



Democracy and Human Rights Challenges in Nigeria: An Analysis

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DOI : <https://doi.org/10.5281/zenodo.20682656>

ARTICLE DETAILS

Research Paper

Accepted: 23-05-2026

Published: 10-06-2026

Keywords:

democracy, human rights, violations, challenges, Nigeria

ABSTRACT

Democratic governance is generally regarded as the best protector of human rights among all forms of government in the world. Though the consolidation of democratic rule in Nigeria in May 1999 has brought a lot many hopes to the Nigerian citizens and opened the door for the progress and development of society and the country as a whole, the challenges of human rights remain unabated. The rights of a vast number of citizens of Nigeria have been neglected and violated. This occurs because government agencies are the main violators of human rights that are, implicitly or explicitly, backed by the government. The problems like restrictions on freedom of speech and expression, abuse of right to life, substandard living conditions, abuse of right to a healthy environment, extrajudicial killings, arbitrary arrests and detentions, torture and maltreatment, and other kinds of human right violations are widely spread in Nigeria. Peoples' integrity and dignity are not respected and protected in society. It is against this background that the paper studies and analyzes the challenges of human rights problems in democratic Nigeria. The paper concludes, inter alia, with recommendations that a more just judiciary, freedom of press, adherence to democratic principles, human rights education, and public awareness are crucial elements for fostering democracy and reducing human rights



Introduction

In broad generalities, a democratic form of government is widely regarded as the most effective protector of human rights compared to other systems of governance. In its truest form, the realization of human rights flourishes within a democratic framework. The Nigerian Constitution outlines a comprehensive structure for the protection of human rights. Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria guarantees fundamental rights for all citizens, including the right to life, dignity, personal liberty, privacy, and freedom from discrimination. However, despite over two decades of democratic governance and Nigeria's endorsement of the Universal Declaration of Human Rights, the practice of democracy in Nigeria falls short of expectations, with numerous government agencies consistently violating human rights. This trend undermines the essence of democracy in the country. True democracy thrives on respect for human rights, which enriches its value and makes it superior to other forms of governance. Unfortunately, Nigeria's democratic system lacks this cornerstone, as many of its leaders and their associates act as though they are above the law, disregarding due process and the rule of law. This is largely because the state remains authoritarian in both leadership and security practices, contrary to democratic principles. Common violations include abuse of right to life, restrictions on freedom of speech and expression, involuntary disappearance, violations of prisoners' rights, forced displacement of people, abuse of women and girls, violations of International Humanitarian Law (IHL), and substandard living conditions among others.

The relationship between democracy and human rights in Nigeria is complex. While democratic principles should ideally protect fundamental freedoms, the reality often sees a gap, where governance practices fail to uphold the rights of the most vulnerable. Addressing these challenges requires a commitment to strengthening institutions, enforcing accountability, and fostering a culture that values inclusivity and justice. It is against this background this paper studies and analyzes the challenges of human rights abuses in Nigerian democratic governance and suggests the ways out of the menace.

The Concept of Democracy and Human Rights

Democracy

The word 'democracy' comes from Greek and it is made up with two other words 'demos' meaning people and 'kratos' meaning power; so, democracy can be thought of as 'power of the people': a way of governing which depends on the will of the people. To elaborate it further, democracy is not personal rule



and it is different from authoritarian or dictatorial rule. It is based on some form of participation and/or representation. In a democratic setting, government derives legitimacy from the people. Government also exercises authority within the frame of the constitution. Every citizen has equal political rights to vote and to be voted for. Thus, it can be said that democracy holds a set of ideas, institutions and processes of governance that allows the people to choose their leaders and that guarantees them a broad range of civic rights. The basic principles of democracy, therefore, are political equality, tolerance, popular sovereignty, popular consultation, majority rule, open society and change of government through constitutional means among others.

