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THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA

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ABSTRACT

Promoting and protecting human rights in Nigeria heavily depends on the active participation of non-governmental organisations (NGOs), as they have a vital role in safeguarding fundamental freedoms and ensuring accountability. This study examined the role of non-governmental organisations in promoting and protecting human rights in Nigeria. It seeks to evaluate the contributions of Non-Governmental Organisations (NGOs) in promoting and protecting human rights and identify and analyse the challenges faced by Non-Governmental Organizations (NGOs). To conduct this study, a doctrinal research methodology is adopted to collect and analyse relevant primary and secondary sources of law, including statutes, case law, journals, books, and reports. This study reveals that there are diverse roles played by NGOs in advancing human rights causes. These roles include legal advocacy, monitoring and reporting human rights violations and promoting public awareness and capacity building and despite their significant contributions, Non-Governmental Organisations (NGOs) encounter numerous challenges, such as financial constraints and challenges, Lack of infrastructure and equipment security risk and threat etc. These challenges often impede the effectiveness of Non-Governmental Organisations (NGOs) initiatives, emphasising the need for strategic interventions. In conclusion, this study emphasises that, despite challenges, Non-Governmental Organisations (NGOs) should continue to chart a way forward in the promotion and protection of human rights in Nigeria. It also recommends improved legislative clarity, stronger enforcement mechanisms, and increased institutional support to address the challenges faced by Non-Governmental Organisations (NGOs).

Keywords: *Non-Governmental Organisations (NGOs), human rights,*

1. INTRODUCTION AND BACKGROUND

A Non-Governmental Organization according to the United Nations is a non-profit, voluntary citizens' group which is organized on a local, national, or international level which is task-oriented and driven by people with a common interest to perform a variety of services and humanitarian functions and bring citizens' concerns to the government, monitor policies and encourage political participation at the community level.[1]

It is now common knowledge that Non-Governmental Organisations (NGOs) play vital roles in the dissemination of facts concerning alleged violations of human rights. Non-

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[1] https://www.un.org/en/civil-society/page/about-us, accessed on 1st November,2024

Governmental Organisations (NGOs) have played a crucial role in creating new human rights documents that aim to protect the human rights of individuals and groups.[2]

Human rights are rights and fundamental freedoms that are innate in every individual based on their existence as human beings irrespective of their age, sexuality, race, socioeconomic status, or academic qualification.[3]

In setting up the human rights standards, Non-Governmental Organisations (NGOs) play the role of contributors as well. In the drafting processes of legislation, they help to write laws and treaties and are largely experts in a particular field of human rights, rather than politicians.[4] Non-Governmental Organisations (NGOs) also significantly contribute to the formulation and development of international human rights law through the submission of complaints and international litigation, instituting or intervening in cases of parties, serving as experts, testifying as witnesses, etc.[5] Moreover, "in many instances, Non-Governmental Organizations (NGOs) have been involved not only in articulating and building consensus for relevant norms but also in helping to establish the institutions designed to enforce those norms"[6] The effective protection of human rights always requires a good knowledge of the human rights conditions and applicable legal principles.[7] Non-governmental organisations (NGOs) consistently monitor human rights situations in particular countries all over the world (the latter is applied to transnational Non-Governmental organisations (NGOs), such as Human Rights Watch, and Amnesty International). They also monitor whether states comply with their obligations under human rights law.[8] In other words, they act as "watchdogs" and provide an independent overview and assessment of whether and how human rights are ensured and such monitoring helps to collect data about human rights situations at the national and international level and highlight any problems.[9]

Non-Governmental Organisations (NGOs) are well known for their role in gathering information concerning the abuse of human rights and freedoms.[10] They gather information from various sources: for example, from human rights victims, witnesses, other human rights Non-Governmental Organisations (NGOs), and newspapers, in examining injuries and physical evidence, observing trials, and demonstrations.[11] By gathering and disseminating information about human rights issues Non-Governmental Organizations (NGOs) try to draw the attention of the public, governments, and other actors to the problems that exist in the

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2 C. Hillebrecht, 'Advocacy and Accountability in the Age of Backlash: NGOs and Regional Courts' in Contesting Human Rights (Edward Elgar Publishing, 2019) 160-179.

3 Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) Art 1.

4 Domenico Carolei, 'Accountability for Human Rights: Applying Business and Human Rights Instruments to Non-Governmental Organisations' Journal of Human Rights Practice [2021] 13(2) 507, 508.

5 Anna-Karin Lindblom, Non-Governmental Organizations in International Law (Cambridge University Press 2017) 3-4.

6 ibid. 4

7 ibid. 5.

8 Ilias Bantekas and Lutz Oette, International Human Rights Law and Practice (3rd edn, Cambridge University Press 2020) 13

9 Fn3

10 D. Irrera, 'NGOs and the Protection of Human Rights in a Mutable Humanitarian Environment' in Human Rights Interdependence in National and International Politics (Routledge, 2020) 83-99.

11 E. Pearce, Realisation of Socio-economic Rights in Nigeria: A Comparative Study (Doctoral Dissertation, Canterbury Christ Church University, 2022).

human rights field and raise the concerns of usually unheard voices[12] Thus investigation, documentation and dissemination of the information by human rights Non-Governmental Organizations (NGOs) play a vital role in bringing human rights abuses to the attention of the public and international community.[13]

Non-Governmental Organisations (NGOs) are essential for the human rights implementation system. Theo Van Boven, the former director of the United Nations Human Rights Centre in Geneva, also acknowledges the importance of Non-Governmental organisations (NGOs) in collecting information.[14] He states that Non-Governmental Organisations (NGOs) supply 85 per cent of the information received by UN, showing the high dependence of the United Nations on Non-Governmental Organisations (NGOs) for information.[15] Non-Governmental Organisations (NGOs) are a vital source of information for various actors, such as governments, intergovernmental organisations, politicians, and human rights tribunals. Moreover, Non-Governmental Organisations (NGOs) offer trustworthy and accurate information that exposes the lies of some states about their human rights situation(s).[16]

