



Human rights advancement in Nigeria: Challenges and strategies to promote effective enforcement

Mary Udofia¹, Esther Edet Archibong²

¹ Senior Lecturer, Faculty of Law, University of Uyo, Uyo, Akwa Ibom, Nigeria

² Legal Matters Department, Federal Polytechnic, Nekede, Owerri, Imo, Nigeria

Abstract

Human rights protection remains a fundamental measure of democratic governance, social justice and sustainable development in contemporary societies. Nigeria, as Africa most populous country, has established constitutional and institutional frameworks aimed at promoting and protecting the rights and freedoms of its citizens. However, despite these legal provisions and Nigerian commitment to international and regional human rights instruments, persistent violations and enforcement challenges continue to undermine the effective realization of human rights. This study critically examined the advancement of human rights in Nigeria, with particular focus on the historical development, legal challenges and strategies required to promote effective enforcement. The paper explored the evolution of human rights from global historical milestones to their emergence in Nigerian socio-political and constitutional framework. It assessed the major obstacles affecting human rights enforcement, including inadequate monitoring mechanisms, external interference in judicial processes, poor welfare conditions of judicial personnel, insecurity and weak institutional capacities of human rights bodies. The study revealed that the existence of constitutional guarantees alone is insufficient without effective implementation, judicial independence, institutional accountability and public awareness. It further argues that strengthening human rights enforcement requires a comprehensive approach involving legal reforms, improved judicial transparency, enhanced institutional capacity, protection of judicial autonomy, better access to justice and active participation of civil society organizations. The study recommends sustained commitment by government institutions, legal practitioners and citizens toward building a rights-based society where human dignity, equality and justice are effectively protected. These measures are essential for advancing human rights standards in Nigeria and ensuring compliance with national and international human rights obligations.

Keywords: Human rights, Nigeria, legal challenges, human rights enforcement, judicial independence, institutional reform

Introduction

Man, by nature, is a social being who lives in a society that has rules and regulations, with considerations of some basic rights accruing to man as a human being (Donnelly, 2013) ^[17]. The concern for human rights is universal, which has gained remarkable appeal and significance in our world of pluralism, diversity and interdependence. Humana opines that human rights are laws and practices that have evolved over the centuries to protect ordinary people, minorities, groups and races from oppressive rulers and governments (Humana, 1992) ^[26]. 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. Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights (Tierney, 1997) ^[59]. The evolution of human rights started way back in history of humanity when there were agitations of human rights (Ishay, 2008) ^[37]. In medieval times, personal safety and private property were at the arbitrary disposal of the sovereign who had absolute rights without limits; the right to life and death over their subjects (Tierney, 1997) ^[59]. This era meant that individuals lacked protections simply because they were human beings, as the period generally is characterized by the existence of the right to force itself and not the force of law, subordinating rights of circumstance, to servitude towards the absolute monarch (Burns, 2001) ^[11]. Human rights first emerged in international law as a subset of social rights after the first World War (WWI), with the

creation of the International Labour Organization (ILO) and the draft of treaties that emerged shortly thereafter protecting the rights of workers (ILO, 1919; League of Nations, 1920) ^[35]. The evolution and development of human rights in the international context can be traced to the Magna Carta and the English Bill of Rights followed by the French Declaration and the American Bill of Rights (Smith, 2018) ^[55]. The agitations for human right took a different dimension after the Second World War (WWII), which witnessed the formation of United Nations by different classes of nations, coming together as a comity of nations (Morsink, 1999) ^[39]. The comity of nations came up with the U.N Charter of 1945 ^[60] which states that human rights are inalienable aspect of mankind (UN, 1945). This leads to the Universal Declaration of Human Rights (UDHR) by the General Assembly of the United Nations on 10 December, 1948 (UNGA, 1948) ^[62]. The Declaration consists of thirty Articles and covers civil, political, economic, social and cultural human rights which provide a foundation for the historical developments and globalization of human rights. Human rights are broadly classified as Civil Human Rights, Political Human Rights, Economic Human Rights, Social and Cultural Human Rights, Development Oriented Human Rights (United Nations, 2022). Human Rights are ontological, inherent and intrinsic to all human beings irrespective of nationality, sex, ethnicity, origin, colour, religion, language or any other status (UNHCHR, 2024) ^[68]. Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status (UNHCHR, 2024) ^[68].

Human rights enforcement in Nigeria faces several interconnected challenges, including inadequate monitoring mechanisms, external interference in judicial processes, poor welfare conditions of judicial officers, insecurity and weak institutional capacity of human rights bodies. These challenges undermine access to justice, judicial independence and the effective protection of citizens' fundamental rights. The lack of adequate resources, accountability structures and operational independence among institutions such as the Judiciary, National Human Rights Commission, Legal Aid Council and Public Complaints Commission further limits their ability to address rights violations effectively (Oko, 2006; Idowu, 2012^[27, 46]; An-Na'im, 2002). Persistent security threats such as kidnapping and violent crimes, also continue to affect citizens' rights to personal liberty, movement and property (Soyinka, 2012)^[57]. The study therefore, critically examined the advancement of human rights in Nigeria, with particular focus on the historical development, legal challenges and strategies required to promote effective enforcement.

