

Appraisal of Human Right Non Governmental Organizations (NGOs) in Nigeria

Felix Daniel Nzarga

Nigerian Law School, No.100 Lamido Zubairu way, Yola Bye-pass, P.M.B 2171, Yola, Adamawa State

*Email: felixnzarga@gmail.com

Abstract

This paper is aimed at examining the concepts of human rights non-governmental organization, the brief history of Human Rights Non-Governmental Organizations in Nigeria, the legal regime for its formation. The duties and roles of Human Rights Non-Government Organizations, the current problems hindering its smooth flourishing to enable its achieve the desired objective for the formation and to large extend examining the prospects for its continuous existence and finally the recommendation.

1. INTRODUCTION

Since the discussion in this paper centers on Human Rights and nongovernmental organizations, it is necessary to define and briefly explain the two concepts of "Human Rights" and "Non Governmental Organizations".

1.1. HUMAN RIGHTS

The compound word "Human Rights" has been defined differently by different scholars.

Mcheline .R. Ishay defines Human Rights as.

"Rights held by individuals simply because they are part of human species. They are rights shared equally by everyone regardless of sex, race, nationality and economic background. They are universal in context, across the centuries conflicting political traditions have elaborate different components of Human Rights or differed on what element has priority."

Professor J.N. Aduba defines Human Rights as those rights that are guaranteed in chapter two and four of the constitution of Nigeria 1999.

Prof Osita Eze defines Human Rights as¹

"... demand or claim which the individuals or groups make on society, some of which are protected by law and have become part of exlata while the others remain aspirations to be attained in future."

All these definitions seem to share the following in common:

- Rights inherent in man because he is human.
- Rights equally enjoyed by all citizens.
- Rights that are inalienable.

1.2 NON GOVERNMENTAL ORGANIZATIONS

Longman dictionary of Contemporary English defines the word

Nongovernmental as follows²:

...adj(only before noun) a nongovernmental organization is independent and non controlled by a government."

The meaning of Non-governmental organizations can be deduced from the word itself. "**Non Governmental**" presupposes that it does belong to the government or it is not of the government. Therefore, nongovernmental organizations can simply be defined as:

Human Rights Non Governmental Organizations can be defined as:

"Those organizations that do not belong to the government".

"Those independent organizations that promote protect and fight for the Human Rights of citizens. They are independent because they do not belong and are not connected to the government".

FELIX.D NZARGA (LLB, BL, LLM JOS). Lecturer with the Nigeria law school yola campus. Corporate law department.

¹ Eze "Human Right in Africa" Lagos, NIIA MacMillian Pub Ltd 1984 P5

² Longman Dictionary Of Contemporary English England. 5TH ed.

1.3 HISTORY OF HUMAN RIGHTS NON-GOVERNMENTAL ORGANIZATIONS

Most records or books date the history of Human Rights Nongovernmental organizations in Nigeria back to the 80s when the military were in power.³ However, it is our argument that some organizations might have existed even before independence that were similar and performed the functions of human right nongovernmental organizations just that they may not have been expressly called Human Right organizations. Organizations like WASU (West African Students Union)⁴ can loosely be described as A Human Rights Non Governmental Organization. This is because their objectives are similar to those of Human Rights Organizations⁵. Similarly, other organizations like Peoples Union founded in 1908 and the Nigerian Youth Movement founded in 1934 though ended up as political parties started as Human Rights organization advocating for the rights of Nigerians to necessities of Life and equal treatment against their British counterparts⁶.

Just as mentioned earlier, the recorded history of Human Rights organizations in Nigeria dates the emergence of Human Rights Organizations to the 1980s when the military ruled⁷. From 1980s until date, over a 200 Human Rights organizations have emerged. Amongst them are, Human Rights Organizations like: Committee for the Defense of Human Right (CDHR), Campaign for Democracy (CD) League for Human Rights (LHR), Women Justice program (WJP), Women's Right Advancement and Protection Alternative (WRAP A).

