



The Functionality of the Human Rights Laws on Women and Children in Nigeria

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Abstract

This work examines the functionality of the human rights laws on women and children in Nigeria. A lot of Charters and Conventions on human rights, which include the Universal Declaration of Human Rights (UDHR), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the African Charter on Human and People's Rights (ACHPR). These and many more will be featured in the analysis of this subject matter in the course of this research. This paper highlights the cases of women and children's rights violation in Nigeria. Right to inheritance, right to work, etc. are denied women without caution. Children are also victims of abuse, this includes child labor, sexual abuse etc. The UDHR (the Universal Declaration of Human Rights) was adopted and declared by the United Nations after the conclusion of the General Assembly Resolution 217A (111) in 1948 on the 10th of December. Ever since the declaration, it has been adopted by most nations in the world in which Nigeria is inclusive. It is unfortunate that in Africa and also in Nigeria today, humans are exposed and subjected to physical and mental torture and this includes women and children. Cases of domestic violence, accidental discharges, child labor, detentions without trial, police brutality, and kidnappings are now common in the society. These experiences in Nigeria shows that the dignity and integrity of women and children are not protected or even respected in the society.

Keywords: Human Rights Laws; Human Rights Violations; Gender Inequality; Child Abuse; Women and Children

1. Introduction

Human right Laws are established to prevent Anarchy¹ in the society. The world will be a jungle without the existence of these human right laws². It is essential to take note that there are certain laws which govern the rights of a person as a human being, these laws are known as human right laws and strict compliance to these laws is a necessity for human cohabitation. These human right laws vehemently ensure the peaceful cohabitation of all human beings. For the purpose of this research work, we are going to critically examine the functionality of these human right laws in strict regards to women and children. This research work will be narrowed down to the Nigerian jurisdiction. A big question which is still yet to be answered is whether human right laws is a fact or a myth in Nigeria? It is essential to note that women and children face various human rights violations in Nigeria notwithstanding the provisions approved in the 1999 Constitution for fear of the unknown. It should be noted that gender equality and the protection of human rights, especially of children and those most vulnerable, are fundamental principles of the United Nations. These rights cut across all aspects of the UN's work and are crucial to long-term progress, this includes achievement of the millennium development goals relating to the protection and recognition of women and children. Despite the various efforts to engender human rights in human history, the status of slavery, women and child abuse is still evident in Nigeria today. Certain Fundamental human rights, which include respect for dignity of persons, property rights, rights to be voted for and even to vote are denied women even in some of the developed societies today. The Second World War clearly exposed the level of man's inhumanity to man, the level of man's brutality to his fellow man, the disgraceful behavior by the governments of various countries to its citizens and also the aggression of other nations against the maintenance of international security and peace and also human rights and the possibility to maintain the world peace and security, contain the massive unemployment rate in the world, control disease as well as huge maternal and infant mortality, after the horrible Second World War prompted the community of world nations to adopt the "Universal Declaration of Human Rights (UDHR)". The UDHR, was adopted and proclaimed by the United Nations General Assembly in 1948 on the 10th December.

The preamble to the United Nations (UN) Charter states:

"We the peoples of the United Nations, determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ... have resolved to combine our efforts to accomplish these aims...."

¹ A state of disorder due to absence or non-recognition of authority or other controlling systems

² J. L. Mackie, 'The Law of the Jungle' in <https://www.jstor.org/stable/3749875?seq=1> Accessed 1st May 2021

This Charter contains various articles relating to human rights, which focuses on the respect for human rights and also for fundamental freedoms to be given to everybody without any discrimination on basis of sex, race, national instruments and religion³. Aside from the UDHR, other regional and other national instruments, which include the Constitution of Federal Republic of Nigeria and African Charter on Human and Peoples Rights. The acknowledgement and protection of human rights have been expanded under this instrument. These instruments take into consideration all the rights of the members of the society at large, disappointingly, women and children rights have not been addressed properly today. Various women activists and persons who are concerned with justice and gender equality have shown that for 48 years and above, after the declaration of UDHR and other accompanying articles, women have still experienced discrimination in so many aspects of life, especially when it comes to the exercise of political powers, attempts to seek redress through the legal system, getting jobs with satisfactory remuneration, etc.

What is Human Right?

Justice Kayode Eso of the Nigerian Supreme Court describes human rights as:

“A right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence, and what has been done by the Nigerian Constitution since independence is to have these rights enshrined in the constitution so that those rights could be immutable to the extent of the non-immutability of the constitution itself”⁴

Human rights basically refer to the rights and freedoms that belong to every human being in the world, from birth until death. These basic rights are based on shared values like dignity, fairness, equality, respect and independence. These values are defined and protected by law.⁵ For this reason, human rights are held in high regard universally by ALL humans and no discrepancies should be made as to who can exercise and obtain their rights. Based upon this universality, the power that human rights hold cannot be quantified with legal, political or moral powers because they apply to the whole of humanity and stand out as the apex of all human protections against unlawfulness.

Human Rights in Nigeria

Human rights in Nigeria is recognized in Nigerian legislation by its establishment by virtue of Chapter 4 of the 1999 constitution as Amended. In Nigeria, the fundamental human rights contained in the constitution of Nigeria are: The Right to Life⁶, the Right to Dignity of Human Person⁷, the Right to Personal Liberty⁸, the Right to Fair Hearing⁹, the Right to Private and Family Life¹⁰, the Right to Freedom of Thought¹¹, Conscience and Religion¹², the Right to Freedom of Expression¹³. It is essential to note that the human right situation in Nigeria is noticeable by very serious human rights violations which include extrajudicial executions¹⁴,

³ Articles 1, 13, 55, 62, 68 and 76

⁴ Ransome Kuti v AGN

⁵ [Günter Frankenberg](https://academic.oup.com/icon/article/12/1/35/628590), ‘Human rights and the belief in a just world’ in <https://academic.oup.com/icon/article/12/1/35/628590> Accessed 1st January 2021

⁶ Section 33 of the 1999 constitution of Nigeria as Amended

⁷ Section 34 of the 1999 constitution of Nigeria as Amended

⁸ Section 35 of the 1999 constitution of Nigeria as Amended

⁹ Section 36 of the 1999 constitution of Nigeria as Amended

¹⁰ Section 37 of the 1999 constitution of Nigeria as Amended

¹¹ Section 38 of the 1999 constitution of Nigeria as Amended

¹² Section 38 of the 1999 constitution of Nigeria as Amended

¹³ Section 39 of the 1999 constitution of Nigeria as Amended

¹⁴ U.M. Igbo, ‘THE USE AND ABUSE OF POLICE POWERS AND EXTRAJUDICIAL KILLINGS IN NIGERIA’ in <https://go.gale.com/ps/anonymous?id=GALE%7CA509163574&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=15543897&p=AONE&sw=w> Accessed 1st May 2021

arbitrary arrests and detentions¹⁵, torture and other ill-treatment¹⁶, enforced disappearances¹⁷, violence against women and girls¹⁸, restrictions on the rights to freedom of expression¹⁹ etc. Human rights issues also included unlawful and arbitrary killings by both government and nonstate actors; forced disappearances by both government and nonstate actors; torture by both government and nonstate actors and prolonged arbitrary detention in life-threatening conditions particularly in government detention²⁰. It should also be noted that major institutions that are involved in the protection of human rights within Nigeria. These are: The National Human Rights Commission, the Public Complaints Commission and the Truth and Reconciliation Commission²¹.