In aiming to improve the human rights situation, Non-Governmental Organizations (NGOs) quite often directly assist human rights victims by providing them legal assistance (for example, handling individual complaints), humanitarian assistance (for example, providing emergency aid, food, water, shelter, medicine, and health care for the rehabilitation of torture victims) and other kinds of direct assistance.[17]

Non-Governmental Organisations (NGOs) with their deep understanding of human rights issues and neutral stance are valuable assets in reconciliation and mediation efforts.[18] Usually, they act as politically neutral intermediaries, working with opposing parties, facilitating negotiations, and helping to find an accepted solution for both parties.[19] This is especially the case in solving conflicts where ethnic minorities are involved.[20] The education on human rights issues contributes to the improvement of human rights situations themselves because people learn about their rights and thus increase the possibility of claiming them.[21]

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12 Kemi Adekola, 'Promoting Human Rights through Social Media Campaigns: Lessons from Nigeria' International Journal of Human Rights and Constitutional Studies [2018] 12(1) 87

13 Soken-Huberty E, "What Role Do NGOs Play in Protecting Human Rights?" (Human Rights Careers, April 2, 2022) <https://www.humanrightscareers.com/issues/what-role-do-ngos-play-in-protecting-human-rights/> accessed January 31, 2024

14 D. Lewis, N. Kanji & N.S. Themudo, Non-Governmental Organisations and Development (Routledge, 2020) 1-47.

15 Fn3

16 Fn. 3.

17 Sarah Joseph, 'NGOs and Human Rights' in Daniel Moeckli et al (eds), International Human Rights Law (3rd edn, OUP 2018) 101-102.

18 Junhyup Kim and Young Soo Kim, 'When aid NGOs embrace the human rights-based approach: human rights norms, religiosity, and civic culture International Politics [2023] 60(25), 26-27.

19 Fn12

20 Amnesty International, "Human Rights for Human Dignity: A Primer on Economic, Social and Cultural Rights (Second Edition)" (Amnesty International, July 28, 2019) <https://www.amnesty.org/en/documents/pol34/001/2014/en/> accessed January 31, 2024

21 UN General Assembly, 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' (8 March 1999) UN Doc A/RES/53/144, art 6.

Non-Governmental Organisations (NGOs) disseminate information about human rights in general, as well as on specific topics; they organise courses, release publications, and organise events (seminars, round tables etc.)[22]

Non-Governmental Organisations (NGOs) in Nigeria play crucial roles in human rights advocacy by conducting research, generating action to prevent and end grave abuses of human rights and demanding justice for those whose rights have been violated yet these are met with challenges.[23] Nigeria's failure to acknowledge public-benefit efforts exacerbates these challenges.[24] Collaboration issues with government entities breed mistrust, harassment, and interference, while political instability jeopardises safety and operations.[25]

Reliance on donors, strains finances and autonomy, fostering negative perceptions, particularly for Non-Governmental Organisations (NGOs) tackling sensitive issues. Moreover, the absence of clear legal frameworks for registration and reporting exacerbates confusion and uncertainty, hindering NGO efficacy and progress in Nigeria.

2. NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

Non-governmental organisations (NGOs) have emerged as key actors in the global effort to promote and protect human rights, particularly in nations grappling with governance challenges or histories of rights violations. Operating independently from state control, these voluntary, non-profit groups employ diverse strategies to further human rights course worldwide.[26] The term "NGO" encompasses a broad range of organisations categorised by their geographic scope and focus areas. International NGOs like Amnesty International maintain operations spanning multiple countries, while national NGOs such as Nigeria's Civil Liberties Organisation concentrate on domestic issues.[27] Community-based organisations represent another NGO type, operating at the grassroots level within specific localities and[28] though separately defined, significant collaboration occurs between these categories.

Nigeria faces myriad human rights challenges despite its economic growth, including police brutality, ethnic violence, discrimination against minorities, and inequitable access to essentials like education healthcare and[29] NGOs combat these issues through advocacy, monitoring and documentation, legal aid provision, humanitarian assistance delivery, and capacity-building initiatives which include but are not limited to group training which helps increase personal knowledge and help individuals take meaningful actions, advocate and help

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22 Human Rights Watch, "World Report 2024" (Human Rights Watch, November 16, 2023) <https://www.hrw.org/world-report/2024> accessed January 31, 2024

23 United For Human Right, 'Human Right Organizations' (2008-2024) https://www.humanrights.com/voices-for-human-rights/human-rights-organizations/non-governmental.html Accessed 1st November, 2024

24 Fn. 1

25. Council on Foundations, 'Nonprofit Law in Nigeria' (March 2022) < https://cof.org/country-notes/nonprofit-law-nigeria > accessed 31 January 2024.

26 Peter Willetts, 'What is a Non-Governmental Organization?' (UNESCO Encyclopedia of Life Support Systems, 2011) http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM accessed 16 March 2024.

27 Fn 1

28 Fn. 1

29 Human Rights Watch, 'World Report 2023: Nigeria' (Human Rights Watch, 2023) https://www.hrw.org/world-report/2023/country-chapters/nigeria accessed 16 March 2024.

educate others, mentorship which provides intensive personalized guidance and help build knowledge and skills and collaboration with other Organizations.[30]

By raising public awareness via campaigns and lobbying efforts, NGOs pressure governments to uphold human rights commitments. Nigeria's National Human Rights Commission (NHRC), established by the National Human Rights Commission Act, of 1995, actively promotes rights through workshops and public education.[31] NGOs also meticulously document abuses through fieldwork and victim interviews, publishing reports that scrutinise official practices.[32] This evidence catalyses investigations and accountability measures.