1.4 LEGAL REQUIREMENTS FOR THE FORMATION OF HUMAN RIGHTS NONGOVERNMENTAL ORGANIZATIONS IN NIGERIA

It is the requirement of the law in compliance with part c of CAMA LFN 2004 that:

- There must be trustees to be registered who must not be below the ages of 18 and must be persons of integrity not being undercharged bankrupts, lunatics, infants, convicts of fraud or any dishonesty etc.
- There must be a name search for the organization and obtained the
- approval of the CAC in order not to conflict with the existing names.
- Names of trustees and their photographs are submitted.
- There must be a constitution for the organization clearly spelling out the organization's aim and objectives.
- There must also be advertisement in at least one local and one national newspaper for the proposed organization.
- The recent innovation is that there must be means of identification of the trustees.
- Before it is finally registered, the consent of the Attorney General of the Federation must be had and obtained.
- You must also have office accommodation.
- In recent days, the department for State Security Services will screen the individuals concern and the objectives of the organization so as not to be a security threat organization.

Some impacts of the Human Right NGOs in Nigeria.

The emergence of the Human Right/ NGOs marked a turning point in the Political history of the country for one, it led to the gradual and systematic internationalization of Nigeria's politics. It also brought about the need for external intervention in

2. THE FUNCTIONS OF HUMAN RIGHT NON-GOVERNMENTAL ORGANIZATIONS.

Most Human Rights Non Governmental Organizations in Nigeria concentrate on a class of Rights and Rights violations⁸. However the following functions are the most common to The organizations. These functions are:

2.1 WHISTLE BLOWING:

The Human Rights Non Governmental Organizations have as their primary responsibility "**Whistle blowing**". These organizations cry aloud whenever government is derailing from carrying out programs that have direct bearing on the life of citizens. They make sure government implements its budgets and follow due process in awarding contracts⁹ e.t.c.

³ Aduba. J.N. "The role of Human Rights Organizations in propagating human rights values in Nigeria: A Critical appraisal".

⁴ Falola.T. et al "History of Nigeria 3", 1st Ed, Lagos .Longman.1991 pg 58-61

⁵ Ibid

⁶ Ibid

⁷ Aduba J.N. Op cit.

⁸ E.g. Child rights International(CRIN) Coalition against Human trafficking And sexual exploitation of Children(CAHTSEC) concentrate on the rights of a child, League for Human Rights (LH R) for Middle belt people, Women Justice program (WJP), Women's Right Advancement and Protection Alternative (WRAPA) for the rights of Women ..

⁹ Davidson Iriekpan; "SERAP Demands Disclosure of F.G. expenditure" .THISDAY MAY,28 2013

2.2 BASTIONS OF DEMOCRACY/RULE OF LAW:

The Human Right NGOs performs the function of creating conditions conducive for sustainability of the values of democracy, which include rule of law, multi-party politics secular state, freedom of expression, access to justice, information and promotion of liberal and egalitarian society.

2.3 ADVOCATES OF GOOD GOVERNANCE:

The Human Right NGOs also engage in activities aimed at promotion of good governance. By this the organizations ensures the strict observance and practice of the principles of accountability, transparency, and responsible leadership.¹⁰

2.4 PARTNER WITH THE GOVERNMENT TO ENSURE THAT HUMAN RIGHTS ARE PROTECTED

The government too in a bid to curb the violations of Human Rights has established commissions and agencies like: Human Right Commission and the Legal Aid Council. However, their service, even though commendable, are considered grossly inadequate hence the need for independent human right groups to compliment the governmental organizations. In 2009, SERAP has successfully dragged the Libyan government to the African Commission on Human and People's Rights

which restrained Colonel Muammar Gaddafi from executing 200 Nigerians who were then on death row.¹¹

2.5 PEACE BUILDING:

Human Right NGOs promote inter-faith relations and tolerance among the various religions and especially Christians and Muslims for harmonious and peaceful coexistence. These organizations are closest to the ground and to the communities at risk. They play valuable role in preventing and intervening in humanitarian crisis within Nigeria. During and after the Jos crisis we witnessed the peace building initiative programs in form of seminars organized by the League for Human Rights and other groups for the purpose of bringing the warring parties together.

