

United Nations and Human Rights Protection in West Africa: The Nigerian Experience, 2015-2020

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Abstract: Nigeria is among the countries where human right abuses are recorded daily. This study assesses the United Nations and human rights protection in West Africa with focus on the Nigerian experience, 2015-2020. The study averred that human rights protection is guaranteed by the constitution but the reverse is the case in Nigeria with several cases of unlawful violation of civil, political and moral rights of Nigerians. The study argued that there is a significant nexus between human rights and democracy. The study argued that human rights have been violated in Nigeria. The paper adopted the Locke's natural rights theory to ascertain the contributions of the United Nations in guaranteeing respect and protection of human rights in Nigeria. Source of data is secondary and the methods of data analysis are descriptive and content analytic models. The paper concluded that human rights protection is the major determinant of the practicability and success of democracy in any given society and should therefore be respected and safeguarded by the constitutions of every democratic society. The paper recommended, among others, that the Nigerian government through the National Assembly to establish a Local Human Rights Mechanism in all the 774 Local Governments like the local ombudspersons, anti-discrimination agencies, etc. The protection of human rights requires independent human rights mechanisms. In order for them to effectively discharge their functions, they should be provided with sufficient human and financial resources and be accessible to everyone within the respective locality. This would ensure human rights protection in the country.

Keywords: United Nation, Human Right Protection.

Introduction

The concept of human rights which is also known as natural rights is as old as man's existence. The origin of human rights can be traced to the biblical epoch when the Jews did all within their power to free themselves from slavery in Egypt and also in Babylon. Natural rights originated from the insurgency against dictatorial rule, slavery, tyranny and other avenues through which the rights of human beings were infringed upon (Sokefun, et al, 2008). This ideology was originated by Greek and Roman philosophers of the Stoic school who initiate the teaching on natural rights, to them natural means justice. Natural rights originated from God and these rights control the universe. Natural justice cannot be distorted (Aristotle, 384-322 B.C.); it cannot be

changed by positive law (Gregory, 1995). Therefore, a sense of what is right is inbuilt with all human being (Cicero, 106-43 B.C. cited in Walter, 2015).

Human rights continued to develop through the centuries with jurists, scholars, state men giving support. Notable among them was John Locke, Thomas Hobbes, Jean Jacques Rousseau. With the beginning of political systems, human rights were enshrined in the constitution in order to give them legal fortification and legitimate force as fundamental rights (Disu & Adegoke, 2008). Past documents that focus on Human rights include Magna Carta of England (12015), the English Bill of Rights (1689), the French Declaration on the rights of men and citizens (1789) and Bill of rights in the United States constitution (1791). The term "Human Rights" was accepted on public sphere of influence for first time in 1942-1944 in the course of internal policy conversation in the United States. It was used to substitute the phrase "natural rights" (Disu & Adegoke, 2008). Recognition of human rights recounts its greatest force on 10th Decentre, 1948 when the General Assembly of the United Nations adapted to the Universal Declaration of Human Rights.

Human rights are deemed to be universal. This implies that, it is for every human being. Accordingly, Obidimma (2020) posited that, "human rights have been variously defined, but are commonly understood as being those rights which are inherent to the human being. They are 'rights derived from the inherent dignity of the human person. They are universal rights of enabling qualities of human beings or individuals of human race, attaching to the human being wherever he appears without regard to time, place, colour, sex, parentage, or environment (p. 12)." These rights are enshrined in national and international laws and could exist as natural or legal rights. Expectedly, what is meant by "Right" has attracted lots of controversy and a subject of ongoing philosophical discourse. Rights as freedom from unlawful imprisonment, torture, and execution are regarded as belonging fundamentally to all persons. Human rights are therefore, basic rights and freedom that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status. It includes civil and political rights, such as the right to life, liberty and freedom of expression and social, cultural and economic rights including the right to participate in election to work and receive education. It is believed that among the various forms of governments, democratic government appeared to be the greatest upholder and respecter of human rights. As such, expression of human rights blossoms most in a democratic setting.

As posited by Anyadike, et al (2021), "Human rights are in general terms, "rights" which all human beings, by virtue of their humanity possess, and include the right to life, personal liberty, fair hearing, and dignity of human person, freedom of thought, conscience and religion (p. 3)." These "rights" provide common standards of behavior among humanity and are natural, inviolable, rational and unalterable, as their deprivations would constitute grave offenses to the citizens' sense of justice (Onwuazombe, 2017). They are the rules, norms and standard expectations seeking to protect all peoples and every person from cruel and relentless political, legal, and social abuses. They include: the right to freedom of religion, freedom from being tortured, the right to a fair hearing/fair trial when charged with a crime, and the right to education (Nickel, 2019).

Throughout much of history, people acquired rights and responsibilities through their membership in a group, a family, indigenous nation, religion, class, community or state. Be that as it may, it was only after the Middle Ages that natural law doctrines became closely associated with liberal political theories about natural rights. Till then, the emphasis was on the duties imposed by natural law rather than the rights deriving there from. But even at that, these doctrines, as evident from the writings of Aristotle and Aquinas accepted the legitimacy of slavery and serfdom, thus excluding the concepts of freedom and equality which are the pivotal ideas of human rights as we understand them today. Human rights generally had to wait for so many years to be recognized as general social need. Documents asserting individual rights such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of man and citizen (1789) and the US constitution and Bill of Rights (1791) are the

written precursors to many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of colour, and members of certain social, religious, economic and political groups. It was precisely on December 10th 1948 that the United Nations General Assembly adopted and made a proclamation on Universal declaration on Human Rights. The declaration centred on the ontological and inherent dignity, equality of human person, and inviolable and inalienable rights of all human family. Since human beings have moved from state of nature to organized civil society, certain institutions are needed to secure and protect those inviolable and inalienable rights of human person. Among those institutions formulated by men, the United Nations is taken in this study as that which is capable of guaranteeing those rights.

