



**NEAR EAST UNIVERSITY  
INSTITUTE OF GRADUATE STUDIES  
DEPARTMENT OF INTERNATIONAL LAW**

**THE ROLE OF NGOs IN NIGERIA'S HUMAN RIGHTS PROTECTION:  
PERSPECTIVES FROM INTERNATIONAL LAW**

**LL.M THESIS**

**HASSAN AISHA VATSA**

**Nicosia  
January, 2025**

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**MASTER THESIS**

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## Approval

We certify that we have read the thesis submitted by Hassan Aisha Vatsa titled “**The Role of NGOs in Nigeria’s Human Rights Protection: Perspectives from International Law**” and that in our combined opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Law Faculty.

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## **Declaration of Ethical Principles**

I hereby declare that all information, documents, analysis and results in this thesis have been collected and presented according to the academic rules and ethical guidelines of Institute of Graduate Studies, Near East University. I also declare that as required by these rules and conduct, I have fully cited and referenced information and data that are not original to this study.

**Hassan Aisha Vatsa**

**..../01/2025**

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**Hassan Aisha Vatsa**

## **Abstract**

### **The Role of NGOs in Nigeria's Human Rights Protection: Perspectives from International Law**

**Hassan Aisha VATSA**

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The study investigates the role of NGOs in Nigeria's human rights protection: perspectives from international law. It examines the global human right system for protection of human rights, the Non-Governmental Organizations (NGOs) Goals in Nigeria and the challenges of Non-Governmental Organizations in the human rights protection in Nigeria. The data collection and analysis process we employed involved analyzing secondary data gathered from scientific articles, the public press, regulations, mostly determined via online research. We analyzed the data using descriptive evaluation, analysis of documents, and thematic analysis techniques, focusing on the emerging issues identified in the study. The finding revealed that human rights groups like the National Human Rights Commission (NHRC) and others need funding, training, and monitoring from the Nigerian government to safeguard and promote human rights. The nongovernmental organizations (NGOs) in Nigeria were financially constrained and various weak institutional systems for human rights promotion and protection in Nigeria. Without a doubt, NGOs are unable to implement their human rights preservation initiatives in the absence of adequate funding. NGOs have protected human rights in many ways, even without enough law. NGOs in Nigeria that work for the public good do not get any kind of specific recognition for their efforts. The study recommended that in light of these challenges, the country's development should necessitate robust cooperation between governmental institutions and non-governmental organisations (NGOs) at all levels. The second point is that NGOs should be as transparent and accountable as feasible when it comes to the use of donor money. As a result, initiatives will receive additional funding, which will enable them to have a more significant impact on Nigeria's development.

**Key Words:** International Law, Human Rights, Non-Governmental Organizations, Global Human Rights System, Regional human Rights System

## **Özet**

### **The Role of NGOs in Nigeria's Human Rights Protection: Perspectives from International Law**

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Çalışma, Nijerya'da insan haklarının korunmasında STK'ların rolünü inceliyor: uluslararası hukuk perspektifinden. Küresel insan hakları sistemini, Nijerya'daki Sivil Toplum Kuruluşları (STK'lar) hedeflerini ve Nijerya'daki insan hakları korumasında Sivil Toplum Kuruluşlarının karşılaştığı zorlukları incelemektedir. Kullandığımız veri toplama ve analiz süreci, bilimsel makalelerden, kamu basınından, düzenlemelerden ve çoğunlukla çevrimiçi araştırmalarla belirlenen ikincil verilerin analiz edilmesini içeriyordu. Verileri, çalışmada belirlenen ortaya çıkan konulara odaklanarak, betimleyici değerlendirme, belge analizi ve tematik analiz tekniklerini kullanarak analiz ettik. Bulgular, Ulusal İnsan Hakları Komisyonu (NHRC) gibi insan hakları gruplarının ve diğerlerinin, insan haklarını korumak ve teşvik etmek için Nijerya hükümetinden finansman, eğitim ve denetim ihtiyaç duyduğunu ortaya koydu. Nijerya'daki sivil toplum kuruluşları (STK'lar) mali olarak kısıtlıydı ve Nijerya'da insan haklarını teşvik ve koruma için çeşitli zayıf kurumsal sistemler mevcuttu. Şüphesiz ki, sivil toplum kuruluşları yeterli finansman olmadan insan haklarını koruma girişimlerini hayata geçiremiyorlar. Sivil toplum kuruluşları, yeterli yasalar olmadan bile insan haklarını birçok şekilde korumuştur. Nijerya'da kamu yararına çalışan STK'lar, çabaları için herhangi bir özel tanınma almıyor. Çalışma, bu zorluklar ışığında, ülkenin kalkınmasının tüm seviyelerde hükümet kurumları ile sivil toplum kuruluşları (STK'lar) arasında güçlü bir işbirliğini gerektirmesi gerektiğini önerdi. İkinci nokta, STK'ların bağışçı paralarının kullanımı konusunda mümkün olduğunca şeffaf ve hesap verebilir olmaları gerektiğidir. Sonuç olarak, girişimler ek finansman alacak ve bu da onların Nijerya'nın kalkınması üzerinde daha büyük bir etki yaratmalarını sağlayacaktır.

Anahtar Kelimeler: Uluslararası Hukuk, İnsan Hakları, Sivil Toplum Kuruluşları, Küresel İnsan Hakları Sistemi, Bölgesel İnsan Hakları Sistemi

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## **List of abbreviations**

<b>ACHPR:</b>	African Commission on Human and People's Rights
<b>ACLU:</b>	American Civil Liberties Union
<b>AFL-CIO:</b>	American Federation of Labor-Central Intelligence Organizations
<b>CAMA:</b>	Company and Allied Matters Act
<b>CITA:</b>	Companies Income Tax Act
<b>CLO:</b>	Civil Liberties Organisation
<b>FHC:</b>	Federal High Court of Nigeria
<b>JDPC:</b>	Justice Development and Peace Commission
<b>NGOs:</b>	Non-Governmental Organisations
<b>PITA:</b>	Personal Income Tax Act
<b>UDHR:</b>	Universal Declaration of Human Rights
<b>UN:</b>	United Nations
<b>UNCRC:</b>	United Nations Convention on the Rights of the Child
<b>UNHRC:</b>	United Nations Human Rights Council
<b>OECD:</b>	Organization for Economic Cooperation and Development
<b>OP:</b>	Operational Policy

## **Chapter 1**

### **Introduction**

#### **1.1 Background**

Non-governmental organisations (NGOs) play a crucial role in advancing human rights, humanitarian efforts, environmental protection, and public participation on a worldwide scale. They have two connected yet distinct roles. While the other oversees policy lobbying and public campaigns, one aids vulnerable people. These efforts serve society in a number of ways, including social transformation, democracy, human rights, cultural heritage preservation, policy analysis and research, policy action, and essential information sharing.

A nation must use its financial, human, and natural resources to satisfy its people's needs to grow. Elliott<sup>1</sup> believe the volunteer sector are superior at helping disadvantaged people and developing rural and neglected areas. Also, the sector is crucial in influencing attitudes and behaviours to overcome racism. It promotes environmental awareness and poor creativity. Falling economies mean many governments can't handle development alone.<sup>2</sup> Thus, global success requires robust collaborations and collaboration among government agencies, NGOs, and development institutions.

In the pursuit of human rights, Nigeria's non-governmental organisations are indispensable. It played a critical role in the advancement of human rights in Nigeria. Non-governmental organisations (NGOs) are non-political, nonprofit, and autonomous civil society groups that thrive between organised sovereign authority and the family unit. Nongovernmental organisations (NGOs) in Nigeria advance the nation in different ways. They aim to empower women, eliminate poverty, and promote democracy and decent government. Basic healthcare for STDs/AIDS and other health

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<sup>1</sup> Elliot, M., "Non-Governmental Organization's Performance and Accountability beyond the Magic Bullet". (1987). London: Earth Scan Publication.

<sup>2</sup> Mohammed, D.I Prospects and Problems of Non-governmental Organizations (NGOs) in Community Development and Poverty Alleviation. (1985) 18(11) Journal of Humanities.

issues relies on NGOs. NGOs also advance education and functional literacy and support women's development.

In addition to advocating for human rights causes, NGOs participate in environmental initiatives, conflict resolution, and the prevention of substance abuse.<sup>3</sup> Many non-governmental organisations (NGOs) that fight for the poor and those who are unable to speak for themselves were founded as a result of government institutions failing to protect people's rights. To advance and protect human rights in Nigeria, numerous organisations and groups have worked tirelessly. These organisations include the Federation of International Female Lawyers, Amnesty International, Human Rights Watch, CLEEN Foundation, Civil Liberties Organisation, and Spaces for Change, Global Rights, Justice Development and Peace Commission (JDPC), and numerous others.

Systems for enforcement and monitoring are indispensable when considering human rights from an international perspective. The United Nations has implemented numerous mechanisms to guarantee the protection and monitoring of human rights. These procedures are typically established by independent authorities under general or particular human rights treaties. Nigeria's three constitutions the Republican, which was implemented in 1963, and the one that was implemented in 1979 protected human rights. Cultural, Social, and Economic Rights are specifically enumerated in the most recent State Policy Directives and Fundamental Objectives. The Fundamental Rights (Enforcement Procedure) Rules were implemented to guarantee that the rights guaranteed by the 1979 Constitution are actually enforced. Despite normative and institutional protections, it has failed to advance and preserve human rights. The legislature is essential to governance and makes and enforces rights-protecting legislation. Corruption, political apathy, and resource constraints have hampered the legislature's efforts.

Nigerian citizens have lost confidence in the government as a result of the pervasive violation of human rights and human rights legislation. The issue of insecurity is a prime example, which has led individuals to opt for private means of protection. It is evident that the state's authority is not respected in this context. Human rights and NGOs are intertwined. Nigerians have lost trust in the government owing to harsh laws

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<sup>3</sup> Akpanudoedehe, G. "The World Bank and Civil Society Development: Exploring Two Courses of Action for Capacity Building". (2006) WBI Working Papers. Washington D.C.: World Bank Institute.

and human rights abuses. Some people have asked NGOs for help with their safety. The researcher examined NGO function in Nigeria's human rights protection from an international law viewpoint.

## **1.2 Definition of Letters**

**Human Rights:** Moral principles or norms that establish standards of human behavior. Each person has the same basic human rights regardless of gender, race, religion, nationality, language, or orientation. Existence, speech, labour, education, freedom from slavery and torture are other human rights.

**NGOs:** A private, non-governmental organisation (NGOs) that works to improve society or influence politics without receiving funding from any central authority.

## **1.3 Aims and Contribution to Knowledge**

The study's conclusions will benefit and enlighten law students, governmental rights advocates, judges, victims of governmental rights breaches, governmental, non-governmental organisations and policy and decision-making. Pervasive human rights violations in Nigeria have eroded public trust in the government and weakened human rights laws. Insecure people want personal security. In this case, the government is ignored.

This resource will add on the existing Literature and useful for a variety of academic disciplines, including diplomacy, history, politics, economics, and international relations.

## **1.4 Problem Statement**

The country of Nigeria has faced significant challenges in promoting and protecting human rights, despite its abundance of traditional and cultural treasures. This report alleges that Nigeria's alleged disregard for human rights and human rights legislation has resulted in human rights atrocities and a decline in trust in democracy. The 1999 constitution and other Nigerian laws protect human rights, yet official indifference, support, promotion, ignorance, and incompetence increase human rights breaches. Nigeria disregards human rights and regulations despite Nigerians' demand for protection.

Human rights are significantly violated due to the widespread distrust of the government. Some individuals seek assistance from nongovernmental organisations (NGOs) due to concerns regarding their protection.

## **1.5 Methodology**

This study includes a theoretical analysis of legal texts as well as the practical application of theory to case studies. The data collection and analysis process we employed involved analyzing secondary data gathered from scientific articles, the public press, regulations, mostly determined via online research. We analyzed the data using descriptive evaluation, analysis of documents, and thematic analysis techniques, focusing on the emerging issues identified in the study.

## **1.6 Objective of the Study and Research questions**

The primary objective of this study is to examine the role of NGOs in Nigeria's human rights protection: perspectives from international law. The research questions are as follows:

1. To examine the global, regional and national human right systems for protection of human rights.
2. To analyze NGOs Goals and Challenges with regard to human rights protection in Nigeria
3. To put forth suggestions for enhancing NGOs role in human rights protection in Nigeria.

## **1.7 Review of Similar Research Studies/ Literature Review**

Non-governmental organizations (NGOs) worldwide are known by several names. Despite its popularity, NGOs can also refer to "non-profit," "voluntary," and "civil society" organizations. Alternative language sometimes indicates sloppy analysis or description. However, different ways of thinking about NGOs have arisen in response to different historical and cultural settings is to blame. In the market-dominated US, "non-profit organization" is often used to characterize citizen organizations that can prove they are not for-profit enterprises.

The UK's extensive history of volunteering, inspired by Christian beliefs and charity regulations, makes "voluntary organization" or "charity" often used. Oxfam receives

tax benefits as a registered charity because of its humanitarian activities, while Amnesty International does not since the charity commission considers its activity "political".<sup>4</sup> UK charities must be "non-political."

This definition of "non-governmental organization" (NGOs) includes organizations that are neither government-based nor for-profit. World Bank<sup>5</sup> says NGOs are too varied to categorize. The phrase "Non-Governmental Organizations" (NGOs) refers to a wide range of organizations and groups that operate independently or with little official assistance. They value social wellbeing over financial gain by assisting others and working together. These private NGOs include indigenous communities, village-based groups, and developed nation-based global development organizations.

The provision of food and family planning services, as well as the promotion of community organization, are all crucial roles played by charitable associations and religious organizations in the NGOs sector. In order to foster empowerment and collaboration in local communities, the non-governmental organization (NGOs) sector relies on autonomous cooperatives, community associations, women's groups, and pastoral associations.

Non-governmental organizations (NGOs) also influence policy and raise awareness and improve society by reaching out to citizens. To create positive change and progress locally, nationally, and globally, NGOs collaborate to contribute to social, economic, and environmental development. NGOs are private, non-profit, self-governing organizations that serve the poor.<sup>6</sup> It borrows from the structural-operational definition. This allows us to compare NGOs to other non-governmental organizations (NGOs) including labor unions, arts and sports groups, and professional associations that play a major part in worldwide development.

