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REPOSITIONING THE NATIONAL HUMAN RIGHTS COMMISSION FOR ADVANCING THE PROMOTION, PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AND ATTAINMENT OF SOCIO-ECONOMIC DEVELOPMENT IN NIGERIA

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Abstract
Respect for human rights is one of the democratic principles which remain the best tool to unleash human potential, foster prosperity and uphold human dignity. However, there has been growing concerns over the effectiveness of the National Human Rights Commission in fulfilling its mandate, particularly in the light of persistent human rights violations such as gender-based violence, extrajudicial killings, arbitrary arrests, violation of freedom of speech, and detention without trial, all of which have continued to undermine efforts at achieving socio-economic development in Nigeria. This paper therefore underscores the imperative of repositioning the National Human Rights Commission to effectively advance the promotion, protection and enforcement of human rights to fast track the attainment of socio-economic development in Nigeria. The paper adopted the structural functionalist theory as theoretical framework while secondary sources were used to elicit relevant data. The paper identified some of the challenges facing the National Human Rights Commission to include inadequate human rights education, lack of respect for the rule of law, inadequate funding, poor staffing, non-justiciability of socio-economic rights, delayed justice system, outright disregard for court orders, and lack of cooperation from other agencies of government. The paper argues that the promotion, protection and enforcement of human rights are essential to the creation of an enabling environment for the attainment of socio-economic development in Nigeria and recommends the strengthening of the institutional capacity of the National Human Rights Commission through adequate funding, strong legal framework, improvement in justice delivery system, and increased advocacy and awareness creation, among others.
Keywords: Democratic principles; extra-judicial killings; human dignity; human rights violations; socio-economic development

Introduction

Respect for human rights is one of the fundamental principles of good democratic practice which facilitates socio-economic and political development of any country. One of the responsibilities of a modern government is to protect human rights, ensure that people receive some degree of decent human treatment. The responsibility to protect human rights resides first and foremost with the States themselves. Human rights are fundamental for sustainable development. When human rights are systematically denied over a period of time, the basis for societal unity, prosperity and peace is usually jeopardised. Political equality includes protection of political liberties, especially freedom of speech, association and action. These liberties are necessary for every citizen to have an equal chance to express opinions and influence public policy. However, in many cases, public authorities and government officials institute policies that violate basic human rights, which is why human rights institutions are established.

Enemo and Olorunfemi (2011) submit that the development of any nation is measured largely by the availability of institutional and legal frameworks for the protection of human rights which are embedded in its working system and the level of enforcement and practical enjoyment of such rights by its people. The National Human Rights Commission (NHRC) was established to respond to allegations of human rights violations, and engage in advocacy, education, and interventions that encourage national values built on the principles of respect for human and people's rights. The Commission serves as a defender in ensuring that every human being enjoys the fundamental equal and inalienable rights which are entitled to them when they are born and also to make sure that these rights are not degraded. The importance of National Human Rights Institutions was reaffirmed at the World Conference on Human Rights in Vienna in 1993. It was in response to this that the Nigerian Government established the National Human Rights Commission via the National Human Rights Commission Act, 1995, in line with Resolution 48/134 of the UN General Assembly. The Commission receives and investigates complaints on all areas of human rights as well as assists victims of violations to seek redress.

However, Nigerians are still suffering from human rights violations despite the country's progress in democratic practice. There are various human rights violations in the country including arbitrary arrest and detention, recurring mass atrocities and crimes, kidnappings, incessant extra-judicial killings and torture, inhuman and degrading treatment, discrimination, injustice, and gross inequalities, rape and sexual and gender based violence. Rights of prisoners as well as vulnerable groups including persons with disabilities and the elderly are also issues that have continued to call for utmost attention. Despite the fact that there have been a lot of instruments, conventions, laws and institutions that have been put in place to protect and promote human rights, the implementation of those laws has left much to be desired. This paper therefore makes a case for the repositioning of the National Human Rights Commission in Nigeria to enable the commission advance the promotion, protection and enforcement of human rights and attainment of socio-economic development in Nigeria. The paper is divided into five sections. Section one is the introduction. Section two is the conceptual clarification and theoretical framework. Section three dwells on the state of human rights in Nigeria. Section four is an overview of the National Human Rights Commission, and it challenges, while section five is the conclusion and recommendations.

