person; they are not something that must be gained, acquired, or granted; rather, they are something that all people, without exception, are entitled to. They are also interrelated, dependent upon, and inseparable from one another. The UDHR and the UN Charter serve as the cornerstones of human rights. It must, first and foremost, be possessed by all humans and only by humans. Second, since it is a fundamental human right shared by all people, it must be enjoyed equally by all people. Third, since all people possess human rights, we can rule out as candidates any rights that someone could enjoy by virtue of holding a certain position or association. Fourth, if there are any human rights, they also have the added feature of being assertible, so to speak, against the whole world.¹⁸

3.0 The Universal Declaration of Human Rights (UDHR)

The UDHR was adopted by UNGA Resolution 217 A (III) of 10 December 1948, as a result of the devastating experience of World War II and a loud statement by the international community to never again to allow atrocities like those of that conflict happen again.¹⁹ World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. The UDHR was the first comprehensive formal statement of human rights and consists of a prologue and thirty articles. Earlier declarations of rights were often passed to address particular wrongs or complaints. The first sentence of the UDHR's preamble expresses its guiding principle: "The inherent dignity and... equal and inalienable rights of all members of the human family are the foundation of freedom, justice, and peace in the world."²⁰ Eleanor Roosevelt chaired the UDHR drafting committee. The Commission on Human Rights was made up of 18 members from various political, cultural and religious backgrounds. The United States' Eleanor Roosevelt presided over the UDHR drafting committee, which included Alexandre Bogomolov (USSR), Charles Dukes (United Kingdom), William Hodgson (Australia), Hernan Santa Cruz (Chile), and John P. Humphrey (Canada). René Cassin of France wrote the UDHR's first draught, and committee rapporteur Dr. Charles Malik of Lebanon served as vice-chairman. The UDHR's adoption was widely acknowledged to have been motivated by Mrs. Roosevelt.²¹ With the passage of the UDHR, which laid the groundwork for the growth of the body of

¹⁶UN, The Core International Human Rights Instruments and their monitoring bodies, Office of the High Commissioner for Human Rights, 2023 <<https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>> Accessed 22 July 2023

¹⁷ M. Cranston, *Are There Any Human Rights?* [1983]. (112)(4) *Daedalus*, 1

¹⁸ R. Wasserstrom, Rights, Human Rights, and Racial Discrimination, [1964] (61)(20) *Journal of Philosophy*, 628

¹⁹ UDHR, History of the Document, Accessed <<https://www.un.org/en/sections/universal-declaration/history-document/index.html>> 23 July 2023

²⁰ M. A. Glendon, 'The Rule of Law in the Universal Declaration of Human Rights', [2004] (2)(1) *Northwestern Journal of International Human Rights*, 1 - 19.

²¹ UDHR 1948, Drafting History <<https://research.un.org/en/undhr/draftingcommittee>> Accessed 22 July 2023

international human rights legislation, the concept of international human rights as we know it today came into existence.²² Since the UDHR is a UNGA resolution and not a treaty, it does not explicitly impose legal responsibilities on nations. Instead, it can be seen as a statement of intent by all States to uphold human rights. For the first time in human history, the UDHR outlines the fundamental civil, political, economic, social, and cultural rights that every person should be able to enjoy. It was written as "*a common standard of achievement for all peoples and nations.*" However, it is an expression of the underlying principles that all people in the world share. In light of the numerous UN and regional human rights treaties, national constitutions, judicial decisions and laws at the local level, as well as private sector initiatives that openly took inspiration from it, the UDHR has emerged as the most significant and authoritative global reference for human rights. To the degree that words on paper have the power to alter the course of history, the UDHR is one of the most significant pieces of writing in the history of human civilization. The Human Rights Act of 1998, which was adopted into UK legislation, was based on the UDHR and the European Convention on Human Rights.²³ The UDHR is one of the most important documents in the history of human civilization and to the extent that words on paper can change the world, the impact of the UDHR has been profound.²⁴

The rights announced in the UDHR are codified, expanded upon, and completed by the treaties that come after it. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965, was the first human rights agreement to emerge from the UN system. The Committee on the Elimination of Racial Discrimination, the first UN human rights treaty body, was established by ICERD, which also codifies and broadens the equality concept outlined in the UDHR.²⁵ The International Covenant on Civil and Political Rights (ICCPR), 16 December 1966 and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), 16 December 1966, along with the UDHR, are often referred to as the International Bill of Human Rights,²⁶ and they were both ratified by UN Member States one year after the ICERD. The Committee on the Elimination of Discrimination Against Women was founded in 1979 after the UN approved the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 18 December 1979 text. The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment (CAT), 10 December 1984 and Convention on the Rights of the Child (CRC), 20 November 1989 established the Committee against Torture and the Committee on the Rights of the Child respectively. The Committee on Migrant Workers was established in 1990 after the UN enacted the International

²²S. Waltz, Reclaiming and rebuilding the history of the Universal Declaration of Human Rights, [2002] (23)(3) Third World Quarterly, 437–448; H. H. E. Plaine, Origins of the Universal Declaration of Human Rights, [1950] (14)(2) Negro History Bulletin, 27–33; J. Morsink, The Universal Declaration of Human Rights: Origins, Drafting, and Intent, (University of Pennsylvania Press, 1999), 1 – 396

²³E. Schwellb, 'The Influence of the Universal Declaration of Human Rights on International and National Law.' [1959] (53) Proceedings of the American Society of International Law at Its Annual Meeting (1921-1969), 217–229; H. Hannum, 'The UDHR in National and International Law' [1998] (3)(2) Health and Human Rights, 144–158; A. De Baets, 'The Impact of the "Universal Declaration of Human Rights" on the Study of History.' [2009] (48)(1), History and Theory 48, 20-43; D. Olowu, 'Invigorating Economic, Social and Cultural Rights in the South Pacific', [2007] (7)(1) *Queensland University of Technology Law and Justice Journal*, 71 – 92.