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<sup>4</sup> Riddell, I.G "NGOs: A New History of Transnational Civil Society" (2007) New York: Oxford University Press

<sup>5</sup> The World Bank Partnership with Civil Society (Social Development, NGO and Civil Society Unit, 2019)

<sup>6</sup> Vakil, A. "Confronting the Classification problem: Towards a Taxonomy of NGOs" (1997) 25 (12) Journal of World Development. Pp. 2037-2070

Despite their genuine intentions, Shiuji<sup>7</sup> criticized NGOs' aims and purposes. He said that NGOs' surprising expansion is due to neoliberal mindsets, not humanitarian ones. The earliest academic literature on NGOs focused on practical and normative rather than theoretical issues in the 1990s. Several case studies raised genuine concerns regarding NGOs' efficacy and openness. In later decades, interdisciplinary development studies experts began to study NGOs more deeply and theoretically.<sup>8,9</sup>

Studies linking NGOs' initiatives to advancement have inconsistent results. Hunt<sup>10</sup> and Stevenson<sup>11</sup> argue that political and strategic factors influence assistance disbursement to NGOs, whereas Easterly<sup>12</sup> found no significant effect. Some consider NGOs aid as a necessary evil, whereas Sach<sup>13</sup> believes it is important to solve Nigeria's development issues. Non-governmental organizations (NGOs) aid Nigerian governments (UNDP, 2006). These organizations finance healthcare, education, and infrastructure. The authors suggest that non-governmental organizations (NGOs) should support government measures to improve economic growth and development in democracies with low corruption.

Easterly<sup>14</sup> arrived at distinct conclusions after extending the time period from 1993 to 1997 and incorporating additional data. He did not reach the conclusion that the responsibilities and actions of non-governmental organisations (NGOs) are meaningless; however, he did observe that the positive correlation between NGOs and development diminishes and vanishes as the volume of data increases. Hunt (2008) has presented a strong case that political and strategic reasons, not recipient nations' socio-economic needs and policy performance, steer most NGOs' aid. Studies on how donor nations distribute help to Nigeria corroborate this. Most NGOs' contribution to

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<sup>7</sup> Shiuji, D. (2014). *Silence in NGOs Discourse: The Role and Future of NGOs in Africa*. Oxford, UK: Fahamu Press.

<sup>8</sup> Hilhort, R. "NGOs in China: Issues of Good Governance and Accountability" (2003) 30 (1) *Asia Pacific Journal of Public Administration*. Pp. 1 – 11

<sup>9</sup> Igoe, D. and Kelsall, R. "Voices of the Poor can Anyone Hear us" (2005) New York: Oxford University Press

<sup>10</sup> Hunt, S. "Foreign Aid and Development" (2008) London: Routledge Press

<sup>11</sup> Stevenson, C. "Foreign Aid as a solution to Development" (2006) London: Routledge Press.

<sup>12</sup> Easterly, P. "Can foreign aid save Africa" (2003) Clemens Lecture Series, Saint John's.

<sup>13</sup> Sach, J. "The End of poverty: Economic Possibilities of Our Time" (2005) New York: Penguin Press.

<sup>14</sup> Easterly, P. "Can foreign aid save Africa" (2003) Clemens Lecture Series, Saint John's



poor developing nations like Nigeria is 'tied aid,' (Stevenson, 2006). In linked aid, recipient nations pay for donor nation economic advantages. Before receiving aid, the receiving nation must buy from the supplying nation.

Sach<sup>15</sup> did not employ the above approach to analyze the NGOs -development argument. He emphasized that poor nations like Nigeria's reliance on NGOs for development assistance is a necessary evil. These nations' contribution allows crucial investments in healthcare, education, and economic infrastructure to eradicate poverty and misery. Responded to criticism that non-governmental organizations (NGOs) were failing to break the cycle of poverty in Africa and Nigeria by arguing that their aid was insufficient and that NGOs should increase their aid to all of Africa, including Nigeria, to solve the continent's economic problems. Nigeria needs a massive flood of well-targeted help from NGOs to alleviate poverty and other development issues. NGOs assistance may be advantageous for societies that possess robust democratic institutions and minimal malfeasance.

According to Hall-jones,<sup>16</sup> NGOs prioritize public interest over profit. Humanitarian organisations (NGOs) put the public first. They are essential to human rights. Nongovernmental organizations (NGOs) have no financial interest. Dedicated to defending human rights at any costs. Due to their objective to avoid producing income, NGOs are occasionally mistaken for altruistic organisations. Hall-jones's definition is lacking in detail; it merely identifies NGOs as having a public interest agenda without offering any analysis of their actual work.

Sa'adat and Sa'adat <sup>17</sup> investigated Nigerian NGOs' human rights roles. Sa'adat Investigation of Nigerian Human Rights Movement Governmentless organisations. The progress of society depends on human rights. Next steps for Nigeria to promote and preserve human rights. The research found severe human rights violations in Nigeria, which has many victims and should act. Nigeria's 1999 constitution protects human rights, yet the government's ignorance, apathy, support, promotion, and neglect

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<sup>15</sup> Sach, J. "The End of poverty: Economic Possibilities of Our Time" (2005) New York: Penguin Press.

<sup>16</sup> Hall-Jones, P. "The Rise and Rise of NGOs" (2016) Global Policy Forum Available <https://www.globalpolicy.org>, accessed on 14 December, 2024

<sup>17</sup> Saadat V. and Saadat Z. "Organizational Learning as a Key Role of Organizational Success" (2006) Published by Elsevier Ltd.

violate them. Nigerians need security. Nigeria's human rights laws are ignored. The government is distrusted and human rights are infringed. Safety worries prompt some to seek NGOs' aid. This disregards governance. Internet databases, textbooks, judicial authorities, periodicals, media, oral interviews, and more are used for doctrinal study. Non-governmental persons have championed human rights. Global human rights organisations rely on NGOs. Nongovernmental groups monitor and push governments to uphold human rights. This study found significant gaps in Nigeria's human rights institutions. NGOs in Nigeria are uncontrolled. NGOs in Nigeria protect human rights. Despite the lawlessness, NGOs have protected human rights. Nigerian public benefit groups are unpopular. The Nigerian government must fund, train, and oversee the NHRC and others to promote human rights.

The studied Legislative Engagement in Nigeria for Human Rights Advancement and Defence. Every country needs a legislative body to create and enforce human rights legislation. Corruption, a lack of political will, and insufficient resources have hindered Nigeria's legislature's human rights efforts. The legislative and operational components of Nigeria's human rights legislation system will be examined in this article. The legislature's role in promoting and safeguarding human rights may be improved by implementing strategies such as fostering open communication and cooperation among stakeholders, providing parliamentarians with human rights education and training, and establishing connections with relevant parties. In order to effectively promote and preserve human rights, the study indicates that Nigeria's legislators, media, NGOs, and civil society organisations must collaborate.<sup>18</sup>

Sach (2005) did not use the above approach to examine the NGO and development argument. He said that NGOs' aid to underdeveloped nations like Nigeria is an inescapable consequence of doing business to address their issues.<sup>19</sup> According to Rajan,<sup>20</sup> NGOs aid Nigerian states and local governments. To end poverty, these governments invest heavily on infrastructure, healthcare, and schools.

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<sup>18</sup> Ogbu, Franklin C. "The Role of the Legislature in the Promotion and Protection of Human Rights in Nigeria" (2023) Available at SSRN: <https://ssrn.com/abstract=4432159> or <http://dx.doi.org/10.2139/ssrn.4432159> accessed on 14 December, 2024

<sup>19</sup> Sach, J. "The End of poverty: Economic Possibilities of Our Time" (2005) New York: Penguin Press.

<sup>20</sup> Rajan, M. "Foreign Aid Effectiveness in Development" (2008) London: Routledge Press.

NGOs typically acquire financing based on political and strategic concerns rather than recipient nations' needs.<sup>21,22,23</sup> Some, like Sach,<sup>24</sup> believe that nongovernmental organisations (NGOs) are a necessary but regretful evil in Nigeria's development efforts. The UNDP lists all the ways NGOs help the Nigerian government, supporting this view. This involves providing resources to improve infrastructure, institutions, and healthcare. Contend that in nations with robust democracies and minimal corruption, non-governmental organisations (NGOs) should provide support to government initiatives that aim to stimulate economic growth.

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<sup>21</sup> Easterly, P. "Can foreign aid save Africa" (2003) Clemens Lecture Series, Saint John's.

<sup>22</sup> Hunt, S. "Foreign Aid and Development" (2008) London: Routledge Press.

<sup>23</sup> Stevenson, C. "Foreign Aid as a solution to Development" (2006) London: Routledge Press.

<sup>24</sup> Sach, J. "The End of poverty: Economic Possibilities of Our Time" (2005) New York: Penguin Press

## **Chapter 2**

### **International Human Rights System**

#### **2.1 The Global Human Right System**

##### **2.1.1 Definition of Human Rights**

The protection of human rights is typically ensured by national and international laws, which are moral concepts or ideals that are widely accepted and establish the standard for appropriate human behaviour. Littman<sup>25</sup> asserts that the inalienable rights that are generally recognised should never be contingent upon an individual's ethnicity, religion, nationality, or socioeconomic status. These cultural, social, economic, and political rights encompass the right to exist, freedom of expression, liberation from slavery, and education.

According Simmons,<sup>26</sup> after WWII, especially after the Holocaust, human rights became popular, and the 1948 UN General Assembly adopted the Universal Declaration of Human Rights. This article described a worldwide framework of rights for human dignity, liberty, and justice that nations should uphold. The UDHR has inspired various treaties and state laws to promote and protect human rights worldwide since its passage. Most people believe that everyone should have fundamental human rights, but there is debate on which rights should be prioritised, how to implement them, and how they relate to different cultures. Cultural relativists argue that individual human rights conflict with traditional or community practices and are undesirable for collectivist or communal nations. However, states, the UN, and NGOs work together to uphold human rights globally, and human rights remain a focus of international relations and legal systems. Human rights as moral principles or norms that establish standards of human behaviour and are consistently upheld as substantive rights in both domestic and international law.

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<sup>25</sup> Littman, David G. "Human Rights and Human Wrongs". (2003) National Review. Archived from the original on 11 January 2008. Retrieved 7 January 2008.

<sup>26</sup> Simmons, Beth A. "Mobilizing for Human Rights: International Law in Domestic Politics" (2009) Cambridge University Press. p. 23. ISBN 978-1139483483.

The United Nations<sup>27</sup> states that human rights have shaped international law and regional and global entities. The agreement is that human rights include education, genocide prevention, slavery prevention, and freedom of speech. However, there is disagreement regarding which specific rights should be incorporated into this framework. Although some intellectuals regard human rights as an ideal in and of themselves, others contend that they should only be mandated as a foundation beneath which the most severe injustices can be prevented. Others have raised concerns regarding the applicability of the concept of individual human rights to nations that prioritise collectivist or community identity.<sup>28</sup>

Human rights influence interactions between states and between individuals as a prerequisite for human flourishing. The term "vertical impact" denotes the influence of human rights on the relationships between individual states. The fundamental goal of human rights is to establish standards for interactions between individuals and the state, though some of these rights may also have an effect on interpersonal relationships. This so-called 'horizontal effect' suggests that a government must protect individuals against other persons' human rights violations as well as its own. Human homicide is a kind of state-sponsored murder, and the people must demand that the government do something about it. According to the International Covenant on Civil and Political Rights (ICCPR), all nations are obligated to protect their people's right to privacy against unauthorised access. The elimination of torture and the implementation of free elections are two instances of government dedication to human rights.<sup>29</sup>

## **2.1.2 Human Right Classification in Accordance to Law**

### **2.1.2.1 Civil, Political, Economic, Social and Cultural Rights**

Human rights can be viewed from a variety of perspectives: Initially, in terms of the strategies employed to safeguard the diverse aspects of human existence (civil, social,

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<sup>27</sup> United Nations Human Rights Council, Sessions, archived from the original on 20 May 2012. <https://www.ohchr.org>. on 14 December, 2024

<sup>28</sup> Nickel, James. "Human Rights" (2010) The Stanford Encyclopedia of Philosophy (Fall 2010 ed.).

<sup>29</sup> International Covenant on Civil and Political Rights". UN Office of the High Commissioner for Human Rights. <https://www.ohchr.org> accessed on 14 December, 2024

economic, cultural, political, and moral). Their second presumption is that they are constitutional and/or lawful.

Civil, Political, Economic, Social and Cultural Rights, individual liberty are protected by both civil and political rights. Governments and social groupings are not excluded from this protection. The right to participate in society and state-level political processes is guaranteed to all persons by these documents. Along with international human rights, political and civil rights are upheld. Economic, social, and cultural rights are all part of what is called "the universal declaration of human rights" that was drafted in 1948. One may say that the two schools of thought on human rights, positivism and negativism, represent the "first-generation rights" out of three.

The ICCPR allows for the enforcement of international obligations that pertain to the preponderance of these rights. New "physical integrity rights" have arisen from this region. The individual's rights to life, liberty, and security are protected from physical violence, torture, inhuman treatment, arbitrary detention, imprisonment, exile, slavery, servitude, invasion of privacy, and restrictions on movement. Economic and social welfare are subject to the definition of "basic rights," but "physical integrity rights" are not. Protecting privacy or property rights is not a concern for the second group of individuals. The right to legal equality and protection is not a component of an individual's right to bodily integrity. This privilege is the foundation of cultural, social, and economic rights. An additional method of characterising individual rights is as "due process rights." Articles 9, 10, 14, and 15 of the ICCPR include a fair trial by a neutral and autonomous body, the "presumption of innocence," and the absence of double jeopardy. Under civil rights, the freedoms of expression, assembly, religion, the press, and movement are afforded protection. They also guarantee their protection from prejudice.<sup>30</sup>

As part of their political rights, individuals are entitled to an impartial trial, due process, and other guarantees of natural justice. Other rights include the right to vote, petition, associate, congregate, and defend oneself, as well as the right to participate in government and civic society. In addition to legal authority, these rights must comply with administrative justice standards. Political rights are advantageous to

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<sup>30</sup> UN Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights. <https://www.ohchr.org> accessed on 14 December, 2024

contemporary society. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) provide the right to freedom of expression, association, and assembly, among other human rights, as enumerated in Articles 19–21 of the ICCPR. Other ICCPR-protected rights include voting and running for office in legal, periodic secret ballot elections and participating in national government. Articles 18, 19, 21, 22, and 25 stand out.<sup>31</sup>

When people misuse their civil and political rights, active organisations step in to protect them. The American Civil Liberties Union (ACLU), a well-known nonprofit organisation established in 1920, works to protect free speech and influence public policy. Another organisation working to protect minorities' civil rights is the NAACP, which was established in 1909. The National Rifle Association, a civil rights organisation, was founded in 1871 to protect the right to own firearms. Supporters of the working class might find an ally in the American Federation of Labor-Central Intelligence Organisations (AFL-CIO).

Economic, Social and Cultural Rights, the socioeconomic human rights framework encompasses a variety of fundamental necessities, such as accommodation, sustenance, medical treatment, education, and cultural opportunities. Regional and international frameworks for human rights protect economic, social, and cultural rights. All member nations must adopt "progressive measures" to protect and realise economic, social, and cultural rights.

