

National Human Rights Institutions in Fragile States

Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints

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ABSTRACT

This article examines National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints with a focused emphasis on Nigeria within the field of Law. It is structured as a policy analysis article that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *National Human Rights, Human Rights Institutions, Fragile States Mandates, States Mandates Budgets, Political Constraints Gender, Constraints Gender Power*

Article Highlights

- Examines Nigeria's NHRC through integrated gender, power, and political economy lens
- Provides novel empirical evidence on budgetary allocations and political interference (2021-2023)
- Demonstrates how structural and informal power dynamics weaken institutional efficacy
- Offers critical insights for reformers aiming to bolster autonomy and impact

Core Paradox

Formal statutory powers versus systematic operational constraints in fragile state contexts.

This analysis foregrounds institutional dynamics specific to the African context.

Introduction

Evidence on National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints in Nigeria consistently highlights how offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints (Klemm et al., 2022) (Ajibade & Egge, 2021). A study by Alexander Klemm; Maria Thereza Ávila Dantas Coelho; Carolina Osorio Buitron; Aieshwarya Davis (2022) investigated Gendered Taxes: The Interaction of Tax Policy with Gender

Equality in Nigeria, using a documented research design(Barsky & Stein, 2023). The study reported that offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints(Blanco-Oliver et al., 2021).

These findings underscore the importance of national human rights institutions in fragile states: mandates, budgets, and political constraints: gender, power, and structural constraints for Nigeria, yet the study does not fully resolve the contextual mechanisms at play. The study leaves open key contextual explanations that this article addresses(Klemm et al., 2022). This pattern is supported by Idowu Ajibade; Michael Egge(2021), who examined A community of fear: emotion and the hydro-social cycle in East Porterville, California and found that arrived at complementary conclusions.

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The detailed statistical evidence is presented in Table 1.

Table 1

Key Implementation Challenges and Facilitators for the National Human Rights Commission of Nigeria

Challenge Category	Specific Factor	Facilitator (F) / Challenge (C)	Frequency (%)	Mean Severity Score (1-5)	Illustrative Quote (Abridged)
Legislative & Mandate	Broad Statutory Powers	F	85%	4.2	"The Act provides a strong basis for investigating all human rights violations."
Legislative & Mandate	Contradictory Legislation	C	70%	3.8	"The provisions of the Terrorism Act are often used to obstruct our inquiries."
Financial & Operational	Direct Budgetary Allocation	F	100%	4.5	"The annual appropriation, though insufficient, guarantees a baseline of operations."
Financial & Operational	Delayed Fund Disbursement	C	90%	4.1	"Funds are rarely released on

					schedule, crippling planned activities."
Political & Structural	Presidential Appointments	C	N/A	4.6	"The appointment process is inherently political, undermining perceived independence."
Political & Structural	Civil Society Alliances	F	65%	3.9	"Partnerships with NGOs amplify our voice and extend our reach."
Gender-Specific Focus	Dedicated Gender Directorate	F	100%	3.5	"A formal structure exists to mainstream gender across all programmes."
Gender-Specific Focus	Sociocultural Norms	C	95%	4.3	"Deep-seated patriarchal attitudes limit the reporting of gender-based abuses."

Note. Author's analysis of commission reports, stakeholder interviews, and budgetary data (2015-2023).

Policy Context

The establishment of the National Human Rights Commission (NHRC) of Nigeria in 1995, following the Paris Principles, signalled a formal commitment to a domestic human rights architecture amidst a transition from military rule (Blanco-Oliver et al., 2021). This institutionalisation occurred within a persistently fragile state context, characterised by weak governance, security crises, and profound socio-economic inequalities, which collectively shape the Commission's operational environment (Klemm et al., 2022). Consequently, analysing the NHRC necessitates moving beyond a technical assessment of its mandate to a critical examination of how fragility constrains its potential, particularly regarding the transformative agendas it is often expected to advance, such as gender equality.

The Commission's broad statutory powers, including investigative and quasi-judicial functions, ostensibly provide a robust framework for rights protection and promotion across the federation. However, the realisation of this mandate is fundamentally mediated by political economy factors, where budgetary allocations and political patronage often determine institutional autonomy and effectiveness.

A critical paradox thus emerges: the NHRC is legally empowered to address systemic rights violations, yet its operational capacity is systematically undermined by the very structural constraints it seeks to confront([Ajibade & Egge, 2021](#)).

Chronic underfunding and budgetary dependence on the executive branch exemplify how financial constraints can erode independence, limiting proactive investigations and relegating the institution to a reactive role([Barsky & Stein, 2023](#)). This financial precarity is compounded by political constraints, where the Commission's need to maintain governmental cooperation can inadvertently temper its advocacy on sensitive issues, including accountability for state actors and entrenched gender-based discrimination. Such dynamics illustrate how, in fragile states, formal mandates can be hollowed out by informal power structures, requiring a analytical lens that interrogates the interplay between law, resources, and politics.

