

SDG 2030 Agenda and Human Rights in Nigeria: Assessing Legislative Challenges and Strategies to Foster Inclusivity

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Abstract

As the global community strives to achieve the Sustainable Development Goals (SDGs) 2030 Agenda, Nigeria, as Africa's most populous nation and largest economy, plays a critical responsibility in achieving these ambitious goals. The study critically assessed the legislative challenges that impede the realization of both human rights and the SDGs in Nigeria. Human rights have taken a significant role in international jurisdictions, transcending geographical boundaries, inclusive of rights inherent to all individuals by virtue of their humanity. While promoting the right of life, liberty, fair trial, and human dignity, are enshrined in the Nigerian Constitution, instances of human rights violations persist, despite the presence of human rights groups and the National Human Rights Commission (NHRC). This paper examined human rights scholarly literature in Nigeria, identifying key challenges facing the achievement of SDG 2030 of United Nations, whose main agenda seeks to enhance public access to information and protect human rights in line with national and international agreements. It highlights institutional barriers, and the need for improved policy coherence to create an enabling environment for sustainable development. This study identifies challenges stemming from inadequate monitoring systems, manipulation of adjudication processes, low salaries, indebtedness, and security deficiencies. To foster inclusivity and progress, the researcher proposes a multifaceted approach that combines legal reforms, policy interventions, and civil society engagement. Specific strategies include the enactment of comprehensive human rights legislation, targeted measures to address social and economic inequalities, accountability, judicial autonomy, public awareness and participation to empower the populace to seek redress for rights violations. These strategies aim to create a synergy between human rights and SDGs, aligning national priorities with global objectives.

Keywords: Human Right, Nigeria, SDG 2030, Legislative Challenges, Improvement Strategies

Introduction

Human beings, inherently social, coexist within societies governed by rules and regulations that encompass fundamental human rights. In today's diversity, interconnectedness, and pluralism world, the universal appeal and importance of human rights are undeniable.¹ The evolution of these rights dates back to historical struggles for their recognition, marked by agitations² for personal safety, private property protection, and limitations on arbitrary sovereign power. During medieval times, sovereign authority held absolute power over personal safety and property, exemplifying the absence of legal frameworks to protect individual rights.³ This era's defining characteristic was the rule of force, not the rule of law, underscoring the subjugation of rights to absolute monarchs.

The emergence of human rights in international law occurred as a subset of social rights after World War I, evidenced by the establishment of the International Labour Organization (ILO) and treaties safeguarding workers' rights.⁴ The evolution of human rights on the global stage traces its roots to milestones like the Magna Carta, the English Bill of Rights, the French Declaration, and the American Bill of Rights.⁵ The establishment of the United Nations after World War II marked a crucial turning point by different classes of nations, coming together as a comity of nations⁶ with the U.N Charter of 1945 which states that human rights are inalienable aspect of mankind⁷ which led to the Universal Declaration of Human Rights (UDHR) by the General Assembly of the United Nations on 10 December, 1948,⁸ comprising 30 articles that cover civil, political, economic, social, and cultural rights, laying the groundwork for the historical progression and globalization of human rights.⁹

Human rights are laws and practices that have evolved over the centuries to protect ordinary people, minorities, groups and races from oppressive rulers and governments. Human rights are in general terms, rights which all human beings, by virtue of their humanity possess, and these rights encompass a wide spectrum, such as the right to life, personal liberty, fair hearings, dignity, freedom of thought, conscience, and religion.¹⁰ Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.¹¹ The concept of human rights encompasses various classifications, including civil, political, economic, social,

¹ Dada, Jacob Abiodun (2012) "Impediments to Human Rights Protection in Nigeria," Annual Survey of International and Comparative Law: Vol. 18: Iss. 1, Article 6. Retrieved on February 12, 2023 from <http://digitalcommons.law.ggu.edu/annlsurvey/vol18/iss1/6>

² M.N. Anyabolu. The Nature of Human Rights. Journal of International Human Rights and Contemporary Legal Issues (Jihrci) Vol. 1 November, 2021 at 53

³ ADRIAN VASILE CORNESCU. Days of Law: The Conference Proceedings, 1. edition. Brno: Masaryk University, 2009

⁴ Alston (1982) 317.