Conceptual Clarifications

Relevant concepts are defined in this section, in order to have a clear focus and understanding of the context in which they are used in this paper. These are the concepts of human rights and socio-economic development.

Human Rights

Human rights refer to moral principles or norms, which describe certain standards of human behaviour, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights 'to which a person is inherently entitled simply because she or he is a human being, and which are inherent in all human beings regardless of their nation, religion, sex, ethnic origin, location and so on. The United Nations (1987) defined Human Rights as those rights which are inherent in our nature and without which we cannot function as human beings. Human rights, by definition, are inalienable rights to which all human beings are entitled, irrespective of race, nationality or membership of any particular social group. They specify the basic minimum conditions for human dignity and outline the basic conditions for human existence (Francis, 2006).

Human rights therefore refers to the standards set out in the Universal Declaration of Human Rights (UDHR) of 1948 and codified and further spelled out in a series of international conventions. The Universal Declaration of Human Rights urges member nations to promote a number of human, civil, economic and social rights, asserting these rights as part of the "foundation of freedom, justice and peace in the world". The declaration was the first international legal effort to limit the behaviour of States and press upon them, duties to their citizens. The UDHR has served as a template for subsequent human rights instruments, and has had a positive impact on the legal, political, and cultural evolutions of nations and remains the mirror by which "every organ of society" reflects on human rights. This explains the subsequent numerous resolutions, declarations and conventions which have been passed in the area of human rights.

In 1965, the United Nations General Assembly adopted the International Convention on the Elimination of All forms of Racial Discrimination (CERD). In December 1966, the UN General Assembly adopted two international treaties that further shape international human rights, the International Covenant on Economic, Social and Cultural rights (ICESR) and the International Covenant on Civil and Political Rights (ICCPR). While the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) was adopted in 1979. The Covenants identify the responsibilities placed on states to respect, protect and fulfil those rights. A person's civil, political, economic, cultural and social rights can be violated through various means. Violations occur when a Government fails in its obligations to respect, protect and fulfil these rights Office of the United Nations High Commissioner for Human Rights (OHCHR, n.d.). Nigeria has signed into a number of international protocols and treaties such as the Universal Declaration of Human Rights, African Charter for Peoples and Human Rights, and Chapter IV of the Nigerian Constitution is unambiguous on issues that relate to the protection of Human Rights in Nigeria. Despite these protocols and treaties, awareness of human rights still remains low while efforts to challenge infraction and infringements on citizen's rights are abysmally poor.

Socio-Economic Development

Socio-economic development is the process of social and economic development in a society. It is measured by indicators, such as Gross Domestic Product, life expectancy, literacy and levels of employment. Socio-economic development is also defined as the complexity of social dynamics (interplay of social structures, processes and relationships) and focuses on the social concerns of the peoples as objectives of development and people-centred, participatory

approaches to development. Social development is about inclusiveness, social justice and the common good (Fritz, n.d.). Thus, Socio-economic development results in the transformation of social institutions in a manner that improves the capacity of the society to meet its aspirations. The purpose is to maintain the social and material wellbeing of the nation and its people with the aim of achieving the highest level of human development.

Human Rights and Socio-Economic Development: A Nexus

Human rights protection is fundamental to the achievement of socio-economic development in Nigeria. When citizens' rights are protected, they are fully empowered to participate in the society, have access to adequate and quality education, healthcare and other essential services, which contribute to societal development. On the other hand, human rights violations have significant negative impact on socio-economic development. Individuals whose rights are denied are often marginalized and excluded from education, employment opportunities, including the decision making process in the country. This marginalization could result to poverty, inequality, insecurity, undermining efforts to achieve socio-economic development. The report of the United Nations Secretary General (Annan, 2005) notes that "we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights." This indicates that development, security and human rights are inter-dependent, and one cannot be enjoyed without the other. Annan (2005) further emphasizes that the protection of human rights is essential to building a more secure and prosperous world.

