

**LEGAL CHALLENGES IN THE ENFORCEMENT OF THE RIGHT TO HUMAN
DIGNITY IN NIGERIA**

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GOU/U22/LAW/444

**FACULTY OF LAW
GODFREY OKOYE UNIVERSITY
UGWU-OMU NIKE**

JULY 2026

TITLE PAGE

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**A LONG ESSAY SUBMITTED TO THE FACULTY OF LAW, GODFREY OKOYE
UNIVERSITY, ENUGU STATE, IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAW
(LL.B) OF GODFREY OKOYE UNIVERSITY**

JULY 2026

DECLARATION

I, Uchechukwu Cynthia Ikeji, with the Registration Number GOU/U22/Law/444, hereby affirm that this work was duly and diligently carried out by me. The primary and secondary sources used to carry out this legal research, are acknowledged appropriately and referenced herein, within this project. This work is an original and has not been submitted in part or in full for the award of any degree in this or any other Faculty of Law within and outside Nigeria.

Uchechukwu Cynthia Ikeji
GOU/U22/Law/444

Date

APPROVAL PAGE

This is to certify that this project titled **“LEGAL CHALLENGES IN THE ENFORCEMENT OF THE RIGHT TO HUMAN DIGNITY IN NIGERIA”** was carried out by Uchechukwu Cynthia Ikeji with Registration Number GOU/U22/LAW/444 under my supervision and is hereby approved for submission to the Faculty of Law, Godfrey Okoye University, in partial fulfillment of the requirements for the award of Bachelor of Laws (L.L.B).

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DEDICATION

I dedicate this project to the Holy Spirit, My helper.

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I give all glory to the Triune God for His infinite mercy, guidance, strength, and protection throughout the course of my studies and during the completion of this project. Without His grace, this work would not have been a success.

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LIST OF ABBREVIATIONS

ACJA	Administration of Criminal Justice Act
ACHPR	African Charter on Human and Peoples' Rights
AfCHPR	African Court on Human and Peoples' Rights
CAT	Convention Against Torture
CFRN	Constitution of the Federal Republic of Nigeria
CRA	Child Rights Act
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DAPA	Discrimination Against Persons with Disabilities (Prohibition) Act
DPP	Director of Public Prosecutions
ESC	Economic, Social and Cultural
FCT	Federal Capital Territory
FGM	Female Genital Mutilation
FREP	Fundamental Rights Enforcement Procedure
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IRCT	International Rehabilitation Council for Torture Victims
LACoN	Legal Aid Council of Nigeria
LL.B	Bachelor of Laws
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBA	Nigerian Bar Association
NCoS	Nigerian Correctional Service
NCSA	Nigerian Correctional Service Act
NGOs	Non-Governmental Organisations
NHRC	National Human Rights Commission
NPF	Nigerian Police Force
OMCT	World Organisation Against Torture
PSC	Police Service Commission
PWDs	Persons with Disabilities
SARS	Special Anti-Robbery Squad
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN-CAT	United Nations Convention Against Torture
UNCAT	United Nations Convention Against Torture
VAPP	Violence Against Persons (Prohibition) Act

ABSTRACT

The right to human dignity is a foundational right protected under section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the African Charter on Human and Peoples' Rights, the Anti-Torture Act 2017, the Administration of Criminal Justice Act 2015, the Police Act 2020, the Nigerian Correctional Service Act 2019 and other relevant instruments for human rights. However, human dignity is being violated persistently in Nigeria, including police brutality, torture, unlawful arrest, prolonged pre-trial detention, degrading prison conditions, domestic violence, trafficking, disability discrimination and weak access to justice. Therefore, the aim of this study is to examine the legal challenges in the enforcement of the right to human dignity in Nigeria. The objectives are: to assess the extant legislation and institutions for the enforcement of the right of human dignity in Nigeria; to identify the legal challenges in enforcing the right to human dignity in Nigeria; to propose measures to mitigate the legal challenges in enforcing the right to human dignity in Nigeria. This study adopted the doctrinal methodology. It relied on primary sources including statutes, case law, constitutional provisions and international instruments, as well as secondary sources including books, journal articles, reports and internet materials. The findings from this study indicate that Nigeria has several legislations and institutions for the protecting human dignity. Even so, enforcement is weakened by legal definitions; International obligations are not domesticated poorly; there are evidentiary barriers; there are delays in court proceedings; legal aid are insufficient; judgments are not enforced adequately; institutions are not funded; prisons are overcrowded; there is no accountability from enforcement institutions and public awareness is limited. The study also found that institutions such as the courts, National Human Rights Commission, Police Service Commission, Legal Aid Council, Nigerian Correctional Service and civil society organisations play important roles. However, they are limited by constraints in structure and practice. This study recommends that there should be clear definitions in relation to the right to dignity; torture should be investigated and prosecuted strongly; there should be a structure for witness protection; judicial institutions should be funded independently; detention and correctional facilities should be decongested; awareness campaign should be conducted on the right to dignity. This study concludes that the right to human dignity in Nigeria will remain theoretical unless there are reforms in policy and practice.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The right to human dignity is universally recognized as foundational to all other rights. As Article 1 of the Universal Declaration of Human Rights (UDHR) provides, “all human beings are born free and equal in dignity and rights”.¹ Regionally, the African Charter on Human and Peoples’ Rights similarly guarantees respect for the “dignity inherent in a human being” and it prohibits “torture, cruel, inhuman or degrading punishment and treatment.” Nationally, the Constitution enshrines human dignity at multiple levels. Chapter II of the Constitution declares that “the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced”.² Further, Section 34(1) explicitly grants that “every individual is entitled to respect for the dignity of his person” and it accordingly prohibits torture or inhuman or degrading treatment, slavery or servitude, and forced labour.³ Hence, Nigeria is formally committed to protect human dignity.

However, Nigeria faces serious problems in practice. Reports indicate that the right to dignity is frequently violated by state actors. The World Organisation Against Torture has documented that security agencies routinely use torture and ill-treatment “as a crime-solving tool.” It noted that there is widespread “use of torture by security agencies in Nigeria despite the Anti-Torture Act.”⁴ Empirical data underscores these failures. A recent report indicates

¹ CS Nwakoby and Ors, ‘Critical Appraisal of the Constitutional Right to Human Dignity vis-à-vis Flagrant Breach of Fundamental Rights by Federal and State Agencies’ [2023] (3) (1) *De Juriscope Law Journal* 105–112 <<https://www.nigerianjournalsonline.com/index.php/DJLJ/article/download/4188/4058>> accessed 17 June 2026.

² Constitution of the Federal Republic of Nigeria 1999 (as amended).

³ *ibid*, s 34.

⁴ World Organisation Against Torture, Absolute Prohibition of Torture in Nigeria: Words without Deeds? Joint Alternative Report submitted to the UN Committee against Torture (2021) <<https://www.omct.org/site-resources/legacy/Final-Copy-of-Report-on-Torture-and-other-Cruel-Inhuman-or-Degrading-Treatment-in-Nigeria.pdf>> accessed 17 June 2026.

that 66% of inmates in Nigerian custodial centres are held on remand (awaiting trial).⁵ A 32-year-old man, Gospel Nwibari, was released in 2025 after 18 years in detention without trial or legal representation.⁶ Critics thus argue that, “there is still blatant disrespect for human dignity” by both government agencies and private actors despite statutory provisions.⁷ With the aforesaid, it is crystal clear that, there is a gap between promise and practice and therefore there is need to carry out a close scrutiny to the underlying barriers.

1.2 Statement of the Problem

The central problem is that there is divergence between constitutional guarantees of dignity and the reality of routine violations. In theory, every Nigerian “is entitled to respect for the dignity of his person”⁸ However, fundamental rights are often trampled in practice. Cleen foundation reports that torture is still “regularly used at different levels of arrest/interrogation and in places of detention”⁹ Pre-trial detention rates are alarmingly high. Meanwhile, victims rarely receive redress. Nigerians lack legal aid or awareness to challenge abuses.¹⁰

In that sense it is pertinent to examine why breaches of dignity persist despite constitutional guarantees; what legal and procedural obstacles hamper victims seeking justice; how effective are existing laws in practice. There is also a disconnect between law and customary or administrative practices that violate dignity. Moreover, there is limited public understanding of remedies. Many victims neither know nor can afford to invoke their rights. In summary, the core problem is that the right to dignity remains hollow without effective

⁵ M Atungwu, ‘Rivers man regains freedom after 18 years without trial’ Daily Post (18 July 2025) <<https://dailypost.ng/2025/07/18/rivers-man-regains-freedom-after-18-years-without-trial/>> accessed 17 June 2026.

⁶ *ibid.*

⁷ VO Chukwuma, ‘The Right to Human Dignity – A Brief Analysis’ LinkedIn <<https://www.linkedin.com/pulse/right-human-dignity-brief-analysis-victor-obinna-chukwuma>> accessed 17 June 2026.

⁸ Constitution (n 2) s 34.

⁹ World Organisation Against Torture (n 4).

¹⁰ *ibid.*

enforcement. However, there has been limited research to pinpoint exactly which challenges are most critical and how they might be addressed?

1.3 Research Questions

The research seeks to address the following questions:

- i. What are the extant legislation and institutions for the enforcement of the right of human dignity in Nigeria?
- ii. What legal challenges hinder the effective enforcement of the right to human dignity in Nigeria?
- iii. What measures can be implemented to mitigate the legal challenges in the enforcement of the right to human dignity in Nigeria?

1.4 Aim and Objectives of the Research

The aim of this study is to examine the legal challenges in the enforcement of the right to human dignity in Nigeria. The objectives are:

- i. To assess the extant legislation and institutions for the enforcement of the right of human dignity in Nigeria.
- ii. To identify the legal challenges in enforcing the right to human dignity in Nigeria.
- iii. To propose measures to mitigate the legal challenges in enforcing the right to human dignity in Nigeria.

1.5 Research Methodology

This research adopts a doctrinal methodology. It examines primary legal sources (the Constitution, statutes, case law, and institutional rules) and also secondary sources (scholarly articles, books, reports). The study identifies relevant legislation (e.g. Constitution of 1999, Administration of Criminal Justice Act 2015, Anti-Torture Act 2017, etc.) and key cases (Nigerian and, where illuminating, regional or international precedents). It also relies on recent empirical and doctrinal studies to understand the trends in enforcement. No fieldwork

or empirical survey is conducted. Rather, the approach is library-based: it locates legal texts and law reports and then critically appraises them. The research will compare legal provisions with actual practices. It would then draw judgments about the causes of failure and it would also provide possible remedies.

1.6 Scope of the Study

The scope of the study is defined both substantively and geographically. Substantively, it focuses on the legal aspects of the right to dignity within the context of criminal justice and detention practices. Specifically, attention is given to laws and institutions which most directly bear on dignity. The temporal scope is mainly the post-1999 constitutional era, up to 2025. The study considers federal laws and institutions in particular. However, where necessary it will reference analogous state-level provisions regional human rights instruments Geographically, it focuses on Nigeria as a whole. However, some illustrative examples or case studies may be mentioned. Comparative references to other jurisdictions (common law cases, regional human rights practice) are employed only insofar as they illuminate the situation in Nigeria. The research does not extend to socio-economic rights (unless directly tied to dignity as in detention conditions). In addition, it does not systematically cover every international treaty beyond noting the key ones. The main concern is the domestic enforcement for human dignity as a civil/political right.

1.7 Significance of the Study

This study is significant for several reasons. For academics, it systematically analyses why the right to dignity remains ineffectively enforced in Nigeria. Indeed, scholars have critiqued various aspects of the human rights in Nigeria. However, few have focused on dignity. Hence, this study will contribute new knowledge. Second, the research has practical importance for policymakers. It identifies legal and procedural bottle necks. Hence, it would inform reforms. The recommendations would aid legislators and regulators to design better

tools. Third, it is significant for human rights activists and lawyers. The research would provide knowledge which is crucial for strategic litigation and advocacy. Finally, on a normative level; the study shows that human dignity is valuable. It brings together theory (what dignity means and why it matters ethically) with empirical analysis (how and why it is violated). In short, the research would help “enhance the dignity of [the Nigerian] person”

1.8 Literature Review

This section critically analyses relevant literature. The analysis is divided into four themes: (1) Legal Frameworks and Institutional Mechanisms for the right to Dignity. (2) Barriers and Challenges to Enforcement of Rights. (3) Dignity in Criminal Justice and Detention. (4) Access to Justice and Remedies for Vulnerable Populations.

Theme 1: Legal Frameworks and Institutional Mechanisms

Numerous studies have been carried out on the legal architecture which protects the right to dignity in Nigeria. Ojule¹¹ conducted a comparative study of Nigeria and Kenya. He explored why enforcement remains “abysmal” in Nigeria. Ojule found that Nigeria has comprehensive laws on human rights. However, they are not enforced properly due to numerous factors. These include corruption, impunity, limited resources, among others. Ojule’s work points out that there exist *formal* compliance. However, it does not explain *why* institutions fail to act. This study indicates that even robust statutory provisions are moot if state actors do not implement them.¹²

Ebiala¹³ focused on one aspect of the framework. That is, the plight of indigent persons in exercising fundamental rights. He examined the barriers which poor Nigerians face in

¹¹ MN Ojule, ‘Challenges on the Enforcement of Human Rights in Nigeria: Lessons from Kenya’ [2023] (11) (1) *Rivers State University Journal of Public Law* 77–111 <<https://www.rsupubliclawjournal.com.ng/wp-content/uploads/2023/10/A6-Marvellous.pdf>> accessed 17 June 2026.

¹² *ibid.*

¹³ PO Ebiala, ‘Fundamental Rights Enforcement in Nigeria: The Indigent Persons in Focus’ [2024] (5) *International Journal of Law and Clinical Legal Education* 40–49 <<https://nigerianjournalsonline.org/index.php/IJOLACLE/article/download/4441/4148>> accessed 17 June 2026.

accessing justice. He observes that the constitution provides support. Section 46 provide remedy “to assist indigent persons to access such advice, assistance, and representation in court...to secure, defend, enforce, protect or otherwise exercise any... right” Ebiala¹⁴ finds these legal provisions are inadequately implemented. He observed that in practice many indigent people cannot find a lawyer or afford court fees. He identifies deficits in the institutional mechanism (Legal Aid Council) and in awareness. Many eligible citizens simply do not know how to claim legal aid. This study offers limited empirical evidence of the challenges in the enforcement of rights to human dignity in Nigeria. Nonetheless, the study underscores that constitutional mandates alone are not enough. Institutions meant to enforce the right to dignity fall short when there are poor awareness and funding¹⁵.

Adewumi and Dawodu¹⁶ examined how well the law in Nigeria protects fundamental rights of suspects (including dignity) during criminal proceedings. They found that the dignity of suspects is often disregarded in police and court procedures. Suspects were routinely detained in harsh conditions and denied counsel. The authors note positively that the Administration of Criminal Justice Act currently in force in Nigeria introduced reforms (like strict timelines for trials and explicit rights to counsel) which “goes a long way in ensuring that the rights of a suspect is protected.”¹⁷ However, they caution that there are challenges in implementation. It should be noted that there are limitations in this study. It focuses on statutory improvements and judicial decisions. It does fully not investigate on-the-ground realities of whether or not police actually follow the Act. In essence, while, this study shows that legal and doctrinal development, it does not fully assess the extent to which these legal and doctrinal provisions are or are not effectively improved.

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ A Adewumi and OA Dawodu, ‘The Rights of a Suspect under the Nigerian Criminal Justice System’ [2016] (4) (1) *Akunba Law Journal* <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3758826> accessed 17 June 2026.