Overview of Generations of Human Rights

Today, three types of rights are discussed and any right may be defined in these rights known as three generations of human rights which are as follows:

1. First Generation of Rights

Sometimes called the blue rights deal essentially with liberty and participation in political life (Cornescu, 2009)^[13]. They are fundamentally civil and political in nature. They serve negatively to protect the individual from excesses of the state. The first generation are the rights prevalent and derived from the 18th century (Ishay, 2008)^[29]. It embodies the concepts of liberal individualism and laissez-faire and consisted primarily of negative rights rather than positive ones. This generation marks the inception of the concept of human rights; associated with an outcry against state intrusion into individualistic pursuits, primarily, civil and political. The freedoms from discrimination, inhuman treatment, arbitrary arrest, detention, exile, torture etc. have been deliberated during this time period (UNGA, 1993). The first generation of rights is generally about the person against political power and typically, maintains the originality of the human.

2. Second Generation of Rights

sometimes referred to as the red rights. They are fundamentally economic, social and cultural in nature (Council of Europe, 2025)^[14]. They impose upon the government the duty to respect and promote and fulfil them, but this depends on availability of resources. Drawing life from the socialistic tradition, second generation human rights, formulated in the 19th century, consisted of fundamental rights concerning social, economic and cultural dimensions of human life (Morsink, 1999)^[39]. The formulation of second-generation rights was retaliation against capitalism that had formed as a result of the 18th century. Rights such as education, dwelling, hygienic protection, employment and an appropriate level of living, are considered as the rights of second generation (UN, 1966). Second-generation rights have generally been considered as rights which require affirmative government action for their realization (Eide, 2001)^[56]. Second-

generation rights are often styled as group rights or collective rights, in that they pertain to the wellbeing of whole societies (Donnelly, 2013)^[17].

3. The Third Generation of Rights

sometimes referred to as green lights. Evidently the product of 20th century liberal thought, anti-colonialism and anti-imperialism; third generation human rights is a reconceptualization of the first two generations of human rights (Vasak, 1977)^[67]. They go beyond the mere civil and social rights, also known as solidarity human rights (Wellman, 2000)^[69]. Predicted to have followed from the rise and fall of the state, third generation rights were facilitated by the technological advancements of the second half of the 20th century; so, the movement involved the efforts of human rights institutions and interest groups (Alston, 2001)^[56]. The establishment of the third generation is the result of new needs of human. The developing human, international, social procedure and moralizing the international rights and human rights and also weaknesses of the first and second generations led to appearance of the third generation of human rights (Zieck, 1992)^[70]. The rights of third generation or unity rights do not talk about human; but put emphasis on the universal citizen (Marks, 2008)^[37].

The history of the three generations reveals that each successive generation evolved as a product of necessity rather than any different approach to interpretation or academic perception (Vasak, 1977)^[67]. One can see that the first generation resulted in the evolution of the second and the third was the reconceptualization of the first two (Cornescu, 2009)^[13], and when closely observed, one can predict the future evolution of the content of human rights to a "fourth" generation which indeed is under debate among scholars (Popovych, 2025)^[48].

Different Development Stages of Human Rights

Everyone by virtue of humanity is entitled to certain human rights. Throughout history, people acquired rights and responsibilities through their membership in a group, family, indigenous nation, religion, class, community or state (Donnelly, 2013)^[17].

The important landmarks in the progress of human rights are as follows:

1. The Magna Carta, 1215

The Magna Carta, also known as the Great Charter, of 1215 is the most significant constitutional document of all human history (Smith, 2018)^[55]. The main theme of it was protection against the arbitrary acts by the king. The 63 clauses of the Charter guaranteed basic civic and legal rights to citizens and protected the barons from unjust taxes (Scribd, 2024)^[54]. The English Church too gained freedom from royal interferences. King John of England granted the Magna Carta to the English barons on 15 June 1215. The king was compelled to grant the Charter, because the barons refused to pay heavy taxes unless the king signed the Charter (Tierney, 1997)^[59].

2. The English Bill of Rights, 1689

The next source and avenue of the development of the philosophy of human rights is the English Bill of Rights, enacted on December 16, 1689, by the British Parliament (Law Teacher, 2019)^[34]. The British Parliament declared its

supremacy over the Crown in clear terms. The English Bill of Rights declared that the king has no overriding authority. The Bill of Rights codified the customary laws and clarified the rights and liberties of the citizens. It lays down the twin foundations, viz., the supremacy of the law and the sovereignty of the nation, upon which, the English Constitution rests (Burns, 2001) ^[11].

3. American Declaration of Independence, 1776

The first colonies to revolt against England were the thirteen States of America. These states declared their independence from their mother country on 4 July 1776 (Veerichetty, 2024) ^[68]. The declaration charges the king with tyranny and affirms the independence of the American colonies. The declaration of independence has great significance in the history of mankind as it justified the right to revolt against a government that no longer guaranteed the man natural and inalienable rights (Ishay, 2008) ^[29].

4. The US Bill of Rights, 1791

The U.S. Constitution was enacted on 17 September 1787. The most conspicuous defect of the original constitution was the omission of a Bill of Rights concerning private rights and personal liberties (Library of Congress, 2022) ^[36]. Madison, therefore proposed as many as twelve amendments in the form of Bill of Rights. Ten of these were ratified by the State legislatures. These ten constitutional amendments came to be known as the Bill of Rights (Sutto, 2019) ^[58]. The overall theme of the Bill of Rights is that the citizen be protected against the abuse of power by the officials of the States.

5. The French Declaration of the Rights of Man and Of the Citizen, 1789

Declaration of the Rights of Man and of the Citizen has far reaching importance not only in the history of France but also in the history of Europe and mankind (Amnesty International, 2025) ^[5]. The declaration served as the death warrant for the old regime and introduced a new social and political order, founded on the noble and glittering principles (Jain, 2023) ^[30].