The Office of the United Nations High Commissioner for Human Rights (OHCHR, 2023), noted that lack of progress is often as a result of racism, populism, discrimination, inequalities and human rights violation. Those who have been denied the benefits of past development efforts remain marginalised, disempowered, and excluded. Children, youth, women, older persons, indigenous peoples, racial, religious and ethnic minorities, internally displaced persons, refugees, asylum seekers, migrants, people with disabilities, and the poor frequently bear the brunt of such marginalisation. Unless the root causes of inequalities, exclusion, racism, entrenched discrimination faced by these people are addressed, inclusive and sustainable development for all will remain elusive. Khan (2007) suggests that the protection and promotion of human rights is essential for continuous peace and development worldwide. It is imperative for every human being to work for the unity of the world community and to act upon the idea of non-clash, non-violence and non-discrimination vis-à-vis brotherhood, love and equality.

Theoretical Framework

The structural functionalist theory was adopted for the purpose of analysis in this paper. The structural functional theory which is rooted in the works of Emile Durkheim (1893), and other notable theorists such as Herbert Spencer (1896), Robert Merton (1949) and Talcott Parsons (1977), is primarily concerned with understanding how societies remained relatively stable. Structural functionalism as a theoretical perspective places significant emphasis on the functions performed in the society by social structures, hierarchies and norms (Gomez-Diago, 2019). The theory seeks to explain the structures and institutions in terms of their functions and contributions to the stability and continuous functioning of societies (Garner, 2019).

The theory holds that society consists of both structures and functions that are interconnected and interdependent, and ultimately focused on maintaining or mediating

societal equilibrium (Radcliffe-Brown, 1935) and or necessary transformation (Dale, Vella & Potts, 2013). Structures exist to meet functional needs of a system (Merton, 1949). Systemic functionality (i.e. how parts of the system work) across and within structures serves to reinforce and maintain the stability of the system's structures in the context of an ever-changing, complex and unpredictable system. According to structural functionalist theory, the viability of any political system is dependent on the seamless interaction between the different organs and agencies of government in effectively and efficiently carrying out their roles, and without this harmonious interaction, the system is susceptible to failure (Okafor & Ibietan, 2019). The theory draws an analogy between the functioning of the society and that of the human body. It assumes that the same way that different organs of the body function compositely to meet the biological and social needs of an individual, so do the interrelated parts of a structure function for society to be in order. When one part of the system is dysfunctional, it affects all other parts and creates social problems (Crossman, 2020).

The theory is apt and relevant for interrogating the repositioning of the National Human Rights Commission for advancing the promotion, protection and enforcement of human rights and attainment of socio-economic development in Nigeria, since democratic governance is grounded in respect for human rights and National Human Rights Commission is an institution of the state whose optimum performance and effective functioning is crucial for socio-economic and political development of Nigeria. The theory looks at every aspect of the society, how it functions and how the institution helps the society to function. However, the structural functionalist theory has a number of limitations. First, it uses an ecological model to understand society, and only presents a simplistic and static model of society/systems focused on order and equilibrium, rendering it unable to adequately account for transformation and change (Chilcott, 1998; Colomy, 1986). The theory is excessively abstract and cannot be applied empirically (Colomy, 1986). Despite the above shortcomings, the theory is still relevant in explaining the promotion, protection and enforcement of human rights by the National Human Rights Commission of Nigeria.

