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Human Rights Violation under the Democratic Watch of the President Muhammadu Buhari's Administration in Nigeria, 2015-2022

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Abstract

The Universality of human rights around the globe is not in doubt, and democracy is thrived and sustained by the rule of law and protection of human rights. Every democratic government is under a constitutional obligation to respect and protect the human rights of its citizens. It is no longer news that violations of human rights are a regular occurrence in Nigeria and, as such, have become a worrisome issue confronting the Nigerian nation. Several studies have examined democracy and human rights under military rule and democracy in Nigeria. However, human rights violation is not extensively investigated within the period under review, 2015-2022. In the light of the above, the study examines Human rights violation under the democratic watch of the President Muhammadu Buhari's Administration in Nigeria: 2015-2022. Documentary methods were used to collect data and then analysed using a qualitative content analysis. The study showed that violation of human rights continued under the democratic watch of President Muhammadu Buhari's administration from 2015-to 2022. The paper recommends, among other things, that The Nigerian law enforcement agencies, most notably the Nigerian police, needs a total restructure and mental overhaul to be able to carry out its human right protection obligations, and The Nigeria judiciary should be allowed by the government to do their duty of watchdog of human rights without undue interferences from the executive government.

Keywords: Democracy, human rights, protection, Nigerian and government

Introduction

The global recognition of human rights as universal and the flourishing and endurance of democracy are intrinsically linked to the principles of the rule of law and the safeguarding of human rights. It is imperative for any democratic government to adhere to a constitutional duty of upholding and safeguarding the fundamental human rights of its populace. The prevalence of human rights breaches in Nigeria has become a pressing concern for the nation, a matter that is widely acknowledge scholars agreed that (Johnson& Salau 2019, Anyadike et al 2021, Echeonwu et al ,2024), Human Rights violation is concerns in Nigeria as various types of human rights abuses are seen, encompassing acts such as torture, domestic violence, arbitrary arrest and incarceration, sexual assault, and extrajudicial killings, among other transgressions. The primary obligation of each Nigerian

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government is to safeguard and advance the fundamental human rights of its populace, as articulated and ensured by legal statutes. The Nigerian government's inability to address the aforementioned issues constitutes a significant infringement upon human rights. National, regional, and international legal frameworks pertaining to human rights establish binding responsibilities for governments to adhere to specific actions or abstain from certain behaviours, with the aim of advancing and safeguarding these fundamental rights. There is a substantial body of evidence in Nigeria that demonstrates the perpetuation of violence and disregard for human rights by the government and its agencies, despite the country's status as a signatory to numerous regional and international human rights treaties, some of which have been implemented.

According to a report by Amnesty International (2018), it is observed that despite the presence of human rights provisions in Chapter IV of the Nigerian Constitution of 1999 (as amended), as well as Nigeria's ratification of numerous international and regional human rights treaties, the nation continues to grapple with persistent human rights violations and abuses committed by both state and non-state actors over an extended period of time. The security personnel tasked with restoring peace and order have started employing coercive measures, including physical abuse, extortion, secret detention, arson, theft, and extrajudicial killings of suspects. These actions by security agencies are in violation of the Force's Rules of Engagement (Nwafor & Ogbuka, 2019). The aforementioned legal frameworks encompass the 1999 Nigeria Constitution, the Africa Charter on Peoples and Human Rights, and the Universal Declaration of Human Rights. As a result, when a state ratifies any of the fundamental human rights treaties through signature, it assumes legally enforceable obligations and responsibilities under the law to preserve, protect, and respect human rights.