Human Rights

The UN Declaration of Human Rights states that “all human beings are born free and equal in dignity and rights.” To put it simply, human rights are the rights every person has to life, liberty, equality, and justice, which truly denotes the idea of natural rights. In general, human rights are the fundamental rights that belong to every person irrespective of race, gender, nationality, ethnicity, language, religion or any other status. They are considered inherent, inalienable, and universal forming the foundation of human dignity, freedom, equality and justice. These rights include right to life and liberty, freedom of expression, equality before law, freedom from discrimination, right to work, and access education and healthcare. These rights are legally recognized and protected and secured for each individual’s fullest and freest development of personality and spiritual, moral and other independence. They are conceived as rights inherent in individuals as rational free willing creatures, neither conferred by some positive law nor capable of being abridged or abrogated by positive law. Thus, it can be deduced that human rights are inalienable rights that belong to man by virtue of his humanity, and therefore, should be granted and guaranteed to everyone.

Democratic form of government is a universal benchmark for the protection and effective realization of human rights. To put it further, respect for human rights and fundamental freedoms are the essential elements of democracy. In addition, it is only in democracy that people expect from their leaders to provide responsible, transparent, and accountable leadership which is generally regarded as good governance. It goes without saying that good governance is possible when the principles of accountability, transparency, people’s participation in decision making, rule of law, equity and efficiency in administration are upheld. Therefore, it is only in a liberal democratic dispensation that people can enjoy human rights. This is because of the fact that the civilian rulers are expected to imbibe the attributes of good governance in response to the popular wishes of those who elected them to be



responsible and responsive. Thus, it must be realized that democracy and good governance are intertwined. Without good governance there can be no democracy. Ultimately, democracy is the foundation of good governance.

Protection of Human Rights in the Nigerian Constitution

As stated in the 1993 World Conference on Human Rights' Vienna Declaration and Programme of Action, "human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Government." However, it emphasizes that "states, regardless of their political, economic, and cultural systems, have a duty to promote and protect all human rights and fundamental freedoms, even though the significance of national and regional peculiarities and various historical, cultural, and religious backgrounds must be borne in mind." Thus, the 1999 Nigerian constitution as amended is dedicated to the fundamental rights of the Nigeria citizens in chapter IV from section 33 to section 46. It states that every individual holding Nigerian citizenship as recognized in the Nigerian constitution is inherently entitled to these fundamental rights. These rights include right to life; right to dignity of human persons; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press; right to peaceful assembly and association; right to freedom of movement; right to freedom from discrimination; right to acquire and own immovable property; compulsory acquisition of property; restriction on and derogation from fundamental human rights; and special jurisdiction of high court and legal aid. The Nigerian constitution expressly mentions that sovereignty belongs to the people of Nigeria from whom government derives its powers and authority. The constitution further said that the security and welfare of the people shall be the primary purpose of the government.

It is quite essential to adopt a human rights-based approach for the progress and development of society and the nation as a whole. A human rights-based approach basically implies a conscious and systematic integration of human rights principles in all aspects of work and policies of the state. In particular, a human-rights based approach should include a focus on the promotion of equality and non-discrimination, ensuring the participation and inclusion of disadvantaged and marginalized groups, and strengthening of state accountability concerning its human rights obligations. In addition, the promotion and protection of human rights involve making citizens know their fundamental rights as well as know the rights of others to be able to respect and not violate them. Further, the law enforcement personnel and those involved in the administration of justice should be trained to show greater respect for others' rights



and handle human rights issues in a justifiable manner. Moreover, effective strategies and sound mechanisms are essential prerequisites to deal with the human rights problems before their occurrence.

Challenges of Human Rights in Nigeria

Human rights in Nigeria are guaranteed under the 1999 constitution. The constitution also protects various individual liberties of the Nigerian citizens. Thus, the obligations on the government to promote and protect those fundamental rights and liberties are guaranteed in the constitution. The actual functions of a democratic government are measured within the democratic principles and the state is declared democratic only when human rights are served properly on the better part of the citizens. Nigeria practices procedural democracy and elections are held periodically. Since gaining its independence in 1960, many Nigerian laws have been changed for the promotion of substantive democracy and the protection of human rights. The common laws guide the decision-making process and customary laws protect the ethnic and religious customs in Nigeria. The customary laws also protect the rights of the ethnic minorities of Nigeria. Despite significant progress made under the 1999 constitutional framework, numerous human rights violations persist in the country. Followings are some of the grave human rights concerns in Nigeria which pose major challenges.

