Promotion and Protection of Human Rights: Core Concerns of the Catholic Church in Nigeria

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Abstract

The Universal Declaration of Human Rights (UDHR) of 10th December 1948 is the conscience of the world community on what to be done or not to be done to a human person and to issues of concern to his existence and wellbeing. Consequently, the care for the wellbeing of human beings by a country or an organization whether civil or religious is measured by the extent the country or organization adheres to human rights principles and standards. By this logic the extent to which the Catholic Church in Nigeria caters for the wellbeing of human persons is determined by the extent to which she adheres to human rights principles and standards. This paper examines this hypothesis adopting the doctrinal research methodology by gathering information from the official teaching and activities of the Church. The examination covers the commitment of the universal Catholic under the Roman Pontiff and also covers the teaching and initiatives of the Catholic Church in the Nigeria municipal community. The finding is that the Catholic Church in Nigeria is passionately committed to the promotion and protection of human rights in the country notwithstanding the fact that the Church is herself a victim of human rights deprivations in some States in the northern parts of the country with Muslim majority as it concerns government employment of Christians, government university admissions of Christians, and land acquisition for religious purposes.

Keywords: Catholic Church, human rights, Universal Declaration of Human Rights, Nigeria, Catholic Bishop's Conference of Nigeria,

1. Introduction

With the Universal Declaration of Human Rights (UDHR) of 10th December 1948, the international community achieved a global consensus on the moral conscience and guide on the dos and don'ts in the treatment of human persons and treatment of things relating to their existence and wellbeing. This guide is meant to direct not only political communities but also various organizations of human persons whether religious or civil, and municipal or international. It is from this background that this paper examines the involvement of the Catholic Church in the promotion and protection of human rights in Nigeria. Since the Catholic Church in Nigeria is not an autonomous and independent religious entity, but instead an integral part of the one, apostolic and universal Catholic Church, the examination of the involvement of the Catholic Church in the promotion and protection of human rights in Nigeria began with an x-ray of the universal Catholic church in the promotion and protection of human rights in the global community. Informative resources were accessed using the doctrinal methodology. The finding of the paper is that the Catholic Church in Nigeria following the lead of the Holy See in promoting and protecting human rights in the global community passionately promotes and protects human rights in the Nigerian society. This finding means that the Catholic Church is not locked into itself by caring for only the wellbeing of Catholics, but rather is interested in the wellbeing of every human person by ensuring that his or her human rights are protected and promoted as a means of promoting and protecting his/her inherent dignity. The discrimination against the Church in some States in the northern part of the country in the acquisition of land, the discrimination of Christians in these northern States in State employment and State university admissions are some human rights deprivations the Church suffers in Nigeria despite her efforts in promoting and protecting the human rights of all. The paper calls on all Nigerians to acquire the human rights conscience as to be humane in treating

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others regardless of religion, ethnicity, tribe, gender or social status a veritable means of reducing the pervasive divisions and tensions in the country. The paper recommends especially for the ruling class to develop human rights conscience as a means of ending the multidimensional poverty and sufferings in the country by making people-friendly policies and by seeing their offices as means of promoting the wellbeing of all Nigerians, the true sovereigns, and not treat them as 'conquered people' with little or no human rights at all.

2. Clarifications of Key Concepts

2.1 Human rights

Human rights connote the moral sentiment as to how a person should or should not be treated according to the operative moral code. According to Britannica, human rights are "rights that belong to an individual or group of individuals simply for being human, or as a consequence of inherent human vulnerability, or because they are requisite to the possibility of a just society."[1] Human rights are geared to actualizing human nature and destiny. The human being as a rational person is different from other creatures, and for this he has inherent dignity. Unless the human person is accorded certain civil-political and socio-economic rights this dignity would not be actualized. When this is the case, the dignity of the human person would be stunted. Protecting this essential dignity is the ultimate goal of human rights. Though specified individually, as a concept, human rights is a unit, it is one in the sense that it is integrally connected. The attack of one leads to the attack of others. For this it is held to be indivisible.[2]

Human rights, in the sense of moral conscience as to how the human being should or not be treated, is as old with human nature. But in the sense of formal moral and legal claims it is much more recent. In this sense, the earliest record of it is the *Magna Carta* (1215) by which the English nobility secured from King John legal guarantees for due process and trial by peers. The next trace of it was in the 18th century with the 1776 American Revolution and the Bill of Rights. This was followed by the French Revolution and the 1789 Declaration of the Rights of Man and of the Citizen. Contributing to these civil landmarks was the natural rights philosophy of the 18th and 19th centuries with writers like John Stuart Mill, Thomas Paine, Frederick Douglas, Elizabeth Cady Stanton, etc.[3] It became a major issue in the global community with its groundbreaking inclusion in the 1945 Charter of the United Nations. From the Preamble of the Charter, the aim of the UN, *inter alia*, is 'to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small'. The immediate triggers for the formation of the UN with a big emphasis on human right were the horrors of World Wars I and II and the determination to save humanity from such tragedies. Further efforts at the UN for human rights resulted in the UN Declaration on Human Rights, which specifies 30 rights and freedoms for the human person. These rights and freedoms broadly fall into two categories, civil - political rights and freedoms on the one hand, and on the other, economic, social and cultural rights and freedoms. The 1948 UDHR acts as the moral conscience of the global community today. It has 'become the cross-culturally shared criteria to judge relations between and within nations.'[4]

[1] Britannica, "Human Rights", https://www.britannica.com/topic/human-rights, accessed 3 December 2024.
[2] Jan Essink, Alberto Quintavalla, and Jeroen Temperman, "The Indivisibility of Human Rights: An Empirical Analysis", *Human Rigts Law Review*, https://academic.oup.com/hrlr/article/23/3/ngad013/7187934?login=false, accessed 3 December 2024.
[3] James R. Kelly, 'Human Rights, *Encyclopedia of Catholic Social Thought, Social Science, and Social Policy,* 526.
[4] *Ibid.* 527.