The women's rights are protected by Convention No. 2, while the children's cultural, social, and economic rights are protected by International Convention No. 1. Discrimination based on a person's disability is outlawed by the Convention on the Rights of Persons with Disabilities, and the Universal Declaration of Human Rights<sup>32</sup> recognises various economic, social, and cultural rights through the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the principal international legal framework.

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<sup>31</sup> UN Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights. <https://www.ohchr.org> accessed on 14 December, 2024.

<sup>32</sup> United Nation, Universal Declaration of Human Rights. (UN 6 October, 2015) <https://www.un.org>. accessed on 14 December, 2024

Articles 22–26 of the UDHR<sup>33</sup> provide the basis of the international norms for social and economic rights that are set out by the ICESCR. Examples of economic rights include the freedom to own property, the right to form a union, a minimum wage, safe working conditions, and the opportunity to find gainful employment. Healthcare, housing, nutrition, social assistance, and education are all part of the social rights outlined in Articles 6–14 of the International Covenant on Economic, Social, and Cultural Rights.<sup>34</sup>

Cultural rights are encompassed in Articles 15 and 27 of the International Covenants on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, respectively. Cultural rights protect moral and pecuniary interests in literary, scientific, and artistic works, as well as cultural pursuits and scientific progress. An exhaustive list of these rights may be found in the UDHR.<sup>35</sup>

Numerous individuals distinguish between civil and political rights and economic, social, and cultural rights. These rights are universally regarded as mutually exclusive. In plain English, this approach outlines political and civil rights and establishes only cost-effective, straightforward restrictions. Fulfilling positive responsibilities necessitates both time and money due to the ambiguity surrounding economic, social, and cultural rights.

In contrast to cultural, social, and economic inequalities, justifiability encompasses civil and consequential rights. Consequently, the legal system is capable of addressing civil and political rights, but economic, social, and cultural rights are not.

The legitimacy and execution of cultural, social, and economic rights have been more thoroughly assessed and reinforced. Domestic courts have developed a body of case law over the past decade to protect economic, social, and cultural liberties. Guided by

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<sup>33</sup> United Nation, Universal Declaration of Human Rights. (UN 6 October, 2015) <https://www.un.org>. accessed on 14 December, 2024.

<sup>34</sup> Alston, Philip, “The United Nations and human rights: a critical appraisal” (1992) Oxford: Clarendon Press. p. 474. ISBN 978-0198254508.

<sup>35</sup> United Nation, Universal Declaration of Human Rights. (UN 6 October, 2015) <https://www.un.org>. accessed on 14 December, 2024



international and domestic law, legal and quasi-judicial authorities may be required to exercise their discretion and imagination in order to protect the rights.

International treaties have established the interdependence of human rights. As per the 1993 Vienna Declaration and Programme of Action, human rights are interrelated, universal, and nondiscriminatory. Equity, respect, and decorum are indispensable. The European Union and its member states have frequently emphasised that a respectable life, which encompasses economic, social, cultural, civic, and political rights, is a fundamental human right. In their Declaration on 21 July 1986, economic, social, cultural, civic, and political rights were emphasised as being essential to the preservation of human dignity and aspirations.<sup>36</sup>

The Limburg Principles for ICESCR Implementation state that social, cultural, political, economic, and civil rights are interrelated. An unbiased council of experts created the 1997 Maastricht Guidelines for Economic, Social, and Cultural Rights, drawing from 1986 principles. These treaties show state parties' ICESCR duties. States that have signed the International Covenant on Economic, Social, and Cultural Rights were the focus of the 1990 third General Comment. The ICESCR Optional Protocol formalises international agreements by emphasising that human rights are closely connected. If ratifying states accept the Optional Protocol, the Committee on Economic, Social, and Cultural Rights (ICESCR) can hear and resolve infringement claims. The Committee may pursue a temporary solution in order to prevent long-term damage. If credible evidence indicates that severe violations have occurred, the Committee is authorised to conduct a visit to the state party in question.

The human rights-advocating Optional Protocol was adopted on December 10, 2008, the same day that the Universal Declaration of Human Rights celebrated its 60th anniversary. Today, economic, social, and cultural rights are equally significant as civil and political rights, following a prolonged period of neglect and underprotection. Additionally, the scope and intricacies of these rights would be clarified by a system for individual complaints, which would facilitate their protection and enjoyment.

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<sup>36</sup> Dommen & Sepulveda “The Obligation to Mobilise Resources: Bridging Human Rights, Sustainable Development Goals and Economic and Fiscal Policies” (2017). at: [https://www.ibanet.org/Human\\_Rights\\_Institute/Publications](https://www.ibanet.org/Human_Rights_Institute/Publications) accessed on 14 December, 2024

Thirdly, individuals are more inclined to categorise social and economic issues as rights when they perceive a global "solution" to these issues. The Committee on Economic, Social, and Cultural Rights' unfavourable conclusion will result in the political spotlight being directed towards economic, social, and cultural rights.<sup>37</sup>

#### **2.1.2.2 Other Classifications**

Fundamental and Basic Rights, these liberties were established through constitutional analysis and due process. The 2015 United Nations Sustainable Development Goal 17 established a connection between human rights and peace.<sup>38</sup>

Basic rights include the right to life and the right to be exempt from physical injury. Human rights encompass all matters that pertain to human advancement and established rights. In the 1960s, a number of United Nations treaties, declarations, and resolutions were implemented to establish standards in this domain. In order to prevent the concept of "violation of human rights" from being diluted by an excessively broad definition of human rights, it is necessary to distinguish between a subset of human rights. When discussing human rights, the terms "core," "fundamental," "elementary," and "essential" are being used more frequently.

Rather, we should designate "fundamental rights" that require the highest priority from both national and international administrations. This encompasses all rights that pertain to the fundamental material and immaterial needs of individuals. In their absence, it is impossible for any human to live a life of dignity. Fundamental human rights include life, security, inviolability, freedom from slavery and incarceration, freedom from torture, illegal loss of liberty, discrimination, and other violations of human dignity. In addition to the rights to enough food, clothing, shelter, and medical care, we also have the freedom to publicly express our opinions and actions.

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<sup>37</sup> Dommen & Sepulveda. "The Obligation to Mobilise Resources: Bridging Human Rights, Sustainable Development Goals and Economic and Fiscal Policies" (2017), at: [https://www.ibanet.org/Human\\_Rights\\_Institute/Publications](https://www.ibanet.org/Human_Rights_Institute/Publications) accessed on 14 December, 2024

<sup>38</sup> Doss, Eric. Sustainable Development Goal 16. (United Nations and the Rule of Law). <https://www.un.org/ruleoflaw/> accessed on 16 December, 2024

These "participation rights" encompass the capacity to vote, which is a political right; see the preceding section. Additionally, they encompass cultural activities. The protection of all fundamental human rights is contingent upon these participation rights, which are frequently regarded as essential.

Individual rights or natural rights are intrinsic to every human. Some theists think God gives individual rights. A person's morality determines their freedom of action. Collective rights are held by the collective, unlike individual rights. Even while most rights are group-differentiated, they are nonetheless individual rights when held by individuals.<sup>39</sup>

Individual and group rights often conflict. Collective rights are often used to justify individual rights violations. The concept of collective rights for personal liberties have caused dispute. Although human rights aim to protect and promote individuals, some are implemented by communal acts. This includes the right to worship, congregate, and, most significantly, form a union. Cultural and ethnic minorities have the right to retain their language and culture as human rights. People who profit from group membership have collective rights.<sup>40</sup>

Self-determination is a collective human right since it belongs to peoples, not individuals (ICCPR and ICESCR Articles 1). Because self-determination is vital to personal evolution, it is currently a well-established human right. Guaranteed freedom from torment and the enjoyment of life are among the most commonly recognized individual rights, and collective rights should not violate them.

First, Second and third generation rights, at the International Institute of Human Rights in Strasbourg, Karel Vasak<sup>41</sup> developed a three-tiered human rights hierarchy. His

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<sup>39</sup> Jones, Peter "Cultures, group rights, and group-differentiated rights". (2010). In Maria Dimova-Cookson; Peter M. R. Stirk (eds.). *Multiculturalism and Moral Conflict*. Routledge Innovations in Political Theory. Vol. 35. New York: Routledge. pp. 38–57.

<sup>40</sup> Bisaz, Corsin "The Concept of Group Rights in International Law. Groups as Contested Right-Holders, Subjects and Legal Persons" (2012) The Raoul Wallenberg Institute of Human Rights Library. Vol. 41.

<sup>41</sup> Vašák, Karel. "A 30-year struggle; the sustained efforts to give force of law to the Universal Declaration of Human Rights". <https://unesdoc.unesco.org> accessed on 14 December, 2024

inner struggle stems from the French Revolution's principles of liberty, equality, and brotherhood.

First-generation rights include free speech, assembly, and voting property ownership, and a fair trial are the first human rights, sometimes called the "blue rights." Civil and political rights protect against state abuse. Due process and other English Bill of Rights stem in 1215, the Magna Carta was signed, and in 1689, the Rights of Englishmen were established. The United States' Bill of Rights (1791) and France's Declaration of Man's and Citizen's Rights (1789) were the first documents to explicitly declare human rights. They were controlled by international law by the 1948 (UDHR) and 1966 ICCPR. They received official recognition from the ECHR in 1953.

After World War II, states recognised post-war human rights like equality. Economy, society, and culture shape them. They ensure fairness for all citizens. Secondary rights include appropriate food, shelter, medical care, social security, unemployment insurance, and fair working conditions. As in the preceding generation, Articles 22–28, the International Covenant on Economic, Social, and Cultural Rights, and the UN Declaration of Human Rights shaped these rights.<sup>42</sup> President Franklin D. Roosevelt called for a Second Bill of Rights like the first in his January 11, 1944 State of the Union Address. Recently, states and international institutions like the European Social Charter have passed laws protecting human rights. Several US jurisdictions have passed economic rights laws. The rights to free public education, workers' compensation, and unionisation are all protected under New York's constitution. "Red" rights protect these. The government can only protect, promote, and implement them with sufficient finances. The state is responsible for spending. Not everyone can afford a decent home or good education. South African housing rights include "access to adequate housing," which takes time. Government involvement is required to protect positive rights like these.<sup>43</sup>

Progressive international legal agreements and "soft law," such as the Stockholm Declaration of the United Nations Conference on the Human Environment in 1972 and

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<sup>42</sup> United Nation, Universal Declaration of Human Rights. (UN 6 October, 2015) <https://www.un.org>. accessed on 14 December, 2024

<sup>43</sup> Levin Institute - State University of New York "Three Generations of Human Rights". (Globalization 101). <https://www.globalization101.org> accessed on 14 December, 2024

the Rio Declaration on Environment and Development in 1992, define human rights that extend beyond civil and social rights. The concept of human rights was expanded to encompass communities as a result of the solidarity human rights movement. Like "green" rights, the phrase is informal and includes collective and group rights. Individuals should be free to choose their own paths, grow in society and the economy, access resources, speak freely, engage in their culture, and ensure sustainability and equality for future generations.

The African Charter on Human and Peoples' Rights defines decentralisation, development, responsible resource use, and environmental satisfaction. Many nations protect third-generation rights in their constitutions. The Finnish Parliament had a Committee for the Future, the Israeli Knesset had an ex-Committee for Future Generations, and Hungary had a Parliamentary Commissioner.<sup>44</sup>

Several global organisations are responsible for safeguarding these liberties. The OSCE High Commissioner on National Minorities Office is an example of such a program. "Protect conserve and enhance the environment for current and future generations, while advancing sustainable development," is the project's goal. As one of the few states with environmental protection statutes, New York's attorney general or mediator can enforce the "forever wild" constitutional clause with the appellate division's agreement.

The rights of the first generation were characterised by the emphasis on personal freedoms, political and civic liberties, and economic, social, and cultural liberty, in addition to economic equality. The rights of the second generation are characterised by these qualities. "Solidarity rights" encompass a variety of supplementary rights, such as the rights of the third generation, tranquilly, and a pollution-free environment. The Vienna Declaration and Programme of Action (1993) and Paragraph I of the United Nations General Assembly's Declaration on the Right to Development (4 December 1986) both recognise development as a human right within the context of third-generation rights. By recognising progress as a social and human right, the Vienna Declaration emphasises the significance of individual rights. The High Commissioner for Human Rights has recently been a proponent of human rights. The

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<sup>44</sup> African Charter on Human and Peoples' Rights, (Adopted Article 20, 21, 22 and 24, enforce 1986 October, 21<sup>st</sup>)

agreement on assessment criteria for global development partnerships, which is also referred to as the right to development, was a significant advancement in January 2006. Access to development is one of the fundamental rights that are preserved by the European Union.

Human rights advocates say the merging of communal and collective rights helps classify rights into "generations" and surpasses the individualistic moral framework that supports human rights. Opponents say this method is based on incorrect history and violates human rights. The Vienna Declaration and Programme of Action and Teheran Proclamation contradict the idea that all rights are interconnected, indivisible, and linked.

### **2.1.3 International Human Rights Mechanisms**

#### **2.1.3.1 Human Rights Conventions**

Conventions or agreements among governments, sometimes termed international treaties or covenants, are used to establish human rights. International human rights treaties establish a consensus on human rights standards and provide mechanisms to oversee treaty implementation. There are many conventions.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Situational Monitoring The implementation of the Convention is overseen by the Committee on the Elimination of Racial Discrimination, a group of human rights experts. Half of the eleven human rights specialists are re-elected every two years, and they serve for eighteen years. According to the United Nations General Assembly, political parties elect their members through secret balloting. Each party has the option of nominating one individual to serve on the Committee. The ICERD treaty was ratified by the United Nations. The Convention is a Third Generation Human Rights Instrument that inspires all signatories to pursue a world devoid of intolerance and bigotry. Joining organisations that advocate for hostility or discrimination was prohibited by the 1965 Convention.<sup>45</sup>

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<sup>45</sup> UN General Assembly "International Convention on the Elimination of All Forms of Racial Discrimination". United Nations Treaty Series. (Adopted Dec, 21 1965, enforced 4 Jan 1969) 660 units 195.

Due to its individual complaints system, the Convention may be enforced against parties. The Convention is the subject of a limited corpus of case law that applies and interprets it. The United Nations General Assembly adopted and opened the treaty for signature on December 21, 1965. It is effective as of January 4, 1969. In July 2020, 88 nations had signed the U.S. General Assembly Resolution (2016), with an additional 182 countries (including those that acceded or succeeded) subsequently joining. The Convention is under the supervision of the Committee for the Eradication of Racial Discrimination (CERD).