Abuse of Right to Life

Abuse of right to life has become a common phenomenon in Nigeria. This is primarily evident in torture and extrajudicial killings carried out by government security forces. According to Reuters Reports 2012, it was stated that more than 700 lives were brutally lost in Bauchi, Maiduguri, and Damaturu due to Boko Haram's ruthless attacks on civilians. Additionally, in a report on Boko Haram activities, Osun Defender (2014) stated that civilians in Nigeria are suffering greatly as the 'cycle of human rights violations and reprisals intensify.' The 2014 Amnesty International report highlighted that 'over 1500 deaths in three months signal a worrying decline... amid extrajudicial executions, attacks on civilians, and other large-scale crimes.' While the Amnesty report described the increase in Boko Haram attacks as 'truly shocking,' it also criticized the response of Nigerian security forces as brutal with both parties' actions potentially qualifying as 'war crimes and crimes against humanity,' necessitating immediate investigation and prosecution.

In other cases, recently, on 5 April 2023, a police officer shot dead Onyeka Ibe for refusing to pay a NGN 100 bribe in Delta state. On 29 June 2023, three youths were killed by the soldiers during the protest against extortion and underemployment in Afokpella community in Etsako local government area, Edo



state. On 6 September 2023, armed police officers tear-gassed and used excessive force on University of Lagos students protesting against an increase in tuition fees from NGN 19,000 (USD 24.76) to NGN 190,000 (USD 247.65). Olorunfemi Adeyeye and six other students were arrested, beaten, and threatened with death by police. On 9 October 2023, police officer Drambi Vandi was convicted in the High Court in Lagos state for the murder of Omobolanle Raheem, who he shot dead on 25 December 2022 on the Lekki-Epe road after trying to stop her car. Later he was sentenced to death.

Abuse of Freedom of Speech and Expression

Abuse of freedom of speech and expression in Nigeria is a significant human rights violation. It refers to the restriction or suppression of individuals' ability to freely express their opinions, ideas, and beliefs without fear of retribution. The abuse of freedom of expression by journalists undermines the media's role in holding the government accountable and informing the public. Journalists in Nigeria face various forms of harassment and repression, which impact their ability to work freely and independently. In recent past, on 14 March 2023, the National Broadcasting Commission (NBC) fined 25 stations for alleged broadcasting code violations during the 2023 general elections. On 1 April, NBC imposed an NGN 5 million fine on Channels Television for comments made by Labour Party vice-presidential candidate Datti Baba-Ahmed. However, on 10 May 2023, a Federal High Court in Abuja barred NBC from imposing fines on broadcasters. On 7 October 2023, NBC reprimanded Arise TV for airing content critical of government institutions. On 1 November, police in Imo state reportedly assaulted and blindfolded Nigeria Labour Congress president Joe Ajaero during a protest over unpaid salaries and pensions.

Authorities continued to use defamation laws to suppress journalists. In January 2023, journalist Agba Jalingo was charged with defamation against a relative of former Cross River governor Ben Ayade. On 7 February 2023, investigative journalists Gidado Yushau and Alfred Olufemi were convicted of conspiracy and defamation in Kwara state. On 18 April 2023, a police officer assaulted photojournalist Benedict Uwalaka while covering a protest in Lagos. Meanwhile, activist Omoyele Sowore remained on trial for treason charges over his 2019 #RevolutionNow protests.

Involuntary Disappearance

Involuntary disappearances in Nigeria constitute severe human rights violations, involving the arrest, detention, or abduction of individuals by state agents or their proxies. In recent times, a 22-year-old Maduabuchi Obinwa disappeared following his abduction on 24 April 2022, when security personnel



from the Awkuzu State Criminal Investigation Department stormed his home in Ekwulobia, Anambra state. On 18 September 2021, Obiora Agbasimalo, a candidate for governor, was kidnapped by armed assailants while heading to an election campaign event in Azia town, Anambra state. On 23 November 2021, Sunday Ifedi and his wife Calista Ifedi were taken by security forces from their residence in Enugu, allegedly due to their affiliation with the Indigenous People of Biafra. By the end of the year, the whereabouts and fate of all these individuals remained unknown.