Many Nigerians lack resources to navigate complex legal systems when rights are violated and NGOs fill this gap by offering free legal representation and aid, as illustrated by the MacArthur Foundation's Access to Justice project partnership with local organisations.[33] The Legal Aid Act, of 2011, governs the provision of legal aid services in Nigeria and establishes the Legal Aid Council.[34] In conflict and disaster scenarios, NGOs lead humanitarian response efforts providing food, shelter, and medical care to affected populations[35] as illustrated by the provision of medical and first Aid and donation of relief items by Doctors Without Borders during the conflict in Borno, Adamawa and Yobe, which disrupted the lives of millions of residents.[36]

At the grassroots level, NGOs build capacities within local communities through human rights training initiatives. These programs equip citizens to effectively self-advocate, strengthening civil society's long-term sustainability.[37] The ECOWAS Court of Justice, in the case of *Registered Trustees of the Socio-Economic Rights & Accountability Project (SERAP) v the Federal Republic of Nigeria & Another*, recognised the importance of human rights education and training for promoting and protecting human rights.[38]

However, NGOs face considerable obstacles, including funding vulnerabilities, security risks, logistical constraints hindering reach, and state repression of rights-focused advocacy.[39] The proposed Non-Governmental Organisations Regulation Bill, though later

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30 '8 Examples of Capacity Building Activities For Health Service Organization' https://capacity4health.org/examples-of-capacity-building-activities/Accessed on 1st November,2024

31 National Human Rights Commission Act 1995, s 5.

32 Amnesty International, 'Nigeria 2022' (Amnesty International) https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/ accessed 16 March 2024.

33 'Access to Justice' (MacArthur Foundation) https://www.macfound.org/programs/access-to-justice/ accessed 16 March 2024.

34 Legal Aid Act 2011.

35 OCHA, 'Nigeria' (UN Office for the Coordination of Humanitarian Affairs) https://www.unocha.org/nigeria accessed 16 March 2024.

36 Massive Humanitarian Response Needed in NorthEast Nigeria, https://www.doctorswithoutborders.org/latest/massive-humanitarian-response-needed-northeast-nigeriaAccessed on 3rd November,2024

37 International Peace and Conflict Resolution Centre, 'Programs' https://www.ipccnigeria.org/programs accessed 16 March 2024.

38 Registered Trustees of the Socio-Economic Rights & Accountability Project (SERAP) v Federal Republic of Nigeria & Another [2007] (ECW/CCJ/APP/12/07).

39 Amnesty International 'Nigeria: Authorities Must Stop Attempts to Muzzle NGOs' (Amnesty International, 2 September 2019) https://www.amnesty.org/en/latest/news/2019/09/nigeria-authorities-must-stop-attempts-to-muzzle-ngos/ accessed 16 March 2024.

withdrawn, faced criticism for potentially restricting NGO operations in Nigeria.[40] Additionally, in the case of *Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria & Another*, the ECOWAS Court of Justice ruled that the Nigerian government violated the right to education by failing to provide free and compulsory primary education, highlighting the role of NGOs in challenging laws and policies through strategic litigation.[41]

2.1 Human Rights

Human rights are fundamental rights inherent to all human beings, regardless of individual characteristics. These universal, inalienable, and interdependent rights are based on dignity, equality, and non-discrimination. The concept has evolved over centuries, with historical events shaping its development. Early landmarks include the Magna Carta (1215), establishing limitations on monarchical power and individual rights,[42] and the English Bill of Rights (1689), enshrining freedoms like the right to petition and bear arms.[43] However, it was after World War II's atrocities that the international community recognised the need for a comprehensive human rights framework,[44] leading to the 1948 Universal Declaration of Human Rights (UDHR) by the United Nations.[45] The UDHR outlines civil, political, economic, social, and cultural rights inherent to all.[46]

Civil and political rights protect individuals from state interference and ensure political participation,[47] Such as the right to life, freedom from torture, and fair trial. These rights are enshrined in Nigeria's Constitution.[48] Economic, social, and cultural rights aim to ensure access to resources and opportunities for a dignified life,[49] including the rights to work, health, and education. Nigeria has ratified treaties recognising these rights, like the ICESCR and Banjul Charter.[50] The human rights framework guides efforts by non-governmental organisations (NGOs) to promote and protect these rights worldwide.[51] NGOs serve as watchdogs, advocates, and service providers, holding governments accountable and addressing violations at the grassroots level.[52]

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40 Emmanuel Onwubiko, 'NGO Regulation Bill: A Threat to Civil Society in Nigeria' (Premium Times Nigeria, 10 May 2017) https://opinion.premiumtimesng.com/2017/05/10/ngo-regulation-bill-a-threat-to-civil-society-in-nigeria-by-emmanuel-onwubiko/ accessed 16 March 2024.

41 Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria & Another [2009] (ECW/CCJ/APP/08/09).

42 British Library, 'Magna Carta' (https://www.bl.uk/magna-carta) accessed 19 March 2024.

43 Britannica, 'English Bill of Rights' (https://www.britannica.com/topic/English-Bill-of-Rights) accessed 19 March 2024.

44 United Nations, 'History of the Document' (https://www.un.org/en/about-us/udhr/history-of-the-declaration) accessed 19 March 2024.

45 Fn 1

46 ibid.

47 Fox, Gregory H. "The right to political participation in international law." Proceedings of the ASIL Annual Meeting. Vol. 86. Cambridge University Press, 1992.

48 Constitution of the Federal Republic of Nigeria 1999, Chapter IV.

49 M. Goodale, Reinventing Human Rights (Stanford University Press, 2022).

50 Nwibo, Emmanuel Nwazunku. "An Appraisal of Legal and Institutional Framework for the Implementation of the International Bill of Rights in Nigeria." LASJURE 1 (2020): 22.

