



NATIONAL HUMAN
RIGHTS COMMISSION

THE STATE OF
**HUMAN
RIGHTS**
IN
NIGERIA



EDITED BY
TONY OJUKWU
OKAY BENEDICT AGU

2018 REPORT



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FOREWORD

The State of Human Rights in Nigeria 2018 Report is produced pursuant to Section 5(c) of the National Human Rights Commission (NHRC) Act 1995 (as amended) which obligates the Commission to publish and submit from time to time, to the President, National Assembly, Judiciary, States and Local Governments report on the state of human rights promotion and protection in Nigeria.

This Report is a part of the series produced since 2006 maiden publication. It builds on experience garnered over the years. It is a reflection of pattern and nature of complaints received by the Commission in the Headquarters and State offices within the year under review.

The complaints are disaggregated according to thematic areas. The report covers Civil and Political Rights as well as Economic, Social and Cultural Rights. It also contains Reports on Human trafficking, the Rights of the Child, Corruption, areas of Terrorism and Inter-Communal Conflict, Election and Political Participation, Niger Delta and the Environment amongst others.

This report focuses on Human Rights situation in Nigeria captured under different thematic areas such as:

Right to life, Right to dignity of the human person, Right to fair hearing, Right to private and family life, Right to freedom of thought, conscience and religion, Right to freedom of expression and the press, Right to peaceful assembly and association, Right to freedom of movement, Right to freedom from discrimination, Right to acquire and own immovable property, Right to health, Right to adequate housing or shelter, Right to adequate food, Right to education and Labour right amongst others.

According to Professor Jadesola Akande in the State of Human Rights Report, 2007, “the revelations in this report should hopefully, discourage officials and agencies involved in these violations, from committing further violations and create an enabling environment for accessing redress.” This report, like the previous editions, will encourage the human right community in Nigeria to remain steadfast in its quest to achieve a better narrative for the human rights situation in Nigeria.

The complaints reported have been admitted for investigation and intervention in line with the mandate of the Commission. It is significant to note that this report reflects the pattern or trend of human rights complaints only.

The report also contains human rights issues monitored through the print and electronic media in 2018.

Our hope is that this report will serve various purposes such as educating the public on the pattern of human rights violations in the year under consideration.

I recommend it for use by the Government, researchers and the entire citizenry.

Thank you.

Tony Ojukwu, Esq
Executive Secretary,
National Human Rights Commission.

ACKNOWLEDGEMENT

The State of Human Report is a product of the National Human Rights Commission which contains selected complaints received and handled both at the headquarters and the field offices.

The Commission acknowledges and sincerely appreciates the contribution made by the following: Special Assistant to the Executive Secretary and Head, Monitoring Department, Mr. Benedict Agu, Titilayo Samuel, IHEME Richmond, Cordelia Agwahare, Kabir Aliyu Elayo, Ademilola Adesiyun, Efem Atu, Nwabueze Anthonia, Joy Abah, Zara Abubakar-Abdullahi, Arinze Okoro, Wale Afolabi, Hyginus Njoku, Aishat Braimah, and Danladi Yohanna.

Finally, we also acknowledge the contribution of the Nigerian Human Rights Community for the continuous struggle for the protection, promotion, enforcement and accountability for human rights and justice for all.

INTRODUCTION

The National Human Rights Commission (NHRC) was established in 1995 by virtue of the NHRC Establishment Act of 1995. The establishment was in response to the resolution of the United Nations (otherwise known as the Paris principles) which enjoined member nations of UN to establish national institutions in their respective countries with the core mandate of protecting and promoting human rights.

Following the establishment of the NHRC with its attendant teething problems and constraints, it became necessary to amend the Establishment Act to broaden the mandate of NHRC, strengthen its operations and ensure its independence. This culminated into the amendment of the NHRC in 2010 by the National Assembly which broadened the responsibilities, powers and functions of NHRC.

Specifically, sections 5 and 6 of the NHRC Act 1995 (as amended) assigned enormous responsibilities and powers to the NHRC. Some of the core functions and powers of the NHRC are as follows:

FUNCTIONS

- a. To deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution of the Federal Republic of Nigeria, the United Nations Charter and the Universal Declaration on Human Rights, the International Conventions' on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and other international and regional instruments on human rights to which Nigeria is party;
- b. Receive human rights complaints, monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendation for the prosecution or make appropriate determination as may be deemed necessary in each circumstance;
- c. assist victims of human rights violation and seek appropriate redress and remedies on their behalf;
- d. Undertake studies on all matters pertaining to human rights and assist the Federal, State and Local Government where it considers it appropriate to do so in the formulation of appropriate policies on the guarantee of human rights;

- e. Publish and submit, from time to time, to the President, National Assembly, Judiciary, State and Local Governments, reports on the state of human rights promotion and protection in Nigeria;
- f. Liaise and cooperate with local and international organizations on human rights for the purpose of advancing the promotion and protection of human rights;
- g. Organize local and international seminars, workshops and conferences on human rights issues for public enlightenment
- h. promote an understanding of public discussion of human rights issues in Nigeria and undertake research and educational programmes and such other programmes for promoting and protecting human rights and co-ordinate any such programme on behalf of the Federal, State or Local Government on its own initiative when so requested by the Federal, State or Local Government and report concerning the enactment of legislations on matters relating to human rights;

POWERS

- a. Institute any civil action on any matter it deems fit in relation to the exercise of its functions under this Act;
- b. Visit persons, police cells and other places of detention in order to ascertain the conditions thereon and make recommendations to the appropriate authorities;
- c. Make determination as to the damages or compensation payable in relation to any violation of human rights where it deems this necessary in the circumstances of the case;
- d. enter upon any land or premises or by any agent or agents duly authorized in writing for any purpose which, in the opinion of the Council is material to the functions of the Commission, and in particular, for the purpose of obtaining evidence or information or of inspecting or taking copies of any document required by, or which may be of assistance to the Commission and of safeguarding any such document or property which in the opinion of the Council ought to be safeguarded for any purpose of its investigations or proceedings.
- e. summon and interrogate any person, body or authority to appear before it for the purpose of public inquiry aimed at the resolution of a complaint of human rights violation or issue a warrant to compel the attendance of any person who after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the Commission;

- f. compel any person, body or authority who, in its opinion, has any information relating to any matter under its investigation to furnish it with any information or produce any document or other evidence which is in his or her custody and which relates to any matter being investigated.

This Report therefore is in fulfillment of the statutory mandate of the Commission as enshrined under section 5(c) of the NHRC Act (as amended) to publish from time to time reports on the state of human rights protection and promotion in Nigeria.

EXECUTIVE SUMMARY

The State of Human Rights in Nigeria Report 2018 is a compilation of the human rights situation in Nigeria in the year under review. This report presents broad coverage of issue-areas as they pertain to complaints and media monitoring generated from the Commission's Headquarters and State offices. The report is an assessment of human rights situation in the country and seeks to highlight the gaps in the promotion, protection, enforcement and accountability for human rights in Nigeria. Further, the report makes recommendations to address identified pattern or trend militating against the protection, promotion, enforcement and accountability for human rights in Nigeria.

The report is divided into three Parts and twenty-one Chapters as follows:

PART 1: Civil and Political Rights

- Right to Life
- Dignity of the human person
- Personal Liberty
- Freedom of Expression and the Media
- Freedom of Thought, Conscience and Religion
- Fair Hearing
- Freedom from Discrimination
- Family and Private Life
- Peaceful Assembly
- Right to Acquire and Own Property

PART 2: Economic, Social and Cultural Rights

- Right to Health
- Right to Education
- Labour Right

PART 3: OTHER THEMATIC AREAS

- Terrorism & Inter- Communal Violence
- Corruption

- Access to Justice & Independence of Judiciary
- Sexual and Gender Based Violence
- Rights of the Child
- Environment
- Human Trafficking
- Election and Political Participation
- Others

Each chapter begins with an introduction followed by complaints received and investigated by the Commission. Also reports from the media on human rights violations are also considered.

It is pertinent to mention that the year under review raises issues that touch on violations of the rights of the child to development, protection and survival. Most complaints in this category reveal how children have become victims of domestic abuse, neglect and abandonment of parental care. This has caused untold discomfort to children leading to abuse of child's education, nutrition, health and parental attention.

The report also highlights complaints relating to Sexual and Gender Based Violence (SGBV), Terrorism and Inter-Communal Violence, Civil and Political Rights as well as Economic, Social and Cultural Rights.

For the purpose of confidentiality and ease of reference, the following symbols are adopted in this report:

X- Female Complainant

Y- Male Complainant

XY- Third Party Complainant

**PART 1
CIVIL AND POLITICAL RIGHTS**

**CHAPTER 1
RIGHT TO LIFE**

**BY
IHEME RICHMOND**

INTRODUCTION

This right to life is a creation of United Nations Convention and Constitution of the Federal Republic of Nigeria.¹ Similarly, the right is guaranteed by the African Regional Human Rights Instrument²; which acknowledges the inviolability of human beings and entitlement of each person to respect to his life and integrity of his person; and that no one may be arbitrarily deprived of life. The Convention on the Rights of the Child³ also guarantees Right to life and provides that:

States Parties recognize that every child has the inherent right to life .and that States Parties shall ensure to the maximum extent possible the survival and development of the child.

Furthermore, the specific UN Convention on Disabilities⁴ provides for Right to Life .

The provision is a reaffirmation of state parties to the Convention that every human being has the inherent right to life and commitment to take measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

The Constitution of the Federal Republic of Nigeria (1999) as amended provides in Section 33 (1) that “every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”. The right not to have one’s life taken arbitrarily implies an obligation on the part of State Parties to take reasonable steps to prevent situations that could result in the violation of the right to life.

Human Rights scholars and practitioners have however argued in various fora that the content of Right to Life cannot be pinned to a parochial sphere.

¹ See, Article 6 International Covenant on Civil and Political Rights (ICCPR) available online at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> accessed 13th May 2020, see also section 33 1999 Constitution of the Federal Republic of Nigeria as amended

² See Article 4 African Charter on Human and People’s Rights (ACHPR) available online at <https://www.achpr.org/legalinstruments/detail?id=49> Accessed 5th June, 2020

³ See Article 6 United Nations Convention on Rights of the Child (UNCRC) available online at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> accessed 5th June 2020

⁴ See Article 10 United Nations Convention on Rights of Persons with Disabilities available online at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

In my view, the right encompasses a wide variety of other rights which are dependent on the existence of life for their enjoyment. The right is the nucleus of all other rights. The right to life cannot be seen only in the light of the deprivation of life, but more importantly, in the light of the sustenance of life. In this connection, right to life should be broadly interpreted to encompass all its components, some of which are contained in the non-justiciable⁵ provisions of the 1999 Constitution of the Federal Republic of Nigeria. The right to life would be meaningless if it is only relevant to a life that has been deprived. This, indeed, has made the inclusive interpretation of the right to life inevitable. The right underscores not only the right not to be killed, but also the right to be rescued from impending death; and imposes a positive duty on the government to provide safe and good infrastructure that guarantees a dignified life to the citizenry.

In practice, it seems however that judicial understanding of the constitutional text of the right to life in Nigeria has so far emphasized “the intentional deprivation of life” over the protection of life itself. This traditional approach to the right to life views the right in a restrictive sense to cover only occasions where the government or its agent is directly involved in the arbitrary deprivation of life.

The human rights community therefore urges courts in Nigeria to continuously move away from this traditional approach and adopt a broader understanding of the right to life that affords an implementation of all the components of the right to life which have so far been obscured in the non-justiciable provisions of the Constitution. Socio-economic rights do not only ensure the attainment of an adequate standard of living for the people, they also help to guarantee certain conditions that are fundamental to human existence, without which human rights will have no meaning. A more liberal and expansive approach that does not consider the breach of the right in terms of the occurrence of death alone is desirable.

In this connection, the progressive approach adopted in the case of *Gbemre v Shell Petroleum Development Company Nigeria Limited and others*⁶ reflects the judicial activism in the interpretation of the right to life. This is commendable.

In this case, an action was filed against continuous gas flaring, production and exploration activities in the Niger Delta as affecting lives and livelihoods of persons and communities in the affected areas. The Court held that the constitutionally guaranteed right to life and dignity of the human person inevitably include the right to clean, poison free, pollution-free and healthy environment. In arriving at this decision the court not only relied on the constitutional provisions guaranteeing the right to life and dignity of the person but also on the international obligation undertaken by Nigeria under articles 4, 16 and 24⁷ of the African Charter on Human and Peoples’ Rights which has been ratified and form part of Nigeria’s organic laws.

Accordingly, the right to life when expansively interpreted, includes not only the right of every human being not to be deprived of his life arbitrarily, but also the right that one will not be prevented from having access to the conditions that guarantee a dignified existence. Nation states therefore have the obligation to guarantee the creation of the conditions required in order that

⁵ See Chapter 2 of the 1999 Constitution of the Federal Republic of Nigeria as amended.

⁶ Suit No. FHC/B/CS/53/05; (2005) AHRLR 151 (Ng HC 2005)

⁷ These respective Articles guarantee the Right to Life and integrity of human person, the right to attain the best attainable state of physical and mental health and right to general satisfactory environment favorable to development.

violations of this basic right do not occur. In this regard, Nation states are urged to adopt measures that may be necessary to create an adequate statutory framework to discourage any threat to the right to life; to establish an effective system of administration of justice able to investigate, punish and redress any deprivation of life by state agents, or by individuals; and to ensure that the citizenry are not being prevented from access to conditions that may guarantee a decent life. This entails the adoption of positive measures to prevent the breach of this right.

The Nigerian Constitution⁸ acknowledges that the security and welfare of the people shall be the primary purpose of government⁹. This includes protecting life and ensuring welfare for persons in Nigeria. International human rights law lays down obligations which States are bound to respect.¹⁰ By becoming parties to international treaties, Nation states assume obligations and duties under international law to respect, to protect and to fulfill human rights. International human rights law requires States to protect human rights with due diligence, which entails the obligation to prevent and sanction harm, including deprivation of life, caused not only by their own agents but also by acts of private persons or entities. The duty to protect life also implies that States should take appropriate measures to address the general conditions in society that may eventually give rise to direct threats to life or prevent individuals from enjoying the right to life with dignity, such as high levels of criminal and gun violence.

Whether from road accidents arising from bad roads or collapsed buildings due to weak regulatory standards; or deaths resulting from poor healthcare, assassination or the barrel of armed robbers' guns; kidnapping or those of politicians' thugs or from extremists' bombs, the government is under obligation to take positive steps to prevent situations that could result in the violation of the right to life; and ensure access to effective remedy where unlawful death occurs. Indeed, the duty imposed on the government to protect its citizens and persons within state jurisdictions in line with the social contract doctrine requires government to explore all necessary measures, be it legislative, executive or judicial, to protect life.

Notably, the Sustainable Development Goals (SDGs) targets are linked to international human rights. Human Rights Council Resolution (A/HRC/RES/37/24) of 23rd March 2018 establishes a strong connection between the 2030 Agenda and international human rights obligations of States.¹¹ It recognizes that the implementation of SDGs must be "consistent with a state's obligations under international human rights law. The resolution contributes to strengthening of the normative framework that establishes mutual connection between human rights and development, in particular the 2030 Agenda. It underscores the point that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing.

Unless Right to Life is respected, realization of the Sustainable Development Goals will be a mirage because in the absence of life, what other right can one aspire to realize? What meaning would other human rights have?

⁸ See, (n 1)

⁹ See Section 14 (2b) 1999 CFRN as amended

¹⁰ See, 'International Human Rights Law' available online at < <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx> accessed 8th June 2020

¹¹ See Towards a Stronger Connection between Human Rights and the 2030 Agenda for Sustainable Development ... available online < <https://sdg.iisd.org/commentary/guest-articles/towards-a-stronger-connection-between-human-rights-and-the-2030-agenda-for-sustainable-development-the-role-of-the-human-rights-council/> accessed 8th June 2020

REPORTED CASES THAT TOUCH ON RIGHT TO LIFE IN THE YEAR UNDER REVIEW

1. C/2018/126/AKS

The Commission received a Complaint from XY dated 17th May 2018 alleging that his brother and father were arrested by Police Officers from Criminal Investigation Department (CID) Akwa Ibom State Command for a land dispute between them and another family. XY further alleged that the victims were taken into custody where his brother passed on in the cell on the night of their arrest.

2. C/2018/038/AKS

The Commission received a Complaint against the Police dated 5th Feb, 2018 from XY; Solicitor to Y, who was allegedly shot at close range on 16th December, 2017 at about 5:30pm. by a Police Officer of the D Division, Akwa Ibom State Command along Itam Market flyover, Uyo, Y was allegedly shot for preventing the Police from driving through the frontage of his shop.

3. SWZ/2018/030

The Commission received a Complaint dated 1st February 2018, from Y alleging that his employer, who is the chairman of a school in Sango Otta, forcefully threatened him to tender his resignation letter or else he will destroy him. Y also alleged that his employer constantly victimized him for being a traditionalist.

4. C/2018/135/AKS

The Commission received a Complaint dated 28th August, 2018 from X alleging that, the Village Head of Ifa-Ikot Akpan-Etio in Uyo L. G. A. shot dead her son, and that all efforts to get personnel of the Nigeria Police Force both from Shelter-Afriqie Police Station and the Akwa Ibom State Police Headquarters to prosecute him have proved abortive. She further claimed that the corpse of her late son was still in the mortuary.

5. C/2018/192/AKS

The Commission received a Complaint from XY dated 16th Nov, 2018 alleging that on Tuesday, 13th November, 2018 around 1:30pm, his relative was shot and killed by an Officer of the Nigeria Police Force at the University of Uyo permanent site Junction, Offot, Uyo, Akwa Ibom State. XY also alleged that two other victims shot by the same Police Officer survived but were detained by police.

XY further claimed that the deceased left behind a pregnant wife and other dependents hence they came to the NHRC to intervene in order to obtain justice for the dead as well as to cause release of the wounded persons to quickly seek medical care.

6. C/2018 /CPR/5620-22/HQ/SWZ/ 18/265

The Commission received a Complaint dated 10th January 2018 from XY against Policemen from Federal Special Anti-Robbery Squad (FSARS) Magbon, Abeokuta. Ogun State for unlawful arrest, detention, torture and extra judicial killing of their brother. XY alleged further that they saw bullet wounds and ‘pressing iron’ marks on the deceased’s body as well as dislocation of his arm from his shoulder. They allege that the victim must have been tortured to death by the Police hence they came to the Commission for intervention.

7. C/2018/27/EK

The Commission received a Complaint from Y of Ado Ekiti State on the 8th August, 2018 against his father in-law, who threatened his life. He alleged that the threat is as a result of misunderstanding he had with his wife.

8. C/2018/718/BSO

The Commission received a Complaint dated 22nd January 2018 from XY on alleged extra-judicial killing of a man by a soldier at Katsina-Ala Benue State.

9. C/2018/13-21/BN

The Commission received a Complaint dated 20th March 2018, from XY alleging that a member of their Vigilante Group in Benin Edo State was shot and killed by military men in the course of his duty. XY also alleged that themembers of the Vigilante group held series of meetings with the Nigerian Army and the Nigeria Police Force, but they have refused to prosecute the culprits.

10. C/2018/IMS/22

The Commission received a Complaint from Y on 28th May, 2018 alleging that on 30th June, 2017, men of Special Anti-Robbery Squad, Erema, Omoku Division, Rivers State attended the burial of one of their colleagues in his hometown UmuokuzuAwarraOhaji/Egbema L.G.A of Imo State and while shooting sporadically, one of the bullets hit his son on the abdomen; hence they reported to the Commission

11. C/2018/552/BN

The Commission initiated investigation *suo-moto* on the 9th of October 2018 on the death of a woman, who was stabbed by a soldier around Ring Road area in Benin City, Edo State.

12. SWZ/18/008

The Commission is in receipt of a Complaint dated 12th January 2018 from XY alleging that his daughter’s husband was knocked down by a company’s truck driver along Aboju - Festac expressway, Lagos State, killing him instantly. XY also alleged that he had not been compensated by the company. He therefore sought the Commission’s intervention.

13. C/2018/CPR/4325/HQ

The Commission received a Complaint dated 14th September 2018 from XY on behalf of a family in Rivers State against the Nigerian Army for allegedly killing one of the family members.

14. C/2018/3973/NCZ

The Commission received a Complaint dated 20th of December, 2018 from XY on behalf of the victim's family alleging that the Nigeria Police Force shot him on the head, without any provocation at Yan Taya, along Bauchi Road Jos, Plateau State which led to his death.

15. C/2018/3707/NCZ

The Commission received a Complaint dated 19th October, 2018 alleging that on the fateful day he heard gunshots fired by persons suspected to be Officers of the Nigerian Army from Fwapwa, a community, in Plateau State resulting in panic and causing members of the community to flee for safety. On investigation the following morning, XY noted that a female had been killed as a result of the shooting.

16. C/2018/3717/NCZ

The Commission received a Complaint dated 22nd October 2018 from XY alleging complicity by Army Personnel in Tarai and Tanjol Hamlets of the Jol Community in Riyom LGA of Plateau State resulting in the loss of lives and property within the community as well as the heightening of the prevailing insecurity within the area.

17. C/2018/3943/NCZ

The Commission received a Complaint dated 26th September 2018, from XY, an indigenous organization in Jos, Plateau State alleging that the Commander of the Special Task Force (STF) Operation Safe Haven (OPSH) Jos, Plateau State made unguarded statements tantamount to threat to life against their chiefs.

18. C/2018/CPR/5643/HQ

The Commission received a Complaint dated 29th November 2018, from XY alleging that their client had a peaceful protest on the East-West Road, Rivers State on their dissatisfaction with the state of their roads, which was in a deplorable condition. XY further alleged that during their protest, Policemen of Operation Delta Safe who were escorting a dignitary started shooting sporadically which led to the death of a man.

XY also alleged that the matter was reported to Area Command Police Headquarters, Port Harcourt, as well as Special Area Police Headquarters Rumuokoro and the Commissioner of Police, Rivers State but nothing had been done, hence they reported to the Commission.

19. C/2018/CPR/3816-3819/HQ

The Commission received a Complaint dated 13th October 2018, from XY alleging that their client was assassinated by associates of a former Governor. XY alleged also that the former Governor instituted a Fundamental Human Rights Enforcement suit on the matter in a bid to cover up the case.

20. C/2018/19/EK

The Commission received a Complaint from Y dated 1st June, 2018 alleging that he worked for the respondent as a sales boy. That he used to maltreat him and sometimes threatened to kill him.

21. C/2018/156/AKS

The Commission received a Complaint from Y dated 21st September, 2018 alleging that on 19th September, 2018 at about 2:00pm, he was on transit along Aka Road by Parosa Hotel Uyo, Akwalbom State, and that there was a heavy traffic which caused him to slow down. However, unknown to him the occupant of the vehicle behind was a Police DPO of Ikot Obio Odongo Division. He blared his horn and abused him profusely, alighted from his car and pulled out a pistol threatening to kill him.

MEDIA REPORT ON RIGHT TO LIFE

1. On 3rd January, 2018, Daily Trust Newspaper on page 4 reported that gunmen killed at least 20 people in an early morning attack on two local government areas in Benue state. The police spokesman confirmed the attack but could not ascertain the number of deaths that was recorded after the attack.
2. On 4th January, 2018, Daily Trust Newspaper on Page 3 reported that a suicide bomber stormed a mosque in Borno State during the early morning prayers killing himself and nine others including his father and left many injured.
3. On 5th January, 2018 Daily Trust Newspaper on Page 3 reported that a young lawyer and two other persons were shot dead by gunmen in Emuoha local government area of Rivers State. This came less than four days after unknown gunmen killed more than 17 residents of Omoku in Ogba local government area of the state. The Rivers State Police Commissioner confirmed the incident.
4. On 8th January, 2018, Daily Trust Newspaper on page 6 reported that some people launched what is believed to be a reprisal attack on three communities in Lau local government area of Taraba State and killed seven people. It was alleged that the attack was in retaliation for attacks on three Fulani villages which left sixteen people dead. The PPRO in Taraba State confirmed the incident and stated that a detachment of Mobile Policemen had been deployed to the area to maintain law and order.
5. On 8th January, 2018, Daily Trust Newspaper on page 10 reported that one person died and two people were injured in Kaduna when the police tried to disperse members of the SHIITE group who were protesting for the release of their leader, Sheik Ibrahim Zakzaky. Several of the group members were also arrested and taken away by the police. The wounded were taken to an undisclosed hospital. The Kaduna state PPRO stated that the police were there to disperse the procession as the Kaduna State government had banned procession.
6. On 9th January, 2018 Daily Trust Newspaper on Page 6 reported that many people were killed in clashes between Fulani herdsmen and farmers in Benue and Nasarawa states. The Nasarawa state police command confirmed the incident.

7. On 9th January, 2018 Daily Trust Newspaper on Page 44 reported that the bill on Treatment of Gunshot Wound Victims without Police Report had been signed into law as the Compulsory Treatment and Care for Victims of Gunshot Act 2017. The Senior Special Assistant to the President on National Assembly matters said the Gunshot Act specifically stipulates that a person with gunshot wound should be received for immediate and adequate treatment by any hospital in Nigeria with or without an initial momentary deposit.
8. On 10th January, 2018, Daily Trust Newspaper on Page 32 reported that a village head in Niger State had been arraigned for allegedly killing a man kept in his custody and dumping the corpse in an abandoned well. The village head pleaded guilty and blamed the devil for his actions. He has since been remanded in prison custody.
9. On 16th January, 2018, Daily Trust Newspaper on Page 21 reported that kidnappers had killed a member of the Taraba State House of Assembly after collecting N25m ransom. The State Police Command Spokesman stated that they were still waiting for further details from the Police Divisional Office.
10. On 17th January, 2018, Daily Trust Newspaper on Page 3 reported that five persons were killed in fresh attacks in three local government areas of Benue State. The State Governor disclosed this incident when he received a delegation of some representatives from South-East and South-South states. The State PPRO confirmed the incident.
11. On 18th January, 2018, Daily Trust Newspaper on page 9 reported that fourteen persons were killed while sixty-five others sustained injuries as a result of multiple suicide bomb attacks in Maiduguri, Borno State. The State Commissioner of Police confirmed the incident.
12. On 22nd January, 2018, Daily Trust Newspaper on Page 4 reported that gunmen killed three persons in Numan local government area of Adamawa State following an attack by Fulani herdsmen who raided the village in the early hours shooting and burning down properties. The Police Spokesman in Adamawa State stated that mobile policemen were deployed to the area to track down the assailants.
13. On 23rd January, 2018, Daily Trust Newspaper on Page 16 reported that kidnappers killed six villagers in Gona-Namaye and abducted two sons of a federal lawmaker in Zamfara State. The spokesman of the State Police Command confirmed the incident and stated that one of the victims was rescued.
14. On 25th January, 2018, Daily Trust Newspaper on Page 4 reported that five persons were killed in the attack and counter attack between Irigwe youths and Fulani youths in Bassa local government area of Plateau State. The State PPRO stated that peaceful mediation was going on between the parties involved and had warned them to desist from further attacks.
15. On 29th January, 2018, Daily Trust Newspaper on Page 6 reported that hundreds of youths in Zawan area of Jos South local government area of Plateau State protested the alleged killing of

a graduate of Maritime Academy Oron by operatives of the Special Anti-Robbery Squad. The victim was allegedly gunned down by SARS operatives in the area as he was returning from Barkin Ladi local government area where he went to get his Indigeneship Certificate. Reacting, the Police Community Relations Committee (PCRC) Chairman stated that the Plateau State Police Command will ensure that the culprits among the SARS operative are made to face the law.

16. On 30th January, 2018, Daily Trust Newspaper on page 5 reported that Amnesty International accused the Nigeria Air Force of killing dozens of villagers in airstrikes in villages troubled by communal violence in the North East. A report by the spokesperson of Amnesty International stated that at least 35 people were killed by the airstrikes.
17. On 31st January, 2018, Daily Trust Newspaper on Page 4 reported that some gunmen alleged to be members of a Fulani militia killed seven people in Kadarko village in Nasarawa State. The attack took place hours after the Police confirmed that two people had gone missing and 73 cows killed following an attack on Kadarko.
18. On 12th February, 2018, Daily Trust Newspaper on Page 4 reported that four people were killed and one wounded in an ambush by herdsmen in Bakin Kogi village in Jemma LGA of Kaduna State. The victims were alleged to have gone to tap palm wine in a farm when they were attacked. The Kaduna State Police PRO when contacted, said he was yet to get full details of the incident.
19. On 16th February, 2018, The Authority Newspaper on page 2 reported that no fewer than forty one persons were killed at Birane Village in Zurmi LGA of Zamfara State. The killings were reportedly carried out by suspected armed bandits who intercepted a mini truck conveying some traders to a community market. The gunmen allegedly opened fire on the vehicle killing all on board and then set it ablaze. The gunmen on motorbikes, thereafter proceeded to the community market shooting indiscriminately. The Zamfara State Police sent officers to assess the situation and provide security measures.
20. On 22nd February, 2018, Daily Trust Newspaper on page 4 reported that a stray bullet allegedly fired by men of the Nigeria Customs Service killed a businessman in Daddara Village in Jibiya local government area of Katsina State. The deceased was hit by a stray bullet as officers of the Federal Operation Unit shot sporadically into the air while pursuing a rice smuggler. The Controller of the Command when contacted said he was yet to get an official report of the allegation.
21. On 22nd February, 2018, Vanguard Newspaper on Page 26 reported that a 17 year old boy was allegedly shot by a security man for plucking cashew nuts. The victim went to pick cashew nuts when the security man attached to the cashew industry allegedly shot him. The state police command confirmed the incident and that investigation was on-going.
22. On 23rd February, 2018, This Day Newspaper on page 50 reported that Amnesty International decried that human rights crisis in Nigeria had continued unaddressed with the Boko Haram

insurgents killing 41 people in at least 6 attacks in 2017, adding that the group also continued to carry out abductions of women, girls and men. It also lamented that the military arbitrarily arrested and held thousands of young men, women and children in detention centers across the country stressing that detainees were denied access to lawyers and family members saying at least 341 died in custody. This was disclosed in its annual report titled “state of the world human rights report for 2017”.

23. On 26th February, 2018, The Guardian Newspaper on Page 11 reported that herdsmen killed a 15 year old boy in his father’s farm at Guchidan village, Kupa district of Lokoja Council in Kogi State. The victim was ambushed on the way after taking inventory of his traps. He was attacked with his elder brother who escaped being killed by the herdsmen. The Kogi State Police Spokesperson declined speaking on the matter.
24. On 27th February, 2018, Daily Trust Newspaper on Page 4 reported that seven persons were killed in a fresh round of violence between Kadara and Hausa youths in Kajuru LGA of Kaduna State. The PPRO confirmed the incident and stated that the situation was brought under control. The State Governor directed the prosecution of all persons responsible for the mayhem.
25. On 28th February, 2018, This Day Newspaper on Page 48 reported that 20 persons lost their lives in a clash between herdsmen and farmers in Gwamba village in Demsa LGA of Adamawa State. The herdsmen stormed the village in a reprisal attack following a previous attack launched on them by the Bachama youths. The State Police Spokesman confirmed the attack.
26. On 7th March, 2018, Daily Trust Newspaper on Page 1 reported that 24 persons were killed in fresh violence in Benue state. The violence erupted in the Idoma speaking area of Omu village of Okpokwu LGA. The Benue State Police Command spokesperson confirmed the incident. The Governor has called for the arrest and prosecution of the attackers suspected to be herders.
27. On 12th March, 2018, Daily Trust Newspaper on Page 12 reported that 16 persons were killed in multiple attacks in several villages in Bokkos LGA of Plateau State. The State Police Command confirmed the incident and the arrest of a herder with a military AK47 rifle.
28. On 12th March, 2018, This Day Newspaper on page 54 reported that about 10 people were killed as a result of communal clash in Boki LGA of Cross Rivers State. The State Police Commissioner stated the police command had deployed regular and riot policemen to the area and a peace meeting was instituted.
29. On 14th March, 2018, This Day Newspaper on Page 1 reported that 25 persons were killed in fresh attack in Bassa LGA of Plateau State by suspected herdsmen. The State Police spokesperson confirmed the incident.
30. On 14th March, 2018, The Guardian Newspaper on page 12 reported that a 16 year old boy was killed by a policeman with a stray bullet during a fracas. The Policeman during a fracas in the

Bada area of Apapa shot sporadically into the air and the bullet hit the victim who was watching the incident. The PPRO when contacted stated he was not aware of the situation.

31. On 2nd May, 2018, The Guardian Newspaper on page 1 reported that twenty-seven persons were killed when suspected Boko Haram terrorists bombed a market and a mosque in coordinated attacks in Mubi North LGA of Adamawa state. The state government confirmed the death of 27 persons and 56 injured in a statement by the Commissioner of Information.
32. On 2nd May, 2018, This Day Newspaper on page 50 reported that the International Press Institute (IPI), a global network of editors, journalists and media executives, recounted and recorded that journalists were deliberately targeted because of their profession. The record shows 1, 801 journalists had died since 1997. An analysis of the data indicated that the pace of investigation into most cases of targeted killings was slow. Only a few suspects have been arrested or charged for these murders.
33. On 7th May, 2018, The Guardian Newspaper on page 7 reported that suspected herdsmen attacked Gwaska village in BirninGwari LGA of Kaduna State killing 45 persons mainly women and children. The State Police Commissioner confirmed the incident.
34. On 10th May, 2018, Punch Newspaper on Page 4 reported that some military operatives attached to a construction company in Ahoada East LGA of Rivers State allegedly tortured an ex-soldier to death. The ex-soldier was allegedly accused of being part of a robbery incident in the construction company. The case was reported to the police by the deceased's family members after the Army Division refused to oblige their report. The state PPRO stated that the case could not be handled by the police.
35. On 10th May, 2018, The Guardian Newspaper on Page 5 reported that seven people were killed in land and cult related disputes in Jos, Plateau State. The State PPRO who confirmed the incident stated that the police were searching the community to arrest the cultists.
36. On 14th May, 2018, Daily Trust Newspaper on page 23 reported that one person was killed and several others injured in Deba town, the headquarters of YamaltuDeba LGA of Gombe State during the APC local government congresses. The PPRO of the State Command confirmed the incident and stated that the matter was under investigation to unravel the root cause; as well as hold perpetrators responsible.
37. On 15th May, 2018, an Online media reported that the Nigeria Police, Lagos State Command made press release warning hospitals who reject victims of bullet injury. The letter stated that it is contrary to the Compulsory Treatment and Care for Victims of Gunshot Act, 2017. The Lagos State Commissioner of Police (CP) directed all Area Commanders and DPOs to henceforth arrest and diligently prosecute any medical practitioner or Health Worker who rejects a gunshot victim on the grounds of no Police Report. A letter was written to all State and Federal Ministries of Health to comply with the Compulsory Treatment and Care for Victims of Gunshot Act, 2017.

38. On 18th May, 2018, The Guardian Newspaper reported on Page 10 that the family of an 18 year old girl who was allegedly shot on the head by an official of the Nigeria Security and Civil Defence Corps (NSCDC) in Oyo State, called on President Buhari and CSOs to assist in ensuring that justice prevails in the gruesome murder of their daughter. The deceased was killed on her way to get drugs at a pharmacy. The Oyo State Police Command spokesperson when contacted stated that the NSCDC official was in police custody and investigation was ongoing.
 39. On 4th June, 2018, Punch Newspaper on page 8 reported that the chairman of Kwande LGA of Benue State confirmed the killing of seven persons and six others injured by suspected herdsmen.
 40. On 7th June, 2018, The Guardian Newspaper reported on page 5 that suspected Fulani militias in the early hours of the day attacked Tse Shan village in Guma LGA of Benue state killing eight and injuring scores. The invaders allegedly stormed their settlements with guns and other dangerous weapons killing and burning houses.
 41. On 25th June, 2018, The Nation Newspaper reported on page 37 that no fewer than 80 persons were killed when gunmen suspected to be Fulani herdsmen attacked many communities in Plateau State. The State Police Spokesman confirmed the incident and stated that about 80 persons were hospitalized and 50 houses burnt. He added that six suspects had been arrested
 42. On 26th June, 2018, The Guardian Newspaper reported on page 1 that the Miyetti Allah Cattle Breeders Association explained why perpetrators of the Plateau killings struck. In a statement, the chairman of the North Central zone of the Association stated that, “these attacks are retaliatory. As much as I don’t support the killing of human beings, the truth must be told that those who carried out the attacks must be on a revenge mission.”
- There have been recent reports of cow rustling and destruction of farmlands between Berom farmers and Fulani herdsmen.
43. On 1st August, 2018, Daily Trust Newspaper reported on page 5 that at least 371 people have been killed since January 2018 and dozens of villagers were displaced in Zamfara State as armed bandits held sway in the State. This was made known by Amnesty International in a statement.
 44. On 13th August, 2018, This Day Newspaper reported on page 12 that two people were killed as the Independent National Electoral Commission (INEC) declared by-election results held in Kogi State which was marred by violence, intimidation and vote buying. The Kogi State Police Commissioner confirmed the incident.

45. On 13th August, 2018, Daily Trust Newspaper reported on page 4 that at least 10 persons died in a twin suicide bomb attack in a crowded place at Madagali LGA of Adamawa State.
46. On 20th August, 2018, This Day Newspaper reported on page 51 that over 3000 lives were lost in the past few years in the ongoing banditry in Zamfara State. This was made known by the Secretary to the State Government in a town hall meeting organized by the Nigeria Bar Association.

RECOMMENDATIONS

1. Appropriate investigation on death in Custody should always be embarked on by the Holden Agencies and result of findings made public. Unless this is done, the Police or any other agency will be held liable for death reported in their Cells
2. Continuous capacity building for Security Operatives on use of arms and ammunitions is desirable in order to reduce the incidence of sporadic shooting and extra judicial killings.
3. Security Officials who indulge in or perpetrate Extra Judicial Killing should be held accountable in order to reduce impunity.
4. All unlawful killings should be investigated and appropriate sanctions meted out on those responsible for such deaths.
5. The Report documents killings resulting from communal clashes. There is therefore a compelling need for urgent intervention to stop the trend
6. Attack by herdsmen and clashes with farmers resulting in death have become endemic deserving urgent measures to stop the mayhem
7. It is critical to urgently scale up efforts to contain with the rising proliferation of arms and ammunitions in various parts of the country resulting in armed banditry. Government must therefore stand up to her responsibility to Protect all persons in Nigeria.

CHAPTER 2
RIGHT TO DIGNITY OF THE HUMAN PERSON

BY
CORDELIA AGHWARE

INTRODUCTION

Dignity is derived from the Latin word *dignitas* which means ‘worthiness’. It implies that each person is worthy of honour and respect for their person¹². The concept forms the foundational principle of international human rights law since the 2nd World War as seen from the preambles of the Universal Declaration of Human Rights 1948. Article 1 of the Universal Declaration further states that: “*All human beings are born free and equal in dignity and rights*”. The adoption of dignity as the central organizing principle of the Vienna World Conference on Human Rights in 1993 is a further major fillip to the use of dignity in the international sphere¹³.

Culminating in the recognition of the concept of the dignity of the human person as propagated by the Universal Declaration, the notion of human dignity had evolved through decades of theoretical formulations. It developed through the concept of *dignitas hominis* in classical Roman thought which accorded honor and respect to someone based on a particular status he or she had,¹⁴ to a broader concept of dignity in classical Roman writing where *dignitas* referred also to the dignity of human beings as human beings, and not dependent on any particular additional status.¹⁵ This linked inherent dignity of the human person to being created in the image of God. A subsequent development of dignity drew substantially on the importance of Man as having the capacity of reason, this moved more squarely to existential claim of man's autonomy, and their capacity to be lord of their fate and ability to shape their future¹⁶.

With the evolution of the rules protecting human rights and the vision that dignity comes with rights, major international texts post the Second World war like the International Covenant on Civil

¹² T Neal, ‘Aging with Dignity’ (November 12, 2015).

¹³ C McCrudden , ‘Human Dignity and Judicial Interpretation of Human Rights’ *European Journal of International Law*, Volume 19, Issue 4,(September 2008), 655–724.

¹⁴Ibid

¹⁵Ibid

¹⁶Ibid

and Political Rights,¹⁷ the International Covenant on Economic, Social and Cultural Rights¹⁸ and several others all evoked the concept of the inherent dignity in their formulations. Under international humanitarian law, the concept of respect for the dignity of the human person also constitutes the universal underpinning principle of the Geneva Conventions 1949. The text of the Conventions, as adopted, incorporated ‘dignity’ most prominently in Common Article 3, which prohibits outrages, humiliating and degrading treatment of prisoners of war.¹⁹

By 1986, dignity had become so central to United Nations conceptions of human rights that the UN General Assembly provided, in its guidelines for new human rights instruments, that such instruments should be ‘of fundamental character and derive from the inherent dignity and worth of the human person’.²⁰ As such, major international human rights text like the Conventions on the Rights of Children 1989,²¹ Convention on the Rights of Persons with Disabilities 2007,²² the Right to Food 1998,²³ the United Nations Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment 1984²⁴ and several others have all declared dignity as central in general, and to specific rights in their text.

Regional and domestic human rights instrument have also taken clue from the international frameworks. Article 5 of the African Charter on Human and Peoples’ Rights,²⁵ provides that **“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. ‘States like Nigeria²⁶ have also incorporated dignity in general or specific terms in their domestic Constitutions as well as other human rights statutes.**

Over the years, the concept has thus formed the basis of canvassing for the rights of persons in various spheres of life in general and specific terms as the case may be ranging from socio-

¹⁷ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, Vol 999, P171

¹⁸ UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, Vol.993, P.3

¹⁹ International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), 12 August 1949, 75 UNTS 135.

²⁰ UN General Assembly Res. 41/120, (4 Dec. 1986), cited in ‘Human Dignity and Judicial Interpretation of Human Rights’ Christopher McCrudden *European Journal of International Law, Volume 19, Issue 4*, (September 2008).

²¹ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, Vol. 1577, P.3

²² UN General Assembly, Convention on the Rights of Persons with Disabilities: /adopted by the General Assembly, 24 January 2007

²³ UN Commission on Human Rights, The right to food, 17 April 1998, E/CN.4/RES/1998/23

²⁴ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations Treaty Series, vol. 1465, p 85

²⁵ Organization of African Unity (OAU), African Charter on Human and Peoples’ Rights (‘Banjul Charter’), 27 June 1981, CAB/LEG/67/3

²⁶S. 34 1999 Constitution of the Federal Republic of Nigeria

economic through to political, religious and in emerging fields. It has also served as basis for placing duty on States to respect the dignity of their citizens through promotion and protection of their human rights.

DIGNITY OF THE HUMAN PERSON AND THE UN SUSTAINABLE DEVELOPMENT GOALS

Dignity of the human person is central to the 2030 UN Sustainable Development Goals. All of the 17 goals are geared towards respect and protection of the inherent dignity of the human person, and for the common good of all.

It has been argued that, when the concepts contained in the three spheres of sustainable development namely social, environmental and economic sustainability are applied well to real world situations, everybody wins because natural resources are preserved, the environment is protected, the economy booms and is resilient, social life is good because there is peace and respect for human rights. It is also argued that, the process of sustainable development is a collective responsibility which requires the participation of all people and relevant entities.²⁷

DEROGATION FROM RESPECT FOR HUMAN DIGNITY

Right to the dignity of the human person is considered non-derogable, that is, it cannot be negotiated or denied. The right not to be subjected to torture, and other cruel, inhuman or degrading treatment or punishment, right to life, the right not to be subjected to slavery or servitude is rights which uphold the dignity of the human person and as such the law frowns at any deviation from them. It has also been canvassed that the right to human dignity cannot be waived as according to the Universal Declaration, human rights are inalienable, invariably; dignity which entitles humans to these rights is also inalienable. Article 2 of the UN Convention Against Torture²⁸ specifically provide for the non-derogability of the right of any person to respect for the dignity of their person by prohibiting acts of torture, cruel, inhuman and degrading treatment or punishment in absolute terms.

PRACTICE OF THE RIGHT TO DIGNITY OF THE HUMAN PERSON IN NIGERIA

Nigeria like some other nation states has evoked the centrality of the concept of respect for the dignity of the human person its constitution²⁹, as well as in several issue specific statutes. The chapter two provisions of the Fundamental Objectives and Directive Principles of State Policy and

²⁷J Mensah and SR Casadevall, 'Sustainable development: Meaning, history, principles, pillars, and implications for human action' available online at <[tandfonline.com/doi/full/10.1080/2331186.2019.1653591](https://doi.org/10.1080/2331186.2019.1653591)>accessio 23/7/20

²⁸ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (10 December 1984), United Nations, Treaty Series, vol. 146.

²⁹ Constitution of the Federal Republic of Nigeria(amended), No 24, 5 May 1999

the Fundamental Human Rights provisions of chapter four are derived from the concept of human dignity. Section 34(1) specifically provides: *Every individual is entitled to respect for the dignity of his person, and accordingly –*

(a) no person shall be subject to torture or to inhuman or degrading treatment; (b) no person shall be held in slavery or servitude; and (c) no person shall be required to perform forced or compulsory labor.

In exercise of its obligation to protect and fulfill the human rights of its citizens and persons living in Nigeria, the Government of Nigeria had passed a number of statutes geared towards the promotion and protection of all people's right to the dignity of their human person in the country. Statutes like the Child's Rights Act 2003,³⁰ fashioned after the UN Convention on the Rights of the child for the protection of children's rights, the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the Anti-Torture Act 2017, the Violence Against Persons (Prohibition) Act, 2015, the Compulsory Treatment of Victims of Gunshots Act, 2017 and the Administration of Criminal Justice Act 2015. The government has also taken steps to establish the National Committee against Torture. In the area of shelter, the government had made interventions amongst which are the formulation of the National Housing Policy (NHP) in 1984, the establishment of the Infrastructural Development Fund (IDF) in 1985, and the Urban Development Bank (UDB) in 1992 (Federal Republic of Nigeria, 1997).³¹ Some further interventions have also been made by government in the provision of quality education, access to health services, protection of the environment and provision of agricultural produce.

It is however thought-provoking to know that in spite of the numerous laudable legal framework and interventions towards protecting the respect for human dignity, there still exists a plethora of cases of violation of the right to respect for the dignity of the human person in the area of alleged cases of torture by law enforcement operatives, cases of environmental degradation, arbitrary demolition of houses and evacuation of persons from their places of abode and a whole lot more.