Practicability of Human Rights Laws on Children in Nigeria

It should be noted that the Child's Right Act (2003) is the legislation which guarantees the basic rights of children in Nigeria. In Nigeria today, 24 out of 36 states of Nigeria have domesticated the child's right act to be a state law²². Children in the Child's Right Act (2003) has been defined as a person who is under the age of 18. The National Child Welfare Policy of 1989 also goes ahead to establish that a child is a person who is 12 years or below²³. Nevertheless, a draft decree which was later put into law has gone ahead to establish that in Nigeria, a child is a person of 18 years or below.²⁴ National Human Rights Commission as one of its directives to protect, promote and also enforce the basic rights citizens of Nigeria and also foreigners who come into Nigeria. Nigeria as a country employs so many measures to protect the rights of these children because of their vulnerability.²⁵ The Commission is responsible for the rights of these children from the foetus²⁶ stage in cases where appropriate responsibility of the unborn child is abandoned. They always admit and make investigations on matters revolving around inhuman and degrading treatment of a mother upon whose ripple effect hamper the survival and development rights of the child. It has been recognized by the National Human Rights Commission that children, girls and boys are likely victims of exploitation and abuse. Based on this, the commission run an open 'human rights club' in various schools to enlighten members of the public on the subject matter. The basic responsibility of the National Human Rights Commission is to promote and protect every child across the states in Nigeria. It should be noted that the laws being stipulated by the land (Nigeria), have taken a new perspective in answering questions that challenge the awareness of the principles that talk about equity and fairness to all the citizens in the country. These laws need to be implemented because they can assist in ensuring that the basic or fundamental rights are being regulated to help preserve the life and development of the growing Nigerian child. This can be seen in Sections II and IV of the 1999 Constitution of the Federal Republic of Nigeria.

Challenges of Implementing the Human Rights Laws on Children

Lack of Government Involvement

The foundation and background of a child is a very important aspect in the life of a child. Creating awareness and sensitizing citizens of the delicacy of the life of a child is one challenge the government has failed to overcome. The government needs to

¹⁵ Aliyu Ibrahim, 'Decongestion of Nigerian prisons' in https://www.researchgate.net/publication/339231876_Decongestion_of_Nigerian_prisons_An_examination_of_the_role_of_the_Nigerian_police_in_the_application_of_the_holding-charge_procedure_in_relation_to_pre-trial_detainees Accessed 22nd May 2021

¹⁶ ibid

¹⁷ ibid

¹⁸ G Krantz, 'violence against women' in <https://jech.bmj.com/content/59/10/818> Accessed 22nd May 2021

¹⁹ ibid

²⁰ T.S Joseph, 'Preventive detention of dangerous inmates: a dialogue between human rights and penal regimes' in <https://www.tandfonline.com/doi/full/10.1080/13642987.2020.1725486> Accessed 15th May 2021

²¹ SO Nnamani, 'Institutional Mechanisms for Human Rights Protection in Nigeria: An Appraisal' in <https://www.ajol.info/index.php/nautil/article/view/82393> Accessed 1st May 2021

²² Daniel Ogunniyi, 'The Challenge of Domesticating Children's Rights Treaties in Nigeria and Alternative Legal Avenues for Protecting Children' in <https://www.cambridge.org/core/journals/journal-of-african-law/article/abs/challenge-of-domesticating-childrens-rights-treaties-in-nigeria-and-alternative-legal-avenues-for-protecting-children/AF4EFC026AAF73D8FE51920C1BC11543> Accessed 1st January 2021

²³ ibid

²⁴ Ooreoluwa Agbede, 'Rights of the Child: Nigeria's Legal and Practical Position' in https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3639563 Accessed 12th May 2021

²⁵ ibid

²⁶ human being in its later stages of development before it is born

understand the relevance and importance of starting early to establish effective systems that can help take care, nurture and protect the life of the child.²⁷

Lack of Proper Legal Documentation

Due to the lack of adequate social amenities and also financial instability, a lot of children are being born into the world without proper documentation. The absence of a birth certificate or any legal document for identification would make access to essential and basic child care services difficult to obtain. These children might end up facing a lot of horrible challenges in adulthood like showing proof of nationality, being able to own a property, or even gaining access to his inheritance. Proper registration during birth can aid in ensuring that the human rights of that child are implemented.²⁸

Detention of Migrating Children

A lot of children that migrate to other countries might be detained as part of the policies of that nation. When the detention is prolonged, it can impair the growth and development of the mind of the child thereby causing emotional and psychological trauma. Some girls even fall victim to exploitation and sexual abuse, when put in the same cell with the boys.²⁹

Age Assessment

In Nigeria, the age bracket for a child is 0-17 years. Once 18 years of age, the child becomes an adult. However, it is somewhat difficult for some countries to prove the age of the child. These can lead to the denial of child services. Presently, no technique can be used for the age assessment of a child. It, therefore, means that children who are eligible for this child's services might not be notified³⁰.

Practicability of Human Rights Laws on Women in Nigeria

Legal Framework on Women's Rights in Nigeria

The preamble to the 1999 constitution of the federal republic of Nigeria states:

"We the people of the Federal Republic of Nigeria, have firmly and solemnly resolved... to provide for a constitution for the purpose of promoting good governance and welfare of all persons in our country, on the principle of freedom, equality and justice... do hereby make, enact and give to ourselves the following constitution".

The preamble to the United Nations (UN) Charter states:

"We the peoples of the United Nations, determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ... have resolved to combine our efforts to accomplish these aims."