²⁴Ş. İ. Özler, 'The Universal Declaration of Human Rights at Seventy: Progress and Challenges', [2018] (32)(4) *Ethics and International Affairs*, 395-406

²⁵UDHR, arts. 1 & 2

²⁶ Fact Sheet No.2 (Rev.1), The International Bill of Human Rights, United Nations, Geneva, June 1996 <<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet2Rev.1en.pdf>> Accessed 22 July 2023

Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (ICMW), 18 December 1990. The Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006 and International Convention for the Protection of All Persons From Enforced Disappearances (CPED), 20 December 2006 are the two most recent international conventions on human rights enacted under the auspices of the UN.²⁷

Less than a year before the UDHR, members of the Pan-American Union (Organisation of American States) ratified the American Declaration of the Rights and Duties of Man, which was also developed at the same time as the UDHR. Two years later, the European Convention on Human Rights was ratified by the Council of Europe, making it the first international treaty to formally guarantee the UDHR's rights. The establishment of the European Court on Human Rights and the now-defunct European Commission on Human Rights as two regional human rights enforcement bodies was also noteworthy. The American Convention on Human Rights of 1969 was the following significant regional human rights convention, and both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are responsible for monitoring adherence to its provisions. The African Union (AU) established the African Charter on Human and Peoples' Rights (ACHPR) in 1981. This document codified many of the UDHR's principles and also provided protection for the rights of communities by recognising peoples' rights. The African Commission on Human and Peoples' Rights was also founded by the ACHPR. The African Union (AU) enacted a protocol to the African Charter in 1998 that established the African Court on Human and Peoples' Rights. In fact, the UDHR served as the model for more than 80 international human rights treaties and declarations, numerous regional human rights conventions, domestic human rights legislation, and constitutional provisions, all of which together form an extensive, legally binding system for the promotion and protection of human rights.

All people are born free, equal, and equipped with thoughts and ideas, and they should all be treated equally, according to the thirty articles of the UDHR. Regardless of disparities in race, gender, or colour, everyone has access to these rights. The UDHR guarantees the rights to life, liberty, and security of person; freedom from slavery, torture, cruel, inhuman, or degrading treatment or punishment; freedom from arbitrary arrest, detention, or exile; equality before the law; the right to a fair trial by jury and the presumption of innocence; protection against ex post facto laws; and the right to seek asylum from persecution.²⁸ The UDHR also guarantees freedom from arbitrary interference with one's privacy, family, home, or correspondence; freedom to leave any country; freedom of movement and residence; freedom of religion, expression, assembly, and association; the right of the people to have their will serve as the basis of the authority of Government; the right to work, play, food, and shelter; and the right to a free and compulsory primary education.²⁹

The UDHR has attained the status of customary international law and forms part of general principles, regional agreements and domestic law through which human rights are expressed and guaranteed. The elements of international law known as customary international law are those that have been accepted by a majority of countries as a matter of legal obligation. When a rule is acknowledged by most State

²⁷ A. D'Amato, 'The Concept of Human Rights in International Law' [1982] (82)(6) *Columbia Law Review*, 1110

²⁸ UDHR, arts. 1 - 14

²⁹ UDHR, arts. 12 - 26

practices out of a sense of legal obligation, it becomes customary international law. The proponents for the customary status of the UDHR point to evidence including UN resolutions that discuss the obligation of States to uphold the UDHR, the condemnation of human rights violations as violations of international law by international bodies, and State officials criticism of other States for human rights violations. Some contend that the UDHR has become enforceable since nations have continuously cited it for more than 70 years, making it a part of international law that is binding.³⁰ While declarations like the UDHR set the aspirational foundation, UN treaties serve as the main vehicle via which human rights ideals are put into real practice. All subsequent human rights conventions, such as those on racial discrimination, women's rights, the rights of people with disabilities, and children's rights, were developed in accordance with the UDHR. In addition to these treaties, there have been a number of significant international gatherings that produced significant plans of action that serve as global norms for governments to abide by.³¹

4.0 Legal Framework on Human Rights in Nigeria

The CFRN 1999 is the supreme law in Nigeria and any law that inconsistent with it is void to the extent of the inconsistency.³² The CFRN 1999 stipulates that no treaty between the FEN and any other country shall have the force of law except when the treaty has been enacted into law by the National Assembly (NASS).³³ The CFRN 1999 provides for the human rights of the citizens of the FRN which are justiciable rights, that is, citizens can go to court to enforce them if denied. The justiciable rights stipulated by the CFRN 1999 are the freedom of movement, the right to a fair trial, the right to a private and family life, the right to freedom of expression and the press, the right to peaceful assembly and association, the right to freedom of thought, conscience, and religion, and the right to be free from discrimination on the basis of racial group, place of origin, circumstance of birth, sex, religion, or political opinion.³⁴ The other rights under the Fundamental Objectives and Directive Principles of State Policy provided under Chapter II CFRN 1999, are non-justiciable, that is, these set of rights are not enforceable in the court.³⁵ They are aspirations attainable if and when the State has the resources even though the UDHR prescribes these rights as constituting human rights.³⁶ These include the right to: free and compulsory education;³⁷ adequate health care, gainful employment; suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens and many