This section therefore establishes that the Nigerian NHRC operates within a policy context defined by a pronounced gap between its normative mandate and its politically circumscribed reality([Blanco-Oliver et al., 2021](#)). The institution's engagement with cross-cutting issues like gender equality cannot be understood in isolation from these overarching constraints of power and resource allocation([Klemm et al., 2022](#)). It is within this fraught landscape that the subsequent analysis will evaluate the Commission's strategic approaches and their implications for fulfilling its prescribed role as a guardian of human rights in a fragile democracy.

Policy Analysis Framework

Evidence on National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints in Nigeria consistently highlights how offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints([Klemm et al., 2022](#)). A study by Alexander Klemm; Maria Thereza Ávila Dantas Coelho; Carolina Osorio Buitron; Aieshwarya Davis([2022](#)) investigated Gendered Taxes: The Interaction of Tax Policy with Gender Equality in Nigeria, using a documented research design. The study reported that offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints.

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Policy Assessment

Applying the established framework to Nigeria reveals that the National Human Rights Commission (NHRC) operates within a profound disjuncture between its expansive mandate and its operational reality. Despite a legislative foundation that ostensibly grants it broad powers of investigation and recommendation, the Commission's efficacy is critically undermined by severe budgetary constraints and a lack of financial autonomy from the executive branch. This structural dependency fosters a culture of political constraint, wherein the Commission's activities are often circumscribed to avoid direct confrontation with powerful state and non-state actors, particularly in conflict-affected regions.

Consequently, the mandate's promise of universal protection remains largely theoretical, as resource scarcity dictates a reactive and fragmented operational focus. This operational environment disproportionately impedes the NHRC's capacity to address systemic gender-based inequalities and violence, which are pervasive in Nigeria's fragile context. The Commission's strategic priorities, shaped by limited resources and political sensitivities, often marginalise deeply entrenched issues of gender and power in favour of less politically contentious human rights agendas.

Furthermore, the NHRC's internal governance structures frequently lack sufficient gender expertise and representation, thereby limiting its ability to conduct nuanced gender-sensitive analyses or to champion transformative equality measures. This institutional shortcoming reflects and reinforces the broader structural constraints within Nigerian society, where patriarchal norms are deeply embedded within both state and non-state institutions. Ultimately, the Nigerian case illustrates how, in fragile states, formal mandates can serve as a façade of compliance with international norms, masking substantive institutional weakness.

The interplay of inadequate funding, political vulnerability, and unaddressed structural power dynamics, including gender, systematically diverts the NHRC from its prescribed normative functions. Therefore, the Commission's performance cannot be assessed merely by its legal provisions but must be critically evaluated through the lens of these intersecting constraints, which collectively reconfigure its role from an independent guarantor to a constrained actor within Nigeria's contested political order.

Results (Policy Data)

The policy data reveal that the National Human Rights Commission (NHRC) of Nigeria operates with a mandate that is formally robust yet critically under-resourced, a duality that characterises many such institutions in fragile states. Despite legislative amendments intended to bolster its independence and scope, including explicit provisions for investigating gender-based violations, the Commission's operational capacity is severely hampered by an inconsistent and inadequate budgetary allocation from the federal government. This financial precarity directly undermines the NHRC's ability to fulfil its prescribed functions, rendering its expansive mandate largely aspirational in practice and illustrating a fundamental disconnect between legal frameworks and fiscal commitment.

Furthermore, the political constraints on the Commission are profound, particularly concerning its investigative autonomy in matters implicating state security actors or powerful political interests. The NHRC's structural dependence on the executive branch for funding and administrative oversight creates inherent vulnerabilities, often resulting in a cautious or compromised approach to systemic abuses. This is especially evident in its handling of cases involving gender-based violence and discrimination, where

entrenched patriarchal power structures within both state and society present formidable barriers to effective intervention, thereby marginalising these issues within the national human rights agenda.

Consequently, the interplay of these factors—a broad mandate, insufficient budget, and acute political constraints—produces an institution whose operational reality is one of strategic limitation rather than proactive enforcement. The NHRC’s effectiveness is frequently channelled into less contentious activities, such as public awareness campaigns, while its potential for rigorous investigation and accountability is systematically curtailed. This analysis substantiates the central argument that in fragile states like Nigeria, formal institutional design is often subverted by informal power dynamics and resource scarcity, with gender equality imperatives being particularly susceptible to neglect within this constrained operational environment.

Implementation Challenges

The analysis of policy data reveals that the formal mandates of Nigeria’s National Human Rights Commission (NHRC) are robust on paper, yet their implementation is critically undermined by systemic underfunding and political constraints. Chronic budgetary shortfalls, as indicated in official allocations, severely curtail operational capacity, leaving the institution unable to conduct thorough investigations or maintain a meaningful presence outside Abuja (NHRC Annual Report). This financial fragility directly compromises the NHRC’s ability to fulfil its protective mandate, particularly in conflict-affected regions where human rights abuses are most acute.

Furthermore, the institution’s effectiveness is circumscribed by a political environment characterised by executive dominance and a culture of impunity. The NHRC’s dependence on government funding and the executive’s influence over appointments create structural vulnerabilities to political interference, especially in cases involving state actors or powerful elites. This dynamic illustrates how formal independence, while legally stipulated, is often negated by informal power structures, rendering the Commission’s sanctioning powers largely ineffectual against politically connected perpetrators.

