



NEAR EAST UNIVERSITY  
INSTITUTE OF GRADUATE STUDIES  
DEPARTMENT OF INTERNATIONAL RELATIONS

**HUMAN RIGHTS VIOLATIONS IN NIGERIA'S FOURTH REPUBLIC (2015-2020):  
A CRITICAL ASSESSMENT**

**M.A. THESIS**

**Sandra UWEH**

**Nicosia**

**December, 2021**

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**Supervisor**

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**December, 2021**

## Approval

We as the jury committee members certify that we have read the thesis prepared by **Sandra Uweh** titled “**Human Rights Violations in Nigeria’s Fourth Republic (2015-2020): A Critical Assessment**” and defended on 23/12/2021 has been found satisfactory for the award of degree of Master of Science (M.Sc.) by our jury.

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## Declaration

I SANDRA UWEH, hereby declare that this Master's thesis titled "Human Rights Violations in Nigeria's Fourth Republic (2015-2020): A Critical Assessment" have been prepared by me under the supervision and guidance of Prof. Dr. Nur Köprülü in partial fulfilment of the Near East University School of Social Sciences rules and ethical guidelines. I also declare that as required by these rules and conduct, I have fully cited and referenced information and data that are not original to this study and to the best of my knowledge have fulfilled all copy rights law and tested for plagiarism.

Sandra UWEH

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## Acknowledgement

This research is dedicated to God for giving me good health and sound mind all through the process. I also dedicate this work to millions of Nigerians all around the world whose rights have been violated in one way or another.

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Sandra UWEH

## ABSTRACT

### **Human Rights violations in Nigeria's Fourth Republic (2015-2020): A Critical Assessment**

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**Masters, Department of International Relations**

**Supervised by Prof. Dr. Nur K PRÜLÜ**

**December, 2021, 137 pages**

The research topic examines the role of the United Nations' human rights covenants and the African Charter in the protection of human rights in Nigeria's Fourth Republic from 2015-2020. The purpose of the study is to critically assess what constitutes human rights violations and to what extent Nigeria complies with the international human rights laws and covenants that has been ratified and is a signatory. The research work is significant because it contributes to existing literature/knowledge through its findings, the factors limiting the UN covenants in protecting and guaranteeing human rights in Nigeria and also Nigeria's compliance with these covenants. It examines to what extent human rights are guaranteed in Nigeria. Furthermore, the study also outlines realistic recommendations that will help in curbing human rights abuses in the country, and also identify the problem inherent in the democratic practice in the country. In achieving the aim/purpose of the research, the study adopts a qualitative method of analysis as it is more effective in analyzing the research data. Secondary sources such as related literature, journals, reports and online sources which include newspapers, blog posts will be adopted in the discourse given the restriction of movement rising from the covid-19 pandemic that makes gathering primary sources/conducting interviews impossible. However, the Freedom House, Human Rights Watch and Amnesty International Reports helped fill the void as first-hand information of victims of human rights violations were documented.

**Keywords:** Human rights, Violations, Nigeria's fourth republic, Compliance, democracy, instruments, laws, UN covenants

## ÖZET

### **Nijerya'nın Dördüncü Cumhuriyeti'ndeki İnsan Hakları İhlalleri (2015-2020): Ele Tirel Bir De erlendirme**

**Sandra Uweh**

**Yüksek Lisans, Uluslararası İlişkiler Bölümü**

**Danışmanı Prof. Dr. Nur KÖPRÜLÜ**

**Aralık, 2021, 137 sayfa**

Ara tırma konusu, 2015-2020 yılları arasında Nijerya'nın Dördüncü Cumhuriyeti'nde insan haklarının korunmasında Birle mi Milletler insan hakları sözleşmelerinin ve Afrika artı'nın rolünü incelemektedir. Çalışmanın amacı, insan hakları ihlallerini neyin oluşturdunu ve Nijerya'nın uluslararası insan hakları yasalarına ve imzalamış olduğu sözleşmelere ne ölçüde uyduunu ele tirel bir şekilde de erlendirmektir. Ara tırma çalışması, bulguları, Nijerya'da insan haklarının korunması ve güvence altına alınmasında BM sözleşmelerini sınırlayan faktörler ve ayrıca Nijerya'nın bu sözleşmelere uyması yoluyla mevcut literatüre/bilgiye katkıda bulunduğunu için önemlidir. Nijerya'da insan haklarının ne ölçüde garanti edildiğini inceler. Ayrıca çalışmada, ülkedeki insan hakları ihlallerinin önüne geçilmesine yardımcı olacak gerçekçi önerilerin ana hatlarını çiziyor ve ülkedeki demokratik pratiğin do asında var olan sorunu tespit ediyor. Ara tırmanın amacına/amacına ulaşmada, ara tırma verilerinin analizinde daha etkili oldu u için çalışmada nitel bir analiz yöntemini benimser. Birincil kaynak toplamayı/mülakat yapmayı imkansız kılan covid-19 pandemisinden kaynaklanan hareket kısıtlaması göz önüne alındığında, söylemde ilgili literatür, dergiler, raporlar ve gazete, blog yazılarını içeren çevrimiçi kaynaklar gibi ikincil kaynaklar benimsenecektir. Ancak Freedom House, İnsan Hakları İzleme Örgütü ve Uluslararası Af Örgütü Raporları, insan hakları ihlallerinin meydana geldiklerine ilişkin ilk elden bilgiler belgelendiğinden bolu un hissedilmesine yardımcı oldu.

**Anahtar Kelimeler:** İnsan hakları, İhlaller, Nijerya'nın dördüncü cumhuriyeti, Uyum, demokrasi, belgeler, yasalar, BM Sözleşmeleri

## Table of Contents

Approval.....	1
Declaration.....	2
Acknowledgment.....	3
Abstract.....	4
Öz.....	5
Table of Contents.....	8
List of Appendices.....	9
List of Tables.....	10
List of Abbreviations.....	12

### CHAPTER I

Introduction.....	13
Problem Statement.....	14
Literature Review.....	14
Scope and Limitations.....	15
Aims and Objectives.....	16
Significance of the Study.....	16
Research Questions.....	17
Methodology.....	17
Thesis Structure.....	18



## CHAPTER II

Historical Background .....	
A Theoretical Framework: Democracy and Democratic Transition .....	20
Post 1999 era: The Constitutional Developments in Nigeria .....	22
Elections in the Fourth Republic .....	23
Policies/ Human Rights under Each Government in the Fourth Republic. ....	25
Olusegun Obasanjo/ Atiku Abubakar Administration (1999-2007).....	26
Umaru Musa Yar' Adua/ Goodluck Ebele Jonathan Administration (2007-2011).....	27
Goodluck Jonathan/ Namadi Sambo's Administration (2011-2015) .....	28
Muhammadu Buhari/Osinbajo's Administration (2015-2020) .....	29
Human Rights Challenges in the Fourth Republic .....	30
Nigerian Legal Framework on Human Rights at the National, International and Regional Levels. .....	31

## CHAPTER III

Conceptualization and Literature Review .....	35
Human Rights Violations.....	<b>Error! Bookmark not defined.</b>
Conceptualizing Democracy/ Democratic Governance .....	36
Conceptualizing the Fourth Republic .....	37
Conceptualizing Human Rights Laws .....	37
A literature Review On Human Rights Violations in Nigeria .....	45

## CHAPTER IV

Role of The UN Icescr and Iccpr in Guaranteeing Human Rights in Nigeria's Fourth Republic:	
An Assessment .....	46
International Bill of Rights .....	46
Universal Declaration of Human Rights .....	47
International Covenants on Economic, Social, and Cultural Rights (ICESCRs).....	48
International Covenant on Civil and Political Rights (ICCPR). .....	48
Assessment of ESCRs Violations in Nigeria under ICESCR and other regional/national instruments (2015-2020).....	49
Economic Rights .....	54
Social Rights of the ICESCR .....	65
Cultural Rights of the ICESCR.....	69
Assessment of Civil and Political Rights in Nigeria under ICCPR and other regional/national instruments (2015-2020).....	93
To What Extent are Human Rights Guaranteed in Nigeria? .....	95

## CHAPTER V

Nigeria and its Compliance with International Human right Instruments	
Nigeria and its compliance with human rights instruments.....	101
Democracy in the Nigeria's Fourth Republic and Human Rights.....	104
International implications of non-compliance with human rights laws/instruments.....	104

## CHAPTER VI

## Conclusion And Recommendation

Conclusion.....	105
Recommendation . . . . .	107
REFERENCES.....	129
APPENDIX A . . . . .	135
APPENDIX B.....	136

## **List of Appendices**

Appendix A. Turnitin Similarity Report

Appendix B. Ethics Committee Approval

## List of Tables

<b>Table 1</b> Showing ratified human rights instrument at the international level.....	31-33
<b>Table 2</b> Showing African Union Human Rights Instruments Ratification Status Year.....	33-34

### List of Abbreviations

<b>\$</b>	Dollars
<b>%</b>	Percentage
<b>ACHPR</b>	African Charter on Human and Peoples' Rights
<b>AI</b>	Amnesty International
<b>ART</b>	Article
<b>CFRN</b>	Constitution of Federal Republic of Nigeria
<b>CPR</b>	Civil & Political Rights
<b>ECOWAS</b>	Economic Community of West African States
<b>ESCR</b>	Economic Social and Cultural Rights
<b>HRC</b>	Human Rights Council
<b>HRW</b>	Human Rights Watch
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic Social and Cultural Rights
<b>IDEA</b>	Institute for Democracy and Electoral Assistance
<b>ILO</b>	International Labour Organization
<b>IMN</b>	Islamic Movement of Nigeria
<b>ND</b>	No date
<b>PMB</b>	President Muhammadu Buhari
<b>SARS</b>	Special Anti-Robbery Squad
<b>UDHR</b>	Universal Declaration of Human Rights

<b>UN</b>	United Nations
<b>UN-GA</b>	United Nations General Assembly
<b>UNICEF</b>	United Nations Children's Fund
<b>WHO</b>	World Health Organization

## **CHAPTER I**

### **Introduction**

The guarantee of human rights constitutes one of the critical issues in international relations which signifies commitment to the protection of basic human rights by law. The protection of human rights has passed through various stages from Magna Carta (1215) to the historic Universal Declaration of Human Rights (UDHR) in 1948 by the General Assembly of the United Nations (UN). International organizations in reference to the UN and the African Union through its human rights instruments/covenants has since then shared responsibilities with member states in the promotion, enjoyment, protection of human rights by assisting, monitoring, and guiding states in the fulfilment of its human rights obligations. However, the inability of these international human rights treaties/instruments to enforce strict bindings on these treaties have an adverse effect on human rights (Neuman, 2019: 2-3). In the 21st century, the issue of human rights has already gone beyond the borders of the nation-states and become a global issue. For instance, the incidents at the Tiananmen Square in China in 1989 and the violations of human rights in Burma, and Iraq elsewhere have led the scholars of International Relations to examine human rights matters as a global phenomenon and also paved the way for the emergence of a human rights regime in international law.

The Federal Republic of Nigeria like some other African countries shifted from a military rule towards democratization process with the Fourth Republic since 1999. The Nigerian Fourth Republic has, then, taken decisive steps in building a new constitution and institutional framework with the aim of enhancing its procedural capacity for democratization and guaranteeing of human rights. Nigeria since then is a signatory of various international and regional human rights treaties which also underpins its movement towards democratic transition. On the one hand, the country has committed to the endeavor of political liberalization since the establishment of the Fourth Republic, the trend towards enhancing human rights have begun to setback by the 2015 onwards. For instance, elections which are regarded as one of the key institutions of pluralism and right to vote as well as right to run; the elections in Nigeria are marked and surrounded by controversies and electoral malpractices that account for inappropriate policy making and implementation that is highly required to develop and positively improve the general standard of living of the masses. Thus, the effect of this political



arrangement is the political apathy among the Nigerian citizens and the decline in their desire for change (Yagboyaju, 2011: 93-94).

In light of this, this thesis work will critically examine and analyze the role of International human rights covenants/ laws (ICESCR, ICCPR, UDHR and African Charter) as well as the Nigerian 1999 constitution in guaranteeing and protecting human rights in Nigeria. The study will also examine how well Nigeria complies with these human rights instruments at all levels. In doing, this research's focus will be on the increase in the violations of human rights in Nigeria between 2015 and 2020 under Buhari's administration.

### **Problem Statement**

Human Rights violations are fast becoming a major concern in the international system. For instance, the Freedom House reports that there is a decline of democracy worldwide. The democracy downgrading is a result of decline in the rule of law and ensure respect for fundamental human rights, and with the human rights violations that has become a norm in most nations This thesis, in this regard, seeks to critically examine 'What hinders the protection and guarantee of Human Rights in Nigeria's Fourth Republic?'

### **Literature Review**

Nigeria represents one of the countries that the guarantee of fundamental human rights is not without challenges even under the trend towards democratization since 1999. Amnesty International (AI) Report (2019) states that although chapter four(iv) of the 1999 CFRN enshrines the fundamental human rights, and despite the several regional /international human rights treaties and covenants Nigeria had ratified, the country is still very much 'plagued' with years of human rights abuses and violations. That is being perpetuated by state/government and also non-state actors. Many reports exist and are documented on the various forms of abuses and human rights violations in Nigeria, and the victims continue to lack redress. The Report of the AI further noted that the human rights situation/condition in the Federal Republic of Nigeria is marked by severe violations and abuses such as the 'arbitrary arrests and detention of citizens', 'enforced disappearances', torture and other ill-treatment that go against human rights laws. The United Nations Country Reports on Human Rights Practices (2019) noted that significant human rights-related issues, which include the unlawful and extrajudicial killings, and like Amnesty

international reports listed forced disappearance of persons, unjustified arrests of journalists, infringement on citizen's private life remain prevalent in the country. Taking a slightly different turn from Amnesty International Report, the UN Report highlighted other human rights violations in Nigeria, which includes harsh and life-threatening conditions of the Nigerian prisons, substantial interference in the freedom of association for LGBTI (Lesbians, Gays, Bisexual, Transgender and intersex) persons, pervasive corruption and 'criminalization' of same-sex affairs between adults ( UN", 2019).

In 2019, Idowu & Olawale, in their work, argued that it is generally accepted and acknowledged globally that every human/individual or group possess economic, social and political rights which are and remains fundamental to his/her personhood as well as dignity. Furthermore, although theoretically, these ideas are documented in a nation's constitution of which Nigeria is inclusive, the reality is ironic. This literature, like others, agrees that Nigeria is saddled with severe economic, social, political and cultural challenges and includes a system where violators, either the state or non-state actors, are most times held unaccountable for their misconducts/actions. On the other hand, Egede (2017) who took an entirely different turn and perspective, argues that though Nigeria is a state recognized in the international arena/community and member of various international and regional organizations and has been actively involved in signing and ratifying human rights treaties/conventions, those treaties remain void in the country. Nigeria is a dualist state, and unless treaties have been deliberated on and passed as a law by the legislative arm through domestic legislation. Egede, quoting section 12(1) of the 1999 Constitution, points out the validity of his argument.

Critically examining this claim of Egede (2017), the thesis thus argues that the silence of the government and the international organizations towards the cry for justice, equity, equality and respect for the masses human rights could be traceable to this claim, as most ratified international treaties are not enforced in the country. Though this may be an excellent excuse for the human rights situation in the country, this thesis has an important question to ask, if ratified international treaties cannot be enforced until the senate approves it, then what about the Nigerian constitution? What prevents it from being enforced as it also guarantees human rights?

## **Scope and Limitations**

Though successive Nigerian governments have violated the political, civil, economic, social and cultural rights of the people in one way or another, notable human rights violations could be pointed to the President Muhammadu Buhari/ Osinbajo's administration which came to power in 2015. The scope of the research work covers from 2015 to 2020.

Though the study talked about democratization/democratic processes in Nigeria, it does not in any way aim to discuss democratization or democratic processes or join in the debate of linking democracy and human rights or democratization/democratic transitions. However, the study focuses on the role of International human rights instruments at the regional and international level in protecting human rights in Nigeria and the compliance to these instruments. Democracy/democratic transition/governance was briefly discussed because Nigeria's Fourth Republic is a democratic system that transitioned from military regime. Due to the Covid-19 pandemic and restriction on movement and limited time of research, the study relied solely on secondary sources as the study was conducted outside the country, hence, interviews/ distribution of questionnaire to participants was impossible and unattainable.

## **Aims and Objectives**

Given the continuous rise of human rights violations in the world and Nigeria in particular, the research work aims at critically assessing the role of UN's covenants and the Banjul Charter in protecting human rights violations in Nigeria from 2015-2020, to examine how well the government complies with UN affiliated twin treaties, i.e. International Conventions on Civil and Political Rights (ICCPR) and International Convention on Economic, Social and Cultural Rights (ICESCR). It also seeks to evaluate if democracy in the Nigeria's Fourth republic upholds/guarantees human rights as against the military regime, and lastly, to examine what extent human rights are guaranteed in Nigeria.

## **Significance of the Study**

The Freedom House World Report of 2020 clearly shows the decline in old-established democracies in the last 14 years. And this decline affects all regions across the world including Nigeria who has been noted as one of the countries in the spotlight of decaying system that deserves scrutiny. The decline of democracy that walks hand in hand with human rights

violations led to uprisings and protest in 2019 in various regions. The uprisings act as a subtle reminder that the universal/ global yearnings for freedom from oppression and democratic dictatorship, justice for all, equality and respect for human rights cannot be subdued or suppressed (Repucci, 2020: 10-13). As an MA student of International Relations who have better understanding and regard for human rights laws and conventions, especially in democratic states, this research work is therefore significant because unlike existing literatures, it examines the ways the ESCR and CPRs of millions of Nigerians are violated and totally denied and how well the Muhammadu Buhari administration has over the last five years complied with international conventions of human rights and also the 1999 Nigerian Constitution.

### **Research Questions**

1. To what extent does the UN human rights covenants, UDHR, African Charter on Human and Peoples' Rights as well as the 1999 constitution guarantee the protection and enjoyment of human rights in Nigeria?
2. What hinders/limits Nigeria's compliance with international human rights laws/instruments?
3. What are the shortcomings of Nigeria's democratization process in guaranteeing/ protecting human rights as against the military government?

### **Methodology**

For the purpose of the research work, a qualitative method of analysis will be employed in the course of writing because the research work is non-statistical and it best suits the topic analysis to understand ideas, thoughts and events. The secondary sources which include books, journals, literatures and online materials from the internet such as reports, newspapers and magazines, will be used in examining and analyzing the topic. Despite the motivation behind this thesis which aimed to conduct surveys through distributing questionnaires in different states in Nigeria, resulting from the outbreak of the COVID-19 pandemic the research was benefited primarily by secondary sources; thus, pandemic has limited this research work to collecting primary sources. Hence, this research will rely solely on secondary sources and online official documents and institutional data, Freedom House statistics and reports, Amnesty International reports, Human Rights Watch data.

## **Thesis Structure**

In chapter one the thesis will examine the historical background of the fourth republic and Human rights in Nigeria.

In Chapter two, Conceptualization of human rights, human rights violation, democratic governance and Literature review will be examined.

Chapter three will examine Assessment of Human Rights violations in Democratic Nigeria from 2015-2020. This chapter will look at the various events, policies and counter laws that constitute human rights violations and to what extent human rights are guaranteed.

Chapter four will examine how well Nigeria has complied with regional and international human rights legal document and laws, and Nigeria Democracy and Human right.

Chapter five Conclusion and recommendation.

## CHAPTER II

### Historical Background

Nigeria is a country in the West African region that is graciously blessed with both human and natural resources. It stands as Africa's most populous country and one of the largest leading economies in the continent. Heterogeneous in nature as it has over 250 ethnic nationalities. The country was amalgamated in 1914 by Lord Fredrick Lugard; it was a British colony but attained its independence in 1960, thereby freeing the country from British rule. In 1963, Nigeria became a republic. However, the first republic was aborted by a coup in 1966, and the military came into power. The Nigerian civil war, which sprang in 1967 and ended in 1970, revealed the shaky foundation, mistrust, fear of ethnic domination over another, sectionalism, which existed in the country. The Second Republic was formed in 1979 after the military government relinquished power to a civilian government. The second republic was cut short with the re-emergence of the military in the political affair in 1983. The third Nigerian republic was the shortest. It lasted from 1992-1993) following the 12 June annulment election, and the military once again took over power. The fourth Nigerian Republic began in 1999, which marked the successful transition from military-authoritarian regime to a democratic and presidential system of government. The military rule, which began on 15 January 1966, following the coup masterminded by five majors in the Nigerian army, officially handed over power to a civilian-democratic rule in 1999 after several attempts.

At the beginning of the Fourth Republic, the transition was expected to deliver the desired political, economic, socio-cultural change and development in all areas and sectors in the country. The violations/ denial of the peoples' rights, for example, the right to speak freely, vote political leaders of their choice, conduct periodic elections, the censorship of the media/press characterized the military regimes, and the transition to a democratic system was expected to wipe the tears of the masses and restore their hope and trust in the government. It was desired to restore the people's voice and give them the right to participate in decision-making processes and choose representatives of their choice as it were in a democratic system (Inokoba & Kumokor, 2011: 139). In collaboration with the UN Human Rights, the Institute for Democracy and Electoral Assistance (IDEA) argues that "successful democratic governance focuses on promotion, fulfillment, respect and protection of human rights and fundamental freedoms.

Without this guarantee of protection, there would be no democracy in any meaningful sense” (2013: 2-5). Democracy cannot in any circumstance be defined without human rights as they are interdependent and “mutually constitutive” (IDEA, 2013: 7). The expectations of the masses that their desired change and development following the transition are therefore justifiable and understandable given that what they desire are features of democracy. However, the fourth republic grew out from a flawed political system & processes, corruption, political/ethno-religious crisis, mistrust amongst the ethnic groups/regions, and intimidation which combined so well to undermine the democratic process of the country.

The transition to democracy in Nigeria since 1999 is not without challenges. The rule of law, equity, fundamental human rights, equality, and justice are only pronounced and exist on paper. Electoral processes and elections are not only subverted; political parties, significant public institutions and human rights are manipulated and enjoyed by the privileged few at the helm of affairs. From the 1999 transition to ‘civil democratic rule’, democracy in Nigeria has shown little or no evidence of a growing democracy. Though it can be argued that reforms and political liberalization have occurred over time to show the existence of democracy, these changes are not enough to show the quality of liberal democracy. For example, elections in Nigeria are marked and surrounded by controversies and electoral malpractices that account for inappropriate policy-making and implementation required to develop and improve the general standard of living of the masses. The resultant effect of this political arrangement is that the Nigerian citizens have lost total hope in the government and system that took over power from the military in 1999, as the desired change and growth the masses anticipated and envisaged is only a mirage (Yagboyaju, 2011: 93-94). The trend towards democratization during the first stages of the Fourth Republic gave rise to a “leadership that has become docile in the face of the sufferings of the masses”. The leaders turned their back on the people they were meant to protect. They paid deaf ears to the cry of the people and remained silent to the suffering of the people. (Njoku, 2021). The country’s state of affairs and outright denial/ human rights violations since 2015 have sparked many debates and questions about the tenets of democracy as an ideal system. From 1999 till date, democracy has remained uninterrupted, but the question is, how far has democracy solved the problem, ill-treatment, the human rights violations, dictatorship that characterize the military regime?

## **A Theoretical Framework: Democracy and Democratic Transition**

As stated by Thomas Carothers, democratic regimes are not built in a day (2002). This thesis thus argues that though democratic regimes are not built in a day, democracy in Nigeria has lasted for only 22 years since the transition, and almost six years before the military rule, yet, it has not brought the proposed characteristics it ought to possess, especially with different events, violations and situation in the country Nigeria. It is, however, imperative to state that Nigeria practices a 'partial/ weak democracy' (Carothers, 2002: 9). Though the country may have made progress in achieving democratic transition and to an extent enjoy 'positive dynamic of democratization' in the area of regular elections, "democratic constitutions", it still remains in a "political grey zone" (Diamond 2002: 22; Carothers 2002), because it still experiences and suffers from severe democratic deficiencies/deficits which include low levels of participation in politics, human right abuse and violation, poor representation of the masses, low/poor level of the masses confidence in the government (Carothers, 2002: 9-10). Nigeria under democratic rule since 1999 hangs, rather, somewhere between authoritarianism and liberal democracy with a constitution that contradicts the government's actions, especially with regards to 'fundamental human rights enshrined in Chapter IV of the Constitution (Constitution of the FRN, 1999). Rupucci from the freedom house has argued that democracy is under attack. Furthermore, due to this decline, the gap between 'setbacks and gains' has widened as people in 64 countries in the world experienced great deterioration in their civil liberties and political rights, of which only 37 countries experienced improvements. 2019 according to the Freedom House Report marked the 14th year of decline in global liberties/freedom. Remarkable numbers of citizens' protests and movements have emerged and increased over the years. The freedom house report also shows that Nigeria is one of the countries in the spotlight of democratic decline (2020: 1-3). The first weakness of the democratic system in Nigeria since the 1999 transition is the constitution because the Nigerian military who handed over to the civilians played a major role in the promulgation of the 1999 constitution. The people accepted the constitution because they were in a hurry to say goodbye to the military regime and ready to elect a leader of their choice in the new democratic setting in subsequent years.



### **Post 1999 era: Constitutional Development/promulgation in Nigeria**

The constitutional development in Nigeria centers on a continuous and constant struggle to properly manage and handle the country's diverse ethnic, religious, and regional groups. Constitutional development and promulgation in Nigeria can be categorized into three phases. The first could be traced to 1914 when the British amalgamated the country into a parliamentary federation with three dominant ethnic regions (Igbo, Yoruba, and Hausa) for their leadership convenience given the diversity. The leadership of the British came to an end when Nigeria attained its independence in 1960. The first phase continued down to the collapse of the Nigerian first republic in 1966 and the subsequent outbreak of the civil war. The second phase began in 1966 to 1999, and this period witnessed military interference and excesses in the country's politics. The military leaders suspended the constitutions and made decrees to rule the people and later began the 1979 constitution when they handed over power in 1979. The 1979 Constitution seek to transform the constitutional institutions in response to the events/ failures of the Nigerian First Republic". However, this civilian rule was short-lived as the military returned to power from 1983 till 1999. The last phase, though extensively engineered by the military despite the transition to civilian rule, is the 1999 constitution (Suberu, 2019: 5).