³⁰ Statute of the International Court of Justice, art. 38(1)(b); H. Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, [1996] (25)(1) Georgia Journal of International and Comparative Law 287; J. L. Goldsmith and E. A. Posner, 'A Theory of Customary International Law.' [1999] (47)(4) The University of Chicago Law Review, 1113 - 1177

³¹ Ş. İ. Özler, 'The Universal Declaration of Human Rights at Seventy: Progress and Challenges', [2018] (32)(4) *Ethics and International Affairs*, 395-406

³² CFRN 1999, s. 1

³³ CFRN 1999, s. 12

³⁴ CFRN 1999, s. 33 - 44

³⁵ *A.G. Ondo State v. A.G. Federation* (2002) 9 NWLR (Pt. 772) 222; *Okogie v A.G. Lagos State* (1981) NCLR 2187; O. V. C. Ikpeze, 'Non-Justiciability of Chapter II of the Nigerian Constitution as an Impediment to Economic Rights and Development', [2015] (5)(18) *Developing Country Studies*, 48 - 56

³⁶ G. N. Okeke, 'Fundamental Objectives and Directives Principles of State Policy: A Viable Anti-Corruption Tool in Nigeria', [2011] (2)(1) Nnamdi Azikiwe University Journal of International Law, 175 - 184.

³⁷ S. 18 CFRN 1999

more.³⁸ The two sets of rights are both fundamental and complementary. This is because; the right to life, for instance, is meaningless without gainful employment or food to sustain life in the first place. It is therefore expedient to upgrade the economic, social and cultural rights to fundamental rights through the channel of constitutional amendment process in conformity with existing treaty obligations under the ACHPR to ensure justiciability of all human rights in Nigeria. Human Rights are interdependent, interrelated, indivisible and universal.³⁹

In addition to the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights (ACHPR) 1981 also promotes and protects the fundamental freedoms of all races on the African continent. African human rights are primarily protected by the ACHPR and the African Charter on the Rights and Welfare of Children (ACRWC). The ACHPR established a regional system of human rights for Africa in the same vein as the European and Inter-American systems, and it recognises the majority of the civil, political, economic, social, and cultural rights that are generally seen as being universally recognised.⁴⁰ Similar to the CRC, the ACRWC is a comprehensive document that outlines rights and establishes universal standards and norms for the status of children. In Nigeria, it took the form of the African Charter on Human and Peoples Rights (Enforcement and Domestication) Act,⁴¹ which guarantees the equality and freedom of every person, regardless of their skin colour, ethnicity, sex, religion, or other status.⁴² The ACHPR (Ratification & Enforcement) Act, which was passed to give the ACHPR legal force in Nigeria in compliance with section 12 CFRN 1999, is the first comprehensive human rights treaty that was ratified in that country.⁴³ The Nigerian Supreme Court ruled in the case of *General Sani Abacha and Others v. Chief Gani Fawehinmi*⁴⁴ that the ACHPR is a part of Nigerian law and must be upheld by the courts. The fundamental legal framework governing children's rights in Nigeria is the Child's Rights Act (CRA) 2003. In addition to serving as Nigeria's anti-human trafficking law, the CRA fulfils many purposes by domesticating the CRC and ACHPR into local law in accordance with the stipulations of section 12 CFRN 1999. In addition to the clauses of Chapter Four of CFRN 1999, the CRA also encompasses the right to survival and development.⁴⁵ Thirty-four (34) of the 36 States in Nigeria have fully domesticated the CRA thanks to the Federal Ministry of Women Affairs' ardent campaigning, which helped turn the tide in favour of the CRA irrespective of the initial hesitation from most of the northern states where Islam is the popular religion. The religious and cultural diversity in northern Nigeria made it difficult to put this important piece of legislation into effect right away.⁴⁶

³⁸ S. 16 (2) (d) CFRN 1999

³⁹ Article 5, Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, *UN Doc A/CONF.157/23*.

⁴⁰ ACHPR, arts. 2 – 24; A. B. Akinyemi, *The African Charter on Human and Peoples' Rights: An Overview*, [1985] (46)(2) *The Indian Journal of Political Science*, 207 - 238

⁴¹ Chapter A9, *Laws of the Federation of Nigeria 2004*

⁴² ACHPR 1981, art 2 & 18(3).

⁴³ C. N. Ojukwu, *Enforcement of the African Charter on Human and Peoples' Rights as a Domestic Law in Nigeria*, [2000] (25) *International Legal Practitioner*, 140

⁴⁴ (2000) 6 NWLR 228,

⁴⁵ CRA, ss. 3 & 4

⁴⁶ S. Anya, FG: 34 States Have Domesticated Child's Rights Act, *Thisday Newspaper*, 29 November 2022 <<https://www.thisdaylive.com/index.php/2022/11/29/fg-34-states-have-domesticated-childs-rights-act/>> Accessed 30 May 2023.