Statement of the problem

The concept of human rights and its violation is one issue that is topical in international and local discuss. The abuse of human right has become a daily occurrence in Nigeria. Though a democratic state, the rights of her citizens have been grossly abused. These violations take different forms such as; intimidation, undemocratic imposition of candidates for political offices, assassinations, extra judicial killings, unlawful detention, executive lawlessness, rape, human trafficking, etc. These violations are sometimes very demeaning, humiliating, degrading and even lead to untimely death of the victim.

It is regrettable that in Nigeria, democratic practice and its consequent protection of human rights are not what they ought to be. The flagrant violation of human rights in democratic Nigeria by so many governmental agencies casts doubt on the genuineness of real democratic practice in Nigeria. Respect for human rights enriches democracy and makes it the best option among many others. The Nigerian democracy is stripped of one of its beauties, (upholding human of rights), by the rulers and their cohorts. One of the beauties of democracy is the rule of law (Ozoigbo, 2017). The rule of law guarantees human rights but the reverse is the case in Nigeria's case. According to Onwuazombe (2017), "dating back to the colonial era, the human rights records of the Nigerian state has been consistently poor and unimpressive and at present, the situation has not significantly improved (p.116)." In other words, the human rights records of the Nigerian state has remained consistently mediocre and unimposing. It is against this backdrop that this study examined the United Nations and human rights protection in West Africa with focus on the Nigerian experience, 2015-2020 and with a view to finding out the implications of human rights violation on the citizens of the country.

Research Questions

The following research questions will serve as a guide for the purpose of this study:

- i. What is the nexus between human rights and democracy?
- ii. How has human rights been violated in Nigeria?
- iii. What are the contributions of the United Nations in guaranteeing respect and protection of human rights in Nigeria?

Objectives of the Study

The broad objective of this study is to examine the United Nations and human rights protection in West Africa with focus on the Nigerian experience, 2015-2020. The specific objectives are to:

- i. Determine the nexus between human rights and democracy.
- ii. Examine the cases of violations of human rights in Nigeria.
- iii. Identify the contributions of the United Nations in guaranteeing respect and protection of human rights in Nigeria.

Significance of the Study

The study has both theoretical and practical relevance. Theoretically, the study will contribute to existing knowledge on democratic consolidation in West Africa and human rights in Nigeria. The study will also expose the citizens to the knowledge of their rights that ought to be protected and in the case of a breach, suggest ways which individuals can seek redress. Practically, the study will also assist human right policy makers and government in the act of ensuring the protection of human rights and curtailing violations. This research will also serve as a secondary data scholars and students who wish to research in similar subject matter.

Conceptual Review

United Nations

The United Nations (UN) is an intergovernmental organization aiming to maintain international peace and security, develop friendly relations among nations, achieve international cooperation, and be a centre for harmonizing the actions of nations (United Nations, 2018). It is the world's largest, and most familiar, international organization. The UN is headquartered on international territory in New York City and has other main offices in Geneva, Nairobi, Vienna, and The Hague. The UN was established after World War II with the aim of preventing future wars, succeeding the ineffective League of Nations (UN, 2012). On 25 April 1945, 50 governments met in San Francisco for a conference and started drafting the UN Charter, which was adopted on 25 June 1945 and took effect on 24 October 1945, when the UN began operations. Pursuant to the Charter, the organization's objectives include maintaining international peace and security, protecting human rights, delivering humanitarian aid, promoting sustainable development, and upholding international law. At its founding, the UN had 51 member states; with the addition of South Sudan in 2011, membership is now 193, representing almost all of the world's sovereign states.

The organization's mission to preserve world peace was complicated in its early decades by the Cold War between the United States and Soviet Union and their respective allies. Its missions have consisted primarily of unarmed military observers and lightly armed troops with primarily monitoring, reporting and confidence-building roles. UN membership grew significantly following widespread decolonization beginning in the 1960s. Since then, 80 former colonies have gained independence, including 11 trust territories that had been monitored by the Trusteeship Council. By the 1970s, the UN's budget for economic and social development programmes far outstripped its spending on peacekeeping. After the end of the Cold War, the UN shifted and expanded its field operations, undertaking a wide variety of complex tasks.

The UN has six principal organs: the General Assembly; the Security Council; the Economic and Social Council (ECOSOC); the Trusteeship Council; the International Court of Justice; and the UN Secretariat. The UN System includes a multitude of specialized agencies, funds and programmes such as the World Bank Group, the World Health Organization, the World Food Programme, UNESCO, and UNICEF. Additionally, non-governmental organizations may be granted consultative status with ECOSOC and other agencies to participate in the UN's work. The UN's chief administrative officer is the Secretary-General, currently Portuguese politician and diplomat António Guterres, who began his first five year-term on 1 January 2017 and was re-elected on 8 June 2021. The organization is financed by assessed and voluntary contributions from its member states. The UN, its officers, and its agencies have won many Nobel Peace Prizes, though other evaluations of its effectiveness have been mixed. Some commentators believe the organization to be an important force for peace and human development, while others have called it ineffective, biased, or corrupt.

One of the UN's primary purposes is "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion", and member states pledge to undertake "joint and separate action" to protect these rights (UN Charter, 2017). In 1948, the General Assembly adopted a Universal Declaration of Human

Rights, drafted by a committee headed by American diplomat and activist Eleanor Roosevelt, and including the French lawyer René Cassin. The document proclaims basic civil, political, and economic rights common to all human beings, though its effectiveness towards achieving these ends has been disputed since its drafting (Kennedy, 2007). The Declaration serves as a "common standard of achievement for all peoples and all nations" rather than a legally binding document, but it has become the basis of two binding treaties, the 1966 International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (Fomerand, 2009). In practice, the UN is unable to take significant action against human rights abuses without a Security Council resolution, though it does substantial work in investigating and reporting abuses (Kennedy, 2007).

