



UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHT AND PROTECTION OF HUMAN RIGHT IN AFRICA: THE NIGERIA EXPERIENCE, 2015 – 2021

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ABSTRACT

The study examined the United Nations universal declaration of Human Rights and protection of Human Right in Africa the Nigeria experience from 2015 to 2021. The objectives set for the study are: find out if the institutional efforts for the protection of human rights in Nigeria have realized the global effort of promoting human rights, to ascertain if the global road-map for institutions and bodies which are concerned with human rights has promoted human rights in Nigeria. The researcher made use of documentary method of data collection as the method of data analysis was based on content analysis. The study was anchored on Social Contract theory by John Locke. Amongst others, the findings revealed that the institutional efforts aimed at the protection of human rights in Nigeria such as the establishment of National Human Rights Commission, the Public Complaints Commission, and the Truth and Reconciliation Commission have not realized the global effort of promoting human rights in Nigeria. This is because they are too weak and often relies on the whims and caprices of the executive to perform. It further revealed that the road-map for institutions and bodies which are concerned with human rights have enhanced the promotion of human rights in Nigeria.

Keywords:

Human rights

Nigeria

Public complain

Social contract

INTRODUCTION

Human rights are one political ideology that has gain popularity across ages and epochs. However, from the Greek world through the Roman, Medieval, Modern and Contemporary periods. The conscious and awareness of the provision continued to increase as the years go by, likewise their development and interpretation. According to Aduba (2012), human rights as those rights that are the very nature of every human person, hence, they define and affirm their humanity, therefore, they exist to ensure that human rights remain sacred and guarantee that inhumanity and injustice are prevented or reduced. He went on to maintain that since these rights are inalienable, they are not to be taken away or given up and also, they are indivisible, there is no hierarchy among rights and no right can be suppressed in order to promote another right.

For many years, the United Nations (UN) has recognized and promoted regional arrangements for the protection of human rights. At its 92nd plenary meeting in December 1992, the UN General Assembly reaffirmed that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms. The following year (in June 1993), the World Conference on Human Rights (held in Vienna) also reaffirmed the fundamental role that regional and sub- regional arrangements can play in promoting and protecting human rights and stressed that such arrangements should reinforce universal human rights standards, as contained in international human rights instruments Equality and Human Rights Commission (EHRC) holds that 'Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted- for example if a person breaks the law, or in the interests of national security'. The Human Rights and Protection Division (HRPD) of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), who's Director also represents the United Nations High Commissioner for Human Rights in Mali, has been present in the country since 2013.

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with

different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights

treaties, applied today on a permanent basis at global and regional levels.

The Universal Declaration of Human Right (UDHR) has inspired numerous international and regional resolutions, decisions, declarations, and conventions pertaining to children in Africa such as the Declaration of the Rights of the Child (1959), the World Summit for Children (1990), and the United Nations General Assembly Special Session on Children (2002). The UDHR also provided a necessary basis and framework for resolutions 2003/85 and 2004/47 on the abduction of children in Africa through the United Nations Commission on Human Rights, the Security Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 on children in armed conflict, and the report of the Special Representative of the Secretary General for Children and Armed Conflict.

To date, there are three regional human rights systems, largely based on regional inter-governmental organizations that revolve around continental arrangements in Europe, the Americas and Africa. Compared to other regional systems (Europe and America), the African system for the promotion and protection of human rights is the most recent, having its origins in the early 1980s. The system is based primarily on the African Charter on Human and Peoples' Rights, also known as the Banjul Charter (African Charter or Charter).³ It was designed to function within the institutional framework of the then Organization of African Unity (OAU), a regional inter-governmental organization that had been formed in 1963 with the aim of promoting unity and solidarity among African states.

The Organization of Africa Union (OAU) has since been replaced by the African Union (AU), but it is important to note that the new AU recognizes the African Charter. Article 3(h) of the Constitutive Act of the AU provides that the promotion and

protection of human and peoples' rights in accordance with the African Charter and other relevant human rights instruments are objectives of the AU. In that regard, therefore, the African Charter remains the primary instrument for the protection and promotion of human rights in Africa. For various reasons, the African system and the African Charter on which the system is based have both been found wanting, at least in comparison to the other regional systems and human rights instruments. Concerns have continuously been raised about certain features of the African Charter. However, Internationally and nationally, the need for the promotion and protection of human rights is now not only recognized as the foundation of freedom and justice but as an integral and essential element for the preservation of peace not only within the confines of particular states, but universally. (Universal Declaration of Human Rights, 1948) It is for this reason that human rights which include such rights as right to life, dignity of human person, personal liberty, fair-hearing and freedom of thought, conscience and religion, have not only engaged the attention of the world community but have, "in the recent past, penetrated the international dialogue, become an active ingredient in interstate relations and has burst the sacred bounds of national sovereignty" (Wilson, 1970).

To demonstrate their importance, (UDHR, 1948) the United Nations not only "affirm faith in fundamental human rights, in the dignity and worth of the human person", but declares as one of its purposes, the need to promote and encourage universal "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,". H. J. Steiner & P. Alston, International Human Rights (1996), from the "scattered, terse, even cryptic" references to human rights in the UN Charter to the more elaborate, definitive and authoritative "burst of idealism and enthusiasm" which the UDHR represents, the United Nations has drafted, developed and adopted many international human rights instruments of promotional and programmatic character, to ensure effective promotion and protection of human rights. Indeed, it is salutary that since the historic adoption of the UDHR, human rights have become central to the work of the United Nations which has consistently emphasized their universality; that is that, human rights are not foreign to no country but native to all nations (Annan, 2004).

Statement of the Problem

Amnesty International in its 2012 Report on Nigeria noted that the country's human rights situation in the year 'deteriorated.' The Report then chronicled cases of human rights violations, including extra-judicial killings, torture and other ill-treatment, violence against women and girls, abridgement of freedom of expression among others. It is to be noted that while civil and political rights have enjoyed varying degrees of protection since independence, successive Nigerian governments have done little in the promotion of social, economic and cultural rights. Which was why, these rights have been described as "a neglected category of human rights".

The reason for the neglect of these rights is not just because of limited resources but partly because officials of the various governments have been guilty of reckless spending and stealing of public funds. Nigeria is a country which is blessed with abundant natural resources and is no plagued by the numerous natural disasters which have devastated many nations of the world and rendered them prostrate; yet, the nation has remained peripheral and buffeted by preventable social, economic crises.

Just as the contemporary conception and contents of human rights have developed and grown over the years at the global level, human rights in Nigeria have been energized and strengthened; and paradoxically, undermined and subverted, by certain historical developments. The primary focus of this study is to place human rights protection in Nigeria in historical perspective. The relevance of, and rationale for this exercise are by no means far-fetched. It is now generally acknowledged that the past co-exists with the present. History is a study both of change and of continuity. It helps to appreciate the past, understand the present and prepare for the future.