The 1999 Constitution has lasted over a long period without any interruption, making it the longest to exist in Nigeria's constitutional history and development. Though there have been attempts to alter its contents, for example, the recent bill for a third term in office of the president and other proposed reforms, the 1999 Constitution still retains its basic tenets of centralized federalism, presidential system, multiple states, and institutions (Suberu, 2019: 5). Like other constitutions, the 1999 constitution remains the supreme law and document that governs all entities and institutions in the country. General Abubakar's regime promulgated the constitution after two months of deliberation and debate by a 25-member panel of retired military leaders, legal experts, and academia. The final report after the deliberations and debate was submitted to the PRC (Provisional Ruling Council). The Report was, however, tampered with as the military leaders made some adjustments. The 1999 Constitution came into existence on 29 May 1999 and has remained to date. Over the years, several debates are questioning the legitimacy of the constitution. Many argued that for the fact that the military took part in the constitutional debate/development, then the legitimacy of the constitution is suspicious, others argued that the

preamble of the constitution says “We the People” is a false and fraudulent statement and assertion as the people (masses) was not part in the debate or deliberation (Arowosegbe, 2021: 1-28). However, the 1999 constitution consists of eight chapters, with chapter four the thesis’s main focus clearly stating the fundamental human rights (Okunowo & Aminu, 2015: 43).

### **Elections in the Fourth Republic**

The Fourth Republic in Nigeria has witnessed and experienced 5 general elections; in 1999, 2003, 2007, 2011, and 2019. The 1999 general election ushered in the Olusegun Obasanjo administration. Obasanjo emerged the winner under the People’s Democratic Party (PDP), alongside his deputy Atiku Abubakar. The 1999 election experienced a high level of manipulation, corruption, lack of electoral and political discipline, vote, influence, and acceptability buying by the winning party PDP. The military who had just handed over were greatly involved in the election and candidate. As Ihonvbere out rightly asked, "why is the military interested in Obasanjo’s candidacy, and what did they wish to achieve from funding his campaign and election? (1999:1-3). Olusegun Obasanjo contested for a second term in 2003, 19 April. The 2003 general election was marred by ‘violence, rigging, controversy over voters’ registration’, lack of transparency, the assassination of high-ranking politicians, which include the killing of the “Minister of Justice and Attorney General Ige Bola”, rivalry, intense and unhealthy competition amongst political aspirants and oppositions (Human Rights Watch Report, 2003). The Independent National Electoral Commission (INEC) played good and active roles in ensuring that the mistakes and malpractices that ensued in the 1999 election did not repeat. INEC adopted a computer-based method for voters’ registration, thereby making it hard for multiple registrations (Akinyele, 2004: 68), yet this process did not solve the election rigging that followed. The sitting President Olusegun Obasanjo emerged as the winner amongst all the presidential aspirants. The Obasanjo administration lasted till May 2007. In April 2007, there was a power transition to Alhaji Umaru Musa Yar’Adua/ Goodluck Ebele Jonathan, who emerged as president/vice president following the 2007 general elections under the People’s Democratic Party (PDP). Based on the report provided by the international observer delegation – the National Democratic Institute (NDI) pertaining the 2007 elections;

Sixty-one observers, alongside some NDI staff, were actively involved in the electoral observation and delegation. The delegation involved political and civic leaders, election experts, and former elected officials, regional electoral specialists

from 16 countries in Asia, Europe, Africa, and North America. The team was employed to observe and report in Abuja (The Federal Capital) and 14 other states from the six geo-political zones. The NDI report showed the electoral irregularities, malpractices, and misconduct that largely characterized the 2007 general election. They noted that "the electoral process failed the Nigerian people" (NDI Report, 2008: 3).

President Yar'Adua did not live long to finish his tenure; his deputy (Goodluck Ebele Jonathan) became the acting president until the next general election held in 2011, 16 April, where he contested for president's seat. Democratic governance since the transition to civil rule has been greatly distinguished by 'power alternation' between the North and predominately Southern Christians. This arrangement/ power alternation is not a law, and it is not enshrined in the constitution but was a matter of practice. According to the arrangement, 2011, supposed to be the turn of the northern region to produce the president, but Goodluck Jonathan contested for the presidential position under his party (PDP) and emerged the winner with Namadi Samadi as the deputy. Goodluck Jonathan's win not only broke the 'power-sharing principle' but also contributed to the alienation of many people in the north, especially the Northern leaders in his government, as they felt cheated and resulted in a riot carried out in the north that took many lives. The 2011 election, like previous elections held in the country, was greatly characterized by election rigging though it was less obvious. Polling/ voting was much better than previous years as more polling stations and units were opened on time, and the supply of electoral materials was prompt. The Nigerian civil society and organizations witnessed 'electoral frauds and manipulation at the collating centers, where results are collated at the individual polling centers/stations (Campbell, 2015). Goodluck Jonathan contested for the second tenure in 2015, but he lost to his opponent Muhammadu Buhari under the All-Progressive Congress (APC). Electoral malpractices, rigging, and misconduct characterized the general election of 2015 like other previous elections.

President Goodluck peacefully handed over power to Muhammadu Buhari even when he noted the high level of rigging and could challenge him given his position as the sitting president. Electoral Observers praised the 2015 election, despite the allegations of electoral fraud recorded as it was peaceful. Goodluck Jonathan, despite his defeat, congratulated the winning Party APC, of which Muhammadu Buhari was the party's presidential flag bearer. Muhammadu Buhari's

victory in the 2015 election marks a significant moment in the history of Nigeria that a sitting president was defeated in an election. Jonathan accepting defeat in the 2015 election was a bid to prevent any form of violence, religious and regional clash that would have ensued if he had won the election (BBC News, 2015). In the 2019 general election, President Muhammadu contested for a second term and emerged the winner of the presidential election against the opposition party PDP, of which Atiku Abubakar was the party's flag bearer. The irregularities/postponement of the general election in February, which caused a week delay, sparked up suspicion. Buhari secured fifty-six per cent of votes cast against Atiku Abubakar, who had 41 per cent of the total votes cast. Abubakar rejected the result, pointing out that the election was manipulated because Buhari's win was 'statistically impossible' in some states. Atiku tagged the election as the "militarization of the election process" and promised to take the case to court. Electoral malpractices in Nigeria have always made the citizens and election observers question the quality of democracy practiced in the country because electoral issues significantly impact a nation's peace and security (Mbaku, 2019). Elections in Nigeria have always centered on regionalism sectarianism, and electoral malpractices. Rules guiding the electoral processes are ambiguous, easy to manipulate, and always changing. As argued by Nwokeke & Jayum, Elections are a dominant factor and play a 'dominant role in democracy' as it demonstrates the peoples' will and rights to choose their representative and gives legitimacy and political power to every elected administration (2011: 128-130). Nevertheless, given the nature of elections in Nigeria, democratic consolidation is unattainable and has resulted in the decline of democratic development and the abuse of the peoples' rights.

## **2.5 Policies/ Human Rights under Each Government in the Fourth Republic.**

The 1999 Nigerian Constitution, Chapter IV, recognizes the dignity, equality, and 'inalienable rights of humans' as the basis for achieving justice, peace, and freedom in the world. The fundamental rights as stated in the 1999 Constitution includes:

Right to life, right to a fair hearing and judgment, right to freedom of expression and the press, right to freedom from discrimination, restriction on and derogation from fundamental human rights, right to dignity of human persons, right to a private and family life, right to peaceful assembly and association, right to acquire and own immovable property, right to personal liberty, right to freedom of thought, conscience, and religion, compulsory acquisition of property, freedom of

movement, special jurisdiction of High Court and Legal aid (Nigerian Constitution, 1999: 4).

Though the constitution made these rights clear for all, the opposite is what is evident in the country. Human rights, in reality, is a total contradiction of what has been documented in the Nigerian constitution. As, over the years, the citizens of Nigeria have been repeatedly denied these rights. The citizens have been constantly denied these economic, social, and cultural rights. One important question to ask is 'what extent has the fourth republic guaranteed human rights under its democratic setting?' The answer lies, therefore, in the policies under the various administrations.

### **Olusegun Obasanjo/ Atiku Abubakar Administration (1999-2007)**

The general election of 1999 following the transition ushered in the Olusegun Obasanjo administration. Obasanjo emerged a winner under the People's Democratic Party (PDP), alongside his deputy Atiku Abubakar. In his inaugural speech, Obasanjo promised to restore the confidence of the people. He declared the day the "beginning of a genuine renaissance" in Nigeria. Olusegun, in his speech, stated that a decisive step had been taken towards the path of democracy as no stone will be left unturned to ensure the sustenance of democracy because democracy is good for Nigeria, Africa, and the world at large (Onishi, The New York Times 1999). The people believed in his government, because of his legacy as a military leader who embarked on many reforms and midwife the first transition to civil-democratic rule in 1979, known as the Nigerian second republic. Fawehinmi argued that Olusegun Obasanjo's eight years administration as he was re-elected in 2007, was greatly characterized by a great level of deception, anti-masses program, human rights violations, incoherent policies, aggravated poverty, self-centered policies and dispositions, enriching a few, imbalance of power, economic pain and embezzlement of public funds (2007: 28). Shopeju and Ojukwu referred to his administration as a "civilian dictatorship" as he was intolerant to any form of opposition. Obasanjo grossly abused the 'right to life' stated in the 1999 constitution by ordering the shooting and raiding of Odi village in Bayelsa State on 20 November 1999. The ODI people who were protesting for indigenous rights to the oil resources and seeking environmental control in the Niger Delta region were brutally massacred by the military, claiming that the people first attacked them. Many people in Odi community lost their lives, and properties worth millions were out rightly destroyed (2013: 270). Olusegun Obasanjo's involvement in the affairs of

Anambra State, where he ordered the arrest of a sitting governor Dr. Chris Ngige, and his economic policies undermined true democracy as it gave the "western imperialists" and IMF (International Monetary Fund) direct control of the country's economic policies (Shopeju & Ojukwu, 2013: 272). Obasanjo's administration lasted till May 2007.

### **Umaru Musa Yar' Adua/ Goodluck Ebele Jonathan Administration (2007-2011)**

The inauguration of President Yar'Adua marked the first time in Nigeria's history that a civilian government/administration served full terms and transferred power to another Civilian leader without any military coup or interference. This succession would have been a remarkable achievement in Nigeria's democratic practice, but the eventual electoral irregularities and malpractice marred this achievement. Late President Musa Yar'Adua's inaugural speech acknowledged the shortcomings in the general and gubernatorial elections and promised to address the irregularities to prevent a recurrence of such events and further deepen democracy in Nigeria (NDI Report, 2008: 7). Yar'Adua's seven-point agenda aimed at developing every sector in the country, electoral reforms, peace and development in the Niger-Delta region by granting them amnesty, security of life and property in and around the country, fighting against any form of corruption and embezzlement of funds, and transparent governance. His agenda covers all areas of human security, including food security and agriculture, land reforms, functional and qualitative education, creation of wealth/ employment, protection of lives and properties (Dode, 2010: 3). President Umaru Musa Yar' Adua did not live long to achieve his goal fully and fulfil his promise to Nigerians who had so much hope for his government. Yar'Adua died in May 2010 after suffering from a terminal disease. This thesis haven examined his legacy and short-lived period in office argues that Yar'Adua would have been one of Nigeria's best presidents as his policies and government were people-oriented. He sought to bring the desired change Nigerians have yearned for over the years. To date, there is no corruption or embezzlement scandal attached to his name. In his speech, the United Nations -Secretary-General Ban Ki-moon commended and appreciated the late president for the significant mark he left on his country, as he pursued his duty and responsibilities with the utmost dignity and with great respect for the rights of the people. The UN Secretary-General further stated that the late president would be remembered for his outstanding contribution towards democratic governance, economic policies and revitalization and, most notably his efforts towards restoring peace in the Niger Delta region,

his tireless role in fighting against unconstitutional changes of government and restoring peace and stability in West Africa sub-region and also, his commitment to the objectives and principles of the United Nations (UN General Assembly, 2010). Goodluck Jonathan became the acting president till the end of the supposed Yar'Adua's administration. As the vice president, he promised to live by the late president's legacy and assured the people that the seven-point agenda of the late president will be fully achieved.

### **Goodluck Jonathan/ Namadi Sambo's Administration (2011-2015)**

Goodluck Jonathan contested for the 2011 presidential position under his party (PDP) and emerged the winner with Namadi Sambo as the deputy. His policy package was tagged Transformation Agenda as he hoped to transform the country and every sector (Gyong, 2012: 95). Goodluck Jonathan's first term in office recorded some achievements. However, it was greatly characterized by ethno-religious conflicts, increased insecurity and instability in the country, especially the northern part of Nigerians, due to the Boko-Haram insurgency (Dunmade, 2015: 6), unemployment, and human rights abuse/ violations. The US Department of States wrote that the most serious human rights abuse and violations carried out by the Boko-Haram sect happened during Jonathan's administration as there was a high level of killings, bombing, kidnapping, arson, destruction of lives and properties. The abuses carried out by security personnel with impunity, including beatings, social violence, arbitrary arrest and detention of innocent masses, killings, and other inhuman treatment to get the perpetrators were also alarming (Idowu & Olawale, 2019: 19). Goodluck Jonathan contested for the second tenure in 2015, but he lost to his opponent Muhammadu Buhari under the All-Progressive Congress (APC).

### **Muhammadu Buhari/Osinbajo's Administration (2015-2020)**

Mohammadu Buhari, like Obasanjo, was a former military head of state from 1983-1985. In his inaugural speech, he assured the people of security, fight against corruption, massive employment, good democratic governance and above all, a positive change that will strengthen the rule of law and democracy. However, the opposite has once again been the case even to date. The people have out rightly expressed their distrust of the government and have lost every atom of hope in democracy as an ideal political system/governance. Many refer to the administration as a 'gerontocracy', as the Nigerian youths are sidelined. The citizens have also condemned the administration as it has failed to adhere to and uphold democratic tenets (Vanguard, 2020). The

Muhammadu Buhari/Osinbajo's administrations can be described as an administration that has witnessed the highest level of human rights abuses. Police brutality, kidnapping, banditry, ethnic and religious wars, disregard and disrespect for the rule of law, arson, electoral malpractices, censorship of the press, the ban on Twitter that limits the freedom of speech and expression of the masses, judicial dependence, high level of corruption and embezzlement of public funds by political leaders and top officials (Adelaja & Latona, 2020). President Muhammadu contested for a second term in the 2019 election. He won the presidential election against the opposition party PDP, of which Atiku Abubakar as its flag bearer. From 2019 when Muhammadu Buhari was re-elected, till date, insecurity, violation of political, economic, social and cultural rights of the citizens, and other crises strong enough to cripple the internal security and mar a country's image in the international arena have tripled. Nigeria is struggling to develop or maintain a 'culture of democratic governance. Buhari's second term has undermined the rudiment of democracy and has also shaken the foundation on which Nigeria was established. The fight against corruption he sold out to Nigerians is only an illusion as his administration's high level of corruption is mind-blowing. 'Embezzlement of public funds', kidnapping, police harassment/brutality that led to a nationwide protest, killings, and looting are on the increase. Buhari's administration, which the thesis focuses on, has brought in nepotism, as people from one region dominate and occupy almost every top position of authority in a country with many ethnic nationalities. The exchange of students with the release of a Boko Haram member captured in Kano reaffirms Buhari's statement to his predecessor Goodluck Jonathan that "fighting Boko-Haram means fighting the North" (Njoku, 2021). The payment of ransom to Bandits by the administration, attack/arrest of peaceful protesters, killing and arrest of IPOB (Independent People of Biafra) members and his reluctance in addressing the nation in the face of all the insecurities, killings, human rights violations is alarming and worth studying (Njoku, 2021). The country's state of affairs and outright denial/ human rights violations since 2015 have sparked many debates and questions about democracy. Idowu and Olawale asked a question "to what extent is the assertion true that human rights thrive in democracy" (2019: 18). The Freedom House Report records that Nigeria is one of the countries in the spotlight of democratic decline (Freedom House, 2021). The insecurities, corruption, irregularities, and other events that have characterized Buhari's administration threaten the human rights of millions of Nigerian citizens. Civil liberties are subjected to and undermined by ethnic /religious bias. The media/ press is



impeded and limited by government policies such as the criminal defamation laws, harassment, torture and arrests of reporters/journalists who covers sensitive topics is one of great concern. The report further showed a high level of electoral irregularities, human rights abuse as fundamental human rights guaranteed by the 1999 constitution exists only on paper. Citizens' political choices are mostly undermined and impaired through intimidation, vote-buying, godfatherism, interference from within and outside the country. Civil, social/economic liberties, such as free and independent media, religious tolerance, freedom of expression and speech, freedom of assembly, the rule of law, an independent judiciary, equal treaty, freedom of movement, freedom to own property, freedom from economic exploitation are not only undermined. However, they are also violated (2021: A1-G4). Amnesty International 2019: 4). The Nigerian government have constantly sought ways of adopting laws/bills that counter or contradict the fundamental rights stated in the constitution, all to silence the people and render them helpless in their clamor for equity, justice, and good governance. Human rights violations in Nigeria fourth republic, especially the leadership style of Buhari from 2015-2020, has made many tagged the government' woes to Nigeria's fledgling democracy" (Njoku, 2021).

### **Human Rights Challenges in the Fourth Republic**

Human rights in the "Fourth Republic" are nothing but a 'mere' term that exists only on paper and a phrase that is only heard of but never put in practice. The first administration after the transition to civil rule led by Obasanjo did not do much to safeguard the human rights of the people. Hence, subsequent leaders followed the trail. Human rights challenges noted by Kofi Annan that is also evident in Nigeria are weak government institutions. For example, the legislators, judiciary, police, human rights organizations are all dependent on the executive. The resultant effect of this arrangement is that they cannot take action independently as they have to obey all orders from top government officials, whether it is good or bad. Other challenges include; harsh government policies, democracy deficits, discrimination, ethnicism, poverty, impunity, and violence/armed conflicts. The challenges of implementing human rights are the gap in knowledge on both sides (the government and the people). The "capacity gap" (inability of the government to handle the issues of violations and the violators). "Commitment gap" (most governments in Nigeria since the transition have remained uncommitted towards human rights conventions, laws and treaties ratified). Lastly is the 'security gap' (insecurity begets human

rights violations and abuses, and the level of insecurity in Nigeria is alarming and unchecked). Therefore, human rights abuse has become inevitable as people lose their lives daily to ethnic conflicts, insurgency, and police brutality. (United Nations Country's Report, 2005). In addition, the thesis points out that another challenge of implementing human rights in Nigeria is the military traits and tenets inherent in some of the leaders. For example, Olusegun Obasanjo and President Muhammadu Buhari have led for two terms/tenures respectively and were generals in the Nigerian army and heads of states during the military regime 1976-1978 and 1983-1985, respectively. The thesis thus argues that their respective administration that has recorded major human rights violations can be attributed to their training and personality as military officers and their shallow knowledge of democratic practices that uphold human rights in any society.

### **Nigerian Legal Framework on Human Rights at the National, International and Regional Levels.**

#### **National Level**

At the national level, Chapter IV of the 1999 Nigerian constitution highlights the civil and political human rights that must be respected. These rights are regarded as fundamental and must be respected by all. Hence, anyone whose rights are violated can sue the violator in a high court of the given state where it happened. Furthermore, chapter two of the constitution deals with Fundamental Objectives & Directive Principles of State Policy. This policy expects all governments to direct all policies towards providing basic amenities and development for the masses. Furthermore, to ensure human security for all the citizens without any form of distinction and discrimination. Looking beyond the provisions of the Nigerian constitution, the Nigerian governments have also ratified several human rights laws and measures to promote, protect and guarantee the rights of all. For example, the Child Rights Act, National Policy on Child Labor, amongst others, are measures aimed at protecting the rights of people involved (Amnesty International Report, 2019: 4).

#### **International Level**

The Federal Republic of Nigeria has ratified several international human rights treaties and conventions, thereby imposing well-stated obligations on all authorities/institutions to protect, guide, respect, and dutifully fulfil all human rights provisions in the constitution. Nigeria joined

the United Nations in 1960, 7 October, and since then, has given her consent to several of the human rights treaties established under international law. The table below shows several ratified treaties and unsigned treaties.

**Table 1.**

<b><i>A. RATIFIED HUMAN RIGHTS INSTRUMENTS</i></b>
<b>1. International Covenant on Civil and Political Rights (ICCPR) 29 July 1993.</b>
<b>2. International Covenant on Economic, Social and Cultural Rights (ICESCR) 29 July 1993</b>
<b>3. Optional Protocol on ICCPR concerning the individual petition.</b>
<b>4. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 28 June 2001.</b>
<b>5. International Convention on the Elimination of all Forms of Racial Discrimination (CERD) 16 October 1967.</b>
<b>6. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 23 April 1984.</b>
<b>7. Optional Protocol on the Elimination of all Forms of Discrimination Against Women (22 November 2004).</b>
<b>8. Convention on the Rights of the Child (CRC) 19 April 1991.</b>
<b>B. OTHER MAJOR INSTRUMENTS RATIFIED</b>
<b>1. Convention relating to the Status of Refugees (23 October 1967).</b>
<b>2. Protocol relating to the Status of Refugees (2 May 1968).</b>
<b>3. Geneva Convention relative to the Protection of Civilian Persons in Time of War (10 October 1988).</b>
<b>4. United Nations Convention Against Corruption (9 December 2003)</b>
<b>C. HUMAN RIGHTS TREATIES SIGNED BUT NOT YET RATIFIED</b>

**1. Optional Protocol to the CRC on the involvement of Children in Time of War (10 October 1988).**

**2. Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (8 September 2000).**

#### **D. INSTRUMENTS YET TO BE RATIFIED**

**1. Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) concerning the abolition of the death penalty;**

**2. Optional Protocol to Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) concerning individual complaints and inquiry procedure**

**3. Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography**

**4. Optional Protocol to the CRC on the involvement of children in armed conflict.**

**5. Optional Protocol to CAT concerning the regular visit by National and International Institutions to place of detention;**

**6. International Convention on the Protection of the Rights of all migrant workers and families.**

Source: (ohchr.org). [https://lib.ohchr.org/hrbodies/upr/document/session4/ng/nhrc\\_nga\\_s4\\_2009anx\\_ratifiedhumanrightsinstruments.pdf](https://lib.ohchr.org/hrbodies/upr/document/session4/ng/nhrc_nga_s4_2009anx_ratifiedhumanrightsinstruments.pdf).

#### **Regional level**

At the regional level, Nigeria as a state in the African continent has ratified several regional treaties/conventions on human and peoples' rights of the African Union. The table below shows the ratified and yet to be ratified treaties.

**Table 2.**

The African Charter on Human and Peoples' Rights (Ratified 1983)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

(Ratified 2004)
African Charter on the Rights and Welfare of the Child (Ratified 2001)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Ratified 2004).
OAU Convention Governing Specific Aspects of Refugee Problems in Africa (Ratified 1986)
African Youth Charter (Ratified 2009)
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, Ratified 2012)
Protocol on The Statute of The African Court of Justice and Human Rights (Not Ratified)
Protocol to The African Charter on Human and Peoples' Rights on The Rights of Older Persons (Not Ratified).
protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Not Ratified)

Source: Amnesty International Nigeria 2019, AFR 44/O431/2019. NIGERIA: HUMAN RIGHTS AGENDA. [www.amnesty.org](http://www.amnesty.org)

From the two tables above, it is evident that Nigeria is yet to sign/ ratify some international and regional human rights protocols. The question therefore is, why are these protocols though optional, not signed? According to the Amnesty International (AI) report on human rights in Nigeria, these international optional protocols/conventions, if signed, will give the UN Human rights committee permission to communicate and accept complaints from individuals, institutions, or groups who are victims of these violations stated in the conventions/protocol in their various countries. The UN-Human Rights committee aims to see that international conventions/laws and protocols are implemented by states (2019:5-6). Nevertheless, critically looking at the clauses attached to the protocols, the thesis argues that most countries, Nigeria, in particular, may not ratify these conventions/protocols because by doing so, the citizens whose rights are violated daily will have access to these human rights committees who will in turn

sanction the country for going against these conventions. So, the best decision of the Nigerian government towards these protocols is to leave them unsigned and unratified. However, some scholars could argue that Nigeria or other states' refusal to sign or ratify any convention or treaty or protocol is justifiable based on State sovereignty, independence and non-interference under international law and the UN Charter. As this right conferred on a state influences her decisions to choose to sign or implement any treaty or not. Also, international law does not in any way force or compel states to comply with all laws. Therefore, ratification of any law or convention is optional (Makinda, 1996: 150. Pickering, 2014: 1).

## CHAPTER III

### Conceptualization and Literature Review

This chapter aims to conceptualize and clarify the key conceptual tools and the scholarly debates related to human rights. Thus, the literature review part of this thesis will examine and present a well detailed analysis of the existing literature and theoretical framework on the development of human rights regime that supports the thesis topic. It aims at identifying the existing gap if any and would build a solid foundation on which the thesis work will be rooted.

#### Conceptualizing Key Terms

Literally speaking human rights according to Kaluge, are those rights that are not given to man by man. Rather, they are earned by being human and this is because these rights are highly necessary and important for happy existence with oneself, others and for active participation in a multifaceted and complex society (2018: 4). Enebe (2008) defines human rights as the ‘inalienable’ and absolute right of people. The ‘Equality and Human Rights Commission 2019 conceptualizes human rights as the basic rights and freedom’ (EHRC, 2019) that everyone in the world is entitled to, from birth to when he/she dies. These rights they argue cannot be taken away as they are rooted in shared values which includes equality, independence, dignity, respect and fairness. These rights and values are well defined and protected by law (EHRC, 2019). Human rights can also be defined as simply the rights we have as human beings. These rights are ‘inherent’ in all humans regardless of ethnicity, origin, language, religion, race, sex, nationality, or any existing status (OHCHR).

