

FUNDAMENTAL RIGHTS ENFORCEMENT IN NIGERIA: THE INDIGENT PERSONS IN FOCUS*

Abstract

This abstract explores the enforcement of fundamental human rights in Nigeria with a focus on indigent persons. Despite legal frameworks and international conventions guaranteeing human rights, indigent individuals in Nigeria often face significant challenges in accessing and enjoying these rights. This paper examines the socio-economic conditions that contribute to the marginalisation of indigent persons in Nigeria and the barriers they encounter in seeking justice and protection of their rights. It delves into the role of government institutions, civil society organisations, and the legal system in addressing the rights of the indigent population. Moreover, the abstract discusses potential strategies and recommendations to enhance the enforcement of fundamental human rights for indigent persons in Nigeria, aiming to foster a more inclusive and equitable society that upholds the dignity and well-being of all its citizens.

Keywords: Fundamental Rights, Enforcement, Indigent Persons, Nigeria

1. Introduction

The enforcement of fundamental human rights is a cornerstone of a just and democratic society, ensuring the protection and dignity of all individuals. In Nigeria, a country rich in cultural diversity and resources, the realisation of these rights remains a significant challenge, particularly for the indigent population. Indigent persons, often marginalised and economically disadvantaged, face numerous obstacles in accessing and enjoying their fundamental human rights as enshrined in the Nigerian constitution and international human rights instruments. This introduction sets the stage for an in-depth exploration of the enforcement of fundamental human rights in Nigeria, with a particular focus on the plight of indigent individuals. By examining the systemic barriers and injustices that impede the rights of the indigent population, this study aims to shed light on the critical issues at hand and propose solutions to enhance human rights enforcement for the most vulnerable members of Nigerian society.

2. Fundamental Rights in Nigeria

Human rights serve as the bedrock of a just and equitable society, providing individuals with inherent freedoms and protections essential to their dignity and well-being. In Nigeria, fundamental human rights are enshrined in both the country's constitution and international human rights treaties, forming the basis for legal safeguards against abuse and discrimination. These rights encompass a spectrum of civil, political, economic, social, and cultural liberties that every individual is entitled to, regardless of their background or status. Before delving into what constitute fundamental rights under our constitution, it is pertinent to attempt a definition of the phrase and ascertain its nature. Providing a judicial definition, the Court of Appeal of Nigeria in the case of *El-Rufai v Senate of The National Assembly & Ors*¹ had this to say,

Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 describes rights set out from Section 33-45 as 'fundamental rights' as: 1. A right derived from natural or fundamental law. 2. Constitutional law. A significant component of liberty, encroachments of which are rigorously tested by Courts to ascertain the soundness of purported governmental justifications....

In the same vein, the same Court of Appeal expanded the definition as follows:

...The rights one holds by virtue; solely; of being human person, that is to say, rights naturally inhering in the human being...They are right attaching to man as man because of his humanity...They have been described as standing above ordinary laws of the land and a primary condition for a civilised existence...Thus, they occupy a kingly or an Olympian position in the residence of human beings. Fundamental rights fall within the specie of negative rights as against positive rights...²

On the other hand, the Supreme Court in the celebrated case of *Ransome-Kuti & Ors v Ag Federation & Ors*³ posed the following question and provided the answer:

...What is the nature of a fundamental right? It is a right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilised existence and what has been done by our constitution since independence, starting with the Independence Constitution...up to the present Constitution....

The Nigerian Constitution, adopted in 1999, with several amendments to it as at today, incorporates a Bill of

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¹(2014) LPELR-23115(CA)

²Per TUR, JCA

³(1985) LPELR-2940(SC)

Rights that guarantees fundamental human rights to all citizens. These rights include, but are not limited to, Right to life;⁴ Right to dignity of human person;⁵ Right to personal liberty;⁶ Right to fair hearing;⁷ Right to private and family life;⁸ Right to freedom of thought, conscience and religion;⁹ Right to freedom of expression and the press;¹⁰ Right to peaceful assembly and association;¹¹ Right to freedom of movement;¹² Right to freedom from discrimination;¹³ Right to acquire and own immovable property anywhere in Nigeria;¹⁴ Compulsory acquisition of property;¹⁵ Restriction on and derogation from fundamental rights;¹⁶ and Special jurisdiction of High Court and legal aid.¹⁷ Additionally, Nigeria is a signatory to various international human rights treaties such as the Universal Declaration of Human Rights,¹⁸ the International Covenant on Civil and Political Rights,¹⁹ and the International Covenant on Economic, Social and Cultural Rights,²⁰ among others. These treaties further reinforce the commitment to upholding human rights standards in the country.