¹⁷ *ibid.*

Theme 2: Barriers and Challenges to Enforcement

Another strand of literature examines the specific obstacles to enforcing human rights and dignity in Nigeria. Ibe¹⁸ provided a broad overview of “Human Rights Concerns in Nigeria.” He focused on insecurity and the challenges to enforcement. Ibe found that factors like terrorism, insurgency, communal violence and widespread police brutality have severely impacted the realisation of rights. He argued that they directly violate persons’ safety and they also distract the state from upholding rights.¹⁹ This study has its limitations. Indeed, it clearly documents numerous contributing factors (terrorism, conflicts, etc.). However, it treats human rights holistically. It did not focus narrowly on dignity. This research is valuable in linking broader political instability to rights enforcement. It reinforces the point that it is difficult to enforce the right in a context characterised by insecurity and weak rule-of-law. This aligns with Ojule’s²⁰ conclusion about corruption and impunity.

The 2023 Report of World Organisation Against Torture (OMCT) thoroughly examined torture and ill-treatment in Nigeria²¹ It assess Nigeria’s compliance with the UN Convention Against Torture. It found that torture remains endemic (regardless of the Anti-Torture Act in 2017). In addition, suspects are vulnerable to extreme mistreatment. It notes that there is no accountability. Detainees (often illiterate) sign confessions under duress. This provides compelling evidence of systemic barriers. Torture is embedded in law enforcement culture. This work has its limitations. It is not peer-reviewed academic research. However, it offers necessary corroboration to the doctrinal studies. In essence, OMCT provides evidence of

¹⁸ EC Ibe, ‘Human Rights Concerns in Nigeria: Addressing Insecurity and Enforcement Challenges’ [2024] (8) (1) *African Journal of Law and Human Rights* 15–22
<<https://journals.ezenwaohaetorc.org/index.php/AJLHR/article/download/2875/3012>> accessed 17 June 2026.

¹⁹ *ibid.*

²⁰ Ojule (n 11).

²¹ World Organisation Against Torture (n 4).

police behaviour (and the 2013 UN Special Rapporteur's earlier findings) and this suggests that enforcement of anti-torture laws fails at the implementation stage.²²

Ojule²³ investigated the obstacles in enforcing fundamental rights generally. Specifically, He found that many Nigerians are unaware of their fundamental rights or the procedures to enforce them in court. Others cannot afford lawyers or court fees. This reinforces Ebiala's²⁴ points about indigency. This study has its limitations. It does not focus exclusively about dignity. However, the conclusions of the study are applicable. It suggest that even with robust laws, procedural hurdles systematically deny people access to courts and thus they are unable to enforce their right to dignity enforcement.

Theme 3: Dignity in Criminal Justice and Detention

A third set of this work focuses more directly on how human dignity is treated in criminal process and prison settings. Ardo and Shehu²⁵ examined the extent to which the Administration of Criminal Justice law (ACJL) of Yobe State 2020 and the Police Act 2020 protect the rights of accused persons in police custody. They focused on the right to dignity, freedom from torture, fair hearing, and speedy trial. They found that Nigeria has developed a fairly robust normative framework on paper.²⁶ However, they also concluded that there are serious gaps in implementation. These includes: routine torture, prolonged pre-trial detention, denial of legal representation, and lack of independent oversight over police stations. The study has its limitations. It focuses on a single state ACJL (Yobe) and this makes it difficult to generalise across all Nigerian states (many of which have different ACJL provisions or weaker institutional capacities). Secondly, the study thus highlights the *existence* of legal

²² *ibid.*

²³ Ojule (n 11).

²⁴ Ebiala (n 13).

²⁵ H Ardo and IA Shehu, 'Rights of an Accused Person under Police Custody: An Appraisal of Administration of Criminal Justice Law of Yobe State 2020 and Police Act' [2025] (11) (3) *International Journal of Law* 26–32 <<https://www.lawjournals.org/assets/archives/2025/vol11issue3/11028.pdf>> accessed 17 June 2026.

²⁶ Ardo and Shehu (n 25).

safeguards. It only partially explains why institutional culture and weak accountability continue to frustrate the enforcement of the right to human dignity in police custody.

Monehin²⁷ examined the conditions of Nigerian custodial centres and also assess them against domestic and international standards on the treatment of inmates. She also explored how these conditions influence recidivism and the rehabilitative aims of imprisonment. The study found that there is a dense network of laws requiring “safe, secure and humane custody” in Nigeria. However, custodial centres remain overcrowded, under-funded and characterised by poor sanitation, inadequate bedding, limited medical care and a very high proportion of pre-trial detainees. These defeat rehabilitation and it also undermines the dignity of prisoner. The paper argues that degrading conditions fuel recidivism which arises as a result of breach of obligations by state actors. In addition, it Nigeria breaches its obligations to respect the inherent dignity of inmates as required by the Constitution and international human rights law.²⁸ This study has its critique. It does not provide first-hand evidence from specific correctional centres. Secondly, it assumes that “appalling conditions” are largely homogeneous across Nigeria. However, the study powerfully illustrates the that there is a *gap* between law and practice in Nigeria.

Oyero²⁹ offers an earlier but still relevant perspective on prisoners’ dignity He analyses human right in Nigeria and Ghana. Oyero found that there are little considerations to prisoners’ and detainees’ rights (including disabled persons) in Nigeria.³⁰ He argued that both countries frequently violate human rights and that they are yet to implement many

²⁷ V Monehin, ‘Conditions of Custodial Centre’s in Nigeria and Its Impact on Recidivism’ [2021] (1) *Redeemer’s University Nigeria Journal of Jurisprudence and International Law* 142–161
<<https://www.runlawjournals.com/index.php/runjil/article/view/8>> accessed 17 June 2026.

²⁸ Monehin (n 27).

²⁹ RO Oyero, *An Appraisal of the Right to Dignity of Prisoners and Detainees with Disabilities: A Case Study of Ghana and Nigeria* (LLM dissertation, University of Pretoria 2004)
<<https://repository.up.ac.za/items/b3a93206-9c7a-4435-9d18-6133356a6f03>> accessed 17 June 2026.

³⁰ *ibid.*

international standards.³¹ This study has its limitations. Its descriptive findings resonate with current observations about the right to dignity in Nigeria. This study indicates that the deficit in prisons is not new and it also suggests there are deep-rooted cultural and institutional neglect.

Theme 4: Access to Justice and Remedies for Vulnerable Populations

The theme concerns how the legal system in Nigeria accommodates victims whose right to dignity are violated. Ebiala³² found that awareness and practical access remain issues. As noted, indigent persons often cannot navigate this system without help. Ebiala, again, outlines constitutional requirements for legal aid. However, he observes that it is implemented poorly. For vulnerable groups (children, persons with disabilities, trafficked victims), specific statutes exist. However, Ebiala comments that there are uneven domestication and low enforcement capacity. Hence, many violations go unremedied.

Ekpeowoh and Okon³³ critically assessed the availability and effectiveness of legal-aid services for prison inmates in Nigeria. They focused on the roles of the Legal Aid Council, NGOs, pro bono schemes and the Nigerian Bar Association in bridging the gap in justice for indigent detainees. They found that the Legal Aid Act 2011 and subsequent policy initiatives provide a formal framework for free legal representation. However, in practice, access to legal aid for inmates is severely constrained by chronic under-funding, low staffing of the Legal Aid Council, limited coverage of prison visits, bureaucratic delays, poor coordination with correctional authorities, and weak awareness of legal-aid services among inmates. They argue that due to these deficits, inmates are denied remedies for violations of the right to dignity and other fundamental rights. They proposed that there should be reforms. These

³¹ *ibid.*

³² Ebiala (n 13).

³³ SO Ekpeowoh and EE Okon, 'Legal Aid and Access to Justice for Inmates in Nigeria: Challenges and Solutions' [2024] (8) (10) *International Journal of Research and Innovation in Social Science* 530–542 <<https://rsisinternational.org/journals/ijriss/articles/legal-aid-and-access-to-justice-for-inmates-in-nigeria-challenges-and-solutions/>> accessed 17 June 2026.

include increased budgetary allocation, structured partnerships with university law clinics, stronger NBA pro-bono obligations and better data-collection on legal-aid outcomes.³⁴ This study has its limitations. It relies entirely on secondary data. Hence, it does not present quantitative data on the proportion of inmates actually represented by legal aid. In addition, it does not systematically disaggregate the experiences of especially vulnerable groups such as women, juveniles or inmates with disabilities. This limits the granularity of its conclusions. Adiola³⁵ appraised the need for effective access to justice by persons with disabilities (PWDs) in Nigeria. In addition, He identified the key barriers which they face in engaging with the legal system. Furthermore, Adiola evaluated the extent to which the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 and related instruments have improved their position. He found that Persons with Disabilities (PWDs) continue to encounter multiple intersecting obstacles.³⁶ These include negative cultural perceptions of disability, inaccessible court buildings and police stations, lack of sign-language or other reasonable accommodations, low legal awareness, and the chronic non-implementation of the 2018 Disability Act by state institutions and the judiciary. He concludes that indeed Nigeria has ratified the UN Convention on the Rights of Persons with Disabilities and enacted domestic legislation guaranteeing equality. However, PWDs still struggle to secure legal remedies for violations of their right to dignity and other rights. This is because the enforcement agencies and the courts remain structurally and attitudinally exclusionary. This study has its limitation. It focuses only on PWDs. Hence, it is not generalisable to the whole public. Nonetheless, this study shows that the right to human dignity of PWD is undermined by structural exclusion from the justice system in Nigeria.

³⁴ Ekpeowoh and Okon (n 33).

³⁵ ONP Adiola, 'Access to Justice for Persons with Disabilities in Nigeria' [2023] (13) (1) *Cranbrook Law Review* 1–12 <<https://juliapublishers.com/cranbrook-law-review>> accessed 17 June 2026.

³⁶ Adiola (n 35).

Gap in Knowledge and Justification of the Study

Across these themes, a common thread emerges, that is, the laws on human dignity in Nigeria are strong in principle. However, they are weak in application. Many of the challenges (impunity, lack of resources, ignorance of rights, etc.) were identified, but they are often in a piecemeal way. What is missing is a comprehensive legal analysis which *synthesizes these findings* and a legal analysis which directly tackles how the legal system itself contributes to the gap in enforcement. In other words, existing studies highlight the symptoms and broad causes of the problem. However, few critically dissect the legal and procedural obstacles embedded within system in Nigeria which make enforcement elusive.

For instance, we know torture is banned. But, how does Nigerian law define it exactly? How do evidentiary rules affect the ability to prove torture? Are there jurisdictional limits (e.g. federal vs state) to the right to dignity? Does the Anti-Torture Act or the Violence Against Person Prohibition Act (VAPP) Act 2015 empower courts to punish violations? Similarly, constitutional remedies exist. However, do standing rules or court fees effectively bar poor plaintiffs? How do informal structures interact with formal law to hinder enforcement? These specific questions have not been fully answered.

Thus, the gap in knowledge is an integrated understanding of the *legal mechanisms and processes* which either facilitate or frustrate the right to dignity. This gap aligns with the objectives of the study. It seeks to analyse the challenges which impede justice and how they can be mitigated. In sum, the extant work lays the groundwork. They describe the problem and its broad contours. However, this research will build on it. It will systematically examine legal and institutional structures in Nigeria. Secondly, it would identify precise legal shortcomings. Thirdly, it would propose reforms.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1 Conceptual Framework

2.1.1 Meaning and Contours of “Human Dignity”

Human dignity signifies the inherent worth and status of every person. It is the philosophical foundation for many fundamental rights. International human rights instruments explicitly recognize dignity as fundamental as the Universal Declaration of Human Rights (UDHR) proclaims that “every individual is brought into the world with inherent liberty and equal worth and rights”³⁷ Likewise, the International Covenant on Civil and Political Rights (ICCPR) which explicitly links civil and political rights to “the inherent dignity of the human person”³⁸ These texts reflect a universalist view that dignity is intrinsic to humanity and it is the bedrock of freedom, justice and peace in the world. As Stanford Encyclopaedia of Philosophy notes, “dignity is the basic worth or status belonging equally to all persons, which in turn grounds our fundamental moral and legal duties”³⁹ The 1999 Constitution guarantees that “every individual is entitled to respect for the dignity of his person.” It prohibits torture, inhuman or degrading treatment, slavery, and forced labour.⁴⁰

Dignity is both a moral-ontological quality (inherent value) and a legal right. Under a natural law perspective, dignity is an a priori attribute. Every person has it by virtue of being human. This aligns with African philosophical insights as well. African thinkers focus on the communal dimension of dignity: for example, the concept of Ubuntu (Nguni) or Utu (Kiswahili) defines personhood through relationships and shared respect.⁴¹ Sir Seretse Khama

³⁷ Universal Declaration of Human Rights 1948, art 1.

³⁸ International Covenant on Civil and Political Rights 1966, preamble.

³⁹ R Debes, ‘Dignity’ Stanford Encyclopedia of Philosophy (18 February 2023) <<https://plato.stanford.edu/entries/dignity/>> accessed 17 June 2026.

⁴⁰ Constitution (n 2) s 34.

⁴¹ African Consortium for Law and Religion Studies, African Perspectives on Human Dignity for Everyone Everywhere (Intellectual Reserve Inc 2023).

famously stated that “human dignity ... is the common heritage of all men”⁴² Thus both Western and African traditions ground dignity in an objective human condition. however, positive law and culture determine how that dignity is interpreted in practice.

2.1.2 Torture and “Inhuman or Degrading” Treatment: Definitions and Thresholds

A central component of the right to dignity is the prohibition of torture and other cruel treatment. They are defined by international and domestic law. However, their precise meanings hinge on the severity and purpose of the act. Under the UN Convention against Torture (UNCAT), torture is any act which inflicts “severe pain or suffering; whether physical or mental” intentionally imposed for purposes (like punishment, obtaining information, intimidation, or discrimination) and carried out by or with the consent of a public official.⁴³ Critically, torture is distinguished by its severity and intent. It explicitly excludes pain arising merely from lawful sanctions. The Convention also addresses lesser ill-treatment: Article 16 requires states to prevent “other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.”⁴⁴

Section 34 of the Constitution guarantees dignity and states that “no person shall be subject to torture or to inhuman or degrading treatment”⁴⁵ Nigerian courts have operationalized these terms. In *Uzoukwu v Ezeonu*⁴⁶ the Court of Appeal defined “torture” as inflicting “pain which could be extreme” or “anguish” on a person. Conversely, “inhuman or degrading treatment” was described as acts that deliberately cause suffering not amounting to torture. They include overcrowding in squalid prisons or withholding medical care In the same light, The European Court of Human Rights holds that degrading treatment “grossly humiliates or debases” the victim.⁴⁷ Inhuman treatment involves “harsh and cruel” conditions that do not necessarily

⁴² African Consortium for Law and Religion Studies (n 41).

⁴³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, art 1.

⁴⁴ *ibid*, art 16.

⁴⁵ Constitution (n 2) s 34.

⁴⁶ [1991] 6 NWLR (Pt 200) 708 (CA).

⁴⁷ *Tyrer v United Kingdom* [1978] 2 EHRR 1 (ECtHR).

cause physical torture. E.g., squalid, overcrowded cells, denying adequate food, subject inmates to extreme temperatures. In essence, torture and ill-treatment are conceptually distinct.