Research Questions:

The following research questions were formulated to guide the study:

1. How has the implementation of Universal Declaration of Human Rights impacted on the promotion of human right in Nigeria between 2015-2021?
2. How has the African Charter on Human and Peoples' Rights (ACHPR) enhanced the protection of human right in Nigeria between 2015-2021?

Objectives of the Study

The broad objective of the study is to examine United Nations universal declaration of Human Right and protection of Human Right in Africa the Nigeria experience from 2015 to 2021, while the specific objectives are as follows:

1. To determine if the implementation of Universal Declaration of Human Rights impacted on the promotion of human right in Nigeria between 2015-2021;
2. To find out African Charter on Human and Peoples' Rights (ACHPR) enhanced the protection of human right in Nigeria between 2015-2021?

Significance of the Study

The significance of this study is divided into theoretical and practical significance. Theoretical, the study will be of immense benefit to researchers, academic body, students and scholars alike who may be interested in similar research endeavor. It will serve a reference and documented material which will be referred to by the political analysts as well as students of political science.

Practically it will basically benefit the citizen, police, judiciary, NGO's and other support group towards effective development and implementation of Human Right practices, which is the only antidote to a crumbling anti democracy.

Scope and Limitations of the Study

The study reviews the Universal Declaration of Human Right and its impact on Protection Of Human Rights in Africa: The Nigeria Experience from 2015 – 2021. It also covers the institutional efforts protecting human rights on the realization of the global effort at promoting human right in Nigeria as well as the road-map for institutions and bodies which are concerned with human rights in Nigeria. One major challenge encountered in carrying out this study is the problem of time management i.e. coping with the research and my studies at the same time. However, I was able to effectively come up with a good timetable which was of help to me during the course of this research.

Human Right as a Political Ideology

Human rights is one political ideology that has gain popularity across ages and epochs. However, from the Greek world through the Roman, Medieval, Modern and Contemporary periods. The conscious and awareness of the provision continued to increase as the years go by, likewise their development and interpretation. Ojo (2006), was more specific in his attempt to trace the origin of

the concept. For him, human rights are often traced to the stoics of the ancient Athens. Zeno who was the founder of the stoic school of thought propounded the theory of natural law under which human beings were supposed to have natural rights. According to Aduba (2012), human rights as those rights that are the very nature of every human persons, hence, they define and affirm their humanity, therefore, they exist to ensure that human rights remain sacred and guarantee that inhumanity and injustice are prevented or reduced. He went on to maintain that since these rights are inalienable, they are not to be taken away or given up and also they are indivisible, there is no hierarchy among rights and no right can be suppressed in order to promote another right.

Equality and Human Rights Commission (EHRC) holds that 'Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted- for example if a person breaks the law, or in the interests of national security'. The Human Rights and Protection Division (HRPD) of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), who's Director also represents the United Nations High Commissioner for Human Rights in Mali, has been present in the country since 2013.

United Nations and Issues of Human Right

The principal institutional framework for furthering human rights in the world community is the United Nations (UN), the only intergovernmental structure with a general mandate for realizing all human rights in all countries. The UN is a tool of geopolitics for some and a beacon of hope for others. We begin with some preliminary observations on the place and promise of human rights in and under the UN Charter 1 to set the stage for explaining the UN's strengths and weaknesses as a force for the realization of human rights in the global community.

The founders of the UN, not content to treat human rights as merely one among many shared objectives of UN member governments, implicitly articulated a theory of peace according to which respect for human rights and fundamental freedoms is a necessary condition for peace within and among nations. The Charter's Preamble places "faith in fundamental human rights" immediately after its

aim “to save succeeding generations from the scourge of war.” Yet the Charter does not apply this theory to the relative powers of the UN’s main organs. Instead, the human rights provisions are relegated, in the chapter on the purposes of the UN, to achieving international cooperation (art. 1(3)) and, in the chapter on international economic and social cooperation, to promoting “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion” (art. 55).

The UN General Assembly (UNGA) may initiate studies and make recommendations for the purpose of “assisting in the realization of human rights” (art. 13(1)) and the Economic and Social Council (ECOSOC) may make recommendations and draft conventions on human rights (art. 62(2) & (3)) as well as set up commissions, including to promote human rights (art. 68), which it did in 1946 by establishing the UN Commission on Human Rights (replaced in 2006 by the UN Human Rights Council or HRC). The Charter language was deliberately weak, emphasizing “promotion” rather than “protection” by the General Assembly and ECOSOC, while granting to the UN Security Council (UNSC) sole authority to render binding decisions and require states, under the threat of economic, military, or other sanction, to modify their aggressive behaviors. Articles 55 and 56 of the Charter stipulate that the member states pledge themselves to take joint and separate action in cooperation with the Organization to “promote . . . universal respect for and observance of human rights.” This “pledge” (a legally ambiguous term) remains the core human rights obligation of member states. In practice it has meant mainly promotion rather than protection but has nonetheless resulted in an impressive body of international human rights law, as well as studies and public information on a wide range of human rights and related issues. However, the widely recognized principles of territorial sovereignty and non- - intervention into “matters which are essentially within the domestic jurisdiction of any state” (art. 2(7)), have prevented the UN from taking decisive action to stop governments from mistreating their populations in violation of their Article 56 pledge.

Universal Declaration of Human Rights

The recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and

contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

Now, therefore, The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The African Charter on Human and Peoples’ Rights

The African Charter on Human and Peoples’ Rights (African Charter) establishes is the framework for the promotion and protection of human in Africa within the framework of the Organisation of African Unity (now AU). The African Charter came into force on 21 October 1986 (Ekhatior, 2015). The African Charter promotes a plethora of human rights such as civil and political, socioeconomic and cultural, individual and collective rights. It is the first regional mechanism to incorporate the different classes of human rights in a single document (Manisuli, 2012).

Human Rights Violation and Democracy in Africa

The history of human rights has revealed the fact that man has struggled for freedom against tyranny, injustice, oppression and exploitation". (Mohanty, 2010, p.666). To prevent the violation of these rights that were 'immortal' in a sense, efforts were made to legislate against their violation with impunity. According to Ogundele (1985), the year 1188 was very remarkable in the history of human rights because it was the year that happened to be earliest known efforts to enhance human rights by King Alfonso IX, who included the rights of accused persons to a regular trial and the right of inviolability of life, honor, home and property as part of human rights. However, this earliest attempt was limited to the nobles alone. According to the United Nations International Covenant on Civil and Political Rights (UN-ICCPR), all people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and culture development (UN-ICCPR, 1997). The care of human rights is possible in the shade of democracy only and not possible in the supervision of authoritarians' government or dictatorship etc.

The concept of human rights is quite vast which includes every aspect of human life and the various activities which man undertakes for his fuller and better life. For Iwe (1986), the issue of human rights cuts across ages and epochs – from the Greek world through the Roman, Medieval, Modern and Contemporary periods. And conscious and awareness of them continued to increase as the years go by, likewise their development and interpretation. Ojo (2006), was more specific in his attempt to trace the origin of the concept. For him, human rights are often traced to the stoics of the ancient Athens. Zeno who was the founder of the stoic school of thought propounded the theory of natural law under which human beings were supposed to have natural rights.