According to the Human Rights Monitors' Guidebook (2014), human rights are accompanied by both entitlements and responsibilities. States, being the principal entities responsible for upholding human rights, are legally obliged under human rights law to ensure the protection of the human rights of their inhabitants. A human rights violation transpires when states neglect their obligation. Hence, it is crucial that the state, by means of its representatives, fulfils its responsibilities in safeguarding human rights. Despite the longstanding presence of democratic administration and adherence to the principles outlined in the Universal Declaration of Human Rights, Nigeria continues to grapple with instances of human rights violations. The reason for this phenomenon can be attributed to the country's ongoing transition towards an authoritarian form of governance and security operations, despite its professed commitment to democratic principles (Akhaine & Chizea, 2011). This study investigates the occurrence of human rights abuses during the democratic tenures of Nigeria's fourth republic from 2015 to 2022, taking into account the contextual factors surrounding this issue.

In every democratic society, the principle of the rule of law is anticipated to safeguard the fundamental rights of individuals, maintain societal order, and constrain the exercise of governmental authority. In the period spanning from 2015 to 2022, an examination of Nigeria's democratic trajectory reveals a substantial body of data indicating a lack of respect

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and protection for the human rights of its population. Furthermore, as stated in the Amnesty International Report (2017/18), The human rights landscape in Nigeria is characterised by significant instances of human rights infringements, including extrajudicial killings, arbitrary apprehensions and incarcerations, instances of torture and other forms of maltreatment, enforced disappearances, acts of violence targeting women and girls, limitations imposed on the exercise of freedom of speech, association, and peaceful assembly, widespread forced displacements, environmental contamination, and a lack of mechanisms to ensure accountability for human rights violations and transgressions. The government agents responsible for safeguarding human rights are paradoxically the principal offenders of such crimes. According to Ofebue (2013), there is a lack of respect for human rights within Nigeria's democratic system, with instances of extra-judicial killings, wrongful detentions, and various other forms of human rights violations still prevalent. The aforementioned situation has significant implications for both the populace and the overall progress of the nation. It is against this background that this study examines how human rights are being violated in Nigeria's fourth republic? And to suggest a policy recommendation.

Conceptual clarifications Democracy

Democracy, from ancient times to the present, has been widely considered as a form of government that is centred around the people. The term "democracy" may be traced back to its Greek origins, where it is derived from the combination of two words: "Demos," which translates to "the people," and "Kretein," which signifies "the rule of people." In its essence, democracy signifies the governance by the populace. The conceptualization of democracy by Abraham Lincoln can be compared to its Greek counterpart. This phrase encapsulates the concept of a democratic government that is founded on the principles of popular sovereignty, where the authority and legitimacy of the government derive from the consent and participation of the governed. This suggests that democracy is centred around the participation and engagement of individuals.

According to the perspective of Sabine and Thorson (1973), the Greek playwright Euripides explicitly advocated for a democratic form of government, wherein the power is vested in the people who are represented by individuals accountable to them. According to Akinsanya (2000), democracy encompasses not only a system of governance where the populace has power, distinguishing it from monarchs, aristocracies, and gerontocracies, but also involves a societal structure that promotes a certain level of political parity among individuals. The individual proceeded to assert that the fundamental principle of democracy globally rests upon the governance of the state by its citizens, achieved through the conduct of unrestricted elections and the inclusion of all adult members of society in the voting process.

According to Diamond and Morlino (2004), democracy can be characterised as a system that facilitates the selection and transfer of governmental power through elections that are both free and fair. Additionally, it entails the active engagement of individuals as

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citizens in political and civic affairs, the protection of civil rights for all members of society, and the establishment of a legal framework in which laws and regulations are applied impartially to all citizens. According to Idowu (2003), it is said that in order for citizens to effectively contribute to the democratisation and overall development of their nation, it is imperative that their fundamental rights are ensured and safeguarded, as citizens are the most prominent constituents of a democracy. The promotion of human rights is fundamentally crucial for the establishment and development of a sustainable democracy and national progress. The aforementioned statement implies that it is imperative for the Nigerian democratic government to adopt a deliberate approach towards safeguarding the human rights of its citizens, with the aim of mitigating the prevailing instances of human rights violations inside the fourth republic.