The National Human Rights Commission in line with its mandate³² receives and deals with complaints and issues flowing from these violations. Also, it takes up several of these cases of violations *suo moto* for treatment. The Commission had set up panels to hear and resolve cases of torture and other human rights violations by law enforcement operatives;³³ it also had hearings for alleged unlawful demolition of houses by government in some States in the country.³⁴ The Commission also reviewed its National Action Plan for the Promotion and Protection of Human Rights as adopted by the Federal Government. The policy document also focuses on the rights to

³⁰ Nigeria Act No 26 of 2003, Child's Right Act, 2003(Nigeria), 31 July 2003

³¹ Journal of Sustainable Development in Africa (Volume 12, No.6, 2010)

³² National Human Rights Commission(amendment) Act 1995 S. 5(a-r),

³³ 'National Human Rights Commission Report of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (SARS) of the Nigeria Police Force (2018)'

³⁴ Panels on Forced Eviction and Demolition in the South West Lagos (November 2013- May 2014), South- South Port Harcourt (May 2014)

sustainable development, peace and ensuring a protected environment.³⁵ The Commission also advocated for the promotion and protection of the rights of detainees through its mandate to visit places of detention to ascertain conditions therein³⁶. Advisories were issued on various topical issues on incidences of violations or possible violations

In furtherance of the foregoing provisions, the Commission has received, treated and redressed cases of various complaints of human rights violations of persons' right to respect for their human dignity against both state agents and individuals in 2018 in fulfillment of the statutory mandate of bringing up this state of human rights protection in the country.³⁷ Some of the cases are as stated below.

REPORTED CASES ON RIGHT TO DIGNITY OF HUMAN PERSON

1. SWZ/18/099

The Commission received a Complaint on the 11th June, 2018 from Y alleging that he was forcibly taken by strangers in April, 2016 to the Neuro-Psychiatric Hospital, Aro, Abeokuta, where he was unlawfully detained for Sixty (60) days. He further alleged that while he was there, he was allegedly restrained; as his hands and legs were tied to the bed and medication was forced down his throat daily.

2. C/2018/94/AKS

The Commission received a complaint from Y dated 6th June, 2018. He alleged that on Monday, 4th June, 2018 he went to market at MbakItam, Itu LGA to buy some food stuff and that he was called by an Army Officer who brought out a pair of scissors and cut his hair in full glare of the public. He complained that this was embarrassing to his person hence he came to NHRC to report.

3. C/2018/749/BSO

On 21st May 2018, the Commission received a complaint from Y, alleging that he was arrested by men of the Nigeria Security and Civil Defence Corps (NSCDC) who handcuffed, slapped and chained him to a tyre at the back of their van. They also locked him in an over-crowded room.

4. C/2018/739/BSO

On 4th April 2018, the Commission received a complaint from Y alleging that men of NSCDC accosted him and brutalized him, using machete as whips on his back. The beating resulted in physical injuries.

³⁵National Human Rights Commission Draft Consultative Copy of National Action Plan for the Promotion and Protection of Human Rights (2017-2021)

³⁶National Human Rights Commission (amendment) Act 1995 S. 6(d)

³⁷ National Human Rights Commission (Amendment) Act 1995, S..5 (e)

5. C/2018/19/SSZ

The Commission received a complaint dated 1st February, 2018, from Y, a Keke (tricycle) Union leader alleging that the respondent (a Keke rider) physically abused him at NTA Junction (where? – location) and broke his left limb. Y also alleged that it took the intervention of the Police for the alleged violator to provide the sum of N40, 000.00 for his medical bills. He further alleged that he needs to do a corrective surgery on the affected limb, but the alleged violator refused to assist him.

6. C/2018/021/AKS

The Commission received a complaint from Y dated 12th July 2018, alleging that he and his friend had business dealings which led to his friend owing him the sum of 500,000 naira (Five Hundred Thousand Naira). He however alleged that rather than getting paid, he was arrested and tortured by the Police at the instigation of his friend.

7. C/2018/CPR/3050-3054/HQ

The Commission received a complaint on 12th July, 2018 from XY, a law firm, on behalf of their client against officers of the Anti-Cult Squad of Enugu State Police Command alleging torture, inhuman and degrading treatment on 9th June, 2018 at Enugu State.

8. C/2018/397/SEZ/CPR

The Commission received a complaint on 2nd July, 2018 from XY, a law firm, on behalf of an autonomous community against Federal Special Anti-Robbery Squad(SARS) Enugu State and others, alleging illegal detention, torture, cruel, inhuman and degrading treatment on 11th June, 2018.

9. C/2018/98/SSZ. C/2018/3030/HQ

The Commission received a complaint from XY on the 22nd of June, 2018 alleging that the brother was subjected to inhuman and degrading treatment by police on the 23rd of May, 2018 leading to loss of consciousness.

10. C/2018/CPR/4149/HQ

The Commission received a complaint on 12th September, 2018 from Y against a Police Sergeant alleging unlawful arrest, torture, cruel, inhuman and degrading treatment on 9th September, 2018 at Abuja.

11. C/2018/IMS/19 & (C/2018/1161/HQ,)

The Commission received a complaint dated 14th May, 2018 from Y residing at New Owerri, Imo State, alleging that a member of the Indigenous People of Biafra (IPOB), physically abused his wife.

12. C/2018/IMS/35

The Commission received a complaint dated 4th October, 2018 from X alleging cruel, inhuman and degrading treatment by an officer of the NSCDC on 14th September, 2018 at about 4:30 pm in Owerri Imo state.

13. C/2018/01/BN

The Commission received a complaint dated 8th January, 2018 from Y alleging that he was beaten up, intimidated and harassed by two officers of the Special Anti-Robbery Squad (SARS) in Benin City.

14. C/2018/105/BN

The Commission received a complaint dated 16th July 2018, from Y alleging that his landlady constantly harasses and intimidates him for unknown reasons. He also alleged that his wife teamed up with the landlady and other co-tenants to physically abuse him. He also claimed that his wife left the house with their children and refused him access to the children.

15. C/2018/75/BN

The Commission received a complaint dated 19th June 2018 from XY alleging that their client was treated in an inhuman and degrading manner by her former boss at his working place in Benin Edo state.

16. C/2018/536/BN

The Commission received a complaint dated 24th August 2018 from XY against the proprietors of a private school, alleging that a teacher in the school, was physically abused by the proprietor because she collected money from the parent of a pupil (for practical lessons) without the proprietors' knowledge. XY further alleged that the said proprietor unleashed her wild dog on her, as a result had multiple dog bites all over her body and that the proprietor locked her in a private room for 13 days and stripped her naked.

17. C/2018/547/BN

The Commission *suo moto* initiated a complaint on 17th September 2018 wherein the victim's husband poured acid on her at the middle of the night from head to her lower abdomen which led to her body being severely burnt.

18. SWZ/18/129

The Commission received a complaint dated 21st July 2018 from X alleging that she was lured out of her house by a man, whom she claimed locked her up in their compound, tortured and left her in a traumatized state for spreading false information about him.

19. SWZ/18/020

The Commission received a complaint from Y on the 23rd January 2018 alleging that his wife who is a Police officer, ordered some policemen to beat him. That he was assaulted, harassed and his life has been threatened. He further alleged that they took away his personal properties and damaged the house beyond habitation.

20. C/2018/533/BN

The Commission received a complaint dated 3rd September 2018, from X alleging that her husband was wrongfully accused of stealing by their next-door neighbor - who is her landlady and her husband was wrongfully detained by the Nigeria Police Force without proper investigation.

21. C/SWZ /18/069

The Commission received a complaint dated 26th of March, 2018, from XY alleging that his client's husband on the 28th of July, 2017 was arrested and XY was not allowed access to his client. XY also alleged that they are yet to know what crime his client has committed to warrant the arrest.

22. SWZ/18/193

The Commission received a Complaint dated 11th October, 2018, from Y who alleged that his client was unlawfully detained and his certificate of occupancy was also unlawfully seized by officers of SARS.

23. SWZ/18/185

The Commission received a complaint on the 2nd of October, 2018 from Y alleging that he was falsely accused of misappropriating funds belonging to NIMASA. He further alleged that he was arrested and detained for Four (4) days in September, 2018.

24. SWZ/18/043

The Commission received a complaint from Y on the 26th August 2018 against the Nigeria Police alleging that some Police officers took him to their office at Ajah, beat him severely, administered tear gas in his face and molested him for making enquiry. He also alleged that he was detained at the station for one night.

25. SWZ/18/135

The Commission is in receipt of a complaint dated 07th August 2018 from XY on behalf of the victim and four others. XY alleged that men of FSARS arrested and detained the victims on the basis of false accusation and extorted about N3,860,000.00 from them. FSARS has been harassing and threatening them to bring the sum of N10 million naira or be jailed.

26. C/2018/004/ADSO

The Commission received a complaint from Y on the 25th January 2018 alleging that on the 26th of February, 2016 at about 10:00 pm some men raided his patient medical store and carted away drugs and valuables worth millions of naira. In February, 2016 he was arrested and detained for 9 days where he was also tortured.

27. C/2018/CPR/3448/HQ

The Commission received a complaint dated 23rd July 2018 from XY on behalf of the victim against some Naval Officers for inhuman degrading treatment and torture which took place on the 4th of May 2018 at Ogolonto in Ikorodu LGA of Lagos State.

28. C/2018/693/HQ

The Commission received a complaint dated 9th March 2018 from XY on behalf of the victim against a Police officer for alleged constant intimidation and assault of members of a certain community in Edo state.

29. C/2018/CPR/095/HQ

The Commission received a complaint dated 23rd July 2018 from XY on behalf of the victim against some officers of the Nigerian Army for inhuman degrading treatment and prolonged detention of the victim without charging him to court.

30. C/2018/073-077/HQ

The Commission received a complaint dated 11th February 2018 from XY on behalf of a community in Niger State against a prominent traditional ruler in the state for alleged torture and inhuman degrading treatment of some of the community members.

31. C/2018/34/SSZ

The Commission received a complaint from X on the 22nd of February, 2018 alleging that she was arrested while in a church service by Police officers from Rumuokoro Divisional Police Station. She was handcuffed and her clothes were torn. She alleged that she was taken to the Police Station where she spent a night on the allegation of her inability to pay off a loan of Forty Thousand Naira (#40,000.00) she collected from Grooming Microfinance Bank.

32. C/2018/146/SSZ/C/C2018/CPR/4142/HQ

The Commission received a Complaint dated 15th of October, 2018 from XY on behalf of Y who is a lawyer. XY alleged that members of the Nigerian Police force harassed, intimidated, arrested and detained Y for questioning their actions and approach in doing their job.

33. C/2018/ 155 /SSZ

The Commission received a complaint from Y on the 8th of November, 2018 alleging that he was arrested at Polaris Bank, Trans Amadi Industrial Layout, PH, by Nigeria Air Force personnel who assaulted him before being handed over to the police on the same day.

34. C/2018/3806/NCZ

The Commission received a complaint from Y dated 26th October 2018 alleging that he was beaten and arrested by the Police for an offence he did not commit.

35. C/2018/3065/NCZ

The Commission received a complaint from XY on the 22nd May 2018, alleging that her daughter was beaten up and dragged out of her room almost naked by the police officers of B. Division Bukuru and detained her unlawfully.

36. C/2018/3096/NCZ

The Commission received a complaint dated 12th June 2018 from Y alleging that on his way back home one evening, a group of vigilante members accosted him and during the course of interrogation, beat him up and dislocated his arm.

37. C/2018/3959/NCZ

The Commission received a complaint dated 11th December, 2018 from X of Katako, Jos alleging that she was harassed, and intimidated by a registrar of a court in Jos in order to force her out of her rented apartment.

38. C/2018/3949/NCZ

The Commission received a complaint dated 27th November, 2018 from Y alleging that he was arrested, brutalized and detained by the men of Special Task Force, Jos for an allegation he knows nothing about.

39. C/2018/2841/NCZ

The Commission received a complaint dated 8th January, 2018 from XY from Langtang North L.G.A. Plateau State alleging that her husband was tortured, and detained at the Vigilante office in Langtang for a contractual default between him and his business partner.

40. C/2018/891/HQ

The Commission received a complaint via email dated 31st March, 2018 from X alleging that she was assaulted and brutalized on 29th March, 2018 by a Police Officer. X also alleged that the matter was reported to the Police and the perpetrator of the assault was detained.

41. C/2018/889/HQ

The Commission received a complaint dated 5th April 2018, from XY on behalf of some inmates of Minna Medium prison alleging that an Officer of the Medium Security Prison Minna, Niger State tortured some inmates.

42. C/2018/786/HQ

The Commission received a complaint dated 21st March 2018, from Y alleging that on the 16th March, 2018 a Police Officer harassed, humiliated and threatened to kill him with his service pistol.

43. C/2018/6201/HQ

The Commission received a complaint dated 3rd March 2018, from Y alleging that a Police Officer at State Criminal Investigation Department, UmuaguUmuahia, Abia State wrongfully accused him of being a cultist without any evidence to justify his claims. He also alleged that he was arrested, beaten, tortured and subjected to various degrees of in-human and degrading treatment while in detention. That he was also paraded as a hardened criminal and was shown on television, Newspapers and other social media platform.

44. C/2018/932/HQ

The Commission received a complaint dated 18th April 2018, from Y alleging that while he was selling his sachet water, three Men from Abuja Environmental Protection Board beat and manhandled him. He also alleged that his goods and the sum of N5,000 (Five Thousand Naira) was collected from him.

45. C/2018/CPR/3062/HQ

The Commission received a complaint dated 15th February 2018, from Y alleging that he was subjected to cruel, inhuman and degrading treatment by a Captain of the Nigerian Army and other unarmed security operatives.

CONCLUSION

Dignity undoubtedly plays a fundamental role as a basis for respect of human rights. As seen from the evolution of the concept, human dignity is considered the foundation of human rights which are inalienable by reason of being humans. As such the concept is core for the common good of all and no ground is justifiable for its violation or abuse. As put in the words of Mehmet Murat ildan, ***“A nation which accepts to live a third-class life is just a third-class nation! If a nation wants to be called honorable nation, it must use the option to refuse any kind of policy which is against human dignity!..”***.³⁸

RECOMMENDATIONS

In view of the crucial nature of respect for human dignity in relation to human, it is recommended that:

1. The Commission sustain the pivotal role it plays in upholding human dignity through its mandate of promotion, protection of human rights.
2. The Commission should engage both government and non-governmental stakeholders in upholding measures that promote respect for human rights.

³⁸ Mehmet-Murat-ildan ‘A nation which accepts to live a third class life is just a third class nation...’ www.goodreds.com accessed 28th June, 2020.

CHAPTER 3 RIGHT TO PERSONAL LIBERTY

BY
ORVAINYA CHARITY M.

INTRODUCTION

Right to personal liberty is one of the most important of all rights with a wider scope that covers other rights such as right to movement, right to assemble and associate. This is a right where everyone whether you are a Nigerian or non-Nigerian cannot be subjected to any arrest, imprisonment and any other physical coercion contrary to law under any guise.

The court simply put it that “personal liberty means privileges, immunities, or rights enjoyed by prescription or by grant. It denotes not merely freedom from bodily restraint, but rights to contact, to have occupation, to acquire knowledge, to marry, have a home, children, to worship, enjoy and have privileges recognized at law for happiness of free men”³⁹.

The violation of the right to personal liberty takes different forms including but not limited to all forms of arrests, detention, incarceration, imprisonment and obstruction of movement⁴⁰.

The right to personal liberty is an essential human rights provision which no government can abridge except on certain exceptional conditions, Right to personal Liberty is provided in various international, regional and municipal laws.

Article 9 of the International Covenant on Civil and Political Rights states that: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention”⁴¹. The Article recognizes the rights to liberty and security of the person, it prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law, and obliges parties to allow those deprived of their liberty to challenge their imprisonment through the courts.

This right is also provided in Article 6 of African Charter on Human and Peoples’ Rights (ACHPR). “Every individual has the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained”⁴².

³⁹ *Adewole V. Jakande (Alhaji) (Governor, Lagos State) (1981) INCLR 262 at 278 HC Lagos.*

⁴⁰ I Okoronye, M Okeyim, ‘Assessment of the Right to personal liberty under Nigeria’s Democracy’ in *Net Journal of Social Sciences* (2013) pp,40-46.

⁴¹ International Covenant on Civil and Political Rights United Nations General Assembly Resolution 2200A(XXI). 16 December, 1966 .

⁴² African (Banjul) Charter on Human and Peoples’ Rights adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev.5,21 I.L.M.58 (1982), Oct.21, 1986.

Section 35 of the Constitution of the Federal Republic of Nigeria 1999 as amended states that: “Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law”.⁴³

However, in Nigeria, notwithstanding the constitutional and other legal provisions safeguarding the right to personal liberty, the rights of Nigerians have continued to be violated. These violations are not only perpetrated by the Police but also by government groups as well as other law enforcement agents⁴⁴, Violations also result from long delay in the criminal trial process. In the year under consideration, there were several complaints to the National Human Rights Commission on unlawful detentions against the Nigeria Police, Nigerian Army and other Law Enforcement agents. In some instances, persons were arrested and detained in-lieu of others.

Furthermore, violations of the right to personal liberty of Nigerians have been aggravated by the involvement of the armed forces in the fight against terrorism, kidnapping and other vices. In most states of the North-Eastern states of Nigeria especially, Bornu, Yobe and Adamawa States, long hours of curfew (some unofficial) have been imposed and persons cannot move freely.

The main challenge of the right to personal liberty in Nigeria is with the executive arm of Government. In Nigeria at most times continuous detention without trial is permitted. Furthermore, there is a persistent lack of will by the judiciary to eliminate a vast number of cases where the individual is detained without recourse to the time he/she would have served if convicted for the crime in question.

It is however, important to state that, there is a linkage between democracy and national development and the impact of violations of personal liberty on social development. Democracy is a means of achieving good governance and good governance ensures respect for basic freedoms including the right to personal liberty. Good governance and integrity require the rule of law, effective state institutions, transparency and accountability in the management of public affairs, respect for human rights and the meaningful participation of all citizens in the political processes and decisions affecting their lives⁴⁵ Thus, the fundamental condition for good governance is the attainment of fundamental rights and social justice.

THE FOLLOWING ARE COMPLAINTS RECEIVED UNDER THE THEMATIC AREA FOR THE YEAR UNDER REVIEW:

1. C/2018/118/SSZ

The Commission received a Complaint dated 28th August, 2018 from X, alleging that the Inspector General of Police Monitoring Unit, Port Harcourt arrested her husband on 29th July, 2018 while he hauled a 100KVA diesel generator to the owners, on the allegation that the generator was stolen. X reported that the victim remained in police cell because the family could not afford the bail fee of

⁴³ Section 35 of The Constitution of the Federal Republic of Nigeria, Act No. 24, 5 May 1999.

⁴⁴ See (n2) above, Innocent Okoronye ,et al.

⁴⁵ K. Annan ‘Global integrity in a Changing World’ being a message to the 9th International Anti Corruption Conference, Durban South-Africa(1999) P.2

N500, 000.00, while the alleged owners of the generator arrested with her husband were granted bail and released.

2. C/2018/57/AKS

The Commission received a complaint from Y dated 4th April, 2018 alleging that his siblings were arrested and detained at Anti-kidnapping squad facility for more than 2 weeks. They were neither granted bail nor charged to court. The health conditions of the detainees were deteriorating on a daily basis.

3. C/2018/44/AKS

The Commission received a Complaint dated 26th February 2018 from X alleging that her husband who is a boat driver and a dealer in boat engines alongside another victim were arrested by officers of the Nigerian Navy (NNS Jubilee), Ikot Abasi, AkwaI bom State.

She further alleged that she had gone to the NNS Jubilee where she met her husband who told her that he was arrested for being in possession of a 200 Horse Power (hp) boat engine.

She claimed to have further gone back there only to be told at NNS jubilee that her husband's whereabouts was unknown to them.

4. C/SWZ/18/092

The Commission received a complaint dated 10th of May, 2018, from Y who alleged that his brother was unlawfully detained by the Federal SARS for what he knows nothing about. Y also alleged that after a sum of money was paid to the police for his bail, the police still threatens them occasionally.

5. C/2018/CPR/4317/HQ

The Commission received a complaint dated 19th September 2018 from XY on behalf of the victim against the Nigerian Police for unlawful detention and intimidation.

6. C/2018/88/SSZ

The Commission received a complaint dated 6th of June, 2018 from Y against the Nigeria Police who alleged that he was brutalized by the Police and was unlawfully detained over a civil matter between him and his customer.

7. C/2018/3063/NCZ

The Commission received a complaint on 22nd May 2018 from Y alleging that he was arrested by some Vigilante group on a false allegation of robbery. He also alleged that he was beaten and they threatened to kill him. They kept him in their custody for almost a week.

8. SWZ/18/036

The Commission received a complaint dated 13th of February, 2018 from Y alleging that his employment was terminated unlawfully by his employer. He further alleged that when he was working with the employer, they had an agreement for him to take a Vehicle Loan which was repayable for a period of Sixty (60) months after which ownership of the vehicle would be transferred to him.

It was further alleged that when his employment was terminated, he was illegally detained and the vehicle was forcefully taken from him while the already deducted money was not returned to him.

9. SWZ/18/064

The Commission received a Complaint on 4th of April, 2018 from Y alleging that he gave the alleged violator a Power of Attorney but constant quarrels between them led to him revoking the Power of Attorney.

The alleged violator refused to hand over all the documents of the property that was in his care. He also alleged that he was wrongfully arrested and detained and since then, his life was constantly being threatened.

10. C/2018/3126/NCZ

The Commission received a Complaint dated 16th July, 2018 from XY of Gangare, Jos, Plateau State alleging that a 13-year-old boy has been in detention in the State Police C.I.D. for over a month on the allegations of criminal conspiracy and murder.

11. C/2018/IMS/13

The Commission received a complaint dated 19th April 2018 from XY alleging illegal demolition of his parent's shops at Umuezealabi Ehime Mbano on 6th February 2018 and unlawful detention of his brother.

12. C/2018/IMS/18

The Commission received a complaint on 14th May, 2018 by Y alleging blockage of their road by Nigeria Police Division Oke Uvuru, Aboh Mbaise L.G.A thereby denying them access road to their in Oke Uvuru.

13. C/2018/IMS/30

The Commission received a complaint dated 26th July, 2018 from Y of De Boss lodge, Ihiagwa Owerri, alleging unlawful detention and seizure of his property by the Police.

14. C/2018/IMS/34

The Commission received a complaint dated 10th September, 2018, from Y alleging that his younger brother was arrested by officers of Federal Special Anti-Robbery Squad (FSARS) in their house in Orlu Imo State and had not been released. He further alleged that when he checked at FSARS, his brother was not found in SARS cells.

15. SWZ/18/173

The Commission received a complaint on the 17th of September, 2018 from XY alleging that his father had been falsely accused by the alleged violator and as a result, he was unlawfully arrested and detained by officers of the Nigeria Police Force.

16. C/2018/50/EK

The Commission received a complaint from XY of Itapa – Ekiti on 17th October 2018 alleging that his granddaughter was arrested and detained by the Nigerian Police Force as a result of a fight that involved many people. The police requested for money before she could be released.

17. C/2018/737/BSO

The Commission received a complaint from Y on the 29th March 2018, alleging that he was working for his employer who after he travelled to attend an interview, she accused him of stealing. He further alleged that he was illegally detained.

18. C/2018/745/BSO

The Commission received a complaint on 17th April 2018, from Y, alleging that he was on his way to buy a plot of land on the 1st of April, 2018 when men of Joint Task Force arrested him and beat and unlawfully locked him up.

19. C/2018/CPR/5057/HQ

The Commission received a complaint on 30th November, 2018 from XY (on behalf of Y) against the DSS alleging the illegal detention of X at Abuja.

20. C/2018/CPR/5803/HQ

The Commission received a Complaint on 26th November, 2018 from one XY on behalf of Y against the DSS, alleging the illegal detention of Y on 15th July, 2017 at Abuja.C/2018/CPR/3886/HQ

The Commission received a complaint on 1st December, 2018 from XY on behalf of his brother against SARS, Abuja alleging that his brother was unlawfully arrested and illegally detained.

21. C/2018/CPR/5693/HQ

The Commission received a complaint on 14th August, 2018 from Y against the Nigerian Army alleging unlawful dismissal, double jeopardy and the violation of his rights to personal liberty and fair hearing in July, 2018 at Abuja.

22. C/2018/CPR/4235/HQ

The Commission received a complaint on 17th September, 2018 from XY on behalf of Y against some CID police officers alleging illegal detention and denial of access to his Bank accounts at Abuja.

23. C/2018/CPR/4015/HQ

The Commission received a complaint on 28th August, 2018 from XY on behalf of his brother against the Nigeria Police alleging unlawful detention at Abuja.

24. C/2018/117/HQ

The Commission received a complaint on 17th January, 2018 from XY on behalf of the victim against NDLEA alleging unlawful detention of the victim on 18th December 2017 at Abuja.

25. C/2018/CPR/921/HQ

The Commission received a complaint on 3rd May, 2018 from XY law firm on behalf of their client against DSS alleging unlawful arrest and illegal detention of their client on 21st February, 2018 at Keffi, Nasarawa State.

26. C/2018/CPR/4340/HQ

The Commission received a complaint dated 25th September 2018 from X on behalf her husband alleging that some police officers unlawfully detained him for allegedly stealing a generator.

27. C/2018/CPR/1537/HQ

The Commission received a complaint dated 7th May 2018 from XY on behalf of her husband against a police officer for unlawful detention.

28. C/2018/310/HQ

The Commission received a complaint dated 9th February 2018 from Y against a police officer who assaulted him at the Mararaba car park and unlawfully detained him.

29. C/2018/2034/HQ

The Commission received a complaint dated 9th June 2018 from XY on behalf of X against the Police for unlawful detention.

30. C/2018/3000/HQ

The Commission received a complaint dated 25th June 2018 from Y against his debtor for causing the police to illegally arresting and detaining him as well as refusal to pay him money owed.

31. C/2018/CPR/3071/HQ

The Commission received a complaint dated 29th June 2018 from XY on behalf of X against the Nigerian police for unlawful detention on the 28th of July 2017.

32. C/2018/119/SSZ

The Commission received a complaint on 28th of August, 2018 from XY who alleged that men of Special Anti-Robbery Squad, invaded their premises on the 25th August, 2018 and arrested 21 of their co-tenants without any reason.

33. C/2018/ 142/SSZ

The Commission received a complaint dated 11th October, 2018 from Y alleging that he had been detained for over 200 days on the orders of the Chief of Naval Staff:against the Order of the Federal High Court

34. C/2018/147/SSZ

The Commission received a complaint dated 20th of October 2018 from XY on behalf of X alleging that she was illegally detained at the Anti-Kidnapping Unit for over ten days and was refused bail.

35. C/2018/ 71 /SSZ

The Commission received a complaint from X on the 8th of May, 2018, alleging that the husband was arrested by men of the Special Anti-Robbery Squad on the 20th April and refused to grant him bail except the sum of One Hundred Thousand Naira (#100,000: 00) is paid

36. C/2018/3975/NCZ

The Commission received a complaint dated 19th December 2018, from X alleging that his son was unlawfully detained by the Nigeria Army.

37. C/2018/3014/NCZ

The Commission received a complaint dated 19th April 2018 from XY of Putsen Kura, Jos. He relayed the account of the events leading to his arrest and four others by men of the Special Taskforce (OPHH) Jos. He had been granted bail but the others were still in detention.

38. C/2018/3081/NCZ

The Commission received a complaint dated 5th June 2018 from XY from Fobur, Jos East, Plateau State alleging that his cousin had been in detention with the National Drug Law Enforcement Agency for over a month on the basis that her husband is still at large.

39. C/2018/2866/NCZ

The Commission received a complaint dated 30th June, 2018 from XY alleging that, his brother had been in detention at Angwan Rukuba police division for allegation he knows nothing about.

40. C/2018/3802/NCZ

The Commission received a complaint dated 24th January 2018 from XY, who lives in Mangu alleging that her husband who is a Vigilante member and a youth leader had been in detention at the State CID Jos for over two months. The police allegedly refused him bail.

41. C/2018/3202/NCZ

The Commission received a complaint dated 17th September 2018 from XY who resides in Dashik, Jos, Plateau State alleging that her son had been in detention for an allegation he knows nothing about.

42. C/2018/3127/NCZ

The Commission received a complaint dated 16th of July 2018 from XY alleging that his brother had been in detention at the State CIID Jos for over two weeks, for allegations he knows nothing about.

43. C/2018/3157/NCZ

The Commission received a complaint dated 13th August 2018, from Y of Laminga Jos alleging that his uncle was using his influence with the Police at Angwari in Jos East LGA of Plateau state to arbitrarily arrest and detain him unnecessarily over land disputes between them.

44. C/2018/CPR/4106/HQ

The Commission received a complaint dated 2nd September, 2018 from XY alleging that on the 31st August 2018, his brother was arrested and detained by policemen from Karu Police Command, Abuja. He also alleged that all efforts to secure his bail was futile.

45. C/2018/103/AMO

The Commission received a complaint dated 20th January, 2018 from XY alleging that a car dealer gave his car to the victim to sell. That while the victim was trying to secure a buyer for the car, he was arrested by operatives of the State Security Service on the instigation of the dealer. That the victim was in detention for more than two weeks without granting access to any member of his family and was still in detention as at the time of this complaint.

46. C/2018/14/AMO

The Commission received a complaint dated 20th January, 2018 from XY alleging the victim was arrested by a group of vigilante who invaded the victim's compound looking for an alleged criminal. He alleged that the victim was tortured, detained and later handed over to the Police Division Headquarters at New Nyanya, Nasarawa State. He further alleged that the victim's relation made efforts to get him released from the Police, but they were asked to pay the sum of N10,000 (Ten Thousand Naira) to secure his release.

47. C/2018/1679/HQ

The Commission received a Complaint dated 18th May, 2018 from XY alleging that her staff was arrested by the Nigerian Police for allegedly stealing an item belonging to her neighbor.

48. C/2018/669/HQ

The Commission received a complaint dated 12th March, 2018 from XY alleging that their client sold a second hand Hyundai Jeep to an Air Vice Marshal in good condition. That when the car developed some fault, the Air Vice Marshal asked for the refund of his money which their client refused.

XY also alleged that his client was arrested on the order of the Air Vice Marshal and taken to Life Camp Police Station and detained.

49. C/2018/441/HQ

The Commission received a complaint dated 26th February 2018 from X alleging that her husband was arrested and detained by a team of SARS Officers on 12th February, 2018 at his office situated at Shop 19A Aon Plaza Gudu, Abuja. That all effort to secure his bail was futile.

50. C/2018/892/HQ

The Commission received a complaint dated 22nd March, 2018 from XY alleging that their client was involved in a property dispute with Y and a law suit was filed regarding the matter. That while the matter was still pending in Court, Y forcefully took over the property and demanded for a ratification fee from their client, which he declined.

XY also alleged that due to the refusal of their client to pay the said fee, Y resulted to using Police Officers of Zone 2 Police Command and Idimu Command to arrest and detain their client.

51. C/2018/786/HQ

The Commission received a complaint dated 9th March, 2018 from Y alleging that he was arrested along with his neighbor on the 7th January, 2018 by SARS Officer for a case of alleged armed robbery. He also alleged that he was arrested, tortured and detained for one (1) month and 24 days before he was released.

52. C/2018/ 345-351/AMO

The Commission received a complaint dated 5th November, 2018 from Y alleging that his wife had been giving him trouble in the house with constant quarrel and insult to his person. That his wife locked him in the house to prevent him from going to work until he gives her money before leaving for work.

RECOMMENDATIONS

In order to avoid impunity to gross violations of the right to personal liberty of Nigerians the following measures are key:

1. Urgent reform of the Nigeria Police Force is imperative. The reform of the police must be real, aggressive and not cosmetic (reference should be made to the National Human Rights Commission Report of the Presidential Panel on the Reform of Special Anti-Robbery Squad 2018 which is yet to be implemented) Such reform must involve a serious platform of human rights education and improvement in the working conditions of police officers.
2. Accountability for impunity and human right violators by security agents must be ensured. When a security officer is compelled to pay compensation to victims of his brutality and unlawful detention, the officers(s) would be discouraged from committing similar violations in the future.
3. In respect of fight against terrorism, we call for the adherence to legal regulations and the need to respect human rights while fighting terrorism.
4. There is also the need for the reform of our courts. Adequate number of Judges and Magistrates should be appointed and trained. The courts must also be equipped with modern information technology and recording equipment for speedy trial of cases. The provisions of Section 311(2)(C) of the Administration of Criminal Justice Act, 2015 should be used thereby permitting non-custodial sentences in some offences.⁴⁶

⁴⁶ See (n2) above, Innocent Okoronye ,et al.

CHAPTER 4 RIGHT TO FREEDOM OF EXPRESSION AND THE PRESS

BY
AISHAT BRAIMAH

INTRODUCTION

The right to freedom of expression and the press, are cornerstones of a democratic society that supports sustainable development, good governance and a robust civic space. The Declaration of Principles on Freedom of Expression in Africa⁴⁷ emphasizes the importance of the right to freedom of expression by stating that it is “*a means of ensuring respect for all human rights and freedoms.*” Freedom of expression and the press is a complex right, constituted by the following components:

- Freedom to have and impart opinions without interference;
- Freedom to seek information through any media platform;
- Freedom to receive information and ideas through any media platform; and
- Freedom to disseminate information, thoughts and ideas through any media platform.

The right also exists in close association with other rights. For example, the right to education underpins the right to freedom of expression.

Legal framework

At the international level, the right to freedom of expression and the press is recognized in the Universal Declaration of Human Rights⁴⁸, the International Covenant on Civil and Political Rights⁴⁹ and the African Charter on Human and Peoples’ Rights⁵⁰. In the context of the right to freedom of expression and the press, international human rights norms prescribe a dual obligation on States:

⁴⁷ African Commission on Human and People’s Rights, Declaration of Principles of Freedom of Expression in Africa, 2002

⁴⁸ Article 19, Universal Declaration of Human Rights, 1948

⁴⁹ Article 19, International Covenant on Civil and Political Rights, 1966

⁵⁰ Article 9, African Charter on Human and People’s Rights

- The duty not to interfere with the right to freedom of expression and the press (negative obligation); and
- The duty to adequately promote the right to its citizens (positive obligation).

At the national level in Nigeria, the right is constitutionally safeguarded by section 39(1) of the Constitution⁵¹, which provides:

“Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.”

Nevertheless, the right to freedom of expression is not absolute. Section 39(3) of the Constitution restricts the right in the context of what it qualifies as justifiable for reasons of protecting non-disclosure and confidentiality, guaranteeing independence and partiality of the judiciary, and regulating technological means of disseminating information. Section 45⁵² of the Constitution qualifies section 39(3) by defining laws that are justified in curtailing the right to freedom of expression and the press.

Although the Press Council Bill is currently undergoing a process of legislative enactment, the Bill has already been the subject of much contention. Critics of the Bill purport that, if the Bill is enacted, it shall have the effect of controlling the operations of the press by monitoring and saddling it with onerous standards of operating and disseminating information. In addition, several press institutions, including the Nigerian Press Organization, have noted the unconstitutionality of the Bill⁵³. The Bill contravenes section 22 of the Constitution, which provides:

“The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.”

⁵¹ Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁵² Section 45(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides: *“Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedom or other persons.”*

⁵³ Vanguard, *“Press Council bill seeks to criminalize journalism practice”* 23 July 2018

Another obstacle to the full enjoyment of the right to freedom of expression and the press is the criminal nature of defamation.⁵⁴ Defamation laws essentially seek to protect the reputation of a living person and remedy any form of slander or libel, which may prevent such a person from securing a means of making a living.

However, the criminalization of defamation has an inhibiting effect on freedom of expression, particularly political speech. This is because defamation as a criminal offence suggests that the State is interfering to protect public interest, and this goes beyond simply protecting a person's reputation. Involving the State in a matter that ought to be settled by civil law shifts the recourse narrative from deterrence to punishment, and that is not the objective of defamation laws.

In support of this position, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression provided:

“... criminal defamation laws are inherently harsh and have a disproportionately chilling effect on free expression. Individuals face the constant threat of being arrested, held in pre-trial detention, subjected to expensive criminal trials, fines and imprisonment, as well as the social stigma associated with having a criminal record.”⁵⁵

The current state of the right to freedom of expression and the press in Nigeria:

Sustainable Development Goal (SDG) 16, comprises 10 targets. SDG 16.10 speaks directly to freedom of expression and the press by placing a responsibility on States *“to ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements.”* Since the right to freedom of expression and the press is inherently linked to the development agenda, the United Nations General Assembly established indicators to measure State progress under each target.

SDG 16.10 is measured through two indicators:

1. (Indicator 16.10.1) *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.*

⁵⁴ Sections 373 – 381 of the Criminal Code Act; Sections 391 – 395 Penal Code

⁵⁵Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to the Human Rights Council, 20th Session, 4 June 2012

2. (Indicator 16.10.2) *Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.*⁵⁶

There are concerns that some journalists have experienced harassment, intimidation and abuse by government agencies thereby undermining the right to freedom of expression and the press.

An example of complaint received in relation to right to freedom of expression and media is highlighted below:

MEDIA REPORT

1. On 31st August, 2018, The Guardian Newspaper reported on page 5 that the Nigeria Union of Journalists protested against the incessant harassment, arrests, intimidation and detention of journalists in different parts of the country.

RECOMMENDATIONS

- a. There should be continuous awareness and sensitization of the general public on the dangers of hate and dangerous speeches to national security and national unity.
- b. The security agencies should at all times exercise their powers of law enforcement within the ambit of the rule of law so as not to trample on the right to freedom of expression and the press.
- c. The legal protection to freedom of expression and press should be upheld and enforced, to ensure that those responsible for interfering with freedom of the press are brought to justice according to law and internationally acceptable standards.

⁵⁶ United Nations General Assembly, Resolution 71/313: Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development, A/RES/71/313, 6 July 2017

CHAPTER 5 RIGHT TO FAIR HEARING

BY
ARINZE OKORO

INTRODUCTION

The right to fair hearing connotes a situation where having regard to all the circumstances of a case, the hearing may be said to have been conducted in such a manner that an impartial observer will conclude that the court, authority or tribunal was fair to all the parties to the proceedings. It also means a trial concluded according to all the legal rules formulated to ensure that justice is done to all the parties to a cause or matter.⁵⁷

The right to fair-hearing is an important aspect of human rights law and it is enshrined under Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended). It provides:

In the determination of civil right and duties, including any question or decision by or against any government or authority, a person shall be eligible to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a way as to secure its independence and impartiality.

With regard to criminal matters, section 36(2)⁵⁸ provides “a person charged with a criminal offence, unless the charge is withdrawn, is entitled to a fair hearing within a reasonable time by a court of law.” Fair hearing is therefore antithetical to partiality and bias.

As a concept, the right to fair hearing is founded on the twin pillars of natural justice couched in the maxims ‘*audi alteram partem*’ (hear the other side too) and ‘*nemo judex in causa sua*’ (no one should be a Judge in his own case). This constitutes the pillars for fair trials and justice. Once there is an infringement of the principles, the result is a travesty of justice.⁵⁹

Fair hearing is a cardinal principle in the administration of justice which entails that justice should not only be done but should manifestly and undoubtedly be seen to be done. This is very fundamental in adversarial or accusatorial system or procedure practiced in Nigeria. Hence, prior to and during any proceedings before any authority or trial in a court of law or tribunal of any person

⁵⁷C Nwagbara, ‘The Role of Fair Hearing in the Dispensation of Justice in Nigeria - A Legal Perspective’ (2016, *International Journal of Innovative Legal & Political Studies*) 2 <<http://seahipaj.org/journals-ci/dec-2016/IJILPS/full/IJILPS-D-1-2016.pdf>> accessed 25 October 2019

⁵⁸ 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁵⁹E Malemi, *The Nigerian Constitutional Law* (Princeton Publishing Company, Ikeja) 362. See also the decision of the Supreme Court in *Omoniyi v. Alabi* (2015) 6 NWLR PT 1456 p. 572 @ 578 (per Kekere – Ekun, JSC). It was held that a decision no matter how well considered, would be declared a nullity if it breaches the principles of fair-hearing.

charged with the commission of a crime or alleged to have committed a human rights violation, the principles of fair hearing must be given a priority and strictly adhered to.

Apart from the Constitution of the Federal Republic of Nigeria, the Administration of Criminal Justice Act 2015⁶⁰ and other relevant international and regional human rights instruments⁶¹ have made elaborate provisions to safeguard fair trials as would be seen below. A trial which does not conform to the tenets of these requirements cannot be said to have passed the litmus test for fair trial.

Fairness of all trials is fundamental to the administration of justice as it does not only give integrity to the legal system but it also ensures the confidence of the society in the justice system. Some of the components of the right to fair hearing include:

- a. **Public Hearing:** The court or tribunal must be accessible to members of the public except in situations where the court believes that it may be against public interest.
- b. **Presumption of Innocence:** Everyone is presumed innocent until proven guilty.⁶² It is very important that every accused person be informed of his offence at the point of arrest.
- c. **Adequate time and resources to provide defence:** Any one charged with a criminal offence is entitled to adequate time and facilities to prepare for his defence. Any one charged with a criminal offence is entitled to defend himself in person or by legal practitioner of his own choice. Every accused person has a right to call witnesses in his defence and also to cross examine the witnesses of the prosecution.⁶³
- d. **Interpreter:** If the accused person cannot understand the language used for trial, he has a constitutional right to an interpreter.⁶⁴
- e. The constitution guarantees that an accused person shall not be convicted of any crime for acts that did not constitute a crime at the time the person committed it. The law does not work retroactively.⁶⁵ Any person who has been pardoned for an offence can never be tried for that offence again.

Additionally, section 35(4) and (5) of the 1999 Constitution recognizes the right to prompt arraignment as a fundamental right. This right imposes a corresponding duty on law enforcement agencies to arraign arrested or detained persons within a reasonable time. The arraignment must take place within two days or in rare cases, a longer period as determined by the court as

⁶⁰ See sections 6, 8, 9 and 14 which contains provisions for safeguarding the right to fair-hearing

⁶¹ See Articles 14 and 7 of the International Covenant on Civil and Political Rights and African Charter on Human and People's Rights respectively

⁶² See section 36(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁶³ See section 36(6), (b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁶⁴ See section 36(6), (e) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁶⁵ See section 36(12) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

reasonable.⁶⁶ A violation of this right through undue delay in arraigning a defendant activates a right of action, exercisable by fundamental human rights proceedings.

2.0 REPORTED COMPLAINTS ON RIGHT TO FAIR-HEARING

The following complaints on the subject were received by the Commission within the reporting period:

1. C/2018/58/B

The Commission received a complaint from Y on 11th June, 2018 alleging that his clients were charged with criminal and fraudulent activities by a team of Police officers in Edo State. He further alleged that the police officers attempted to prevent his clients from giving evidence in a pending murder case.

2. C/2018/558/BN

The Commission received a complaint dated 7th of November 2018, from XY alleging that his brother was remanded in Oko Prison Benin City, Edo State since 20th February 2018 without fair hearing.

3. C/2018/ESCR/4121/HQ

The Commission received a complaint dated 27th August, 2018 from Y alleging that he was unlawfully dismissed from the Nigerian Navy in April, 2004 and that he was not given a fair trial by the Naval Authority.

4. C/2018 /550/BN

The Commission received a complaint dated 2nd October 2018, from Y alleging that he had been working with Edo State Development Authority for years. He further alleged that a letter of termination was issued to him without fair hearing which was based on false accusation that he was sleeping on duty.

5. SWZ/2018/037

The Commission received a complaint dated February 2018, from Y alleging that he was wrongfully accused by his employer of stealing (850,000.00) eight hundred and fifty thousand Naira only and that led to termination of his appointment without fair hearing.

⁶⁶ See section 36(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

CONCLUSION

Right to fair hearing is an indispensable aspect of criminal and civil justice. The report shows that majority of the complaints received by the Commission on denial of right to fair-hearing within the reporting period arose from alleged termination of employment without giving the employees fair-hearing as required by law and global best practices.

RECOMMENDATIONS

In view of the foregoing, the following recommendations are made:

1. Employers of labour should ensure that any staff facing disciplinary measures is afforded the right to fair hearing before any action may be taken against them by the company.
2. Security agencies should ensure that all parties are given equal opportunity to state their cases in the course of investigation.
3. The legal protection to right to fair hearing should be upheld and enforced, to ensure that those responsible for interfering with the right to fair hearing are brought to justice according to law and internationally acceptable standards.

CHAPTER 6 RIGHT TO FREEDOM FROM DISCRIMINATION

BY
WALE AFOLABI

INTRODUCTION

The Universal Declaration of Human Rights encapsulates what constitutes fundamental human rights. Before the Universal Declaration of Human Rights, diverse theories and schools of thought had given different meanings and interpretations to the concept of rights. ‘All human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical culture and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural system, to promote and protect all human rights and fundamental freedoms.’⁶⁷

Duties of rights protection, promotion and enforcement lies with the state and these are being carried out through specified organs/bodies charged with the functions.

The codification and universalities of human rights by the United Nations in 1948 marks a milestone achievement recorded within the period under review. The preambles to the UN Declaration states as follows: ‘‘whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’’.⁶⁸

The UN encouraged every member state to domesticate and institutionalize the ideal of Universal Declaration Human Rights into their domestic laws, forming the bedrock and yardstick through which respect for rights will be measured.

Chapters II and IV of the 1999 Constitution of the Federal Republic of Nigeria as amended is a direct reproduction of the contents of the Universal Declaration of Human Rights.

⁶⁷SP Marks. 2014. ‘Human Rights: A Brief Introduction’. *Working Paper, Harvard School of Public Health*. <https://dash.harvard.edu/handle/1/23586712> accessed on the 29th June, 2020

⁶⁸ (n 55)

FREEDOM FROM DISCRIMINATION:

The Committee on Economic, Social and Cultural Rights stated that; discrimination constitute any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibition grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of (human) rights.⁶⁹

All are equal before the law and are entitled to equal protection of the law without any discrimination. All are entitled to equal protection against any discrimination in violation of the Declaration and any against any incitement to such discrimination.⁷⁰

The right to freedom from discrimination is an internationally recognized human right and enshrines the principle of egalitarianism; it is as well recognized in the Universal Declaration of Human Rights.

