

An Evaluation of the Universal Declaration of Human Rights' Significance and Application in Nigeria

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ABSTRACT

The Universal Declaration of Human Rights (UDHR) was adopted in 1948 by the United Nations General Assembly to promote and protect human rights globally, following the atrocities of the Second World War. Nigeria, along with other States, adopted the Declaration and incorporated fundamental rights into domestic laws and the constitution. Successive Nigerian constitutions have provided for the rights to life, liberty, fair hearing, dignity, peaceful assembly, association, and freedom of expression, thought, conscience, religion, and movement, among others. To strengthen its human rights regime, Nigeria has ratified several international human rights treaties and established institutions such as the National Human Rights Commission and the Courts to ensure the implementation and enforcement of these rights. Despite these measures, implementation and enforcement have remained a critical issue. Violation of fundamental rights by state and non-state actors to varying degrees has persisted. This work assesses the impact of the UDHR and the extent of its application in Nigeria. Though Nigeria operates a constitutional democracy that professes the rule of law, separation of powers, and respect for human rights, in practice, these principles are undermined by arbitrariness, impunity, corruption, excessive use of force by security personnel, disrespect for court orders, abuse of civil and politics rights, extrajudicial execution, and lack of accountability. The paper recommends reforms in the judiciary to guarantee its impartiality and independence. It also suggests reforms in the security sector to end impunity and ensure accountability. In addition, human rights awareness campaigns, advocacy, and education would suffice to curb violations.

Keywords: Universal Declaration of Human Rights, Nigeria, application, violations, accountability, reforms

INTRODUCTION

World Human Rights Day is celebrated on December 10 every year in commemoration of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948. Since its adoption, human rights concerns and awareness have spread around the world like wildfire, manifesting in treaties, UN resolutions, national laws, and constitutions. The Declaration has been copiously used by tribunals and quoted in publications, seminars, and conferences. Its effects have been far-reaching, and the benefits to humanity are unquantifiable. Despite this widespread acceptance, the significance of the Declaration is undermined and its universality debated by scholars, policy makers, and government officials. The UDHR was initially adopted as a nonbinding, nonlegal instrument. However, it has acquired legal force over the years, and some aspects of the Declaration have attained the status of customary international law. Seventy-seven years after its adoption, the Declaration is widely accepted and used as the standard for measuring the conduct of States. The doctrine of human rights has permeated all facets of society, with people demanding the observance and enforcement of basic rights from their governments and the courts. At the national level, most states have adopted measures to promote and protect human rights (Marie, 2003).

Since the end of colonialism in Nigeria, fundamental rights were inserted in the post-colonial constitutions from 1960 to 1999. Chapter IV of the 1999 Constitution, currently in force, provides for the rights to life, liberty, fair hearing, dignity, privacy, and ownership of property. Other rights include freedom of expression,

thought, conscience, religion, peaceful assembly, association, movement, and freedom from discrimination (Worluh-Okolie & Joseph-Asoh, 2024). Nigerian law also makes provision for the enforcement of these rights under the Fundamental Rights (Enforcement Procedures) Rules 2009, enabling any aggrieved person to apply to the High Court in their state for relief. In addition to domestic legislation, Nigeria has subscribed to numerous international and regional human rights treaties, such as the 1966 Covenants on Civil and Political Rights, Economic, Social, and Cultural Rights, and the African Charter on Human and Peoples' Rights 1981.

Most discussions on the human rights situation in Nigeria focus more on violations than observance, as enforcement remains a major problem. Under both military and civilian administrations, Nigerians have suffered gross human rights violations perpetrated by state and non-state actors. This work examines the major human rights developments inspired by the 1948 Declaration and the human rights situation in Nigeria against the backdrop of the internationalization of human rights through the Declaration.

