

75 YEARS OF UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE STATE OF HUMAN RIGHTS IN NIGERIA¹

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Abstract

The subject of human rights has gained wider momentum globally. It is a requirement for peaceful cohabitation in our societies. This paper seeks to appraise the importance of human rights and its state in Nigeria since the 1948 Universal Declaration of Human Rights (UDHR) of which Nigeria is a signatory. The paper adopts the doctrinal methodology of research by examining existing body of primary sources such as statutes, cases and secondary sources such as opinions of other scholars in the field of human rights. The papers finds that the past gains of human rights and democratic development may soon pale away in the face of electoral malpractices and slow judicial system. The paper concludes with pointing out the prospects of having full-fledged human rights protection mechanism in Nigeria such as enduring democratic values and institutional productivity for economic prosperity for all.

Keywords: Human rights, Universal Declaration of human rights, electoral reforms

1.0 Introduction

I wish to express my gratitude to the Amnesty International for inviting me to deliver this Lecture on this special occasion commemorating the 75th Anniversary of the Universal Declaration of Human Rights (UDHR). But more importantly, Amnesty deserves our

¹ This paper was first presented at the special occasion commemorating the 75th Anniversary of the Universal Declaration of Human Rights (UDHR)

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collective gratitude for its overwhelming contributions to the promotion of human rights consciousness in Nigeria, Africa and the world over.

Rooted in the aftermath of World War II (1939-1945), the UDHR stands as a beacon for the collective aspirations of humanity, articulating the inalienable rights that are inherent in every individual regardless of gender, colour, origin or nationality.

By organizing this lecture to mark the 75th anniversary of the emergence of the Universal Declaration of Human Rights (UDHR), Amnesty International has again demonstrated the strength of its commitment to continued public education for the development of human rights and dignity.

The annual commemoration of the Anniversary of the UDHR is worthwhile. It affords an opportunity to engage with government representatives to deepen understanding of human rights issues and evaluate Nigeria's commitment to upholding human rights.

Also, it encourages open discussions on governmental strategies, challenges, and future commitments in the realm of human rights.

It sheds light on the role of Civil Society in Human Rights Advocacy and facilitates discussions on collaboration between civil society, government, and other stakeholders. Not only has Amnesty International stood the test of time, it has become a thorn in the flesh of oppressors and violators of Human Rights worldwide.

Prior to the return of Nigeria to Civil Rule in 1999, the country recorded an upsurge in human rights activism. The various human rights organizations such as the Civil Liberties Organization (CLO), Constitutional Rights Project (CRP), Media Rights Agenda (MRA) and others were very active in promoting and defending human rights in the country.

These organizations fought resolutely against military dictatorship. Without them, Nigeria would probably still have remained under the iron rule of the military. But since 1999, there appears to have been a significant decline in human rights activism in the country. This lecture argues, inter alia that there is need for a new kind of Human Rights activism to champion the struggle for the enthronement of true or pro-people democracy in Nigeria.

This occasion of celebrating the 75th Anniversary of the UDHR affords an opportunity to review the state of human rights in the country including the rise and fall of human rights activists and their organizations. Why did the human rights organizations that were active during the era of military rule suddenly disappear after the return to civil rule in the country?

The paper is in four parts. Part 1 deals with the history of human rights prior to the founding of the UDHR in 1948. Part 2 discusses the importance of the UDHR and developments in human rights since its introduction. Part 3 focuses on the hindrances to the realization of human rights in Nigeria while part 4 considers the prospects of implementation of Human Rights in the country as envisioned by the UDHR.

2.0 History of Human Rights Before 1948

Prior to 1948, the territory now known as the Federal Republic of Nigeria was under the domination of British colonial administration. The colonialists had no policy of protection of individual rights. Their primary focus was on the maintenance of law and order to enable the extraction of natural resources from the colony.²

The various Indigenous African communities had their own concepts of human and people's rights. However, in order to take effective control of the land and resources of the indigenous peoples and structures, the colonialists introduced a policy of indirect rule. The essence of this policy was to strengthen the traditional system of governance often at the detriment of the rights of the indigenous people. Corruption, violation of human rights and other abuses unknown to the indigenous communities were tolerated by the colonialists as long to the local authorities fulfilled the expectations of the colonial masters. Any resistance or lack of cooperation by the local authorities was met with strict punishment by the overlords.