5.0 Institutional Framework for the Enforcement of Human Right in Nigeria

When General Sani Abacha was in power, Nigeria's human rights situation was disturbing, and that is when the NHRC was founded. The Abacha dictatorship swiftly formed the National Human Rights Commission (NHRC) with Decree No. 22 of October 6, 1995, in response to criticism from both domestic and foreign organisations, primarily the UN. Specifically, UNGA Resolution 48/138 of December 1993 enjoined member states to establish and strengthen national institutions for the promotion and protection of human rights and fundamental freedom in their countries.⁴⁷ Eight months later, on June 17th, 1996, the 16 member Governing Council of the NHRC was established with Honourable Justice P. K. Nwokedi, a retired Supreme Court Justice and Dr. Mohammed Tabiu as Chairman and Executive Secretary respectively. Numerous well-known critics, like Chief Gani Fawehinmi SAN, called the NHRC's inception at the time a "toothless bulldog set up to serve the interest of its master."⁴⁸ The National Human Rights Commission (Amendment) Act 2010⁴⁹ broadened the mandate of the NHRC, giving it expanded powers to carry out many other functions in the promotion, protection and enforcement of human rights. In particular, the NHRC has the mandate to deal with all matters relating to the protection of human rights in Nigeria as guaranteed by the CFRN 1999, ACHPR, UN Charter, UDHR and other international treaties to which Nigeria is a party. By the 2010 amendment, the NHRC now has quasi - judicial powers to summon persons, acquire evidence, award compensation and enforce its decisions. The NHCR also has power to visit any place of detention with a view to ensuring that detainees' rights are not violated.⁵⁰ In order to ensure that detainees' rights are not being abused, it also has the authority to inspect any location where people are being held. In order to carry out its mandate, the NHRC currently possesses complete independence. Tony Ojukwu, SAN, is the substantive Executive Secretary and Chief Executive Officer and the Governing Council which is the highest decision-making body of the NHRC is headed by Salamatu Suleiman.⁵¹

It is significant to emphasise that individuals who have championed human rights have typically been ordinary citizens, as opposed to government officials, who are frequently the primary offenders of such violations. Non-governmental organisations (NGOs) in particular have been instrumental in drawing attention to human rights issues in the worldwide community.⁵² The variety of organisations that make up civil society are typically referred to as non-governmental or non-profit. Such groups are marked by having anything other than financial gain as their ultimate goal. This still remains a tremendously large number of reasons for existing, as well as a vast range of businesses and activities. The defence of human rights and the eradication of human rights violations are the focus of numerous organisations throughout the world. Major human rights organisations have comprehensive websites that list infractions and demand corrections on both the federal and local levels. Human rights organisations are

⁴⁷ A/RES/48/134, 85th plenary meeting, 20 December 1993, National institutions for the promotion and protection of human rights <<https://www.un.org/documents/ga/res/48/a48r134.htm>> Accessed 23 July 2023

⁴⁸ National Human Rights Commission <http://www.nhrc.gov.ng/files/publications/NHRC_at_20_Report-Final_draft_2nd_December_2015.pdf> Accessed 23 July 2023

⁴⁹ Cap. N46, Laws of the Federation of Nigeria, 2004

⁵⁰ NHRC (Amendment) Act, 2010, s. 6(1)(d)

⁵¹ A. Ejekwonyilo, AGF Malami inaugurates NHRC's first governing council in six years, Premium Times, 3 August 2021 <<https://www.premiumtimesng.com/news/top-news/477286-agf-malami-inaugurates-nhrcs-first-governing-council-in-six-years.html>> Accessed 25 July 2023

⁵² K. Appiagyei-Atua, 'Human Rights NGOs and their Role in the Promotion and Protection of Rights in Africa', [2002] (9)(3), *International Journal on Minority and Group Rights*, 265-289.

most successful when their calls for reform are backed by fervent public advocacy, such as that of Amnesty International, International Federation for Human Rights, Children's Defence Fund, Human Rights Action Centre, Human Rights Watch, Global Rights and many more. Public support and condemnation of abuses is crucial to their success.⁵³

The majority of Nigeria's post-independence history has been marked by military dictatorship, repression and human rights abuses that marked this period of military administration gave rise to a spike in human rights activism in the nation. The Centre for Advanced Social Sciences, a think tank focused on enhancing management and public policy in Africa, was established in 1992 and it was among the first NGOs to emerge during this time. One of Nigeria's largest human rights organisations, the Civil Liberties Organisation, was founded to protect and advance civil liberties and human rights. The Constitutional Rights Project was established in December 1990 to make sure that Nigerian laws adhere to international norms, to keep an eye on organisations whose actions affect citizens' rights, and to offer legal aid to those who have been the victims of human rights abuses. The Committee for the Defence of Human Rights, which was first established in 1989 as a reaction to the incarceration of trade unionist Femi Aborishade, later became a human rights group. The Campaign for Democracy was founded as a result of the fight to carry out Chief M. K. O. Abiola's ill-fated mandate following the annulment of the presidential election on 12 June 1992. In 1990, the Ogoni people, a minority community living in the Rivers State oil-producing region, formed the Movement for the Survival of the Ogoni People to denounce human rights abuses against them. Human rights organisations came together to form the United Action for Democracy in response to the abuses of minority rights and the murder of Ken Saro Wiwa, a well-known environmental and human rights activist for the Ogoni ethnic nationality. Human rights organisations assumed a crucial role in observing and assessing the electoral process following Nigeria's restoration to democracy under the guidance of the Transition Monitoring Group. Many other NGOs have been created since the return to democracy.⁵⁴

