

## **CHALLENGES OF HUMAN RIGHTS ABUSES IN NIGERIAN DEMOCRATIC GOVERNANCE – WHICH WAY FORWARD?**

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### **ABSTRACT**

*The Universal Declaration of Human Rights (UDHR) was unanimously adopted and proclaimed by the United Nations through the General Assembly Resolution 217A(111) on the 10<sup>th</sup> of December, 1948. Since its declaration, it has become fashionable for most countries of the world (Nigeria inclusive) to entrench the catalogue of rights in their national constitutions. Regrettably, in Nigeria and indeed in Africa, people are usually subjected to physical and mental torture. The case of accidental discharges, domestic violence, detention without trial, kidnappings, and police brutality are common occurrences. In short, the Nigerian experience has shown the level at which peoples' integrity and dignity are not respected and protected in the society. It is against this backdrop that this paper examines the challenges of human rights abuses in Nigeria. It also explores some conceptual clarifications and further examines various threats to human rights in Nigerian society. The paper concludes by recommending among others, the strengthening of independence of the judiciary, press freedom, democratic rules/principles, human rights education and public vigilance to curtail human rights abuses and promote good governance in Nigeria.*

**Keywords:** Democracy, Extra-judicial, Governance, Human rights, Killings, Nigeria, Violations.

**Word Counts:** 4,569.

### **Contribution/ Originality**

This study exposed the gravity of human rights abuses in Nigerian democratic governance. It equally highlighted the effects of human rights abuses in Nigeria and made recommendations on how to prevent its occurrences in the future.

### **1. INTRODUCTION**

Despite more than a decade of democratic governance and endorsement of universal declaration of human rights charter, Nigerians still face a lot of human rights abuses. This is because contrary to democratic ethos, the state is still largely authoritarian in leadership and security operations (Akhaime and Chizea, 2011). Cases of human rights violations which McCulley (2013) described as becoming a culture of impunity in the country includes extra-judicial killings, illegal detention, destruction of property by security forces etc. Even studies by researchers

(Adetoro, 2012a; Oladunjoye and Omemu, 2013; Udama, 2013; Ojo *et al.*, 2014) acknowledged the role of extra-judicial killings of Mohammed Yusuf and other Boko Haram leaders in escalating the sectarian violence that nearly consumed the whole of North Eastern Nigeria. Kidnapping for ransom and rituals are also alarming (Agabe, 2013; Atoyebi, 2014). Other forms of human rights abuses in Nigeria include motorists' harassment and extortion by security personnel, political assassinations, undemocratic imposition of candidates in leadership and intimidation of political opponents (Akhaine and Chizea, 2011); rape, child abuse, education denial and domestic violence (Adesupo, 2013; Ayegboyin, 2013; Ayoola, 2013; Hamzat, 2013; Salahudeen, 2013). It is against these backgrounds that this paper examined the challenges of human rights abuses in Nigerian democratic governance and suggested the ways out of the menace.

## 2. CONCEPTUAL CLARIFICATIONS

**Human Rights:** Human rights are the fundamental features of any true democratic setting because the essence of democracy itself is based on the idea of human rights. Human rights are mostly viewed as the inalienable rights of people (Enebe, 2008). They are the legal entitlements which every citizen could enjoy without fear of the government or its fellow citizens. To Kaluge (2013),

*Human rights are those rights which cannot be said to have been given to man by man but are earned by man for being a human because these are necessary for his continuous happy existence with himself, his fellow man and for participation in a complex society (P.4).*

On a wider perspective, basic issues involved in fundamental human rights are (a) freedom rights – freedom from oppression in its various forms, (b) participation rights – in the decision making processes in various sphere of life, (c) benefits right – to food, work, medical care, education, etc (Ndifon, 2013). In a study of the development and evolution of human rights (Enebe, 2008; Nwaofor, 2010; Kaluge, 2013; Ndifon, 2013) classified the stages in the growth of human rights into three generations, viz: civil and political rights; economic, social and cultural rights; and solidarity or community rights.

**Human Rights Abuse:** Hornby (2000) in the Oxford Advanced Learners Dictionary (6<sup>th</sup> Edition) defined abuse as unfair, cruel or violent treatment of somebody. Along the same view, Longman Dictionary of Contemporary English described it as the act of using something in a way that it should not be used. Human right abuse is a violation of human right. It also means denying human his fundamental human rights as it involves treating man in a cruel, unfair and violent way or less human. In the recent past, human rights violations and abuses in Nigeria had held people down and devalued the nation's cherished values (Nnochiri, 2013).