Of all these fundamental rights, right to life occupies a prime position, and is given that position in the Constitution. This is expected because, human rights concern the life of man as an autonomous being and in many ways defines the human person. What this means is that the individual is the beneficiary and claimant of these rights. This fact makes being alive a *sine qua non* for the enjoyment of the rights. Few, therefore, would argue with the assertion that the right to life is the linchpin or the *fons et origo* of human rights. To buttress this assertion, it has been noted that, 'Right to life is obviously the most fundamental of all human rights. This is because other human rights can only be exercised by a person who is alive. Life is sacrosanct and the right to it is succinctly constitutionally guaranteed.'²¹ Expanding the argument further, it has been stated that, 'Human rights are inherent rights to be enjoyed by all human beings of the global village and not gifts to be withdrawn, withheld or granted at someone's whim or will... They are part of the very nature of a human being and attach to all human beings everywhere in all societies, just as much as do his arms and legs.'²² In this sense, right to life, particularly, is said to be inalienable or imprescriptible. If right to life is removed from any human being, he becomes less than human. Life, therefore, cannot be taken at will except in exceptional circumstances where the due process of law is duly observed and derogation made to that effect by a competent tribunal or court duly constituted in accordance with the Constitution.²³

Apart from right to life that we have dwelt on extensively due to its primacy, the other fundamental rights enumerated earlier are equally important and do not admit of flagrant breaches. Space and time will not permit us to discuss them individually, however, let us briefly touch on persons who are either in police detention or awaiting trial in custodial facilities. Are they entitled to the preservation of their fundamental rights as guaranteed by the Constitution? The answer is an unequivocal YES. A few instances will suffice. In general, there are two categories of individuals in incarceration in correctional centres, namely; those who have been convicted of crimes and are serving prison terms, and those who are detained and have not been convicted of any crime. While those in the first category are serving some form of punishment, those in the second category are not undergoing any punishment, but are kept there for precautionary measures, the same way as those detained in police cells. Undoubtedly, those in the second group have special rights in accordance with their status as persons who have not been found guilty of any crime. They need to be given increased access to their family members, lawyers and other outside resources. We have had numerous cases of torture, ill-treatment and extra-judicial killings. These are all breaches of their fundamental rights.

In very clear terms, a cause of action inures in favour of any person in Nigeria whose fundamental rights are breached, being breached or likely to be breached.²⁴ Same extends to a convicted person who is already in custody

⁴Section 33

⁵ Section 34

⁶ Section 35

⁷ Section 36

⁸ Section 37

⁹ Section 38

¹⁰ Section 39

¹¹ Section 40

¹² Section 41

¹³ Section 42

¹⁴ Section 43

¹⁵ Section 44

¹⁶ Section 45

¹⁷ Section 46

¹⁸ Adopted by the UN General Assembly as Resolution 217 on 10th December, 1948

¹⁹ Adopted by UN General Assembly as Resolution 2200A (XXI) on 16th December, 1966

²⁰ Also adopted on 16th December, 1966

²¹ See Osita Nnamani Ogbu, *Human Rights Law and Practice: An Introduction*, (CIDJAB Publisher, 1999), p. 1.

²² *Ibid*

²³ See proviso to Section 33 and Section 45 1999 Constitution

²⁴ See Order 2(1) of the Fundamental Rights (Enforcement Procedure) Rules 2009

in a correctional centre, even if he is on death row. In other words, any conduct on the part of officials of the correctional centre, which amounts to torture or inhuman treatment against a person awaiting execution after a death sentence has been passed on him, would entitle the victim of such torture or inhuman treatment to enforcement of his fundamental right against the State. Thus, in *Kalu v State*²⁵ the Supreme Court of Nigeria held that,

At any rate, if after death sentence has been passed and the accused is in prison custody if anything arises outside the normal custody that amounts to ‘torture or inhuman or degrading treatment’ that will be cause of action under fundamental rights...In such a case the death sentence stands, but a new cause of action has arisen and can be separately enforced and remedied. Inhuman and degrading treatment outside the inevitable confinement in death row will not make illegal the death sentence; rather it only gives ground for an enforceable right under the Constitution. In that case, the venue is not this court but the High Court.

If a person under the judgement of a tribunal or court of law could be guaranteed such right under the constitution, it goes without saying that, every person in detention in a police cell or a correctional facility, awaiting trial and conviction, is entitled to enforce any breach of his fundamental rights against the State. It is, therefore, beyond any argument that breaches of any of, or a combination of, the fundamental rights provided for citizens under Chapter IV of the Nigerian Constitution, 1999 (as amended) are enforceable before the High Court of the State where the breaches occurred, in exercise of its original jurisdiction.²⁶ The enforcement of human rights in Nigeria is paramount for the protection of the dignity and worth of every individual within its borders. By ensuring that these rights are respected, promoted, and upheld, the government and society at large contribute to fostering a culture of respect, equality, and justice. Human rights enforcement not only safeguards individuals from abuse and injustice but also serves as a foundation for social cohesion, economic development, and the rule of law.