Being only a declaration, the UDHR are not legally enforceable. To make them legally enforceable under international law, two fundamental conventions were ratified incorporating these rights and freedom. The International Covenant for Civil and Political Rights (ICCPR) (1976- entry into force) incorporated the civil and political rights and freedoms, while the International Covenant for Economic, Social and Cultural Rights (ICESCR) (1976- entry into force) incorporated the economic, social and cultural rights and freedoms. Conventions have been ratified to advance particular rights and freedoms contained in these covenants. An instance is the Convention on the Elimination of All Forms of Discriminations against Women, (CEDAW) (1981) which deals with discriminations against women. At the UN, human rights issues are under the governance of the UN High Commissioner for Human Rights, whose office was established in 1995. The core human rights corpus of the UN consists of the UDHR, ICCPR, and ICESCR and they serve as human rights blueprints to be incorporated in municipal constitutional frameworks.

The Catholic Church appreciates the landmark achievement of the international community in entrenching the UDHR.

2.2 Church

The word 'Church', which came from the Greek *ekklesia*, is used to refer to the Christian religious community in its entirety, or a body or organization of Christian believers as a whole, or a body or organization of believers.[5] In the face of denominationalism in Christianity and its accompanying doctrinal differences, the position of Christians in general on the subject of the promotion and protection of human rights would consist of different views inspired by denominational preferences. And it would be unwieldy for this paper to engage such a vast array of views. Thus, this paper limits itself to the Catholic Church and her efforts at promoting and protecting human rights. The efforts of the Catholic Church in promoting and protecting human rights would be considered at the universal and municipal levels.

2.3 Promotion and Protection

'Promotion', according to the Collins English Dictionary, is an attempt to make a product or event popular or successful, especially by advertising. The same Collins Dictionary defines 'protection' as preventing people or things from being harmed or damaged. Concerning human rights these concepts are not completely parallel; they are distinct but related in certain respects. Protection of human rights in certain regards embraces seeking redress if a human right is breached. At the same time seeking redress for a breach of human rights can also amount to a promotion of human rights. If seeking redress for human rights breaches can prevent people from breaching human rights, this turns around to be a form of human right promotion. In the same way human rights advocacy which is a direct form of human rights promotion can also rank as a form of human rights protection. Adequately examining the role of the Catholic Church in promoting and protecting human rights calls for a preliminary determination of whether the Catholic Church has the powers to promote and protect human rights within the civil-political environments of the global and municipal communities. And if she has the powers, to what extent does she have them. These questions are pertinent because the provision and guarantee of human rights in a civil political environment of a State is the primary responsibility and obligation of the State. If it is in the global community, it is the primary responsibility of the United Nations, and again, not the Catholic Church. The emphasis here is on the adjective 'primary'. What this connotes and rightly so is that the Church has some competence to protect and promote human rights, but it is not her primary

[5] Encyclopedia Britannica, 'Church', https://www.britannica.com/topic/church-Christianity, accessed 5 January 2025.

responsibility when compared with the State in a municipal environment, or with the UN when compared with the international community. In the global community, notwithstanding the fact that the Holy See ratifies human rights instruments, her enforcement of these instruments amongst her subjects is not direct like other State-members of the international community which directly enforces these human rights instruments on its subjects within its territories. While State-members of the international community have their subjects majorly within their territorial boundaries, the Holy See has her subjects scattered in the territories of different sovereign States. Again, inside the different States, the church, as a community of believers, is subject to the sovereign powers of the State as it concerns the provision and guarantee of human rights. So, the extent to which the Church can protect and promote human rights either in the global or municipal community is limited. She does not control any arm of government as to be the primary determiner of what can be done by that arm of government concerning the promotion and protection of human rights. For instance, what the Church can do in providing and guaranteeing the right to life, right to fair hearing, right to education, or right to home to the populace of a country is very limited. This point was underscored by Coriden when he highlighted the limitedness of the human rights treated by canon law. He wrote:

> *"There are other rights, basic human rights, that are not treated explicitly here because people do not usually look to the Church to provide or guarantee them. Examples of such rights include the most fundament right of all, the right to life, as well as the rights to food, clothing, shelter, education and personal safety. We expect the church to teach and honour these rights, to assist in providing them when that is necessary and certainly not to jeopardize them, but we don' think it is the church's primary responsibility to provide them."*[6]

In the global community the church is limited in authority and resources for majorly monitoring human rights standard around the globe. The same is analogically true of the church in a municipal environment like Nigeria. The church lacks the political power and resources to ensure that human rights are enforced in all their ramifications. Even within the church community the power of the church to promote and protect human rights is also limited. It does not fall on the church primarily to guarantee the right to life, right to fair hearing, right to dignity of life, *et cetera* for its members. The power of the Church, therefore, for promoting and protecting human rights within the Church is to preach, teach, and advocate for them. Further to this, she can also assist the efforts of the State where and when it can. This is the character of Church's intervention in areas like health, education, poverty, alleviation, democratic culture advocacy, *et cetera*. This, too, is the narrow competence of the Church in protecting and promoting human rights in the wider civil-political society. Instance of an area of limitation of the Church in protecting and promoting human rights is contract law. The Church cannot ordinarily invalidate a contract law that offends human right. The church does not have an autonomous contract or corporate law. It follows the State's contract or corporate law regardless of its human rights status. Having set the parameters of the Church's competence in promoting and protecting human rights, we next examine what the Church does within her limited competence.