2.1.3 Dignity in the Criminal Process: Arrest, Detention, Trial, Sentencing

Human dignity in the criminal justice system imposes duties on the state throughout investigation and prosecution. At the arrest and detention stage, respect for dignity means that individuals must not be subjected to violence, torture, or degradation. Persons arrested on suspicion of a crime retain their human worth and they must be treated humanely. Criminal Procedure Act provides for custody rights. Hence, lawful arrest should not descend into abusive treatment. Notably, the courts have been vigilant against abusive detention practices. In *Okafor v Lagos State Government*,⁴⁸ the Lagos Court of Appeal held that transporting a detained woman in a “Black Maria” (a metal cage van used for hardened criminals) violated her right to dignity. Similarly, in *First Bank of Nigeria Plc v. Attorney-General*,⁴⁹ the Supreme Court awarded damages to bank officers who had been arrested and held in dehumanizing conditions by anti-corruption agents. It concluded that their treatment had violated dignity rights.

In the trial and sentencing phases, dignity requires fair and respectful procedures. Defendants must have access to justice on equal terms so that their personhood is acknowledged. Dignity is undermined when confessions are extracted under torture or coercion. Crucially, coerced confessions are inadmissible under Section 36(12) of the Constitution (“written law” requirement). Even upon conviction, punishments must not be dehumanizing. Indeed, Nigeria still maintains the death penalty on paper. However, it has not carried out executions in years. In addition, corporal or cruel punishments are prohibited by law. Instead, sentencing is supposed to serve justice. It should not brand convicts as less than human. Nigerian courts

⁴⁸ [2017] 4 NWLR 443 (CA).

⁴⁹ [2018] 1 SC (Pt 1) 94.

have not explicitly confronted every form of degrading sentence. Nonetheless, they have implicitly accepted that dignity infuses sentencing. In short, the criminal process must preserve the dignity of the accused (from arrest to final sentence). It is a continuous obligation. Dignity in criminal justice is a safeguard against arbitrary or abusive use of power. It dovetails with the rule-of-law. State actors must rely on written law and fair procedures when depriving liberty.

2.1.4 Dignity in Corrections: Prison Conditions and Rehabilitation

After sentencing, every individual must continue to be treated with dignity in corrections. International standards (for example, the UN “Nelson Mandela Rules”) require that all prisoners be treated humanely and they should not be subjected to torture or degrading punishment.⁵⁰ However, prisons have long fallen short in Nigeria. They are severely overcrowded with limited medical care. This effectively subjects inmates to inhuman conditions. In 2008, Amnesty International famously reported that Nigerian prisons are “national scandal” 65% of inmates are awaiting trial (and thus presumed innocent).⁵¹ This is a clear affront to dignity. Such conditions impair physical and mental health.⁵² In addition, there are also reports of torture by custodial Officers.

In essence, there is tension between posited law and lived reality. The Constitution and statutes mandate humane treatment. However, institutional shortcomings often prevail. From a natural law perspective, such conditions fail to respect the inalienable dignity every person has. If prisons are worse than some outdoor slums, one might question whether the state is indeed acting under the rule of law or simply exercising unbridled power over the

⁵⁰ UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), GA Res 70/175, UN Doc A/RES/70/175 (17 December 2015) <<https://undocs.org/en/A/RES/70/175>> accessed 17 June 2026.

⁵¹ Amnesty International, ‘Nigeria: Criminal Justice System Utterly Failing Nigerian People; Majority of Inmates Not Convicted of Any Crime’ (26 February 2008) <<https://www.amnesty.org/en/latest/press-release/2008/02/nigeria-criminal-justice-system-utterly-failing-nigerian-people-majority/>> accessed 17 June 2026.

⁵² *ibid.*

incarcerated. On the other hand, some utilitarians might argue that harsh prison conditions deter crime (though evidence for that is dubious). However, both rights- and dignity-based theories reject justifying cruelty on utilitarian grounds. Though a convict loses liberty, he or she remains a subject of law, with claim to basic dignity.

2.1.5 Enforcement, Remedies, Standing and Justiciability

Enforcement of human dignity rights requires accessible legal remedies and rules which allow aggrieved persons to come to court. In Nigeria, fundamental rights (including dignity) are expressly justiciable. Section 46 of the Constitution grants any person whose fundamental rights “have been, are being or likely to be contravened” the right to apply to the High Court for redress.⁵³ The High Court then has “original jurisdiction” to hear the case and issue such orders or directions as appropriate to enforce the right. In practice, an individual whose right has been violated may file a suit under the Fundamental Rights Enforcement Procedure Rules.

Section 46 of the constitution empowers courts “to make such orders, issue such writs and give such directions as [they] consider appropriate for the purpose of enforcing a person’s right(s)”⁵⁴ This has enabled remedies including injunctions, declarations, and damages. In *Okafor v Lagos State Government*,⁵⁵ the Court of Appeal not only struck down the unlawful arrest but also directed that the fine paid by the appellant be refunded. In *Sunday Ukpai v. Ajuba Nigeria Ltd*⁵⁶ the National Industrial Court held that forced servitude and unequal labour conditions violates dignity. Consequently, it awarded ₦10 million damages. In essence, civil remedies (monetary compensation) are available for the breach of right to human dignity in Nigeria.

⁵³ Constitution (n 2) s 46.

⁵⁴ *ibid.*

⁵⁵ *Okafor* (n 48).

⁵⁶ Suit No NICN/LA/77/2015 (National Industrial Court of Nigeria).

Beyond domestic courts, Nigeria is subject to regional and international enforcement as well. It has ratified the International Covenant on Civil and Political Rights (ICCPR) and the UN Torture Convention (ratified 2001). It is also bound by the African Charter on Human and Peoples' Rights (including Article 5 which guarantees respect for dignity and bans torture). Complainants may petition bodies like the UN Human Rights Committee or the African Commission when domestic avenues fail. Indeed, in *Constitutional Rights Project v. Nigeria*,⁵⁷ NGOs successfully alleged systemic torture and arbitrary detention. The African Commission on Human & Peoples' Rights (ACHPRP which is the treaty body of the African Union) held that the right to dignity (which is protected by the charter) was violated. On paper, there are robust means to enforce the rights to dignity. The open standing rule ("any person... may apply") is broader than in some countries and it does not explicitly limit suits to only direct victims. However, the courts tend to require a personal interest. Currently, Nigeria does not have extensive public-interest litigation for the right to dignity. This could limit enforcement. However, critics point out that enforcement of the right to dignity can be illusory if courts are unwilling or unable to enforce the protections. Empirically, many Nigerians may still lack access to justice. Hence, legal ideals do not always translate into lived dignity.

2.2 Theoretical Framework

2.2.1 Constitutionalism and Rule-of-Law Theory (Limits on State Power)

Constitutionalism and the rule of law proposes that human dignity is a fundamental constraint on governmental authority. Under these theories, the power of the state is legally limited.⁵⁸ Rulers must govern in accordance with law and they must respect individual rights. Dignity fits naturally into this framework. A dignified legal order is one that treats all persons fairly under law. In practice, constitutionalism in Nigeria embeds dignity in the supreme law (the

⁵⁷ [2000] AHRLR 248 (ACHPR 1999).

⁵⁸ T Bingham, *The Rule of Law* (Penguin Books 2010).

Constitution) and it requires all actions to comply. Constitutionalism affirms that the state itself has a duty to uphold dignity, not to erode it. Akomolafe⁵⁹ points out that “the state should be held to the same legal standards as its citizens; every government is obligated to honour the rights of individuals. Furthermore, they are required to offer efficient methods for upholding these rights” Locke⁶⁰ notes that a proper rule-of-law not only safeguards civil and political rights but also “establish[es] social, economic and cultural conditions under which [a person’s] legitimate aspirations and dignity may be realised” In other words, rule-of-law goes beyond non-interference to actively create an environment where dignity can flourish.

Furthermore, there is separation of powers in the Constitution and this exemplifies this principle in action. This restrains the arbitrary use of power that could violate dignity. Constitutionalism shifts the focus from moral justifications to institutional design. This approach marries positivism with a higher-order norm. Law might be made by humans, but is itself supreme. In essence, constitutionalism provides a structural guarantee. Individuals need only invoke the Constitution and the courts must review state actions.

2.2.2 Kantian (Personhood) Theory of Dignity (Ends vs. Means)

Immanuel Kant’s philosophy provides a powerful grounding for dignity. He asserted that rational beings have an absolute value (Würde) that forbids treating them merely as means to others’ ends. Kant’s **categorical imperative** declares a duty to treat every person “always as an end in itself and never merely as a means.”⁶¹ This is the foundation of human rights. To violate someone’s dignity (through torture, degradation, exploitation) is to treat them as a mere tool or object. Kantian dignity is thus inseparable from autonomy and moral agency. Each person has a capacity to reason and this gives them inviolable moral standing. Kant

⁵⁹ MA Akomolafe, ‘The Rule of Law and its Practice in Nigeria: An Assessment’ [2021] (2) (2) *Makurdi Owl Journal of Philosophy* 13–28 <<https://bsum.edu.ng/journals/majop/vol2n2/files/2.pdf>> accessed 17 June 2026.

⁶⁰ J Locke, *An Essay Concerning the True Original, Extent and End of Civil Government* (Awnsham Churchill 1690).

⁶¹ AW Wood, *Kantian Ethics* (Cambridge University Press 2008).

himself wrote that humans lack a “price” and they instead have an incomparable worth or dignity.⁶² This sentiment is echoed in legal practice. Courts in democratic societies routinely stress that human beings cannot be commodified.

However, Kantian theory faces critiques: it assumes everyone is rational and may overlook broader social relationships (unlike an Ubuntu approach). Some scholars argue that Kant did not explicitly tie dignity to rights. However, many judges and writers tacitly rely on Kantian moral reasoning. For Nigeria, the Kantian ideal meshes well with constitutionalism. It underlines why the rule of law must protect even the least powerful.

2.2.3 International Human Rights Theory (Universality vs. Relativism)

Human dignity occupies a contentious space in global debates on human rights. Universalists argue that dignity is a fundamental human attribute recognized across cultures. They argue that there is a common set of international norms. This is affirmed by the Universal Declaration of Human Right and international treaties. Dignity is “universal, indivisible and interrelated” with all rights.⁶³ Conversely, cultural relativists contend that dignity may carry different meanings in different societies. In addition, no single legal model can impose a uniform standard without disregarding cultural contexts. The tensions are evident in African discourse. On one hand, African human rights instruments (the African Charter) explicitly protect dignity. It provides that it is a universal norms. At the same time, African scholars highlight that dignity is a distinct communal values. For example, the idea of *Ubuntu* “a person is a person through other people” holds that dignity is inherently relational.⁶⁴ It is not gotten individually. It is bound up with duties to the community. However, universality prevails in practice. Nigeria aligns with the universalist position. For example, the court would condemn torture even if the community endorses it for vigilante justice.

⁶² Wood (n 61).

⁶³ African Consortium for Law and Religion Studies (n 41).

⁶⁴ *ibid.*

2.2.4 Legal Positivism

Legal positivism holds that rights and duties arise from written laws and social fact; not from abstract morality.⁶⁵ According to the Positivist, dignity is derived from the constitution and statutes. Under this theory, the right to dignity has force only because Section 34 (and related laws) declares it and courts enforce it. Thus, the scope of dignity is limited to what the law specifies. In this light, dignity is an aspect of “positive law” and it is subject to legislative change through constitutional amendment.

Positivism ensures clarity.⁶⁶ Hence, judges enforce what is written. It aligns with constitutionalism. The rule of law demands that rights be specified so citizens and officials should know the rules. However, critics argue that positivism renders the right to dignity hollow unless the legislature enacts meaningful protections. Legal positivism would limit the protective power of dignity to the political will. In practice, Nigerian jurisprudence seems to blend positivism with broader reasoning. The courts will not go beyond the text. However, they have sometimes read dignity expansively and that it is a principle which underlies all fundamental rights.

2.2.5 Utilitarianism

Utilitarianism judges actions by their outcomes. It maximises overall happiness or utility. In its pure form, it does not automatically recognise that any particular right is inviolable.⁶⁷ If, hypothetically, violating one person’s dignity produced a much greater benefit to society, a strict utilitarian calculus might permit it. Indeed, the most radical utilitarian Jeremy Bentham famously argued that the talk of natural rights (including dignity) is “nonsense upon stilts.”⁶⁸

⁶⁵ HLA Hart, *The Concept of Law* (2nd edn, Clarendon Press 1994).

⁶⁶ Hart (n 59).

⁶⁷ J Bentham, ‘Anarchical Fallacies’ in J Bowring (ed), *The Works of Jeremy Bentham* vol 2 (William Tait 1843) 489.

⁶⁸ Bentham (n 63) 489.

Utilitarianism argues that rights should not be considered inviolable if doing so prevents the greatest good. Hence, rights exist only insofar as society finds it prudent to protect them.

The utilitarian lens highlights that the right to dignity is fragile when social or political pressure is high. It explains why some regimes tolerate torture under the claim of security or public order. A short-term gain might blind officials to moral constraints. In legal practice, judges have not explicitly invoked utilitarian reasoning to justify exceptions to the right to dignity; instead, they absolutely ban it. Thus, utilitarianism offers a caution (reminding us to consider policy consequences). However, it generally loses out to rights theory in this domain.

2.2.6 Natural Law

Natural law theory posits that human dignity is an inherent moral attribute. It is grounded in human nature or divine will. Classic natural law thinkers (e.g. Thomas Aquinas, Hugo Grotius) posited that each person has inalienable worth by virtue of being human. In the modern era, this idea evolved through thinkers like John Locke and Immanuel Kant. Within natural law, dignity is tied to personhood and autonomy. Every human being is an end in themselves. They deserve respect irrespective of social or legal status. In Nigeria, the preamble to earlier Constitutions and the Constitution currently in force echo natural law tropes about obedience to “the Almighty God.” This indicates that fundamental rights are expressions of higher moral truths. Proponents of Natural law theory in Nigeria hold that the dignity provisions of section 34 reflect universal moral precepts (for example, stemming from a divine or reason-based order).⁶⁹ This is also implicit in customary and religious norms. Many Nigerians (across faiths) believe in fundamental human worth commanded by God or conscience.

⁶⁹ Constitution (n 2) s 34.

The natural law approach provides a normative foundation for dignity that is independent of any government or legislation. It holds that dignity is absolutely obligatory. A person's worth "does not come and go with the will of a majority" (unlike utilitarianism). Similarly, it cannot be easily modified by the legislature. Natural law theory may also resonate with traditional and religious values about the sanctity of human life. However, critics of natural law note that it is vague in concrete terms. It can tell us *that* persons have dignity. However, it offers little precision on how to protect it in law.

CHAPTER THREE

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR ENFORCEMENT OF THE RIGHT TO HUMAN DIGNITY IN NIGERIA

3.1 Legislative Framework for Enforcement of the Right to Human Dignity in Nigeria.

This section examines the legislative framework for the enforcement of the right to human dignity in Nigeria.

3.1.1 Core Municipal Legislative Framework

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

The Constitution (as amended) is the supreme law, and its Bill of Rights enshrines the fundamental right to human dignity. Section 34(1) provides that:

“Every individual is entitled to respect for the dignity of his person, and accordingly (a) no person shall be subjected to torture or to inhuman or degrading treatment; (b) no person shall be held in slavery or servitude; and (c) no person shall be required to perform forced or compulsory labour”

The text of section 34 (1) prohibits torture and inhuman treatment as part of the right to dignity. In *Faith Okafor v. Lagos State*,⁷⁰ the Court of Appeal reiterated that detention and transport in a “Black Maria” cage of the appellant van violated her right under Section 34 (along with section 35 and section 41). The Constitution also guarantees related rights. These includes, right: to life,⁷¹ personal liberty,⁷² and fair hearing.⁷³ Similarly, courts have recognised that section 34 interplay with other guarantees (life, liberty, fair trial) and this

⁷⁰ [2016] LCN/9050(CA).