51 ibid. 24

52 W. Kälin & J. Künzli, The Law of International Human Rights Protection (Oxford University Press, USA, 2019). 1-97

2.2 Statement of the Problem

The importance of non-governmental organizations (NGOs) in Nigeria cannot be overstated, especially considering the complex security challenges that Nigeria is currently facing. Unfortunately, there have been allegations of human rights abuses, including extrajudicial killings and torture, in the response from government and security forces.[53]

Moreover, Nigeria is facing significant constraints on freedom of expression and the press, as evidenced by the ban on Twitter,[54] the enforcement of restrictive laws,[55] and the targeting of journalists and activists.[56] This is happening despite the provisions guaranteeing freedom of information in the Freedom of Information Act.[57]These measures not only limit important avenues for societal discourse but also hinder citizens' access to information and their participation in governance.[58] Non-Governmental Organisations (NGOs) have become champions in defending and promoting freedom of expression and the press.[59] They offer legal assistance, training, and advocacy, while diligently monitoring and documenting violations of rights, and this was illustrated in Amnesty International calling on Nigerian authorities to bring to justice those behind the End Sars shooting of innocent civilians.[60] In response, Non-Governmental Organisations (NGOs) have been instrumental in offering education, vocational training, economic prospects, healthcare services, and initiatives to address gender-based violence and environmental deterioration.[61] Their primary objective is to empower individuals and communities, particularly those marginalised, and foster inclusive development. However, despite the extensive endeavours of Non-Governmental Organisations (NGOs) in Nigeria, NGOs emerge as crucial actors, providing essential humanitarian aid, protection, and advocacy for victims of violence and insecurity.[62] They also serve as vital channels for dialogue, peace-building initiatives, and promoting accountability.

Non-governmental organisations (NGOs) play a pivotal role as an institutional framework for governing themselves and addressing human rights issues in Nigeria. These organisations, operating independently from government entities, serve as watchdogs, advocates, and service providers for various human rights causes and vulnerable communities.[63]

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53 US Department of State, 'Nigeria 2020 Human Rights Report' (March 2021) 1-2.

54 Kene-Okafor T, "Nigeria Suspends Twitter Operations, Says Platform 'Undermines Its Corporate Existence'" [2021] TechCrunch <https://techcrunch.com/2021/06/04/nigeria-suspends-twitter-operations-says-platform-undermines-its-corporate-existence/> accessed January 31, 2024

55 Fn46

56 Freedom House, "Nigeria: Freedom in the World 2022 Country Report" (Freedom House, 2021) <https://freedomhouse.org/country/nigeria/freedom-world/2022> accessed January 31, 2024

57 Freedom of Information Act 2011 NO 4

58 Fn 1

59 Section 39 Constitution of the Federal Republic of Nigeria as Amended

60 End SARS movement:From Twitter to Nigerian Streets. https://www.amnesty.org/en/latest/campaigns/2021/02/nigeria-end-impunity-for-police-violence-by-sars-endsars/Accessed on 3rd November,2024

61 Shimawa, Dominic. "The role of non-governmental organizations in poverty alleviation and community development in Nigeria: A Case of Aisha Buhari Foundation." International Journal of Advanced Research in Global Politics, Governance and Management (2020).

62 Fn 3.

63 Suzanne Keatinge and Rolando García Miragall, "Non-Governmental Organization: Expanding Aid Frontiers," in Redefining Operational Success: Tenure and Cooperation in Somalia (Routledge, 2019), 53-66.

One of the primary functions of NGOs in Nigeria is to monitor and report on human rights violations and abuses through their on-the-ground presence and grassroots networks. NGOs are well-positioned to gather first-hand information and evidence of human rights violations.[64] They can document cases of extrajudicial killings, arbitrary arrests, torture, and other forms of human rights abuses, and bring these issues to the attention of relevant authorities, the media, and the international community.

NGOs also play a crucial role in advocating for policy changes and legislative reforms to strengthen the protection of human rights in Nigeria and this is illustrated by the collaboration between Mac Arthur Foundation and CLEEN Foundation(Justice Sector Reform) on their joint project in which they emphasised the need for sustainable policy reform and accountability in the justice sector in Nigeria.[65] They engage with government officials, legislators, and policymakers, providing expert analysis, recommendations, and lobbying efforts to influence decision-making processes.[66] By voicing the concerns of marginalised communities and highlighting systemic human rights issues, NGOs can drive positive changes in laws, policies, and practices. Furthermore, NGOs contribute to capacity-building and awareness-raising efforts in the field of human rights in Nigeria. They organise training programs, workshops, and educational campaigns to empower individuals, communities, and other stakeholders with knowledge about their rights and mechanisms for protecting them.[67] This empowerment enables people to better advocate for their rights and hold duty-bearers accountable.

In addition to advocacy and capacity-building, NGOs also provide direct services and support to victims of human rights violations and vulnerable groups. They offer legal aid, shelter, counselling, and other forms of assistance, filling gaps where government services may be lacking or inaccessible.[68] However, NGOs in Nigeria face significant challenges in their work. Limited resources, restrictive legal frameworks, and security threats can hinder their ability to operate effectively. Additionally, the complex socio-political landscape and deep-rooted human rights issues in Nigeria require sustained and coordinated efforts from multiple stakeholders. To enhance their impact, NGOs in Nigeria often collaborate and form coalitions or networks to pool resources, amplify their voices, and coordinate advocacy efforts. This collective approach allows them to leverage their strengths and increase their influence on human rights issues.

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64 Kemunto Bizeki, "The Role of NGOs in Addressing Human Rights Issues in Africa," African Human Rights Law Journal [2017] 12(1) 93-108.

65 CLEEN harps on policing reforms, accountability of judicial system. https://cleen.org/2024/10/17/cleen-harps-on-policing-reform-accountability-of-judicial-system/Accessed on 2nd November, 2024.

66 Lester M. Salamon and S. Wojciech Sokolowski, "The Institutional Framework for Large-Scale Nonprofit Activity," in The Resilient Sector Revisited: The New Challenge to Nonprofit America (Brookings Institution Press, 2021), 219-263.

67 Amnesty International, "Nigeria 2022," https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/. Accessed March 23, 2024

68 United Nations Human Rights Office of the High Commissioner, "Civil Society," accessed March 23, 2024, https://www.ohchr.org/en/civil-society.