The concept of human rights

The modern notion of human rights is founded on the doctrine of natural rights which, in turn is based on the philosophy of natural law, which were used to limit or curb the power of the state (Dhokalia, 1986:92). It formed the basis of the rights of man embodied in the second half of the eighteenth century in the International Bill of Human Rights (Dhokalia, 1986:92). The term "human rights" replaced "natural rights" and became a more popular expression after the Second World War. Natural rights had fallen into disfavor in part because the concept of natural law had become a matter of great controversy (Steiner & Alston, 1996: 167).

The doctrine of human rights is not devoid of controversies; nonetheless, as can be seen in the variety of definitions advanced by text writers, theorists, and jurists (Igwe, 2012). This lack of unanimity is largely attributed to the fact that these legal and political writers belong to different schools of thought (Gasiokwu, 2003). Dowrick (1979:8-9), for instance, defines human rights as: "Those claims made by men, for themselves or on behalf of other men, supported by some theory which concentrates on the humanity of man, on man as a human being, a member of mankind..." Eze (1984:5) maintains that: "Human rights represent demand or claims, which individuals or groups make on society, some of which are protected by law and have become part of *lex lata* while others remain aspirations to be attained in the future." Ajomo (1989:10) states that 'human rights are inherent in man: they arise from the very nature of man as a social animal. They are those rights which all human beings enjoy by their humanity, whether black, white, yellow, Malay, or red.'

On the other hand, Cassesse (1990) describes human rights as an "ideological and normative galaxy" in rapid expansion, with a specific goal: to increase safeguards for the dignity of the person." Umozurike (1997) defines human rights as: "...claims, which are invariably supported by ethics and which should be supported by law, made on society, especially on its official managers, by individuals or groups based on their humanity."

A judicial definition was given by the Nigerian Supreme Court per Kayode Eso, JSC, when he described human rights as standing above the ordinary laws of the land, immutable and indispensable conditions for civilized existence (*Ransome Kuti V. Attorney General Nigeria* (1985) 2 NWLR [pt. 6]). These rights exist regardless of race, colour, sex, or other considerations. And governments, people, or individuals may not withdraw them (Umozurike, 1997).

Human rights situation after World War II

Traditionally, international law regarded individuals as objects and did not regulate the way their states treated them, as this was an internal affair of such states (Umozurike, 1993:141). After the war, the concept, perception, and attitude towards human rights began to change largely due to atrocities committed against civilians. According to Buergenthal (1995:21), modern international human rights law owes its development "to the monstrous violations of human rights of the Hitler era and to the belief that these violations and possibly the war itself might have been prevented had an effective international system for the protection of human rights existed in the days of the League of Nations."

The widespread atrocities against civilians brought into focus the need for respect for and international

protection of human rights. Therefore, one of the war aims of the Allied Powers when they met in 1941 for the proclamation of the Atlantic Charter was to ensure that protection of individuals would be a major part of the post-war settlement for any future international organization (Umozurike, 1994:12).

The United Nations and internationalization of human rights On January 1, 1942, 26 countries, prominent among them Britain, China, USA and USSR participated in a Declaration of United Nations affirming “That complete victory over their enemies is essential to defend life, liberty, independence and religious freedoms, and to preserve human rights and justice in their lands as well as in other lands.” This step culminated in the inclusion of human rights in the UN Charter of 1945. The preamble reaffirms ‘faith in fundamental human rights, in the dignity and worth of the human person, the equal rights of men and women, and nations large and small.’ Thus, the development of friendly relations based on equal rights and self-determination and the promotion and encouragement of respect for human rights and fundamental freedoms for all without regard to race, sex, language or religion became some of the principal purposes of the UN (General references to human rights can be found in Articles 1, 13, 55, 56, 62(2), 68, and 76 of the UN Charter).