Violation of Prisoner's Rights

The violation of prisoners' rights in Nigeria is a persistent human rights issue rooted in systematic problems within the criminal justice system. The Nigerian prison system is a living hell, often leaving inmates more hardened than reformed. Overcrowding, caused by a large population of awaiting-trial inmates and inadequate infrastructure, leads to severe human rights violations. Additionally, poor access to courts due to a lack of transport and inadequate medical care further worsen the situation. Added to this, torture and maltreatment remain significant human rights violations in Nigeria perpetrated by security agencies, law enforcement and other authorities. On 30 July 2023, Faiz Abdullahi died while in police custody after being tortured during interrogation in Kaduna, Kaduna state. A 17-year-old student, Abdullahi Tukur Abba, died in hospital after being tortured during interrogation, following his arrest by the police on 5 August 2023 in Yola, Adamawa state.

Forced Displacement of People

Forced displacement in Nigeria is a significant human rights violation driven by conflicts, insecurity, and government actions. The authorities persisted in forcibly evicting residents without providing adequate notice, compensation, or alternative resettlement plans, leaving hundreds of people homeless. On 21 and 22 May 2023, security agents and the Kaduna State Urban Planning and Development Authority destroyed structures owned by supporters of the Islamic Movement of Nigeria. Further, on 27 July 2023, in Oworonshoki, Lagos state, more than 12,000 people were left homeless and over 250 houses were destroyed in communities.

In the case of violations of the human rights of the IDPs in Nigeria, the abuse is also of serious nature exacerbated particularly by ongoing conflicts, and systemic neglect. Nigeria has one of the largest populations of IDPs in Africa, with millions displaced due to violence by Boko Haram, banditry, and communal clashes. These individuals face grave challenges, including inadequate protection, poor living conditions, and violations of basic rights. In a recent report, over 2.4 million people continued to be



internally displaced in the north-east. In July 2023, the Borno state government closed four camps and relocated 11,000 households. Many of those resettled faced shortages of food and lacked access to essential services. On 6 October 2023, Dr. Betta Edu, the minister of humanitarian affairs and poverty alleviation, presented 40 housing units to internally displaced persons in Zamfara state.

Abuse of Women and Girls

Abuse of women and girls is a pervasive human rights violation in Nigeria rooted in weak enforcement of legal protections. These abuses manifest in various forms and significantly undermine the rights, dignity, and well-being of women and girls across the country. As of late, the minister of women's affairs reported that by October 2023, there had been 24,720 documented incidents of sexual and gender-based violence for the year, with 975 resulting in fatalities. On 15 June 2023, John Akpo raped an eight-month pregnant woman in Irabi, Benue state. On 22 June 2023, Chukwuemeka Orji was arrested by the police for raping a 13-year-old domestic worker in Aba, Abia state. The disfigured body of 32-year-old Dorcas Shangev was discovered on 14 July 2023 in Makurdi, Benue state. On 15 July 2023, 27-year-old Chinyere Awuda was beaten to death and left in an abandoned hotel pool in Awka, Anambra state.

Additionally, women's rights in Nigeria have often been violated, particularly in cases of human trafficking. It has also been observed that out of approximately 8 million destitute children in Nigeria, 7 million are street beggars known as 'Almajirai' in Northern Nigeria. The neglect, harm, abuse, exploitation, and deprivation faced by orphans and vulnerable children are also widespread in the country.

Violations of IHL (International Humanitarian Law)

Though the 4th Geneva Conventions of 1949 is concerned about the protection of civilians against the consequences of war, the violations of International Humanitarian Law (IHL) are widely prevalent. The insurgent groups have been active in Nigeria since 2009 and challenging the basic human rights of the civilians. Thus, violations of IHL in Nigeria are significant human rights concerns, particularly in the context of armed conflicts, involving state and non-state actors such as Boko Haram and government forces. These violations undermine fundamental protections for civilians during conflict and violence, and exacerbate the humanitarian crisis in the affected regions.

