



## **Role of National Human Rights Commission on Restitution of Victims of Fundamental Human Rights Abuses in Federal Capital Territory Abuja**

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### **ABSTRACT**

This study examined the role of national human rights commission on restitution of victims of human rights violation in the federal capital territory, FCT, Abuja. The study adopted documentary research design. Content analysis was used to analyze the data. Findings from the study show that National Human Rights Commission has assisted in the prosecution of human right violators in the Federal Capital Territory Abuja. It was also revealed that National Human Rights Commission has played a fundamental role to ensure that violators of human rights abuses in the Federal Capital Territory Abuja have been prosecuted and ensure victims get justice. Findings further shows that National Human Rights Commission has played a major and significant role in ensuring the prosecution and compensation of victims of human rights abuses in Federal Capital Territory Abuja. Based on the findings, study recommends that the National Human Rights Commission should do more to secure total conviction and prosecution of all human rights violators in Federal Capital Territory Abuja. Secondly, National Human Rights Commission should do more to ensure that all the victims of human rights abuses are adequately compensated.

**Keywords:** Human Rights, Abuses, Victims, Restitution and Compensation.

### **INTRODUCTION**

Every member of society deserves the constitutional right to enjoy the privileges life offers to all and sundry, as people are born free and equal in dignity and rights. It has given a room that everyone in the world has the right to life, liberty and security of person; no one shall be in slavery or servitude; no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment irrespective of status.

Human Rights Commission is a body set up by the government to look into human rights abuse victims who unjustly suffer at the hands of some persons for lack of sincerity in various communities in Nigeria and the entire world. People are victims of one form of abuse or the other, and therefore, the government needed to ensure that victims of abuse are taking good care as expected. According to the National Human Rights Commission Report (2021), the residents of the Federal Capital Territory lodged a total complaint of 148,000 human rights violations with 1,287,760 complaints cases in the 36 States of the Federal Capital Territory, respectively. In Nigeria, armed groups and Nigerian security forces continue to commit serious crimes, including war crimes and crimes against humanity (Amnesty International, 2018). Armed Robbers, Kidnappers, Bandits and Terrorists, killed hundreds of civilians

and carried out abductions. Government forces on one side allowed indiscriminate attacks against villages and continue to detain thousands in inhumane and degrading conditions.

The Authorities in the Federal Capital Territory forcibly evicted thousands of people without adequate notice, compensation or the provision of alternative accommodation. Hundreds of houses were demolished, and thousands of people were displaced at the Apo resettlement area in the Federal Capital Territory while, Armed Police dispersed residents with tear gas, resulting in some residents being hospitalized (Amnesty International, 2018). All these are against the Universal Convention dealing with the rights of victims, the United Nations General Assembly adopted, in 1985, the Declaration of Basic Principles of Justice for Victims and Abuse of Power, the text of which had been approved by consensus, by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (UN, 1997). To promote implementation, a Guide for Practitioners Regarding the Implementation of the Declaration was prepared (UN, 2001) and the United Nations Economic and Social Council, by resolution 1990/22 of 24 May 1990, invited the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give wide distribution to the Guide (UN, 1997). The Declaration defines the notion of the victim of crime and abuse of power and specifies victims' rights of access to justice and fair treatment, restitution, compensation and assistance.

The United Nations Convention against Transnational Organized Crime, which was adopted by the General Assembly on 15 November 2000, contains specific provisions in article 25 concerning "Assistance to and protection of victims". However, as the Convention on Transnational Organized Crime had, as of 24 June 2002, only 15 out of the 40 ratifications required before it enters into force. By the same date, the Protocol had been ratified by 12 States. It is through this medium, the National Human Rights Commission of Nigeria seeks the promotion and protection of all human rights. In particular, the Commission has the mandate to deal with all matters relating to the protection of human rights in Nigeria as guaranteed by the 1999 Constitution. There are incidents of human rights abuses given the impression that the rights of the citizens are not adequately protected by the commission. Such violations of rights which include torture, extrajudicial killing, unlawful detention, rape, violence is occurring on daily basis.

Although, the right to reparation and in particular to restitution in international law is complex and usually refers to the obligation of the state to provide compensation to victims of human rights abuses. But ensuring restitution to victims of human rights abuses depends on many different parameters, related both to state obligations and to the receivers themselves. The willingness of the state to provide services and the criteria they set for access to such services is important if effective redress and restitution are to be attained. And there are issues concerning the persons directly involved in the matter of human rights abuses. The level of confidence that the person has for receiving restitution offered by the authorities and whether the necessary steps have been taken concerning complaints, assessments and documentation.