*The Stanford Encyclopedia of Philosophy* defines human rights as norms that aim at protecting people all over the world from severe legal, political, social and economic abuses. Human rights constitute a set of norms that governs the treatment of individuals and groups by both state and non-state actors on the basis defined by ethical principles (Mark, 2016). Accordingly, Roth noted that rights exist to protect people from government’s neglect and abuse. Rights, he says, put a limit to what states can do and also impose obligations on how states must act (2017: 1). The Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948, recognizes that all humans are born equal and free, and possess certain rights that should not be denied. It outlines the entirety of rights that must be respected, protected and

should never be denied. In addition to the many existing definitions/conceptualization of human rights, this thesis defines human rights as sacred. They are special rights bequeathed to humanity by God and also by-laws made by man to ensure the continuity of humanity.

### **Human Rights Violations**

Merriam-Webster (1828) defines a violation as interruption, desecration or infringement. The Cambridge Dictionary defines a violation as an action that breaks or act against a law, agreement or principle that should be treated with the utmost respect. Free dictionary by Farlex defines a violation as a breach or transgression of a law or rule. What then is a human rights violation? The violation of human rights, according to Schwie (2009), is the prohibition/denial of the freedom of thought and movement which is legally attributed to humans. Schwie further noted that; while these rights can be violated by individuals or institutions, governments as well as leaders often time belittles or disregard marginalized persons. In this regard, this thesis defines human rights violation as an infringement, and breach of a person or peoples' rights recognized by nature, institutions, constitution, laws and government of states.

### **Conceptualizing Democracy/ Democratic Governance.**

The concept of democracy has been defined by many scholars and has been one of the most contested concepts in political science discipline. Despite the varieties of conceptualization of the notion of democracy (Dahl 1992; Schmitter and Karl 1991; Linz and Stephan 1996; Merkel 2004); there is a general agreement that democracy should be the rule by many and it is 'people-oriented'. Thus, democracy involves the active participation of the people and the terms 'democracy' revolves around the people. Of all definitions that abound, the most common one is the definition of Abraham Lincoln. Abraham Lincoln defines democracy as "government of the people, by the people and for the people". This definition upholds the importance and sovereignty of the people in a democratic setting/ state. It shows that power is vested on the people to rule themselves either directly or indirectly by electing representatives, who in turn is accountable to the people (Merriam-Webster 1828). In light of these discussions, democratic governance can be conceptualized as a system of government where the various institutions function in line with democratic norms (which includes rule of law, human rights, equality and freedom) and processes both in their interaction with other states/ institutions and internally (OSCE Office for Democratic Institutions and Human Rights, 1991).



### **Conceptualizing the Fourth Republic.**

The Nigerian fourth Republic is a period from 1999 following the end of military-led government to a civilian-led government under a democratic setting that runs to date. This period uses the 1999 constitution which was adopted on May 29 1999 (Arowosegbe, 2021: 1).

### **Conceptualizing Human Rights Laws**

The United Nations Human Rights office of the High Commissioner (OHCHR) conceptualizes human rights laws as laid down rules/obligations which all states, as well as individuals, are bound by and expected to respect. These laws expect states to protect, respect and fulfil all human rights obligations. These laws ensure states, institutions, groups or individuals refrain from any form of interference or curtailment of human rights. It also urges states to protect every individual or group against any form of human rights violations and abuse at the national, regional or international level.

Having conceptualized the above terms/concepts, the thesis will proceed to examine relevant works of literature/reports.

### **A Literature Review on Human Rights Violations in Nigeria**

Much ink has scholarly been spilled on the issue of human rights violations in many countries in the world. This is because human rights violation is fast becoming a norm in most especially democratic states, Nigeria inclusive. According to Freedom House Report 2019, Nigeria tops the chart of leading countries experiencing deterioration in their democratic system as well as human rights violations. The Report noted that the decline in world democracy has birthed several protests around the world with people demanding equality, justice and respect for their rights shows to a large extent the impact of the deteriorations in countries of the world (Freedom House Report 2019). Human rights advocates believe and agrees that despite sixty years of acceptance of the UDHR, the realization and respect for human rights is more of a dream than reality. Human rights violation continues to plague nations of the world. Cases of ethnic cleansing, child abuse/labor, genocide, violence and many other human rights violations are experienced daily in countries all over the world. It is noted that torture and abuse exist in at least eighty-one countries, at least individuals in 54 countries experience unfair trials and individuals in at least seventy-seven countries experience restriction in their rights to freedom of expression. Women

and children are not left out as they are marginalized in many ways. Press freedom is censored by states and victims of human rights violations are silenced (Prakash, 2020).

Prakash also argued that with the massive wave of globalization, it has been discovered that human rights violations should be 'securitized' because it threatens the international stability. For example, migrations, terrorism can be triggered by human rights violations. Also, the failure of states in defending and protecting the rights of its citizens can lead to wars that can affect and destabilize the peace in the regions (Prakash, 2020). Prakash in his article observed that states commit and indulge in human rights violations indirectly or directly. The violations of human rights by states can be intentional or could be as result of the states' inability to prevent the abuse/ violation (Prakash, 2020). Huberty (nd) argued that when a state is involved in the violations of human rights, various institutions and actors are also involved such as the judiciary, security officials, prosecutors, government agencies and officials and others. The violations of the rights of the people by states can be violent in nature (for example police brutality) or non-violent (right to fair hearing, restriction of press freedom amongst others). Huberty further asserted that states violate the peoples' rights indirectly when such state fail to intervene or protect the vulnerable in the society. A good example is the failure of the US government to protect black Americans from been attacked and the result of this was the frequent lynching that persisted in the country (Huberty, nd). Economic, social, cultural, civil and political rights according to Huberty has been violated and abused in many ways and through various means. Huberty believes that states violate civil and political rights in an attempt to suppress political rights as it is a major tactics for governments, clampdown rebellious forces in the society, and to remain in control (Huberty, nd). Schwie (2019) argued that people living in developing/less developed countries are mostly affected and experience gross human rights violations. And this is traceable to compounding challenges and factors. Schwie noted that countless cases of human rights violations abound, and development is very important element in realizing equality and protection of human rights (Schwie, 2019). In a joint programme conducted by the observatory for the Protection of Human Rights Defenders and the International Foundation for the Protection of Human Rights Defenders, the report noted that Nigeria does not possess a promising historical track for upholding human rights. The study showed that from military rule down to the fourth republic, there has been little or no improvement in human rights violations. These violations which range from unpaid salaries, gratuities & pension, a violation against

women and the girl child, embezzlement of public funds meant for development insecurity and communal crisis remains prevalent in the society (The observatory & Frontline, 2010).

Roth, in his opening address of the Human Rights Watch Report asserted that the assault on human rights globally requires a strong defense and reaffirmation of the basic value of human rights and the government of states, civil society as well as the media have important roles to play (2017: viii). In 2010, Roth in his addressing speech asserts that every government at a certain point in time are tempted to violate the rights of the people, therefore the human rights movement must encourage governments to resist such temptations. He further noted that some abusive governments sometimes join forces together or work alone to engage in severe attacks on human rights institutions, organizations or defenders in a bid to silence the messenger or to suppress the various institutions that are capable of penalizing violators/ offenders. He further noted that attacks on human rights 'defenders' range from murder, oppression, detention, harassment, threat, criminal charges, enforced disappearance and barring of lawyers who seek redress for victims of human rights violation. To back up Roth's words on attacks on human rights defenders, Amnesty International (AI) Report on Human rights in Nigeria (2020) recorded the arbitrary arrest and detention of thousands of people, the barring of lawyers from courtrooms, the activities of security officers who subjected many to forced disappearance. For example, in 2019, armed men abducted Abubakar Idris who is also known as Abu Hanifa Dadiyata, a popular government critic and human rights activist, and who is remains missing to date. Other attacks on human rights defenders include repressive laws that intimate, harass and detain media workers, perceived government critics, activists, journalists, and reporters thereby infringing on their freedom of speech and expression. In addition, the Amnesty International team in Nigeria got threats and harassment in November from a group that call itself the Centre for Africa Liberation and Socio-Economic Rights after the Amnesty team released a report on the killings of unarmed protesters at the Lekki toll gate in October 2020. The report also highlighted other human rights violations in the country which include infringement on the right to health, gender-based violence, death penalty, abuse of the right to peaceful association and right to life. The report of the UN High Commission for Human Rights (2015) noted that since 2009, there have been widespread human rights abuses in Nigeria especially the activities of the Boko-Haram Islamic group in the north-eastern region and its extended attacks in 2013 to other bordering states. The report examined the gross human rights and international humanitarian law violated

by this group. Like the AI Report, this report also highlighted human rights challenges in Nigeria and they include: internal displacement of persons as a result of religious violence/Boko Haram insurgency, abductions, kidnapping, rape, killings, torture and cruel inhumane treatments, violence against children and women, destruction of properties and rise in refugees as people in affected areas of the insurgency fled to other neighboring states/countries. The Report also highlighted human rights violations that arose in the context of ‘counter-insurgency operations’ and it includes the use of civilian vigilante groups, arrest and detains of suspected Boko-haram members without evidence, killing of civilians during counter operations between the military officers and the terrorist group (2015: 3-15). Emphasizing more on the atrocities of the Boko-Haram insurgency is the Human Rights Watch Nigeria Report. The report noted the 2017 attack of the group on the Nigerian National Petroleum Corporation killing sixty-nine people and the attack that claimed the lives of 300 civilians. The report made a remarkable addition by looking at the human violation that arose from the communal violence between farmers and pastoralists in the middle belt region that has claimed the lives of many and remains unsolved. Others include corruption in the public sector, passing into law of the ‘same-sex marriage (prohibition) Act (SSMPA) in 2014 (2018: 1-4).

The US Department of State Country Reports on Human Rights Practices as of 2020. The Report like others above noted significant human rights violations and abuses in Nigeria. These human rights violations outlined are arbitrary deprivation of life, politically motivated killings, abusive practices by SARS (Special Anti-Robbery Squad, the Lekki toll gate killing of unarmed protesters, arrest procedures and unfair treatment of detainees, arrest without trial or fair hearing, internal conflict, libel/slander laws, child abuse amongst others (2020: 1-34). Furthermore, taking a slight turn from previous literature, Adenrele and Olugbenga (2014) argued that despite decades of democratic governance and the ratification of the universal declaration of human rights, Nigeria citizens still face lots of human rights violations/abuses. They both noted that the reason for these violations is largely the authoritarian system and security operations that exist in place of democratic ethos. Mcculley, 2013 cited by Adenrele and Olugbenga asserted that violations of rights are becoming a ‘culture of impunity. The human rights violations carried out by security officials are accidental discharge that has claimed lives of innocent citizens, harassment of motorists, extortions, detention without trial, stealing, (2014: 87-89). Looking forward to human rights violations arising from security officials especially the police and

military officials, AI Report on Human Rights in Africa 2019 analyzed the abuses and human rights violations carried out by security agents on one hand and Boko-haram on another.

The AI Report published in 2021 on Nigeria expressed its disappointment in the Nigerian government who have for 21years refused to submit human rights reports required from states. The Amnesty review showed its concern on the pervasive torture and other severe treatment of citizens by the 'Special Anti-Robbery Squad (SARS)', a special unit of the Nigerian police. The review also wrote on the inhumane condition detainees and Victims of Sars harassment are subjected to in their Custody. The 2018 report of the US Department on Human Rights Practices also wrote on the activities of SARS in Nigeria. The literature documented the regular assault, abuse and torture of detainees in SARS custody in a bid to get confessions or bribes from victims. The officials' subject detainees to beating while tied, rape and extortion. Victims are sometimes paraded in their vehicles thereby subjecting them to ridicule and abuse from the public. The literature also observed that most of the victims are denied a fair hearing, medical attention, food and water. Despite all of these treatments, none of these perpetrators has been held accountable or punished for their actions.

In this regard, Nzarga (2014) argues that human rights violations extend to all spheres of Nigeria. In this context, the security services in the country are one of the greatest violators/abusers of human rights. Arguing further, Nzarga pointed out that security services of any nation play an important part in society because they are indispensable and are saddled with the responsibility of protecting and securing lives and properties. It is therefore saddening and ironic that those who are meant to safeguard lives and the nation turn around to violate and trample on the rights of the citizens. Nzarga noted the atrocities perpetrated by the Nigerian soldiers who massacred the people of Odi community in Bayelsa state, the rape of a three-year-old girl by a police officer in Abuja, the several harassments, illegal detaining/arrest of innocent citizens, invasion of peoples' privacy amongst other crimes committed by these officers. Siyaidon (2021) in his article emphasized also the role play by security services (i.e., police, army). He observed that the issue of arbitrary arrests/ detention of persons who are kept in a life-threatening prison condition which also include the detention of civilians in military base/facilities is alarming and worrisome. He observed further that these prisoners are often detained based on a make-up story that lacks evidence or their physical appearance.

Furthermore, research conducted in 2016 by the Human Rights Watch Report, noted that despite the relative peace of the 2015 elections and the inauguration of President Muhammadu Buhari, the issues/challenges of human rights violations remain unsolved. Insecurity and violence persist in the country thereby deepening the violations of human rights. The report observed that security officials who have violated people's rights have not been charged for the impunity and crimes they have committed. The only charge most of the military officials have faced in military tribunals are on the ground of 'cowardice' (fleeing insight of war or abandoning their posts). The report also pointed out that Buhari's inauguration speech included the reform of the military and plans to put an end to the issue of impunities amongst military officials. However, this promise remains unfulfilled. The report noted further that the Buhari led government has also been unable to address the root causes of the herder-farmer crises that have spread to all parts of the country, and the Boko-haram insurgency that has claimed the lives of many. In the subsequent year, Human Rights Watch Report (2017) wrote that millions of people have been internally displaced as a result of the insurgency. And most of the people in the various displaced camps lack basic amenities such as food, limited shelter, education, health care, infringement on their freedom of movement and expression. The report highlighted also the sexual exploitation/rape of women and girls by vigilante groups, soldiers and police officers. Amongst the issues of human rights violation highlighted by the report is the killing of members of IPOB (Indigenous People of Biafra) and MASSOB (Movement for the Actualization of the Sovereign State of Biafra) group who seek for the separation of Biafra from Nigeria after many years of marginalization. The destruction of lives and properties by the military in three communities of Bayelsa state all in a bid to arrest members of the Niger Delta militant group, the killing of approximately 347 members of the 'Shia Islamic Movement of Nigeria and subsequent ban on the movement by government and high level of corruption in the country that has triggered human rights violations.

In a recent study conducted by the Congressional Research Service (2020), it was documented that over three million have been displaced and approximately thirty-eight thousand people have lost their lives to the insurgency. Noting also, the study reviewed the adoption of school children by the terrorist group, religious conflicts between Muslims and Christians and Sharia/Shia group, oil theft in the Niger Delta region, years of unchecked corruption in every sector has hindered the effectiveness in combating human rights challenges in Nigeria.

In addition, Ottuh (2008) made a notable contribution to the literature and reports above. Ottuh examined the role of Sharia law (the legal system in most parts of the northern region) in contributing to human rights violations in the country. According to him, several persons in the northern region where this law is practiced have been killed. These victims are either beheaded or stoned to death. Some others have experienced amputation of their arms, flogged, forcefully detained and subjected to inhuman conditions/treatment for committing crimes like stealing, fornication, indecent dressing, hairstyles, drinking, playing certain songs amongst others. Ottuh argued that Sharia law is fast becoming synonymous with human rights violations. He pointed out that human rights and religion create an atmosphere that promotes democratic governance in any state but the role of the Islamic religion that promotes the Sharia law in Nigeria has caused more human rights violations than it has solved.

Another work by Onwuazombe (2017) examines the issue of violations in the oil-producing states/communities asserted that human rights violators are never held responsible or accountable and justice is never served to victims who seek redress. He wrote that some of the human rights violations in this region include abuse of the right to life, right to freedom and discrimination, right to health, right to development, right to freedom of association and peaceful assembly, right to work and means of livelihood. He pointed out that corruption, interference in the judicial institutions, and lack of trust and confidence in judicial processes has hindered the promotion of human rights in the country.

Hence, perpetrators walk around freely. Buttressing also on the weak judicial institution is Okogbule (2005) believes that incompetence/delay in judicial procedures, corruption, reliance on technical rules, illiteracy, high cost of litigation, locus standi (right to appear in court and be heard) is contributing factor to human rights abuse and violation in Nigeria. Also, Brems & Adekoya (2010) argued that human rights remain an unfulfilled promise to people all over the world, despite its recognition in constitutions and treaties. The two writers asserted that the steps and procedures involved in seeking redress are unnecessary, cumbersome and can also frustrate the rights of the victim. The article highlighted poverty as a major limitation to the actualization and enjoyment of human rights. It also included inefficient administration of justice, lack of assertiveness, and mistrust as contributing factors to human rights violations. Adding to the contributions made by the above literature on human rights in Nigeria, Adaku (2020) in his

article examined the measures taken by the Nigerian government to curb the coronavirus pandemic as a violation of human rights as people were denied freedom of movement, limited access to food, right to work, freedom of association and gathering, torture/harassment by security agents in the process of implementing these laws/measures taken by the government.

Also, in the 'Trend of Human Rights Abuse in Nigeria, Onimisi (2018) wrote that cases of human rights abuse remain unabated and increases every day. He noted that there is an increasing trend of complaints who are victims of human rights violations. And amongst these human rights violation complaints received by the Human Rights Commission of Nigeria, the most common are unlawful arrest & detention, delay/non-payment of salaries, child abandonment, cruel/inhumane treatments, dismissal/unlawful termination of appointment, extortions, insecurity and others. The article also observed that most abuses remain unreported. The Human Rights Watch Report (2020) which documented events of the previous year (2019) showed that the 2019 election that ushered in President Muhammadu Buhari's second term in office took the lives of eleven people. And despite the government's claim to increase security measures, the country is still ravaged by severe security challenges as kidnapping, banditry, recurring cycle of armed confrontation and violence is on the increase. The said Report also documented some events that took place in 2020, for example, the clampdown/ shooting of unarmed protesters, media repression which indicates the government's intolerance towards freedom of speech and expression. The report did not leave out the human rights violation carried out by security agencies.

Conceptual clarification and review of related relevant literature and reports are important in research work, given that it broadens the researcher's knowledge on the topic and helps the study to identify areas of agreements, disagreements/ debates and counter debates in existing literature regarding the topic. It also helps to identify the existing gap in knowledge that requires further research and authorities/writers that have contributed immensely in finding the solution to the problem statement. Furthermore, defining key concepts and reviewing relevant works of literature helps to give a detailed analytical work that is well-grounded in existing knowledge and evidence rather than mere assumptions/observations of the researcher.

In conclusion, the research has been able to conceptualize/define key terms and reviewed extensively relevant related literature on human rights violations in Nigeria. By reviewing the



above literature, the study observed that human rights violations in Nigeria have become a norm. It can be easily pointed out that there is a general agreement amongst the literature that there is a high level of human rights violations in the Nigerian Fourth Republic. These human rights challenges predate the fourth republic and remain largely unattended to even after transitioning to civil rule. It keeps going in circles, with states and non-state actors perpetuating the act and none is punished for violating the rights of the people. While the agreement among the literature is noticeable, there is however little difference in their approach. While a majority of the literature focused more on the issues of human rights violations, a few others focused on agents/factors that promote human rights violations. However, both approaches adopted still point to the fact that human rights violations are prevalent in Nigeria and remains uncontrolled.

In line with the reviewed literature and reports, the thesis will contribute to existing knowledge and literature by critically examining human rights challenges in Nigeria and how well the government has complied with national, international and regional laws/legal frameworks on human rights. The thesis like some of the reviewed work will also proffer a possible recommendation that would help in solving the problem of human rights violations in Nigeria if applied.

## CHAPTER IV

### **Role of ICESCR and ICCPR in Guaranteeing Human Rights in Nigeria's Fourth Republic From 2015-2020: An Assessment**

It has been observed and established from previous chapters that human rights violations in Nigeria is an epidemic that has spread over time. Looking at the legal framework on human rights in Nigeria at the national, regional, and international level outlined in chapter one, and the review of literature on human rights violations in chapter two of the study, it is obvious and glaring that the provisions of those documents are a total contradiction and opposite of reality. Impunity has become widespread and the rule of law inadequate (Adegboruwa, 2021). From the previous chapter which examined several international human rights covenants and treaties ratified and signed by the governments in Nigeria, it is quite obvious to notice that Nigeria has taken important and remarkable steps towards ratification of human rights covenants as the country has approximately eighty registered independent human rights organizations which include the Centre for Democracy and Development, Amnesty International, National Human Rights Commission amongst others. While the country has ratified these laws and covenants, and recognized these organizations, enjoyment of human rights in Nigeria has been a great and continuous struggle in reality. The protection and implementation of these human rights covenants and treaties have been so difficult hence the continuous rise of human rights violations in the country (Arla, 2015: 15-16).

Human rights records continue to slide under the Buhari-led administration (Chiedozie, 2021) which began in 2015 to date. It is within this scope 2015-2020 that this chapter of the thesis will critically assess and examine human rights violations in Nigerian Fourth Republic with a special reference to 2015-2020 period. Additionally, for better understanding, this chapter will analyze human rights violations in Nigeria using the categorization of the 'International Bill of Human Rights' adopted by the UN in 1948 and ratified by Nigeria. The study is, thus, adopting the two covenants and declaration that make up the bill of rights because, it covers all aspects of human rights; economic, social, cultural, civil, and political, and also state obligations and duties of governments towards fulfilling and promoting human rights. Also, this chapter of the study will examine to what extent human rights are guaranteed in Nigeria.

## **International Bill of Rights**

After the end of the Second World War, and with the formation of the United Nations Organization, the house proposed a draft that embodies a 'Declaration on the Essential Rights of Man'. The UN charter clearly emphasized the need to promote, protect and encourage respect for human rights and fundamental freedoms for everyone irrespective of status, origin, race, religion, or language. The idea to promulgate an 'International Bill of Rights' was discussed and considered. The International Bill of Rights is made up or consists of the UDHR, the International Covenant on Civil and Political Rights and its two protocols, and the International Covenant on Economic, Social and Cultural Rights (UN Factsheet 2, 1948: lines 1-11, Australian Human Rights Commission, nd: 1). The International Bill of Rights highlights five group rights, fourteen (14) economic, social and cultural rights (ESCR), twenty-four (24) civil and political rights (CPR), and seven principles that examine and explains how Human rights should be implemented/interpreted (Mark, 2016: 9). Emphasis will be on UDHR, International Covenant on ESCR, and International Covenant on CPR.

## **Universal Declaration of Human Rights**

This was proclaimed and adopted by the United Nations General Assembly. The UNDR is a 'common standard' for states, societies, governments, and individuals in promoting and protecting universal human rights by taking 'progressive measures' both at the national and international level (UN Factsheet 2, 1948: Heading 4). The UDHR is made up of a preamble and thirty articles that set the principle of human rights and fundamental freedoms to which everyone, everywhere in the world is entitled without any form of discrimination. Article 4 -21 of the UDHR outlines civil and political rights, articles 22-27 cover economic, social and cultural rights. The UDHR since 1948 has continued to be the highly referenced and most important of all UN declarations and a major source that inspires nations of the world at the national, regional, and international level to put in efforts towards promoting and protecting human rights, civil liberties, and fundamental freedoms. The UDHR sets out the direction and foundation for all subsequent covenants, human rights laws and provides the 'basic philosophy' for all legal binding international instruments that are designed to protect and respect all rights and freedoms which the UDHR proclaims. (UN Factsheet 2, 1948: Heading 4).

### **International Covenants on Economic, Social, and Cultural Rights (ICESCRs).**

Economic, Social, and Cultural Rights are the freedoms, privileges, and entitlements that individuals, groups, and communities need to live a life of dignity (International Justice Resource Centre, nd: heading 1). ESCRs are part of the body of human rights laws and covenants that developed after the end of World War 2. The economic, social, and cultural rights that are reaffirmed in the Int. Bill of Rights includes the right to work, right to a good and quality standard of living which includes food, housing, clothing, health, social services, and security, education amongst others (Marks, 2016: 9-10). The International Covenant on ESCRs adopted in 1966 by the UN- General Assembly and which came into force in 1976 emphasized in article 2 of the covenant the duties of states and governments in taking steps which includes 'legislative measure' to achieve and attain a progressive realization of ESCR (IJRC, nd: heading 3). The International Covenant on ESCRs consists of four parts and thirty-one (31) articles that recognize ESCRs, outline the duties and obligations of states to respect, promote, protect and fulfill ESCRs and the role of the committee (OHCHR, 1966). The committee on ESCRs is charged with the responsibility to oversee and ensure states' implement and respect the provisions of the ESCRs covenants. The ESCRs committee obtains reports from states who have ratified the covenant. They also embark on observatory missions and work with NGOs (IJRC, nd: heading 10).

### **International Covenant on Civil and Political Rights (ICCPR).**

Many civil and political rights outlined in the UDHR also exist in the International Covenant on Civil and Political Rights. The ICCPR aims to promote human rights and freedoms that allow full participation and engagement in political and civil society. All Civil and Political Rights (CPR) are equal and without any form of discrimination (GC- Asia Pacific, 2020). The ICCPR like ICESCR was adopted by the UN General Assembly in 1966 and came into force in 1976. The covenant is divided into six parts, with 53 articles outlining the CPRs, duties of States and governments, duty/responsibilities of the human rights committee in ensuring that states comply with the provisions of the covenants (ICCPR, 1976: 173-305). Attached to the ICCPR are its two optional protocols which are the Human Rights Committee and Optional protocol for the abolition of the Death penalty. Article 4 of the covenant states certain conditions on which states can derogate or limit these rights and which is in time of emergencies or an existential threat to

national security. However, states/non-state actors cannot in any circumstance or condition derogate articles 6, 7, 8,11,15,16, and 18 of the covenants because they are non-derogable (Canadian Civil Liberties Association, 2015: heading 1-4, ICCPR, 1966).