1. Abuses by Armed Groups



Human rights abuses continued across Nigeria, perpetrated by Boko Haram and the Islamic State's West African Province in the northeast; assailants locally referred to as 'bandits' in the northwest and central regions; and 'unknown gunmen' in the southeast. In a recent report, on 23 January, gunmen beheaded Christopher Ohizu, a local government administrator in Imo State. On 5 and 6 April, gunmen killed at least 46 people in the village of Umogidi, Benue State. On 22 August, Boko Haram fighters abducted over 40 women and girls in the Mafa local government area of Borno State. On 19 September, gunmen killed about eight security operatives, including soldiers, police officers, and members of the Nigeria Security and Civil Defence Corps, in the Ehime Mbano local government area, Imo State. On 24 December 2023, gunmen launched deadly attacks on 20 communities in Bokkos and parts of Barkin-Ladi local government areas in Plateau State, killing over 194 people and leaving dozens injured and displaced.

2. Attacks on Educational Institutions

Although education is a crucial tool for fostering national development, it is unfortunate that corruption, bribery, and nepotism persist as major issues within the Nigerian educational system. While Nigerian citizens are entitled to free education under the Fundamental Objectives and Directive Principles of State Policy, in reality, many children are out of school due to frequent attack on educational institutions by insurgent groups. According to former Minister of Education Prof. Ruqqayat Rufai, a significant number of eligible Nigerian children remain without access to basic education, reflecting a continued denial of their right to education. In other cases, the Nigerian state failed to safeguard educational institutions from attacks and abductions. In January 2023, gunmen kidnapped six pupils, aged four to six, from LGEA Primary School in Alwaza, Nasarawa State. In March 2023, herders attacked the Community Grammar School in AlaropoNla, Oyo State, injuring students and teachers. On 22 September 2023, gunmen abducted 30 schoolgirls from their hostels at the Federal University of Gusau, Zamfara State. On 4 October 2023, gunmen attacked Federal University Dutsin-Ma in Katsina State and kidnapped five female students. On 9 October 2023, four female students- Rahila Hanya, Josephine Gershon, Rosemary Samuel, and Goodness Samuel were abducted by gunmen at Nasarawa State University in the AngwanKa'are community, Nasarawa State.

3. Unlawful Attacks and Killings by Security Forces

Defense and security forces often carry out human rights violations during their operations against armed groups. In the near past, on 24 January 2023, an airstrike by a suspected Nigerian Air Force drone killed dozens of civilians in the Rukubi local government area, Nasarawa State. On 25 January 2023, at least 21



civilians were killed in an airstrike by the Nigerian Air Force in Niger State. In September, security forces carried out an assault on the Umualumaku community in the Ehime Mbano local government area of Imo State, setting numerous homes and vehicles ablaze in response to the deaths of Nigeria Security and Civil Defence Corps members, police officers, and soldiers. On 3 December 2023, Nigerian military airstrikes killed more than 120 individuals who were attending a religious gathering in Tudun Biri village, Kaduna State.

Violations of Right to Standard of Living and Healthy Environment

The right to an adequate standard of living is frequently violated in Nigeria. These violations are largely driven by systemic poverty, corruption, poor governance, and insecurity leaving millions of Nigerians unable to meet their basic needs. It is quite unfortunate that corruption is deeply rooted in public services. Corruption has deeply ingrained in Nigerian society. Having corrupt leaders in public service constitutes an abuse of citizens' rights. Nigeria is often referred to as a 'cesspool of corruption.' Owing to which over 70 percent of the population lives on less than \$1 per day, representing a blatant violation of people's right to an improved standard of living.