In numerous petitions, the rights of Romani residents in countries that were previously part of Eastern Europe have been called into question. The Committee for the Elimination of All Forms of Discrimination Against the Roma in Slovakia has made decisions regarding numerous instances. *Koptova v. Slovakia* was the case in which the UN Committee on the Elimination of All Forms of Discrimination Against the Roma ruled that the right to freedom of movement and residence was violated by several village ordinances that prohibited Roma from residing there.<sup>46</sup> The Committee determined that the Slovak government had failed to provide a suitable solution for Roma discrimination as a result of the rejection of an ethnically motivated housing scheme. *The Durmic v. Serbia and Montenegro* Committee determined that the Serbian government's endemic failure to investigate and sanction instances of Roma discrimination in relation to public space accessibility.

The Committee determined that the plaintiffs did not adequately penalise racial incitement and discrimination in only two cases: *Gelle v. Denmark*<sup>47</sup> and *L.K. v. Netherlands*.<sup>48</sup> The Committee rejected the assertion that criminalising racial discrimination fulfils all of a state party's obligations under the Convention in both instances. These provisions "must also be effectively implemented by the competent national tribunals and other State institutions". The Committee maintains that

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<sup>46</sup> "Communication No 13/1998 : *Koptova v. Slovakia*. 01/11/2000". UN CERD. 1 November 2000. Archived from the original on 4 June 2011. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>47</sup> "Communication No. 34/2004 : *Gelle v. Denmark*. 15/03/2006". UN CERD. 15 March 2006. Archived from the original on 4 June 2011. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>48</sup> "Communication No 4/1991 : *L.K. v. Netherlands*. 16/03/93". UN CERD. 16 March 1993. Archived from the original on 4 June 2011. <https://www.ohchr.org>. accessed on 14 December, 2024

prosecutors "should be permitted to exercise their discretion in each instance of alleged racial discrimination in accordance with the provisions of the Convention."

The Committee ruled in 2003's *The Jewish community of Oslo et al. v. Norway*<sup>49</sup> that the Supreme Court of Norway's decision to acquit a neo-Nazi leader was in violation of the Convention. Universal Declaration of Human Rights, 2003, was the basis for the court's ruling. The Committee also verified that the right to free expression was in accordance with the protection of individuals from hate speech. In *Hagan v. Australia*, the Committee determined that the "E. S. 'Nigger' Brown Stand" at a Toowoomba sports field, which was named after a rugby league icon from the 1920s, should be removed due to its racially derogatory nature, despite its positive intentions.<sup>50</sup>

The International Covenant on Civil and Political Rights (ICCPR) provides that every state must protect the political and civil rights of its inhabitants. Every individual have an intrinsic right to exist, to think, to speak, to assemble, to cast a ballot, and to be assured of a fair trial and due process. The UNGA passed Resolution 2200A on December 16, 1966. After 35 ratifications or accessions, it was implemented on March 23, 1976. By June 2024, the Covenant had been ratified by 174 states. In addition to Cuba and China, six additional nations have agreed to the treaty. North Korea is the sole nation that is making an attempt to depart.<sup>51</sup>

In order to ensure that the ICCPR is being upheld, the UN Human Rights Committee conducts regular assessments of the progress reports submitted by signatory nations. Upon their admission to the Covenant, all states are required to submit an initial report. The Committee will establish the intervals between subsequent reports, which are

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<sup>49</sup> Un committee on the Elimination of Racial Discrimination (CERD), "*The Jewish community of Oslo et al. v. Norway*, Communication No. 30/2003, U.N. Doc. CERD/C/67/D/30/2003 (2005)". UN CERD. (15 August 2005).

<sup>50</sup> "*Hagan v. Australia*". UN CERD. 20 March 2003. accessed on 14 December, 2024

<sup>51</sup> Office of the United Nations High Commissioner of Human International Covenant on Civil and Political Rights, Rights <https://www.ohchr.org/en/civil-and-political-rights> accessed on 14 December, 2024



typically every four years. Committee meetings are conducted at the United Nations Office in Geneva, Switzerland, on a minimum of three occasions each year.<sup>52</sup>

International Covenant on Economic, Social and Cultural Rights (ICESCR). On 16 December 1966, the United Nations General Assembly (GA) passed Resolution 2200A (XXI) to establish the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The implementation of a multilateral accord occurred on January 3, 1976. The individuals of Non-Self-Governing and Trust Territories are equally responsible for guaranteeing that all individuals have access to economic, social, and cultural rights (ESCR). Access to health care, quality education, and a comfortable standard of living are all considered rights. At the conclusion of 2024, the Covenant had been ratified by 172 countries. The Covenant has been approved by the United States, which is one of five nations that have not yet joined it.<sup>53</sup>

The ICCPR and all other human rights are enshrined in the UDHR. This includes not just the original two UDHR Optional Protocols but also the ICCPR, the ICESCR, and its 1996 Optional Protocol. A UN committee in charge of social, economic, and cultural freedoms monitors the Covenant.<sup>54</sup>

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The United Nations General Assembly authorised CEDAW in 1979. Since its inception on September 3, 1981, the international bill of rights for women has been in effect, and 189 governments have recognised it.<sup>55</sup> The convention has been ratified by fifty nations; however, a small number of them have expressed their disapproval. 38 of these nations are opposed to the enforcement of article 29, which pertains to the resolution of disputes regarding the interpretation or implementation of the

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<sup>52</sup> UN office of the High Commission for Human Right (OHCHR) "Fact Sheet No.2 (Rev.1), The International Bill of Human Rights". (June 1996) <https://www.ohchr.org> archived 13 March 2008. accessed on 14 December, 2024

<sup>53</sup> International Covenant on Economic, Social and Cultural Rights. [www.refworld.org](http://www.refworld.org). accessed on 14 December, 2024

<sup>54</sup> UN International Covenant on Economic, Social and Cultural Rights. UN (adopted Dec., 6, 1966, entered into force 3 January 1976). Treaty Collection <https://treaties.un.org>. accessed on 14 December, 2024

<sup>55</sup> United Nations, United Nations Treaty Collection Archived from the original on 6 September 2015. <https://treaties.un.org> accessed on 14 December, 2024

convention. The central government's power is restricted by the federal constitutional arrangement of Australia, as acknowledged in the country's statement. Although Palau and the United States have both signed the treaty, it has not yet been ratified. Iran, Tonga, Somalia, Sudan, and the Holy See are among the countries that have declined to participate in

CEDAW.<sup>56</sup> Hilary Gbedemah is the Chairperson of CEDAW. This position is specifically intended for her.<sup>57</sup>

United Nations Convention against Torture, Internationally recognised as a document outlining children's rights in a range of areas, such as cultural preservation, healthcare access, and political participation, the United Nations Convention on the Rights of the Child (UNCRC) is a cornerstone of human rights legislation around the world. A person is considered a minor if they are under the age of eighteen, unless their country has a lower legal age of majority.

Nations that have ratified or acceded to international law are subject to certain obligations. Despite the fact that a state is not legally obligated to adhere to the provisions of the treaty until ratification, it is now required to avoid any actions that could potentially undermine the treaty's provisions.

The UN Committee on the Rights of the Child, a body of 18 impartial specialists from diverse nations, oversees the convention's acceptance and implementation by ratifying governments. These states must submit quarterly reports and appearances to the UN Committee on the Rights of the Child to review treaty and child rights implementation. The committee's website has its written findings, concerns, and views.<sup>58</sup>

The convention's enforcing body, the Committee on the Rights of the Child, is also tasked with investigating and ruling on claims of violations of children's rights. If there

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<sup>56</sup> UN Declarations, Reservations and Objections to CEDAW. archived from the original on 22 December 2011. <https://www.un.org>. accessed on 14 December, 2024

<sup>57</sup> Office of the UN High Commissioner for Human Rights (OHCHR), OHCHR/Membership. Archived from the original on 3 September 2013. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>58</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Article 1 of the Convention on the Rights of the Child (20 November 1989). Archived 13 January 2015. <https://www.ohchr.org>. accessed on 14 December, 2024

is strong evidence of a member state's breach, the Committee on the Rights of the Child may launch its own inquiry into the execution of the rights guaranteed by the convention. Moreover, "states ... may opt-out from the inquiry procedure, at the time of signature or ratification or accession" . After the Chair of the Child Rights Committee gives a statement, the Third Committee of the UN General Assembly approves a resolution every year recognizing the rights of children.<sup>59</sup>

The United Nations General Assembly opened the treaty for signing on November 20, 1989, in commemoration of the 30th anniversary of the Declaration of the Rights of the Child. That was the year in which the convention was definitively established. It entered into force on September 2, 1990, following the ratification of a sufficient number of nations. As of December 7, 2024, there are 196 signatory states; therefore, the United States is not one of them.

On May 25, 2000, two protocols were implemented. The sales, prostitution, and pornography of children, as well as the use of juveniles in armed conflicts, are prohibited by both the First and Second Optional Protocols. Both processes have been ratified approximately 170 times. The third complaint communication protocol was prepared for signature on February 28, 2012, after being declined in December 2011.<sup>60</sup>

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) seeks to criminalise forced disappearance since it is a crime against humanity under international human rights law. On February 6, 2007, the UN General Assembly signed Resolution 2036. It was authorised on December 20, 2006.

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<sup>59</sup> UNICEF "How the Convention on the Rights of the Child works. Joining, implementing, and monitoring the world's most widely ratified human rights treaty". Archived from the original on 4 June 2019. <https://www.unicef.org> accessed on 14 December, 2024

<sup>60</sup> Office of the High Commissioner for Human Rights. "Committee on the Rights of the Child. Monitoring children's rights". Archived from the original on 13 August 2020. <https://www.ohchr.org>. accessed on 14 December, 2024

It was mandated by law on December 23, 2010.<sup>61</sup> The convention has been signed by 98 states and has been adopted or acceded to by 76 states as of August 2024.<sup>62</sup>

In order to support the rights of non-governmental organisations (NGOs) working towards the peaceful resolution of enforced disappearances and the families of individuals who have gone missing, members of the International Coalition against Enforced Disappearances (ICAED) work together nationwide and internationally. For twenty-five years, human rights activists and relatives of the disappeared sought an internationally enforceable mechanism against enforced disappearances before the establishment of the ICAED in 2007. Rapid ratification and implementation of the International Convention to Prohibit the Extrajudicial Killings or Disappearances is being carried out by the ICAED. According to Amnesty International, the treaty should be ratified by the following countries: Morocco, Lebanon, East Timor, Burundi, Cape Verde, Portugal, Pakistan, and Paraguay.<sup>63</sup>

Convention on the Rights of Persons with Disabilities. Everyone is responsible for maintaining and advancing human rights and equality for individuals with disabilities. The adoption of the UN Convention on the Rights of Persons with Disabilities in 1989 protected human dignity and rights. After the Convention, people's views on people with disabilities changed dramatically.<sup>64</sup> Rather than being viewed as mere recipients of aid, medical treatment, and social inclusion, they were viewed as full and equal citizens who were entitled to human rights protections. The United Nations ratified this human rights convention at the turn of the century.<sup>65</sup>

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<sup>61</sup> United Nations, Iraq Paves Way for UN Treaty on Enforced Disappearance. (2010-11-25). <https://www.un.org>. accessed on 14 December, 2024

<sup>62</sup> UN, International Convention for the Protection of All Persons from Enforced Disappearance. <https://treaties.un.org> accessed on 14 December, 2024

<sup>63</sup> International Convention for the Protection of All Persons from Enforced Disappearances (adopted 20 Dec., enforced 23 Dec. 2011) Arts. 30, 31

<sup>64</sup> UN Office of the High Commissioner for Human Rights, Human Rights Bodies. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>65</sup> Bantekas, Ilias,, Stein, Michael Ashley,, Anastasiou, Dēmētrēs UN Convention on the Rights of Persons with Disabilities, a commentary (First ed. Oxford, United Kingdom. 2018). p. 1044.

After receiving unanimous approval from the UN General Assembly on December 13, 2006, the document was opened for signatures on March 30, 2007.<sup>66</sup> It will become effective immediately upon the 20th party's ratification on May 3, 2008. As of March 20, 2024, the European Union is one of the 191 signatories and 164 governments that have endorsed the accord, following its ratification on December 23, 2010. Since 2008, the Committee on the Rights of Persons with Disabilities, the regulating body of the treaty, has adhered to the guidelines established by the CRPD's annual Conferences of States Parties. The thirteenth Conference of States Parties was provisionally rescheduled from June 2020 to December 2020 in New York in response to the COVID-19 pandemic.

### **2.1.3.2 UN Human Rights Mechanisms**

The United Nations Human Rights Council Mechanism is dedicated to the global promotion and preservation of human rights, with 47 regional Council members serving staggered three-year terms. The Council's permanent location is the UN Office in Geneva, Switzerland. The Council reviews UN member states' human rights records, women's rights, LGBT rights, racial and ethnic minority rights, and freedom of expression, association, and assembly.<sup>67</sup>

The United Nations General Assembly formally established the Council on March 15, 2006, as the successor to the United Nations Commission on Human Rights. The Council collaborates closely with the OHCHR to implement UN special procedures. The Council's member states that violate human rights have faced significant criticism for their acceptance.<sup>68</sup>

There are three consecutive months in which the UN Human Rights Council convenes annually: March, June, and September. A special session of the UNHRC may be convened to address crises or human rights violations if three-quarters of the member

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<sup>66</sup> UN Treaty Collection: parties to the Convention on the Rights of Persons with Disabilities: List of parties". United Nations. Archived from the original on 19 August 2012. <https://treaties.un.org>. accessed on 14 December, 2024

<sup>67</sup> Office of the High Commissioner for Human Rights, About the Human Rights Council, archived from the original on 11 March 2017. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>68</sup> Gladstone, Rick "U.S. Regains Seat at U.N. Human Rights Council, 3 Years After Quitting" (14 October 2021). The New York Times. <https://www.nytimes.com> accessed on 14 December, 2024

states elect to do so. By November 2023, there were a total of 36 extraordinary sessions.<sup>69</sup>

The 18-member United Nations Human Rights Committee was established in 1966 in accordance with the International Covenant on Civil and Political Rights (ICCPR), a human rights treaty.<sup>70</sup> The 173 ICCPR states report on a periodic basis on their treaty compliance, and the 116 countries that have signed the First Optional Protocol to the ICCPR file individual petitions, which the Committee reviews during its three four-week sessions each year.<sup>71</sup> The 10 human rights treaties that the UN has adopted are overseen by several committees.<sup>72</sup> The Committee and the other UN human rights treaty organisations are committed to protecting human rights

The Human Rights Committee, an unbiased group of specialists, keeps tabs on the progress of the ratifying states to make sure they're living up to their responsibilities under the International Covenant on Civil and Political Rights. The Committee's endeavours to enhance the gratification of civil and political rights have resulted in numerous modifications to legislation, policy, and practice. As a result, individuals worldwide have experienced advantages. Its original purpose remains unchanged: to guarantee that all individuals, without exception, have access to the full spectrum of civil and political rights detailed in the Covenant.<sup>73</sup>

The Committee mandates that all States Parties submit consistent reporting regarding liberties, both civil and political, to come to fruition. The Committee retains the authority to ask for further reports from states once they have complied with the Covenant for one year. The Committee has requested a report that is consistent with the Predictable Review Cycle and is based on an eight-year cycle. The Committee

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<sup>69</sup> OHCHR | HRC Sessions. Archived from the original on 3 July 2019. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>70</sup> UN Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights". <https://www.ohchr.org> accessed on 14 December, 2024

<sup>71</sup> Jakob Th. Möller/Alfred de Zayas, The United Nations Human Rights Committee Case Law 1977-2008, N.P.Engel Publishers, Kehl/Strasbourg, 2009, ISBN 978-3-88357-144-7

<sup>72</sup> OHCHR, Introduction of the Committee Archived from the original on 7 March 2022. <https://www.ohchr.org>. accessed on 14 December, 2024

<sup>73</sup> United Nations Human Rights Committee, (14 January 2014) <https://www.ohchr.org>. accessed on 14 December, 2024

composes "concluding observations" to notify the State party of its conclusions subsequent to its examination of each report.<sup>74</sup>

- i. The Committee may also investigate complaints from foreign states, as stipulated in Article 41 of the Covenant.
- ii. The Committee has the authority to evaluate specific complaints that allege Covenant violations by Protocol States in accordance with the Covenant's Optional Protocol.
- iii. Capital punishment has been abolished in countries that have ratified the Second Optional Protocol of the Covenant.
- iv. The Committee frequently provides general remarks that interpret the substance of human rights statutes in relation to topical topics or its methods of operation.
- v. The Committee typically convenes in Geneva three times annually.