2.6 EXPOSING HUMAN RIGHT VIOLATIONS:

The Human Right NGOs expose the cases of Human Rights violations for justice to take course. This could be seen in the recent exposure of the killings in Baga and Barna in Borno State and in some parts of Adamawa state. Wherefore human right NGOs, especially SERAP, expanded its gravity and sent a letter to ICC with a call to wade in and investigate it as a case of genocide so as not to allow the perpetrators go unpunished.¹²

2.7 PROVISION OF HUMANITARIAN ASSISTANCE.

Human Rights Organizations provide Humanitarian assistance to victims of Human Rights violation who, most often are women, children and the disable etc

2.8 THE PROVISION OF FREE LEGAL SERVICES.

Human Rights Non Governmental Organizations provide free legal services to victims of Human Rights violation.

2.9 THE CREATION OF AWARENESS AMONG THE CITIZENS.

Human Rights Organizations inform and concretize or rather sensitize the citizens through workshops, seminars, lectures rallies etc and publication of books, magazines, periodical, journals, pamphlets, posters, etc aimed at enhancing their ability to exercise their democratic and inalienable rights.

Human Rights Organizations, like any other Organization, are faced with problems. These problems are encountered in the course performing their Functions. Functions like Litigation for and on behalf of the victim of Human Rights Violation, creation of awareness etc. Having highlighted these functions, we are now going to discuss their problem and prospects.

¹¹ Newsletter of League for Human Rights vol. 6 Number 1 & 2: April 2013 at p.15 where Femi Falana categorically stated that in recent times, the Socio-Economic and Accountability Project (SERAP) has successfully protected the right of Nigerians living abroad.

¹²The Nation Newspaper of Monday, May 6, 2013 at p.7

3. PROBLEMS OF HUMAN RIGHTS NON GOVERNMENTAL ORGANIZATIONS IN NIGERIA.

3.1 THREAT, VIOLENCE AND INTIMIDATION OF HUMAN RIGHTS ORGANIZATIONS AND OFFICERS

Human Rights nongovernmental organizations are always at the receiving end of violence, threat and intimidation from security operatives and those in power who are most often the violators of Human Rights. This incidence was prevalent during the military rule particularly, from 1983-1999. During the military rule, security agencies and operatives like the military and police, violated Human Rights of citizens and officials of nongovernmental organizations. Late chief Gani Fawehinmi was always reported to have been detained by the police Ken Saro Wiwa¹³ with his eight(8) other Ogoni activists were hanged by the military Government of General Sani Abacha. Similarly, Mr. Niran malaolu¹⁴ of Media Rights Agenda was tried by a secret military tribunal and sentenced to life imprisonment for carrying out Human Rights activities. It is over a decade since the military rule ended yet the military, police, and politicians in collaboration with thugs intimidate and muffle Human Rights and Human Rights groups¹⁵.

3.2 THE ATTITUDE OF OUR SECURITY AGENCIES TO HUMAN RIGHTS AND FLAGRANT DISREGARD TO JUDICIAL INSTITUTIONS AND CIVIL LAWS.

This point is very similar to the forgoing point just that in this case we are concerned with the attitude of security agencies to the concept of Human Rights generally and how that attitude undermines the activities of human right organizations.

An average security operative in Nigeria is averse to the idea of Human Rights. They hate Human Rights and easily get irritated at the mention of Human Rights. This is because they are not used to operating side by side the Human Rights of Nigerians. During the military rule: now that the military rule is over, they find it difficult to recognize the existence of Human Rights let alone walking with it. During the military rule, the military promulgated obnoxious

decrees that suppressed Nigerians and their rights. Some of these decrees are, the state security (Detention of Persons Decree¹⁶, Recovery of Public Property (Special Military Tribunal) Decree¹⁷, Public Officers (Protection against False Accusation) Decree¹⁸, Federal Military Government (Supremacy and Enforcement of Powers) Decree¹⁹, Special Tribunal (Miscellaneous Offences) Decree²⁰ all these Decrees did the following to Human Rights.