⁵ M.N. Anyabolu. The Nature of Human Rights. Journal of International Human Rights and Contemporary Legal Issues (Jihrci) VOL 1 NOVEMBER, 2021 at 53

⁶ Ogugua V C Ikpeze, "Gender Dynamics of inheritance Rights in Nigeria (Need for Women Empowerment)"

⁷ M.N. Anyabolu. The Nature of Human Rights. Journal of International Human Rights and Contemporary Legal Issues (Jihrci) Vol. 1 November, 2021 at 56

⁸ Adopted and proclaimed by General Assembly resolution 217 A (111) of 10 December, 1948

⁹ Adopted and proclaimed by General Assembly resolution 217 A (111) of 10 December, 1948

¹⁰ Anyadike, Nkechinyere Omumu; Nwachukwu, Stephen Tochukwu; and Wogu, Joseph O., "Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries" (2021). Library Philosophy and Practice (e-journal). 5391. <https://digitalcommons.unl.edu/libphilprac/5391>

¹¹ M.N. Anyabolu. The Nature of Human Rights. Journal of International Human Rights and Contemporary Legal Issues (Jihrci) VOL 1 NOVEMBER, 2021 at 53

cultural, and development-oriented rights.¹² These rights are intrinsic, inherent, and applicable to all human beings regardless of differences in nationality, ethnicity, religion, etc. Three generations of rights illustrate the evolution of human rights.¹³

The first generation focuses on political and civil rights like freedom of speech and religion. The second generation prioritizes social and economic rights such as education, housing, and employment. The third generation encompasses the right to development, self-determination, a healthy environment, peaceful coexistence, and the shared ownership of global heritage. These generations underscore the progression from individual-focused rights to rights that address societal and global well-being.¹⁴ The first generation of rights is generally about the person against political power and typically, maintains the originality of the human.¹⁵ The rights of second generation guarantee an active life along with health and the rights of third generation do not talk about human, but emphasized on the universal citizen and the society.¹⁶

Following the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has maintained its commitment to human rights promotion and protection.¹⁷ In response to increasing human rights violations and the pursuit of a more humane world order, the United Nations General Assembly established the Sustainable Development Goals (SDGs).¹⁸ Grounded in the United Nations' Sustainable Development Goals (SDGs), the 2030 Agenda presents an ambitious blueprint for a more equitable and sustainable future. The agenda adopted in 2015, outlines 17 goals and 169 targets that the international community seeks to achieve within 15 years.¹⁹ Goal 16:10 stands out, emphasizing public access to information and the protection of fundamental freedoms in line with national laws and international accords.²⁰ This goal aims to ensure access to justice, promote inclusive societies, and build effective and accountable institutions at all levels. Achieving peace bolsters governance, human capital development, rights protection, resource distribution, and a robust business environment. SDG 16:10 spotlights the feasibility of institutions while acknowledging challenges rooted in attitudes and capacities.²¹ Goal 16:10 of the SDGs emphasizes the importance of public access to information and safeguarding fundamental freedoms.²² This goal seeks to ensure justice for all, promote peaceful and inclusive societies, and establish effective, accountable institutions. Peace guarantees governmental stability and efficiency, increase in the development of human capital, protection and projection of the

¹² Prof. Manohar R. Wadhawani, *The Philosophy and Practice of Human Rights* (Chetana Publishers, 2003)

¹³ ADRIAN VASILE CORNESCU. *Days of Law: The Conference Proceedings*, 1. edition. Brno: Masaryk University, 2009

¹⁴ Sarani MR, Sadeghi SH, Ravandeh H. The Concept of "Right" and its Three Generations. *Int J Sci Stud* 2017;5(4):37-41.

¹⁵ Sarani MR, Sadeghi SH, Ravandeh H. The Concept of "Right" and its Three Generations. *Int J Sci Stud* 2017;5(4):37-41.