In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women, followed by the Convention on the Rights of the Child in 1989 (Fomerand, 2009). With the end of the Cold War, the push for human rights action took on new impetus (Kennedy, 2007). The United Nations Commission on Human Rights was formed in 1993 to oversee human rights issues for the UN, following the recommendation of that year's World Conference on Human Rights. Jacques Fomerand, a scholar of the UN, describes this organization's mandate as "broad and vague", with only "meagre" resources to carry it out (Fomerand, 2009). In 2006, it was replaced by a Human Rights Council consisting of 47 nations.^[164] Also in 2006, the General Assembly passed a Declaration on the Rights of Indigenous Peoples, and in 2011 it passed its first resolution recognizing the rights of LGBT people (Jordans, 2011).

Other UN bodies responsible for women's rights issues include United Nations Commission on the Status of Women, a commission of ECOSOC founded in 1946; the United Nations Development Fund for Women, created in 1976; and the United Nations International Research and Training Institute for the Advancement of Women, founded in 1979 (Fomerand, 2009).

The Concept of Human Rights

Human rights is one the topmost issues on the agenda of states both at the domestic and on the international scene. Human means something that relates to the members of the races of Homo sapiens; men, women, and children. Right means what is just, correct, truth, fairness, justice or legal claim (Sokefun, et al., 2008). According to Garner (2004), "human rights are the freedoms, immunities, and benefits that, according to modern values all human being should be able to claim as a matter of right in the society in which they live (p. 809)." Johari (2016) posited that the protection of Human Rights Act (1993) made by the parliament of India defines Human Rights as "rights relating to life, liberty, equality and dignity of the individual guaranteed by constitution or embodied in the international covenants and enforcement by courts in India (p. 143). Human rights are therefore those regulations that originated over the years to safeguard the rights of people from arbitrary rule (Humana, 1983).

In addition, human rights can be seen as those rights that ensure that cruelty and arbitrariness are prevented towards human beings (Adube, 2012). They are group of rights that the natural world has given to man (Nwachukwu, et al., 2014). Human rights are uninfringeable, undeniable basic rights which a person possesses merely because he is a human being. These rights are worldwide. Human rights can be seen as the immunities and settlement that human beings should be able to assert as a matter of right in the society in which they live. These rights are universal and unconditional regardless of time and space. It is now a universal agreement that all individual are entitled to certain rights. Human rights articulate the need for mutual respect justice and human dignity in all human activities. The rights of a citizen are the privileges a citizen is entitled to enjoy as a citizen of a country. All human being are born with a human right. In the words of Malemi (2012), "these rights enable a person to continue his humanity (p.164)."

It can be observed from the above that human rights allow citizens to live the kind of lives they desire. As such, they are free to move around, associate, worship or even express their views without fear or intimidation. All human beings are born with a human right. These rights enable

a person to continue his humanity. Absence of human rights makes life meaningless, worthless and a mere shadow. Some countries have been more forth coming, eager and willing to articulate or give expression to them and protect human right, others countries have been slow and are not eager to observe and protect human rights. The absence of human rights implies the absence of justice and the state is nothing but a prison camp. Notably, people cannot achieve their potentials when their rights are repressed. Such a country cannot achieve true development and greatness. Human rights are those rights that are the very nature of every human persons, hence, they define and affirm their humanity, and therefore, they exist to ensure that human rights remain sacred and guarantee that inhumanity and injustice are prevented or reduced. 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 (Aduba, 2012).

The United Nations Human Rights Council (UNHRC) posited that ‘Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible (Ozoigbo, 2017). According to Obidimma (2020), “human rights can be classified in a number of different ways. Some rights may fall into more than one of the available categories as the various categorizations overlap to a considerable extent. However although human rights have been classified in a number of different manners it is important to note that international human rights law stresses that all human rights are universal, indivisible and interrelated (p. 13).” The indivisibility of human rights implies that no right is more important than any other. At the international level the most common categorization of human rights is to split them into civil and political rights. Civil and political rights are enshrined in Articles 3 to 21 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR). Economic, social and cultural rights are enshrined in Articles 22 to 28 of the Universal Declaration of Human Right (UDHR) and in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The essence of including both economic, social and cultural rights and civil and political rights stems from the principle that the different rights could only successfully exist in combination.”

It can be adduced that human rights are rights to which people are entitled by virtue of being human. They are therefore universal rights in the sense that they belong to all human being rather than to members of any particular nation, race, religion, gender, social class and the likes. Human rights are also fundamental rights in the sense that they are inalienable; they cannot be traded away or revoked.

Empirical Review

Taking a historical route to the surrounding issues, Jauhari (2011) compared the colonial and post-colonial human rights situations in Nigeria and found a scenario of worsening human rights violations after independence as compared to the colonial era. Jauhari highlighted a position of long history of violation of human rights in Nigeria, traceable to the colonial periods. In efforts to consolidate and expand their power, the researcher argued, the British colonial masters utterly violated the rights of the Nigerian people. But even several years after independence, the Nigerian citizens have continued to face incessant violations of their basic rights, during the mixed periods of military and civilian rule, as military rule in the country became a symbol of unhindered authoritarianism. After every military coup, the country’s constitution became suspended, as the government remained unaccountable to the people and the civilian regimes also became characterized by unaccountability. In order to hold on to power, Jauhari (2011) summarizes, the civilian leaders denied freedom of expression to the citizens, blatantly rigged elections and engaged in unlawful and extra-judicial killings.

Relating the embedded human rights issues in the country, more specifically within the contexts of the poor, and dispensation of justice, Okafor and Ugochukwu (2015) studied the extent to

which the jurisprudence of the Nigerian appellate courts had expanded, maintained or contracted the opportunities of the poor. This was with a view to ascertaining the level to which the poor were able to exercise as vigorously as possible; their own 'agency' to act, to redress human rights abuses committed against them during the period between 1990 and 2011 in Nigeria. Okafor and Ugochukwu utilised a critical socio-legal framework which situated Nigeria's human rights law relating to the agency of the poor, within its historical, social, economic and political contexts. The study particularly utilised *inter alia*, the core ideas of Upendra Baxi's influential trade-related market-friendly human rights theory. Hence, while it is usually concluded that the weak, deprived, and excluded, are passive victims of their condition, the starting point of the article is that, where adequate openings and prospects exist in law and policy, or are permitted by the adequacy of resources, or provided through pro-poor judicial action, the poor are invariably able to resist this attribution and struggle to alter their life circumstances.

