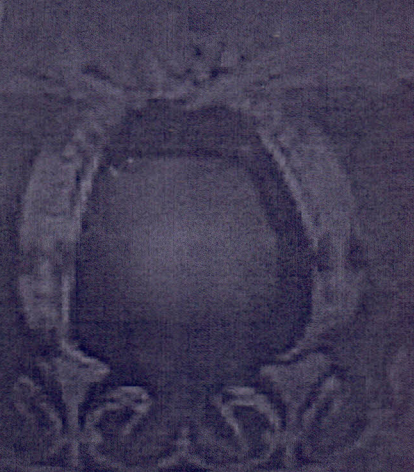




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THE CHALLENGES OF HUMAN RIGHTS IN NIGERIA'S FOURTH REPUBLIC

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Abstract

The prolonged military rule in Nigeria left an appalling human rights record for the country. The period saw gross violations of human rights at extreme degrees, a situation that became a source of great concern to both Nigerians and the rest of the World. It was, in fact, an era of systematic state-sponsored pattern of human rights abuses. The patterns of human rights violations in those days resultantly gave rise to various mass movements that challenged the long-seated military rule, demanding a hand-over of political power to civilians. This process, no doubt, took a long time. However, the death of General Sani Abacha in 1998 eventually ended the 17 years of the military dictatorship, and ushered the country into its Fourth Republic through the election that birthed the civilian government of President Olusegun Obasanjo in May 1999. This paper examines the conditions of human rights in Nigeria under the unfolding democratic dispensation. Revelations from the study show that, though democracy has brought about meaningful improvements in the general human rights condition in Nigeria, the country's human rights environment is still bedeviled by certain major challenges. These include: partial independence and inefficiency of the judiciary; absence of a tidier regime of rule of law; corruption; cultural and religious practices, among other factors. In view of the prevailing circumstances, the paper, therefore argues that Government of Nigeria must ensure that these challenges are adequately addressed in order to create a better environment for greater improvements in the country's human rights conditions. To this effect, the paper puts forth some recommendations. The paper employs the documentary methods of data collection and analysis, while the Social Contract Theory provided the basic framework for the explanation.

Key Words: Democracy, Human Rights, Military Rule, Fourth Republic, Nigeria.

Introduction

It has been theoretically and empirically proven that there is a close relationship between regime type and the severity of human rights abuses. The universal expansion of democracy is propelled by the general acknowledgement that it provides the citizens with a great deal of benefits. One comparative advantage democracy has over other regime types is government protection and promotion of citizens' fundamental rights, and this is the underpinning philosophical basis for advocating the spread of the idea and practice of democracy all over the world. Simmons (2009, p. 25) maintains that "democracies are the natural allies of human rights because as a state becomes more open the public gains the ability to mobilize and press for increased rights". The development of democratic institutions gives the public greater input into the government, which allows it to challenge undesirable government practices through democratic channels rather than through extreme measures (Cingranelli and Richards, 1999; Poe and Tate, 1994). These features of democracy remain the most important differences between democratic and non-democratic regimes, and shape the way democratic leaders perceive the primacy of fundamental individual rights.

However, it should be stated that the extent of the democratic development of a state is very paramount in gauging the level of human rights promotion and protection in that country. Best human rights practices are found in established democracies than in those undergoing democratization processes. In other words, the more the period of operational experience of democracy in a country, the better and stronger the government commitment to improving human rights conditions in that polity, and vice-versa. Therefore, it takes full-fledged democracy featuring well-established democratic institutions such as a vibrant judiciary, multiparty system for competition, civil societies, among others, to achieve considerable and reliable improvement in respect for human rights. Although democratizing nations may be able to ensure the protection of their citizens' basic human rights in the early years of the regime, it might require a longer period of time to see substantial progress in other areas of human rights.

Arguably, democracies may commit less egregious abuses than non-democracies, but the idea that democracies have a greater propensity to protect broader classes of rights has not been subjected to empirical analysis. Extreme forms of state repression are linked to non-democratic regimes, and the intrinsic characteristics of democracy such as electoral accountability should, and largely do, eliminate these forms of repression. The idea that democracies are superior at protecting certain human rights such as freedom from torture, arbitrary execution, and forced disappearance is both intuitively logical and

repeatedly demonstrated in empirical studies (Smith, 2013). It follows therefore, that Nigeria as a democratizing state may not have attained an enviable level in personal dignity protection, but the years of obvious incidents of extreme human rights violations as were under the protracted military rule are gone. If not for anything, the advent of civilian rule in Nigeria has resulted in wider freedom of expression. Known is the fact that Nigeria has a free and vibrant press today, which routinely draws public and government attention to human rights abuses. This has tremendously contributed in rebuilding and regaining the country's lost image in the international community.

In other words, Nigeria has made significant progress in civil liberties protection since the end of military rule, but there are still cases of human rights violations, though in a far less degrees than the situation during the era of her military rule. For example, during the Obasanjo period, Nigeria witnessed numerous cases of arrests, detention, ill-treatment, intimidation and harassment of critics and opponents of the government, etc. However, as unequivocally noted by the British Human Rights Commission:

The government of Obasanjo has a professed commitment to improve the human rights situation in Nigeria. Many of the serious abuses that have occurred since the restoration of democracy are a result of the security forces' use of excessive force and their poor treatment of protesters, criminal suspects, detainees and convicted prisoners. This reflects the scale of the problems Obasanjo inherited from his military predecessors, particularly rebuilding the police force from scratch in a country facing so many other urgent and complex issues, such as inadequate infrastructure, endemic corruption and severe levels of poverty. The law enforcement agencies suffer from a lack of resources, particularly inadequate training. But Obasanjo has ended the pattern of systematic state-sponsored human rights abuses that were prevalent under military rule (Danish Immigration Service, 2005, p. 4).

The foregoing lends credence to the fact that despite Nigeria's human rights achievements since 1999, few cases of suspected acts of subversion of human rights have not completely ceased to occur in the country's daily political and social life.

Building on this knowledge, therefore, this paper examines the conditions of human rights in the on-going democratization process in Nigeria, in a bid to finding-out the major challenges to in the field, and to suggest

possible ways of improving the situation. The paper is organized into eight sections, with the introductory part as the first section. The second section is the review of extant literature in relations to the issue engaged in the study. The third section consists of the theoretical framework employed in the study. The fourth section examines the human rights experience in Nigeria prior to the dawn of the Fourth Republic. The fifth takes a look at the human rights experience in Nigeria under the on-going Fourth Republic. The sixth section of the paper investigates the major human rights challenges in Nigeria under the current Fourth Republic. The seventh section suggests effective measures for improving Nigeria's human rights conditions in the Fourth Republic, while the eight section is the final conclusion of the paper.

Literature Review

The concept of the human rights is one of the most popular terms that have generated a lot of interest and concern in the literature of political discourse. In fact, the concept is undoubtedly as old as mankind. To this extent, numerous scholars, researchers, groups and institutions have variously conceived of the concept in different ways. However, the conception by the United Nations remains the most universal, as it captures all the salient elements and the real substance of the concept, in such a way that it seems to be widely accepted by almost all the scholars and researches in the field. In the view of the United Nations (1987, p. 4) human Rights refer to:

Those rights which are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

It further to states that:

The denial of human rights and fundamental freedoms is not only an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seed of violence and conflict within and between societies and nations. As the first sentence of the Universal Declaration of Human Rights states, respect for human rights and human dignity "is the foundation of freedom, justice and peace in the world" (United Nations, 1987, p. 4).