The State of Human Rights in Nigeria

The state of human rights protection in Nigeria is worrisome. There are a lot of laws and statutes that really guide and galvanize the protection of human rights. However, in terms of enforcement, it is really quite appalling. For example, during the COVID-19 lockdown, the rights of a lot of Nigerians were being abused and infringed upon due to the lockdown and enforcement of the sit-at-home order. There have been a lot of forced disappearances by both state and non-state actors in various parts of the country. Also, coming out from the COVID-19, we could see a high surge of violence against women and girls which has promoted sexual and gender-based violence. According to the National Gender Based Violence Dashboard (2023), the total number of reported cases was 13,019, fatal cases were put at 483, open cases were 4,097, while closed cases were 700 and total number of convicted perpetrators was 33. A recent report by Nwannekanma, Olumide, Udeajah et al. (2023) also indicated that despite the passage into law of the Violence Against Persons Prohibition (VAPP) Act, cases of domestic and sexual violence have been upswing across states. The report reveals that in Oyo state, there was a consistent increase in the number of women who reported violence of all forms. The figure of gender violence cases rose from 132 in 2019 to 768 in 2020. In Kano State, 70 cases of sexual assaults, including rape of minors and forced sexual harassments are recorded daily, while in Bauchi state 590 cases were recorded and 737 suspects were arrested between 2020 and September, 2023. The above illustrates the alarming trend of human rights violations in Nigeria.

An Overview of the National Human Rights Commission

The National Human Rights Commission was established by the National Human Rights Commission Act, 1995, as amended by the NHRC Act, 2010, in line with the resolution of the United Nations General Assembly which enjoins all member States to establish national human rights institutions for the promotion and protection of human rights. The commission serves as an extra-judicial mechanism for the promotion, protection and enforcement of human rights in Nigeria as guaranteed by the 1999 Constitution, the African Charter on Human and People's Rights, the Universal Declaration of Human Rights (UDHR) and other international human rights treaties to which Nigeria is a party.

Some of the powers of the Commission are to: conduct investigations and inquiries in such manner as it considers appropriate, institute any civil action on any matter it deems fit in relation to the exercise of its functions under this act, appoint any person, whether or not such person is "in the public service, to act as an interpreter in any matter brought before it and translate any such book, paper or writing produced to it, visit persons, police cells and other places of detention to ascertain the condition thereof and make recommendation to the appropriate authorities and make determination as to the damages or compensation payable in relation to any violation of human rights where it deems this necessary in the circumstances of the case (National Human Rights Commission of Nigeria, n.d). Thus, it seeks to restore human dignity as well as hold perpetrators of human rights violation accountable. It also provides avenues for public enlightenment, research and dialogue in order to raise awareness in human rights issues (National Human Rights Commission, n.d). The Commission carries out its function through courtesy and advocacy visits, radio and television appearances, press release and print media outings in order to increase awareness about the activities of the commission.

Table 1: Summary of Annual Treatment of Complaints by the NHRC Standing Order and Rules of Procedure (STORP), 2015-2022

Year	Total Received	Admissible	Inadmissible	Concluded	Pending
2015	433,865	430,962	2,903	414,384	16,578
2016	1,099,919	1,000,430	99,489	489,219	511,211
2017	1,081,329	1,081,126	203	576,742	504,384
2018	1,099,825	1,097,777	2,048	647,688	450,089
2019	1,304,849	1,303,936	913	1,105,738	198,198
2020	1,287,760	1,124,600	2,680	190,520	934,080
2021	1,701,519	1,697,777	3742	1,187,079	514,440
2022	2,314,440	2,314,380	60	1,643,018	671,362
Total	**10,323,506**	**10,050,988**	**112,038**	**6,254,388**	**3,800,342**

Source: Compiled by Authors from NHRC Annual Report, 2015-2022.

Table 1 provides a summary of annual treatment of complaints by the National Human Rights Commission for the years 2015 to 2022. These complaints are treated in line with the Standing Order and Rules of Procedures (STORP). The table shows the total number of complaints received for each year, categorizing them as admissible and inadmissible. The admissible complaints are those that meet the Commission's criteria for review, while the inadmissible complaints do not meet the criteria. It also shows the number of cases concluded and those that

remained pending at the end of each year. Between 2015 to 2022, a total number of 10,323,506 cases were received, out of which 10,050,988 were admissible and 112,038 were inadmissible. Out of the total number of admissible cases, a total of 6,254,388 were investigated and concluded, representing 62% while 3,800,342, representing 38% remained pending.