3. Human Rights and the Catholic Church

3.1 Human rights in the Universal Catholic Church

The Catholic Church is a very active believer in human rights and has partnered with the world community in its development, protection, and promotion. The central optics for examining the

[6] James A. Coriden, *The Rights of Catholics in the Church*, (New Jersey: Paulist Press, 2007) xii

active interest and engagement of the universal Catholic church with human rights is in the actions of the Holy See on human rights. The Holy See is a composite term for the authority, jurisdiction, and sovereignty of the central government of the worldwide Catholic Church under the Pope as the Bishop of Rome and the head of the college of Bishops. The Holy See is a subject of international law. As a sovereign it is a member of the United Nations even though it has chosen to be a permanent observer at United Nations for absolute neutrality in certain political problems. Nonetheless it participates in the activities of UN Agencies.[7]

Eighteen years after the ratification of the UN Charter and fifteen years after the adoption of the Universal Declaration of Human Rights, the Catholic Church embraced human rights in a new light as the global conscience that guides the world towards justice, peace and development. St. Pope John XXIII in the encyclical letter, *Pacem in Terris* (On Establishing the Peace of all Peoples in truth, justice, charity and liberty) (11 April 1963), underscored a close nexus between human rights and peace, human dignity and development in the world. This is a 172-paragraphed document divided majorly into five parts after excluding the introduction that covers paragraphs 1-7. Part I (#8-45) deals with order between men and Part II deals with relations between individuals and the public authorities (#46-79). Part III concerns itself with relations between states (#80-129) while part IV covers relationship of men and of political communities with the world community (#130-145). Part V deals with pastoral exhortations (#146-172). The work exposes the natural law foundations of human rights. As each individual man or woman is a person, that is, a being endowed with intelligence and free will, he/she is a subject of rights and duties that flow from such a nature, and accordingly, these rights and duties are universal, inviolable, and inalienable (PT #9). Without negating the rights specified in the UDHR, the Pope mentioned in the encyclical rights like the right to life, the right to investigate the truth, to gain education, to choose marriage or celibacy, to educate one's own children, to labour under human conditions, to receive a living wage, to own property, to take an active part in public life, and to enjoy an "effective, unbiased, and strictly just" legal protection of his rights. (PT #11-27) Respect for human rights is set as the core ingredient for peace not only at the interpersonal level but also at the levels of persons versus authorities, inter-state, and international relationships. The document highlights the importance of balancing individual rights with social responsibilities. Human rights do not exist in isolation but in co-relation with duties to others and ultimately to the common good. It encourages individuals to respect the rights of others and to work towards the common good as no right is absolute. By teaching that the attainment of the common good is the sole *rason d'etre* of civil authorities (#54), it underscores the necessity of not only civil-political rights, but also social, cultural, and economic rights of citizens. It promotes international cooperation and diplomacy as essential for promoting human rights and achieving world peace. It promotes international cooperation and diplomacy based on the equal dignity of states as essential for promoting human rights and achieving world peace. Hollenbach described this work as the 'Magna Carta of Catholic engagement in human rights.'[8] He went further to say, 'Since this encyclical was issued in 1963, the Catholic community has become one of the strongest advocates of human rights in the world

[7] 'Holy See',
<https://www.vatican.va/roman_curia/secretariat_state/documents/informazione_generale/sp_ss_scv_info-generale_en.html> accessed 26 January 2025.

[8] David Hollenbach, '*Pacem in Terris* and Human Rights', https://www.academia.edu/34742573/Pacem_in_Terris_and_Human_Rights, accessed 17 December 2024.

today.'[9] Underscoring the landmark import of *Pacem in Terris* in human rights philosophy, Endrich and Gutmann wrote:

> *The commitment to human rights has given the Catholic Church an opportunity to develop an identity as a defender of societal interests. It can set standards of human rights, publicly call for their protection, and claim responsibility when improvements occur. This image helps to cultivate support from adherents. Promoting human rights on a grand scale has become an essential part of the brand of the Catholic Church that sets it apart from smaller religious organizations.*[10]

Immediately following the *Pacem in Terris* in upholding human rights is the Second Vatican Council (1962-65), which set the doctrinal blueprint that still guides the Church till date. Its strong endorsement of human rights comes in two of its documents, namely, the Declaration on Religious Freedom (Dignitatis Humanae), and the Pastoral Constitution on the Church in the Modern World (Gaudium et Spes).