⁷¹ Constitution (n 2) s 33.

⁷² *ibid*, s 35.

⁷³ *ibid*, s 36.

creates a continuum of protections in the criminal justice process.⁷⁴ Constitutionally, section 46(1) also empowers any person to apply for redress when a fundamental right is violated.

3.1.1.2 Fundamental Rights (Enforcement Procedure) Rules (FREP) 2009-2021

The Federal High Court and other superior courts enforce fundamental rights through the Fundamental Rights (Enforcement Procedure) Rules. It was first issued in 2009 and then it was amended in 2021. The FREP streamlined how plaintiffs vindicate rights in court. They ensure that constitutional rights in Chapter IV (and even international instruments) are interpreted in favour of the claimant. FREP Rules mandates that Chapter IV of the Constitution “shall be interpreted expansively” to include rights in the Constitution, the African Charter, and other international instruments “to advance the cause of fundamental human rights” FREP Order 2, Rule 1 empowers any person whose right under Chapter IV has been contravened or violated to apply to the court for redress. In turn, the courts have applied FREP liberally. In *Total Exploration and Production Nigeria Ltd v Okwu*,⁷⁵ the Supreme Court held that multiple persons could enforce rights arising from the same facts jointly. Scholars note that FREP (2009) was earlier built on the FREP 1979 Order to remove procedural obstacles to human rights litigation and promote public-interest actions.

3.1.1.3 Anti-Torture Act, 2017

The Anti-Torture Act 2017 is the domestic implementation of the UN Convention against Torture (CAT). It defines torture and criminalises it and this makes perpetrators (including state agents) prosecutable. The Act bolsters the constitutional guarantee to dignity with specific penal provisions and it provides definitions and duties. Notably, Section 2(1) makes it an offence for any person to subject another to acts of torture. It noted that Torture are acts which cause severe pain or suffering to extract confessions from a suspect. The Act further

⁷⁴ Faith Okafor (n 70).

⁷⁵ [2024] LPELR-62623(SC).

mandates that government officials “shall ensure that the rights of all persons, including suspects, detainees and prisoners are respected” and “no individual under investigation or held in custody shall be subjected to physical harm, force, violence, threat or intimidation.” Section 3 abolishes all exceptions (no “war on terror” loophole). Section 8 provides that victims should have the right to complain and access counsel. Section 10 declares that evidence obtained through torture is inadmissible. Notably, torture by police was treated merely as civil wrong before this Act; now even officers may be prosecuted for torture. In *Okonkwo v Ezeonu & Others*,⁷⁶ the appellant was arrested by police officers at the instigation of the first and second respondents over a dispute. He was detained for eleven days without being brought before a court. During his detention, he alleged that the police officers tortured, brutalised and subjected him to degrading treatment. Consequently, he commenced an action for the enforcement of his fundamental-rights. The Court of Appeal allowed the appeal. The court held that the treatment of the appellant by the police as barbaric, unconstitutional and inconsistent with the right to dignity guaranteed under section 34 of the Constitution. Similarly, In *Dilly v Inspector-General of Police*,⁷⁷ the appellant’s son was arrested and detained by officers of the Nigerian Police Force. While in police custody, he was allegedly beaten mercilessly and tortured by the officers. Eventually, the injuries sustained during the torture resulted in his death. His mother instituted an action which sought the enforcement of his fundamental rights, particularly his rights to life and dignity. The trial court dismissed the action on the ground that the deceased was no longer a juristic person whose rights could be enforced. The Court of Appeal reversed the trial court’s decision. It held that the death of a victim does not prevent his family or personal representative from seeking redress for the violation that caused his death. The Court recognised that the right to life and dignity of a

⁷⁶ [2017] LPELR-42785(CA).

⁷⁷ [2016] LPELR-41452(CA).

deceased person could be enforced by members of his family under the Fundamental Rights (Enforcement Procedure) Rules 2009.

3.1.1.4 Administration of Criminal Justice Act (ACJA) 2015

ACJA 2015 reformed the criminal procedure in Nigeria as it emphasised on speed, transparency and the rights of the accused. The ACJA contains key provisions that protect the dignity of suspects and prisoners and thus curbs arbitrary or prolonged detention. Section 4 permits the police officer or other person making the arrest touch or confine the body of the suspect, unless the suspect submits to custody by words or conduct. This means that the law permits physical contact or reasonable force where necessary to effect an arrest. However, Section 8 requires suspects to be treated with human dignity and respect during arrest, detention and investigation. It also prohibits the use of torture, cruel, inhuman or degrading treatment against suspects. The act introduces numerous rights-enhancing measures. Section 292 (and related sections 36 – 44 of the constitution) requires that accused persons be informed of charges without unnecessary delay and they must have access to counsel. It also states that bail is the norm, not an exception. Crucially, Section 186 limits detention without trial to 120 days for certain offenses and it mandates dismissal of charges if evidence is not produced within that time. Sections 29, 33 and 34 of the ACJA establish an “Unlawful Detention (Monitoring) Team” (under the Chief Justice) to visit detention facilities to identify unlawful detentions.⁷⁸ Scholars note that these provisions are “revolutionary” as they address the problem of remand prisoners in Nigeria.⁷⁹ Conversely, reports from rights groups highlight ongoing issues. An International Rehabilitation Council for Torture Victims (IRCT)

⁷⁸ Administration of Criminal Justice Act 2015, ss 29, 33 and 34.

⁷⁹ Oyero (n 29).

briefing notes that suspects are arrested en masse and languish in custody without formal investigation”⁸⁰

3.1.1.5 Evidence Act 2011

This act modernized evidentiary rules in criminal trials. The Act (in line with Covention Against Torture principles) bars admission of evidence obtained through torture or “oppression.” Section 29(2) of the 2011 Evidence Act provides that any confession “caused by oppression” shall not be admissible. It defines “oppression” broadly (including threats or coercion). Scholars note that this definition aligns with the constitution and the Anti-Torture Act. Ardo and Shehu⁸¹ pointed out that under the Evidence Act, confessions extracted under torture or coercion “are inadmissible”. In practice, this rule has been invoked in courts to suppress evidence obtained through brutality. Furthermore, Section 30 prohibits evidence obtained in violation of the Act. These provisions thus embed a dignity standard in criminal trials. The Evidence Act also stipulates that every suspect is innocent until proven guilty.⁸² This ensures that trials respect the fundamental rights of the suspects.

3.1.1.6 Nigerian Correctional Service (NCoS) Act 2019

This act restructured the prison system and it enshrined standards for humane treatment of inmates. It seeks to ensure that those in custody (convicted or on remand) are treated with dignity, through rehabilitation programs and rights to adequate care. The act provides for non-custodial alternatives, and special mechanisms “to address the high number of persons awaiting trial.” It provides that inmates are entitled to humane treatment and necessary

⁸⁰ International Rehabilitation Council for Torture Victims, Torture in Nigeria: Briefing Note for the Committee against Torture (2018) <https://irct.org/wp-content/uploads/2022/08/Briefing-note_Nigeria_2018.pdf> accessed 17 June 2026.

⁸¹ Ardo and Shehu (n 25).

⁸² Evidence Act 2011, s 29(2).

medical care⁸³ The NCoS Act gives prisoners access to healthcare⁸⁴ and it also mandates that correctional officers' duties must ensure humane conditions.⁸⁵ It also designates that the service is geared toward rehabilitation, and not mere punishment. These reforms reflect modern penological principles and it reinforces that incarceration should not strip a person of their inherent dignity beyond the deprivation of liberty itself.

3.1.1.7 Violence Against Persons (Prohibition) Act, 2015 (VAPP Act)

This is the landmark legislation against domestic and gender-based violence in Nigeria. It outlaws all forms of violence (physical, sexual, psychological, emotional and otherwise) that threaten dignity of individuals (especially women and girls).⁸⁶ It provides for protective orders and penalties. The Act defines a wide range of violence (including coercion, emotional abuse, harmful widowhood practices, etc.) and it prescribes numerous penalties. For example, it provides up to 2 years' jail or fines for non-culpable family members concealing violence. The judicial attitude against domestic violence is illustrated by *Akinbuwa v Akinbuwa*,⁸⁷ the petitioner sought the dissolution of her marriage on the ground that her husband persistently assaulted, maltreated and subjected her to cruel behaviour. The Court of Appeal held that physical assault and maltreatment by one spouse constituted cruelty and conduct which the victim could not reasonably be expected to endure. The Court recognised that marriage does not confer a licence upon one spouse to beat or brutalise the other and upheld the dissolution of the marriage. The act also establishes mechanisms like protection orders to immediately safeguard victims.⁸⁸ In practice, courts have applied VAPP to punish abuses that violate dignity. In *Federal Republic of Nigeria v Laminu Ahmed*,⁸⁹ the High Court of the Federal Capital Territory convicted the defendant under section 2 of the Act for wilfully inflicting

⁸³ Nigerian Correctional Service Act 2019, s 23.

⁸⁴ *ibid*, s 23(1).

⁸⁵ *ibid*, s 10(b).

⁸⁶ Violence Against Persons (Prohibition) Act 2015, ss 3–5.

⁸⁷ [1998] 7 NWLR (Pt 559) 661 (CA).

⁸⁸ Violence Against Persons (Prohibition) Act 2015, s 30.

⁸⁹ Suit No FCT/HC/CR/309/2023 (High Court of the Federal Capital Territory, 14 November 2024).

bodily injury on the victim and sentenced him to five years' imprisonment. The Court also convicted him of intimidation under section 18 of the Act. The violations under VAPP (like forcible isolation or threats) are infringements of dignity and thus they are criminalised under the Act.

3.1.1.8 Trafficking in Persons (Prohibition) Enforcement & Administration Act 2015

This Act consolidates anti-trafficking measures⁹⁰ and empowers NAP TIP to combat human trafficking.⁹¹ The act provides that trafficking is a criminal offence and it prescribes stringent penalties. Hence, it protects vulnerable persons from exploitation and abuse. The law prohibits “all forms” of trafficking and sets harsh penalties.⁹² In addition, it prescribes a minimum 5-year prison term (and N1,000,000 fine) for labour trafficking,⁹³ and 5 years (7 if a child) for sex trafficking.⁹⁴ These penalties are “stringent and commensurate with other serious crimes such as rape.” Crucially, it enhanced punishments for offenders and gave NAP TIP broader authority.

3.1.1.9 Child Rights Act 2003

This act enshrines the rights of children (individuals under 18). It protects children from abuse, child labor, and neglect. The CRA covers a wide array of rights: life, health, education, non-discrimination and protection from exploitation (part V). Section 11 sets the best interests of the child as a primary consideration.⁹⁵ Section 13 guarantees the rights of parents and child to dignity and equal opportunity.⁹⁶ Critically, Section 33 prohibits imposing the death penalty on any person who was under 18 at the time of the offence and it also limits

⁹⁰ Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s 80.

⁹¹ *ibid*, s 6.

⁹² *ibid*, s 13.

⁹³ *ibid*, s 22.

⁹⁴ *ibid*, s 15.

⁹⁵ Child Rights Act 2003, s 1.

⁹⁶ *ibid*, s 11.

adult prison sentences for juveniles.⁹⁷ This is in line with Article 37 of the CRC. Similarly in *Williams v. Williams*⁹⁸ the court affirms that child welfare is paramount in determining the cases for child custody.⁹⁹

3.1.1.10 Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

This act translates the obligations under the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) into law. It prohibits discrimination on the basis of disability¹⁰⁰ and mandates accessibility¹⁰¹ and inclusion measures.¹⁰² This affirms the dignity and equality of PWDs. The Act contains numerous dignity-related provisions. It forbids discrimination in employment, education, and public services and it sets a five-year timeline for making public buildings accessible.¹⁰³ It also creates a National Commission for Persons with Disabilities¹⁰⁴ and it is empowered to receive complaints and assist victims seek redress.¹⁰⁵ It also promotes inclusive policies. The act provides sanctions (fines, prison) for those violating the rights of PWDs.¹⁰⁶ This act is a breakthrough for disability rights and it reflects international norm that disability-based mistreatment is a violation of inherent dignity.

3.1.1.11 Police Act, 2020

The Police Act 2020 replaced the colonial-era Police Act and introduced reforms that align police practice with the principles of human rights. It embeds duties and prohibitions designed to protect the dignity of civilians. For examples, it restricts arbitrary arrests. Among

⁹⁷ *ibid*, s 221(1)(c).

⁹⁸ [1987] 2 NWLR (Pt 56) 239 (SC).

⁹⁹ The decision preceded the Child Rights Act 2003 but is consistent with its welfare principle.

¹⁰⁰ Discrimination Against Persons with Disabilities (Prohibition) Act 2018, s 1(1).

¹⁰¹ *ibid*, ss 3–8.

¹⁰² *ibid*, ss 17–18 and 28–30.

¹⁰³ *ibid*, s 6.

¹⁰⁴ *ibid*, s 31(1).

¹⁰⁵ *ibid*, s 38.

¹⁰⁶ *ibid*, ss 1, 7 and 8.

its notable human rights provisions, the Act forbids police from arresting anyone for civil disputes (“civil wrongs”) or breaches of contract¹⁰⁷ and this thereby prevents arbitrary deprivation of liberty. In *Kure v Commissioner of Police*,¹⁰⁸ the appellant entered into an agreement with the Rivers State Ministry of Culture and Tourism to supply a calf giraffe for ₦3.5 million. He received payment. However, he failed to deliver the animal within the agreed period. Instead of instituting a civil action for breach of contract or recovery of the money, an official of the Ministry reported the matter to the police. The appellant was arrested, prosecuted and convicted for criminal breach of trust and cheating. The Supreme Court held that the police are not a debt-recovery agency and have no authority to intervene in purely contractual disputes. The Court consequently set aside the appellant’s conviction. Similarly, in *Guaranty Trust Bank Plc v Ohabenyi*,¹⁰⁹ the respondent obtained a credit facility of ₦77 million from Guaranty Trust Bank. When he allegedly defaulted in repayment, the bank, through its solicitor, petitioned the police and portrayed the default as criminal conversion. The Court of Appeal condemned the arrest and detention of a bank customer. It held that a contractual default should not be converted into a criminal complaint. These decisions demonstrate that the powers of the police cannot be used to enforce civil obligations or recover private debts. The act also requires police to inform arrested persons of their rights to silence and legal counsel. Section 54 prohibits profiling or detention based on attire, hairstyle or tattoo. The Act also mandates community policing structures¹¹⁰ and an independent Police Service Commission for oversight.¹¹¹

3.1.2 Core Regional Legislative Framework

3.1.2.1 African Charter on Human and Peoples’ Rights (domesticated in Nigeria)

¹⁰⁷ Police Act 2020, s 32(2).

¹⁰⁸ [2020] 9 NWLR (Pt 1729) 296 (SC); [2020] LPELR-49378(SC).

¹⁰⁹ [2023] LPELR-60580(CA).

¹¹⁰ Police Act (n 107) ss 113–117.

¹¹¹ *ibid*, s 30(3).

This is a regional human rights treaty emphasizing dignity¹¹² (Article 5). Section 12 of the Constitution ratified this treaty. Hence, it is part of domestic law when their provisions are not inconsistent with the Constitution. Thus, the charter enriches the jurisprudence of human dignity at the regional level. Nigeria ratified the African Charter (with its Protocols) decades ago. The FREP incorporates it as a source of rights. The FREP Preamble instructs courts to consider the African Charter alongside domestic law to “advance” rights. The courts have held that the Charter is a persuasive authority. In *Faith Okafor v. Lagos State*,¹¹³ the court invoked Charter Articles 4,5,6 and 12(1) alongside with sections 34–35 for dignity and liberty. This practice reflects the principle of the Charter that “Every individual shall have the right to respect for their life and integrity of their person.”¹¹⁴ Indeed, the Charter has no direct cause of action. However, it has been ratified and this means that Nigeria is accountable under regional law.