The major issues addressed by Okafor and Ugochukwu (2015) bordered on the extent to which the Nigerian appellate courts had (in the course of developing their human rights praxis) engendered or impeded the opportunities for the poor in Nigeria to exercise their agency, within the legal system, in order to struggle more effectively to alter their circumstances in life. Their study was further interested in the type of conceptual mechanisms used by these courts in examining and deciding the germane cases, in ways that expanded or contracted the agency of the poor in seeking legal redress and social justice. The researchers argued that many factors interacted in this regard to produce certain outcomes, some within and others outside the control of the courts. They concluded that where necessary, the courts should always enrich the factors within their control, in such manner that the poor can more stoutly exercise their agency in these regards, promote the course of social justice and minimize the instances of the abuse and denial of human rights.

Dada (2013) asserted that although human rights matters have globally become a subject of immense relevance, in international law, states are fundamentally responsible for their promotion and protection. The Nigerian state has accordingly built some commendable institutional infrastructure and created a variety of remedies, judicial and even extra-judicial – to remedy human rights violations in the country. Dada however posits that the provision of remedies and their adequacies and efficacies are entirely separate issues, as he examined the extant judicial remedies in Nigeria for redressing human rights violations and stressed the imperative of judicial remedies in general terms. Dada (2013) further examined the processes of activating judicial remedies in Nigeria and drew attention to the legion of impediments which have immensely frustrated, compromised and undermined the efficacies of the remedies. The paper concluded that the judiciary has to be ever alert to deter every attack, subtle or gross, against human rights in the country.

Theoretical Framework

This research study adopted the Locke's natural rights theory. The natural rights theory was propounded by John Locke in 1689. The theory of natural rights consists of basic rights which are derived from the law of nature and encompasses such things as life, liberty and property. The theory mandates that the highest priority be given to individual self-preservation and whatever is necessary to achieve the preservation of the individual. However, Locke does not simply advocate an egoistic self-preservation, but also calls for the need to consider others as our equal. For example, the right to life is applicable to every human being, but we also need to take into consideration the preservation of others in so far as not harming or killing them. Locke distinguishes between duties and liberties. A liberty is the power to do or acquire something in the absence of a prior duty (Kelly, 2007). The right to acquire property is a liberty. That is if we do not take property that was previously owned by someone else. The second part of the theory of natural rights consists of special rights. There are non-consensual and consensual special rights (Kelly, 2007). Non-consensual special rights, as the name suggests, do not require the consent between two individuals. The important element of Locke's theory of natural rights is that it bears the name natural. According to Locke, those rights are natural because everyone in the state of

nature is entitled to them. Natural rights are prior to moral and cultural conventions (Kelly, 2007). Locke's whole line of argument on natural rights rests upon the assumption that even without moral and cultural conventions, and rights occurring in the state of political authority, human beings would still have some natural rights that are binding.

The relevance of the natural rights theory to this study is evident in the fact that Locke's natural rights can be compared to contemporary human rights, but natural rights are wider in scope in so far as they have less restriction. Locke's natural rights are not the product of political, legal and social convention, but held in virtue of our common nature (Kelly, 2007). Locke emphasizes that his natural rights are not simply a claim to a right, but suggests that by simply being human, we have certain inalienable rights that are hence pre-political. Hence, Men being by nature all free, equal and independent, no one can be put out of the this estate and subjected to the political power of another without his own consent (Locke, 1689). The theory advocates for a limited government which is typical of modern day democratic government whereby state power rests with the people. Locke justifies his doctrine of limited government by advocating that a restrained government is the best way to protect rights. For example, the right to property is one of the natural rights and therefore pre-political. As a result government cannot violate this right. There are certain important rights, upon which the government cannot infringe. Locke stressed that a limited government is given by consent and restricted by subordination of power. Locke advocated that constitutional restraints and rule by law will ensure that people's rights are protected. Thus, Locke establishes a framework for government in which the sovereign can be held accountable by and it is justified in so far as the people have the right to replace a government that is using its power arbitrarily and is not upholding its duties of protecting natural rights. Locke's limited government can be held accountable to its action. Essentially, a limited government with rule by law is more likely to protect and enforce natural rights than an absolute government with arbitrary rule.

Methodology

In this research study, descriptive and historical designs were adopted to explain the historical issues of United Nations and human rights protection in West Africa with focus on the Nigerian experience, 2015-2020. This study adopted the secondary method of sourcing data. Data were therefore generated from text books, government Journals, archives, magazines, newspapers, government gazette and other relevant materials.

The study adopted qualitative method of data collection. In view of this, data were generated from secondary source materials. Qualitative research emphasizes words, rather than quantification in the collection and analysis of data. Furthermore, it predominantly emphasizes a deductive approach to the relationship between theory and research; in which the emphasis is placed on capturing inferences from a general field into particular situations.

Content analytical model was adopted in this study. The effectiveness of this method or model lies in its ability to allow the researcher to extract and interpret relevant research materials, make judgment input into the work. Content analysis is an objective and systematic analysis of identified characteristics of a subject matter.

Data Presentation and Analysis

Human Rights and Democracy

The interdependence of human rights and democracy manifests itself in several ways. There is a strong argument that individuals have a right to participate in "genuine periodic elections" as required under Article 25 of the International Covenant on Civil and Political Rights. The meaning of "genuine periodic elections" is also becoming clearer with the recent decisions of the Human Rights Committee and the Commission on Human Rights spelling out that these must be free and fair multi-party elections (Rich, 2001). Another linkage is emerging in the suggested right to democratic governance forcefully posited by Franck (1992). The argument in favour of this thesis flows not only from the perspective of individual entitlement but also from the

perspective of international legitimacy being conferred on governments coming to office by democratic means (Franck, 2000). Yet until the right to democratic governance is enshrined in a widely adopted legal instrument, it is difficult to dispense with the term “emerging” in describing its place in the panoply of human rights (Newman & Rich, 2004).