The Universal Declaration of Human Rights 1948

On December 10, 1948, the UN General Assembly proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and in all nations (GA Res. 217 A ¹¹¹). This Declaration, described as ‘the contemporary Magna Carta of rights,’ spelt out what the Charter expresses in broad terms and sets forth a common standard for the international community (Agarwal, 2010:762). It provides that all human beings are born free and are equal in dignity and rights and are entitled to rights and freedoms without distinction of any kind. The UDHR contains 30 articles outlining human rights and fundamental freedoms. Two major categories of rights are provided for, namely, civil and political rights (Articles 2 to 21 of the Declaration), as well as economic, social, and cultural rights (Articles 22 to 27 of the Declaration).

The Legal Status of the 1948 Declaration

Since the Declaration was made, its legal status has been widely debated. The Declaration was originally not legally binding and was never intended to be so (Agarwal, 2010). It was hortatory, aspirational, and recommendatory, its main object being ‘to present the ideals of human rights and freedoms set forth therein’ (Agarwal, 2010). However, over time, some aspects of the Declaration have become international custom and formed part of the general principles of law recognized by civilized nations (Article 38, International Court of Justice (ICJ) Statute).

Brownlie maintains that some of the provisions of the Declaration either constitute general principles of law or represent elementary considerations of humanity (Brownlie, 1990:570). It is in this respect that Shaw (1997:206) also describes the Declaration as ‘the cornerstone of UN activity.’ The Tehran Declaration 1968 also noted that ‘the Declaration constitutes an obligation for the members of the international community.’

The frequent references and statements in United Nations resolutions and declarations that all states are to observe faithfully the Declaration make it part of the law of nations (Security Council Resolution 310 ¹⁹⁷²). At the UN-sponsored International Conference on Human Rights, it was stressed that the Declaration constituted ‘an obligation for members of the international community’ (Proclamation of Tehran, 1968). Brownlie (1990:570) maintains that ‘its greatest significance is that it provides an authoritative guide, produced by the General Assembly, to the interpretation of the provision in the Charter’ (Brownlie (1990).

The Declaration has been invoked by the European Court of Justice as an aid or guide on the interpretation of the European Convention on Human Rights (Golder Case, ILR 57, 201 at 216-217) and by the International Court of Justice (ICJ) in connection with the detention of hostages in conditions of hardship (Case Concerning United State Diplomatic and Consular Staff in Tehran, ICJ Report (1980) 3 at 42 [para. 91]). Much weight has been placed on the dictum of the ICJ that obligations *Erga Omnes* in international law include those derived ‘from the principles and rules concerning the basic rights of the human person’ (Barcelona Traction Judgement, 1970). The ICJ has held that ‘wrongfully to deprive human beings of their freedom and to subject them to

physical constraint in conditions of hardship is in itself manifestly incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights' (Case Concerning United State Diplomatic and Consular Staff in Tehran, ICJ Report (1980) 3 at 42 [para. 91]).

The impact of the Declaration has been felt in the subsequent formulation of human rights treaties (Shaw, 1997). The Declaration has been reaffirmed in the Genocide Convention 1948; Convention Relating to the Status of Refugees 1951, and Convention on the Political Rights of Women 1953. Convention on the Elimination of All Forms of Racial Discrimination, 1966, Convention on the Suppression and Punishment of all forms of Discrimination Against Women, 1979. The preamble to the two covenants, namely, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights 1966, provides the relationship between the UDHR and the Covenants. The Universal Declaration, along with the two Covenants and three Optional Protocols, constitutes the International Bill of Rights.

There is a historical relationship between the Declaration and the European Convention on Human Rights. According to Buerghenthal (1995:105), 'the decision to draft the European Convention was made after the UN General Assembly adopted the Universal Declaration of Human Rights...' Parties to the Convention declared the resolve of 'the Governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration' (Buerghenthal, 1995:106).

The Declaration has also found its way into the Inter-American Convention on Human Rights (San Jose, Costa Rica, 22 November 1969). The preamble speaks of the principles outlined in the American Declaration of the Rights and Duties of Man and in the Universal Declaration of Human Rights. The African Charter on Human and Peoples' Rights is also one of the major regional human rights instruments inspired by the 1948 Declaration. Its preamble mentions 'efforts to achieve a better life for the peoples of Africa and to promote international co-operation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.'