Advocacy Roles of NGOs

NGOs in Nigeria employ various advocacy strategies to influence government policy, raise public awareness, and seek redress for human rights violations. One of the primary advocacy roles of NGOs is lobbying and policy advocacy. The Policy and Legal Advocacy Centre, a non-profit organisation that works on conducting, administering elections and promoting citizen participation in Nigeria in collaboration with other NGOs which including the Peering Advocacy and Advancement Centre in Africa, analysed the national and international observer report of the 2023 election, the INEC.[69] Report on election and recommendations from citizens and these findings inform public education and policy reform that promotes electoral integrity and accountability.[70] By participating in policy dialogues, submitting position papers, and engaging with policymakers, NGOs strive to shape legislation and public policy to reflect the needs and rights of marginalised communities.

Public awareness campaigns are another crucial advocacy strategy employed by NGOs. These campaigns aim to educate the public about human rights issues and mobilise public opinion to support advocacy efforts. An exemplary initiative is the 'Clean Nigeria: Use the Toilet' campaign by WaterAid Nigeria, which seeks to end open defecation and promote sanitation[71]. Through media engagement, community outreach, and public education, NGOs like WaterAid raise awareness about critical health and environmental issues, garnering public support and driving behavioural change.

Strategic litigation is a powerful tool used by NGOs to challenge human rights violations and seek redress for victims. Organisations like the Socio-Economic Rights and Accountability Project (SERAP) have been at the forefront of using legal action to address human rights abuses and environmental issues[72]. For instance, SERAP has been involved in landmark cases before national and regional courts, leveraging the judicial system to hold the government accountable and secure justice for affected communities and this approach not only provides legal remedies for victims but also sets legal precedents that strengthen human rights protection in Nigeria.

Monitoring and reporting human rights violations constitute another critical advocacy role of NGOs. By documenting and reporting abuses to national and international bodies, NGOs play a vital role in holding perpetrators accountable and advocating for systemic changes. These efforts ensure that human rights violations are brought to the attention of relevant authorities and the international community, facilitating timely and appropriate responses.

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69 Independent National Electoral Commission

70 Policy and Legal Advocacy Centre- MacArthur Foundation https://www.macfound.org/grantee/policy-and-legal-advocacy-centre-43370/Accessed on 2nd November 2024.

71 WaterAid, 'Get involved: Clean Nigeria campaign' (WaterAid, 2024) https://www.wateraid.org/ng/get-involved/clean-nigeria-campaign accessed 13 June 2024.

72 SERAP Nigeria, 'Public impact and strategic litigation' (SERAP Nigeria, 2024) https://serap-nigeria.org/public-impact-and-strategic-litigation/ accessed 13 June 2024.

Monitoring and Reporting Human Rights Violations

Non-governmental organisations (NGOs) in Nigeria are vital in the effort to monitor and report human rights violations. These organisations act as independent observers, providing essential information and holding perpetrators accountable. Direct observation allows NGOs to gather first-hand accounts and evidence, which is crucial for accurate reporting. However, challenges such as restricted access to affected areas and threats to the safety of personnel can impede this process. Despite these obstacles, direct observation remains a cornerstone of effective human rights monitoring.

Data collection and analysis are another essential method employed by NGOs. Organisations like the International Organisation for Migration (IOM) use tools like the Displacement Tracking Matrix (DTM) in collaboration with the National Emergency Management Agency (NEMA) to collect data on internally displaced persons (IDPs)[73]. This approach provides a quantitative basis for understanding the extent of human rights violations. However, the accuracy and reliability of data can be compromised by inadequate resources, limited technological infrastructure, and the reluctance of victims to provide information due to fear of reprisal. For example, during the Boko Haram insurgency, many displaced persons were hesitant to share their experiences, which made it difficult to obtain accurate data[74].

Media monitoring is another technique that NGOs use to identify potential human rights violations. This method helps NGOs understand the broader societal context of human rights issues. Nevertheless, media monitoring is challenging due to biases, censorship, and misinformation in the media. For instance, during the End SARS protests, many media outlets were either censored or biased, making it difficult for NGOs to get a clear picture of the events[75]. Therefore, NGOs must navigate these challenges carefully to ensure accurate and unbiased reporting.

Reporting mechanisms employed by NGOs are varied and multifaceted. Public reports, such as those published by Amnesty International, document human rights violations in detail and provide recommendations for improvement[76]. These reports are essential for raising awareness and advocating for change. However, the impact of such reports is often limited by government indifference or hostility, as well as the general public's scepticism towards international NGOs. For example, Amnesty International's reports on police brutality

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73 Office of the United Nations High Commissioner for Human Rights, Better Data Collection Bolsters Human Rights for Marginalised People (February 2022) https://www.ohchr.org/en/stories/2022/02/better-data-collection-bolsters-human-rights-marginalised-people accessed 14 March 2024.

74 A.T. Mangzha, The Impact of Non-Governmental Organisations in the Implementation of International Human Rights Law: A Case Study of North-East Nigeria (Master's Thesis, Eastern Mediterranean University (EMU)-Doğu Akdeniz Üniversitesi (DAÜ), 2020).

75 U.S. Department of State, 2022 Country Reports on Human Rights Practices: Nigeria (2022) https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nigeria/ accessed 14 March 2024.

76 Amnesty International, Nigeria: The State of Human Rights in Nigeria (AFR4469702023ENGLISH) (2023) https://www.amnesty.org/en/wp-content/uploads/2023/07/AFR4469702023ENGLISH.pdf accessed 14 March 2024.

in Nigeria have been met with resistance from government officials, who often dismiss these reports as foreign interference[77]. Additionally, there is the challenge of ensuring that these reports reach and influence the relevant stakeholders effectively.