Flowing from the above, Nigeria law (the Constitution of the Federal Republic of Nigeria) taken into perspective recognizes this right. Section 42(1)(a-b)(2-3) provides as follows:

42“A citizen Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person”

(a) be subjected either expressly by, or in practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are not made subject; or

(b) be accorded either expressly by, or in practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions.

(2) No citizens of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.⁷¹

The essence of all the provisions herein above quoted is to further buttress that equality is not just a fundamental human rights issue but a necessary foundation for a peaceful, prosperous and sustainable world. The attainment of freedom from discrimination is very crucial as it is also one of the cardinal pillars captured by Sustainable Development Goals especially goals 5 and 10 respectively that deal with gender equality and reduced inequalities.

Nigeria in her efforts at combating the menace of inequalities and fight against discrimination ensures the enactment of law at curbing it. Among various efforts geared at this are the enactment

⁶⁹ Ibid

⁷⁰ <https://dash.harvard.edu/handle/1/23586712> accessed on (29th June, 2020)

⁷¹ 1999 constitution of the Federal Republic of Nigeria (as amended)

of Child Rights Act, 2003, Violent Against Persons (Prohibition) Act, 2015 and the recent Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 assented to by the President Federal Republic of Nigeria. In order to end discrimination, laws as above mentioned, were enacted. The existing laws that promote discriminatory practices, address discrimination by private actors, economic barriers are amended to be in line with international best practices.

As earlier adduced, all government must ensure that principle of equality is strictly adhered to, by refraining from discrimination and promoting equality. Discrimination in law or in practice may prevent the realization and enjoyment of other rights; therefore, a development approach firmly established in human rights obligates states to confront the systemic and root-causes of discrimination or inequality, while actively working towards the fulfillment of rights without discrimination. This requires states to ensure the establishment of equality under the law and address policies, programs, or even stereotypes that create or perpetuate discrimination.

The Commission which serves as an extra-judicial mechanism for the enhancement of the enjoyment of human rights aimed at the promotion, protection and enforcement of human in collaboration with non-government organization and civil society has been working together to ensure that right especially right to freedom from discrimination is fully enjoyed by the citizens.

RECOMMENDATION

In order to ensure the enjoyment of right to freedom from discrimination, the commission must increase its mechanism of awareness creation and sensitization of the masses of their rights and avenues of enforcement of this right. Advocacy and sensitization of all stakeholders to end all forms of discrimination against women and all other vulnerable group in the society. There must be further collaboration with civil society organizations and relevant justice sector agencies to enhance the enjoyment of right to freedom of discrimination. To effectively undertake these critical roles, the commission needs to be better funded as the current funding will be insufficient to effectively undertake these tasks.

THE FOLLOWING COMPLAINTS ON RIGHT TO FREEDOM FROM DISCRIMINATION WERE RECEIVED BY THE COMMISSION WITHIN THE REPORTING PERIOD:

1. C/2018/72/AKS

The Commission received a complaint from X on 9th May, 2018 alleging that they are 2 females born to their late father, who built and left behind a building of 10 rooms situated along Aka Etinan in Uyo, Akwa Ibom State. She alleged that the said property was taken over by the uncle who handed over the house to his children who are males and did not give them any portion of the building on the basis that they are females.

2. C/2018/35/AKS

The Commission received a complaint from X dated 8th February 2018 alleging that the respondent who is also her brother deprived her of share of inheritance of their late father's estate on the grounds that she is a woman.

3. C/2018/88/AKS

The Commission received a complaint from X dated 24th May 2018 claiming that the respondent has denied her and her daughter access to her late husband's property on the grounds that they are females.

4. C/2018/070/AKS

The Commission received a complaint dated 30th April, 2018 from X, residing at Nung-Oku Ebere Otu, Ibesikpo in Akwa Ibom State against her late husband's relative. She alleged that she got married to her late husband who had 22 children from 6 wives, of which 6 are her own biological children.

She further alleged that she was asked to vacate her late husband's house because she had no male child.

5. C/2018/117/AKS

The Commission received a complaint from X dated 2nd March 2018 alleging that the respondent has deprived her and her sisters of their share of inheritance on the grounds that they are women.

6. C/2018/190/AKS

The Commission received a complaint from X dated 7th Nov, 2018 alleging that they are 5 children (siblings); 3 females and 2 males. X claimed that after the demise of their mother in 2012, their eldest brother took administration of their late mother's 10 rooms facility to the exclusion of the female children. She further alleged that they are discriminated on the basis that they are females.

7. C/2018/IMS/42

The Commission received a complaint dated 18th December, 2018 from X alleging that she was discriminated against by denying her access to inheritance of her late father's property because she is a woman.

8. C/2018/IMS/44

The Commission received a complaint dated 19th December 2018, from X who is a widow. She alleged that her husband died eleven years ago and she had been denied access to her husband's inheritance by the family.

9. SWZ/18/154

The Commission received a complaint dated 28th August 2018 from XY alleging that a telecommunications outfit terminated the appointment of over one hundred (100) Nigerian women due to their status as married women. That the women were subjected to obnoxious beauty tests while under their employment.

10. C/2018/77/SSZ

The Commission received a complaint dated 18th of May, 2018 from Y alleging that the oldest man in the family discriminated against him in the sharing of a contract that came to their family because he was the only surviving son of his father.

11. C/2018/ 58-63/AMO

The Commission received a complaint from X dated 1st March, 2018 against Y. She alleged that her late husband left eleven (11) plots of land which was shared by the family and four plots of land were given to her children. X also alleged Y is attempting to take her share of the plots of land because she is a woman.

12. C/2018/IMS/12

The Commission received a complaint on 18th April, 2018 from Y, alleging harmful cultural practices (Ostracism) by the Village Head/President office of Traditional rulers Umuezike 1 community, Ezeaka Owerre. He further alleged that he was ostracized from the village.

CHAPTER 7 RIGHT TO PRIVATE AND FAMILY LIFE

BY
ADEMILOLA ADESIYUN

INTRODUCTION

The right to private and family life otherwise known as the right to privacy connotes that everyone has the right to respect for their private and family life, their home and their correspondence. This right embodies the presumption that individuals should have an area of autonomous development, interaction, and liberty, a “private sphere” with or without interaction with others, free from arbitrary state intervention and from excessive unsolicited intervention by other uninvited individuals.⁷²

The right to privacy is so broad and has been interpreted to include:⁷³

- a. freedom to choose one’s own sexual identity
- b. freedom to choose one’s personal relationships
- c. freedom to develop one’s own personality
- d. freedom to choose how one looks and dresses.
- e. freedom to have a person’s personal information, such as official records, telephone conversations, photographs, letters, diaries, medical information or DNA profile, kept private and confidential.
- f. freedom to enjoy one’s home peacefully without any form of interference, pollution or environmental hazards, etc.

International Human Rights Law makes adequate provision for the protection of the right to private and family life. These provisions are contained in instruments such as the Universal Declaration on Human Rights⁷⁴; the International Covenant on Civil and Political Rights⁷⁵; the Convention on the

⁷² M Scheinin, ‘Report of the Special ‘Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while countering Terrorism’, (Geneva 2009 A/HRC/10/3) 8

⁷³ Equality and Human Rights Commission, ‘Human Rights: Human Lives – A Guide to the Human Rights Act for Public Authorities’ (London 2014) 32

⁷⁴ Article 12

⁷⁵ Article 17

Protection of the Rights of all Migrant Workers⁷⁶; the Convention on the Rights of the Child⁷⁷; as well as the Convention on the Rights of Persons with Disabilities⁷⁸.

The above provisions essentially stipulate that no one should be ‘subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation and that everyone has the right to protection of the law against such interference or attacks.’

At the regional level, the right to private and family life is provided under Article 8 of the European Convention on Human Rights. It is instructive to note that the African Charter on Human and People’s Rights does not explicitly set out the right to privacy, but Article 18 thereof attaches particular importance to the State’s duty to protect the family.⁷⁹

In Nigeria, the right to private and family life is provided under Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which provides:

The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

The above provision guarantees the right of Nigerians to live their own lives in such manner as they deem fit without undue interference. In this regard, Section 37 of the Constitution protects Nigerians from unwarranted or unlawful intrusion by the media or law enforcement agents or authorities into their lives or homes for the purpose of effecting arrest or carrying out an investigation or undue interference with their correspondence or telephone conversations.

As noted by some scholars⁸⁰, the rights to privacy, information, freedom of association, religion and dignity are interrelated and mutually reinforcing. Thus, an unlawful interference with a person’s right to privacy or of his home, correspondence and telephone conversations may invariably undermine his right to religion, association and dignity given the circumstances.

It therefore follows that an unlawful invasion of a person’s home by an individual or security agents may invariably lead to a violation of the person’s right to religion particularly where the person’s religion and culture forbids such intrusion. Similarly, the unlawful searching of a person’s body

⁷⁶ Article 14

⁷⁷ Article 16

⁷⁸ Article 22

⁷⁹ Icelandic Human Rights Center, ‘The Right to Privacy and Family Life.

<<http://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/substantive-human-rights/the-right-to-privacy-and-family-life>> accessed 12/6/2020

⁸⁰ E Oji, ‘Right to Private and Family Life and Right to Freedom of Thought, Conscience and Religion’, cited in Okpara Okpara, *Human Rights Law and Practice in Nigeria*, Vol. 1 (, Chenglo Publishers Limited 2005 Enugu) 230

particularly a female body by a male counterpart may amount to the violation of that person's right to dignity or lead to sexual harassment, etc.

Although the right to private and family life is a fundamental human right and should not be unduly interfered with by anyone or authority, it is however not an absolute right. Hence, the right can only be interfered with in accordance with any law that is reasonably justifiable in a democratic society for the preservation of national security, public safety, health, morals, etc⁸¹. It is in this light that Nigeria enacted the Same Sex Marriage (Prohibition) Act (SSMPA) in 2014, which criminalizes same sex marriage, forbids any cohabitation between same-sex sexual partners and bans any public show of same sex amorous relationship despite the fact that a person's sexual orientation should be a matter of privacy.

Furthermore, with the propagation of information technology, increased social media use and automated data processing, there has been unprecedented increase in the level of collection, storing and sharing of personal data in the last decade. In Nigeria alone, we have seen the increase in the collection and storage of personal data either in the communication sector - through the registration of 'SIM' Cards or in the financial sector – through the Bank Verification Number (BVN). Other agencies of Government who collect and store personal data of Nigerians include the Federal Road Safety Corps, the Vehicle Inspection Office (VIO), the National Identity Management Commission, Nigeria Immigration Service, etc.

Given the increased usage of information technology and internet-based social platforms, there is an enormous obligation on the Nigerian Government to ensure effective data protection of Nigerians in line with the provisions of Section 37 of the Constitution. Despite the express guarantee of privacy in the Constitution, Nigeria does not have a robust legislation dealing with the protection of personal information.⁸² Rules concerning data protection mainly consist of discrete provisions found in agency-specific laws (such as the National Identity Management Commission Act 2007 and industry-specific regulations. In 2013, the National Information Technology Development Agency ("NITDA") prepared Draft Guidelines on Data Protection, which contain a detailed set of provisions regulating the collection, processing, storage, and transfer of personal information by government actors.⁸³ However, the guidelines are not yet binding.⁸⁴

⁸¹ See Section 45 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

⁸² Paradigm Initiative and Privacy International, *Stakeholder Report Universal Periodic Review 31st Session – Nigeria- The Right to Privacy in Nigeria* (2018) 5 < https://privacyinternational.org/sites/default/files/2018-05/UPR_The%20Right%20to%20Privacy_Nigeria.pdf> accessed 13/6/2020

⁸³ David Oluranti, 'Data and Privacy Laws in Nigeria' < https://www.linkedin.com/pulse/data-privacy-laws-nigeria-david-oluranti?articleId=6102807514401816576#comments-6102807514401816576&trk=public_profile_article_view > accessed 21/7/2020

⁸⁴ "Nigerians alerted on new EU's data protection guidelines, (New Telegraph 2018) <<https://newtelegraphonline.com/2018/02/nigerians-alerted-new-eus-data-protection-guidelines/>> accessed 13/6/2020

REPORTED CASES ON RIGHT TO PRIVATE AND FAMILY LIFE

The following complaints on the subject were received by the Commission within the reporting period:

1. C/2018/540/BN

The Commission received a Complaint dated 10th September 2018, from X alleging that Y (her Ex-husband) is threatening to release her nude pictures on the internet.

2. SWZ /18/157

The Commission received a complaint dated 29th August, 2018, from Y alleging that the people of Itunagon Community wanted to install the head (Baale) of their community, which eventually led to a riot in that community. He further claimed that the People in the community fled from their houses and were afraid to return home because of the fear of being harassed or unlawfully arrested by police officers who mounted checkpoint in the Community.

3. SWZ/18/034

The Commission received a complaint dated 8th August 2018 from Y alleging that his neighbour who stays adjacent of his house at Otta had become a threat to his family.

4. SWZ/18/171

The Commission received a complaint dated 17th September 2018 from XY alleging that Y a resident of the community took it upon himself to constitute a nuisance, malicious damage and threat to life to the community members, making them flee to neighbouring communities.

5. SWZ/18/223

The Commission received a complaint dated 15th November 2018 from Y alleging that their client's residents was invaded and ransacked by men of Special Anti-Robbery Squad (SARS) Ikeja on the 18/10/2014 and catered away lots of valuable items.

CONCLUSION

Respect for the right to private and family life is an integral aspect of the democratic process. This affords the people the freedom to live their lives without fear of intrusion. Majority of the complaints received by the Commission on violation of right to private and family life within the reporting period arose from unlawful and unauthorized invasion of private spaces and family life by individuals and security agents.

RECOMMENDATIONS

In view of the foregoing, the following recommendations are made:

- a. The legal protection to right to private and family life should be upheld and enforced, to ensure that those responsible for interfering with the right to private and family life are brought to justice according to law and internationally acceptable standards.
- b. Nigeria should adopt and enforce a comprehensive data protection law that affirms the right to privacy; sets out procedures for lawful, fair, and secure processing of personal data; enshrines data protection rights; and provides for an independent data protection authority that is appropriately resourced and has the authority to oversee and ensure the implementation of the law.
- c. Implement media and information literacy programs to enhance public awareness regarding the importance of privacy

CHAPTER 8 RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION

BY
WALE AFOLABI

INTRODUCTION

The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association (SR FPAA) defined an “assembly” as “an intentional and temporary gathering in a private or public space for a specific purpose. It therefore includes demonstrations, inside meetings, strikes, processions, rallies or even sits-in”. Organisation for Security and Co-operation in Europe-The Office for Democratic Institutions and Human Rights (OSCE-ODHIR) Guidelines adopt the same criteria of temporality, intentionality and for the purpose of a common expression of a message that might be aimed at “an individual, a group, an organization or at society in general”.

The European Commission considered that an assembly would not be peaceful where the participants or organizers have “*violent intentions that result in public disorder*”, while the inevitable obstruction which derives from a public gathering does not strip an assembly of its peacefulness.⁸⁵

These rights protect peoples’ ability to come together and work for the common good. They are a vehicle for the exercise of many other civil, cultural, economic, political and social rights, allowing people to express their political opinions, engage in artistic pursuits, engage in religious observances, form and join trade unions, elect leaders to represent their interests and hold them accountable. Everyone has the right to freedom of assembly and association.

Section 40 of the Constitution Federal Republic of Nigeria 1999 as amended provides that;

“Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interest”.

“Provided that the provisions of this section shall not derogate from the powers conferred by this constitution on the Independent National Electoral Commission with respect to political parties to which that Commission does not accord recognition”.⁸⁶

⁸⁵ info@freeassembly.net <http://freeassembly.net/> accessed on the 29th June, 2020.

⁸⁶ 1999 Constitution of the Federal Republic of Nigeria (as amended)

Flowing from the above provision, no law can deprive anybody this fundamental right of peaceful assembly except with the exception herein provided by the Constitution. It is therefore not out of place to categorically state that right to peaceful assembly and association are enshrined in international law as fundamental freedoms.

In more simple term, right to peaceful assembly connotes the individual right or ability of people to come together and collectively express, promote, pursue, and defend their collective or shared ideas. The right to freedom of association is recognized as human right, a political right and a civil liberty. The terms freedom of assembly and freedom of association may be used to distinguish between the freedom to gather in public places and the freedom to join a union. It sometimes means that peaceful assembly is synonymous with right to protest while that of association in this context is akin to that of labor rights. In Nigeria this right is upheld by the government as provided for by the Constitution. This right is upheld by Nigeria government considering the recent activities of various civil demonstrations in Nigeria such as:-

1. Civil demonstration carried out by a group known as Islamic Movement of Nigeria (IMN) against the continuous incarceration of their leader (Ibrahim Yaqoub El-Zakzaky).
2. Civil demonstration and peaceful assembly carried out by Bring Back Our Girls Group,
3. Civil demonstration by National Assembly members led by former Senate President, Bukola Saraki against the activities of INEC. All these are testament to the fact that right to peaceful assembly is a fundamental right.

RECOMMENDATION

1. In order to ensure the enjoyment of right to peaceful assembly by the citizenry, the commission must increase its mechanism of awareness creation and sensitization of citizens on their rights and avenues of enforcement of the rights. The NHRC, being statutorily mandated with the responsibility of protecting, monitoring and promoting human rights in Nigeria, will do this in collaboration with CSOs and other relevant agencies. This can be at local or international levels to ensure that the right to peaceful assembly is attained and sustained in Nigeria. This can be achieved with proper funding of the commission.

CHAPTER 9 RIGHT TO ACQUIRE AND OWN PROPERTY

BY
JOSEPH OBOH

INTRODUCTION

Every Nigerian citizen is vested with the power to acquire and own immovable property anywhere within Nigeria. However, this right to own immovable property like every other right is not absolute and is subject to some qualifications, especially in view of the import of the *Land Use Act CAP 202, 1978*.

Furthermore, everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property as provided by **Article 17** of the 1948 Universal Declaration of Human Rights.

A number of core international human rights conventions include clauses that prohibit discrimination on the basis of property or in relation to property based on a person's sex, race, religion, or similar categories. But none of these conventions include a free-standing right to private property.

Even the African Charter on Human and Peoples' Rights added the right to property as a right that is not exclusive in itself by providing that the right may be subject to public interest and the overriding interest of the community thereby giving credence to the fact that the right is not an absolute right. However, it is also true that the African Charter on Human and Peoples' Rights protect private property despite its exceptions.

In order for the right to property to be fulfilled and for everyone to really enjoy the right to property, every individual should enjoy a certain minimum of property needed for living a life in dignity, including social security and social assistance.

Legal Framework for Right to Acquire and Own Property

ARTICLE 14 of the African Charter on Human and Peoples' Rights stipulates that:

“The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws”⁸⁷.

⁸⁷ <https://minorityrights.org/law-and-legal-cases/african-charter-on-human-and-peoples-rights-article-14-21/> accessed 22 July 2020

The African Commission has not decided many applications concerning the right to property but held in the case of *The Social and Economic Rights Action Centre and the Centre for Economic and Social Rights vs. Nigeria, Communication 155/96*) that:

“the ‘corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected’⁸⁸

Following the adoption and coming into force of significant global and regional instruments such as the *1979 Convention on the Elimination of All Forms of Discrimination (CEDAW)* and its Optional Protocol in 2000, the *1995 Beijing Declaration and Platform of Action (BDPA)*, the Protocol to the *African Charter on Human and People’s Rights in 2003*, and the Solemn Declaration on Gender Equality in 2004, many African countries including Nigeria, have taken various measures to meet the requirements of their international commitments.

Such measures include revision of Constitutions and existing laws to be more gender-sensitive, and revision of land reform approaches, land development policies⁸⁹ and a plethora of case law by Nigerian courts making detailed on the right to acquire and own property further entrenched through *Section 43 and 44 of the CFRN 1999* as amended which states that:

“43. Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

44. (1) No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things -

(a) Requires the prompt payment of compensation therefore and

(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria” ...

⁸⁸<https://dullahomarinate.org.za/socio-economic-rights/Cases/foreign-cases/the-social-and-economic-rights-action-center-for-economic-and-social-rights-v.-nigeria-communication-no.-155-96-african-commission-on-human-and-peoples-rights> accessed 22 July 2020

⁸⁹<https://www.ohchr.org/Documents/HRBodies/CEDAW/RuralWomen/InternationalLandCoalition.pdf> accessed 22 July 2020

THE FOLLOWING COMPLAINTS RECEIVED BY THE COMMISSION IN RELATION TO THE RIGHT TO OWN PROPERTY ARE AS FOLLOWS:

1. C/2018/132/AKS

The Commission received a complaint from X on the 24th August, 2018 alleging that they were forcefully evicted from their ancestral land and their houses destroyed without adequate compensation for the land compulsorily acquired by Akwa Ibom State Government for building Navy Secondary School at Oruk Anam L. G. A.

2. C/2018/793-797/HQ

The Commission initiated a *suomoto* intervention in response to Media Report of 29th March 2018 about destruction of Goza Market, Abuja. The media report had it that on Saturday 24th March, 2018, officials of Federal Capital Territory Administration, Abuja evicted the traders without prior notice which led to the loss of property worth over one hundred million naira.

3. C/2018/ 166 /SSZ

The Commission received a complaint from X on the 12th December, 2018 alleging that she bought land from a vendor in 2012. However, the land turned out to be family land which the vendor didn't have the power to assign. She complained that the vendor has failed or refused to replace the land or refund her.

4. C/2018/ 132 /SSZ

The Commission received a complaint from Y on the 17th September, 2018 alleging that the adjoining house to theirs was demolished by the owner on the 6th July, 2018 and that this resulted in a serious damage to his house and the owner of the demolished building refused to rebuild the damaged property.

5. C/2018/ 41 /SSZ

The Commission received a complaint from Y on the 13th of March, 2018 alleging that he joined a Co-operative Society which refused to pay him his balance despite withdrawing his membership. He requests that the Commission should intervene.

6. C/2018/ 89 /SSZ

The Commission received a complaint from XY on the 6th of June, 2018 alleging compulsory acquisition of their land by the Nigeria National Petroleum Corporation and Nest Oil Plc. over Custody Transferring Metering Station in OB3 Project, Omoku.

7. C/2018/039/AKS

The Commission received a complaint from Y dated 14th Feb 2018 alleging that upon his father's death, the respondent, who is also his step mother, claimed all of his late father's property denying him, his siblings and the other wives of their share.

8. SWZ/18/236

The Commission received a complaint dated the 22nd November 2018 from XY alleging that their client had enjoyed an exclusive and uninterrupted possession of the Island until 1976 when the

Military Government purported to have compulsorily acquired the entire island along Badagry Porto Novo Creeks. The compulsory acquisition was made without any compensation to their clients.

9. C/2018/725-735/HQ

The Commission received a complaint dated 28th February, 2018 from Y alleging the compulsory acquisition of his community land by the Imo State Government without payment of compensation.

10. C/2018/808/HQ

The Commission received a complaint dated 27th March, 2018 from Y alleging compulsory acquisition of his land by the Nigerian Railway Corporation in Ibadan, Oyo State, without the payment of compensation.

11. C/2018/110/AKS

The Commission received a complaint from X dated 9th July, 2018, alleging that her late father's property which is supposed to cater for her sister schooling as well as their feeding was taken over by their stepmother and step brothers after their uncle and the family head have shared the property to everyone.

12. C/2018/CPR/3546-3550/HQ

The Commission received a complaint on the 1st August, 2018 from XY on behalf of a family in Ogun State and forty (40) others against the Nigerian Army alleging unlawful destruction, demolition of property and intimidation.

13. C/2018/92/AKS

The Commission received a complaint from Y dated 10th July, 2018, alleging that his father died in January 4, 2017 and was buried the same year. That presently, he is in year 2 studying Microbiology in the University of Uyo, and had been receiving proceed from his late father's property to pay his school fee and feeding. He also alleged that his stepmother who packed out from the house, immediately her husband died reported him to the Village Head and others claiming that he is an adopted child and she was planning to take over his Late father's property for herself and child.

14. C/2018/IMS/20

The Commission received a complaint dated 9th of March, 2018 from XY on behalf of the people of Umuotukwe, Umuowa Community in Ngor Okpala LGA of Imo State alleging compulsory acquisition of UmuotukweUmuowa Lands by Imo State Government without payment of compensation.

15. C/2018/IMS/31

The Commission received a complaint dated 11th August, 2018 from Y alleging that the forest reserve belonging to their family was taken over by the Imo State government in the last 35 years and was given to the Ministry of Agriculture and National Resources. He also alleged that the family has not been compensated and they are demanding the sum of N50,570,00 (Fifty Million Five Hundred and Seventy-Nine Naira) which covers their royalty, honorarium and produce reward on harvested timber tree species.

16. SWZ/18/136

The Commission received a complaint dated 7th August 2018, from XY alleging that property situated at Lebanon Street, Dugbe in Ibadan was sold to their client in which all the original documents of the property were deposited in a bank. XY also alleged that another company is now laying claim over the property and XY had been denied access to the property.

17. SWZ/18/187

The Commission received a complaint dated 24th September, 2018 from Y alleging that the respondent repeatedly distorted facts relating to the family's history in a bid to deprive other members of the family their entitlements. Y further alleged that the family properties had been converted for personal use by the respondent who continued to receive proceeds from the said properties till date.

18. SWZ/18/188

The Commission received a complaint on the 3rd of October, 2018 from Y alleging that he had been sidetracked and schemed out of his share of the family income from the inheritance of his deceased's father by his mother and Two (2) sisters.

19. SWZ18/237

The Commission received a complaint on the 22nd of November, 2018 from X alleging that the lawyer to her deceased husband conspired with other persons to deny her of her inheritance from her deceased husband. It was further alleged that the lawyer was trying to sabotage a subsisting court case relating to the estate of the deceased.

20. C/2018/CPR/3815/HQ

The Commission received a complaint dated 6th November, 2018 from Y alleging that he was unlawfully deported by the German authorities and deprived of his property by the Nigeria Immigration Services on his arrival at Murtala Mohammed International Airport, Ikeja, Lagos State

21. C/2018/1711/HQ

The Commission received a complaint dated 11th May, 2018 from XY alleging that on the 13th February, 2018 a team of Police Officers from State Investigation Intelligence Bureau, Osun State and State Criminal Investigation Department went to their client's residential home and demolished his building without obtaining a court order. XY also alleged that the demolition was done on the instructions of the Osun State Police Command.

RECOMMENDATION

1. Governments at all level should desist from carrying out arbitrary demolition of properties of citizens and ensure prompt and adequate payment of compensation where the right of citizens to own and acquire properties have been violated⁹⁰.

⁹⁰ Section 44 (1) (a), CFRN, 1999.

**PART TWO
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CHAPTER 10
RIGHT TO HEALTH**

**BY
KABIRU ELAYO**

INTRODUCTION

The human right to health connotes a situation where individuals meet the highest attainable standard of physical and mental health. This standard encompasses access to all medical services, sanitation, adequate food, decent housing, healthy working conditions, and a clean environment.

It is instructive to mention that the World Health Organization (WHO) articulated the first specific international health and human rights provisions⁹¹ where in the preamble to its Constitution (written in 1946), it declares:

... the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic, or social condition.

The realization of the right to health may be pursued through numerous and complementary approaches, such as the formulation of health policies, or the implementation of health programmes developed by the World Health Organization (WHO) or the adoption of specific legal instruments⁹².

After the promulgation of the WHO Constitution which articulated the right to health, Article 25 of the Universal Declaration of Human Rights (UDHR) affirmed the right to health thus:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control

It can be deduced from the above, therefore, that the right to health implies the highest attainable standard of physical and mental well-being which is critical to all aspects of a person's life and well-being, and, thus, an anchor to the realization of other rights.

Conversely, the right to health should not be seen as a right to be healthy.⁹³ For instance, the state cannot be expected to provide its citizens with protection against every possible cause of ill health

⁹¹J Asher, 'The Right to Health: A Resource Manual for NGOs' (2004, Commonwealth Medical Trust), page 17.

⁹²Article 12, CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health

⁹³ Ibid.

or disability such as the adverse consequences of genetic diseases, individual susceptibility and the exercise of free will by individuals who voluntarily take unnecessary risks, including the adoption of unhealthy lifestyles.⁹⁴

Right from the beginning, the right to health was designed in such a wide perspective to encompass a right to a standard of living adequate for basic health. This position corresponds with the public health principle that health status is contemporaneous with socio-economic factors that are generally accepted as falling outside the confines of clinical curative medicine.⁹⁵

Flowing from the above, therefore, the right to the highest attainable standard of health is an encompassing approach to health care. In this regard, both social conditions and health care are essential elements of health status. These elements include provision of safe drinking water, adequate sanitation, health education, and information, gender equality and resource distribution. Other issues include violence and armed conflict.

RELATED HEALTH AND HUMAN RIGHTS ISSUES

It is important to mention that there are some human rights issues that are also related to right to health. These include right to freedom from discrimination⁹⁶, torture, inhuman or degrading treatment and harmful traditional practices. Other related human rights include the right to life, education, food, nutrition, privacy, participation and the right to receive and impart information. Another important component of the right to health worthy of mention is that of the Public Health.

From this pedestal, the right to health includes:

- i. Comprehensive Primary Health Care;
- ii. Adequate, accessible, acceptable, and affordable, appropriate, and equitable health care services;
- iii. Basic immunization;
- iv. Adequate Nutrition;
- v. Adequate housing;
- vi. Freedom from violence;
- vii. Sexual and reproductive health information and services, including family planning and, in general, the right to clean and safe environment;
- viii. Information about health.

NIGERIA'S TREATY OBLIGATIONS ON RIGHT TO HEALTH

Nigeria as member- State of the United Nations (UN) has signed and ratified several international and regional human rights Instruments that guarantee and protect the right to health. These

⁹⁴ Ibid.

⁹⁵ Ibid

⁹⁶ This right seeks to protect the poor and vulnerable groups in the society as poverty has been identified as a major adverse risk factor for health status in the world.

Instruments include the International Covenant on Economic⁹⁷, Social and Cultural Rights (ICESCR)⁹⁸, Convention on the Elimination of all Forms of Discrimination (CERD)⁹⁹, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)¹⁰⁰, the Convention on the Rights of the Child (CRC)¹⁰¹, the African Charter on Human and Peoples' Rights (African Charter)¹⁰³, the African Charter on the Rights and Welfare of the Child¹⁰⁴ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa¹⁰⁵.

Nigeria is also a party to two health-related Civil and Political Rights Treaties. These treaties are

- the International Covenant on Civil and Political Rights (ICCPR);¹⁰⁶
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;¹⁰⁷

The country is also a party to the Geneva Conventions and Additional Protocols that prescribe rules for the conduct of warfare, which includes health-related obligations.

Furthermore, Nigeria belongs to other forums that address health related matters. These include the World Health Assembly (WHA), Programme of Action of the 1993 UN International Conference on Population and Development and the 1995 Beijing Declaration and Platform for Action.

THE BASIC COMPONENTS GOVERNMENT'S OBLIGATIONS

The United Nations Committee of Economic, Social and Cultural Rights (CESCR) in *General Comment 14*, states that the core obligations¹⁰⁸ of government arising from the right to health includes:

- a. Obligation to provide healthcare facilities¹⁰⁹, goods and services that are essential for treatment of illnesses and rehabilitation;
- b. Obligations regarding underlying determinants of health. This include provision of safe and portable water, adequate sanitation, adequate supply of food, nutrition,

⁹⁷ Adopted on 16th December 1966

⁹⁸ See Article 12

⁹⁹ See Article 5 (d) (iv)

¹⁰⁰ See Article 12

¹⁰¹ See Article 24

¹⁰² Entered into force in 1986

¹⁰³ See Article 16

¹⁰⁴ See Article 14

¹⁰⁵ See Article 10 (1) ©

¹⁰⁶ See Article 7

¹⁰⁷ See Article 14

¹⁰⁸ Article 43, CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12) Adopted at the Twenty-second Session of the Committee on Economic, Social and Cultural Rights on 11 August 2000 (Contained in Document E/C.12/2000/4).

¹⁰⁹ This presupposes timely and appropriate health care including hospitals, clinics, and essential medicine.

- housing, healthy occupational and environmental conditions, education and information about health, including sexual and reproductive health;
- c. Government is under obligation to ensure that its citizens can participate in decision-making processes including the design and implementation of health policies that affect them at the local, national and international levels.

THE DOMESTIC LEGAL FRAMEWORK

In Nigeria, the right to health is one of the Economic, Social and Cultural (ESC) Rights provided for under the Fundamental Objectives and Directive Principles of State policy. This can be found in Chapter II of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

Section 17 © and (d) thereof provides that government has responsibility to: **“ensure that health and safety of all persons in employment are safeguarded” and that “there are adequate medical and health facilities for all persons”**.¹¹⁰

It is remarkable to mention that courts in the country have adopted a progressive approach in their judicial interpretation by linking right to health to the right to life. By this stretch, the courts tend to uphold Nigeria’s obligations on the right to life as encapsulated in international statutes.¹¹¹ A case in point is *Gbemre v Shell Petroleum Development Company Nigeria Limited and others*.¹¹² Here, in an action filed to challenge the continuous gas flaring activities of the defendant in the course of its oil and gas exploration and production in the Niger Delta area of Nigeria. The court held that the constitutionally guaranteed right to life and dignity of human person inevitably include the right to clean, poison free, pollution-free and healthy environment.

In arriving at this decision the court not only relied on the constitutional provisions guaranteeing the right to life and dignity of the person but also on the international obligation undertaken by Nigeria under articles 4, 16 and 24¹¹³ of the African Charter on Human and Peoples’ Rights which has been ratified and form part of Nigeria’s organic laws.

Also, although there used to be opinions about the non justiceability¹¹⁴ of Chapter II of the Constitution of the Federal Republic of Nigeria 1999 which some analysts posit as affecting the realisation of Economic, Social and Cultural Rights contained therein, the Supreme Court in *Attorney General of Ondo State V Attorney General of the Federation*¹¹⁵ has put to rest this issue.

¹¹⁰ It does appear that this section adopts the approach of the UN CESCR where it creates a legal obligation on the state to guarantee the right to health care for all Nigerians.

¹¹¹ Although The courts’ decisions do not explicitly stretch right to life in Nigeria to include right to health care, their approach serve as a guide to improve the understanding of right to health in Nigeria.

¹¹² Suit No. FHC/B/CS/53/05; (2005) AHRLR 151 (NgHC 2005)

¹¹³ These respective Articles guarantee the Right to Life and integrity of human person, the right to attain the best attainable state of physical and mental health and right to general satisfactory environment favourable to development.

¹¹⁴ It is well established as per section 6 subsection (6) (c) of the constitution that rights under the fundamental objectives and directive principles of state policy are not justiciable except as otherwise provided in the constitution.

In this landmark case, the apex court held that where the subject of promoting and enforcing the observance of the Fundamental Objectives and Directive Principles of State Policy comes under the purview of legislative powers the National Assembly can enact a law to enforce the observance of the objectives contained in Chapter II of the Constitution of the Federal Republic of Nigeria 1999¹¹⁶.

It is remarkable to mention that Justice Muhammad Lawal Uwais (as he then was), in his lead judgment made allusion to a case in India which dwelt on the issue of justiciability of Economic, Social and Cultural Rights. He stated thus:

The Constitution of India has similar provision to ours on Directive Principles of State Policy in Part I thereof. In the Indian case of *Mangru v. Commissioner of Budge Municipality (1951) 87 C.L.J. 369*, it was held that the Directive Principles require to be implemented by legislation, and so long as there is no law carrying out the policy laid down in a Directive neither the State nor an individual can violate any existing law or legal right under colour of following a Directive...

REGULATORY FRAMEWORK

The health sector is anchored on the National Health Act 2014 (“the Act”) and the Federal Government’s National Health Policy (NHP) for the attainment of Universal Health Coverage¹¹⁷ (UHC) and other health-related Sustainable Development Goals (SDGs).

The UHC essentially refers to health systems providing both access to health services and financial protection which includes avoiding out-of-pocket payments and assisting citizens to access health services at a reduced rate¹¹⁸. A key feature of UHC is that it includes prepayment and that it supports risk pooling, which ensures the spread of risk across time and across individuals. It also presupposes a National Health Insurance model which are state funded and government managed, and systems of Social Health Insurance (SHI)¹¹⁹.

¹¹⁵ (2002) 6 S.C. (Pt) 1

¹¹⁶ See also the Shorter Constitution of India 12th Edition by Dr. D.D. Basu at pages 296 - 297. Flowing from this position, the various legislative enactments on health matters which are made pursuant to section 17 of the CFRN 1999 (as amended) are to ensure the observance and enforceability of the right to health.

¹¹⁷ Universal health coverage means that all Nigerians get quality health services where and when needed without suffering financial hardship.

¹¹⁸ E G Wright and O Schellenke, ‘Achieving Universal Health Coverage in Nigeria One State at a Time’ (June 2013) Brooke Shearer Working Paper Series II page 2. <<https://www.brookings.edu/wp-content/uploads/2016/06/Achieving-Universal-Health-Coverage-in-Nigeria.pdf>> accessed on 8th January 2018

¹¹⁹ Ibid.

Equally, achieving good health is essential to sustainable development and the 2030 Agenda reflects the complexity and interconnectedness of the two. It takes into account widening economic and social inequalities, rapid urbanization, threats to the climate and the environment, the continuing burden of HIV and other infectious diseases, and emerging challenges such as non-communicable diseases. Universal health coverage will be integral to achieving SDG 3, ending poverty and reducing inequalities.

According to the United Nations Development Programme (UNDP) efforts must be made to address other global health issues that may not have been clearly included in the SDGs¹²⁰.

In order to ensure a robust health system in the county, section 5 of the Act obligates the National Council on Health (NCH) to ensure the delivery of basic health services to the people of Nigeria and prioritize other health services that may be prescribed from time to time by the Minister of Health after consultation with the NCH. It is also under obligation to ensure that children between the ages of 0 and 5 years as well as pregnant women are immunized with vaccines against infectious diseases.

Pursuant to the National Programme on Immunization (NPI) Act 1997, there is no limitation with respect to age as the Government is required to effectively control, through immunization and the provision of vaccines, the occurrence of certain deadly diseases such as tuberculosis, poliomyelitis, diphtheria, whooping cough, tetanus, neonatal tetanus, measles, diseases of women of child-bearing age.

Also in line with the concept of the UHC, the National Health Insurance Scheme Act¹²¹ established the National Health Insurance Scheme aimed at providing easy access to healthcare for all Nigerians at an affordable cost through various prepayment systems. It seeks to guarantee universal coverage and access to adequate and affordable healthcare in order to improve the health status of Nigerians, especially for those participating in the various programmes of the Scheme.

It is instructive to mention that 14 States passed their state health insurance laws. These are Lagos, Oyo, Ekiti, Delta, Bayelsa, Cross River, Akwalbom, Kwara, Abia, Adamawa, Kano, Anambra, Sokoto and Bauchi.

CHALLENGES IN THE HEALTH SECTOR

Despite legal and regulatory framework to guarantee the right to health as well as Nigeria's commitments, the health sector leaves much to be desired. The health centers are poorly equipped and the attendants not adequately remunerated. According to the International Centre for Investigative Reporting (ICIR), dozens of Primary Health Centre (PHCs) across the country lack basic equipment, drugs and personnel, while those that were built by the federal government remained locked up.

¹²⁰ UNDP SDG GOAL 3: <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html>

¹²¹ Cap N42, Laws of the Federation of Nigeria, 2004.

Furthermore, the country still battles with disease burdens as follows:

- Maternal, child and infant mortality rates in Nigeria remain among the world's highest. The main causes of infant and child deaths are pneumonia, diarrhea, malaria and neonatal causes;
- Although there have been improvements in child nutrition, but malnutrition remains a major concern, particularly in northern Nigeria.
- Tens of millions of people still lack access to clean water and proper sanitation, despite some progress;
- Nigeria has the second highest HIV burden in the world. Coverage for services for prevention of mother-to-child transmission of HIV (PMTCT) remains low, and pediatric infections account for almost one third of the global burden.
- Malaria remains the foremost killer disease in Nigeria. It has the highest burden of disease in Nigeria with an estimated 300,000 children dying of malaria each year.

REPORTED CASES ON RIGHT HEALTH

1. C/2018/3903/NZC

The Commission received a complaint from Y on the 30th of October 2018, alleging that he took his son to a primary health centre for treatment where the child was given an injection which affected the legs. He further alleged that he took the child to a Teaching Hospital and carried out tests which showed that the injection might have damaged a nerve or muscle and the Primary Health Centre did not bother to ask about the child nor help in the treatment to see if it can be corrected.

2. C/2018/ESCR/4521/HQ

The Commission received a complaint dated 10th October 2018 from Y alleging that the massive flood of 2018 had caused the displacement of many people in the Ijaw homelands of Rivers, Bayelsa and Delta States. Also that it left the community with health complications and government refused to show concern.

3. C/2018/ESCR/3493/HQ

The Commission received a complaint from Y on the 2nd August 2018 alleging that on 13th July 2018 he was knocked down by the convoy of the Governor of one of the states in the North Central region along Area 10 in Abuja. He alleged further that he was rushed to the Garki General Hospital but was abandoned in the hospital, as well as, neglected by the Governor. He also alleged that due to lack of fund, he was not able to get the necessary medical attention required. Y also claimed that his family has suffered some hardship, because he has been unable to fend for them due to the injury, he sustained during the accident restricted mobility.

4. C/2018/ESCR/1153/HQ

The Commission received a complaint dated 20th April 2018 from Y alleging maltreatment from National Health Insurance Scheme and Federal Medical Centre Owerri. He alleged that he retired from the Federal Civil Service, took ill and was referred from a private medical facility to NHIS Owerri/Federal Medical Centre Owerri to continue treatment. That sadly, he was frustrated and unable to access proper medical care.

5. C/2018/IMS/24 (C/2018/1153/HQ)

The Commission received a complaint dated 19th June, 2018 from Y of Umuopara-Eziamakeduru L.G.A, Owerri, Imo State alleging poor medical attention.

MEDIA REPORT ON RIGHT TO HEALTH

1. On 3rd January, 2018, Daily Trust Newspaper reported on page 4 that meningitis in Zamfara State killed five people and necessitating treatment for a dozen others. An official in the state ministry of health stated that many local government areas in the state was affected. Figures of the dead and affected people were being collated at the director of public health in the ministry of health.
2. On 6th March, 2018, The Guardian Newspaper reported on page 3 that Lassa fever outbreak in the country claimed 20 more lives, caused 35 confirmed new cases and 40 fresh suspected infections in 18 states within one week. This update was released by the Nigeria Centre for Disease Control. Between February 26 and March 4, 2018, 35 new confirmed cases were recorded in five states of Edo, Ondo, Plateau, Ebonyi and Bauchi.
3. On 8th March, 2018, Daily Trust Newspaper reported on page 6 that the Jigawa State Commissioner of Health stated that 14 people died within the last 5 months from Cerebral Spinal Meningitis in Jigawa state. The Commissioner stated that the outbreak was recorded in 11 local government areas and that drugs for the treatment of the disease has been supplied to the state.
4. On 1st May, 2018, Daily Trust Newspaper reported on page 5 that National Agency for the Control of AIDS (NACA) has called for the speedy implementation of the HIV Workplace Policy and Anti-discrimination Law (2014). The agency said in a statement that HIV response in Nigeria was encumbered with cases of employment related stigma and discrimination, which continued to constitute threat to the goal of ending the AIDS epidemic by 2030. It continued that, people living with HIV have a fundamental right to work just like everyone else, stigma and discrimination were potent threat to this right.
5. On the 7th of May, 2018, The Guardian Newspaper reported on page 5 that about 7000 people mostly women and children were adversely affected due to lead poisoning associated with mining activities in gold bearing zone of Nigeria. The States are Zamfara, Kebbi, Niger, Kaduna, FCT and Osun.
6. On 15th May, 18, Leadership Newspaper reported on Page 37 that the Minister of Health said that the country stands to lose about 4.6m children in the next 10 years if immunization effort is not strengthened. He further stated that one out of four children receive full dose of the vaccines.
7. On 5th June, 2018, The Guardian Newspaper reported on page 10 that no fewer than 5 persons were killed by cholera while over 200 persons were either hospitalized or under

surveillance in Plateau, Nasarawa and Kaduna States. The Plateau State commissioner of health said that the situation was compounded by the industrial action by the Joint Health Sector Union.

8. On 1st August, 2018, Daily Trust Newspaper reported on page 9 that the Vice president launched the Patients' Bill of Rights to enhance healthcare service delivery in the country.
9. On 17th August, 2018, Daily Trust Newspaper reported on page 30 that the National Primary Healthcare Development Agency has decried the high number of unimmunized children in Nigeria. The Executive Secretary stated that there were over a million unimmunized children in the country according to the Data of WHO.

CONCLUSION

The right to health is a strong foundation for Universal Health Coverage and a resilient health system that will guarantee the attainment of the threshold for physical and mental well-being.

RECOMMENDATIONS

- The government must take positive steps to address challenges in the health sector by ensuring the implementation of laws, policies and programmes aimed ensuring the overall physical and emotional well-being of the citizenry;
- Ensure the rehabilitation of primary health care centers across the country;
- Ensure the full implementation of the Sustainable Development Goals in order to guaranty complete well-being for all.

CHAPTER 11 RIGHT TO EDUCATION

BY
ZARAU ABUBAKAR-ABDULLAHI

INTRODUCTION

Education by its nature provides the basis for the realization of other human rights. This is because an educated person is able to impart his or her ideas and as well use their education in defense of other rights such as freedom of association, freedom of expression, political participation¹²². It is for this reason that education is viewed as an empowerment right¹²³.

According to the United Nations Committee on Economic, Social and Cultural Rights (CESCR), the right to education is crucial to addressing issues that affect women, children, persons with disabilities and promoting human rights and democracy, the environment and controlling population growth¹²⁴.

This right is so important that is enshrined in some important human rights instruments including the Universal Declaration of Human Rights (UDHR).¹²⁵ Article 2 of the Protocol to the European Convention on Human Rights and Fundamental Freedoms as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹²⁶

SOME KEY ELEMENTS OF EDUCATION AND HUMAN RIGHTS CONSIDERATIONS

The CESCR in Article 13 (2) of its General Comment 1999¹²⁷ states that the fulfillment of the right to education in all its forms and at all levels shall exhibit the following interrelated and essential features¹²⁸:

(a) Availability – This presupposes availability of functional educational institutions and programs that are adequate in a country. In this regard, certain factors become essential. These include good building, sanitation facilities for both sexes, safe drinking water, trained teachers, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology

¹²² A Chapman and S Russel, 'Core Obligations: Building a Framework for Economic, Social and Cultural Rights' (2002) page 219. See also the General Comment 13 of the UN Committee on Economic Social and cultural Rights 1999

¹²³ Ibid.