Even in communities where there were no centralized traditional governmental institutions, the colonialists attempted to superimpose

²Yemi Akinseye-George, *Legal System, Corruption and Governance in Nigeria* (New Century Publishers, Lagos) 2000

such structures. For example, the Aba Women's Riots of 1929- broke out when Igbo women suspected that the colonial administration intended to use their colonially-imposed warrant chiefs and the native courts to enforce the payment by women of a new tax, in addition to the existing tax on men who were already overtaxed and overburdened.

From the initial outbreak of resistance in Oloko village, the women's resistance extended across eastern Nigeria as more women joined the movement and demanded either significant changes in or the removal of the colonial government. Thousands of women participated in the resistance and they employed a variety of tactics, which included removing the cap of office from warrant chiefs, looting factories, burning down native court buildings, blocking train tracks, cutting telegraph wires, releasing prisoners from colonial jails, and destroying or confiscating colonial property. The British colonial government resorted to lethal force and in the process colonial soldiers shot women at Abak, Utu Etim Ekpo, and Opobo. The most significant loss of life occurred at Opobo and it marked the end of the Women's War except for a few minor instances of resistance.³

Another illustration of the state of human rights in Nigeria during the colonial era was the Bristol Hotel incident. The insidious incident of unabashed racial discrimination took place in Bristol Hotel, Lagos in 1947, indicative of the racist climate that was prevalent in Nigeria at the time. The events occurred as follows: Gentlemen, Keith(a white man) and Ivor Cummings(an Afro West Indian) arrived in Nigeria as representatives of Her Majesty's Government, and senior officials from the colonial office in Britain, on an official delegation. Both names sounded white, thereby giving not clue of the difference in the colour of their skins. They were booked to stay in Bristol Hotel, Lagos, which catered only for the whites. It was run by a Greek hotelier. On arrival, they were both driven in a government vehicle to the hotel absolutely unaware of their role which was destined to change the political situation of the country. Keith was received with all the

³ Adam Paddock, the Women's War of 1929, <https://doi.org/10.1093/acrefore/9780190277734.013.271> accessed 3 December, 2023

respect and fanfare, attendant upon a great public officer from Britain, while the hotel officials kept wondering when Ivor Cummings would arrive, but indeed, even more worried as to how to tolerate the black man who has accompanied Keith to the hotel. Meanwhile poor Ivor Cummings, and his equally embarrassed colleague, Keith wondering whether or not the hotel management had the name 'Ivor Cummings' on the reservation register.

"Pray, have you got the name 'Ivor Cummings' on your reservation list?"

Asked the Afro-West Indian.

"Oh yes of course, his name is here"

But, now the Greek Hotel Manager now addressing the question to Keith, asked-

"When is he coming in?"

"My name is Ivor Cummings"

Retorted the black official, while Keith, exasperated, also said simultaneously:

"But this is Ivor Cummings"

The Greek blushed and it was very noticeable. He quickly vacated the reception counter, leaving the untidy business to be concluded by the African clerk behind the desk. The poor clerk stammered when he tried to explain that black people were not admitted into the hotel.

"You mean as guests? For you are black yourself"

Sir Ivor Cummings, angrily storming out of the hotel and followed by his colleague, Keith.

"There is colour discrimination in this..... country" (*Epileptics deleted*)

Both chorused.

The incident was published by Nnamdi Azikiwe's West African Pilot, this led to the bombardment of the hotel by angry demonstrators.

The incident captured in this event brought about the official end to colour based discrimination in Nigeria, as Governor Sir Author Richard's published a fiat to that effect.⁴

⁴For a fuller account see Kayode Eso, *Thoughts on Human Rights and Education* (St Paul's Publishing, Ibadan, 2008) pp.285-287.

It is not necessary to open up old wounds by enumerating the numerous human rights abuses perpetrated by the colonial administration and their local collaborators.

It suffices to say that the imposition of colonial rule often led to injustices, exploitation, and other abuses of human rights and dignity of the colonized people.