The *Dignitatis Humanae* (DH) is a landmark, and a kind of revolutionary document that also recognized a right to religious liberty for non-Catholics as opposed to the civil toleration of their activity under some circumstances. This was a turning point for progress for human rights particularly in freedom of religion considering that until then the Church had held the teaching that outside the Catholic Church there was no salvation (*extra ecclesia, nulla salus*), and for that the Church was not comfortable with religious freedom in the civil society. Thus, Pink wrote: "The nineteenth-century popes called for the state to coerce – to issue legal directives backed up by threats of punishment – in support of religious truth and against religious error and then to enforce the laws of the Church."[11] The point made by the *Dignitatis Humanae* is that citizens should be free from coercion from the State in matters of their relationship with God. The competence of the State is to maintain just public order, and this does not include the maintenance of order inside a religion or a religious community as to be seized of the authority to enforce religious beliefs or doctrines. Matters of the public order inside a religious community are matters of the religious community in so far as they do not spill over as matters of public order in the civil society of the State. Thus, the right to freedom of religion espoused by the DH does not detract from the powers of a religious body to maintain religious order within its community.[12] In this declaration the Church emphasizes religious freedom to connote immunity from human coercion and holds further that except for within due limits, nobody should be forced to act against his conscience in religious matters, nor prevented from acting in accordance with his conscience, in private or in public. This was a measure against state confessionalism. Paragraph 2 of the DH states:

> *This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The council further declares that the right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of*

[9] *Ibid*
[10] Marek Endrich and Jerg Gutmann, 'Pacem in Terris: Are Papal Visits Good News for Human Rights?', https://www.econstor.eu/bitstream/10419/222646/1/ile-wp-2020-37.pdf, accessed 17 December 2024.
[11] Thomas Pink, 'The Interpretation of Dignitatis Humanae', https://religiousfreedominstitute.org/2016-7-26-xii6em5xd7y1v70gfkc1me7fu1z7wa/, accessed 5 December 2024.
[12] Cfr Thomas Pink, "The Interpretation of Dignitatis Humanae", https://religiousfreedominstitute.org/2016-7-26-xii6em5xd7y1v70gfkc1me7fu1z7wa/, accessed 5 December 2024.

> *God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.*

Thus, for Gregg, the *Dignitatis Humanae* represented the culmination of the Church's entry into the language of rights. [13]

The *Gaudium et Spes* took the Church's commitment to human rights to a broader extent by calling the Church and all people of good will to curb discrimination based on sex, race, color, social condition, language, or religion.[14]

The fact that the earliest history of deep concerns for human rights in Catholic teaching goes back to the encyclicals of St Pope John XXIII and the document of Second Vatican Council does not mean that the moral conscience that the human person should be treated in certain ways only came with the term human rights. Human dignity, which is the *fons et culmen (*source and summit) - the moral foundation and goal of human rights- has been a central doctrinal theme in the Catholic Church with roots going back to the Genesis account of man and woman being created in God's image and likeness (*Imago Dei*).[15] The dignity of the human person derives from the nature of the human person as a rational being created in the image of God. Little wonder natural law philosophy and writers contributed significantly to the articulation of formal rights for the human person. From the encyclicals of St. Pope John XXIII, human rights became a constant in the teaching of the Catholic Church that successive Popes wrote on it with the high point being that human rights were a theme in the *Compendium of the Social Doctrine of the Church* (CSDC) published by the Holy See in 2004 under the papacy of St. Pope John Paul II. This work gives a concise but complete overview of the Church's social teaching. Human rights are dealt with in numbers 152- 159. Number 152 begins thus:

> *The movement towards the identification and proclamation of human rights is one of the most significant attempts to respond effectively to the inescapable demands of human dignity. The Church sees in these rights the extraordinary opportunity that our modern times offer, through the affirmation of these rights, for more effectively recognizing human dignity and universally promoting it as a characteristic inscribed by God the Creator in his creature. The Church's Magisterium has not failed to note the positive value of the Universal Declaration of Human Rights adopted by the United Nations on 10 December 1948, which Pope John Paul II defined as "a true milestone on the path of humanity's moral progress."*[16]

Going further, number 153 states:

> *In fact, the roots of human rights are to be found in the dignity that belongs to each human being. This dignity, inherent in human life and equal in every person, is perceived and understood first by reason. The natural foundation of rights appears all the more solid when, in light of the supernatural, it is considered that human dignity, after having been given by God and having been profoundly wounded by*

[13] Samuel Gregg, 'Dignitatis Humanae and the Catholic Human Rights 'Revolution'', https://www.catholicculture.org/culture/library/view.cfm?recnum=2876, accessed 17 December 2024.
[14] GS, par 29.
[15] *Rerum Novarum* of the Pope Leo XIII (1890) , and papal documents on human dignity. Genesis 1:27.
[16] CSDC, #152

> *sin, was taken on and redeemed by Jesus Christ in his incarnation, death and resurrection.*[17]

It continues to say that:

> *The ultimate source of human rights is not found in the mere will of human beings, in the reality of the State, in public powers, but in man himself and in God his Creator. These rights are "universal, inviolable, inalienable." Universal because they are present in all human beings, without exception of time, place or subject. Inviolable insofar as "they are inherent in the human person and in human dignity and because "it would be vain to proclaim rights, if at the same time everything were not done to ensure the duty of respecting them by all people, everywhere, and for all people. Inalienable insofar as "no one can legitimately deprive another person, whoever they may be, of these rights, since this would do violence to their nature."*[18]