On this ground, therefore, it becomes a truism that the ideological basis for the strong advocacy for the world-wide spread of democracy is founded upon the common realization that it is only through the globalization of the concept and practice of democracy as a form of government that these dreams and aspirations can substantively be actualized. This is based on the acknowledgement that democratic systems guarantee significant respect for the rights of human beings than other regime types. Consequently, the concept of democracy has become very important in the literature of human right thinking. In fact, in most cases, democracy has been described in manners that make it appear so synonymous with human rights, as most of its deferring definitions by scholars highlight salient human rights elements as necessary pre-conditions that describing or qualifying a state as democratic.

Arat (1991) for instance, measures democracy based on multiple indicators of political participation, the inclusiveness of the political process, the degree of party competition, and the protection of civil liberties. Bollen (1993 and 1980) focuses on political liberty and political sovereignty. For him, the first is operationalised by freedom of the press, the strength of the opposition, and level of government sanctions. Political sovereignty is operationalised by the fairness of elections, the openness of the executive selection procedures, and the openness of legislative selection procedures. Lasswell (1950) defines democracy as consisting of seven characteristics including: (1) an allocation of power that is inclusive; (2) a scope of power that is liberal; (3) a balanced and dispersed distribution of power; (4) elite recruitment that is egalitarian and open; (5) a sense of widely diffused self-responsibility; (6) impartiality; and (7) decisions that are challengeable.

Similarly, Linz and Stepan (1996), list five arenas that are present in a consolidated democracy. These include a free civil society, an autonomous and valued political society, the rule of law, a relatively effective bureaucracy, and an institutionalized economic society. Jagers and Gurr's (1995) survey of quantitative estimates of democracy makes it clear that an aggregate multidimensional approach is the rule rather than the exception. They note that Gasiorowski's (1990 and 1996) measurement of democracy is based on an estimate of three characteristics: regular and extensive competition that is free of any coercion; a high and inclusive level of political participation; and a level of civil liberties sufficient to insure this level of competition and participation. Omoruyi (1994) subscribes to the school of thought that democracy is a means, albeit an ideal means for the attainment of the fullest measure of human freedom and self-determination.

It therefore becomes clearly evident from the above that, central to any discussion on democracy is the attendant emphasis on its advantage in terms

of protection and promotion of human rights. As a form of political organization democracy conveys the notion that respect for individual freedoms is the basis of political relationship. It is this fact that underscores the inseparable relationship between democracy and human rights both in the literatures of political discourse and in the policy environment. Regime type is viewed as a critical factor in a country's social and economic development, and the presence of democracy is associated with superior civil society (Muller and Seligson, 1994), increased economic equality (Kurzman et al., 2002; Feng, 1997), and stronger provision of public services (Baum and Lake, 2003). The significance of democracy as a way to promoting respect for human rights resides in the fact that it offers the promise of providing short-term strategic guidance for reformers and policy makers (Bueno de Mesquita et al., 2005). While these ideas are covered in the theoretical literature, they also serve as the foundation for important foreign policies. The United States, in particular, has consistently touted the spread of democracy as a cure for many of the world's ills. One recurrent theme espoused by democracy's champions is that democracy is a better system for citizens because the quality of human rights protection is higher in democracies than in non-democracies (Smith, 2013).

The justification for this assumption is founded upon the salient features of a democratic regime. As Henderson (1991, p. 123) asserts, democratic attributes like "bargaining and compromise" prevent societal conflict from becoming acute". Moreover, in state responses to mass demonstrations, democratic governments are "less likely to use repression because the regime would be prepared to allow certain levels of domestic unrest to take place," which decreases the chance of violence perpetrated against citizens" (Davenport 1995, pp. 690-691). In addition to this, Poe et al (1999) posits that the executive branch does not have unlimited authority in democracies, which means it is more difficult for democratic leaders to engage in systematic repression. Other inherent qualities of a democratic system should directly influence empowerment rights. As officials in democratic systems face electoral challengers they are not as prone to repressive tactics as authoritarian leaders who do not have to fear regular removal from office (Davenport, 1999). And in a democratic system, repression is not a viable option for leaders who desire re-election and may be expelled from office if they engage in inappropriate behavior (Zanger, 2000).

Essentially, democracy is a universal aspiration. Throughout the world, women and men demand to live lives of liberty, dignity and security in open and democratic societies underpinned by human rights and the rule of law. Sustainable peace, development and prosperity are possible only when

grounded upon respect for human rights, democracy and the rule of law. EU Strategic Framework and Action Plan on Human Rights and Democracy adopted in June 2012 confirms the EU's commitment to step up its efforts to promote these goals through all aspects of its external action and to place human rights at the centre of its relations with all third countries, including its strategic partners. The EU's human rights policy encompasses civil, political, economic, social and cultural rights and is integral to its effective work on poverty alleviation, conflict prevention and resolution, in addition to being a valuable bulwark against terrorism. Good governance, in political, economic, social, cultural and environmental terms, is vital for inclusive and sustainable development (European Union, 2013).

Undoubtedly, democracies frequently bind themselves to international human rights law because they respond to norms regarding the appropriateness of such behavior. Studies of compliance with international law suggest that democratic states have greater respect for their international legal obligations because they have experience with the rule of law at the domestic level. The binding legal commitments made by democracies make it easier for groups to demand that governments uphold their promises (Simmons, 2009, 14). Mobilized groups and individuals have greater leverage when they can call upon states' legal obligations in support of their interests. Therefore, the institutions of law that govern consolidated democracies provide citizens with opportunities to influence the government and press for expanded rights. These theoretical notions have translated into numerous empirical studies which have upheld the importance of democracy to human rights protection (Cingranelli and Richards, 1999; Davenport, 1995, 1999; Henderson, 1982, 1991; Krain, 1997; Mitchell and McCormick, 1988; Poe and Tate, 1994; Poe et al., 1999; Zanger, 2000).

The above theoretical facts explain the strong relationship between democracy and human rights, but there are numerous options of what constitutes human rights recognised by the state. As Donnelly (1999, p. 619) argues, "the principle of democratic rule does not always lead to respect for every human right, since the "will of the people" might interfere with specific rights". Nevertheless, democracy guarantees the protection and promotion of citizens rights so long those rights do not endanger other peoples' rights. No other form of government can ensure citizens' freedoms as democracy does. Autocratic governments may guarantee basic human rights, but they cannot allow for any demand for additional human rights by the citizens. Substantial growth in democratic experience would result in deeper entrenchment of democratic ideals, thereby increasing citizens' demands on government for greater protection and promotion of human rights.

Theoretical Framework

The norm in social sciences demands that investigations be made within suitable frameworks in order to enhance the scientific study and general understanding of the issue or phenomenon under consideration. As noted by Goode and Hatt (1952), the importance of theoretical framework in a study lies in the fact that social science research is theory based and its operations are guided by relevant principles of human behaviour. However, this paper seeks to examine the challenges of human rights in Nigeria under the current democratic dispensation that ushered in the country into its fourth republic. In other words, this study is essentially on the challenges facing human rights protection and promotion since the return to democracy in 1999. In view of this, the paper adopts the Social Contract Theory to advance its argument. Notwithstanding, there are other theories that can be deployed in this paper but the view that political power originally derives from the people, especially in a democracy makes social contract theory most appropriate and suitable for this study.