The term human rights do not lend itself to a precise definition. Indeed, there has never been a generally accepted definition of human rights among jurists, other scholars and commentators. It is a concept that can be best described rather than defined (Ajomo, 1985). However, despite the problem of not having a generally accepted definition of the concept, the attempt of two scholars in talking about it impressed me a lot. For Humana (1983), it is laws and practices that have

evolved over the centuries to protect ordinary people, minorities, groups and races from oppressive rulers and governments. Iwe (1986), distinguished between legal and moral rights as relates to human beings. Legal rights are clearly stated in the legal system while moral rights are not. Moral rights are really regarded as ideal rights. The most important class of ideal or moral rights is that of human rights. Human rights are rights that are held by all human beings unconditionally, unalterably and they are inalienable.

According to Aduba (2012), human rights as those rights that are the very nature of every human persons, hence, they define and affirm their humanity, therefore, they exist to ensure that human rights remain sacred and guarantee that inhumanity and injustice are prevented or reduced. He went on to maintain that since these rights are inalienable, they are not to be taken away or given up and also they are indivisible, there is no hierarchy among rights and no right can be suppressed in order to promote another right. European has done lot of work as regarding to Human rights, there are some characteristics of Human rights according to them like "Human rights reinforce human dignity and allow individuals to reach their full potential. Respect for human rights creates peaceful and stable societies. States which respect human rights make more reliable international partners. No peace without human rights, no development without human rights – and vice versa" (Freeman, 2017). It has been seen in the world that democracy is favorable for human rights as in comparison with the others political systems. In democratic countries there is not any power above the law.

In democratic countries the individuals has right to freedom of speaking, listening, weeping and enjoying. Individual has also right to freedom of think, religion or belief and any kind of religious activity, freedom of association peacefully assembly and freedom of movement is also there in democratic countries. In democratic countries there is freedom of marriage with the free and full consent of the intending spouses and united nations also emphasize (UN-ICCPR, 1997) as concern to the children every child have without any discrimination as to race, colour, sex, language, religion, national, or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state. Every child has the right of name and nationality.

In their modern manifestation, human rights have become an accepted legal and normative standard through which to judge the quality of human dignity (Landman & Carvalho, 2009). This standard has arisen through the concerted efforts of thousands of people over many years inspired by a simple set of ideas that have become codified through the mechanism of public international law and realized through the domestic legal frameworks and governmental institutions of states around the world (Landman, 2005; Landman & Carvalho, 2009). While the 1948 Universal Declaration of Human Rights makes reference to the right to take part in government (including through direct or indirect representatives, equal access to public services, and through periodic elections), the non-binding nature of the Universal Declaration of Human Rights along with a paucity of specific reference to democracy itself in subsequent international human rights instruments, means that human rights as such have been more legally codified through international human rights law than democracy.

According legal recognition to the moral claim of human rights through international law means that states are legally obliged to ensure that they respect, protect, and fulfil these claims (Koch, 2005). There is no corresponding legal obligation to respect, protect, and fulfil democracy in the same way as there is for rights, which provides a stronger foundation and core content for human rights than for democracy. As we shall see empirically, however, democracy is a form of government that appears superior to other forms of government for protecting, respecting and fulfilling human rights obligations. Respecting human rights requires the state to refrain from violating them. Protecting human rights requires the state to prevent the violation of human rights by 'third' parties, such as private companies, non-governmental organisations, paramilitary and insurgency groups, and 'uncivil' or undemocratic movements (Payne, 2000). Fulfilling human rights requires the states to invest in and implement policies for the progressive realisation of human rights (Koch, 2005; Landman & Carvalho, 2009; Landman & Kersten, 2016).

Civil and political rights protect the 'personhood' of individuals and their ability to participate in the public activities of their countries. Economic, social and cultural rights provide individuals with access to economic resources, social opportunities for growth and the enjoyment of their distinct ways of life, as well as protection from the arbitrary loss of

these rights (Landman, 2018). Solidarity rights seek to guarantee for individuals access to public goods like development and the environment, and some have begun to argue, the benefits of global economic development (Freeman, 2017; Landman, 2005; Landman & Carvalho, 2009). Taken together, there are now a large number of human rights that have been formally codified, which can be enumerated from the different treaties that have been designed to protect them. Ragnhild (2002) noted that in the human rights debate it is common to distinguish between positive and negative understandings of rights: A negative understanding, for instance to housing, means that taking away somebody's shelter is a violation of this right. A positive understanding of this right means that people that have no shelter, have got the right to have it provided for them.

The 1999 Nigerian Constitution (as amended) notes that fundamental human rights apply to every Nigerian citizen. These are the fundamental rights as enshrined in the 1999 Constitution. (1) Right to Life. Article 33 states that every person has a right to life and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria. (2) Right to Dignity of Human Person. Article 34 has it that every individual is entitled to respect for dignity of person and accordingly, no person shall be subjected to torture or to inhuman or degrading treatment. No person shall be held in slavery or servitude and no person shall be required to perform forced or compulsory labour. (3) Right to Personal Liberty. Article 35 requires that every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law. (4) Right to Private Life. Article 36 prescribes that in the determination of civil rights and obligations including any question or determination by or against any government or another, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a manner as to cure its independence and impartiality. (5) Right to Private and Family life.

Article 37 says that the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected. (6) Right to Freedom of Thought, Conscience and Religion. Article 38 states that every person is entitled to freedom of thought,

conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and the public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance. (7) Right to Freedom of Expression and the Press. Article 39 states that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas, information without interference. (8) Right to Peaceful Assembly and Association. Article 40 states that every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests. (9) Right to Freedom of Movement. Article 41 has it that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refuse entry thereto or exit therefore. (10) Right from Freedom from Discrimination. Article 42 holds that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of government, to disabilities or restrictions to which citizens of other communities, ethnic group, places of origin, sex, religious or political opinions are not made subject. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth (Ozoigbo, 2017).

Humanitarian Intervention (HI)

The concept of HI and its legitimacy under international law have long been debated. HI has been described as “the protection by a state or a group of states of fundamental human rights, in particular the right of life, of nationals of, and residing in, the territory of other states, involving the use or threat of force, such protection taking place neither upon authorization by the relevant organs of the UN nor upon invitation by the legitimate government”. (Ojo, 2006) Thus, the absence of the consent of the state in which the intervention occurs is a crucial element. HI differs from humanitarian aid in that the former may incorporate the threat or use of force in the process of responding to complex humanitarian emergencies. There are times, however, when the two doctrines may overlap. The right to exercise HI can be found in treaty law, including the Genocide

Convention, international customary law and the UN Charter, although provisions are found also in other instruments, including the Charter of the AU. (Sarkin, 2021).