A further linkage is the understanding in human rights law, as articulated in the Universal Declaration of Human Rights, that democratic practice can mediate any limitations on the exercise of human rights (Rich, 2001). Article 29 sets out the means of limiting the exercise of human rights authorizing only “such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of a democratic society”. A final linkage may exist through the operation of the right of self-determination. Common Article 1 of the two major human rights covenants enshrines the right of self-determination for “all peoples” and asserts that “by virtue of that right they freely determine their political status”. There have been suggestions that a form of internal self-determination is developing, providing the people of a state with a continuing right to self-determination in the choice of political systems and leaders (Cassesse, 1995). This could well become yet another foundation for democracy in human rights law. But at present the more common interpretation of this right makes it more analogous to a right of decolonization than to a continuing right to democratic choice (Abdullah, 1991).

The linkage between human rights and democracy is certainly sufficiently strong to be yet another rationale for the UN’s involvement in democratization especially in West Africa. The practice of the United Nations is increasingly to link the two issues in its work and to design interventions and supporting programmes with the effect of reinforcing respect for human rights with the building of democratic governance processes (Newman & Rich, 2004).

Human Rights Violations in Nigeria

Nigeria is among the countries where human right abuses are recorded daily and virtually in all human endeavours. Below are some of the routinely abused human rights in Nigeria. There are several cases of unlawful violation of civil, political and moral rights of Nigerians. Thus, Nigerian citizens had their political rights violated through intimidation, undemocratic imposition of candidates for political offices, assassination and the huge finances on prebendal political environment (Akhaine & Chizea, 2011). Specifically, the violations of civil, political and moral rights include;

Violation of Right to Life: This human right violation is mostly found in torture and extra-judicial killings by government security operatives. For instance, in 2009, over 20,000 civilians were massacred with other 50,000 displaced from their homes as a result of the brutal handling of the Niger-Delta crises by the Joint Military Task Force (JTF) (Ero, 2009). In 2008, the death of about 50 persons on 25th February, 2008 was caused by the Nigerian police in Ogaminana outskirt of Okene in Kogi State. Also, 17 people were shot dead by security forces during a protest in Kaduna state on 17th April and another 118 killed on 27th April in the same state with several houses burnt (Akhaine & Chizea, 2011). Further observation proved that over 300 people were killed in the Fulani/Farmers clashes that lasted for 5 months in Nigeria (Abbah, 2013; Adebayo, 2013). The brutal killing of more than 700 lives in Bauchi, Maiduguri and Damaturu as a result of the Boko Haram rootless attack on the civilians (Reuters, 2012). According to the 2014 Amnesty International report, “more than 1,500 deaths in three months indicate an alarming deteriorations in the face of extra-judicial executions, attacks on civilians and other crimes committed on a mass scale” (Amnesty International Report, 2014, p.1). Even though, the Amnesty report observed the rising number of Boko Haram attacks as “truly shocking” but it also noted the reaction of Nigerian security forces as “brutal” with both serving as acts that may constitute “war crimes and crimes against humanity” calling for immediate investigation and prosecutions (Amnesty, 2014).

Violation of Right to Freedom of Movement: This human right violation is found in kidnapping and disappearance which has been on the increase in Nigeria. The situation is worst in Abia State due to cases of all forms of kidnapping: including kidnapping of children, women and other civilians (Kaluge, 2013). Between 2006 and 2009, there was daily occurrence of domestic terrorism (brutal kidnapping) in the Niger-Delta (Oyewale, 2010), while the Edo varsity lecturers lamented daily affairs kidnapping of their colleagues (Azania, 2013). This worrisome physical human right abuse is even preponderant all over Nigeria today.

Violation of Right to Freedom of Religion: Contrary to the provision of secularity in Nigeria's constitution. There are reports of frequent human right abuses among cleric fundamentalists (Adeniji, 2008; Oyeweso, 2013). Over 1,000 reported cases of clashes between the Christian and the Muslim adherents were recorded in Nigeria between 2001 and 2008 (Adeniji, 2008). There were also cases of destruction to lives and properties by frequent clashes in Abeokuta South Local Government in Ogun State between 1980 and 2007 (Musa & Adeniji, 2010).

Violation of Right to Freedom of Assembly: The Nigerian government is known to oppose anti-government protest and demonstration. For instance, on 3rd January 2009, police in Okeagbe, Ondo State allegedly killed and wounded some youths who demonstrated against local police extortion. Equally, political killings were reported in Ekiti following clashes between rival political parties (Ariyibi, 2013). Also reported was that rioters stripped a ruler naked after severe beating by angry mobs in Ogun State (Kayode-Ayodeji, 2013). It is unfortunate that some politicians in Nigeria maintain a retinue of thugs that often perpetuate acts of violence against their opponents (Akhaine & Chizea, 2011). On February 18, 2012, Sahara news reported that activists condemned the police disruption of political memorial procession for the last year's martyrs on fuel price increase. A report had it that over 20 tear-gas canisters were used to disperse the protesters and several leaders of the protesters were whisked away and detained for several hours in Alausa police station (Aremu, 2012). Even during an inconclusive Anambra state governorship election, the Daily Trust and This Day Newspapers of 20th and 21st November, 2013 respectively reported a continued detention of 182 election observers by the Nigerian police (Adebayo, 2013; Ezigbo, 2013). It is regrettable to note that the Nigerian government has continually failed to address this kind of human right abuses and punish the offenders.

Violation of Right to Education: Although education is an instrument per excellence for effecting national development, it is regrettable to note that corruption, bribery and nepotism are ill vices in the Nigerian educational system. Equally, some state-owned universities do not give equal admission opportunities to all Nigerians while the university council considered some states in Nigeria as education less privileged. Indeed, Nigerian citizens are supposed to have free education as contained in the Fundamental Objectives and Directive Principles of State Policy, but in practice, some states and federal schools where this has been implemented students still pay fees. As fallout of denial to right to education, 41 percent of the Nigerian children totaling 7.5 million were out of school in 1997 and by 2005 (as reported by (Oladosu, 2008), the figure had risen to 19.8 million children. Although, it appears the figure dropped to about 8 million in 2011 (according to the Former Minister of Education, Prof. Ruqqayat Rufai) but the situation is that a sizeable number of eligible Nigerian children are still out of Basic Education amounting to existence of denial of education rights.