¹⁶ Ardebili, MohammadAli, Charge Realization or the Right to Know about the Subject and Charge Reasons, *Journal of Juridical Studies*, Number 43, 1385.

¹⁷ Jacob Abiodun Dada, LL.B(Hons); B.L; LL.M; PhD. *Human Rights under the Nigerian Constitution: Issues and Problems*. *International Journal of Humanities and Social Science* Vol. 2 No. 12 [Special Issue - June 2012]

¹⁸ United Nations (2015). *Transforming Our World: the 2030 Agenda for Sustainable Development*.

¹⁹ United Nations Development Programme (2016). *A transparent and accountable judiciary to deliver justice for all*. Retrieved on February 8, 2023 from <http://C:/Users/HOD/Desktop/MY%20WIFE%20DOCUMENT/E-lawyering%20papers/e-court%20management/RBAP-DG-2016-Transparent-n-Accountable-Judiciary>.

²⁰ United Nations (2015). *Transforming Our World: the 2030 Agenda for Sustainable Development*.

²¹ United Nations (2015). *Transforming Our World: the 2030 Agenda for Sustainable Development*.

²² United Nations (2015). *Transforming Our World: the 2030 Agenda for Sustainable Development*.

rights of others, even dissemination of resources/wealth and a sound business environment. SDG 16:10 emphasizes the feasibility of institutions, whilst stressing the hindrances to the underlying factors of attitude and capacity.

Although discussions on SDG realization tend to focus on indicators and goals, particularly in developing countries like Nigeria, as one of Africa's most populous and economically influential nations. Nigeria, an independent nation since 1960 and the 100th member of the United Nations, has adhered to major international human rights instruments.²³ Nevertheless, human rights violations persist with troubling frequency. The interplay between human rights and sustainable development is a pivotal dimension of the contemporary global development discourse. While the SDGs provide a comprehensive framework for addressing pressing global challenges, human rights serve as the ethical foundation, ensuring that development is not only economically prosperous but also socially and morally just. In this context, Nigeria's role in shaping the trajectory of the African continent and contributing to the global attainment of the SDGs is significant.

Given the extensive nature of SDG 16:10, it becomes evident that Nigeria faces a complex array of challenges, comprising issues such as poverty, inequality, corruption, gender discrimination, inadequate access to education, healthcare, and basic services in achieving this goal.²⁴ Consequently, these challenges have direct implications for the realization of human rights and the achievement of the SDGs. Therefore, this study seeks to dissect the legislative challenges that impede progress of the SDGs, highlighting the deficiencies and inefficiencies in the Nigerian legal system that impede the Nigeria's journey towards achieving sustainable development and the protection of fundamental human rights.

Overview of Nigeria National Human Rights Commission

In 1995, Nigeria established the National Human Rights Commission (NHRC) in accordance with a United Nations General Assembly resolution. This resolution urges all member States to establish Human Rights Institutions, creating an environment for extrajudicial recognition, protection against human rights infringements,²⁵ and facilitating dialogue on human rights issues to mitigate controversy and confrontation.²⁶

The National Human Rights Commission (NHRC) is saddled with the following responsibilities.²⁷

1. Monitoring and investigating alleged human rights violations in Nigeria, offering recommendations to the Federal Government for prosecution and appropriate actions in each circumstance.
2. Assisting victims of human rights violations in seeking redress and remedies on their behalf.

²³ Jacob Abiodun Dada, LL.B (Hons); B.L; LL.M; PhD. Human Rights under the Nigerian Constitution: Issues and Problems. *International Journal of Humanities and Social Science* Vol. 2 No. 12 [Special Issue - June 2012]

²⁴ Okafor, S.C. & Ibietan, J.I. The Judicial Institution in Nigeria and Sustainable Development Goal 16: A Structural Functionalist Application. *International Journal of Innovative Development and Policy Studies* 7(2):64-79, April-June, 2019.