It is pertinent to note that the Social Contract Theory is of many versions propounded respectively by different writers, but most notable among them are the versions espoused by Thomas Hobbes, John Locke, Jean-Jacques Rousseau. These writers have different, but complementary ideas of the social contract that brought the modern state into existence. Thomas Hobbes, for instance, bases his account of The Social Contract and the origin of the state on human nature in the state of nature, where all men have equal power and ability to do whatever they can do. He describes man as an egoistic being, always seeking how his interests and desires could be achieved. Hobbes says that the state of nature is devoid of political institutions, hence there is no sovereign authority overseeing the affairs of men. As such, utter anarchy and state of war reigns in the state of nature as men struggle for power, glory and security. Hobbes explains that the struggle in the state of nature was constant and has no rules due to the absence of an authority or arbitrator to enforce rules. The equal power and reason that everyone enjoys in the state of nature even put the weakest in a position to outdo and kill the strongest in the persistent war situation. To this end, there was general suspicion, fear, violence, and death staring at everyone in the state of nature (Irele, 1998). Hobbes describes the situation in the state of nature in a language of utter gloom, despair and pessimism (Irele, 1998, p. 40), arguing that there is no culture, no industry, no science, no society, "and which is worst of all, continual fear and danger of violent death. And the life of man, solitary, poor, nasty, brutish and short" (Hobbes, 1963, p.113).

Summarily, in Hobbes views, the modern state emerged as men began to seek for solution to the ugly situation in the state of nature. Though the condition in the state of nature does not allow for peace, people in that state saw the need for that in the interest of everybody. So, being rational beings, men realized the futility of the struggle in the state of nature, and this forced them into an agreement or social contract in which everyone surrendered their natural rights of self-preservation and self-governing to a man or an assembly of men, on the condition that everybody does the same. In this social contract, the people in the state of nature first agreed among themselves, and afterwards selected and authorized an individual or group of individuals to govern or rule them. According to Hobbes, the person so selected is a sovereign ruler, wielding absolute power such that he is able to prevent the conditions that existed in the state of nature from occurring in the post-social contract state. Hobbes calls the sovereign authority a Leviathan. Having a Leviathan, for Hobbes, can guarantee peace and checkmate anarchy. He prefers even a tyrannical ruler who can maintain peace to a benevolent ruler who cannot prevent anarchy (Irele, 1998).

Like Hobbes, John Locke lays the foundation of his Social Contract Theory on the state of nature as virtually all the Social Contract Theorists. However, Locke sees the state of nature and the relationship among men in it in a different way than Hobbes. Hobbes postulates that the state of nature was completely intolerable, and so men being rational beings, were willing to submit themselves even to an absolute authority in order to come out the ugly condition. On the contrary, Locke argues that the state of nature was a state of perfect and complete liberty wherein men conducted their lives as best as they could without interference by one another. This does not imply that one was at liberty to do anything that pleases him or anything that best serves his personal interest. The is because, even though there was no civil authority or government to punish transgressors of laws (i.e., Laws of Nature), there was a reasonable sense of morality in the state of nature. Persons are assumed to be equal to one another, but they are bound by the Law of Nature (Internet Encyclopaedia of Philosophy, n. d.). In Locke's view, the Law of Nature is the basis of all morality given to men by God, and it commands that human beings should not harm one another as regarding "life, health, liberty, or possession (Locke, 2003, para. 6). This is based on the assumption that all men belong to God, thus we are prohibited from harming one another and cannot take away what rightly belongs to each other (Internet Encyclopaedia of Philosophy, n. d.).

Therefore, in Locke's argument, while the state of nature guarantees freedom and liberty to individuals to pursue their own interests without

interference by others, the Law of Nature places restrictions on everyone, thereby making it relatively peaceful against Hobbes' assumption (Internet Encyclopaedia of Philosophy, n. d.; Irele, 1998). Locke believes that there is natural reason which is in operation in the state of nature, which enables everyone to judge correctly, making the environment convenient for all. Notwithstanding, the state of nature becomes inconvenient when men abandon the natural reason and become irrational (Irele, 1998). "The abandonment of reason would then lead to a chaotic state; in fact to the Hobbesian state of war, and life would become difficult" (Irele, 1998, p. 45). It is mainly for this reason that men have to abandon the State of Nature by agreeing together or entering into a contract to form civil government (Internet Encyclopaedia of Philosophy, n. d.). In Locke's opinion, men have some form of natural rights in the state of nature including the rights to freedom, life and property. Therefore, social contract entered into by men or the transition from the state of nature to the civil society, arises from the need to preserve these rights, especially the rights to personal property. It is in view of this that, against Hobbes preference for an absolute ruler, Locke subscribes to the idea of a limited government with a primary duty to protect life, freedom and most importantly, property, which constitute the natural rights that men enjoyed in the state of nature (Irele, 1998). In his strand of the Social Contract Theory, Locke argues for the rights of the citizens to revolt against the ruler or king in case of inability to protect their rights. This idea greatly influenced the democratic revolutions in the United States (Internet Encyclopaedia of Philosophy, n. d.).

Jean-Jacque Rousseau also anchors his Social Contract Theory on the state of nature. However, he does not paint a dark image of the state of nature as Hobbes does. For him, man was a natural and happy being in the state of nature, though without a sense of morality or immorality. Rousseau says that man is not also isolated in that state, but only experienced a loose relationship with other fellows. According to Rousseau, self-respect and compassion which man naturally possesses are the only natural human sentiments in that state. This self-respect Rousseau talks about is not borne out of egoism. Inequality, for him, partly arose in human communities as men successfully conquered other animals. From then, men began comparing themselves with one another and strove to excel above each other in all endeavours. Inequality also arose as a result of increase in human communities' productive capacity stemming from the invention of fire, metallurgy and agriculture. These consequently led to the idea of individual wealth and ownership of private property. Rousseau posits, therefore, that the man that first enclosed a piece of land and called it his own was the real founder of the civil society. This is because those who

had wealth prevailed upon the poor and set-up rules and government to safeguard themselves (Irele, 1998).

As Rousseau asserts, the state that emerged,

Bound new fetters on the poor and, and gave new powers to the rich, which irretrievably destroyed natural inequality, converted, clever usurpation into unalterable right, and, for the advantage of a few ambitious individuals, subjected all mankind to perpetual labour, slavery and wretchedness (Barker, 1966, p.246).

Thus, it was civilization that brought about inequality. For this reason, Rousseau argues that civilization birthed all the social ills, particularly inequality. Man, in the state of nature, according to Rousseau, enjoyed liberty and freedom, and was happy, but this freedom was destroyed by the emergence of civil society. In order to remedy this situation, therefore, Rousseau resorted to his notion of the general will. Rousseau's argument here is that the general will paves way for the state of affairs to a legitimate social order. For him, the general will would restore individual freedom within the ambit of the will of all. This therefore, makes freedom an essential social good. In order to provide an arrangement or structure that will enlarge the freedom of the individual in the society, Rousseau asserts that "each of us puts his person and all his power in common under the direction of the general will, and in our corporate capacity, we receive each member as an individual part of the whole" (Barker, 1966, p. 257). The main justification for the general will is that individuals renounce their freedom or will, and then come into an agreement and surrender their wills to an all-encompassing sovereign body which represents the general will. The sovereign institutes laws that are in the general interest of all (Irele, 1998).