3.1.3 Core International Legislative Framework

3.1.3.1 Universal Declaration of Human Rights (UDHR) 1948

This articulates the universal principle of human dignity. Article 1 stipulates that “All human beings are born free and equal in dignity...” Article 5 prohibits torture. Although this is not a treaty, it influences the constitutional values and rules of enforcement. More so, the FREP Rules reference the UDHR in its Preamble alongside other international instruments. It stipulates that they are guiding principles for courts. In practice, lawyers sometimes invoke the UDHR to bolster fundamental rights.

3.1.3.2 International Covenant on Civil and Political Rights (ICCPR)

This is a binding treaty and it was ratified by Nigeria in 1993. It covers civil liberties and it also prohibits torture.¹¹⁵ Its guarantees (e.g. right to life, freedom from torture, fair trial)

¹¹² African Charter on Human and Peoples’ Rights 1981, art 5.

¹¹³ Faith Okafor (n 70).

¹¹⁴ African Charter (n 112) art 5.

¹¹⁵ International Covenant on Civil and Political Rights (n 38) art 7.

overlap with the right to dignity in the constitution. In line with section 34 of the constitution, it stipulates under Article 7 that “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”. Legislations in Nigeria incorporate ICCPR norms. The presumption of innocence and right to fair trial in ACJA was derived from ICCPR Articles 14 and 9.

3.1.3.3 UN Convention Against Torture (CAT)

This forbids torture under any circumstances explicitly. Nigeria ratified CAT in 2001 and domesticated it through the Anti-Torture Act 2017. CAT thus provides an international mandate for Nigeria to prevent torture and to provide remedies. The Anti-Torture Act itself was passed to give effect to CAT. Article 2 of CAT requires states to make torture a criminal offence (with penalties). Article 3 of CAT prohibits refoulement.¹¹⁶ CAT calls for education and training of officials. In this light, the legislation in Nigeria imposes a duty to train law enforcement officials.

3.1.3.4 International Covenant on Economic, Social and Cultural Rights (ICESCR)

This guarantees socio-economic rights (e.g. health, education, adequate living standard) which underpin human dignity. Nigeria ratified it in 1993. Though its rights are not justiciable under Nigerian law, ICESCR influences the obligation to protect the dignity of all citizens (through progressive realisation of rights). Internationally, Nigeria submits periodic reports to the UN Committee on ESCR and thus exhorts Nigeria to invest in poverty reduction and social welfare. In practice, however, Nigeria has stated that resources are limited and courts have held that ESC rights in Chapter II (and by extension ICESCR) are not enforceable.

3.1.3.5 Convention on the Rights of the Child (CRC)

¹¹⁶ Non-refoulement prohibits transferring a person to a country where there are substantial grounds for believing that the person would face torture.

This is a comprehensive treaty on the right of children and it protects children from abuse and exploitation. Nigeria ratified the CRC in 1991. The CRC underscores that children are a vulnerable class. Hence, they must enjoy dignity and special protection under the law. The CRC prohibits torture or cruelty to children.¹¹⁷ It mandates that in all decisions which affect children, the child's "best interests" should be a primary consideration¹¹⁸ Similar to the CRA 2003, Art.37 (a) of the CRC prohibits death penalty for offenders under 18. The CRC also requires restoring child's status if rights are violated. Hence, free legal aid are provided in criminal cases involving children.¹¹⁹

3.1.3.6 Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD (2006) obligates states to ensure full equality, dignity, and autonomy for persons with disabilities. Nigeria ratified CRPD in 2007 and DAPA 2018. CRPD provides an international normative framework for dignity and accessibility. Article 3 of CRPD emphasises respect for dignity, autonomy, and equal opportunity. Article 15 requires states to protect PWDs from torture and cruel treatment. The International monitoring (CRPD Committee) has urged Nigeria to amend discriminatory laws and allocate resources for disability inclusion. This indicates that the current practices in Nigeria fall short of CRPD standards.

3.2 Institutional Framework

This section examines the Institutional Framework for the enforcement of the right to human dignity in Nigeria.

3.2.1 Core Municipal Institutional Framework

3.2.1.1 The Courts

¹¹⁷ Convention on the Rights of the Child 1989, art 37.

¹¹⁸ *ibid*, art 3.

¹¹⁹ Child Rights Act 2003, s 32.

The courts are primary enforcers of human dignity rights. They entertain fundamental rights suits (through section 46 of the constitution and the FREP rules) and issue remedies (declarations, injunctions, damages). Hence, they operationalise the guarantees of the constitution. The judiciary plays an active role in protecting dignity. The Court has affirmed that fundamental rights (including dignity) are “part of human rights” which courts must be protect zealously.¹²⁰ Similarly, Lower courts have awarded damages for the violation of right to dignity. In *Faith Okafor v. Lagos State Government*,¹²¹ the Court of Appeal declared that the plaintiff’s right was violated when she was manhandled in custody.¹²² Similarly, courts have found that demeaning detention conditions (e.g. crowding or degrading cells) breach dignity rights. Courts also ensure that pre-trial detainees are afforded their due process rights (following ACJA and Evidence Act), and they have also declared that illicit confessions inadmissible are unconstitutional under Section 34. Furthermore, courts supervise jail release writs (habeas corpus) to prevent illegal detention.

3.2.1.2 National Human Rights Commission (NHRC)

The NHRC is an independent statutory body. It monitors and promotes human rights in Nigeria. It investigates violations and assists victims. It is a quasi-judicial mediator in dignity-related cases. The commission makes recommendations for prosecutions, and assist victims in seeking redress. It covers the rights guaranteed by national and international law (including the African Charter, ICCPR, CRC, etc.). In practice, the NHRC handles complaints on torture, unlawful detention, police brutality and prison conditions. The NHRC has received petitions regarding police torture, and it sometimes intervenes by facilitating compensation or informal settlements. It also publishes reports highlighting abuses. In Chima

¹²⁰ Faith Okafor (n 70).

¹²¹ *ibid.*

¹²² *ibid.*

Nwosu v Nigeria Police,¹²³ Chima Nwosu submitted a complaint concerning unlawful arrest and detention, torture, and other inhuman and degrading treatment by officers of the Nigeria Police Force in Rivers State. After considering the complaint, the NHRC panel recommended that the Nigeria Police pay Chima Nwosu ₦6 million as compensation. It also recommended that the Police issue him a public apology through a newspaper publication. The panel further recommended the dismissal and prosecution of ASP Etubi Danjuma in connection with the unlawful detention, torture and degrading treatment.

3.2.1.3 Nigerian Police Force (NPF) and Police Service Commission (PSC)

NPF is the frontline agency whose conduct impacts citizens' dignity. On the other hand, the PSC is responsible for appointments, promotions, and discipline of senior officers (in line with the Constitution and the Police Act). Together, they form a key part of the institutional framework for safeguarding (or undermining) dignity rights in law enforcement and accountability. The duties of the NPF (as set by law) include enforcing fundamental rights. The Police Act 2020 reorients the NPF toward respecting rights. The PSC was created¹²⁴ under the Constitution and it is now reinforced under the 2020 Act. It has authority to discipline officers guilty of misconduct. In theory, the PSC and related Boards ensure that officers who violate dignity (through torture or unlawful arrest) are sanctioned. In *Ogbe v Okonkwo*,¹²⁵ police officers went to arrest one Mr Osondu but instead arrested Mr James Agbo, who was not the person sought. Despite repeated explanations concerning the mistaken identity, the officers detained and tortured him and charged him to court. The Court of Appeal held that arresting a person without sufficient evidence or proper identification was unlawful. It further held that the arrest and treatment of Mr Agbo as inexcusable.

¹²³ Complaint No NHRC/PSARS/2018/RVS/5, National Human Rights Commission Special Investigation Panel on SARS <<https://www.nhrc.gov.ng/files/publications/RIVERS%20STATE-converted.pdf>> accessed 17 June 2026.

¹²⁴ Constitution (n 2) s 153(1)(m).

¹²⁵ [2018] LPELR-43876(CA).

3.2.1.4 Nigerian Correctional Service (NCoS)

The NCoS administers the prisons and custodial centers in Nigeria.¹²⁶ The NCoS's policies and day-to-day operations affect whether statutory and constitutional guarantees (like section 34 and the NCoS Act) are fulfilled behind bars. By law, the NCoS must provide humane custody.¹²⁷ It is also subject to oversight by the Chief Justice (through prison visits mandated by ACJA). In recent years, the NCoS has taken steps toward reform. It rebranded to emphasise rehabilitation and it also partnered with NGOs on in-prison skills programs. However, human rights groups have certified that most facilities are overcrowded. In addition, they are not sanitised and prisoners are also abused inside the facilities

3.2.1.5 National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

This is a specialized federal agency created (by the NAPTIP Act 2003 and its amendments) to prevent and prosecute trafficking in persons. It enforces the Trafficking Act (2015) and provides protection to victims. Its role intersects with human dignity because it rescues vulnerable individuals (often sexually or economically exploited) and hold perpetrators accountable. NAPTIP has the authority to investigate cases of trafficking across Nigeria and abroad. It collaborates with police and immigration services to run operations. The agency also runs shelters and rehabilitates programs for rescued victims.

3.2.1.6 Legal Aid Council of Nigeria (LACoN)

The Legal Aid Council provides free legal representation to indigent citizens in criminal cases.¹²⁸ It makes justice accessible to the poor and it supports dignity indirectly because it ensures that all persons have the right to legal defense and fair process. LACoN has offices in every state.¹²⁹ Section 6(2) of the Legal Aid Act 2011 requires a zonal office in each of Nigeria's six geopolitical zones. More specifically, section 6(4) directs the Council to

¹²⁶ Nigerian Correctional Service Act (n 83) s 1.

¹²⁷ *ibid*, s 10(b).

¹²⁸ Legal Aid Act 2011, s 8(2).

¹²⁹ *ibid*, s 6(4).

establish one office in each state of the Federation. Each state office must operate Criminal Defence, Civil Litigation and Community Legal Service Units under section 6(5). It is mandated to assist accused persons who cannot afford lawyers. LACoN lawyers have sometimes represented plaintiffs in fundamental rights suits to enforce their right to dignity. The Council also runs public legal education programs on fundamental rights;¹³⁰ this helps citizens understand their right to dignity. In practice, however, LACoN's capacity is overburdened and it is underfunded. Many districts have only one lawyer available. In addition, bureaucratic hurdles to securing aid are onerous. As a result, many FR petitioners must hire private counsel or proceed pro se and this limits enforcement of their dignity rights.

3.2.1.7 Federal/State Ministries of Justice (DPP/Human Rights Units)

The Federal and State Ministries of Justice (through Directorates of Public Prosecutions (DPPs) and dedicated Human Rights units) have a prosecutorial and advisory role. They decide whether to bring criminal charges for violations of rights (e.g. torture, torture-obtained confessions, trafficking, etc.). In addition, they may draft or vet legislation affecting human dignity. Each State Attorney-General's office (and the AGF at the federal level) houses the DPP who has discretion over prosecutions. Some states have also created "Rights Units" or appointed Human Rights Commissioners within the Ministry to focus on abuses. The Federal Ministry of Justice plays a role in reviewing bills (like VAPP, Disability Act) before they are introduced. In court, prosecutorial attitudes affect outcomes. *FRN v Vitalis Mbeyi*,¹³¹ the defendant was charged with forgery and misleading a public officer. He applied for bail under sections 158 and 162 of the ACJA. The prosecution neither filed a counter-affidavit nor opposed the application. The FCT High Court held that bail is connected to the constitutional

¹³⁰ *ibid*, s 8(7)(a).

¹³¹ Charge No FCT/HC/CR/136/2022, Motion No M/8060/2022 (High Court of the Federal Capital Territory, 6 July 2022) <<https://www.fcthighcourt.gov.ng/wp-content/uploads/2025/04/FRN-VS-VITALIS-MBEYI-BAIL.pdf>> accessed 17 June 2026.

rights to personal liberty and presumption of innocence and granted bail after finding that the defendant had satisfied the statutory requirements.

3.2.1.8 Civil Society and Professional Bodies

NGOs, activist coalitions, and professional associations (for examples, Nigerian Bar Association) form an informal part of the framework for enforcement. They monitor abuses and conduct advocacy. They also provide legal assistance and pressure institutions to protect human dignity. There are numerous Civil society groups such as the CLEEN Foundation, the Socio-Economic Rights and Accountability Project (SERAP), Human Rights Watch Nigeria, and local rights coalitions and they documented torture, police brutality, and prison conditions. They published reports and pursue strategic litigation. They also lobby for reform. For instance, following the shooting of #EndSARS protesters at the Lekki Toll Gate in Lagos on 20 October 2020, civil society organisations and international human-rights groups¹³² publicised the alleged violations of the protesters' rights to life, dignity and peaceful assembly. Their advocacy contributed to demands for an independent investigation, prosecution and disciplinary action against implicated security officers, prompt compensation for victims, improved police training and accountability, and the establishment of stronger mechanisms for addressing complaints of police brutality. Subsequently, the Lagos State Judicial Panel of Inquiry recommended the prosecution of implicated police officers, disciplinary action against military personnel and prompt compensation for victims.¹³³

3.2.2 Core Regional Institutional Framework

3.2.2.1 African Commission on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights is a quasi-judicial body and it monitors compliance with the African Charter (to which Nigeria is a state party). It receives

¹³² See, for example, Amnesty International and other civil-society organisations.

¹³³ F Abdulkadiri, 'NBA Condemns Detention of Citizens, Says Police Has Failed to Learn from #EndSARS Protests' Arise News (30 October 2020) <<https://www.arise.tv/nba-condemns-detention-of-citizens-says-police-has-failed-to-learn-from-endsars-protests/>> accessed 17 June 2026.

communications (complaints) when the Charter is violated. It issues non-binding decisions and recommendations. Over the years, the Commission has examined the human rights record in Nigeria in periodic reports, including issues of torture, arbitrary detention, and discrimination. It hears cases submitted by NGOs or individuals in Nigeria.¹³⁴ In these decisions, the Commission condemned practices that violate dignity. In *Curtis Francis Doebller v Sudan Communication*,¹³⁵ Several female university students were arrested by Sudanese public-order police for allegedly behaving immorally because they were picnicking with male friends, laughing, dancing and wearing trousers. They were tried summarily without adequate legal representation and sentenced to fines and between 25 and 40 lashes. The punishment was carried out publicly with a wire-and-plastic whip and these caused physical injuries and humiliation. The African Commission held that the flogging constituted cruel, inhuman and degrading punishment contrary to Article 5 of the African Charter which provide that human dignity of every individual must be respected. It stated that Article 5 must be interpreted to protect individuals against both physical and mental abuse. For example, it holds that corporal punishment violates Article 5. It also issues general recommendations and guidelines that Nigeria is expected to consider.

3.2.2.2 African Court on Human and Peoples' Rights (AfCHPR)

The AfCHPR was established by a Protocol to the African Charter and it is a continental court that individuals and NGOs approach after exhausting domestic remedies where the state has made a declaration that allow the Court to hear such cases. It renders binding judgments against member states. Originally, Nigeria ratified the Court's protocol. However, in the case of *Media Rights Agenda v Nigeria Communication*¹³⁶, it withdrew its declaration in 2005

¹³⁴ *Constitutional Rights Project v Nigeria* (n 57).