¹²⁴ COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS Twenty-first session 15 November-3 December E/C.12/1999/10 8 December 1999

¹²⁵ See Article 26

¹²⁶ F Coomans, 'Justiciability of the Right to Education' (Vol2 Issue 04 2009) *Erasmus Law Review*

¹²⁷ Ibid

¹²⁸ Ibid

(b) Accessibility - Educational institutions and programs have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Education must be non-discriminatory and accessible to all, it should be within safe physical reach, it should be affordable to all and also acceptable.

(d) Adaptability - Education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social backgrounds.

It is pertinent to state that, Nigeria is a party to international and regional instruments on the right to education. These instruments guarantee of the right to education. For instance, Article 26 of the Universal Declaration of Human Rights (UDHR) provides:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. ... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms

On the other hand, the IECSR contains an elaborate provision on the right to education. It provides that:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace

For the effective realization of this right, Article 13 (2) of the ICESCR states that, Primary education shall be compulsory, available and free to all. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education. The development of a system of schools at all levels shall also be actively pursued and the material conditions of teaching staff shall be continuously improved.

There are provisions of similar nature in other human rights instruments such as the African Charter on Human and Peoples' Rights (ACHPR), the Convention on Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

THE DOMESTIC LEGAL FRAMEWORK

The Constitution of the Federal Republic of Nigeria 1999 also recognizes the right to education, in chapter II, Section 18 provides that:

‘...Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels’.

(2) Government shall promote science and technology

(3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide

(a) Free, compulsory and universal primary education;

(b) Free secondary education;

(c) Free university education; and

(d) Free adult literacy program

The Child Rights Act 2003 (CRA) and the Compulsory Free Universal Basic Education Act 2004 (UBEC) respectively provide also that, every child has the right to free, compulsory and universal basic education and it shall be the duty of government to provide such education.

Although the right to education is mentioned in chapter II of the CFRN 1999 as a Fundamental Objective and Directive Principle of State Policy all organs or government are obligated to ensure the realization the of the right to education as well as other FODP. In this regard, section13 of the CFRN provide:

It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.

It is important to mention that the National Policy on Education seeks to address the issues of imbalance in the provision of education in the different parts of the country with regard to access, quality of resources and girls’ education.

The Federal Ministry of Education is the Ministry responsible for the coherence of the NPE and procedures to ensure that the states’ policies operate within the bounds of NPE, taking into consideration, local realities. The co-ordination of this policy at the political level takes place through the National Council of Education. This is the highest policy making body, chaired by the Federal Minister of Education and includes all the State Commissioners of Education. This body is advised by the Joint Consultative Committee on Education which consists of all the Federal and State Directors of Education, Chief Executives of educational statutory bodies.

However, notwithstanding Nigeria’s commitment towards the realization of the right to education and judicial activism in this regard, the education sector is faced with challenges which include, increase in out-of-school children, poor infrastructure, poor teachers’ welfare, funding gaps, effect of insecurity in the country, among others.

For instance, The Universal Basic Education Commission stated that result from the Demographic Health Survey conducted by UNICEF in 2015 show that the number of out of school children in

Nigeria has risen from 10.5 million to 13.2 million, which accounts for more than one in five out-of-school children and 45 percent of out-of-school children in West Africa.¹²⁹

This is happening at the time world leaders have committed themselves to 17 global goals for Sustainable Development to end extreme poverty, fight inequality and injustice and protect our planet by 2030. Education is and placed as goal 4 of the global development agenda. The international community has therefore pledged to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”

Goal 4 is much more ambitious as it seeks to improve education through greater access and equity for all ages of learners as well as improved and safer learning space and expanded number of qualified teachers. The goal goes further and through policy level commitments, recognizes the importance of education in emergencies and the need to address the educational needs of children in conflict and crisis.

Goal 4.5 in particular, seeks to ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous people and children in vulnerable situations. In addition, it seeks to protect educational facilities from attack by providing safe learning environments. Collectively the goal seeks to ensure that children in crisis affected areas are on the SDG agenda at global and national levels.

COMPLAINTS RECEIVED BY THE COMMISSION DURING THE YEAR UNDER REVIEW IN RELATION TO RIGHT TO EDUCATION INCLUDE THE FOLLOWING:

1. C/2018/ 67 /SSZ

The Commission received a complaint from Y on the 3rd of May, 2018 via an e-mail alleging that some West African Examination Council officials were compelling candidates to pay a compulsory sum of money called ‘signing fee’ which will enable the candidates cheat in the exam.

2. C/2018/42/53/B

The Commission received a complaint from Y alleging that he graduated in 2016 from the Department of Public Administration, University of Benin. Having successfully completed his course of studies, he was allegedly awarded Bachelor of Public Administration (BPA) instead of Bachelor of Science (B.SC) and backdated the year of his graduation to 2014/2015.

3. C/2018/36/SSZ

The Commission received a complaint dated 16th of May, 2018, from X alleging that the management of her children’s School in Port Harcourt refused to refund the sum of N141,000.00 paid as school fees for her three children for third term, 2015/2016 academic section to enable them sit for their examination. She alleged that the money was paid into the account of the school by her ex-husband as ordered by the court whereas the children are no longer in the school.

¹²⁹ ubec.html

4. C/2018/933/HQ

The Commission received a complaint from X dated 18th April, 2018. She alleged that her daughter's right to education was been infringed upon, by her school at Mararaba, Nassarawa State. She also alleged that her daughter was victimized verbally, emotionally and physically to forcefully sign a malicious undertaking and that failure to comply will lead to her expulsion from the school.

5. C/2018/ESCR/4525/HQ

The Commission received a complaint dated 28th September, 2018 from **XY** on behalf of students of an Islamic School against the Principal of the school. According to **XY**, some students attended the day school to enable them go to Islamic schools in the evening. However, the Principal has made it mandatory for every student to pay boarding fees thereby scrapping day school and compelling students to either stay in the school or withdraw. Parents of the affected students are concerned because their children will be denied the opportunity to continue with their Islamic education. Despite several pleas from the parents, the school authority has refused to reverse the new policy.

6. C/2018/47/SSZ

The Commission received a complaint from Y on the 1st of August, 2018 alleging that he registered with the University of Port Harcourt to do a part time Degree Program for five years. He alleged that at the end of the five years of the programme, the University stretched it to extra two years while he didn't have any carry over to warrant that.

7. C/2018/32/SSZ

The Commission received a complaint from Y dated 22nd of February, 2018 alleging that he was wrongfully rusticated from the University of Port Harcourt due to irregularities in school fees. He also alleged that all attempts to make the University reverse the decision failed.

8. C/2018/107/SSZ

The Commission received a complaint from X on the 2nd of September, 2018 alleging that she was wrongfully rusticated from the university for malpractice during her first semester examination of PCG 411.1 (Phytopharmaceutical and Medicinal Herbs) which took place in May 2017, X further alleged that there was no prima facie case established against her to prove she cheated though she signed the malpractice acceptance paper forwarded to her on the day of the said incident.

9. C/2018/108/SSZ

The Commission received a complaint from Y on the 3rd of August, 2018 alleging that he was a student of the Pharmacy department and during his first semester examination, titled PCL 561.1 (Chemotherapy of Diseases) he was accused of malpractice. He further alleged that the school did not follow the laid down rules of investigation of malpractice as stated in the General Regulation and Statement of Academic Policies (March 2016).

10. C/2018/ESCR/4783/HQ

The Commission received a complaint dated 22nd February 2018, from Y alleging violation of his right to education by Ahmadu Bello University Zaria. Kaduna State. He alleged that he was involved in an accident which affected his leg, and he had to suspend school. That he later resumed, but that in 2016, he discovered that some of his results were not inputted in the computer, and that till date, the school management failed to address the issue.

11. C/2018/113/B

The Commission received a complaint from Y on 16th July, 2018 alleging that he graduated from the Department of Microbiology, Ambrose Ali University Ekpoma, Benin City - Edo State in 2006. That in 2009 and 2017 respectively, he requested for his transcript and was not granted. That the University's Examination and Records Department was complaining of Computer system failure.

12. C/2018/ESCR/38/HQ

The Commission received a complaint from Y on the 24th October, 2018, alleging that his right to education had been infringed upon by the school Authority where he graduated from by denying him access to his result sheet/ transcript.

13. NHRC/NEZO/MDR/C/002/2018

The Commission received a complaint from X and 7 others on 3rd January 2018, alleging that the management of the school closed registration despite the fact that thousands of students were unable to finish their registration.

CONCLUSION

Obtaining a quality education is the foundation to improving people's lives and sustainable development. Major progress has been made towards increasing access to education at all levels and increasing enrolment rates in school particularly for women and girls. Education is a rig indispensable for the achievement of sustainable development, we are only able to empower girls, combat climate change, fight inequality and end extreme poverty if all stakeholders commit themselves in advancing the education goals.

RECOMMENDATIONS

1. Nigerian Government should provide adequate funding to the educational sector and ensure effective use of it.
2. Government ensures effective implementation of the Universal Basic Education Act 2004 and other laws that mandate access to free basic education.

CHAPTER 12 LABOUR RIGHTS

BY
HYGINUS NJOKU

INTRODUCTION

The rights of workers in Nigeria are guaranteed and protected by the Constitution of the Federal Republic of Nigeria CFRN 1999, as amended, Labour legislations as well as international and regional human rights instruments, to which Nigeria is a party. The effect of these instruments guarantees the basic tenets of workers' rights and seeks to uphold labour standards that represent the minimum requirements under which workers provide their services. It also provides avenues through which workers can lay claim to protection and ensure that conditions of work are just and humane.

Sections 17 and 42 of the Constitution of the Federal Republic of Nigeria CFRN 1999¹³⁰, as amended guarantee that all citizens shall, without discrimination, have equal opportunity to secure their livelihood under just and humane environment. These provisions are also contained in the African Charter on Human and People's Rights¹³¹ and (Cap A9) Laws of the Federation of Nigeria 1990¹³².

The Labour laws that confer rights on workers and define obligations include: The Labour Act 2004 Article 1, Trade Union Act 1973 Article 3 and the Wages Board and Industrial Councils Act (Cap. 466) (No. 1 of 1973). The combined effect of these legislations seek to guarantee and recognize the right of workers to organize, the right to collective bargaining as well as the right of unions to act on behalf of their members. Furthermore, there is the Factories Act, and Employee's Compensation Act, which seek to protect workers from work-related hazards and diseases as well as making provisions for compensation for injuries or disabilities suffered in the course of employment.

In order to give effect to these laws, the Nigerian government established statutory bodies with defined mandates, namely, the Federal Ministry of Labour and Productivity (FMLP), National Labour Advisory Council (NLAC), Industrial Arbitration Panel (IAP) and the National Industrial Court of Nigeria (NICN).

However, despite the legal and regulatory framework for the protection of workers and the fact that Nigeria is a party to over 30 International Labour Organization (ILO) Conventions, violations of trade union rights are widespread in the country. The trend of these violations include, but are not limited to, intimidation of workers that are members of trade unions, refusal by employers to recognize trade unions, and dismissal of workers' representatives for trade union activities.

¹³⁰ 1999 Constitution of the Federal Republic of Nigeria

¹³¹ Article 15 African Charter on Human and People's Rights

¹³² *cap A9 laws of the federation of Nigeria 1990*

An increase in the casualization of workers has led to difficulties in organizing workers particularly in the oil and construction industries.

According to ILO Declaration on Social Justice for a Fair Globalization (2008)¹³³, social security and the fundamental principles and rights at work are inseparable, interrelated and mutually supportive. There are many ways in which social security interrelates with fundamental principles and rights at work.

For example, the recognition of freedom of association opened the way for worker mutual solidarity organizations to collectively share the risks related to loss of health or income. These response mechanisms ultimately paved the way for modern social security institutions and in particular the democratic participation of social partners in the management of social security systems. Today, freedom of association and collective bargaining are seen as indispensable for setting up supplementary social security benefits that are created and managed by social partners themselves.¹³⁴

Relevant Sustainable Development Goal SDG Targets related to Working Conditions

- Target 5.4 **Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate.**

- Target 8.5 Implores States to achieve “full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value” by 2030.

- Target 8.7 Mandates States to “take immediate and effective measures to eradicate force labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and by 2025 end child labour in all forms.”

- Target 8.8 **Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment**

- Target 10.4 **Adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality. These policies are put in place to reduce inequalities in working places.**¹³⁵

¹³³ <https://socialprotection-humanrights.org/key-issues/relationship-with-other-human-rights/labour-rights/>, accessed 10 January 2020.

¹³⁴ [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/WCMS_558586/lang--en/index.htm)

¹³⁵ https://www.ilo.org/global/topics/dw4sd/themes/working-conditions/WCMS_558586/lang--en/index.htm. accessed 4 May 2020

SOME OF THE COMPLAINTS RECEIVED BY THE COMMISSION IN RELATION TO LABOUR RIGHTS DURING THE YEAR UNDER REVIEW INCLUDE THE FOLLOWING:

1. SWZ/18/085

The Commission received a complaint on the 2nd May, 2018 from XY, on behalf of her son, alleging that he was neglected by his employer after sustaining injuries from a gas explosion at his workplace. She further alleged that she had incurred a huge debt at the Hospital for his medical treatment and feeding. She further that the company released the sum of Two Hundred and Fifty Thousand Ninety Naira (N250, 090.00) only and had since turned a deaf ear to her pleas for continuous financial support.

2. C/2018/022/BN

The Commission received a complaint dated 20th March, 2018, from XY alleging that his brother worked as a Personal Assistant to different dignitaries in the General Office of NNPC Integrated Data Services Limited, Benin City and the former Group Managing Director and also to the Head of Admin and Personal Services. He further alleged that his brother was compulsorily retired as a Typist Supervisor in 1999 without payment of his entitlements.

3. SWZ/18/210

The Commission received a complaint on the 24th October, 2018 from Y alleging that his employer physically abused him. He further alleged that while he was resting after a double shift, the employer walked up to him and smashed a chair on his leg; thereby inflicting an injury on him.

4. C/2018/122/BN.

The Commission received a complaint dated 25th July, 2018, from Y alleging that after he had worked for his employer, he refused to pay him his due benefits and entitlements.

5. C/2018/18/EK

The Commission received a complaint from Y, a teacher at a school Ado Ekiti, on the 31st May 2018 alleging that his employer refused to pay his salary for four months.

6. C/SWZ/18/248.

The Commission received a complaint dated 3rd December 2018 from Y alleging that he was a former staff of Babcock University Teaching Hospital Ilishan-Remo as a Pharmacist between January 2013 till April 2018. He alleged that his appointment was terminated by the institution on the allegation of theft of 33 vials of Rocephin drug worth N500,000:00. (five hundred thousand Naira only). He further alleged that there was no proper investigation before his appointment was terminated.

7. C/2018/31/EK

The Commission received a complaint from Y of Ado Ekiti on the 8th August 2018 alleging that he worked for his employer for eight months before he quit. After his resignation from his place of employment, the employer refused to pay him.

8. C/2018/32/EK

The Commission received a complaint from Y of Ado Ekiti on the 17th Sept alleging that he worked for the Ekiti State Government for 26 years before his appointment was wrongfully terminated without benefits/entitlements.

9. C/2018/53/SSZ

The Commission received a complaint dated 4th April, 2018, from Y, a police officer residing in Port Harcourt, alleging that the Nigeria Police Force refused to pay his salary since 2014 and unlawfully dismissed him from the Force.

10. C/2018/ESCR/4427/HQ

The Commission received a complaint dated 9th October, 2018 from Y against a member of the House of Assembly. Y alleged to be a skills acquisition expert who trained people on various skill acquisition programs. According to Y, sometime in December, 2016, the Honourable Member approached him to train 160 members drawn from 3 wards of his constituency. Y claimed that from December, 2016 to January, 2017, he trained all of them on fishery and cosmetology for three weeks. Thereafter, a payment of one million, two hundred and thirty-six thousand, eight hundred naira (₦1, 236,800.00) was received for the training but he is yet to pay up a balance of one million, three hundred and fifty thousand naira (₦1,350,000.00).

11. C/2018/403/HQ

The Commission received a complaint dated 29th January, 2018 from Y who worked with the University of Calabar and retired as a Senior Laboratory Attendant. He alleged that since his retirement, he had not been paid gratuity.

12. C/2018/ESCR/4789/HQ.

The Commission received a Complaint dated 22nd October, 2018 from X regarding non-payment of promotion arrears and severance allowances from her employer. She was promoted to the rank of Senior Typist in 2013. Since then, she had not been paid promotion arrears. She further alleged that six others from her office were paid their entitlements except her and had written several letters to the Headquarters but nothing had been done.

13. C/2018/235/HQ

The Commission received a complaint dated 5th February, 2018 from Y who worked with the Nigerian Army from February, 1969 to 21st December, 1979 when he voluntarily retired from service. He also alleged that since his retirement, he had not been paid his pension.

14. C/2018/ESCR/5064-5095/HQ

The Commission received a complaint on 3rd December 2018 from a group of workers alleging that since January 2017, their employer had not paid them salaries.

15. C/2018/53/SSZ

The Commission received a complaint dated 14th November, 2018, from Y alleging that his employer in Port Harcourt terminated his appointment and owes him the sum of N190,700.00, being outstanding salaries since 3rd November, 2014. He also alleged that his employer had only paid the sum of N100,000.00 out of the total sum of N290,000.00 owed him in May,2018.

16. C/2018/55/SSZ

The Commission received a complaint dated 9th April, 2018 from Y alleging that he worked with a private company as a security man, from 16th April 2009 to 12th April, 2016 until his retirement. He was asked to submit all property belonging to the company before receiving his retirement benefits. He did as required but he is yet to receive his benefits.

17. C/2018/57/SSZ

The Commission received a complaint from Y dated 17th April, 2018 against a private company where he was previously employed. Y alleged that he worked for the company until his employment was terminated without due process. He further alleged that the private company also owes him seven months' salary in arrears.

18. C/2018/14/SSZ

The Commission received a complaint from Y dated 24th January, 2018 alleging that he was being owed five months' salary by his former employer and that all efforts he made to receive this money had been futile.

19. C/2018/76/SSZ

The Commission received a complaint dated 15th May, 2018 from Y alleging that he was involved in a ghastly motor accident while on duty as a driver for his employer. He claimed that the incident left him partially incapacitated, and his chances of driving again are slim. He said his employer only made initial payments for his medical bills and refused to make further payments for him to undergo corrective surgeries.

20. C/2018/26/SSZ

The Commission received a complaint dated 8th February, 2018 from Y alleging that he worked for his former employer until 2008 when he resigned. He further alleged that in that same year he made attempts to withdraw 25% of his pension but could not do so because his former employer failed to produce a letter stating that he worked with them. He further alleged that his former employer claimed that his details are no longer in their database.

21. C/2018/109/SSZ

The Commission received a complaint dated 6th August, 2018 from Y alleging that he was unjustly terminated from his place of employment after he received a query regarding a case of fraud. Y denied that he was never involved in any fraudulent matter.

22. C/2018/133/SSZ

The Commission received a complaint from Y dated 21st September, 2018 alleging that his employment at a hotel was terminated as a result of hotel reorganization measures. He claimed that he was being owed one-month salary.

23. C/2018/6/SSZ

The Commission received a Complaint dated 15th January, 2018 from Y alleging that he was owed two months' salary by his former employer and that all attempts to receive the money have been futile.

24. C/2018/13/SSZ

The Commission received a complaint dated 23rd of January, 2018 from Y against a security agency alleging that he was working as a security officer for the agency which was owing him three months salaries in arrears.

25. C/2018/46/EK

The Commission received a complaint from X of Ado Ekiti on 11th Oct 2018 alleging that she worked for the Ekiti State Government for twenty-eight years before her appointment was wrongfully terminated without payment of benefits/entitlements.

26. C/2018/ESCR/3447/HQ

The Commission received a complaint from Y on 25th July 2018 alleging that his former employer did not compensate him adequately for the injuries sustained on 21st February 2013 in the course of carrying out his duties at a project site in Maitama, Abuja. He also claimed that his left hand and right ear are currently impaired due to the accident and requires further medical assistance.

27. C/2018/333/HQ

The Commission received a complaint from Y on 13th February 2018, alleging non-payment of his 2-months' salary by his employer. He alleged that his boss victimized him and when he complained about the ill treatment being meted out to him, he was disengaged from the job on 15th February 2018. He further alleged that efforts to get his outstanding salary proved abortive.

28. C/2018/118/BN

The Commission received a complaint from Y on 23rd July, 2018, alleging that his entitlements have not been paid to him since he retired from the Ministry of Education in Edo State.

29. C/2018/558/BN

The Commission received a complaint from Y on 8th November, 2018, alleging that he was unjustly retired early due to a problem that was not his fault. He further alleged that the Ministry of Youth and Special Duties stopped paying his salary since August, 2017.

30. C/2018/66/BN

The Commission received a complaint dated 11th June 2018, from Y alleging that his employer refused to pay him his salary and when he applied for sick leave, he got a letter of termination instead.

31. C/2018/84/BN

The Commission received a complaint dated 19th June 2018, from X alleging that her husband died in 2012, while in active service as an Assistant Superintendent of Policeman (ASP). She also alleged that after processing and presenting all the necessary documentation, the Nigeria Police Force have refused to pay X her husband's benefits.

32. C/2018/93/BN

The Commission received a complaint dated 14th September 2018, from Y alleging that he worked as a Police Officer for 35 years. He also alleged that after retirement he processed and presented all relevant documents needed for payment of his benefits, but the Police Pension Board refused to pay him.

33. C/2018/83/B

The Commission received a complaint dated 19th June 2018, from Y alleging that he retired on 19th May, 2015, from the service of the Ministry of Agriculture and Rural Development. Since, then his arrears have not been paid.

34. C/2018/39/BN

The Commission received a complaint dated 1st June 2018, from Y who was employed as patrol officer at a Government Institution in Edo State. Y alleged that he was wrongfully disengaged from service in 2006.

35. C/2018/87/BN

The Commission received a complaint from Y on 21st June 2018, who was employed as a driver at a bank on 18th February 2008. Y alleged that his employment contract was terminated without his benefits or compensation being paid.

36. SWZ/18/189

The Commission received a complaint on the 2nd October, 2018 from XY alleging that his employer refused to accept the voluntary withdrawal of their membership from a previous Trade Union Association and accept the new one. It was further alleged that the alleged violator suspended them and instituted a court action against them and the new Trade Union Association.

37. C/2018/2008-2009/

The Commission received a Complaint dated 8th June, 2018 from Y alleging unlawful arrest and termination of appointment by his former employer in Apo, Abuja. He further alleged that his belongings (baggage) were seized by his former employer.

38. C/2018/CPR/3518-35197HQ

The Commission received a Complaint dated 6th August 2018 from XY on behalf of X and Y against Officers of the Immigration Service for detaining Y and X at the immigration Service Head Quarters for eight days on suspected case of human trafficking.

39. C/2018/51/BN

The Commission received a complaint dated 6th July 2018 from Y alleging that the management of Bendel Insurance Football Club refused to pay him his benefits amounting to the sum of One Million Seven Hundred Thousand naira (N1, 700,000.00.) He wrote several letters to the management without any response from them.

40. C/SWZ/18/232

The Commission received a complaint dated 21st November 2018 from XY who alleged that his sister was arrested by Lekki police station for an offence her husband allegedly committed. Y also alleged that the Police deprived her of using her phone in order to get the husband arrested.

41. SWZ/18/115

The Commission received a complaint dated 13th June 2018 from Y alleging that on the 26th April 2016, he was attacked at his residence at No. 20 Abeokuta Lagos, ItaOshin by 2 strangers and was forcefully detained against his wish for 60 days at Neuro Psychiatric Hospital Aro.

42. C/2018/545/BN

The Commission received a complaint dated 14th September 2018 from XY alleging that a man who worked with the Nigerian Police Force, died in service on the 4th June 2012 and his entitlements are yet to be paid.

43. C/2018/057/BN

The Commission received a complaint dated 5th June 2018 from X alleging that since 2013, she has not received her salary from the Ministry of Education, Edo State.

44. C/SWZ /18/025

The Commission received a complaint dated 29th January 2018, from Y alleging that the company, which he works with, owes him four (4) month's salary. The Company went on a break in August, 2017 and since then, representatives of the Company refused to answer his calls; neither did they get back to him.

45. C/SWZ/2018/198

The Commission received a complaint from Y on 19th October 2018, alleging non-payment for the services he rendered to Olive Multi-Specialist Hospital.

46. SWZ/2018/218

The Commission received a complaint from Y on 8th November 2018, alleging that he worked for a business center in Yaba College of Technology. The business center owes him four months' salary.

47. SWZ/2018/221

The Commission received a Complaint from Y on 15th November 2018, alleging that his employer caught him making phone calls while on duty and when he tried to explain, it resulted in a physical confrontation and non-payment of his October 2018 salary.

48. SWZ/18/042

The Commission received a Complaint dated 23rd February, 2018 from Y alleging that a foreign Construction and Engineering Company dismissed him unlawfully.

49. SWZ/18/031

The Commission received a complaint on 30th January, 2018 from Y alleging that his previous employer, the Nigerian Army, has not paid his pension since 1981 after he was compulsorily discharged on account of his old age. Y further alleged that the Military Pension Board stated that he was discharged because he was medically unfit and that was why his pension could not be paid.

50. SWZ/18/192

The Commission received a complaint on 9th October, 2018 from Y alleging that his employer had unlawfully terminated the employment of its workers. It was further alleged that the employer till date refused to pay their entitlements.

51. SWZ/18/007

The Commission received a complaint from Y on 11th January, 2018, alleging that he was placed on compulsory retirement and later had his appointment terminated in 2015 without paying his benefits.

52. SWZ/18/019

The Commission received a compliant on 19th August, 2018 from Y alleging that his employer refused to pay his salary for two months even after he left the employment because of the inconsistent salary.

53. SWZ/18/203

The Commission received a complaint on 17th October, 2018 from Y alleging that his employer unlawfully terminated his employment. It was further alleged that his employer refused to grant him his Annual Leave and did not pay his Leave Allowances between 2009 and 2015. He further alleged that when he applied for leave on medical reasons, rather than granting the leave, his appointment was terminated and his entitlements were not paid.

54. SWZ/18/144

The Commission received a complaint from Y on 14th August 2018 alleging that he had an accident on 17th February 2017 in the course of performing his duty which resulted in the loss of his fingertip. Thereafter, his employment was terminated and the company refused to compensate him.

55. C/SWZ/18/222

The Commission received a complaint dated 8th November 2018 from Y who retired from the Nigeria Police Force on 1st August, 2017. He lives in an allotted apartment at the Police Barracks due to non-payment of his benefits and gratuity. He further alleged that his junior officer conspired with some senior officers to forcefully eject him from where he lives.

56. C/2018/256/AMO

The Commission received a complaint dated 8th August, 2018 from Y alleging that the alleged violators (a milling company) stopped paying for his treatment after he got injured while operating a milling machine. The company stopped paying for his treatment in hospital. The company also asked him to vacate the company's property where he lived.

57. C/2018/CPR/3823/HQ

The Commission received a complaint dated 24th October 2018 from Y against the Nigerian Army for compulsorily retiring him.

58. C/2018/140/SSZ

The Commission received a complaint from Y dated 10th October, 2018. He alleged that the Nigeria Police Force, without any explanation, stopped paying his salary for over eleven months. Y claims that the non-payment of his salary may be linked to an illness he developed in 2010.

59. C/2018/1488-1509/HQ

The Commission received a complaint dated 30th April, 2018 from XY alleging that beneficiaries of the Federal Government's Amnesty Programme have not been paid their allowances from 2011 to 2018.

60. C/2018/ 402/AMO

The Commission received a complaint dated 13th December, 2018 from Y alleging that he was dismissed by his employer on 3rd October, 2018 for alleged use hard drugs while at work. Y also

alleged that while his employer paid his salary from March 2016, the employer refused to pay the outstanding salary.

61. C/2018/ 307-308/AMO

The Commission received a complaint dated 20th November, 2018 from Y where he claimed that he was employed by a company in 2017. He alleged that the company refused to pay him his salary and allowances amounting to the sum of N950, 350.00 (Nine Hundred and Fifty Thousand, Three Hundred and Fifty Naira).

62. C/2018/1/AMO

The Commission received a complaint dated 3rd January, 2018 from XY alleging that a man's co-worker hit him on the head with a sharp iron rod over a dispute. It was stated that because of this issue, his employer informed him that his services were no longer needed without paying him the balance of his salary.

63. C/2018/388-390/AMO

The Commission received a complaint dated 6th December, 2018 from Y alleging non-payment of salary. He complained that his employer owes him and have refused to pay his salary as well as that of his colleagues.

64. C/2018/241/AMO

The Commission received a complaint dated 26th July, 2018 from Y alleging that he did conducted tiling work for a company, but was not paid fully. The services Y rendered were worth N100, 000.00, but Y was only given N20, 000.00. Y claims that all efforts by Y to compel the payment of the outstanding amount have proved abortive.

RECOMMENDATIONS

1. The Federal Government of Nigeria should strengthen institutions with the mandate to protect workers' right for optimal performance; and
2. The Government should come up policies especially fiscal, wage, and social protection policies for harmonization of wages and salaries in the country

**PART 3
OTHER THEMATIC ISSUES**

**CHAPTER 13
RIGHTS OF THE CHILD**

**BY
TITILAYO SAMUEL**

INTRODUCTION

Children form an integral part of any society. They are to be protected, guided and guarded. It is not in doubt that they constitute one of the most vulnerable and powerless members of the society¹³⁶. Their vulnerability and immaturity are therefore the main reasons why they should be protected against all forms of violations. They are to be protected from against physical, psychological, spiritual or moral injury in the form of abuse, exploitation, abandonment or neglect. They are also expected to be protected in the context of war, disasters, extreme poverty and forced migration.

Article 1 of the UN Convention defines a child as very human being below the age of **Eighteen years**¹³⁷. In line with the United Nations Convention on the right of the child, Nigeria adopts **18 years** or below as the age of the child. This has also been adopted in practice **under Nigeria municipal laws**. A critical review of the characteristics of any person under the age of eighteen years indicates that children belong to a special class of people who by virtue of their immaturity are vulnerable.

The modern history of child rights can reasonably be affirmed to have stemmed from the United Nations Convention on the Rights of a Child (UNCRC)¹³⁸.

By July of that same year, the regional union, African Union (formerly OAU) adopted the African Charter on the rights and welfare of a child (CRWC) standing it out as the only continent with a region-specific instrument on Child Right. The charter came into force on November 2010. Apart from the basic principles enunciated in the United Nations Convention, the Charter makes for a consideration of the African context to be reflected in the enactment.

Drawing inspiration basically from the United Nations Convention on the rights of the child and in reverence to Article 1 of the African Charter on the Rights and Welfare of a Child which obligates state parties to adopt legislative or other measure to give effect to the provisions of the charter, a draft bill on the rights of a child was prepared and sent to the National Assembly and this was enacted into law in July 2003 as the child's right Act. The Child Rights Act 2003, thus is the most

¹³⁶ C O Okonkwo, 'Administration of Juvenile Justice in Nigeria Constitutional Rights Project' (1997)

¹³⁷ *Child Protection in Nigeria (Summary of Research Findings on Protection and Violations of Children's Right)* Volume 4 Page 48

¹³⁸ This international instrument contains provisions expressly referring to and peculiar to meet the needs of a child. The Convention was adopted by the United Nations General Assembly on 20th November, 1989 and came into force 2nd September 1990. Nigeria became a signatory to the Convention and was in 1991

authoritative provision in Nigeria on the issue relating to child rights as it consolidates all previous legal instruments that pertains to the basic rights of the child¹³⁹.

Legal Framework:

The Convention on the Rights of the Child (CRC) has four core principles. They are non-discrimination; devotion to the best interest of the child, the right to life, survival and development and respect for the view of the child¹⁴⁰. Every right spelled out in the CRC is inherent to the human dignity and harmonious development of every child. The Rights of a Child is protected by the following instruments which have been ratified by Nigeria amongst others: -

- Convention on ‘The Rights of the Child (CRC) 1989
- African Charter on the Rights and Welfare of the Child (1990)
- The 1999 Constitution of the Federal Republic of Nigeria
- The Child’s Rights Act (CRC) (2003)
- The Child’s Rights Act and Child Rights Law of States

There are Eleven (11) articles from the UN Convention on the Rights of the Child (1989) that served as parameters for examining the extent of the protection and/or violation of children’s right.¹⁴¹

The relevant articles are as follows:

- | | |
|------------|---|
| Article 19 | Protection of children from abuse and neglect |
| “ 20 | Protection of children without families |
| “ 22 | Protection of refugee and displaced children |
| “ 23 | Provision of special care, education and training for children with 7 disabilities |
| “ 32 | Protection of children from child labour |
| “ 34 | Protection of children from sexual exploitation |
| “ 35 | Prevention of sale, trafficking and abduction of children |
| “ 37 | Protection of children from torture and deprivation of liberty |
| “ 38 | Protection of children from involvement in armed conflicts; |
| “ 39 | Provision of rehabilitative care and reintegration for children who have been victims of neglect, abuse, exploitation and other malpractices; and |
| “ 40 | Provision of adequate juvenile justice for children in conflict with the law |

The CRC has two additional protocols adopted in 2000 that address specific concerns and are appended to the main treaty. They are: ‘The optional Protocol on the involvement of children in Armed Conflict (OP-AC) is effort to increase protection of children during attempt armed conflict. The protocol places states under an obligation to take all measure they can to prevent those under an obligation to take measure they can to prevent those under the age of 18 in their armed forces from taking a direct part in hostilities.¹⁴² ; and The optional protocol on the sale of children, child

¹³⁹ The basic Rights of the Child: Right to Survival (right to life, health, nutrition, name, nationality); Right to Development, (education, care, leisure, recreation, cultural activities); Right to Protection (rights from exploitation, abuse, neglect); and Right to Participation (right to expression, information, thought and religion)

¹⁴⁰ Purna Sen ed; ‘Child Rights In The Commonwealth’ (2009) P. 8 Para. 3

¹⁴¹ ‘Convention on the Rights of the Child’. New York: United Nations Children’s Fund (UNICEF) (1989)

¹⁴² Ibid.

prostitution and child pornography (OP-SC) builds on the right of children to protection from sexual exploitation conferred by the CRC by providing that states must comply with detailed requirements to end these particularly heinous violations of children's rights.¹⁴³

The Right of the Child in Nigeria

In addition, the most comprehensive International instrument on child rights is the United Nations Convention on the rights of the child (CRC). In Nigeria these rights are contained in the 1999 Constitution of the Federal Republic of Nigeria especially Chapter IV which deals with fundamental human rights including the rights of the child.¹⁴⁴ However, the Child Rights Act 2003 was enacted to bring all laws relating to children into a single legislation¹⁴⁵. There is also Child' Rights law of various states which reflect the adaptation of the Child's Rights Act 2003 by various state in Nigeria.

Moving further, many states in the exercise of their legislative powers in respect of items contain in the residual list (one of which include issues bothering on a child) have also adopted and re-enacted the provision of the Child Rights Act 2003 into laws of their specific situation of their various States.

However, implementation level of the right of a child is still in view in eleven (11) States of Northern Nigeria. The States have thrown the idea of domesticating the law on conception. Similarly, lack of political will on the part of government, religious and other issues were said to have truncated the moves for the Acts' adoption in Northern Nigeria

The right of the child is allied to the Sustainable Development Goals (SDGs) agenda. The United Nations General Assembly established indicators to measure States progress under each target. One of it being addressed by the Nigeria Government is the Home Grown School Feeding Scheme. (HGSF)¹⁴⁶. While other interventions include the establishment of family courts in some states, setting up juvenile welfare centers and rehabilitation centers (in few States of the country); street trading restriction, prohibition of early marriage, abolition of female circumcision in most of the states, children parliament and scholarships scheme/bursary awards for children in very few states of the country.

The pursuit and achievement of the Sustainable development goals (SDGs) have closely allied to prograde the rights of children, however, shortfall will have implications for children.¹⁴⁷ The promotion of the SDGs also takes forward the implementation of the CRC. The SDGs tends to

¹⁴³ Ibid.

¹⁴⁴ *Constitution of the Federal Republic of Nigeria (1999) (As Amended)* (Chapter IV refer to all Nigerians irrespective of age, status, sex, religion)

¹⁴⁵ *Childs Rights Act (2003) (Section 40)*

¹⁴⁶ Home Grown School Feeding (HGSF) aims to deliver government-led, cost-effective school feeding programmes using food that is locally grown by smallholder farmers. These interventions have been described as a win-win for children with aims to tackle hunger and improve nutrition as well as increase children's access, participation and achievement in school. School feeding is widely recognized for its multiple benefits for schoolchildren. Evidence shows that children are more likely to stay, attend and be able to learn through the provision of school meals

¹⁴⁷ Purna Sen; ed; 'Child Rights in the Commonwealth' (2009)

speak directly and indirectly on the right of the child. The SDGs that specifically speaks on the right of the child are: Goals ‘1’; ‘2’; ‘3’; ‘4’; ‘5’; ‘6’; ‘8’; ‘10’; ‘11’ and ‘16’ respectively.¹⁴⁸

Regardless of well-developed SDG agenda and promising institutional architecture to implement the SDG agenda, failing to reach the targets related to violence against children – especially 16.2, amongst others, will hinder social and economic progress across the agenda¹⁴⁹ and most of the SDGs targets will be missed in Nigeria by 2030 on the Right of the Child.

National Human Rights Commission in collaboration with relevant stakeholders made concerted efforts in areas such as the promotion of children rights through sensitization and awareness creation of children rights; advocating for a broad, relevant and inclusive curriculum whereby children's rights and related issues are introduced into the academic course work; developing rights-based learning, assessment and ensuring adequate participation of children in areas that concerned them; appointment of special rapporteur on child rights in NHRC and encouraging the establishment of human rights clubs in primary and secondary schools amongst others.

Hitherto the contribution of the States to the quality of life of the child appears minimal. Lack of political will and serious concern about the apparent lack of coordination among national and state level authorities on strategies, policies and programmes affecting children at different levels of the government has contributed to Nigeria’s children being denied the rights and privileges afforded them by the laws of the States¹⁵⁰. Of great concern was the situation of children in armed conflict in the North East and the need to protect them from being recruited as child soldiers. Also, of importance is the development of judiciary systems that is child-friendly. Despite these initiatives in ensuring that the rights of children and young persons are protected and respected, Nigeria children are still faced with numerous challenges and abuses of their rights.

REPORTED CASES ON THE RIGHT OF A CHILD

1. C/2018/27/BN

The Commission received a complaint dated 28th March, 2018 from Y alleging that his two sons, who are minors, were arrested by police on Textile Mill Road. Y also alleged that the DPO denied bail for the boys, who were detained for days. Y is further claiming that due to his sons’ detention, they were unable to write their exams.

¹⁴⁸ United Nations General Assembly, Resolution 71/313: Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development, A/RES/71/313, 6 July 2017

¹⁴⁹ <https://violenceagainstchildren.un.org/content/2030-childrens-rights-agenda>

¹⁵⁰ Concluding Observations of the Committee Report on The Rights of the Child Vol.3

2. SWZ/18/131

The Commission received a complaint from Y on the 1st August 2018 alleging that Y's sister-in-law has been using the police to harass and intimidate him. Y also claimed that the sister-in-law is in possession of his daughter's legal papers, but refuses to give them to him.

3. C/2018/ 39/SSZ

The Commission received a complaint dated 5th March, 2018 from X alleging that she was promised marriage by the respondent. After conceiving for the respondent, he broke the marriage plans and gave her money to abort the pregnancy. She has asked that he be part of the unborn child's welfare but he has refused.

4. C/2018/212/AKS

The Commission received a complaint from X dated 6th Dec, 2018 alleging that she got engaged to the respondent in 2009 and they are blessed with 5 children, 2 males and 3 females, aged 10, 9, 8, 7 and 6 years old respectively. She claimed that the respondent abdicates his fatherly responsibilities and their relationship is laden with domestic violence.

X further claimed that the overwhelming responsibility of caring for their children alone, resulted in some of them dropping out from school.

5. C/2018/217/AKS

The Commission received a complaint from X dated 18th December, 2018 alleging that she got engaged to the respondent in 2016 and they are blessed with a female child, aged 1 year and 2 months old. X further claimed that the respondent abandoned her and the child shortly after giving birth and that this situation has caused her some difficulties.

6. C/2018/15/AKS

The Commission received a complaint from X on 19th January, 2018 on behalf of herself and her siblings. X alleged that since the death of their mother, their father (the respondent) abandoned them. In consequence they have been subjected to child labour and living on crumbs from their neighbours.

7. C/2018/CPR/3923/HQ

The Commission received a complaint on 8th November, 2018 from XY, a law firm, on behalf of the parents of a minor. The complaint was made against the school of the child, alleging torture on the child, which took place on 30th October, 2018 in Abuja.

8. C/2018/008/AKS

The Commission received a complaint from X on 8th January, 2018 alleging that she was in a relationship with a man (the respondent) with whom she has two children, but are not legally married. She claimed the respondent abandoned her and their two children and moved to another state. She also alleged the two children have dropped out of school due to lack of support from their father.

9. C/2018/034/AKS

The Commission received a complaint from X on 2nd February, 2018 alleging that since the death of her mother, the respondent (her father) has neglected her and her two sisters (ages 14 & 12). She further alleged that the respondent accused them of being witches, drove them out of the house and

married a new woman. The complainant also claimed that the children have been driven out of school.

10. C/2018/51/AKS

The Commission received a complaint from X on 3rd March, 2018 alleging that her husband and father of her two daughters aged two and four years respectively, threw her out of their house. Since then she has been deprived of access to her children.

11. C/2018/019/AKS

The Commission received a complaint from X on 22nd January, 2018 alleging that she married the respondent in January 2009, and they have two (2) children aged 7yrs and 5yrs. However, they divorced in 2011. X complained that that the respondent has refused to pay for the upkeep of their children.

12. C/2018/063/AKS

The Commission received a complaint from X on 16th April, 2018 alleging that her husband and the father of their children, abandoned them thereby subjecting them to deprivation.

13. C/2018/73/AKS

The Commission received a complaint from X on 9th May, 2018 alleging that her husband and the father of her two children, abandoned them and relocated to another state. Since then he has failed to cater to the needs of the children.

14. C/2018/93/AKS

The Commission received a complaint from X dated 4th June, 2018 claiming that her husband abandoned her and their four children and threw them out of the house. In consequence, the children are adversely affected.

15. C/2018/140/AKS

The Commission received a complaint from X dated 4th September, 2018 alleging that her husband threw her and their 1yr old son out of the house, because of his involvement with another lady. She complained that they are currently stranded without means of sustenance.

16. C/2018/55/AKS

The Commission received a complaint dated 29th of March 2018, from X alleging that she was involved in a relationship with the respondent and that they have a male child. X further claimed that the respondent abandoned the child for her to take care. She is finding it difficult to cope without his contribution as a father.

17. C/2018/58/AKS

The Commission received a complaint dated 5th April 2018, from X alleging that the respondent has neglected his responsibility as a father. She claimed to have been taking care of the child alone without his support and she is finding it difficult to cope alone.

18. C/2018/07/AKS

The Commission received a complaint from X on 4th January, 2018 alleging that she was in a relationship with the respondent and they have a nine-year-old girl child and that she is also pregnant. She however reported that the respondent hardly provides for them.

19. C/2018/86/AKS

The Commission received a complaint from X on the 22nd May, 2018 alleging that she was in a relationship with the respondent and the relationship was blessed with four children. She claim that the father of her children sent her and the children out of the house and neglects his parental responsibility.

20. C/2018/139/AKS

The Commission received a complaint from X on 3rd September 2018 alleging that she was involved in a relationship with the respondent, and they have a child. She further claimed that the respondent abdicated his parental responsibilities.

21 .C/2018/146/AKS

The Commission received a complaint dated 12th September 2018, against the respondent stating that they are married and blessed with five children. She however claimed that the respondent refuses to take up his parental responsibility and abuses her physically.

22. C/2018/068/AKS

The Commission received a complaint dated 30th April, 2018, from X against her husband residing at Afaha Atai Ibesikpo, Akwa-Ibom State. X alleged that her husband abdicated his parental responsibilities towards their four children.

23. C/2018/001/AKS

The Commission received a complaint dated 3rd January, 2018 from X against the respondent from AkambaNsukara, Uyo. X and the respondent have been in a relationship since 2009 and have two children.

She further alleged that the respondent maltreats her and neglects his responsibilities towards their children.

24. C/2018/075/AKS

The Commission received a complaint dated 14th May, 2018 from X who resides in Shelter Afrique Estate. X claims to have been in a relationship with the respondent for thirteen years and they have three children. X alleges that the respondent frequently batters and verbally abuse her, and also neglects his parental responsibilities towards their children.

25. C/2018/60/SSZ

The Commission received a complaint dated 17th April, 2018 from X alleging that she was in a relationship with the respondent, which led to the birth of their daughter aged seven. X further alleged that the respondent has not made significant contributions to their daughter's welfare, and all attempts she has made for him to do so have been futile.

26. C/2018/46/SSZ

The Commission received a complaint dated 20th March 2018, from X alleging that she had a baby on 22nd February 2018 at an illegal maternity facility owned by a person who engages in child trafficking. She also alleged that she was sedated and upon waking up she discovered her baby had been sold out to an unknown buyer.

27. C/2018/79/SSZ

The Commission received a complaint from X on the 22nd of May, 2018 alleging that her husband who is a lawyer does not provide for her and their children. X further alleged that her husband beats her constantly and seizes her salary whenever she gets paid. As a result, the children are constantly being sent home for non-payment of school fees.

28. C/2018/113/SSZ

The Commission received a complaint dated 8th August, 2018 from X who alleged that she is separated from her husband with whom she has two children. X claimed that her husband is in custody of the children and does not allow her access to the children.

29. C/2018/90/SSZ

The Commission received a complaint from Y dated 7th June, 2018 alleging that his wife was involved in child trafficking and used his house as a meeting point for these illegal activities.

30. C/2018/172/SSZ

The Commission received a complaint from Y on the 19th of December 2018 alleging that he travelled to the United States of America with his wife, with the purpose of engaging a surrogate mother. Y also alleged that after a successful surrogacy due to some misunderstanding between him and his wife, his wife has run away with the child to her family and denied him access to the child.

