



REVIEW ARTICLE

STATE, CITIZENS AND HUMAN RIGHTS VIOLATIONS: THE NIGERIAN EXPERIENCE

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ABSTRACT

The purpose of any state is for the preservation of property of their citizens that is, lives, liberties and estates. State and government exist to provide security, welfare, well being and happiness to the citizens living in it territorial jurisdiction. This can be achieved through maintenance of law and order, promotion of awareness of human rights. In any form, human rights violations by individual, group of individuals or state is considered as a crime against humanity. Human rights violations include the abuse of the rights to life, lack of welfare, sexual harassment, and molestation of young girls, extra-judicial killings, displacement of people from their communities and places of their origin. Rights to education, shelter and health also violated. Therefore, the paper sought to examine the dynamics of state and human rights violations by using mainly secondary sources of data. Using Nigeria as a reference point. The paper argued that, despite that Nigeria is a signatory to international human rights charters and conventions, but still human rights violation is on the increase in the country, finally the paper suggests how human rights violations will be put to an end in the country.

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INTRODUCTION

State exists purposely to ensure good life through the promotion and protection of citizens human rights. Human rights are inalienable rights that belong to man by virtue of his humanity" (Enemuo, 1999) and therefore should be given and protected to every citizens (Enemuo, 1999). The paper is using Nigeria to examine how these human rights are protected or violated by the state. Despite the fact that Nigeria government has a constitution which provided for the protection of human rights in the country, but still the violations of human rights in Nigeria is on the increase. The paper also examine how human rights violations is on the increase in spite of the constitution provision of safe guarding the rights of the citizens in the country.

Conceptual Clarification State

State

Mahajan, (2000) traces the origin of the authority of state to Machiavelli who expressed the ideal as "the power which has authority over men". He further stated that state gives order to all but receive from none. Therefore state provides the enable environment through which citizens rights can be promoted and protected. From liberal point of view, the state has a role to

play in the promotion and protection of human rights violations. Liberal scholars like Smith (1937) Dahl (1965) and other see the state as organization for orderly development of the society and embodiment of justice for all, not for few. Liberal scholars view state as a neutral arbiter in the competing social classes in the society. For Geoge-Genyi, (2005) is clearly to limit the situation described by hobbes" state of Nation" where the strong prevailed over the weak in a society and most often it led to societal anarchy. At this stage of life, might was right and men are at liberty to take what they could, and to rob whoever they want. There was no law to prevent the oppression or to curtil it. At this time, there existed a perpetual struggle for survival (Olutobi, 2006). It was in attempt to solve the problems that state was created through the mutual agreement of all individuals (social contract). Marxist scholars, view state as an organ of class rule, that is, an organization of one class dominating over another class, it is a creation of "order" which legalizes, and pertuates this domination by moderating conflict between the classes (Lenin, 1949). Therefore, the views of Marxists is that, state is an institution establish purposely to defend maintain a class domination and class exploitation by the ruling elites who control the state apparatuses on behave of the capitalist class (bourgeoise) (Shaapera, 2009). Lenin, (1949) further views the state as the dictatorship of the bourgeoisie. In this way, Engels (1975) cited in Shaapera (2012) sees the capitalist state as where the means of production and other things exist in the private ownership, where both the working class and the peasants are into complete subjugation by the propertied class.

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Meanwhile, idea of democracy, Universal suffrage, parliament, Elections, Human rights commissions, the fight for unity and security etc. are only presented or constituted in a disguise and they have no effect on the essential character of the state which is orientated, controlled and directed by the ruling class, purposely used to dominate the other class in the state (Abbass, 2010) cited in Shaapera, (2012). Therefore, for the Marxist scholars, the development of the productive forces in the capitalist society where by produced surplus value and the appropriation of property for private use that necessitated the constitution of the state (Shaapera, 2012). Hembe (2003) argued that, state is an organ of domination and is not capable of promoting or protecting the rights of the citizens. The fundamental question now, is how did the state originate various political thinkers who sought to address this question, are not always in agreement on the answer to this fundamental question. In order to give explanation about the origins of the state, as buttressed by Anifowose (1999), various political thinkers invented theories concerning the genesis of the state. Such as the divine theory, the social contract theory, the force theory, the nature theory and the Marxist theory. Among the theories, social contract theory is one of the most important of them. The theory explain that, state is a product of natural agreement of men, created with a definitive purpose, to serve certain social needs (Olutobi, 2006). Thomas, Hobbes, John Lock and Jean Jacques Rousseau are the most influential political philosophers identified with the theory. They argued, that there was a time when people lived without any acceptable civil law and without the state. At this period, might was right and men are at liberty to take what they could, and to rob whenever they want. There was now law to prevent the oppression or to curtail it. Therefore there exist a perpetual struggle for survival (Olutobi, 2006). To solve this problems state was created through the mutual agreement of all individuals. They made laws for themselves in order to achieve peace and ensure the security of their survival, this also led to the emergence of government that ensure their security and welfare with the existence of the state and government life become more interesting to the people (Olutobi, 2006). Marxist scholars views on the emergence of state is that, the state is not a creation for the interest of all, but it originated in the conflict situation and operated as form of instrument of domination (Shaapera, 2012). Scholars include, Fredrich Engels, v.I. Lenin, Mao and Lukas (Anifowose, 1999). These great political philosophers observed that the state neither evolved as a result of agreement, contract nor gradual process (Shaapera, 2012). To Marx, forces of production in any given society constitute the basis of social relationships while the state rest (or founded) upon economic conditions. For Aristotle in Anifowose ("1999), the purpose of state is "to ensure good life" that is, the preservation of their property that is, their human rights and estates.