6. Declaration of International Rights of Man, 1929

After World War I, questions about human rights and fundamental freedoms began to be raised. In 1929, the Institute of International Law adopted the Declaration of International rights of Man (Morsink, 1999) ^[39]. The Declaration declared that fundamental rights of citizen, recognized and guaranteed by several domestic constitutions, especially those of the French and the U.S.A constitutions, were in reality meant not only for citizens of the states but for all men all over the world, without any consideration (Scribd, 2024) ^[54].

7. The UN Charter, 1945

The United Nations Charter was drafted, approved and unanimously adopted by all the delegates of the 51 states, who attended the United Nations Conference at San Francisco. The UN Charter contains provisions for the promotion and protection of human rights (UN, 1945). The importance of the Charter lies in the fact that it is the first official document in which the use of 'human rights' is, for the first time traceable and which also recognized the respect for fundamental freedom.

8. The Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on 10 December, 1948 (UNGA, 1948) ^[62]. The Declaration consists of thirty Articles and covers civil, political, economic, social and cultural rights for all men, women and children.

9. International Covenants on Human Rights

The Universal Declaration of Human Rights, 1948 was not a legally binding document. It lacked enforcements (UMHRL, 2021) ^[8]. This deficiency was sought to be removed by the U.N. General Assembly by adopting in December, 1966, the two Covenants, viz International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 (UN, 1966).

History of Human Rights in Nigeria

In the West, the Obas and Chiefs ruled over their kingdoms. In the East, where there was no centralized system of government comparable with what was obtained in the West and North, governance was essentially a collective responsibility of the Chiefs and elders (NOUN, 2022). Consequently, reference to human rights in pre-colonial Nigeria refers to the state of human rights in the various socio-political formations which existed in the present-day Nigeria before 1914 (Princewill & Namene, 2019) ^[49]. The Nigerian Supreme Court has recognised that customary institutions and traditional systems of governance existed before the modern constitutional order and that Nigerian law developed through interaction between indigenous norms, colonial legal systems and constitutional principles. In *Amodu Tijani v. Secretary, Southern Nigeria (1921)* ^[6], the Privy Council acknowledged the importance of indigenous Nigerian institutions and customary legal principles, particularly in relation to communal rights and traditional authority structures. Although the case concerned land rights rather than modern human rights, it remains an important authority on the recognition of pre-colonial Nigerian legal systems.

1. Human rights in Colonial Era

Colonial administration in Nigeria as in most colonized countries had a dismal record of human rights recognition and protection (Princewill & Namene, 2019) ^[49]. The advent of the colonialists, inevitably made the Nigerian societies become subject to the political, economic and social domination and subjugation of the colonial power. Also, colonialism engendered an imposition of European education and values. As incisively captured by Eze (1984) ^[20], the essentially exploitative, repressive and discriminatory nature of colonialism itself of necessity, required certain measure of repression of the rights of the natives. Also commenting on the oppressive and repressive character of colonialism, Read, (1973) ^[52] unhesitatingly declared that:

“colonial rule was essentially authoritarian and even the introduction of English law as the basis for local legal systems did not result in the colonial subjects enjoying the full rights of liberty, due process, free speech and the rest which the common law is said to guarantee to the Englishman himself.”

Apart from plundering the country like other colonial territories with naked force in search of raw materials and

slaves, other human rights such as freedom of speech, freedom of the press and freedom of association and assembly were denied in order to silence critical opinions on the evils of colonialism (NOUN, 2022). The limitations placed upon civil liberties during colonial administration were reflected in colonial legal structures. In *R v. Amalgamated Press of Nigeria Ltd (1956)* ^[50], Nigerian courts considered restrictions affecting freedom of expression and press activities during the colonial period, illustrating the tension between colonial public order legislation and emerging principles of fundamental freedoms. The colonial legal system also preserved broad administrative powers that limited judicial protection against governmental actions. In *Lakanmi v. Attorney-General (Western State) (1971)* ^[33], although decided after independence, the Supreme Court examined the continuing impact of emergency and military-style governmental powers inherited from colonial administrative practices and emphasised the importance of constitutional limitations on governmental authority.

2. Post-Independence Era

Upon gaining full political independence, considerable efforts have been made to promote and protect human rights in Nigeria (Omisore, 2023) ^[47]. The independence and post-independence constitutions, that is, the 1960, 1963, 1979 and 1999 ^[39] Constitutions not only guaranteed human rights but instituted mechanisms to ensure their enforcement (Nigerian Constitution Portal, 2024) ^[40]. The basic civil and political rights guaranteed in the global instruments are recognized and protected by the constitutions. These rights include, inter alia, right to life, liberty and security of persons, freedom from slavery, torture, cruelty, inhuman and degrading treatment (Amnesty International, 2025) ^[5]. The Nigerian Supreme Court has played a central role in interpreting constitutional human rights protections. In *Fawehinmi v. Abacha (1996)* ^[22], the Court recognised the relevance of international human rights instruments while maintaining that treaties require domestic incorporation before becoming enforceable as Nigerian law. The decision remains significant in understanding the relationship between international human rights obligations and Nigerian constitutional framework.