²⁵ AJLHR 3 (2) 2019: Procedure for the Enforcement of Fundamental Rights in Nigerian Courts: Challenges And Prospects.pp181-186

²⁶ See <http://www.nigeriarights.gov.ng/index.php/about-us/the-commission>

²⁷ The observatory frontline: Nigeria: Defending Human Rights: Not everywhere not every right. International fact-finding mission report 2010 http://www.omct.org/files/2010/05/20688/Nigeria_mission_report.pdf 17

3. Undertaking studies and aiding the government in formulating appropriate human rights policies.
4. Regularly publishing reports on the state of human rights protection in Nigeria.
5. Organizing local and international seminars, workshops, and conferences on human rights for public enlightenment.
6. Collaborating with local and international organizations to promote and protect human rights.
7. Participating in international activities related to human rights.
8. Maintaining a library, collecting data, and disseminating information and materials on human rights.
9. Assisting in developing programs for teaching and researching human rights, participating in their execution across educational institutions and professional circles.
10. Publicizing human rights and efforts to combat discrimination by increasing public awareness through education and utilizing various media outlets.
11. Conducting inquiries into cases where individuals believe they have been unjustly convicted, determining if Supreme Court review is warranted.
12. Carrying out additional functions conducive to human rights promotion and protection.

Despite the various United Nations instruments on human rights, significant concerns about human rights violations persist globally.²⁸ Since gaining political independence, Nigeria's post-independence constitutions have made substantial efforts to uphold and safeguard human rights within the country.

Human Rights Constitutionalism in Nigeria

The inclusion of human rights protection in any national constitution recognizes the state's international obligation to collaborate with the UN and ensure universal respect for and observance of human rights and fundamental freedoms.²⁹ Constitutionalism, particularly when centered around effective institutional and legal frameworks guaranteeing human rights and freedoms, contributes to societal progress.³⁰ However, prior to independence, Nigeria's pre-independence constitutions were tailored to fulfill colonial political objectives, with little conscious effort to comprehensively safeguard human rights.³¹

The post-independence Nigerian constitutions have progressively included provisions to protect human rights, demonstrating the nation's commitment to international obligations.³² These constitutions include the 1960 Independence Constitution,³³ 1963 Republican Constitution³⁴, 1979

²⁸ Dr. Jacob Abiodun Dada, Human Rights Protection in Nigeria: The Past, the Present and Goals for Role Actors for the Future. *Journal of Law, Policy and Globalization*. Vol.14, 2013.

²⁹ The Charter of the United Nations, Articles 55 and 56.

³⁰ Okafor, S.C. & Ibietan, J.I. The Judicial Institution in Nigeria and Sustainable Development Goal 16: A Structural Functionalist Application. *International Journal of Innovative Development and Policy Studies* 7(2):64-79, April-June, 2019.

³¹ Jacob Abiodun Dada, LL.B(Hons); B.L; LL.M; PhD. Human Rights under the Nigerian Constitution: Issues and Problems. *International Journal of Humanities and Social Science* Vol. 2 No. 12 [Special Issue - June 2012]

³² Jacob Abiodun Dada, LL.B(Hons); B.L; LL.M; PhD. Human Rights under the Nigerian Constitution: Issues and Problems. *International Journal of Humanities and Social Science* Vol. 2 No. 12 [Special Issue - June 2012]

³³ Chapter ii, 1960 Constitution

³⁴ Chapter ii, 1963 Constitution from section 18 to 40

Constitution,³⁵ and the 1999 Constitution (as amended)³⁶, have increasingly prioritized human rights.³⁷ In Nigeria, the introduction of the new Fundamental Rights (Enforcement Procedure) Rules, 2009 on 11th November, 2009, Rules further bolstered these rights' enforceability with signing by the former Chief Justice of Nigeria Justice Idris Legbo Kutigi.³⁸ These rights, recognized by law and enshrined in Chapter IV of the Nigerian Constitution from Section 33 to 46,³⁹ are intended to enhance human liberty and dignity.⁴⁰ These rights are right to Life,⁴¹ dignity of human persons,⁴² personal liberty,⁴³ fair hearing,⁴⁴ private and family life,⁴⁵ freedom of thought, conscience and religion,⁴⁶ freedom of expression and the press,⁴⁷ peaceful assembly and association,⁴⁸ freedom of movement,⁴⁹ freedom from discrimination,⁵⁰ and the right to acquire and own immovable property anywhere in Nigeria.⁵¹