Citizen

Who is a citizen of a state?

A citizen of a state is a person who has the nationality of the country where he is living. According to Foucault (1991) a citizen is a person who has the nationality of the country of which he is staying. This means that a citizen of a state is a national of that state (Ejere, 2008). A citizen is a member of a state, indigene, or a naturalized person who owes allegiance to a government and his entitled to protection by the state. A citizen is a person who participate in the political activity of

the country that he belong. Citizen is a person who is legally a member of a country and enjoys or has all the rights and privileges that he is entitled as a member, such as the right to hold any public office. A citizen is also demanded to perform certain duties to the state like payment of taxes, being law abiding etc (Badru, 2000). A citizen who enjoys political, social and civil rights he is under the protection of the state, especially when his life is threaten. The citizen also owns obligation to the state. By living in the country does not granted you that, you are citizen of that country. If you are not a native of that country you are automatically an alien of that country.

A citizen of a country have a say in the running of affairs of the state (Oraegbunam, 2014). Aristotle is said to have defined a citizen as a member of the population who is involved in the political process of the community he lived. This means that a citizen is not a stranger. A citizen has duties to perform to the state and is the duty of the state to protect his rights. Therefore, who is a Nigeria citizen?. A Nigerian citizen is that person who have the legal right to belong to the country. According to the 1999 constitution of the Federal Republic of Nigeria, Chapter three (3), Section 25,26 and 27 stated that Nigeria citizenship can be acquired by birth, by registration, and naturalization.

Human Rights

Oxford Advanced Learner's Dictionary (7th ed), defines Human Rights as "one of the basic rights that everyone has to be treated fairly and not in a cruel way, especially by their government." Enemu, (1999) "human rights are inalienable rights that belong to man by virtue of his humanity and therefore should be granted and guaranteed to everyone". Human rights are fundamental rights of the citizens that cannot be taken away by anybody, organization or government. Mumuni, (2013) stated that "human rights are those body of rights which resides in human beings". He further stated that human rights are not limited to civil and political rights alone, it include the socio-economic and cultural rights which is in the African charter on Human and peoples Rights, and also in the international convention on economic, social and cultural rights. Human rights predates modern era and can be traced to far back as the time of ancient creek city state through the various stages of social and economic development. The development of the concept human rights can be traced to writings of notable philosophers such as Aristotle, John Lock, Hobbes, Jean Jacques Rouses eau, Thomas paine, and immanuel Kant, and also other political philosophers have all propounded the theory that a natural rights exists which human beings are entitle to, such as right to life, property, liberty, and happiness which are God gifts, that the individual is requires to preserved these natural rights. State and government are created for the purpose of protecting these natural rights of individual (Odimegwu, 2009). Human rights are groups into three generations, the first generation stressed civil and political rights, the second generation emphasized social and cultural rights and third generation rights are concerned about rights to national self determination, a clean environment, and the rights of indigenous minorities (Odimegwu, 2009). Osita (1984), classified human rights into five headings: civil, political, social, economic and cultural. They also classified into two category, civil political and economics-social. Civil political rights are: The right to vote and be voted for, freedom from discrimination, access to public office in the political community, freedom of movement, freedom of speech and expression, freedom of conscience and thought, freedom of

religion, and the right to property and justice. While economic-social rights are: The rights to life, security, and privacy, freedom from fear and ignorance, the right to some measure of economic well being and a good standard of living, the right to peaceful assembly and association.