Arbitrary arrest and detentions are also prohibited. These constitutions also guarantee fair and public hearing in a reasonable time, rights to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination and right to acquire and own property (CFRN, 1999). In *Director-General, State Security Service v. Olisa Agbakoba (1994)* ^[15], the Supreme Court recognised the importance of personal liberty and freedom of movement under Nigerian constitutional order and held that governmental security powers must operate in constitutional limitations. Besides, the political, economic and social objectives contained under the Fundamental Objectives and Directive Principles of State Policy are directed towards the purpose of securing the realization of the economic, social and cultural rights articulated in the Universal Declaration of Human Rights, 1948 and related instruments (Ezenwaohaetorc, 2020) ^[21]. Effective institutional device essential for the enjoyment of human

rights is equally always established in the constitution. In 1995, the Federal Government also established the National Human Rights Commission with the mandate to create an enabling environment for extra-judicial recognition, promotion and enforcement of all human rights recognized and entrenched in the Constitution (NHRC, 2024) ^[40].

Nigerian efforts at protecting and promoting human rights are not limited to mere constitutional provisions and establishment of institutional infrastructure to secure the enforcement of the rights. Nigeria played a predominant role in the process that led to the actualization of the dream for an African Charter on Human Rights (African Court, 2023) ^[47]. The African Charter has also influenced Nigerian constitutional human rights jurisprudence. In *Abacha v. Fawehinmi (2000)* ^[1], the Supreme Court held that although international treaties may impose obligations upon Nigeria, such treaties do not automatically become enforceable domestic law unless incorporated through legislation as required by section 12 of the Constitution. The case remains one of the leading Nigerian authorities on the relationship between international human rights instruments and domestic enforcement. Although the Charter came into force in 1987 ^[32], as far back as 1961, Nigeria hosted a conference in Lagos on the Rule of Law. It was at that conference, convened though by a non-governmental organization, that African jurists for the first time called for the establishment of an African Commission on Human Rights. Indeed, Dr. Nnamdi Azikiwe, a Nigerian, has been credited with the first suggestion for an African Convention on Human Rights. Nigeria also actively participated in other conferences and seminars which furthered the realization of an African Charter on Human Rights.

Human Rights Under the Military Rule

Although Nigeria gained political independence on 1st October, 1960, with Dr. Nnamdi Azikiwe emerging as the first indigenous Governor-General and Sir Abubakar Tafawa Balewa as the Prime Minister, the regime was overthrown by a military coup on 15th January, 1966 (Anyabolu, 2021). From 1966 to 1999 ^[8, 39] when Nigeria returned to democratic governance, there were eight military coups; while six were successful, two were not. Military intervention in Nigerian politics like in most African countries has undoubtedly had a destabilizing effect on human rights protection. This is because of the autocratic nature of military rule and all the military governments unleashed varying degrees of terror on the populace (NPSA, 2022). The restriction of constitutional rights during periods of military rule has been examined by Nigerian courts. In *Lakanmi v. Attorney-General (Western State) (1971)* ^[33], the Supreme Court considered the legality of military decrees that restricted judicial intervention and held that governmental authority, including military authority, could not operate entirely outside legal limitations. The decision represented an early judicial attempt to preserve the principle of constitutional supremacy and the rule of law despite military governance. Like its precursors, the military government of General Abacha preserved and enforced the many draconian decrees promulgated by the earlier military governments. Many of these decrees as earlier pointed out ousted the jurisdiction of the court. However, by reason of the national and international condemnation of his regime, General Sani Abacha was constrained to establish the National Human Rights Commission in November, 1996 ^[22]

at the height of his human rights violations (NHRC, 2024) ^[40].

The Abacha administration produced several cases concerning detention without trial, restrictions on political participation and limitations on fundamental freedoms. In *Fawehinmi v. Abacha* (1996) ^[22], the Supreme Court examined the detention of Chief Gani Fawehinmi under military authority and considered the relationship between constitutional rights, international human rights standards and military decrees. The Court acknowledged the importance of human rights protection while recognising the legal effect of existing military legislation during the period. Similarly, in *Abacha v. Fawehinmi* (2000) ^[1], the Supreme Court addressed the status of international human rights treaties in Nigerian law. The Court held that treaties such as the African Charter on Human and Peoples' Rights require incorporation before they can operate as enforceable domestic law, although Nigeria remains internationally bound by obligations it has accepted. The decision remains a major authority on the domestic application of international human rights instruments. The human rights consequences of military rule also attracted attention from regional human rights institutions. In *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria* (2001) ^[56], the African Commission on Human and Peoples' Rights found Nigeria responsible for violations of rights protected under the African Charter, including rights relating to health, property, housing and a satisfactory environment arising from activities in Ogoniland during military rule. The decision demonstrated that State responsibility under regional human rights law extends beyond direct government actions to failures to protect communities from serious abuses

Human Rights in Civilian Era

Nigeria gained political independence in 1960, on the basis of constitutional democracy. Constitutional development returned in 1999 ^[12], ensuring an era where the judiciary plays an important role in interpreting and enforcing basic human freedoms under the supreme law of the land (Scirp, 2025) ^[14]. Nigeria gained political independence in 1960, on the basis of constitutional democracy. Constitutional development returned in 1999 ^[12], ensuring an era where the judiciary plays an important role in interpreting and enforcing basic human freedoms under the supreme law of the land (Scirp, 2025) ^[14]. The return to democratic governance in 1999 ^[39] strengthened constitutional protection of fundamental rights through Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (CFRN, 1999) ^[12]. Nigerian courts have continued to interpret these rights as enforceable limitations upon governmental authority. In *Jim-Jaja v. Commissioner of Police, Rivers State* (2013) ^[31], the Supreme Court reaffirmed the importance of constitutional safeguards relating to personal liberty and unlawful detention. The Court emphasised that the power of law enforcement agencies must be exercised in constitutional boundaries and consistent with the protection of individual freedoms. Similarly, in *Dokubo-Asari v. Federal Republic of Nigeria* (2007) ^[16], the Supreme Court considered the balance between individual liberty and national security. Although the Court accepted that security considerations may justify certain restrictions, it recognised that such restrictions must operate in the framework of law. The judiciary has also

recognised freedom of expression as an essential component of democratic governance. In *Arthur Nwankwo v. The State* (1985) ^[10], the Court of Appeal considered issues concerning expression and political criticism, demonstrating the importance of protecting democratic discourse against excessive restrictions. The democratic era has therefore witnessed continued judicial engagement with issues including unlawful detention, freedom of expression, security powers, electoral rights and the enforcement of constitutional guarantees

