

A CRITICAL ANALYSIS ON HUMAN RIGHTS VIOLATIONS IN NIGERIAN DEMOCRATIC DISPENSATION 1999-2015

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Abstract

The study examines a critical analysis on human rights violations in Nigerian democratic dispensation 1999-2015. The study relied on secondary sources of data as veritable tools for its analysis. The objective of the study is to put an end to all forms of human rights violations in Nigeria. The study revealed that despite the many years of democratic practice in Nigeria, human rights violations are going on unabated. Further findings revealed that instead of democracy to end human rights violations, it is rather encouraging them. The gap of the study is that all fundamental human rights should be protected and respected whether in democracy or in the military regimes. The framework of analysis upon which the study is anchored is the theory of natural law. The study concludes that the rule of law which guarantees human rights protection is lacking in Nigerian form of democracy: The study recommends that democratic and human rights principles must be sacrosanct, respected, protected and promoted in all democratically elected governments in Nigeria.

Keywords: Human Rights Violations, democratic dispensation, extra-judicial killing

Introduction

One thing that beautifies democracy and makes it stand out as the most preferred method of governing human beings all over the world today is the existence of the rule of law. Statistics have shown that among different variety of governments or regimes, democracy is the greatest respecter of human rights. In the Nigerian experience however, the flagrant violation of human rights in her democratic practice by so many government agencies left more to be desired. The immunity clause in the 1999 Nigerian constitution is an aberration of true democratic practice because it rather protects and safeguards political leaders who abuse human rights while in office and who should be answerable for their actions or inactions still office.

Omemu (2013) Olugbebi (2014) acknowledged the roles of extra-judicial killings of Mohammed According to Akhaine and Chizea (2013) despite more than a decade of democratic governance and endorsement of universal declaration of human rights charter; Nigerians still face a lot of human rights abuses. This is because contrary to democratic ethos, the state is still largely authoritarian in leadership and security operations. Cases of human rights violation which Mculley(2013) described as becoming a culture of impunity in the country include: extra-judicial killings, illegal detention, suppression of the press, destruction of property by security forces etcetera. Studies by researchers such as Adetoro (2012) Oladunjoye and Yusuf and other Boko haram leaders in the violent extremism that nearly consumed the whole of

North Eastern Nigeria, kidnapping for ransom and rituals are also alarming.

Other forms of human rights abuses in Nigeria include motorist's harassments and extortion by security personnel, political assassinations, undemocratic imposition of candidates in leadership positions, intimidation of political opponents, rape, child abuse, education denial, democratic violence, unconstitutional militarization of voting process, vote buying, snatching of ballot boxes etc. (Olugbebi, 2014) posits that on May 29, 1999 Nigeria transitioned from military autocracy and absolutism to democracy. Before then, the country had been under Firm military rule for all but twelve years since independence on October 1st 1960. Essentially the militarization of the Nigerian society and the supplanting of constitutional provisions by decrees of successive military Juntas engendered a culture of what UNDP termed executive lawlessness and human rights abuse. Not only were Nigerians denied their most basic political rights, their social and economic rights were also seriously truncated by the gross mismanagement and outright looting of state resources by the military. At the political level, disrespect for the fundamental democratic rights of Nigerians reached its apogee with the annulment of the June 12, 1993 presidential election by the regime of Gen. Ibrahim Babangida. During the succeeding regime of Gen. Sani Abacha (1993-1998), the country was suspended from the Commonwealth in November 1995 for gross violation of human rights. This goes to show that the military is indeed antithetical to human rights protection (Ogaga 1994) Ake (1995) puts it poignantly thus:

The military and democracy are in dialectical oppositions. The military democracy are in dialectical oppositions. The military is a taut chain of command; democracy is a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total absence, the inhuman extremity of killing the opposition. The military demands submission, democracy enjoins participation; one is a tool of violence, the other a means of consensus building for peaceful co-existence.
(Ake 1995)

Earlier on Water Rodney (1972) puts it succinctly thus:

There is complete correctness and absolute proof that the military anywhere in the world has no timeless scheme relevant at all times with veritable integration and development program. The African experience has shown that military régimes are neither "corrective" nor "redemptive". They are stale, uninteresting, docile and reactionary. They violate human rights. They remain dictatorship and can never be a vanguard of the socialist revolution in Africa. (Rodney, 1972)