### **Assessment of ESCRs Violations in Nigeria under ICESCR and other regional/national instruments (2015-2020)**

Despite the encouragement and obligation of the state towards achieving a ‘progressive realization’ of ESCRs at the national level, Nigeria is far from the realization and protection of these rights as the citizens face severe ESCRs violations. Theoretically, the Nigerian Judicial System has the legal backing to investigate human rights violations but in reality, offenders/violators walk freely without any prosecution (Grigsby, 2017: 10-11). ESCRs guarantee the enjoyment and promotion of a quality standard of living that is required to live a life of dignity. The obligation of the state to protect requires that the state must prevent actors (state/non-state) from interfering with the actualization and enjoyment of ESCRs. The obligation to fulfill the provisions of the ICESCR requires states to take active and progressive steps towards creating the necessary conditions that will assure the individual’s enjoyment of these rights. The obligation to respect urges states to ensure that they respect the ESCRs outlined in the provisions of the covenants (IJRC, nd heading 1). The study will examine ESCRs separately for effective analysis.

### **Economic Rights**

Article 6-8 of the ICESCR, article 15-22 of the African Charter for Human and Peoples’ Rights covers economic rights that must be respected, protected, and fulfilled by states to everyone within its boundary. Economic rights include the right to work, right to fair wages and safe working conditions, right to form and join trade unions, right to strike and right to a good standard of living which include (right to food, housing, health, education, clothing and other social services (ICESCR, 1966). One of the promises of President Muhammadu Buhari’s to Nigerian people in 2015 during his election campaign and inauguration was centred on economic reform, which included the provision of gainful employment, human capital development, a market-based economy (Kumolu, 2015). The economy he promised would be operated on a clear and ‘unambiguous regulatory framework’ and an effective enforcement plan. President Buhari promised the creation of 3 million jobs yearly for the youths, diligence in implementing the

annual national budget for flexible accountability and transparency in the nation's resource management. President Buhari also promised to stabilize the naira and ensure that the currency is equal to the dollar. In addition to the imaginary figures of the job he promised, his deputy Professor Yemi Osinbajo pledged to create 20,000 additional jobs annually. The duo (president and deputy) promised Nigerians that all looted funds by public officials will be returned as the government will not tolerate any form of corrupt practices (Kumolu, 2015). Furthermore, they pledged that there would be a timely payment of retirement benefits for pensioners in the country and a creation of a 'poverty safety net' for the aged citizens who are above 65 years (Tijani, 2015 57). Moments after his sworn-in ceremony, thousands of his followers were excited (BBC News, 2015) and sang praises to the messiah who they thought had come to deliver them from the clutch of poverty and insecurity. The happiness that filled the air resonated with the feeling the masses had after the military handed over power to a civilian-led democratic government. It showed the desire of the people for 'change' and development in every sector (BBC News, 2015). While these promises/ pledges may have resonated to a large extent the hope of some of the masses, the aftermath in subsequent years to date has made the citizens realize that history has indeed repeated itself and for a second time they have fallen for the cheap 'notion of change' that never came in 1983-85 (President's first appearance in political power) and that may never come until upcoming 2023 general elections that will usher in a new government.

The promises of President Buhari would have indeed guaranteed, respected, promoted, protected, and fulfill the provisions of the ICESCR if he had kept to his commitments. Once again, the reverse is the case as there is a widespread violation of economic rights. Though Nigeria has the largest economy in Africa with a high economic potential arising from the size of its domestic market, natural and human resources, good skills, fertile land, favorable geographical location, capital and technology, GDP of \$488 billion, and a GDP per capita of 2,688 dollars (ILO, 2016, ILO, 2015 1). It is disappointing that despite these potentials, there exists a high level of poverty and mass unemployment as well as deprivation of quality and good standard of living. The statistical report of 2020 showed that the rate of unemployment in Nigeria reached 33.28% and between 2015-2020 unemployment rates in the country grew rapidly. There was a rapid increase in unemployment in 2017 as the year marked the fastest decline of employment by 6% and going by the international method of statistical evaluation, the rate of employment in the country stood at 17.5% (Varrella, 2021).

Accordingly, the International Labor Organization (ILO) noted that the labor force and population in Nigeria have continued to grow rapidly but with a matchless growth in job/employment creation. The report recorded massive unemployment of the youths persists in the country as the unemployment rate stood at over 24% amidst a high level of school graduates. Furthermore, the report showed that the continuous rise of unemployment and influx of graduates has made employers of labor take advantage of the situation by reducing the salary/earnings of newly employed workers and has raised the standard for new/fresh applicants seeking jobs (ILO, 2015 2). Development shortfall in the country is mostly evident in poor social indicators, poor/low income earning, and significant differences in gender, income, and location. The estimated number of people living in extreme and abject poverty in Nigeria has rapidly increased as 78% of the population live on less than 1.25 dollars a day, while 90.8% of the people live on less than 2 dollars a day. Half of Nigerians live in extreme poverty (ILO, 2015 2). Going by the current trend, the ILO report showed that Nigeria is most likely not going to meet the demands/target of the MDGs (Millennium Development Goals) which was internationally agreed on as most of the citizens have little or no access to basic social amenities such as water, electricity and sustainable source(s) of livelihood (ILO, 2015 2-3). Since 2015, the Nigeria economy has endured and experienced one of its worst slumps as it has been hit with two recessions which are driven by a combination of collapse in oil prices, the Covid-19 pandemic, and the government's economic policies that have inflicted a period of prolonged sufferings and misery for the people (Akinwotu, 2021).

As a matter of fact, the economic challenges in the country affect people across the various age group but the most notable is 'youth employment. Since 2015, unemployment has quadrupled and the country has become one of the worst countries with an Unemployment rate globally (Akinwotu, 2021). By the end of 2020, 33% of people who are of working age were either underemployed or unemployed, and in response to the rapid increase of unemployment, PMB adopted several jobs schemes, programs, workshops/seminars for training, short-term roles, and placements but these opportunities are temporary and limited given the unemployment rate in the country thereby bringing the effort of the government to zero (Akintowu, 2021). The unemployment rate in the country violates the rights of millions of Nigeria who are ready to work but cannot find any job opportunity or the enabling environment to put in their acquired skills.

In light of these figures, Article 7 of the ICESCR, as well as article 15 of the Banjul Charter, recognizes the right of everyone to work under favorable work conditions and for equal wages for equal work (ICESCR, 1966, UN-Treaty Series, 1981 248). Article 7 (ii) of the ICESCR guarantees a decent living for themselves and their families (General Assembly, 1966 3). The right to decent living has been grossly violated in Nigeria giving the meager salaries/earnings of workers which render them unable to live a decent life. The minimum wage in Nigeria before 2019 stood at 18,000 naira per month which is equivalent to 50 dollars and obviously not enough to cater to individual needs given the high cost of living and inflation in the country (Ogunde, 2019). In 2019, the government signed the Minimum Wage Repeal Enactment Bill into law and the bill implemented the increase of minimum wage from 18000 naira to 30,000 naira (83 dollars). Though Nigerians applauded this move, the minimum wage is still too low to guarantee a quality standard of living given the economic situation and high cost of living in the country (Ogunde, 2019).

Looking at the cost of living for a single person in Lagos as against the minimum wage, it was observed that approximately 171,000 (\$473 dollars) is required to meet the monthly needs of an individual excluding house rents. To cater for all living expenses in an average family in Lagos, about 622,000 naira are needed. Yet, the average salary for a skilled worker/labor is 57,200 naira which is approximately \$209 per month or less for a low-skilled labor/worker (Ogunde, 2019). Given the disparity in the earnings and the cost of living for the average individual or family, it is obvious that there is great insufficiency in maintaining a decent or quality standard of living outlined by the ICESCR. The attainment of a favorable work condition is only seen on paper and not in reality as labor workers, doctors, teachers, civil and public servants have embarked on a series of strike actions as a result of poor infrastructures and facilities, insecurity, and unpaid salaries (Ogunde, 2019). Though the right to strike is to a large extent respected, the implementation of the demands /needs of the workers are most times not met. Looking at the rate of strike actions in Nigeria resulting from non-payment of salaries and unfavorable work conditions, it is observed that there is an increase in industrial actions since the coming of PMB's government into power (Sahara reporters, 2021). This increase is caused by systemic failure, frustrations faced by workers who perceive that the only way to get the attention of the president is through strikes. Though successive governments experienced industrial actions from workers, it, however, became incessant and a norm under the leadership of PMB (Sahara reporters, 2021).



In 2020, the ASUU (Academic Staff Union of Universities) embarked on a strike action that lasted for over 9 (nine) months and their demands include rehabilitation of schools across the country, payment of remuneration amongst others, and since the beginning of 2021, strike actions have been at alarming rates (Sahara Reporters, 2021). Other strike actions calling for government intervention to ensure favorable work conditions and development in all sectors include; the industrial action of the Nigerian Labor Congress (NLC) in 2020, Trade Union Congress (TUC) in 2020, Nigerian Association of Resident Doctors (NARD), and Nigerian Medical Association (NMA) 2020 and 2021, amongst others (ITUC-Africa, 2020, Chima, 2021). Many retired workers are yet to receive their pensions and gratuities. This act of delaying payments/ embezzling pension funds by government officials violates the economic rights of these groups of people. In Nigeria, retirees (retired civil and public workers) make up a great percentage of the aged/elderly population, and pension is a major 'welfare scheme' that was put in place to cater to the needs of these categories of people. In reality, the pension administration is confronted with a series of challenges ranging from embezzlement, unequal distribution/disbursing of funds, delay in disbursing funds, to short payment vouchers, privatization of pension parastatals and companies, difficulty in the processing retirement papers, and most times death emanating from the harsh weather conditions and stress pensioners go through during screening sessions (Nweke, 2014 256). Pensioners of the defunct 'Nigeria Telecommunication Limited (NITEL/MTEL) wrote a heartbreaking letter to PMB begging for his intervention in the payment of their pensions/gratuities as they were yet to be paid 77months arrears. The group wrote that 'Privatized Government Agencies' have been fully settled but theirs is still hanging on (Vanguard, 2021). While the right to join trade unions can be said to be respected to an extent, the government's interference and policies as well as the threat to stop paying workers while on strike, have hindered the full actualization of this right. The Union leaders are sometimes appointed with the interference of the government and the unions are sometimes dissolved (Okolie, 2021 21).

Though President Buhari's administration promised economic reform and economic security which borders on the respect of economic rights, his policies and delay in addressing the violations of these rights contradict his plans/pledges. The former Central Bank governor stated that the progress experienced in the country for 35years has been wiped out in just five years (Akpan, 2021). The PMB government has over the years since its inception brought the nation to

a state of lawlessness with its restrictive policies that have crippled the economy, display a high level of incompetence, treasury looting, unchecked corruption (Akpan, 2021). The economic Policies of PMB have worsened the standard of living which the ICESCR aimed to promote and has violated the economic rights of the vast majority of Nigerians. PMB's pledge and promise to create jobs and make the naira equal to dollars is only a 'wish' as one dollar which hitherto was 167 under Goodluck Jonathan has skyrocketed to 512 naira under PMB's watch (Akpan, 2021). The World Bank Human Capital Index in 2020 ranked Nigeria 150 out of 157 countries reviewed (World Bank, 2021). The ranking shows that there exist great developmental challenges in the country and this is as a result of the government's inability to build strong and effective institutions, diversify the economy, reduce its over-dependence on oil, alleviate poverty, bridge inequality and resource distribution gap, social and political unrest, and high inflation that has taken a toll on the welfare of the citizens (World Bank, 2021). Before 2015, the inflation rate stood at 8.5% and with the coming into power of PMB in 2015, with the 'change' he promised, inflation increased to 9% and increased to 18.17% in March 2021. The unemployment rate from May 2015- May 2021 has rapidly increased by 4 (Olawoyin, 2021). The National Statistics Bureau reported that unemployment in Nigeria rose to 33.3% and this is the highest rate the country has ever recorded in the past 13years. Nigeria ranked the second-highest country with an unemployment rate in the world (Olawoyin, 2021). The nation's debt has rapidly increased amidst the level of poverty and low standard of living in the country. According to DMO (Debt Management Office), the country's debt was at 12.12 trillion naira in June 2015, shortly after PMB took over power but rose to 32.915 trillion as of December 31st, 2020 (Olawoyin, 2021).

From the above analysis, it is quite obvious that the standard of living has deteriorated rapidly and the resultant effect of this is that the economic rights of the people outlined in articles 6-8 of the ICESCR are being violated. Article 2 of ICESCR requires states to take active steps to the maximum of their available resources with the view or aim of achieving the progressive realization of the recognized rights in the covenants. While this may have been said to reduce pressures on states or governments towards the realization of these rights, the study argues that state/ governments for example Nigeria where the available resources are looted or exploited by a few, can use this clause in article 2 to its advantage and the resultant effect of this is a

continuous violation of economic rights with the excuse of recession, inflation, and the 2020 covid-19 pandemic. The subsequent parts of the study will examine Social and Cultural Rights.

### **Social Rights of the ICESCR**

Articles 9-12 of the ICESCR & section 2(d) of the 1999 Nigerian constitution recognizes the right of everyone to enjoy social security which includes, protection and assistance of the family, right to an adequate standard of living (right to food, housing, health, clothing, and social services) (ICESCR, 1966 3-4). Article 10 of the ICESCR and Article 18(1-4) of the Banjul Charter and section 17(3(h) of the 1999 Nigerian constitution recognizes and urge states to make provisions to assist and protect the family which is an important unit in the society as by fulfilling this provision, the standard of living of the family would be guaranteed. The ICESCR article 10(2) emphasized that attention should be paid to mothers during and after childbirth and children must be protected from economic and social exploitation (ICESCR, 1966 3-4). While the Nigerian government may have read the provisions in the covenant before signing and ratifying it, the responsibility of states to protect, promote and fulfill the rights have been ignored, as actions of the government in reality both in the past and especially the present does not match their words or the provisions of the ratified covenant. The promises of the government towards creating a 'social welfare program' that will promote family stability. The program aims to give at least 5,000 naira to 25 million most vulnerable and poorest families with a prerequisite that such families will show evidence of immunization and child enrolment in schools are only but mere words with little or nothing put in place to achieve this (Vanguard News, 2015). PMB in 2015, pledged to prioritize the massive reduction of infant and maternal mortality rate to the level acceptable by WHO (World Health Organization), increase number of doctors to 50 per 1000 of the Nigerian population as against the previous 19 physicians per 1000 of the masses. The PMB-led government promised to improve life expectancy and that from his inauguration in 2015 to 2019, all federal hospitals in the country will be developed to a world-class standard as his government hopes to increase the quality of these federal-owned hospitals. Furthermore, PMB pledged to provide free ante-natal care for all pregnant women and free health care for all babies, children who are of school age, and the aged in society (Vanguard, 2015). While these pledges and promises may be enticing and hopeful, in reality, the state of the family, healthcare system, and the country, in general, is heartbreaking. The level of insecurity and corruption in

the country has dashed all hope and violated the right to protect and assist the family. Increasing violence, abductions, and insecurity in the country have led to 'arbitrary deprivation' of lives of members of the family and the abduction of teachers as well as school children and their families has become a norm in the country and has continued unabated (Olaniyan, 2021). The vulnerable people whom the government promised to protect are not left out in the insecurity challenges that are prevalent in the society as everyone, everywhere is affected in one way or another. No one is safe from the violence/ crises in the country (Akinwotu, 2021).

Article 14(5) of the Banjul Charter and article 12(2a) of ICESCR recognize the provision for the reduction of infant mortality rate and the promises of PMB would have resolved and achieved the full realization of this issue if it was implemented. It is observed that every single day that passes, Nigeria experiences the loss of about 2300 children under age 5 and 145 women who are of childbearing age (Muanya, 2019, UNICEF). According to WHO, Nigeria contributes nearly 20% of maternal deaths globally (WHO, 2019). In 2015, the maternal mortality ratio was estimated at 800 maternal deaths per 100,000 births and approximately 58,000 maternal deaths in total (WHO, 2019). The WHO report noted that one out of twenty-two Nigerian women have a high risk of dying during the three stages of pregnancy but in most developed countries, the risk is one out of 4900 women (WHO, 2019). In 2017, Aisha Buhari the wife of President Muhammadu Buhari (PMB) raised alarm on the increasing rate of infant/maternal mortality in the country and stated that the 576 deaths in 1000 births for pregnant mothers and 20% out of 1000 live births for babies/infants are unacceptable (Audu, 2017). The Nigerian Demographic and Health Survey (NDHS) revealed that the rate of infant mortality stood at 67 deaths out of 1000 live births for five years before the survey and the death of children under the age of 5 was 132 deaths out of 1000 live births. The survey showed that one out of eight children die before they celebrate their fifth birthday. While 'post neonatal' mortality stood at 28 out of 1000 births, neonatal stood at 39 deaths in 1000 live births (NDHS, 2019 164). The World Population Review showed that the infant mortality rate in Nigeria stood at 69.8% and noted that the cause of these deaths in countries experiencing a high rate of infant mortality is malaria, poverty, malnutrition, underdeveloped infrastructure, and poor health care facilities (World population Review, 2021). The causes of infant mortality in Nigeria are not farfetched from what the world population review outlined. The health sector in Nigeria under the Buhari administration has attracted a lot of attention from the public. The major challenges facing the sector are poor

primary health care centers late diagnosis, lack of equipment and medical facilities, lack of water and electricity (Owoseye, 2018).

The minister of Health Dr. Isaac Adewole has called on the government to revitalize the primary health care centers which the PMB's government believed to be the bedrock of health care provisions in the country. And despite the promises of PMB to revamp the sector, most of the primary health care centers are in dilapidating states (Owoseye, 2018). The government's negligence to the health centers has resulted in pregnant women seeking medications from 'traditional birthing centers' and over a 4.3million children in the country have never received immunization as there is a high shortage of vaccines in the health care centers (Owoseye, 2018). Other challenges of the sector include incessant strike actions by health workers and doctors, poor response to health emergencies, mass migration of doctors and medical experts to other developed countries (Owoseye, 2018). Despite the pledge of PMB to make the hospitals world-class standard, and make primary healthcare centers accessible, the President did not only refuse to honor his words, but he also continues to seek medical care outside the country leaving millions of Nigerians who cannot afford to seek medical care abroad to their fate. This attitude of PMB and his cabinet caught the attention of the deputy president of the Commonwealth Medical Association who called out the government to lead by example by receiving medical attention/treatment in the country and should stop belittling the efforts and expertise of doctors in the country who competes with others abroad (BBC, 2016). The failure/negligence of the PMB-led government towards the medical sector violates article 12(1) of the ICESCR and Article 14(1) of the Banjul Charter and section 17(3(d)) of the 1999 Nigerian constitution that recognized medical attention for all.

Article 15 of the Banjul Charter, article 10(2) of the ICESCR, Article 2 of the Convention on the Rights of the Child, and section 17, subsection 3(f) recognizes and promotes the 'protection of children from any form of exploitation. While these documents urge states to protect the rights of children, it is embarrassing that the so-called giant of Africa that is supposed to lead by example, has little or no regard for this right and as a result of this, children are constantly abused and exploited. It is a big crime when children who are meant to be in school and catered for are economically and socially exploited, denied the right to education, and exposed to certain harsh work conditions where they are underpaid or never paid (Ekong, 2006 1). It is no longer news

that Nigeria, especially the northern part of the country actively engages children in begging on the streets. Many of these children are sent to Koranic schools where they are taught and forced to go begging on the streets and in turn, these children popularly called 'Almajiri' are forced to surrender their earnings to the teachers. Most times these children go about the streets and highway on an empty stomach and they tag along with strangers whom they hold firmly until they get money or food (Ekong, 2016 29-30). Also, children are subjected to scavenging (scouring and searching for items like rubber, cans/tins, iron, metals) through a mountain of heaps and most the children engage in these activities without any protection or safety boots, gloves, eye gadgets thereby exposing them to germs, sharp object and diseases (Ekong, 2016 30). Some children from poor homes are sent to cities or towns as helps to strangers who in turn pay them meager salaries, while others are sent to work to cover the debt owed by their parents (Ekong, 2016 31). Other economic exploitation children are subjected to include; street hawking, child prostitution, child trafficking, and others (Ekong, 2016 28-30). Despite PMB's child rights policy and threat to arrest parents who refuse to send their children to school in a bid to reduce the embarrassing number of out of school children (Adedigba, 2019), children are still wandering around the streets and so far, no one has been arrested or trialed. The northern region which has the highest number of out-of-school children with a 69% record (Adedigba, 2019) and who engage more in child labor has not been prosecuted nor anyone facing charges (Abubakar, 2018).

Other social services guaranteed by ICESCR article 11 are the right to food, clothing, housing for continuous improvement of living conditions (ICESCR, 1966 4). Article 11 reaffirms the basic need of a man that is greatly required for survival (Davis, 2021). Aside from the over-reliance on the importation of food into the country, malnutrition is a widespread epidemic in the country, and the rural areas are mostly affected by food shortage, poor quality foods, unbalanced nutrition/diet (Akinyele, 2009). The high rate of malnutrition amongst children varies from one geopolitical zone to another. While 56% is recorded in the southwest, 84.3% is recorded in only three communities in the northern region. Though several institutions and governments have put in efforts and attempt food security, these efforts are most times dashed by inadequate funding, faulty implementation, high level of poverty, low priority/ poor understanding of the importance of nutrition by policymakers (Akinyele, 2009). From 2018-2020, 21.4% of Nigeria experienced hunger. People stayed for days without food due to the high cost of living and lack of money.

Food insecurity rate moved from 6.6% in 2014-2016 to 21.4% in 2018-2020 (Varrella, 2021). PMB in his speech at the “UN” Food System Summit, 76th session of UN General Assembly held in New York, PMB said that the country has developed a ‘food system’ that prioritize affordable nutrition and healthy diet that will, in turn, contribute to the economy, enhance the agricultural sector, and productivity of small-scale farmers, and empowering of women and youths to enhance greater access to food production (Ajibola, 2021). While PMB may have made this statement at the summit, in reality, the reverse is the case. The opposition party PDP (Peoples’ Democratic Party) has called on the PMB-led government to address the food insecurity in the country as 82.9million Nigerians are starving under his watch (Yakubu, 2021). The party noted that the masses find it hard to afford their daily meals given the failure of the government to take practical steps in protecting the food sector, hence, the severe food scarcity and the hike in prices which is beyond the capacity of the average Nigerian. The party blamed the situation of the country on the PMB government and bemoaned the ranking of the country by the Global Hunger Index where Nigeria ranked 98 out of 107 countries that were reviewed (Yakubu, 2021). The party complained about the price of food items in the market as a bag of rice which hitherto was sold for 8000 naira under the PDP government is being sold for 30,000 naira, a measure of guinea corn and maize which was 150 skyrocketed to 400 amongst other items and commodities. The party also blamed the food scarcity on the unchecked and the PMB silence to the communal violence between the herder and farmers, banditry, kidnapping, displacement of farmers fleeing from insurgency and violence (Yakubu, 2021). The party cited the case of the 43 rice farmers in Borno state that were beheaded as an example of the government’s slow response to emergencies, as the PMB government responded to the attack by blaming the victims instead of tackling and bringing the perpetrators to book (Yakubu, 2021).

In addition, the PMB government show a high level of violation of the right to food and lack of political will to oversee that food security is guaranteed in the country when most state governments allegedly engaged in hoarding, delay, ineffective and inefficient distribution of Covid-19 palliatives meant to feed the poor and vulnerable in the society to lessen their burden during the 2020 nationwide lockdown called for alarm. Palliatives were stacked and hidden in warehouses while the poor in the society starved. The palliatives were discovered by protesters during the EndSars nationwide protest. This discovery led to an investigation by the ICPC (Independent Corrupt Practices and other Related Offences Commission (Akinrefon, *et al.*,

2020). Amongst the reasons given by the governors for hoarding the palliatives, the most embarrassing one is that they kept it in anticipation of a second wave of the pandemic. The reason is laughable because while many Nigerians starve and beg for food in the first wave of the pandemic, the government that is meant to provide food for its people is preserving the available one for a perceived second wave (Vanguard, 2020). It is appalling that while kind-hearted and generous Individuals, groups, churches, organizations, and companies at the national and international level donated to ease the pain of others and promote the right to food, the PMB government is concerned with hoarding these relief items till a short wave of the virus hits the country (Akinrefon, *et al.*, 2020). While food security is a big challenge in Nigeria, access to clean water remains a big problem in the country.

In this regard, the UNICEF report shows that while the country has made remarkable and important progress in water security, over 86% of Nigerians still lack access to a safe and well-managed water source (UNICEF, 2021). The major problems are lack of equity in accessing water and poor quality of drinking water. Although Nigerians have access to water services, the report showed that more than half of the sources are contaminated, and the most vulnerable to water scarcity are children and families living in vulnerable communities and villages (UNICEF, 2021). Though Nigeria is blessed with rich water resources with 215 cubic kilometers of available surface water a year, access to water in the country is uneven. While the cities have 82% of the basic water supply, the rural areas have only 54%. Factors hindering access to equitable water supply and reliable safe drinking water are poor regulation by government institutes, presence of a toxic concentration of metal, poor management approach to water resource, pollution (oil and waste dumps), and poor hygiene/environment (Odume and Slaughter, 2017).