**Democratic Society:** In the words of the former President of America – Abraham Lincoln, democracy is a government of the people, by the people and for the people. It is a form of government whereby power flows from the citizens/people to the rulers. A democratic society is founded upon freedom, justice and the good treatment of all citizens by the state; it must be an

ordered and stable society, one infused with the spirit of liberty, justice and the rule of law and order (Preshstore, 2013).

**Good Governance:** This involves the act of exercising authority over the affairs of others or a country with justice and fairness. Preshstore (2013) viewed good governance as a controlled authority in a rightful manner; and which must be within the tenets of democracy which must coincide with the interest of the majority in the society. For good governance to be ensured in a given society there should be positive values in government as a discourse to be cultivated and engaged with, to ensure effective service delivery.

### 3. THREATS/VIOLATIONS OF HUMAN RIGHTS IN NIGERIAN SOCIETY

Nigeria is among the countries where human right abuses are recorded daily and virtually in all human endeavours. Below are some of the routinely abused human rights in Nigeria.

#### A. Unlawful Violation of Civil, Political and Moral Rights (First Generation Rights)

Nigerian citizens had their political rights violated through intimidation, undemocratic imposition of candidates for political offices, assassination and the huge finances on prebendal political environment (Akhaine and Chizea, 2011). Specifically, the violations of civil, political and moral rights include;

##### i. Abuse of Right to Life

This human right violation is mostly found in torture and extra-judicial killings by government security operatives. For instance, Ero (2009) reported that over 20,000 civilians were massacred with other 50,000 displaced from their homes as a result of the brutal handling of the Niger – Delta crises by the Joint Military Task Force (JTF). Earlier, the death of about 50 persons on 25<sup>th</sup> February, 2008 was caused by the Nigerian police in Ogaminana outskirts of Okene in Kogi State.

Akhaine and Chizea (2011) reported that 17 people were shot dead by security forces during a protest in Kaduna state on 17<sup>th</sup> April and another 118 killed on 27<sup>th</sup> April in the same state with several houses burnt. Abbah (2013) and Adetayo (2013) further observed that over 300 people were killed in the Fulani/Farmers clashes that lasted for 5 months in Nigeria.

Reuters (2012) noted the brutal killing of more than 700 lives in Bauchi, Maiduguri and Damaturu as a result of the Boko Haram rootless attack on the civilians. Furthermore, in a latest report on Boko Haram activities, Osun Defender (2014) submitted that civilians in Nigeria are paying heavy prices as ‘cycle of human rights violations and reprisals gather momentum’ because according to the 2014 Amnesty International report, “more than 1,500 deaths in three months indicate an alarming deteriorations...in the face of extra-judicial executions, attacks on civilians and other crimes committed on a mass scale” (p.1). Even though, the Amnesty report observed the rising number of Boko Haram attacks as “truly shocking” but it also noted the reaction of Nigerian security forces as “brutal” with both serving as acts that may constitute “war crimes and crimes against humanity” calling for immediate investigation and prosecutions (Amnesty, 2014).

### **ii. Abuse of Right to Freedom of Movement**

This human right violation is found in kidnapping and disappearance which has been on the increase in Nigeria. The situation is worst in Abia State due to cases of all forms of kidnapping: including kidnapping of children, women and other civilians (Kaluge, 2013). While Oyewale (2010) acknowledged the daily occurrence of domestic terrorism (brutal kidnapping) in the Niger-Delta between 2006 and 2009, Azania (2013) equally reported how Edo varsity lecturers lamented daily affairs kidnapping of their colleagues. This worrisome physical human right abuse is even preponderant all over Nigeria today.

### **iii. Abuse of Right to Freedom of Religion**

Contrary to the provision of secularity in Nigeria's constitution, Adeniji (2008) and Oyeweso (2013) reported frequent human right abuses among cleric fundamentalists. According to Adeniji (2008), over 1,000 reported cases of clashes between the Christian and the Muslim adherents were recorded in Nigeria between 2001 and 2008. Musa and Adeniji (2010) equally acknowledged the destruction to lives and properties by frequent clashes in Abeokuta South Local Government in Ogun State between 1980 and 2007.

### **iv. Abuse of Right to Freedom of Assembly**

The Nigerian government is known to oppose anti – government protest and demonstration. For instance, on 3<sup>rd</sup> January 2009, police in Okeagbe, Ondo State allegedly killed and wounded some youths who demonstrated against local police extortion. Equally, political killings were reported by Ariyibi (2013) in Ekiti following clashes between rival political parties while Kayode-Ayodeji (2013) reported that rioters stripped a ruler naked after severe beating by angry mobs in Ogun State. Indeed, Akhaine and Chizea (2011) reported that some politicians in Nigeria maintain a retinue of thugs that often perpetuate acts of violence against their opponents.