Violations of Right to Standard of Living: It is regrettable to note that this violation is been caused by the quantum of corruption in public services. Corruption has generally eaten deep into the fabric of Nigerian society. It is an abuse of the citizens' rights to have corrupt leaders in the public services. Nigeria as a cesspool of corruption still suffers denial to cheaper availability of fuel products arising from fuel subsidy scandal that led to over-invoicing of imported petroleum products (Adetoro, 2012). This happened in a country where over 70 percent of the populace lives below 1 dollar per day (UNDP, 2011). This represents a flagrant violation of peoples' right to improved standard of living.

Abuse of Right to Clean and Healthy Environment: Certain segments of Nigerian society have been deprived of the right to safe, clean and healthy environment. For instance, the conflict in the Niger-Delta region is partly as a result of an abuse of environmental right. It is on this light that the environmental activists like Ken Saro Wiwa along with others were extra-judicially hanged by the government in 1995. Furthermore, the rights of women were frequently abused in Nigeria under trafficking circumstances (Awah, 2009). Equally, it was observed that out of about 8 million children destitute in Nigeria, 7 million of them constitute street beggars known as ‘Almajirai’ in Northern Nigeria (Ahmed, 2007; Obioha, 2009; (Adetoro, 2010). The state of neglect, harm, abuse, exploitation and deprivation that orphans and vulnerable children were subjected to in Nigeria is alarmingly disheartening.

Violations of Prison/Prisoner’s Rights: The Nigerian prison system is nothing but a living hell. Those who came out of it after serving their sentences hardly get reformed; in fact they become hardened recidivists. Among the problems of the Nigerian prison system is the existence of a large population of those awaiting trial. This always leads to congestion in the prison cells as a result of deficit in prison infrastructures (Ndifon, 2013). These conditions are outright acts of violation of the human rights of the inmates. Equally, prisoner’s right to court is impeded by failure to provide vehicles to convey them to court and inadequate medical care is impeded by shortage of health facilities.

Violations of the Right to Self Determination: The struggle for freedom or self-determination has been at the frontline of most agitators from different ethnic nationalities in Nigeria. This right to self-determination has been the major agitation by the Niger Delta people, the Movement for the Actualization of the sovereign states of Biafra (MASSOB) and so on. The struggle often leads to armed conflict resulting to loss of lives and properties among others. Indeed, the Human Rights Watch (2011) observed that more than 15,700 people had been killed in inter-communal, political and sectarian violence between 1999 and 2011. Today, the causalities figure would have been doubled due to the insurgent activities of Boko Haram.

Contributions of the United Nations in guaranteeing respect and protection of human rights in Nigeria

The adoption of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948 laid the foundation for the adoption of human rights provisions by nation-states today. The Declaration spells out the rights that are essential for effective political participation and has consequently inspired constitution-making around the world and has contributed greatly to the global acceptance of democracy as a universal value. The main aim of the UN is to protect and promote the human rights, in addition to this, UN tried to re-conform the faith in basic human rights for the global people, however correspondingly it has “established conditions under that the respect and justice for the requirements originated from the treaties and additional sources of international law are retained” (Preamble of the United Nations Charter). Supporting the evolution of international law as a system for controlling the intercontinental relationship and also it turned out as a main aim of UN from its starting point (United Nations, 2011). The human rights are minimum rights that each and every individual person should have any public authority or the state by the morality of being a part of human family, regardless of other possible concerns (Granville, 1999). The human rights are called as Fundamental Rights only if they are guaranteed in the form of the written constitution through the state fundamental law.

Several human rights bodies, international conferences and agreements and UNO have set out the strict rules for the states to secure their human rights. UN has worked to build a number of institutions which are responsible for motivating countries to comply with the obligations presented in the treaties of human rights. To safeguard every human being, the UN executes the law in 1948: The first charter, the Universal Declaration of Human Rights (UDHR) states thirty rights through which every single human being of the planet is considered. All over the world, there is only one foremost important instrument for the human rights are UDHR. On 10th

December 1948, a declaration was accepted by the UN and even today it is the most commonly used human rights document. It is the main root of the current human rights system. The eminent designer, Eleanor Roosevelt stated it as the international Magna Carta for all mankind. The General Assembly of the United Nations proclaims 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 (Anand, et al., 1987). The UDHR of UN has offered a structure for the Constitution of modern Nigeria.

The United Nations Universal Declaration of Human Rights precipitated other statutory provisions for the respect and protection of human rights across the member countries to which Nigeria is a member. These statutory provisions include the International Covenant on Civil and Political Rights (1966) which lays the legal basis for the principles of democracy under international law, particularly as it concerns freedom of expression (Article 19); the right of peaceful assembly (Article 21); the right to freedom of association with others (Article 22); the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives (Article 25); and the right to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors (Article 25). As of July 2012, the number of parties to the Covenant was 167, which constitutes approximately 85 per cent of the United Nations' membership. Nigeria has signed unto the Covenant and it is therefore duty bound to adhere to the provisions. The Convention on the Elimination of All Forms of Discrimination against Women stipulates that its 187 States parties (as of July 2012) shall ensure to women, on equal terms with men, the right to vote and stand for elections, and participate in public life and decision-making (Article 7).