NGOs also engage in advocacy with national and international bodies to address human rights issues. The Nigeria Network of NGOs (NNNGO) exemplifies this approach by engaging with national and international bodies to advocate for poverty reduction and human rights promotion. Advocacy efforts can lead to significant policy changes and increased international pressure on the Nigerian government. However, these efforts are often met with resistance from governmental authorities who may view NGO activities as a threat to their sovereignty and control. Furthermore, international advocacy can sometimes be perceived as external interference, which may undermine local support for NGOs. For instance, when the NNNGO advocated for the rights of internally displaced persons, they faced pushback from local authorities who felt their authority was being undermined[78].

Collaboration with other NGOs amplifies the impact of human rights monitoring and reporting. Organisations like Global Rights work with local activists and other NGOs to protect the rights of marginalised populations[79]. This collaborative approach allows for the pooling of resources, sharing of information, and strengthening of advocacy efforts. However, collaboration can also be challenging due to differences in organisational priorities, competition for funding, and varying levels of capacity among NGOs. Effective collaboration requires careful coordination and a willingness to compromise and align objectives. For example, during the campaign for the rights of IDPs, Global Rights collaborated with several local NGOs, which helped to amplify their message and increase their impact[80].

Despite the challenges, the role of NGOs in monitoring and reporting human rights violations in Nigeria is indispensable. Their efforts contribute to a more transparent and accountable system where human rights are more likely to be respected and protected. NGOs must continue to innovate and adapt their strategies to overcome the barriers they face. This includes leveraging technology for data collection and analysis, building stronger alliances both locally and internationally, and enhancing their advocacy and public awareness campaigns. For instance, the use of mobile technology for real-time data collection has significantly improved the accuracy and timeliness of reports[81].

The legal framework in Nigeria also presents challenges and opportunities for NGOs. The Companies and Allied Matters Act (CAMA) 2020, for instance, affects the legal status of

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77 Human Rights Watch, World Report 2024: Country Chapters: Nigeria (2024) https://www.hrw.org/world-report/2024/country-chapters/nigeria accessed 14 March 2024.

78 S. Bamidele & I. Pikirayi, 'Assessing the Effectiveness of Government and Non-Governmental Organization in Assisting Internally Displaced Women in Nigeria', Development Policy Review [2023] 41(4) e12682.

79 N.O. Odiaka, F. Bankole & I.J. Ichab, 'The Impact of Stakeholders Model of Corporate Governance to the Effective Performance and Sustainability of Non-Governmental Organisations in Nigeria', Journal of Commercial and Property Law [2021] 8(3) 41-54.

80 S.F. Otaru, M.M. Adeyeye & A.S. Sajuyigbe, 'Financial Resource Mobilisation Strategies and Sustainability of Non-Governmental Organisations (NGOs): Evidence from Nigeria', International Journal of Contemporary Management [2021] 57(2) 1-8.

81 Office of the United Nations High Commissioner for Human Rights, Better Data Collection Bolsters Human Rights for Marginalised People (February 2022) https://www.ohchr.org/en/stories/2022/02/better-data-collection-bolsters-human-rights-marginalised-people accessed 14 March 2024.

charities and NGOs in Nigeria[82]. While it provides a regulatory framework that could enhance transparency and accountability, it also imposes restrictions that may hinder the operation of NGOs. For example, the provision in Section 839 of CAMA 2020 for the suspension of trustees by the Corporate Affairs Commission and the appointment of an interim manager following a court order. This provision is more concerning because it provides an avenue for the government to interfere in the activities of NGOs as well as interfere with the constitutional right of freedom of association.[83] Understanding and navigating these legal intricacies is crucial for NGOs to effectively carry out their mandates.

Capacity Building and Public Awareness

In Nigeria, Non-Governmental Organisations (NGOs) play a critical role in capacity building and public awareness to promote and protect human rights. These organisations contribute significantly through a variety of initiatives, each designed to strengthen the capabilities of individuals and communities in understanding, advocating for, and defending human rights. One of the primary methods employed by NGOs to enhance human rights capacity is the provision of training programs. These workshops, seminars, and educational programs are tailored for human rights defenders, legal practitioners, and community leaders. For instance, the UNITAR Human Rights Council Training Programme offers comprehensive insights into human rights and the workings of the UN's key body dedicated to their promotion. Such training initiatives equip participants with the necessary skills and knowledge to effectively advocate for and protect human rights within their communities[84].

Resource centres like the Resource Centre for Human Rights and Civic Education in Abuja[85] Helps in information dissemination and is also pivotal to the work of NGOs in Nigeria. These centres serve as hubs where victims of human rights violations can access crucial information, resources, and legal aid. The NGO Coordination Resource Centre exemplifies this by providing resources and guidance for humanitarian coordination.[86]. Through these centres, NGOs ensure that individuals have the tools and support needed to seek justice and uphold their rights. The dissemination of information is further enhanced by the publication and distribution of various materials, including pamphlets, brochures, and documentaries, which help educate the public on their rights and the mechanisms available for their protection.

Networking and collaboration among NGOs are essential for amplifying their impact. The Nigeria Network of NGOs (NNNGO), for instance, fosters partnerships with over 3,900

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82 The Nigerian Lawyer, CAMA 2020 and the legal status of charities and non-governmental organizations in Nigeria: Corpus juris (2020) https://thenigerialawyer.com/cama-2020-and-the-legal-status-of-charities-and-non-governmental-organisations-in-nigeria-corpus-juris/ accessed 14 March 2024.

83 Legal Constraints to Operations of Nonprofit. https://placbeam.com/2021/07/15/legal-constraints-to-operations-of-non-profits-in-nigeria-under-2020-companies-and-allied-matters-act-cama/Accessed on 2nd November 2024

84 UN Institute for Training and Research, 'Multilateral Diplomacy: Our Portfolio - Multilateralism Training: Human Rights Council Training' (UN Institute for Training and Research, 2024) https://unitar.org/sustainable-development-goals/multilateral-diplomacy/our-portfolio/multilateralism-training/humanrightscouncilltraining accessed 23 October 2023.