Challenges Facing Human Rights Legislation in Nigeria

The historical human rights record of the Nigerian state, dating back to colonial times, has been persistently subpar.⁵² Several challenges hinder the effective implementation of human rights legislation in Nigeria as follows:

- 1. Inadequate Monitoring:** Lack of comprehensive databases and monitoring mechanisms in judicial proceedings enable preferential treatment, nepotism, and corruption, obstructing fair trials.³⁶ There is no body or agency saddled with the responsibility of monitoring the personal interest of judges in matters before them and personal communication between the counsel and the judge(s).⁵³ In some cases, the courtrooms are closed to the press to avoid the spread of the

³⁵ Chapter iv, 1979 Constitution from section 30 to 39

³⁶ These provisions are virtually, a verbatim et literatim reproduction of the 1979 Constitution, The 1963 Constitution however had no provisions comparable with chapter 2 of the 1979 and 1999 Constitutions; but made provisions for human rights in sections 18 to 33.

³⁷ M.A. Ajomo, „Fundamental Human Rights under the Nigerian Constitution“, in Perspectives on Human Rights, A.U. Kalu & Y. Osinbajo eds; Lagos : Federal Ministry of Justice Law Review Series vol. 12. 1992 at 79.

³⁸ Jacob Abiodun Dada, LL.B(Hons); B.L; LL.M; PhD. Human Rights under the Nigerian Constitution: Issues and Problems. International Journal of Humanities and Social Science Vol. 2 No. 12 at 36 [Special Issue - June 2012] [1999] As amended.

⁴⁰ Fundamental Human Rights Enforcement Procedure in Nigeria and its Challenges. Journal of Advanced Public International Law Vol. 3 Issue 1. Dare Olukunmi Jacob.

⁴¹ Ibid Section 33.

⁴² Ibid Section 34.

⁴³ Ibid Section 35.

⁴⁴ Ibid Section 36.

⁴⁵ Ibid Section 37.

⁴⁶ Ibid Section 38.

⁴⁷ Ibid Section 39.

⁴⁸ Ibid Section 40.

⁴⁹ Ibid Section 41.

⁵⁰ Ibid Section 42.

⁵¹ Ibid Section 43.

⁵² Onwuazombe, I. I. Human rights abuse and violations in Nigeria: A case study of the oil-producing communities in the Niger Delta region. Annual Survey of International & Comparative Law, 22(1), 2017 at 115-160

⁵³ Hammad A (2020). Corruption within the Nigerian Judiciary: causes and solution. Retrieved from www.nigerianbar.com/2020/06/corruption-within-the-Nigerian-Judiciary-causes-and-solution

news of unprofessional practices to the public and this has become a machinery for judiciary personnel to carry out evil acts of rights infringements.³⁶

2. **Manipulating adjudication process by external bodies:** Besides displays of brute force, Nigerians, especially the executive and influential individuals, exert undue influence on the judiciary, undermining the separation of powers and compromising justice delivery despite reassurances of no interference from the President.⁵⁴
3. **Poor salary and Indebtedness:** Insufficient salaries and benefits for judicial personnel can lead to ethical compromises and demands for bribes, jeopardizing human rights cases.⁵⁵
4. **Lack of Security Architecture:** Rising crime rates, particularly kidnappings, violate personal liberties and the right to own property, impairing freedom of movement.⁵⁶
5. The various institutional such as the judiciary,⁵⁷ the National Human Rights Commission,⁵⁸ the Public Complaints Commission,⁵⁹ and the Legal Aid Council⁶⁰ are not strong enough or capable of providing adequate and effective platforms for meaningful human rights promotion and protection. Institutions like the NHRC lack financial independence and logistical capability, limiting their efficacy in human rights promotion and protection.