3.2 Legal Regime for Promoting and Protecting Human Rights in The Church

i. Canon Law

Canon law, Latin, *Ius Canonum*, (from the Ancient Greek, *kanon*, meaning a 'straight measuring rod, ruler') refers to the complex system of laws that regulates the faith, life and actions of the church in the world, made by competent ecclesiastical authority for the good of the church. The legislator for the universal Catholic Church is the Roman Pontiff, the Pope. The doctrinal progress made by the Church in human rights from *Pacem in Terris* and the Second Vatican Council was translated into legal framework in the Codes of Canon in the 1983 Code of Canon law (for the Latin Church) and the 1990 Code of Canons of the Eastern Churches, the two codes of canon currently regulating the faith, life and activities of the universal church. Human rights are operative principles in these codes. This paper focuses on the 1983 Code of Canon law because the Nigerian Church comes under its jurisdiction.

On a comparative note, while the 1917 Code for the Latin Church (otherwise known as the Pio-Benedictine Code) recognized rights, privileges and obligations for only the clerics, the 1983 Code recognizes rights and obligations for all members of the Church. These rights and obligations are particularly specified hierarchically in Book II (The People of God, cann. 204-746), namely;

i. The obligations and rights of all the christian faithful (Cann. 208 - 223),
ii. The obligations and rights of the lay christian faithful (Cann. 224 - 231),
iii. The obligations and rights of clerics (Cann. 273-289), and
iv. The obligations and rights of institutes and their members (Cann. 662-672).

A point to note in the configuration of rights in canon law is that they go along with obligations to underscore the fact that human rights come with corresponding responsibilities. To promote human rights canon 222 §2 obliges all Catholics to promote social justice. Human rights principles like *nemo judex in causa sua*, and *audi alteram partem* are pivotal in canonical judicial, quasi-judicial and administrative processes. A denial of any of them renders for instance, a judicial process null and void.[19]

[17] *Ibid* #153.
[18] *Ibid*.
[19] Can.1620.

3.3 Institutional Regime of the Church for Promoting and Protecting Human Rights

a. Holy See[20]

This is the central government of the universal Catholic Church under the headship of the Roman Pontiff, the successor of St. Peter. It is equally the diplomatic representative of the Roman Pontiff, the Pope, and the Vatican City. As the central government of the worldwide Catholic Church, the Holy See caters for the Church's teaching and actions for human rights. *Pacem in Terris, Dignitatis Humanae*, and *Gaudium et Spes* are examples of the works of the Holy See in this regard. In addition to direct actions and teachings like these, the Holy See also cooperates with the international community as a member of the United Nations in the advancement of the frontiers of human rights.

(i) Human Rights Conventions ratified by the Holy See

Human rights conventions ratified by the Holy See as a subject of international law include: Conventions on the rights of the child (CRC), ratified in 1990; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 2002; and International Convention on the Elimination of All Forms of Racial Discrimination (CERD): ratified in 1966/1969.

(ii) Intergovernmental Associations on Human Rights that the Holy See belongs To

- Permanent Observer at the UN and participates in its activities and world conferences (Observer- status is self-choice of the Holy See for absolute neutrality in certain political problems).
- UN High Commissioner for Refugees: The Holy See is a member of the Executive Committee.
- Member UN Conference on Trade and Development.
- Member World Intellectual Property Organization (WIPO).
- Member, International Atomic Energy Agency.
- Member, Organization for the Prohibition of Chemical Weapons.
- Member, Preparatory Commission for the Comprehensive Nuclear-Test Ban Treaty Organization.
- International Committee of Military Medicine.

b. Pontifical Council for Justice and Peace

This is the agency entrusted with the implementation of the Church's social doctrine which covers human rights promotion and protection.

c. Regional Conferences of Bishops

An instance is the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM) which harmonizes initiatives for the protection and promotion of human rights in Africa.

d. Subregional Conference of Bishops

An example is the Regional Episcopal Conference of West Africa (RECOWA) which harmonizes human rights protection and promotion in West Africa.

e. National Conferences of Bishops

An example is the Catholic Bishops Conference of Nigeria (CBCN) that harmonizes initiatives for human rights protection and promotion in Nigeria.

[20] Also called the See of Rome, Petrine See, or Apostolic See.

f. Dioceses

The various diocese of the Catholic Church undertake initiative for the promotion and protection of human rights.