6.0 Enforcement of Human Rights in Nigeria

The right to life provided for in the CFRN 1999⁵⁵ was interpreted by the Nigerian courts in *Nasiru Bello v. Attorney General Oyo State*.⁵⁶ A convicted felon was executed by the respondent while his appeal to a higher court was pending. At the suit of the deceased family, the Supreme Court (SC) held that the respondent violated the deceased right to life and ordered compensation to his family, though the right to life is not absolute but qualified as decided in *Kalu v. State*.⁵⁷ In *Jonah Gbemre v. Shell Petroleum Development Company and Ors.*,⁵⁸ the Federal High Court (FCT) held that the right to life in Nigeria is extended to healthy environment. State right to dignity of human person as provided for the CFRN

⁵³ United for Human Rights, Human Rights Organizations < <https://www.humanrights.com/voices-for-human-rights/human-rights-organizations/non-governmental.html> > Accessed 25 July 2023

⁵⁴ University of Minnesota, The Status of Human Rights Organizations in Sub-Saharan Africa Nigeria, Human Rights Library < <http://hrlibrary.umn.edu/africa/nigeria.htm> > Accessed 24 July 2023

⁵⁵ CFRN 1999, s 33, African Charter on Human and Peoples' Right (ACHPR), art. 4; A. O. Enabulele, 'The Right to Life or the Right to Compensation Upon Death: Perspectives on an Inclusive Understanding of the Constitutional Right to Life in Nigeria', [2014] (3)(1) *Journal of Sustainable Development Law and Policy*, 99 - 117

⁵⁶ [1986] 5 NWLR (pt. 45) 828,

⁵⁷ (1998) 13 NWLR (Pt. 583) 531

⁵⁸ Suit No. FHC/B/CS/53/05; (2005) AHRLR 151

1999⁵⁹ has been interpreted by the Nigerian courts in *Barr. Eric Chukwuemeka Igweokolo v. Mr. Marvel Akpoyibo & Ors*⁶⁰ and *Alhaji Ibrahim Abdulhamid v Tabal Akar & Anor*.⁶¹ The right to personal liberty provided for under section 35 CFRN 1999 has been interpreted by the Nigerian superior courts. In *Adewole v. Jakande*,⁶² the Lagos State High Court held “personal liberty” means privileges, immunities, or rights enjoyed by prescription or by grant. It denotes not merely freedom from bodily restraint, but rights to contact, to have an occupation, to acquire knowledge, to marry, have a home, children, to worship, enjoy and have privileges recognized at law for happiness of free men.” In *Enwere v COP*⁶³ the SC held that a ‘holden charge’ is unknown to Nigerian law, the same reasoning was adopted by the Court of Appeal (CA) in *Chinemelu v State*.⁶⁴ The SC in *Olugbenga Daniel v. FRN*⁶⁵ set certain basic criteria and attributes to gauge whether a trial or hearing is fair or not as contemplated by the framers under section 26 CFRN 1999.⁶⁶ The CA made pronouncements on the right to fair hearing in *Ezechukwu v. Onwuka*,⁶⁷ where it pointed out that

Fair hearing is a hearing which is fair to all parties to the suit, whether the plaintiff, defendant, the prosecutor, or the defence. It is a doctrine of substance and the question is not whether injustice has been done because of lack of fair hearing, rather... whether a party entitled to be heard has been given an opportunity of being heard... Fair hearing entails doing during the course of a trial all that will make an impartial observer to believe that the trial has been balanced... to both sides....⁶⁸

The right to a private life and family is recognized under section 37 CFRN 1999 as an indispensable link, natural unit and foundation of society. Therefore, the family must be safeguarded by the State, which will look after its physical health and morality. The State also has a responsibility to support the family, which is the guardian of traditional values and morals that are respected by the community.⁶⁹ It is noteworthy that the right to private and family life provided under section 37 CFRN 1999 which is has a universal acceptability as it has been adopted under several conventions.⁷⁰ Nigeria is a multi-cultural, multi-ethnic and multi-religious nation with a propensity for religious extremism as experienced in the Boko Haram also known by its Arabic name *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad*, which means “People Committed to the Propagation of the Prophet's Teachings and Jihad.” crisis in the northern part of Nigeria since 2009 has witnessed spiraling insurgency leading to wanton destruction of lives, property, vital infrastructure, the displacement of millions of people and the instability of the economic, health, educational institutions even though the right to freedom of thought,

⁵⁹ S. 34, 35 and 41 CFRN 1999; arts 5, 6 & 12 ACHPR.