If we accept that a military regime is an aberration, then we should be prepared to

logically assume that it cannot satisfy the condition of regular government terms of human rights (Tell Magazine, 1993: 6)

For human rights violation to be minimized or completely non-existent in Nigeria, there should be real democracy rather than the civilian administration that exists right now, the rule of law, a peoples' constitution where human rights are embedded and are not abused, due process, an independent electoral umpire, a strong and vibrant Judiciary, an enlightened populace, a robust and free press, democratic culture and an atmosphere of peace and security which is part of the statemnt of the problem. (Amnesty International, 2014)

Objectives of the study

The study is predicated on the following research objectives:

1. Access democracy and violation of human rights in Nigeria from 1999-2015
2. Ascertain the constitutional provisions of human rights in Nigeria's democratic practice
3. Determine whether National Human Rights Commission recorded success in the prosecution of human rights violators within the period under review.
4. Examine whether manifestation of human rights violation resulted in the abuse of democracy in Nigeria.

Methodology

The study made use of secondary sources of data to critically analyze human rights violations in Nigerian democratic dispensation 1999-2015. The choice of this methodology was informed by its outstanding qualities and expert submissions that enhanced effort of finding and obtaining understanding about the importance of human rights to all human beings. This methodology helps us to understand in the broadest possible form, not just the product of scientific enquiry but the process itself because it outlines the step-by-step details of the procures followed in carrying the study Data for the study were sourced from textbooks, published articles, encyclopedias, periodicals, dictionaries, internet, journals, newspapers, magazines, seminar papers and quoted speeches. The very essence of this methodology is to avail readers the opportunity of assessing the views of authorities cited in the literature review.

Theoretical framework

The framework of analysis upon which the study is anchored is the theory of Natural Right attributed to John Locke, a 17th century British Philosopher (1632-1704) who contributed immensely to political and philosophical ideas at the enlightenment age and was one of the philosophers who suggested that individuals are entitled to "Natural Rights" in his work "The Two Treatise of Government" which he wrote in

1680. He believed that the world was orderly and rational and governed by fixed/permanent laws and these laws were given to men by God and were called Natural Laws. In his second Treatise, Locke was of the view that men in a state of nature created community by entering into what he called "social contract" but that the community in turn bestows power on government in a social relationship rather than a contractual one therefore if community trust is betrayed by the government, then power can be taken away from it (Hastrup, 2016)

Hastrup (2016) posits that in Locke's doctrine, nature endowed all humans with certain basic moral entitlements such as (right to life, liberty and property) to which the mandate law of society both positive and customary had to conform. The theory is universal rather than being pertinent to England alone. John Locke maintained that all men are created equal and are endowed with certain inalienable rights. Hasnass (2016) submits that natural rights existed before political rights which the individual possessed when government were not formed i.e. in the state of nature and cannot be violated by anyone not even one's self and so if these rights are protected rather than violated, there is a possibility that a measure of peace and cooperation would be achieved in societies all over the world.

Locke's theory of natural right is criticized by many scholars. Brian (2014) specifically noted that contemporary objective to the idea of right is derived from cultural relativism or historicism. For him, there have been in existence hundreds of human societies which have different customs, values and beliefs and so there can't be one set of human right valid for all of them also people in different societies are molded in different ways by their different cultures (Hasnass 2016) Hsing in Panjabi (2018) asserts that since the origin of human rights is derived from a consensus among fellow humans to provide the need of all, the rights of individuals do not outweigh those of society. They are human rights only if they do not spawn human wrongs against society because it is discovered that some rights which are regarded as human rights in some societies are regarded as wrong in others. For example, the right of same-sex marriage is established in societies such as USA, Canada, Costa Rica, and Portugal on the contrary, same sex marriage is totally rejected in other societies like Zimbabwe, Nigeria, Mali and Russia. Also political rights attributed to all humans across the world are not acceptable everywhere. For example, in some Islamic countries such as Somalia, Iraq, Iran, Afghanistan women are not allowed to be voted into hallowed positions in the political sphere of their societies. However, other countries keep the universality of political rights to vote and be voted for irrespective of ones gender.