4 Promoting and Protecting Human Rights by the Catholic Church in Nigeria

The guarantee of human rights by the Nigerian Constitutional is a fundamental impetus for the Church to protect and promote them in the country. Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), as amended, titled *Fundamental Rights,* which covers sections 33-46 deals with human rights. The human rights covered here are: right to life (s. 33); right to dignity of human person (s. 34); right to personal liberty (s.35); right to fair hearing (s.36); right to private and family life (s.37); right to freedom of thought, conscience, and religion (s. 38); right to freedom of expression at the press (s.39); right to peaceful assembly and association (s. 40); right to freedom of movement (s.41); right to freedom from discrimination (s.42); right to acquire and own immovable property anywhere in Nigeria (s.43); compulsory acquisition of property (s.44); restriction on and derogation from fundamental rights (s.46); and special jurisdiction of High Court and legal aid (s.46). Unfortunately these rights are limited when compared with the rights declared by the UDHR and the two key covenants that reduced the rights in the UDHR to legally enforceable rights, that is, the ICCPR and the ICESCR. The rights specified in chapter IV of the 1999 CFRN are merely civil and political rights whereas the social, economic and cultural rights in the UDHR are left out. They are found in Chapter II of the 1999 CFRN titled, *Fundamental objectives and Directive Principles of State Policy*, which covers sections 13-24. The contents are: Fundamental obligations of the Government (s. 13), the Government and the people (s. 14), Political Objectives (s. 15), Economic objectives (s. 16), Social objectives (s.17), Educational objectives (s. 18), Foreign policy objectives (s.19), Environmental objectives (s.20), Directives on Nigerian cultures (s. 21), Obligations of the mass media (s. 22), National ethics (s. 23), and Duties of the citizen (s.24). Unfortunately issues in Chapter II are rendered directly unenforceable by s.6(6)(c) of the CFRN. This limits the ability of the church to promote and protect the social, economic, and cultural rights through the judicial process, if need be. Other than this, the Church in Nigeria is alive to its universal mandate to promote and protect human rights.

Guided by the encyclicals of the Popes, other papal documents, the Second Vatican Council documents, canon law, and the *Compendium of the Social Doctrine of the Church* on human rights coupled with the Church's traditional doctrinal teaching on the dignity of the human person, the Church in Nigeria actively promotes and protects human rights in the country. It is important however to reiterate a point made above that the people do not usually look to the Church to provide or guarantee rights like the basic human rights such as the right to life, as well as the rights to food, clothing, shelter, education and personal safety because they are not the primary responsibility of the Church. The Church is only expected to teach and honour these rights, and to assist in providing them when it is necessary and when it has the means. The promotion and protection of human rights by the Church in Nigeria can be assessed at two institutional levels, namely, the level of the Diocese, and the level of the Catholic Bishops Conference of Nigeria (CBCN).[21]

A diocese is a portion of the people of God, which is entrusted to a Bishop to be nurtured by him, with the cooperation of the presbyterium, in such a way that, remaining close to its pastor and gathered by him through the Gospel and the Eucharist in the Holy Spirit, it constitutes a particular Church.[22] In this Church, the one, holy, catholic, and apostolic Church of Christ truly exists and

[21] Can. 447.
[22] Can. 369.

functions.[23] The Bishop as the leader of the diocese is charged with the responsibility of seeing that the human rights teaching of the universal church is made alive and active in his diocese. Pursuant to canon 768 §2 a bishop has the duty to explain to the faithful, amongst other things, the teaching of the magisterium of the Church concerning the dignity and freedom of the human person. In compliance with this injunction, bishops in Nigeria not only teach human dignity and rights, but also take concrete steps in promoting them. For instance, Bishop Paulinus Chukwuemeka Ezeokafor, the Catholic Bishop of Awka, Anambra State, sponsored the Anambra State Burial Bill, which was passed and assented to as Anambra State Burial/Funeral Ceremonial Control Law, 2019, and which came into force on 9th April 2019. This law goes against the culture of spending humongous amounts of money on burials whereas little efforts are given to promoting befitting living. In some cases, children who neglected their parents when they were alive leave their dead parents in morgues for months to build mansions that suit their social status for the burial of their parents. The law prohibits wasteful burials, and by so doing roots in for befitting life and the right to life. The dioceses in Nigeria have agencies like the JDPC (Justice, Development, and Peace Caritas) that cater for human rights needs of the people. They engage in things like poverty alleviation, food apostolate to correctional facilities, election monitoring, and skill acquisition programmes.

The Catholic Bishops Conference of Nigeria (CBCN) is a juridic institution, and an assembly of all the bishops in Nigeria, which has the powers to establish joint pastoral initiatives with mandates not excluding the promotion and protection of human rights.[24] It has its office at the Catholic Secretariat, Abuja. The body issues a communique after each of the two plenary meetings every year. These communiques regularly harp on the indispensable need of good governance and common good in the country.[25] Both good governance and common good are core environments for the promotion of human rights. Caritas Nigeria is a non-governmental organization established in 2010 by the CBCN to complement the efforts of the respective dioceses in promoting human rights in Nigeria. It is the agency of the CBCN for relief and development, 'focusing on integral human development through charity, social justice, and sustainable development programmes across Nigeria.'[26] In doing this, it focuses on four thematic areas, namely, good governance, anti-human trafficking, health and HIV, and emergency and humanitarian interventions.[27]

The overall activities of the Catholic Church in promoting and protecting human rights in Nigeria can be summed up under the following headings.

i. Education Right

The history of Catholic education in the territory of Nigeria goes back to the 16th century when missionaries built schools to spread Christianity and educate the people. The Portuguese Catholic missionaries who came to Benin in 1472 set up a school in 1515 in Oba's palace for his sons and those of his Chiefs.[28] Between 1515-1552 the missionaries began to set up schools in Lagos, Benin,

[23] *Ibid.*
[24] Cfr can. 447.
[25] 'CBCN COMMUNIQUE: FIRST 2024 PLENARY', https://www.nigeriacatholicnetwork.com/cbcn-communique-first-2024-plenary/, accessed 22 December 2024; 'Catholic Bishops Conference of Nigeria-CBCN=communique=', https://warridiocese.org/catholic-bishops-conference-of-nigeria-cbcn-communique/, accessed 22 December 2024.
[26] 'CBCN Agencies', https://www.cbcn.org.ng/index.php/about-us/, accessed 23 December 2024.
[27] 'Caritas Nigeria', https://caritasnigeria.org/current-projects/, accessed 23 December 2024.
[28] Christian Truth, 'Brief History of Education in Nigeria with Roman Catholic Involvement', https://xtiantruth.blogspot.com/2017/04/brief-history-of-education-in-nigeria.html, accessed 11 January 2025.