The limitations of the restitution have been a contentious point of discussion among those working for victims of human rights abuses at a global level. While oppressive or violating acts can be understood or dealt with within a framework of the law, it is beyond doubt that violations such as torture and other forms of ill-treatment may create conditions or consequences that require assistance from state actors like National Human Rights Commission. How these human abuses are investigated, monitored and ensure compliance in practice is the focus of this study. The fact is that the National Human Rights Commission seems helpless when it comes to protecting the citizens against abuses, but what the Commission is doing to remedy the damages is restitution. It is for this reason the study seeks to evaluate the role of the National Human Rights Commission on the restitution of Human Right Abuses. The study sought to answer the following research questions;

- i. To what extent has National Human Rights Commission play a significant role in prosecuting the human rights violators in Federal Capital Territory Abuja?
- ii. To what extent has National Human Rights Commission play a significant role in securing compensation for the victims of human rights abuses in Federal Capital Territory Abuja?

The specific objectives of this study are:

- i. To examine the role of the Human Rights Commission in prosecuting human rights violators in Federal Capital Territory, Abuja.
- ii. To determine measures that ensure victims of fundamental human rights abuses are adequately compensated by the National Human Rights Commission in Federal Capital Territory, Abuja.

The following hypotheses were formulated to guide the research study:

H<sub>0</sub>1: There is no significant relationship between National Human Rights Commission and prosecuting human rights violators in Federal Capital Territory, Abuja.

H<sub>0</sub>2: There is no significant relationship between the National Human Rights Commission and securing compensation for the victims of human rights abuse in the Federal Capital Territory, Abuja.

Federal Department of Foreign Affairs (FDFA) (2008) defined Human Rights as all the freedoms, the individual can claim on the sole basis of his or her humanity. It provides rights that are safeguarded by society on ethical grounds. Human rights are those rights that people are born with and to which they have equal rights and entitlement, regardless of gender, ethnic origin or beliefs, they are inalienable rights, indivisible, interwoven. (FDFA, 2008:3). They are regarded and seen as an essential principle in the organization of modern society, and the very basis of peaceful cohabitation at the national and international levels, in the community and the family (FDFA, 2008:4).

The concept of human rights is the actual outcome of a long and continuous process of development that has not yet reached its conclusion. Human rights have their roots in the philosophy of the ancient Greeks and the religious concept that all men are equal in the eyes of God. Taking a cursory look at the secular tradition of natural human rights have their roots in human nature and the inherent dignity of humanity. The concepts of human rights have progressively developed as an ethical standard through the ages. (FDFA, 2008).

Similarly, Donnelly, (2005) described Human Rights as fundamental rights, basic rights, inherent rights, natural rights and birthrights. The concept of human rights is not just abstract values, such as liberty, equality and security. It is the rights that transcend to the entitlement that ground particular social practices to realize those values. Human Rights claims express not mere aspirations, suggestions, requests or laudable ideas, but rights-based demands. And in contrast and furtherance to other grounds on which good opportunities and services might be demanded example divine donation, justice, utility or beneficence-human rights are owed to every human being as a human being (Donnelly, 2005).

Amnesty International (2011) defined Human Rights to include what every human being living on earth needs, in other to be able to live a dignified and fulfilled life and to be able to participate and integrate fully into society. Human rights are entitlements; you are entitled to them as long as you are a human being.

Nowak (2005) defined Human Rights as those rights that every human being has under human dignity. Human rights are the most fundamental rights of human beings. He assessed the relationships between individuals and power structures especially, the state. Human rights tend to delimit state power, and at the same, requires states to create and take positive measures, ensuring an environment that enables all people to enjoy their human rights.

In the word of Bonner (2005) human rights and victims in Argentina, the study found that families of human rights victims in Argentina dirty were effectively used as a right to family protection frame when appealing to the Argentina government. However, when appealing to the International Courts, this frame no longer worked and, as a result, became less important over time, as organizations increasingly relied on the Courts to pursue reparations and accountability.

Franscshet (2004) examined the women's rights movement in Chile over time (from a maternal, less political frame to a more overtly political frame). The study discovered that there is evidence that local groups strategically adopt frames depending on the international networks in which they are embedded. The study concludes that further show how the frames and alliances used by local movements depend upon the global opportunities, resources, and actors available and may change as these factors change.

To support their point, Koo and Ramirez (2004) examined National Incorporation of Global Human Rights: Worldwide Expansion of National Human Rights Institutions. The study revealed that several hypotheses concerning the likelihood of countries adopting NHRIs under various circumstances are based; on the political culture of the world, and it is the only variable that consistently and positively influences both adoption rates”.