- Suspended completely, Human Rights as contained in the constitution.
- Ousted the jurisdiction of courts to entertain any question as to whether the Human Rights of a citizen has been breached or not.
- Ousted the jurisdiction of the courts to hear questions as to the competence of a statute or Law.

Long after the military rule, the security operatives most especially the military still cling to some of the rights they enjoyed during the military rule. The most annoying attitude of then security agencies particularly the military is the flagrant disregard they have for our courts. The military will never go to our courts to settle their grievances with civilians neither will they honour an invitation from the courts to put up a defense any time an aggrieved civilian institutes an action against them²¹. they will rather use force against the civilians.

No wonder the Biafra warlord has this to say about the military²².

"The coming of the military into Nigerian politics entrenched indiscipline in Nigerians and everything we are suffering today can be traced to that indiscipline"

¹³ Fawole, W.A. "NIGERIAN EXTERNAL RELATIONS AND FOREIGN POLICY UNDER THE MILITARY RULE(1966-1999)"ile Ife, O.A.U

University press.2003.pg 189

¹⁴ MIKAIL MUMUNI. "a cry for justice" Tell NIGERIAN IMPORT DAILY. NO 19may 1999.

¹⁵ "Mazie Ala Igbo Human Rights organization". Providing free legal services for victims of official high handedness of security agencies like Army, Airforce, Navy, SSS., THISDAY Wednesday 23 2012.page 10.

¹⁶ No.2 of 1984

¹⁷ No.3 of 1984

¹⁸ No.4 of 1984

¹⁹ No.13 of 1984

²⁰ No.20 of 1984 Page -5-

²¹ HYPERLINK"<http://www.nigerianmuse.com/nigeriawatch/OputaPanel>." www.nigerianmuse.com/nigeriawatch/OputaPanel. accessed 23/05/2013 where three generals namely; Gen. I. B. BABANGIDA, Gen. ABDUSALAM ABUBAKAR, and Gen MUHAMMADU BUHARI refused to appear before the panel. See also the case of Gyang Zi & 4 Ors .V. Federal Republic of Nigeria & 4 ors F.H .C/JJCS/2012(Unreported) where the military (S.T.F) was sued with the federal government and the military refused to appear in court.

²² OJUKWU E, A, "Because I Am Involved "Ibadan. spectrum books, 1989.pg 188

Finally, on this point, the security agencies particularly the military who are engaged in ensuring internal security have develop a new strategy of frustrating the activities of Human Rights Organizations who are involved in litigation to enforce rights. The military now conceal their identity by removing and hiding their name tags any time they are engaged in operations so that even when they breach Human Rights, it will be difficult for the organizations to identify the particular individuals that may have breached the rights talk more of taking it up with them.

3.3 THE IMPACT OF MILITARY RULE ON NIGERIANS' AND THE DIFFICULTIES OF SENSITIZATION

Because Nigerians have lived for over 30 years with their rights curtailed, long after the rights have been guaranteed under the 1999 constitution, they still find it hard to believe that they have rights, even when they believe that they have rights they find it difficult to assert the rights against security agencies.

3.4 DELAY IN THE ADMINISTRATION OF JUSTICE

Just as mention earlier, Human Rights group do not only sensitize the public but institute actions in court for breach of Human Rights of citizens. Sometimes they defend accused persons who have long been detained in prisons awaiting trial²³. Their experiences have shown that delay in trials either caused by adjournments taken at the instance of parties or counselor technicalities of the law have themselves become a breach of Human Rights²⁴. This has made litigants or aggrieved persons resort to other means of getting justice. Reverend father Raymond Arazu has this to say²⁵.

“Some people have said that you cannot get justice from the police and you cannot also get justice from the law courts even then the cost is exorbitant and a times even the complainants because the plaintiff and the plaintiff becomes the complainant but at the shrine there is the justice which the people are seeking for”.