3. Understanding Indigent Persons in Nigeria

The starting point here is to identify who an indigent person is. Judicial definitions of the word ‘indigent’ and the phrase indigent defendant’ are provided by the Court of Appeal in the case of *Godwin Ejindu & Ors v Chief Joseph Agbalugo*²⁷ as follows: ‘...An ‘indigent’ is: 1. A poor person. 2. A person who is found to be financially unable to pay filing fees and Court costs and so is allowed to proceed in *forma pauperis*....’ ‘...An ‘indigent defendant’ is also: 1. A person who is too poor to hire a lawyer and who, upon indictment, becomes eligible to receive aid from a Court-appointed attorney and a waiver of Court costs...’ These definitions require no amplification, as they are self explanatory. Indigent persons in Nigeria represent a segment of the population that faces severe economic hardship and social marginalisation, often lacking the resources and means to meet their basic needs. Their circumstances are shaped by a combination of factors such as poverty, limited access to education, healthcare, and social services, as well as discrimination and exclusion from economic opportunities. To properly understand the plight of indigent individuals in Nigeria it is pertinent to examine their defining characteristics and the socio-economic challenges they encounter. Indigent persons in Nigeria are those living in extreme poverty and lacking the means to secure their basic needs such as food, shelter, healthcare, and education. They often belong to marginalised communities, rural areas, or urban slums where living conditions are substandard, and access to essential services is limited. Indigent individuals may include homeless people, internally displaced persons, street children, persons with disabilities, and other vulnerable groups facing economic deprivation and social exclusion.

Characteristics of indigent persons in Nigeria may include, but not limited to the following: (i) Lack of stable income or employment opportunities (ii) Inadequate access to quality healthcare services and education (iii) Limited or no access to safe and affordable housing (iv) Vulnerability to exploitation, abuse, and discrimination (v) Marginalisation based on factors such as ethnicity, gender, disability, or geographical location (vi) Dependency on informal or precarious sources of livelihood. Indigent persons in Nigeria face a myriad of socio-economic challenges that exacerbate their vulnerability and perpetuate a cycle of poverty and deprivation. Some of the prominent challenges include: (i) Limited access to quality healthcare services, leading to untreated illnesses and health disparities (ii) Lack of formal education and skills training, hindering opportunities for social mobility and economic empowerment (iii) Inadequate housing and living conditions, including overcrowding, lack of sanitation, and exposure to environmental hazards (iv) Food insecurity and malnutrition due to insufficient income and access to nutritious food (v) Limited access to social protection programs and safety nets, leaving indigent individuals without a safety net in times of crisis (vi) Discrimination and social stigma, exacerbating feelings of marginalisation and exclusion from mainstream society. Addressing the challenges faced by indigent individuals in Nigeria requires a comprehensive approach that addresses the root causes of poverty and inequality, promotes social inclusion, and ensures access to essential services and opportunities for economic empowerment. By understanding the unique circumstances and needs of indigent persons, policymakers, civil society organisations,

²⁵ (1998) LPELR-1655(SC) or (1998) 13 NWLR (Pt. 583, p. 531

²⁶ See Section 46 of the 1999 Constitution.

²⁷ (2015) LPELR-24472(CA).

and communities can work together to design targeted interventions that uplift the most vulnerable members of society and promote a more equitable and inclusive society for all.

4. Barriers to Human Rights Enforcement for Indigent Persons

Enforcing human rights for indigent persons can be challenging due to various barriers they face including, but not limited to:

Financial constraints: Indigent individuals often lack the financial resources to access legal representation or pursue legal action to enforce their rights. Legal processes can be expensive, including court fees, attorney costs, and other related expenses. This financial barrier can prevent indigent persons from seeking justice when their rights are violated. However, the 1999 Constitution²⁸ has provided a cushioning effect by stipulating that,
...46(4) The National Assembly...(b) shall make provisions - (i) for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and (ii) for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real....

In addition to the above constitutional provision, the Legal Aid Council has made a wide range of provisions in aid of an indigent person and to enable him access justice free of charge.²⁹ The Act makes specific provision to the effect, among other things, that,

...The Council shall establish and maintain a service to be known as the Civil Litigation Service for the purpose of assisting indigent persons to access such advice, assistance, and representation in court where the interest of justice demands, to secure, defend, enforce, protect or otherwise exercise any right, obligation, duty, privilege interest or service to which that person is ordinarily entitled under the Nigerian Legal System...³⁰

Lack of access to legal services: Indigent persons may have limited access to legal services and information about their rights. Legal aid services are often insufficient or unavailable in many states, making it difficult for indigent individuals to navigate the legal system and enforce their rights effectively.