Application of the theory

Locke's position on natural rights and social contract theory apply to Nigeria because an agreement exists between Nigerian citizens and constituted authorities charged with the responsibility of maintaining law and order. Also, all religions in Nigeria believe in the presence of a Supreme Being (God) that created life, land and

property and blessed people. Government is recognized by Nigerians as authority ordained by God to make law, enforce compliance and secure lives and property. Nigeria constitution recognizes human rights, those rights are considered as natural rights because all tribes, ethnic and socio-cultural groups in Nigeria respect and apply these rights in their relationship with one another. (Hasnass 2016)

Conceptual clarifications

United Nations (2014) posits that "Human Rights" are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religions, language, or any other status. We are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Human rights violation Vinod(2013) asserts that it is denying people their fundamental moral entitlements and so treats them as if they are less than humans that do not deserve respect and dignity. It may involve treating man in a cruel, unfair and or violent ways. This term is otherwise referred to as human right abuse. United Nations (1948) submits that human rights protection is to ensure that citizens receive some reasonable humane treatment without discrimination. This invariably means that fundamental rights of citizens are safeguarded and as such these rights are not taken away.

Democracy is a system of government in which all the people of a country can vote to elect their representatives. It is a form of government whereby power flows from the people (citizens to the rulers). A democratic society is founded upon freedom, justice and good treatment of all citizens by the state; it must be an ordered and stable society one infused with the spirit of liberty, Justice and the rule of law.(Roy,2009). According to Jega (2008) good governance is exercising authority over the affairs of other or a country with justice and fairness, it is controlled authority in a rightful manner and which must be within the tenets of democracy and must coincide with the interest of the majority in the society. For good governance to be ensured in a given society there must be positive values in government and a mindset to cultivate and ensure effective service delivery.

Anne (2010) asserts that human rights are fundamental features of any true democratic setting because the essence of democracy itself is to ensure human rights. These rights are viewed as inalienable rights of people. They are legal entitlements which every citizen should enjoy without fear of government or its fellow citizen. Basic issues involved in fundamental human rights are:

- a. Freedom right- freedom from oppression in its various forms
- b. Participation right- in decision- making process in various spheres of life
- c. Benefit right- education, food, work, medical care etc. (Anne 2010)

Review of related literature

The concept of human rights: Human rights are the fundamental features of any true democratic setting because the essence of democracy itself is based on the idea of human rights. They are mostly viewed as inalienable rights of people. They are legal entitlements which every citizen could enjoy without fear of government or his fellow citizens. Basic issues involved in fundamental human rights are (a) freedom rights – freedom from oppression in its various forms (b) participation rights in decision-making process in various spheres of life (c) benefit rights – to food, work, medical care and education. These rights are classified into three broad categories namely: civil and political rights, economic, social and cultural rights and solidarity or community rights. (Amnesty International 2014)

Human rights abuse: This is denying someone his fundamental human rights by treating him or her in an unfair and cruel manner which devalues his or her personality. (Amnesty International 2014)

Human rights violation: To violate human rights means to deny people their fundamental moral entitlements and so treat them as if they are less than humans that do not deserve respect and dignity. (Amnesty International, 2014)

Human right protection: To protect human rights is to ensure that citizens receive some reasonable degree of humane treatment without discrimination. This invariably means that the fundamental rights of citizens are safeguarded and as such, these rights are not taken away. (Amnesty International 2014)

Democratic society: In the words of the former President of America – Abraham Lincoln, democracy is government of the people, by the people and for the people. It is a form of government whereby power flows from the citizens/people to the rulers. A democratic society is founded upon freedom, justice and good treatment of citizens by the state; it must be an ordered and stable society, one that is infused with the spirit of liberty, justice and the rule of law.

Good governance: This is an act of exercising authority over the affairs of others or a country with justice and fairness. It is controlled authority in a rightful manner which promotes the interest of the majority in society. For good governance to be ensured in a given society there should be positive values in government that will ensure effective service delivery (Jega, 2008)

Human rights commission (2015) posits that human rights are the basic rights and freedoms that belong to every person in the world from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life (Equality and Human Right Commission, 2015)

United Nations Human Right Council (2015) states that human rights are rights inherent to all human beings whatever our nationality, place of residence, sex,

national or ethnic origin, colour, religion, language or any other status (UNHRC, 2015)