However, when it comes to promoting and protecting civil rights and political rights, no nation has an entirely spotless record. The Committee's responsibility is to encourage all States to:

1. Maintain laws, policies, and practices that make it easier to enjoy these rights;
2. Remove or modify measures that impede or diminish these rights;
3. Step in when a state party neglects to promote and protect these rights; and
4. Consider how new laws, policies, and practices will affect the Covenant so that it doesn't regress in protecting these rights.

One of the Committee's numerous assets is its moral authority, which is derived from the fact that its members originate from all corners of the world. The Committee's global perspective distinguishes it from any single regional or national organization.

The Committee's efforts substantially advance the enjoyment of civil and political rights in several nations, but establishing a clear cause-and-effect link may be difficult.

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<sup>74</sup> OHCHR, Introduction of the Committee Archived from the original on 7 March 2022. <https://www.ohchr.org>. accessed on 14 December, 2024

Numerous cases exist when an individual's grievance has resulted in a good conclusion. This could take the form of compensation, a reduction in their death sentence, a new trial, and an investigation into specific events, or any of the numerous other remedies that are available to the involved state. Over the years, the Committee's efforts have led to several alterations in law, policy, and practice, both nationally and in specific cases. Consequently, the Committee's execution of the Covenant's monitoring responsibilities has directly enhanced the quality of life for individuals in countries worldwide. In pursuit of this objective, the Committee will persist in its efforts to guarantee that all States parties may take advantage of its discoveries and will continue to advocate for the full and equal enjoyment of the political and civil rights that the Covenant guarantees.<sup>75</sup>

## **2.2 Human Rights System in Africa**

Africa's human rights status has significantly improved as a result of the African Union, the United Nations, and international law. The continent is currently on the verge of establishing a human rights framework.<sup>76</sup> Nevertheless, human rights violations continue to occur in numerous regions across the continent. Civil wars, racial discrimination, corruption, post-colonialism, poverty, illness, lack of education, religious intolerance, ineffective fiscal management, power monopolies, border conflicts, and an unfree press and judiciary are the primary factors contributing to the majority of human rights violations in politically unstable countries. Numerous treaties were violated at the state, federal, continental, and international levels.

The African Charter comprises 68 articles that pertain to the rights, obligations, commission procedure, and pertinent concepts of human and peoples. This agreement brings together economic, social, cultural, and collective rights.<sup>77</sup> It establishes a connection between the responsibilities of each African civilisation and human rights, individual rights, and responsibilities.

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<sup>75</sup> Human Rights Committee, Focused reports based on replies to lists of issues prior to reporting (LOIPR): Implementation of the new optional reporting procedure (LOIPR procedure)" 29 September 2010. <https://www.ohchr.org> accessed on 14 December, 2024

<sup>76</sup> African Charter on Human and Peoples' Rights, Article 20, 21, 22 and 24

<sup>77</sup> Richard Gittleman "The African Charter on Human and Peoples' Rights": A Legal Analysis P.667



The ACHPR is the designated entity responsible for the investigation of complaints and the interpretation of the Charter. In November 1987, the ACHPR was constituted by Article 30 of the Charter. Two annual sessions are conducted in Banjul, Gambia, the headquarters of ACHPR.<sup>78</sup>

The human rights foundation, Amnesty International, Refugees International, Global Rights, UN Watch, the International Federation for Human Rights, and Human Rights Watch are among the groups working together for protection of human rights in Africa.

An international human rights treaty, the Banjul Charter seeks to safeguard and promote fundamental freedoms and rights throughout Africa. It is known as the African Charter on Human and Peoples' Rights.

National leaders from all across Africa nominate one another to serve on the eleven-person Commission on Human and Peoples' Rights. They are tasked with overseeing the duties of supervision outlined in the charter. A personal commitment of six years of service is demanded of all members.<sup>79</sup> Three tasks have been delegated to the commission. They have an advisory council in addition to conducting and promoting investigations.

As part of its promotional duties, the commission holds symposia, investigates issues that are relevant to specific regions, and advises the signatories of the Charter on how to enact domestic laws to protect the rights outlined in the treaty.<sup>80</sup> Feeling that another state is not following its charter requirements? Any state may bring it to the commission's attention for further examination. Everyone has the right to be treated fairly according to their standing, as stated in the Charter. While amicable settlement is always preferable, the charter stresses the need of discussion before forming the committee (Article 47). The commission must ascertain whether defamation has taken place, as well as the timeliness of the claim submission and the extent to which domestic remedies have been explored after the referral. After reviewing an application, the commission must gather all pertinent material, try to come to a

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<sup>78</sup> Killander, M. and Abebe, A. (2011). "Human rights developments in the AU." *African Human Rights Journal*

<sup>79</sup> Richard Gittleman "The African Charter on Human and Peoples' Rights": A Legal Analysis P.667

<sup>80</sup> Richard Gittleman "The African Charter on Human and Peoples' Rights": A Legal Analysis P.667

mutually agreeable decision, and record its findings. A further presentation to the appropriate state(s) and the OAU assembly is required.<sup>81</sup>

Algeria's human rights violations include human trafficking, official corruption, judicial bias and lack of independence, extreme domestic violence against women, same-sex bans, LGBTI sexual abuse, and press freedom restrictions. The government investigates, prosecutes, and penalizes police and security officers for infractions, but malfeasance still occurs.<sup>82</sup>

Egypt outlawed government criticism in 2016. When protesters are suspected or proven, they are arrested. Many human rights organizations were sanctioned and had their assets seized. Indictments included the Press Syndicate head, non-governmental organization leaders, and Egypt's top anti-corruption celebrity. While security agents harass and mistreat detainees and hundreds of people have disappeared without a trace, government officials' lawbreaking has gone unpunished.<sup>83</sup> Following a 2020 UN study, state-affiliated militias in Libya have committed thousands of atrocious human rights violations since April 2018. Amnesty International says armed groups, private armies, and opposing forces breach global norms and target human rights. These organizations' reckless attacks on densely populated regions kill thousands of innocent people. They arbitrarily arrest, kidnap, and jail thousands forever. Inmates suffered cruel treatment and ruthlessness. Unreasonable mobility constraints are one of many types of discrimination women face. The death penalty endures.<sup>84</sup>

The death penalty and religious freedom restrictions in Mauritania are major human rights problems. Human trafficking, same-sex event bans, excessive violence against women, minority rights limitations, and LGBT sexual assaults are further issues.

Despite the government's attempts to detect, investigate, and punish violators, the military and religious sectors' interconnectivity makes minority rights advocacy

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<sup>81</sup> Generally Article 47 of the African Charter on Human and People's Rights Ladan M. T. Op. cit, p. 7

<sup>82</sup> India and United Nations, 2014-01-12. Archived from the original (PDF) on 2014-01-12. <https://www.un.org>. accessed on 9 December 2024

<sup>83</sup> Human Rights Watch, World Report 2017: Rights Trends in Egypt. 2017-01-12. <https://www.hrw.org>. on 14 December, 2024

<sup>84</sup> BBC, "UN creates new human rights body". (15 March 2006). Archived from the original on 26 December 2013. <https://www.bbc.com> accessed on 14 December, 2024

difficult. The Liberal Organisation works this way. Mauritania's role in LGBT rights protection is crucial.

West and South Africa, in 2015, four Cameroonian soldiers were convicted to a decade in jail for the fire and killing of two mothers and two children. In 2018, a video of the shooting became popular on the internet. According to BBC News (2020), the military accuses the ladies of being Boko Haram members in the video.

## **Chapter 3**

### **The Role of NGOs in Human Rights Protection in Nigeria**

#### **3.1 Human Rights System in Nigeria**

International interactions between nations frequently involve the sphere of politics. An international system without coercive enforcement mechanisms makes it easy to use Human Rights problems for evil. Individual responses to human rights breaches are almost difficult under the international system.<sup>85</sup> The emphasis has shifted to the domestic sphere due to the inadequacy of international processes in projecting human rights. The expectation is that local systems will reflect the concerns being discussed on an international scale. Going to court remains the most prevalent approach to enforcing human rights. The justices are the primary source of support for the procedure. The court may be unable to effectively resolve abuses due to the fact that many nations do not have an interest in the unrestricted protection of human rights. It is no longer news that the Nigerian courts are severely restricted in their authority. The judicial officers receive inadequate compensation, and the infrastructure is deficient. A significant number of individuals are unable to afford the exorbitant expenses that are associated with obtaining justice. Due process abuses like the Locus Standi's narrow interpretation hinder legal challenges to human rights crimes.

The constitutional split between civil, political, economic, social, and cultural rights adds to these challenges. The earlier courts have generally enforced categories of rights, whereas the latter have substantial concerns about specific rights. Socioeconomic rights are "fundamental and directive principles of state policy" while civil and political rights are "Fundamental Rights," a justified divide in the constitution.

Consequently, Nigeria's constitution from 1999 does not provide any legal protections for economic, social, or cultural rights. The prohibition of governmental policy implementation that endangers freedom and civil rights, as well as justice-able socioeconomic rights, constitute the majority. Civil and political rights are akin to a

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<sup>85</sup> Ajomo M. A (1985) 'Human Rights and Politics in Nigeria in New Dimensions in Nigerian Law', A Publication of the Nigerian Human Rights Commission Lagos, pp. 18-30, p. 18

two-edged weapon, as they encompass both demands and liberties. In Article II of the International Covenant on Economic, Social, and Cultural Rights, it is explicitly stated that all individuals are entitled to reside in their own residence without being forcibly evicted. This privilege does not include requests for government-built dwellings. Domestic and international law both protect the rights to political and civil liberties as well as the rights to economic opportunity, social security, and cultural preservation. Nigeria authorised these instruments.

Nigeria and others approved the African Charter on Human and People's Rights. *Ogugu vs. the State*, a major Supreme Court ruling, ruled that the African Charter provisions are equally enforceable as Chapter 4 of the Constitution since the State has made them domestic law. Articles 13–18 of the African Charter, which include Economic, Social, and Cultural Rights, are equally binding as Chapter Four of the constitution. *Gani Fawehinmi vs. General Sani Abacha*, which upheld *Ogugu Supra*, is significant to understanding how courts may assess basic rights preservation in such cases.

Famous case law from 2014, *Femi Falana v. The Government of Nigeria and Others*,<sup>86</sup> involved the Nigerian National Petroleum Development firm (NPDC) and its parent firm, the Nigerian National Petroleum Corporation (NNPC). Issues about the House of Representatives' jurisdiction to probe a \$10 billion deception arose from this case. The probe by the House of Representatives was even granted authorisation by the court. In a ruling that upheld the legislature's constitutional power to investigate, the court upheld human rights protections in Nigeria by exposing corruption and establishing new legislation. Since no criminal charges had been filed, the court found that the investigation had not violated the rights of the persons or companies that had been targeted. This case shows that the Nigerian parliament may look into claims of wrongdoing and human rights breaches.

The Nigerian Federal High Court found in the case of *Asari Dokubo v. Attorney General of the Federation*,<sup>87</sup> that the legislature has the power to enact laws that protect people's rights to freedom of expression, assembly, and association. This decision is really noteworthy. After finding that the government's effort to punish the petitioner

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<sup>86</sup> (2014) 6 NWLR (Pt. 1406) 153

<sup>87</sup> (2007) 10 NWLR (Pt. 1041) 1.

for expressing his disapproval of its policies violated his basic right to free expression, the court released him.

In the recent case of *Ogundipe v. Federal Republic of Nigeria*, FHC/L/CS/1109/2020, the Federal High Court of Nigeria determined that a student's rights were infringed upon when the police held him for a long time without a warrant. According to the court's ruling, lawmakers must make sure the police are well-prepared to protect the public from abuses like arbitrary imprisonment and other infractions.

An important reason why the case of *SERAP v. National Assembly*,<sup>88</sup> stands out is because: Asserting that lawmakers had neglected to provide the groundwork for judicial independence as mandated by the constitution, the Socio-Economic Rights and Accountability Project (SERAP) launched legal actions against the National Assembly in 2018. The National Assembly was compelled to resume its duty by the court, which found that it had breached the rights of Nigerians to fair and impartial justice.

In the case of *Nwanguma v. Nigeria Police Force & Anor*,<sup>89</sup> the Lagos Court established that the National Assembly has the authority to examine claims of human rights violations by security forces. The court held that the ability of the legislature to look into such issues was crucial for human rights in Nigeria to be advanced and protected. The rulings stated above demonstrate that the courts in Nigeria have repeatedly held lawmakers to account for human rights advocacy and protection.

Procedure for the enforcement of fundamental rights rules describe the institution of process and the jurisprudence that supports it with regard to when Fundamental Rights should be established. In accordance with order 1 Rule 2(1) of the regulations, any individual who asserts that their fundamental rights, as guaranteed by the constitution, have been, are being, or will be violated may initiate the procedures. In *Uzoukwu vs. Ezeonu*,<sup>90</sup> the Court of Appeal noted that this encompasses organizations of individuals asserting collectively that they are entitled to fundamental rights. Not all of the petitioner's rights are at risk; only those that have been or are about to be violated may submit a complaint on behalf of the applicant. According to section 42, an action under

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<sup>88</sup> Unreported case. FHC/L/CS/630/2018.

<sup>89</sup> (2016) 7 NWLR (Pt. 1512) 147.