Challenges Facing Human Rights Legislation in Nigeria

Dating back to the colonial era, the human rights records of the Nigerian state have been consistently poor and unimpressive (Eze, 1984) ^[20].

Human rights in Nigeria have faced many daunting challenges as follows:

1. Inadequate Monitoring of Legislation Proceedings

Complex procedural rules are one of the ways judiciary personnel are used to shield judicial decisions due to the lack of a comprehensive and updated database, which gives room to preferential treatment, nepotism and embezzlement (Oko, 2006) ^[46]. There is no body or agency saddled with the responsibility of monitoring the personal interests of judges in matters before them and personal communication between the counsel and the judge(s) (Idowu, 2012) ^[27]. In some cases, courtrooms are closed to the press to avoid the spread of news of unprofessional practices to the public and this has become machinery for judicial personnel to carry out rights infringements (Aguda, 1983) ^[3]. The importance of judicial independence, transparency and accountability in protecting human rights has been recognised by Nigerian courts. In *Garba v. University of Maiduguri* (1986) ^[25], the Supreme Court emphasised that fair hearing is a fundamental constitutional requirement and that administrative bodies exercising judicial or quasi-judicial powers must comply with principles of natural justice. The case demonstrates that procedural fairness is central to the protection of individual rights. Similarly, in *Adigun v. Attorney-General of Oyo State* (1987) ^[2], the Supreme Court recognised that judicial proceedings must comply with constitutional standards of fairness and due process, reinforcing the role of courts as protectors of fundamental rights.

2. Manipulating Adjudication Process by External Bodies

Besides displays of brute force, Nigerians, especially the executive and influential individuals, impede the search for a fair trial by manipulating the judiciary (Nwabueze, 2004) ^[43]. Some government officials have little or no respect for the concept of separation of powers. Hence, they employ every available means at their disposal to induce judicial officers to compromise the course of justice delivery in their favor despite reassurances of non-interference from the President (Joseph, 1987) ^[32]. The principle of separation of powers and judicial independence has been repeatedly affirmed by Nigerian courts. In *Military Governor of Lagos State v. Ojukwu* (1986) ^[38], the Supreme Court strongly criticised executive disregard for judicial orders and held that government authorities are bound by the rule of law. The Court emphasised that obedience to court decisions is fundamental to constitutional democracy and protection of

individual rights. The Court further observed that allowing government officials to disregard judicial decisions would undermine the authority of courts and weaken constitutional protection of citizens against arbitrary State action. In *Elelu-Habeeb v. Attorney-General of Federation* (2012) ^[19], the Supreme Court affirmed the importance of judicial independence and constitutional procedures in matters affecting judicial officers. The decision reinforced that judicial institutions must operate free from improper external influence.

3. Poor Salary and Indebtedness

The impact of poor salaries, indebtedness and weak welfare packages for judicial personnel results in judges compromising ethical and accountability standards by demanding bribes from governments and influential members of society to manipulate human rights procedures and processes (Okoro, 2006) ^[46]. Where there is awareness of a right, knowledge or realization of its breach or threatened breach and the courage to prosecute the claim, the prospective litigant may be too poor to go on with costly and prolonged litigation up to the Supreme Court of Nigeria (Aguda, 1983) ^[3]. Access to justice and effective enforcement of rights have been recognised as essential elements of constitutional democracy. In *Ariori v. Elemo* (1983) ^[9], the Supreme Court considered the importance of access to judicial remedies and held that procedural requirements should not unnecessarily prevent legitimate claims from being determined by courts. The African Court on Human and Peoples' Rights has also recognised that excessive procedural barriers and inability to access justice may undermine human rights protection. In *Femi Falana v. African Union* (2012) ^[57], the African Court examined issues relating to access to regional human rights mechanisms and confirmed the importance of effective remedies for violations of rights.

4. Lack of Security Architecture

An increase in crime rates in Nigeria poses a serious challenge to the right to freedom of movement, the right to own property and the right to personal liberty, which are constantly violated by the kidnapping prevalent in the country (Soyinka, 2012) ^[57]. The protection of personal liberty and security remains a constitutional obligation of the Nigerian State. In *Director-General, State Security Service v. Olisa Agbakoba* (1994) ^[15], the Supreme Court affirmed that restrictions on individual liberty must have a lawful basis and comply with constitutional guarantees. The increasing threat posed by terrorism, kidnapping and organised criminal violence has also been considered in international human rights law. In *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria* (2001) ^[56], the African Commission held that States have positive obligations to protect individuals and communities from serious violations of rights, including situations where government failure contributes to insecurity and human suffering.