31. C/2018/114/SSZ

The Commission received a complaint dated 13th August, 2018 from X alleging that her husband has been sexually abusing their three-year-old daughter for a year. X further alleged that her husband shows their daughter pornographic movies and tells her they are cartoons. She further claimed that on several occasions she has caught her husband with an erection while lying beside the baby and that on a particular occasion in the process of giving the baby a bath she found semen in her private part.

32. C/2018/3182/NCZ

The Commission received a complaint dated 29th August, 2018 from X alleging that the Y got her pregnant and after she gave birth, Y cut off all communications with her. She claims she has borne all the responsibilities for the upkeep of their child for the past 3 months.

33. C/2018/2843/NCZ

The Commission received a complaint dated 8th January, 2018 from Y alleging that he had a child out of wedlock with the respondent, who is in custody of the child. He further alleged that the respondent is not taking good care of the child and the child who is of school age, is yet to start school. Y fears that the child will not be properly brought up by the respondent.

34. C/2018/3927/NCZ

The Commission received a complaint dated 13th November, 2018 from X who resides at Dorowa, Bukuru, Jos, Plateau State. X alleged that she was married to the respondent and the marriage was blessed with three children. She further alleged that since the dissolution of the marriage, the respondent has denied her access to her children.

35. C/2018/3950/NCZ

The Commission received a complaint dated 28th November, 2018 from X who resides at Tudun Wada, Jos Plateau State. X alleged that she had a child for a man out of wedlock and the man has refused to take responsibility for the welfare and education of the child.

36. C/2018/3041/NCZ

Commission received a complaint dated 9th May, 2018 from X who resides at Bassa LGA, Plateau State, alleging that her marriage is blessed with six (6) children. She further that her husband who married a second wife, told her to leave the house and has failed to live up to his responsibilities towards the welfare of their children.

37. C/2018/3119/NCZ

The Commission received a complaint dated 11th July, 2018 from X who resides at DogonKarfe, Jos, Plateau State. X alleged that she has a child with the respondent. She also claimed that after the birth of the child, the respondent refused to take responsibility for the welfare of the child.

38. C/3013/2880/NCZ

The Commission received a complaint dated 12th of February 2018, from X stating that she married her husband in 2016 and the marriage is blessed with one child. X alleged that her husband deserted her and does not provide for her and their 2-year-old child.

39. C/2018/2902/NCZ

The Commission received a complaint dated 28th of October 2018, from X stating that she and her husband are blessed with three children ages 5; 3 and 1 respectively. X alleged that her husband sent her out of their house and he refused to pay the children's school fees and upkeep.

40. C/2018/3031/NCZ

The Commission received a complaint dated 3rd May, 2018 from X alleging her husband infected her and their baby with HIV. X also alleged that her husband divorced her and refused to provide for the welfare of the child. The matter was admitted for investigation, and upon the Commission's intervention X made a commitment in writing to give X and the baby a monthly allowance for upkeep.

41. C/2018/3195/NCZ

The Commission received a complaint dated 12th of September 2018 from XY alleging that her neighbour has been deserted by her husband leaving her with three children ages 8, 6 and 3 respectively. XY also alleged that one of the children has a skin disease that requires serious medical attention, but the neighbour's husband has neither taken the child to the hospital nor provided food for the children.

42. C/2018/2919/NCZ

The Commission received a complaint dated 27th February 2018, from X stating that she married her husband in 2018 and they have one child. X alleged that she left her husband's house in 2012(The years here must be reconciled) due to some issues. She also claimed her husband used to contribute to the welfare of their child but has stopped. She is alleging that she is unable to cope with catering for their child on her own.

43. C/2018/3605/NCZ

The Commission received a complaint dated 8th of October 2018, from X stating that she married her husband in 2016. They are blessed with two children, aged 2 and one month old respectively. X alleged that her husband divorced her and refused to take care of the needs of their children and that her parents have been supporting financially.

44. C/2018/3906 /NCZ

The Commission received a complaint dated 31st October 2018, from X. She stated that she has been married to her husband for a year and the marriage is blessed with a child. She alleged that her husband neglected his parental responsibilities towards their son, and has forcefully separated her from her son.

45. C/2018/3102-3105/NCZ

The Commission received a complaint dated 19th June 2018 from X stating that she is separated from her husband and their children live with her. She alleged that her husband has neglected his parental responsibilities towards his children.

46. C/2018/2873/NCZ

The Commission received a complaint dated 12th February 2018, from X alleging that the father of her children has neglected his parental duties towards his children.

47. C/2018/128/SSZ

The Commission received a complaint dated 11th September, 2018, from X alleging that she had a relationship with the respondent, that resulted in the birth of their now 11-year-old daughter. X alleged that the respondent refused to provide for the education and welfare of the child.

48. C/2018/157/SSZ

The Commission received a complaint dated 14th November, 2018, from X alleging that she was in a relationship with the respondent in Port Harcourt and gave birth to his son in 2017. X also alleged that the respondent, whose real address is unknown to her and lives in Abuja, catered for her welfare throughout her pregnancy up until three months after the birth of the baby. X further alleged that the respondent abandoned the welfare of their one year's old child, and threatens her life each time she ask him to live up to his responsibilities as a father.

49. C/2018/42/SSZ

The Commission received a complaint dated 14th March, 2018, from X alleging that her husband habitually assaults and threatens her life, whenever he returned home drunk. X also alleged that the respondent and his family members threaten to take the children away from her.

50. C/2018/130/SSZ

The Commission received a complaint dated 14th August, 2018 from X alleging that her younger sister travelled and left her in custody of her two children male and female, aged 11 years and 13 years respectively. She further alleged that her older brother (the respondent) who lives with them started maltreating the children and always puts the children in harm's way.

51. C/2018/49/SSZ

The Commission received a complaint dated 22nd March, 2018 from X alleging that she is married to the respondent by native Law and custom and that the marriage is blessed with four children ages 22 years, 20 years, 18 years and 15 years respectively. She alleged that after a misunderstanding, the respondent sent her packing from the house without the children and that the children are suffering with no food to eat and unpaid school fees.

52. C/2018/115/SSZ

The Commission received a complaint dated 14th August, 2018 from X alleging that her relationship with the respondent, resulted in the birth of their two children. She further alleged that she had a misunderstanding with the respondent which led to her moving out of their home. She claims that since then she has not been granted access to the children.

53. C/2018/3923/NCZ

The Commission received a complaint from X on 13th November, 2018 against her late daughter's boyfriend, who has a 4-year-old child with the late daughter. She claimed that at the time the late daughter took ill, X's grand-child was in her custody but after her demise, the child was taken away by her father without her consent. She has stated that her grand-daughter is too young to be taken away by her father, and wants custody of the child until the child is much older. The matter was admitted for investigation and intervention. After mediation, X has been given access to her grand-daughter while the custody remains with her father.

54. C/2018/3027/NCZ

The Commission received a complaint from X on the 30th of April, 2018 against her husband whom she was married to for about 17 years and has five children with. X alleged that her husband was not taking up his parental responsibilities and suddenly sent X packing out of their house, threw her belongings outside and gave her a stern warning to leave his children behind. X further stated that he has denied her access to the children.

55. C/2018/3061/NCZ

The Commission received a complaint on the 6th May, 2018 from X who is a widow with two children. The complaint was made against her in-laws who have custody of her children. She alleged that before the demise of her husband, they had marital issues and she left their house. After her husband's burial, X pleaded that her children be given to her to spend some time with her, but she was denied access by her in-laws.

56. C/2018/3962/NCZ

The Commission received a complaint from X on the 13th December, 2018. The complaint was made against her boyfriend whom she had a child with when she was a teenager. After X weaned their daughter, X handed her over to her boyfriend's parents so she could return to school. After about 4 years, X had graduated and then her daughter's grandparents denied her access to her child.

X alleged she was only allowed to visit her daughter but not take her out of the house, let alone sleep over at her own house. The matter was admitted for investigation. After mediation, X now has full access to her daughter during holidays and any weekend she so desires.

57. C/2018/3905/NCZ

The Commission received a complaint from X on the 31st October, 2018, against the respondent whom she was married to for about eight years. The marriage is blessed with two sons. At the time of the complaint, X and her husband were separated for about three years. X alleged her former husband refused to allow her see her children either in school or at home and he dissuaded them from receiving anything from her.

58. C/2018/3076/NCZ

The Commission received a complaint on the 4th of June, 2018, from X against her husband whom she married in 2011 and has two children with. She alleged that her husband sent her out of the house for over three months and stopped her from visiting her children. She further alleged that the last time she made an attempt to visit them, her husband beat her up and threatened to kill her.

59. C/2018/12/SSZ

The Commission received a complaint from X on the 22nd of January, 2018 alleging that her husband and members of his family threatened to kill her due to some misunderstanding. They threw her belongings out of her their house and forcefully took away their three children aged 12 years, 9 years and 4 years respectively.

60. C/2018/20/SSZ

The Commission received a complaint from X on 1st February, 2018 alleging that she cohabited with a man and they had a boy who was 2 years old. She also alleged that she moved out of the house due to some disagreement with the man and because of breakdown in communication between them, the man refused to take care of their son. (Please can this be verified against case 62)

61. C/2018/38/SSZ

The Commission received a complaint from X on 5th March, 2018 alleging that she is the lawful wedded wife of the Respondent. She also alleged that the marriage produced a baby boy who was 22months old. She further alleged that the Respondent sent her and the baby out of their matrimonial home and abandoned his responsibilities of providing for the well-being and maintenance of the child.

62. C/2018/50/SSZ

The Commission received a complaint from X on 26th of March, 2018 alleging that she was cohabited with the **Respondent** which resulted to the birth of a two years old boy. She also alleged that both parties got separated due to some irreconcilable differences and that the Respondent neglected his parental responsibilities of catering for the child.

63. C/2018/62/SSZ

The Commission received a complaint from X on 23rd April, 2018 alleging that she was in a relationship with the Respondent which resulted in the birth of a 30 months old boy. She further

alleged that due to a misunderstanding between them, the Respondent abandoned his parental responsibilities of providing for the welfare and maintenance of the child.

64. C/2018/72/SSZ

The Commission received a complaint from X on 9th April, 2018 alleging that her husband got married to another woman and abandoned his parental responsibilities of providing for the welfare and maintenance of their three children.

65. C/2018/95/SSZ

The Commission received a complaint from X on 6th July, 2018 alleging that she was in a relationship with the Respondent which resulted in the birth of her 22 months old son. She also alleged that she got pregnant again but the being responsible for the pregnancy (this sentence is not complete). She further alleged that the Respondent subsequently abandoned his parental responsibilities of providing to their son.

66. C/2018/150/SSZ

The Commission received a complaint from Y on the 29th of October, 2018 alleging that the Respondent whom he was cohabiting left his house without his knowledge and has denied him access to their children.

67. C/2018/159/SSZ

The Commission received a complaint from X on 19th November, 2018 alleging that her husband abandoned his parental duty of providing for the welfare and maintenance of their 5 children.

68. C/2018/3130/NCZ

The Commission received a complaint dated 17th July 2018 from X alleging that the father of her four children abandoned his parental duty of providing for the welfare and maintenance of their children. She also alleged that their children were sent away from school because they could not pay school fees.

69. C/2018/3922/NCZ

The Commission received a complaint dated 13th November 2018 from X alleging that the Respondent impregnated her and has refused to take care of the unborn child.

70. C/2018/3950-3956/NCZ

The Commission received a complaint dated 4th December 2018 from X alleging that her husband has refused to pay the school fees of their children.

71. C/2018/3972/NCZ

The Commission received a complaint dated 17th December 2018 from Y alleging that his father has refused to take up his responsibility regarding his welfare and maintenance as well as that of his siblings.

72. C/2018/3047/NCZ

The Commission received a complaint dated 11th May 2018 from XY alleging that on the 9th of May 2018, a young girl was found in his neighborhood looking terrified and traumatized. The girl narrated that she ran away from her uncle's house because he beats her daily.

73. C/2018/4804/NCZ

The Commission received a complaint dated 25th October 2018 from X alleging that her husband does not cater for the needs of their daughter.

74. C/2018/2858/NCZ

The Commission received a complaint dated 15th January 2018 from X alleging that her husband does not take care of the needs of their child.

75. C/2018/3099-3101/NCZ

The Commission received a complaint dated 19th June 2018 from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children.

76. C/2018/3075/NCZ

The Commission received a complaint dated 4th June 2018 from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their six children. She also alleged that some of the children were not in school due to the failure of her husband to pay the school fees.

77. C/2018/3032/NCZ

The Commission received a complaint dated 3rd May 2018 from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children.

78. C/2018/3208/NCZ

The Commission received a complaint dated 17th September 2018 from Y alleging that his wife does not take proper care of their children and has denied him access to the children.

79. C/2018/3003/NCZ

The Commission received a complaint dated 11th April 2018 from X alleging that her husband threw her out of the house and took their eldest son to Lagos State and abandoned his duty of providing for the welfare and maintenance of the other children.

80. C/2018/2983/NCZ

The Commission received a complaint dated 3rd April 2018 from X alleging that the Respondent abandoned his duty of providing for the welfare and maintenance of their children.

81. C/2018/3111/NCZ

The Commission received a complaint dated 21st June 2018 from X alleging that her child was sent home from school because her husband refused to cater for the child's welfare and education.

82. C/2018/3128/NCZ

The Commission received a complaint dated 28th June 2018 from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children.

83. C/2018/2949/NCZ

The Commission received a complaint dated 15th March 2018 from X alleging that her husband sent her out of the house on 24th December 2017 and since then, he completely stopped providing for the needs of their daughter resulting in her deprivation of basic welfare needs.

84. C/2018/101/SSZ

The Commission received a complaint dated 18th July, 2018 from Y alleging that he is the first child of his father. He also alleged that his father does not care about his well-being and has refused to pay his school fees.

85. C/2018/136/SSZ

The Commission received a complaint from X on the 3rd of October, 2018 alleging that she was in a relationship with the Respondent which resulted in the birth of a baby girl. She also alleged that the baby died three days after delivery and that she took the dead baby to the mortuary since she could not afford a piece of land to bury the dead baby. She further claimed that the Respondent was duly informed of all that happened but he refused to assist her financially with the burial of the baby who was still lying in the mortuary.

86. C/2018/2913/NCZ

The Commission received a complaint dated 26th February 2018 from X alleging that her husband abandoned his responsibility of providing for their 6 children since he took a second wife.

C/2018/2949/NCZ

The Commission received a complaint dated 15th March 2018 from X alleging that her husband sent her out of the home on 24th December 2017 and ever since then, he completely stopped providing for the welfare of their daughter.

87. C/2018/2840/NCZ

The Commission received a complaint dated 4th of January 2018 from X alleging that her husband denied her access to her children.

88. C/2018/2999/NCZ

The Commission received a complaint dated 9th April 2018 from X alleging that she married the Respondent in 2015 and that they gave birth to 2 children. She also alleged that due to domestic violence, she left the matrimonial home and the Respondent vowed not to allow her access to the children.

89. C/2018/380/NCZ

The Commission received a complaint dated 22nd October 2018 from X alleging that she was receiving threatening messages from her husband because she left the marriage. She also alleged that her husband neglected his fatherly responsibilities and their son was suffering due to the neglect.

90. C/2018/3124/NCZ

The Commission received a complaint dated 16th July 2018 from X alleging that her husband was not paying their children's school fees.

91. C/2018/2968/NCZ

The Commission received a complaint dated 26th March 2018 from X alleging that she left her matrimonial home along with her 13 years old daughter as a result of domestic violence. She also alleged that she tried to visit her daughter several times but her husband denied her access. Is the visitation for another daughter?

92. C/2018/2878/NCZ

The Commission received a complaint dated 12th February 2018 from X alleging that she left her matrimonial home because her husband was constantly maltreating her. She also alleged that she later took the children to live with her when her husband became paralyzed and could no longer take care of the children.

She further alleged that she wants her husband to keep providing for the welfare and maintenance of the children.

93. C/2018/3030/NCZ

The Commission received a complaint dated 2nd May 2018 from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children.

94. C/2018/3111B/NCZ

The Commission received a complaint dated 10th July, 2018 from X alleging that the father of her child abandoned his duty of providing for the welfare and maintenance of the child. She also alleged that that he stopped paying the school fees of the child.

95. C/2018/2992/NCZ

The commission received a complaint from X on the 3rd April, 2018 alleging that she is married to the Respondent and that they are blessed with eight (8) children. She also alleged that the Respondent refused to take up his parental responsibilities for the upkeep and education of the children.

96. C/2018/3021/NCZ

The Commission received a complaint from X on the 27th April 2018 alleging that her father who is a police man maltreats and beats her and her siblings for no reason. She also alleged that he does not feed them nor pay their school fees.

97. C/2018/2865/NCZ

The Commission received a complaint dated 17th January 2018, from X alleging that her husband neglected his parental responsibility towards his children. She further alleged that he physically abuses her.

98. C/2018/2854-2856/NCZ

The Commission received a complaint dated 12th January 2018, from X alleging that her husband neglected his parental responsibility towards their children.

99. C/2018/3708/NCZ

The Commission received a complaint dated 19th October 2018, from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children.

100. C/2018/3939/NCZ

The Commission received a complaint dated 19th November 2018, from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their children

101. C/2018/3049/NCZ

The Commission received a complaint on the 11th May, 2018 from X alleging against her husband abandoned her and the responsibility of catering for their little daughter when she took ill.

102. C/2018/3947/NCZ

The Commission received a complaint dated 26th November, 2018 from X alleging her husband abandoned his duty of providing for the welfare and maintenance of their One (1) year old son

103. C/2018/3804/NCZ

The Commission received a complaint dated 25th October 2018, from XY alleging that her neighbour physically abuses and maltreats a child who lives with her.

104. C/2018/2948/NCZ

The Commission received a complaint dated 15th March 2018, from XY alleging that a child who attends the school where she works, is constantly being maltreated by his step mother.

105. C/2018/3029/NCZ

The Commission received a complaint from XY on the 2nd May 2018, alleging that she was married to the Respondent and that they had two (2) children. She also alleged that they had been divorced for the past 5 years and the children were staying with their father. She further alleged that her ex-husband beats and maltreats children at the slightest provocation.

106. C/2018/3601/NCZ

The Commission received a complaint dated 26th September 2018, from X alleging that she had a child out of wedlock with her boyfriend. She also alleged that the child lives with her boyfriend's sister who maltreats the child.

107. C/2018/3148/NCZ

The Commission received a complaint dated 7th August, 2018 from Y alleging that his grandchild, a sickle cell anemia patient (SS) was being physically abused by her father who has also failed in his responsibilities as a father towards the welfare and care of the ailing child.

108. C/2018/2869/NCZ

The Commission received a complaint dated 7th July, 2018 from XY alleging that his neighbour physically assaults and injures a child serving as his house help.

109. C/2018/3808/NCZ

The Commission received a complaint dated 25th October 2018, from X alleging that her husband abandoned his duty of providing for the welfare and maintenance of their child.

110. C/2018/3139/NCZ

The Commission received complaint dated 26th July 2018 from X alleging that her parents were trying to harm her unborn child by making her drink strange concoctions because she got pregnant out of wedlock. She also alleged that she felt unsafe around her parents with whom she resides and that they had also refused to allow her marry her boyfriend who is the child's father.

111. C/2018/82/AKS

The Commission received a complaint dated 18th May, 2018 from X alleging that she separated from her husband in February 2018 as a result of his violent attitude towards her. She also alleged that since then, her husband stopped providing for the upkeep and maintenance of their children.

112. C/2018/106/AKS

The commission received a complaint dated 28 June, 2018 from X alleging that she had a relationship with the Respondent and in the process, she gave birth to two children. She also alleged that for 7 years, the Respondent abandoned his parental responsibilities of providing for the upkeep and maintenance of the children.

113. C/2018/090/AKS

The Commission received a complaint dated 30th April, 2018 from X alleging her husband abandoned his parental responsibilities of providing for the upkeep and maintenance of their four children.

114. C/2018/150/AKS

The Commission received a complaint dated 17TH September, 2018 from X alleging that the Respondent abandoned his parental responsibilities of providing for the upkeep and maintenance of the child.

115. C/2018/114/AKS

The Commission received a complaint dated 13th July, 2018 from XY on behalf a 10-yr old girl. He alleged that the mother of the child was in the habit of brutalizing the child at any slightest provocation.

116. C/2018/77/AKS

The Commission received a complaint from X dated 15th May, 2018 alleging that her husband beats her regularly since they got married in 2011. She also alleged that her husband abandoned the feeding of the family and payment of their child's school fees to her alone , making it difficult for her to cope.

117. C/2018/56/AKS

The Commission received a complaint from X dated 3rd April, 2018 alleging that the father of her children abducted them from her without her knowledge and consent and has denied her access to the children.

118. C/2018/99/AKS

The Commission received a complaint from X dated 19th June, 2018 alleging that her husband abandoned his parental responsibilities of providing for the upkeep and maintenance of their children.

119. C/2018/20/SSZ

The Commission received a complaint from X on the 1st of February, 2018 alleging that she cohabited with the Respondent and they have a 2 years old son. She further alleged that since she

moved out of the Respondent's house, he stopped providing for the upkeep and maintenance of the child.

120. C/2018/033/AKS

The Commission received a complaint dated 5th Feb, 2018 from X alleging that the Respondent got her pregnant while they were dating. She also alleged that she had a twin for the respondent and that the Respondent abandoned his parental responsibilities of providing for the upkeep and maintenance of the children.

121. C/2018/109/AKS

The Commission received a complaint from X dated 4th July, 2018. She alleged that she was in a relationship with the Respondent and gave birth in the process. She further alleged that the Respondent abandoned his parental responsibilities of providing for the upkeep and maintenance of the child.

122. C/2018/62/SSZ

The Commission received a complaint from X on the 23rd of April, 2018 alleging that she was in a relationship with the Respondent which resulted in the birth of a 30 months old son. She also alleged that due to a misunderstanding between them, the Respondent abandoned his fatherly responsibilities to their son.

123. C/2018/175/AKS

The Commission received a complaint from X dated 22nd Oct, 2018 alleging that she got engaged to the Respondent in 2008. She further alleged that due to incessant domestic violence and assault, she parted ways with the Respondent and that she currently struggles alone to cater for the children without any support from their father.

124. C/2018/117/AKS

The Commission received a complaint from X dated 16th July, 2018 alleging that her husband abandoned her and their children, leaving her to cater for them alone.

125. C/2018/016/AKS

The Commission received a complaint from X dated 22nd January, 2018 alleging that the Respondent abandoned her and their three children for about a year. She also alleged that the Respondent came back and took the children away without her knowledge and consent.

126. C/2018/43/AKS

The Commission received a complaint from X dated 29th February, 2018 alleging that her husband abandoned his parental responsibilities of providing for the upkeep and maintenance of their children.

127. C/2018/206/AKS

The Commission received a complaint from X dated 4th December, 2018 alleging that she got married to the Respondent, an Officer of Federal Road Safety Commission. She also alleged that the marriage produced four children aged 18, 17, 14 and 10 years old respectively.

She further alleged that the marriage was laden with domestic violence which put her life in danger and that the Respondent abandoned her and the children causing her difficulties to cope with upkeep of the children.

128. C/2018/188/AKS

The Commission received a complaint from X dated 12th November, 2018 alleging that her husband abandoned his parental responsibilities of providing for the upkeep and maintenance of the child.

129. C/2018/49/SSZ

The Commission received a complaint dated 22nd March, 2018 from X alleging that she married to the Respondent under native law and custom and that the marriage is blessed with four children. She also alleged that her husband abandoned his parental responsibilities of providing for the upkeep and maintenance of the children and sent her packing from the house.

She further alleged that the children were suffering with no food to eat and unpaid school fees.

130. C/2018/60/SSZ

The Commission received a complaint dated 17th April, 2018 from X alleging that she was in a relationship with the Respondent which led to the birth of their daughter aged Seven. She further alleged that the Respondent had not made significant contribution to their daughter's welfare, and all attempts she made for him to do so had been futile.

131. C/2018/115/SSZ

The Commission received a complaint dated 14th August, 2018 from X alleging that she was in a relationship with the Respondent which led to the birth of two children. She also alleged that she had a misunderstanding with the Respondent that led to her moving out of their home. She further claimed that since she left the house, the Respondent has refused her access to the children.

132. C/2018/27/SSZ

The Commission received a complaint dated 8th February, 2018 from X alleging that her husband, a Police Officer tricked her that he had been transferred to Lagos. He took her and their three children to Lagos State there and abandoned them without money, making their survival difficult.

She also alleged that her husband moved out of their matrimonial home, rented another apartment and moved in with another Woman without making appropriate provision for the upkeep and maintenance of her children.

133. C/2018/121/SS2

The Commission received a complaint dated 29th September, 2018 from Y alleging that as an Officer with the Nigerian Army, he left his wife and three children in Port Harcourt which was his official permanent place of abode when he was transferred to Akwalbom State. He also alleged that without information or his consent, his wife left Port Harcourt for Benue State with the children and has denied him access to the children.

134. C/2018/79/SSZ

The Commission received a complaint from X on the 22nd May, 2018 alleging that her husband, a Lawyer does not provide for her and the children. She also alleged that he is in the habit of beating her constantly and seizing her salary whenever she gets paid. As a result, the children are constantly being sent home from school for non-payment of school fees.

135. C/2018/113/SSZ

The Commission received a complaint dated 8th August, 2018 from X alleged that her husband denied her access to the children.

136. C/2018/104/SSZ

The Commission received a complaint dated 25th July, 2018 from X alleging that her husband does not provide for the children's upkeep and education.

137. C/2018/120/AKS

The Commission received a complaint from X on the 17th July, 2018 alleging that she got engaged to the Respondent in 2015 and they are blessed with 2 children. She also alleged that the relationship fraught with violence and that her husband abandoned the home without providing for the upkeep and maintenance of the children who are out of school.

138. C/2018/91/AKS

The Commission received a complaint from XY on the 30th May, 2018 alleging that the Respondent (female) was sexually exploiting her 17 years old son. XY also alleged that the Respondent takes her son to hotels for sexual escapade despite warning her to desist from the act.

139. C/2018/52/AKS

The Commission received a complaint from X dated 15th March, 2018 alleging that she got engaged to the Respondent in 2004 and that they have a female child aged 11 years. She also alleged that the Respondent abandoned her with the child since October 2006 and this has brought them untold hardship as the child has been denied basic supporting life.

140. C/2018/177/AKS

The Commission received a complaint from X dated 30th October, 2018 alleging that she got engaged to the Respondent in 2014 and they are blessed with a male child, aged 2 years. She also alleged that the Respondent sent her packing and abandoned his parental responsibilities of providing for the upkeep and maintenance of the child.

141. C/2018/127/AKS

The Commission received a complaint from X dated 13th August, 2018 alleging that she was in a relationship with the Respondent and that they are blessed with a female child. She also alleged that the relationship was characterized by violence which culminated in her being evicted from the house with her daughter. She further alleged that she and the child are homeless and not receiving any support from the Respondent.

142. C/2018/58/SSZ

The Commission received a complaint dated 13th of April, 2018, from XY alleging that the Respondent abandoned his parental responsibilities of providing for the welfare and maintenance of his child.

143. C/2018/80/SSZ

The Commission received a complaint dated 23rd May, 2018 from Y alleging that he had a relationship with the Respondent which resulted in the birth to their daughter. He also alleged that the Respondent denied him access to his 5 years old daughter despite his efforts at providing for the welfare of the child.

144. C/2018/30/SSZ

The Commission received a complaint dated 20th February, 2018 from X alleging that she got married to the Respondent in 2013. She also alleged that since 2017, the Respondent abandoned her and their 4 years old son in his rented apartment in Port Harcourt and relocated to Aba, Abia State.

She further alleged that her husband abandoned his parental responsibilities of providing for the welfare and maintenance of his child.

145. C/2018/16/EK

The Commission received a complaint from Y dated 24th April, 2018. He alleged that he is married to the Respondent and that they have a child. He also alleged that his wife refused to take care of the child in spite of the provisions he made for the welfare of the child.

146. C/2018/28/EK

The Commission received a complaint from X dated 13th August, 2018. She alleged that she cohabited with the Respondent for five years and they have two children. She also alleged that the Respondent abandoned his parental responsibilities of providing for the welfare and maintenance of his children.

147. C/2018/29/EK

The Commission received a complaint from X dated 15th August, 2018. She alleged that a relationship with the Respondent that resulted in the birth of a child. She also alleged that the mother of the Respondent took the child from her and denied her access to the child.

148. C/2018/38/EK

The Commission received a complaint from X dated 27th September, 2018. She alleged that her daughter married the Respondent and that they have three children. She also alleged that the Respondent abandoned his parental responsibilities of providing for the welfare and maintenance of his children.

149. C/2018/40/EK

The Commission received a complaint from X dated 3rd October, 2018. She alleged that she had a child for the Respondent in 2012 but that the Respondent has refused to take care of the child as a result of which the child is deprived of basic needs for survival.

150. C/2018/41/EK

The Commission received a complaint from Y dated 4th October, 2018. He alleged that the Respondent has a child for him and that she relocated with the child to Edo State without his knowledge and consent. He further alleged that he has been denied access to the child.

151. C/2018/51/EK

The Commission received a complaint from X dated 18th October, 2018. She alleged that she cohabited with the Respondent and they have two children. She also alleged that since their separation, the Respondent abandoned his parental responsibilities of providing for the welfare and maintenance of his child.

152. C/2018/723/BSO

The Commission received a complaint from XY dated 7th February, 2018. He alleged that a child was maltreated, beaten and injured by his guardian.

153. C/2018/734/BSO

The Commission received a complaint from X dated 8th March, 2018. She alleged that she is married to her husband and they are blessed with a child. She also alleged that her husband abandoned her and the child without providing for their upkeep and maintenance.

154. C/2018/735/BSO

The Commission received a complaint from X dated 19th March, 2018. She alleged that she got married to the Respondent and they are blessed with 3 children. She also alleged that the Respondent abandoned them as a result of which the children are suffering.

155. C/2018/741/BSO

The Commission received a complaint from X dated 9th April, 2018. She alleged that the Respondent impregnated her and thereafter abandoned her after she gave birth. She also alleged that the child was suffering deprivation since the Respondent stopped providing for the upkeep and maintenance of the child.

156. C/2018/742/BSO

The Commission received a complaint from XY dated 9th April, 2018. He alleged that the children of a deceased person were abandoned by their mother after she married another man. He also alleged the children are in need of protection for their development and survival.

157. C/2018/1527 – 1528/HQ

The Commission received a complaint from X dated 17th May, 2018. She alleged that she was in a relationship with the Respondent which resulted in the birth of a baby girl. She also alleged that the Respondent abandoned her and the child without providing for their upkeep and maintenance.

158. C/2018/1760 – 1761/HQ

The Commission received a complaint from Y dated 7th June, 2018. He alleged that he was in a relationship with the Respondent which produced a baby girl. He also alleged that in May, 2015, he went to work, came back and discovered that the Respondent had left the house with their daughter.

He further alleged that someone called him that the Respondent was making plans to sell their daughter.

159. C/2018/1741 – 1745/HQ

The Commission received a complaint from X dated 7th June 2018. She alleged that she married the Respondent in 2007 and the marriage produced four children. She also alleged that her husband abandoned her and the children without providing for their upkeep and maintenance. She further alleged that her husband stopped her from her job and that he beats her at any slight misunderstanding.

160. C/2018/VG/3009 – 3012/HQ

The Commission received a complaint from XY dated 10th July, 2018. She alleged that her daughter has three children for the Respondent but that he doesn't pay school fees or provide feeding allowance for them.

161. C/2018/VG/3374/HQ

The Commission received a complaint from Y dated 26th July, 2018. He alleged that he was in a relationship with the Respondent which produced a baby boy. He also claimed after the child's birthday in November 2017, the Respondent has been denying him access to the child.

162. C/2018/133/AKS

The Commission received a complaint from X dated 27th August, 2018. She alleged that she was in a relationship with the Respondent and that they are blessed with two (2) children who are in senior secondary school. She also alleged that she and her grandmother have been taking care of these children without any contribution from the Respondent who abandoned his responsibilities towards the children.

163. C/2018/024/AKS

The Commission received a complaint from X dated 29th January, 2018. She alleged that she was in a relationship with the Respondent which resulted in the birth of a child. She also alleged that the child was fifteen (15) years old and living with disabilities.

She further alleged that the Respondent abandoned her and the child without providing for their upkeep and maintenance.

164. C/2018/89/AKS

The Commission received a complaint from X dated 25th May, 2018. She alleged that she was in a relationship with the Respondent which resulted in the birth of two children. She also alleged that the Respondent abandoned her and the child without providing for their upkeep and maintenance.

165. C/2018/61/AKS

The Commission received a complaint from X dated 6th April, 2018. She alleged that she got married to the Respondent in 2013 and got pregnant thereafter. She also claimed that she and the Respondent separated after he was unable to pay their house rent after expiration.

She further alleged that the Respondent subsequently abandoned her and the child without providing for their upkeep and maintenance and that he resurfaced after two years and surreptitiously took away the child under the guise of both of them making peace.

166. C/2018/74/AKS

The Commission received a complaint from X dated 11th May, 2018. She alleged that she was in a relationship with the Respondent in 2002 and this resulted in four (4) children.

She further alleged that in 2016, the Respondent abandoned her and the children without providing for their upkeep and maintenance and also relocated to a new place after getting another woman pregnant.

167. C/2018/85/AKS

The Commission received a complaint from X dated 22th May, 2018. She alleged that she was in a relationship with the Respondent in 2011 which resulted in a 4 years old child. She also alleged that the Respondent physically abused her, drove her with child out of his house and refused her packing her belongings without any justifiable reason.

She further alleged that the Respondent neglected her and the child without providing for their upkeep and maintenance.

168. C/2018/026/AKS

The Commission received a complaint from X dated 30th January, 2018. She alleged that her husband abandoned her and the child without providing for their upkeep and maintenance despite the health condition of the child.

169. C/2018/037/AKS

The Commission received a complaint from X dated 12th February, 2018. She alleged that she got pregnant for the Respondent in 2008 and she gave birth to a male child on 18th May, 2009. After the Respondent paid for her delivery, he abandoned her and the child without providing for their upkeep and maintenance.

170. C/2018/028/AKS

The Commission received a complaint from X dated 5th January, 2018. She alleged that she has a child for the Respondent. She also alleged that the Respondent packed out of the house and abandoned his parental responsibility towards her and the child.

171. C/2018/040/AKS

The Commission received a complaint from X dated 19th February, 2018. She alleged that she was impregnated in 2009 by the Respondent and that he abandoned her and the child without providing for their upkeep and maintenance.

172. C/2018/47/AKS

The Commission received a complaint from X dated 8th March, 2018. She alleged that she had two children for the Respondent aged 8 and 9 years respectively. She also alleged that the Respondent packed out in 2012 and has since abandoned her and the child without providing for their upkeep and maintenance.

173. C/2018/031/AKS

The Commission received a complaint from X dated 6th February, 2018. She alleged that she had two children for the Respondent. She further alleged that the Respondent packed out of the house and has since abandoned her and the child without providing for their upkeep and maintenance.

174. C/2018/IMS/05

The Commission received a complaint from Y on 30th January, 2018. He alleged that after the death of his wife on 23rd April, 2018, his in-laws denied him access to his children.

175. C/2018/IMS/29

The Commission received a complaint from Y dated 13th July, 2018. He alleged abuse, inhuman and degrading treatment of his child by the principal of Federal Government Girls' College Owerri, Imo State on 21st June, 2018 at about 10:00am when the child was writing her animal husbandry practical WAEC Examination.

176. C/2018/98/BN

The Commission received a complaint from X dated 3rd July, 2018. She alleged that her husband abandoned her and their five children without providing for their upkeep and maintenance.

177. C/2018/03/BN

The Commission received a complaint from X dated 1st February, 2018. She alleged that she got married to the Respondent in 2012 and after their separation, he denied her access to the children.

178. C/2018/30/BN

The Commission received a complaint from XY dated 11th April, 2018. He alleged that a baby boy of eight months was found dead in a plastic water container in his father's room.

He also alleged that the baby was still a toddler and that someone must have dumped the baby inside the plastic water container.

179. C/2018/279-280/AMO

The Commission received a complaint from X dated 8th June, 2018. She alleged that she cohabited with the Respondent which resulted in the birth of a baby boy. She also alleged that the Respondent abandoned her and the child without providing for their upkeep and maintenance.

180. C/2018/611-613/HQ

The Commission received a complaint from X dated 5th March, 2018. She alleged that her husband beats her and threatened to abscond with their children. She also alleged that he does not provide for the welfare of the children.

181. C/2018/VG/4723-4726/

The Commission received a complaint from X dated 24th October, 2018. She alleged that her husband only pays for the school fees of their three children, but do not pay for their upkeep and maintenance.

182. C/2018/VG/3901-3907/HQ

The Commission received a Complaint from X dated 13th August, 2018. She alleged that she was cohabiting with the Respondent and they have six children. She also alleged that the Respondent has not been providing for upkeep of the children and that they were suffering as a result of the neglect.

183. C/2018/3526-3530/HQ

The Commission received a complaint from X dated 7th August, 2018. She alleged that she and her husband had issues in their marriage and he asked her to leave his house with four children without any provision for their upkeep.

184. C/2018/VG/3608-3700/HQ

The Commission received a complaint from X dated 20th August, 2018. She alleged that the father of her twin babies abandoned his fatherly responsibility of providing for their upkeep and maintenance.

185. C/2018/VG/4343-4344/HQ

The Commission received a complaint from X dated 26th September, 2018. She alleged that her mother in-law who was taking care of their daughter while she and her husband were away in Cyprus had refused to return her daughter back to her now that they are back in Nigeria. Her mother in-law alleged that she was holding on to their daughter to reduce stress on them.

186. C/2018/861-804/HQ

The Commission received a complaint from X dated 13th April, 2018. She alleged that her husband abandoned his responsibility towards her and their children. She also alleged that she once reported the matter to the social welfare where he agreed to pay her N15,000 (Fifteen Thousand Naira) on a monthly basis, which he complied for some period of time and stopped.

187. C/2018/VG/4367-4369/HQ

The Commission received a complaint from X dated 27th September, 2018. She alleged that her husband abandoned her and their children and does not provide for their upkeep and maintenance.

188. C/2018/VG/4440-4443/HQ

The Commission received a complaint from X dated 10th October, 2018. She alleged that her husband does not provide for the upkeep of their children.

189. C/2018/248/HQ

The Commission received a complaint from X dated 6th February, 2018. She alleged that her husband abandoned his responsibilities of catering for the upkeep and maintenance of their children.

190. C/2018/VG/117-118/HQ

The Commission received a Complaint from X dated 3rd September, 2018. She alleged that her husband beats her up and abandoned his responsibilities of catering for the upkeep and maintenance of their children.

191. C/2018/VG/3667/HQ

The Commission received a complaint from X dated 14th August, 2018. She alleged that she was in a relationship with the Respondent which produced a child. She also alleged that the Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their child.

192. C/2018/767/HQ

The Commission received a complaint from X dated 27th March, 2018. She alleged that the Respondent took away her two (2) children and kept them in the custody of his grandmother. She also alleged that she has been denied access to her children.

193. C/2018/VQ/2004-2016/HQ

The Commission received a complaint from X dated 22nd May, 2018. She alleged that her former husband denied her access of their two (2) children.

194. C/2018/VG/4342/HQ

The Commission received a complaint from XY dated 25th September, 2018. She alleged that the Respondent who lives in her neighborhood is always abusing children staying with him. She also alleged that the Respondent once poured hot water on a seven-year-old girl and also connected an electric wire with an intention of electrocuting her children. She also alleged that the Respondent was caught having canal knowledge of a thirteen-year-old girl.

195. C/2018/644/HQ

The Commission received a complaint from Y dated 16th March, 2018. He alleged that the Respondent denied him access to their daughter whom they had during their relationship.

196. C/2018/364/HQ

The Commission received a complaint from Y dated 19th February, 2018. He alleged that his wife left his house with their daughter without his knowledge. He also alleged that she denied him access to their daughter.

197. C/2018/007/ADSO

The Commission received a complaint from X dated 13th of March, 2018. She alleged that her ex-husband refused to cater for her pregnancy. She further alleged that he took away their three (3) year old daughter who was still tender to be deprived of maternal care.

198. C/2018/008/ADSO

The Commission received a complaint from X dated 15th of March, 2018. She alleged that her husband took away their 3 years old daughter with him, after their divorce. She also alleged that her husband may not properly take care of the child because he is an alcoholic.

199. C/2018/012/ADSO

The Commission received a complaint from X dated 17th May, 2018. She alleged that the Respondent does not care for their children nor pay their school fees. She also alleged that her husband beats her and their daughter and inflicts injuries on them.

200. C/2018/038/ADSO

The Commission received a complaint from X dated 27th of November, 2018. She alleged that her husband beats her, pulls her hair and threatens to kill her always. She also alleged that he also does not feed her and their six (6) children.

201. NHRC/NEZO/MDR/C/142/2018

The Commission received a complaint from X dated 19th June 2018. She alleged that she and the Respondent were divorced and that their two (2) children have been in her custody. She also alleged that the Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

202. NHRC/NEZO/MDR/C/2018/219

The Commission received a complaint from X dated 25th October 2018. She alleged that she and the Respondent were separated and that she was in custody of their 4 children. She also alleged that the Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

203. NHRC/NEZO/MDR/C/108/2018

The Commission received a complaint from X dated 15th May, 2018. She alleged that her husband divorced her for almost a year and abandoned his responsibilities of catering for the upkeep and maintenance of their children.

204. NHRC/NEZO/MDR/C/2018/132

The Commission received a complaint from X dated 5th June, 2018. She alleged that the Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

205. NHRC/NEZO/MDR/C/036

The Commission received a complaint from X dated 11th January, 2018. She alleged that her husband starves her and her daughter as well as tortures her. She also alleged that her husband abandoned his responsibilities of catering for the upkeep and maintenance of their child.

206. NHRC/NEZO/MDR/C/2018/009

The Commission received a complaint from X dated 18th January, 2018. She alleged that she was married to the Respondent and they had six children before their divorce. She also complained that the Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

207. NHRC/NEZO/MDR/C/2018/29

The Commission received a complaint from X dated 5th February 2018. She alleged that Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

208. NHRC/NEZO/MDR/C/2018/117

The Commission received a complaint from X dated 24th August 2018. She alleged that the Respondent refused to renew their rent after its expiration and this compelled her and their four (4)

children to move to her parent's house. She also alleged that Respondent abandoned his responsibilities of catering for the upkeep and maintenance of their children.

209. C/2018/80/SSZ

The Commission received a complaint from Y dated 23rd of May, 2018. He alleged that he was in a relationship with the Respondent which resulted in the birth of a girl. He also alleged that the Respondent continuously denied him access to his 5 years old daughter despite his effort at providing for the welfare of the child.

210. C/2018/123/SSZ

The Commission received a complaint from X dated 6th of September, 2018. She alleged that her husband assaulted her severally with a knife and other dangerous weapons in the past. She also alleged that the respondent refused to pay school fees for their 4 children and neither do he cater for their upkeep.

211. C/2018/115-116/AMO

The Commission received a complaint from X dated 21st March, 2018. She alleged that she got married to her husband in 2016 and that they have a son. She also alleged that after their wedding, her husband fought her and told her he was no longer interested in her anymore. He also stopped supporting the child.

212. C/2018/VG/3580/HQ

The Commission received a complaint from Y dated 13th August, 2018. He alleged that his former wife denied him access to their daughter. He also alleged that all efforts to see the child in school proved abortive.

213. C/2018/949 – 955/HQ

The Commission received a complaint from X dated 13th August, 2018. She alleged that her husband does not provide for the upkeep, school fees and medical bills of their children.

214. C/2018/1541 -1545/HQ

The Commission received a complaint from X dated 7th May, 2018. She alleged that her husband abandoned his fatherly responsibilities to his children. She also alleged that since he married another woman and divorced her, he has refused to pay the children's upkeep allowance, school fees and medical bills.

215. C/2018/VG/4619 – 4620/HQ

The Commission received a complaint from X dated 18th October, 2018. She alleged that her husband abandoned their home and refused to pay their daughter's school fees and upkeep allowance.

216. C/2018/024 – 025/HQ

The Commission received a complaint from X dated 5th January, 2018. She alleged that her ex-husband refused to provide for the upkeep of their daughter since they got divorced in 2016. She also alleged that any time she called him to send the child's school fees and medical bills, he will not respond to her request.

217. C/2018 /118 – 119/HQ

The Commission received a complaint from X dated 17th January, 2018. She alleged that her estranged husband had been maltreating her and after a disagreement between them in September 2017, he moved out of their home along with their two (2) year old baby without her consent. That by the time she contacted him, he alleged that he had taken the child to his sister's place in Maiduguri, Borno State.

218. C/2018/640- 642/HQ

The Commission received a complaint from X dated 12th March, 2018. She alleged that her husband took away her two children from her after a misunderstanding. She also alleged that the youngest of the two children was still breastfeeding and needed motherly care.

219. C/2018/1527 – 1528/HQ

The Commission received a complaint from X dated 3rd May, 2018. She alleged that the father of her baby abandoned them and also refused to take care of the daughter.

220. C/2018/339 – 341/HQ

The Commission received a complaint from X dated 15th February, 2018. She alleged that the father of her two children ran away and abandoned them without making any provision for the upkeep and maintenance.

221. C/2018/1760 – 1761/HQ

The Commission received a complaint from Y dated 1st June, 2018. He alleged that the mother of his daughter denied him access to her thereby separating him from his daughter.

222. C/2018/598 -602/HQ

The Commission received a complaint from X dated 7th March, 2018. She X alleged that she married her husband in October, 2009 and that the marriage produced four children. She also alleged that her husband has not been providing for the family's upkeep and maintenance.

223. C/2018/1527 – 1528/HQ

The Commission received a complaint from X dated 17th May, 2018. She alleged that she was in a relationship with the Respondent which resulted in the birth of a baby girl. She also alleged that the Respondent has not been providing for the upkeep and maintenance of their child.

224. C/2018/1741 – 1745/HQ

The Commission received a complaint from X dated 7th June, 2018. She alleged that her husband does not provide for the family and he also stopped her from working to assist in catering for the children.

225. C/2018/VG/3180

The Commission received a complaint from X dated 10th July, 2018. She alleged that she was in a relationship with the Respondent which resulted into a pregnancy. She also alleged that the Respondent insisted on her aborting the baby but she has refused.