The UN Charter is often seen to be the most important instrument in determining whether HI is permitted in international law. Some believe that HI is only permitted if pursued within the processes established in the UN Charter. The UN Charter seemingly limits HI by prohibiting the use of force in inter- state relations and obliging member states to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”. (However, Article 39 of the charter authorizes the UN Security Council to determine the existence of a threat “to the peace, breach of the peace, or act of aggression” and to decide which measures are necessary to “restore international peace and security”. While the charter does not contain a provision specifically authorizing the use of HI, chapter VII permits the UN Security Council to impose several measures against non- compliant states, such as non-forceful measures under article 41 and air, sea or land action in order to maintain or restore international peace and security pursuant to article 42. One significant area of debate that arose in the wake of the US-led invasion of Iraq continues unresolved: does the use of force require a direct resolution from the UN Security Council sanctioning such action or is “implied Security Council authorization” sufficient?

The UN General Assembly may recommend measures to maintain inter- national peace and security unless the same matter is being considered by the Security Council. In such a case, the General Assembly must obtain an express request from the Security Council to consider the matter. However, under emergency special sessions, the General Assembly can recommend collective measures to member states when the Security Council has failed to “exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression” (International Commission on Intervention and State Sovereignty, 2008). Under the UN Charter, regional organizations have the authority to respond to situations that threaten international peace and security with the authorization of the UN Security Council. Regional structures or other willing partners may intervene in certain absences of

Security Council action. Such intervention has occurred in numerous cases, including several within Africa. Some of these are discussed below.

In 1990, the Economic Community of West African States (ECOWAS) intervened in Liberia, also beyond the UN framework. Rather than condemning this action as a dangerous precedent, the UN praised ECOWAS's intervention in Security Council resolution 788. In 1998, ECOWAS's unauthorized intervention in Sierra Leone was similarly praised. These and other ECOWAS interventions will be examined below. Ben Kioko, AU legal counsel, has commented on the UN's position toward ECOWAS interventions: "It would appear that the UN Security Council has never complained about its powers being usurped because the interventions were in support of popular causes and were carried out partly because the UN Security Council had not taken action or was unlikely to do so at the time." Despite ECOWAS's precedents for collective action, the AU seemingly continues to defer to the UN Security Council as the primary caretaker of international peace and security. However, this may not always be the case and issues of disagreement and circumstances where there is competition or competing objectives may arise in the future.

This can be seen in the fact that, at its 7th extraordinary session in March 2005, the AU's Executive Council noted that force should not be exercised beyond article 51 of the UN Charter and article 4(h) of the AU Constitutive Act.³⁸ The council also agreed that intervention by regional organizations should only take place with UN Security Council approval. However, the council also found that, "since the General Assembly and the Security Council are often far from the scenes of conflicts and may not be in a position to undertake effectively a proper appreciation of the nature and development of conflict situations, it is imperative that Regional Organisations, in areas of proximity to conflicts, are empowered to take actions in this regard". Thus, in times of urgency, the AU is prepared first to sanction action and then to seek subsequent approval. However, the provision also seems to go beyond urgency and seems to indicate by using "proper appreciation" that there may be a disagreement when HI should be used by the various institutions and in that case the AU might decide to intervene regardless.

A New Constitutionalism to Promote Human Right in Africa

One of the inevitable outcomes of democratic change in Africa is a new understanding of the notion of constitutionalism. Constitutionalism can be defined as an adherence to the letter and spirit of a constitution. As such, not only does it represent a concern with the instrumentalities of governance, but it upholds the supremacy of the constitution and requires government officials and citizens to obey and operate within the framework of the law. In that context, a constitution is usually seen as 'a document which sets out the distribution of powers between, and the principal functions of, a state's organs of government' (Landman, 2005). It is therefore important that a country should not only have a good constitution, but that the principles of constitutionalism are adhered to. It is in this context that a new constitutionalism appears to be taking root in Africa. This new constitutionalism is characterized by a widespread struggle for the reform of constitutions in all parts of the continent. As such, it has become an integral part of the African political reform process.

In the context of the promotion and protection of human rights, the advent of a new constitutionalism in Africa has to be hailed. This is because constitutions and constitutionalism go hand-in-hand with human rights in the sense that most constitutions contain a list of rights, usually known as a bill of rights. The significance of the presence of a bill of rights in a constitution cannot be over-emphasized. It not only instructs and informs the state on how to use its power without violating the fundamental rights of the people, but it also imposes duties both on the state and on natural and juristic persons (Payne, 2000)

It is no coincidence that the advent of a new constitutionalism in Africa coincided with a new democratic order in the early 1990s. Indeed, the 1991 Conference on Security, Stability, Development and Co-operation in Africa, held in Kampala, 46 resolved, inter alia, that:

Every state should have a constitution that is promulgated after thorough national debate and adopted by an assembly of freely elected representatives of the people. Such a constitution should contain a Bill of Rights.

Several African states seem to have heeded the call. Since 1991, many African countries have adopted new constitutions with bills of rights. Examples of such countries include Angola, Ghana, Malawi, Namibia, Nigeria, South Africa and Uganda. In all these countries, the courts have a pivotal role in

enforcing the rights enshrined. Some countries, such as South Africa, have taken the lead in the judicial enforcement of human rights. Although the actual enjoyment or realisation of the rights in the constitutions is another story, the fact that they are included in the various constitutions ought to be applauded as a victory for the protection of human rights.

Gap in Literature

Human rights, which find expression in international and regional human rights instruments are so fundamental that they lay at the root of human existence. The current democracy in Nigeria with all its imperfections is undoubtedly more clement for the protection and development of human rights than military rule which is characteristically associated with autocracy and totalitarianism. As the Vienna Declaration succinctly states, democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. In this study, we find gap in that, it is also important that human rights be viewed in their integrative and holistic context, without allowing for skewed emphasis on one category of rights at the expense or to the neglect of others. It is also imperative to re-examine and wholly restructure national laws in such a way as to confer primacy over on international human rights instruments. Although it is conceded that democracy does not necessarily guarantee human rights, without doubt, human rights can no longer be meaningfully discussed outside democratic environment. Indeed, it is axiomatic that the more democratic a State is, the less violation of human rights the citizens of that State experience. It based on the abnormally, that this study seeks to irresistibly to advocate that Nigeria's nascent democracy must be strengthened through institutional efforts: electoral reforms, transparent, all inclusive and road-map: responsible governance with the overall objective of advancing the cause of human rights in Nigeria

Theoretical Framework

Theories are the foundations upon which explanations or predictions can be made. Theories are very important in political sciences and social sciences. It is a tradition in the social sciences to adopt existing paradigms or theories to enable us articulate our analysis (Kerlinger, 1973). A theory is a set of empirical generalization that enables us describe, explain and predict phenomenon. It often provides us with a new way of doing things in many ways. Kerlinger (1973) defines theory as “set

of interrelated constructs (concepts), definitions, and propositions that present a systematic view of phenomena by specifying relations among variables with the purpose of explaining and predicting the phenomena”. In the study, the theory used to explain World Trade Organisation and Agricultural Development in Nigeria is Complex Interdependence Theory.