The same Charter contains articles relating to human rights and emphasis is made on the respect for human rights and also for fundamental freedoms for everybody without any form of discrimination relating to race, sex, language and religion. A very important achievement which the UN has made in the part of protection of human rights is the Universal Declaration of Human Rights 1948. It should be noted that member states of the United Nations have gone further to pledge to always promote the respect for the human rights of every person. To advance this objective, the United Nations have gone ahead to establish a commission basically for human rights and it is charged with the responsibility of drafting documents which spells out the meaning of the fundamental rights and the freedoms stated in its Charter. In 1948, the UDHR was drafted by 56 members of the United Nations. The vote was undisputed, in as much as eight nations withdrew. The first paragraph of the preamble of the UDHR sums up the essence of human rights. The influence of the UDHR has been considerable; the principles of the UDHR have been domesticated in the constitution of more than 185 countries now in the United Nations. In as much as a declaration is not really a legally binding document, the UDHR has achieved the status of customary international law. In the UDHR, "all human beings are born free and equal in dignity and rights. because people regard it "as a common standard of achievement for all people and all nations." brotherhood." It goes further:

Everyone is entitled to all the rights and freedoms set forth in this Declaration political or other opinion, national or social origin, property, birth or other status. Other international human rights treaties include: the International Convention on the Elimination

²⁷B.J. Saunders and Chris Goddard, 'The role of mass media in facilitating community education and child abuse prevention strategies' in <https://aifs.gov.au/cfca/publications/role-mass-media-facilitating-community-education> Accessed 1st May 2021

²⁸Anne Trebilcock, 'LABOUR RELATIONS AND HUMAN RESOURCES MANAGEMENT: AN OVERVIEW' in <http://ilocs.org/documents/chpt21e.htm> Accessed 23rd February 2021

²⁹Laura K. Murray, 'Child Sexual Abuse' in <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4413451/> Accessed 1st May 2021

³⁰ ibid

of All Forms of Racial Discrimination (ICERD, 1965), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984), the Convention on the Rights of the Child (CRC, 1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW, 1990), the Convention on the Rights of Persons with Disabilities (CRPD, 2006), and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED, 2006) all in their treaty body General Comments interpreting their various treaty provisions, address specific issues of human rights concern pertaining to sexual orientation. Standards against discrimination on basis of sex is also evident in international documents such as the well-known ICESCR (International Covenant on Economic, Social and Cultural Rights). And this is also part of the International Bill of Rights. This normative standard is evident in regional documents which include the African Charter on Human and People's Rights. This is found at the national level e.g. in the 1999 Nigerian Constitution of the federal republic of Nigeria and also the popular 1996 Constitution of the Republic of South Africa.

From all regional, international and national instruments relating to the protection of human rights, we are supposed to be rest assured that Nigerian women are well protected from all every form of abuse and discrimination but with the situation of things, it is clear that women still don't enjoy these rights as established in the legislations above. This is more evident in Africa. Women activists and those concerned with gender equality and justice have proved that for more than 48 years after this universally accepted pronouncement, women continue to be discriminated against in virtually all spheres of life, particularly in the exercise of political power, seeking redress through the legal system, finding jobs with adequate remuneration, establishing property rights, access to education and exercising reproductive rights. Ss. 37, 38, 39, 40, 41 and 42 of the Constitution makes provision for different levels of rights to be enjoyed by persons in Nigeria. But the right of women to inheritance, self-dignity and privacy is abused even in Nigeria. E.g. Nigeria the practice of female circumcision encroaches and violates the right of self-dignity and respect which is enshrined in the constitution³¹.

CEDAW Report on Women's Rights in Nigeria

Elimination of all forms of Discrimination Against Women convention report which was presented to the committee of the United Nations which was about the Eradication of every form of Discrimination Against Women in 2008 between June 30 - July 18 in New York argues that violations of rights of women in Nigeria is rampant, in as much as they agree CEDAW has been rectified by the Nigerian Government in 1985. They argue that the rights of women in Nigeria are not considered as a result of non-implementation of CEDAW. CEDAW is of the opinion Discrimination Against women is on the high side in Nigeria. They have gone ahead to criticize the constitution of Nigeria for failing to give a complete and satisfactory definition of the actual meaning of discrimination against women. they are of the opinion that other legislations specifically made regarding Discrimination Against Women are in existence only in five out of the thirty-six states of Nigeria and this is not really enforced the way it should. CEDAW is of the opinion that some provisions of the Constitution of Nigeria actually discriminate against women. For e.g., The constitution does not permit women who get married to non-Nigerians to confer citizenship of Nigeria on their husbands on basis of the marital union, Meanwhile Nigerian men who get married to non-Nigerians have Nigerian citizenship conferred on their wives automatically based on the union of marriage. It was noted that majority of the socio-economic legal and political frameworks needed to protect and promote Women's Rights have not been implemented efficiently. E.g., The national assembly in 2007 refused to pass the bill for the domestication of the convention on Elimination of all forms of Discrimination against Women (CEDAW) this then put on hold every process of assimilating CEDAW convention into the the legal administrative system and criminal justice system in Nigeria. It was further reported that gender or sex stereotypes continues to be reinforced in Nigeria as agents of socialization such as the family, schools, churches, mosques and the media have become custodians as well as disseminators of gender roles, stereotypes, prejudices, and discriminatory practices. Basically, there is emphasis placed on superiority of the male gender over that of the female. This report also noted that gender stereotypes are strengthened by the lack of national legislations which should be aimed at correcting the mind of people of such stereotypes and also spelling out punishments for offenders. They also noted that the sexual exploitation and trafficking of women and children is still in existence even after the Governments establishment of National Agency for Prohibition of Trafficking in Persons also known as the (NAPTIP). This was observed because the actual causes of trafficking such as unemployment, poverty and illiteracy have still not been addressed properly by the Government. Additionally, CEDAW and also the protocol to the African Charter on Human and people's rights regarding the Rights of women in Africa which sufficiently defines and Prohibits Discrimination Against Women has still not been domesticated into Nigerian legislations, this means that the Nigerian Women are not able to take advantage of these two instruments in the national courts. The reason for this is that section 12 of the 1999 constitution expressly spells out "No treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly" it was noted in the document that the African Charter on Human and people's Rights in which Nigeria went ahead to domesticate actually did not give any specific definition to Discrimination Against Women. In as much as the report recognized that Nigeria has gone ahead to domesticate the African Charter on Human and people's Rights,