The concept of constitution

A constitution is a fundamental law according to which a state is to be governed. It is regarded as the rule of law guiding the action of both the ruler and the ruled in a democratic society (Okunoye, 2006). The idea of human rights is embedded in the 1999 constitution as amended. The rights and privileges which Nigerians are expected to enjoy by virtue of their citizenship in a democratic state are found in chapter four, section 34-44 of the 1999 constitution of the Federal Republic of Nigeria. The enjoyable human rights were clearly stated in section 33-44 of 1999 constitution as shown below: the right to life (section 33), the right to dignity of human person (section 34) the right to personal liberty (section 35), the right to fair hearing (section 36), the right to private and family life (section 37), the right to freedom of thought, conscience and religion (section 38), the right to freedom of expression and press (section 39) the right to peaceful assembly and association (section 40) the right to freedom of movement (section 41), the right to freedom of discrimination (section 42) and right to property (section 43) (Federal Government of Nigeria, 1999) Based on the above constitutional provisions made in Nigeria, Human rights violation is the major challenge that undermines democracy in Nigeria (Federal Government of Nigeria 1999).

Evolution of human rights in Nigeria

The concept of human rights has long been in existence before the universal declaration of human rights by the United Nations Charter of 1948. According to Faisal (2010) the history of human rights covers thousands of years and draws upon religion, cultural, philosophical and legal development throughout the recorded history. He argues that the concept of human rights is as old as civilization. Similarly, Sokefun (1998) asserts that even Israelites found succor in the concept of human rights while they were in bondage in Egypt which essentially describes the concept as a rise of revolt against all authoritarianism, tyrannical and perceived injustice. Vinod (2002) opines that human rights prime concern is to offer protection from tyrannical and authoritarian decision making which resulted in exploitation of man by man and particularly minority interest. Invariably this suggests that human rights violation has been in existence before our contemporary time. (Oyebode, 2010)

Oyebode (2010) further observes that before the advent of colonialists in Africa, human rights existed in the continent to a minimal level, for example, the primitive communal societies had little need for rule or laws but the division of societies into classes necessitated the need for making rules which resultantly crystallized into a legal system and so, rules were enforced by Obas, Obis, Emirs and Clan Heads. Right of life, freedom of thought and speech, association and property ownership existed in those days. Human Rights Violation Monitors (2006) explains that human rights and

fundamental freedoms were recognized in the traditional Nigeria societies but the idea of rights was not conceived in the modern nation. However, the advent of White men heralded a foreign legal system which was superimposed on the various communities across the country thereby eroding the tenets, values and tradition of the people. This marked the history of the present legal system which the idea of human rights in Nigeria rests upon. (Oyebode, 2010)

The successive constitutions of Nigeria had the concept of human rights embedded in them particularly in the Independence constitution of 1960 and the Republican constitution of 1963 which made provisions for the protection of fundamental human rights. The 1979 and the 1999 constitutions further laid emphasis on human rights by providing a bill of rights. The entrenchment of human rights in the Nigeria constitutions was aimed at creating a society which protects political freedom as well as social and economic well-being of Nigerians (Federal Government, 1999)

Nigeria became independent on October 1st, 1960 and surrendered part of her sovereignty to the United Nations six days after having conceived it as an organization for multilateral diplomacy and service. It is in this vein that the United Nations Declaration of Human Rights of 1948 remains binding on all member states including the Federal Republic of Nigeria. The National Human Rights Commission Act of 1995 was promulgated in accordance with the United Nations general assembly resolution no. 48/134 of 20th December, 1993 which implore all member states to establish national human rights institutions relative to their environment with the sole aim of protecting the basic dignity of every human life.

The act empowers the commission with the authority to deal with all human rights issues while taking into consideration the provisions of the constitution of the Federal Republic of Nigeria, the United Nations charter, African Charter on Human and Peoples Rights, Universal Declaration of Human Rights and all other human rights instruments to which Nigeria surrendered part of her sovereignty. The commission is also saddled with the responsibility to monitor and investigate cases of human rights violations, assists victims and seeks proper remedies on their behalf. The commission is also enjoined to liaise and cooperate with local and international organizations on human rights and participates in all human rights activities for the purposes of its advancement, promotion and protection in Nigeria (National Human Right Commission, 2007)