Significance of the Declaration

The Declaration has effectively given human rights a global focus and has had a profound impact on the minds of men and the international community's commitment to human rights as a common standard of achievement for all peoples and for all nations (Agarwal, 2010:763). It has enumerated human rights for all people and to all nations, whether they are members of the United Nations or not. This fact is attested to by the incorporation of the principles elucidated therein into global and regional treaties and many national constitutions.

The significance of that Declaration re-echoed at the 1993 Vienna Declaration and Programme of Action (UN World Conference on Human Rights in Vienna, 1993), where the universality, indivisibility, interdependence, and interrelationship of all human rights were emphasized. The United Nations, in furtherance of the objective of protecting and promoting these rights, established various institutions and procedures (Kedzia, 2003). The post of High Commissioner for Human Rights was established in 1993 as a result of the Vienna World Conference on Human Rights and vested with important responsibilities in the field of human rights (G.A. Resolution 48/141).

Universalism versus cultural relativism

The quest for universal application of human rights appears to have set the proponents and opponents of the universality principle on a path of confrontation. This has added to the problem of implementation and ignited a debate between the Universalists and relativists. As Dhokalia (1986) succinctly puts it, "There exist conflicting versions and perspectives of human rights and sharp differences as to the priorities, mechanisms and procedures for enforcing them because of different cultural patterns, ideological understandings and development goals of western, non-western and socialist societies."

The universality principle means that human rights apply everywhere and in all circumstances. This principle

has tended to undermine the age-long notions of sovereignty, domestic jurisdiction, and cultural autonomy. Their advocates believe that certain rights should have a universal character, based on the 1948 Universal Declaration of Human Rights and the two Covenants of 1966. These instruments were adopted by numerous states parties from all regions of the world without explicit reference to cultural variation (Steiner & Alston, 1996).

The relativists argue that the doctrine of human rights should respect or take into consideration cultural diversities or peculiarities, which would have the effect of curtailing such rights (Okagbue, 1996:14-15). To them, everything centers on notions, interpretations, or judgments that differ from culture to culture (Steiner & Alston, 1996). Proponents of cultural relativism argue that human rights should be seen in the context of culture, which in a broad sense include political and religious ideologies and indigenous cultural practices, and not a matter of one culture attempting to impose its ideas on others. They dismiss the idea of universality of human rights as another form of Western cultural imperialism embodied in its liberal political ideology and Christian religious faith, which has seen the elevation and upgrading of Western beliefs to universal principles without regard to the diversity or peculiarity of cultures (Steiner & Alston, 1996). The debate, which often follows ideological lines, has pitted Western States against the East, non-Islamic against Islamic countries, and the developed against Third World countries.

Application of international human rights in Nigeria Chapter IV of the 1999 Nigerian Constitution has enumerated rights regarded as fundamental, which may be enforced in the event of derogation. In addition to the Constitution, there are specific laws such as the Child Rights Act and the Violence against Persons Prohibition Act. The High Courts are also empowered to enforce the rights on the application of a person whose right has been violated. Nigeria is also signatory to a plethora of international human instruments and has incorporated the African Charter on Human and Peoples' Rights into its domestic laws (Dada, 2012). Nigeria has also established the National Human Rights Commission, which can receive petitions on violations of human rights, investigate, and make recommendations to the government (Ajoni, 2009).

Despite its democratic credentials, human rights abuses have persisted under successive civilian administrations. The 1999 elections that returned Nigeria to civilian rule and subsequent elections have been characterized by violence and fraud. Political rights, such as the right to vote and participate freely in the electoral process, are rarely exercised in conformity with the Constitution (Anyadike et al, 2021). Harassment of opposition groups, rigging, vote-buying, and violence are constant features of the electoral process.