Human Rights

The United Nations Human Rights Council (UNHRC) asserts that human rights are intrinsic to every individual, regardless of their nationality, location of residence, gender, national or ethnic background, race, religion, language, or any other social or legal position. All individuals possess an equal entitlement to their fundamental human rights, free from kind of discrimination. The aforementioned rights exhibit interrelation, interdependence, and indivisibility. According to the European Commission (2007), human rights possess certain attributes that serve to enhance human dignity and enable individuals to realise their maximum capabilities. The promotion and adherence to human rights principles contribute to the establishment and maintenance of societies characterised by peace and stability. Nations that uphold human rights demonstrate greater reliability as international partners. According to the European Commission (2007), the existence of human rights is essential for the establishment of peace and development, and conversely, peace and development are necessary for the realisation of human rights. According to Landman and Carvalho (2009), human rights have acquired recognition as an established legal and normative benchmark for assessing the level of human dignity in contemporary society.

According to Saqib (2015), human rights can be defined as the inherent rights that individuals hold only by virtue of their humanity. These rights are afforded to individuals and serve to safeguard their interests, freedom, dignity, and other essential rights from encroachments and excessive actions by state agents when combating terrorism. According to Abbah (2013), human rights encompass more than a mere set of formal standards. They encompass a dynamic range of political, social, economic, legal, moral, cultural, and philosophical factors that establish the fundamental worth of individuals and their intrinsic dignity. Rights, in its defined form, are commonly perceived as moral and political assertions that, via current consensus, are thought to be possessed by every individual inside their community or under their government. These claims are acknowledged as being inherently deserved, rather than being contingent upon affection, benevolence, or philanthropy (Adishi & Oluka, 2018). Based on the preceding discussion, it is imperative for nations across the globe to assume the responsibility of safeguarding these essential

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rights, since doing so would contribute to the establishment of stability and harmonious coexistence within nation states. The infringement of fundamental rights would result in significant repercussions for both the individuals affected and the broader state.

Nigeria Constitutional Provision of Human Rights

Nigerian constitution of (1999 pp :34-41) has these rights enshrined the constitution. They are as follows:

- I. Right to life-Article 33
- 1. Right to dignity of human person -Article 34.
- 2. Right to personal liberty-Article 35
- 3. Right to fair hearing -Article 36
- 4. Right to private and family life -Article 37
- 5. Right to freedom of thought, conscience and religion -Article 38.
- 6. Right to freedom of expression and the press Article 39.
- 7. Right to peaceful assembly and association -Article 40.
- 8. Right to freedom of movement -Article 41
- 9. Right to freedom from discrimination -Article 42 (1999:34-41).

The 1999 Nigerian Constitution (as amended) notes that fundamental human rights apply to every Nigerian citizen.

Methodology

The study adopted an ex-post factor research design to explore past events and understand current happenings. It also explores the relationship between variables in a study which had already occurred without determining the causality.

Evaluation of Human Rights Violation under the Democratic Watch of the President Muhammadu Buhari's Administration in Nigeria, 2015-2022

Human rights protection in Nigeria under the President Muhammadu Buhari's Administration in Nigeria, 2015-2022 was expected to be enjoyed by the citizens because it is the responsibility of the democratic government to ensure and enforce human rights protection. According to Ozoigbo (2017), it can be asserted with strong conviction that democratic governments offer the highest level of assurance in terms of upholding and safeguarding human rights. Consequently, with the transfer of power from the military regime to the democratically elected administration in 1999, Nigerians harboured a sense of optimism that the fundamental rights inherent to human beings would now be accessible and upheld. Despite more than twenty years of democratic administration and the acceptance of the Universal Declaration of Human Rights charter, Nigerians continue to experience numerous instances of human rights abuses (Adetoro and Omiyefa, 2014).