The Challenges Facing the National Human Rights Commission

There are several challenges faced in the realm of human rights in Nigeria. These challenges are classified by Jega (2001) cited in Ibrahim (2015) as systemic, constitutional and legal, institutional, and attitudinal challenges. The systemic challenge revolves around breaches and violations of human rights by the state, through its functionaries and public officials who are entrusted with the responsibility and obligation to promote and protect these rights. Institutional problems on the other hand are embedded in inherent weakness in existing institutions, which have the statutory responsibility for promotion and protection of human rights. Such weakness relates to lack of independence or relative autonomy, inadequacy of funding equipment and personnel and institutional constraints imposed limitations of their enabling laws. These include, institutional constraints and limitations of the police force which plays an important role in law enforcement, and the judiciary which is the machinery for the administration of justice.

The constitutional and legal problems relates to inadequacies of the constitution, either due to vagueness of provision or lack of them which impose severe restrictions for promotion or protection of certain fundamental rights. These challenges extend to inadequacies of existing legal instruments, as well as the evident contradiction, which arises due to lack of domestication of international treaties entered into. Lastly, attitudinal problems are related to the attitudes, perceptions and value orientations of Nigerians, which negatively impact on the striving to promote and protect human rights. It also includes the attitude of public officials generally and law enforcement agents particularly in the discharge of their official responsibilities, as these pertain to promotion of human rights.

The National Human Rights Commission faces other several challenges in its efforts to promote and protect human rights in Nigeria. These include,

Inadequate Human Rights Education

Many Nigerians are not aware of their rights and the role of the National Human Rights Commission in addressing human rights violations. The activities of the Commission have been largely limited to the cities. According to Akor quoted in Ochojila and Nwokoro (2021), the Commission has not sufficiently reached the rural communities in educating the people on their rights. Most of the Commission's activities are urban-centred. There is therefore, the need to enhance access to reach rural communities. The people in the village know little about their rights, and are even not aware when such rights are violated. In Nigeria, the number of out-of-school children is huge. According to latest assessment by UNICEF, which puts the figure of out-of-school Children at 20 million covers early childhood development education, primary/junior secondary, senior secondary and early tertiary education (Ahmed, 2023). This huge number impacts negatively on human rights protection in Nigeria.

Inadequate Resources

The Commission faces resources constraints, including limited funding, staff shortages, and insufficient infrastructure. This hinders its ability to effectively carry out its mandate and protect and promote human rights in Nigeria. Yakubu quoted in Nnamani (2022) remarked that:

> The National Human Rights Commission has been doing excellently but of course there are challenges. These challenges are both external and internal. Some of them have to do with the capacity of the institution, some also have to do with the capacity of the personnel that work for the institution. What this means is that in terms of certain skill sets that will enable the staff to do what is expected of them. Then in terms of the capacity of the institution is resources. We know that Nigeria is a very huge, large and big country and in protecting and promoting human rights in Nigeria we need a lot of resources. Of course government has improved in terms of funding of the commission and the commission also gets support from development partners and donors but it still requires a lot, lot more.

Similarly, Obajobi (2022) asserts that inadequate funds by the Commission often frustrates its desire to effectively carry out investigations, wider campaigns, advocacy programmes and provide legal aids for victims as well as other activities.

Non-Justiciability of Socio-Economic Rights

Socio-economic rights are second generation rights. They are rights related to the basic necessities of life, such as right to education, healthcare, housing and food. Obligations are imposed on states in securing these rights. The state must intervene through legislation to create an institutional system that allows the enjoyment of such rights; for example, the right to education or employment (Cornescu, 2009). Sandner (2018) asserts that socio-economic rights are central to human survival and development. They set out what the government must do to ensure that everyone in the country has the basic building blocks in place to be able to live a decent life in dignity. Socio-economic rights include having access to adequate, safe and affordable housing, to health care, to sufficient and nutritious food. They also extend to the workplace, ensuring that people are not discriminated against, have a free choice in the work they do and have decent working conditions.