Freedom of expression has been under serious threat since the return to civil rule in 1999. Some users of social media platforms have been charged, allegedly, for cyberstalking and cyberbullying under the Cybercrimes Act 2015 and the Cybercrimes (Prohibition, Prevention, etc.) (Amendment) Act 2024. Blasphemy laws introduced in some states in northern Nigeria have also curtailed free speech. This has hindered the right to information and freedom of expression, which are vital in a democratic environment (Egwu & Chukwu, 2024).

Excessive force has allegedly been used by security personnel in maintaining law and order. While people yearn for protection, the security forces are notorious for using excessive force to break up anti-government demonstrations, often resulting in injury and deaths (Amnesty International, 2024). Closely associated with excessive use of force is the issue of extrajudicial killings by security personnel. These killings are wrecking human rights and the foundation of democracy in Nigeria (Punch, 2023). Some operatives are also implicated in acts of torture and extortion against members of the public.

Arbitrary arrests represent another example of human rights abuse. Journalists and other citizens have been victims of unjustifiable arrest, harassment, and intimidation. The Inspector-General of Police frowned upon the behaviour of some police personnel and, in December 2024, ordered an immediate end to arbitrary arrests, phone searches, harassment, and detention of youths suspected of involvement in cybercrimes (Omokhunu, 2024).

Detention without trial is another widely abused right, as many people suspected of committing crimes are languishing in detention without trial. According to figures released by the Nigerian Correctional Service, at least three-quarters of persons held in custodial centres have not been tried and convicted (Prison Insider,

2020). Such prolonged detention without trial violates the detainees' rights to liberty and dignity as human beings. Other violations include cruel treatment, poverty and inequality, sexual violence, child marriage, domestic violence, discrimination on grounds of gender and ethnicity, and trafficking of women and children. Nigeria endorsed the Anti-Torture Act 2017, but its impact has not yet been felt. (Worluh-Okolie & Joseph-Asoh, 2024).

Non-state actors have inflicted serious harm and injury on civilians through acts of violence. Boko Haram and Islamic State West Africa Province (ISWAP) have killed thousands of civilians and military personnel and destroyed communities in their campaign of violence, which started in July 2009. Armed individuals and criminal gangs officially designated as terrorists, bandits, and separatists have been on the rampage, killing, maiming, and destroying property. Kidnapping for ransom is rampant and carried out with impunity across the country. Separatists in the southeast have committed acts of violence and destroyed the economy of the region in their quest for an independent state of Biafra. Other forms of violence involve farmers and herders' clashes, communal disputes over ownership of land, and armed robbery, all of which violate human rights.

Issues affecting human rights observance The widespread disrespect for human rights is attributed to several factors (Worluh-Okolie & Joseph-Asoh, 2024). A major cause of concern for human rights advocates has been the disregard for the doctrine of the rule of law. The doctrine advocates the supremacy of the law, equality before the law, and protection of individual rights. It also upholds public order and checks the excesses of government (Ofoegbu, 2014). In the area of compliance with the rule of law, Nigeria suffers from a huge deficit in its democratic trajectory.

The judiciary in Nigeria plays a crucial role in the enforcement of human rights. However, corruption has permeated deep into the administration of justice in Nigeria (Nwocha & Aja, 2024). The judiciary is said to be susceptible to political bias, undue influence, and dishonesty, as some judges allegedly succumb to social and economic pressure and take bribes. On April 30, 2025, the National Judicial Council suspended three judges for one year without pay for official misconduct (Azu, 2025).

The refusal to respect court orders has fueled human rights violations as certain individuals and security services often disobey orders issued by competent courts (Nwocha & Aja, 2024). Successive governments have shown contempt for some judgments of domestic and regional courts, which has led to a culture of impunity. The refusal to obey or implement some judgments delivered in favour of aggrieved citizens by the ECOWAS Court of Justice has been described as a major danger capable of eroding the authority and relevance of the Court (Odeniyi, 2024).