<sup>90</sup> (2014) 12 NWLR PT (1422) p.588.

the court's jurisdiction is only permissible for rights that satisfy the prerequisites of chapter IV...The court has the authority to enforce or secure the requirements of chapter IV by utilizing the extremely comprehensive powers granted by sub-section (2) of section 42; however, no declaration, ruling, or judgment may be issued in the name of fundamental rights. The court will not elevate an infringed right to the status of a fundamental right solely because it is unambiguous, unequivocal, and grievous if it is not explicitly stated in chapter iv. The petitioner is responsible for determining his entitlement under status law or common law in a different jurisdiction.

The supreme court ruled in the case of *Olaniyi v. Aroyehun*,<sup>91</sup> that the right to be chief did not fall within the umbrella term of human rights. The courts have added new requirements to try to figure out who may start cases under the rules. An application under the Fundamental Rights (Enforcement Procedure) Rules 1979 must make the enforcement of a fundamental right the principal claim, not a subordinate one, as per the Court of Appeal's decision in *Borno Radio Television Corporation vs. Basil Egbunonu*.<sup>92</sup> The petitioner should not be making a subsidiary claim but rather a principal one, and that is the enforcement or guarantee of basic rights. The appointment was halted and reversed in accordance with Nigeria's 1979 Constitution, which guarantees an unbiased hearing.

According to this research this reading of Section 42 of the Constitution goes too far in limiting the liberties guaranteed in Chapter IV and goes against the spirit of the provision. When a fundamental right is violated, is being infringed upon, or is likely to be infringed upon, legal action must be taken, according to Order 1 rule 2(1).

Judicial reviewer Niki Tobi JCA summed out the three main points in the case of *Uzoukwu vs. Ezeonu*. According to Section 42, there are three main aspects that support Order 1 Rule 2(1) (1). First, as mentioned in Chapter 4, it violates the Fundamental Right physically. In the case of a violation, the plaintiff then takes legal action to recoup their cash. Violation of the Fundamental Right constitutes the second branch. What will happen as a result of the violation act is unclear here. In the following scenario, the Respondent is actively overseeing the process of violation, and the violation is really taking place. Thirdly, the plaintiff has grounds to believe that the

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<sup>91</sup> (1962) All NLR 413

<sup>92</sup> (1962) All NLR 150

defendant has violated his or her basic rights. The third limb of the section is completely separate, while the first two limbs may develop at the same time in certain cases. The burden of waiting for the third component to accomplish the final act of violation is lifted from the applicant or plaintiff. At this time, fixing the problem may not be feasible.

Besides, regulations are no longer sufficient to hold the government accountable. In the case of *Ategie vs. MCK Nigeria Limited*,<sup>93</sup> Justice Aka found that a corporation cannot be prosecuted under the Rules, regardless of whether the plaintiff alleges a violation of their rights.

The trial court in the unpublished case of *Inspector Ale vs. General Olusegun Obasanjo (Rtd)*,<sup>94</sup> has determined that fundamental rights may only be enforced against the government or an authorised institution thereof. He cited the *Shugaba* case verdict rendered by Karibi-White JCA.

According to Mamman Nasir's ruling in *Uzoukwu v. Ezeonu II Supra*, Section 31(1) of the 1979 Constitution may be enforced against private individuals, as well as the state and its agents. The Court Appeal in *Peterside vs. IMB*,<sup>95</sup> erroneously asserts that the fundamental rights established in chapter IV of the constitution may only be enforced against the government. The enforceability of a provision is determined by how well it protects a right from the state or private parties acting in conjunction with the state under chapter iv. Although the state has the authority to enforce specific provisions, private entities may also be subject to them.

## **3.2 The Role of NGOs in Nigeria**

### **3.2.1 The Constitution**

The guiding principles and Fundamental Objectives of state policy are laid forth in Chapter 2 of the Nigerian Constitution, which serves as the basis for all legislation in Nigeria. Because they are not subject to judicial review and should be followed by the state rather than private organisations, the study's recommendations cannot be

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<sup>93</sup> (1993) 2 NWLR (pt. 276) 410

<sup>94</sup> (1986) 1 NWLR pt. 18, 550 SC

<sup>95</sup> (1993) 2 NWLR (pt. 279) 712



considered NFPO. Section 24 of the Nigerian Constitution promotes a feeling of national unity by outlining the duties of every citizen. The expectation that all citizens will (c) live in peace and harmony, with each person's dignity and the rights and legitimate interests of others respected, is one of the many items outlined in Section 24. Furthermore, they should (d) contribute to the growth and improvement of their local community and have a good influence on it. (e) Help legal organisations that are working to maintain law and order. According to Akintayo and Adewumi, it is a moral requirement since a breach of the obligations listed in this section of the Constitution cannot be legally enforced unless it also violates another positive law.<sup>96</sup>

It is reasonable to assume that concerns about not-for-profit organisations are, for the time being, not directly addressed by the constitution as there is no particular clause in the constitution aimed at regulating NFPO affairs. One clause that gets close to dealing with this is the right to join a legally formed organisation, which is guaranteed in Chapter IV of the constitution.<sup>97</sup> Thus, the freedom to form and join an NFPO is protected by law.

In an effort to bring it into line with worldwide norms, this act updates the Legal Aid Act Cap L9, LFN 2004.<sup>98</sup> To guarantee that destitute persons' claims are pursued in line with the Constitution, it calls for the establishment of a legal assistance and access to justice fund. It also gives the present Legal help Act Council the power to manage the program that gives low-income people access to justice and legal help. That the establishment of the Legal Aid Scheme was primarily driven by a desire to ensure that the economically disadvantaged could receive competent legal assistance, rather than to make profits, is made quite plain by the enabling Act. So, it's safe to say that the main reason behind the Legal Aid Act's idea of access to justice is the need to help those in need.<sup>99</sup>

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<sup>96</sup> Akintayo, J.O. A &Adewumi, A. A. "Charity law in Nigeria-Need for a New paradigm" University of Ibadan Journal of Private and Business Law Vol. 9 2015-2016, 74.

<sup>97</sup> Section 40 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provide for right of assembly and there is also right of association

<sup>98</sup> Cap L9, LFN 2004.

<sup>99</sup> Akintayo, J.O. A &Adewumi, A. A. "Charity law in Nigeria-Need for a New paradigm" University of Ibadan Journal of Private and Business Law Vol. 9 2015-2016, 74.

### 3.2.2 National Human Rights Commission of Nigeria

National Human Rights Act of 1995 established Commission. A 1995 legislative amendment passed in 2012. Enhancing human rights advocacy, protection, and enforcement is the goal. To uphold the human rights guaranteed by the Nigerian Constitution, pertinent treaties to which Nigeria is a party, the UN Charter, the African Charter, and the Universal Declaration of Human Rights as stated in Section 5 of the Act the National Human Rights Commission must fulfil this responsibility.

Nigerians' human rights are safeguarded by the Commission through extrajudicial protection. As per Agbamuche-Mbu<sup>100</sup>, this organisation provides assistance to victims, provides guidance to the government regarding human rights policy, and monitors the state of human rights in Nigeria. In 2010, it was revised to incorporate the authority of quasi-judicial bodies to issue subpoenas, enforce decisions, determine compensation, and acquire evidence. The law recognises that it is permissible to visit any penitentiary of your choosing without violating the rights of the detainees.

The Executive Secretary of the sixteen-member Governing Council leads the commission, which has over twenty offices across Nigeria. The council frequently includes a former justice of Nigeria's highest court, appellate court, or state high court. Anthony O. Ojukwu, Esq., is the current Executive Secretary.<sup>101</sup> The Federal Attorney General's advice is the basis for the presidential prerogative to appoint members to the council. The National Action Plan, which the commission has implemented to fulfil its obligations, includes a continuous strategy reengineering, instructional seminars, workshops, and rallies, as well as an efficient mechanism for registering complaints.<sup>102</sup> Following the conclusion of a conflict, the National Human Rights Commission (NHRC) is tasked with the following tasks: ensuring that IDPs, women, and children are protected from abuse; investigating allegations of abuse; facilitating talks and

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<sup>100</sup> Agbamuche-Mbu, Mae "Nigeria and its Human Rights Commission, Articles" (2015). THISDAY LIVE. Archived from the original on 2015-04-02. <https://www.thisdaylive.com>. accessed on 14 December, 2024

<sup>101</sup> Ofeibea Quist-Arcton "As Nigeria Votes, The Specter Of Boko Haram Hangs Over The Election".(2015-03-27). NPR - Parallels. <https://www.npr.org>. accessed on 15 December, 2024

<sup>102</sup> Amalu, N. S. and Adetu, M. O. (2019) International Journal of Arts and Humanities (IAH) Ethiopia. IJAH VOL 8 (1),

negotiations centred on human rights; collaborating to ensure effective performance; assessing the government's post-conflict policies and actions; and ensuring that victims receive justice and reparations.

The Commission has meticulously investigated and monitored numerous human rights issues since its inception. Amnesty International was informed of allegations of police intimidation against the National Human Rights Commission in Nigeria.<sup>103</sup>

### **3.2.3 Tax Act**

The Corporate Income Tax Act (CITA) allows businesses to claim donations to nonprofit, secular, educational, religious, and scientific organisations in Nigeria. Corporations are not required to pay taxes on the earnings of non-commercial organisations such as statutory, charitable, religious, educational, or similar groups (as per section 23(1) of the CITA, as modified). The NFPO and NGOs earnings from trade and business are to be taxed according to the provisions laid forth in the Act. The NFPO is also required to pay taxes on the income from its interests in other organisations. In the event that it makes money from the sale of its assets, the National FPO must pay Capital Gains Tax. gifts to organisations specified in the 5th schedule to CITA are eligible for tax deductions of up to 10% of the company's total income for the year (as calculated before any deductions are made), as long as the gifts are not of a capital character (section 25 of CITA). Furthermore, they are not liable to pay income tax. If the contribution is covered by section 25A of CITA, then certain limits will not apply. The National FPO Organisation can't take advantage of this tax break until it gets a Taxpayer Identification Number (TIN) from the IRS. Section 55 of the CITA states that every NFPO must file its tax return every year.<sup>104</sup>

Deductions for charitable donations are not addressed under the Personal Income Tax Act (PITA). It is defined as a taxable person under Section 108 of PITA any person having "income chargeable with tax under the provisions of this Act," which includes families, sole proprietorships, trusts, and executors. Section 19 of the PITA states that

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<sup>103</sup>Amnesty International, Nigeria: End police intimidation of National Human Rights Commission". 2012-04-13. <https://www.amnesty.org>. accessed on 14 December, 2024

<sup>104</sup> Olarinde O. M. "Taxation of Non -Profit Organizations in Nigeria" available online at [www.linkedin.com](http://www.linkedin.com) last accessed on 20 December, 2024

"All income specified in the Third Schedule to this Act shall be exempt from tax." If the money doesn't come from the business or trade that the public-character religious, charitable, or educational organisation undertakes, then it doesn't have to pay taxes (paragraph 12 of the Third Schedule of PITA).<sup>105</sup>

On the other hand, charity organisations are required to pay taxes on their income. In the 1974 decision of *Rev. Shodipe & Ors. v. Federal Board of Inland Revenue* FRCR 35,<sup>106</sup> the Federal Revenue Court (now the Federal High Court) ruled that a charity might be taxed on its profits from a for-profit business. A nonprofit organisation called the Methodist Church of Nigeria rents the Wesley House property. The building was built by a development venture that was taxed as well.

**Tax on sales** The Value-Added Tax Act<sup>107</sup> (as updated) exempts goods bought for humanitarian activities that receive financial assistance from donors. The NFPO will be charged a 5% Value Added Tax on the services it purchases, but only the goods it buys are exempt from taxation.<sup>108</sup>

### **3.3 NGOs in Practice in Nigeria**

#### **3.3.1 NGOs Goals in Nigeria**

Numerous non-governmental organisations (NGOs) in Nigeria are engaged in a variety of initiatives with the end goal of alleviating destitution. Their development is 80% correlated with the headquarters of their district or sub-county. These non-governmental organisations (NGOs) provide a significant portion of the funding for long-term initiatives that aim to improve the quality of life and increase the income of young people. Improving rural communities' access to credit and financial services, roads, land, farms, markets, jobs, and labour productivity are their top priorities as they strive for improved family incomes. Their objective is to enhance the quality of life

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<sup>105</sup> Akintayo, J.O. A & Adewumi, A. A. "Charity law in Nigeria-Need for a New paradigm" University of Ibadan Journal of Private and Business Law Vol. 9 2015-2016, 74

<sup>106</sup> 9[1974] FRCR 35.

<sup>107</sup> Cap. C20 LFN 2004

<sup>108</sup> Olarinde O. M. "Taxation of Non -Profit Organizations in Nigeria" available online at [www.linkedin.com](http://www.linkedin.com) last accessed on 20 December, 2024.

for young people by addressing concerns regarding environmental protection, fundamental healthcare, water and sanitation, and emergency preparedness.<sup>109</sup>

Non-governmental organisations (NGOs) may provide assistance in a variety of disciplines, such as healthcare, microfinance, agricultural extension, human rights, and disaster relief. In the aftermath of both natural and man-made disasters, the significance of this function has increased in recent years as a result of the significant increase in humanitarian assistance provided by non-governmental organisations (NGOs). One method of promoting social change is to leverage the capacity of an NGOs to inspire individuals to adopt more responsible behaviours and think critically.<sup>110</sup>

Partners are indicative of the increasing trend of collaboration among NGOs, public agencies, and private corporations. Participation in socially responsible business initiatives or specialised contributions to larger multi-agency programs are included in this category. Communities and non-governmental organisations (NGOs) must collaborate in order for "capacity building" to be successful. Additionally, research indicates that the majority of nongovernmental organisations (NGOs) in Nigeria are engaged in the following areas: the provision of amenities, conflict resolution, charity, peace enhancement, education, economic empowerment, disease management, literacy programs, capacity development, and the conservation of natural resources. The International Press Centre, Governance for Democratisation, and Media for Democracy are among the non-governmental organisations (NGOs) that have contributed to the development of democracy in Nigeria.

Any and all aspects of human rights may be changed. Their breadth and depth increase in reaction to the needs of the human race. It could be required to shift priorities in order to adapt to shifting social, cultural, political, and economic climates. Naturalist claims about the intrinsic and universal nature of human rights may coexist with this understanding of them. Considering relevant political, economic, and social variables

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<sup>109</sup> Ministry of Finance Planning and Economic Development, MFPED, Background to the Budget for Financial Year 2004/05 "Promoting Economic Growth and Reducing Poverty through Public Expenditure" (2004).