226. C/2018/VG/3009 – 3012/HQ

The Commission received a complaint from XY dated 10th July, 2018. She alleged that her daughter had 3 children for the Respondent and that he doesn't pay school fees or provide feeding allowance for the children.

227. C/2018/VG/3532 -3533/HQ

The Commission received a complaint from X dated 20th July, 2018. She alleged that the father of her 17 years old son has refused to take up his fatherly responsibility of providing for his upkeep and maintenance.

228. C/2018/1786 – 1789/HQ

The Commission received a complaint from X dated 29th August, 2018. She alleged that she was in a relationship with the Respondent which produced three (3) children. She also alleged that the Respondent abandoned her and does not provide the basic needs of the children.

229. C/2018/1796 – 1800/HQ

The Commission received a complaint from Y dated 10th August, 2018. He alleged that the mother of his three children who is a Kenyan citizen maltreats the children and has threatened to run away with them.

230.C/2018/VG/3807 – 3808/HQ

The Commission received a complaint from X dated 12th September, 2018. She alleged that she was in a relationship with the Respondent which eventually led to the birth of their son. She also alleged that the Respondent promised to marry her but after 8 months of birth of their son, he told her that he had someone else he wanted to marry without making any provision for the upkeep of the child.

231. C/2018/VG/4027 – 4030/HQ

The Commission received a complaint from X dated 13th September, 2018. She alleged that she is married to the Respondent and that they have three (3) children. She also alleged that a friend gave her a DVD player as a gift but when her husband saw it, it generated to domestic squabble and he stopped taking care of the family. She further alleged that he had been maltreating her and the children since the incident.

232. C/2018/4341/HQ

The Commission received a complaint from X dated 10th October, 2018. She alleged that since she got married to her husband in 2015, he has not been taking care of her or providing the basic needs of their son.

233. C/2018/VG/4769 – 4773/HQ

The Commission received a complaint from X dated 13th November, 2018. She alleged that her husband abandoned her and their four children without making any provision for their upkeep and maintenance of their children.

234. C/2018/VG/4765 -4766/ HQ

The Commission received a complaint from X dated 13th November, 2018. She alleged that the father of her son abandoned him since he was born in 2017. She also alleged that he has not contributed in any way to the child's survival and development.

235. C/2018/VG/4881 – 4886/HQ

The Commission received a complaint from X dated 26th November, 2018. She alleged that her husband was always beating her and abandoned them over a year ago without providing for the upkeep and maintenance of the children.

236. C/2018/ 163-165/AMO

The Commission received a complaint from X dated 22nd May, 2018. She alleged that her husband refused to take up his fatherly responsibility to the family and is also in the habit of beating her.

237. C/2018/ 307-308/AMO

The Commission received a complaint from X dated 12th September, 2018. She alleged that she had a relationship with the Respondent which led to a child. She also alleged that the Respondent refused to take up his fatherly responsibility of catering for the child.

238. C/2018/ 163-165/AMO

The Commission received a complaint from X dated 2nd May, 2018. She alleged that she got married to the Respondent, a Police Officer in 2006 and has two children for him. She also alleged that the Respondent was in the habit of beating her and does not provide for the upkeep and maintenance of the children.

239. C/2018/ 231-233/AMO

The Commission received a complaint from X dated 11th July, 2018. She alleged that her estranged husband took away their son to an unknown destination without notifying or seeking her consent.

240. C/2018/252-253/AMO

The Commission received a complaint from X dated 16th August 2018. She alleged that the father of her son has not been providing for the welfare and upkeep of the child.

241. C/2018/141-142/AMO

The Commission received a complaint from X dated 19th April 2018. She alleged that she got married to the Respondent in 2016 and their union is blessed with a child. She also alleged that the Respondent abandoned her since she was pregnant for the child. She further alleged that even after giving birth, the Respondent failed to provide for the upkeep of the child.

242. C/2018/51-52/AMO

The Commission received a complaint from X dated 22nd February 2018. She alleged that she delivered a baby boy in April 2014. She also alleged that the Respondent abandoned her and the child for the past 3 years and relocated to Delta state. She further alleged that the Respondent warned her not to disturb him about the child, thereby neglecting his parental responsibility towards the child.

243. C/2018/254-255/AMO

The Commission received a complaint from X dated 8th August 2018. She alleged that her husband packed all his belongings and left the house and has refused to cater for the well-being of the child.

244. C/2018/234-235/AMO

The Commission received a complaint from X dated 19th July 2018. She alleged that she got married to the Respondent in 2009 and their union is blessed with two (2) children. She also alleged that the Respondent was in the habit of beating her and abandoned her and the children in December, 2017 without any form provision for the children's upkeep and maintenance.

245. C/2018/281-284/AMO

The Commission received a complaint from XY dated 18th September 2018. She alleged that her daughter was in a relationship with the Respondent which resulted in the birth of 3 children. She also alleged that the Respondent abandoned her daughter and the children without making any provision for their daily welfare and upkeep.

246. C/2018/90-94/AMO

The Commission received a complaint from X dated 12th March, 2018. She alleged that the father of her four (4) children accused her of infidelity and abandoned her with the four children without making any provision for their daily welfare and upkeep.

247. C/2018/319-320/AMO

The Commission received a complaint from X dated 16th October, 2018. She alleged that she cohabited with the Respondent for years and that she had a child for him. She also alleged that the Respondent abandoned his fatherly responsibilities towards the child and does not make any provision for the daily welfare and upkeep of the child.

248. C/2018/311-316/AMO

The Commission received a complaint from X dated 10th October, 2018. She alleged the Respondent abandoned his fatherly responsibilities of providing for the needs of their children, especially the payment of school fees. She also alleged that the Respondent was planning to take the children to his aged mother in Kaduna State without her consent and knowledge.

249. C/2018/309-310/AMO

The Commission received a complaint from X dated 8th October 2018. She alleged that the Respondent forcefully collected her child without her consent after taking him for holiday in their grandfather's house.

250. C/2018/177-178/AMO

The Commission received a complaint from X dated 23rd May, 2018. She alleged that the Respondent abandoned his parental responsibilities towards the upkeep and maintenance of their son.

251. C/2018/95-97/AMO

The Commission received a complaint from X dated 14th March, 2018. She alleged that after giving birth to twins, the Respondent (the father of the twins) ran away from the house. She alleged that after a week, he called and advised her to sell the children or look for people in need of children or government to give them to.

She further alleged that the Respondent and his family drove her out with the children, accused her of committing abomination by having carnal knowledge with Respondent and abandoned their responsibilities of providing for the children's welfare and upkeep.

252. C/2018/302-306/AMO

The Commission received a complaint from X dated 23rd May, 2018. She alleged that her husband sent her away and abandoned his parental responsibilities of providing for the children.

253. C/2018/327-332/AMO

The Commission received a complaint from X dated 25th October, 2018. She alleged that her husband does not provide for the upkeep and maintenance of their children.

254. C/2018/173-174/AMO

The Commission received a complaint from X dated 22nd May, 2018. She alleged that she had a child with the Respondent. She also alleged that she and the Respondent agreed to take the child to the Respondent's mother in Umuagwu Udi Local Government Area of Enugu State for proper care owing to their poor financial capacity.

She further alleged that after taking the child to the Respondent's mother, they denied her access to the child for no justifiable reason.

255. C/2018/39-41/AMO

The Commission received a complaint from X dated 13th February, 2018. She alleged that she cohabited with the Respondent and the relationship produced two (2) children. She also alleged that the respondent abandoned the children without providing the basic needs for their upkeep such as school fees, shelter and feeding.

256. C/2018/VG/43332-4333/HQ

The Commission received a complaint from Y dated 24th September, 2018. He alleged that he was abandoned by his father. He also alleged that he and his younger brother have been out of school for some years and that every plea for his father to pay their school fees to enable them to go back to school has proved abortive.

257. C/2018/215-216/AMO

The Commission received a complaint from XY dated 5th July, 2018. She alleged that the Respondent, who lives in the same area with her, has been sexually abusing children.

258. C/2018/67-69/AMO

The Commission received a complaint from X dated 5th March 2018. She alleged that her husband does not provide for the upkeep and maintenance of his children.

259. C/2018/249-251/AMO

The Commission received a complaint from X dated 8th August, 2018. She alleged that she got married to the Respondent and that they have two children. She also alleged that the Respondent left her in the village with the children, came to Abuja and got married to another woman.

She further alleged that the Respondent subsequently divorced the woman he married in Abuja and asked her to come back to him. That she came back and had another pregnancy. When she was taken to the hospital to deliver the baby, the Respondent abandoned her in the hospital with the hospital bills. She further alleged that the Respondent stopped giving her feeding money and abandoned her with the children.

260. C/2018/109-113/AMO

The Commission received a complaint from X dated 19th March 2018. She alleged that she got married to her husband on 26th December, 2007 and they are blessed with four children. She also alleged that on 4th January 2018, she told her husband that she was pregnant and he angrily told her to abort the pregnancy.

She further alleged that when she refused to abort the pregnancy, her husband left her and the children and stopped providing for the upkeep and maintenance of their children.

261. C/2018/228-230/AMO

The Commission received a complaint from X dated 11th July 2018. She alleged that she got married to the Respondent and they are blessed with two children. She also alleged that the Respondent abandoned her with the children in the village and she later discovered he was living with another woman.

She further alleged that the Respondent later got her pregnant but has refused to assume the responsibility of catering for the children.

262. C/2018/293-296/AMO

The Commission received a complaint from X dated 20th September, 2018. She alleged that she cohabited with the Respondent and it resulted to the birth of 3 children. She also alleged that the Respondent refused to take care of or contribute towards the welfare and well-being of the children.

263. C/2018/186-190/AMO

The Commission received a complaint from X dated 5th June, 2018. She alleged that her husband abandoned his responsibility of catering for the needs of their children.

264. C/2018/86-89/AMO

The Commission received a complaint from X dated 12th March, 2018. She alleged she got married to her husband and that they are blessed with four (4) children. She also alleged that her husband does not cater for the needs of the children.

265. C/2018/166/AMO

The Commission received a complaint from X dated 7th May, 2018. She alleged that she had a child with the Respondent. She also alleged that the Respondent does not provide for the upkeep and maintenance of the children.

266. C/2018/365-369/AMO

The Commission received a complaint from X dated 15th November, 2018. She alleged that she got married to the Respondent and had a child for him. She also alleged that the Respondent refused to cater for the well-being and needs of the child.

267. C/2018/300-301/AMO

The Commission received a complaint from X dated 5th October, 2018. She alleged that she got married and had a son for the Respondent. She also alleged that the Respondent divorced her due to some rivalry issues between her and his first wife. She further alleged that he stopped providing for the upkeep and maintenance of the child.

268. C/2018/199-200/AMO

The Commission received a complaint from X dated 24th July, 2018. She alleged that she has been married to her husband for six years and they have two (2) children. She also alleged that she was pregnant with another child and that her husband abandoned his fatherly responsibility of catering for the needs of the children.

269. C/2018/121-123/AMO

The Commission received a complaint from Y dated 11th April, 2018. He alleged that he got married to his wife some years ago and they have two (2) children. He also alleged that his father-in-law asked his wife to leave their matrimonial home and she left with the two children. He further alleged that he was denied access to the children by his wife and father-in-law.

270. C/2018/124-125/AMO

The Commission received a complaint from X dated 3rd April, 2018. She alleged that she cohabited with the Respondent and later bore him a son who is 2 years old. She also alleged that the Respondent suddenly left when their rent got expired, leaving her and the son behind without any consideration to the well-being of the child.

271. C/2018/133-135/AMO

The Commission received a complaint from X dated 18th April, 2018. She alleged that she cohabited with the Respondent and had two children for him. She also alleged that in 2013, she came to Abuja to get herself established in the fashion industry and later brought her two sons to Abuja so they could be enrolled in school.

She further alleged that in 2017, the Respondent came to Abuja and violently requested for the custody of the children and she obliged him. That few weeks after releasing the children to him, they became malnourished and unkempt. That she could not stomach the children pitiable condition and therefore wants custody of the children so she could properly take care of them.

272. C/2018/338-341/AMO

The Commission received a complaint from X dated 12th October, 2018. She alleged that she has been married to her husband for so many years and that the marriage is blessed with three (3) children. She also alleged that her husband abandoned his responsibilities of catering for the development and survival of the children and has refused to pay the children's school fees.

273. C/2018/159/SSZ

The Commission received a complaint from X dated 19th of November, 2018. She alleged that as a result of a misunderstanding between her and her husband, he refused to take up his parental responsibilities of providing for the upkeep and maintenance of their four children.

MEDIA REPORTS ON RIGHT OF THE CHILD

1. On 10th February, 2018, The Authority Newspaper reported on page 10 that journalists in the country have been urged to lend their voices towards addressing the plight of the Nigeria children as it affects their protection and development in the society. This call was made by

UNICEF as a backdrop of the absence of child friendly environment in Nigeria and urged policymakers on the need to establish child friendly centers in public places in order to give children a sense of belonging in line with their rights as children.

2. On 16th February, 2018, Vanguard Newspaper reported on Page 6 that a 12 years old girl who was in the custody of Ezza-South LGA of Ebonyi State stated that she experienced in the hands of her Aunt who she lives with. The aunt is alleged to have inserted sticks inside her vagina, hit her with iron rods, wires and also tied her with chains. The vice chairman of the local government authority has ordered the arrest of the aunt and called on FIDA, CSOs and the police to save children from abuse.
3. On 21st February, 2018, Daily Trust Newspaper reported on page 34 that a head teacher defiled and infected a 10 years old pupil with a sexually transmitted disease. The accused was remanded in Kirikiri prison by an Ikeja Chief Magistrate Court.
4. On 26th February, 2018, This Day Newspaper reported on page 1 that the federal government confirmed that 110 students of Government Girls Science and Technical College, Dapchi, Yobe State had been kidnapped after insurgents believed to be from a faction of the terror group, Boko Haram, invaded the school. The Minister of Information and Culture, confirmed the incident.
5. On 27th February, 2018, The Guardian Newspaper reported on page 6 that more damages had been done to the school system in the Northeast. This was made known by the UNICEF in a report which stated that 52% of children in Borno, Adamawa, Yobe, Taraba, Bauchi and Gombe States never attended school because of the nine year's insurgency. According to UNICEF, 1, 397 primary and secondary schools were destroyed and 2, 295 teachers lost their lives between 2012 and 2017.
6. On 7th March, 2018, This Day Newspaper reported on page 33 that the National Human Rights Commission decried lack of inclusive and functional education system for Nigerian children both at the federal and state levels. The acting Executive Secretary of the Commission, Mr. Tony Ojukwu who expressed dismay stated in spite of all existing legal frameworks and commitments put in place to advance education, there is still a huge gap in its accessibility. He made this known at a strategy meeting organized by the National Human Rights Institutions in West Africa on promoting the right to education.
7. On 6th June, 2018, The Guardian Newspaper reported on page 5 that the International Labour Organization has urged for coordinated action to end rising cases of children labourers which has hit 152 million. This was made known by the Director General of the ILO in Geneva
8. On 9th June, 2018, Blueprint Newspaper reported on page 9 that the Edo State Governor has condemned the use of children as labourers by employers of labour and warned that his administration will not accept any form of exploitation of children in the state. The Governor urged indigenes and residents to report any case of exploitation of children to law

enforcement agencies for prosecution adding that government had sensitized the enforcement agencies to treat such cases with dispatch.

9. On 11th June, 2018, People's Daily Newspaper reported on page 5 that 10.5million Nigerian children were out of school and vulnerable to terrorism. This is just as a bomb explosion suspected to be from an Improvised Explosive Device detonated killing the teenager carrying it and severely injuring two his friends at a scrap material market in Mubi, Adamawa State.
10. On 1st August, 2018, Daily Trust Newspaperreported on page 7 that the Minister of state for Budget and Planning stated that the Federal Government was committed to improve the wellbeing of the Nigerian child by increasing Children Protection Systems. The Minister also stated that the issue of child wellbeing and development is central to the country's economic development hence the need to prioritize children in planning and execution.
11. On 20th August, 2018, Daily Trust Newspaper reported on page 7 that the UNICEF welcomed the release of 24 children aged 12 to 17 years from the administrative custody of the Nigerian Army after they were cleared of suspected ties with armed groups. This broughtthe number of children released as at August 2018 to 207.
12. On 5th March, 2018, Daily Trust Newspaper reported on Page 34 that a watchman with Magistrate Court in Birninkudu area of Jigawa State was arrested for allegedly defiling a 13 year old boy in the courts premises. The suspect was arrested by officials of the NSCDC while taking advantage of the boy.
13. On 3rd August, 2018, This Day Newspaper reported on page 12 that the International Committee of the Red Cross had raised alarm on whereabouts of 17, 000 persons including over 7, 100 children whose whereabouts remains a mystery as a result of conflict.

CONCLUSION:

Apart from the ratification of the Convention on the Rights of the Child (CRC) and the OAU Charter, reasonably, efforts have been made on the rights of the child on the part of the Government, Human Rights Institutions, development partners and other stakeholders to the development of the Nigerian Child to keep pace with the world by the promulgation of degrees, enactment of laws and institution of rules and regulations aimed at improving the welfare of the child. However, a lot more vigor and commitment is needed by all towards improving the promotion, protection and enforcement of the right of the child. Nigeria cannot afford to be left out in the global efforts to create a better life for children through the full realization and attainment of all human rights for all.

RECOMMENDATIONS:

1. Primary Education should be compulsory for all children and made free;
2. Awareness creation and societal re-education on the needs and rights of the children should be intensified as a matter of urgency;
3. Government should make efforts to give priority in resources allocation to all programmes and policies affecting the health and welfare of children
4. Promote the development of suitable Child Welfare programmes and policies at the community level;
5. Children with disabilities should be given special care, education and training to help them enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible;
6. The state should see it as an obligation to ensure that children of victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for recovery and social reintegration and rehabilitation;
7. Establishment of more male and female borstal and remand homes with skill development and vocational training;
8. Children court should be established to cater for children who are in conflict with the law;
9. It is a collective responsibility for everyone to ensure the proper development, promotion, protection and enforcement of the right of the Child.
10. Every Child should be seen as a unique individual requiring love and protection. Street children should be loved and protected rather than been rejected and abandoned. Need to urgently improve the living condition of the street children;
11. The street children have been an integral part of the dysfunctional social system. Hence the need to develop a framework of implementable recommendations as well as putting in place effective and efficient monitoring and evaluation mechanism; and
12. Creating an awareness of the responsibility of parents and caregivers on the crucial need to protect the rights of the Child.

CHAPTER 14 TERRORISM AND OTHER VIOLENCE

BY
KABIRU ELAYO

INTRODUCTION

Nigeria is a country with diverse ethnic groups and preponderance of religious beliefs and practices, majority of which include Christianity, Islam and African traditional religion. The country is also endowed with rich mineral resources and vast land for agricultural activities.

Yet the country has, over the years, been faced with challenges towards its growth, peaceful coexistence and development. These challenges are in the form of terror attacks, intermittent outbreak of violence and insurgency in parts of the country.

These occurrences have real and direct impact on the enjoyment of human rights in the country in terms of loss of lives, livelihood, displacement, poverty, education, health and nutrition.

No doubt, this poses a challenge towards achieving Sustainable Development Goals (SDGs) such as: poverty (Goal 1), food and nutrition (Goal 2), health (Goal 3), education (Goal 4), water and sanitation (Goal 6), accountable and inclusive institutions and access to justice for all (Goal 16) and protecting women and children from violence, abuse and exploitation.

In light of this phenomenon, this Chapter seeks to discuss terrorism and other forms of violence, and their negative impact on the rights of Nigerians. Also, the Chapter seeks to investigate the legal framework on terrorism and other acts of violence, the role of law enforcement officials and some human rights consideration while prosecuting offenders especially those arrested for acts of terror.

CONCEPTUAL CLARIFICATIONS

HUMAN RIGHTS

Human rights can be defined in various ways, such as generally accepted principles of fairness and justice inherent in every individual by virtue of their humanity simply because they are human beings. Article 1 of the Universal Declaration on Human Rights (UDHR) provides:

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

It is useful to consider a few terms that can be applied to explain human rights, or the qualities that apply to human rights, as follows:

INHERENT

Human beings are born free and equal in dignity and rights – this means that their rights are inherent, not given, bought, earned or inherited. By being born human, one is imbued with rights. These rights are indications of our inherent dignity and humanity. At the same time, they protect our dignity and humanity.

UNIVERSAL

Human rights are generally accepted principles that apply equally to all human beings, wherever they may live regardless of race, sex, religion, ethnicity, political or other opinion, social or national origin.

INALIENABLE

Because they are inherent, human rights cannot be waived or taken away – they are inalienable. Human rights cannot be renounced, lost or forfeited.

INDIVISIBLE

Human rights are based on the principle of respect for human dignity. In order to live in dignity, all human beings are entitled to freedom, security and decent standards of living all at the same time.

FUNDAMENTAL

Life, dignity and other human values, needs and aspirations depend on recognition and fulfillment of rights. Human rights form the basis of every human being.

APPLY EQUALLY

All people have the same human rights, and it follows that all human beings have the right to equal protection of their rights.

ABSOLUTE

Certain core rights create obligations that are absolute and cannot be limited.

However, the human rights system was not created in a vacuum and provides that most human rights protected in international and national laws may be limited if competing social interests are important enough, in particular circumstances, for example, to take into account the legitimate claims and entitlements of other individuals and groups. For example, section 45 (1) of the CFRN 1999 as amended provides: Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society:

- (a) in the interest of defence, public safety, public order, public morality or public health; or
- (b) for the purpose of protecting the rights and freedom of other persons

CLASSIFICATION OF HUMAN RIGHTS

Civil and political rights

These rights create obligation on States not to infringe upon these rights. The State generally respects the right if it does not interfere with it. It may also need to act more positively to ensure the right is not interfered with by others.

Civil rights include the right to equality before the law, to a fair trial, not to be arbitrarily detained or tortured, to know the charges made against one, etc. Political rights enable the people to participate meaningfully and freely, politically, in framing the society in which they live and the way their country is run. Some examples of these rights are the right to vote and the right to form and join political parties.

Economic, Social and Cultural rights deal with survival and development. They govern how people are able to live and work together in dignity and with opportunity, and the right to basic necessities such as food and water. Examples include the right to access a basic education, the right to health care and the right to basic shelter. Social and economic rights place a duty on the State to provide at least a framework for the progressive realization of these rights, insofar as resources allow. At the very least, people should not be discriminated against in accessing basic services. Environmental and developmental right includes environmental and developmental rights.

LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS IN NIGERIA

Chapter 4 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for the Fundamental human rights of persons. It is worthy to note that Nigeria is also a signatory to a notable list of Regional and International Human Rights Instruments, many of which have either been ratified and/or domesticated. The rights protected under these Instruments include but are not limited to:

- Right to Life
- Right to Dignity of human person
- Right to Liberty
- Right to fair hearing
- Right to Private and Family Life
- Right to freedom of thought conscience and religion
- Right to freedom of expression
- Right to Peaceful Assembly and Association
- Right to freedom of Movement
- Right to Freedom from Discrimination
- Right to Property

THE LIST OF REGIONAL AND INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Many of which have either been ratified and/or domesticated are:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic Social and Cultural Rights (ICESC)
- Convention Against Torture (CAT)
- African Charter on Human and Peoples Rights (ACHPR)
- The Statute of the International Criminal Court (ICC)

TERRORISM

Terrorism in the broadest sense is the use of intentionally indiscriminate violence as a means to create terror among masses of people; or fear to achieve a religious or political aim.¹⁵¹ Historically, the terms- “terrorism” and “terrorists” originated during the French Revolution of the late 18th century when a group named the Jacobins¹⁵². This group ruled the revolutionary state and in the process, employed violence, including mass executions by guillotine, to compel obedience to the state¹⁵³ and intimidate regime enemies¹⁵⁴.

In modern times, there are several definitions of terrorism. For instance a 1983 study by Alex P. Schmid¹⁵⁵ catalogued 109 different definitions of terrorism used between 1936 and 1980 and many other definitions have since appeared.¹⁵⁶

According to the United Nations General Assembly (UNGA)¹⁵⁷, terrorism includes:

Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them

Similarly, the United Nations Security Council (UNSC) in its resolution 1566¹⁵⁸, referred to acts of terror as:

...criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act...

¹⁵¹ V, Fortna : “Do Terrorists Win? Rebel’s Use of Terrorism in Civil Outcomes” *International Organizations (Vol. 69, Issue 3- 2015 Cambridge University Press)* pages 519-556

¹⁵² This group was an influential political club during the French Revolution of 1789 and following. The period of their political ascendancy is known as the Reign of Terror, during which time tens of thousands were put on trial and executed in France, many for political crimes.

¹⁵³The Jacobins in order to defend the nation from its enemies, expanded the government’s police powers at the expense of civil liberties, endowing the state with the power to detain, interrogate and imprison suspects without due process.

¹⁵⁴ Furstenberg, F: Bush’s Dangerous Liaisons: The New York Times (October 28 2007).

¹⁵⁵ Alex Peter Schmid (born 3 November 1943, in Chur) is a Swiss-born Dutch scholar on terrorism studies and former Officer-in-Charge of the Terrorism Prevention Branch of the United Nations.

¹⁵⁶ Perry, N.J: “The Numerous Federal Legal Definitions of Terrorism: The Problem of too many Grails” (5/1/2004) *Journal of Legislation*, Vol. 30/Issue 2, Article 3.

¹⁵⁷ 8th Plenary meeting of United Nations General Assembly UN/A/RES/49/60 (9th December 1994)

¹⁵⁸ Adopted by the Security Council at its 5053rd meeting on 8th October 2004.

<https://www.un.org/ruleoflaw/files/n0454282.pdf>

In the Nigeria, section 1 of the Terrorism Prevention Act (TPA 2011as amended) also does not explicitly define “terrorism”. Rather, it prohibits acts of terrorism to include:

- a) Attempt or threat to do an act preparatory to or in furtherance of an act of terrorism;
- b) Anything that is reasonably necessary to promote an act of terrorism;
- c) Assisting or facilitating activities of persons engaged in an act of terrorism.

The TPA 2011 defines an act of terrorism to mean an act of terrorism which is deliberately done with malice aforethought and which may;

- i. Seriously harm or damage a country or an international organization
- ii. Intended or can reasonably be regarded as having been intended to unduly compel a government or international organization to perform or abstain from performing an act;
- iii. Seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization.

The TPA 2011 describes a proscribed organization as where two or more person associate for the purpose of or where an organization engages in;

- a) Participating or collaborating in an act of terrorism
- b) Promoting, encourages or exhorting others to commit an act of terrorism

At this juncture, it is worthy to mention that since 2009, an Islamic sect- Jama’atuAhliSunnaLidda’awati al Jihad¹⁵⁹ (JALISWAJ aka “Boko Haram¹⁶⁰”), has engaged in a series of brash attacks and heinous acts on citizens in Nigeria ever since its founder, Ustaz Mohammed Yusuf was killed. Boko Haram came into limelight when it sparked off an uprising by the refusal of its members in Maiduguri to wear helmets, while riding motorcycles, as required by a motorbike helmet law of Borno State. This generated a conflict between members of the sect and policemen that attempted to enforce the law. The violence that erupted as a result of this conflict left over 1000 people dead, and has spread to other has States, namely; Adamawa, Bauchi, Taraba and Kano.

OTHER FORMS OF VIOLENCE

Other forms of violence have become embedded in Nigeria in the form of ethno-religious conflicts, armed banditry, kidnapping, cattle rustling, land disputes and tensions between pastoralists and farmers leading to loss of lives and displacement.

¹⁵⁹An Arabic name which in English means ‘People Committed to the Propagation of Prophet’s Teaching and Jihad.

¹⁶⁰ A Hausa name which translates into ‘Western education is prohibited’

Indeed this phenomenon has far reaching consequences on development and the fundamental human rights of Nigerians in all its ramification. This is because communal and religious conflicts always impacts negatively through destruction and vandalisation of property and loss of lives and consequently increasing the level of poverty in the society.

It must be emphasized that high levels of armed violence and insecurity have a destructive impact on a country's development, affecting economic growth and often resulting in long standing grievances that can last for generations. Sexual violence, crime, exploitation and torture are also prevalent where there is conflict or no rule of law, and countries must take measures to protect those who are at risk. Accordingly, the absence of peace deprives people of enjoyment of all other rights be it health, education, religion and fair hearing.

CAUSES OF CONFLICTS AND VIOLENCE

The National Bureau of Statistics (NBS), in its First Round Report (FRR)¹⁶¹ on Conflicts and Violence in Nigeria, categorized causes of conflict in Nigeria to include terrorism (72%), land or resource access (7%), cultism or criminality (15%), ethnicity, politics or religion (2%), personal disputes, amongst others. The FRR indicates that households in North East Nigeria are the most exposed to all types of conflict events. Specifically, the report stated that from 2010 -2017, 49% of households in the Northeast had conflict experience, with an average of 3.4 conflict events between 2010- 2017. More than one in five households had a member displaced (27%), one third (30%) had members of their family killed, their dwelling robbed (22%) or access to school blocked (21%) at least once between 2010- 2017.

IMPACT OF TERRORISM AND OTHER VIOLENCE ON HUMAN RIGHTS

Terrorism and other violence have real and direct impact on human rights, with devastating consequence for the enjoyment of the right to life, liberty and integrity of victims, health, education, housing, water, sanitation, agriculture and food security. In addition to these individual costs, terrorism and other violence can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development.

For instance, the 2018 Global Terrorism Index (GTI)¹⁶², states that the intensity of terrorism has increased over the last two decades and its impact has spread to more countries around the world. The report further states that in 2001, 50 countries experienced at least one death from terrorism¹⁶³. This number dropped to 39 in 2004. The figure, according to the report has grown steadily, with more than 60 countries experiencing at least one fatal attack in every year since 2012 and has further risen in 2016, when 79 countries had at least one death from terrorism. The report puts the global economic impact of terrorism at US\$52 billion in 2017.

¹⁶¹National Bureau of Statistics: Nigeria - Conflict and Violence in Nigeria 2017, First Round.

https://www.nigerianstat.gov.ng/nada/index.php/catalog/55/related_materials accessed on 10th December 2019

¹⁶²The **Global Terrorism Index** (GTI) is a report published annually by the Institute for Economics and Peace (IEP), and was developed by IT entrepreneur and IEP's founder Steve Killelea. The **index** provides a comprehensive summary of the key **global** trends and patterns in **terrorism** since 2000.

¹⁶³2018 Global Terrorism Index. .

Indeed, Member States of the United Nations dwelt on the destructive impact of Terrorism¹⁶⁴ where they stated that terrorism:

Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;

- Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;
- Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;
- Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and
- Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

THE LEGAL FRAMEWORK

INTERNATIONAL AND REGIONAL INSTRUMENTS

The UNSC by Resolution 1373¹⁶⁵ (“the Resolution”) recognized the need for member States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism. Thereafter, UNSC by Articles 6 of the Resolution set up a Committee¹⁶⁶ which was required to follow up on the progress in implementing the Resolution by member states.

At the regional level, Nigeria is party to the OAU Convention on the Prevention and Combating of Terrorism (the Algiers Convention) which came into force in 2002. Article 2 thereof provides that State Parties undertake to:

¹⁶⁴ Fact Sheet No. 32 Office of the United Nations High Commissioner for Human Rights: Human Rights, Terrorism and Counter-. <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>

¹⁶⁵ This Resolution was unanimously adopted on 28th September 2001 by all member states of the United Nations.

¹⁶⁶The Counter-Terrorism Committee (CTC) was established by Security Council in line with Resolution 1373 (2001)

review their national laws and establish criminal offences for terrorist acts as defined in this Convention and make such acts punishable by appropriate penalties that take into account the grave nature of such offences

DOMESTIC LEGISLATION

In order to protect the lives of persons and guarantee their security and welfare section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria CFRN 1999 (as amended) provides that –

“... the security and welfare of the people shall be the primary purpose of government”

Also, by the combined effect of sections Section 4 (2) and 11 of the 1999 Constitution (as amended) the National Assembly is obligated to make laws for the peace, order and good government of Nigeria. Specifically, Section 11(1) thereof provide:

“The National Assembly may make laws for the Federation or any part thereof with respect to the maintenance and securing of public safety and public order...”

Consequently, in line with her international and regional obligations, the following legislation have been enacted to prevent and deal with the wave of terrorism and other violence in Nigeria:

- i. Terrorism Prevention Act 2011(as amended),
- ii. the Child Rights Act, 2003,
- iii. the Administration of Criminal Justice Act, 2015,
- iv. Violence Against Persons Prohibition (VAPP) Act, 2016
- v. The Criminal Code
- vi. The Penal Code

For the effective discharge of this onerous task, law enforcement agencies play a critical role in this regard. Although the Nigeria Police Force (NPF) is the law enforcement institution mentioned by section 214 of the CFRN 1999 (as amended) for the maintenance of law and order, other specific law enforcement agencies were created by law to carry out particular obligations, and thus perform duties namely-

- Department of State Service (DSS)
- Nigerian Military (NA)
- Nigerian Immigration Service (NIS)
- Nigerian Customs Service (NCS)
- Nigeria Correctional Service (NCS)
- National Drug Law Enforcement Agency (NDLEA)
- Nigeria Security and Civil Defence Corps (NSCDC)

HUMAN RIGHTS CONSIDERATIONS DURING TRIAL FOR TERRORISM OFFENCES AS WELL AS OTHER OFFENCES

Adjudication of terrorism cases and by extension other acts of violence are, in most instances, intricate considering the peculiar and sensitive nature of evidence to be considered in respect of events that may have taken place before the arrest of suspects and their trial commencement of proceedings. In this regard, the investigators and prosecutors are expected to deal with charges against suspects whose activities may have involved a combination of factors that may not be within a particular jurisdiction.

In the course of such trials, therefore, complex legal and human rights issues may arise including issues of the protection of witnesses, the probative value of sensitive evidence and whether evidence obtained in violation of human rights guarantees should be excluded.

Accordingly, ensuring the fairness of proceedings at all stages, through proper protection of human rights standards is a legal and constitutional imperative. These human rights safeguards are guaranteed in international, regional and domestic human rights instruments (*supra*).

The rights protected under these Instruments include:

- Right to Life
- Right to Dignity of human person
- Right to Liberty
- Right to fair hearing
- Right to Private and Family Life
- Right to freedom of thought conscience and religion
- Right to freedom of expression
- Right to Peaceful Assembly and Association
- Right to freedom of Movement
- Right to Freedom from Discrimination
- Right to Property

The list of Regional and International Human Rights Instruments, many of which have either been ratified and/or domesticated are:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic Social and Cultural Rights (ICESC)
- Convention against Torture (CAT)
- African Charter on Human and Peoples Rights (ACHPR)
- The Statute of the International Criminal Court (ICC)

THE RIGHTS OF TERRORISTS SUSPECTS THE RIGHT TO LIBERTY

One key human rights issue that often arises when trying suspects on terrorism cases has been that of deprivation of liberty. Freedom from arbitrary deprivation of liberty is a well-entrenched human right protected by the international law and regional human rights instruments, as well as the Constitution of the Federal Republic of Nigeria 1999 (as amended).

Thus Article 9 of the ICCPR provides:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law

The same provision is provided for in Article 6 of the African Charter on Human and Peoples' Rights (ACHPR). Similarly, Section 35 (1) of the CFRN 1999 as amended provides:

Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.

ARREST

Arrest is a measure designed to restrict a citizen's right to liberty and, in a way, the right to freedom of movement. Thus section 4 of the Administration of Criminal Justice Act (ACJA) 2015 provides that:

“In making an arrest, the police officer or other person making the arrest shall actually touch or confine the body of the suspect, unless there is a submission to the custody by word or action”.

It follows, therefore, that in effecting an arrest, the use of force is permitted only in so far as the suspect resists arrest (S. 17 of the CPC). In this regard, the law (S. 4 CPA and S.37 CPC) further provides;

“A person arrested shall not be handcuffed or otherwise bound or be subjected to unnecessary restraint except by order of the Court, a Magistrate or Justice of the Peace, or unless there is reasonable apprehension of violence or of an attempt to escape, or unless for the safety of the persons arrested”.

This position is encapsulated in sections 3, 4 and 5, of the ACJA 2015.

It is sad to observe that rather than adhere to these provisions, the usual habit of arresting officers is to apply force and handcuff¹⁶⁷, even for minor crimes. Apart from the illegality of such acts (which may invalidate arrest), it is a gross violation of the right to dignity of the human person and constitutes cruel, inhuman and degrading treatment.

What is more, the presumption of innocence in our criminal justice system will be affected.

DETENTION/BAIL:

Detention involves one form of restraint or the other against the citizen's right of movement. It is accepted that detention of persons derogates from the citizens' right to personal liberty and to the presumption of innocence. Since the TPA and other extant laws empower law enforcement officials to arrest offenders, the law imposes a duty on officers to grant offenders or suspects bail where investigations cannot be completed forthwith.

¹⁶⁷Senbanjo, Z.O: 'Human Rights & Policing in a Democracy'- (2007) Being a paper delivered at the Nigeria Police College, Jos, Plateau State.

INTERROGATION:

Section 29 of the Evidence Act 2011 provides unambiguously that any statement made by a suspect must be voluntary. In *Saidu V The State*¹⁶⁸, the Supreme Court held that an accused person's statement is only admissible against him if it is proved to have been obtained voluntarily by the prosecution. More importantly, section 35(2) of CFRN, 1999 guarantees a suspect the right to remain silent until he could consult with his lawyer. In other words, a suspect may refuse to make a statement or answer any question until he has consulted with a lawyer or any person of his choice.

As a corollary, section 17 (1) of the ACJA provides that a suspect's statement shall be taken if he wishes to make it and may be done in the presence of a legal practitioner of his choice, and, where a legal practitioner is not available, in the presence of an officer of the Legal Aid Council of Nigeria (LACN), member of a Civil Society Organization (CSO) or a Justice of the Peace. It must be mentioned here that section 8 (1) (a) & (b) of ACJA prohibits the use of torture, inhuman and degrading treatment to obtain information and or confession from suspects or offenders. This, for practical purposes, can inhibit successful prosecution of matters in court.

PRESUMPTION OF INNOCENCE

The presumption of innocence is a crucial guarantee during both the investigation of terrorists or suspects as well as during trial. As regards the trial specifically, one of the most important implications of the presumption of innocence concerns the burden and standard of proof. In this regard Section 36 of the CFRN 1999 (as amended) provides as follows:

- (5) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty”;
- (6) Every person who is charged with a criminal offence shall be entitled to -
 - (a) be informed promptly in the language that he understands and in detail of the nature of the offence;
 - (b) be given adequate time and facilities for the preparation of his defence;
 - (c) defend himself in person or by legal practitioners of his own choice;
 - (d) examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and
 - (e) have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence

The United Nations Human Rights Committee, in its General Comment No. 32, stated that in all criminal trials the presumption of innocence requires that the burden of proof be placed on the prosecution to prove all of the essential elements of the crime. The standard of proof to which the prosecution must establish its case is “beyond reasonable doubt”.

It is worthy to note, however, that section 28 of the TPA contains provision which is contrary to section 36 (6) © regarding the right of the accused to be represented by a legal practitioner of his own choice. The section provides:

¹⁶⁸ (1982) 4 S.C 41

Where a person is arrested under reasonable suspicion of having committed any offence under sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 13 or 14, the National Security Adviser or Inspector General of Police or a delegated officer not below the rank of Chief Superintendent of Police or its equivalent may, subject to this section, direct that the person arrested be detained in a custody for a period not exceeding 24 hours from his arrest, **without having access to any person other than his Medical Doctor and legal counsel of the detaining agency.**

TRIAL BY A COMPETENT COURT OR TRIBUNAL

The trial suspects by a competent, independent and impartial court or tribunal is a fundamental human right guaranteed by international human rights instruments. Article 14 (1) of the ICCPR provides:

“[i]n the determination of any criminal charge against him [...] everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

Also, Articles 26 of the ACHPR provides:

State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter

In the case of *Gafar v. Govt., Kwara State*¹⁶⁹, the Supreme Court stated thus:

It is settled law that courts are creatures of statute based on the constitution with their jurisdiction stated or prescribed therein. That being the case, it is obvious that no court assumes jurisdiction except it is statutorily prescribed as jurisdiction cannot be implied nor can it be conferred by agreement of parties

Importantly, the United Nations Human Rights Committee has held that the right to an independent, impartial and competent tribunal is absolute and not subject to any exception, even in wartime or during states of emergency.¹⁷⁰ In the same vein, section 35 (4) of the CFRN 1999 (as amended) provides:

“Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time...”

The law is trite that jurisdiction is a threshold issue and that once an objection is based on the issue of jurisdiction, it must be resolved first before further steps are and can be taken in the proceedings. Accordingly, in *FRIN v Gold*¹⁷¹, the Supreme Court, per Mukhtar, JSC, held thus:

¹⁶⁹(2007) 4 NWLR (Pt.1024) 375

¹⁷⁰Human Rights Committee, General Comment No. 32 (CCPR/C/GC/32), 23 August 2007, para. 19

¹⁷¹(2007) 11 NWLR (Pt.1044) 1 at 18-19 paras H-D

Jurisdiction of court is very fundamental and lack of jurisdiction robs a court of the competence to hear and decide a matter. In other words, once a court has no jurisdiction to adjudicate on a matter, its adjudication of the matter will be declared a nullity by an appellate court

Consequently, any criminal conviction by a body other than a court of competent jurisdiction is incompatible with the right to a fair trial.

TRIAL WITHIN A REASONABLE TIME

Trials on terrorism offences are undoubtedly often as complex as the investigations which precede them. Expert evidence, including forensic evidence may need to be gathered. Issues of cross-border cooperation and legal assistance often create considerable delays. Nonetheless, it is important for both suspects and, indeed, the victims of terrorist acts that those suspected and accused of involvement in terrorist offences face trial as quickly as possible.¹⁷²

It is also important for the fairness of the trial itself, since the ability of witnesses to recall events accurately may diminish over time. Lengthy delay prior to a trial may also amount to a violation of the presumption of innocence, particularly if the accused is detained on remand. Section 35 (4) of the CFRN 1999 provides:

Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of –
(a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or
(b) three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date

Furthermore, section 35(5) provides: “In subsection (4) of this section, the expression "a reasonable time" means-

- (a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of one day; and**
- (b) in any other case, a period of two days or such longer period as the may be considered by the court to be reasonable**

VICTIMS AND WITNESS PROTECTION

The critical role of victims of and witnesses to terrorism incidence cannot be overemphasized. Meanwhile a lot of attention has, traditionally, been on the rights of those charged with offences relating to terrorism. However, it is now well established that the human rights of victims of crime and witnesses also require attention.

¹⁷² UNODC, *opcit*

Thus the United Nations Counter-Terrorism Strategy (UNCTS) stipulates that victims of terrorist attacks and witnesses are also entitled to their rights as guaranteed by human rights instruments. These rights include the rights to life, security, physical and mental integrity, respect for private and family life, and protection of dignity and reputation.

In this regard, the Office of the High Commission for Human Rights in its report to the Human Rights Council (OHCHR) recommends:

“witness protection should start long before a trial is conducted” and that “measures taken during the first stages of investigation play a crucial role for the protection of witnesses”

The OHCHR notes that failure to do so may not only compromise the welfare of victims and witnesses but may also affect the outcome of proceedings. States are therefore urged to develop a comprehensive witness protection programmes¹⁷³.

CHILDREN IN CONFLICT WITH THE LAW

In the case of children accused of having infringed the penal law, the Committee on the Rights of the Child recommends that States establish separate courts to try children charged with a criminal offence.

It further recommends that where it is not possible to establish juvenile courts, a State should nevertheless ensure the appointment of specialized judges or magistrates to deal with cases of juvenile justice.

SOME OF THE COMPLAINTS RECEIVED BY THE COMMISSION ON TERRORISM AND OTHER VIOLENCE FROM MEDIA ARE AS FOLLOWS:

1. On 16th January, 2018, Daily Trust Newspaper on page 6 reported that over 300 residents of a community in Umuahia North LGA of Abia State fled following invasion by gunmen suspected to be herders. The suspected herders were said to have entered the community in the early hours with a large number of cows resisting attempts by the villagers to deny them access to their farmlands for grazing. The State Commissioner for Information stated that the conflict resolution committee set up by the state government has moved into action to ensure peaceful settlement of the problem.

CONCLUSION

The relationship between human rights, development, insurgency and violent conflict cannot be over emphasized. Violent conflict has impact on the rights of individuals and objectives of government to ensure its citizens welfare and security, which, invariable, leads to destruction of properties and loss of lives ultimately deepening the level of poverty.

¹⁷³ (UNODC), opcit, page 142

RECOMMENDATIONS

Effective governance based on the rule of law is a necessary in order to guarantee sustained levels of peace, security and prosperity, while others fall into seemingly endless cycles of conflict and violence. This is by no means inevitable and must be addressed. With the coming into force of the UN SDG which aim to reduce all forms of violence, and work with governments and communities to find lasting solutions to conflict and insecurity. Specifically, in line with goal 16 of the SDG, government should:

1. take steps to strengthen its institutions in order to guarantee peace and respect for human rights;
2. amend the TPA in order to bring in line with human rights norms;
3. effectively identify and map out causes of conflicts and violence in the respective parts of the country;
4. facilitate the establishment and testing of an early warning and early response system in the country;
5. establish partnership between NGOs, FBOs as well as CBOs in various communities and officials of relevant federal state and local government Ministries, Departments and Agencies (MDAs) on peace building and issues of EWS responding to conflict in the country.

CHAPTER 15 CORRUPTION

BY
TITILAYO SAMUEL

INTRODUCTION

Corruption is a global phenomenon, and has been with all kinds of societies; be it advanced, primitive, modern or traditional. It is a universal phenomenon which presents itself in different colourations and dimensions and with wide spread in terms of coverage.

Transparency International (TI) defines corruption as ‘the misuse of entrusted power for private gain’.¹⁷⁴ It is an anti-social behavior conferring improper benefits contrary to legal and moral norms, and which undermines the authorities’ capacity to secure the welfare of all citizens.

Corruption in Nigeria is as old as Nigeria because ancient civilizations have traces of widespread “illegality and corruption. Honestly, hard work, altruism and patriotism are difficult to come by; because the culture has legalise illegality¹⁷⁵

Corruption has become a way of life in Nigeria, one which existing governments neither wish to, nor can, control. In Nigeria today, there are many unresolved problems, but the issue of the upsurge of corruption is alarming. Corruption is endemic in Nigeria. The damages it has done to the polity are astronomical. For a very long time, corruption has been acknowledged as an obstacle to economic progress and democracy in Nigeria. Corruption have become the glorification of fraudulence and the brazen celebration of impunity which pollutes the ethical hygiene of a society.