The theory to adopted in this study is the Social Contract theory by John Locke because it matches and explains the particular issue being studied. John Locke theory of Social Contract has its root in his famous book titled “Two Treaties on Civil Government’ in the year 1690. According to him, man lived in the State of Nature, but his concept of the State of Nature is different as contemplated by Hobbesian theory. Locke's view about the state of nature is not as miserable as that of Hobbes. It was reasonably good and enjoyable, but the property was not secure. He considered State of Nature as a ‘Golden Age’. It was a state of peace, goodwill, mutual assistance, and preservation†. In that state of nature, men had all the rights which nature could give them. Locke justifies this by saying that in the State of Nature, the natural condition of mankind was a state of perfect and complete liberty to conduct one's life as one best sees fit. It was free from the interference of others. In that state of nature, all were equal and independent. This does not mean, however, that it was a state of license. It was one not free to do anything at all one pleases, or even anything that one judges to be in one's interest. The State of Nature, although a state wherein there was no civil authority or government to punish people for transgressions against laws, was not a state without morality. The State of Nature was pre-political, but it was not premoral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering and being bound by the Law of Nature. So, the State of Nature was a ‘state of liberty’, where persons are free to pursue their own interests and plans, free from interference and, because of the Law of Nature and the restrictions that it imposes upon persons, it is relatively peaceful.

Property plays an essential role in Locke's argument for civil government and the contract that establishes it. According to Locke, private property is created when a person mixes his labour with the raw materials of nature. Given the implications of the Law of Nature, there are limits as to how much property one can own: one is not allowed to take so more from nature than oneself can use, thereby

leaving others without enough for themselves, because nature is given to all of mankind for its common subsistence. One cannot take more than his own fair share. Property is the linchpin of Locke's argument for the social contract and civil government because it is the protection of their property, including their property in their own bodies, that men seek when they decide to abandon the State of Nature.

John Locke considered property in the State of Nature as insecure because of three conditions; they are:-

1. Absence of established law;
2. Absence of impartial Judge; and
3. Absence of natural power to execute natural laws.

Thus, man in the State of Nature felt need to protect their property and for the purpose of protection of their property, men entered into the Social Contract. Under the contract, man did not surrender all their rights to one single individual, but they surrendered only the right to preserve / maintain order and enforce the law of nature. The individual retained with them the other rights, i.e., right to life, liberty and estate because these rights were considered natural and inalienable rights of men.

Having created a political society and government through their consent, men then gained three things which they lacked in the State of Nature: laws, judges to adjudicate laws, and the executive power necessary to enforce these laws. Each man therefore gives over the power to protect himself and punish transgressors of the Law of Nature to the government that he has created through the compact. According to Locke, the purpose of the Government and law is to uphold and protect the natural rights of men. So long as the Government fulfils this purpose, the laws given by it are valid and binding but, when it ceases to fulfil it, then the laws would have no validity and the Government can be thrown out of power. In Locke's view, unlimited sovereignty is contrary to natural law.

One of the major assumptions of John Locke's Social Contract theory is that individuals in the State of Nature felt a need to protect their property which for whom men entered into the Social Contract. Under the contract, man did not surrender all their rights to one single individual, but they surrendered only the right to preserve / maintain order and enforce the law of nature. The individual retained with them the other rights, i.e., right to life, liberty and estate because these rights were considered natural and inalienable rights of men.

Similarly, in Nigeria, individuals have practically surrendered part of their rights to the government by entering into a contract with it for the protection of their natural rights as in the state of nature. Here, individuals still retained some of their rights which are considered to be natural according to natural laws. These rights include right to life, right to own properties, freedom of movement, right to association etc. By the reason of this contract, they only handed over their rights to protect these rights as listed above to the government. It further explains why they don't bear arms to defend their rights but entrust the protection of these rights to the government.

Hypotheses

1. Universal Declaration of Human Rights has not significantly impacted on the promotion of human right in Nigeria between 2015-2021?
2. African Charter on Human and Peoples' Rights (ACHPR) enhanced the protection of human right in Nigeria between 2015-2021?

Research Design

Anikpo (1986) defined research design, as a plan or structure of any aspect of the research procedure. Such plan according to him will be realized in the selection of the most appropriate concepts, hypotheses, analytical paradigms and also the most effective format to present research report. Asika (1991) defines research design as a structuring of investigation aimed at identifying variables and their relationship to one another, which is used for the purpose of obtaining data to enable the researcher test hypothesis or answer research questions.

Ex post facto research design is a research structure in which the independent variable or variables have already occurred and in which the research starts with observation of a dependent variable and then study the independent variable in retrospect for the possible relations to and effects on the dependent variable (Asika, 1991).

The research design adopted in this study is the ex post facto research design. Content analysis method was adopted as a tool of analysis in work because it is a set of techniques used for analysis and understanding collection of text and information generated in the research work. It also shows clearly relationship between the two variables (independent and dependent variable).

Method of Data Collection

The study employed the used the documentary method in getting data concerning the research work. The secondary sources of data refer to a set of data gathered and authored by others, usually data from available archives, either from documents or survey result codebooks. Furthermore, documentary method of data collection was used in this study because it is used to obtain in-depth information and concept clarification as to facilitate research inquiry. Documentary method is more useful when used to interpret, illuminate and extract valued information so as to draw inferences from the available evidence to reach conclusion.

Method of Data Analysis

Data analysis is defined as a process of cleaning, transforming, and modeling data to discover useful information for business decision-making. The purpose of Data Analysis is to extract useful information from data and taking the decision based upon the data analysis. Qualitative descriptive method based on content analysis was adopted for this research work. Data and information on this research work were gotten from already existing secondary data such as, books, journals, official reports, newspapers report etc.

The Implementation of Universal Declaration of Human Rights has not significantly impacted on the promotion of human right in Nigeria between 2015-2021.

Challenges to Promotion of Fundamental Human Rights

There are still some obstacles to the promotion of Fundamental Rights even with the introduction of the new Rules. The issues of principal claim and ancillary relief is still one of the major headaches by the Applicants; illiteracy; poverty; how to determine the Court that has Jurisdiction is also a problem (e.g Court striking out or dismissing Fundamental Rights applications on ground that Fundamental Rights matters against the State Government cannot be instituted in the Federal High Courts); the Non-justiciability of the provisions of Chapter II of the 1999 Constitution of the Federal Republic of Nigeria.

These challenges which arise in the promotion of these rights under the 1999 Constitution of the Federal Republic of Nigeria that will be addressed here – albeit briefly.

Principal Claim and Ancillary Relief

The issue of principal claim or ancillary relief is one of the major headaches by the Litigants or Applicants. The Courts have in some decided cases on Fundamental Human Rights increased restriction on the scope of the applications for the enforcement of Fundamental Human Rights Cases. Indeed, applications alleging serious Human Rights violation are routinely struck out or dismissed on the ground that they were mere ancillary reliefs.