³¹ Section 34 of the 1999 Constitution of the federal republic of Nigeria as Amended

and Nigeria has also enacted the Trafficking in persons (Prohibition) law enforcement and Administration Act, 2004, the Universal Basic Education and other related matters Act 2004, and the child Rights Act at the Federal level but in sixteen (16) states CEDAW is yet to be domesticated. Other laws mostly at the state level that aim at protecting the rights of women are: Malpractices against widow and widowers (prohibition) law 2005 in Ekiti, Enugu, Imo, Ebonyi and Anambra States; Law to prohibit Domestic Violence Against Women and maltreatment law No.10 of 2004 by the Cross River State Government; Inhuman treatment of Widows (Prohibition) law 2004 of Edo State; Law prohibiting Domestic Violence in Lagos State 2007 (passed by the house but not signed) and in Ekiti State; Law prohibiting Withdrawal of the Girl-Child from school for marriage purpose in Kano, Niger, Gombe, Bauchi, and Borno States; Schools' Rights (Parents, Children and Teachers) Law No. 2, 2005, Rivers State; Street Trading Restriction Law, 2004, Anambra State and Women's Reproductive Rights Law, 2005, Anambra State. Government is criticized for Ministries of Women Affairs at the Federal and State levels, women and children still suffer from domestic violence. The Violence against Women prohibition Bill 2003 has not been formerly raised on the floor of the House of Assembly, Domestic Violence Protection Bill 2005 has passed first and second readings in the House but is still at committee level while the Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly. The report observed the Supreme Court judgment of *Mojekwu V. Iwuchukwu*³² in which the Supreme Court held that there was no justification for the court below to pronounce that Nnewi's native custom of "Oliekpe" was repugnant to natural justice, equity and good conscience thereby dashing the hope of women on a better enforcement and enjoyment of women's rights³³. In the area of marital rape and violence in marriage, they noted that there is no law in Nigeria on marital rape, and domestic violence is classified under common assault which down-plays the seriousness of the offence and reduces it to a mere misdemeanor. In *Akinbuwa Vs Akinbuwa*³⁴, the court refused to effect divorce on grounds that the violent spouse must first be convicted of the offence occasioned by the violence before the court can consider it extreme violence capable of granting a divorce. Literature reviewed shows that there is gross denial of women rights in both Sudan and Nigeria.

Challenges to Enforcement of Women's Rights in Nigeria

At the national level, the procedure for domestication of CEDAW and the protocol is a major challenge. While several countries have acceded to CEDAW, many have not taken the extra step to domesticate it and make it part of their national laws. What this means in effect is that its provisions cannot be directly applied in national courts. States parties do not always have the political will to implement commitments made at the international level. The challenges faced in implementing CEDAW are a good indication of those that the protocol will face, from which important lessons can be drawn. The mandate of the CEDAW Committee is to monitor its implementation by the states parties which have ratified it, and this is done through periodic reports. Unfortunately, this is one area that has not been taken very seriously by states parties. Many have two or more reports outstanding, while some have submitted none. This is a major challenge to the committee's work. While the process of reporting is thorough, to a great extent it remains in the hands of governments; NGO participation is weak. The examination of states parties' reports is not intended to be adversarial, but should be done in a manner that promotes constructive dialogue between the states parties and the committee. The African Court on Human and Peoples' Rights is an approach of last resort when all other domestic remedies have failed to provide satisfactory results. Pending the full establishment of the African Court, the African Commission on Human and People's Rights (the commission, hereafter) is seized with matters of interpretation arising from the application and interpretation of the protocol. The commission was established under Article 30 of the charter. Its primary responsibility is to promote and ensure the protection of human rights on the continent. Its four areas of mandate are: promotional activities, protective activities, the examination of state party reports and the interpretation of the African Charter on Human and Peoples' Rights. It holds regular sessions twice a year in around April and November and can hold extraordinary sessions. The commission has 11 part-time members. They are independent experts and act in their personal capacity rather than as representatives of their governments. The integration of the protocol into the implementation mechanism of the commission is consistent with the provisions of the charter itself. It will ensure that women whose rights under the protocol have been violated will have final recourse to the African Court to have their rights established and enforced.

Furthermore, individuals other than the victims themselves, as well as human rights NGOs, can bring a complaint on behalf of the victims to the court. One of the challenges facing domestication of the protocol is the multiplicity of legal systems in most African countries. While in a few countries' international treaties, once ratified, automatically become part of national law, in most cases they have to be passed by an act of parliament to bring them into effect.

The domestication and further ratification of the protocol have been slowed by a lack of political will. Even though most countries have established national gender machineries, these are weak and lack adequate authority, capacity, human resources and funding. This is coupled with inadequate skills in gender analysis among planners and implementers, and limited gender awareness

³² (2004) JELR 44983 (SC)

³³ (Olanmi & Company, 2007, p. 64)

³⁴ (1998) 7 NWLR (PT 559) 661 AT 669

within communities. The African Court on Human and Peoples' Rights, which is an important tool in interpreting the protocol, is not yet fully functional. Even when it is, access to it by civil society organizations, which have been the main champions of the protocol, will be limited to those countries that have signed a declaration to facilitate such action. Women's participation in politics and decision making remains low, and this slows down their influence on governments to carry out their obligations under the protocol. Women's access to justice is further inhibited by illiteracy and ignorance of their rights and how to access them. Some cultural and traditional practices continue to hold back progress in realizing the provisions of the protocol. Most of the human rights instruments set a ceiling and a floor as frameworks that women can use to combat discrimination in its many forms. However, these tools in themselves are not perfect. For example, the language employed in some of them is either too complicated or too broad or both; this could create problems of interpretation, especially at the national level. They also fail to address the issue of recourse in cases of non-compliance. It has been said that they can only bark because they lack the teeth they need to bite. The consequences of non-compliance and non-enforcement need to be built into them. Another problem is the strategy of placing reservations on some key provisions. This negates the principle of women's rights as first and foremost being inalienable, integral and indivisible. One other obstacle that has been identified at the national level is that few lawyers are aware of the protocol and are therefore unable to cite it in support of their arguments. Not many law students take up courses in gender and the law where these are part of the curriculum, hence their ignorance about the protocol and other women's rights instruments. The proliferation of instruments has also been cited as a possible factor hindering compliance because each one requires a different reporting and accounting procedure, thereby placing a huge burden on states. There is also inadequate dissemination of information about these instruments at the local level. The multiplicity of laws in different countries is such that most countries will have to enact new legislation to domesticate the protocol after ratification. A number of countries that have ratified the protocol, such as South Africa and Mauritius, did so with harmful reservations, signifying their unwillingness completely to abandon practices that discriminate against women. The legitimacy of entering reservations on the treaties may be questionable because of the substance of such reservations.³⁵

It should be noted that:

Charter on Human and Peoples' Rights would suffice to take care of the women's rights issues that were omitted from it. The charter is perhaps distinct from other regional systems of human rights protection in that it has specific provisions that address the rights of women. This is apart from the commonplace provisions on the rights to equality and freedom from discrimination characteristic of most international instruments of this kind. With regard to the rights of women the charter provides that „The state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions“ (Article 18:3). However, this provision has been regarded as too general, giving no substance to the rights of women, thereby placing these rights in a situation that has been described as a legal coma“. Addressing the rights of women alongside those of children is also criticized. While recognizing that both women and children have been victims of enduring violence, it raises the question of why the latter are equated with the former. Nevertheless, the charter is seen as creating the bedrock for the protection of women's rights in Africa. It provides a basis from which states have to account for the status of women and the protection of their rights within national legal systems. And it enjoins African states to take positive steps to ensure that their national laws and policies seek or result in the attainment of these two primary goals. Since then there have been significant developments towards a more comprehensive legal regime for the protection of women's rights in Africa, resulting in the drafting of the protocol to the charter. The protocol can be a tool that forces states to prioritize legislative measures to eliminate harmful traditional practices. It provides a foundation on which human rights acquire legality in the African context, and a basis for assertions that African women's rights to equality are no longer contested. What is critical at this point is to see greater dynamism from domestic courts, the charter and the African Court on Human and Peoples' Rights in giving meaning and precedence to the protocol.³⁶

Human Rights Laws on Women and Children: Its Effectiveness and Functionality

Gender discrimination as defined by CEDAW {Convention on the Elimination of Discrimination against Women} is any form of limitation, prohibition, or exclusion made based on gender that can inhibit the full participation or involvement of women in the activities of the society, not minding their marital status for the essence of fundamental freedom in the social, political and cultural field. The CEDAW for instance has an existing law that protects the girl child from child marriage and it can be seen in article 16 of their Charter which states that “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage....” Also, investigations on gender-based murders are made to ensure justice prevails. The organization assists in re-enacting laws that prohibit women from having equal rights and access to land, housing, and property. These laws have deprived a lot of women of being financially independent causing them to always turn to ways to survive which might eventually make them vulnerable and exposed to threats and dangers. CEDAW also

³⁵ [A.S Adewuyi, 'GENDER INEQUALITY AND CHILD ABUSE' in https://www.researchgate.net/publication/344246666 HUMAN RIGHT VIOLATION IN NIGERIA A CASE STUDY OF GENDER INEQUALITY AND CHILD ABUSE](https://www.researchgate.net/publication/344246666_HUMAN_RIGHT_VIOLATION_IN_NIGERIA_A_CASE_STUDY_OF_GENDER_INEQUALITY_AND_CHILD_ABUSE) Accessed 1st May 2021

³⁶ *ibid*

helps set up reproductive health institutions for women who have been victims of this violence and crime. Programs at the World Bank have successfully been set up to aid in cataloging numerous legal restrictions that constrain women in not having equal participation in the economy, e.g. women disallowed from opening bank accounts without the involvement of a man based on rules that outrightly ban women from doing some certain jobs. Once these laws are violated, these organizations must discipline the offenders. The children are not left out of this human rights treaty. The Convention on the Rights of the Child (CRC) has got its hands full with ensuring the provision of necessary health care services, disease combat, and malnutrition. Since its adoption in 1989 and its effective use in September 1990, infant mortality has decreased by 53%. Even before the CRC came into existence, other global organizations like The United Children's Fund's Universal Childhood Immunization Campaign in 1985 and The World Summit for Children in 1990 that help to improve the state of living of children were seen making some progress.³⁷

Challenges of Implementing the Human Rights Laws on Women

Cultural Practices

The cultural and traditional practices of people have effectively hampered the growth and movement of implementing the human rights laws on women. These ways have been ingrained and rooted deeply into the minds of people and are now being seen as a way of life. The only way for these laws (violence and discrimination against women) to resonate deeply in the country is for women to persistently and tenaciously fight back.³⁸

Fear of being a Target

Women rights defenders and promoters are often faced with challenges such as attacks, intimidation, vandalization of properties, disruption of privacy, pressure, defamation, etc. They are at a high risk of experiencing verbal abuse, rape, and also other forms of sexual violence. The fear of being a target can impair one from standing on what is right.³⁹

Fear of Ruining their Reputation

Women can experience attacks on their reputations. This is a major tactic employed to oppose the work of the women right's defenders. Destroying their credibility in society, these women then resort to hiding.⁴⁰

Cases of Human Right Violation in Nigeria Today

Violation of human rights by Boko Haram

In Nigeria, there is an [Islamist](#) terrorist group known as [Boko Haram](#). This group has its focus on attacking officials of the government, fellow Muslims who speak against their various actions and Christians. They are also against "traitor Muslims". Most attacks have been at the northeast part of Nigeria. They refer to corruption which has been committed by the government and also increased Western influence which is one of their primary reason for their violent operations. In [jihad](#) was banded by the spiritual leader [Mohammed Yusuf in 2000](#).

It has been recorded that in July 2009, there were 5 days where extreme violence from Boko Haram was recorded. The group was responsible for the death of 37 Christian men and the burning of 29 churches from 26 to 31 July. The group still resurfaced during the summer of 2011 with church attacks and this was after a brief gap in the claimed incidents.⁴¹

[Amnesty International](#) provided some recommendations in 2013 on October, expressly stating that there has been an investigation of the deaths of more than 950 suspected Boko Haram members has been made by the Nigerian government. These suspected Boko Haram members died under military custody in the first six months of the year.⁴²

It was recorded that in 2014, Boko Haram attracted international attention during the kidnap of approximately 230 female secondary school students in Chibok town, Nigeria. The leader of the Boko Haram group [Abubakar Shekau](#) went ahead to make claims that the girls have been converted to Islam he also threatened to put them up for sale as slaves or wives to members of the Boko Haram for a price of \$12.50 each. It has also been recorded that Boko Haram also attacked many schools in [Yobe](#)

³⁷ Olulu, R. M., & Oriji, C. C, 'women and human right violations in Nigeria' in [https://www.researchgate.net/publication/340950770 Women and Human Rights Violations in Nigeria](https://www.researchgate.net/publication/340950770_Women_and_Human_Rights_Violations_in_Nigeria) Accessed 1st January 2021

³⁸ C.C Nwifo, 'Rethinking Some Cultural Practices that Affect the Rights of Women and Children in Nigeria' in <https://www.ajol.info/index.php/lwati/article/view/162930> Accessed 12th May 2021

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ G.G Dunn, 'Impacts of Boko Haram in the Northeast' in <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-018-0136-2> Accessed 1st May 2021

⁴² *ibid*

[State](#) and forcing hundreds of men to join their forces and this led to the death of persons who refused. The everyday violence in northeast of Nigeria in the year 2014 caused loss of lives of over 2,500 civilians this also led to the displacement of about 700,000.⁴³

Between 3rd to 7th of January 2015, it was recorded that Boko Haram members seized and destroyed towns in Baga and Doron-Baga and this led to the death of about 150 people in the [Baga Massacre](#).