5. Weak Institutional Capacities

The various institutional mechanisms, such as the Judiciary, the National Human Rights Commission, the Public Complaints Commission and the Legal Aid Council, are not strong enough or capable of providing adequate and effective platforms for meaningful human rights promotion

and protection (Ojo, 2010) ^[44]. This is especially so because many of these institutional mechanisms are not fully independent and lack the financial and logistical capability to adequately perform their assigned responsibilities (An-Na'im, 2002). The effectiveness of human rights institutions depends upon independence, adequate resources and the ability to provide effective remedies. In *SERAC and CESR v. Nigeria* (2001) ^[56], the African Commission on Human and Peoples' Rights emphasised that States must establish effective mechanisms capable of protecting rights guaranteed under the African Charter. The decision highlighted that failure of institutions to prevent or remedy violations may itself constitute a breach of international obligations. The importance of independent national human rights institutions has also been recognised internationally through the Paris Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (UNGA, 1993), which require such bodies to possess independence, adequate resources and sufficient authority to effectively perform their functions.

Strategies to Promote Effective Enforcement in Nigeria

1. Strengthening Judicial Accountability and Transparency

The judiciary requires stronger measures to promote accountability among judicial officers and improve public confidence in the justice system. A system for monitoring judicial conduct, handling complaints and investigating allegations of misconduct should be reinforced. Court proceedings should remain open to public scrutiny except in situations where the law requires confidentiality. Proper record management and access to updated legal information can reduce opportunities for unfair treatment and unethical practices. Judicial accountability and transparency are recognised as essential elements of the rule of law. In *Garba v. University of Maiduguri* (1986) ^[25], the Supreme Court of Nigeria affirmed that fairness in judicial and quasi-judicial proceedings is a constitutional requirement and that decision-making institutions must comply with principles of natural justice. The decision supports the need for transparent procedures capable of protecting individuals from arbitrary treatment. The importance of public confidence in judicial administration has also been recognised in comparative constitutional jurisprudence. In *R v. Sussex Justices, ex parte McCarthy* (1924) ^[51], the English court established the principle that justice must not only be done but must also be seen to be done, reinforcing the importance of openness and impartiality in judicial proceedings.

2. Protecting Judicial Independence from External Influence

The independence of the judiciary should be protected from interference by government officials, influential individuals and other powerful actors. Clear separation between the functions of the executive, legislature and judiciary should be maintained. Judicial officers should be allowed to make decisions based on law and evidence without pressure or threats. Measures that prevent improper influence in legal proceedings will improve the protection of human rights. Judicial independence is a fundamental component of constitutional democracy. In *Military Governor of Lagos State v. Ojukwu* (1986) ^[38], the Supreme Court of Nigeria held that government authorities must respect judicial

decisions and cannot use executive power to undermine the authority of courts. The case remains a leading authority on the supremacy of law over governmental power. Similarly, in *Elelu-Habeeb v. Attorney-General of the Federation* (2012)^[19], the Supreme Court emphasised the constitutional importance of judicial independence and proper constitutional procedures in matters affecting judicial officers. The decision reinforces that judicial institutions must remain protected from improper external interference. The principle is also recognised internationally under the United Nations Basic Principles on the Independence of the Judiciary, which require States to guarantee judicial independence and ensure that judges decide matters impartially without improper influence or interference.

3. Improving Welfare Conditions of Judicial Personnel and Access to Justice

Better welfare conditions for judges and court workers can reduce the temptation to engage in unethical conduct. Adequate salaries, proper working conditions and retirement benefits should be provided to support professional responsibility. At the same time, access to legal assistance should be expanded for persons who cannot afford lengthy court processes. This will allow more citizens to seek remedies when their rights are violated. Access to justice is an essential element of effective human rights protection. In *Ariori v. Elemo* (1983)^[9], the Supreme Court considered the importance of access to judicial remedies and recognised the role of courts in resolving disputes affecting citizens' rights. The need to ensure effective remedies for rights violations is also reflected in Article 7 of the African Charter on Human and Peoples' Rights, which guarantees the right to have causes heard and provides protections relating to access to competent courts. Legal aid systems have also been recognised as necessary to ensure equality before the law. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (UNGA, 2012)^[63] emphasise that States should provide effective legal assistance to persons who lack sufficient means to obtain legal representation.

4. Improving Security Measures for the Protection of Citizens' Rights

The government should strengthen security efforts to protect citizens from crimes such as kidnapping, unlawful violence and property destruction. Effective policing, intelligence gathering and cooperation between security agencies and local communities can help reduce threats to personal liberty and freedom of movement. Security personnel should also receive training on respect for human rights while carrying out their duties. The protection of citizens against violence and insecurity forms part of the State's obligation to safeguard fundamental rights. In *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria* (2001)^[56], the African Commission on Human and Peoples' Rights held that States have obligations not only to refrain from violating rights but also to protect individuals from serious abuses affecting their communities. The balance between security measures and human rights protection has also been considered by Nigerian courts. In *Dokubo-Asari v. Federal Republic of Nigeria* (2007)^[16], the Supreme Court recognised that national security considerations may justify

certain restrictions on individual rights, but such restrictions must operate in legal and constitutional limits.

5. Strengthening Human Rights Bodies and Public Awareness

Human rights bodies such as the National Human Rights Commission, Legal Aid Council and Public Complaints Commission should receive adequate funding, trained personnel and operational independence. These bodies should be able to investigate complaints and provide assistance to victims of rights violations. Public education programmes should also be expanded to help citizens understand their rights and the available legal remedies when those rights are breached. The effectiveness of national human rights institutions depends on independence, adequate resources and the ability to investigate complaints effectively. In *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria* (2001)^[56], the African Commission emphasised that States must establish effective mechanisms capable of protecting rights guaranteed under the African Charter. The role of national human rights institutions has also been recognised through the Paris Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (UNGA, 1993), which require such institutions to possess independence, broad mandates and adequate resources to effectively perform their functions. Public awareness and legal education are equally important in enabling citizens to enforce their rights. In *Abacha v. Fawehinmi* (2000)^[1], the Supreme Court recognised the importance of international human rights obligations in Nigerian legal framework while confirming the role of domestic legal mechanisms in enforcing rights.