Whatever may be their differences, the point to note is that the Social Contract Theorists agree on one main thing; that the modern state emerged out of a contractual agreement between the people in the state of nature. Thus, common in the respective postulations by the trio – Hobbes, Locke, and Rousseau is the general doctrinal kernel of the Social Contract Theory that the authority of the ruler originates from a contract with the subjects which eventually brought the state into being. However, while other strands of the Social Contract Theory remain relevant and plausible, John Locke's appears to have greater influence on the formation of modern-day constitutional governments. This is based on his subscription to the idea of limited authority for the ruler and government based on trust, where the state exists to the extent

that it continues to protect the individual's natural rights enjoyed in the state of nature. If the state fails to protect these rights, Locke contends that the power rests with the subjects to replace the ruler or even completely abolish the government.

Nigeria's Human Rights Experience before the Fourth Republic

Nigeria has a bad historic track record for human rights. It has survived dictatorial regimes and military juntas since its independence in 1960. Her post-independence history was overshadowed by the depredations of a series of corrupt, abusive, and unaccountable governments. Between independence in 1960 and 1999, Nigeria produced only two elected governments and both were overthrown in military coups before completing a second term in office. Nigeria's military ruled the country for nearly 30 of its first 40 years of independence (International Federation for Human Rights, 2010). Nevertheless, all the four constitutions written since 1960 - 1963, 1979, 1989 and 1999, and all the laws in the statute books relevant to rule of law and human rights show remarkable consistency in respecting the principle of preserving human dignity through good governance. The framework for upholding human dignity such as division of powers among three realms of governance (Executive, Legislative and Judiciary) and rights and obligations of citizens has also been left intact by each constitution (Chukwumerije, n. d.).

Despite this fact, Violations of human rights including torture, suppression of freedoms of association and expression, detention without trials, abuse of rule of law and due process, excessive lawlessness, extra-judicial executions, expulsion from school and dismissal from work without a fair hearing, joblessness, unpaid salaries, pensions and gratuities for years, corruption, violations of women's rights, discrimination against lesbians, gay, transgender and bisexual (LGBT) people, misappropriation of public resources, weak and inefficient oversight mechanisms have grown to become the country's scourge and worst enemy resulting in a legacy of underdevelopment and abject poverty for the majority of the country (International Federation for Human Rights, 2010). The government's human rights record was mixed and generally worse during military rule, when decrees were exempted from legal challenge. Until the late 1970s, when military rulers deprived many citizens of their rights through detention without trial, physical assault, torture, harassment, and intimidation, the issue of human rights was not a major concern. It had been taken for granted that having a bill of rights guaranteed human rights. Thus, the independence (1960), republican (1963), Second Republic (1979), and Third Republic (1989) constitutions had elaborate sections on fundamental human rights. The

fact that Nigeria did not become a one-party state as most other African states did immediately after independence forestalled the emergence of repressive measures, such as the preventive detention acts prevalent in Africa (Mongabay, 1991).

By the early 1970s, however, the days of "innocence" in relation to human rights were over. As Major General Yakubu Gowon's popularity declined, especially after he reneged on his promise to hand over power to civilians in 1976, criticisms of him and his cohorts increased. He reacted by detaining these critics for indefinite periods. This trend of abuse of the rights of regime opponents continued under the Muhammad/Obasanjo government and, after the creation of the Nigerian Security Organisation (NSO) in 1976, human rights violations became frequent. The return of constitutional government in the Second Republic (1979-83) reduced the violations, although the human rights record was poor because of the increasing powers of the police force and the NSO and the constant harassment of political opponents. Under the Buhari regime military security was the criteria for judicial action, often in the form of military tribunals. The government not only gave the NSO greater powers but also promulgated decrees that directly violated human rights. The most notable were State Security (Detention of Persons) Decree Number 2 of 1984, which empowered the chief of staff at Supreme Headquarters to detain anyone suspected of being a security risk indefinitely without trial (detention was for three months initially, and then renewable), and Decree Number 4, which made the publication of any material considered embarrassing to any government official a punishable offense. Under Decree Number 2, many people considered "enemies" of the government were detained in NSO cells and allegedly tortured. Second Republic government officials, whom the Buhari regime held collectively responsible for the economic mess, were detained without trial or were tried by special military tribunals. At these tribunals, the accused was assumed guilty until proven innocent rather than innocent until proved guilty. Journalists and media organizations were regularly harassed by security agents; organized interest groups whose members dared to criticize the government openly or engage in demonstrations or strikes were proscribed (Mongabay, 1991).

The most active human rights group in Nigeria in 1990, the Civil Liberties Organisation (CLO), founded by a group of young lawyers led by Olisa Agbakobe, emerged during the Buhari days. Before its emergence, human rights groups included the local branches of Amnesty International, far less effective than the parent organization, and the Nigeria Council for National Awareness, founded after the assassination of Murtala Muhammad to

protect a just and humane society. Several other organizations criticized the government's violations of civil rights and urged remedial measures. These groups included NANS, the NBA, the NLC, and the Nigeria Union of Journalists. In 1988 another human rights organization, the Committee for the Defence of Human Rights, was founded by Dr. Beko Ransome-Kuti, the radical deputy chairman of the NMA detained under the Buhari government. When Babangida toppled Buhari in August 1985, one of his main arguments was the need to restore civil liberties. The new regime prided itself on being a defender of human rights, and many of Babangida's initial acts justified his human rights posture. He scrapped the NSO, threw open its cells and replaced it with the State Security Service (SSS) and other agencies; he released most of the politicians detained without trial and drastically reduced the jail terms of those already convicted; he appointed Bola Ajibola, the NBA president noted for his human rights advocacy, as minister of justice and attorney general; he scrapped Decree Number 4 and reduced the punishment for drug traffickers from public execution to jail terms; he annulled the proscription of "radical" groups such as the NMA and NANS; and he persisted with plans to restore civilian rule by 1992 (Mongabay, 1991).

In other ways, however, human rights remained substantially circumscribed in 1990. Decree Number 2 remained in place, and numerous citizens had been incarcerated under it, although the allowable period of detention without charge was reduced from six months to six weeks in January 1990. With the aid of this and other decrees that restricted freedom usually promulgated retrospectively, such radical and outspoken critics of the government as Gani Fawehinmi, Tai Solarin, and Balarabe Musa were regularly detained. Despite having annulled Decree Number 4, the government had several brushes with media organizations. In 1988 *Newswatch* was proscribed for six months, and journalists, academics, and civil rights activists continued to be harassed by state security agents. Although the notorious NSO was dissolved in 1986, the new security establishment in 1990 continued to act arbitrarily and with impunity. The government proscribed radical interest groups like NANS and the Academic Staff Union of Universities, the central body of all university professors and lecturers. Several innocent citizens were subjected to physical assault without government reparations (Mongabay, 1991).