The framework for human rights, as declared in the Universal Declaration of Human Rights in 1948, had no influence on the policies and practices of the colonial administration in Nigeria during that era.

3.0 Benefits of the UDHR and Developments since 1948

The Universal Declaration of Human Rights (UDHR), adopted in 1948, has brought several benefits to the global community. These include but not limited to the following: The UDHR establishes a universal standard for human rights, providing a common framework that transcends cultural, political, and geographical boundaries. For example it proclaims in Articles 1 and 2 that:

all human beings are born free and equal in dignity and rights, endowed with reason and conscience and are equally entitled to the rights and freedoms provided in the Declaration without discrimination of any kind arising from his or her personal or national status.

The UDHR has subsequently inspired numerous international treaties and conventions, forming the basis for legal frameworks that protect human rights at regional and national levels. These include the International Covenant on Civil and Political Rights (ICCPR) 1966 and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966. Thematic instruments traceable to the UDHR include: Convention on the Rights of the Child (CRC), Convention on the Elimination of Discrimination Against Women (CEDAW), 1979, and Convention against Torture (CAT) 1984. Also, there are regional instruments equally traceable to the UDHR. These include the African Charter on Human and Peoples Rights (ACHPR) 1981, the European Convention on Human Rights, 1950 and the Inter American Convention on Human Rights, 1969.

The UDHR has made significant contributions to social progress by setting standards of behaviour with respect to human rights,

challenging discriminatory practices and promoting equality, justice, and fairness. This has in turn brought about greater peace and Security around the world. By promoting respect for human rights, the UDHR addresses the root causes of conflicts and promotes stability.

African countries have been positively influenced by the wave of change inspired by the UDHR. In the 1960s, the continent witnessed a surge in the clamor for independence following the Declaration and the Civil Rights Movement in the United States of America. The principle of self-actualization popularized by the UDHR and the various civil rights of citizens became the core demands of the Civil Rights Movement, ignited a consciousness amongst African nations regarding the pertinence of their independence.

Upon attaining Independence in 1960, it was agreed that one of the ways to ensure the stability of the country was to insert into her Constitution a written Bill of Rights, even though the Great Britain, at that time did not have a written Bill of Rights. The justification for the adoption of a Bill of Rights was provided by the Willinks Commission of Enquiry, which had recommended in 1958 that such a Bill was necessary to allay the fears of domination of minorities by the majority.

With the benefit of hindsight, the early inclusion of a Bill of Rights in the first post independence Constitution of Nigeria has proved to be a wise decision. Justice Kayode Eso, has rightly observed that “The Bill of Rights which has provided a mighty fortress against oppression and dictatorship remains one of the most powerful legacies of British Colonialism. It has withstood the vicissitudes of political ups and downs. And, as if to follow the example of the Nigerian Constitution, Britain would later in 1986, adopt for itself; a codified Bill of Rights. The Nigerian Bill of Rights was also a powerful example for the Republic of South Africa during its search for a workable constitution after the termination of Apartheid in the country. All successive Nigerian Constitutions since 1960 have adopted the Bill of Rights.⁵

Furthermore, the UDHR serves as a foundation for humanitarian efforts, guiding organizations and governments in developing

⁵Kayode Eso, *ibid.* p.288.

human-rights centered approaches to issues of poverty, healthcare, and education.

It establishes a basis for holding governments and individuals accountable for human rights violations, promoting transparency and accountability. Following the Declaration, there is greater emphasis on the rights of the individual as opposed to the concept of national sovereignty. Thus the doctrine of non-interference in the internal affairs of nations has given way to the duty of the international community to protect the rights of peoples. Consequently, the extra judicial execution of Ken Saro Wiwa, the Ogoni Human Rights activist by the Nigerian military government of General Sani Abacha attracted international condemnation and led to the expulsion of the country from the Commonwealth of Nations.