Types of rights

Every individual, cross – continent and the world over are entitled to human rights. It has become a globally recognized and accepted phenomenon that individuals possess certain rights which governments have the duty and responsibility to enforce and protect. Human rights are divided into different categories ranging from personal (civil) to political, economic, social and cultural rights. According to Roy (2009) the United Nations adopted two covenants in 1966; International covenant on

Economic, social and cultural rights, both of which went into force in 1976. These documents (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights) together are collectively known as the international Bill of Human Rights. Many scholars have classified human rights into different categories but for the purpose of this study we shall categorize them into civil and political rights on the hand, and economic, social and cultural rights on another. (Roy, 2009)

Civil and political rights

Civil rights are otherwise known as personal rights. They include: inherent right to life. It should be protected by law so that no one is deprived of his life. However in states still imposing death penalty such may only be declared on offenders for the most heinous crime according to the law in force at the particular time which the crime was committed but not on people below the age of 18 years and pregnant women as stated in Article 6 (Section 5) of the International Covenant on Civil and Political Rights. Among other civil human rights is freedom from torture, inhuman or degrading treatment, freedom from slavery and servitude, freedom from arbitrary arrest and unlawful detention, freedom from unlawful interference with a person's privacy, family or home. This covenant states that everyone shall have the right to freedom of thought, expression, conscience and religion. All civil rights are enshrined in ICCPR and they remain binding on signatory states of the United Nations and are engraved in their constitutions just as in the 1999 constitution of Nigeria.

Political rights: express the possibility of citizenship participation in the political activities of the society such as periodic elections. These rights are aimed at strengthening the relationship between the citizen's community and the state: Political rights can be expressed and used individually or collectively. These rights include rights to vote and be voted for, freedom of speech and opinion, right to access public service, right to participate in political associations and parties, right to peaceful assembly as enshrined in the covenant on civil and political Rights (Roy, 2009)

Economic, social and cultural Rights: these are described as rights which create entitlements to material conditions for human welfare which are necessary for prosperity. These rights are enshrined in the international covenant on economic, social and cultural rights together with the international covenant on civil and political alongside the universal declaration of human rights, the trio collectively forms the international bill of rights. They are related, indivisible and inalienable. These rights give a citizen and his family adequate standard of living which include food, clothing, and shelter among others. The government of a state is required to create an atmosphere for which these rights can be enjoyed. In agreement with the statement above, the International Covenant on Economic, Social and Cultural Rights holds in part I Article 1 (1) that all people have the right to self-determination and by virtue of this right, they can freely determine their political status and freely pursue their

economic, social and cultural development. Part III, Article 6 of this covenant, guarantees right to work which gives an individual the opportunity of earning a living by virtue of the work he or she chooses to do. State parties are required in Article 7 of the covenant to recognize the right of every one to just and favourable conditions of work, form trade union, own private property, social security, education as well as cultural. (Ayooob 2013)

It is important to note that all rights are equal. This is established in the fifth paragraph of the Vienna Declaration and program of Action drafted at Vienna World Conference on Human Rights in 1993 that:

All rights are universal, indivisible and interdependent and interrelated, the international community must treat human rights globally in fair and equal manners on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be born in mind, it is the duty of states, regardless of their political economic and cultural systems to promote all human rights and fundamental freedoms. These rights should be enshrined in state constitutions, promoted and protected because a feeling of injustice and discrimination could spring up violence by those who are deprived leading to constant unrest that will halt development in any society. Dorothea, 2010)

Universal declaration of human rights:

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions without discrimination to territories". (United Nations 1948)

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this declaration without discrimination of any kind such as race, colour, sex, language, religion, political, national or social origin, property, birth or other status.

Article 3: Everyone has the right to life, liberty and security of person.

Article 4: No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in their forms.

Article 5: No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.

Article 6: Everyone has the right to recognition everywhere as a person before the

law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection before the law.

Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law.

Article 9: No one shall be subjected to arbitrary arrests, detention or exile.

Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

Article 11: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all things necessary for his defense.

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence or to attacks upon his honour and reputation.

Article 13: Everyone has the right to freedom of movement and residence within the borders of each state.

Article 14: Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Article 15: Everyone has the right to a nationality

Article 16: Men and women of full age without any limitation due to race, nationality, or religion have the right to marry and find family.

Article 17: Everyone has the right to own property alone as well as in association with others.