Violation of Right to Life: This human right violation is mostly found in torture and extrajudicial killings by government security operatives. In 2018, Amnesty International reported that Nigerian security forces had been responsible for the deaths of a minimum of 150 individuals affiliated with the pro-Biafra organisation, as well as causing injuries to

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numerous others, during peaceful assemblies, processions, and similar events. Moreover, a significant number of individuals were apprehended in a capricious manner. Based on the aforementioned information, Nigeria is now experiencing a deteriorating human rights crisis throughout the nation. Akinsanmi (2020) reports that roughly 122 occurrences of extrajudicial executions in Nigeria stemmed from harassment and extortion by triggerenthusiastic police and SARS agents between January and October 2020. On December 5, 2020, at least 85 civilians were extrajudicially killed and numerous others severely injured when Nigerian government airstrikes targeted a religious festival in Tudun Biri, Kaduna State, where unidentified corpses were interred in mass graves. On February 4, 2021, a violent assault on Kukarita village, Yobe State, led to an unverified number of inhabitants being burned and shot dead. Amnesty International (2020) asserts that from January 2017 to May 2020, 82 victims were subjected to brutality by SARS. The unit's actions became public awareness when they began targeting youths unlawfully, alleging their involvement in cybercrime and other illicit activities.

Akinyetun (2022) asserts that the NPF is an overly militarized parastatal with a tumultuous history of violence, cruelty, human rights violations, and corruption throughout its pre-colonial, colonial, and post-colonial periods. Amnesty International (2021) supports the opinion that the police, especially the Special Anti-Robbery Squad (SARS), frequently functioned as an instrument of abuse against citizens. Security forces shot five members of the Islamic Movement of Nigeria during a protest advocating for the release of their leader, Sheikh Ibraheem ElZakzaky, in Abuja. The Nigerian Air Force bombarded herdsmen from Nasarawa State who travelled to Makurdi, the capital of Benue State, to reclaim 1,250 cows confiscated by the State Livestock Guards, erroneously identifying them as terrorists and resulting in the immediate deaths of around 27 herders. The fatality count from the tragedy subsequently increased to approximately 40. The Nigerian Air Force ultimately assumed responsibility for the attack in June 2023, five months subsequent to the occurrence. The Human Rights Watch Report (2020), which reported that events from the preceding year (2019), indicated that the 2019 election, which facilitated President Muhammadu Buhari's second term, resulted in the deaths of several individuals. According to the Centre for Democracy and Development (2021) reported that in 2011 and 2021 about 13,241 lives were lost to extrajudicial killings between 2011 and 2021.

In a similar vein, Mohammed (2015) asserts that Nigerian security officials engaged in numerous arbitrary arrests and detentions of individuals without affording them a fair trial. In addition, they engage in the practise of torture, unlawfully causing the deaths of suspects, and inflicting harm upon the individuals whom they are entrusted to safeguard, all while enjoying a significant degree of immunity. From August 2015-August 2016, hundreds of IPOB members were arbitrarily detained and arrested and at least 150 of them were killed by security agents (Ibekwe, 2018). The Nigerian army unlawfully arrested, tortured, 80 killed, and buried members of the Islamic Movement of Nigeria (IMN) in Kaduna and Zaria, 2015 (Ibekwe, 2018). The military unlawfully arrested and detained thousands of people which including young men, women, and children fleeing violent attacks in Borno state. For example, the presidency has kept Nnamdi Kanu (IPOB leader), Sambo Dasuki (former

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National Security Adviser), and the leader of Shi'a group Ibrahim El-Zakzaky in detention despite court orders for their release (Adebajo, 2019). Even as at the time of this writing, Nnamdi Kanu is not yet released.

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The firing of arms at unarmed and peaceful protesters at the Lekki tollgate in October 2020, and the handover of the tollgate back to the owners (the Lekki Concession Company) without punishing the perpetrators or concluding investigation has sent chills down the spine of the masses. The genocide which the government has continually denied despite evidence of video recordings shows to a large extent that the Buhari-led government cares less about the right to life and it also stripped off the pretense of commitment to Human rights which the government has so preached and proclaimed (Chiedozie, 2021). There was widespread excessive use of force in multiple states of the federation. Nigerian youths organised nationwide mobilisations and rallies in October 2020 to demand the disbandment of SARS, in response to extrajudicial deaths and the excessive conduct of squad officers, under the hashtag #EndSARS (Akinyetun 2021a).