Like Buhari and Babangida, the regime of General Sani Abacha, the de facto military leader of Nigeria between 1993 and 1998 was also accused of gross human rights abuses both home and abroad. The height of the regime's human rights abuses was the arrest and detention of Chief Moshhod Kolawole Olawale Abiola, the man who won the 1993 Presidential election in the

country, who later died in detention in a circumstance yet unclear till this day though this was not in the days of Abacha but his mere detention caused a global uproar as the appeals of several notable people from around the world to the Military leader to free Abiola was not heeded by him. The peak of the gross abuse of human rights in the country was ushered by the arrest, detention and hanging of Ken Saro-Wiwa, an activist by the regime in what was globally condemned. Some of the activities that characterized the regime as a tool for the gross violation of human rights in the country were the trial in absentia of Professor Wole Soyinka, charged for treason, and the arrest and detention of Olusegun Obasanjo also jailed for treason. Abacha was also noted for banning political parties, in what people viewed as a means of likely transformation of himself to the life president of the country, and the personal control of the press. Several human rights activists who opposed his policies whether from the military or civil society were either detained without trial or jailed. Many other persons, chiefly members of the press were also jailed (Nairaland Forum, 2014).

These were the appalling conditions of human rights in the country that gave rise to various mass movements, who in their efforts to restore the respect for human dignity, joined forces together and pressed for Nigeria's return to democratic rule, which after long engagements with the military dictatorship of General Sani Abacha, whose regime abruptly ended when he reportedly died of heart attack in June 1998 at the Presidential Villa, Abuja, became a reality in 1999.

Nigeria's Human Rights Experience in the Fourth Republic

The human rights experience in Nigerian since the return of democracy has obviously been paradoxical. Since the end of the military rule in 1999, the human rights situation in Nigeria has improved significantly. As the country was ushered into a democratic State in 1999, the new leadership under Chief Olusegun Obasanjo demonstrated great commitment and determination to root out corruption and a culture of violation of human rights. The transition to civilian rule brought about an environment where human rights defenders operate in relative freedom and people can now speak out in case of any perception of violation of human rights of the citizens. Also, there has been an accelerated growth of civil society and human rights bodies.

However, despite the transfer of power from the military to the civilians in May 1999, Nigeria continues to face violations of its citizens' rights by State and non-State actors, large scale corruption and ethnic clashes. The widespread corruption in Nigeria is central to the violation of socio-economic rights, with emerging facts proving that over 80% of the annual budgets of the

three tiers of Governments in Nigeria (Federal, State and Local) go into private pockets. The Constitution provides for media independence and upholds the right of the media to criticise the State and hold it accountable for its actions. However, in practice the operation of the media activities is restricted by the wide-ranging powers of the National Broadcasting Commission (NBC) and the Nigerian Press Council (NPC), which are the two main bodies regulating the media. Both of them are directly controlled by the Federal Government. There have been many examples of the NBC and the NPC acting in the interest of the Government, with critical private or non-federal media stations being subjected to sanctions including, in some cases, closure (International Federation for Human Rights, 2010).

In terms of conceptualization of human rights, Nigeria has done as well as any country in the world. Her 1999 constitution guarantees the fundamental human rights of the citizens. More than its predecessors, it details out the requirements of human dignity and amplifies the scope of human rights. The Constitution of Nigeria is the supreme law of the land and includes specific provisions protecting human rights and fundamental freedoms (FGN, 1999). In particular that the Bill of rights contained in Chapter IV of the Constitution (Articles 33-46) provides for the right to life; right to a fair trial, including the right to defence or legal representation; the right of every person to freedom of thought, conscience and religion including freedom to change religion or belief; the right to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference; right to assemble freely and associate with others; the right to freedom of movement; the prohibition of torture and other cruel, inhuman and degrading treatment; and, the right to an effective remedy and redress in instances where these rights have been violated (International Federation for Human Rights, 2010). Moreover, the Trade Union Amendment ACT (2005) states that:

The Constitution also contains provisions on economic, social and cultural rights. However, the Constitution qualifies them as non-justiciable, in contradiction to international and regional human rights treaties. Furthermore, not all civil and political rights enjoy full protection in practice. For example, while the right to strike is guaranteed, strikes in solidarity with other workers are prohibited (cited in International Federation for Human Rights, 2010, p. 10).

As part of ensuring the protection of human rights, Nigeria has set up mechanisms and adopted laws aimed at ensuring respect for human rights,

including the establishment of the National Human Rights Commission (NHRC) in 1995 and the creation of State Directorates for Citizen's Rights. The NHRC monitors respect for human rights, investigates alleged cases of abuse and reports on the status of human rights in the country. It also assists victims in seeking redress, monitors prisons, engages in human rights education and helps the Government formulate policies on human rights. However, the NHRC was set up by a military decree and thus does not conform to the UN Principles on Independent National Human Rights Institutions (the Paris Principles) requiring that the NHRC be a statutory body. Also, there still exist many pieces of legislation which create an environment that puts the safety of human rights defenders at risk. This is aggravated by the Government's failure to introduce relevant domestic legislation after ratification of international instruments. Translation of international and regional instruments into the domestic legal system is a major problem. Torture and ill-treatment by the police are reportedly frequent offences. Despite ratification of the Convention Against Torture (CAT), the Nigerian Criminal Code does not include provisions specifically punishing torture or at least introducing relevant aggravating circumstances when other provisions (e.g. assault) are used. Also important is the fact that, though the Constitution protects civil and political rights for all and prohibits discrimination, many laws are still in place that sustain patriarchal society, which include furthering stereotypes that encourage and maintain gender inequality. Such laws offer no protection and development to vulnerable groups, such as women and girls but also people with disabilities or minorities, including sexual minorities. Gender inequality is prevalent and institutionalised discrimination against women is also common. Even when specific pieces of legislation exist, as it is the case in relation to gender equality and non-discrimination, they often remain not implemented (International Federation for Human Rights, 2010).

Moreover, Nigeria has ratified several human rights instruments including the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol on individual communication; the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, and the Convention on the Rights of the Child (CRC). It is party to the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the African Charter on the Rights of Women in Africa. Interestingly enough, Nigeria is the only country in Africa

that has domesticated the African Charter on Human and People's Rights. However, the constitutional provision declaring economic, social and cultural rights that are not justiciable contradicts the Charter. Therefore, Nigeria cannot be held accountable by domestic courts for the lack of enforcement of basic rights including the right to health, potable water, social assistance, education and food. Particularly in recent times, Nigeria has sought visibility in international fora. In 2006, it presented its candidate and was elected as a member of the Human Rights Council (HRC) of the United Nations (UN). In June 2008, it was elected as President of the HRC, office that it held until June 2009. Responsibility to protect and promote human rights is a primary role of States and abidance by all their commitments is promoted by the HRC. Furthermore, in November 2008, Nigeria hosted the 44th session of the African Commission on Human and People's Rights (ACHPR) and President Umaru Musa Yar'Adua was elected in December 2008 for one year as the new Chairman of the Economic Community of West African States (ECOWAS). However, this engagement at the international level has not been accompanied by adequate measures to involve civil society. It is reported, for example, that no publicity was given to the fact that the 44th session of the ACHPR, during which the human rights situation in Nigeria was reviewed, was being held in Abuja. Also, Nigeria's membership of the HRC has not been accompanied by effective measures to improve the domestic human rights situation as pledged at the time of the election (International Federation for Human Rights, 2010).

To this end, it is theoretically clear that following the return to civilian rule in 1999, Nigeria has made concerted efforts at improving human rights situation in the country, but these efforts are yet to be accompanied by concrete optimal improvements. Although it is generally acknowledged that the advent of democracy has brought about significant turn-around in the field of human rights, instances of violations of human rights of the citizens by state and non-state actor are occasionally witnessed. Indeed, the country is still faced with many human rights challenges that demand urgent attention if more tangible successes are to be recorded. However, it must be mentioned that the condition of human rights under the present democratic system is significantly better than the experience during the long period of military rule. The situations are entirely divergent and cannot be compared on any grounds.