Rule of Law

The doctrine of rule of law is one of the important principals of democratic governments. This means that the practice of democracy is bound up with law, and that the law is supreme. All the government institutions must, therefore act according to the law. For Aristotle in Angbaje (2006). He state that "the rule of law is preferable to that of individual,". Sagay (1996) suggested that, "There can be no democracy without the rule of law and vice versa". Angbaje, (2006) stated that, the classic definition of rule of law has been offered by A.V Dicey in his book "the law of the constitution" published in 1885. The doctrine of rule of law emphasized that nobody is above the law. So for human rights not to be violated rule of law must be observed religiously. Rule of law serve as one of the parameters in judging "any government in relation to its performance and governance" (Ofoegbu, 2013). For Anozie cited in Ofaegbu (2013). The government must exercise its powers according to the law and citizens must not be exposed to the arbitrary whip of the leader i.e if the actions of the wielders of governmental powers are challenged, they must be prepared to defend their conduct that they acted in accordance with the rule of law. For Dicey in Ofoegbu, (2013) added, that "The absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness of preogative or even of wide discretionary authority on the part of the government." Appodorai, (1975) created three types of meaning of rule of law as follows: No man is punishable or can be lawfully made to suffer in body or goods, except for a distinct breach of law, established in the ordinary legal manner before the ordinary courts of the land.

1. No man is above the law, i.e there is one law for all.
2. The general principles of the constitution, example, the right to personal liberty, the right to public meeting and freedom from trespass etc.

The concept of rule of law has further expanded beyond the one provide by Dicey. Now the doctrine rule of law include: (i) The supremacy of the law, judicial decision over all persons and authorities in a state. (ii) Supremacy of the constitution. (iii) Independence of the judiciary. (iv). The right to personal liberty. (v) observance of democratic practices, including: The freedom of the press, thought, association and regular free and fair elections as the bases for assuming power in government, sagay, (1996) the rule of law aims at promoting and privatizing the violations of human right of citizens with these, The rule of law encourages stability in the society. On the whole for human rights to be safeguarded in any society or country, the rule of law must be observed.

Democracy

Democracy, like any other concept in social sciences is subjected to wide range of interpretations. The concept democracy is derived from the two greek words "demos" meaning the people and "Kratris" meaning rule of or by: Therefore democracy means rule by the people (Enemuo,

1999). Lively, (1975) democracy "has been applied with constituency to a form of government in which political power is held by the many rather than by the one or the few." Democracy is a form of government in which citizens decide who will govern on their behalf and according to the wishes of the majority. For any government to be addressed as democratic, it must possess these basic features. Such as, popular soveignity, political equality, popular consultation, majority rule and rule of law (Oyediran et al., 1990). The aim of democracy is to provide a functional government and responsible citizenary. Rudebeck (2002) defined democracy as a form of government characterized by "Universal suffrage, regular elections and basic civil rights" and democracy also means "political equality in actual practices". Democracy is a system of government that derived it strength from the masses as its foundation (Ofoegbu, 2013). Democracy is all about popular expression of power by the people (Ake, 2000). Similarly, Holden, (1985) viewed democracy as "political system in which the whole people positively or negatively make and also entitled to make the determining decisions on important matters of public policy." Democracy is also" the collective determination of law and policy by a people, equal in citizenship rights, who reach decision after public debate by a procedure of majority vote" (Mann 1983). It is often believed that democracy as a form of government that offers popularly acceptable and workable answers to socio-economic problems, especially through collective decision (Hague and Harrop, 2001). Kura, (2009) opined that "a good democratic regime should be transparent, and accountable, provide fundamental human freedoms and rights, ensure rule of law, conducts free and fairly acceptable periodic elections." Therefore, the basic values of democracy, like accountability, equality, transparency, and justice are crucial for realizing human rights and rule of law (E C A, 2005). In a democratic system of government, power reside in the hand of people. It is people that own the government and not the government that own the people. But in Nigeria is more of theoretical than reality. Those in authority see power and government as belongs to them.

Human Rights in Nigeria

The history of human rights in Nigeria can be traced back to the constitutive communities of the Nigeria state (Odimegwu 2007). Even though the concept may not known as it is today. To the colonialist, issue of human rights was foreign to African societies, their argument was that African was "a land of paganism, fetishism and ignorance which knew neither the notion of state for written words, two insitutions to which the existence and definition of law have tended to be linked' (Dada 2013). Eze (1984), argued that the notion that traditional Africa societies did not have a legal system may based on either lack of adequate information or lack of appreciation of the true picture of pre-colonial African societies. Bello, (n.d) pointed out that, "human rights were not alien to traditional Africa societies." Therefore, the existence of human rights in traditional Nigeria Societies cannot be denied (Dada, 2013). With the 1948 Universal Declaration of Universal Human Rights by the United Nations, various governments all over the world have incorporated its ideals in their constitutions. The Nigerian nation is not exception as she ratifies and domesticates, including the declaration of the African peoples and Human Rights charter under section (33-44) in chapter four of the 1999 constitutions (Amended, 2011). The section provides for human rights and guarantees a large range of civil liberties. In general speaking these rights are inalienable

because they belong to human beings. In Nigeria, the level of respect for these fundamental human rights and freedoms leaves much to be desired.