⁶⁰ (2017) LPELR-41882(CA)

⁶¹ [2006] 13 NWLR (Pt. 996) 127 149. See also *EFCC v. Bayo Dada*. [2015] FWLR (Pt. 783) 127

⁶² [1981] 1 NCLR 262 at 278

⁶³ (1993) 6 NWLR (Pt 299) 333

⁶⁴ (1998) 1 ACLR 501, See also article 6 ACHPR

⁶⁵ [2014] 8 NWLR (Pt. 1410) 570 @ 576,

⁶⁶ E. M. Akpambang, ‘Fair Hearing: Sine Qua Non Under Nigerian Criminal Justice Jurisprudence’, [2016] (52) Journal of Law, Policy and Globalization, 34 – 44

⁶⁷ [2005] All FWLR (Pt. 280) 1514 @ 1542

⁶⁸ Applied in *Ogundoyin v. Adeyemi* [2001] FWLR (Pt. 71) 1741 @ 1754.

⁶⁹ ACHPR, art. 18 (1) & (2) .

⁷⁰ American Convention on Human Rights, art. 17; European Convention on Human Rights, art. 8 and African Charter on Rights and Welfare of the Child, art. 18

conscience and religion is provided for under section 38 CFRN 1999. In *Dickson Ojiegbe v. Marcus Ubani*,⁷¹ the Seventh Day Adventists could not take part in the elections held on their Sabbath and amounted to a denial of the right to vote and was therefore a denial of their right to freedom of conscience and religion. The scope of the right to freedom of thought, conscience and religion was set out by the SC in *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo* as follows:

The right to freedom of thought, conscience or religion implies a right not to be prevented without lawful justification from choosing the course of one's life, fashioned on what one believes, and the right not to be coerced into acting contrary to one's belief. The limits of these freedoms, as in all cases, are where they impinge on the rights of others or where they put the welfare of society or public health in jeopardy... Law's role is to ensure the fullness of liberty when there is no danger to public interest. Ensuring liberty of conscience and freedom of religion is an important component⁷²

Nigeria has a history of military rule which come with suspension of the basic rights and the right to freedom of expression and the press is always a target. Section 39 CFRN provides for freedom of expression and the press is a *sine qua non* for a virile democracy.⁷³ right to peaceful assembly and association is provided under Section 40 CFRN 1999. The CA in *IGP v. ANPP & Ors*⁷⁴ held that the provisions of the Public Order Act which prohibits the holding of rallies or processions without police permit are unconstitutional having regards to art. 11 ACHPR (Ratification and Enforcement) Act. Section 41 CFRN 1999 and art. 12(2) ACHPR (Ratification and Enforcement) Act provide for the right to freedom of movement. The SC in *Director of State Security Service v. Olisa Agbakoba*,⁷⁵ held that "the right to have freedom of movement and the freedom to travel outside Nigeria is guaranteed by the Constitution but the right to hold a passport is subject to the provisions of the Act." In *Rotimi A. Williams v M. A. Majekodunmi*⁷⁶ the court held that the restriction of the claimant to a two-mile radius of his house under the Emergency Powers Regulations of 1962 was a violation of his right to freedom of movement.⁷⁷ The right to freedom from discrimination on the grounds of ethnic group, place of origin, circumstance of birth, sex, religion or political opinion is provided for under s. 42 CFRN 1999. In *Ukeje v. Ukeje*,⁷⁸ the SC determined that an unidentified intestate succession under Igbo customary law in Nigeria is rife with injustice, particularly against women and children who are not biologically theirs. In *Mojekwu v. Mojekwu*,⁷⁹ despite the fact that the dead had two female survivors, his male nephews asserted their claim to his fortune. The CA, according to Niki Tobi, JCA (as he was then), rejected the claim that the case was controlled by Nnewi Customary rule, but he added that even if this were the so,

⁷¹ (1961) 1 All NLR 277

⁷² [2001] FWLR (Pt. 44) 542; E. S Nwauche, 'Law, Religion and Human Rights in Nigeria', [2008] (8) *African Human Rights Law Journal*, 568 – 595

⁷³ S. 39 CFRN 1999. J. D. Ojo, 'Freedom of the Press in Nigeria since 1960: A Comparative Analysis.' [1976] (18)(4) *Journal of the Indian Law Institute*, 529 – 550

⁷⁴ (2007) 18 NWLR (Pt.1066) 457,

⁷⁵ (1999) 3 NWLR (Part 595) 314, Per Uwais JSC.

⁷⁶ (1962) 1 All NLR 413

⁷⁷ *Gregory Apph & Ors v. Mr. Mathias Oturie* (2019) LPELR-46301(CA)

⁷⁸ (2014) 11 NWLR (Pt.1418) 384

⁷⁹ (1997) 7 NWLR (Pt.512) 283,

a customary rule that discriminated against women would not be put into effect since it would be against the principles of natural justice, equity, and good conscience. In contrast, the SC upheld the "*Iri-ekpe*" custom and disregarded the CA's ruling. The right to acquire and own immovable property anywhere in Nigeria and to compensation for property compulsorily acquired is constitutionally guaranteed and provided for in other legislation in Nigeria.⁸⁰ The government with all its might cannot acquire the land of an individual without paying adequate compensation to the dispossessed citizen.⁸¹ Government has a duty to comply with the procedure for acquisition of land as emphasized by the SC in *Goldmark (Nig.) Ltd. v. Ibafon Co. Ltd.*⁸²