Discrimination and marginalisation: Indigent persons are often marginalised and face discrimination based on their socio-economic status. This discrimination can manifest in various forms, such as bias from authorities, lack of respect for their rights, and limited opportunities to access justice on an equal basis with others.

Complex legal procedures: Legal procedures can be complex and confusing for individuals without legal knowledge or resources. Indigent persons may struggle to understand their rights, follow legal processes, and gather evidence to support their claims, making it challenging for them to enforce their rights effectively.

Limited awareness of rights: Some indigent individuals may not be fully aware of their rights or how to assert them. This lack of awareness can result in their rights being violated without recourse or redress, as they may not recognise when their rights are being infringed or know how to address the violations.

Social stigma and fear of retaliation: Indigent persons may face social stigma and fear retaliation if they speak out against rights violations or seek justice. This fear can deter them from asserting their rights or seeking legal remedies, further perpetuating their vulnerability and lack of access to justice.

Inadequate legal protection: In some cases, laws and legal frameworks may not adequately protect the rights of indigent individuals or provide effective mechanisms for enforcement. This can create gaps in legal protection and limit the ability of indigent persons to seek redress for rights violations.

Addressing these barriers requires a multi-faceted approach that includes improving access to legal aid services, raising awareness about rights, reducing discrimination, simplifying legal procedures, and strengthening legal protections for indigent individuals. Efforts to empower indigent persons to enforce their rights are essential for promoting justice, equality, and human rights for all members of society.

5. Role of Government Institutions in Protecting Human Rights

Government institutions play a crucial role in protecting human rights within a society. Some of the ways government institutions can achieve this are as follows:

²⁸ See Section 46(4)(b)(i) and (ii).

²⁹ See Section 1(3) of Legal Aid Act, 2011.

³⁰ See Section 8(3) of the Act.

Legislation and Policy Making: Governments can enact laws and develop policies that safeguard human rights. This includes laws that protect individuals from discrimination, ensure freedom of expression, association, and religion, and guarantee the right to a fair trial.

Enforcement: Government institutions such as the police, judiciary, and other law enforcement agencies are responsible for enforcing laws that protect human rights. They investigate violations, prosecute perpetrators, and ensure that justice is served.

Judicial System: An independent and impartial judiciary is essential for upholding human rights. Courts play a crucial role in interpreting and applying laws to protect individuals from abuses by the state or other entities.

Human Rights Commissions: Many countries (Nigeria inclusive) have human rights commissions or ombudsmen that monitor human rights violations, investigate complaints, and advocate for the protection of human rights.

International Treaties and Agreements: Governments can sign and ratify international human rights treaties and agreements, committing themselves to upholding certain standards and principles. They can also cooperate with international human rights organisations to promote and protect human rights globally.

Education and Awareness: Government institutions can promote human rights awareness through education programs, public campaigns, and training for officials. This helps to instill a culture of respect for human rights within society.

Protection of Vulnerable Groups: Governments have a responsibility to protect vulnerable groups such as women, children, minorities, refugees, and persons with disabilities from discrimination, violence, and other abuses.

Freedom of the Press: Ensuring freedom of the press and protecting journalists from harassment and censorship is essential for promoting transparency and accountability, which are crucial for protecting human rights.

Overall, government institutions play a vital role in protecting human rights by creating and enforcing laws, promoting awareness, providing redress for violations, and upholding international standards. When governments respect and protect human rights, they contribute to the well-being and dignity of all individuals within their jurisdiction.

6. Examination of the Nigerian Government's Efforts In Upholding Human Rights for all Citizens

Nigeria, like many countries, faces human rights challenges across various aspects of governance and society. Let us examine, albeit briefly, Nigerian government's efforts in upholding human rights:

Legislation and Policies: Nigeria has a constitution that guarantees fundamental human rights to its citizens. However, there have been concerns about the implementation and enforcement of these rights, particularly in areas such as freedom of expression, peaceful assembly, and the rights of marginalised groups.

Security Forces: There have been reports of human rights abuses by security forces in Nigeria, including extrajudicial killings, arbitrary arrests, and torture. The government has been criticised for not adequately addressing these issues and holding perpetrators accountable.