As is contained above, the court system has failed Nigerians hence the resort to the shrine for justice. This too has been the 'ordeal of human right organizations any time the court system fails to deliver justice.

3.5 THE PROBLEM OF ENFORCEMENT OF JUDGMENT AGAINST THE GOVERNMENT OR ANY OF ITS AGENCIES.

Sometimes, Human Rights nongovernmental organizations succeed in securing judgment for victims of Human Rights abuse' where the violator of the rights is the Government or any of his agencies. It is always difficult to enforce the judgment. This is because the Partition of Rights Act²⁶ provides that in any suit in which an order is made against the government, no execution there on shall issue rather a copy of such judgment is sent to the Attorney general of the state or the federation as the case might be. If the judgment is for payment of money, the attorney General concerned by a warrant under his hand, may direct that the amount awarded be paid and in the case of any other judgment, takes such measures as may be necessary to cause same to be carried into effect or may direct that that appeal be filed.

Because the state or any of its agencies like the police, Army etc. is always the one accused as having breached the Rights of citizens. The government (state or federal) would always use this provision of law to frustrate the enforcement of any judgment against it. The attorney General being the commissioner of justice or minister of justice and an appointee of the governor or president would refuse to issue a warrant directing that the money be paid. It may order that an appeal be filed just to delay the enforcement of the judgment. The appeal filed may linger for Five to ten years.

It is alleged though not confirmed that Baba Suwe the popular Nollywood Actor whose rights to liberty and dignity of person were breached and was able to secure a judgment against the NDLEA (Nigerian Drugs Law Enforcement Agency) some years ago has still not been paid damages as order by the court. This is a big setback for Human Rights Organizations.

²³ Agbakoba .O. and Ogbegu .O".TRANSCENDING THE WALL:A MANUAL FOR PRISONERS REFORM".LAGOS.HURRILAWS.2003

²⁴ Ibid

²⁵ Mike Ubani "our justice system Has Failed "INSIDER WEEKLY August,2003.pg22

²⁶ 26S.7.CAP 149 Laws of the federation,1958;petition of rights laws of states; Nwadialo .F. "Civil Procedure In Nigeria"2ND ed. LAGOS. University of Lagos press,2000.pg 979.

Furthermore, where a police or military officer violets the rights of a Nigerian in his private or personal capacity and he is sued such and judgment is delivered against him, it is still difficult to enforce the judgment against him. This is because they are a member of a force. For the police in particular, the law²⁷ gives them the power to assist officials of the court in executing the judgment of court. Where the property of a judgment debtor has been attached by the order of court, it is the police with the power of force and compulsion that seizes the property and hands it over to the court officials. The question is: if the violator of Human Rights is a senior police officer or a senior military officer, is it the police in the rank and file who most often are the once that enforce the judgment, that will attach the property of a senior military or police officer? This is a serious problem encountered by human right organizations involved in litigation.

3.6 JUDICIAL RASCALITY ON THE PART OF SOME JUDGES!

Some judges, particularly those of inferior courts, adopt and maintain some practices that are unconstitutional and a breach of Human Rights even when superior courts have ruled against these practices. A good and common example is the practice of "**HOLDING CHARGE**" in the Magistrates' courts.

Holding charge is a practice or procedure where by the police who have arrested a suspect alleged to have committed a capital offence, bring him before a Magistrates Court, which does not have the jurisdiction²⁸ to try such offence. The police will arraign the suspect before a Magistrates Court and secure his remand in prison custody pending when they will conclude investigation and charge him properly before a High Court being the court that has the original jurisdiction to try the offence.