The right of workers to belong to Trade Unions for the protection of their interest is guaranteed by the Trade Union Act, the Constitution and African Charter on Human and Peoples' Rights. But in clear breath of such rights, Trade Union are either proscribed or derecognized by employer of labour. For some inexplicable reasons violation of the Fundamental Rights of workers to freedom of association is viewed as an ancillary relief which cannot be enforced under the Fundamental Rights (Enforcement Procedure) Rules.

Courts' Jurisdiction.

By Section 251 of the 1999 Constitution of the Federal Republic of Nigeria, the Federal High Court has exclusive jurisdiction on matters affecting the Federal Government or any of its Agencies. As a result, the hitherto unlimited jurisdiction of State High Court to entertain matters involving an infringement on Fundamental Rights of citizens was circumscribed. An action for the enforcement of Fundamental rights cannot be maintained against the Federal Government or any of its Agencies in the State High Court. Identifying the party to be sued is now very important consideration, which may determine the Court where the action is to be instituted.

The inherent problem with this requirement is that Federal High Courts are very sparsely spread across the States of the Federations, various States do not even have Federal High Courts, Litigants will have to travel far distances at enormous expenses to institute actions in nearest Federal High Court covering their locality. Even where the action can be filed in State High Court, most States High Courts are rooted in the cities, very few of the 774 Local Government Headquarters in the Country can boast of a High Court, and again, most are within the cities, so that Litigants must bear the financial burden not only of the transportation and Legal Fees of their solicitors, but themselves to the nearest court to enforce their rights. The result is that various cases of infringement of rights do not get to the courts at all. One of the primary aims of the Fundamental Rights Procedure Rules is to

expedite disposal of Fundamental Rights Cases, what is the essence of speedy disposal of a suit if adverse economic factors prevent prospective Litigants from seeking redress for infringement of their rights? Although there is a Constitutional provision for Legal Aid as an obligation of the Government this is rarely provided and only in Criminal Cases. Redress for breaches of Fundamental Rights in most cases, if not all, take the form of civil wrongs.

Illiteracy

The inability to read and write constitutes a serious challenge to the enforcement of Fundamental Rights in Nigeria. A good number of the people in Nigeria are illiterate who cannot appreciate or understand what rights they have; this means freedom of expression have very little meaning to them. With loss of their freedom of expression goes their right to participate meaningfully in the Government.

Poverty

Poverty is also, one of the greatest challenges to the enforcement of Fundamental Rights in Nigeria especially under the present dispensation. Poverty has the following characteristics:

- i. Inability for one to have the means to satisfy the necessities of life.
- ii. Undernourishment or malnutrition, and
- iii. Wretched and degrading shelter, shabby clothing and lack of any kind of luxury.

It is very difficult to claim that majority of our people cannot be categorized as poor, in the present setting, where people are living below poverty level of \$1 per day, despite the huge resources the country is sitting on. Thus one of our eminent jurists Aguda (2019) once observed that the practical actualization of most of the Fundamental Rights cannot be achieved in a Country like ours where millions are living below starvation.., in circumstances of this nature Fundamental Right provision enshrined in the Constitution are nothing but meaningless jargon to all those of our people living below or just at starvation level.

It is very clear that the institutional frame work through which the poor can realize his Fundamental Human Right is tilted against him from the onset. Right to life is a guaranteed right under Section 33 of the 1999 Constitution of our great Country Nigeria. This presupposes as a minimum the right to food, shelter, health and education. Of what benefit is this right to life in Nigeria, when many

families in Nigeria view the right to life as an empty right. The story is the same of right to fair hearing. Right to fair hearing in the Constitution implies two important aspects, judicial independence and equality before the law; the question here is: is the Judiciary really Independent? Right to personal liberty envisages the right not to be subjected to imprisonment, arrest and any other physical coercion in any manner that does not admit of legal justification.

Poverty is described by Oputa as being another modern form of slavery. Right are difficult to enforce by a poor man who cannot afford to pay summons fees let alone the services of a Counsel to prosecute the Case for him.

“To think that a very poor person can have a meaningful hearing in Court in the pursuit of his right real or imaginary is to live in fool’s paradise”.

The right to freedom of movement would flourish and make sense where there exist good roads, waterways and airways at costs that are affordable by all or majority of the citizens. In the context of present Nigeria, this minimum requirement seems to be conspicuously absent. A man who with his family merely exists by tilling one or two acres of land around his tent can hardly be expected to have in contemplation the right of movement so much cherished by those who have the means to move.

The fact that there appears to be an increase in crime rate in Nigeria is itself a challenge to the enforcement of Fundamental Right. Where is right of freedom of movement, right to own property, right to personal liberty when you are not sure who will be the next to be kidnapped either by ritualist or kidnappers for ransom?

Where is the right to freedom of association when in the next minute one would be gunned down by political opponent or thrown into prison by those who are supposed to protect such rights of yours because you do not belong to the same Political Party with them?

Lack of Security

The degree of insecurity has manifested by the recent invention of the Crime of Kidnapping “Caging” with metal rods all available opening in dwelling houses, even electricity meters outside are “caged” as well. The right to personal liberty is not enhanced when prevailing circumstances make false imprisonment a wise option.

In spite of the existence of Fundamental Human Rights provisions in our constitution, the Nigerian Police are still detaining people for long periods of

time without charging them to Court for trials. A visit to the cells of special anti-fraud unit of the Nigerian Police Dugbe, Ibadan will confirm the story of Human Rights abuse by the police. The officials of the Customs and Exercise chasing smugglers at high speed on our high ways in for the seizure of banned imported items without any Warrant from Court when it was due to their inability to guard our borders that led to the presence of banned imported items in the first place. All these constitute big challenges to the realization of Fundamental Human Right by citizens.

These Fundamental Human Rights have become an issue in all jurisdictions of the world, Nigeria inclusive. Despite the enshrinement of these rights in our Constitution, and the increasing activities of human rights groups and the establishment of Human Right Commission in Nigeria, Human Right abuses are still prevalent in Nigeria.

I have tried to evaluate the provisions of Fundamental Human Right in Nigeria Constitution, and considered the extent of enforceability under the rules.

From the above it is observed that human rights are not exactly same as constitutional or fundamental rights. Fundamental rights are those aspects of human rights which are statutorily protected. Such protections have practical relevance when an individual can conveniently seek relief in a court for an infringement. But there are many obstacles to be surmounted in seeking such relief, which range from procedural rules, illiteracy, poverty or economic factors, blatant disrespect to court orders by government and its agents, the increase in the activities of militants and religious fanatics.

Until the government and its agents keep to the constitutional provisions, and until the government and its agents shun corruption and do all it takes, a civilized and just government, ought to do all for its citizens and until citizens live within the law and not the law living within the citizens, the pursuit of a society or a Nigeria free from human rights abuse will continue to be fleeting illusion. May this never happen to Nigeria!