The increasing recognition of the rights of individuals following the UDHR has given rise to further developments in the field of international criminal law. The international community has established the International Criminal Court (ICC) with wide powers to try former Heads of State and their accomplices for crimes against humanity. In our view, the ICC ought to be strengthened as it provides an alternative platform to bring to book leaders who may be too strong to be held accountable under the domestic criminal justice system of their countries.⁶

Overall, the UDHR has played a crucial role in promoting a global consensus on fundamental human rights, shaping legal and political systems, policies, and societal attitudes worldwide.

4.0 Problems of Human Rights Implementation in Nigeria

However, notwithstanding the numerous benefits of the UDHR Nigeria is still beset by a host of problems which continue to hinder the realization of the vision of the UDHR in the country. These include the problem of pervasive poverty.

A United Nations statement says:

⁶Yemi Akinseye-George, "The International Criminal Court: An Introduction" in C.C Nweze (Ed.), *Justice in the Judicial Process* (Fourth Dimension Publishers, 2002), 492-520.

Poverty is a denial of choices and opportunities, a violation of human dignity. It means lack of basic capacity to participate effectively in society. It means not having enough to feed and clothe a family, not having a school or clinic to go to; not having the land on which to grow one's food or a job to earn one's living, not having access to credit. It means insecurity, powerlessness and exclusion of individuals, households and communities.

It means susceptibility to violence, and it often implies living on marginal or fragile environments, without access to clean water or sanitation.⁷

Poverty and human rights are strange bed fellows. A great majority of Nigerians suffer under excruciating poverty which invariably undermines their access to the basic rights.

The problem of poverty is compounded by the security challenges bedeviling the country including terrorism, banditry, kidnapping for ransom, abductions, farmers/herders clashes and other conflicts, communal clashes and internal displacements. These have worsened the human rights abuses in the country.

Furthermore, widespread corruption and abuse of office undermines the rule of law, impedes justice, and contributes to human rights violations.

There is also the growing culture of Impunity which often leaves the Perpetrators of human rights abuses unpunished.

The problem of ethnicity and religious bigotry has fueled discrimination, leading to unequal treatment and rights violations for certain groups. For example, Christians in Northern Nigeria are subjected to discrimination and violent attacks by extremists who hide under the facade of religion. Many of the perpetrators often go unpunished.

⁷United Nations Statement of June 1998, which was signed by the heads of all UN agencies; see: <http://www.helium.com/items/1587576-poor-service-delivery>. ; Chimobi Ucha, "Poverty in Nigeria: Some Dimensions and Contributing Factors"

One recalls with dismay the lynching of Deborah Samuel Yakubu, a Christian. She was accused of blasphemy against Islam after criticizing religious discussions on WhatsApp at Shehu Shagari College of Education in Sokoto. On May 12, 2022, a group of Muslim students forcibly took her from a security room, stoned her within the college premises and subsequently burnt her with tires. Despite tear gas and warning shots from security forces, the mob persisted. It is speculated that Deborah's last words questioned the purpose of the violence. Two students, identified from a circulated video, were arrested in connection with the incident. But it is not clear whether anyone was eventually held accountable for the gruesome incident.

The attack on Deborah was also extended to Christian sites, such as the Holy Family Catholic Church and St. Kevin's Catholic Church, which were reported to have been vandalized.

Harmful social-cultural practices which denigrate human rights and dignity are still common in Nigeria. These practices include oppression of vulnerable groups such as women, children and persons living with disabilities. Examples of such harmful practices include: Female Genital Mutilation (FGM), sex and gender-based violence (SGBV), discrimination against the girl child, child marriage, child labour and forced prostitution.

Another hindrance to the realisation of human rights in Nigeria is the persistent police brutality. Instances of police brutality and direct or indirect involvement in extrajudicial killings are rife in Nigeria. To cite only two recent examples:

4.1 Aluu Four Lynching

Chiadika Biringa, Lloyd Toku Mike, Tekena Elkanah, and Ugonna Obuzor were all friends and students at the University of Port Harcourt. Ugonna (one of the four), was owed a debt by Bright. He sought help from his friends to confront the debtor (Bright) at his residence. Carrying weapons like an axe, pen knife, cutlass, and a gun, they intended to scare Bright. A misunderstanding escalated into a fight, leading Bright to cry for help and falsely accuse them of theft. Aluu vigilantes were alerted, assuming the students were criminals.