The police adopt this procedure where they have kept the accused person for a period no longer legal and acceptable by the constitution²⁹. In order to avoid court action for the Enforcement of Human Rights where they know that they don't have sufficient evidence to constitute a *prima facie*³⁰ case against the suspect, they will charge him at the Magistrates Court. When they have secured an order of court remanding the suspect/ accused person in prison custody pending the conclusion of their investigation and they do not succeed in getting evidence, they will abandon the accused person in prison without a charge³¹ and without a trial. Courts have repeatedly held that the practice is unconstitutional, unlawful and a breach of the accused persons right to liberty and fair hearing³². Human Rights nongovernmental organizations like the "Human Rights Law Services (HURILAWS)"³³ have risen and condemned this practice yet some courts still apply it. Most of the inmates awaiting trial are detained in prison custody pursuant to this unlawful procedure and those awaiting trial constitute over a 70% of the inmates³⁴.

3.7 REGIONALIZATION OF HUMAN RIGHTS NON-GOVERNMENTAL ORGANIZATIONS.

Most Human Rights Nongovernmental Organizations in Nigeria are regionalized³⁵. This simply means that their sphere of activities and influence does not go outside the states or regions of members or owners of such organizations. Where the members are from south west, the organizations will only have an office in the southwest and operate there. Where members are from southeast or south, they remain in their regions and operate. Maybe this will explain why the Baga massacre had little or no publicity and protest. Many be scholars have argued that the massacre would have had more publicity than it had it if had happen in the southwest or southeast.

3.8 ILLITERACY/COMMUNICATION BARRIER

As mentioned earlier, the activities of Human Rights Organizations include awareness creation and sensitization of the public. The public here means all Nigerians in the rural and urban areas.

It is an undisputable fact that most Nigerians in the rural areas particularly those in the villages are illiterates who may not only be unable to read and write in English but do not understand it at all. They only understand their local dialects. These people in the villages are the once that are most vulnerable to Human Rights abuses therefore they need the message of sensitization more than anyone else yet the activities of Human

²⁷ See section 17 of the Sheriff and civil Process Act CAP S6 LFN 2004

²⁸ Jurisdiction simply means the right of a court to hear a matter.

²⁹ The constitution only allows the police to detain an accused person within a reasonable time. See section 35(4)(5)

³⁰ The prosecution must have a prima facie case before he seeks the leave of court to prefer a charge.

³¹ See the case of Bayo Johnson.v.A.G.Lagos state.(2002) 8 NWLR PT 768 PG 192

³² Ibid

³³ Agbakoba.O. op.cit.

³⁴ Ibid

³⁵ This means activities of NGOs restricted to states of origin or residence of founders.

Rights do not reach them. This is due to no any other reason but the fact that the activities of these organizations are conducted in English and most people in the villages do not understand English and are illiterates. This situation is worsened by the multiplicity of ethnic groups in Nigeria. In plateau state alone, we have more than 30 ethnic groups that speak different languages. Unless members of the Human Rights nongovernmental organizations understand all the local dialects of Nigerians, you will agree with me that it is difficult to communicate with those in the rural areas or villages without an interpreter. This has been one of the reasons why Human Rights groups only concentrate in the cities and urban areas.

3.9 POOR FUNDING

The problem of insufficient funds or lack of funding is a serious problem and one of the reasons why the activities of human right non-governmental organizations are restricted and limited to the cities. Human Rights Organizations need funds to spread awareness by either buying airtime from radio and TV stations and organizing programmes or organizing tours and campaigns or even engaging in litigation. These programmes are capital intensive.

Human Rights Organizations are hardly funded by 'government unless where the government sees the need to partner with them. These organizations derive their funds mainly from international donors. The aids that Human Rights Organizations receive from international donors have dropped due to the economic crises or melt down that is bedeviling them in their countries. Some of these donors have cut off the aids they give to some of the Human Rights nongovernmental organization either because of corruption (mismanagement) the activities of the government or security agencies.

3.10 CORRUPTION AND THE PERSONALIZATION OF SOME HUMAN RIGHTS NON-GOVERNMENTAL ORGANIZATIONS.

Most Human Rights nongovernmental organizations In Nigeria are personalized. This simply means that they are control by single individuals who would have incorporated the organization for their personal and selfish benefits. Unlike other international Human Rights Nongovernmental organizations that are incorporated for the genuine purpose of promoting Human Rights, most Nigerian Human Rights Organizations are incorporated for the sole purpose of siphoning funds from local and international donors. After they have siphoned funds, they wind up. This also explains why their sphere of activities is always limited and the organizations usually die upon the 'death of some individuals who are practically the sole owners of the organization.