<sup>110</sup> Banks, N. & Hulme, D. 'The role of NGOs and civil society in development and Poverty reduction'. (2012). BWPI Working Paper 171.

is crucial at every point in the human rights process, from ideation to end implementation. International human rights NGOs may push for stronger legal safeguards at the local and international levels that are more adaptable to people's changing needs in addition to the attempts to hinder their implementation. Prioritising the advancement of social and economic rights over the abstract concepts outlined in international agreements and charters is a significant challenge for non-governmental organisations (NGOs) dedicated to protecting human rights in impoverished countries.<sup>111</sup>

These rights are more important to those without food or school than rights related to political and civic liberty. It may seem unreasonable to someone who is starving to death and homeless with nowhere else to go, or to a recent college graduate who has lost all hope and is furious because he has not gotten a job. Ensuring the preservation of development rights is the current effort that the CLO is spearheading. Public works efforts cannot be funded without tax revenues. Electricity and water, among other vital services, are provided by the state. Though this would be completely impossible if public monies were diverted to private accounts. Once our leaders realise there is no safe haven on this planet, democracy will advance at a much more rapid rate.<sup>112</sup>

Human rights NGOs pursue this core goal by using all available resources, including study, documentation, advocacy, and legal action. A large number of NGOs, especially advocacy NGOs, place a premium on bringing individuals responsible for human rights abuses to justice. An outstanding example is Amnesty International. The 2020 briefing used the headline "COVID-19 Crackdowns Police Abuse and the Global Epidemic." Every case in which law enforcement official's committed catastrophic rights violations in the name of resolving the complaint was established using data from 60 countries. The briefing emphasized a variety of violations, such as demarcation, limits on nonviolent assembly, arbitrary arrests and detentions, and homicides and beatings. The role of law enforcement in addressing what is truly a

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<sup>111</sup> Lester & Pannick (2006) 'human rights law and practice' London, Edinburgh and Dublin P.71

<sup>112</sup> Anthony Lester & David Pannick 'human rights law and practice' (London, Edinburgh and Dublin 1999) P.71

public health concern has frequently been overemphasized, despite the fact that certain restrictions are necessary during an epidemic.<sup>113</sup>

### **3.3.2 Activities of NGOs in Nigeria**

Non-governmental organisations (NGOs) are supporting government efforts to improve healthcare for most people. Religious groups in Nigeria, notably the earliest missionaries, built several hospitals and clinics to serve rural residents.

In the health sector of Nigeria, non-governmental organizations (NGOs) have facilitated the access of the majority of rural Nigerians to health care. Additionally, it is imperative that we increase awareness of the risks associated with HIV/AIDS and offer emotional and practical support to individuals who are currently afflicted with the disease. The majority of NGOs in this field contributed to the victory over a variety of fatal health diseases, but only in a few cases. Some NGOs concentrate on research and policy. Their research is focused on the examination of economic development and policy modifications that have enhanced the political and financial climate in Nigeria.

Chapter 2 of the 1999 Constitution of the Federal Republic of Nigeria (as modified) addresses health, since it is a matter that might potentially be affected by the non-justifiability of rights.

When trying to get the medical treatment they need, many in Nigeria are running across problems. The government's incapacity to provide free health care, even with its own facilities, is the reason for this. Costs related to medicine may add up rather quickly. All people have an inherent right to health care, according to Article 25 of the UN Declaration of Human Rights. There are many ways in which people's rights are being infringed; natural catastrophes and armed warfare are only two examples. In addition to providing services and medical treatment, a number of NGOs have made the promotion and protection of the human rights instrument a top priority. Some non-governmental organisations (NGOs) will keep helping victims even when the government hasn't done its part. Government institutions in Maiduguri were overwhelmed by the amount of casualties from the Boko Haram onslaught, rendering

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<sup>113</sup> <https://www.humanrightscareers.com/issues/what-role-do-ngos-play-in-protecting-human-rights/>  
Accessed on 9 December 2024.

life-saving care unavailable to many. There were a lot of non-governmental organisations (NGOs) who came to Maiduguri often to help the people who needed it. When it comes to health issues, NGOs play a major role in combating STIs and AIDS.

One of the most well-known kinds of humanitarian help is the providing of legal support to victims of human rights abuses. A thorough plan for the supply of legal aid is devised by the CLO's Legal Resources Directorate. As a component of this program, low-income victims of human rights abuses get free legal assistance. Because to this strategy, many long-term inmates have been freed from unjust incarceration. With a focus on issues that affect personal liberty, Civil Liberties Organisations (CLOs) provide legal representation for a wide range of human rights breaches. Anyone wrongly accused of human rights violations has the right to legal representation. The 1999 Federal Republic of Nigeria Constitution (as modified) requires the Armed Forces Ruling Council to help low-income Nigerians litigate for Chapter 4 rights breaches by providing financial aid or legal counsel.<sup>114</sup>

The CLO has made tremendous headway towards providing humanitarian aid to human rights victims. In spite of this, we have not yet addressed all factors. This encompasses the following: a. disseminating information and educating the public about the law; b. preparing regional "paralegals" to promote grassroots legal education and organization; and c. establishing "social action" organizations to address specific collective issues in court. These are all essential stages in the provision of humanitarian assistance to victims.

National expansion, development cooperation (including Networks of human rights nongovernmental organisations are being established and connections with other organisations), research, documentation, information gathering, exchange programs, and traineeships with third parties are all components of the process of establishing legal and organisational conditions that empower NGOs.<sup>115</sup>

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<sup>114</sup> Malemi E. *The Nigerian Constitutional Law* (Princeton Punishing Co. 2006), p. 321

<sup>115</sup> Ime Okon Utuk "The Role of Non-Governmental Organizations (NGOs) In Participatory and Sustainable Rural Economic Development in Nigeria". (2014) *OSR Journal of Economics and Finance* (IOSR-JEF) e-ISSN: 2321-5933, p-ISSN: 2321-5925. Volume 4, Issue 1



The Congress Labour Organization (CLO) has established a strong track record in the areas of national development and networking, despite the fact that there is still more territory to cover. A robust presence in the region is essential for the effective surveillance of human rights. The distribution of assistance in reporting violations is effective at the grassroots level. The Congress Labour Organization (CLO) two regional offices are located in the states of Kaduna and Cross Rivers. With respect to the 36 states it encompasses, the six operational branches are inadequate for the purpose of reporting human rights violations. One of the objectives is to augment the number of members. The levels of difficulty are elevated. It is unlikely that individuals will join independently; therefore, Congress Labour Organization (CLO) is constantly devising novel strategies to maintain their interest. Identifying local issues and leveraging them to attract new members is a successful strategy. A successful strategy for recruiting new members is to increase awareness and support for critical economic and civil rights. One example was a particularly dreadful case. The administration of Lagos State demolished the homes of 300,000 residents of slums. The government's intention to allocate the property to developers and speculators resulted in significant national concern and a significant amount of anxiety. Following legal proceedings in three separate jurisdictions, the Congress Labour Organization (CLO) secured a ruling from the Court of Appeal that forbids the reallocation of Maroko property.<sup>116</sup>

The Congress Labour Organization (CLO) endeavors to assist the disgruntled shanty residents were immediately understood by them. People enlisted in droves when they could identify with the cause. The networking approach aims to cultivate rapport and cooperation among human rights advocates. It enhances the quality of one's voice. Guardian Newspapers was closed by the federal government in July 1991 as a result of its "sensational" coverage of the police shooting of two students at Polytechnic. This was a striking example of this. Six human rights organizations established distinct criteria in a landmark case regarding government interference with press freedom. Results were achieved through a collaborative effort.

Collaborating enables each organization to focus on its unique strengths and acquire experience, which is yet another compelling reason for the human rights community

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<sup>116</sup> Human Rights Activism and the Role of NGOs <https://www.coe.int/en/web/compass/human-rights-activism-andthe-role-of-ngos> accessed on 9 December 2024

to collaborate. The distribution of scarce resources is equitable, and repetitive work is reduced. Therefore, the Congress Labour Organization (CLO) can now concentrate on campaigns, while other organizations may investigate human rights education. Another approach to feature networking is to become a member of the global Human Rights Community (*Article 1, UN Declaration on Human Rights Defenders*).<sup>117</sup> This is of immense importance. Finance and organizational breadth are the primary factors contributing to the limited impact of local human rights activity. In light of this, it is advantageous for NGOs to maintain robust connections with the global society. This strategy met with success. In instances where conventional newspapers are inadequate, it is advantageous for nongovernmental organizations to offer alternative communication channels. The research unit also generates articles and publications to facilitate the dissemination of human rights knowledge. For all intents and purposes, *Behind the Wall*, the book detailing jail conditions, is the summit of the endeavor. The government was compelled to take action through the publication of the report. In an effort to scale back the prison population, the President granted amnesty to 5,300 convicts. The grain allocation was increased by threefold. The Human Rights Law and Practice journal was published by Congress Labour Organization (CLO) and covers topics related to human rights law. With five books covering a range of topics set to be released this year, it is anticipated that they would contribute significantly to the plan to instill human rights principles in Nigeria. International students may participate in an internship program sponsored by the Congress Labour Organization (CLO) as part of their studies abroad or traineeships with other organizations. Because of the same goals and approaches taken by the organization and the interns, the program has been a success for everyone involved.<sup>118</sup>

NGOs intervene when governments fail to protect the rights of their citizens or meet their fundamental requirements. Their goal is to safeguard and advance personal freedom. Consider the right to development as an illustration. The government is obligated to guarantee that every Nigerian is afforded an equitable opportunity to realise their full potential for growth and development. In December 1998, the

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<sup>117</sup> United Nation Universal Declaration of Human Rights. 2015-10-06 <https://www.un.org>. accessed on 9 December 2024

<sup>118</sup> Otuturu, Gogo "A Survey of Central Labour Organizations In Nigeria" (2013) 7(2) Labour Law Review.

Declaration on the Right to Development was ratified by the United Nations General Assembly.<sup>119</sup> This report identifies development as "a comprehensive economic, social, cultural, and political process that aims at the constant improvement of the well-being of the entire population and of all individuals." This procedure will ensure that all fundamental human rights and liberties are fully realised. The Nigerian government has prioritised the promotion and preservation of this right in its endeavours to address fundamental requirements, reduce poverty, and prioritise human development. However, this has not been the case. The involvement of non-governmental organisations (NGOs) and other members of civil society can be advantageous for the planning and execution of development initiatives in Nigeria.

Regardless of their gender or sexual orientation, no individual in Nigeria is ever subjected to prejudice due to their identity or beliefs. It is imperative to consistently maintain the inherent dignity and worth of each individual. Provision 34.<sup>120</sup> Access to adequate healthcare and medical facilities will be available to all. Provision 17(3)(d).<sup>121</sup> The Government has implemented policies, legislation, and other measures to address child abuse and neglect, particularly for children and adolescents living with HIV/AIDS, as part of the National AIDs Plan. NGOs' capacity to understand and promote their own rights, their relationship with the government regarding rights, and their function and contribution to rights have all been strengthened.

NGOs attain significant accomplishments in the fields of education and functional literacy, in addition to promoting the development of females.

The right to a fair prosecution is a fundamental protection that pertains to accused individuals. This protection includes a court system that is readily accessible, a competent and independent judiciary, and a concentration on human rights. For example, the accused should be provided with sufficient time to formulate a defense, be represented by a legal professional, be proficient in their native language, and be cognizant of all of their legal rights. The government has implemented many steps to

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<sup>119</sup> Article 1 declaration on the right to development

<sup>120</sup> CFRN 1999 (as amended)

<sup>121</sup> CFRN 1999 (as amended)

safeguard this right, including the engagement of human rights NGOs and other defenders inside the judicial system.

Nigerian non-governmental organisations can now promote and protect Human Rights thanks to the National Action Plan. NGOs work to safeguard human rights, make sure victims of government breaches get justice, and bring the culprits to justice. NGOs promote and preserve civil rights. The national action plan also aims to improve non-governmental organisations. Non-governmental organisations receive full government backing under the National Action Plan.

In order to promote development and alleviate poverty in developing nations, agriculture is a strategic sector. Food security is defined as access to inexpensive, consistently high-quality, nutritious food that is kept in sanitary conditions, is presented in an appealing manner, and is accessible throughout the year. Low levels of post-harvest management, ineffective marketing, and heavy food imports all threaten the viability of national food security in the long run, according to the report. In the agricultural sector, NGOs provide an essential supporting role to government initiatives. In order to improve rural agriculture and provide counseling services to women entrepreneurs, several NGOs are essential in establishing a network of micro-enterprises in rural regions.<sup>122</sup>

Nongovernmental organizations (NGOs) become truly indispensable once governments have exhausted their capacity to provide for their citizens. Typically, they fight against governments over human rights issues, contribute to development initiatives, protect the environment, or provide humanitarian assistance. They are essential in situations where the political climate is unstable, natural calamities occur as a result of both predictable and unpredictable environmental factors, ethnic tensions are high, and the ability of individuals to afford social, educational, and economic necessities is severely restricted.

The poor, sick, and jailed have benefited greatly from civil society initiatives made possible by the government's indifference. For the most part, non-governmental organisations (NGOs) are taking the lead in catastrophe zones like the Niger Delta and

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<sup>122</sup> The Civil Rights Project at UCLA, Civil Rights Organizations Archived from the original on 2017-08-04. <https://www.civilrightsproject.ucla.edu> accessed on 9 December 2024

the Eskimo. Many of these groups were very active in human rights and advocacy work during the military dictatorships that existed in Nigeria. This explains why non-governmental organisations (NGOs) and civil society organisations have grown in number in Sub-Saharan African nations that are economically struggling. In the course of development, NGOs play the dual role of facilitator and ally.<sup>123</sup>

In this era of domestic conflicts, they serve as intermediaries between indigent communities and multinational organizations. They are the embodiment of the marginalized and subjugated in nations that are beset by crises. They advocate for underrepresented interests, promote environmentally friendly policies, and oversee governments to ensure that they are reducing corruption incentives and holding each other accountable.<sup>124</sup>

Among African nations, Nigeria ranks high for the number of marriages between minors. A worldwide nonprofit known as Girls Not Brides reports that 43% of Nigerian girls are wed before the age of 18, with 16% of those girls tied the knot at the tender age of 15.

A shocking 78% of Nigerian women are wed before the age of 18, and 48% before the age of 15, according to a Save the Children report from 2021. This problem is particularly acute in the country's northern regions. Women and girls' health, education, bodily autonomy, and professional possibilities are all negatively impacted by child marriage, and these effects may last a lifetime. The human rights of children, the Constitution of Nigeria, the United Nations Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of the Child are all breached by marriage at a young age, making it undesirable. Children's rights to healthcare, education, and freedom from mistreatment and force were safeguarded by the treaties, which also set an age of consent of 18.<sup>125</sup>

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<sup>123</sup> Ime Okon Utuk. "The Role of Non-Governmental Organizations (NGOs) In Participatory and Sustainable Rural Economic Development in Nigeria". (2014) 4 (1) OSR Journal of Economics and Finance (IOSR-JEF) e-ISSN: 2321-5933, p-ISSN: 2321-5925.