Nigeria's efforts at protecting and promoting human rights are not limited to mere constitutional provisions but equally drawn from the provisions of UN Charter on human rights. Apart from guaranteeing human rights in its constitution and facilitating the conclusion of regional human rights instrument, Nigeria has shown its commitment to human rights goal by the adoption and ratification of this Charter as a member of the United Nations and a signatory to the Universal Declaration of Human Rights, 1948. Other important instruments to which Nigeria is a signatory include, The Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Prevention and Punishment of the Crime on Genocide, the International Convention on the Elimination of all forms of Racial Discrimination, International Covenants on the Civil and Political Rights; and the International Covenants on Economic, Social and Cultural Rights.⁵⁶ It can deduced from the foregoing discourse that the United Nations has contributed immensely to the protection of human rights in Nigeria and West Africa in general through the mechanisms for the promotion and protection of human rights such as; the Universal Declaration of Human Rights, 1948, various conventions on human rights, African Court on Human and People's Rights, and African Commission on Human and People's Rights.

Conclusion

This study made efforts to examine the United Nations and human rights protection in West Africa with focus on the Nigerian experience, 2015-2020. The concept of human rights and its origin was reviewed based on its practicability in Nigeria. The study discussed democracy in relation to its connectivity to human rights violation in Nigeria. The study argued that human rights have been grossly violated in Nigeria. Cases of human rights violations were x-rayed and evidently, there were series of human rights violations in the country within the period reviewed. The study therefore concluded that human rights protection is the major determinant of the practicability and success of democracy in any given society and should therefore be respected and safeguarded by the constitutions of every democratic society.

Recommendations

Based on the findings of this study, the following recommendations are made:

- i. There is need for the Nigerian government through the National Assembly to establish a Local Human Rights Mechanism in all the 774 Local Governments like the local ombudspersons, anti-discrimination agencies, etc. The protection of human rights requires independent human rights mechanisms. In order for them to effectively discharge their functions, they should be provided with sufficient human and financial resources and be accessible to everyone within the respective locality. This would ensure human rights protection in the country.
- ii. There is therefore need for the strengthening the capacity of human rights defenders and National Human Rights Institutions. Training justice and security sector personnel on human rights norms and practices. Advocating for institutional safeguards that prevent development efforts from violating the rights of the poor, vulnerable populations, indigenous peoples, and others.
- iii. Nigerian law enforcement agencies most importantly the Nigerian police needs regular re-orientation to understand their duties particularly in the area of respect and protection of the rights of the citizens. The police should be beefed-up and well-equipped so that they can combat most internal crimes effectively.

References

1. Abbah, T. (May 26, 2013). Fulani/farmers clashes claim 300 lives in 5 months. *Sunday Trust*. www.sundaytrust.com.ng/index.php/news/13160-fulani-farmers-clashes-claim-300-lives-in-5-months
2. Abdulah, F. (1991). The right to decolonization. In B. Mohammed (ed.) *International Law: Achievements and Prospects*. UNESCO.
3. Adebayo, A. (November 20, 2013). Nigeria: APC condemns continued incarceration of election observers. *Daily Trust*. <http://allafrica.com/stories/2013/2010537.html>
4. Adetoro, R.A. (2012). Boko Haram insurgency in Nigeria as a symptom of poverty and political alienation. *IOSR Journal of Humanities and Social Sciences*, 3(5), 21-26.
5. Adube, J. N. (2012). Inquiries on human rights practice in Nigeria, past, present and future. Inaugural lectures, University of Jos lecture Series, 54., June, 29.
6. Akanni, N. K. (2019). Counter-insurgency and human rights violations in Nigeria. *Journal of Law, Policy and Globalization*, 85(-), 15-23
7. Ake, C. (1996). *Democracy and development in Africa*. Spectrum Books.
8. Akhaine, S.O. & Chizea, B.U. (2011). *State of human rights in Nigeria: CENCOD annual report*. Centre for Constitutionalism and Demilitarization
9. Amnesty, I. (2014). 1,500 Nigerians killed in book haram violence in 2014. www.voanews.com/content/amnesty-international-1500-nigerians-killed-in-boko-haram-violence-in-2014
10. Anand, R. P., Bhatt, S. & Khan, R. (1987). *Law, science and environment*. South Asia Books. <https://www.barnesandnoble.com/w/law-science-and-environment-r-p-anand/1001406106>.
11. Anyadike, N. O., Nwachukwu, S. T. and Wogu, J. O. (2021). Human rights in Nigeria and the implications of human rights education for resource collection by libraries. *Library Philosophy and Practice (e-journal)*. <https://digitalcommons.unl.edu/libphilprac/5391>.
12. Aremu, A. (February 18, 2012). Activists condemn police disruption of political memorial for the martyrs. *Sahara Reporters*. <https://www.saharareporters.com/activists-condemn-police-disruption-of-political-memorial-for-the-martyrs/>

13. Ariyibi, G. (April 1, 2013). One killed in PDP, CAN clash in Ekiti. *Vanguard*. <https://www.vanguard.com/one-killed-in-PDP-CAN-clash-in-Ekiti/>
14. Azania, J. (May 30, 2013). Edo varsity lecturers lament colleagues kidnapping. *The Punch*. <https://www.thepunch.com/edo-varsity-lecturers-lament-colleagues-kidnapping/>
15. Cassesse, A. (1995). *Self-determination of peoples: A legal reappraisal*. Cambridge University Press.
16. Donnelly, J. (1999). Human rights, democracy and development. *Human Rights Quarterly*, 21(3).
17. Durojaye, E. (2013). Woman, but not human': widowhood practices and human rights violations in Nigeria. *International Journal of Law, Policy and the Family*, 27(2), 176-196.
18. Eba, T. (2017). Citizenship right and discriminatory practices in Africa: The case of Nigeria (Master's Thesis). Addis Ababa University, Ethiopia.
19. Ekpo, C. E., & Agorye, C. A. (2018). Dead or dormant? Docile or fractured? The culture of military clampdown on youth demonstrations and its repercussions on the 21st century Nigerian youths. *European Scientific Journal*, 14(26), 74-92.
20. Ero, A. (June 1, 2009). Gun power diplomacy: Niger-Delta; A return to the trenches. *Tell Magazine*, <https://tellmagazine.com/gun-power-diplomacy-niger-delta-a-return-to-the-trenches/>
21. Ezigbo, O. (November 21, 2013). Nigeria: APC decries continued detention of election observers. *This Day*. <http://allafrica.com/stories/201311210537.html>
22. Federal Republic of Nigeria (1999). *The 1999 Constitution of the Federal Republic of Nigeria*. Federal Government Press.
23. Fomerand, J. (2009). *The A to Z of the United Nations*. Scarecrow Press.
24. Franck, T. (1992). The emerging right to democratic governance. *American Journal of International Law*, 86(1).
25. Franck, T. (2000). Legitimacy and the democratic entitlement. In H. F. Gregory and R. R. Brad (eds). *Democratic governance and international law*. Cambridge University Press.
26. Granville, A. (1999). *The Indian constitution: Cornerstone of a nation*, (2nd ed). Oxford University Press. https://books.google.co.in/books/about/The_Indian_Constitution.html?id=FOV6rsyXEgcC&redir_esc=y
27. Gregory, W. (1995). *Human rights in theory and practice*. Salem Press
28. Human Rights Watch, (2011). Nigeria: Post-election violence killed 300. www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800
29. Humana, C. (1983). *World human rights guide*. Hutchinson press.
30. International Covenant on Civil and Political Rights (ICCPR), 1966
31. International Covenant on Economic, Social and Cultural Rights (ICESR), 1966
32. Jauhari, A. (2011). Colonial and post-colonial human rights violations in Nigeria. *International Journal of Humanities and Social Science*, 1(5), 53-57.
33. Johari, J. C. (2016). *Principles of modern political science (Second edition)*. Sterling Publishers Private Limited.
34. Johnson, I., & Salau, J. O. (2019). Human rights and governance in Nigeria, 2011-2015. *African Research Review*, 13(1), 14-25.