Major Human Rights Challenges in Nigeria's Fourth Republic

Although Nigeria has recorded tremendous success in the field of human rights since the end of military rule in 1999, there still exists a vast array of factors militating against the attainment of the desired level of

improvement in the human rights situation in the country. The chief of these issues are highlighted and succinctly examined below as followed:

Partial Independence and Inefficient Judicial System

The judiciary is the third arm of government which entails law, judges and courts. Its primary function is the interpretation of laws and it exists to safeguard the constitution as well as protect individual's rights and privileges from the overzealous and tyrannical members of the government (Ranney, 1966). In addition to interpreting and applying the law with certainty and uniformity in specific cases, the judiciary also performs other functions. These include the application of law in the settlement of disputes, prevention of wrongful acts, issuance of declaratory judgements, judicial review and the protection of individual rights by constituting a check on the arbitrary use of power by government. The courts further provide declaratory judgements or judicial determination of the rights of parties existing under statutes, contracts, will or other documents. Such judgements enable the parties to ascertain their respective rights without becoming involved in wasteful or unavoidable litigation (Anifowose, 1999). "The efficient discharge of these functions requires the existence of an independent judiciary, which is free from external control and characterised by impartiality in the administration of justice by the courts" (Anifowose, 1999, p. 187).

In Nigeria, the nature of the judiciary in the Fourth Republic is contained in chapter 7 (sections 230-296) of the 1999 Constitution. This chapter outline the structure of the court system, their compositions and functions. The Nigeria judiciary as provided in the constitution has the primary responsibility of interpreting and applying the laws of the country in the settlement of disputes. A cursory look at the provisions of the 1999 Constitution of Nigeria indicates that the document extols the virtues of an independent judiciary committed to the protection of the rule of law in the country (Okereke, 2009). Unfortunately, going by the criteria of independence and impartiality in the administration of justice, especially in cases of human rights violations, the Nigeria judicial system is widely known for its highly unimpressive performance. Indeed, from the pre-colonial to post-colonial periods Nigeria has never had a proactive and functional legal system that truly protected individual rights. This is part of the reasons the North broke out and insulated themselves against the center with their Sharia Courts and Jurisprudence, arguing that the constitutional courts are irrelevant to the society and the people (Nairaland Forum, 2009).

The appalling posture of the Nigerian judicial system and processes has remained one of the major contributors to the undesirable human rights

situation in the country, raising the important question of whether it really qualifies as the 'hope of the common man'. The country's judiciary is characterized by certain fundamental inadequacies resulting in the abysmal performance of the system and the denial of the ideological and functional reasons for its existence as a critical institution of government for the protection of human rights everywhere in the world. Amnesty International notes that Nigeria's justice system is under-resourced and riddled with delays. On the other hand, it states that Nigerian prisons are overcrowded, and the majority of inmates are pre-trial detainees, some of whom have been held for many years. Hundreds of these people remain on death row, and many sentenced after unfair trials (Amnesty International, 2013).

What these imply, therefore, is that the Nigerian judiciary can rightly be described as the 'destroyer of hope' rather than the 'hope of the common man'. Also, provoking is the fact despite the reforms in recent times by government to change the orientations of the judges and to motivate them for impressive performance through improved conditions of service, the judiciary has defied all efforts by governments to regain public trust and faith in it. High amounts of corruption and violations that include bribery and subversion of justice bedevil the judiciary. Most often, the judges have allegedly compromised their office and public trust in them in the dispensation of justice in cases involving citizens. The influential and wealthy citizens usually buy them over against the less-privilege ones who may be seeking redress for the violation of their rights. In this kind of situation, poor citizens continue to suffer all kinds of oppressions, intimidations and denials of justice even when their rights are obviously abused in severe manners. In fact, it is expected not to provoke controversy if one submits that the Nigerian judiciary is a cog in the nation's wheel of human rights protection and promotion rather than grease to such.

Absence of a Tidier Regime of Rule of Law

The United Nations in its charter on human rights sets forth the 'inherent dignity' and the 'equal and inalienable rights' of all members of the human family. Sections 34, 37, 38 and 42 of Nigeria's 1999 Constitution are among the relevant sections that guarantee these fundamental human rights. They are absolute and undeniable rights that cannot be taken away from any person without disrespect to justice. They include the right to life, freedom of association, civil and political rights such as rights to vote and be voted for in an election. Others are cultural rights as well as, social and economic rights that deal with welfare. Collective or people's rights include the right to peace, right to development and right to a sustainable environment. Over the years, most of these rights have been violated in Nigeria and this is evident in the

records of indiscriminate terminations of staff appointment by corporate organizations without due process, failure to provide good governance by various tiers of government, child abuse and child labour, detention of suspects without trial, and so on (Chiedu, 2013).

The Phenomenon of Corruption

Nigeria has the label of having one of the world's highest levels of corruption. This is especially seen within the public sector including stealing public funds and accepting bribes. It is estimated that between 1999 and 2007, Nigeria has lost around \$4 billion to \$8 Billion yearly due to corruption. Politicians often siphon public funds to further their political careers and they also pay gangs to aid them in rigging elections. The elections since the end of military rule occurring in 1999, 2003, and 2007 were bloody affairs and were openly rigged. In 2007, ballot boxes were visibly stuffed by paid gangs and in some cases, electoral results were simply made up. The Human Rights Watch estimates that at least 300 were killed due to the 2007 elections and that is considered to be a conservative estimate as cited from a Human Rights Watch telephone interview with Derrick Marco, Nigeria country director in March, 2007. These measures of violence and intimidation discouraged the general public from voting. Those who did come out were subject to attacks by gangs. Nigeria put measures in place to reduce the corruption levels. The Independent Corrupt Practices and Other Related Offences as well as the Economic and Financial Crimes Commission were established in the early 2000s. They have been attempting to combat the issue but they have not been very heavy-handed in terms of punishment. For instance, the former Edo State governor, Lucky Igbinedion pleaded guilty to embezzling 2.9 billion Naira which translates to about \$24.2 million. He had a plea bargain with EFCC and was fined 3.5 million Naira (\$29,167) and did not serve any jail time (*Human Rights Watch*, 2007; Ahemba, 2008; Nossiter, 2013).

Disconnect between the People and Government

Generally, the apolitical attitude in Nigeria is very high. This can rightly be traceable to the negative perception of Nigerians about government. Nigerians mostly perceive government as a hostile entity due to the coercive and oppressive character and nature of the Nigerian state from the colonial era till the post-independent periods. Government in Nigeria has defeated the real meaning and essences of the word in other parts of the world, especially the West where government is seen more as saviour rather than enemy. Since independence in the 1960 till date, Nigeria has had abusive, unaccountable, irresponsible and highly corrupt civilian and military governments that do not

care about the welfare of the citizens. As a result, Nigerians generally see government as a necessary evil that exists in the interest of those at the corridor of power. This has resulted in high level distrust and bartered image of government, disloyalty to government and lack of patriotism among Nigerians, who are generally aggrieved due to the negative attitude of government towards their welfare. Moreover, the nature of politics also contributes to the rising apolitical attitude in the country. The do-or-die kind of politics that prevails in Nigeria discourages well-meaning and responsible Nigerians with goodwill for the masses from contesting for political offices as thuggery and assassination of opponents remain the order of the day during elections. This also indirectly discourages many Nigerians from exercising their franchise during elections for fear of the potential dangers. It usually takes financial inducement for many Nigerians to accept to exercise their voting rights when deciding their leaders and this deprives them of their right to vote in favour of the candidates of their choices.