It has been pointed out that the wide spread of corruption is a symptom of a poorly functioning state, and a poorly functioning state can undermine social, political and economic development of a nation. Where corruption is situated in the structural nature of any society, countries with extensive natural resources may fail to develop in a way that benefits ordinary citizens.

The reality of corruption, especially where it is widespread and systemic, posits a great challenge to any society that treats this ill with levity.¹⁷⁶ The concept attracts different meanings from different

¹⁷⁴ Transparency International (TI); <[Http://www.transparency.org/news_room/faq/corruption_faq](http://www.transparency.org/news_room/faq/corruption_faq) Accessed 12/5 2009>

¹⁷⁵ Alayomi M.B. ‘*Corruption and Democratization process in Nigeria’s Fourth Republic*’. International Journal of Politics and Good Governance, 14(2). (2013).

¹⁷⁶ Richard A. Bello; ‘*Workplace Corruption: Manifestation and Ramification*’

A paper delivered at the second ACTU workshop for 2018 on Tackling Workplace Corruption through Effective Education and Public Enlightenment Strategies at the Anti-Corruption Academy of Nigeria, Keffi, Nasarawa State (Tuesday, 6 – Thursday, - 8 November 2018)

people particularly the social scientists. However, the common attribute is that corruption is evil, harmful and is to be detested.

Corruption can be seen in many forms of dimension. They include¹⁷⁷:

- i. Political Corruption (Grand)
- ii. Bureaucratic Corruption (petty)
- iii. Electoral Corruption
- iv. Bribery
- v. Fraud
- vi. Embezzlement
- vii. Extortion
- viii. Favouritism and
- ix. Nepotism

The major factors that have engendered and sustained corruption in Nigeria are: The prevalence of soft state and unaccountable leadership; the incursion of politics into the administration; weak institutions of government and informal structure; perception of political office as the primary means of gaining access to wealth; conflict between changing values and moral codes; the weakness of social and governmental enforcement mechanism; the absence of a strong sense of national commitment and national focus; dysfunctional legal system; ineffective government works with slow budget procedures; lack of probity, transparency, responsibility and accountability; the great inequality in the distribution of wealth; poor salaries and poor working conditions, with few incentives and rewards for effective and efficient performance; the influence or pressure of polygamous household and the pressure to meet family obligations which are more in less developed nations; the culture and weird value systems of the Nigeria society and widespread poverty¹⁷⁸.

Nigeria has signed and ratified International and Regional Instruments on Anti-Corruption. They include:

- a) United Nations Convention Against Corruption (UNCAC)¹⁷⁹
- b) African Union Convention on Preventing and Combating Corruption (AUCPCC)¹⁸⁰
- c) ECOWAS Protocol on the Fight Against Corruption¹⁸¹

¹⁷⁷ Yetunde A. Aluko, 'Corruption in Nigeria: Concept and Dimensions'; (IFRA Special Research Issue) Vol.3(2009)

¹⁷⁸ Ajie, H.A. & Wokekoro, O.E. *The impact of corruption on sustainable economic growth and development*. (2012). Research and Investment Journal, 3(1).

¹⁷⁹ Article 1; 'United Nations Convention Against Corruption' (UNCAC) (2005)

¹⁸⁰ African Union Convention on 'Preventing and Combating Corruption' (AUCPCC, 2003)¹⁸⁰

¹⁸¹ ECOWAS Protocol on the 'Fight Against Corruption'; (2001)

The United Nations Convention against Corruption (UNCAC) being one of the practical steps towards achieving this objective and as noted, Article 1 provides as follows: -

- i. To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- ii. To promote, facilitate and support International cooperation and technical assistance in the prevention of and fight against corruption, including asset recovery;
- iii. To promote integrity, accountability and proper management of public affairs and public property

Corruption makes the full enjoyment of human rights by citizens difficult and this is a fact that can never be over emphasized. It is in recognition of this that member countries were enjoined by UN Convention Against Corruption to establish mechanisms for fighting corruption. The Nigerian Government has responded to this need by setting in place anti-corruption bodies such as: -

- The Independent Corrupt Practices and Related Offences Commission (ICPC) Act 2000
- The Economic and Financial Crimes Commission (EFCC) Act 2004
- Code of Conduct Bureau and Tribunal Act 1991¹⁸²
- The Administrative Criminal Justice Act, 2015
- The Advanced Fee Fraud and Other Related Offences Act, 2006
- The Fiscal Responsibility Act. 2010
- The Freedom of Information Act, 2010
- The Money Laundering Prohibition Amendment Act, 2012
- The Bureau of Public Procurement
- Penal Code Laws of the Federation of Nigeria, 2004
- Criminal Code Laws of the Federation of Nigeria, 2044
- Banks and Other Financial Institution Amendment Act, 1999
- Nigeria Extractive Industries Transparency Initiative (NEITI) ACT May, 2007¹⁸³

In addition to the above mentioned laws, the Federal Government of Nigeria has put in place the under listed Anti-Corruption Polices:

- The National Anti-Corruption Strategy (2017-2021)
- The Integrated Payroll and Personnel Information System (IPPIS)
- The Treasury Single Account
- The Nigerian Extractive Industries Transparency Initiative
- The Whistle Blowing Policy

¹⁸² Code of Conduct for Public Officers, which prescribes standards for behaviour of public servants (FGN, 2007).

¹⁸³ The decision of the Federal Government to sign up to the Extractive Industries Transparency Initiative (EITI) in 2003 was thus informed by the need for enhanced information, transparency and accountability on revenue flows in the sector. NEITI is the Nigeria arm of the global EITI established primary to enthrone transparency and accountability in the management of payments made by extractive industries to Government and revenue received by Government and other statutory recipients.

- Others steps taken also include the Anti-Corruption and Transparency Monitoring Units (ACTUs) who are mini ICPCs in Ministries, Departments and Agencies. Apart from the prosecutorial function, they perform all other functions of the Commission including public enlightenment and education within their MDAs.
- The National Anti-Corruption Strategy document was launched on the 10th December, 2018 in commemoration of Corruption Day. This document is an attempt by Government to provide a coordinated National Policy that will guide all sectors and stakeholders in the fight against corruption. The document is a five's year strategy plan (2017 – 2012).
- The establishment of the Anti-Corruption Academy of Nigeria (ACAN).¹⁸⁴

The Universal Declaration of Human Rights (UNDHR)¹⁸⁵ discloses the interconnection between good governance, human rights and sustainable development.

Development is

“A comprehensive economic, social, and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals, in which human rights and fundamental freedoms can be fully realized.”¹⁸⁶

Corruption undermines economic development and threatens state security. It also undermines democratic values. UN member states acknowledge the threat corruption poses to development and have included **Goal 16** into the **2030 Agenda for Sustainable Development** – calling on states to ‘substantially reduce corruption and bribery in all their forms.

However, all the aforementioned policies failed to achieve the desired results because such remedies alone, can hardly cure the malady of corruption. They are mere mechanical devices to eradicate corruption. They may be considered short-term devices. A long-term proposal may also be envisaged. The existing order must also change and yield a place to the new. Attitudes must undergo a change. Values of life must also change. Private property should cease to be the symbol of status and power. The acquisitive society must be replaced by a socialist society which should believe in equitable distribution of wealth, justice and fairness.¹⁸⁷

¹⁸⁴ ACAN was established in 2014 to facilitate the effective implementation of the Commission’ function as encapsulated in Section 6(b-f) of the Corrupt Practices and Other Related Offences Act 2000. The Academy is intended to primarily equip ICPC staff with necessary skills and knowledge that will enable them to perform at required levels. The Academy is also designed to provide training for public officers, public servants and the general public on good governance, accountability, transparency, integrity, ethics and all issues relating to corruption and corrupt practices. It also facilitates the development of knowledge-based anti-corruption policies in the country. Publication of Anti-Corruption Academy of Nigeria (ACAN) ACANNEWS Third Edition (December, 2018) P. 10

¹⁸⁵ *Universal Declaration of Human Rights* (UDHR); (1948)

¹⁸⁶ Article 1(1) of the *Declaration on the Right to Development*, adopted by the United Nations General Assembly on (4 December 1986)

¹⁸⁷ *ibid*

COMPLAINTS RECEIVED BY THE COMMISSION ON CORRUPTION WITHIN THE REPORTING PERIOD ARE AS FOLLOWS:

1. C/2018/565/BN

The Commission received a complaint dated 12th of December 2018, from Y alleging that on 7th July 2018 at about 2:30am, he was attacked by armed robbers at his apartment where they took away valuable items. He alleged that when he reported the incidence to the Ugbowo Police Station, he was asked to pay the sum of N150, 000.000 (One Hundred and Fifty Thousand Naira) which would be used to “mobilize and intensify” police investigation. Ever since then nothing has been done by the police.

2. C/2018/539/BN

The Commission received a complaint from X on the 12th September 2018 alleging unauthorized withdrawal from her account which she reported immediately to the bank but there was no intervention on the matter. She later reported the matter to the Police where she was asked to pay the sum of N15, 000.00 (Fifteen Thousand Naira) in order to track the culprit. She further alleged that after paying the money to the police, they police demanded for more money as “mobilization fee” which she refused to pay.

3. C/2018/07/BN

The Commission received a complaint dated 28th February 2018 from Y alleging that some policemen along Siluko road, Benin City stopped him while driving and asked him to present his vehicle particulars, which he did. Y further alleged that he had issues with the policemen when he was asked to give a tip of N100.00 (One Hundred Naira) which he refused consequent upon which the policemen seized his vehicle papers.

4. C/SWZ/18/184

The Commission received a complaint on the 2nd of October, 2018 from Y alleging that his vehicle was unlawfully seized by some officers of the Nigeria Customs Service in November, 2017. Y further alleged that the officers refused to release the vehicle because he refused to pay bribes to the said officers.

5. C/2018/ 103 /SSZ

The Commission received a complaint dated 24th July, 2018 from XY alleging that a man was arrested by the police over a complaint and that the police demanded for N20,000.00 (Twenty Thousand Naira) to secure his release from police custody.

6. C/2018/152/SSZ

The Commission received a complaint dated 1st November, 2018, from XY on behalf of “Mile 3” bus drivers. XY alleged that the “Mile 3” Police station extorted money from the drivers at various points which made it difficult for them to operate their business from the “Mile 3” motor park, Port Harcourt. They also alleged that the Police rented the park to traders who spread their wares at the space provided for bus drivers making it difficult for them to load passengers from the park.

CONCLUSION

From the foregoing, it is clear that after independence, corruption still pose serious challenges to Nigeria. Corruption has generated unimaginable level of poverty, crime and by extension insecurity. Corruption has hinder development in Nigeria and need to be eliminated for Nigeria to be able to effectively play its¹⁸⁸ role as the giant of Africa and a force to be reckoned with globally. This is not a task that should be done by the Anti-Corruption Agencies alone but it's a task that must all involve the "Governments as well as people outside the governments, such as parliamentarians, civil society, households, the private sector, and the media are important in the fight against corruption".¹⁸⁹ The issue of corruption "as an economic concern, without possibility to direct political influence on governments and civil society."¹⁹⁰ Corruption amongst citizens in various sectors is perceived as "It is Government money" "Everybody is doing it" "Our own time to eat of the national cake has come" etc.

RECOMMENDATIONS

To this end if the following recommendations are implement effectively and efficiently, Nigeria can finally move into the path of sustainable development, which in concrete terms will translate into the mitigation of corruption, insecurity, injustice, deception, greed, fraud, deprivation and dehumanization, as the hitherto prevailing rules of social existence.¹⁹¹

1. There is a need for government to reform the justice systems by ensuring very stiff and stricter penalties for people found guilty of corrupt practices.
2. Government should have a zero tolerance for corrupt practices as well as strengthening all the Anti-Corruption Agencies with adequate technical and financial support
3. CSOs an independent actor representing the interests of the general public is uniquely positioned to denounce and expose corruption cases and put pressure for reform as well as educate the public to demand good governance, quality goods, service delivery, transparency and accountability;
4. A good rewards system and punishment system-to encourage good work and to punish staff with unsatisfactory performance or conduct and application of ICT to tackle workplace and other sectors corruption:
5. Nigerians must have a change of attitude towards Government properties.

¹⁸⁸ <https://sustainabledevelopment.un.org/sdg16>

¹⁸⁹ World Bank (1997) p. 26

¹⁹⁰ World Bank (1997) p. 25

¹⁹¹ Moses M. Adagbabiri And Ugo Chuks Okolie; *'Corruption and the Challenges of Insecurity in Nigeria's Fourth Republic'*; (International Institute of Academic Research and Development); Vol. 4 No. 3 2018P. 53

CHAPTER 16 ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

BY
ARINZE OKORO

INTRODUCTION

Access to justice is a basic principle of the rule of law. It refers to the ‘substantive and procedural mechanisms existing in any particular society designed to ensure that citizens have the opportunity of seeking redress for the violation of their legal rights within that legal system.’¹⁹² It encompasses not just the right of people to access courts and secure legal representation but also the ability to seek and obtain a remedy through formal or informal institutions of justice for grievances.

Access to justice has also been described to include other components such as the physical conditions of the premises where justice is dispensed, the time required to secure remedy, the quality of the human and material resources available thereat, the quality of justice delivered, the moral quality of the dispenser of justice, the observance of the general principles of the rule of law, the affordability of the cost of seeking justice in terms of time and money, the quality of the legal advisers that assist the litigants, the incorruptibility and impartiality of operators of the system.¹⁹³

In the absence of access to justice, people are unable to have their voices heard, exercise their rights, challenge discrimination or hold decision-makers accountable.¹⁹⁴ There is also no access to justice where the justice system is financially inaccessible or where citizens (especially marginalized and vulnerable groups) lack access to information or knowledge of their rights, fear the justice system, see it as alien or do not access it.¹⁹⁵

Paragraphs 14 and 15 of the UN Declaration of the High-level Meeting on the Rule of Law,¹⁹⁶ the UN Guiding Principles on Access to Legal Aid in Criminal Justice Systems¹⁹⁷ as well as Goal 16 of the Sustainable Development Goals (SDGs) emphasize the right of equal access to justice for all including members of vulnerable groups and enjoined all UN member States to take all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all.

¹⁹² N.S Okogbule, ‘Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects’ (2005 International Journal on Human Rights) <https://sur.conectas.org/en/access-justice-human-rights-protection-nigeria/> accessed 25 February 2020

¹⁹³ M. I. Gwangudi, “Problems Militating against Women’s Access to Justice in Nigeria” (University of Maiduguri Law Journal, 2002) 13-14.

¹⁹⁴ Available at <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice> accessed 25 October 2019

¹⁹⁵ United States Institute of Peace, Necessary Condition: Access to Justice available at <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice> accessed 25 October 2019

¹⁹⁶ (2012) <https://www.un.org/ruleoflaw/files/37839_A-RES-67-1.pdf> accessed 25 October 2019

¹⁹⁷ (2013) <https://www.unodc.org/documents/justice-and-prison_reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf> accessed 25 October 2019

It follows that strengthening the formal justice sector is critical to promoting access to justice. However, the formal justice sector of any society cannot on its own guarantee access to justice for all, if the population is largely uneducated/unaware of their basic rights or unable to access justice institutions due to physical, financial or other barriers. Therefore, a State facing such challenges must as a matter of priority streamline both the formal and informal mechanisms for dispute resolution so as to ensure that its citizenry have a viable and potent choice within their locality for seeking remedy for grievances.

2.0. Access to Justice in Nigeria

In line with her international obligations with respect to access to justice, Nigeria has initiated measures aimed at reforming the civil and criminal justice systems¹⁹⁸ and building capacity of government institutions with the overall objective of improving access to justice for all.

However, these efforts have been bogged down by a lot of barriers and gaps. One key problem in this area is the fact that the vast majority of the population estimated at over 200 million¹⁹⁹ remain virtually unaware of their fundamental human rights and institutions that have been put in place by the government to address grievances.

The lack of information and awareness of basic rights makes a large number of the population of Nigeria, particularly the poor, the elderly and other vulnerable groups easy targets for the denial, abuse, deprivation and violation of their rights by officials of Government and individuals or groups. It also makes them victims of corruption, extortion, exploitation including harassment and brutality from security personnel as well as domestic and sexual violence.

Inequality, discrimination, corruption, poverty, exclusion, delays in justice redress mechanism and lack of access to remedy are other obstacles affecting access to justice in Nigeria. This in summation increases the vulnerability of the poor and ordinary members of the society to violations of human rights.

The Legal Aid Council of Nigeria (LACON) is the primary institution tasked with ensuring indigent Nigerians have access to justice through provision of free legal services. However, the LACON is underfunded and understaffed. This affects the effective and efficient discharge of her statutory mandate.

The National Human Rights Commission (NHRC) is another Government Institution that plays a critical role in strengthening access to justice by sensitization and creation of awareness on basic human rights.

The NHRC, being statutorily saddled with the responsibility of protecting, monitoring and promoting human rights in Nigeria, has a huge and pivotal role to play in collaboration with civil society organizations and development partners to compliment the efforts of Government by raising awareness on human rights, ensuring equal access to justice for all and providing effective mechanism for remedy. But like the LACON, the Commission is also underfunded and this hampers its operational capabilities.

¹⁹⁸Notable among the reforms are the enactment of the Administration of Criminal Justice Act, 2015 (ACJA) and the issuance of new Civil Procedure Rules applicable in the High Courts across the Federation to ease administration of justice.

¹⁹⁹ World Data Atlas, Nigeria – Total Population Available at <<https://knoema.com/atlas/Nigeria/Population>> accessed 25 October 2019

3.0. INDEPENDENCE OF THE JUDICIARY

INTRODUCTION

Independence of the judiciary refers to the necessary individual, collective or institutional independence required for impartial decisions and decision making. Judicial independence characterizes both a state of mind and a set of institutional and operational arrangements. The former is concerned with the Judge's impartiality regarding cases before it, while the latter deals with the relationship between the judiciary and others, particularly the other branches of government.²⁰⁰

Judicial independence is the concept that the judiciary should be independent from other branches of government. That is, courts should not be subject to improper influence from the other branches of government or from private or partisan interests. It is the concept that a Judge should decide cases fairly, impartially, and according to the facts and law. A Judge must not decide a case according to whim, prejudice or the dictates of the legislature or executive.²⁰¹

Judicial independence is not only a matter of appropriate external and operational arrangements, it is also a matter of independent and impartial decision making by each and every Judge. The Judge's duty is to apply the law as he or she understands it without fear or favour and without regard to whether the decision is popular or not. This is a cornerstone of the rule of law and Judges are encouraged to individually and collectively protect, encourage and defend judicial independence.²⁰²

The right to a competent, independent, and impartial tribunal or court is articulated in the Universal Declaration of Human Rights,²⁰³ the International Covenant on Civil and Political Rights²⁰⁴ as well as in regional treaties and conventions including the African Charter on Human and Peoples Rights²⁰⁵.

The UN Basic Principles on the Independence of the Judiciary²⁰⁶ set out the elements of the independence of the judiciary which must be guaranteed by the State and enshrined in the Constitution or in the law of any country. These elements recognize that the judiciary must decide matters impartially on the basis of facts and the application of law, without any restrictions or improper influence, inducement, pressure, threats, or interference. The courts themselves shall decide whether they have jurisdiction to hear a matter. There must be no unwarranted interference with the judicial process, including the assignment of Judges by the other branches of government.

²⁰⁰ See Judicial Independence, what is it and why is it Important? Available at <<http://www.scotland-judiciary.org.uk/22/0/Judicial-Independence>> Accessed on 28/3/2019

²⁰¹ Available at <<http://www.duhaime.org/LegalDictionary/J/JudicialIndependence.aspx>> Accessed on 28/3/19

²⁰² See note 4 op cit

²⁰³ See Article 10

²⁰⁴ See Article 14

²⁰⁵ See Article 7

²⁰⁶ Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from (26 August to 6 September 1985) and endorsed by General Assembly resolutions 40/32 of (29 November 1985) and 40/146 of (13 December 1985). Available at <<https://www.un.org/ruleoflaw/blog/document/basic-principles-on-the-independence-of-the-judiciary/>> accessed 23 October 2019

Judicial independence has many components, including the impartiality of the Judge, integrity not to be influenced by external forces and competence to be able to apply the law to the facts in reaching a decision without fear or favour.

REPORTED AND MEDIA COMPLAINTS ON ACCESS TO JUSTICE & INDEPENDENCE OF THE JUDICIARY

The following complaints on the subject were received by the Commission within the reporting period:

1. C/2018/CPR/4125-4126/HQ

The Commission received a complaint dated 24th August 2018 from XY on behalf of Y against the Nigeria Police for allegedly disobeying court judgment over a communal clash that took place in a community in Otta.

2. SWZ/18/100

The Commission received a complaint dated the 23rd November 2018 from XY alleging that a sister association- the Road Transport Employees Association of Nigeria (RTEAN) and the Registered Trustees of Tricycle Owners and Drivers' Association of Lagos (TODAL) filed a suit against the complainant and the Trade Union Congress (TUC) at the National Industrial Court (NICN) at Ikoyi, Lagos State.

Although the court struck out the application, the judgment debtor refused to comply with the judgment of the court.

3. C/2018/VG/3020/HQ

The Commission received a complaint on 5th July 2018 from Y alleging that his daughter left home and didn't surface until 14th July 2018. Y alleged that his daughter was captured and raped by some boys who also performed rituals on her. The matter was reported to the police and arrests were made but the police asked them to withdraw the matter and settle amicably.

4. C/2018/038/BN

The Commission received a complaint dated 7th May, 2018, from X alleging that somebody stole a battery she was selling, from her store and that the Nigeria Police was not doing anything about it even after she made a complaint to them.

5. C/2018/IMS/8

The Commission received a complaint dated 23rd, March, 2018 from X alleging that her son was charged for attempted murder and imprisoned. X further alleged that the matter is not getting any attention and her son has been in prison for more than 9months without trial.

6. C/2018/14/EK

The Commission received a complaint from XY of Ado Ekiti on the 15th May 2018 alleging that a man was involved in a fracas with six other persons where he was stabbed. The police arrested suspects and released them without prosecution.

7. C/2018/CPR/3806/HQ

The Commission received a complaint on 24th August, 2018 from a law firm on behalf of its client against an officer of DSS alleging illegal seizure of property on 8th August, 2018 at Abuja.

8. C/2017/075/HQ

The Commission received a complaint in November 2018 from XY on behalf of its members against the Nigerian Army and the Nigeria Police on alleged illegal detention of their leader, disruption of protests, destruction of property, unlawful arrests, maiming and killing of their members in Kaduna and Abuja.

9. C/2018/ESCR/4222/HQ

The Commission received a complaint dated 10th September, 2018 from Y alleging undue harassment by agents of the Economic and Financial Crimes Commission (EFCC) and refusal to obey a valid court order in Abuja and the United Kingdom (UK).

10. C/2018/76/BE

The Commission received a complaint from XY on the 13th June 2018, alleging that there were about 693 Awaiting Trial cases in Ogwasi-Ukwu Prison and numerous cases of such in other Prison across the Country which has not been tried.

11. C/2018/555/BN

The Commission received a complaint dated 16th October 2018, from Y alleging that a hit and run driver knocked him down around ring road in Benin. Y also alleged that the Police have failed to bring the culprit to book.

12. C/SWZ/18/109

The Commission received a complaint dated 24th September, 2018 from XY alleging that his client's landlord invaded and destroyed his property situated at Lekki area on the 1st of February, 2018. The matter was reported to the police, but because the landlord is a member of the Nigeria Bar Association, he has been using his contact and influence to frustrate investigation.

13. C/2018/CPR/4340/HQ

The Commission received a complaint dated 25th September 2018 from Y against the Nigerian Police for prolonged detention in Kuje Prison without trial.

14. C/2018/CPR/4633-4636/HQ

The Commission received a complaint dated 5th of September 2018 from XY on behalf of a man. XY claimed that man has been serving a jail term in Aba prison for an offence he did not commit.

15. C/2018/1793/HQ

The Commission received a complaint dated 30th May 2018 from Y against the Nigeria Police Force . It was alleged that officers of the Nigeria police disrupted a court proceeding in Kaduna state on the 25th of May 2018 and took away a witness who was testifying in court.

16. C/2018/1735/HQ

The Commission received a complaint dated 30th of May 2018 from XY on behalf of a woman against the Nigerian Police for not handling a complaint she brought against a police officer.

17. C/2018/1719-1720/HQ

The Commission received a complaint dated 16th May 2018 from XY on behalf of an organization against the Nigerian Police for disobeying a court order.

18. C/2018/2037-2038/HQ

The Commission received a complaint dated 8th June 2018 from Y against some personnel of Nigeria Police on an allegation of intimidation and disobedience of court order.

19. C/2018/139/SSZ

The Commission received a complaint dated the 5th October, 2018, from XY alleging that a man was arrested by the police, released on bail and re-arrested on an allegation of murder. XY stated further that the man cannot afford to pay for legal services.

20. C/2018/01/SS2

The Commission received a complaint dated 2nd of January 2018 from Y alleging that sometime in 2012 he had a transaction with a senior official of a Federal High Court which led to a dispute between them. Y also alleged that in spite of several petitions, the National Judicial Council has blocked all avenues for justice to prevail.

21. C/2018/83/SS2/C/2017/7141/40

The Commission received a complaint from XY on the 28th of May, 2018 alleging that his friend had been remanded in prison custody and has not been brought to court since March 2014.

22. C/2018/753/HQ

The Commission received a complaint dated 12th March, 2018 from XY alleging that men of Zone 6 Police Headquarters in Calabar, Cross River State failed to carry out a proper investigation into the death of their client's brother before charging the matter to the Magistrate Court, Bomadi in Delta State. XY further alleged that there is a cover-up of the case orchestrated by the Police which led to the exoneration of the murder suspect.

MEDIA REPORTS ON ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

1. On 15th August, 2018, The Guardian Newspaper on page 1 reported that the Vice President has directed the IGP to immediately overhaul the management and activities of the Special Anti-Robbery Squad (SARS) over accusations of high handedness and extra judicial killings. He also directed the NHRC to set up a panel to investigate the unlawful activities of the squad.
2. On 16th February, 2018, The Authority Newspaper reported on Page 39 that the Senate was alarmed at the overcrowding state of the nation's prisons and has announced its resolve to fast track the passage of five bills to effectively decongest the Nigeria prisons. The five bills bother on prison reforms ranging from correctional, reformation and re-integration center establishment bill.
3. On 27th February, 2018, The Guardian Newspaper reported on page 5 that the Lagos state Chief Judge granted amnesty to 20 inmates both from kirikiri medium prison and Ikoyi prison. The

20 freed inmates had been in custody awaiting trial between the period of 10 months and five years. The Deputy Controller of Prison (DCP) in charge of the Ikoyi prisons appealed to the Chief Judge to assist the prison authorities in its decongestion efforts by accelerating trials and adopting community service for minor offences. The Ikoyi prison with a normal lockup capacity of 800 inmates, had 2, 752 inmates out of which 2,261 were awaiting trial while 491 had been convicted.

4. In February, 2018, Daily Trust Newspaper on page 32 reported that the Attorney General of the Federation has decried the violation of the rights of prison inmates across the country. The AGF called for actions over the violation of the rights of many of the inmates. He noted that some are detained as awaiting trial in poor conditions, many for their inability to pay fines for minor offences. The AGF made this known when he led members of the committee appointed to fast track decongestion of prisons in the country during their visit to Rivers and Imo states.

CONCLUSION

The complaints received by the Commission within the reporting period shows that lack of speedy dispensation of court cases, disobedience to court orders/judgments mostly by law enforcement agencies, shoddy or deliberate refusal/negligence to appropriately investigate/prosecute criminal cases and overcrowding of prisons as a result of large number of awaiting trial inmates are some of the impediments militating against access to justice and independence of the judiciary in Nigeria. It is therefore important that these issues are aggressively tackled as to remove inefficiencies within the criminal justice system.

RECOMMENDATIONS

In view of the above, the following are recommended

- a. Law Enforcement Agencies should ensure prompt investigation of all reports of commission of crime and ensure that persons found culpable are duly prosecuted without fear or favour.
- b. Law Enforcement Agencies should avoid arbitrary arrest and prolonged detention of citizens without trial. This would reduce the overcrowding of the prisons.
- c. The Government should put in place the appropriate mechanism and facilities for the implementation of the Administration of Criminal Justice Act and Laws both at the federal and state level to enhance speedy trials and enhance access to justice
- d. The Attorney General of the Federation and Minister of Justice as well as his counterparts at the State level should ensure that all judgments or orders of courts are obeyed and enforced without any form of discrimination. This would ensure that the principles of the rule of law are obeyed by all organs of Government.
- e. The Government should ensure that prison decongestion programmes are strengthened and carried out at regular intervals. Other non-custodial measures should be adopted as a strategy for decongesting the prisons.

CHAPTER 17 SEXUAL AND GENDER BASED VIOLENCE

BY
ANTHONIA NWABUEZE

INTRODUCTION

Sexual and Gender Based violence (SGBV) refers to any act that is perpetrated against a person's will and based on gender norms. This includes acts that inflict physical, mental, sexual harm or suffering, the threat of such acts, coercion and other deprivations of liberty.

Gender Based violence is the general terms used to capture violence that occurs as a result of the normative role and expectations associated with each gender, along with unequal power relationships between the two genders within the context of a specific society. The United Nations Office of the High commissioner for Human Rights, Committee on the Elimination of Discrimination against Women (CEDAW) defines SGBV as violence that is directed against a woman because she is a woman or that affects women disproportionately²⁰⁷. It inflicts harm on women, girls, men and boys.

SGBV is a violation of human rights. It denies the human dignity of the individual and hurt human development. Gender violence is also known as gender based violence or sexual violence.

In Nigeria, the rate at which women and children are subjected to sexual exploitation, rape, assault and other forms of violence is growing. While Nigeria has acceded to the United Nations Convention on the Elimination of all forms of discrimination against women (CEDAW) and the African Charter on Human and People's Right on the women in Africa- both which guarantees the freedom from sexual violence, domestic violence and other forms of gender based violence.

The violence Against Person's Prohibition Act 2015 seeks to also eliminate all forms of violence in public and private life. This law partially domesticated CEDAW and only applies in FCT, Kaduna, Anambra, Oyo, Benue, Ebonyi, Edo, Ekiti, Enugu, Osun and Plateau states.

Section 357 of the Nigeria Criminal Code Act 2004(applicable in the Southern states) defines rape as "unlawful carnal knowledge of a woman or girl, without her consent"²⁰⁸ Lack of consent can be found where it was obtained through threat, intimidation, or fraud and the person can be charged with life imprisonment. "For a married woman, this can only occur where a person not her husband is "personating her. Section 216 of the Nigeria Criminal Code Act 2004 allows that a boy under 14 can be assaulted in a way that is non-consensual, while 218 of the Nigeria Criminal Code Act 2004

²⁰⁷<http://www.thenewhumanitarian.org/feature/2004/09/01/definitions-sexual-and-gender-based-violence>

²⁰⁸Criminal Code Act 2004

provides that any “unlawful carnal knowledge of a girl under the age of 13 is guilty of felony and may be imprisoned for life, while a person who has “unlawful canal knowledge” of a girl between 13-16 is guilty of misdemeanor and is liable for 2 years imprisonment, rape under the age of 16 is termed “defilement”.

The Nigerian Penal Code Act 2008 (applicable in the Northern States) is very familiar to the Nigerian Criminal Code, though it expressly states that a husband cannot rape his wife “if she has attained puberty”²⁰⁹.

However, despite what the law says, most accused persons are never brought to justice. There are only a few domestic laws that expressly address intimate partner violence e. g Lagos State Protection Against Domestic Violence Law (2007) though both the Criminal Code and Penal Code criminalize assault and battery.

In most cases, sexual and violence/ offences are treated as domestic issues and as such treated with laxity by law enforcement agencies. This is further compounded by already acute fear of stigmatization, cultural barriers and lack of institutional support for survivors and it is no surprise that sexual violence is rarely reported.

THE FOLLOWING ARE COMPLAINTS RECEIVED UNDER THIS THEMATIC AREA:

1. C/2018/100/AKS

The Commission received a complaint dated 19th June, 2018 from X, alleging that in 2007, she was in a relationship with a man in Uyo, though not married under the law. The union was blessed with a set of twins a male and female. However, she learnt that twins are not usually welcome into the man’s family because some cultural practices. As a result of this, she was ejected and abandoned resulting in her suffering from various psychological trauma, neglect and abandonment.

2. C/2018/357-362/AMO

The Commission received a complaint dated 14th November, 2018 from X alleging that she got married to a man and they were blessed with 5 children. X also alleged that the man wanted more children but she refused and this led to maltreatment and burning of her clothes. X further alleged that Y later abandoned his parental responsibilities which include providing for children.

3. C/2018/16-18/AMO

The Commission received a complaint dated 23rd January, 2018 from X alleging that her late husband’s brother wants to take away her children.

4. C/2018/26/EK

The Commission received a Complaint from X of Ado Ekiti on the 19th July 2018 against a man. She alleged that the man requested for a relationship with her to which she declined and because of this he has been threatening her.

²⁰⁹ The Penal Code Act 2008

5. C/2018/268-272/AMO

The Commission received a complaint dated 10th September, 2018 from X claiming that she cohabited with a man and the relationship produced three (3) children. She also alleged that the man abandoned her with the children without providing the basic needs for the children such as school fees, feeding and medical bills. She further alleged that the man forcefully collected her properties and threatened to kill her if she insists on staying in the apartment.

6. C/2018/VG/3706-3800/HQ

The Commission received a complaint from X on the 20th August, 2018 alleging that her husband beats her even in the presence of their children. While she has plans to move out of their residence, she is asking the Commission to compel her husband to provide for the children's upkeep.

7. C/2018/VG/3443-3444/HQ

The Commission received a complaint from X on the 25th July, 2018 alleging that her husband beats her up and threatens to kill her. This made her run away from the house to save her life and that of their son. She alleged further that the man has refused to provide for the welfare of their son since then.

8. SWZ/18/126

The Commission received a complaint dated 24th July, 2018, from X who alleged that her brother in-law harassed and beat her. He accused her of killing her husband whereupon he forcefully took her 4-year-old daughter from her.

9. C/2018/9-13/AMO

The Commission received a complaint dated 12th January, 2018 from X where she alleged that her husband abandoned his fatherly responsibility and forcefully seized her sewing machine which is her source of income. X also alleged that he threatened to drive her out of the house she built.

10. C/2018/104/SSZ

The Commission received a complaint dated 25th July, 2018 from X alleging constant beating by her husband who doesn't provide for the children's up keep and education. She also alleged that the husband stripped her naked in the full glare of the public.

11. C/2018/87/SSZ

The Commission received a complaint from X on the 4th June, 2018 alleging that she was in a relationship with a man which resulted in her getting pregnant for him. She also alleged that as at the time of lodging this complaint with the Commission she was already nine months pregnant and he refused to take care of her and the pregnancy.

12. C/2018/201/AKS

The Commission received a complaint from Y dated 28th Nov, 2018 where he stated that he is from a polygamous family of two wives with 9 children both males and females. He claimed that the late father died intestate in 1987. He alleged that the eldest brother has been administering the family property to the exclusion of other family members, especially the female children.

13. C/2018/167/SSZ

The Commission received a complaint from X on the 13th December, 2018 alleging that her husband assaults her at the slightest provocation and threatened to kill her on several occasions.

14. C/2017/131/AKS

The Commission received a complaint from X on the 23rd August, 2018 stating that she is from a polygamous family of two wives with male and female children from each wife making a total of 4 children. She alleged that after the demise of their parents, her senior brother solely administers their late father's property and denied others including female members of the family right to property.

15. C/2018/2875/NCZ

The Commission received a Complaint date 11th February 2018 from X alleging that her husband Y does not provide for her and her son. She further alleged that on the 10th of February 2018, her husband beat her up. The matter was admitted for investigation and intervention.

16. C/2018/2844-2848/NCZ

The Commission received a complaint from X dated 8th January 2018 alleging that her husband constantly beats her and does not take care of the children.

17. C/2018/167/SSZ

The Commission received a complaint from X on the 13th of December, 2018, alleging that Y (her husband) assaults her at the slightest provocation and threatened to kill her on several occasions.

18. C/2018/156/SSZ

The commission received a complaint on the 13th of November 2018, from X who has a one-year old child and also pregnant. She alleged that on the 11th of November 2018, she had a misunderstanding with her husband who assaulted and beat her resulting to various degrees of injury. She claimed that she reported the matter to her mother in law who refused to intervene in the matter but rather accompanied the son to the police station where she was detained. She claimed further that upon her release from police custody, she was pushed out of their matrimonial home.

19. C/2018/43/SSZ

The Commission received a complaint dated 15th of March, 2018, from X alleging that she got married to a man in 2010. She also alleged that the man assaults her and the three children aged 7, 6 and 4 years respectively.

20. C/2018/25/SSZ

The Commission received a complaint dated 6th of February, 2018, from X stating that she got married to a man in 2005 live in Port Harcourt, Rivers State. She alleged that her husband regularly assaults her and threw her properties outside the house.

21. C/2018/22/SSZ

The Commission received a complaint dated 3rd May 2018, from X alleging that her husband assaulted and threatened her life in their residence in Port Harcourt, Rivers State particularly on the 26th April, 2018.

22. C/2018/42/SSZ

The Commission received a complaint dated 14th March, 2018, from X alleging that she got married to a man who habitually assaults and threatens her life, whenever he returns home drunk. She alleged further that he and his family members threatened to take her children away from her.

23. C/2018/SSZC/2017/8223 – 8226 HQ

The commission received a complaint dated 19th of January, 2018 from XY alleging that his sister who got married sometime in the year 2000 has constantly been tortured, embarrassed, accused of witchcraft and sent out of her matrimonial home by her husband and his father.

24. C/2018/151/AKS

The Commission received a complaint from X dated 17th September, 2018 alleging that she was in a relationship with an officer of the Nigeria Security and Civil Defense Corp in Uyo where they are blessed with a child aged 5 years and pregnant. She reported that their union is marred with domestic violence and denial of basic financial support for feeding and ante natal care.

25. C/2018/154/AKS

The Commission received a complaint from X dated 4th June, 2018 alleging that she was in relationship with a man and had 3 children with him. She complained that the relationship has been laden with assault and domestic violence.

26. C/2018/030/AKS

The Commission received a complaint from X dated 6th Feb, 2018 alleging that she is from a family of 8 children; 4 males and 4 females. After the demise of their father in 1992, they all agreed to give out one plot of land to each member of the family to enable them build on it, where the remaining portion would be for future use. She alleged however that one of her brothers suddenly denied their mother access to remaining portion of the land which she wanted to farm on.

27. C/2018/169/AKS

The Commission received a complaint from X dated 12th Oct, 2018 stating that she is a mother of six children and also a widow. She claimed that the family of her deceased husband donated a plot of land which they said was part of her deceased husband's share of inheritance.

However, to her surprise, the same family members that gave her the said plot of land brought a buyer to purchase the land and stopped her from gaining access to the land.

28. C/2018/202/AKS

The Commission received a complaint from X dated 9th Nov, 2018 alleging that she and her husband are blessed with 2 female children, aged 12 and 6 years respectively. She reported that the relationship has been laden with domestic violence and constant threats which has affected the children.

29. C/2018/76/AKS

The Commission received a complaint from X dated 14th may 2018 claiming that the Y evicted her from her house and shop after the death of her husband.

30. C/2018/112/AKS

The Commission received a complaint from X on 9th August, 2018 alleging that her husband died on the 5th April, 2018 and that her late husband's brother has stopped her from selling the only portion of her late husband's land to pay for funeral expenses. She further alleged that despite the intervention of the head of the family, the brother has assumed ownership of the land while her husband's corpse remains in the mortuary.

31. C/2018/101/AKS

The Commission received a Complaint from XY on 6th February, 2018 alleging that she picked up X (Victim) under the bridge (Fly over) at Itam Junction, where she was battered and thrown out of the house by her mistress Madam.

32. C/2018/102/AKS

The Commission received a complaint dated 21st June 2018 from X against her husband for alleged domestic violence despite the fact that she they are blessed with two children. She stated that violence which had lingered in the eight-year-old marriage has affected her self-esteem as a woman.

33. C/2018/027/AKS

The Commission received a complaint from X on 31st January, 2018 alleging that her husband beats her and that he has absconded with their baby.

34. C/2018/129/AKS

The Commission received a complaint from X on 14th August, 2018 alleging that her husband has been physically abusing her. She further alleged that he has not been providing for her and their four months' old baby and in the presence of her mother.

35. C/2018/113/AKS

The Commission received a complaint from X on 10th July, 2018 stating that she has two children with the late father of her children, although they were not married. She alleged that following his death, his brother ejected her and the children from the late man's property and claimed everything.

36. C/2018/42/AKS

The Commission received a complaint from X on the 21st February, 2018 alleging that her husband has been beating her.

37. C/2018/159/AKS

The Commission received a complaint from X on 2nd October 2018 against her husband alleging that he beats her.

38. C/2018/104/AKS

The Commission received a complaint from dated 22nd June 2018 from X who resides at Uyo Akwa Ibom State. X alleges that she was married in 2000 and they are blessed with four children. She alleged however that her husband's relatives sold the properties of the deceased and went ahead with the burial rite without her consent.

39. C/2018/118/AKS

The Commission received a complaint dated 16th July, 2018 from X where she alleged that after the burial of her husband, her brother-in-law forcefully took custody of assets of the deceased denying her and the children of their inheritance.

40. C/2018/090/AKS

The Commission received a complaint on 25th June, 2018 from X of Okobo L.G.A. Akwa Ibom State. She stated that she was in a relationship with a man till his demise in 2014 and that the union was blessed with five children. She alleged the forceful takeover of her late husband's properties worth two million naira (N2, 000,000), by his relatives.

41. C/2018/103/AKS

The Commission received a complaint dated 21st June 2018 from X of Uyo, Akwa Ibom State. She alleged that her husband constantly abuses and maltreats her and that he has abandoned all parental responsibilities.

42. C/2018/012/AKS

The Commission received a complaint dated 11th June, 2018 from X who resides at No. 1 Ikot Ebido Street. She claimed to have been in a relationship with the respondent since 1990 and had two sons. She alleged that the respondent constantly beats her.

43. C/2018/81/AKS

The commission received a complaint dated 16 May, 2018 from X, who resides at Akwa Ibom State. She alleged to have been in a relationship with a man who constantly beats and maltreats her at any slightest provocation.

44. C/2018/98/AKS

The Commission received a complaint dated 13th June, 2018 from X alleging that she has been living with a man since 2016 and that they have a child. She alleged that the man is in the habit of keeping late nights and beating her with little or no provocation and that he prevents her from communicating with people by breaking her mobile phone and has not been providing for her and the child.

45. C/2018/122/AKS

The Commission received a complaint from X on the 11th August 2018 alleging that that a member of her late husband's family has dispossessed her of her late husband's property

46. C/2018/126/AKS

The Commission received a complaint dated 10th August 2018 from X alleging that her husband assaulted her and without her consent, sold her property.

47. C/2018/017/AKS

The Commission received a complaint from X dated 21st January 2018 alleging that a member of her late husband's family has denied her and the five children access to her late husband's property.

48. C/2018/213/AKS

The Commission received a complaint dated 7th Dec, 2018 from X where she alleged that she got engaged to a man who she had a female child with. She further alleged that the man is in a habit of beating her and ceased the child and her phone from her then sent her out of the house whereupon he threw her belongings out of the house.

49. C/2018/211/AKS

The Commission received a complaint from X on 6th Dec, 2018 where she stated that she is a mother of 2 children. She alleged that her late husband left behind properties which his brother seized, leaving her with nothing to rely on for the upkeep of her children.

50. C/2017/69/AKS

The Commission received a complaint on 30th April, 2018 from X alleging that three of them were given landed properties by their late father at Ibiono Ibom where their mother was cultivating while alive. He alleged that shortly after the death of their father, her kinsmen came to erect a structure on the plot of land to frustrate their earlier plan of selling the said plot to raise money for their late mother's burial, due to lack of money they have not been able to bury their mother since last year, even the village council were helpless at the situation.

51. C/2018/006 /SWZ

The Commission received a complaint on the 10th of January, 2018 from XY alleging that the victim was a victim of physical assault, attempted murder and rape by the suspect.

52. C/2018/101-102/AMO

The Commission received a complaint on 16th March, 2018 from X alleging that her husband beats her regularly and has also abandoned his fatherly responsibilities towards their children.

53. C/2018/259-300/AMO

The Commission received a complaint on 24th August, 2018 from X alleging that she has been suffering domestic violence since she got married and that the alleged violator abandoned his fatherly responsibility.

54. C/2018/370-373/AMO

The commission received a complaint on 24th January, 2018 from X alleging that her husband beats her up whenever they have a little misunderstanding.

55. C/2018/236-237/AMO

The commission received a complaint on 23rd July, 2018 from X alleging that her husband is in the habit of beating and inflicting injuries on her at any slightest provocation or disagreement. She also alleged that the husband had on several occasions abused her sexually and does not provide for the well-being of the family.

56. C/2018/227-228/AMO

The commission received a complaint on 27th June 2018 from X where she claimed that she got married to her husband 18 years ago. She alleged that she has been subjected to various forms of degrading treatment and domestic violence. X stated that friends, family members and the church

intervened and resolved the matter whereupon terms of settlement were agreed upon. Yet her husband reneged from the terms of the settlement and resorted to violence and degrading treatment.

57. C/2018/317-318/AMO

The commission received a complaint on 14th October, 2018 from X alleging that her husband beats her at the slightest provocation.

58. C/2018/379-381/AMO

The commission received a complaint on 20th November, 2018 from X alleging that she has been cohabiting with a man and gave birth to two children. She alleged that the man beats her anytime she complained about refusal to cater for the well-being of the children.

59. C/2018/2-8/AMO

The commission received a complaint on 14th January, 2018 from X alleging that she got married to her husband 26 years ago and their union is blessed with 6 children who are all girls. She claimed further that her husband has been humiliating her publicly by beating her up because she gave birth to only female children and has threatened to throw her out of the house which they built together.

60. C/2018/343-344/AMO

The Commission received a complaint dated 26th November, 2018 from X alleging that her husband has been threatening to pore acid on her if she does not leave his house.