85 https://chriced.org.ng/Accessed on 3rd November 2024

86 ibid.

member organisations, enabling effective advocacy on issues such as poverty and development. By collaborating with other organisations and institutions, NGOs can pool resources, share expertise, and coordinate efforts to address human rights violations more effectively. These partnerships not only enhance the reach of individual NGOs but also create a more robust and united front in the fight for human rights. This collaborative approach is instrumental in the comprehensive address of human rights issues, as it allows for more synchronised and impactful advocacy.

Public awareness campaigns are another critical avenue through which NGOs work to promote human rights in Nigeria. These campaigns often involve community outreach programs, which include public forums, meetings, and community events. For example, the Nigerian Environmental Society's climate change awareness campaign across the federation highlights the impact of environmental issues on human rights[87]. Such initiatives are designed to engage the public directly, raising awareness about specific human rights issues and encouraging community involvement in advocating for change. The direct engagement through these community outreach programs fosters a deeper understanding and commitment to human rights at the grassroots level.

The use of media and social media platforms has become increasingly important for NGOs in reaching wider audiences. Social media usage in Nigeria has surged, with platforms like WhatsApp, Facebook, and Instagram being utilised by NGOs to advocate for human rights.[88]. These platforms enable NGOs to disseminate information quickly and engage with a broader audience, thus amplifying their messages and mobilising support for various human rights causes. This innovative use of media ensures that human rights messages reach diverse and extensive audiences, facilitating broader societal impact.

Educational materials developed and distributed by NGOs play a significant role in raising awareness and educating the public about human rights. The African Centre for Democracy and Human Rights Studies, for example, focuses on education as a central theme, emphasising the importance of building resilient education systems for increased access to inclusive, quality, and relevant learning[89]. By providing these educational resources, NGOs help to ensure that individuals are informed about their rights and the legal frameworks in place to protect them. These materials are essential tools for empowering communities, enabling them to assert their rights and advocate effectively.

Moreover, NGOs' involvement in strategic litigation has proven to be a powerful tool for advancing human rights. The Socio-Economic Rights and Accountability Project (SERAP) has been at the forefront of using strategic litigation to challenge human rights abuses and advocate for accountability[90]. Their efforts in bringing cases to court not only seek redress for victims but also aim to create legal precedents that strengthen human rights

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87 Nigerian Environmental Society, Climate Change Awareness Campaign, https://www.nigerianenvironmentalsociety.org/campaigns/climate-change accessed 14 June 2024.

88 Statista, 'Social Media in Nigeria' (Statista, 2024) https://www.statista.com/topics/10117/social-media-in-nigeria/ accessed 23 October 2023.

89 African Centre for Democracy and Human Rights Studies, 'NGO Forum - Education and Human Rights' https://www.acdhrs.org/education-human-rights accessed 14 June 2024.

90 SERAP Nigeria, 'Public impact and strategic litigation' https://serap-nigeria.org/public-impact-and-strategic-litigation/ accessed 14 June 2024.

protections. This proactive legal approach is instrumental in holding perpetrators accountable and fostering a culture of respect for human rights.

NGOs also play a pivotal role in lobbying for legislative and policy changes that enhance human rights protections through sustained advocacy and engagement with policymakers[91]. These efforts are crucial in creating a legal and institutional framework that supports the effective implementation and enforcement of human rights standards. By influencing policy at the highest levels, NGOs ensure that human rights considerations are integrated into national legislation and governance practices.

Challenges Faced by Non-Governmental Organisations (NGOs) in Human Rights Work

Non-Governmental Organisations (NGOs) in Nigeria face a myriad of challenges that impede their ability to effectively carry out human rights work. These challenges range from legal and regulatory constraints to social pressures and resource limitations. The complexity and depth of these obstacles highlight the need for a supportive environment to enable NGOs to operate without fear of reprisal, with adequate resources, and with the backing of the public and the international community.

4.5.1 *Legal and Regulatory Constraints*

NGOs in Nigeria have faced significant challenges due to legal and regulatory restrictions, particularly concerning funding and foreign donations. The Nigerian government has implemented stringent regulations that scrutinise and often limit foreign funding to NGOs. For instance, the Companies and Allied Matters Act (CAMA) 2020 imposes rigorous compliance requirements that NGOs must meet to receive foreign donations[92]. These regulations can severely restrict the financial resources available to NGOs, limiting their ability to fund operations and advocacy efforts, and the impact of these restrictions can be detrimental to the sustainability and performance of NGOs in Nigeria.

Government interference and harassment are also significant issues faced by NGOs. Instances of government intimidation and harassment of NGOs and their members are not uncommon, creating an environment of fear that hinders their operations[93]. For example, the Nigerian government has been known to use the guise of security and anti-terrorism measures to clamp down on NGOs, as seen in cases where offices are raided, staff members are arrested, and operations are disrupted[94]. Such actions not only impede the work of NGOs but

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[91] New Nigeria Foundation, 'New Nigeria Foundation 2021 Annual Report' https://www.voluntaryprinciples.org/wp-content/uploads/2022/04/New-Nigeria-Foundation-2021-Annual-Report.pdf accessed 14 June 2024.

[92] The Nigerian Lawyer, 'CAMA 2020 and the legal status of charities and non-governmental organizations in Nigeria: Corpus juris' https://thenigerialawyer.com/cama-2020-and-the-legal-status-of-charities-and-non-governmental-organisations-in-nigeria-corpus-juris/ accessed 14 June 2024.

[93] Amnesty International, Nigeria: The State of Human Rights in Nigeria (AFR4469702023ENGLISH) (2023) https://www.amnesty.org/en/wp-content/uploads/2023/07/AFR4469702023ENGLISH.pdf accessed 14 June 2024.

[94] Media Rights Agenda, Civic Space Guard: Media Monitoring Report (2024) https://mediarightsagenda.org/docs/Civic_Space_Guard_Media_Monitoring_Report.pdf accessed 14 June 2024.

also send a chilling message to other organisations and human rights defenders about the potential consequences of their advocacy efforts.