Boko Haram group has been involved in the killing of civilians, abduction of girls and women, forced boys and men to be a part of them, and they have also destroyed several homes and schools.

In accordance to a [UNICEF](#) report, it has been recorded that the Boko Haram group have abducted thousands of persons (children included) between 2013 and 2018. More than 100 Chibok girls are major victims of this boko haram activity and most of them are still yet to return home even after more than five years.

On the 2nd of December 2020, [Boko Haram](#) jihadists stated that they have been behind the ruthless massacre in northeast Nigeria. They gave an admission to have slaughtered more than 76 farmers in Borno State. They stated that these attacks were carried out in form of a revenge because the farmers gave aid to the [Nigerian Army](#) especially during the arrest of one of its brothers. These were the words of Abubakar Shekau⁴⁴ in a video.

Violation of Human Right by the Government Violation

The security forces of Nigeria are usually alleged to always carry out arbitrary arrests, [forced disappearances](#), assassinations, torture and extrajudicial [summary executions](#). Most times in the process of the execution of these negative errands, women and children are raped, defiled and abused⁴⁵. Most of the time, these abuses are actually directed by members of the government against religious organizations, political organizations and individuals. Sometimes this is done to satisfy the selfish interest of a government official. There have been several cases of the mass killings of political opponents and most times, all fingers point to the security forces of these government officials.⁴⁶

Violation of Human Rights by the Nigerian Army

In December 2015, there was a [massacre](#) of about 347 members of the IMN ([Islamic Movement of Nigeria](#)) in [Zaria, Kaduna State](#) [by the Nigerian Army \(women and children were inclusive\)](#) the bodies of the victims were buried massively in one grave. It was also revealed in March 2020 that certain Nigeria army soldiers went ahead to take advantage of the food shortages at the refugee camps in [Borno state](#) and they also went ahead to rape women at "satellite camps" that were female-designated and this was done in exchange for granting food to the victims. Food shortages in these refugee camp led to the death of the "thousands" of persons since 2015. On April 4, 2020, three Army soldiers were arrested in [Lagos state](#) for issuing threats to rape women. On the 21st day of May 2020, it was recorded that two deserters of the army in Lagos state (Kehinde Elijah and Ezech Joseph), had to be arrested for getting involved in the unlawful killing of a police officer. This occurred on the 10th day of May 2020. The killers, who were later taken to military custody, were also assisted by a Nigerian police officer and these men were wanted for "violent crimes."⁴⁷

Violation of Human Right by The Nigerian Police Force

In Nigeria, the [Nigeria Police Force](#) has been typically viewed as inefficient and corrupt. The Nigerian [Joint Task Force](#) (JTF) has provided inadequate and violent response to the Boko Haram attacks. The JTF has been involved in killing suspects without fair trial as well as killing random members of communities suspected of supporting the Boko Haram. This "heavy-handed" approach violates human rights with its lack of access to a fair trial and use of discriminatory techniques to determine perpetrators of violence. Within the regular Nigerian Police Force, there are high amounts of corruption and violations that include extortion and embezzlement. The police force takes advantage of the people by putting up roadblocks that require a fee to pass and taking money for no legal reason. Within the police force, there is no equal protection under the law. The wealthy are able to buy the police for security as well as expecting the police to turn a blind eye to illegal activities they participate in. On 2 August 2019, two officers of the Nigerian Police Force's Anti-Cultism Squad, Insp. Ogunyemi Olalekan and Sgt. Godwin Orji, were arrested and charged with murdering a man during a raid in Lagos. On 21 August 2019, four SARS operatives were arrested and charged with murder after being caught on film manhandling and then shooting to death two suspected phone thieves in broad daylight. The two suspected phone thieves were shot dead after they had been arrested. On January 5, 2020, three Nigerian Police Force officers were arrested after beating a bus passenger, named Justice Obasi, after he refused to unlock his mobile phone. On April 3, 2020,

⁴³ ibid

⁴⁴ Boko Haram leader

⁴⁵ ibid

⁴⁶ [K.C Eze](#), 'Death patterns among Nigerian leaders' in <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3134907/> Accessed 1st January 2021

⁴⁷ M.P montclos, 'The Killing Fields of the Nigerian Army: Any Lessons Learned?' in <https://www.tandfonline.com/doi/abs/10.1080/19392206.2018.1480140?journalCode=uafs20> Accessed 1st May 2021

a Nigerian police officer was arrested for assaulting a port worker. On April 18, 2020, the Nigerian Police Force stated that two of its officers were arrested after being caught on film beating a woman at the [Odo Ori Market](#) in [Iwo, Osun](#). On April 28, 2020, Nigerian Police Force's [Rivers State Police Command](#) arraigned former Sergeant Bitrus Osaiah in court for shooting to death his female colleague, Lavender Elekwachi, during a raid on street trading and illegal motor parks the previous week. Osaiah was dismissed as a police officer the previous day for killing Elekwachi, who also held the rank of a Sergeant. It was reported that Osaiah was in fact arrested for the killing. On May 21, 2020, Yahaha Adeshina, the Divisional Police Officer of Illemba Hausa Division, was arresting for assisting Kehinde Elijah and Ezech Joseph in the May 10, 2020 murder of sergeant Onalaja Onajide. All three shooters were wanted for "violent crimes." On May 30, 2020, two Lagos police officers were arrested for shooting to death a 16-year old girl. In February 2019, it was reported that Nigerian police officers commonly gained extra money by extorting local residents. On July 30, 2019, three Nigeria Police Force Officers from Anambra State were arrested on charges of extorting three residents. On November 10, 2019, the Nigerian Police Force issued a statement revealing that Safer Highways Patrol officer Onuh Makedomu was arrested after being filmed accepting a bribe from a motorist in Lagos. On March 9, 2020, two Nigeria Police Force officers from Lagos, Assistant Superintendent of Police (ASP) Adebayo Ojo and Sergeant Adeleke Mojisola were both arrested on charges of extorting a woman. On April 11, 2020 another Nigeria Police Force officer from Lagos, Inspector Taloju Martins, was arrested after being caught on camera extorting a motorist. On June 3, 2020, the Adamawa State police command announced that one of its officers was arrested for murdering a motorcycle motorist who refused to pay him a bribe. On July 31, Peter Ebah, an inspector officer for the Nigeria Police Forces's Rivers Command, was arrested for raping a woman at a checkpoint in the Tai area of Rivers State for not wearing a face mask.⁴⁷ As of September 9, 2020, he was still in custody for the rape. A case involving accusations that Nigeria Police Force officers in Abuja raped some of 65 women who were arrested for illicit nightclub activity in April 2019 after they refused to pay the officers bribes for their release was still ongoing as well. On 21 October 2020, [UN](#) Secretary General [António Guterres](#) issued a statement criticizing Nigerian authorities, as many protesters were shot dead and wounded during a violent escalation in [Lagos](#). [Amnesty International](#) reported that at least 12 people were shot dead but, the government confirmed only two deaths in October. In November, the government admitted that there were live rounds shot in [Lekki](#) by the police. In December 2020, the government confirmed that 51 civilians, 11 police officers, and seven soldiers lost their lives in the ongoing conflict between protesters and police. Protesters are demanding police reforms, and Lekki Toll Gate has become a rallying cry for Nigerians.⁴⁸