Article 18: Everyone has the right to freedom of thought, conscience and religion.

Article 19: Everyone has the right to freedom of opinion and expression.

Article 20: Everyone has the right to freedom of peaceful assembly and association.

Article 21: Everyone has the right to take part in the government of his country directly or through free chosen representatives.

Article 22: Everyone, as a member of society has the right to social security.

Article 23: Everyone has the right to work.

Article 24: Everyone has the right to rest and leisure.

Article 25: Everyone has the right to a standard of living adequate for the health and well – being of himself and his family.

Article 26: Everyone has the right to education.

Article 27: Everyone has the right to participate freely in the cultural life of his community.

Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29: Everyone has duties to the community in which alone the free and full development of his personality is possible.

Article 30: Nothing in this Declaration may be interpreted as implying for any state, group or person, any right to engage in activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein (United Nations, 1948)

Historical account of human right violations in Nigeria

Contrary to widely held views that human rights violations in Nigeria were initiated at the inception of military in politics, the problem actually has its historical origin traceable from pre – colonial to colonial era. For instance, in 1849 with the imperial activities of John Beecroft, the British Crown Council in Nigeria introduced the concept of “gun – boat diplomacy” through which questionable agreements and treaties were compelled upon local rulers offering them protection in exchange for unlimited access to trade and economic activities in their domains. Gun – boat diplomacy was used on some of the kings who refused to comply with his selfish rule and this resulted to violence and low intensity war. These rulers were either dethroned or exiled (Batten, 1939).

Another case of human rights abuse then was the Brinsmen crisis with the Royal Niger Company at Akassa in 1895 where many lives were lost and property destroyed. Although it was alleged that the actual extension of British authority over these coastal areas was partly due to human rights abuse by some of the pre – colonial chiefs in 1817 for example, King Pepple of Bonny for making war with other Chiefs and misrule. In 1887, King Jaja of Opobo was removed for preventing British merchants trading with the Inland tribes. In 1893; King Nana of Jekri was conquered and removed for slave raiding. In 1897, Benin was conquered and Oba Ovoramwen was removed for slave raiding. In 1903, Sokoto was attacked and the ruling sultan was removed for over taxing his subjects. At the superficial level, these actions were justifiable based on the reasons above but a more careful and an in-depth analysis revealed that British influence on the geo – political entity of Nigeria began as imperial enterprise whose sole target was the exploitation of economic resources, the institutionalization of violence and the use of coercion as instrument of political control to subdue the different ethnic groups in Nigeria and bringing them into a political

stronghold tagged modern Nigeria. This is ultimately true because in Nigeria, the colonialists were not interested in making their system of production for example to serve the basic needs of the local population but their political, social and economic policies were formulated and implemented to the extent that they served British interest and left Nigeria with no basis for economic and political structures for her development (National Human Rights Commission 2007)

Nigeria since independence has had different political experiences first; it was the British parliamentary or cabinet system of government up to the end of the First Republic in 1965, and then came the American presidential system in 1979 of the Second Republic. The basic intention is to institutionalized democracy but the military opposed it and AlhajiTafawa Balewa Prime Minister of the First Republic was killed in the military coup of 1966. The Shagari administration (1979 – 1983) after a first term in office was also overthrown by the military in 1983. There was a denial of a sovereign mandate given willingly by Nigerians to Moshood Abiola in the June 12th presidential election by the military. The interim national government of Chief Ernest Shonekon was also booted out by Gen. SaniAbacha. The military did not only attack civilian administrations but they also attack themselves as well hence there were coups and counter coups. For instance, there was a coup against Gen. Aguiyilronsi which brought Gen. Yakubu Gowon to power in July 1966. Gowon himself was overthrown by the coup that brought Gen. Murtala/Obasanjo to power in July 1975. There was a coup on Gen. Buhari on December 31st 1983 that brought Gen. Babangida who later stepped aside for Gen. Abacha who took advantage of the situation and booted Ernest Shonekon out of power on November 27th 1993. It has be argued that while military coup against military regime could be regarded as political instability, military overthrow of an elected government is part of human rights abuse (Appadorai, 2003)