Housing is another important need of a man that states should make available and accessible to the citizens according to ICESCR. The housing deficit is a global phenomenon that is not peculiar to Nigeria (Ajayi, 2019 223). While other countries are putting in efforts, the Nigerian government does more of speaking than action. The mortgage finance to GDP ratio is about 80% in the UK, 77% in the USA, Europe accounts for 50%, Ghana 2%, South Africa 31% and Nigeria has only 0.5% (Adelaja, 2019, Ajayi, 2019 234). There is a rising level of housing deficit in the country rising from false evictions by state governments especially in cities to



create space for building luxury houses that are unaffordable to the people. Others are insurgency/violence that has birthed the false eviction of people from their homes, lack of accurate data that captures the overall population in the country, to enable the government to develop effective housing policies, the ever-growing need for housing amongst other factors (Adelaja, 2019). To manage the housing deficit, the Nigerian government needs additional 700,000 units per year for the next fourteen (14) years (Uwaegbulami, 2019). It is somewhat overwhelming that access to affordable housing remains largely unfulfilled to a majority of Nigerian citizens who are in the middle/low-income class in the society (Ajayi, 2019 223). From 2010-2015 under former President Goodluck Jonathan, the National Housing Policy was formed in 2012 to provide housing for Nigerians irrespective of their financial capacity or status. Private sectors were not left out in performing the role of providing housing though under government's regulations. In 2014, the Jonathan government launched its first 10,000 'mortgages for affordable home scheme'. In addition to this, the Jonathan government also launched the NMRC (Nigerian Mortgage Refinancing Company). This development was to ensure that citizens can purchase and own houses. The mortgage scheme did not fully meet its goals because of the government's inconsistent policies (Ajayi, 2019 230). With the coming into power of PMB and his mandate/ promises, to reform /amend the 'Land Use Act' with a view of creating freehold/leasehold along with grants to enable states to create an 'electronic' land title register (Ajayi, 2019 290-230). The recession of 2016 in Nigeria affected the housing sector the most, coupled with the insurgency problem that further crippled the sector. Though the Buhari government adopted policies to improve the housing sector, it was however inefficient. For example, only 32 persons out of 55,000(fifty-five thousand) civil servants that registered for the 'Federal Integrated Staff Housing' introduced in 2016 received the key to their homes in 2018 (Ajayi, 2019 231). Despite the huge sum of money dedicated to revamping the sector and making housing accessible to Nigerians, the Buhari-led government has failed to meet the demands of the vast majority of the Nigerian population who fall within the average and low-income class. The challenges of the government aside others earlier mentioned are inefficient/ineffective planning, implementing & programming of housing policies, inconsistency, weak and poorly organized structures, rising from lack of political will, inconsistency, and over-centralized decision-making process & execution (Ajayi, 2019 231, Jiboye, 2011). The Homeless World Cup Foundation (HWCF) shows that an estimated number

of 24.4 million people are homeless in Nigeria. While 613,000 people lost their homes in 2018 due to natural disasters, 541,000 were displaced due to conflict/violence in the region (HWCF, 2021, Robert, 2020). In the industrial city of Lagos, over 60% of the residents live in slums and informal settlements that are scattered over the busy city. These people lack basic services such as water, electricity, health, and a clean environment (Lawanson, 2020). In a typical slum arrangement/setting, a house of ten (10) rooms with only two toilets and a bathroom are occupied by over 80 people (Lawanson, 2020). Some of the Lagos residents live under the bridge because of the high cost of housing in the state and the majority of this category of people are poor and earn little or nothing (Alake, 2018). In the northern region where the insurgency hit the most about a 2.7million people are living in displacements. Flooding during the rainy season contributed to the figure with 279,000 people displaced (Internal Displacement Monitoring Centre, 2020).

Section 18 subsection 3(a-d), article 13 of the ICESCR, and article 17(1) of the African Charter on Human and Peoples' Rights recognize, promote, and obligates the state to protect and fulfill the right to education as it guarantees the full development of human dignity and personality and also strengthens the promotion and respect of human rights (ICESCR, 1966 4). The ICESCR requires states and governments to make 'basic primary education' free, compulsory, and available to all children. Secondary, tertiary, and vocational schools should be made accessible and available to all (ICESCR, 1966 5). The Nigerian Constitution on the other hand requires the government to make education at all levels free, available and accessible without any discrimination or inequality (Nigerian Constitution, 1999). While these provisions emphasize these rights, in reality, there is a gross violation and disregard for the right to education by both state and non-state actors. Regardless of the educational reform pledged by the PMB, education in the country especially in the public sector is a state of collapse and dysfunction (The Guardian, 2019). The physical infrastructure is dilapidating, the school teachers are frustrated as they are faced with poor motivation to teach which rises from delay in payment of salaries by the government, condition and physical state of the schools, limited teaching material, poor funding for example only 7% was allocated to the educational sector in 2018 against the proposed 15-20% recommended by UNESCO (Premium times, 2018) and government's negligence to the sector. And while successive governments had organized summits and conferences to examine the issues and challenges ravaging the sector, the opposite is the case under the present

administration (The Guardian, 2019). PMB in a presidential retreat organized for members of the State Executive Council, expressed his disappointment in the current state of the educational sector and the incompetent teachers in primary schools as most of them failed the test/examination set up for them (Vanguard, 2017). PMB highlighted that the number of out-of-school children which is estimated at 13.2million, infrastructural decay/deficit, unqualified teachers, corruption, and the irregularities in the sector was caused by the previous leaders. There at the meeting, PMB reaffirmed his pledge to reform the sector as it is highly effective in promoting national unity, productivity, successful & prosperous future. PMB also emphasized the role of education in upgrading the standard of living and bringing development in the economic, social, cultural, and political spheres of the nation (Vanguard, 2017). The speech and concern of PMB towards the sector may be touching and heart-melting, but looking at it, the government still blames past governments for the failure of the educational sector in meeting and respecting the right to education.

The study, thus, postulates that while some would irrespective of the condition of the schools, and situation of the country as it is evident that children, especially in rural areas sit on floors and bricks and under trees to learn (Okereke, 2019, Nwabughio, 2021), majority of parents would not and the result of this could be the rising number of out of school children. In a scorecard on education under Muhammadu Buhari's government, it is observed that the education sector has been thrown into a state of frustration. This could be traced to the increasing level of insecurity in the country as over 10,000 schools in the north are closed (Inwalomhe, 2018) and school children are abducted by the Boko-Haram terrorist group. For example, in 2017, students and staff of the University of Maiduguri were maimed and killed by the terrorist group, in 2018, February 19th, 110 School children within the age of 11-19years were abducted from the Government Girls' Science and Technical College (GGSTC) in Dapchi community, Yobe state by the terrorist group. 105 of the Children were set free after negotiation with the government and one of the girls Leah Sharibu remains in captivity to date because she refused to renounce her faith (Premium Times, 2018). The illiteracy level which the constitution aimed to completely eradicate from the country has shown little or no decrease as over a 65million illiterates exist in the country according to UNESCO (Bakare, 2015, Premium Times, 2018). The Federal Government of Nigeria has in recent time said that over a 76million adults (38% of the population) in the country cannot write or read and in addition to this high level of illiteracy in

the country, the Minister of Education Malam A. Adamu revealed at the 2021 International Literacy Day that more than 69million children are out of school (Idoko, 2021) The highest percentage of out of school children especially in the northern region are girls, as they constitute 13.5million (Yola, 2021). Nigeria is one of the leading countries with a high number of out-of-school children in the world and the highest in sub-Saharan Africa (Premium Times, 2018, Premium Times, 2021). The scorecard also attributed the collapse of the sector to the incessant strike actions embarked on by teachers/lecturers in all levels of education. While these strikes continue, the right to education is violated as students are forced to stay at home for weeks and months.

Furthermore, though education is meant to be free at all levels as stated in the 1999 Constitution, the National Association of Nigerian Students (NANS) has recently called out the government over the increase in tuition fees at all levels of education in the country. The group stated that education in the country has become commercialized and a profit-making venture for the government as tuition fees keep increasing at all levels (Primary, secondary, polytechnics, and tertiary institutions) in both government-owned schools (public) and in private schools especially. The increase in tuition fees has made education not accessible to the average Nigerian (Ani, 2021). The group called on the government to intervene and save the sector in general, put an end to strikes and make education accessible to all (Ani, 2021). While Private schools are greatly sorted after and believed to be the best in terms of security, infrastructure, sufficient learning equipment and materials, better management, and higher quality output compared to public schools at all levels, the owners have resulted in extorting parents who send their children to these schools (Abayomi, *et al.*, 2015). The extortion ranges from the high cost of tuition fees, school materials, school wears, development levies, Parent Teacher Association levies, hostel accommodation amongst others (Abayomi, *et al.*, 2015). The most notable of the extortion is that younger siblings cannot use the textbooks or literature of their older siblings despite being in the same school. While the parents who could afford the fees complain about the extortion, the poor and low-income earner's children are deprived of these quality schools (Abayomi, *et al.*, 2015). Many have blamed the extortion in private schools for Government's inability to regulate and control the private schools (Abayomi, *et al.*, 2015).

For an objective analysis, it is important to note that the PMB led government has taken several steps to improve the educational sector and make it accessible for all by implementing open distance learning, the introduction of professional Examination for Teachers, the revival of the National Homegrown School Feeding Programs (Premium Times, 2018) and other plans/policies not yet implemented. However, while some of the policies and plans have been implemented by the government, the lack of commitment, funding, political will, proper management, and supervision has either limited these policies or ended them abruptly (Olurunbi, 2021). For example, during the 2020 lockdown in the country as a result of the covid-19 pandemic, most teachers/students in public schools' lack access to online teaching/learning (Olurounbi, 2021). Also, while Nigerians have applauded the implementation of the Home-Grown School Feeding Program, the scheme was later flawed as the cooks keep calling on the government to increase the funds allocated for the scheme giving the inflation and excessive hike in the price of food items in the country (Premium Times, 2017). Niger State lawmakers called out the government after several investigations into the scheme stating that the school children were being fed with expired rice, undernourished meals that are poorly served, and with little quantity (Sahara Reporters, 2021). These irregularities of the adopted policies bring the nation back to the talking/pledging phase instead of the implementation/action phase. While it is the states' right to provide social security and services, in Nigeria, these rights are violated over and over again as little or nothing effort has been put to make social services available to all, equally and adequately. And until the government takes active steps rather than talking and pledging, the violations of these rights and disrespect for the ratified covenants and the constitution will keep increasing.

### **Cultural Rights of the ICESCR**

Cultural rights are also part of human rights outlined in article 15 of the ICESCR and art 17(2) & Article 22(1) of the Banjul Charter. Section 21(a) (b) of the Nigerian constitution ensures the state promotes cultural life and encourages technological and scientific development as this will enhance cultural values. The Human Rights Council (HRC) emphasized the importance, respect, and recognition of human dignity. Just like the provisions of the ICESCR, It noted that cultural rights guarantee the access to participate in cultural life, benefit from scientific research and creative activity, education, cultural cooperation, cultural heritage, promote the enjoyment of the

benefit scientific and technological development, information and communication, identify with any culture or religion of your choice without any interference or discrimination and based on equality of all (HRC, 2010 5, ICESCR, 1966 5). Cultural rights guarantee the individual/community right to benefit from Science and Culture (ICESCR, 1966 5, ESCR-Net, nd). While cultural right is to an extent guaranteed and respected in Nigeria, there are however violations of this right to certain cultural/ethnic groups in the country.

The violations of cultural rights in Nigeria would be examined on the basis of ‘inequality and ‘discrimination.’ Despite the PMB’s call for Nigerians to explore the rich cultures and heritage to achieve socio-economic development, national unity, and security (Udegbonam, 2019), in reality, there are challenges that hinder the full realization and enjoyment of these rights by all cultural groups in the country. These challenges include; insecurity, inequality, and discrimination that exists amongst the diverse cultural/ ethnic groups to which the government contributes. The Buhari led government violated the provision of section 14(3) of the 1999 constitution that emphasized that no sectional or ethnic group in the country should dominate in government or in any government agencies (Chiamogu & Chiamogu, 2019 231) and Article 2(2) of ICESCR that states that the rights should be exercised without any form of discrimination as to language, religion, race, birth or other status. PMB violated these rights by denying other cultural groups equal positions in his appointments (Chiamogu & Chiamogu, 2019 234). PMB’s political appointments have been lopsided since he came into power in 2015 as the South easterners (Igbos) and South Southerners (other diverse cultural/ethnic groups) have been marginalized. Thereby, denying these groups equal rights to information/communication, political participation because of their cultural ties/ identity.

It is, thus, observed that majority of his political appointments are given mainly to people from the northern region who share the same cultural/religious identity/ties with the president. PMB’s appointment has been regarded as a threat to national unity and disrespect for the nation’s cultural diversity (Chiamogu & Chiamogu, 2019 236-237, International Centre for Investigative Reporting, 2021). The general public has condemned his appointment and called for compliance with the constitution and respect for the cultural identity of others (ICIR, 2021). The President in his interview with BBC Hausa gave reason for his nomination and appointment and according to him, he nominates only people he can trust and who had worked with him in the past. He also

stated that the appointments were a reward for their loyalty to him as they were lured by wealth, power and other material things (ICIR, 2021).

The study is, in this context, concerned with the justification for appointments the president put forth and thus questions if appointments in a democratic state should be a reward for loyalty, promotion of one's cultural/religious affiliation, or should be on the basis of merit, credibility, and individual capacity and capability? Business day report shows that 81 out of 100 appointments made by PMB are from the northeast, north central and North West (ICIR, 2021). Furthermore, 97% of those appointed share the same faith as the PMB who professes the Islamic religion. All the security chiefs of the Nigerian Armed Forces, except two, and all the heads of paramilitary agencies are all from the northern part of the country (Osuji, 2016 cited in Chiamogu & Chiamogu, 2019 233). For instance, the secretary to the government, Attorney General of the Federation, Chief of Staff, and other key positions in the country are from Hausa/Fulani extraction (Chiamogu & Chiamogu, 2019 234). The president has constantly and continuously discriminated against other cultural/ ethnic/ religious groups in the country (Chiamogu & Chiamogu, 2019 235).

In line with the above analysis, and the number of appointees, it is obvious that there is more to the reason PMB gave for his appointment. It is obvious that other regions that do not share any cultural ties with him are being sidelined or discriminated (Chiamogu & Chiamogu, 2019 232). This attitude violates the right to cultural right and identity of the other cultural groups/regions/religion as they are denied certain rights because they identify with other religion/culture that differs from that of the leader. PMB showed that his government is identity based (Chiamogu & Chiamogu, 2019 225) when in 2019, the vice president Prof. Yemi Osinbajo a Christian of Yoruba extraction was stripped of his traditional right of managing the economy, the relocation of his aides from Aso rock to elsewhere and the subsequent sack of 35 aides of the vice president and the role of the chief of staff Abba Kyari (Hausa/Fulani extraction and a Muslim) in the country which trumps that of the vice president (Ademiluyi, 2019). PMB on his medical leave outside the country asked all ministers to report directly to the office of Abba Kyari (of blessed memory) and Abba Kyari's visit to London to see the president and to get him to sign the 'Deep Offshore Bill when the vice president is alive, healthy and still in the country (Ademiluyi, 2019) revealed that while some enjoy the right to cultural life, identify with

any culture/religion of your choice without interference, others do not. The Igbos who are found in the southeast region and are predominantly Christians have been greatly marginalized and unrepresented in the Buhari government (Chiamogu & Chiamogu, 2019 233). The region has suffered from unfair treatment in the hands of the Buhari administration and like previous decades clamored for secession and a country of their own (Biafra) (Ajakaye, 2017).

President Muhammadu Buhari did not fail to show his hatred for the Igbos when he labeled IPOB (Indigenous People of Biafra) as a terrorist group and deployed soldiers to the region to quell the agitators (Premium Times, 2021). While the region is surrounded by security forces, the President promised to rehabilitate and re-integrate repented members of the Boko-Haram sect (predominantly Hausa/Fulani and practice Islamic religion) and pledged to grant them amnesty (The Guardian, 2018). PMB expressed his dislike for the Igbos when he ascribed them as ‘mere dot in the circle’ and so far, PMB has shown that he is incapable and unable to lead the diverse cultures, ethnic groups, and religious affiliations in the country effectively, equally and without discrimination (Premium Times, 2021). Also, PMB’s hatred/ violation of the ‘cultural right’ of the Igbos can be traceable to his tweet, where he boasted of his role and involvement in the Nigerian Civil War where millions of Igbos were killed. In his tweet, before it was deleted by Twitter as it went against the rules of the platform, PMB told the Igbos that most of them are misbehaving today because they are too young to acknowledge or remember the destruction of properties and loss of lives that was recorded and he vowed to treat the present generation in the language the region understands (Vanguard, 2021). It is alarming and heart-wrenching to hear a president who has been saddled with the responsibility to promote, protect and fulfill the ESCR as well as CPR of the people equally, without any discrimination or interference make such statement to its citizen, no matter the condition or situation. This points to the obvious fact that human rights violations are the new norm in the country. In addition, insecurity in the country has become a major concern as it poses a major threat towards promoting Cultural rights, cultural heritage, religion, as it has heightened extreme disharmony, ethnic identity awareness, and disruption of cultural life, extreme religious intolerance, and inter-communal clashes/violence in all part of the country. As killings, bombings, kidnapping, banditry has thrown the country into disarray and brought the display of cultures to an end as people cannot freely move within the country to witness or take part in communal/cultural activities (Udoh, 2015 6).



From the analysis, it is quite obvious that the Nigerian government led by PMB does not respect, protect or fulfill Economic, Social, and Cultural Rights outlined by the UDHR, ICESCR, and the African Charter on Human & Peoples' Rights. Though policies/plans may have been put in place, it is observed that lack of political will, inconsistency, corruption, inefficient planning and programming, insecurity in the country, delay in implementation, poor funding, and negligence of government's responsibilities and duties has hampered/led to a widespread violation of these rights. Though it can be argued that ESCRs are not included as fundamental rights outlined in Chapter IV of the constitution and cannot enjoy the same status as the recognized rights (Kitigi, 2017 135), it should be noted that chapter 2, section 15-24 of the constitution makes provision for ESCRs and development under Fundamental Objectives and Directive Principles of State Policy and in section 13, duty and responsibility was imposed on authorities, individuals and all the organs of government who exercise judicial, executive and legislative power to 'obey', 'observe' and to 'apply' the defined provisions in chapter 2 of the Nigerian constitution (CFRN, 1999). The ICESCR, UDHR, and the African Charter on Human and Peoples' Rights recognize and promotes ESCRs and Nigeria been a signatory to these covenants/human rights law must also keep to obligations outlined in the documents. Section 3 of the Nigerian 1999 Constitution explicitly obligate the government to promote and achieve economic, social and cultural objectives to the people (CFRN, 1999). It is therefore can be argued that the Nigerian government owes the people the fulfillment, protection, and respect of ESCRs. It is based on these provisions in the constitution and ratified human rights instruments that the citizens can at any time call out the government or protest when these rights that upholds the general standard of living and development of the people and country are violated. ESCRs are often time regarded as 'positive rights' (Kitigi, 2017 129). Positive rights are obligations by others (state or non-state actors) to provide some benefits to the right holder (Foldvary, 2011). Though they are often grouped as positive rights, several arguments exist that posits that ESCRs have negative claims (Kitigi, 2017 129) as the right to food, adequate housing, social security, water, health guarantees the 'right to life that is non-derogable and has negative claims given that it cannot be restricted or interfered with by government's policies or decisions. ESCRs and the right to life are interdependent and indivisible (Mckernan, 2015, Thiele, 2015). While the positive claim of ESCRs requires 'progressive realization in line with available resources, the negative claim of

ESCRs requires immediate action in fulfilling the rights irrespective of the nature of the economy (OHCHR, Factsheet 33, 2008).

The subsequent part of the study will examine Civil and Political Rights violations in Nigeria and also identify other positive/negative rights of CPRs.

### **Assessment of Civil and Political Rights in Nigeria under ICCPR and other regional/national instruments (2015-2020)**

Civil and Political rights have gained more recognition and are more generally accepted by nations than ESCRs. Though in recent times, the previous practice of distinguishing these rights (ESCRs and CPRs) have been criticized and are no longer acceptable (Kalantry, *et al.*, 2010 255). They are often regarded as ‘first-generation rights’ (Kalantry, *et al.*, 2010 225). Article 6-27 of the ICCPR, Section 33-44 of the Nigerian constitution, article 8-14 of the Banjul Charter, article 4-21 of the UDHR all recognize the promotion, protection, and enjoyment of Civil and Political Rights. While the Nigerian constitution identifies these rights as ‘fundamental’, it is disappointing that the governments do not only fail to obey the provisions of the constitution, it also violates the provisions in the ICCPR. The gross violation of both the derogable and non-derogable Civil and Political Rights in Nigeria is disturbing and calls for immediate attention and intervention. Non-derogable rights include the right to life (art. 6), freedom from torture, cruel, degrading, or inhuman treatment (art.7), freedom from slavery and slave trade (art.8), right to freedom from imprisonment on the ground of inability to fulfill a contractual obligation (art.11), right to not be held guilty of any criminal offense that does not constitute a criminal offense under the national or international law, at the time the crime was committed (art. 15), right to recognition before the law (art.16) and right to freedom of thought, religion, and conscience (ICCPR, 1966). It is important to note that while Civil and political rights can be derogated or breached by states in matters of emergency or existential threat to the nation (art.4), it cannot in any way derogate or breach the non-derogable rights (art.14(2)) (ICCPR, 1966). Non-derogable rights cannot be restricted or suspended irrespective of the circumstance or emergency in the country. And duty bearers must at all times take steps in ensuring that these rights are protected (GC-Asia Pacific, 2020). Other CPRs of the ICCPR includes;

Right to freedom from detention and arbitrary arrest, right to privacy, right to liberty and freedom of movement, freedom of expression, right to peaceful assembly, freedom of

association, prohibition of propaganda advocating war, national, racial or religious hatred, right to marriage, protection and rights of children, right to take part in government, right to legal recourse, equality of all before the law, right to fair and public hearing, innocent until found guilty, right to recognition before the law (ICCPR, 1966).

Though the right to life is non-derogable and very important, in Nigeria, both states and non-state actors have grossly violated this right. The government, book-haram sect, bandits, security agencies as well as individuals have been involved in the violation of this right. The NHRC (National Human Rights Commission) reported that security agents killed 18 people during the course of implementing/ enforcing the first phase of the Covid-19 lockdown (ICIR, 2021). The manner in which security agencies are deployed to states/ communities to suppress 'civil liberties' shows no difference from what the citizens experienced during the military dictatorship regime (Chiedozie, 2021). The firing of arms at unarmed and peaceful protesters at the Lekki tollgate in October 2020, and the handover of the tollgate back to the owners (the Lekki Concession Company) without punishing the perpetrators or concluding investigation has sent chills down the spine of the masses. The genocide which the government has continually denied despite evidence of video recordings shows to a large extent that the Buhari-led government cares less about the right to life and it also stripped off the pretense of commitment to Human rights which the government has so preached and proclaimed (Chiedozie, 2021). The government authorities have overtime failed to hold the Nigerian security agents (police and army especially) accountable for the deaths of persons in their custody and the use of excessive force, torture, and inhuman treatment in their operations. And though the government has initiated and organized investigative panels, to review and examine the compliance of human rights obligations and methods of engagement of the security agents, the findings of the investigations are either inconclusive or made known to the masses (Ibekwe, 2018). The cases of extrajudicial killings carried out by security forces keep increasing with little or nothing done to end the brutality and power abuse. Amnesty International report noted that the Nigerian security forces have been largely and greatly involved in a catalog of human rights violations and crimes in their supposed response to the ongoing crises in the southeastern region of the country. The killing of dozens of armed men and civilians by a combined force made up of the Department of State Services (DSS), Nigerian police, and army in the region on the claim that ESN (Eastern Security Network) an armed wing of the Indigenous People of Biafra (IPOB) killed dozens of

officers and attacked public building (AI, 2021) is alarming and the silence/late response of the government shows its disregard for the right to life.

AI after a series of investigations in the region observed that at least 115 persons were killed by security forces between March to June 2021. And further reports showed that some of the victims were not ESN members (AI, 2021). It is surprising that security agents that are meant to protect and restore peace, are the same people indulging in this act of violation in a bid to revenge (Vanguard, 2021).

The outrageous and unlawful killing, maiming, shooting of Citizens by the Special Anti-Robbery Squad (SARS) (Temitope, *et al.*, 2020) is not only disappointing or heartbreaking, but it also shows to an extent the caliber of people recruited into the unit and their little knowledge/disregard of human rights laws as the unit under the guise of discharging their duty has killed innocent citizens at various checkpoints across the country, during raids and operations, people in their custody/ amongst others have been reported and documented (Temitope, *et al.*, 2020 55). Some claims/ reports point to the shooting of citizens who never attempted or tried to evade arrest or flee. Also, the planting of evidence by the police to back up their actions and crime (Temitope, *et al.*, 2020 56). For example, the shooting of a motorcyclist in Surulere, March 28th, 2019 by the SARS unit because the rider (Ademola Moshood) refused to give the group a bribe of 200naira. The SARS group also killed an 18 years old girl Sikiru Hadiyat with a stray bullet fired by one of the officers in Adamo community, Lagos state. The killing of an intending couple in 2018, April 15th by SARS officials, the killing of bus drivers and motorists who refused to offer bribes to the officers amongst others too numerous to examine has violated the right to life and cast fear on the masses (Temitope, *et al.*, 2020 56). In a recent attack carried out by a Police inspector, five civilians were killed and four injured in a shooting rampage in the southeastern region. The motivation for the shooting remains unknown (France-Presse, 2021). Security agents have also killed many civilians during counter-insurgency operations, they have also retreated from crisis/violent zones hours before terrorist attacks/robbery, leaving the citizens to their fate. Furthermore, the use of civilian vigilante groups in crises zones is disturbing (Human Rights Council, 2015 12-14).

In 2014, for example, the vigilantes in the far northeast of Nigeria claimed to have beheaded lots of Islamist fighters (Agence, 2014). There are also claims that cases of politically motivated

killings abound in the country as the government and its agents carry out killings on their political opponents and to hide certain corrupt and evil practices and when investigations are carried out, the findings are never made public or known (Bureau of Democracy, Human Rights & Labor, 2021).