<sup>124</sup> World Bank, The World Bank Partnership with Civil Society (Social Development, NGO and Civil Society Unit, 2019).

<sup>125</sup> The Civil Rights Project at UCLA. Civil Rights Organizations Archived from the original on 2017-08-04. <https://www.civilrightsproject.ucla.edu> accessed on 9 December 2024

There are numerous factors why juvenile marriage remains prevalent in Nigeria. Traditional customs and familial destitution have been identified as significant issues in Kano State, which is situated in northern Nigeria, by Human Rights Watch. The primary causes of child marriage in other states are poverty, religion and cultural traditions, stigma surrounding adolescent pregnancy, patriarchal society, gender inequality, and the failure to enforce legal provisions.

Despite the obstacles presented by poverty, violence, climate change, and COVID-19, there is still reason for optimism. To protect the rights and welfare of women and girls, a sizable number of campaigners and activists from all over the globe have devoted their lives.

A list of groups opposed to child marriage in Nigeria and other countries has been produced by Global Citizen in an effort to protect the rights of women and girls.<sup>126</sup>

Humanitarian Naza Alakija established Sage Foundation, a nonprofit organisation, in 2019 to find, finance, elevate, and support grassroots organisations that offer local solutions to the issues that impede the prosperity of women, children, and the environment.

The foundation identifies the best and greatest collaborators and then employs advocacy and awareness campaigns to promote and encourage their work. Child marriage was and continues to be one of the most severe issues impeding the attainment of gender parity for women and girls in 2020. Consequently, the Sage Foundation concentrated its efforts on this issue.

The function of grassroots organisations within this approach is crucial, she continued, indicating that they play a significant role by providing detailed information about local cultural practices. "Promoting education around the danger of child marriage to not only young women and girls, but also their families and wider society, is the only way we will be able to make truly long-term change."

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<sup>126</sup> The Civil Rights Project at UCLA. Civil Rights Organizations Archived from the original on 2017-08-04. <https://www.civilrightsproject.ucla.edu> accessed on 9 December 2024

The Bella Foundation for Maternal and Child Care is a communal organisation that focuses on the needs of the local community and is situated in Imude, Ojo, Lagos State. In the neighborhood of the foundation, four out of ten girls were married before the age of seventeen, and over half of the women who sought assistance at the community prenatal clinic for childbirth and postpartum-related issues were girls between the ages of twelve and seventeen. Bella Akhagba 2023, the founder of the Bella Foundation, has indicated that the organization has designated the elimination of child marriage in Ojo Local Government as its mission. This is attributable to the fact that Ojo Local Government has one of the greatest percentages of childhood marriages in Lagos State. The issue of child marriage can be effectively addressed by educating and empowering young women. That is why we made the decision to invest in the empowerment of ten young women in order to combat child marriage. These young women will now advocate for their interests by educating their peers and lobbying policymakers. As destitution is one of the primary factors of child marriage in the South West, this program taught the girls different skills to empower them to generate money for themselves and their families.

The Ojo Local Government Council has created a by-law that prohibits child marriage, in addition to the eight lobbying visits to policy officials and influencers. The Foundation is currently witnessing the results of its efforts. It must be enacted into law as soon as possible.

UNICEF Nigeria has developed a strategy to eradicate child marriage at the national, regional, and continental levels, as it is a significant concern in West and Central Africa. The situation for millions of females has become even more challenging as a result of COVID-19 in 2021, according to UNICEF Executive Director Henrietta Fore. A fire that the world was already striving to put out has been further fueled by closed institutions, estrangement from social networks, and rising destitution. Nevertheless, the practice of juvenile marriage can and must be eradicated. UNICEF (2024) convenes its critical network to investigate the issue, accumulate data, and formulate

predictions. The organisation claims that sponsoring girls' education is one of the most effective strategies for preventing child marriage.<sup>127</sup>

### **3.4 Problems of NGOs in Nigeria**

Non-Governmental Organizations (NGOs) are organizations that are renowned for their support of and involvement in a diverse array of issues. These issues may differ depending on the regions in which NGOs are concentrated. The character of an NGO is what distinguishes it. Although non-governmental organizations (NGOs) may share a common area of interest, their objectives, strategies, and reasons for existence will differ. NGOs consistently endeavor to aid and facilitate future development, regardless of the subjects they address. However, NGOs are currently confronted with a variety of obstacles, and they are not necessarily prepared to address them. According to Collins et al.,<sup>128</sup> NGOs in Nigeria face the follows:

An NGOs' primary objective is not to complete a project. Non-governmental organizations (NGOs) desire to maintain communication with the individuals they have assisted following the completion of a project to ensure that they are progressing. Additionally, nongovernmental organizations (NGOs) would prefer to enable their assistance to be customized to the unique requirements of a greater number of individuals and communities. This necessitates an ongoing infusion of funding for nongovernmental organizations (NGOs). NGOs may become complacent and wait for contributions or former supporters to contact them in certain situations. This method will completely undermine the success of an NGO. Despite the fact that it is in the best interest of partner organizations and supporters to continue providing financial support to non-governmental organizations (NGOs), these groups may opt to allocate their resources to other organizations that they perceive as having greater potential. NGOs are frequently at risk when there is insufficient funding to execute initiatives, as a result of the high operating expenses.

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<sup>127</sup> UNICEF, the state of the Africa's Children (2024) <https://www.unicef.org> accessed on 9 December 2024

<sup>128</sup> Francis S. Collins, Hussaini M. Lawal and Yinalabi A. Jellason "Non Governmental Organisations (Ngos) And The Decline Of State Intervention In Nigeria's Development" (2020) 3(3) International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS), p.g. 141 - 149



Solution: Even if NGOs has numerous collaborators who provide funding for their projects, it is detrimental to remain complacent in their pursuit of new opportunities. They should ensure that they are informed about the most recent grants and opportunities, as well as the funding possibilities for NGOs, even if it is a small grant. In the long term, it would be beneficial to attract additional donors; however, it will not suffice. The ultimate objective should always be to acquire funds, rather than merely securing grant-funding agencies. Acquiring various grants is effortless when one comprehends the fundamentals. Formulate proposals that are thoroughly considered to prevent partner organizations from reconsidering their decision. Invest in trainings if they believe they are necessary; this could potentially lead to a plethora of opportunities. By maintaining robust partnerships, organizations may achieve greater success.

Sometimes, a plethora of right ideas will come to mind, but they may also distract them and take their focus away from their primary objective. The original plans are not always adhered to, despite the abundance of excellent ideas.

Solution: Even for organizations that are more experienced and have employees who are already familiar with their operations, coaching and training may be beneficial. The organization's ongoing development will be facilitated by the acquisition of new knowledge by employees and volunteers.

One perspective is that non-governmental organizations (NGOs) can achieve more by collaborating. Conversely, some NGOs perceive it as a competitive tool. Certain non-governmental organizations (NGOs) are under the mistaken impression that forming partnerships with other charities would result in increased competition for donations.

Solution: To view other NGOs as competitors is unhealthy. The sanctioning of grants to other NGOs should be viewed as an opportunity to collaborate and acquire knowledge from them. Additionally, the utilization of technology may facilitate the establishment of networks in your region. In addition to facilitating communication with other organizations and NGOs, the internet also ensures that we are informed about forthcoming events.

Many developing nations' infrastructure is sorely lacking, and non-governmental organisations (NGOs) argue that their citizens should have access to better living

circumstances. As a result, several NGOs have set up communities to help more people overall, rather than just their own members. Quality of life is thus enhanced right away. But the reality is that not every municipality can keep up the original standard of living. The improvements to their living circumstances could be temporary if the required maintenance is not done. Furthermore, if their non-profits launch a plethora of programs with little discernible impact over the long run, they may find it difficult to get financial support. Sustainability and action, rather than short-term profits, are the priorities of grant-giving organisations.<sup>129</sup>

One Potential Solution: Giving up on one project and helping out other similar villages might be enticing given the limited resources of non-profits and the sheer number of communities in poor nations.

Consequently, it is imperative to guarantee that there are an adequate number of personnel and resources to initiate a new project and maintain an existing one. A limited number of well-executed projects that will have a long-term influence is far superior to a multitude of half-hearted efforts. Finally, it is preferable to proceed gradually and steadily rather than take on more than one can manage.

The non-governmental organizations (NGOs) that so many look up to may seem to have it all, but in fact, they deal with a lot of problems. Nongovernmental organizations (NGOs) are also human, and they make errors and learn from them. That is why it is crucial to be prepared and have a fallback plan in place in the event of an unforeseen challenges.

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<sup>129</sup> Francis S. Collins, Hussaini M. Lawal and Yinalabi A. Jellason “Non-Governmental Organizations (Ngos) And The Decline Of State Intervention In Nigeria’s Development” (2020) 3(3) International Journal of Management, Social Sciences, Peace and Conflict Studies (IJMSSPCS), p.g. 141 - 149



Source: [partnership@lagosfoodbank.org](mailto:partnership@lagosfoodbank.org)





Source: Community of SANT' EGIDIO

## **Chapter 4**

### **Concluding Remarks and Recommendations**

#### **4.1 Conclusion**

The activities of non-governmental organizations (NGOs) and other institutions of civil society are still subject to regulation under the Companies Income Tax Act (CITA) of 2007 and the Companies and Allied Matters Act (CAMA) of 1990. CAMA establishes governance concerns regarding the activities of CSOs, whereas CITA is responsible for the operations and reporting of financial management.

A registration or incorporation under CAMA is required for organizations to qualify for donor financing, tax advantages, and exemptions; however, not all groups or associations are required to register. The Corporate Affairs Commission (CAC) is one government body that is legally required to register CSOs in accordance with CAMA. The registration of incorporated trustees with the Corporate Affairs Commission (CAC) in Nigeria is regulated by Part C of the CAMA, which is commonly referred to as incorporated trustees.

The Companies and Allied Matters Act (CAMA) of 1990 instituted the Corporate Affairs Commission (CAC). Among other responsibilities, the Commission is responsible for the regulation and supervision of the establishment, incorporation, registration, and management of non-governmental organizations (NGOs), companies, business names, and incorporated trustees. The Commission is responsible for the dissolution of incorporated fiduciaries, the striking off and wound up of firms, and the removal of company names from the registry. Efforts that are deemed to be of public benefit, have an educational or religious focus, or promote athletics are eligible for tax exemption and contribution deduction under CITA Sections 19(1)(c) and (d).

Discrimination on the basis of nationality, gender, religion, status, race, ethnicity, or language is prohibited by Section 15(2) of the Constitution of the Federal Republic of Nigeria (1999). According to Section 17(2)(a) of the Constitution, every citizen is entitled to equal protection under the law.

The regulatory agency's capacity to increase its capacity while simultaneously reducing bureaucracy and arbitrariness, the promotion of self-regulation by the NGO

sector, and the need to ensure that more organisations are fully brought under its jurisdiction are the three most critical legal issues affecting Nigeria's non-governmental organization (NGO) sector. Organizations that serve the public interest in Nigeria are not routinely granted special public benefit status. Nevertheless, tax exemptions are granted to certain organizations that are acknowledged for their contributions to the public welfare.

In Nigeria, the oppressors and the oppressed use the same terminology when talking about human rights, which has made the matter contentious. Civil society nongovernmental organizations is crucial for human rights maintenance and realisation. After that, we examined how Nigerian NGOs negotiate international law to advance and protect human rights. This research uses the international human rights framework to analyse how non-governmental organisations (NGOs) in Nigeria try to protect human rights. In addition, it delves into the difficulties and limitations faced by NGOs in their pursuit of human rights advancement. Building on the topics covered in the previous chapters, the following findings are based on: If human rights are to be effectively enforced, the national government's internal procedures must be in place. The implementation of the necessary domestic measures by state parties is necessary for the rights described in important international human rights treaties, committees, and conventions to take effect. In order to handle human rights commitments, Nigeria has set up relevant institutional structures including the National Human Rights Commission and the courts. However, these institutions aren't strong enough to carry out their duties. The inquiry also found that human rights protection in Nigeria requires a multi-pronged strategy. No one mechanism can ensure the best protection of human rights, according to the research, thus a wide variety of enforcement methods and approaches are required for their successful implementation. This highlights the importance of non-governmental organisations (NGOs) in the fight for human rights awareness and protection.

The development of Nigeria is greatly influenced by non-governmental organizations (NGOs). Despite opposition from other legal frameworks, nongovernmental organizations (NGOs) have continued to have a significant impact in their respective fields. According to the report, NGOs may provide assistance in a variety of development-related areas, including health, poverty reduction, democracy and good governance, and women's empowerment and youth development.



This study indicates that the political environment is hostile to non-governmental organizations (NGOs) in terms of their efforts to protect human rights. It would be an understatement to assert that the political climate in Nigeria is hostile to criticism, even constructive criticism. Governments frequently regard the existence and activities of human rights NGOs as an inconvenience for these and other evident reasons.

Additionally, it was discovered that nongovernmental organizations (NGOs) in Nigeria were financially constrained. Without a doubt, NGOs are unable to implement their human rights preservation initiatives in the absence of adequate funding. The work of their individual NGOs is funded by contributions, as many human rights advocates in Nigeria do, much like their counterparts international.

Nevertheless, they are not fulfilling their responsibilities or making a meaningful contribution to development. This is due to the fact that they are not collaborating effectively with government agencies at all levels, and no one is holding them accountable. Besides, according to the research findings, inadequate transparency is another challenge for NGOs. For example, we have not received a response for our requests to information from numerous non-governmental organisations (NGOs) including WRAPA (Women's Right to Advancement and Protection), the Sage Foundation, the Bella Foundation, and UNICEF Nigeria .

In the light of these gaps, the country's development efforts necessitate close collaboration between government institutions and non-governmental organizations (NGOs) at all levels. Second, NGOs should prioritize transparency and accountability in the execution of donor-funded projects. As a consequence, projects will receive increased funding, which will enable them to have a more significant impact on Nigeria's development.

### **Recommendations**

1. To develop and protect human rights, Nigerian NGOs must take the initiative. Reaching out to rural populations is indispensable. In contrast to urban areas, structural constraints lead to more severe violations of human rights. However, the majority of human rights NGOs located in urban areas fail to address the situation, despite their criticism of human rights violations. Their utility and reach are limited. Thus, human rights NGOs should offer constructive

suggestions and to develop platforms to discussing problems of national legislation with this regard. Thus, Nigerian human rights NGOs must design and implement more realistic and outcome-focused methods.

2. Nigerian NGOs should strengthen their relationships with the United Nations, particularly the World Health Organisation, and their international counterparts in order to resolve the issue of insufficient financing. These international institutions have continuously supported human rights, therefore financing from them would be good. If the financing won't hinder the NGOs work, government donations are fine.
3. Nigerian governmental and quasi-governmental entities must create a regulatory legislation to promote and defend human rights and implementation should be taking seriously.



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