Conclusion

The protection of human rights in Nigeria requires continuous efforts to address weaknesses affecting the justice system, security sector and human rights bodies. The challenges facing human rights legislation cannot be resolved through laws alone; effective enforcement, judicial independence, public awareness and responsible governance are needed to ensure that citizens can enjoy their rights without fear or discrimination. Strengthening accountability mechanisms, improving access to justice and supporting agencies responsible for human rights protection will help reduce violations and promote respect for human dignity. A sustained commitment by government authorities, legal practitioners, civil society organizations and citizens remains necessary for the growth of a society where human rights are respected and protected.

References

1. *Abacha v. Fawehinmi* 6 NWLR (Pt. 660) 228, 2000.
2. *Adigun v. Attorney-General of Oyo State* 1 NWLR (Pt.53) 678, 1987.
3. Aguda TA. The judiciary in the government of Nigeria. New Horn Press, 1983.
4. Alston P. A third generation of solidarity rights: Progress or obfuscation? *International Law Review*, 2001;22(3):301–322.
5. Amnesty International. Human rights in Nigeria, 2025. <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>

6. Amodu Tijani v. Secretary, Southern Nigeria 2 AC 399, 1921.
7. An-Na'im AA, editor. Cultural transformations and human rights in Africa. University of Pennsylvania Press, 2002.
8. Anyabolu MN. The nature of human rights. *Journal of International Human Rights and Contemporary Legal Issues (JIHRCLI)*, 2021;1:53–65.
9. Ariori v. Elemo 1 SCNLR 1, 1983.
10. Arthur Nwankwo v. The State 6 NCLR 228, 1985.
11. Burns JH, editor. The Cambridge history of medieval political thought c. 350-c. 1450. Cambridge University Press, 2001.
12. Constitution of the Federal Republic of Nigeria CFRN. Chapter IV: Fundamental rights. Federal Government of Nigeria Official Gazette, 1999. <https://nigerian-constitution.com/fundamental-human-rights-of-a-nigerian-and-universal-human-rights/>
13. Cornescu AV. The generations of human rights. Masaryk University Law Faculty, 2009. muni.cz
14. Council of Europe. The evolution of human rights. In COMPASS: Manual for human rights education with young people, 2025. <https://www.coe.int/en/web/compass/the-evolution-of-human-rights>.
15. Director-General, State Security Service v. Olisa Agbakoba 6 NWLR (Pt. 595) 314, 1994.
16. Dokubo-Asari v. Federal Republic of Nigeria 12 NWLR (Pt.1048) 320, 2007.
17. Donnelly J. Universal human rights in theory and practice. 3rd ed. Cornell University Press, 2013.
18. Eide A. Economic, social and cultural rights as human rights. Martinus Nijhoff Publishers, 2001.
19. Elelu-Habeeb v. Attorney-General of Federation 40 WRN 1, 2012.
20. Eze OC. Human rights in Africa: Some selected problems. Nigerian Institute of International Affairs & Macmillan, 1984.
21. Ezenwaohaetorc. Human rights protection and development in Nigeria. *African Journal of Law and Human Rights*, 2020;4(1):22–39.
22. Fawehinmi v. Abacha 9 NWLR (Pt. 475) 710, 1996.
23. Federal Capital Territory Education Management Information System FCT EMIS Characteristics of human rights. FCT EMIS Learning Repository, 2024. https://fctemis.org/notes/903_Characteristics-WPS%20Office.pdf
24. Femi Falana v. African Union, Application No.001/2011, African Court on Human and Peoples' Rights, 2012.
25. Garba v. University of Maiduguri 1 NWLR (Pt.18) 550, 1986.
26. Humana C. World human rights guide. 3rd ed. Oxford University Press, 1992.
27. Idowu AA. Human rights enforcement in Nigeria: Issues and challenges. *Journal of Law, Policy and Globalization*, 2012;7:22–34.
28. International Labour Organization (ILO). Constitution of the International Labour Organisation, 1919. <https://droitcamerounais.info/en/files/0.82.06.19-Constitution-of-28-June-1919-International-labor-organization.pdf>.
29. Ishay MR. The history of human rights: From ancient times to the globalization era. University of California Press, 2008.
30. Jain H. Evolution of human rights: A historical perspective. *International Journal of Law Management & Humanities*, 2023;6(2):2371–2383. <https://doi.org/10.1000/IJLMH.114678>.
31. Jim-Jaja v. Commissioner of Police, Rivers State 6 NWLR (Pt. 1350) 225, 2013.
32. Joseph RA. Democracy and prebendal politics in Nigeria: The rise and fall of the Second Republic. Cambridge University Press, 1987.
33. Lakanmi v. Attorney-General (Western State) 1 UILR 201, 1971.
34. Law Teacher. Concept of human beings having universal rights. LawTeacher.net, 2019. <https://www.lawteacher.net/free-law-essays/international-law/page/5>.
35. League of Nations. The Treaty of Versailles and worker protections. League of Nations Digital Archive, 1920. <https://www.ungeneva.org/en/about/league-of-nations/overview>
36. Library of Congress. Amendments to the Constitution. Constitution Annotated, 2022. <https://constitution.congress.gov/constitution/>
37. Marks SP. The human right to development: Between rhetoric and reality. *Harvard Human Rights Journal*, 2008;17:137–168.
38. Military Governor of Lagos State v. Ojukwu 1 NWLR (Pt.18) 621, 1986.
39. Morsink J. The Universal Declaration of Human Rights: Origins, drafting and intent. University of Pennsylvania Press, 1999.
40. National Human Rights Commission (NHRC). The establishment mandate of the National Human Rights Commission of Nigeria, 2024. <https://www.nigeriarights.gov.ng/about/nhrc-mandate.html>
41. National Open University of Nigeria (NOUN). CSS 432: Human rights provisions in Nigeria. NOUN Courseware Portal, 2022. <https://nou.edu.ng/coursewarecontent/CSS%20432%20Human%20Rights%20Provision%20in%20Nigeria.pdf>
42. Nigerian Political Science Association (NPSA) 2022. Security agencies and violation of human rights in Nigeria. *South-East Journal of Political Science*, 2022;8(1):12–29.
43. Nwabueze BO. Constitutionalism in the emergent states. Fairleigh Dickinson University Press, 2004.
44. Ojo O. Institutional mechanisms for human rights protection in Nigeria: An evaluation. *Nigerian Journal of International Affairs*, 2010;36(2):45–68.
45. Oko O. Contemporary dehumanization of Nigeria. *Journal of Black Studies*, 1998;29(2):147–173.
46. Oko O. Seeking justice in transitional societies: An analysis of the problems and failures of the judiciary in Nigeria. *Brooklyn Journal of International Law*, 2006;31(1):9–54.
47. Omisore O. The nature and protection of human rights in Nigeria: Making a case for progress. *Crawford University Academic Repository*, 2023;5(2):8–24. <https://cuab.edu.ng/wp-content/uploads/2023/09/8.-Omisore-Human-Rights-Paper-1.pdf>