The violation of the 'right to life' continues unabated and non-state actors contribute greatly to the alarming violation of this right. The Boko-Haram terrorist group, Bandits, separatist groups, armed herders, communal crises, militant groups (Tanko, 2021), and the death penalty sentence have contributed to the violation of the non-derogable right to life. The Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad popularly called Boko-Haram and its faction group is largely responsible for thousands of deaths recorded in Nigeria (Adibe, 2014). The North-eastern states are mostly affected by the activities of the group, because the terrorist group dominate the region. The most threatened state has been Borno where the sect has thirty-four thousand deaths in that area alone (Varrella, 2021). The Boko-Haram insurgency which the president promised to put an end to, marked its 12 years in Nigeria and has killed thousands of people and displaced over 2.5 million people (Human Rights Watch, 2021). For instance, between January and September 2020, the Boko-Haram group killed at least 363 civilians. 81 people lost their lives, while 10 were badly injured and seven abducted in one of its deadliest attacks in Borno state in June 2020, in Gubio Local Government Area. Days later, in another attack in Borno, at least 40 people were killed and a major humanitarian facility was destroyed (HRW, 2021). The Boko-Haram group in 2017, killed more than 900 people. The sect launched 90 armed assaults and 59 suicide attacks (Wilson, 2018). Cameroon and other bordering states are not spared in the numerous Boko-Haram attacks (Sanni, 2021). The sect killed women and girls whom they forcefully married so that they would not reveal information about the group to the Joint security forces (Sanni, 2021). The Boko-haram insurgency has breached and violated the 'right to life of thousands of Nigerians as the United Nations Development Program (UNDP) noted that throughout 2020, almost 35,000 lives have been taken in the northeast region of Nigeria and an estimated number of 314,000 of those from indirect causes (Sanni, 2021). As the Boko-Haram insurgency keeps increasing yearly, children and infants are the most affected/ impacted as about 170 children below five years die daily. And out of the total number of displaced persons in the Northeast region, 80% are women and children (Sanni, 2021).

The Herder-Farmer violent conflict is fast becoming deadlier than the Boko-Haram insurgency (Olukoya, 2018). The fight between these groups over limited resources in the Middle belt region has claimed the lives of many citizens and has gradually taken on a dangerous ethnic-religious dimension (Olukoya, 2018). In the first half of 2018, more than one thousand three hundred (1300) people died from the herder-farmer clash, while the Boko-haram insurgency stood at 250 deaths (Olukoya, 2018). The herders who are mainly Fulani extraction and predominantly Muslim often time clash with Farmers over water and land to feed their cattle in the central region of Nigeria. While the conflicts keep ravaging the middle belt and claiming thousands of lives including women and children, the Buhari-led government has done little or nothing to curtail or resolve the root causes of the conflict (Olukoya, 2018). The death toll from communal violence is increasing rapidly and calls for immediate attention from the. Since the government has chosen the wellbeing of cows over the citizens as opined by his Excellency Governor Ortom of Benue state where the herders attack gained prominence. In his response to the Federal government's imposition of grazing routes and reserves policy for herders across twenty-five states, Governor Ortom said that the presidency is unbothered by the insecurity situation of the country and that the country has become a 'cow republic' under the Buhari administration. Governor Ortom further pointed out that indeed PMB belonged to a sect of people (Fulani) and not for everyone as while Buhari pledged his support and finding of ranches in his birth state Katsina, he imposed grazing reserves across other states in the country knowing that this would result in more clashes (Duru, 2021).

Banditry which metamorphosed from the herder-farmer crises is fast becoming a lucrative venture in the northwestern part of Nigeria and spreading rapidly to other regions across the country. The bandit group which composes of Nigerians from the Hausa/Fulani ethnic group has resulted in arm robbery, kidnapping as a means to acquire wealth and weapons for operations. The atrocities committed by this group have called for concerns of the public who argued that the group should be accorded a 'terrorist' status and not bandits (Osasona, 2021). 200 people were believed to have lost their lives in the early days of 2019 to a bandit attack in Zamfara state. While a total of 1071 people died in criminal attacks and 685 people were kidnapped in the first quarter of the year (HRW, 2020).

Another violation of 'the right to life' can be attributed to the death penalty which the second protocol of the ICCPR aims to abolish. Section 33 of the 1999 CFRN allows death penalty on certain crimes for example murder and other criminal cases. The death penalty contradicts the right to life and it is shocking that even when the Nigerian constitution recognizes the right to life as a fundamental right, the same constitution allows the death penalty in section 33. The year 2014 recorded the highest death sentences with a total of 656 cases. From 2015-2020, death sentences stood at 171, 527, 621, 46, 54, 58 respectively (Statista Research Department, 2021). While this is ongoing, Sharia law in the Northern part of the country has contributed to the violation of the right to life as it has been involved in sentencing people to death. At least 10 people have been sentenced to death since 2000 in the Sharia court. Crimes such as murder, blasphemy, extra-marital affair and robbery, sodomy (carnal intercourse against the order of nature) are punishable by death (HRW, 2004). Fatima Usman (28) and Ahmadu Ibrahim from Niger state were sentenced to death by stoning for committing adultery. Yunusa Chiyaw from Bauchi was also sentenced to death for adultery in 2002 (HRW, 2004).

In 2015 the Sharia court in Kano sentenced nine people (Muslims) for blasphemy (BBC News, 2015). On August 10, 2020, a musician Yahaya Sharif-Aminu who was denied a lawyer to represent him was sentenced to death by hanging in Kano state for blasphemy against Prophet Mohammed (Mcsweeney & Busari, 2020, Campbell, 2020). The musician was given 30 days to appeal (BBC, 2020). A further report from the Foundation for Religious Freedom (FRF) representing the musician told CNN that the musician is yet to be granted access to legal counsel in preparation for the appeal and the Kano state governor Abdullahi Ganduje promised to sign the musician's death warrant without hesitation once the singer has exhausted all the appeal process (Mcsweeney & Busari, 2020).

In addition, jungle justice which involves the burning of people in Nigeria for crimes ranging from stealing, robbery, is a major violation of the right to life. Mob justice is not a peculiar phenomenon to Nigeria as it is also practiced in most African and Asian countries (Salihu & Gholami, 2018 40). Mob justice is a national epidemic as many Nigerians are taking laws into their own hands by delivering brutal and instant justice on many people without any court procedure (This Day, 2021). Mob justice takes the form of beating, burning, lynching, maiming, stoning, and so on, and harmful objects such as machetes. Stones, bricks, iron rods, tires, other

inflammable materials (Godoy, 2004 cited in Salihu & Gholami, 2018 41). All the states across the six geopolitical zones in Nigeria are deeply involved. The south-west has a total number of 35 cases, South-South, 46 cases, South-East, 26 cases, North-West, 38 cases, North-East has 13 cases, and North- Central has 22 cases (This day, 2021). Victims are most times accused falsely of crimes like rape, witchcraft, robbery, and others, and these victims are not given any chance to oppose or defend themselves (This Day, 2021). The process is often videoed and circulated on social media. What is more, most of the victims are found innocent after death. A good example is the brutal and arbitrary murder of four University of Port-Harcourt undergraduate students in 2012 who were later found innocent and the murderers of the 4 boys were later convicted and sentenced to death (This Day, 2021). A man was burnt to death by mobs in Wuse, Abuja for attempting to abduct a woman and her child, but an investigation from police further showed that it was not a case of abduction but a one chance robbery (Sahara Reporters, 2021). In 2017, a soldier Lance Cpl. Ayuba Ali was beaten to coma by mobs and a report revealed that he later died in the hospital in Akwanga, Nassarawa State. The soldier who was not in his uniform mistakenly hit a hawker, and when he stopped to address the issue, and while on it, some angry youths got involved and after a series of arguments, they pounced on him (Ezea, 2017). A popular musician by his stage name Charley Boy narrowly escaped a mob attack in Wuse, Abuja. He was rescued by security officers who came right in time. Also, in Lagos, some suspected ritualists were killed in a mob attack (Ezea, 2017). Cases of 'Jungle justice' are too numerous to mention, children, women, and men have fallen victims to this epidemic ravaging the whole country and this can be blamed on the weak/corrupt judicial system and administration in the country (Salihu & Gholami, 2018 40). A 7 years old boy in 2016 was burnt to death by mobs in Lagos for stealing garri (Cassava Flakes) and this raised a lot of concern to the residents (Akoni, 2016). In August 2015, a man was reportedly burnt to death for stealing a pot of soup in Calabar, southern Nigeria. Article 6 of the ICCPR which promotes the non-derogable right to life is constantly abused and violated under the Buhari-led administration and the numbers keep increasing.

The 'right to unlawful imprisonment, freedom from detention and arbitrary arrest, right to privacy, freedom from torture & other inhuman treatment, right to innocence until proven guilty, freedom of assembly outlined in the ICCPR has been grossly violated by both state and non-state actors especially security forces and the Boko-haram insurgent group. Amnesty International



(AI) report observed that security forces commit grave human rights violations which include torture & other inhumane treatment, enforced disappearances, use of excessive force, Arbitrary arrests & detention of civilians, impunity amongst others (AI, 2020). The Nigerian Police and military officers have continued to violate article 14(3) (g) of the ICCPR by using torture and other degrading and compelling methods in extracting confessions and information and to inflict punishment on detainees (AI, 2019 9). Some of these torture/inhuman treatments include; extraction of a tooth, rape/assault, hanging, electrocuting, starvation, forcing detained persons to sit on sharp objects, beating, and so on (AI. 2019 9). Though in 2017, PMB signed into law the Anti-Torture Act which aimed at penalizing any act of torture and other ill-treatment with a 25 years imprisonment to offenders. Despite this development, torture remains unabated and security officials are rarely or never held accountable for indulging in the act and violating the right to freedom from torture (AI, 2019 9).

The SARS group is one arm/unit of the police that was formed to combat and tackle armed robbery cases, but this unit has turned out to be the armed robbers on uniforms with their actions and activities which include extortion, torture, assault, harassment, and unlawful killings (Malumfashi, 2000). The SARS officials have repeatedly indulged in all manner of brutality, arbitrary arrest and detention of citizens, conducted illegal searches in homes and vehicles thereby breaching and violating the right to privacy outlined in article 17 of ICCPR (Malumfashi, 2020). The SARS officials have also kidnap people from their vehicles to nearby bushes where they are harassed, extorted, and forcedly accused of cybercrimes, fraudulent acts without any evidence or proof only on the ground that the victim possesses laptops and other electronic gadgets. The group has also physically and mentally abused innocent citizens hence the clamor for the dissolution of the unit and the tag 'ENDSARS' that spread all over the world and resulted in a nationwide protest in 2020. The issue of 'police brutality goes beyond the formation of SARS. Other security officials in the army and police force are all guilty of the violation of these rights (Malumfashi, 2020).

In 2016, the leader of the Indigenous People of Biafra (IPOB) was detained by DSS despite the Federal High Court order for his unconditional release (AI, 2016). From August 2015-August 2016, hundreds of IPOB members were arbitrarily detained and arrested and at least 150 of them were killed by security agents (Ibekwe, 2018). The Nigerian army unlawfully arrested, tortured,

killed, and buried members of the Islamic Movement of Nigeria (IMN) in Kaduna and Zaria, 2015 (Ibekwe, 2018). The military unlawfully arrested and detained thousands of people which including young men, women, and children fleeing violent attacks in Borno state. Most of the detainees were denied access to their families and legal representation, thereby violating section 35 (2) (3) of the 1999 CFRN. The mass arrest and detention of these people led to overcrowding of the detention centers and at least 240 people (including 29 babies and children) lost their lives in detention and their bodies were buried secretly in a cemetery in Maiduguri where the center was located. (AI, 2017). Children below 5 years were also detained in three overcrowded and dirty women's cells and some women gave birth to babies while in detention in Giwa barracks (AI, 2017). The SARS and military detention centers where people are kept is another form of violation that requires a separate study for analysis. When the AI group visited in 2016, the centers were found to be overcrowded and degrading, and the overcrowded cells housed 130 detainees who were regularly subjected to inhuman and degrading treatments (Malumfashi, 2020).

The shooting of a young man by the SARS officials in Delta State amid the protest did not go unnoticed. The arrest of protesters who are carrying out their fundamental right to assembly is alarming and a violation of the right. AI in 2016 noted and documented 82 cases of torture and degrading treatments, extrajudicial killings, with the majority of their victims falling under the ages of 18-35 and are especially young men who are arrested during raids. These men are arrested while watching football matches, drinking at pubs, or even walking along the streets (Malumfashi, 2020, AI, 2016).

Although the ICCPR provision, article 14(2) recognize the right to innocent until found guilty (ICCPR, 1966). The practice and activities of security officials in Nigeria contradict the provision of Article 14(2) because victims are first found guilty until proven innocent. And that is if one is lucky to escape unlawful imprisonment. The SARS unit in March 2017, arrested a 23-year-old boy for allegedly stealing a laptop, and he was detained for forty days (a violation of Article 14(c) of the ICCPR), tortured, and was hardly fed before he was conveyed to court and charged for robbery. The case was discharged for its lack of evidence/proof (Malumfashi, 2020). The searching of private properties and houses by SARS officials has become a norm and regular practice and this act violates article 17 of the ICCPR that promotes the right to privacy. A

journalist and writer in Lagos Mbamalu Socrate once related his experience with the officers where he was stopped and searched by the officers in a street during his study days in Ife. The reason for the search remains unknown, only that he had a backpack and was a young man. Mbamalu was accused of stealing the laptop in his bag and was asked to present the receipt to show he owned the laptop. Who goes about with receipts of personal items? After several searches, the SARS officers stole a thousand naira from his bag and this incident according to him created a big fear in him anytime he comes across men in uniforms (Malumfashi, 2020). The clamping down of protesters and civilians with teargas, water cannon, slashing of car tyres, shooting into the air to scare people or at protesters, smashing of personal gadgets by the police and military personnel, the silence of the government amidst these challenges and failed promises to disband the unit and address the issues of human rights violations by security personnel is unacceptable and a gross violation of the human rights of millions of Nigerians (Malumfashi, 2020). The atrocities of security personnel in Nigeria and the attitude of the government raises a big concern and leads to the question of indeed these responsibility/duty holders know their duties and obligation to the people. The study questions if these duty bearers study the provisions in the constitution and other ratified laws? Do they know what human rights entail? Because, despite all the promises of the Buhari government in reforming and tackling this menace in the society, it is painful to note that even one year after the October 20th, 2020 killing of protesters, no one has been held accountable or justice served for all the evil deeds and human rights violations that ravaged the country all through 2020. And the most painful and embarrassing part is that the government still denies the act despite evidence brought forth by AI after a series of investigations showing that indeed the army and police were present at the scene and they shot at the protesters killing at least 12 persons at the Lekki toll gate (AI, 2021).

AI also found out in the course of investigations that detained protesters were not only tortured and assaulted, they were also denied rights and access to legal practitioners (AI, 2021). The AI group further discovered that the violent response of the government vis- a- vis the security forces in quelling the protest was to discourage further protests, instill fear and punish those demanding an abrupt end of the gross human rights violations in the country, and calling for the resignation of the presidency given his inability to rule the nation (AI, 2021). The use of thugs by the government to attack the protesters in protest sites that resulted in deaths and injuries (AI, 2021) is worth studying.

Furthermore, besides the violations of the above rights by security agents, the Sharia law in Nigeria has been closely linked with violations of human rights (HRW, 2004 3). Sharia law is a dominant law of the Islamic religion (Tyus, 2004 201). The imposition and provisions of the Sharia court sentences which amount to cruel, torture, inhuman & degrading treatments, and other punishments which range from floggings, amputation, stoning, and others have attracted the concern of many people in and out of the country as these sentences violate the rights of the victims (HRW, 2004 1 -5, Campbell, 2020). Dozens of people have been sentenced to flogging and amputation in many parts of the northern region where the Sharia law presides. Crimes such as theft (punishable by amputation), extramarital affairs (punishable by death via stoning), pre-marital affairs (80 strokes of cane), consuming alcohol (40 strokes of cane), indecent dressing, renouncing Islamic religion are punishable by flogging, amputation, the death penalty as the case may be (BBC, 2020), and thereby violating the right to freedom from torture and other inhuman treatment, and right to private life as three witnesses are required to testify in cases of pre-marital and extra-marital affairs and must catch the victims in the act (BBC, 2020). The Sharia law violates also, the right to freedom from detention and arbitrary arrest as many of the victims suffer prolonged detention without trial especially victims awaiting amputation (HRW, 2004 39). According to HRW, since 2000, over 60 cases of amputation sentences have been passed. Most of the victims are denied the right to fair hearing outlined in section 36 of the 1999 CFRN and article 14 of the ICCPR, as they are denied access to legal representations (violation of section 35(2) of the 1999 CFRN and article 14(d) of the ICCPR), the judges in the Sharia court do not inform the victims of their rights (a violation of section 35 (3) of the 1999 CFRN and article 14(3) of the ICCPR) and most times victims are judged/sentence based on statements gotten through torture and pressure thereby violating article 14(g) of the ICCPR. Of all cases examined by HRW, all the victims are men and women from poor and low-income backgrounds who lack the financial capacity to get lawyers and who have little knowledge of their fundamental rights (HRW, 2004 2).

The Boko-Haram terrorist group is not excluded from the violations of the rights under review. Since its inception to date, the group has continued to commit human rights violations/abuses and other crimes against humanity and mankind (AI, 2017). The sect has been involved in the abduction of thousands of people, including women and children. Citizens living in Boko-haram control zones and those abducted have been severely subjected to all forms of cruel, degrading &

inhuman treatments (Human Rights Council, 2015 8-9). According to those rescued/ escaped from Boko-haram, in an interview with Human Rights Council revealed that people abducted were subjected to beatings when they cannot recite the Koran, or were unable to walk to the sect's settlements, and when they fail to adopt the beliefs of the group (a violation of Article 18(2) of the ICCPR that kicks against the imposition of religion/beliefs). Abductees were also deprived of food and water, suffered amputation, were buried up to the neck level, and stoned to death. It was also recorded that women and girls were sex slaves, forcibly married, forcibly converted, and forced pregnancies and older women were subjected to cooks and washers (HRC, 2015 8-10).

The ICCPR in article 19, article 9 of the Banjul Charter, and Section 39 of the 1999 CFRN recognize the right to freedom of expression. Section 22 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) also upholds press, radio, television, and other mass media rights and guarantees their right to uphold the responsibility and accountability of the government to the citizens (1999 CFRN 16). The enjoyment of the right to freedom of expression in Nigeria, especially among Nigerian media personnel; journalists, reporters, human rights activist, and others are under great threat under the Buhari administration, and despite the recognition and legal recourse attached to it, it is still greatly undermined and violated by the government and its agencies (AI, 2019 10).

There is a clampdown on journalists, reporters, and bloggers for critically expressing their opinions through various social media platforms, television, and radio or outright speech). The Sharia law in the northern part of the country like the Buhari government also imposes severe penalties and sanctions for alleged press offenses or posts (Freedom House, 2021). The presumed offenders are subjected to all manner of torture, harassment, detention, and unlawful arrest for expressing their views and grievances of the government's policies and for exercising their fundamental rights (AI, 2019 10-11).

The Buhari led government has continually used its agencies to violate the right to freedom of speech and expression as operation licenses of media houses, and a crackdown on social media users for posting materials which the government and its agencies describe as a threat to the peace and stability in the country (HRW, 2019). In the early month of 2019, the Nigerian Broadcasting Commission (NBC) out rightly issue the suspension of broadcasting licenses of

African Independence Television (AIT) and Ray power radio station, subsidiaries of DAAR Communication. The reason for the suspension was not exactly specified nevertheless, the NBC gave vague reasons that are questionable (HRW, 2019). Among the reason given by NBC for suspending the radio station are; airing of inciting, inflammatory and divisive broadcasts, and propaganda against the government, while AIT was suspended for broadcasting according to them ‘uncensored’ and ‘unedited’ social media content (HRW, 2019). The social media has become a highly relevant and important tool for interaction, expressing civil/political opinions/views, and analyzing public discourse.

The Nigerian authorities have continually struggled to uphold a balance between the regulations against extreme opinions/views and hate speech. The government passed into law a cybercrime bill in 2015 that criminalizes to a large extent online interactions, and the law has been used to sanction and prosecute presumed offenders and bloggers. Five blogs were brought down via this law (HRW, 2019). The Nigerian Police Force in August 2018, arrested and prosecuted Premium Times (online newspaper) journalist Samuel Ogunjide for allegedly refusing to tell them the source of their information. The raiding of Daily Trust newspaper by armed military men and staffs temporarily detained for allegedly publishing ‘classified military information’ shows to a great extent, the level of disregard and disrespect for the right to air/express one’s opinions on issues as it may be perceived as a ‘threat’. The manner in which the authorities exploit concerns on ‘hate speech or fake news as an excuse or reasons for suppressing free speech and expression, is alarming and worrisome (HRW, 2019). Also, in July 2016, the Department of State Service (DSS) arrested the Weekly Source Newspaper editor and publisher, Abiri Jones, on the claim that he had a link to a rebel group in the oil region of Niger Delta. Abiri was held in detention for two years without trial and was released and subsequently abducted by unknown armed men who threatened to kill him if he tries to leave the region. Abiri Jones was later charged for fraud, terrorism, and economic sabotage, which he denied stating that he was been targeted because of the nature of his job that centers on the controversial conduct/ activities of major oil companies and government in the Niger Delta region (AI, 2019 10). In 2017, an NGO (Non-Governmental Organization) bill that aimed at ensuring NGOs are transparent and accountable was passed but a close examination shows that the bill imposed unnecessary restrictions on the organizations and allows governments to exercise control and influence over NGOs in the country, thereby limiting them from freely expressing and carrying out their activities independently (AI, 2019 10).

Moreover, the consideration and debate of the Nigerian Senate in passing into law two harsh bills that propose the death penalty for hate speech and one for regulating freedom of expression (online) shows that indeed war has been waged on the freedom to freely express one's opinion or views without any interference from the government (AI, 2019). The Senate proposed a 'National Commission for the Prohibition of Hate Speech Bill and the Protection from Internet Falsehood and Manipulation and other Related Offences bill, that outrightly gave the authorities the power to limit the citizens access to social media, shut down the internet, and make criticizing the government and its policies a punishable offense with a penalty of three years imprisonment (AI, 2019). Amnesty International observed that the provisions in the social media bill are designed to clamp down on freedom of expression as section four of the 'hate speech bill' would pose a great threat to public dialogue, critical views/opinion, political commentaries, and satire (AI, 2019). Civil groups and the general public have kicked against these bills because of their unclear and narrow definition of what makes or constitutes 'hate speech' (Iroanusi, 2019).

This thesis, thus, posits that though the bills contradict the provisions of the constitution, it is deeply saddening and disappointing that a democratic government can conceive or propose such a questionable and suspicious bill. The right question to ask at this point is why is so much energy channeled on repressing freedom of speech and expression yet such energy is not channeled towards resolving the grievances and insecurity in the country? The study argues that if the government is not guilty of the posts/ violations which the citizens express, then the government will not be fighting so hard to suppress the freedom of expression. No sane person criticizes good governance and realistic policies or clamor for change of government when their basic needs are met and human rights respected. Therefore, if the people criticize or complain about a government or its policies, it is obvious that they desire change and development. And given that in a democratic setting or government, power is vested on the people (Cincotta, 2017 1) such government must listen and make amends and not punish the citizens or the press from freely expressing their views that section 22 of the 1999 CFRN mandated them.

Subsequently, the study will examine to what extent the right to equality is guaranteed before the law which also include equal protection for all, the right to freedom of thought, conscience, and

religion, right to participate in public offices, freedom of movement, right of protection of the child outlined in the ICCPR and other regional/national instruments.

The right to equality before the law and equal protection is recognized in articles 16 and 26 of the ICCPR. Article 3(1-2) of the Banjul Charter and section 17 (a) of the 1999 CFRN also recognize this right. Equality before the law which is also a tenet of the rule of law in every democratic state (Goldston, 2012) has been overtime violated by the government, leaving room to question like; how democratic is Nigerian Democracy? The question implies that to what extent is democracy the true form of government in Nigeria given the democratic deficits and challenges in the country. The answer to the question will be briefly examined in the subsequent chapter of the study, leaving other researchers to ponder on the question. Equality before the law implies that the law is not a respecter of anyone irrespective of status, religion, age, gender, and ethnicity. It means everyone is equal before the law and therefore prescribes the same justice, judgment, and condition for all (Ebun, 2016). While equality before the law applies to all, in Nigeria, what is obtainable is inequality before the law, where the mighty, powerful, and wealthy are promoted above the law (Omorotionmwan, 2011). Section 308 of the 1999 CFRN (immunity clause) violates the right to equality before the law as it exempted the office of the president, vice president, governor, and deputy governor from being tried or arrested while in office (Omorotionmwan, 2011). Although the Constitution recognizes and promotes the right to equality before the law, exempting these people from being tried or arrested while in office not only violates the right to equality, it also puts them above the law and anyone close to them can also enjoy the same privilege given the position/ power attached to these offices. Also, all measures taken to check the excesses of the rich and wealthy in the society have always failed (Omorotionmwan, 2011).

The Nigerian Federal government's disregard for court orders and judgments shows that everyone is not equal before the law or treated equally before and under the law. For example, the presidency has kept Nnamdi Kanu (IPOB leader), Sambo Dasuki (former National Security Adviser), and the leader of Shi'a group Ibrahim El-Zakzaky in detention despite court orders for their release (Adebajo, 2019). Despite his promises to uphold the rule of law and would not tolerate any act to undermine the rule of law from any of the arms of government (Okakwu, 2017), not only has he breached his promise, he has violated the right (Okakwu, 2017). The



Sharia law as earlier studied is characterized by inequality and corruption as most victims facing the harsh laws and punishments are people from the average or poor background who lacks the financial capacity to seek redress or with limited knowledge of what human rights entail (HRW, 2004).