In addition, the abuse of right to a healthy environment in Nigeria is also a serious human rights violation, primarily driven by industrial activities, poor environmental governance, and weak enforcement of regulations. For example, certain groups within Nigerian society have been denied the right to a safe, clean, and healthy environment. For example, the conflict in the Niger-Delta region can be partly attributed to environmental rights abuses. This is highlighted by the extrajudicial execution of environmental activists like Ken Saro-Wiwa and others by the government in 1995. Apart from these, the authorities did not implement sufficient measures to address the impact of heavy rainfall and floods, which were worsened by climate change. In June 2023, flooding claimed four lives and submerged 166 houses in Abuja, while eight people died as floodwaters engulfed the Agege community in Lagos State. In August 2023, floods destroyed over 700 houses and farms in the Cheledi community, Bauchi State, and displaced five communities as homes and farmlands were submerged in Niger State. Oil pollution and environmental degradation continued to afflict the Niger Delta, fostering social inequality and economic stagnation in the region. Shell's clean-up efforts remained insufficient, and the company had yet to clarify its plans for addressing the pollution affecting Nigerian communities connected to its operations.



Consequences of Human Rights Violations in Nigeria

Human rights violations in Nigeria have far-reaching and deeply serious consequences. One major outcome is the entrenchment of widespread poverty, which is exacerbated by the massive abuse of public funds by government officials. Corruption drains resources meant for development, leaving critical sectors underfunded and fostering economic hardship. This situation is further worsened by the high rate of unemployment, pushing many youths into criminal activities such as armed robbery, internet fraud, and kidnapping as a means of survival. The resulting social instability hinders national development, making it difficult for the country to achieve sustainable progress. Moreover, human rights abuses contribute significantly to the alarming levels of insecurity in the country.

The Niger Delta region has become the center of environmental degradation giving rise to social inequity and economic underdevelopment, with profound consequences for Nigeria's future and the welfare of its citizens. The persistent problems, in actuality, have degraded the ecosystems, undermined the protection of lives and properties ultimately leading to community displacement. The government's neglect of its responsibilities towards the well-being of its citizens has resulted in inadequate healthcare infrastructure and poor access to medical services. This negligence not only shortens life expectancy but also diminishes the overall quality of life for many Nigerians.

Human rights abuses also manifest in unlawful detentions, extrajudicial killings, bloodshed by armed groups, and a blatant disregard for the rule of law. Human rights violations perpetrated by Boko Haram have led to major consequences resulting into a large number of deaths. A lot many individuals have lost their lives due to police brutality, while others have endured rape, exploitation, torture, and various forms of inhumane treatment. This violent behavior has also infringed upon the right to peaceful protest instilling fear and discouraging participation in demonstrations against unfavorable policies. Such actions perpetuate a culture of lawlessness, eroding public trust in state institutions and judicial system. Further, abuses of right to life, restrictions on freedom of speech and expression, involuntary disappearance, violations of prisoners' rights, forced displacement of people, abuse of women and girls, and violations of International Humanitarian Law (IHL) among others have led the citizens to feel alienated and disillusioned, leading to a loss of patriotism. Many Nigerians no longer feel a sense of pride in their country and seek opportunities to emigrate in search of safety, dignity, and better living conditions abroad. The persistent violations of human rights in Nigeria not only undermine the nation's stability and development but also severely impact the lives and aspirations of its citizens, fostering a cycle of poverty, insecurity, and discontent. Overall, the inability of the justice system to hold perpetrators accountable



sustains a cycle of impunity, further undermining trust in the state institutions. These issues demand urgent and comprehensive reforms to restore hope and create an environment where rights are respected and upheld for all.

Conclusion

Nigeria is plagued by systemic human rights violations. Since the democratic setup in 1999, the rule of law that guarantees the protection of human rights has been insufficiently upheld. Violations of right to life, restrictions on freedom of speech and expression, involuntary disappearance, torture and violations of prisoners' rights, forced displacement of people, abuse of women and girls, violations of International Humanitarian Law (IHL), and substandard living conditions are commonly prevalent in Nigeria. These persistent violations in Nigeria are clear indications of imperfections and a loss of confidence in the Nigerian state. Consequently, they pose significant threats to both national development and security. To ensure better protection of human rights, the principles of democracy must be truly embraced and strengthened. Respect for human rights and fundamental freedoms are the essential elements of any democratic system. Therefore, government institutions responsible for promoting and safeguarding human rights must function effectively and proactively. In addition to these, a fairer judicial system, freedom of press, compliance with democratic practices, human rights education, and public awareness are vital for fostering democracy and curbing human rights violations in Nigeria.

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