Conflict and Insurgency: Nigeria has been grappling with security challenges, including the *Boko Haram* insurgency in the northeast and conflicts between herders and farmers in various parts of the country. These conflicts have led to human rights violations, displacement of populations, and humanitarian crises. The situation is exacerbated by the spate of asymmetric armed conflicts between the Nigerian State and splinter groups operating under different names and nomenclatures.³¹

Corruption and Impunity: Corruption and impunity remain significant challenges in Nigeria, impacting the government's ability to effectively protect and uphold human rights. The lack of accountability for human rights violations perpetuates a culture of impunity.

Rule of Law and Judicial System: The effectiveness and independence of Nigeria's judicial system have been questioned, with concerns about delays in justice, corruption, and political interference. A strong and independent judiciary is crucial for upholding human rights.

³¹ See generally the article, '*Interrogating the Problems Associated with the Application of Principles of International Humanitarian Law to Asymmetric Armed Conflicts*' by P. O. Ebiala, published in the *International Review of Law and Jurisprudence (IRLJ)* 5 (3), 2023.

Civil Society and Human Rights Defenders: Civil society organizations and human rights defenders play a vital role in advocating for human rights in Nigeria. However, there have been instances of harassment, intimidation, and restrictions on civil society activities.

Reforms and Initiatives: The Nigerian government has initiated some reforms aimed at addressing human rights challenges, such as the establishment of human rights institutions and the adoption of national action plans on human rights. However, the implementation and impact of these initiatives have been subject to scrutiny.

While the Nigerian government has taken some steps to uphold human rights, there are ongoing challenges and areas for improvement. Addressing issues such as security force abuses, corruption, rule of law, and ensuring accountability for violations are critical for safeguarding human rights for all citizens in Nigeria.

7. Civil Society Organisations and Human Rights Advocacy

Civil Society Organisations (CSOs) play a critical role in advocating for human rights, promoting social justice, and holding governments and other actors accountable for upholding human rights standards. Here is an overview of the role of Civil Society Organisations in human rights advocacy:

Monitoring and Reporting: CSOs often monitor and document human rights violations, shining a spotlight on abuses and injustices. They provide independent assessments of human rights conditions, conduct research, and publish reports to raise awareness and advocate for change.

Advocacy and Lobbying: CSOs engage in advocacy efforts to push for policy changes, legal reforms, and improved human rights protections. They work with government officials, lawmakers, and international bodies to promote human rights agendas and influence decision-making processes.

Legal Assistance and Support: Many CSOs provide legal aid and support to individuals and communities facing human rights violations. They offer legal representation, advice, and assistance in seeking redress through legal mechanisms and judicial processes.

Capacity Building and Education: CSOs conduct training programs, workshops, and educational initiatives to empower individuals and communities to understand and assert their rights. They raise awareness about human rights principles and provide resources for advocacy and activism.

Networking and Collaboration: CSOs often collaborate with other organisations, both domestically and internationally, to amplify their impact and reach. By forming networks and coalitions, CSOs can coordinate efforts, share resources, and leverage collective strength in advocating for human rights.

Public Awareness Campaigns: CSOs run public awareness campaigns to educate the public about human rights issues, challenge stereotypes, and promote a culture of respect for human rights. These campaigns use various media platforms to reach a wide audience and mobilize support for human rights causes.

Monitoring Government Compliance: CSOs play a crucial role in monitoring government actions and policies to ensure they comply with human rights standards and obligations. They act as watchdogs, scrutinising government behaviour and advocating for accountability.

Emergency Response and Crisis Intervention: In times of crisis, conflict, or natural disasters, CSOs provide emergency response and humanitarian assistance to protect the rights and well-being of affected populations. They work to ensure that vulnerable groups receive the support they need to survive and recover.

Civil Society Organizations are vital actors in the promotion and protection of human rights. Through their advocacy, monitoring, legal support, education, and collaborative efforts, CSOs contribute to advancing human rights agendas, promoting social justice, and creating a more inclusive and rights-respecting society.

8. Appropriate Legal Framework for Human Rights Protection

A legal framework for human rights protection consists of a set of laws, regulations, and institutions that are designed to safeguard and promote the fundamental rights and freedoms of individuals within a society. Such a framework typically includes the following key elements:

Constitutional Protections: Many countries incorporate human rights provisions into their constitutions (just as Nigeria did under the 1999 Constitution),³² which serve as the supreme law of the land. Constitutional rights

³² See Sections 33-45.

establish the foundational principles for human rights protection and provide a legal basis for challenging laws or actions that violate these rights.

International Human Rights Instruments: Countries often ratify international human rights treaties and agreements, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. By ratifying these treaties, states commit to upholding internationally recognized human rights standards.