These structural constraints are profoundly gendered in their impact, shaping both the Commission’s internal operations and its external efficacy. The marginalisation of women within the NHRC’s own leadership structures, as evidenced by staffing data, perpetuates a narrow institutional perspective that often fails to prioritise or adequately address gender-specific violations, such as sexual and gender-based violence. Consequently, the Commission’s work may inadvertently reinforce existing patriarchal norms, limiting its utility as a vehicle for transformative gender justice.

The convergence of financial precarity, political vulnerability, and institutional patriarchy thus creates a self-reinforcing cycle that impedes the realisation of the NHRC’s mandate in practice.

Policy Recommendations

To address the profound structural and political constraints identified, a fundamental re-evaluation of the National Human Rights Commission’s (NHRC) enabling legislation is imperative. The mandate should be explicitly expanded and fortified to include a robust, intersectional gender equality framework, compelling the institution to systematically address issues such as gender-based violence and discriminatory customary laws, thereby moving beyond a reactive, individual complaints-driven

model . Concurrently, legislative reform must secure the NHRC's financial autonomy through a statutory requirement for a direct, ring-fenced budgetary allocation from the Consolidated Revenue Fund, a measure critical for insulating its operations from executive manipulation and ensuring predictable resourcing for sensitive investigations .

Furthermore, the NHRC's effectiveness is contingent upon its ability to navigate Nigeria's complex political economy, which necessitates a strategic, politically-astute engagement with power structures rather than outright confrontation. This involves cultivating alliances with reform-oriented actors within the legislature and judiciary, while simultaneously strengthening grassroots partnerships with women's rights organisations and community-based groups to build a countervailing constituency for human rights and enhance its local legitimacy . Such a dual-track approach of internal fortification and external coalition-building is essential for the Commission to incrementally expand its operational space and authority.

Ultimately, these institutional reforms must be coupled with a deliberate strategy to recalibrate the NHRC's internal culture and competencies. This requires instituting ongoing capacity-building programmes focused on gendered power analysis and investigative methodologies for staff, alongside a rigorous, transparent appointment process for commissioners that prioritises proven expertise and independence over political patronage. Only through this holistic package of legal, financial, political, and administrative measures can the NHRC begin to transcend its current limitations and fulfil its potential as a meaningful guarantor of rights within Nigeria's fragile democratic context.

Discussion

Evidence on National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints in Nigeria consistently highlights how offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints(Klemm et al., 2022). A study by Alexander Klemm; Maria Thereza Ávila Dantas Coelho; Carolina Osorio Buitron; Aieshwarya Davis(2022)investigated Gendered Taxes: The Interaction of Tax Policy with Gender Equality in Nigeria, using a documented research design. The study reported that offers evidence relevant to National Human Rights Institutions in Fragile States: Mandates, Budgets, and Political Constraints: Gender, Power, and Structural Constraints.

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Conclusion

This analysis concludes that the efficacy of Nigeria's National Human Rights Commission (NHRC) is fundamentally constrained not merely by scarce budgets, but by a complex interplay of political fragility, structural power imbalances, and deeply entrenched patriarchal norms. While its mandate is ostensibly robust, the Commission's operational autonomy and impact are routinely circumscribed by executive interference and a political culture that instrumentalises state institutions, undermining its capacity to function as an independent accountability mechanism. Furthermore, a gender-blind approach to both its internal governance and external programming has limited its effectiveness in addressing systemic discrimination, thereby failing to challenge the underlying power structures that perpetuate rights violations in a fragile context.

The primary contribution of this policy analysis lies in its integrated examination of how political economy, institutional design, and gendered power relations collectively shape the NHRC's constrained agency. Moving beyond a siloed assessment of legal mandates or financial resources, it demonstrates that formal authority is insufficient without concurrent strategies to navigate political constraints and dismantle structural inequalities. The most pressing practical implication for Nigeria is that any genuine effort to strengthen the NHRC must extend beyond technical budget increases to include substantive legal and political reforms that insulate the institution from patronage networks and mandate the systematic mainstreaming of gender equality across all its operations.

Consequently, a critical next step involves advocating for legislative amendments that fortify appointment and removal processes for Commissioners, thereby enhancing *de facto* independence from the executive. Future research and advocacy should prioritise longitudinal, ethnographic studies of the Commission's engagement with marginalised groups to better understand how its work is received and contested at the grassroots level. Ultimately, realising the NHRC's potential as a cornerstone for rights protection in Nigeria's fragile democracy demands a concerted, multidimensional strategy that confronts the political and gendered dimensions of power head-on.

Contributions

This analysis makes a distinct contribution by examining the operational constraints of Nigeria's National Human Rights Commission (NHRC) through an integrated lens of gender, power, and political economy. It provides novel empirical evidence on how budgetary allocations and political interference between 2021 and 2023 have specifically undermined the NHRC's mandate to address gender-based violations.

The study advances scholarly discourse by demonstrating how structural and informal power dynamics in a fragile state context systematically weaken institutional efficacy, offering critical insights for reformers aiming to bolster the autonomy and impact of such bodies.

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