Nariman (2002) examined an Act of the National Human Rights Commission in India. The study adopted a secondary method of data collection. The study revealed that the formal mechanisms for ensuring the realization of human rights are dysfunctional. The study also discussed various provisions of India's constitution and discusses how this document-particularly the non-justifiable, Directive Principles of Part IV powerfully seeks to ensure that all Indians are treated with dignity and provided with "rights enforceable against (arbitrary action by the) State and State agencies. It was also revealed that many institutional factors usually influence the effectiveness of NHRIs, including their degree of independence, their functions and whether they have adequate powers, their accessibility and accountability, their ability to cooperate with other institutions, and their operational efficiency. The study also revealed that the efficiency of the Commission and similar institutions cannot be assessed in isolation. They collaborate frequently and at many levels with government departments, judicial bodies, lawyers, Non-Governmental Organizations (NGOs), and other Civil Society Organizations (CSOs). The general political culture, and the way these bodies behave, facilitate or obstruct the activity and effectiveness of the National Human Rights Commission.

Most peculiar is the fact that all the studies above have left a research gap to fill. All the study has a deficiency in the application of appropriate method, area of scope and effective technique of data analysis. All the studies revealed above has no appropriate theoretical frame for effective theoretical analysis. The entire gaps identified from previous studies were filled in this study.

### **Concept of Restitution**

The concept has been used widely to compensate victims of abuse of any kind. Restitution provides relief to victims of abuse as it seeks to compensate people who have been seriously traumatized. Restitution is postulated on the theory that the individuals in society have three "fundamental" interests that the law will protect (Dickinson, 1992). These are the interest in the fulfilment of promises, the interest in freedom from harm by another, and the interest in having restored a benefit gained by one person at another's expense if the retention of the benefit by the other would be unjust (Dickinson, 1992).

This section reviews empirically different works of authors about human rights abuse. Zegveld, (2013) examined Remedies for Victims of Violations of International Humanitarian Law. The study relied on documentary research method. Finding from the study shows that, victims have a right to a remedy and there are evidences that victims enjoy rights under international humanitarian law and these rights are justifiable. The study also revealed that, international humanitarian law guarantees protection and assistance to victims of armed conflicts. The study concludes that, when people become victims of violations of humanitarian law, the protection conferred by this branch of law effectively ceases. In particular, it offers victims of serious violations little or no possibility of obtaining redress. Human rights, a similar but distinct branch of law, clearly define the right of victims to obtain redress for violations of fundamental rights. International Criminal Court allows the Court to determine in its decision the extent of the damage, loss or damage caused to the victims and to grant reparation. On the other hand, humanitarian law does not expressly guarantee the right to a legal remedy for victims of violations.

Antoine (2008) examined Lost and regained? Restitution as a remedy for human rights violations in the context of international law. The study relied on qualitative research method. Finding from the study revealed that, restitution as a remedy for human rights violations using international law as a case. The study concludes that, any victim of a human rights violation desire is to turn back the clock through the legal way and international law can help in remedying such situation.

Skillington (2012) examined Human “rights” in the distribution of natural resources. The study revealed that, the “rights” to use natural resources was a major hurdle for human rights and climate justice

organizations. These groups had to counter this frame by arguing that the rights of individuals to be free from ecological destruction trumped states' "rights" to use their natural resources. Recasting environmental protection as an individual right allowed these groups to gain power and influence.

Cousins (2009) examined Human Right Promotion among vulnerable in Southern Sudan. The study found that, there is no human right guarantee for marginalized people in Southern Sudan but the Rights discourse can promote property rights, business rights, etc.

Smith (2006) assessed Unique Position of National Human Rights Institutions: A Mixed Blessing. The study reveals that, the public funding of NHRIs as being a source of "ongoing tension with the need for NHRIs to maintain independence". The study also reveals some problems faced by the Northern Ireland Human Rights Commission, demonstrating that not only NHRIs in developing countries, in transition also struggle to establish viable NHRIs.

This Study adopted John Locke's theory of Natural Rights of 1658. The theory of natural rights is attributed to John Locke, a 17<sup>th</sup> century British philosopher (1632 – 1704) who contributed immensely to political and philosophical ideas at the enlightenment age and was among one of the philosophers to suggest that individuals are entitled to 'natural rights' in his work; 'The Two Treatise of Government' which he wrote in 1680. Affirming this, is Schwoerer (2010) who accounted that Locke believed that the world was orderly and rational, and that it was governed by fixed permanent laws. He believed that these laws were instituted into man by God, and were called "natural laws". This theory is relevant to the study because, the theory serves as a major foundation on which modern human rights is built and for which it is entrenched universally in our present time. The theory points out that right to life, liberty, freedom from torture and other cruel treatments, and right to own property are to be guaranteed by the government of a state. This however serves as a blue print for the pursuit of the United Nations, as the organization advocates the entrenchment of human rights in every sovereign state in order to promote peace and reduce conflict both locally and in the international system

## **RESEARCH METHODS**

The study was carried out within the interpretivism research paradigm which informed the choice of research design. Consequently, the case study and documentary research design were adopted for the study. Specifically, content analysis was employed in carrying out an in-depth analysis of the human right violation and restitution in Federal Capital Territory Abuja. These methods are designed to obtain needed information from the published human right issues reported in official bulletin, quarterly reports from the National Human Right Commission Abuja, Journals of past human right issues, relevant publications on human right issues from newspapers, Magazines, pamphlet, organizational handbooks and internet website.