3.11 RELIGIOUS/CULTURAL BARRIERS AND INSECURITY OF HUMAN RIGHTS NON-GOVERNMENTAL ORGANIZATIONS.

The Nature of Human Rights Organizations is such that they fight against Human Rights violation by any person, body or government. Some of the Human Rights violations are support by the cultures or religion of a particular places³⁶. This makes it risky and difficult for Human Rights Organizations to Fight Human Rights Violations. If at all this organizations must operate in these areas, they need security. They are always at the risk of attack by thugs.

4. PROSPECTS OF HUMAN RIGHTS NON GOVERNMENTAL ORGANIZATIONS.

The dream of every Human Rights non-governmental organization is to wake up one morning and see a Nigeria with a majority of Nigerians happy. Happy because their Human Rights that accrue to them by virtue of being human beings are given to them, protected and respected. These prospects are assured and strengthen by the following

4.1 INCREASING HARMONIOUS RELATIONS BETWEEN THE MILITARY AND CIVIL SOCIETY.

The military and police have continuously been accused of violating the rights of civilian. The growing complaints by the civil society and human right organizations necessitated the creation of a department of civil-military relations.³⁷ This department serves as a bridge between the military and the civil society. Recently a seminar was held in Abuja with the theme “**Civil/Military Relations in a Democracy: Synergizing all potentials for enhanced National Security**”³⁸ at the seminar, stakeholders discussed extensively and a communiqué was issued containing the following³⁹:

³⁶ Some cultures support human rights violations like, genital mutilation, killing of twins, Human sacrifice .etc and some religions prescribe inequality between Man and Woman.

³⁷ Blueprint, .Monday, may 27 2013

³⁸ Ibid

³⁹ Ibid

- Civil military relations are included as a subject in the curriculum of the armed forces of Nigeria.
- That a department of civil and military relations be established in the Nigerian Navy and Air forces.
- The need to have the capacity of the Nigerian police to handle internal security operations in Nigeria enhanced.
- The need for the National Orientation Agency (NOA) to collaborate with the military and other agencies to a civil and military activities.
- The need to upgrade the directorate of Civil/Military Relations in the Nigerian Army to the status of a Department.

At the seminar, stakeholders discussed the nature of the civil-military relations in the United States of America. The communiqué if implemented will go a long way you reduce the spate of Human Rights violation by the police and the army. It will also create a good and a harmonious relationship between the civil society and the military.

4.2 JUDICIAL "ACTIVISMS.

Contrary to popular opinion that our courts have not taken any positive steps towards activism, it is our position that our courts are beginning to acquire some activism similar to what is obtainable in India: The recent fundamental rights (Enforcement procedure) rules 2009 is evident of this activism⁴⁰. The rules are a radical departure from the previous rules and contain some radical innovations geared toward removing the obstacles usually encountered by Human Rights Organizations and groups in the Enforcement of Human Rights. Some of these innovations are:

The removal of the Legal requirement of *locus standi* from the Rules and stating expressly that " ... Human Rights activist ,advocates or groups as well as any non-governmental organizations *may* institute Human Rights application on behalf of any potential applicant"⁴¹.

- The inclusion of rights as contained in: The African charter on Human and people's Rights and other protocols) in the African regional Human Rights system ,and the Universal Declaration of Human Rights and Other instruments (Including Protocols) in the United Nations Human Rights System.
- The discarding with the requirement of "Leave" in bringing an application for the enforcement of Human Rights which was a requirement under the old rules.
- The according of priority to Human Rights and the fact that court orders for the breach of Human Rights are now Granted: *expert* where Time is of the essence. There are many other examples of innovations in the new rules. E.tc