Violation of Right to Freedom of Movement: This human right violation is found in kidnapping and disappearance. Adaku (2020) contends that government security agents violated human rights during the Nigerian government's efforts to mitigate the coronavirus pandemic, as individuals were deprived of freedom of movement, restricted access to food, the right to work, freedom of association and assembly, and subjected to torture and harassment by security personnel while enforcing these governmental measures. During the implementation of the COVID-19 lockdown measures, at least 18 individuals were slain by the police, military, and the Nigerian Correctional Service between March 30 and April 13.

Violation of Rights of Internally Displaced Persons (IDPs): The Human Rights Watch Report (2017) indicated that millions have been internally displaced due to the insurgency. Most individuals in the various displacement camps lack fundamental necessities, including food, adequate shelter, education, and healthcare, while also facing restrictions on their freedom of movement and expression. The report further emphasized the sexual exploitation and rape of women and girls by vigilante groups, soldiers, and police officers. The Congressional Research Service (2020) reported that over three million individuals have been displaced and approximately thirty-eight thousand lives have been lost due to the insurgency. The study also highlighted the abduction of schoolchildren by the terrorist group, religious conflicts between Muslims and Christians and Sharia/Shia factions, oil theft in the Niger Delta region, and years of pervasive corruption across all sectors, which have impeded efforts to address human rights challenges in Nigeria.

The Nigerian populace held the anticipation that the administration of President Muhammadu Buhari in 2015 would effectively tackle the longstanding issue of human rights violations and abuses within the country. The foundations of democracy and human rights are rooted in a set of commonly held concepts, including but not limited to responsibility, individual liberty, integrity, fair and equitable representation, inclusion and participation, and the pursuit of non-violent resolutions to conflicts (Landman, 2018). Based

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on the aforementioned analysis, it is evident that human rights violations have occurred during the democratic governance of President Muhammadu Buhari's administration in Nigeria 2015-2022.

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It is a consensus among scholars that promotion of human rights is essentially fundamental to the emancipation of an enduring democracy national development cum growth of any nation. Nigeria government is asked to take its core obligation of the preservation of human rights of her citizens. So that Nigerian democracy will be perpetuated and it would also usher in a country where human abuse is minimised and anyone who breaches human rights shall be brought to book.

Conclusion

The study examined Human rights violation under the democratic watch of the president Muhammadu Buhari administration: 2015-2022. The Nigerian citizens expected that the President Muhammadu Buhari administration in 2015 would have address the perennial human rights violations and abuses in Nigeria. But evidence showed that violation of human rights continued under the democratic watch of the President Muhammadu Buhari administration in 2015-2022. The New dimensions to this human rights just emerged like the unknown gun men especially on the south east Nigeria with massive destruction of properties and lives.

Recommendations

- The Nigerian law enforcement institutions, particularly the Nigerian police, require a comprehensive restructuring and a fundamental shift in mindset in order to effectively fulfil their duty to defend the human rights of Nigerian residents.
- The implementation of human rights enlightenment programmes by the government, facilitated by the Human Rights Commission, is crucial in educating citizens about their fundamental rights and providing guidance on reporting instances of human rights violations.
- The government ought to prioritise addressing the issue of insecurity in the country, particularly in the southeastern region of Nigeria, where unknown gunmen are causing disturbances. This may be achieved by implementing a strategic reorganisation of the security staff intelligence unit, with the aim of effectively curbing these acts of violence and mischief.
- The Nigerian government should grant the judiciary the autonomy to fulfil its role as a watchdog for human rights, ensuring the upholding of the rule of law. This would act as a deterrent to individuals seeking to violate the law through the abuse of human rights.

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