Legislation: National laws and statutes can provide specific protections for various human rights, such as the right to freedom of expression, the right to a fair trial, the right to non-discrimination, and the right to privacy. Enacting laws that align with international human rights standards helps to ensure the protection of these rights at the domestic level.

Judicial System: An independent and impartial judiciary is essential for interpreting and enforcing human rights laws. Courts play a crucial role in adjudicating human rights disputes, holding violators accountable, and providing remedies to victims of human rights violations.

Human Rights Institutions: Many countries establish human rights institutions, such as national human rights commissions or ombudsmen, to monitor human rights compliance, investigate complaints, and advocate for the protection of human rights. These institutions serve as watchdogs and promote a culture of respect for human rights.

Enforcement Mechanisms: Effective enforcement mechanisms are necessary to ensure that human rights laws are upheld. This includes mechanisms for reporting violations, seeking redress for victims, and holding perpetrators accountable through legal means.

Public Awareness and Education: Promoting awareness of human rights among the general public is crucial for fostering a culture of respect for human rights. Education programs, public campaigns, and training initiatives can help individuals understand their rights and responsibilities.

Civil Society Engagement: Civil society organizations, including human rights groups, play a vital role in advocating for human rights, monitoring compliance, and holding governments accountable. Their engagement helps to strengthen the human rights framework and promote transparency and accountability.

A robust legal framework for human rights protection is essential for ensuring that individuals are able to enjoy their rights and freedoms without fear of discrimination, oppression, or abuse. By establishing strong laws, institutions, and mechanisms for enforcement, countries can uphold human rights principles and create a more just and inclusive society.

9. Policies and Programmes aimed at addressing the Needs of Indigent Persons

Policies and programmes aimed at addressing the needs of indigent persons are crucial for promoting social welfare, reducing poverty, and ensuring that all members of society have access to basic necessities and opportunities. Here is an analysis of some common policies and programmes that aim to support indigent persons:

Social Assistance Programmes: These programmes provide financial support to individuals and families facing financial hardship. Examples include cash transfer programmes, food assistance, housing assistance, and subsidies for essential services such as healthcare and education.

Social Security Programmes: Social security programmes typically provide benefits to individuals who are unable to work due to age, disability, or other factors. These programmes aim to ensure a basic standard of living for vulnerable populations, including indigent persons.

Employment and Training Programmes: Programmes that focus on skills training, job placement, and vocational education can help indigent individuals acquire the skills needed to secure stable employment and improve their economic well-being.

Healthcare Programmes: Access to affordable healthcare is crucial for indigent persons. Government-funded healthcare programs, community health centers, and health insurance schemes can help ensure that indigent individuals receive essential medical care and services.

Education Programmes: Education plays a key role in breaking the cycle of poverty. Programmes that provide access to quality education, school feeding programmes, scholarships, and literacy initiatives can help indigent individuals improve their prospects for the future.

Housing Programmes: Adequate housing is a fundamental human need. Housing programmes that provide affordable housing options, housing subsidies, and homelessness prevention services can help indigent persons secure stable housing.

Legal Aid Programmes: Legal aid programmes can provide indigent individuals with access to legal services and representation, ensuring that their rights are protected and they have a fair chance in legal proceedings.

Community Development Programmes: Community-based initiatives that focus on economic development, infrastructure improvements, and social services can help uplift indigent communities and improve overall quality of life.

Microfinance and Entrepreneurship Programmes: Supporting entrepreneurship and microfinance initiatives can empower indigent individuals to start their own businesses, generate income, and become self-reliant.

Policies and programmes aimed at addressing the needs of indigent persons should be comprehensive, sustainable, and tailored to the specific challenges faced by vulnerable populations. By investing in social welfare programmes and initiatives that promote economic empowerment, education, healthcare, and social inclusion, governments can make significant strides in improving the well-being of indigent individuals and reducing poverty in society.

10. Challenges and Opportunities for Human Rights Enforcement

Enforcing human rights is critical for protecting the rights and dignity of individuals. However, there are some challenges and opportunities related to human rights enforcement:

Challenges:

Political Resistance: Governments or powerful entities may resist human rights enforcement efforts due to political interests, leading to obstacles in implementing and enforcing human rights laws and policies.

Lack of Awareness: Many people may not be fully aware of their human rights or how to assert them, which can hinder effective enforcement. Education and awareness campaigns are crucial to address this challenge.

Resource Constraints: Limited financial resources, inadequate staffing, and infrastructure can impede the effective enforcement of human rights laws and mechanisms.

Corruption and Impunity: Corruption within legal and judicial systems, as well as a culture of impunity, can undermine efforts to hold violators accountable for human rights abuses.