¹³⁵ No 236/2000 (African Commission on Human and Peoples' Rights, 33rd Ordinary Session 2003).

¹³⁶ No 224/98 (African Commission on Human and Peoples' Rights) <<https://achpr.au.int/en/decisions-communications/media-rights-agenda-nigeria-22498>> accessed 17 June 2026.

after unfavourable rulings. Thus, the direct institutional relevance of the court to the enforcement of dignity in Nigeria is minimal.

3.2.3 Core International Institutional Framework

3.2.3.1 UN Human Rights Committee (ICCPR Committee)

This oversees implementation of the ICCPR. It reviews reports in Nigeria. In each periodic review, the HRC has raised concerns about the human rights situation in Nigeria.¹³⁷ It has expressed alarm at reports of torture in police custody and at excessive pretrial detention, and recommended concrete steps¹³⁸ to remedy these breaches. These pronouncements are not binding legally. However, they represent authoritative interpretations of the international obligations of Nigeria. Consequently, it is an external audit of civil and political rights record in Nigeria. Nigerian governments sometimes commit to implementing HRC recommendations, but follow-through is inconsistent.

3.2.3.2 UN Committee Against Torture (CAT Committee)

The UN CAT Committee monitors implementation of CAT by state parties. Nigeria submits reports on its Anti-Torture Act and practices. The Committee issues concluding observations that address torture and related inhuman treatment. In its most recent (2018) review of Nigeria, the CAT Committee noted the passage of the Anti-Torture Act and a moratorium on the death penalty. However, it expressed concern that torture remained unpunished and that conditions in detention were poor. It recommended that Nigeria should prosecute torture cases vigorously and provide rehabilitation to victims.¹³⁹

3.2.3.3 UN Special Procedures

¹³⁷ These concerns include torture and deaths in custody, arbitrary arrest, prolonged pre-trial detention, extrajudicial killings and excessive use of force.

¹³⁸ The recommendations included training law-enforcement personnel and investigating and prosecuting perpetrators.

¹³⁹ UN Human Rights Committee, 'Concluding Observations on Nigeria in the Absence of its Second Periodic Report' (29 August 2019) UN Doc CCPR/C/NGA/CO/2, paras 32–35
<https://www.rightofassembly.info/assets/downloads/Human_Rights_Committee_Concluding_Observations_on_Nigeria_%282019%29.pdf> accessed 17 June 2026.

This body examine Nigeria's situation periodically. They visit and communicate with Nigeria and thus provides assessments of the dignity rights record in Nigeria. Hence, this may influence policy. The UN Special Rapporteur on Torture visited Nigeria in 2003 and they produced a report identifying patterns of police and military torture. That report urged legal reforms (which partly led to the Anti-Torture Act) and recommended stronger investigations.¹⁴⁰ More recently, the Working Group on Arbitrary Detention has mentioned Nigeria in thematic reports on pretrial detention. Special Rapporteurs also send urgent appeals to Nigeria on specific cases (e.g. allegations of torture of a detainee). These amplify individual cases of abuse in human rights and puts indirect pressure on authorities in Nigeria.¹⁴¹

¹⁴⁰ Office of the UN High Commissioner for Human Rights, 'Special Rapporteur on Torture to Visit Nigeria' (Press Release, 8 January 2007) <<https://www.ohchr.org/en/press-releases/2009/10/special-rapporteur-torture-visit-nigeria>> accessed 17 June 2026.

¹⁴¹ *ibid.*

CHAPTER FOUR

LEGAL CHALLENGES IN THE ENFORCEMENT OF THE RIGHT TO HUMAN DIGNITY IN NIGERIA

4.1 Core Substantive Challenges

This section examines the challenges in the enforcement of the right to human dignity in Nigeria.

4.1.1 Definitional and Threshold Ambiguities (torture vs. cruel, inhuman or degrading treatment).

The 1999 Constitution guarantees that “no person shall be subjected to torture or other inhuman or degrading treatment”.¹⁴² However, it nowhere defines what constitutes each category. This ambiguity complicates enforcement, since courts must discern whether a particular wrong amounts to “torture” or falls short. In *Onuoha Kalu v. The State*,¹⁴³ the supreme court made it clear that even an irreversible punishment like the mandatory death penalty is not per se a violation of dignity. This implies that the constitutional threshold for “inhuman or degrading” conduct is higher than some critics would expect. Commentators

¹⁴² Constitution (n 2) s 34.

¹⁴³ [1998] 13 NWLR (Pt 583) 531 (SC).

have noted that the interpretation of dignity in Kalu's case¹⁴⁴ was narrow and it might have been more protective if viewed through evolving human rights standards. In practice, this means many harsh practices may not be regarded torture or its legal equivalents, even when they wound victims.

There is no statutory or case-law definition and this exacerbates uncertainty. Until very recently, no Nigerian law even criminalised torture outside of an omnibus injunction. The Administration of Criminal Justice Act (2015) requires humane treatment of suspects and forbids torture, cruelty or inhuman treatment.¹⁴⁵ By itself this provides a general ban on such treatment. However, it is without clear definitions and it still leaves judges to assess egregiousness on a case-by-case basis. Anti-Torture Act 2017 finally defines "torture" alongside with the UN Convention Against Torture (UNCAT) but only where state agents are involved. Section 2(1) of that Anti-Torture Act declares torture to be an act causing severe pain "when inflicted by or with the consent or acquiescence of a public official"¹⁴⁶ Thus, official atrocities meet the definition. However, analogous harm by non-state actors often falls through the cracks. The Act made a detailed list of "cruel, inhuman or degrading" acts (beatings, suffocation, sexual violence, etc)¹⁴⁷ which signals that private citizens' misconduct is not covered unless the authorities are complicit. In short, the substantive law on dignity is marked by uncertain boundaries. Victims of abuse by vigilantes or criminal gangs may have no clear cause of action under the torture provisions and even many state-sponsored abuses have been tolerated under the "not torture" label. This grey area has consequences. Amnesty International documented that Nigerian courts admit "confessions" obtained under duress.¹⁴⁸

4.1.2 Gaps in Domestication and Hierarchy of Norms

¹⁴⁴ *ibid.*

¹⁴⁵ Administration of Criminal Justice Act 2015, s 8.

¹⁴⁶ Anti-Torture Act 2017, s 2(1).

¹⁴⁷ *ibid.*

¹⁴⁸ Amnesty International, *Torture in Nigeria: In Summary—Stop Torture Country Briefing* (2014) <<https://www.amnesty.org/en/wp-content/uploads/2021/07/afr440052014en.pdf>> accessed 17 June 2026.

Nigeria is committed to several treaties. However, they remain unenforceable due to constitutional constraints. Section 12 of the 1999 Constitution provides that no international treaty has domestic effect unless implemented by an Act of the National Assembly. In practice, this dualist approach means that even where Nigeria ratified major human rights instruments (e.g. the African Charter on Human and Peoples' Rights (ACHPR), the ICCPR, or the UNCAT), individuals could not invoke them in court. Nigeria did pass an act in 1983 to enforce the African Charter. Nonetheless, the domestic potency of the Charter remains doubtful. In *Abacha v. Fawehinmi*,¹⁴⁹ Chief Gani Fawehinmi was arrested without a warrant and detained by security officers without being informed of any offence. He challenged the detention on the ground that it violated, among other provisions, Articles 4, 5, 6 and 12 of the African Charter on Human and Peoples' Rights. The Supreme Court held that, because the Charter had been domesticated by legislation, it formed part of law in Nigeria and was enforceable in court. Furthermore, the Court held that the Charter Act possesses greater force than ordinary municipal legislation because of its international character. Nevertheless, it cannot override the Constitution, which remains the supreme law, and, under the military regime then in force, it could not prevail over a military decree which is given superior legal effect.

Evidently, there is a hierarchy of laws in Nigeria and this puts the Constitution and federal statutes above international obligations. This also ensures that any domestic law (or state practice) inconsistent with a treaty obligation is not voided, unless amended. Nigeria acceded to the UN Convention Against Torture in 2001. However, it took until 2017 to enact a specific criminal ban on torture. Until then, prosecutors could not rely on UNCAT in court. The domestic courts have been wary of granting direct effect to treaty rights that go beyond the text of Chapter IV rights, given Section 12 and the supremacy clauses of the Constitution.

¹⁴⁹ [2000] 6 NWLR (Pt 660) 228 (SC).

In effect, the international human dignity commitments in Nigeria remains aspirational until the legislature enacts enabling provisions.

Another facet is conflict between constitutional norms and local practice. The constitution is supreme under Sections 1–4 of 1999 CFRN (as amended). So any law or custom conflicting with guaranteed rights must yield. Yet enforcement of this rule is uneven. For instance, in Sharia-implementing states, local criminal codes impose corporal punishments (floggings, amputations) under religious law.¹⁵⁰ Those punishments violate the constitutional ban on degrading treatment arguably. However, state officials often consider them lawful. There is no overriding federal intervention in many cases and this means that victims of such punishments have limited recourse.

4.1.3 Conflicts with Customary/Administrative Practices

Traditional and administrative norms in Nigeria may undermine the protection of human dignity. In some states, the enforcement of religious laws has resulted in punishments that conflict with the universal principle of human dignity. The implementation of Sharia has “infringed on rights and freedoms” of various.

Although Sharia criminal law in northern Nigeria generally applies only to Muslims, its enforcement has sometimes affected non-Muslims. For example, Hisbah groups have raided hotels and bars, intercepted vehicles and destroyed alcoholic beverages which belong to Christian and other non-Muslim traders. This interferes with their property, livelihood and freedom of religion.

Certain religious and customary enforcement practices have also restricted women’s autonomy and freedom of movement. For example, in 2005, the Kano State Government introduced gender-segregated public transport measures. This prohibited women from travelling in the same buses as men or riding behind male commercial motorcyclists. Hisbah

¹⁵⁰ Zamfara State Shari’ah Penal Code Law 2000, s 145.

officials have also stopped women because of their clothing, even where no statutory offence existed. Such measures may interfere with the rights to dignity, privacy, freedom of movement and freedom from sex discrimination. The case of *Safiya Hussaini v State*¹⁵¹ and *Amina Lawal v State*, in which women were convicted of *zina* and sentenced to death by stoning before their convictions were overturned on appeal, further illustrate the point.

In *Safiya Hussaini v State*, Safiya Hussaini, a divorced woman, was convicted of *zina*, or unlawful sexual intercourse, by a Sharia court in Sokoto State and sentenced to death by stoning. The pregnancy she developed after her divorce was treated as evidence against her. She had inadequate legal assistance during the initial proceedings. On 25 March 2002, the Sokoto State Sharia Court of Appeal allowed her appeal and quashed the conviction and sentence. The appellate court identified evidential and procedural defects. This includes that law was applied retrospectively and the strict requirements necessary to prove *zina* was not complied with. Similarly, in *Amina Lawal v State*,¹⁵² Amina Lawal, a divorced woman from Katsina State, was convicted of *zina* after giving birth outside marriage and was sentenced to death by stoning. The man she identified that was responsible denied the allegation and was discharged. However, the pregnancy was relied upon against her.

Moreover, other customary practices pose challenges. These include Harmful rites such as female genital mutilation (FGM). FGM has been banned in Nigeria statutorily. However, it still persists. This is illustrated by the 2015 UNFPA–UNICEF FGM Baseline Assessment conducted in Ebonyi, Ekiti, Imo, Lagos, Osun and Oyo States. The assessment¹⁵³ found that traditional circumcisers performed FGM in nearly all the communities studied and that the practice was sustained by cultural conformity, the belief that it controls female sexuality, and

¹⁵¹ (Unreported, Sharia Court of Appeal of Sokoto State, 25 March 2002).

¹⁵² (Unreported, Sharia Court of Appeal of Katsina State, 25 September 2003).

¹⁵³ UNFPA–UNICEF Joint Programme on Female Genital Mutilation, Putting It All Together: A Case Study from Nigeria—Reflections on Phase II of the Joint Programme on Female Genital Mutilation (UNICEF 2018) 6–12 <<https://www.unicef.org/media/47961/file/Putting-It-all-together-a-case-study-from-Nigeria.pdf>> accessed 17 June 2026.

pressure from grandmothers and mothers-in-law. About one-third of respondents acknowledged that FGM continued within their families and social circles and 28.9 per cent stated that they intended to subject their daughters to the practice in the future.

UNICEF warns that FGM remains widespread in Nigeria and it also notes that the procedure “violates a person’s rights to...be free from torture or cruel, inhuman or degrading treatment.”¹⁵⁴ Thus, even when national legislation (such as the Violence Against Persons Prohibition Act) outlaws such practices, implementation is uneven when it is accepted by the community. Administrative routines also conflict with dignity. Over the years, for instance, some police and military units in Nigeria used degrading “examination” methods on victims of sexual violence. Though banned after outcry, the infamous “two-finger test” (to ascertain a rape victim’s chastity) is a case in point. It is a medically meaningless procedure and it inflicted psychological harm under official auspices. More so, victims of abuse by security forces often encounter a multi-layered barrier. They must overcome brutality and also a system that approves or normalises such treatment tacitly.¹⁵⁵

4.2 Core Procedural Challenges

4.2.1 Evidentiary Barriers

Even where the substantive law favours human dignity, victims struggle procedurally to prove abuses. Evidentiary standards often impede successful claims. One major hurdle is that torture and ill-treatment are unrecorded by any official body. Police and security officers rarely document the injuries they inflict; in fact, confessions extracted under severe pain are admitted in evidence notoriously. Amnesty International has reported that Nigerian courts “routinely” admit information obtained by torture¹⁵⁶ In practice, this means that victims who bear the marks of beatings or abuse may find those admissions only strengthen a conviction

¹⁵⁴ UNICEF, ‘UNICEF Warns FGM on the Rise among Young Nigerian Girls’ (6 February 2022) <<https://www.unicef.org/nigeria/press-releases/unicef-warns-fgm-rise-among-young-nigerian-girls>> accessed 17 June 2026.

¹⁵⁵ Amnesty International (n 148).

¹⁵⁶ *ibid.*

(of themselves or others), not demonstrating state culpability. Even when a victim witnesses the violence, prosecution may be difficult because other witnesses may fear retaliation from offenders. Witness intimidation is also common. This is because perpetrators (often police or militants) threaten victims who attempt to complain. Critical evidence is silenced before trial without witness protection.

Legal provisions mitigate this gap only partially. The ACJA provides that a suspect “shall not be subjected to any form of torture, cruel, inhuman or degrading treatment” and that any statement made under torture or intimidation is inadmissible¹⁵⁷ However, enforcement is sporadic. In many cases, judges do not have proof that a confession was coerced unless the accused himself alleges it under oath. Victims likewise must trigger an inquiry. Nonetheless, police and prosecutors (who are often the accused’s colleagues) show little incentive to investigate the acts of torture. Even medical examinations of detainees are delayed or avoided, so bruises fade. By the time a case reaches court, the physical signs of abuse may have disappeared and the victim’s recollection dulled. Without forensic documentation or independent evidence, a judge may conclude there is “insufficient evidence of torture.”

This evidentiary barrier is compounded because resources are limited. High litigation fees and costs (discussed below) force victims to drop lawsuits before gathering evidence. Moreover, many citizens lack legal training to understand evidentiary rules. It is difficult for ordinary litigants to navigate the complex requirements of forensic proof. This leaves the illiterate or uneducated far behind.¹⁵⁸ By contrast, judges familiar only with criminal procedure may not know the approach with respect to human rights claim. They may give full weight to any state testimony. The net effect is that even *prima facie* humiliations or beatings are difficult to substantiate in court.