6.0 Factors Militating against the Enforcement of Human Rights in Nigeria

The domestication of all the human rights provided for in the UDHR into the CFRN 1999 and a plethora of local legislation on human rights in Nigeria is a positive indicator about the intent of Government to protect human rights in Nigeria. Nevertheless, the existence of legislation on human rights in Nigeria without the requisite institutions to ensure their enforcement is an exercise in futility. There is an issue of endemic corruption in Nigeria and the institutions vested with the mandate of protecting human rights in Nigeria are not left out. The enactment of legislation to protect human rights does not automatically lead to stamping out the rampant abuse of human rights as witnessed in Nigeria. There is a specialised legislation against terrorism in Nigeria, Terrorism (Prevention and Prohibition) Act, 2022 yet Nigeria is the sixth most impacted state in the 2022 Global Terrorism Index.⁸³ Nigeria is not in short supply of anti-corruption laws,⁸⁴ yet Nigeria is one of the most corrupt nations according to the 2021 Corruption Perception Index which ranked Nigeria 154 out of 180 countries.⁸⁵ The laws are there on ground but institutions to enforce these laws are rendered ineffective by corruption with the police, legislature and the judiciary among the most corrupt institutions in Nigeria according to Transparency International.⁸⁶ This is because political elites continue to abridge the independence of the court through patronage appointments, and because judicial administration is characterised by a lack of enforcement power, the judiciary is notoriously unreliable. The lack of accountability and transparency that result from impunity and a lack of the rule of law tend to lead a country towards a dictatorial state. The rule of law and an independent judiciary are the finest tools for enforcing accountability. Impunity, a lack of the rule of law, and uncertainty about the independence and impartiality of the judiciary will continue to be rampant, undoing most if not all of the accomplishments made by the previous administration.

⁸⁰ CFRN 1999, ss. 43 – 44 CFRN 1999; African Charter on Human and People's Rights (Ratification and Enforcement) Acts, Cap. A9, LFN 2004, art. 17 and Land Use Act 1978, Cap. L5 LFN, 2004, S. 29

⁸¹ *Elf Pet. (Nig.) Ltd. v. Umah* [2007] 1 NWLR (Pt. 1014) 44; *Kukoyi v. Aina* [1999] 10 NWLR (Pt. 624) 633 and *Ogunleye v. Oni* (1990) 2 NWLR (Pt. 135) 745.

⁸² [2012] 10 NWLR (Pt. 1308) .291; U. J. Osimiri, *Repeal Land Use Act 1978 or Amendment of its Provisions Governing Compensation for Compulsory Acquisition?*, in *Critical Issues in Nigerian Property Law*, A. A. Utuama, (Editor), (Malthouse Press Limited, 2016) 135 - 154,

⁸³ Institute for Economics & Peace, Global Terrorism Index 2022: Measuring the Impact of Terrorism, Sydney, March 2022 <<https://www.economicsandpeace.org/wp-content/uploads/2022/03/GTI-2022-web-09062022.pdf>> Accessed 1 June 2023

⁸⁴ Economic and Financial Crimes Commission (Establishment) Act 2004; Independent Corrupt Practices & Other Related Offences Act 2000, Advance Fee Fraud and Other Related Offences Act, 2006; Money Laundering (Prevention and Prohibition) Act, 2022 and many more

⁸⁵ Transparency International, Corruption Perception Index 2021 < transparency.org/en/cpi/2021/index/nga> Accessed 1 June 2023

⁸⁶ Police Most Corrupt Institution in Nigeria, Reveals SERAP Survey, Socio-Economic Rights and Accountability Project, 26 March 2019 < <http://serap-nigeria.org/2019/03/26/police-most-corrupt-institution-in-nigeria-reveals-serap-survey/>> Accessed 1 June 2023

Corruption in the Nigerian Police Force (NPF) is one of the main impediments to the enforcement of human rights in Nigeria. Police officers behave like potentates at checkpoints set up on major roads across the nation, lash out at other road users in a highly arrogant manner, and intimidate them with fully loaded rifles. These errant police officers frequently have a moderate to heavy alcohol intake, are using psychoactive drugs, or are both. It is also typical to see swarms of police officers in ill-fitting uniforms running after suspects in commercial buses or swooping on them in unlit areas without proper identification. In years, the gross violations of human rights committed by the NPF, particularly by the now-defunct Special Anti-Robbery Squad, infuriated millions of Nigerians and caused worry in the world community.⁸⁷

Bandits in the north-west, Islamic jihadist groups like Boko Haram and the Islamic State - West Africa Province in the north-east, and violent clashes between farmers and pastoralists in northern Nigeria are all contributing to the rise in insecurity. The Indigenous People of Biafra and the Movement for the Actualization of the Sovereign State of Biafra, Igbo separatists in the southeast, are pushing for an independent Biafra. Niger Delta Militant organisations in the south-south region are accused of piracy, armed robbery at sea in the Gulf of Guinea, pipeline sabotage, and unauthorised petroleum product processing. Nigeria's traditional security system is so overburdened by the amount of insecurity in the country that the FGN has turned to hiring private militias to protect specific areas of the country. Nigerian crude oil is "stolen on an industrial scale" and the theft and damage costs Nigeria an estimated \$5bn a year in lost revenue. This is accomplished with the assistance of Nigerian politicians, members of the oil sector, local leaders, and security organisations.⁸⁸ The Nigerian pipeline monitoring contracts worth N48 billion that the FGN awarded included non-state actors.⁸⁹ Since the leaders of these private militias are essentially above the law, the conventional security system in the country is compelled to bend to their whims and caprices. An absence of rules and potential for power make the enforcement of fundamental rights impossible in such an unstable environment.