Cultural and Religious Practices

In Nigeria, culture and religion also pose serious challenges to realisation of human rights dreams in Nigeria. Mainly, Nigerian women fall victims of all kinds of abuses of personal dignity and injustices due to cultural and religious practices. The women are subject to cultural pressures that are inconsistent with human rights. In the widowhood practice, culture demands that when a man of significance within the community dies, his widow must act in a certain way as documented by Akpo Offiong Bassey in her studies of the Cross River State. First off, the woman must go into seclusion. They are also forced to neglect their bodies; they are not allowed to shave, bath, or change their clothing. They have to rub cow dung and palm oil on their bodies and must also sleep on the floor. Widows are also expected to wear black, the color of mourning, for two years to properly show their loss and respect for their late husband. Again, in Nigeria, around 43% of women are married under 18 years old. One popular source of legislation that was first brought forward in 1991 and became national law in 2003 is the Child Rights Act. Among other factors to protect children from abuses and discrimination, Section 21 and 23 of the act made it illegal to marry off a child below the age of 18. If a man consummates a marriage with a child, it is considered rape. The Child Rights Act competes with sharia law in some states as well as with customs and cultural expectations in different regions. The Child Rights Act has not been enacted in 13 of Nigeria's 36 states where other cultural factors are largely influencing the laws that are enacted. Some also believe that it is the high levels of child marriage that leads Nigeria to having the highest global

rate of vesicovaginal fistula occurring during young girls' delivery (Jain & Kurz, 2007; Toyo, 2006; Ako-Nai, 2012; Mark, 2013).

High Level of Illiteracy

The high level of illiteracy in Nigeria has overarching effects on the deplorable states of human rights in the country. Evidently, quite a large proportion of Nigerians are illiterates. This makes the conditions of human rights in the country more pathetic and gloomier than ever. As a result of ignorance, majority of Nigerians do not know their fundamental rights not to talk of how to seek redress when they are abused. Most often they suffer unlawful intimidations and harassments by personnel of government agencies such as the police, the military, the paramilitary among others, even when they are on their constitutional rights. Nigerians are constantly denied of their privileges as citizens because of the lack of the knowledge of their rights and privileges. Contributory to this is the fact that majority of Nigerians are rural dwellers and as such, they do not have access to appropriate authorities such as the Police, HRC, etc., where they can report cases of violation of their rights within their localities. Thus they remain mute in the face of clear and fierce violations of their fundamental rights.

III-Management of the Boko Haram Insurgency

The Boko Haram uprising has produced rather overbearing consequences for human rights in Nigeria since the outburst of large-scale terrorist activities by the militant Islamic group. The insurgency has brought huge indictments on the Nigerian Federal Government as security operatives of the Joint Task Force have severally been accused of severe human rights violation in an attempt to arrest the insecurity situation in the northern part of the country. Attacks by the militant Islamist group Boko Haram and abuses by government security forces has led to spiraling violence across northern and central Nigeria. This violence, which first erupted in 2009, has claimed more than 3,000 lives. Suspected Boko Haram members have carried out hundreds of attacks, including suicide bombings, across northern and central Nigerian since 2009. The group has primarily targeted police and other government security agents, Christians, and Muslims working for or accused of cooperating with the government. The group also burned schools, bombed newspaper offices, and assassinated Muslim clerics, politicians, and traditional leaders. In the first 10 months of 2012 alone, more than 900 people died in suspected attacks by the group more than in 2010 and 2011 combined. Government security forces have been implicated in serious human rights violations in response to the Boko Haram violence. During raids in

communities where attacks have occurred in 2012, soldiers were alleged to have burned homes and executed Boko Haram suspects or residents with no apparent links to the group. Nigerian authorities have rarely brought anyone to justice for these crimes (Human Right Watch, 2013). Unarguably, the upheaval has further contributed to the deterioration of the country's human rights conditions.

Recently, no fewer than 185 persons, including women and children, have been killed and more than 2000 houses destroyed in an intense fighting between the military and suspected members of Boko Haram sect in Baga, a fishing community in Kukawa Local Government Area of Borno State. Soldiers were said to have bombarded the remote town of Baga near the Nigerian border with Chad for hours exchanging rocket-propelled grenades and heavy machine-gun fire with insurgents in the neighbourhoods filled with civilians. The fighting saw insurgents' fire rocket-propelled grenades as soldiers sprayed machine-gun fire into the neighbourhoods. A resident of Baga town whose name was given as Mallam Bana noted that the soldiers were brutal and mindless in their approach that night, as they killed people and burnt our houses, and chased everyone into the bush including women and children. About a total of 185 corpses were buried, while some were burnt beyond recognition; others were hospitalized with various degrees of burns (Marama, 2013).

However, the military argued that the conflagration that consumed the town and the resultant deaths should be blamed on the Boko Haram terrorists who opened fire on soldiers and were using civilians as human shield. It also denied allegations by the residents that the shootout was unprovoked. President Goodluck Jonathan has ordered a full-scale probe into the incident at Baga in Borno State and assured Nigerians and the global community that Nigeria "places the highest possible value on the lives of all citizens of the country and that his administration will continue to do everything possible to avoid the killing or injuring of innocent bystanders in security operations against terrorists and insurgents" (Marama, 2013, p. 12). Moreover, a statement by Dr. Reuben Abati, Special Adviser to the President on Media and Publicity also indicated that the rules of engagement for the military and security agencies for this purpose were already brought in place. Thus, the investigation ordered by President Jonathan into the Baga incident was to determine whether or not these rules were fully complied with, among other things (Marama, 2013). But the big question is: What has been the outcome of the investigation into the Baga incident so far?

Similarly, the Apo incident, in Abuja, the Federal Capital Territory of Nigeria has also raised serious concerns about military adherence to the rules

of engagement in its operations in fighting terrorism in the country. On Friday, September 20, 2013, a combined team of soldiers and State Security Service (SSS) operatives carried out a raid on an uncompleted building in Abuja alleged by the security operatives to have been occupied by suspected terrorists. Following the raid, seven persons were said to have been killed, and at least 12 arrested and scores of others injured, stirring controversy, as some of the victims claimed they were not Boko Haram members but illegal occupants of the building. The security agencies on their part claimed that they carried out the raid to recover hidden weapons but were shot at shortly after they began digging up the weapons, and had claimed those killed were Boko Haram insurgents plotting an attack on Abuja (Niyi, 2013). Howbeit, since the incident took place, security agents are yet to recover ammunition which led to the killing of the squatters. The National Human Rights commission has launched a probe into the alleged extra-judicial killing by the military and the SSS but the investigation has not yielded any positive result as no one has been brought to book so far. The commission ordered the government to pay reparations equivalent to \$60,600 for each person killed and \$30,300 for each wounded. It also ordered the attorney general to present evidence of payment within 30 days. That is insurance against another form of impunity where successive governments have failed to honor court orders. For example, the government has never honored a federal court order a year ago to pay reparations of 37.6 billion naira (about \$230 million) for a security forces massacre of hundreds; some say thousands, of civilians in Odi town in the oil-rich Niger delta in 1999. This came soon after elections restored democracy to Nigeria (Faul, 2014).