Human rights issues received legal backing with statutory provisions made in the 1999 constitution of the Federal Republic of Nigeria. Sections 33 to 43 of chapter IV specifically covered the fundamental human rights that government and society not only acknowledged but also guarantee to protect from infringement. Records have shown that there were high levels of human rights violations previously under Babangida and Abacha regimes from 1985 – 1998 more than other regimes in the chequed political history of this country. There was perhaps no basic right that was neither abridged in the period under review. There was military brutality against the civil populace, cases of extra – judicial killings soared, access to justice by ordinary Nigerians was severely restricted, international passports and other travelling documents of individuals and officials were seized with impunity to prevent opposition and cow articulate critics of the juntas into submission. To worsen matters, unconstitutional practice of arresting relations in lieu of accused persons - whether factual or fabricated among other vices intensified the level of insecurity in the country. There were waves of baffling and unresolved assassinations as well as

recurring incidents of bomb explosions in several parts of the country. Extra – judicial killings, arbitrary arrests, unlawful and prolonged detention, brutal torture of accused persons and degrading treatment bordering on dehumanization of critics and opponents of the military regimes became common scenes in the country. However, human rights and democracy are supposed to intricately interwoven to such extent that one reinforces the other and a decline in one is a direct threat to the other that will consequently results in general societal retrogression (Constitutional Right Projects, 1997)

Human rights situation in Nigeria and types of violation:

No system of government guarantees respect for human rights like democratic government hence when power shifted from the military to democratically elected government in 1999, Nigerians were full of joy and confidence that human persons were to start enjoying these rights that are fundamental to them. However, Nigerians were shocked to observe that the violation of human rights that obtained during the military dictatorship never abated rather what still played out was a gross violation of these rights with unprecedented crescendo in every aspect of it. In this study, for want of time and space, few instances of these violations will be discussed.

Nigerians will not forget in a hurry what has been termed “Odi Massacre” Odi is a town in Bayelsa state in the south- south region of Nigeria where the inhabitants were agitating the way the federal government of Nigeria was going about the exploration of oil which left their habitat inhabitable as a result of oil pollution. The then federal government, democratically elected, led by President Olusegun Obasanjo, ordered the military to descend on the town on the 20th November, 1999, which left about 2,500 civilians dead as reported by Human Rights Watch 1999. Here, the fundamental right to life has been violated by a government that was supposed to preserve it.

Another gross violation of fundamental human right is the ZakiBiam killings. Not long after the seeming holocaust at Odi community, the Nigerian military once again ferociously descended on a town in Benue state called ZakiBiam on the 22nd of October 2001. In this military display of brutality, about one hundred (100) civilians were reportedly killed from Tiv – ethnic community. Their offence was an alleged abduction and killing of 19 soldiers that were sent there to restore peace in a crisis between the Tivs and the Jukuns of that state and because the mutilated bodies of the slain soldiers were found in ZakiBiam community, the military called them for a meeting and killed all of them (Akhaine, 2011)

In February and May 2016, security forces were accused of killing at least forty (40) members of the Indigenous people of Biafra (IPOB) and Movement for the Actualization of the Sovereign State of Biafra (MASSOB). The groups were advocating for the separation of Biafra mainly of Igbo speaking of the South – East and South – South and the release of Nnamdi Kanu, the IPOB leader detained and

undergoing trial for treason since October, 2015. According to Human Rights Watch (2016) in the crude oil rich Niger Delta, Soldiers seeking to arrest members of the militant groups(Niger Delta Avengers), destroyed 43 houses and other properties in Peremabiri, Akamabugo and Tikobene communities of Bayelsa state. There is the violation of the right to the dignity of human person expressed in the right to descent environment. Other violation of human rights carried out by government officials include; the blaring of sirens, driving against traffic. Others include loud noise coming from loud speakers mounted in churches, mosques and merchants of music in the neighborhoods. The dumping of refuse/waste along our ways and streets with bad odour which has devastating effects on our health, to put it succinctly, human rights violations especially that of life and human dignity by government agencies and private citizens thrive in the following instances, menace of boko haram insurgency and other acts of terrorism, militancy in the Niger Delta region, kidnapping, bribery, and corruption, government insensitivity, unemployment, inflation, poverty, police and military brutality and the likes. Other types are human trafficking and extra-judicial killings. Okeshola, [2013]