As argued by Oliver Goldsmith that laws grind the poor, and the rich in the society rule the law (Mahapatra, 2015). Everyone is also entitled to equal protection under the law, but in Nigeria, only a few enjoy protection from the law. This can also be attributed to the lawlessness and rising insecurity in the country, as the judiciary, as well as security services, are marred with irregularities, corruption and mismanagement, and excessive control from the executive arm of government. The protection offered by security officials has been hijacked by the wealthy and influential in the country. Senior Police officials in the police sell police protection to the wealthy and high class in the society. In 2009, at least 100, 000 police officers were serving as personal guards to the wealthy and famous politicians. A Daily Trust report shows that governors across the 36 states of the federation have approximately 7,956 police officers assigned to them. And the figure is more than two-thirds of the total number of officers recruited in 2016 into the police force. Thousands of officers are assigned to politicians and important personalities in the country (Obiejesi, 2017). The Police Public Relation officer revealed in an interview that a governor in Nigeria is entitled to about 221 police officers in his security 'detail'. Further reports revealed that each minister is assigned an average of five officers and a total number of 180 for all ministers across the 36 states. Senior Special Advisers and Special advisers are not left behind as each has at least one officer to him/her. Heads of departments and agencies are also assigned officers. The senate president and deputy senate president, speakers of the higher and lower house of assembly are all assigned police officers as they desire. All heads of government agencies and parastatal including members of the house of senate and House of Representatives are also assigned officers as personal guards. Judges across the federation, traditional rulers, and top private establishments are also assigned several hundreds of officers' religious leaders and top (Obiejesi, 2017). The study argues that while more than two-thirds of officers are serving as private guards to the 'important citizens', the 'unimportant ones' who comprise of the low-income earners, the vulnerable, the children, the homeless, and the average Nigerian citizens are left to provide security for themselves. Yet the government preaches 'equality before the law and rule of law'. The resultant effect of this uneven and unequal provision of protection is the

increasing rate of mob attacks and jungle justice in the country as security officers are inadequate and the judiciary compromised. The unequal protection that exists coupled with the high level of corruption in the country has made many communities seek protection from vigilante groups who further commit human rights abuse/violations (HRW, 2010). Furthermore, the right to equal opportunities/services in the country has been neglected as there exists an uneven apportioning of resources within the Nigerian society, thereby creating a wide margin between the rich and the poor. Nigeria suffers from inequality and poverty despite its endowment and resources (The Cable, 2020). While huge financial incentives; immunity and allowances are given to the few government officials, the common man is left to fend for himself or given little or nothing (Cable, 2020). The Nigerian lawmakers earn the highest salaries/allowances in Africa and occupy the third position of highest paid in the world with a mouthwatering thirteen million naira, yet the minimum wage remains the same since it was increased to thirty thousand naira. This gap shows that Nigeria cares more about a group/sect of people than others (The Cable, 2020). While some earn millions, some are left to make a living with meager salaries. Nigeria continues to battle hard with inequality in every sector of the Country. The gap between the rich and poor continue to widen and while the rich get away with everything, the poor suffer the consequences. Given the inequality that persists in the country, the political elites would never relate or understand the struggle of an average Nigerian, or the injustices/ political malpractices and human rights violations the poor and average Nigerian Citizens are subjected to. While the elites and family have the resources and power to seek medical care abroad, send their wards to schools overseas, the average/poor Nigerian have to stick to the dilapidating public sectors in the country (The Cable, 2020). For example, during the 2020 pandemic lockdown, the rich and influential people were able to stock their homes with food and drinks, but a few of the citizens received palliatives that would not last up to one month for the entire family. And some governments hoarded the palliatives (The Cable, 2020). Also, inequality that exists in the country can be traceable to the taxation policy of the government. It is disturbing that while the big companies and co-operations enjoy tax waivers, small and medium scale enterprises are made to pay taxes and are also, denied a fair share of the public resources and essential services (The Cable, 2020).

Also, gender inequality and discrimination against women, though not a peculiar case to Nigeria as it is a global phenomenon. For instance, both 2021 World Economic Forum on Global Gender

Gap shows that 135 years and more will be required to close the gender inequality gap across countries. The report observed that out of the four sectors reviewed/measured, the greatest gap exists in political representation/empowerment and it will take additional 10years to bridge the gap (Hubbard, 2021). Gender inequality continues to thrive in Nigeria. Women are not given equal access/opportunities to jobs, political offices, and leadership roles, and so on. Women are at a socio-economic disadvantage in Nigeria. In 2015, the global Gender Gap Index ranked Nigeria 125/154 of countries that were reviewed. Land ownership and income earnings further revealed the inequality that persists in the country. Though 60-79% of the labor force in mostly rural areas are women, it is observed that men are still five times more like to buy and own lands (Brown, 2019).

There is a gross violation of the protection and rights of children recognized in article 24 of the ICCPR, section 17 subsection 3(f) of the 1999 constitution, and the African Charter on the Rights and Welfare of the Child which explicitly outlined the rights and protection of Children. Children in Nigeria suffer major human rights violations and abuse and only little effort has been made by the government to address the issue of child rights violations. The Boko-haram sect target children the most as they are used as sex slaves, suicide bombers, and males are conscripted into the group (AI, 2019). The Civilian Joint Task Force set free a total number of 800 child soldiers in one of their raids. They are also subjected to socio-economic exploitation (AI, 2019). The kidnap of school children by the terrorist groups in the country is becoming alarming and scary. In April 2014 and February 2018, school children mostly female were abducted from their schools. Out of the 276 Chibok girls abducted in 2014, only 82 made it back home after an exchange deal between the government and the Boko-haram sect. 113 others remain in captivity. Only 104 out of the 113 Dapchi Girls abducted in 2018, in Yobe state returned, others were killed and one (Leah Sharibu) remains in captivity to date (AI, 2019). The children in these displaced camps are denied the right to education, right to food, adequate housing, protection, equality, freedom of movement, right to clean water, right to mental/physical health, and other essential human needs in most IDP (Internally displaced persons) camps. These Children in most IDP camps are exposed and vulnerable to child labor and sexual harassment (AI, 2019). Although the Child Rights Act was enacted in 2003, that aimed to protect children from all forms of abuse coupled with the national plan to eliminate Child Labor adopted in 2013, it is still surprising that despite these laws protecting the rights of

the child, children in the country are still subjected to forced labor in various sectors and this can be attributed to the government's lack of commitment towards the implementation of these laws (AI, 2019: 11). The Buhari administration in 2020, reaffirmed his pledge to ensure the protection of the rights of children and listed six grave violations that children experience in most conflict zones in the country and they include; the denial of humanitarian services, sexual violence, killings/maiming, abduction/kidnap, recruitment by armed men as child soldiers and attacks. Another promise which may never be fulfilled. Promises/words that lack implementation are what the citizens get all the time. UNICEF report showed that six (6) out of 10 children in Nigeria suffers from one or more form of physical, sexual, or emotional violence before they turn 18 (UNICEF, 2016). And one out of two children have experienced physical abuse such as choking, hitting, whipping, punching, kicking, battering, and other tortures. One out of every four girls and one in every ten boys have experienced/suffered sexual violence. One in every six girls and one in every five boys have experienced emotional violence (UNICEF, 2016). Like other child rights violations discussed previously in the study, the rights of children in Nigeria in both urban and especially rural areas are constantly violated and abused.

The right to freedom of thought, religion, and conscience is recognized in article 18 (1-4). Section 38(1) of the 1990 CFRN and article 8 of the Banjul Charter is abused and violated in Nigeria. As a matter of fact, there is no religious freedom in Nigeria as individuals are discriminated against and abused based on the belief/religion he/she belongs to, rising religious tensions amongst others (International Religious Freedom Report, 2020: 1-3). Section 10 of the 1999 CFRN recognizes Nigeria as a secular state and prohibits the adoption of any particular religion as a state religion both at the federal and state level (CFRN, 1999). While this provision of the constitution is good for promoting religious tolerance, peace, and unity in the country given the diverse groups, the religious reality/ situation in the country is a total opposite of what these human rights instruments outline and recognize. The adoption of Sharia law and its principles by 12 northern states did not only violate the provision of the constitution, but it also created religious tensions as Christians and minority groups in those states did not welcome the idea (Kendhammer, 2013: 294). Also, the illegal registration of Nigeria into OIC (Organization of Islamic Cooperation) in 1986 triggered a lot of controversies that exist to date (Babajimi, 2019: 1). It is inconsiderate for the Ibrahim Babangida-led government to register a secular country where Islamic and Christian religions have equivalent representation with a few others

practicing indigenous religion into an organization that is completely rooted in Islamic law and beliefs (Babajimi, 2019: 1). The adoption of Sharia by the 12 northern states in 1999 was conceived by the leaders and not the idea or aspirations of the people as Governor Ahmad Yerima claimed. It was initiated by the then governor of Zamfara state Ahmad Sani Yerima. The introduction of Sharia in these 12 states witnessed massive pretests and riots that resulted in an estimated number of between 2000 to 5000 deaths, especially in states with high Christians (Nwozor, *et al.*, 2021: 115). The Sharia law is purely an Islamic legal principle that regulates the conduct of the Muslim faithful, and matters that borders on Islamic laws. The Sharia legal code is derived from the Koran and represents a divinely instructed and commanded code of conduct that directs Muslims' general conduct and the Islamic religion. Hitherto 1999, Sharia was limited to only domestic and personal law but criminal and civil law were included in the fourth republic (Nwozor, *et al.*, 2021). The relationship that exists between Muslims and Christians in Nigeria is built on mutual distrust and suspicion. The mistrust and suspicion emanate from the continuous rivalry between these dominant religious groups and their fanatical beliefs. The Christians believe that the Muslims are bent on continuing with the jihad with the aim of Islamizing the country. While the Muslims believe that the Christians have plans to win over Muslims with their evangelism strategy The Muslims have continually used all apparatus at their disposal (political and military which they dominate) for the entrenchment of the religion (Nwozor, *et al.*, 2021).

The introduction of Sharia law in post-1999 in the northern states was greatly kicked against by the Southern governors who are predominantly Christians. The southern leaders argued that the movement was unconstitutional given that the constitution kicks against state religion. And, they feared that the Sharia law will be imposed on Christians in those states (Kendhammer, 2013: 294). From the inception of the Sharia law, the religious tension intensified and violation of the right to freedom took a new dimension. Christian organizations and groups were denied land allocations to build churches or allowed to advertise in state-owned radio and television stations. Also, clashes between Christians and hisbah (law enforcement group under the Sharia) resulted in violence against Christians in the communities (Kendhammer, 2013: 295).

In recent times, religious freedom in Nigeria has been relentlessly violated by both states and non-state actors. The cases of the violation of the right to freedom abound and few will be

examined subsequently. The way and manner the Sharia court is enforced in the northern states make it hard for citizens living in those areas to freely and happily practice a religion of their choice and to air their views on certain topics. For example, Omar Farouk was sentenced to ten years imprisonment for allegedly insulting Prophet Mohammed during an argument with his friend. Also, the arrest and detention of Mubarak Bala, an atheist activist for allegedly insulting Prophet Mohammed in Kano state has called for many concerns as he has been repeatedly denied access to legal counsel and may be tried and charged in a Sharia court despite not being a Muslim (Velluro. 2020 3). The Buhari-led government has indeed shown his intolerance and disregard for other religious groups when the government discriminated and clamped down on the Shi'a minority group. The leader Ibrahim El-Zakzaky and his wife were arrested and detained since 2015 and the IMN was banned in the country (Velluro, 2020 3). Although granted bail by a Nigerian court in 2016 for medical checkups in India, was denied bail by the authorities, and more charges were added. The Pro-Iranian Islamic Movement of Nigeria leader and his wife were acquitted of all charges by a Nigerian court in 2021, July 28th for lack of substantial evidence, the authorities stated that the state would appeal the court ruling. Following the arrest of the IMN leader and his wife, IMN followers took to the streets of Abuja to protest. The army cracked down violently on Shi'a protesters killing an estimate of 350 people in an IMN compound according to a Human Rights group (Aljazeera, 2021). IMN argued that they lost over a thousand IMN members from 12-14th December 2015. And a further investigation set up by the government of Kaduna state revealed a total of 349 deaths which includes a soldier and the Shiites were buried in a mass burial secretly without the consent of their families. The discovery made it hard for the inquiry panel to get an accurate number of people killed (Yusuf, 2021). The right to freedom of religion is also violated by states who show 'favoritism' (unfair/unequal treatment) to the dominant religion or religious group in the state. For example, where the predominant religion of a state is Christianity, it favors Christianity and Christians more than other groups and religions. And where the predominant religion is Islam, Muslims and Islamic religious practice are favored. This act of favoritism is evident in both Northern and southern regions (Garba, 2020 64).

Violations of the right to freedom of religion by non-state actors can be traceable to the activities of the Boko-haram terrorist group. The Boko-haram factions alongside other armed groups have continuously violated the right to freedom as most of their attacks are targeted at certain civilians

based on their religious affiliation or beliefs (Vellturo, 2020 3). The Boko-haram faction ISIS-WA continues to hold Leah Sharibu in captivity. The 14-year-old girl as at the time she was abducted along with others in 2018, in Yobe State refused to denounce her faith and convert to Islam. Leah Sharibu has celebrated/marked her fifteenth, sixteenth, seventeenth, and eighteenth birthday in captivity and the Boko-haram faction in a message to the government promised to keep her as a slave (Akaeze, 2021, USCRIF, 2021). In a recent report, Leah Sharibu is believed to have had her second child in the terrorist camp (Alerechi, 2021). On January 20th, 2020, 22-year-old Daciya Dalep was executed by a child terrorist after he was abducted on his way back to school. In a video released by ISWAP, it revealed that Daciya was killed because of his religion (Christianity). The Child terrorist after the execution began chanting in Arabic before saying in Hausa that the execution is revenge for the bloodshed allegedly carried out by Christians in Plateau State where the herder/farmer crisis is prominent. The video of Daciya's execution is the second of such videos released by the terrorist group. The first was the execution of a humanitarian worker Ali Shikagham Godfrey who was beheaded by the group. The two executions can be traceable to two factors; first, the victims are from Plateau state, Christians (Independent Catholic News, 2020). The execution of the chairman of the Christian Association of Nigeria Rev Lawan Adimi by the Shekau Faction of Boko-haram after a series of ransom negotiations in January 2020, and the murder of Rev Denis Bagauri both from Adamawa state on 19th January 2020 shows that indeed there is no freedom of religion (Independent Catholic News, 2020). Non- state actors have continuously perpetrated grave human rights violations in Nigeria. The intensifying religious tension and clashes threaten the unity and stability of the country. Non- state actors have indulged in the destruction and attack on religious worship centers, disrupt religious ceremonies, burnt down buildings/properties, indulge in sexual violence and killings amongst others (Vellturo, 2020 3). In 2018, on Oct 18th a serious religious crisis broke out between Christians and Muslims in Kajuru Local Government Area of Kaduna state, killing over 50 people and leaving hundreds with severe injuries. Religious crisis in Kaduna state is fast becoming a norm and the causes according to observation are growing distrust between the two dominant tribes, religious hatred and intolerance, rumors, and so on (Samasumo, 2018). February 2020, the Boko-haram group attacked Garkida, burning five Christian worship centers. In Kaduna state, in March 2020, a suspected Fulani militant group burned down four churches, in April 2020, Niger state, a couple was abducted during their wedding ceremony and 12 people

were killed. October of the same year two mosques were destroyed in Enugu state (southern Nigeria). In the following month, at least 20 people died in an attack carried out by an Islamic extremist group during the Ramadan fast. The list goes on and on and the government keeps doing nothing to tackle the religious intolerance and violation of the right to freedom of religion (Vellturo, 2020 3-4).

The right to move freely is an inherent need of humans that predates the modern idea or concept of human rights. Humans move about in search of food, safety, security, commerce, social engagement, and so on. The right to move freely has been argued to be a prerequisite for enjoying other human rights (Chijoke, 2020 1). Given the importance of the right to movement as well as others, it is therefore inappropriate for states or non-state actors to violate these rights (Chijoke, 2020 6). Section 41 of the 1999 CFRN, article 12(1) of the Banjul Charter, and article 12 of the ICCPR recognize the right to freedom of movement without any interference. The dusk to dawn curfew imposed by most states around the world, Nigeria inclusive, to curtail the spread of the coronavirus in 2020, violates the right to move freedom of movement. People were not only locked up in their homes but were also tortured and arrested by the police when they violated the lockdown rule (Freedom House Report, 2020). In Nigeria, the right to move freely has been violated by states and the government during monthly environmental sanitation days which restricts movement. Environmental Sanitation is a regular exercise observed every last Saturday of the month in several states across the federation. The exercise was introduced during the military regime to ensure Nigerians remain in their homes to clean up the surroundings and environment. Despite being introduced by the military, it is still surprising that the democratic government adopted the exercise (Babalola, 2019).

The question which the study asks is why should the government force its citizens to stay indoors till a certain time for cleaning? The study argues that though cleaning is important, it is wrong to force people to do it let alone impose restrictions on their movement. On September 28th, 2019, residents in Ekiti, Oyo, and Ogun states were asked to maintain the usual stay-at-home cleaning exercise from 7 am to 10 am. Violators were detained and arrested by police and were asked to pay fines. Mobile courts are set up to try offenders. While the act is questionable, it is also worrisome the rate at which security officials are disposed to strategic locations to arrest offenders (Babalola, 2019). In recent times, 80 people were allegedly arrested in Ondo state for



flaunting the environmental order (Dayo, 2021). In Nassarawa state, 48 persons were arrested and prosecuted for violating sanitation law (Odama, 2021). According to a Nigerian Lawyer, the detention, arrest, and trial of people that violates this law for one reason or another also violate 36(12) of the 1999 CFRN and article 15 of the ICCPR which says that no one should be convicted of any criminal offense that does not constitute a criminal offense under the laws of the country or international law. So far, no provision in the Nigerian constitution restricts the movement of people on sanitation days. So, making free movement an offense on these Saturday's calls for cross-examination (Babalola, 2019). Section 41 of the 1999 CFRN which guarantees personal liberty is also violated by this policy because people have the freedom and rights to decide when to clean or not. While it can be argued that sanitation is for the benefit of the people's health and the Nigerian society, one should also question why such activities are not carried out on election days, festive celebrations, or Jamb examinations when they fall on the last Saturdays when the exercise is conducted (Ibekwe, 2015). Or does the environmental pollution, diseases, and germs that the government wishes to clean off by making people stay at home take leaves/breaks on those celebration/ election days?

The right to freely and equally participate in public affairs/services has suffered severe violations in Nigeria. Article 25 (a, b, c) of the ICCPR, Article 13(1, 2, 3) of the Banjul Charter, and section 14(c) of the Nigerian constitution recognize and guarantee the right to participate in public services and affairs directly or indirectly. These rights include the right to vote and be voted for, equal access to public service, the right to take part in the conduct of public affairs in the country, and the right to express your opinion on public affairs. In Nigeria, although citizens have the right to organize or form political parties, participate in government, and vote during elections, a lot of factors limit/violates the right of participation. And these factors include the high fees required to purchase forms for political positions, the age limit criteria. The Buhari government signed the 'not too young to rule' bill in 2019, lowering the age of eligibility to contest and run for political positions to 35 years which hitherto was 40 (Freedom House, 2020). While the age limit was reduced to 35, it still violates the rights of youths under the age range of 18-34 to participate in public affairs directly by contesting for political positions. The study argues that these sets of people are allowed to vote, so why can't they be voted for? Other factors include godfatherism that has existed for a long time in Nigeria, corruption, electoral malpractices that imposes unwanted politicians on the people and that contradicts and undermine

the choice of the electorates. Vote-buying gives the richer candidate or party the upper hand during elections, the disabled in the society which oftentimes are not allowed to contest, insecurity, and the inequality gap between men and women (Freedom House, 2020). In 2019, only eight women occupied positions in the Senate, while only twenty-one held seats in the House of Representatives in 2020. Women and the disabled are not adequately represented in the cabinets. Women hold only 7 out of 43 positions in Buhari's 2019 cabinet members (Freedom House, 2020). Though citizens assumedly elect their representatives and government, it is quite painful that they cannot fully express their opinion and views or peacefully protest against bad governance and policies, without experiencing suppression. In light of this, the study argues that the violation of freedom of speech and expression by the government also violates the right of the people to freely participate in public affairs as they are expected to remain silent.

It is worthy to note that Civil and Political rights are 'negative rights'. They are rights that duty bearers ought not to restrict or limit (GC-Asia Pacific, 2020). While positive rights require progressive realization with available resources (OHCHR, 2008), negative rights on the other hand restrain other people (state or non-state actors) by limiting their actions against or towards the right holder (Alabama Policy Institute, 2020). The study argues that whether positive or negative, derogable or non-derogable, first-generation or second-generation categorization of rights, right is right. No one trumps the other. They are all important as it concerns human existence. Resolution 32/130 of December 16th, 1977, the general assembly accepted that all human rights/liberties and fundamental freedoms are interdependent and indivisible. The protection, promotion, or fulfillment of one category of rights does not in any way excuse, prevent, or exempt states from promoting, protecting, and fulfilling the other rights (General Assembly, 1984 229). It was also established at the meeting that the enjoyment of Economic, Social, and Cultural Rights is inseparable and closely linked to the full realization /fulfillment of Civil and Political Rights (GA, 1984 230). From this analogy, it is safe to say that whether ESCRs are recognized as fundamental rights outlined in Chapter IV of the 1999 CFRN or not, does not in any way make it less significant to Civil and Political Rights which are recognized in Chapter IV of the constitution. The enjoyment of ESCRs also guarantees the enjoyment of CPRs. They are inseparable and indivisible. The major problem in Nigeria is not the debate that centers on the importance of one category of rights over the other. The problem is the gross violations of ESCRs and CPRs. Both categories of rights are abused by state and non-state actors.

## **To What Extent are Human Rights Guaranteed in Nigeria?**

From the examination/ review of human rights covenants and regional/national instruments, it is obvious and noticeable that the provisions in the ICESCR and ICCPR covenants are present/featured in the African Charter for Human and Peoples' Rights (Banjul Charter) and chapter IV and II of the 1999 CFRN that outlined the fundamental rights and freedoms, civil and political liberties and Economic, Social and Cultural objectives respectively. Despite the similarities and uniformity of these human rights documents and the Nigerian Constitution, to what extent are these human rights guaranteed in Nigeria given its solid legal framework? At this point in the study, it is already glaring that the reality of the Nigerian society is a direct opposite of what the provisions of these human rights documents promote/respect. It can be argued that to a large extent, human rights are guaranteed in Nigeria. But it should be emphasized that it is guaranteed only on paper which is the Constitution and other human rights acts/laws adopted in the country.

Constitutionally, human rights are recognized, promoted and guaranteed in Nigeria (AI, 2019 1) through the provisions of Chapter IV which recognize and promotes the fundamental human rights, and in Chapter II that recognizes, promotes, and obligates states to respect and protect economic, social, educational, cultural and environmental objectives and development. Section 46 of the constitution makes provision for every citizen to seek redress in any court where the violation ensued if he /she feels or perceives that any one of the provisions recognized in chapter IV has been, is being, or most likely to be violated or breached (1999 CFRN). In addition to the constitution, human rights in Nigeria are guaranteed through the ratified regional and international human rights covenants and charters. These covenants give clear and concise obligations to the government to protect, promote and fulfill human rights obligations to all people irrespective of their social status, color, age, religion, and so on (AI, 2019). In furtherance of the legal backing attached to enjoy these rights, Nigeria also adopted and domesticated the African Charter on Human and Peoples' Rights into law through the African Charter on Human and Peoples' Rights (ratification and enforcement) Act in 1983. And this charter is the only domesticated human rights treaty in Nigeria and the charter establishes a framework that promotes and protects ESCRs, CPRs, individual rights, and group rights (AI, 2019. Ekhaton, 2015 253-257, Oba, 2004 277). Furthermore, in 2006 Nigeria adopted a National Action Plan

(NAP) for the Promotion and Protection of Human Rights in Nigeria. This document is updated every four years and it aims to protect and promote ESCRs, CPRs, ensure it is implemented. The document also reviews the government's policies, examines administrative steps taken, challenges of states in implementing policies, and proffered solutions to the challenges (NAP, 2006). A continuous effort has been made in updating the NAP documents (NAP, 2009 7) and a draft for 2021-2025 National Action Plan has been submitted for review (Draft NAP, 2021). Beyond these human rights documents, Nigeria has also enacted human rights laws, for example, Anti-Torture Act, Universal Basic Education Act, Discrimination against Persons with Disabilities, and others (AI, 2019). Looking at the solid legal framework on human rights in Nigeria, one would expect the country to be ranked amongst top countries with high regard and respect for human rights, but in reality, the enforcement of these rights is faced with many complications and challenges of which the study examined in chapter one. The reality is the total opposite of what the constitution and other human rights covenants entail. While section 46 makes provision for citizens to seek redress, judicial procedural rules, economic, social, and political constraints/factor has continued to act as a hindrance(s) to the enforcement of these laws and to the masses' desire to seek help/redress when their rights are violated or infringed (Nwafor, 2009 1).

Thus, a big gap exists between rhetoric (mere words/ provisions of the various ratified human rights documents/ 1999 constitution) and reality. Okorie, et al, argued that mere rules or papers are not enough to guarantee maximum enjoyment, protection, and realization of fundamental rights, the executive, judiciary, and all citizens as custodians of the law must assume the role of protecting human rights and must be held accountable. According to AI, it is shocking that despite Nigeria's active involvement in the signing and ratification of human rights treaties, the country continues to experience severe human rights violations across the federation (AI, 2019 20).

In summary, while human rights are recognized and promoted in Nigeria constitutionally, and by other ratified international human rights instruments, in reality, they are not realized or guaranteed(observed), protected (active steps taken), or fulfilled (implemented) or guaranteed (Arat, 1999 124).

## CHAPTER V

### **Nigeria and Its Compliance to International Human Rights Instruments**

Despite many years of democratic rule and practice since the transition in Nigeria, it is indeed saddening to see that overall governance that includes participation and human rights, 'sustainable economic opportunity, safety and the rule of law deteriorated in the last decade (Yusuf, 2020). The Mo Ibrahim Foundation Report on governance in Africa shows that since 2015, overall governance in the country deteriorated at least twice. Nigeria scored 34 in 54 African countries reviewed, with only 8 African countries managing to show improvement in all four categories. The countries are Chad, Angola, Madagascar, Sudan, Seychelles, Togo, Cote d' Ivoire, and Ethiopia (Yusuf, 2020). Following the assessment of Human Rights violations in the previous chapter, it is obvious that the MO Ibrahim report states the fact. The human rights situation in Nigeria is a matter of urgency and calls for concern (OHCHR, 2019) else a more catastrophic outcome that will mar the image of the country completely will ensue. In the light of this, this chapter will critically examine and analyze how well Nigeria has complied with signed/ratified human rights instruments. Also, the chapter will examine to what extent democracy in the Fourth Republic has guaranteed human rights against the military regime.