Cultural and Social Barriers: Cultural practices, traditions, and societal norms may pose challenges in enforcing certain human rights, especially when they conflict with local customs or beliefs.

Armed Conflict and Instability: Conflict zones and areas of political instability present significant challenges for human rights enforcement, as violations often occur in these contexts and can be difficult to address.

Opportunities:

Advancements in Technology: Technology can be harnessed to monitor human rights abuses, document violations, and raise awareness globally. Tools such as social media, data analytics, and online platforms can facilitate human rights enforcement efforts.

International Cooperation: Collaboration among countries, international organizations, civil society groups, and human rights defenders can strengthen human rights enforcement. Joint advocacy, information-sharing, and mutual support enhance the protection of rights.

Empowerment of Civil Society: Civil society organizations play a crucial role in advocating for human rights and holding governments accountable. Supporting and empowering civil society through capacity-building, training, and advocacy can bolster human rights enforcement.

Legal Reforms and Institutional Strengthening: Enacting legal reforms that align with international human rights standards and strengthening institutions responsible for human rights enforcement can enhance accountability and ensure better protection of rights.

Public Awareness and Education: Educating the public on human rights, promoting awareness campaigns, and providing training on rights and responsibilities empower individuals to assert their rights and demand accountability.

Transitional Justice Mechanisms: Implementing transitional justice mechanisms, such as truth commissions and reparations programs, can address past human rights abuses, promote reconciliation, and prevent future violations.

By addressing these challenges and seizing the opportunities available, stakeholders can work together to strengthen human rights enforcement, promote accountability, and create a more just and rights-respecting society.

11. Conclusion and Recommendations

It is imperative to draw attention to some activities of some of our law enforcement agencies that amount to infringement of the fundamental rights of citizens. Where a citizen is arrested upon reasonable suspicion of having committed a criminal offence, he ought to be charged to a Court of law within a reasonable time as defined in Section 35(5) of the 1999 Constitution. Regrettably, this section is observed more in the breach than in its observance. We see situations where citizens are arrested and virtually dumped in either police cells or correctional facilities with reckless abandon. The moment a detention exceeds ‘reasonable time’ as stipulated in the constitution (24 hours where there is a court of law nearby, or 48 hours where there is no court of law nearby), the fundamental right of that person to personal liberty has been breached, and entitles the person detained to seek redress for such unlawful detention. The justification by the law enforcement agents for this state of affairs has always been that, investigation is still ongoing. Our position has always been, why should the law enforcement agencies arrest a suspect when they have not laid their hands on enough evidence to implicate him/her? This is what we see in other climes. The Supreme Court is of the same position when it held in the case of *Fawehinmi v IGP*³³ that, ‘In a proper Police investigation procedure, it is unlawful to arrest until there is sufficient evidence upon which to charge and caution a suspect. It is completely wrong to arrest let alone caution a suspect before the Police look for evidence.’

Second, it is a flagrant infringement of a citizen’s fundamental right to subject him to torture or inhuman or degrading treatment in order to extract the so-called ‘confessional statement’ from him. Apart from such conduct, and any form of inducement for that matter, rendering such ‘confessional statement’ inadmissible in evidence, it entitles the victim to proceed against the law enforcement agents to seek redress for breach of his fundamental right to dignity of human person.³⁴ The Court of Appeal reiterated this position in the case of *Nigeria Police Force & Ors v Kabiru Ahmadu*³⁵ when it stated, Per Bayero, JCA that ‘...The mere allegation of crime or wrongdoing against a suspect irrespective of its seriousness cannot operate to curtail the fundamental rights of the suspect nor can it operate to justify the incarceration and torture of the suspect. The person who infringes or breaches the constitutional rights of the applicant has the onus to justify such breaches...’ These are just a few of the ugly situations. The State is the guarantor of human rights from which emerges essential obligations relating to protection and assurance of such rights. As eloquently put by Yogesh Kumar Tyagi, ‘The concept of human rights involves an intertwined relationship, first between the State and individual within its jurisdiction; second among individuals themselves governed by the State and third, between the State and the international community. The promotion and protection of human dignity is an irrevocable responsibility of every state as well as non-state entity.’³⁶ Therefore, it behoves on all security and law enforcement agencies, populated by human beings, to put their humanness in focus when handling and dealing with fellow humans. They must refrain from conducts and acts capable of maiming and/or inflicting physical and psychological pains on fellow human beings in the name of carrying out their duties. Officials of the Correctional Service are also enjoined to operate within the confines of the Human Rights Training Manual for Nigerian Correctional Service,³⁷ which provides guidance to all cadres of Correctional Service staff in the performance of their professional functions such that the Correctional Service administration and the treatment of prisoners would comply with international human rights law and the United Nations standards and norms in the treatment of prisoners.