On February 18, 2012, Sahara news reported that activists condemned the police disruption of political memorial procession for the last year's martyrs on fuel price increase. Indeed, Aremu (2012) reported that over 20 tear – gas canisters were used to disperse the protesters and several leaders of the protesters were whisked away and detained for several hours in Alausa police station. Even, in the recently held and inconclusive Anambra state governorship election, the Daily Trust and This Day Newspapers of 20<sup>th</sup> and 21<sup>st</sup> November, 2013 respectively reported the continued detention of 182 election observers by the Nigerian police (Adebayo, 2013; Ezigbo, 2013). It is regrettable to note that the Nigerian government has continually failed to address this kind of human right abuses and punish the offenders.

## **B. Unlawful Violation of the Economic, Social and Cultural Rights (Second Generation Rights)**

The citizens' entitlements violated under this kind of human right abuses are:

### **i). Abuse of Right to Education**

Although education is an instrument per excellence for effecting national development, it is regrettable to note that corruption, bribery and nepotism are ill vices in the Nigerian educational system. Equally, some state-owned universities do not give equal admission opportunities to all Nigerians while the university council considered some states in Nigeria as education less privileged. Indeed, Nigerian citizens are supposed to have free education as contained in the Fundamental Objectives and Directive Principles of State Policy, but in practice, some states and federal schools where this has been implemented students still pay fees.

As a fall – out of denial to right to education, [Olubodun \(2008\)](#) noted that 41 percent of the Nigerian children totaling 7.5 million were out of school in 1997 and by 2005 (as reported by [\(Oladosu, 2008\)](#)), the figure had risen to 19.8 million children. Although, it appears the figure had dropped to about 8 million in 2011 (according to the Former Minister of Education, Prof. Ruqqayat Rufai) but the situation is that a sizeable number of eligible Nigerian children are still out of Basic Education amounting to existence of denial of education rights.

### **ii). Violations of Right to Standard of Living**

It is regrettable to note that this violation is been caused by the quantum of corruption in public services. Corruption has generally eaten deep into the fabric of Nigerian society. It is an abuse of the citizens' rights to have corrupt leaders in the public services. According to [Adetoro \(2012b\)](#), Nigeria as a 'cesspool of corruption' still suffers denial to cheaper availability of fuel products arising from fuel subsidy scandal that led to over-invoicing of imported petroleum products. This happened in a country where over 70 percent of the populace lives below 1 dollar per day ([UNDP, 2011](#)). This represents a flagrant violation of peoples' right to improved standard of living.

## **C. Unlawful Violation of Solidarity or Community Rights (Third Generation Rights)**

### **i. Abuse of Right to Clean and Healthy Environment**

Certain segments of Nigerian society have been deprived of the right to safe, clean and healthy environment. For instance, the conflict in the Niger-Delta region is partly as a result of an abuse of environmental right. It is on this light that the environmental activists like Ken Saro Wiwa along with others were extra-judicially hanged by the government in 1995. Furthermore, [Awah \(2009\)](#) noted how the rights of women were frequently abused in Nigeria under trafficking circumstances. Equally, it was observed that out of about 8 million children destitute in Nigeria, 7 million of them constitute street beggars known as 'Almajirai' in Northern Nigeria ([Ahmed, 2007](#); [Obioha, 2009](#)); ([Adetoro, 2010](#)). [Danladi \(2009\)](#) further lamented the state of neglect, harm, abuse, exploitation and deprivation that orphans and vulnerable children were subjected to in Nigeria.

### **ii. Prison/Prisoner's Rights**

The Nigerian prison system is nothing but a living hell. Those who came out of it after serving their sentences hardly get reformed; in fact they become hardened recidivists. Among the

problems of the Nigerian prison system is the existence of a large population of those awaiting trial. This always leads to congestion in the prison cells as a result of deficit in prison infrastructures (Ndifon, 2013). These conditions are outright acts of violation of the human rights of the inmates. Equally, prisoner's right to court is impeded by failure to provide vehicles to convey them to court and inadequate medical care is impeded by shortage of health facilities.

### iii. Abuses of the Right to Self Determination

The struggle for freedom or self-determination has been at the frontline of most agitators from different ethnic nationals in Nigeria. This right to self-determination has been the major agitation by the Niger – Delta people, the Movement for the Actualization of the sovereign states of Biafra (MASSOB) and so on. The struggle often leads to armed conflict resulting to loss of lives and properties among others. Indeed, the [Human Rights Watch \(2011\)](#) observed that more than 15,700 people had been killed in inter – communal, political and sectarian violence between 1999 and 2011. Today, the casualties figure would have been doubled due to the insurgent activities of Boko Haram.