### **Nigeria and its Compliance with Human Rights Instruments**

In chapter one of the study, a table showed the lists of human rights instruments signed/ ratified and unsigned/unratified in Nigeria at the regional and international levels. It has also been observed from the previous chapter that Nigeria has been so active and overwhelmingly engaged in the signing and ratification of human rights instruments both at the regional and international level (AI, 2019). And it also domesticated the African Charter on Human and Peoples' Rights in 1983 (Oba, 2004 277). With this table in mind, coupled with the assessment of human rights violations in Nigeria that was examined in chapter three, this part of the study using the ICESCR, ICCPR, and other human rights instruments which formed the basis of discourse in the previous chapter will be employed in examining to what extent Nigeria complies with these laws/covenants.

While Nigeria is a signatory to the above covenants and other human rights laws, the implementation and compliance to these human rights instruments pose a great challenge in the

country (Abe, 2016 146). The human rights laws obligate states to protect, respect and fulfill human rights obligations to their citizens and everyone within their territory. By this act, states are required to take the right steps to punish, redress, investigate and to a great extent prevent any form of abuse. And this can be achieved by adopting effective regulations, policies, and legislation (Abe, 2016 147). The signing and ratification of these human rights instruments by states are to ensure that states comply with the laws and also to ensure that individuals, groups, institutions, organizations, and agencies within the states also abide by these laws (Abe, 2016 148).

Given the increase in human rights violations by states and non-state actors in Nigeria that was previously examined in chapter 3, the study argues that to a large extent, Nigeria does not comply with international human rights laws and covenants, and the failure of compliance could be traced to certain factors which include;

Firstly, the 1999 CFRN poses a big challenge to the compliance of international human rights laws. Section 12(1), 6(6) and 308 limits the total compliance to human rights instruments and laws. Section 12(1) states that the application and enforcement of any international treaty entered into by Nigeria shall have the force of law only if it is domesticated into the national body of laws by the legislators because Nigeria operates as a dualist state that requires bicameral legislation (1999, CFRN, Egede, 2007 250, Kitigi, 2017 137). Any international treaty entered into by Nigeria has no force of law to make its provisions justiciable in the national court (Supreme Court of Nigeria, 2000). With this provision in the constitution, it implies that the ICCPR, UDHR, ICESCRS, and other human rights instruments cannot be enforceable in Nigeria because these human rights laws are not domesticated into the body of Law in the country (Dada, 2012 71). The only domesticated human rights treaty is The African Charter on Human and Peoples' Rights in 1983 (Oba, 2004 277). An example is the case of General Sanni Abacha & ORS v Gani Fawehinmi (S.C. 45/1997) [2000]. The human rights lawyer (Gani Fawehinmi) charged the General and State Security Service (SSS) to court for violating his fundamental rights that are guaranteed under article 4,5,6 and 12 of the African Charter and section 31,32 & 38 of the 1979 constitution (later amended to the 1999 constitution) (Supreme Court, 2000). The Supreme Court in its judgment emphasized the provisions in section 12(1) stating also that an unincorporated treaty cannot in any way change any aspect of laws in Nigeria despite Nigeria

being a signatory to such treaty. Therefore, for any international treaty to be effective in the country, such treaty must have been domesticated the court argued that the Nigerian Constitution is supreme and cannot be subjected to questioning in any circumstance ((Dada, 2012 71-72).

In any case, where there is a conflict/clash between the constitution and any international treaty, the court believes that the constitution should be placed above the other. And though the African Charter on Human and Peoples' Rights has been incorporated and possesses a strong vigor than any domestic statute, it does not in any way imply that the African Charter is superior to the Nigerian constitution or that given its status in Nigeria, it cannot be removed from the body of laws by the national assembly or Federal government by just repealing Cap. 10. The court also argued that the African Charter does not have legs to stand alone under the national law as it is subject to domestic laws and cannot be enforced as a definite/distinct law (Supreme Court of Nigeria, 2000, Dada, 2012 74). The study questions the domestication of the African Charter in Nigeria because of the clauses attached to it as stated by the court and also, though it has been domesticated, its provisions do not enjoy as many backings as other domestic laws given the case above. Secondly, the African Charter recognizes ESCRs and CPRs as basic rights, without any importance placed over one (Kitigi, 2017 137), Nigeria on the other hand still emphasizes only on CPRs, and ESCRs remain non-justiciable (Kitigi, 2017 144). What then is the difference between the undomesticated international law and the domesticated? The only difference which the study observed is that the domesticated law (the African Charter) can be to an extent admissible and recognized in court like in the court case examined unlike the undomesticated that is never mentioned. The study argues that given the supremacy of the Constitution which the court upholds, international treaties, which include human rights instruments cannot override domestic law, hence Nigeria's failure to comply with these laws.

By studying and reviewing the Nigerian Constitution, the study put forth a counter-argument as to the use of section 12(1) only and neglecting section 19(d) of the same 1999 CFRN which emphasize the need to pursue the country's foreign policy by respecting international laws and treaty obligations. Therefore, though section 12(1) kicks against the enforcement of any international law or treaty not domesticated in the body of law, section 19(d) recognizes and respects such treaties, and by doing so, the study believes that the provisions of such treaties should be respected as well and any law which a country respects should be enforced. The study

further argues that no part of the Nigerian constitution places respect/importance on certain provisions over others, so if treaties are not enforceable under section 12(1), they are respected under the same constitution section 19(d) that also promises to respect the treaty obligations. Moreover, ignoring the obligations of these international treaties which includes the UDHR, ICESCR, ICCPR, and others with the excuse of section 12(1) violates section 19(d) of the constitution which is unanimously agreed to be supreme. In addition, since most of these international treaties/ laws are not enforceable and domesticated in the country, hence the failure to comply with their provisions, what about other national human rights laws/acts enacted in the country as examined in chapter one and three of the study, are they also not enough to end the gross human rights violations?

Secondly, another factor hindering the compliance of International human rights instruments regarding ICESCR is section 6(6) of the 1999 CFRN which made it clear that provisions in Chapter II that promote ESCR are not Justiciable in the law courts (CFRN, 1999). This implies that citizens cannot seek redress when their ESCRs are violated. This provision of the constitution does not guarantee the protection and fulfillment of these rights since it can be violated without redress. And it also does not comply with the provisions of the ICESCR and the African Charter of Human and Peoples' Rights ratified in 1993 and 1983 respectively and that guarantees the enjoyment of these rights (Kitigi, 2017 136). Only CPRs are justiciable according to the constitution. The study thus argues that Nigeria fails to comply with international human rights laws by placing importance on certain rights over others that the "UN" General Assembly and Human Rights Commissions unanimously agreed to be interdependent and indivisible (UN-GA. 1977 229). To the extent that the constitution does not guarantee ESCRs, to that same extent, CPRs remains a 'mere' list of rights because both sets of rights are two sides of a coin, and the enjoyment of ESCRs is determined by the fulfillment of CPRs (Kitigi, 2017 130-132).

Also, Section 308 of the 1999 CFRN grants immunity to the presidents, vice-presidents, governors, and deputy governor against any civil or criminal proceedings. These sets of people cannot be arrested or imprisoned, compelled, or require to appear before a court during the period in office (CFRN, 1999). The study argues that this provision is not in compliance with international human rights laws and instruments as article 1 & 7 of the UDHR, Part II, Article 2(1) & Article 14(1) & 26 of the ICCPR, and article 3 of the African Charter on Human and



Peoples' Rights recognize and emphasized on equality of everyone before the law and equal protection without any form of discrimination as to status, color, political opinion, religion, origin, property or another status. Section 308 placed a set of citizens above others and this has resulted in several scholarly debates that called for the removal of this provision as the retention is ironical given the promise of the government to rid governance in the country of corrupt practices which include misappropriation/embezzlement of public funds, abuse of power, perversion of justice (Sesan, 2017 1-2). In the case of General Sanni Abacha and Fawehinmi, the court stated that it was wrong for the appellant (Fawehinmi) to have mentioned or joined General Sanni Abacha (then head of state) as a party given the provision of the constitution that grants him immunity, therefore, his name should not have been mentioned or reflected in the lawsuit as this violates the constitution (Supreme Court of Nigeria, 2000). This immunity according to the Christian Association of Nigeria (CAN) has given room for corruption and allowed criminals to embark on evil agendas against the nation, they demanded that the clause be expunged from the constitution as the associations believe in the equality of everyone before the law (Jannamike, 2021).

In this regard, this thesis argues that the immunity clause contributes to the flaunting of court orders by the Buhari administration as the constitution in its provision in section 308 indirectly place the government above the law. For example, the ECOWAS court in 2016 granted Mr. Dansuki (charged for alleged misappropriation and diversion of public funds) bail after the refusal of the government to release him despite several court orders. The ECOWAS court also ordered the government to pay the defendant (Dansuki) the sum of 15million naira as damages for his arbitrary detention. Justice Abubakar Malami (the Attorney-General of the Federation) told the ECOWAS court that the Nigerian government is not in any way under compulsion to obey or respect such order (Okakwu, 2017). In the subsequent year 2017, in January and April the Abuja Federal High Court still reaffirmed his release but despite the court orders, Dansuki remains in prison and his trial continues (Okakwu, 2017). Others held in detention despite court orders have been examined in chapter 3, and section 308 which violates international human rights laws remains without any amendment.

Furthermore, Nigeria does not comply with international human rights laws because of weak government institutions/ agencies that are charged with the duty and responsibility to implement

and interpret the law. The absence /dependence of the Nigerian Judiciary possess a big challenge to the compliance of international human rights laws (Dada, 2012 81-82). Starting with the appointment, promotion, removal of judges that is politically insulated, to the functioning of the system, the procedural in seeking redress, funding of the system, corruption, the flaunting of court orders by the government limits the enjoyment and protection of human rights as the judiciary is meant to be independent, free and fair and act as a key actor for the enforcement of human rights laws. The control of the system by the executive hinders flexibility and compromises the enjoyment of human rights that international human rights instruments and laws promote and guarantee (Dada, 2012 81-86). Seemingly, National Human Rights Commission lacks the will to function properly because of the government's interference and control (Dada, 2012 87).

Also, one key factor hindering compliance with human rights laws and instruments are the clauses attached to these instruments. For example, article 4 of the ICCPR, and article 4 of the ICESCR recognizes and allow restrictions, derogation in certain circumstances. The implication of these clauses practically and legally is that it automatically gives states the right to restrict, limit, infringe, and suspend the fulfillment/enjoyment of these rights (Dada, 2012 75). Other factors include lack of commitment to human rights laws, failure to submit reports, and challenge of implementation (HRC, 2019, Dada, 2012 91). The study concludes that the failure of the Nigerian government to comply with international human rights laws and instruments contributes to the increasing human rights violations by states and non-state actors as examined in chapter three. Following the violations of human rights in the world, the Freedom House Report scored Nigeria 47/100 (partly free) in freedom in the world. On political rights, Nigeria scored 22/40 and on civil liberties, Nigeria scored 25/60. The study points out that the score shows a decline in the protection of human rights and proves to an extent that Nigeria does not comply with international human rights laws as compliance with these laws will guarantee a better score and ranking. Nigeria in 2019 scored 50/100 but dropped to 47/100 in 2020 (FHR, 2020).

### **Democracy in the Nigerian Fourth Republic and Human Rights**

This part of the thesis will evaluate the role of democratic practice in Nigeria's Fourth Republic in upholding human rights as against the Military regime which it succeeded in 1999.

Democracy is largely associated with the promotion and improvement of human rights as they are believed to share a close link and are interdependent (UN-IDEA, 2013: 7). The "UN" and the Institute for Democracy & Electoral Assistance (IDEA) argued that there is no way democracy can be defined without human rights and that only in democratic states are human rights protected (UN-IDEA, 2013: 7). The above statement implies that only democracy/ democratic states guarantee human rights, why then are human rights violations increasing rapidly in Nigeria despite democratic practice/governance? While functional/ liberal democracy protects human rights, in Nigeria, the reverse is the case as democratic practice in Nigeria does not respect or protect human rights (Ofoegbu, 2013: 60). In other words, Nigerian democracy does not uphold the protection and respect for human rights as the nature of human rights violations that existed during the military regime are also evident (Anyadike, *et al.*, 2021: 5). For example, the repression, infringement on civil and political liberty such as freedom of expression, assembly, and association, freedom from arbitrary arrest, and detention, freedom of movement, censorship of the press, freedom of torture, and so on (HRW, 1996) that characterized the military regime is also present in the civilian democratic government. Especially with the activities of the security forces, Boko-Haram sect, Bandits and other arm-bearing groups examined in the previous chapters.

In light of the above argument, the study as earlier stated seeks to establish that the system of governance practiced or adopted in a state (whether democracy or authoritarianism) especially regarding Nigeria may not necessarily be the problem when it comes to protection and enjoyment of human rights. It has been observed from the above analysis that both democracy and the military regime in Nigeria did not guarantee or respect human rights, the study will therefore identify possible problems preventing the fulfillment and enjoyment of human rights in the country rather than the system of governance. Mbachu argues that nothing is wrong with the Nigerian land, the characters, climate, or anything else that defines the state, rather, the problem of Nigeria is the unwillingness, incapacity, lack of commitment of the leaders whether military or civilian to the enormous task and responsibility assigned to it by the constitutions or decrees as the case may be and other human rights laws/instruments (1992: 388). The issue of corruption, exploitation, oppression, repression, political and economic instability, tribalism, insecurity, and so on emanate from personalist leadership and not the system of government (Mbachu, 1992: 388).

The study adds that the major problem of Nigeria aside from bad leadership which Mbachu noted, is the lack of 'knowledge and in-depth understanding of the concept of 'democracy and principles of human rights. From observation, most of the human rights treaties and covenants signed and ratified in Nigeria were done during the military regime given the period such treaties were signed/ratified. Ironically, the military that severely violated human rights during its regime in Nigeria (Human Rights Watch, 1996) was actively involved in the signing and ratification of most human rights treaties and incorporate the same into the Nigerian constitution which it bequeathed to the successive civilian government. This study argues that both the military and democratic governments lack the knowledge and understanding of the concept of 'democracy' which the country adopted and the principles and provisions of the human rights laws (as they may not have properly studied the provisions of these human rights laws/instruments). While the military that are basically trained to protect the country internally and from external attack, it is surprising that same military engineered the democratic transition and constitution in 1999. The successive civilian government in 1999 inherited the constitution, human rights treaties entered into by the military government as well as the democratic practice and institutions which the military proposed thereby following the trail of corruption and democratic deficits which they established (Ijomah, 2000 1-2).

Howard, thus, argued that though democracy may be familiar to most states, it is a concept that is greatly misused and misunderstood especially in a time where dictators, military (coup) leaders claim the concept to assert and gather popular support. It was noted in chapter one of the study that President Buhari and Obasanjo whose administration witnessed two terms in office were once military leaders. Their limited knowledge and personality given their military background may be a contributing factor to the severe human rights violation in their various administrations as they place themselves above politics which is not a characteristic of a democracy (Angerbrandt & Themner, 2021 782-83). Howard pointed out that democracy is far more than specific governmental institutions, it rather borders on a good understanding of practices, attitudes, and values that take different forms among societies and cultures all around the world. Also, Howard believes that the concept of democracy and human rights are interdependent and intricate and depends upon a knowledgeable and literate citizenry (Howard, 2017 1-3). The lack of knowledge of the concept of democracy stripped off the tenets of liberal democracy and what is obtainable in Nigeria is an illiberal democracy where elections (voting) continues periodically

but the characteristics of liberal democracy such as free press, an independent judiciary, respect for human right have been greatly compromised (Mencken, 2021). Defenders/advocates of liberal democracy argued that by stripping off liberal democracy, such society is inherently 'undemocratic' and it leads to undermining of elections, intimidation, and the use of force by states (Mencken, 2021). Howard argued that democracy as a concept/practice guarantees nothing, it only offers opportunities for a state to succeed and also a risk of failure (2007 37).

In summary, democratic practice in the Fourth Republic did not guarantee human rights just as military government and this could be traceable to limited knowledge of the concepts vis-à-vis bad leadership as stated by Mbachu, but to the extent that it allows periodic elections, and to an extent allows freedom of association, it is more desirable, hopeful, and better than military/authoritarian government.

### **Global Implications of non-compliance and disregard for human rights laws/instruments.**

As argued by Prakash, with the wave of globalization, HRV should be securitized as what happens in a state can indirectly affect the international system. The failure of a state to comply by these human rights instruments/ laws can have a wider implication for the world at large. These implications include; Massive wave of migration of the citizens across borders, thereby increasing the population of receiving or host country, heightening of identity awareness, increase in refugees, inadequate supply/provision and distribution of social services as a result of overpopulation (Prakash, 2020). Spread of terrorist attack to other regions for example; the Boko-Haram group attack in Cameroon, Benin Republic killing thousands (AI, 2019). The failure of a state in defending and protecting the rights of the citizens can lead to wars that can affect and destabilize the peace in the regions (Prakash, 2020)

## CHAPTER VI

### Conclusion and Recommendation

#### Conclusion

The Nigerian Fourth Republic with specific reference to 2015-2020 that falls under the administration of President Muhammadu Buhari has been greatly characterized by human rights violations. This thesis using the International Bill of Rights and other human rights instruments at the national and regional level in its discourse and assessment of human rights violations in Nigeria was able to examine how well or to what extent Nigeria complies with international human rights laws and instruments and its findings, it identified that certain factors hinder the compliance to these human rights laws. The study showed that the UN-twin covenants (ICESCR & ICCPR) in addition to other human rights laws and instruments at the national and regional level has so far not guaranteed the protection and enjoyment of human rights in Nigeria's Fourth Republic and that despite the ratification and signing of these covenants/ treaties, the rights of millions of Nigerians remain grossly violated with impunity by states and non-state actors.

With this purpose which the study aimed to achieve in mind, the study in chapter one examined the historical background of Nigeria, transition and democracy, constitutional development, in the Fourth Republic. It also examined policies and human rights under the various administrations from 1999 to date, the challenges limiting the implementation of human rights in Nigeria, national, regional, and international legal framework on human rights in Nigeria was also assessed. Chapter two of the study gave clarifications and definitions of key terms and conducted a deductive Literature review on human rights violations in Nigeria which aided the study in its analysis. A comprehensive and critical assessment of what constitutes human rights violations in Nigeria was examined in Chapter three of the study using the three documents of the International Bill of Rights which are the UDHR, ICCPR, ICESCR, and other human rights instruments. The chapter also examined to what extent human rights are guaranteed in Nigeria where it noted that constitutionally human rights are guaranteed but in reality/practice the opposite is the case. It also reviewed other national human rights laws and acts. Chapter four of the study evaluated the factors limiting the compliance with international human rights laws and instruments and also, evaluated democracy as a general concept that promotes human rights, and examined to what extent democracy in the Nigerian Fourth Republic respected human rights as

against military government that it succeeded in 1999. It was observed that there is not much difference between the distinct systems of government as both did not respect or promote human rights but to the extent that people can choose their representatives under the democratic practice, it is more desirable. The study was able to argue that the problem in Nigeria may not be the system of government practiced but rather the lack of knowledge of the concept adopted.

### **Recommendation**

In light of the above analysis coupled with the review of existing related literature, the study recommends that to curb the increasing human rights violations in the country, the Nigerian government should

- 1) Embark on constitutional reform. The clause in Chapter II that makes ESCRs not justiciable should be reviewed so that citizens are guaranteed these rights and can seek redress when necessary.
- 2) The security forces (police, army, and others) must be properly trained on the basic need to respect human rights, should be monitored, assessed from time to time and sanctioned when necessary. The government should embark on reforms of the various security agencies and the SARS group that has caused lots of problems in the country should be disbanded as promised as it has outlived its usefulness.
- 3) The importance of effective and independent judiciary can never be overemphasized. The judiciary, media/press must be independent and free as they are viable institutions that upholds human rights. The federal government should therefore stop every form of interference into the affairs of these institutions.
- 4) Insecurity in Nigeria has contributed immensely to the to the human rights violations in Nigeria, the government should therefore seek ways of tackling this menace and this will be possible when number two on the recommendation list has been met.
- 5) Human rights principles and laws should be introduced into the academic curriculum at all levels of education in the country. A well-informed citizen will know when his/her rights is being violated, learn to respect the rights of others and refrain from any act that will violate the rights of other individuals. Hence the reason for the promotion of education in the ICESCR.

6) International human rights laws/covenants should include sanctions to erring state to minimize human rights violations.



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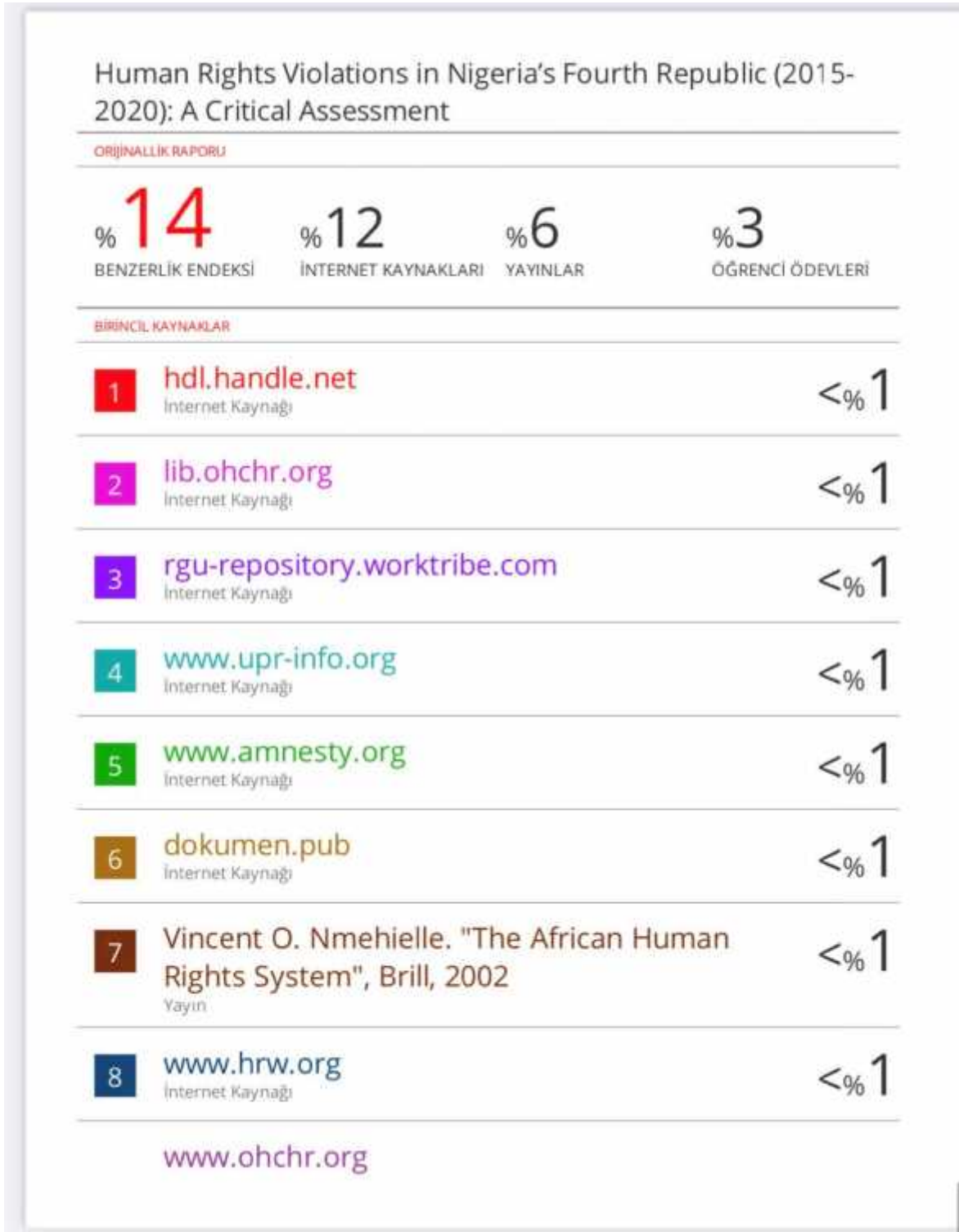
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## APPENDIX A

## Turnitin similarity Report



9	İnternet Kaynağı	<% 1
10	<a href="http://www.open-ius.ch">www.open-ius.ch</a> İnternet Kaynağı	<% 1
11	<a href="http://bim.lbg.ac.at">bim.lbg.ac.at</a> İnternet Kaynağı	<% 1
12	<a href="http://pt.scribd.com">pt.scribd.com</a> İnternet Kaynağı	<% 1
13	<a href="http://www.cambridge.org">www.cambridge.org</a> İnternet Kaynağı	<% 1
14	<a href="http://repository.uel.ac.uk">repository.uel.ac.uk</a> İnternet Kaynağı	<% 1
15	<a href="http://backend.hrw.org">backend.hrw.org</a> İnternet Kaynağı	<% 1
16	<a href="http://www.humanrights.moj.gov.tw">www.humanrights.moj.gov.tw</a> İnternet Kaynağı	<% 1
17	Submitted to Yakın Doğu Üniversitesi Öğrenci Ödevi	<% 1
18	<a href="http://neu.edu.tr">neu.edu.tr</a> İnternet Kaynağı	<% 1
19	<a href="http://www.ecoi.net">www.ecoi.net</a> İnternet Kaynağı	<% 1
20	"Internal Security Management in Nigeria", Springer Science and Business Media LLC,	<% 1



**APPENDIX B****Ethics Committee Approval**

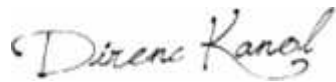
12.01.2022

Dear Sandra Uweh

Your project "**Human Rights Violations in Nigeria's Fourth Republic (2015-2020): A Critical Assessment**" has been evaluated. Since only secondary data will be used the project it does not need to go through the ethics committee. You can start your research on the condition that you will use only secondary data.

Assoc. Prof. Dr. Direnç Kanol

Rapporteur of the Scientific Research Ethics Committee



**Note:** If you need to provide an official letter to an institution with the signature of the Head of NEU Scientific Research Ethics Committee, please apply to the secretariat of the ethics committee by showing this document.