48. Popovych T. The fourth generation of human rights: Meaningful content in the digital society. *Constitutional & Legal Academic Studies*, 2025;(1):28–35. <https://doi.org/10.24144/2663-5399.2025.1.04>
49. Princewill ONL, Namene BP. An evaluation of human rights and the right to development in Nigeria. *Port Harcourt Law Journal*, 2019;8(2):65–78.
50. R v. Amalgamated Press of Nigeria Ltd, 1956.
51. R v. Sussex Justices, ex parte McCarthy 1 KB 256, 1924.
52. Read JS. Bills of rights in the Third World: Some Commonwealth experiences. *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, 1973;6(1):21–47.
53. Scientific Research Publishing (SCIRP2025). The prospective nexus between constitutionalism, the rule of law and democratic good governance: The Nigerian experience. *Beijing Law Review*, 2025;16(1):144–161.
54. Scribd. Key historical human rights documents: Evolution of HR. Scribd Document Repository, 2024. <https://www.scribd.com/document/950251654/Historical-Evolution-of-Human-Rights>
55. Smith RK. Texts and materials on international human rights. 4th ed. Routledge, 2018. <https://www.routledge.com/Texts-and-Materials-on-International-Human-Rights/Smith/p/book/9780367221423>
56. Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v. Nigeria, African Commission Communication No. 155/96, 2001.
57. Soyinka W. Of Africa. Yale University Press, 2012.
58. Sutto M. Human rights evolution, a brief history. *The CoESPU Magazine*, 2019;(3):18–23. Center of Excellence for Stability Police Units. <https://doi.org/10.32048/Coespumagazine3.19.3>
59. Tierney B. The idea of natural rights: Studies on natural rights, natural law, and church law, 1150-1625. Scholars Press, 1997.
60. United Nations (UN). Charter of the United Nations. UN Documents, 1945. <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>
61. United Nations (UN). International covenant on economic, social and cultural rights, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
62. United Nations General Assembly (UNGA). Universal Declaration of Human Rights (Resolution 217 A), 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
63. United Nations General Assembly (UNGA). United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (Resolution 67/187, UN Doc. A/RES/67/187). United Nations Office on Drugs and Crime, 2012. https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf
64. United Nations General Assembly (UNGA). National institutions for the promotion and protection of human rights (Resolution 48/134, UN Doc. A/RES/48/134), 1993. <https://undocs.org/A/RES/48/134>
65. United Nations High Commissioner for Human Rights (UNHCHR). What are human RIGHTS? 2024. <https://www.un.org/en/global-issues/human-rights>
66. University of Minnesota Human Rights Library (UMHRL). A short history of human rights. Human Rights Here and Now: Celebrating the 50th Anniversary of the Universal Declaration of Human Rights, 2021. <https://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>
67. Vasak K. Human rights: A thirty-year struggle: The sustained efforts to give the Universal Declaration of Human Rights a legal force. *UNESCO Courier*, 1977;30(11):29–32.
68. Veerichetty SV. The evolution of human rights protections in international law: A historical and contemporary analysis. *International Journal of Creative Research Thoughts*, 2024;12(7):211–223. <https://www.ijcrt.org/papers/IJCRT2407709.pdf>
69. Wellman C. Solidarity rights. *Journal of Social Philosophy*, 2000;31(4):543–558.
70. Zieck M. The concept of “generations” of human rights and the right to benefit from the common heritage of mankind with reference to extraterrestrial realm. *Verfassung und Recht in Übersee*, 1992;25(2):161–180.