Warri and Brass.[29] This was a long time before the UDHR was adopted. This history continued under colonial rule till the present post-colonial era.

The church has prioritized education so highly in her history because she understands it as key to upholding the dignity of the human person. The adoption of the right to education by the UDHR only encourages the Catholic Church on its already existing drive in this direction. The fact that the government later started building schools did not take away the necessity for the church to continue with education. It took a long while for government schools to spread far into the country. Even when it did, people still found Church schools to be more dedicated, competent, and effective because it was an all-inclusive education rooted in sound morals. Even in the present time that it can be said that there is a wider spread of government schools, Catholic schools are remarkable for the quality they deliver. Progressively the history of Catholic education in Nigeria reckons not only elementary and secondary schools[30], but also universities. There are Catholic Universities like Veritas University, Abuja; Peter University, Achina-Onneh, Anambra State; Shanahan University, Onitsha, Anambra State; and Augustine University, Lagos, Lagos State.

ii. Health Right: Hospitals

The Catholic Church very actively promotes the right to health in Nigeria with a history going back to the colonial era and to the time prior to the adoption of the UDHR. The Sacred Heart Hospital, Lantoro, Abeokuta, Ogun State, which ranks as the first Nigerian hospital was established in 1895 by the Catholic Church through Reverend Father Coquard to handle the leprosy epidemic that ravaged Egbaland between 1857 and 1859. Other Catholic hospitals include St. Luke's Hospital, Anua, Akwa Ibom State (1937), St. Gerard's Catholic Hospital, Kaduna (1957), Oluyoro Catholic Hospital, Oluyoro Oke Afa, Ibadan (1959), St. Charles Borromeo Specialist Hospital Onitsha, Anambra State (1965), and Regina Caeli Specialist Hospital, Awka, Anambra State(1981). Closely associated with hospitals are Catholic maternities that spread across the country which guaranteed safe child delivery.

iii. Civil-Political, Socio-Economic And Cultural Rights

Apart from particular human rights like education and health rights that have particular agencies of the church that cater for them, all human rights concerns are entrusted to the Justice Development and Peace Commission (JDPC) that exists in the dioceses with the national office at the Catholic Secretariat, Abuja. The tasks for the commission include democracy and human rights advocacy, integrated development programmes, and community service programmes. The community service programmes of the commission include justice delivery through alternative dispute resolution (ADR), financial assistance to the less privileged members of the community, skill acquisition trainings, democracy advocacy programmes like election monitoring, and legal aid services. The JDPC does not operate only at the diocesan level, it is also established in the parishes for its services to reach the grassroots. It is the local extension of the work of the Pontifical Council for Justice and Peace, an arm of the Holy See.

iv. Right to Life

The Catholic Church in Nigeria just like the universal Catholic Church is a known defender of the right to life particularly in the contexts of the abolition of capital punishment, and prolife movements. The prolife movement is an anti-abortion movement that believes that life begins from

[29] *Ibid.*

[30] St. Gregory College, Lagos; Christ the King College, Onitsha; College of Immaculate Conception, Enugu; St. Patrick's College, Asaba;

conception and ends at natural death, and not any other time. Thus, abortion is prohibited except for therapeutic purposes. On the abolition of capital punishment, St. Pope John Paul II wrote:

> *"The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate, and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. . . . I renew the appeal I made . . . for a consensus to end the death penalty, which is both cruel and unnecessary."*[31]

v. Right to Freedom of Thought, Conscience and Religion

This is the right on the basis of which the Church exists and operates legitimately. This right is protected and promoted to the extent that the church freely accomplishes its religious roles. This freedom, however, cannot be said to be enjoyed equally in the country with the wanton persecution of the Church in the northern part of the country with Muslim majority where denial of access to land for religious purposes, discrimination of Christians in government employment and university admissions are the order of the day. This notwithstanding, the Church respects the right to freedom of thought, conscience, and religion of others. The teaching of the Second Vatican Council in the Declaration on Religious Liberty sets the tone for this when it says:

> *"The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups, and every human power so that, within due limits, nobody is forced to act against his convictions in religious matters in private or in public, alone or in association with others. The Council further declares that the right of religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself. This right of the human person to religious freedom must be given such recognition in the constitutional order or society as will make it a civil right."*[32]

Consequently, the State should not be party in any form or shape to punishing anyone for choosing to have no religion or for choosing to change his/her religion.

vi. Right to Culture and Abolition of Harmful Customs: Osu Caste System, Harmful Widowhood Practices, Killing of Twins

The church is in continuous dialogue with cultures in Nigeria with the view to shoring up the dignity of the human person, the subject of all dimensions of the human society, including culture. In this dialogue the Church tries to understand the cultures with a view to helping them attain their destiny, serving the good of the human person and his society. Culture, when applied to a society, refers to the beliefs, customs, arts, *et cetera* of that society.[33] Guided by man's inherent nature, destiny and ethical directions from it, the church has been able to promote and protect cultures in Nigeria by helping in the abolition of certain harmful customs. Instances of such customs include killing of twins, killing of a child that first grows the upper teeth, and many harmful widowhood practices. The *Osu* caste system is one practice that the Church has helped to stop in many communities that earlier practiced it. With positive inputs from the church the custom of a long mourning period in many communities has been drastically reduced. The church has and still

[31] Pope John Paul II, *Papal Mass, St. Louis, Missouri*, January 27, 1999
[32] *DH*, #2.
[33] The Britannica Dictionary, 'Culture', <https://www.britannica.com/dictionary/culture>, accessed 1 December 2024.

uplifts human rights in Nigeria. She purifies the customs and makes them supportive of human dignity. She supports and uplifts dignifying customs while helping to see that customary elements that derogate from human rights and dignity are dropped.