## 4. EFFECTS OF HUMAN RIGHTS ABUSE IN NIGERIA

Human rights abuse in Nigeria often leads to poverty which is so prevalent due to massive abuse of public fund. This is as a result of high rate of unemployment which has resulted in youth's involvement in crimes such as armed robbery, internet scams and kidnapping for survival. Secondly, human right abuse has obvious hindrance to national development. Thirdly, it also breeds high insecurity rate as a state of anarchy had given room to lack of protection of lives and properties as witnessed under conflicts in the Niger Delta region and the various ethno – religious violence. Equally, the poor health care facilities and diseases are as a result of government non-challant attitude to the well-being of the citizens. Human right abuse has created unlawful detention and lawlessness with gross violation of the rule of law. Furthermore, human right abuse makes people unpatriotic as most Nigerians are not proud of calling Nigeria their fatherland. This is why many citizens of Nigeria seek ways of leaving the country in search of safety and prosperity abroad.

## 5. THE WAY FORWARD

From the foregoing, it is evident that human rights abuse is a menace to any society because of its consequences. To overcome these challenges, the following recommendations are made:

The Nigerian government should take more proactive campaign against corruption and strengthen the country's anti – corruption institutions. This is because corruption serves to promote criminal and extremist activity by creating barriers to legitimate socio – political and economic endeavours. By attacking corruption, Nigeria will send a clear signal that the country is indeed committed to good governance, to the security of its citizens and to its rightful place as a significant actor on the global stage (McCulley, 2013).

The government has to amend some clauses in the Nigerian constitution like section 215 (5), 260(1), 275 (1) among others (Ezeanya, 2010). For instance, it is unjust for any government that claims to be secular to put loopholes in her constitution that guarantees state to adopt any religious law (like the enforcement of Sharia law on non- Muslims in the North). Also, if our leaders are genuinely sincere, then there is no reason why a President and Governor could not be questioned on abuse of office in the court of law. Hence, it is recommended that the immunity clauses in our constitution should be removed.

Moreover, freedom of the press and freedom of expression are also fundamental human rights, key to functioning democracies. A vibrant free press is critical to illuminating public discussion on issues arising from Nigeria's democracy, including security and corruption. The silencing of journalists, political critics, and others, whether via arrest and detention, threats or other forms of intimidation should be outlawed in Nigeria. Respect for the rule of law is paramount and must start with the government itself. To this end, government should follow the rule of law. It has to ensure that corruption in the judiciary is stopped and checked by another agency. This will make it easier for the citizens to trust the judiciary and seek redress in court whenever their rights are abused (Kaluge, 2013; McCulley, 2013).

With the restoration of democratic governance in all the countries in West African sub-region, there should be more conscious efforts by Nigerian government to ensure respect for, protection and fulfillment of human rights. This is why the National Human Rights Commission need to be repositioned to effectively discharge its mandate (Nnochiri, 2013). Along the same vein, government should provide Human Right Education to the citizens through media campaigns, lectures, and simulation exercises among others. This will help to educate the citizens on their rights and on how to seek redress when their rights are violated.

However, the Nigerian law enforcement agencies most importantly the Nigerian police needs re-orientation because they need to understand their duties as they have to learn that respecting the rights of the citizens are part of their duties. The military on the other hand should be taught to use less force when called upon to restore law and order. To this end, the government should allow the military to concentrate on defending the state against external aggression than quelling internal unrest. Rather, the police should be beefed-up and well-equipped so that they can combat most internal crimes effectively.

Above all, the citizens should not only help the government to protect their rights but they should also live responsibly to protect the rights of others at all levels of human relationship ranging from the family to the global arena. Hence, citizens should be more patriotic, have respect for the law, assist the law enforcement agencies and co-operate with international organizations on human rights issues.

## 6. CONCLUSION

Human rights abuse has become endemic in Nigeria. This is because individuals, groups and state actors are complicit in this vicious circle. In the recent past, human rights violations and abuses have held our people down, devaluing our cherished values and constituting blight on our

diplomatic relations with the rest of the world. Therefore, Nigerians must come together to combat these ills by impressing upon their democratically elected government that the principles of democracy and human rights must be sacrosanct. The challenges facing Nigeria are not limited to North or South, Christian or Muslim, Igbo, Yoruba or Hausa – Fulani. Democracy as identified earlier is characterized by definite principles. These include, adherence to the rule of law, respect for fundamental human rights and the protection of lives and properties. For a prosperous democratic governance to be realized in Nigeria, true principles of democracy must be imbibed and deepened.

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