SARS Controversies and Dismantlement

The President of Nigeria in person of Muhammadu Buhari On 22nd October 2020, established in his address that Nigeria's controversial [Special Anti-Robbery Squad](#) (SARS) had been dissolved, this was as a response to the demands of the [End SARS](#) protests which was alarming. He made it clear that some members of SARS were guilty of "acts of excessive force" during the period when the unit was still in operation. SARS were found to be guilty for violating the rights of humans in which women were also inclusive. This then brought about Plans which were then put in place to also prosecute some former SARS members for extortion, rape, and murder. Numerous Nigerians had long accused the controversial police unit of committing acts of extortion, rape, torture and murder.⁴⁹

Corruption

Nigeria has a negative status around the world as one of the most corrupt countries in the world. This is evident in the public sector this includes the stealing of public funds and also the act of giving and receiving bribe. Between 1999 and 2007 it was estimated that the country lost more than \$4–8 billion to corruption⁵⁰.

Politicians often steal and loot public funds to push their various political careers this also includes payments made to hoodlums to assist them to rig elections in their favor. It has been evident that ever since the end of the military regime, the elections have always been bloody and many were openly rigged. Sometime in 2007, it was recorded that ballot boxes were hijacked by hoodlums who were paid by politicians and electoral results were manipulated. it was estimated that more than 300 persons lost their lives due to the human right violations of 2007 elections⁵¹. These activities discouraged the public from voting. Most persons who came out in certain areas were subject to attacks by hired gangs⁵².

⁴⁸ [Mark O'Doherty](#), 'Healing Nigeria' Improving Human Rights, Social Equality and Public' in <https://link.springer.com/book/10.1007%2F978-981-13-8215-4> Accessed 1st May 2021

⁴⁹ *ibid*

⁵⁰ G.U Osimen, 'Accessment in the public sector in Nigeria' in <https://core.ac.uk/download/pdf/236295177.pdf> Accessed 2nd May 2021

⁵¹ A conservative estimate as cited from a Human Rights Watch telephone interview with Derrick Marco, Nigeria country director in March 2007

⁵² G.A Nwogu, 'Democracy: Its Meaning and Dissenting Opinions' in <https://files.eric.ed.gov/fulltext/EJ1083739.pdf> Accessed 1st January 2021

The government has gone ahead to established the [Independent Corrupt Practices Commission](#) (ICPC) and [Economic and Financial Crimes Commission](#) (EFCC) as part of its efforts to fight corruption. Nevertheless, based on the previous institutionalization of corruption, the war against acts of corruption is still in the process. These anti-corruption institutions have gone ahead to make efforts to fight this corruption issue in Nigeria, it is essential to note that here are no strict punishment and strict executions of sanctions for guilty persons under this subject matter and this is why the fight against corruption has not ended. For example, Former Edo State governor Lucky Igbinedion pleaded guilty to the embezzlement of over 2.9 billion Naira (about \$24.2 million). He had a plea bargain with the EFCC and was fined 3.5 million Naira (\$29,167) based on this, he did not serve any jail term. In January 2015, many high-level politicians remain un-investigated and only lower-level officials are arrested⁵³.

In 2015, newly elected Nigerian President Muhammadu Buhari began a [major crackdown on corruption in Nigeria](#). Despite criticism, the Nigerian Economic and Financial Crimes Commission (EFCC) announced in May 2018 that 603 Nigerian figures had been convicted on corruption charges since Buhari took office in 2015. The EFCC also announced that for the first time in Nigeria's history, judges and top military officers including retired service chiefs are being prosecuted for corruption. In January 2020, however, Transparency International's Corruption Perception Index (CPI) still gave Nigeria a low-ranking spot of 146 out of 180 countries surveyed. By October 2020, however, even [End SARS](#) protestors alleged that Nigerian police officers, despite being known for having a long history of corruption, were by now not adequately paid and, despite protesting police brutality, called for an increase in police salaries so they could be "adequately compensated for protecting lives and property of citizens" as one of their five demands⁵⁴.

Forced Evictions

Forced evictions is another important area to consider when looking into human rights violation. This involves the theb use of force to remove people against their will either on a permanent or temporary basis from their normal place of abode or home land without any adequate compensation and relocation. By so doing the problems of homelessness and displacement of individuals will be on the high side. Governments in Nigeria continue to forcefully evict people without adequate compensation and this is evident in Nigeria. [Centre on Housing Rights and Evictions](#) (COHRE) has on record that Nigeria is a consistent violator of housing rights.

Between 2000 -2009, the government of Nigeria forcefully evicted more than 2 million people. Between 2003-2015 in Lagos state, communities in Ogudu Ori-Oke, Mosafejo in Oshodi, PURA-NPA Bar Beach, Ijora East, Makoko Yaba, Ijora Badiya, Ikota Housing Estate, Agric-Owutu, Ageologo-Mile 12, and Mile 2 Okokomaiko experienced forceful eviction as a result of development in the area. More than 50,000 residents of [Abuja](#) have been evicted without prior notices or adequate alternative accommodation between July - September 2000. This was done to move communities which the government claimed that they had distorted the Abuja Development Master Plan.