Socio-economic rights are provided for under Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The chapter is titled "Fundamental Objectives and Directives Principles of State Policy". The whole of Chapter II is made up of 12 sections, spanning from sections 13 to 24. Socio-economic rights are interconnected to a broad range of political and civil rights, the lack of which could lead to human insecurity, widespread diseases and endemic infections, lack of access to health care, all hamper economic development and poor standards of living (Falana, 2022). However, by virtue of Section 6(6)(c) of the Constitution, this chapter is not justiciable or enforceable. This means that citizens cannot seek redress from the courts if denied their socio-economic rights. According to Falana (2022), the continued non-justiciability of Chapter II of the 1999 Constitution has resulted in lack of development and non-accountability by the government.

Delayed Justice System and Outright Disregard for Court Orders

The National Human Rights Commission (NHRC) has powers to institute actions in court in the interest of the public, and can also refer human rights violations requiring criminal prosecution to the Attorney General of the Federation or States as the case may be (NHRC, 2022). These cases involving human rights violations take a long time to resolve in court, and this can lead to prolonged suffering and injustice for victims, as wells as a sense of impunity for perpetrators. Delayed justice undermines the credibility and effectiveness of the National Human Rights Commission in addressing human rights violations, as citizens may lose faith in the ability of the Commission to secure justice. Flagrant disobedience to court orders by government agencies is another challenge which the National Human Rights Commission

faces. Disregard for court order impedes the Commission's effort to protect human rights, as its recommendations may not be implemented or taken seriously by relevant authorities.

Table 2: Summary of Inmate Population by Convict and Awaiting Trial Persons as at 6th November, 2023

Gender	Total Convicted Inmates	Total Awaiting Trial Inmates	Total Inmates Population	Total Inmates Percentage by Gender
Male	25,566	53,306	78,872	98%
Female	452	1,380	1,832	2%
Total	**26,018 (32%)**	**54,686 (68%)**	**80,704**	**100**

Source: Nigerian Correctional Service, 2023.

Table 2 shows a summary of inmate population in Nigeria correctional facility as of November 6, 2023. The table indicates that 26,018 inmates, representing 32% are convicted, while 54,686 inmates, representing 68% are awaiting trial. This shows that a significant number of inmates are awaiting trial. This reflects the problem of delayed justice system.

Lack of Cooperation from other Agencies of Government

The NHRC is faced with the challenge of inadequate support by national authorities, civil society organizations and international organizations (Obajobi, 2022). The effectiveness of the National Human Rights commission is dependent on cooperation from various stakeholders, including government agencies, law enforcement agencies, the judiciary, and civil society and non-governmental organizations. Limited cooperation and collaboration of other agencies of government with the NHRC affects the efforts in promoting and protecting human rights.

Conclusion

This paper argues that the promotion, protection and enforcement of human rights cannot be achieved to a remarkable extent without a series of promotional activities geared towards sensitization and advocacy on issues of human rights. This paper harps on the fact that human rights protection is a collective responsibility; stressing the need for every citizen to support the Commission by using the sphere of their influence to ensure that the promotion and protection of human rights becomes truly a reality. The promotion of rights of Nigerians requires the government addressing poverty, marginalisation and inequality, strengthening of institutions, adequate funding of National Human Rights Commission, good governance, enforcement of laws, inclusive government, human rights education, cooperation of all including the executive, legislative and judiciary arms of government, civil society organisations and even business community.

Recommendations

The paper makes the following recommendations to enhance human rights promotion, protection and enforcement in Nigeria. These include;

1. Adequate funding and strengthening of the institutions of government established for the promotion and protection of Human rights in Nigeria.
2. Promotion of good governance through democracy and respect for the rule of law, a strong civil society that continues to push for greater accountability and the deepening of democratic practices.
3. Public education and sensitization of the citizens on human rights education and the mandate of the National Human Rights Commission.

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4. Review of the 1999 Constitution to make Chapter II Section 6(6) of the Constitution justiciable as well as improvement in justice delivery and access to justice.
5. Addressing poverty through empowerment of women and youth.

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