Key findings and insights on human rights enforcement for indigent persons in Nigeria highlight the following:

Challenges Faced by Indigent Persons: Indigent persons in Nigeria face significant challenges in accessing justice and enforcing their human rights due to factors such as poverty, lack of legal representation, discrimination, and lack of awareness of their rights.

Legal Framework: While Nigeria has a legal framework that guarantees human rights, enforcement mechanisms are often weak or ineffective, especially for indigent individuals who may not have the means to navigate the legal system.

Access to Justice: Indigent persons often lack access to legal representation, leading to a lack of awareness of their rights and an inability to seek redress for human rights violations.

³³ (2002) 7 NWLR (Pt. 164), 606 Per Uwaifo JSC

³⁴ See Section 34 of the 1999 Constitution.

³⁵ (2020) LPELR-50317(CA).

³⁶ Yogesh Kumar Tyagi, ‘Pardon, Oversight, Revenge, Equitable Punishment, Responsibility,’ a paper presented at the *International Meeting of Perpetrators of Gross Human Rights*, organised by the *Commission Nationale Consultative Des Droits De L’homme* and the International Commission of Jurists and held under the auspices of the United Nations, 2-5 November, 1992, p. 75.

³⁷ The Training Manual, released in June 2015, is based largely on Office of the United Nations High Commissioner for Human Rights’ ‘*Human Rights Training for Prison Officials*’.

Stakeholder Involvement: There is a need for increased involvement of stakeholders, including the government, civil society organizations, legal aid providers, and the international community, to prioritize the protection and promotion of human rights for all individuals, especially the most vulnerable in society.

Enhancing human rights enforcement is crucial for promoting justice, equality, and dignity for all individuals. We hereby proffer some recommendations to strengthen human rights enforcement:

Education and Awareness: Promote education and awareness about human rights at all levels of society. This includes educating the public, government officials, law enforcement, and the judiciary about human rights principles, laws, and mechanisms for enforcement. There is a need for increased education and awareness campaigns to inform indigent persons about their rights and how to access legal support when their rights are violated.

Legal Reforms: Ensure that domestic laws align with international human rights standards and obligations. Regularly review and update laws to address gaps in protection and enforcement of human rights.

Independent Judiciary: Ensure the independence of the judiciary to uphold human rights and hold violators accountable. Judges should be trained in human rights law and empowered to make decisions based on these principles.

Effective Remedies: Establish effective mechanisms for victims of human rights violations to seek redress. This includes access to legal aid, effective complaint mechanisms, and timely and fair judicial processes.

Civil Society Engagement: Support and protect civil society organizations, human rights defenders, and NGOs working to promote and protect human rights. These organizations play a crucial role in monitoring, reporting, and advocating for human rights.

International Cooperation: Collaborate with international human rights bodies, such as the United Nations and regional human rights mechanisms, to strengthen human rights enforcement at the global level.

Transparency and Accountability: Ensure transparency in government actions and accountability for human rights violations. This includes investigating allegations of violations, prosecuting perpetrators, and providing reparations to victims.

Training and Capacity Building: Provide training on human rights principles and enforcement mechanisms to law enforcement officials, government officials, and other relevant stakeholders to ensure effective implementation of human rights laws.

Data Collection and Monitoring: Establish robust systems for collecting data on human rights violations and monitoring human rights situations. This data can inform policies, interventions, and advocacy efforts to address systemic human rights issues.

Public Participation: Foster an environment where individuals can actively participate in decision-making processes that affect their human rights. This can include public consultations, participation in policy development, and inclusion in human rights monitoring mechanisms.

The Concerted efforts of the following stakeholders are also necessary:

Government: The government should allocate sufficient resources to ensure that indigent persons have access to legal aid and support in enforcing their human rights. This includes strengthening legal aid programs and improving the efficiency of the justice system.

Civil Society Organizations: Civil society organizations should continue to advocate for the rights of indigent persons, raise awareness about human rights issues, and provide support to those in need.

Legal Aid Providers: Legal aid providers should expand their services to reach more indigent individuals, provide *pro bono* legal representation, and empower marginalized communities to assert their rights.

International Community: The international community should support initiatives that aim to improve human rights enforcement for indigent persons in Nigeria through funding, technical assistance, and advocacy efforts.

In conclusion, it is imperative that all stakeholders work together to prioritize the protection and promotion of human rights for all individuals in Nigeria, particularly the most vulnerable in society. By taking concerted action, we can create a more just and inclusive society where the rights of all individuals are respected and upheld. By implementing these recommendations, countries can strengthen their human rights enforcement mechanisms and work towards a more just and equal society.