The issue of accountability has also come to the fore. Human rights violations are prevalent because of a dearth of accountability. The failure of authorities to hold violators accountable for their actions only serves to embolden them and heightens the culture of impunity. Failure by the authorities to rein in personnel of the Special Anti-Robbery Squad (SARS), notorious for gross human rights abuses, sparked nationwide protests tagged #EndSARS in October 2020 (Uwazuruike, 2020).

Respect for human rights appears to have suffered a setback in Nigeria due to certain cultural practices and religious doctrines (Anyadike et al, 2021). The cultural factors include gender inequality, violence against women, child marriage, female genital mutilation, human trafficking, and patriarchy, among others. This is predicated on the argument that human rights do not apply universally and that such rights are relative taking into consideration cultural diversities or peculiarities (Okagbue, 1996:14-15).

The need for reforms, accountability, and education There is a need for reforms in certain sectors of society if the objective of upholding human rights is to be actualized. Measures should be adopted to guarantee the independence and impartiality of the judiciary (Nwocha & Aja, 2024). This arm of government should be autonomous and insulated from external pressures and political influence. One way of achieving this is through financial autonomy and the ability to manage its budget and expenditure without executive or legislative interference. Gifts of official cars and residential apartments for judges from the executive arm of government should be discontinued. Such gifts, although made in good faith, often raise insinuations and concerns of potential executive meddling. The National Judicial Council should be firm in its oversight functions to ensure

judges do not breach their code of conduct.

The security sector requires urgent reforms if the goals of implementing and enforcing human rights are to be achieved (Akinwumi et al, 2023). Institutions responsible for oversight functions in the security services should address concerns about excessive use of force and extrajudicial killings. The issue of impunity and the dearth of accountability for human rights violations within the security establishment must be viewed with grave concern. Individuals implicated in human rights violations should face justice, as this would deter others and promote public trust in the security services. Arms bearers should receive better training and orientation in handling weapons and the rules of engagement. It is important to promote human rights education within the security establishment as part of the reforms.

Nigerian authorities must address the issue of disrespect for the rule of law, as its non-observance could breed chaos and anarchy (Ofoegbu, 2014). The government must find the courage and political will to ensure that everyone, irrespective of status, is subject to the constitution and other laws. This will reduce the culture of impunity, arbitrariness, and favoritism currently prevalent in the system. Disobedience to a court order must be abated. Persons or institutions affected by such orders should exercise their right of appeal instead of towing the line of contempt. The belief in the court as the last hope of the common man is being eroded as disobedience to court orders persists.

A discourse on breaches of human rights often focuses on the role of the state. While state actors are put in the spotlight and scrutinized when debating human rights abuses, private sector violations involving armed groups, criminal gangs, corporate entities, and individuals are often ignored. This group of perpetrators should also be investigated and held accountable for reported violations. Additionally, there should be human rights education at all levels to educate citizens on this important subject. The National Human Rights Commission, civil society, and human rights groups should lead a public awareness campaign and advocacy. This will curb the high rate of domestic violence and harmful cultural practices. Human rights education should take center stage and be included in the curricula of schools from the primary to tertiary levels.

CONCLUSION

The 1948 Declaration has provided the inspiration and impetus for the modern notion of human rights and the foundation for global, regional, and national human rights instruments. What began as a mere common aspiration is now hailed both as an authoritative interpretation of human rights provisions of the UN Charter and as established customary law, having the attributes of *jus cogens* and constituting the heart of the global bill of rights. Nigeria keyed into this Declaration, making human rights one of the cornerstones of its democracy. Several years after independence, the country is still grappling with human rights issues and violations. Arising from frequent abuses, human rights enjoy a low esteem in Nigeria. The universality of human rights should be seen as the only way to promote democracy, good governance, and development in Nigeria. The dignity of man, peace, freedom, life, and security are universal values which must be embraced by the state and its citizens, and respect for these ideals will place humanity on the loftiest pedestal.

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