In a recent case of **Matyak Yoshiya John.V.Plateau state Government & 4 ors**⁴². The plaintiff sued the defendants during the Industrial strike Embarked upon by the Local government staff of Plateau state sometimes last year Protesting The Non Implementation of the 18% minimum wage. The plaintiff sought to enforce the Right to education of the Primary School Student who were home for a year. Chapter IV of the constitution did not provide for the right to education. This is only provided for in chapter II Therefore not Justifiable. He however sought to enforce the right Pursuant to the Fundamental Rights (Enforcement Procedure)Rules 2009 which extended the scope of human rights Actions to include Actions for the Enforcement of Rights contained in the African Charter on Human and Peoples Rights and other Instruments including protocols and The Universal Declaration Of Human Rights and Other Instruments(including protocols).the case was overtaken by events out was a step in the Right Direction and the Plaintiff would not have had the courage and effrontery to seek the enforcement of that Right if not for the new enforcement rules.

The recent decision of the Federal High Court⁴³ in a suit for the enforcement of Human Rights in which it awarded damages to the members of Odi community where the military in 1999 killed more than 25000 people is a plus to the judiciary. The court awarded the community damages as follows:N17.618 billion Naira as special damages,N206 billion naira. as special damages and ordered that the money be paid within three weeks.

⁴⁰ See the Preamble to the fundamental Rights(Enforcement Procedure)Rules 2009

⁴¹ *ibid*

⁴² Suit no.FHC/J/CS/GO/2012 (unreported)

⁴³ Rose Marry:" Federal Govt. to Pay N37.6Billion for Odi Massacre "THE NATION.20 February, 2013.

4.3 INCREASING NUMBER OF HUMAN RIGHTS NON GOVERNMENTAL ORGANIZATIONS.
The continuous increase In the number of Human Rights nongovernmental organizations leaves no one in doubt that there will also be a prorate increase in the level of awareness amongst Nigerians. Recent report reveals that Nigeria has over 200 Human Rights nongovernmental organization in existence. This means that Nigeria may have 400 Human Rights Organizations by 2016.

5. CONCLUSION / RECOMMENDATION

No doubt, that this paper has done Justice to the Topic. The paper succeeded in discussing extensively Human Rights Organizations in Nigeria. The duties of these Organizations, it also considered their problems and prospects. The suggested measures are as follows:

- That the Directorate of Military and Civil Relations sought to be upgraded to the status of a department should employ' civilians and from time to time partner with Human Rights Organizations. It should also take and hear complaints of Human Rights Violations from civilians. An enhanced civil? Military relationship is in the interest of both the Military and the Civil society. In the United States of America for example, the Cordial and harmonious relationship between the civil society and the military accounts for why the civilians to protest in support of the military⁴⁴.
- The same department should not only be created in the other forces of the military but also the police. The police should be trained in Civil law and intelligence gathering.
- The National assembly should amend the Armed forces and the Police Acts and make it a serious offence for any of the forces to refuse to appear in court when sued for Human Rights breach or tom refuse to obey Court Orders.
- It should also be an offence to operate in the civil society without putting on the Name Tag.
- Fast tract the process of translating the constitution into the Major
- languages and eventually into smaller languages. This will Go a long way in spreading awareness.
- The criminal Justice System is overhauled. The prisons should be
- decongested and The police cells be reconstructed into being only
- detention cells not punishment cells.
- The office of the Attorney General be separated from that of the
- commissioner of Justice and the said office of the attorney General be made elective. This will fast tract enforcement of Judgment.
- The family of the innocent victims killed by the security agencies in the course of championing human right non-governmental activities to be compensated adequately.

⁴⁴ Some times Last Year, the Civil society and Rights organizations Protested the continued stay of the military in trag.

DAILY TRUST OF THURSDAYMAY 23,2013 AT PAGE 9 IT WAS REPORTED THAT CLO DEMANDS ACCOUNTABILITY FROM BAYELSA STATE GOVERNMENT. NEWS LETTER OF LEAQUE FOR HUMAN RIGHTS VOL6.NUMBER1&2;APRIL2013

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