In [Lagos State](#), Nigeria, the forced evictions are done with the major purpose of reclaiming the land and building luxury apartments as the population of the country continue to soar creating housing deficits. However, this breeds discrimination and inequality as the new buildings do not fulfill any housing need for the general populace. In July 2016, the Lagos State Ministry of Waterfront Infrastructure Development after a notice of 72hrs forcefully evicted residents of [Makoko](#), a waterfront community made up of six villages - Oko Agbon, Adogbo, Migbewhe, Yanshiwhe, Sogunro and Apollo without a court order. This rendered an estimated 30,000 people homeless. Makoko is one of the nine communities targeted in the \$200 Million [World Bank](#)-funded Lagos Metropolitan Development and Governance Project (LMDGP) of the Lagos State government for urbanization, waste management, drainage and water supply. The community which has been in existent for more than 100yrs is said to have started as a settlement of fishermen from Togo and the Republic of Benin.

At least 266 structures in Badia East community, Lagos State which were being used as homes and businesses were pulled down in February 2013, by the State government. The Resettlement Action Plan which was agreed to in April 2013 did not have clear-cut remedies for adequate resettlement of the displaced persons. Badia is one of the communities slated for urbanization through upgrading from being a slum in the \$200 million World Bank-funded Lagos Metropolitan Development and Governance Project (LMDGP). The project specifies minimal involuntary resettlement and where absolutely necessary such must have been discussed and agreed on with the residents including adequate notice, compensation and well spelt-out resettlement plans.

Between 2016 and 2017, Otodo-Gbame an ancestral fishing community and Ilubrin community were forcefully sacked from their homes with fatalities after 12 days of written eviction notice. On March 17, 2017, despite a January 2017 court injunction, Itedo, a waterfront community of more than 35,000 persons was forcefully evicted early in the morning while some were still asleep. In 2019, a UN Special Rapporteur on right to adequate housing asked that Nigerian government declares a nationwide moratorium on forced evictions.

⁵³ *ibid*

⁵⁴ *ibid*

On January 20, 2020 residents of [Tarkwa Bay](#), a waterfront community was forcefully evicted by security personnel in what has been termed a gross violation of human rights. Oil theft through the pipelines along the beach is the reason given by government authorities for the forced evictions.

Effects of Human Rights Abuse IN Nigeria

It is crystal clear that one of the major consequences of human right abuse is poverty. Human right violation has a way of affecting people negatively especially women and children. It comes with a lot of psychological trauma making victims almost useless to themselves and to the community at large. Most victims will begin to live in fear and would not even be able to go to work to earn a living and this leads to poverty in Nigeria. When a child or a youth becomes a victim of child abuse and becomes useless to his or her self as a result of the psychological trauma, this leads to unemployment and this becomes another problem because the children who then grow to become youths will turn their attention to crime in an attempt to earn a living. Crimes here include armed robbery, prostitution, internet scams and kidnapping etc. This leads to high rate of insecurity. Human right abuse is an interruption to national development. Additionally, human right abuse has led to the unpatriotic nature of most Nigerians. A lot of Nigerians are not proud of calling Nigeria their fatherland. As a result of this, many Nigerians always seek ways of leaving the country in search of safety and prosperity abroad.

The Way Forward

It is clear from the above that the violations of human right are menace to the Nigerian society as a result of its consequences. Some recommendations have been put forward in an attempt to tackle this issue of human right violation regarding women and children in Nigeria: The Nigerian government ought to apply strict measures to fight against corruption. Corruption is a major cause of human right violations because it brings about illiteracy, unemployment, insecurity etc. By attacking corruption, Nigeria would have successfully solved more than half of her problem regarding the violation of human right on women and children. It is necessary for the government to amend some provisions in the constitution such as section 215 (5), 260(1), 275 (1). these provisions in a way lead to the everyday violation of human rights on women and children. E.g there is a lot of lacuna in the constitution that provide a strong ground for states to adopt certain barbaric laws which are in support of certain human right violations on women and children (for example the enforcement barbaric provisions of Sharia law on non- Muslims in the North). Also, the immunity clause enshrined in the constitution by virtue of section 308 of the constitution should be removed. This will make government officials who are protected by that provision to be accountable for all human right violations they are guilty of. Freedom of the press is very necessary, it is a major key to functioning democracy. A free press is critical to the public in making their views clear regarding issues coming up from Nigeria's democracy, This includes corruption and security. The silencing of journalists, political critics, and others, whether via arrest and detention, threats or other forms of intimidation should be outlawed in Nigeria. The rule of law must also be observed. This will make the citizens to have trust on the judiciary and seek redress in court whenever there is an abuse of their rights. Government should ensure that Human Right Education is made a subject in schools as this will help to educate children as well as Nigerian citizens on their rights and also on the way in which they can seek redress when their rights are violated. The Nigerian law enforcement agencies especially the Nigerian police needs a serious re-orientation regarding their various duties. They should know that they ought to respect the rights of the citizens. The same should also apply to the military. Citizens ought to be more patriotic, have respect for the law, assist the law enforcement agencies and co-operate with international organizations on human rights issues.

Conclusion

Children, in order to sustain themselves and their families are seen hawking on the streets. Some even go as far as running after a moving vehicle so as to sell their goods. These acts are very risky and it can endanger the life of a Nigerian child. The foundation of a child is very delicate and precious, therefore, the training, nurturing, protecting and even the safety of the life of the child should be a major consideration. Organizations that have been set up to look into the needs and rights of children should see it as a necessity and an obligation to reach out to children that are unable to fend for themselves and make them reputable citizens of the society. Women, on the other hand, are not to be left out. Gender discrimination is a very vast and controversial topic. We need to join hands together to help nip this decadence in the bud. Sensitization seminars, workshops, trainings, conferences should be planned by organizations that are charged with women affairs. Women should desist from being weak and timid and learn to speak out. A great deal of action and consistency is needed from every like-minded citizen to ensure that gender discrimination, violence, women insubordination, abuse and rape becomes a thing of the past. It is clear that Human rights abuse has become endemic in Nigeria. One major reason for this is because individuals, governments, groups as well as state actors are reluctant in tackling this issue. In the recent past, human rights violations and abuses have held Nigerian people down, devaluing the cherished values of Nigeria and constituting blight on Nigerian diplomatic relations with the rest of the world. Therefore, Nigerians must come together to combat these ills by impressing upon their democratically elected government that the principles of democracy and human rights must be sacrosanct. The challenges facing Nigeria are not limited to North or South, Christian or Muslim, Igbo, Yoruba or Hausa – Fulani. Democracy as identified earlier is characterized by definite principles. These include, adherence to the rule of law, respect for fundamental human rights and the protection of lives and properties. For a prosperous democratic governance to be realized in Nigeria, true principles of democracy must be imbibed and deepened.