A mob chased the four men through the streets before catching and brutally beating them. Despite the presence of Nigerian police, the violence continued. The sister of Tekena tried to intervene, emphasizing their innocence, but was overwhelmed by the mob. Despite her efforts to seek assistance, including contacting the police, the men were killed through horrific acts like "necklacing." The murders were captured on video and uploaded online, highlighting the failure to prevent the tragedy. On the 31st of July, 2017, Rivers State High Court sentenced police sergeant Lucky Orji, David Ogbada and Ikechukwu Louis Amadi to death for their involvement in the murders of the four students.

4.2 The #End SARS Riots

The #End SARS Riots of October 2020 was a spontaneous reaction by angry Nigerian youths to the oppressive tendencies of the Nigerian police. Thousands of mainly young Nigerians took to the streets to protest against police abuses, particularly among the now-disbanded brutal special anti-robbery squad (SARS) police unit.

Yet the several protests across the country were brutally repressed. At least 12 people were killed in the protests. According to Amnesty International, and dozens were injured, including at Lekki tollgate in Lagos where witnesses live streamed soldiers shooting at protesters draped in or waving Nigerian flags.

The Army and Nigerian government continue to deny that anybody was killed at Lekki tollgate, and atrocities at other demonstrations have scarcely been acknowledged. Despite the wide condemnation of the police by Nigerians, many of the abuses that sparked the protests have remained unresolved.

A further hindrance to the realization of human rights in Nigeria is the low level of access to Justice. Many Nigerians face barriers in accessing justice due to an expensive, inefficient, slow and congested legal system. Although, human rights cases are required by the Fundamental Rights Enforcement Procedure (FREPP) Rules 2009 to be given priority by Nigerian courts, many Nigerians are not able to access the courts due to the high costs and technicalities involved in filing cases in Nigerian courts.

5.0 Prospects of Human Rights in Nigeria

Improving human rights in Nigeria involves addressing a variety of factors. These include:

5.1 Revamp Civil Society Activism

There is an urgent need for a robust civil society actively advocating, calling attention to human rights abuses and bringing actions for redress. One recalls with nostalgia the unrelenting activism of the Civil Liberties Organization led by Olisa Agbakoba, SAN during the military era. Unfortunately, there are only few vibrant and effective civil society organizations actively advocating and working for the implementation of human rights of Nigerians. There is therefore an urgent need to revamp human rights activism in the country. Although, the Human Rights Agenda Network (HRAN), a coalition of NGOs working to improve human rights in the country currently boasts of about three and thirty four (334) members, the question is how effective are these groups? In our humble view, it is better to have a few organizations that are well-resourced, visible and effective than having a mushrooming of ineffective organizations parading themselves as human rights NGOs with little or no results to show for it. Apart from probably Socio-Economic Rights and Accountability Project (SERAP), Legal Defence and Assistance Project (LEDAP), Womens Rights Advancement and Protection Alternative (WRAPA), Prisoners Rehabilitation and Welfare Action (PRAWA), and Partners West Africa (PWAN), most Nigerian Human Rights NGOs have not been able to make their impact felt in effectively advocating and advancing the rights of ordinary Nigerians.

5.2 Reform of the Legal System:

Ongoing efforts to reform legal frameworks and institutions can contribute to better protection and enforcement of human rights in the country. These include the passage of the National Human Rights Commission (NHRC) Act 2010, National Agency for the Prohibition of Trafficking in Persons (NAPTIP) Act 2015, the Nigerian Police Trust Fund (NPTF) Establishment Act 2019, the Nigeria Police Act 2020, the Nigerian Correctional Service Act (NCSA) 2019 and the Administration of Criminal Justice Act (ACJA), 2015. These make far

reaching provisions for aligning the laws of the country with the vision of the UDHR, international and regional conventions and contemporary human rights issues. They must be supported and strengthened to ensure effective implementation for the realization of their ultimate goals of human rights protection.

5.3 Promote Awareness and Education

Many human rights challenges can be addressed through greater awareness about human rights. It is therefore necessary to invest more resources in the provision of human rights education and public discourse. When more people are informed of their rights and of their role in protecting the rights of others, there would be an improvement in the human rights situation in the country.