¹⁵⁷ Administration of Criminal Justice Act 2015, s 46(4).

¹⁵⁸ NS Okogbule, ‘Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects’ [2005] (3) (2) *Sur International Journal on Human Rights* 95–113 <<https://sur.conectas.org/en/access-justice-human-rights-protection-nigeria/>> accessed 17 June 2026.

4.2.2 Judicial Delays

Protracted litigation in the courts in Nigeria hampers enforcement of human dignity. Justice delayed becomes justice denied as victims may pass away or their claims weaken before resolution. The backlog of cases are common in Nigeria. By 2024, the Federal High Court had about 30,949 pending human rights applications.¹⁵⁹ In total, that court carried over 165,905 civil and criminal cases into 2025, alongside almost 31,000 fundamental rights cases.¹⁶⁰ More so, Nigeria has only about 1,300 judges for roughly 216 million people (roughly six judges per million).¹⁶¹ Many courts operate well below their full bench complement. Such shortages force each judge to handle an enormous docket. On the average as at 2024, the Federal High Court had over 1,500 pending cases. Thus it is impossible to give each matter a timely hearing.¹⁶²

Structural features exacerbate delay. Procedurally, Nigerian law guarantees an accused “adequate time and facilities” to prepare a defense,¹⁶³ and the courts have taken this very literally.¹⁶⁴ In practice, judges grant adjournments for defense. There would be delay in the court process when demand for sufficient preparation is made frequently. Indeed, courts sometimes grant successive adjournments due to understaffing. In addition, Judges have also been known to fall ill or retire mid-case without replacement. This forces verdicts to be vacated or reset. In extreme instances, even judges have been targeted by crime. Justice Ebiyerin Omukoro, a judge of the Bayelsa State High Court, was not abducted during a court hearing. He was kidnapped at about 7:00 p.m. on Saturday, 21 June 2025, outside

¹⁵⁹ L Patrick-Okwoli, ‘CJN Urges Courts to Adopt Virtual Hearings to Tackle Litigation Backlog’ *BusinessDay* (15 December 2025) <<https://businessday.ng/news/article/cjn-urges-courts-to-adopt-virtual-hearings-to-tackle-litigation-backlog/>> accessed 17 June 2026.

¹⁶⁰ Patrick-Okwoli (n 159).

¹⁶¹ C Unini, ‘Nigeria Trails Global Peers in Judge-to-Population Ratio—Only 1,300 Judges for 216 Million Citizens’ *The Nigerian Lawyer* (26 July 2025) <<https://thenigerialawyer.com/nigeria-trails-global-peers-in-judge-to-population-ratio-only-1300-judges-for-216-million-citizens/>> accessed 17 June 2026.

¹⁶² *ibid.*

¹⁶³ Constitution (n 2) s 36(6)(b).

¹⁶⁴ Okogbule (n 158).

Kilimanjaro Eatery near Ekeki Park in Yenagoa. Reports indicate that he was with two of his daughters when masked gunmen forced him into their vehicle. He was released on 3 July 2025, after spending 12 days in captivity. Following the abduction, the Yenagoa Branch of the Nigerian Bar Association commenced a symbolic boycott of courts across Bayelsa State on 23 June 2025 to demand his release. Court proceedings were disrupted during this period.¹⁶⁵

4.2.3 Costs and Access to Counsel/Legal Aid

In Nigeria, litigation is arguably expensive and this presents serious obstacles for ordinary Nigerians who seek to enforce their right to dignity. Civil procedure in Nigeria imposes hefty filing fees and ancillary expenses and this affects a citizen's access to court. Okogbule noted that "relative to the economic situation in Nigeria, the cost of litigation...is so high that the ordinary Nigerian hardly afford legal representation".¹⁶⁶ This is not mere abstraction. For example, under the Federal High Court rules, a ₦10 million claim requires a filing fee in excess of ₦50,000.¹⁶⁷ This is an insurmountable sum for most people living on modest incomes. Plaintiffs often must pay lawyers' retainers, file hundreds of pages of documents, hire valuers or medical experts, and attend court personally (sometimes multiple jurisdictions). This forces many indigent victims of abuse to abandon court altogether or to sue without representation (this is an almost certain path to defeat because court procedures are complex in Nigeria). In extreme cases, plaintiffs have halted legitimate suits because they lack the financial resources to proceed.

To counterbalance this, the Nigerian Constitution does guarantee legal aid *in principle* for certain litigants. Section 36(6)(b) and (c) provide that any person charged with a criminal

¹⁶⁵ Unini (n 161).

¹⁶⁶ Okogbule (n 158).

¹⁶⁷ *ibid.*

offence (including capital crime) or initiating a fundamental rights enforcement suit is entitled to have counsel assigned if he cannot afford one. The legislature enacted a comprehensive Legal Aid Act (2011) to operationalise this right. In theory, this means free legal representation from the Legal Aid Council of Nigeria (LACON) for indigent claimant who could seek free counsel and have representation through trial. The Administration of Criminal Justice Act also reiterates that suspects are entitled to immediate legal consultation by LACON if unrepresented. Furthermore, even the Supreme Court assigns counsel if appellants lack means.¹⁶⁸ Yet legal aid remains under-resourced and limited in scope in the aspect of practice. The Council has long waiting lists nationwide. Its mandate still focuses on criminal matters, and in many states it cannot take on every Fundamental Right case that arises. Critics note that “legal aid is restricted only to defense of criminal matters and civil action on breach of fundamental rights.”¹⁶⁹

4.2.4 Jurisdictional Issues

Jurisdictional technicalities complicate litigation to enforcement of right to dignity. In Nigeria, enforcement of fundamental rights is vested in the Federal High Courts.¹⁷⁰ Sometimes, this creates confusion for victims. A person whose rights were violated by a state government or by a private wrongdoer may wonder whether to sue in state High Court or Federal High Court. The Constitution houses that every Fundamental Rights case goes to Federal High Court. Arguably, this is not known to the general public. Some litigants approach state courts, only to have cases dismissed for want of jurisdiction. Another aspect is that jurisdiction overlap with specialised tribunals. Nigeria has various quasi-judicial bodies (like labor tribunals, police disciplinary committees, and customary courts). None of them have power to adjudicate Chapter IV rights. A claimant who first submits a grievance to, say,

¹⁶⁸ O Onyema and LA Oti-Onyema, ‘Limitations of the Legal Aid Council of Nigeria: Need for Action Plan’ [2020] (1) *International Journal of Law and Clinical Legal Education* 149–158
 <<https://www.nigerianjournalonline.com/index.php/IJOLACLE/article/view/2176>> accessed 17 June 2026.

¹⁶⁹ *ibid.*

¹⁷⁰ Constitution (n 2) s 251.

a police oversight board may find that it lacks the authority to award relief beyond internal discipline. If the complainant then files a FR suit, he must start afresh at the FHC. Hence, this duplicates his/her effort. Similarly, criminal courts may review evidence of abuse (e.g. torture of suspects). However, they are concerned with determining guilt or innocence, not with awarding constitutional remedies.

Even jurisdictional law is a source of defeat in FR suits. Under the Fundamental Rights (Enforcement Procedure) Rules, there was confusion for many years about the proper format for initiating an FR action. Some courts insisted that strict ex parte application for leave was mandatory. Conversely, others have since relaxed the rules if the intent is clear.¹⁷¹ *In Tukur v. Government of Gongola State*,¹⁷² the Supreme Court refused to allow an FR suit when it deemed that the plaintiff's main grievance (removal from office) was a 'civil' matter shoehorned into an FR action improperly. Consequently, this hinders holistic adjudication of issues that may be intertwined with broader grievances.

4.2.5 Compliance/Enforcement of Judgments

Even when courts vindicate a right to dignity, it is often problematic to enforce judgment. Nigeria lacks mechanisms to ensure state actors comply with court orders. Governments also ignore rulings without real consequences. For example, courts have issued injunctions against forced evictions. In at least one instance, however, the Lagos State authorities evicted thousands of residents even when there was an order which declared the evictions unlawful.¹⁷³ In *Akakpo Agemo & Others v Attorney-General of Lagos State & Others*,¹⁷⁴ the Lagos State High Court restrained the Lagos State Government from demolishing waterfront communities and directed subsequently the parties to maintain the status quo. Nevertheless, the authorities continued the demolition of Otodo-Gbame and evicted forcibly thousands of

¹⁷¹ Okogbule (n 158).

¹⁷² [1989] 4 NWLR (Pt 117) 517 (SC).

¹⁷³ Amnesty International (n 148).

¹⁷⁴ Suit No LD/4232MFHR/16 (Unreported, High Court of Lagos State, 21 June 2017).

residents. In its final judgment, the Court held that evicting persons from their homes without adequate notice, consultation or alternative accommodation constituted cruel, inhuman and degrading treatment contrary to section 34 of the Constitution.

Similar defiance occurs with respect to detainee release and compensation orders. In *Sheikh Ibraheem El-Zakzaky v Department of State Services & 2 Others*,¹⁷⁵ the Federal High Court held that the continued detention of Sheikh Ibraheem El-Zakzaky and his wife without trial was unlawful and unconstitutional. The Court ordered their release within 45 days and awarded them ₦50 million in general damages. However, the authorities failed to comply with the order, and the couple remained in custody until the Kaduna State High Court discharged and acquitted them on 28 July 2021. More generally, Amnesty reports that state security officials “ignore court orders for the release of detainees frequently” even after the courts have ruled in favour of aggrieved citizens.¹⁷⁶

Likewise, when financial compensation is awarded to victims of rights violations, the government side delays payment indefinitely. This breeds frustration. Victims may obtain a judgment in theory. However, they never receive restoration of their rights or damages. More so, there is no accountability for non-compliance. Contempt proceedings are not taken against state officials for violating court orders. In essence, the rule of law is weakened when authorities disregard judicial directives with little risk. This is exacerbated by political culture in Nigeria; executive and legislature assume that they are above the judiciary.

4.3 Core Institutional Challenges

4.3.1 Under-resourcing of Courts and Enforcement Agencies

Institutionally, the legal system in Nigeria is undermanned and underfunded and this to a very large extent affect the enforcement of the right to dignity. In Nigeria, the judge-to-population ratio is among the worst in the world. Roughly six judges per million inhabitants (Ghana is

¹⁷⁵ Suit No FHC/ABJ/CS/281/2016 (Unreported, Federal High Court, Abuja Division, 2 December 2016).

¹⁷⁶ Amnesty International (n 148).

13 per million and Kenya is 30 per million).¹⁷⁷ This reflects a small judiciary and unequal distribution: as noted, while the Supreme Court is at full strength (21 justices), the Court of Appeal, Federal High Court, and State High Courts operate with numerous vacancies. The Federal High Court (which handles essentially all fundamental rights petitions) has only 94 justices for the entire nation.¹⁷⁸ Furthermore, many judges are based in Abuja or Lagos and this makes remote regions under-served. Consequently, citizens from rural areas face the additional hurdle when they travel long distances in order to access a judicial forum.

Moreover, there is limited number of court staffs. As Effiong¹⁷⁹ points out Federal High Courts do not have enough clerks and bailiffs to process filings and summons efficiently. This leads to administrative backlogs. Courts are unable to afford sufficient courtroom space due to limited budget. Litigants must wait outside in limited precincts for their cases. At the same time, enforcement agencies like the National Human Rights Commission (NHRC) or the new National Committee Against Torture (NCAT) suffer similar neglect. The NCAT was placed under the Ministry of Justice. However, it is left without its own budget or independent status.¹⁸⁰ It is suggested that the NHRC is under-resourced. There are few personnel to investigate the abuse of rights nationwide.¹⁸¹

One metric of under-resourcing is that there are backlog of cases. As at 2024, Superior courts held over 243,000 unresolved matters including 155,000 pending at the Federal High Court alone.¹⁸² If current staffing were augmented, turnover might improve substantially. Yet fiscal priorities have often sidelined the judiciary. Indeed, new judges are appointed. However, their remuneration and court budgets remain below demand

¹⁷⁷ Unini (n 161).

¹⁷⁸ *ibid.*

¹⁷⁹ LE Effiong, 'The Duty of Court Employees in Nigerian Contemporary Justice System' [2022] (8) (6) *International Journal of Law* 107–113 <<https://www.lawjournals.org/assets/archives/2022/vol8issue6/8-5-88-585.pdf>> accessed 17 June 2026.

¹⁸⁰ Amnesty International, Nigeria: Time to End Impunity—Torture and Other Violations by the Special Anti-Robbery Squad (SARS) (2020) <<https://www.justice.gov/eoir/page/file/1290111/dl>> accessed 17 June 2026.

¹⁸¹ *ibid.*

¹⁸² Unini (n 161).

4.3.2 Prison Overcrowding and Pre-Trial Detention Pressures

In Nigeria, Overcrowding is endemic. According to the World Prison Brief, a prison in Nigeria held 79,873 inmates as of late 2025, in facilities designed for just 50,153 and 65.5% of these inmates were pre-trial detainees.¹⁸³ This results from bottleneck in the justice system. Many people are held for months or years in appalling conditions. The cells are dilapidated and overcrowded and they become fertile ground for disease and abuse. At times, infants are born in custody; detainees sleep on concrete floors in full view of others. Malnutrition and poor sanitation are rampant. Overcrowding means prisoners (many of whom are innocent until proven guilty) are treated as burdens, not individuals with rights. Moreover, guard-to-prisoner ratios are low, and many guards work without adequate oversight.¹⁸⁴ This fosters an environment where torture and extortion flourish within prisons themselves. Even basic rights are violated routinely. This includes right to medical care or privacy. The overcrowding harms litigants outside. States have attempted measures. In 2024 the Presidential Panel on Decongestion facilitated 6,000 trial hearings to release detainees. In addition, the government promised new prisons to ease crowding.¹⁸⁵ However, such measures are stop-gaps. Overcrowding will continue without addressing the root (the delay and inefficiency in the justice system).

4.3.3 Weak Accountability and Monitoring of Law Enforcement Authorities.

The human rights institutions in Nigeria suffer from weak oversight and accountability frameworks. This means abuses are rarely tracked and penalized. The National Human Rights Commission has the statutory mandate to investigate the abuse of rights. It may mediate or recommend prosecutions. However, it cannot compel compliance. Amnesty International noted that the NHRC investigated numerous cases and this includes the SARS abuses.

¹⁸³ World Prison Brief, 'Nigeria: Country Profile' <<https://www.prisonstudies.org/country/nigeria>> accessed 17 June 2026.

¹⁸⁴ *ibid.*

¹⁸⁵ *ibid.*

However, no security officers have been disciplined.¹⁸⁶ When official panels find that violations occurred, the authorities may just transfer a few officers or quietly ignore the report. In effect, there is little consequence for those who violate right to dignity in Nigeria, whether they be police or even judges.

The lack of accountability extends to criminal justice itself. For example, the Special Anti-Robbery Squad (SARS) operated with minimal oversight until public protests. Even after SARS was disbanded, Amnesty found that officers still carried out torture and this “are not investigated and in some cases suspects are transferred to another location to avoid punishment.”¹⁸⁷ Internal police disciplinary boards exist on paper. However, they lack independence or capacity to sanction errant officers. Similarly, Nigeria has signed into international monitoring mechanisms (like the UN Subcommittee on Prevention of Torture, to which it submits reports). However, it is not followed up domestically. State actors continue abusive practices because they know that international condemnations or Non-Governmental Organization reports produce little domestic consequence.