The adverse security situation as a result of the Boko Haram uprising has obviously had enormous devastating effects on northern Nigeria in particular and Nigeria in general. Nearly 300,000 people in Borno, Yobe, and Adamawa states - 70 percent of them women and children - have fled their homes since early 2013, according to the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA). The Office of the United Nations High Commissioner for Refugees (UNHCR) puts the figure of internally displaced people in Nigeria at more than 470,000. Most are staying with families in other parts of Nigeria, and another 60,000 or so have sought refuge in neighboring Cameroon, Chad, and Niger since May 2013, according to UNHCR. UNHCR, working with nongovernmental groups, has registered about 3,000 people in its Cameroon Minawao camp, and provided them with educational, sanitation, health, and nutrition services. Up to another 10,000 people, however, are staying in villages in Cameroon's arid Far North Region. UNHCR also reports that most of the 40,000 Nigerian refugees in Niger's

Diffa region are residing with local families, while others live out in the open with limited food and water resources. The Niger authorities have granted them "temporary refugee status," but have stopped short of setting up camps for fear that these will become targets of Boko Haram attacks (Human Rights Watch, 2014). The Boko Haram insurrection has the tendency to result in more deplorable human rights situation in the country if curative measures are not quickly adopted to unravel the unfortunate situation.

These and many more issues constitute the major impediments to achieving the needed results in the improvement of human rights protection and promotion in Nigerian since the abrogation of military rule in 1999. However, it must be stated that these problems can be surmounted as democratic ideals become more firmly entrenched in the country and with adequate measures adopted to bring the obstacles under proper control.

Towards Improving Nigeria's Human Rights Conditions in the Fourth Republic

In order to improve the human rights situation in Nigeria, this paper recommends the following measures:

There is the need to initiate more proactive reforms in the judicial system and processes in order to strengthen the institution to truly serve as a guardian and watchdog against any forms of violations of the fundamental human rights of the citizens. Its independence and autonomy as guaranteed by the constitution should be observed and respected by other arms of the government in order to enhance its functional effectiveness in the field of human rights. More effective mechanisms that make for speedy dispensation of justice, especially in the cases of human rights should be adopted to conform to internationally accepted standards. The National Human Rights Commission (NHRC) working group should embark on an audit of detention centres across Nigeria, and appropriate Nigerian authorities should provide unrestricted access to all detention centres, including the military detention facilities. This is highly essential as it would help to increase accountability and transparency, and compliance with internationally accepted human rights standards. It will also allow the NHRC to fully execute its legal mandate as stated under Section 6 (1) (d) of the National Human Rights Commission (Amendment) Act 2011, which gives the commission powers to visit prisons, police cells and other places of detention in order to ascertain the conditions thereof and make recommendations to the appropriate authorities.

Nigerian Government should comply with the Nigerian Constitution and the international and regional instruments ratified by Nigeria and, notably the International Covenant on Civil and Political Rights (ICCPR), the

International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights. There is the need to evaluate its domestic legislations in order to bring them in conformity with international and regional human rights standards in so far as the legislation should allow for the full enjoyment of fundamental rights and freedoms (International Federation for Human Rights, 2010).

To tackle the problem of entrenched official corruption and other sharp practices leading to violation of the human rights of the citizens, the independent Corrupt Practices and Other Related Offences Commission (ICPC) and Economic and Financial Crimes Commission (EFCC) should start biting instead of barking. They should intensify their efforts in bringing officials at all levels of government suspected to be involved in any corrupt act to book and to ensure that they are duly prosecuted. In order to achieve this, there is the need to embrace best practices in crime investigation and control as obtain in advanced countries of the world. This would help to send warning signal to would be officials that may want to embark on corruption. The Nigerian police should also join hands with the ICPC and EFCC in waging war against corruption in the country. And there is also the need for the Nigerian police to first of all sanitise itself and ensure that stigma it has attracted to itself as a result of high level corruption that has bedevilled it over the years is removed. This would help to rebuild confidence and faith in the police and enable it to play a vital role in the protection of the rights of Nigerian citizens. The way to achieving this is immediate dismissal of personnel found guilty of any offence relating to corruption and other acts capable of undermining and violating the rights of Nigerians.

Government should take positive steps towards rebuilding public trust and confidence in it, and initiate proactive programs that would help to bridge the wide gap between it and the populace. There is also the need to sensitize and re-orientate Nigerian politicians and leaders in government in order for them to understand that public or political offices at any level of government are meant to serve the interest of the entire populace irrespective of ethnic or tribal differences rather than the interest of particular groups.

Cultural and religious practices leading to abuses of the human dignity of the citizens' need to be proscribed and the constitution of Nigeria should be the general guiding principle of all human affairs in the country. This would help to reduce the rate at which Nigerians, especially the women and female children are abused in the name of certain cultural or religious norms and practices that are usually inhuman and reduces their human dignity.

Government should adopt adequate proactive measures to ensure drastic reduction in the illiteracy level in the country, so as to enable the people to

know and exercise their rights whenever the need arises. To achieve this, compulsory and cheap mass education scheme should be launched, to grant all willing Nigerians access to education up to university level, in order to instil self-worth in them and to make them know their rights and to resist and cry-out whenever they encounter any abused.

The Boko Haram insurgency requires an effective and coordinated humanitarian response. While intensifying efforts by adopting every possible measures to bring the uprising to an utter end, government should at the very least, render meaningful assistance to the people who have been most devastated by the insecurity situation. Boko Haram members should be made to face the law for all the atrocities and crimes against humanity by the group. And government should hasten the investigation and do justice to all the allegations of violations of human rights by security forces in the fight against the insurgents.

The above measures, if adequately adopted and applied, would certainly bring about dramatic positive changes in the overall condition of human rights in Nigeria, since the current democratic environment provides a conducive atmosphere for the realisation of the desired improvements in the protection and promotion of the fundamental human rights of all Nigerian citizens in compliance with the demand of the international community.

Conclusion

The human rights situation in Nigeria has significantly improved since the advent of the fourth republic. This has resulted in a more favourable environment for human rights activities and human rights defenders now operate in a relative freedom. This does not, however, completely rule-out the fact that incidences of abuse or violation of human rights do not occasionally occur. The point being made here rather is that the current situation of human rights in the country is considerably and unarguably impressive. To be sure, Nigeria has a free and vibrant press today, which draws public and government attention to human rights abuses. The passage of the Freedom of Information Bill in the recent times, and the presence of a large family of civil society organisations (CSOs) that now operate freely to ensure adequate protection of human rights and to demand accountability and transparency in all governmental affairs also stand as a credit. All these have substantially contributed in rebuilding and regaining the country's lost image in the international community.

Apparently, there seems to be a great deal of prospects in the improvements of human rights situation in Nigeria as democratic ideals become more entrenched and established. Democratising nations are

ordinarily not so expected to automatically attain the same level in the realization of human rights goals and objectives as established democracies, but they are expected to improve with the deepening of democratic norms in their polities. This is also true about the issues constituting major human rights obstacles under the current democratic dispensation. All the challenges can well be overcome with time but patience must be exercised if the noble dream is to be actualized. Thus, this paper hereby submits that there would be more meaningful improvement in Nigeria's human rights record in the nearest future, especially with the adoption and application of the solutions proffered by the paper for addressing the observed obstacles to human rights in the country.

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