Table 1
Classification of Complaints from 2011-2014

Year	2011	2012	2013	2014	TOTAL
Sexual Violence			498	599	1097
Domestic Violence	2560	2656	2240	2340	9796
Reproductive Right			25	51	96
Harmful Cultural Practices			23	32	55
Gender Based			122	188	310
Women Trafficking Discrimination			42	708	750
Inheritance			2017	2677	4694
Forceful Marriage			52	61	113
Denial Of Access To Children			2416	2625	5041
Right To Survival			2926	3015	5941
Child Labor			75	75	150
Commercial/Formal Child Marriage			4	9	13
Child Trafficking			6	8	14
Sexual Abuse			238	254	492
Other Child Access			1832	1899	3731
Child Custody			1605	1820	3425
Unlawful Arrest And Detention	2560	3462	404	562	6988
Cruel, Inhuman Treatment	1350	1920	348	398	4016
Torture	28	310	178	192	708
Extra-Judicial Killing	6	27	297	301	631
Access To Justice			188	190	378
Appeal Fir Prerogative Of Mercy	350	300	15	19	684
Enforced Disappearance			16	17	33
Participation In Public Affair			35	49	84
Right To Freedom Of Land	222	85	81	97	485
Threat To Life	86	103	1461	1720	3370
Unfair Hearing	12	15	16	19	62
Women/Gender			1088	1944	3032
Child Abandonment	2300	2250	154	182	4886
Dismissal/Wrongful	3200	3323	1687	1920	10130
Nonpayment Of Benefit	1780	2313	1079	1200	6372
Delay In Hearing	12	15	2	5	34
Disobedience To Court	7	8	19	17	51
Labor Right	1200	2010	427	685	4322
Right To Education			161	47	208
Right To Health			16	51	67
Right To Food			0	5	5
Right To Shelter			37	41	78
Right To Private And Family Life			37	48	85
Ethic Discrimination			0	4	4
Religious Discrimination			6	9	15
Medical Condition			21	29	50
Disability			24	32	56

Source: National Human Rights Commission Annual Report 2014

Table 2

Summary of Treatment of Complaints from 2011-2014,

Year	Total Received	Admissible	Inadmissible
2011	17,029	15,879	1,150
2012	18797	16,873	1,924
2013	25268	23,698	1,570
2014	29441	26,974	2,467
TOTAL	90535	83,424	7111

Source: National Human Rights Commission Annual Report 2014

Conclusion and Recommendations

The statement of the problem of this study is a critical analysis on human rights violations in Nigerian democratic dispensation 1999-2015. The main objective of the study is to allow democracy to end all forms of human rights violations in Nigeria. Consequent upon the findings of the study, the following conclusions have been drawn: one of the best governments in the world today is democracy, the fact that it is embedded in the rule of law makes it most attractive and preferred over and above all other forms of governance because it guarantees human rights protection. However, this is lacking in the Nigerian democracy, for instance the democratic Nigerian government is fond of disobeying court rulings, abuse court processes, arrest and detain both real and imagined offenders without trials and releases some of them without compensation and apologies as well as violating constitutional provisions with impunity. In the Nigerian experience, instead of democracy to end human rights violations, it is rather encouraging them this is a big problem for the citizens. The mass media both electronic and print should mobilize and sensitize Nigerians into knowing their rights and to insist that they are respected without fear of intimidation, victimization, contradictions and demand reparation whenever they are abused. Based on the findings of this study, the discussions involved and conclusion thereafter drawn, the following recommendations are hereby proposed:

1. Human rights abuse have become endemic in Nigeria and this is because individuals, groups and state actors are involved in it however, concerted efforts should be made to put an end to it now.
2. Presently, human rights violations in Nigeria have constituted blight on our diplomatic relations with the rest of the world and this calls for urgent concern because it has myriad of problems with other attendant consequences.
3. Nigerians should impress it upon all democratically elected governments that the principles of democracy and human rights should be sacrosanct.

4. Democratic principles such as adherence to the rule of law, respect for fundamental human rights and the protection of lives and property should be strictly adhered to.
5. Constitutional provisions of human rights should be respected in Nigeria by the government in power in the overall interest of all Nigerians.
6. For a prosperous democratic governance to be realized in Nigeria, true principles of democracy must be imbibed and promoted by all citizens.
7. The National Human Rights Commission should prosecute human rights violators irrespective of their positions in Nigeria.

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