State and Human Rights Violations in Nigeria

What come to be Nigeria today is as the result of amalgamation of Northern and Southern protectorates on January 1, 1914, by British Colonial master. It became independent on October 1, 1960 and went to republic on October 1, 1963. Nigeria is the most populous country in Africa. It is endowed with enormous natural resources such as vast arable land, enough water for farming, forestry and also mineral resources. There is a rich deposit of high quality petroleum, and appreciable deposit of Iron Ore, lime stone, Tin, Coal etc (Burns, 1969). Nigeria has equally produced expert in medicine, Engineering, law, computer science, Natural science, Arts and Humanities. But majorities of Nigerians are very poor in the midst of this plenty. The basic facilities are not available. The fundamental human rights are violated in a country that proclaims itself a democratic government (Oraegbunam, 2014). Nigerian state which is about fifty seven (57) years of existence as a sovereign state, Nigeria's human rights are grossly violated in both military and democratic governments. There are cases of illegal arrests, police brutality, murder, unjust proscription of trade unions, unlawful dentition, religious bigotry, etc. Human rights of Nigerians also violated include, child trafficking, violence against women, sexual harassment, early marriage, child labour, rape, war crimes and insurgency. Human Right watch's world Report 2014 said that human rights abuses by insurgents in Northern Nigeria dominated Nigeria's human rights issues in the 2013. "In 2013, more than 400 people died from violent inter-communal conflicts in Nigeria's middle-Belt states, and scores," were rendered homeless from the clashes (HRW, 2014). Onwubiko National coordinator Human Rights writers Association of Nigeria (HURIWA) enumerated the following as the violations of human rights by the Nigerian state to its citizens.

- The right to life, was violated by the activities of terrorists in which lives of innocent and law abiding Nigerians were wasted by the terrorist (Boko Haram)
- High rate of extra-judicial killing of suspects in police custody, displacement of people from their communities and places of their origin, loss of right to education, shelter and rich.

Oraegbunam (2013), also outlines the following as violations of human rights by Nigerian state to its citizens. Citizens have fundamental advantages of social life. But in Nigeria the state of social infrastructures and amenities are not available, therefore many citizens lack the necessities of life such as adequate shelter, education, potable water, and even food. Roads, electricity supply, hospitals are left without drugs and adequate equipment. This made majority of Nigeria citizens live in a subhuman type of life. Insecurity-The right to life of Nigeria citizen is violated due to Armed robbery, kidnapping, which have become the order of the day. Nigeria citizens rights of employment is violated because Nigeria as a state cannot provide employment for the teaming youths, workers also have poor remuneration, in adequate working conditions, allowances and social security like pension and gratuity scheme. Human rights violations of citizens of Nigeria is on the increase as a result of unpatriotic and civil irresponsibility

of some of Nigerians. Not many citizens think more of their contribution to the nation rather what the nation will do for them. Many do not pay their taxes. Those in government offices engage in looting, embezzlement and other financial irregularities. In effective leadership, lack of implementation of adequate policies, accountability, transparency in governance is another reason for the increase in violating human rights of Nigeria citizens. The fact is that, this lack of good political leadership inflicts an untold hardship on Nigeria citizens.

Conclusion

From the foregoing discussion, it is very clear that Nigerian state whose duty is to promote and protect the human rights of its citizens has not been able to live up to its obligation as a guarantor. The paper also argued that more effort is needed by the state to create more awareness about human rights violation and protection.

Recommendation

To end citizens human rights violation in Nigeria, the paper recommends that:

The Nigeria Human Rights Commission (NHRC), must be up and doing in effort to promote and protect the human rights of Nigeria citizens. The freedom of Information Act should be used as a tool to expose violation of citizens rights in Nigeria. The paper also recommended that, in order for Nigeria to address this present human rights violations of citizens, tenets of good governance such as accountability and transparency, rule of law, popular participation, respect for fundamental human rights and equality of access to all citizens to state power and resources, must be observed by the government and the people in the authority. This can be done through strictly adhered to constitutionalism in decision making by the state officials of the government. It is through this that human rights violations of the citizens will stop.

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