To be able to prevent this there must be an independent, fearless and efficient Judiciary. There must be an efficient, professional and well trained police force to guarantee the security of life and property of citizens. As a corollary to the inaccessibility of the Court, is the need to extend the jurisdiction of Magistrate Courts to include Fundamental Rights Cases, because this Court is closer to the grassroots. It is well known that

Magistrate Courts, though lower than the High Court in the Judicial Hierarchy, exist in virtually every Local Government in Nigeria and are presided over by Lawyers. Legal Practitioners also appear in these Courts for the prosecution of other Cases. It is difficult to find justification for denying these Courts jurisdiction to hear Fundamental Rights Cases.

All other obstacles to the enforcement of Fundamental Human Rights as identified above must be removed so that there could be a Nigerian Society that has the lowest record of Human Rights Abuse.

African Charter on Human and Peoples' Rights (ACHPR) Enhanced the Protection of Human Rights in Nigeria, 2015-2021?

Nigeria has ratified and domesticated the African Charter on Human and Peoples' Rights (ACHPR). It was the first country in Africa to incorporate the African Charter wholesale into its national laws.¹⁹ Nigeria operates a dualist system wherein treaties are not applied domestically unless incorporated through domestic legislation (Ekhatior, 2015; Enabulele, 2009; Egede, 2007). This is by virtue of section 12(1) of the Nigerian Constitution 1999 which states that 'No treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly'. The African Charter is the only comprehensive human rights treaty that has been domesticated in Nigeria thence the African Charter (Ratification) Act 1983 is the domesticating law (Odinkalu, 2008).

In view of this, Nigeria, has domesticated ACHPR in Chapter IV of the 1999 Constitution of Federal Republic of Nigeria. The rights contained in Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 in Sections 33 to 46, and the African Charter on Human and Peoples Rights are rights that are enforceable in our Courts of Law in Nigeria. These rights that are contained in Chapter IV are first generation right. They include: the Right to life – Section 33; Right to dignity of human person – Section 34; Right to personal liberty – Section 35; Right to fair hearing — Section 36; Right to private and family life, Section — 37; Right to freedom of thought, conscience and religion – Section 38; Right to freedom of expression and press — Section 39; Right to peaceful assembly and association Section 40; Right to freedom of movement Section – 41; Right to freedom from discrimination – Section 42; Right

to acquire and own immovable property anywhere in Nigeria — Section 43; Compulsory acquisition of property — Section 44; Restriction on and derogation from Fundamental Rights — Section 45; Jurisdiction of High Court and Legal Aid — Section 46; African Charter on Human and Peoples Rights which was ratified and re-enacted as municipal Law by the National Assembly on 17th of March, 1983 and came into force on the 21st of October, 1986. The Ransome-Kuti's case against the A.G. earlier mentioned was dismissed for want of law to support it at the time.

Human Rights which are enforceable in law are those rights which are recognized by law as Fundamental Rights as distinguished from mere aspirations or individuals ideas of rights. However, rules were made pursuant to section 46 (3) of the Constitution by the past Chief Justice of Nigeria, Justice Idris Legbo Kutigi with effective date of 1st December 2009 for their enforcement.

Abuses by Armed Groups

Armed groups, including Boko Haram and ISWAP, continued to commit war crimes and crimes against humanity in North East Nigeria, killing and abducting civilians, looting property, and committing rape and other sexual violence against women and girls. They carried out at least 30 attacks, causing more than 123 civilian deaths.

On 3 January, at least 50 people including an aid worker were abducted while travelling along the Maiduguri-Damaturu way. On 23 February, at least 16 people were killed and 47 injured when Boko Haram fired rocket-propelled grenades on parts of Maiduguri, Borno state. Boko Haram targeted recently resettled families, killing at least eight returnees and injuring 14 on 30 August in Ajiri, Mafa LGA, Borno state. Aid workers and humanitarian facilities were targeted by armed groups during attacks. On 3 March at least seven aid workers were abducted and their offices burnt by ISWAP in Dikwa LGA, Borno state. Those abducted were released on 14 June, alongside other civilians. On 11 April the UN suspended its aid operations in Damasak, Borno state, because of attacks on aid workers and humanitarian facilities. About 65,000 people, including internally displaced people and locals, fled Damasak following the renewed attacks by ISWAP in April.

Security Forces

The Nigerian security forces intensified counter-insurgency operations in North East Nigeria. Gross human rights violations and crimes under

international law — including extrajudicial executions, enforced disappearances, arbitrary arrests and incommunicado detentions — were recorded during the security forces' response to threats by Boko Haram and ISWAP.

On 15 September, nine people were killed and several injured during a military air strike in Buwari village, Yunusari LGA, Yobe state. The military said it had hit the village accidentally. On 14 July, 1,009 Boko Haram suspects who had been detained incommunicado were cleared and released to the Borno state government pending resettlement. Following the death of Boko Haram leader Abubakar Shekau on 19 May, thousands of Boko Haram members, including teenagers, voluntarily surrendered to security forces alongside their families. On 28 July, one of the remaining Chibok schoolgirls, abducted in 2014, returned to the custody of the Nigerian military with her children and husband. Another abducted Chibok schoolgirl returned on 14 August with her two children.

Freedom of Expression, Association and Assembly

On 4 June, the authorities suspended Twitter after the site deleted a controversial tweet from President Buhari for violating its community rules. President Buhari had threatened to deal with troublemakers in Nigeria using “the language they understand,” referencing the 1967-1970 civil war in which millions of Nigerians were killed. Twitter and other social media platforms were then ordered to register in Nigeria and comply with local regulations before they are licensed to operate. At least eight people were killed on 28 September during a crackdown by security forces on members of the Islamic Movement of Nigeria who were embarking on the Arba'een, an annual symbolic religious trek, in the capital, Abuja. In September, the Ebonyi state government signed the state Cybercrime Prohibition bill into law. In October, Godfrey Chikwere, a journalist, was arrested by the police for social media posts that allegedly violated the state's Cybercrime Prohibition Law.

Activists and Protesters

On 12 June, police fired tear gas and shot live bullets into the air to disperse protesters in Lagos and Abuja. On 4 July, activists Larry Emmanuel, Anene Victor Udoka, Samuel Gabriel, Henry Nwodo and Ben Mannaseh were arbitrarily arrested and detained for 30 days by Nigeria's secret police,

the Department of State Services (DSS). They had been beaten by private security officers at a church in Abuja for wearing t-shirts with the slogan #BuhariMustGo, and were subsequently handed over to the DSS. Prisoners of conscience Agba Jalingo, Omoyele Sowore and Olawale Bakare continued to face trumped-up charges and prolonged trials for organizing peaceful protests to demand good governance in Nigeria. Mubarak Bala, president of the Humanist Association of Nigeria, remained in detention following his arrest by Kano state Police Command officers in 2020 on allegations that he had insulted the Prophet Muhammad on Facebook. Yahaya Sharif-Aminu, a musician, remained in detention following a death sentence for blasphemy handed down in 2020 by the Upper Shari'a Court in Kano.