5 Some Challenges to the Church in Promoting and Protecting Human Rights in Nigeria

Ironically, while making efforts to promote and protect human rights in Nigeria, the Church herself is a victim of human rights deprivations. The Church shares this predicament with other Christian bodies. Headings like 'You Can Kill Christians In Northern Nigeria Without Consequences – Bishop Kukah'[34], 'Nigeria: Christians Not Allowed Places of Worship in Some Northern Universities'[35] and 'No Place to Hide: Christianity in Northern Nigeria'[36]communicate the vulnerability of Christians in northern Nigeria. Referring further to the persecution of Christians in northern Nigeria, Bishop Kuka said:

> *'Many people today still have a caliphate mentality that those who are not part of us must be against us. And this is the fate of Christians and Christianity in many parts of Northern Nigeria today, where Christianity is being tolerated. Christians are being denied lands to build churches, and it is not seen as a problem.'*[37]

Corroborating Bishop Kuka, Burkle wrote:

> *Persecution is systemic, largely regionalized, and takes many forms. Whether this looks like denying Christians permits and acceptance to school or whether it means burning property and murdering those of faith, many Nigerian Christians live under constant pressure because of their faith. Christians living in the Muslim-dominated northern and Middle Belt regions are the frequent targets of militant groups like Boko Haram and radical Fulani herdsmen. Some sleep in the bush at night in fear that their homes will be attacked.*[38]

6 Conclusion and Recommendations

Human rights as expounded by the UDHR are embraced, promoted and protected by the Catholic Church since the pontificate of St. Pope John XXIII who in the encyclical letter, *Pacem in Terris* presented human rights as necessary fallouts from the inherent and natural dignity of the human person. Immediately after *Pacem in Terris* came *Dignitatis Humanae* and *Gaudium et Spes* for the protection and promotion of human rights. Ever since then the Catholic Church has been at the forefront in championing the respect of human rights in the global community where the Holy See has ratified many human rights treaties and belongs to many intergovernmental organizations for the advancement of human rights. A particular note on the understanding of human rights by the Catholic Church is that she sees human rights more than mere articulations and propositions of the United Nations. She them as moral declarations deriving from the inherent dignity of the human person as well as from the inherent nature of the human society. For this, the passion of the Catholic Church for human rights is for all human beings regardless of religion, ethnicity, gender or social status. The passion of the Catholic Church for human rights is also for all societies and

[34] Mouthpiece Nigeria, 'You Can Kill Christians In Northern Nigeria Without Consequences – Bishop Kukah', <https://mouthpiecengr.com/2024/08/you-can-kill-christians-in-northern-nigeria-without-consequences-bishop-kukah/>, accessed 11 January 2025.

[35] Persecution.Org: International Christian Concern, <https://www.persecution.org/2018/08/16/nigeria-christians-not-allowed-places-worship-northern-universities/>, accessed 11 January 2025.

[36] Linda Burkle, <https://www.persecution.org/2020/03/02/no-place-hide-christians-northern-nigeria/>, accessed 11 January 2025.

[37] Mouthpiece Nigeria, 'You Can Kill Christians in Northern Nigeria Without Consequences – Bishop Kukah'.

[38] Linda Burkle, 'No Place to Hide: Christianity in Northern Nigeria', accessed 11 January 2025.

communities. For the Catholic Church, human rights therefore cannot be reduced simply to a creation of the State, or a political community such that what constitutes a human right is subjected to a democratic process in disregard of the inherent nature of the human person and the human society. Such an orientation to human rights is rather destructive to the human person and human dignity, and to the human society. Such an orientation diminishes instead of uplifting human dignity. This positive understanding of human rights by the Catholic Church is what the Catholic Church promotes and protects in Nigeria in her missionary apostolate and activities in evangelism, education, healthcare delivery, civil-political formation, socio-economic empowerments, cultural interface, *et cetera.* The CBCN complements the efforts of the respective dioceses in this regard with its own agencies like Caritas Nigeria, which is an NGO that promotes good governance and pursues anti-human trafficking initiatives in the country. In Nigeria, Catholic Church is a strong and dependable stakeholder in the promotion and protection of human rights.

This paper calls on all Nigerians to recognize and respect the human rights of every individual regardless of religion, tribe, ethnicity, and social status as a veritable means of retrogressing the palpable divisions and tensions in the society. The ruling class in Nigeria is called upon to decimate the multidimensional poverty and suffering in the country by pay preeminent attention to the human rights of the governed, the true sovereigns in the land, and not treat them like a 'conquered people' whose human rights matter very little.