Access to justice is another critical area where NGOs face considerable challenges. Bureaucratic hurdles and a lack of legal support often make it difficult for NGOs to navigate the justice system effectively. In the landmark case of **Abacha v Fawehinmi**, the Supreme Court of Nigeria acknowledged the critical role of NGOs in promoting human rights, yet accessing legal avenues to address violations remains fraught with difficulties[95]. The limited access to justice hampers NGOs' ability to hold perpetrators accountable and secure redress for victims of human rights abuses. This situation is exacerbated by a judiciary that is often overburdened and under-resourced, further complicating the pursuit of justice.

Security Risks and Threats

Human rights activist in Nigeria faces significant security risks and threats, which severely impact their ability to conduct their work. Violence and intimidation are pervasive, with human rights defenders frequently targeted by both state and non-state actors. The 2023 Human Rights Report by the U.S. Department of State highlights instances of arbitrary and unlawful killings, including extrajudicial killings, which pose significant risks to human rights defenders.[96] These attacks are often intended to silence dissent and discourage activism, creating a hostile environment for those working to protect human rights.

Impunity and lack of accountability for perpetrators of violence against human rights activist further exacerbate the security challenges faced by NGOs. There is a notable lack of prosecution and accountability for those who commit violence against human rights activist, which perpetuates a culture of impunity[97]. The absence of justice for these crimes not only endangers the lives of human rights activist but also undermines the rule of law and the credibility of the justice system. This issue was notably highlighted in *Ezenwankwo v The State*, where the court's failure to adequately address the violence against human rights activist demonstrated the systemic issues within the legal framework[98].

Stigmatisation and social pressure are additional challenges that human rights activist in Nigeria must navigate. Human rights activist often experience social stigma and pressure, particularly in marginalised communities where traditional norms and values may conflict with human rights principles. This stigmatisation can lead to isolation, both socially and professionally, reducing the effectiveness of their advocacy work. The societal pressure to conform and the fear of backlash can deter individuals from engaging in human rights work, further limiting the pool of potential defenders and advocates.

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95 Abacha v Fawehinmi [2000] FWLR (Pt 4)533.

96 U.S. Department of State, 2022 Country Reports on Human Rights Practices: Nigeria (2022) https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/nigeria/ accessed 14 June 2024.

97 Human Rights Watch, World Report 2024: Country Chapters: Nigeria (2024) https://www.hrw.org/world-report/2024/country-chapters/nigeria accessed 14 June 2024.

98 Ezenkwanko v The State [2015] 2 NWLR (Pt 1443) 265.

4.5.3 *Resource Constraints and Financial Challenges*

NGOs in Nigeria also face significant resource constraints and financial challenges, which hinder their operations and impact. Funding gaps and sustainability are among the most pressing issues. Securing sustainable funding to support NGO operations and activities is a constant struggle, with many organisations relying on intermittent and unpredictable sources of funding[99]. This financial instability can lead to project delays, low staff turnover, and an overall reduction in the effectiveness of human rights advocacy efforts.

The lack of infrastructure and equipment further exacerbates the challenges faced by NGOs. Adequate infrastructure, equipment, and technology are essential for NGOs to effectively conduct human rights work[100]. However, many NGOs operate with limited resources, often lacking the necessary tools and facilities to carry out their activities efficiently. This lack of infrastructure not only hampers day-to-day operations but also limits the capacity of NGOs to respond to human rights violations promptly and effectively.

Moreover, the economic outlook for Nigeria indicates fiscal pressures that could limit government spending on infrastructure and other initiatives, potentially affecting NGO operations[101]. The financial challenges faced by NGOs are compounded by the broader economic environment, which can impact donor funding and the availability of financial support. These resource constraints highlight the need for innovative approaches to funding and resource management to ensure the continued effectiveness and sustainability of NGOs in Nigeria.

4. CONCLUSION AND RECOMMENDATIONS

This study has shown that NGOs play a vital, albeit challenging, role in promoting and protecting human rights in Nigeria. Despite facing numerous obstacles, NGOs continue to serve as critical actors in monitoring abuses, advocating for policy changes, and empowering communities. The study emphasises the need for a more enabling environment for NGOs to operate effectively, including clear legal frameworks, robust security measures for human rights activist, and increased public awareness and support. By addressing these challenges and implementing the recommendations outlined, Nigeria can create a more conducive environment for NGOs to fulfil their vital role in advancing human rights and promoting a more just and equitable society for all.

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99 Otaru, K., Adeyeye, J. & Sajuyigbe, A. (2020). Resource Mobilisation Strategies and Sustainability of Non-Governmental Organisations in Nigeria. International Journal of Business Management [2020] 15(5), 102-114.

100 D. Jibrin, & B. Sani, 'The Role of Infrastructure and Equipment in the Operations of NGOs in Nigeria', International Journal of Non-Profit Studies [2023] 9(1) 33-45.

101 International Monetary Fund (IMF), 'Nigeria: Staff Concluding Statement of the 2024 Article IV Mission', (2024) https://www.imf.org/en/News/Articles/2024/05/12/nigeria-staff-concluding-statement-of-the-2024-article-iv-mission accessed 14 June 2024.

Recommendations

Based on the findings, this study recommends the following:

1. The Nigerian National Assembly should amend sections of the Companies and Allied Matters Act 2020 that restrict NGO operations and autonomy, ensuring clarity and transparency in regulatory processes.
2. The Nigerian National Assembly, in consultation with civil society organisations, should establish a distinctly legal framework specifically addressing the needs and challenges of NGOs, promoting a more enabling environment.
3. The Federal Government of Nigeria should enhance the National Human Rights Commission's (NHRC) capacity by providing adequate funding, training, and resources to effectively investigate human rights violations, provide remedies, and monitor government compliance.
4. The Nigerian Police Force, in conjunction with the Federal Ministry of Justice, should implement robust measures to safeguard human rights activists from violence, intimidation, and harassment, ensuring accountability for perpetrators through swift investigation and prosecution
5. NGOs should prioritise transparency and accountability in their operations to build public trust and strengthen legitimacy.