Journalists

On 7 July, Nigeria's media regulatory agency the National Broadcasting Commission asked broadcast stations in Nigeria not to report the details of attacks by bandits and insurgents in the country. On 12 July, media organizations in Nigeria staged a campaign tagged "Information Blackout" to protest against the proposed National Press Council bill and the application of some parts of the existing National Broadcasting Commission (Media) Act. The two pieces of legislation, which were under consideration by the National Assembly, threatened to tighten regulation and undermine access to information. On 28 August the DSS summoned television hosts Chamberlain Usor and Kayode Okikiolu for questioning in relation to comments made by Samuel Ortom, governor of Benue state, during a live interview on Channels Television. The authorities alleged that the governor's comments were "inciting, divisive and unfair".

Arbitrary Arrests and Detentions

At least 300 protesters remained in detention a year after the #EndSARS protest against the Nigerian security forces. Kemisola Ogunniyi, an 18-year-old woman who gave birth during her eight-month detention, was granted bail on 25 June. Three Israeli film makers, Rudy Rochman, Noam Leibman and David Benaym, were arrested and detained by the DSS for 20 days without trial in inhumane conditions after they were accused of having links with the banned group Indigenous People of Biafra (IPOB). Despite a court order granting her bail, Gloria Okolie remained in detention following her arrest by the police on 17 June on suspicion of being the friend of a wanted

man. Her lawyers and family alleged that she was ill-treated in detention.

Torture and other Ill-treatment

Torture and other ill-treatment remained pervasive within the criminal justice system. The police, military and DSS continued to subject detainees to torture, as well as other cruel, inhuman or degrading treatment. Kubiak Akpan was tortured to death within hours of his arrest by police on 29 August in Uyo, Akwa Ibom state.

Enforced Disappearances

In the course of the year, Amnesty International received credible reports that security agencies, including officials from the police and DSS, carried out arbitrary detentions and kept detainees incommunicado. At least 200 people – including former militants from the Niger Delta region, members of IPOB, EndSARS protesters and security suspects – were believed to have been subjected to unresolved enforced disappearance during the year.

Excessive and Unnecessary use of Force

Security agencies used excessive force to disperse peaceful protests and assemblies. On 20 September, Davou Bulus Bashi was shot dead by security officials while peacefully protesting with other students of Plateau state Polytechnic, Barkin Ladi LGA, against the postponement of their exams. On 13 February, police arrested around 20 protesters at Lekki Toll Gate in Lagos after activists staged a protest against the reopening of the toll gate following the killing of protesters at the venue in October 2020.

Extrajudicial Executions

Nigerian security forces killed at least 115 people and committed numerous other human rights violations and crimes under international law in response to increasing violence and killings of their officers in south-eastern Nigeria. Their repressive campaign also included mass arrests, excessive and unlawful force, and subjecting detainees to torture and other ill-treatment. In May, DSS operatives stormed the house of Sunday Ighoho, a Yoruba activist, killing two of his supporters and arresting 13 others.

Forced Evictions

Forced evictions continued unabated despite the Covid-19 pandemic. On 10 and 13 July, more than 400 homes in Iddo Sarki community, Abuja, were demolished by staff of the Federal Capital Development Authority and personnel from the police, army, Security and Civil Defence Corps and other security agents. Residents were tear-gassed by security agents. University of Abuja students who were renting apartments in the community returned from lessons to find their accommodation and belongings in ruins. The homes were demolished without genuine consultation with affected communities, adequate written notice, or provision of alternative accommodation.

On 11 and 12 August, hundreds of houses in Mpape community, Abuja, were demolished by staff of the Federal Capital Territory Ministerial Committee on City Sanitation, personnel from the police, army, Nigeria Security and Civil Defence Corps and other security agents, without following human rights and procedural safeguards for evictions. The demolitions not only violated people's right to adequate housing but also negatively impacted their livelihoods. Threats of further forced evictions by the authorities remained in communities across the country.

Religious, Fanaticism and Militancy

Today in Nigeria there has been an increase in the activities of religion extremists in the Northern part of Nigeria with specific references to Kano, Maiduguri, Bauchi and Plateau States. This religion extremism has led to the death of thousands of innocent citizens whose rights to life have been enshrined in the Constitution.

Where are the right to life and right to freedom of religion when some people will always want another people to behave in their own religious ways rather than other peoples religious ways. This has led to the threatening of National Security which in turn has led to the violation of people's Human Rights. This in itself is a challenge to the realization of Fundamental Human Rights.

Summary of Findings

The findings revealed that the implementation of Universal Declaration of Human Rights has not significantly promoted human rights in Nigeria. Despite the ratification and incorporation of Universal Declaration of Human Rights in the 1999 Nigerian Constitution, the Human Rights Abuse instead of regressing is progressing in Nigeria.

Illiteracy, poverty, lack of independent judiciary, rise in religious fanaticism and militancy, as well as lack of respect for Court Orders by Government and its Security agents have constituted greatest challenges to the enforcement of Fundamental Human Rights in Nigeria. Social, political, religious factors have continued to constitute the greatest hindrances to the citizens' desire to seek redress for the infringement of their rights. We also observed that Non - justiciability of the provisions of Chapter II of our Constitution also poses a very big challenge in the enforcement of Fundamental Human Rights.

Findings also shows that these rights such as the right to life, freedom of movement, freedom of speech, freedom of religion etc have grossly been abused in Nigeria. The inability of the Nigerian government to protect the lives of individuals from Boko Haram insurgents, Fulani Herdsmen unknown gunmen etc. have ultimately made a caricature of the right to life in Nigeria.

Conclusion

From the foregoing, it is irresistible to conclude that notwithstanding Nigeria's adoption of major international human rights instruments, the incorporation of basic human rights in her constitution, and the establishment of institutional infrastructure for their enforcement, human rights protection in Nigeria remains abysmal. Human rights protection in Nigeria is still hamstrung by potent multifarious and multi-dimensional impediments which include wide derogation clauses, primacy of domestic legislation over international human rights treaties, absence of true judicial independence, problem of disobedience to court orders and weak institutional infrastructure. Against the foregoing background, it becomes imperative therefore to design a road map for role actors in order to guarantee effective human rights promotion and protection in Nigeria. This exercise is of absolute importance not only because human rights subject "has penetrated international dialogue and has become an active ingredient in interstate relations bursting the hitherto sacred bounds of national sovereignty", but because human rights remain the foundation "of freedom, justice and peace in the world".

Recommendations

From the findings the study recommends the following:

1. There must be independent, fearless and efficient Judiciary. What is the essence of Right to Fair Hearing if there is not

independent Judiciary? The empowerment of these institutions to perform independently without undue interference and intimidation from the executive or any other branch is a necessity for the protection of human rights in Nigeria. Mass literacy. This is inevitable because for the realization of freedom of expression and Association, the level of education of the majority has to be raised.

2. The Nigerian government should be more committed to the implementation of these rights as enshrined in the 1999 Nigerian constitution by delivering good governance. There must be efficient police force to guarantee the security of life and property of citizens. In the present dispensation, where is right to life, right to freedom of movement, right freedom of religion when the activities of the Militants, religion fanatical groups and Kidnappers are flourishing unabated?

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