5.4 Strengthen the Media

The media must rise up to the challenge of exposing human rights abuses, sensitizing the public and holding authorities accountable for human rights violations. In this age of social media, the government must establish a mechanism that can curb the abuse of different online platforms to cause disaffection and the attendant violation of human rights. However, the right to citizens to information must remain sacrosanct and inviolable by the authorities.

5.5 Improve Government Commitment

A critical factor in promoting human rights in the country is a renewed and sustained commitment from the executive and legislative arms of government to ensure accountability for human rights violations; respect, protect and fulfill their human rights obligations; enact necessary reforms, and address corruption to improve the human rights situation in the country. The government must develop and implement inclusive policies that address root causes of ethnic and religious tensions, promoting dialogue, understanding, and equal opportunities; to reduce economic disparities, enhance access to quality healthcare and education, and prioritize social services for vulnerable populations. The recent amendment of the Constitution of the Federal Republic of Nigeria 1999 to provide for the Right to Food

Security is highly commendable.⁸ Although, this new right is included in chapter 2 of the Constitution that is generally regarded as non-justiciable, it is a step in the right direction. In any case, there now exists significant judicial precedents which can be used to justify the implementation of socio-economic rights in the country. By the concept of indivisibility and interdependence of human rights all categories of rights are interdependent and inseparable⁹.

5.6 Strengthen Humanitarian Efforts

Improving human rights requires the strengthening of support for internally displaced persons, ensuring access to essential services, protection, and avenues for sustainable livelihoods. The passage of the Nigerian Disability Act 2018 which prohibits discrimination against persons with disability is a welcome development. The establishment special development commissions such as the North East Development Commission (NEDC) to cater for the displaced persons and others adversely affected by violent extremism in the North East and the Niger Delta Development Commission (NDDC) to assist the Niger Deltans who are overly impacted by oil exploration activities in the region are equally welcome developments. But it remains to be seen whether the operations of these agencies have significantly impacted on the socio-economic status of the intended beneficiaries.

5.7 Reform the Electoral Process

One of the ways to give effect to human rights is to improve the democratic processes of electing political leaders and representatives of the people. Nigerian democracy remains fundamentally flawed by the inability of the political parties and the Election Management Bodies to organize free, fair and credible elections. Every cycle of elections often throws up large numbers of litigation. By the end of the day, it is not the people who decide their rulers but the courts which consist of unelected judges.

⁸ S. 16A thereof

⁹See *Attorney-General, Ondo State v Attorney-General of the Federation* (1981) 2 NCLR 337; *Archbishop Okogie & Ors. v Attorney-General of Lagos State* (2002)10 SCM, Yemi Akinseye-George, *Improving Judicial Protection of Human Rights in Nigeria* (Centre for Socio-Legal Studies (CSLS, 2011),

Many observers of the Nigerian electoral system are concerned that unless the flaws in the electoral system are corrected, these may be Achilles' heel of the country's fledgling democracy.

5.8 Improve International Collaboration

The UDHR has taken the idea of human rights beyond the confines of national sovereignty and territorial boundaries. It has made individual rights a matter of international concern. Therefore,

The importance of International collaboration for addressing human rights violations cannot be over emphasized. Collaborative efforts with the international community and human rights organizations such as Amnesty International can provide immense support and pressure for improvements. In this respect, the ongoing advocacy and efforts towards the establishment of an International Anti-Corruption Court are commendable. It is our view that an IACC is absolutely necessary to provide an additional platform for the fight against grand corruption and kleptocracy and for the recovery and repatriation of assets siphoned from Nigeria and the developing world. The existence of such a court could have made the recovery by Nigeria of Abacha loot much easier, quicker and cost effective.

6.0 Conclusion

There is no doubt that the UDHR has been a game changer in the global struggle for the protection of human rights. While Nigeria has made significant advances in the development of human rights laws and structures, it continues to face significant challenges in translating its human rights promises into reality for the greater majority of its population. This celebration provides an opportunity for all stakeholders to seek ways of collaborating to bring about improvements in the human rights situation of the country.