There is also an absence of data. There is no centralised public registry of complaints, or compensations related to rights cases. This makes it hard for civil society to track patterns or demand reform. It is often difficult for NGO to monitor conditions of detention or police conduct. In one positive move, the Administration of Criminal Justice Act requires that police-citizen encounters be audio- or video-recorded as this would deter misconduct.¹⁸⁸

Section 17(2) also requires the statement to be taken in the presence of a legal practitioner or another authorised person. In *Federal Republic of Nigeria v Akaeze*,¹⁸⁹ the Supreme Court held that compliance with sections 15(4) and 17(2) of the ACJA is mandatory. The Court held that confessional statements must be recorded electronically or taken in the presence of

¹⁸⁶ Amnesty International (n 180).

¹⁸⁷ *ibid.*

¹⁸⁸ Administration of Criminal Justice Act 2015, s 15(4).

¹⁸⁹ [2024] 12 NWLR (Pt 1951) 1 (SC).

one of the persons identified in section 17(2). This protects suspect from intimidation, coercion and abuse during interrogation. However, implementation has been sporadic. In essence, abuses persists in shadows without systematic monitoring.

4.3.4 Limited Public Awareness

A final institutional challenge is that the general public lack awareness about the right to dignity and how to protect it. Many Nigerians do not know the legal protections that exist, or they distrust the institutions meant to uphold them. The literacy rate in Nigeria is below the global average and legal literacy is near zero in rural areas. In addition, a majority of Nigerians lack civic education.¹⁹⁰ Hence, individuals assume that arbitrary arrests or other indignities are “normal.” Even when people are aware of an injustice, they may not know that the law could side with them. Cultural attitudes complicate the issue. In some communities, complaining about police or community leaders is seen as taboo or futile. Victims fear social stigma or reprisal if they assert their rights against authority figures.¹⁹¹ In addition, traditional power structures pressure victims to accept “customary” resolutions. Such discourage individuals to utilise legal remedies.

¹⁹⁰ Adewumi and Dawodu (n 16).

¹⁹¹ *ibid.*

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Summary of Findings

This project has examined the legal challenges in the enforcement of the right to human dignity in Nigeria. Firstly, it assessed the extant legislation and institutions for the enforcement of the right of human dignity in Nigeria. It was found that the Constitution (as amended) is the supreme law, and its Bill of Rights enshrines the fundamental right to human dignity. The Federal High Court and other superior courts enforce fundamental rights through the Fundamental Rights (Enforcement Procedure) Rules. The legislation also includes the Anti-Torture Act 2017 which implements the UN Convention against Torture (CAT); The ACJA 2015 which reformed the criminal procedure in Nigeria; the evidence act which modernized evidentiary rules in criminal trials; the NCSA 2019 which restructured the prison system and enshrined standards for humane treatment of inmates; the VAPP 2015 which is the landmark legislation against domestic and gender-based violence in Nigeria; Trafficking in Persons (Prohibition) Enforcement & Administration Act 2015 which consolidates anti-trafficking measures and empowers NAPTIP to combat human trafficking; CRA 2003 which enshrines the rights of children (individuals under 18); the DAPA 2018 which translates the obligations under the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) into law; The Police Act 2020 which replaced the colonial-era Police Act and introduced reforms that align police practice with the principles of human rights. Regional legislation includes ACHPR which is a regional human rights treaty emphasizing dignity

(Article 5). International Legislation includes the UDHR 1948 which articulates the universal principle of human dignity; the ICCPR covers civil liberties and also prohibits torture; the UN-CAT which forbids torture under any circumstances explicitly; ICESCR which guarantees socio-economic rights; the CRC which is a comprehensive treaty on the right of children and protects children from abuse and exploitation; The CRPD (2006) which obligates states to ensure full equality, dignity, and autonomy for persons with disabilities. Institutions also include the courts which are primary enforcers of human dignity rights. They entertain fundamental rights suits (through section 46 of the constitution and the FREP rules) and issue remedies (declarations, injunctions, damages). The NHRC is an independent statutory body. It monitors and promotes human rights in Nigeria. It investigates violations and assists victims. NPF is the frontline agency whose conduct impacts citizens' dignity. On the other hand, the PSC is responsible for appointments, promotions, and discipline of senior officers (in line with the Constitution and the Police Act). Together, they form a key part of the institutional framework for safeguarding (or undermining) dignity rights in law enforcement and accountability. The NCoS administers the prisons and custodial centers in Nigeria. By law, the NCoS must provide humane custody. The NAPTIP is a specialised federal agency created (by the NAPTIP Act 2003 and its amendments) to prevent and prosecute trafficking in persons. The agency also runs shelters and rehabilitates programs for rescued victims. The Legal Aid Council provides free legal representation to indigent citizens in criminal cases. The Federal and State Ministries of Justice (through Directorates of Public Prosecutions (DPPs) and dedicated Human Rights units) have a prosecutorial and advisory role. NGOs, activist coalitions, and professional associations (for examples, Nigerian Bar Association) form an informal part of the framework for enforcement. They monitor abuses and conduct advocacy. They also provide legal assistance and pressure institutions to protect human dignity. For regional institutions, the African Commission on Human and Peoples'

Rights is a quasi-judicial body and it monitors compliance with the African Charter (to which Nigeria is a state party). It receives communications (complaints) when the Charter is violated. It issues non-binding decisions and recommendations. The AfCHPR was established by a Protocol to the African Charter and it is a continental court that individuals and NGOs approach after exhausting domestic remedies where the state has made a declaration that allow the Court to hear such cases. It renders binding judgments against member states. This oversees implementation of the ICCPR. It reviews reports in Nigeria. The UN CAT Committee monitors implementation of CAT by state parties. The Committee issues Concluding Observations that address torture and related inhuman treatment. This body examine Nigeria's situation periodically. They visit and communicate with Nigeria and thus provides assessments of the dignity rights record in Nigeria.

Secondly, this work identified the legal challenges in enforcing the right to human dignity in Nigeria. It was found that the 1999 Constitution guarantees that “no person shall be subjected to torture or other inhuman or degrading treatment”. However, it nowhere defines what constitutes each category. This complicates enforcement, since courts must discern whether a wrong amounts to “torture” or falls short. In that sense, some acts may not be regarded torture, even when they harm victims. Moreover, Nigeria is committed to several treaties. However, they remain unenforceable due to constitutional constraints. Section 12 of the 1999 Constitution provides that no international treaty has domestic effect unless implemented by an Act of the National Assembly. In effect, the international human dignity commitments in Nigeria remains aspirational until the legislature enacts enabling provisions. Traditional and administrative norms in Nigeria may undermine the protection of human dignity. In some states, the enforcement of religious laws has resulted in punishments that conflict with the universal principle of human dignity. More so, other customary practices pose challenges. These include harmful rites such as female genital mutilation (FGM). However, FGM has

been banned in Nigeria statutorily and it still persists. Even where the substantive law favours human dignity, victims struggle procedurally to prove abuses. Evidentiary standards often impede successful claims. One major hurdle is that torture and ill-treatment are unrecorded by any official body. Even when a victim witnesses the violence, prosecution may be difficult because other witnesses may fear retaliation from offenders. Witness intimidation is also common. Critical evidence is silenced before trial without witness protection. Without forensic documentation or independent evidence, a judge may conclude there is “insufficient evidence of torture.” Again, protracted litigation in the courts in Nigeria hampers enforcement of human dignity. Justice delayed becomes justice denied as victims may pass away or their claims weaken before resolution. The backlog of cases are common in Nigeria. Such shortages force each judge to handle an enormous docket. Thus it is impossible to give each matter a timely hearing. In Nigeria, litigation is arguably expensive and this present serious obstacles for ordinary Nigerians who seeks to enforce their right to dignity. These force many indigent victims of abuse to abandon court altogether or to sue without representation. Yet legal aid remains under-resourced and limited in scope in the aspect of practice. Jurisdictional technicalities complicate litigation to enforcement right to dignity. Even when courts vindicate a right to dignity, it is often problematic to enforce judgment. Nigeria lacks mechanisms to ensure state actors comply with court orders. Governments also ignore rulings without real consequences. In essence, the rule of law is weakened when authorities disregard judicial directives with little risk. Institutionally, the legal system in Nigeria is undermanned and underfunded and this, to a very large extent affect the enforcement of the right to dignity. Moreover, there is limited number of court staffs. Adjournments where they are unnecessary results to backlogs of case. Also, overcrowding is endemic in detention and correctional facilities. Many people are held for months or years in appalling conditions. The cells are dilapidated and overcrowded. Hence, they become a fertile

ground for disease and abuse. There are limited oversights for enforcement institutions and hence, they are not accountable for their actions. Abuses are rarely tracked and penalized. In effect, there is little consequence for those who violate right to dignity in Nigeria, whether they be police or even judges. Internal police disciplinary boards exist on paper. However, they lack independence or capacity to sanction errant officers. There is also an absence of data. In essence, abuses persists in shadows without systematic monitoring. Conclusively, institutional challenge is evidence where the general public lack awareness about the right to dignity and how to protect it. Many Nigerians do not know the legal protections that exist, or they distrust the institutions meant to uphold them. Even when people are aware of an injustice, they may not know that the law could side with them. Victims fear social stigma or reprisal if they assert their rights against authority figures.

5.2 Recommendations

1. Clarify the Constitutional and Statutory Meaning of Human Dignity

The National Assembly should enact statutory standards which defines torture, cruel treatment, inhuman treatment and degrading treatment. Indeed, section 34 of the Constitution prohibits these forms of conduct. However, it does not explain the circumstances in which treatment falls within each category. This uncertainty makes judicial interpretation to be inconsistent and it may also prevent victims from establishing that their treatment attained the required threshold. Therefore, the Anti-Torture Act 2017 should be amended so that it would provide comprehensive and distinct definitions of torture and other cruel, inhuman or degrading treatment. The amendment should also address violations committed by public officials, private security organisations, vigilante groups and other non-state actors. Courts should also interpret section 34 purposively and consistently with the African Charter, the Convention against Torture and evolving international human-rights standards.

2. Domesticate and Implement the International Instruments for Human-Rights

The National Assembly should domesticate the treaties which protect human dignity that have been ratified by Nigeria but remain unenforceable under section 12 of the Constitution. Attention should be given to the International Covenant on Civil and Political Rights, the Convention against Torture and other instruments which relate to children, women and persons with disabilities. There is also a need to establish monitoring mechanisms and prescribe sanctions for non-compliance. Federal and state governments should harmonise domestic laws with the international obligations of Nigeria so that victims can rely on recognised human-rights standards before the courts in Nigeria.

3. Strengthen and Investigate Torture and Related Violations

The Attorney-General of the Federation and State Attorneys-General should establish specialised human-rights prosecution units within the Ministries of Justice. These units should investigate and prosecute allegations of torture, unlawful detention, extrajudicial killing, forced labour and other serious violations of dignity. The Nigeria Police Force should must refer every credible allegation of torture to an independent investigative body. Officers found responsible should face disciplinary proceedings and criminal prosecution under the Anti-Torture Act. This would discourage impunity and strengthen public confidence.

4. Improve the Collection of Evidence and Protection of Witnesses

Police stations and interrogation facilities should be equipped with audio-visual recording devices. The recording of interviews and confessional statements should be mandatory, and statements obtained contrary to the Administration of Criminal Justice Act and the Evidence Act should be excluded by courts. Every detention facility should maintain electronic records which show the time of arrest, reason for detention, physical condition of the detainee and details of legal representation. Medical examinations should be made available Independently to persons who allege torture and the medical reports should be admissible in subsequent proceedings. Protective measures should be put in place for witness and these include

confidentiality, temporary relocation, secure court testimony and penalties for intimidation. Courts should also permit the use of electronic testimony where physical attendance would expose a witness to serious danger.

5. Fundamental-Rights Proceedings should be Expedited and Affordable

Fundamental-rights cases should receive priority on court lists. Chief Judges should create specialised human-rights divisions or designate particular judges to hear such applications within strict timelines. Adjournments should be discouraged where it is unnecessary. The courts should expand electronic filing, virtual hearings and electronic service of processes. Courts should also apply the Fundamental Rights (Enforcement Procedure) Rules liberally and they should also avoid dismissing meritorious claims on minor procedural technicalities. Filing fees for indigent applicants should be waived. The Legal Aid Council of Nigeria should receive budgetary allocations to employ more lawyers and establish functional offices beyond state capitals.

6. Enforce Judgments against Public Authorities

Court judgments declaring violations of human dignity must be obeyed. There is need to eliminate administrative barriers to the enforcement of monetary judgments against government institutions. Once damages are awarded in a fundamental-rights action and the appeal period has expired, payment should be made within a prescribed period. Public officers who disobey release orders, injunctions or compensation orders deliberately should be subjected to disciplinary and contempt proceedings. The Attorneys-General should maintain public registers of outstanding human-rights judgments against government agencies. The National Assembly and State Houses of Assembly should require annual reports regarding compliance from the police, correctional authorities, security agencies and

Ministries of Justice. Budgetary approval for agencies who disobey orders persistently should be tied to demonstrable compliance with court orders.

7. Reform of Custodial Centres and Reduce Pre-Trial Detention

The Nigerian Correctional Service Act 2019 should be implemented fully. Chief Judges and magistrates should conduct regular inspections of custodial centres and police detention facilities. They should also identify detainees who are held beyond lawful limits and order their release or production before a competent court. Non-custodial measures should be expanded for minor and non-violent offenses, including probation, community service, parole and restorative justice. Prosecutors should review old case files and discontinue matters where there is no prospect of conviction. Government should provide funding for food, water, sanitation, medical care, bedding, ventilation and rehabilitation programmes in custodial centres. Detention facilities should be inspected regularly by an independent monitoring teams which should comprise of the National Human Rights Commission, medical professionals, legal practitioners and civil-society representatives.

8. Strengthen Oversight Institutions and Public Awareness

The National Human Rights Commission should be independence financially. Where it proposes a recommendations in proven cases of torture and unlawful detention, it should be accorded legal force. Compensation awards should be enforceable through simplified court procedures. The National Committee against Torture should granted authority to inspect places of detention without prior notice. Public education should be conducted[by Government, the Nigerian Bar Association, civil-society organisations and educational institutions] on the right to dignity and available remedies. Information should be provided in major languages in Nigeria and distributed through radio, television, social media, schools, religious institutions and community associations. Public awareness would reduce silence and make enforcement institutions more accountable.

5.3 Conclusion

This research examined the legal challenges in the enforcement of the right to human dignity in Nigeria. It established that the right is protected by several legislations. Section 34 of the Constitution provides a foundation for human dignity. The Fundamental Rights (Enforcement Procedure) Rules creates the procedure for securing judicial remedies. Other legislations include The Anti-Torture Act, Administration of Criminal Justice Act, Evidence Act, Nigerian Correctional Service Act, Police Act, Violence Against Persons (Prohibition) Act and legislation protecting children, trafficked persons and persons with disabilities. Institutions includes the courts, National Human Rights Commission, Police Service Commission, Legal Aid Council, Nigerian Correctional Service and Ministries of Justice. Even where these laws and institutions exist, this right has not been protected effectively. It was established that there are ambiguities in the constitution and other legislations constitutional and statutory and these make it difficult to distinguish torture from cruel, inhuman or degrading treatment. International obligations are weakened by the the requirement of domestication. Sometimes, religious, customary and administrative practices sometimes conflict with these rights. Institutionally, enforcement is undermined by inadequate funding, insufficient judicial and investigative personnel, weak monitoring and the failure to sanction state officials. Court orders are disobeyed persistently and this diminishes the authority of the judiciary. The detention and custodial centres are overcrowded and not sanitised. These demonstrate that there is a gap between policy and practice. In the light of the above, there is a need to consider the recommendations which are proposed in this study.

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