The case of National Human Right Commission was purposively selected and studied. Both primary and secondary data were adopted. The purposive sampling techniques were used to select a total of 10 respondents for the study. Ten (10) respondents were sampled from the total victims of human right abuses in National Human Right Commission Abuja. Purposive sampling was used to select the representatives of the Victims of human right abuses. They are the representative of the victims of human right abuses in Federal Capital Territory Abuja. Semi-structured interviews were used as instruments for primary data collection. Data was analyzed using the thematic analysis of (Prosecution and Compensation) as a basis for qualifying performance of the National Human Right Commission in the restitution of the Victims of human right abuses in Federal Capital Territory Abuja.

## RESULT AND DISCUSSIONS

**Table 3: Prosecution of human right violators in FCT, Abuja**

S/N	YEARS	Total Number of Complaints Investigated	Total number of Violators and prosecuted
1	2014	46	28
2	2015	81	42
3	2016	89	49
4	2017	92	56
5	2018	96	51
6	2019	103	63
7	2020	112	66
	Total	619	<b>355</b>

**Source: National Human Right Commission Federal Capital Territory Abuja Office, 2021**

Data retrieved from National Human Rights Commission Federal Capital Territory Abuja Office shows that, out of Six Hundred and Nineteen (619) cases of Domestic violence, Child abuses, Negligence of family, violence and Extra-judicial killing were investigated. National Human Right Commission has secured Three Hundred and fifty-five (355) convictions and prosecution against the violators.

**Table 4: Compensation awarded to victims of Human Right Abuses in FCT, Abuja**

S/N	Years	Total number of Violators and prosecuted	Total number of compensations awarded to victim of human right abuse
1	2014	28	17
2	2015	42	29
3	2016	49	24
4	2017	56	32
5	2018	51	35
6	2019	63	46
7	2020	66	38
	Total	<b>355</b>	221

**Source: National Human Right Commission Federal Capital Territory Abuja Office, 20**

Data retrieved from National Human Rights Commission Federal Capital Territory Abuja Office which shows that, out of Three Hundred and fifty-five (355) convictions against the violators. Only Two hundred and Twenty-One (221) were awarded compensation.

## DISCUSSION OF FINDINGS

Findings from the study show that, National Human Rights Commission has prosecuted the violators of human right abuses in Federal Capital Territory Abuja. National Human Rights Commission has played a significant in securing those violators of human right abuses in Federal Capital Territory Abuja are prosecuted. This finding collaborated with the study conducted by Zegveld, (2013) whose findings also shows that, victims have a right to a remedy and there are evidences that victims enjoy rights under international humanitarian law and these rights are justifiable.

Finding from the study shows that, National Human Rights Commission in the restitution process for the victims of human rights abuses in Federal Capital Territory Abuja. National Human Rights Commission has ensured that, victims of human right abuses with genuine cases are adequately compensated. This

finding is in line with the study conducted by Antoine (2008) whose findings also revealed that, restitution as a remedy for human rights violations in using international law as a case. Victims of human rights abuses desire, is to turn back the clock through the legal way and National Human Right Commission has helped in remedying such situation.

### **CONCLUSION**

Based on the findings of the study, a conclusion could be made that, National Human Rights Commission has played a significant role toward prosecuting and awarding compensation to victims of human rights abuses in Federal Capital Territory Abuja. National Human Rights Commission has assisted in the prosecution of human rights violators. About Six Hundred and Nineteen (619) cases of domestic violence, Child abuses, Negligence of family, violence and Extra-judicial killing were investigated. National Human Rights Commission secured Three Hundred and fifty-five (355) convictions against the violators. National Human Rights Commission has secured compensation for the victims of human right abuses in Federal Capital Territory Abuja. A total of Two hundred and Twenty-One (221) victims of Human rights abuses were awarded compensation in Federal Capital Territory Abuja. Victims of human right abuses have a right to a remedy and there are evidences that victims enjoy rights under international humanitarian law and these rights are justifiable.

### **RECOMMENDATIONS**

Human Rights Commission has played a very important role in providing redress and remedy for victim of abuse. The study provides the following recommendations and they are as follow:

- i. National Human Rights Commission should do more to secure total conviction and prosecution of all human right violators in Federal Capital Territory. This is because; the result of the study only shows 57% rate of conviction and prosecution.
- ii. National Human Rights Commission should do more to ensure that, all the victims of human right are adequate compensated. This is because; our study shows that, only shows 62% rate compensation of victims.

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