35. Jordans, F. (2011). *U.N. gay rights protection resolution passes, hailed as 'historic moment*. The Huffington Post. Associated Press.
36. Kaluge, D. (2013). Human right abuse. <http://davidkaluge.hubpages.com/hub/human-right-abuse>
37. Kayode-Ayodeji, D. (April 15, 2013). Rioters strip Ogun traditional ruler naked after beating. *Premium Times*. <https://www.premiumtimes.com/rioters-strip-ogun-traditional-ruler-naked-after-beating/>
38. Kelly, P, (2007). *Locke's second treatise of government*. Continuum Publishing
39. Kennedy, P. (2007). *The parliament of man: The past, present, and future of the United Nations*. Random House.
40. Locke, J. (1689). *The second treatise of government*. Dover Publications, 2002.
41. Malami, E. (2012). *The Nigerian constitutional law with fundamental rights (enforcement and procedure), rules 2009*. Princeton publishing company.
42. Musa, M. A. & Adeniji, L. A. A. (2010). Panacea to the causes of religious conflicts in Abeokuta South local government area of Ogun State. In B. L. Wikina, L. A. A. Adeniji (Eds.). *Rebranding the Nigerian educational system for a better future*. School of Arts and Social Sciences, Federal College of Education. pp: 142-153.
43. Ndifon, C. O. (December 12, 2012). Awareness and enforcement of human right in Nigeria: Constraints and solutions. *Daily Independent*. <http://dailyindependentnig.com/2012/12/awareness-and-enforcement-of-human-right-nigeria-html>
44. Newman, E. & Rich, R. (2004). *The UN role in promoting democracy: Between ideal and reality*. United Nations University Press.
45. Nickel, J. (2019). Human rights. In Stanford Encyclopedia of Philosophy. Retrieved from: <https://plato.stanford.edu/entries/rights-human/>
46. Obidimma, A. E. (2020). The impact of human rights on good governance and sustainable development in Nigeria. *Global Journal of Politics and Law Research*, 8(2), 11-29.
47. sOkafor, O. C., & Ugochukwu, B. (2015). Raising legal giants: The agency of the poor in the human rights jurisprudence of the Nigerian Appellate Courts, 1990-2011. *African Human Rights Law Journal*, 15(2), 397-420.
48. Oladosu, A. A. (2008). Education reforms in Nigeria: Implications for private Arabic schools. In A. R. Lawal, S. A. Jimoh, S. A. Olorundare & N. Y. S. Ijaiya (Eds.), *Education reforms in Nigeria: Past present and future*. Stirling-Horden Publishers Ltd
49. Onwuazombe, I. I. (2017). Human rights abuse and violations in Nigeria: A case study of the oil-producing communities in the Niger Delta region. *Annual Survey of International & Comparative Law*, 22(1), 115-160.
50. Oyewale, O. A. (2010). Domestic terrorism in the Niger Delta region: Implications for security threats in Nigeria. *Nigerian Journal of Social Studies*, 13(1&2), 124-140.
51. Oyeweso, F. (February 2, 2013). How masquerades killed Muslim cleric and murdered peace in Abeokuta. *National Mirror*. <https://www.nationalmirror.com/how-masquerades-killed-muslim-cleric-and-murdered-peace-in-abeokuta/>
52. Ozoigbo, B. I. (2017). Democracy and human rights in Nigeria: A critical inquiry. *Global Journal of Arts, Humanities and Social Sciences*, 5(5), 25-31.
53. Reuters, T. (2012). Timeline on ethnic and religious unrest in Nigeria. *Reuters*. <http://www.reuters.com/article/2012/01/24/nigeria-seef-violence>

54. Rich, R. (2001). Bringing democracy into international law. *Journal of Democracy*, 12(3).
55. Richard, A. A. (2017). Policing and human rights in Nigeria: Marxism and symbolic interactionism. *AGOGO: Journal of Humanities*, 3(1), 76-84.
56. UNDP, (2011). International human development indicators (Nigeria). <http://hdrstats.undp.org/en/countries/profiles/NGA.html>
57. United Nations, (2011). *Role of the United Nations in international law*. United Nations Publication.
https://treaties.un.org/doc/source/events/2011/Press_kit/fact_sheet_5_english.pdf
58. Universal Declaration of Human Rights (UNDHR), 1948
59. Vienna Declaration and Plan of Action, (1993). A/CONF.157/23, para. 8. July, 12, 1993.
60. Vienna.