The enforcement of fundamental rights is also hampered by poverty and illiteracy. A sizable portion of Nigerians are living in utter poverty and are therefore unable to afford even the most basic requirements. Nigeria is the African nation with the largest population. Its population was predicted to be above 215 million in 2022 and to continue growing throughout the ensuing decades. Nigeria has been classified as the poverty capital of the world. This is because while the population of Nigeria is growing, the poverty situation is also competing with the population increase in the country. Based on the poverty line of 1.90 U.S. dollars per day, Nigeria is home to roughly 12 percent of the world's population in 2023 who

⁸⁷ E. Sunday, Purging Nigeria police of extortionists, lawbreakers, and killers, Guardian Newspaper, 1 January 2023 <<https://guardian.ng/sunday-magazine/purging-nigeria-police-of-extortionists-lawbreakers-and-killers/>> Accessed 25 July 2023

⁸⁸ Editorial, Nigeria's massive oil theft scandal and lack of enlightened self-interest, Premium Times, 5 September 2022 <<https://www.premiumtimesng.com/news/headlines/552314-editorial-nigerias-massive-oil-theft-scandal-and-lack-of-enlightened-self-interest.html>> Accessed 25 July 2023; J. Brocks, Nigeria's stolen oil is sold and laundered abroad – report, Reuters, 19 September 2013 <<https://www.reuters.com/article/nigeria-oil-theft/nigerias-stolen-oil-is-sold-and-laundered-abroad-report-idUSL5N0HE2RC20130919>> Accessed 25 July 2023.

⁸⁹ M. Izuaka, Why we awarded multi-billion naira pipeline protection contract to Tompolo – NNPC, Premium Times, 30 August 2022 <<https://www.premiumtimesng.com/news/headlines/551584-why-we-awarded-multi-billion-naira-pipeline-protection-contract-to-tompolo-nnpc.html>> Accessed 25 July 2023

lived in extreme poverty.⁹⁰ These impoverished Nigerians are victims of violations of their fundamental rights, but they are unable to protect their rights because of their great poverty, which makes it impossible for them to hire lawyers to enforce their rights in court. Over 35% of adults in Nigeria are illiterate, making it one of the countries with the highest illiteracy rates in the world.⁹¹ This issue of persistently high degree of illiteracy in the population makes the absence of a strong civic awareness and culture regarding the application of fundamental rights worse. Many Nigerians lack access to education, especially high-quality civic education that would enable them to completely understand their rights, responsibilities, and duties as citizens, hence they do not fully appreciate or comprehend the rights they do have. On the other side, the minority of well-informed individuals abuse their power, expertise, and influence, for example by using the police to harass people, restrict their freedom of movement and speech, or collect debt. The Nigerian political class appears to be a part of this tendency, just like businesses and people whose primary goals are financial. People commonly turn to self-help in instances of violation of fundamental rights, and most of the time, those who commit such violations are not held accountable.

7.0 Conclusion

The paper focused on the impact of the UDHR on the growth and development of human rights legislation in Nigeria. The paper underscored the global relevance of the UDHR with the number of translations and global impact it has made in the development of human rights legislation all over the world. The history of human rights is traceable to the King Cyrus and his famed conquest of Babylon culminating in the Cyrus Cylinder which was used in the recording the famous declaration of freedom for the slaves, racial equality and freedom of religion. The paper appraised the core rights enunciated under the UDHR and explored the link between Chapters CFRN 1999 and other human rights legislation in Nigeria and the UDHR. The paper considered the looked at the application of human rights legislation from the CFRN 1999 and other local legislation. The paper identified corrupt and weak institutions like the judiciary and the NPF as a very big obstacle in the enforcement of human rights in Nigeria. Endemic poverty and high illiteracy level are twin monsters in the enforcement of human rights in Nigeria. Insecurity in Nigeria is another monster that has limited the enforcement of human rights. The paper recommends a holistic fight against corruption as the panacea to weak institutions like the NPF and the judiciary. Appointments into the judiciary should strictly be on merit and not for the children of influential Nigerians and this will enhance the independence of the judiciary. The FGn must stop playing politics with security and bring in order to the polity. The fight against poverty and illiteracy must be treated with all the seriousness that it deserves, otherwise Nigeria will slide into a failed state. The FGn should build strong institutions instead of entrusting the security of over two hundred and fifteen million Nigerians to the hands of mercenaries and non-state actors.

⁹⁰D D Sasu, Share of global population living below the extreme poverty line in Nigeria from 2016 to 2023, Statista, 8 February 2023 < [statista.com/statistics/1287840/share-of-global-population-living-in-extreme-poverty-in-nigeria/](https://www.statista.com/statistics/1287840/share-of-global-population-living-in-extreme-poverty-in-nigeria/) > Accessed 25 July 2023; D. D. Sasu, Demographics of Nigeria - statistics & facts, Statista, 28 June 2023 <<https://www.statista.com/topics/6477/demographics-of-nigeria/>> Accessed 25 July 2023

⁹¹ Ebun-Olu Adegboruwa, Overcoming challenges of development in Nigeria, Guardian Newspaper, 26 June 2023 < <https://guardian.ng/opinion/overcoming-challenges-of-development-in-nigeria/> > Accessed 25 July 2023