Enhancing Human Rights Legislation in Nigeria for SDG 2030 Attainment

The imperative to enhance human rights legislation in Nigeria is paramount. In light of the evident obstacles facing human rights legislation within the country and the urgent requirement to combat these challenges on the path to achieving SDG 2030, the researcher proposes the following recommendations:

1. **Transparency and Accountability in Judiciary:** Judicial personnel should be mandated to transparently declare their assets both before and after assuming office to ensure a corruption-free environment. Agencies like the National Human Rights Commission, the Department of State Services (DSS), and the Police should be empowered to monitor the lifestyle, finances, and conduct of judicial officers. This measure aims to prevent extravagant living that may compromise the jurisdiction of human rights protection for Nigerians.
2. **Sustainable Remuneration for Judicial Personnel:** The Nigerian government must institute an independent and viable pay structure for judicial personnel. This move would help alleviate the pursuit of financial gains and welfare packages that have adversely affected the judiciary's integrity and impartiality.
3. **Enhanced Security Provision:** To address the persistent violation of rights such as freedom of movement, property ownership, and personal liberty, the Nigerian government should

⁵⁴ President Obasanjo, in an address to the 1999 All Nigeria Judges' Conference, reiterated his administration's commitment to allow the judiciary to function without interference from the executive: "It is necessary to assure you that you will not come under the influence of the Executive and that your judgements and orders shall be obeyed." Obasanjo, *supra* note 41, at xxxviii

⁵⁵ Oputa C. A. 1988. Access to Justice. *Law and Practice* Vol. 1. Cited in Chiroma, M. G. Challenges of enforcement of fundamental human rights under the Constitution of the Federal Republic of Nigeria, 1999. Thesis. Law. Institute of Advance Legal Studies (NIALS). 71

⁵⁶ AJLHR 3 (2) 2019: Procedure for the Enforcement of Fundamental Rights in Nigerian Courts: Challenges And Prospects. pp181-186

⁵⁷ Established by the 1999 Constitution (as amended). CONSTITUTION, Art. 6 (1999) (Nigeria).

⁵⁸ Established pursuant to the National Human Rights Commission Act, (2004) Cap. 46 (Nigeria).

⁵⁹ Established by the Public Complaints Commission Act, (2004) Cap. 37 (Nigeria).

⁶⁰ Established under the Legal Aid Act, (2004) Cap. L9 (Nigeria).

ensure adequate security measures are in place. This action would curb the rampant security challenges that undermine human rights in the country.

4. **Proactive Judicial Activism:** Judges must exhibit an open commitment to judicial activism in human rights cases. Echoing the insights of Lord Wilberforce, judges should adopt interpretations that embrace flexibility over rigid legalism. This approach will ensure individuals are granted their full measure of human rights and freedoms.
5. **Public Enlightenment and Advocacy:** Civil society groups, non-governmental organizations (NGOs), the National Human Rights Commission, and government bodies should jointly undertake comprehensive public enlightenment initiatives. These efforts would deepen human rights advocacy across various regions, especially among the illiterate population. Educating people about their rights will empower them to seek appropriate remedies for rights violations.

Conclusion

Human rights have been an integral part of human history. The central point between human rights and the Sustainable Development Goals (SDGs) in Nigeria presents a dynamic opportunities and challenge. This paper examined legal literature and scholarly works to unravel the intricate web of legislative challenges and innovative strategies crucial for promoting inclusivity and progress in Nigeria as it navigates the path towards achieving of SDG 16:10 under Vision 2030. This goal emphasizes public access to information and the protection of fundamental freedoms. First and foremost, enacting comprehensive human rights legislation that aligns with international standards and domestic realities is imperative. These legal reforms must not only protect the inherent rights of all Nigerians but also create an enabling environment that promote sustainable development. By addressing legislative challenges through comprehensive reforms and implementing innovative strategies that promote inclusivity and progress, Nigeria has the potential to not only elevate its own society but also set a transformative example for the African continent and the world. As we move forward, it is imperative that stakeholders at all levels, from government leaders to civil society activists, commit to this vision of a more just, sustainable, and inclusive Nigeria. In doing so, Nigeria can turn the opportunities of the SDGs into a tangible reality for all Nigerians and set a precedent for global sustainable development.