61. C/2018/131-132/AMO

The Commission received a complaint on 12th April, 2018 from X alleging that she was cohabiting with a man and had a child for him. That he has abandoned his fatherly responsibility towards the child and is also in the habit of beating her.

62. C/2018/22/SSZ

The Commission received a complaint on 3rd of May, 2018 from X alleging that her husband severally assaulted and threatened her life at their residence in Port Harcourt, Rivers State.

63. C/2018/27/SSZ

The commission received a complaint on the 8th of February, 2018 from X alleging that her husband who is a police officer tricked her that he had been transferred to Lagos State and took her and the three children there and abandoned them without any money to take care of their needs. She also alleged that the husband has moved out of their matrimonial home and rented another apartment and moved in with another woman.

64. C/2018/SSZC/2017/8223 – 8226 HQ

The commission received a complaint on the 19th of January, 2018 from XY alleging that his sister has constantly been beaten, tortured embarrassed by her husband and his father who branded her a witch and sent her out of the house.

65. C/2018/25/SSZ

The Commission received a complaint dated 6th of February, 2018 from X alleging that her husband regularly assaulted and threw her properties outside the house in Port Harcourt. She further alleged that the husband got their son arrested on 6th February, 2018.

66. C/2018/43/SSZ

The Commission received a complaint on 15th of March, 2018 from X alleging that she got married to her husband in 2010. She also alleged that the husband incessantly assaults her and the three children, particularly whenever he had financial challenges.

67. C/2018/123/SSZ

The Commission received a complaint on the 6th of September, 2018, from X alleging that her husband assaulted her with a knife and other dangerous materials, as he did severally in the past. She also alleged that the husband neither paid their four children's school fees nor catered for the welfare of the children.

68. C/2018/156/SSZ

The commission received a complaint on 13 of November 2018 from X where she alleged that she had a misunderstanding with her husband and he assaulted and inflicted injury on her.

69. C/2018/155-162/AMO

The Commission received a complaint on 2nd May, 2018 from X alleging that her husband beats her and abandoned her with the 7 children without fatherly care.

70. C/2018/34-35/AMO

The Commission received a complaint dated 2nd February, 2018 from X alleging that her husband beat her and threatened to kill her. She also alleged that he also abandoned her with a child and warned her not to disturb him about the child's responsibility.

71. C/2018/15/AMO

The Commission received a complaint on 22nd January, 2018 from X alleging that her husband beat and insulted her in the full glare of the public.

72. C/2018/342-343/AMO

The Commission received a complaint from X, on 26th October, 2018 alleging they were living peacefully with her husband until he brought step son to their home. She claimed that ever since then he started beating and maltreating her little baby and all efforts made by the family to stop the beating and maltreatment did not help.

73. C/2018/399-401/AMO

The Commission received a complaint from X on 26th November 2018 where she alleged that her husband formed the habit of beating her whereupon he used a knife and iron rod to injure her. She also alleged that he starves her and the children whenever they had a quarrel.

74. C/2018/34-35/AMO

The Commission received a complaint on 2nd February, 2018 from X alleging that her husband beats her and threatened to kill her. She also claimed that he abandoned her with their child and warned her not to disturb him about welfare of the child.

75. C/2018/15/AMO

The Commission received a complaint dated 22nd January, 2018 from X alleging that her husband beats and insults her in the full glare of the public.

76. C/2018/049/ SWZ

The Commission received a complaint on the 1st of March 2018 from X alleging that she had consistently been a victim of domestic violence by her husband. According to her, the husband has threatened her life severally and as a result, she was afraid to continue to live with him. She further alleged that he has refused to take up the responsibility of their Three (3) children.

77. C/2018/083/ SWZ

The Commission received a complaint on the 2nd of May, 2018 from X alleging that she had consistently been a victim of domestic violence by the father of her unborn child. According to her, the man denied the pregnancy and told her to have an abortion. When she refused, he started assaulting her and engaged in emotional and verbal abuse. Again, he chased her out of his house.

78. C/2018/108/ SWZ

The Commission received a complaint on the 11th of June, 2018 from X alleging that she had consistently been a victim of domestic violence by her husband, especially when he is drunk.

79. C/2018/43/EK

The Commission received a complaint from X of Odo –Ado on the 8th Oct 2018, alleging that her husband beats her and has neglected his responsibilities to the children.

80. C/2018/127/BN

The Commission received a complaint on 25th July, 2018 from X against her husband bordering on alleged domestic violence and threat to life.

81. C/2018/11/EK

The Commission received a complaint dated 11th May 2018 from X who lives in Ado Ekiti where she alleged that her husband constantly beats her and has abandoned their two children.

82. C/2018/20/EK

The Commission received a complaint from X of Ado Ekiti on the 1st June 2018, alleging that her husband beat her without regard to her dignity as a human being.

83. C/2018/24/EK

The Commission received a Complaint from X of Ado Ekiti on the 12th June 2018, alleging that she got married to her husband in 2009 and have two children. She also alleged that he started beating her since 2013 and the two children were neglected.

84. C/2018/36/EK

The Commission received a complaint from XY of ado Ekiti on the 19th Sept 2018 alleging that a man used to beat his wife and refused to take care of their child.

85. C/2018/47/Ek

The Commission received a complaint from X of ado Ekiti on the 11th Oct 2018 alleging that her husband beats her incessantly.

86. C/2018/721/BSO

The Commission received a complaint from X on 29th January 2018 alleged that her in-law and others conspired to squander and waste her late husband's properties. They have also been threatening her.

87. C/2018/733/BSO

The Commission received a complaint on 1st of March 2018 from X, where she alleged that her husband had been maltreating her as well as their children.

88. C/2018/CPR/4890 – 4894/HQ

On 28/11/18 The Commission received a complaint on 8th November, 2018 from X, she alleged that she has been married to her husband for 13 years and since the inception of the marriage there has been domestic violence.

89. C/2018/366/HQ

The Commission received a complaint from X on 19th February 2018 stating that the father of her daughter had suddenly changed towards her and stopped communicating with her directly.

90. C/2018/367/HQ

The Commission received a complaint from X on 9th February 2018, stating that her husband of since 2003 is always beating her and doesn't provide for the family.

91. C/2018/1775 – 1778 /HQ

The Commission received a complaint from X on 4th June 2018 stating that her husband is always beating her both in public and at home.

92. C/2018/VG/3705/HQ

The Commission received a complaint from XY on 20th August 2018 alleging that her brother in-law is always beating his sister. He also allegedly attempted to kill her with a butcher's knife.

93. C/2018/1610 – 1613/HQ

The Commission received a complaint from X on 14th May 2018 where she alleged that her husband is always beating her and threatening her with a knife. The last incident led to him injuring her eye and throwing her out of the house.

94. C/2018/452/HQ

The Commission received the complaint from X on 5th May 2018. She mentioned in her complaint that the father of her three children beats her and does not provide for the family.

She said her husband told her to leave because he didn't pay any bride price on her.

95. C/2018/687 – 689/HQ

The Commission received the complaint on 22nd March 2018. The complainant stated in her complaint that she has been married to her husband for six years and since the inception of the marriage he has been maltreating her and not providing for the family.

96. C/2018/VG/3001 – 3003/HQ

The Commission received the complaint from X on 5th July 2018. She stated that she had been married for 10 years to her husband whom she alleged is always beating her and sent her packing whereupon he brought in another woman then abandoned her with two children.

97. C/2018/VG/3489/HQ

The Commission received a complaint from X on 20th August 2018 where she stated that she got married to her husband in 2015 and since then he formed the habit of beating her and threatening to disfigure her.

98. C/2018/3040 – 3041 /HQ

The Commission received a complaint from X on 13th September 2019 where she alleged that the father of her child turned her to a punching bag.

99. C/2018/VG/4253 – 4257/HQ

The Commission received a complaint dated 13th September 2018 from X where she claimed that she had been in a relationship with a man and had four children. She alleged he developed a habit of beating her and denied paternity of two of the children. He then threw her out together with the two children.

100. C/2018/352-353/AMO

The Commission received a complaint from X dated 16th October 2018 alleging that her husband slapped her leaving her in pains.

101. C/2018/ 209-214/AMO

The Commission received a complaint from X dated 25th June 2018 where she alleged that her husband beats her regularly at the slightest provocation and threatens her life.

102. C/2018/ 201-202/AMO

The Commission received a complaint from X dated 21st June 2018 alleging that her husband beats her regularly since she got married to him in 2014, mainly because she has no child for him.

103. C/2018/219-221/AMO

The Commission received a complaint from X dated 7th July 2018 where she alleged that her husband beats her regularly.

104. C/2018/VG/4734/HQ

The Commission received a complaint dated 8th November 2018 from X where she alleged that her husband always beat her and threatened to kill her.

105. **C/2018/CPR/4890 – 4894/HQ**

The Commission received a complaint dated 28th November 2018 from X where she alleged that her husband beats her and threatened to kill her, their children and himself.

106. **C/2018/VG/3864 – 3865/HQ**

The Commission received a complaint dated 17th December 2018 from X where she alleged that her husband beats and maltreats her and the children.

107. **C/2018/ 98-100/AMO**

The Commission received a complaint dated 15th March 2018 from X where she stated that she got married to her husband in 2012 and has two children for him. She alleged that her husband beats her frequently despite efforts made by family members to stop him.

108. **C/2018/ 117-119/AMO**

The Commission received a complaint dated 21st March 2018 from X where she alleged that her husband beats her and threatened to kill her. She also alleged that he refused to allow his step daughter to live with them or visit them. Furthermore, X alleged that the husband demands that her salary should be given to him.

109. **C/2018/ 192-193/AMO**

The Commission received a complaint dated 8th June 2018 from X alleging that her husband was in the habit of beating her and throwing her belongings out of the house especially during her pregnancy.

110. **C/2018/VG/4345 – 4347/HQ**

The Commission received a complaint from X on 10th October 2018 where she alleged that her husband beats her at every slight misunderstanding and he has also accused her of infidelity.

111. **C/2018/115/AKS**

The Commission received a complaint from X dated 16th July 2018 alleging that her husband subjects her to physical abuse, drove her to her father's compound, threw her things away and pushed her out of his vehicle. She also alleged that the husband accused her of being a prostitute and a witch, and further connived with their village head to stop her from burying her late mother.

112. **C/2018/116/AKS**

The Commission received a complaint dated 16th July 2018 from X alleging that her husband is in the habit of beating her at the slightest provocation and had threatened to kill her. She stated that the husband who works and lives in Abuja, instructed her to leave her work in AkwaIbom and join him in Abuja, which she refused for fear of domestic violence.

113. **C/2018/IMS/17**

The Commission received a complaint dated 7th of May 2018 from X who stated that she never had peace of mind ever since she got married to her husband. She alleged threat to her life and other forms of domestic violence which prompted her to run away from her matrimonial home at Mbaitoli L.G.A of Imo State.

114. **C/2018/IMS/26**

The Commission received a complaint dated 8th of June, 2018 from X who alleged that her husband drove her out of the matrimonial home at Imo State. X also alleged threat to life, inhuman treatment, denial of access to children and seizure of her properties.

115. **C/2018/04/BN**

The Commission received a complaint from X on 15th February 2018 alleging that she was always receiving beating and harassment from her husband and also being neglected along with their children.

116. **C/2018/54/BN**

The Commission received a Complaint from X on 7th June 2018 where she alleged that her husband threatened her life and also beats her up at any slightest provocation.

117. **C/2018/534/BN**

The Commission received a complaint from X on the 27th August 2018 alleging that her husband maltreated her and subjected her to domestic violence.

118. **C/2018/549/B**

The Commission received a complaint from X on 21st September 2018 alleging that her husband regularly beats her. She claimed that she has never enjoyed marital bliss since they got married.

119. **C/2018/545/BN**

The Commission received a complaint from X on 14th September 2018 alleging that the man whom she has been cohabiting with and father of her children frequently beats her and inflict injuries on her.

120. **C/2018/02/BN**

The Commission received a complaint dated 1st February 2018, from X alleging that her husband has neglected her and also abused her verbally.

121. **C/2018/120/BN**

The Commission received a complaint dated 23rd July 2018 from X alleging that her husband who is a soldier constantly beats her and turned her into a punching bag which she had to run for her life and he has denied her access to the kids.

122. **C/SWZ /18/071**

The Commission received a complaint dated 9th of April, 2018 from X who alleged that her spouse beats her up at every slightest provocation.

123. **SWZ/18/262**

The Commission received a complaint dated 7th January, 2019 from XY, alleging that a lady who works for an audit firm was sexually harassed by one of the staff.

124. **SWZ/2018/015**

The Commission received a complaint dated 21st January 2018 from XY, alleging that her sister who is married to a man has suffered inhuman treatment and violence from her husband.

125. SWZ/18/073

The Commission receives a complaint dated 9th April 2018 from X alleging that her husband maltreats her and threatens her life.

126. SWZ/18/119

The Commission receives a complaint dated 28/06/2018 from X alleging that her husband's family maltreats her and her son because her husband is not in the country.

127. SWZ/18/146

The Commission receives a complaint dated 14/08/2018 from X alleging that her husband maltreats her and her life is in danger.

128. SWZ/18/258

The Commission receives a complaint dated 21st December 2018 from X alleging that her boyfriend whom she has been cohabiting for the past 6 months beats her.

129. C/2018/VG/3202- 3207/HQ

The Commission received the complaint dated 9th July 2018 from X who alleged that her husband's church members beat her up because she tried to seek dissolution of her marriage to her husband who is a pastor.

130. C/2018/687 – 689/HQ

The Commission received the complaint dated 22nd March 2018 from X alleging that her husband has been maltreating her and not providing for the family.

131. C/2018/1610 – 1613/HQ

The Commission received a complaint dated 14th May 2018 from X alleging that her husband is always beating her and threatening her with a knife whereupon she was injured in her eyes and threw her out of the house.

132. C/2018/1696 – 1698/HQ

The Commission received a complaint dated 23rd May 2018 from X, alleging that her husband has been abusing her emotionally, verbally and physically.

133. C/2018/VG/3705/HQ

The Commission received a complaint dated 20th August 2018 from XY alleging that her brother in-law, is always beating his sister and also attempted to kill her with a butcher's knife. XY also alleged that her sister was hospitalized after being violently beaten.

134. C/2018/367/HQ

The Commission received a complaint dated 9th February 2018 from X, alleging that her husband is always beating her and does not provide for the family.

135. C/2018/1775 – 1778 /HQ

The Commission received a complaint from X dated 4th June 2018 alleging that her husband is always beating her, in public and at home.

136. **C/2018/VG/4638 – 4642/HQ**

The Commission received a complaint dated 22nd October 2018 from X, alleging that the alleged perpetrator beats her every time they have a disagreement. X also claims that he is addicted to drinking and smoking, and whenever he is drunk, he harasses and beats everyone including their children.

137. **C/2018/VG/4386/HQ**

The Commission received a complaint dated 4th October, 2018 from X alleging that her husband beats her any time they have a disagreement.

138. **C/2018/VG/4511/HQ**

The Commission received a complaint dated 4th October, 2018 from X alleging that her husband beats her at the slightest provocation.

139. **C/2018/VG/2099/HQ**

The Commission received a complaint dated 25th June, 2018 from XY alleging that his sister's husband beat her after a minor disagreement and also threatened to kill her with a cutlass.

140. **C/2018/3904/NCZ**

The Commission received a complaint dated 30th October 2018 from XY alleging that that the victim, who is ten years old, reported to her that the alleged perpetrator raped her at his home in Abattoir Jos. The victim was raped by the alleged perpetrator when the victim went to visit her friend, who is a domestic worker in the alleged violator's home.

141. **C/218/3168/NCZ**

The Commission received a complaint dated 23rd August, 2018 from XY alleging that her step-father raped and threatened the life of her fifteen-year-old niece. She further alleged that although the alleged violator was arrested by the police, he was released after his family members pleaded that the matter should be resolved by the community. The family members and police resolved that the alleged violator would be punished by paying a fine (which was supplying a goat) and an apology.

Rape is a criminal offence hence the Commission intervened by ensuring the respondent was re-arrested and charged to court.

142. **C/2018/3066/NCZ**

The Commission received a complaint dated 22nd May, 2018 from Y who lives on Nbeal Street, Jos, Plateau State. Y alleged that his 7-year-old daughter was sent on an errand, when she was lured by the alleged violator into an uncompleted building, where he sexually abused and threatened to kill her if she tells anyone. The alleged violator was arrested and charged to court. He was convicted based on his confessional statement, as well as his oral admission. The violator was sentenced to 2 years' imprisonment.

143. **C/2018/2905/NCZ**

The Commission received a complaint dated 21st February, 2018 from X alleging that an orphaned 7-year-old girl was raped in Barkin Ladi LGA, Plateau State by the alleged violator. The matter was reported to the Police and medical investigation confirmed that the victim was raped.

144. **C/2018/3136/NCZ**

The Commission received a complaint dated 23rd July, 2018 from Y alleging that his 14-year-old daughter was lured by a 62-year-old man into his house at Angwan Rukuba, Jos, Plateau State. In his residence, the man raped her and gave her the sum of N200. The matter was reported to the Police and the alleged violator admitted to the offence and pleaded for mercy. Through the Commission's intervention, the alleged violator was charged to court.

145. **C/2018/3507/NCZ**

The Commission received a complaint dated 24th September, 2018 from Y alleging that his 14-year-old sister was abducted by the alleged violator and kept in a house in AngwanRogo, Jos, Plateau State. While in being held hostage, the victim was drugged and sexually abused by the alleged violator and his friends.

146. **C/2018/3117/NCZ**

The Commission received a complaint from Y alleging that his 8-year-old daughter was raped by his cousin, who is in his 40s. He further alleged that his cousin lured the victim on her way back from school and had carnal knowledge of her. Thereafter he threatened to kill her if she told anyone. The matter was reported to the Police and a medical examination confirmed that the victim was raped.

147. **C/2018/2994/NCZ**

The Commission received a complaint dated 4th April, 2018 from Y who resides at Bauchi Road, Jos, Plateau State, alleging that the victim (6 years old) who is his daughter, was raped by a 47-year-old man. He further alleged that the matter was reported to the Police and the alleged perpetrator was charged to court but the family of the victim have lost confidence in the manner in which the prosecution is being conducted.

148. **C/2018/3960/NCZ**

The Commission received a complaint dated 12th December 2018 from XY alleging that children whose parents were murdered during the Northeast crisis, were admitted into a Centre in Abeokuta as inmates. Although the Centre exists to cater to the basic needs of inmates, the children were allegedly subjected to dehumanizing and excruciating labour, as well as sexual abuse by the Director of the Centre.

149. **C/2018/3902/NCZ**

The Commission received a complaint from X on the 28th of October 2018, claiming that she married her husband in 2012 and they are blessed with three children aged 5, 3 and 1 respectively. X also alleged that her husband sent her and their three children out of the house in 2018 and refused to pay the children's school fees and upkeep.

150. **C/2018/ 2965/NCZ**

The Commission received a complaint dated 21st of March 2018, from X alleging that she has been married to her husband for about a year and half and they are blessed with a child aged 1. X alleged that immediately after their wedding, her husband categorically made it clear that he does not want her to conceive immediately. When she eventually conceived and gave birth to their daughter, he neglected her and the baby and refused to take responsibility of their welfare.

151. **C/2019/138/SSZ**

The Commission received a complaint from X. She alleged that she has been married for 13 years, and her husband does not handle his responsibilities as the father of the house. She further alleged that he does not provide for the children's education and other needs. She claimed that on the 5th of October 2019 at 4.30 am, her husband woke her and told her that he collected a loan form, which he wanted her to sign. When she refused to sign the form, her husband started beating her and threatened to kill her.

152. **C/2018/156/SSZ**

The Commission received a complaint on the 13th of November 2018, from X who has a one-year old child and also pregnant. She alleged that on the 11th of November 2018, she had a misunderstanding with her husband, who then assaulted and battered her. The battery left her with injuries.

153. **C/2018/123/SSZ**

The Commission received a complaint dated 6th of September, 2018, from X alleging that on 26th August, 2018 her husband assaulted her with knife and other dangerous materials. X claimed that he had done this severally in the past. X also alleged that her husband refused to pay their four children's school fees, and does not cater for the welfare of the children aged 8 years, 6 years, 3 years and 4 months respectively.

154. **C/2018/43/SSZ**

The Commission received a complaint dated 15th of March, 2018, from X claiming that she married Y in 2010. X also alleged that her husband incessantly assaults her and their three children (7 years, 6 years and 4 years respectively), particularly when he has financial challenges

155. **C/2018/80/SSZ**

The Commission received a complaint dated 23rd of May, 2018 from Y alleging that he was in a relationship with a woman, which led to the birth of his daughter out of wedlock. Y also alleged that the woman continuously denies him access to his 5-year old daughter despite his efforts at providing for the welfare of the child.

156. **C/2018/30/SSZ**

The Commission received a complaint dated 20th of February, 2018, from X alleging that she married her husband in 2013, who he abandoned her and their 4 years old son in 2017. X and her son were abandoned by her husband in their rented apartment in Port Harcourt. Her husband then relocated to Aba, Abia State. X also alleged that her husband threatens her each time she asks for house rent or upkeep for their child.

157. **C/2018/25/SSZ**

The Commission received a complaint dated 6th of February, 2018, from X alleging that she married her husband in 2005 and they lived in Port Harcourt, Rivers State. X also alleged that her husband regularly assaults and throws her properties outside their house anytime there is a dispute. X claims that the alleged violator arrested their son on 6th February, 2018

158. **C/2018/SSZC/2017/8223 – 8226 HQ**

The commission received a complaint dated 19th of January, 2018 from XY alleging that his sister who got married sometime in the year 2000 and has constantly been beaten and sent out of her matrimonial home, tortured, embarrassed, branded a witch and threatened by her husband and father in law.

159. **C/2018/08/SSZ C/2017/8316 - 83174Q**

The commission received a complaint from X on the 18th of January, 2018 alleging a case of child abandonment. She also stated however, that after numerous attempts, an agreement was reached which has not been honoured by the father of the child.

160. **C/2018/22/SSZ**

The Commission received a complaint dated 3rd of May, 2018, from X alleging that her husband who is a Bishop severally assaulted and threatened her life at their residence in Port Harcourt, Rivers State.

161. **C/2018/11/SSZ**

The complaint was received on the 22nd of January 2018 by X alleged that she was formerly working with “D and D” restaurant at Elegbam. She stated that in course of working there she met with the respondent where they had a relationship and she became pregnant; they cohabited but the respondent refused to get married to her. The members of his family have insisted that her things be thrown out, while the respondent has refused handling his responsibility since his family members were advising him.

X also alleged that she reported the matter to the Police but nothing was done by the Police to address the matter.

162. **C/2018/2-8/AMO**

The commission received a complaint dated 14th January, 2018 from X alleging that she got married to her husband 26years ago and their union is blessed with 6 children who are all girls. That her husband has been humiliating her publicly by beating her up because she gave birth to only female children and has threatened to throw her out of the house which they built together.

163. **C/2018/02/SSZ**

The Commission received a complaint dated 8th January, 2018 from XY on behalf of the victim (female) alleging that a police man abducted her from her place of learning for nine years and impregnated her. XY further alleged that at point that she sustained health problems which attracted huge financial obligations to the family.

164. **C/2018/96/BN**

The Commission received a complaint from Y on 28th June, 2018, alleging that his Landlady was harassing and intimidating the entire tenants which was always causing problem in the compound.

165. **C/2018/ 198-202/AMO**

The Commission received a complaint from XY dated 11th June, 2018 alleging that his sister lost her husband and her brother in-law took some of the children and all the property of the deceased.

166. **C/2018/169/SSZ**

The Commission received a complaint dated 17th November 2018 from X, alleging that her husband physically abused her by hitting her on the head with objects, which led to her being hospitalized.

167. **C/2018/106/SSZ**

The Commission received a complaint from XY dated 1st August, 2018 alleging that on the 29th of July, 2018 at about 10: 45pm, she sent one of her siblings (the victim) who was 14 years old on an errand to buy sachet water. On her way back, the victim was accosted and defiled by the Respondent and 4 others.

XY also stated that when she confronted the Respondents, she was manhandled and beaten while one of her siblings was stabbed in the face by the Respondents.

168. **C/2018/76/BN**

The Commission received a complaint from Y dated 10th June, 2018. He alleged that his younger sister of thirteen years was sexually defiled by a man of over seventy years.

169. **C/2018/12/BN**

The Commission received a complaint from X dated 14th March, 2018. She alleged that her daughter who was 14 years old and lived with her father was sexually molested by her father's friend for over a period of one year.

She also alleged that the perpetrator threatened that she will be killed if she discloses the incident to anyone.

MEDIA REPORT

1. On 10th August, 2018, This Day Newspaper reported on page 5 that the Lagos State Governor has called for review of laws to provide stricter sanctions for offenders of sexual and gender based violence.
2. On 5th January, 2018, Daily Trust Newspaper reported on Page 6 that hundreds of women protested at the Government House in Abia state over alleged invasion of their farmlands by herdsmen who they accused of not only destroying crops but also sexually harassing women on their farms. The Governor assured the protesters that he will look into the matter. (Media Report SGBV)
3. On the 7th of February, 2018, Daily Trust Newspaper reported on Page 8 that up to 68 million girls could have their genitals cut between 2015 and 2030, this was contained in a new research by the United Nations Population Fund. According to current estimates, up to 3.5 million girls undergo female genital cutting each year and the number is projected to rise up to 4.6 million by 2030 in the absence of efforts to prevent it.
4. On the 14th of February, 2018, Daily Trust Newspaper reported on page 7 that over 5000 women and under aged girls were raped by armed bandits terrorizing Zamfara State. The chairman of the Zamfara State council of chiefs made this known in a meeting in Kaduna state.

5. On the 13th of March, 2018, This Day Newspaper reported on page 37 that, the Lagos State against the background of high incidence of sexual violence in the state, Lagos state Governor had recommended a minimum jail term of 25 years for any person tried and found guilty of sexual violence.

RECOMMENDATIONS

- 1) Advocacy for the domestication and implementation of the Violence Against Persons Prohibition Act, 2015 (VAPP Act) across the federation should be enhanced.
- 2) There should be continuous awareness and sensitization programmes aimed at promoting the rights of women by relevant stakeholders.
- 3) Women should be sensitized and encouraged to seek redress against any form of abuse and the need to speak out when abused.
- 4) All complaints on abuse of sexual or gender violence against women should not be treated as family matter but should be promptly investigated by law enforcement agencies and persons culpable should be prosecuted.
- 5) Traditional institutions, interfaith based organizations, men and youth leaders should be encouraged to sensitize members of their community to eschew violence against women.

CHAPTER 18 RIGHT TO PROTECTED ENVIRONMENT

BY
HYGINUS NJOKU

INTRODUCTION

The right to a safe, clean, healthy, and sustainable environment is central to the full enjoyment of numerous other human rights, including the right to life, health, food, water and sanitation. This is nowhere more evident than in the Niger Delta, a region that has, for decades, been plagued by oil spills that have devastated the environment with negative impacts on the lives of inhabitants of the area.

According to Anup Shah in his Paper ‘Nigeria and Oil 2010’ the activities of large multinational oil corporations such as Mobil, Chevron, Shell, Elf, Agip, among others, have raised concerns and criticisms. Shell, for example, has even been criticized for trying to divide communities by paying off some members to disrupt non-violent protests.

The Nigerian government and the oil companies have responded by harshly cracking down on protestors.

According to Human Rights Watch, *Nigeria, World Report 2010*, multinational oil companies are complicit in abuses committed by the Nigerian military and police.

An investigation and report by Essential Action and Global Exchange, *January 25, 2000* titled *Oil For Nothing: Multinational Corporations, Environmental Destruction, Death and Impunity in the Niger Delta*, Essential Action and Global Exchange that:

1. Oil corporations in the Niger Delta seriously threaten the livelihood of neighboring local communities. Due to the many forms of oil-generated environmental pollution evident throughout the region, farming and fishing have become impossible or extremely difficult in oil-affected areas, and even drinking water has become scarce. Malnourishment and disease appear common.
2. The presence of multinational oil companies has had additional adverse effects on the local economy and society, including loss of property, price inflation, prostitution, and irresponsible fathering by expatriate oil workers.
3. Organized protest and activism by affected communities is regularly meet with military repression in some cases instigated by oil companies, which sometimes end in \loss of life.

4. Reporting on the situation is extremely difficult, due to the existence of physical and legal constraints to free passage and free circulation of information. Similar constraints discourage grassroots activism.²¹⁰

Faced with the results of polluting and destructive actions, more people started to see that a clean and healthy environment is essential to the realization of human rights, such as the right to life, health and development. Each human being depends on the environment as the resource base for all life. And where it started with mere linking acknowledged human rights to cases of environmental disruption, like the Bhopal and Chernobyl disasters, it has become more acknowledged over the years that human rights and the environment are so inherently interlinked and that a clean and health Environment is a Human right.

LEGAL FRAMEWORK

The Constitution of Nigeria 1999 as amended, provides that *‘the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria²¹¹’*. This position of the Constitution is complemented by other laws and regulations such as Federal Environmental Protection Act, 1972, repealed by the Nigerian Environmental and Safety Regulatory and Enforcement Act, 2007 (NESREA), the Environmental Impact Assessment Act, 2007 (EIA), 1972, National Oil Spills Detection and Regulatory Agency (NSDRA) Act. In the International and Regional sphere, the International Covenant on Economic, Social and Cultural Rights ICESCR and African Charter on Human and People’s Rights ACHPR also provide for clean and healthy environment.

Relevant SDG Targets related to Environment and Green Jobs: Sustainable Development Goal (SDG) 8, 13, 14 and 15 speak directly to on ways to protect our Environment to *ensure public safety, clean and human rights friendly environment. On this note*, the United Nations General Assembly established indicators to measure State progress under each target.

- Goal 8.4.** Improve progressively through 2030 global resource efficiency in consumption and production, and endeavour to decouple economic growth from environmental degradation in accordance with the 10-year framework of programmes on sustainable consumption and production with developed countries taking the lead.
- Goal 13.** Take urgent action to combat climate change and its impacts.
- Goal 14.** Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

²¹⁰<https://www.globalissues.org/article/86/nigeria-and-oil> accessed 30 April 2020

²¹¹Section 20, of the CFRN, 1999 (as amended).

Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.²¹²

THE FOLLOWING ARE COMPLAINTS ON RIGHT TO ENVIRONMENT RECEIVED BY THE COMMISSION FOR THE YEAR UNDER REVIEW.

1. C/2018/123/AKS

The Commission received a complaint from Y dated 30th of July, 2018. He alleged that that his neighbour has the habit of keeping generating set close to his business place when there is an alternative place to keep his generating plant. He also alleged that all efforts to prevail on him has proved abortive.

He further alleged that the fume from the plant has constituted a serious environmental hazard and pollution with hazardous implications on their lives.

2. C/2018/587/HQ

The Commission received a complaint from Y dated 29th January, 2018. He alleged that there was crude oil spillage in Forcados-Warri Trunkline at Odidi, Warri, Delta State.

3. C/2018/55/BN

The Commission received a complaint from Y on the 8th of June 2018, alleging that a poultry farm was situated adjacent to his house and that when he confronted the owner on the unhygienic condition it would be to the environment, he insisted that he only intended putting them for a short period. That all efforts to persuade him to relocate the poultry farm has proved abortive.

4. C/2018/ESCR/3536/HQ

The Commission received a complaint from Y on the 2nd August 2018, alleging that in 2008, a telecommunications company erected a mast beside his property situated at Odolu quarters in Kabba, Kogi State. In the course of time, the noise and hazardous emissions from the power generating plant that was replaced sometimes in 2014, made the environment inhabitable for his family and tenants. He also claimed that the constant vibration from the plant has caused damages to his property.

²¹²https://www.ilo.org/global/topics/dw4sd/themes/green-jobs/WCMS_558559/lang--en/index.htm accessed 4 May 2020.

RECOMMENDATIONS

1. Government should ensure the preparation of Environmental Impact Assessment for developmental programmes in any community and that such Assessment Report should be made public.
2. There is urgent need to address the Issues of erosion, flood, etc by the relevant Government agencies.
3. Governments of Nigeria at all level, public and private companies should ensure that developments brought on the environment takes into consideration environmental rights of the host communities.

CHAPTER 19 HUMAN TRAFFICKING

BY
ADEMILOLA ADESIYUN

INTRODUCTION

Human trafficking also known as trafficking in persons has been defined in Article 3 of the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially women and children²¹³ as follows:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution, of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This is the most widely accepted definition of human trafficking in diverse legal texts. From this definition, it can be deduced that three key elements are at play when looking at human trafficking:²¹⁴

- a. The ‘act’: This takes the form of recruitment, transportation, transfer, harbouring or receipt of persons;
- b. The ‘means’: This refers to threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim;
- c. The ‘purpose’: this refers to the end result which is exploitation; it may come by way of; sexual exploitation, forced labour, slavery or similar practices.

Human Trafficking constitutes a serious human rights violation which affects the right to life, dignity of human person, right to personal liberty and the right to movement among others. Human

²¹³ Adopted by General Assembly resolution 55/25, supplementing the UN Convention Against Transnational and Organized Crime, and It entered into force on 25 December 2003 <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx> > accessed 13/5/2020

²¹⁴ United Nations Office of Drugs and Crime, what is Human Trafficking? <<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> >accessed 21/3/2020

rights are universal and applicable to all human beings irrespective of their race, sex, tribe or creed and a such victims of trafficking are no exception.

A plethora of International human rights instruments prohibit Human Trafficking, the most notable among them are; UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially women and children²¹⁵, Convention on the elimination of All forms of Discrimination Against Women(1979)²¹⁶, and the Convention on the Rights of the Child(1989)²¹⁷.

At the African regional level, the African Charter on the Rights and welfare of the Child (1990)²¹⁸ and the Protocol to the African Charter on the Rights of Women in Africa (1981)²¹⁹, Economic Community of West African States (ECOWAS) declaration and Plan of Action against Trafficking in Persons (2001) also prohibit human trafficking and prescribes that those susceptible to trafficking be protected and perpetrators punished.

In Nigeria, the legal regime on human trafficking is quite robust as legislative and administrative measures exist for the protection against trafficking and prosecution of offenders. Section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) clearly stipulates that every individual is entitled to dignity and no one should be subjected to cruel inhuman or degrading treatment or be held in slavery or forced to perform forced or compulsory labour.

Also, Nigeria has been a pacesetter in the fight against human trafficking being the first African country²²⁰ to enact an anti-trafficking legislation; The Trafficking In Persons (Prohibition) Law Enforcement And Administration Act, 2015 as Amended and also establish an agency known as the National Agency for Prohibition in Persons and Other Related Matters (NAPTIP) saddled with the sole responsibility of monitoring, arresting and prosecution of human traffickers as well as rehabilitation of victims of human trafficking. As at 2017 the agency had secured a total of 217 convictions on human trafficking²²¹.

Human trafficking is a phenomenon that is not peculiar to a location but traverses borders. The nature of human trafficking in Nigeria is not location specific as it occurs within the country and across borders, with victims ranging from young boys and girls to women who in a quest for greener pastures owing to poor socio-economic conditions become vulnerable to traffickers who

²¹⁵ See Article 2

²¹⁶ Article 6

²¹⁷ Article 35

²¹⁸ Article 29

²¹⁹ Article 4

²²⁰ T Thipanyane, 'Human Trafficking: African Perspective' Jurist Legal News and Research (22 March 2015) <<https://www.jurist.org/commentary/2015/03/tseliso-thipanyane-trafficking-africa/>> accessed 7/11/2019

²²¹ Available in < <https://www.naptip.gov.ng/naptip-secures-13-new-convictions/>> accessed 7/11/2019

lure them into prostitution, servitude or forced labour²²² under the guise of getting them lucrative jobs within or outside the country.

The destination for trafficked Nigerians across borders include:²²³ Côte d'Ivoire, Mali, Benin, Equatorial Guinea, Cameroon, Guinea, Libya, Algeria, Saudi Arabia, Morocco Italy, Belgium, Spain, Germany and the United Kingdom among others.

As noted in reports²²⁴, these Traffickers often operate in syndicates and employ nefarious tactics such as debt bondage schemes on their unsuspecting victims which would mean that they would work under exploitative conditions to pay back travel expenses incurred whilst smuggling them to their destination.

2.0 REPORTED CASES ON HUMAN TRAFFICKING

The following complaints were received by the Commission within the reporting period:

1. C/2018/46/SSZ

The Commission received a complaint from X dated 20th of March 2018. She alleged that she had a baby with the aid of an illegal maternity owner and child trafficker on the 22nd of February, 2018. She also alleged that she was sedated and when she woke up, she discovered her baby had been sold out to an unknown buyer.

2. C/2018/90/SSZ

The Commission received a complaint from Y dated 7th of June, 2018. He alleged that his wife was involved in child trafficking and that there was an ongoing transaction with his house used as the meeting point.

3. C/2018/217/HQ

The Commission received a complaint from Y dated 30th January, 2018. He alleged that his 13 year old younger sister was trafficked to a family in Abuja by the Chief of their village.

²²² MD Enaikele and A O Olutayo, 'Human trafficking in Nigeria: Implication for human immune deficiency virus and acquired immune deficiency syndrome (HIV/AIDS) pandemic' (2011) Vol. 3(11) IJSA < <https://academicjournals.org/journal/IJSA/article-full-text-pdf/54894023109>> accessed 7/10/2019

²²³ FB Okeshola and AA Adenugba, 'Human trafficking: A Modern Day Slavery in Nigeria' (2018) Vol. 8(2) AIJCR < http://www.aijcrnet.com/journals/Vol_8_No_2_June_2018/5.pdf> accessed 3/6/2020

²²⁴ UNODC, 'Global Report on Human Trafficking' (2016) < https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf> accessed 6/10/2019

4. C/2018/32/BN

The Commission received a complaint from Y dated 17th April, 2018. He alleged that his nephew was abducted by a man. He also alleged that the man has refused to release his nephew to the rightful family.

5. C/2018/36/BN

The Commission received a complaint from Y dated 5th May, 2018. He alleged that he and others jointly drive a taxi in Kano State. He also alleged that on a certain day, their vehicle was chartered by some men to convey them to a certain bus stop.

He further alleged that some days later, men of the Nigeria Police Force arrested them and brought them to Benin City accusing them of being human traffickers and they were detained.

6. SWZ/18/142

The Commission received a complaint from X dated 9th August, 2018. She alleged that she was abducted by the Respondent and his gang and the case was reported at Redemption City Police Station in June 2017. She further alleged that the case has been pending in the police station without any reasonable progress on investigation.

7. SWZ/18/079

The Commission is in receipt of a complaint from XY dated 20th April, 2018. She alleged that a lady was abducted from her beauty salon and when the lady was released, she was advised not to report the abduction or else she would be killed.

CONCLUSION

Human trafficking is a cruel, inhuman and degrading act that leaves victims with both physical and psychological trauma which they may never recover from. The campaign against this crime and for the protection of victims of human trafficking requires the cooperation of all stakeholders with a view to bringing an end to the menace.

RECOMMENDATIONS

In view of the foregoing, the following recommendations are made:

1. Reintegration of victims of trafficking into the society after proper psycho-social support must have been carried out should be ensured by government because a victim who has been properly reintegrated is not likely to fall victim again.

2. Human Rights - based approach to combating human trafficking i.e human rights should be at the centre of any anti human trafficking strategy that will be deployed by Government at any time.
3. Government's efforts at eradicating poverty and unemployment should be intensified which would ultimately reduce citizens wanting to leave the country at all cost.
4. Increase public awareness on the trends of human trafficking as well as condemning trafficking as an act of violence

CHAPTER 20 ELECTION AND POLITICAL PARTICIPATION

BY
IHEME RICHMOND

INTRODUCTION

By definition, a democracy is legitimate only when it is founded on the will of citizens to freely and effectively exercise their franchise through the ballot. As popularized by Abraham Lincoln, it means government of the people by the people and for the people. It is a rule in which the supreme power is vested in the people and exercised directly by them or through their elected representatives in a free electoral system²²⁵. It is widely acknowledged that the essence of democratic government is popular sovereignty. To achieve this purpose, it is imperative that elections are conducted in accordance with laid down benchmarks.

Democratic best practices demand that those charged with the responsibility of conducting elections should not be allowed to suppress the political rights of the parties, candidates and, most especially, citizens to whom sovereignty belongs²²⁶.

Elections provide the channel for the majority of citizens to choose who governs them and to decide the political programme that best advances their aspirations. This freedom requires the rule of law, including an effective administration of justice²²⁷. For this reason, the conduct and organisation of elections is regulated everywhere by laws. In Nigeria, the Electoral Act 2010 (as amended) is the principal legislation regulating elections and its conduct.

Election is a process where electorates vote candidates of their choice into public offices²²⁸. Electoral practices lie at the heart of representative democracy. The credibility of governmental institutions hinges on accountability that is founded on the entitlement of citizens to freely choose their government or change it. The right to participate in governance is constitutionally guaranteed in Nigeria. Section 132(5) of the 1999 Constitution (as amended) provides as follows:

“Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of President”.

²²⁵ An Independent Study of the 2015 General Election Petition Cases for Evidence of Gross Violations of the Rights To Participate in Government, to Public Service and to Fair Trial; Phase 11: Final Report, p6

²²⁶ S. 14(2)a CFRN

²²⁷ Ibid p.18

²²⁸ An independent Study of 2015 General Elections Petition Cases for Evidence of Gross Violations of the Rights to Participate in Government, Public Service and to Fair Tria, p7

There are similar provisions in the Electoral Act, 2010 (as amended) in relation to right to vote or be voted for during elections.

Goal 16 of the Sustainable Development Goals which underscores Promotion of just, peaceful and inclusive societies is directly relevant to Elections and Participation. The goal acknowledges the importance of Promoting peaceful and inclusive societies for sustainable development and provision of access to justice for all as well as building effective, accountable and inclusive institutions at all levels.

There is no doubt that credible elections will enable realization of this goal as well as facilitate responsive, inclusive, participatory and representative decision-making at all levels

Nigeria is a party to various international human rights instruments. These instruments complement domestic constitutional and legal guarantees on human rights. These international instruments, include the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), Constitutive Act of the African Union (2000), African Charter on Human and Peoples' Rights (ACHPR), African Charter on Democracy, Elections and Governance, ECOWAS Protocol on Democracy and Good Governance, and the Protocol to the African Charter on the Rights of Women.

Furthermore, the Universal Declaration of Human Rights²²⁹, state that elections must be periodic, genuine, organized according to universal suffrage, and by secret ballot.

The Constitutive Act of the African Union (2000), among others, all have similar provisions protecting the right to vote and participate in governance through periodically organized elections.

Remarkably, the International Covenant on Civil and Political Rights (ICCPR) is a widely accepted treaty that provides for democratic participatory rights. Article 25 of ICCPR is based on Article 21 of the UDHR. The Human Rights Committee established to oversee the implementation of the ICCPR has underscored the duty of the state to ensure that people entitled to vote are able to exercise that right freely.

Similarly, adopted by the African Union in 2010, Nigeria ratified the African Charter on Democracy, Elections and Governance (ACDEG) in 2011. The Charter is the first legally binding legal instrument that comprehensively addresses all elements of democracy in Africa. It seeks to promote democracy, rule of law, and human rights by establishing and strengthening independent and impartial national electoral bodies, holding regular, free and fair elections, creating institutions that support democracy, ensuring equal protection under the law, developing legislative and policy frameworks that are pro-democracy, and promoting best practices in the management of elections for purposes of political stability and good governance.

The ACDEG expressly obliges African countries to recognize popular participation through universal suffrage as the inalienable right of the people.

Pursuant to the powers conferred on the Commission²³⁰, the NHRC undertakes various human rights activities, including Election Monitoring – the right to vote and be voted for i.e. Franchise. In

²²⁹ See Article 21

the year under review, the NHRC monitored some elections such as the Ekiti and Osun States Gubernatorial Elections.

Election Monitoring provides the Commission with the opportunity for on the spot assessment of the level of compliance with human rights standards in the context of elections. This is with a view to making findings and proffering solutions aimed at improving election administration in Nigeria - especially in relation to human rights principles and norms.

Election Monitoring further affords the Commission the opportunity to evaluate gaps in human rights advancement in relation to elections, and observe breach of same; in order to develop interventions which will reduce such infractions and ensure improved realization of the right to vote and be voted for.

THE COMPLAINTS HEREUNDER WERE COLLATED BY NHRC IN THE YEAR UNDER REVIEW ON ELECTION AND POLITICAL PARTICIPATION.

1. C/2018/CPR/5017/HQ

The Commission received a complaint from Y dated 24th November, 2018. He alleged that INEC, Ogun State denied him access to Permanent Voters Card (PVC).

2. C/2018/3942/NCZ

The Commission received a complaint from XY dated 21st November, 2018. He alleged that members of the public have been denied their civil and political rights to vote and be voted for by the Plateau State Government in the Local Government Elections held in the State.

He also alleged that the suspension of elections in Jos North, Jos South, Barkin Ladi and Riyom LGAs of Plateau State by the Plateau State Government constitutes a violation of their civil and political rights.

3. C/SWZ/18/246

The Commission received a complaint from Y dated 27th November 2018. He alleged that he is a retired civil servant from Ogun State Public Service and that INEC refused to give him his PVC.

4. C/2018/CRP/4482/HQ

The Commission received a complaint from XY dated 25th September, 2018. He alleged that Plateau State Government through the Plateau State Independent Electoral Commission proposed that the election slated for October, 2018 will not take place in four Local Government Areas which is a breach of their fundamental Human Rights.

5. C/2018/CPR/4907/HQ

The Commission received a complaint from Y dated 21th November 2018. He alleged that INEC denied him his PVC.

²³⁰ See Section 5 of the NHRC Act 1995 (as amended),

6. C/2018/1791/HQ

The Commission received a complaint from Y dated 5th of June 2018. He alleged that he was denied PVC by INEC.

7. C/2018/ 35 /SSZ

The Commission received a complaint from XY dated 2nd of March, 2018. He alleged that INEC failed to site an accessible registration Centre for the community.

RECOMMENDATIONS

1. **Disenfranchisement:** Exclusion from voting infringes on Franchise, particularly right to vote. INEC should therefore be strengthened to ensure that its systems and processes encourage exercise of voting right.
2. **Accessibility:** Location for Voter Registration and Polling booths should be made a lot more accessible in order to enable electoral participation
3. **Communication:** Appropriate communication to electorates is essential, especially about change in dates in relation to election. This will douse tension in communities and reduce likelihood of electoral violence



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