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The Sin Of Late Stitches; Effects Of Violated Pre-Hostilities Rights Of The Terrorist In Nigeria

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ABSTRACT

A stitch in time saves nine, conversely, late stitches will give rise to challenges and consequences. The deliberate and calculated neglect and disregard for the rights of citizens over the years had given rise to a lot of agitations and terrorism related matters in Nigeria, which had compelled the Government to engage the Nigerian military in a several counter insurgency and counter terrorism operations in Nigeria. It is an indisputable fact that a greater proportion of hostilities or armed conflict are the resultant effect of a violated human right of a person, group of persons, religious group, ethnic group etc. The respect of the human rights of citizens of Nigeria will to a large extent see to the eradications or next to complete eradication of all forms of armed conflict or hostilities in Nigeria. This work reveals that the constitutional provision protecting the pre-hostilities rights of vulnerable persons, terrorist inclusive is not adequate due to non-domestication of treaties that guarantees these rights and the non-justiciability of chapter II of the Constitution of the Federal Republic of Nigeria.

Keywords: agitations, terrorism, hostilities, Right to Life**,** Nigeria

INTRODUCTION

The word “right” is derived from the Latin word "rectus" which means that to which a person has just and valid claim. Webster's Universal Dictionary and Thesaurus[1] defines right as "just or legal claim". According to the Black’s Law Dictionary,[2] a right is that which is proper under law, morality or ethics, something that is due to a person by just claim, legal guarantee, or moral principle. Meriam Webster[3] defines right as something to which one has a just claim such as the power or privilege to which one is justly entitled: the interest that one has in a piece of property: the property interest possessed under law or custom and agreement in an intangible thing especially of a literary and artistic nature: something that one may properly claim as due: the cause of truth or justice. The Nigerian Courts have also defined "right" and "rights". In *Afolayan v Ogunride & ors,*[4]the word "right" was defined as an interest recognized and protected by the law. In *Nwankwo & Ors v Onuma & Anor,*[5] *the* court held that the word "rights" means an interest or title in an object or property, a just and legal claim to hold, use or enjoy an object or property.

From the definitions above it is save to construe that "rights" are just claims of people which are recognized by every civilized society. Rights can be classified into three: Natural rights; Moral rights; and Legal rights.

[1]Webster's Universal Dictionary and Thesaurus (India, Geddes and Grosset, 2010) 407.

[2] B. A. Garner, Black's Law Dictionary (9th edn, United States of America, West Publishing Co 2004) 1436.

[3]Merriam-Webster.com Dictionary, Merriam-Webster <https://www.merriamwebster.com/dictionary/right>accessed 19 July 2023.

[4][1990] 1 NWLR [pt127] 369, 391.

[5][1994] 5 NWLR [pt 343] 191, 204.

Human rights were originally referred to as 'the rights of man'. Human rights refer to certain claims (rights) that cannot be taken away. Human rights are claims which an individual or a group of individuals makes on the society by virtue of their humanity.[6] The United Nations defines human rights as rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.[7] A definition of human rights was given by the Scottish philosopher, John Locke as "absolute moral claims or entitlement to life, liberty and property".[8] In the words of Ge Wirth, "Human rights are primary claims, rights in that they entail correlative duties of other persons or group to act or to refrain from acting in ways required for the right holder having that to which they have right."[9]

Human rights can be defined as indivisible set of principles, rights and freedoms concerned with equality and fairness, that belong to every person in the world, from birth until death simply for being human. Human rights are; Universal and Inalienable; Indivisible and Interdependent; Equal and non-discriminatory; Both Rights and Obligations.

Several categories of classifications of human rights have been adopted by various scholars. Human Rights have been classified into personal rights, political and moral rights, proprietary rights, procedural rights and equality rights.

The French Jurist Karel Rasak classified human rights according to the period in which they emerged. There are so far three marked stages in the development of human rights. These stages have been called "generations". They are: First generation rights; Second generation rights; Third generation rights.

Fundamental rights are those subjective rights which belong to the citizens and are essential for their life, liberty, dignity and freedom, indispensable for the free development of human personality, the rights which are enshrined in the Constitution and are warranted by the Constitution and the laws.[10]

Fundamental human rights are human rights that have been guaranteed by a positive law and are thus enforceable in law. It has been argued that where the human rights are entrenched in a written constitution, they are called Fundamental Rights. This position received judicial blessing in *Ransome Kuti and Ors v A G Federation.*[11] Nigerian Jurists have drawn a line of distinction between "human rights" and "Fundamental rights". In *Uzoukwu & ors v Ezeonu II & Ors,*[12] the Court of Appeal (per Nasir JCA) said

> *Due to the development of constitutional Law in this field distinct difference has emerged between 'Fundamental Rights' and 'Human Rights'. It may be recalled that human rights were derived from and out of the wider concept of natural rights. They are rights which every civilized society must accept as belonging to each person as a human being. These were termed human rights. When the United Nations made its declaration, it was in respect of 'Human Rights' as it was envisaged that certain Rights belong to all human beings irrespective of citizenship, race, religion and so on. This has now formed part of International Law. Fundamental Rights remain in the realm of domestic law. They are fundamental because they have been guaranteed by the fundamental law of the country; that is by constitution.*[13]

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[6] K Adegbite, "Fundamental" Human Rights, (2014) presented as the NYSC 2014 Batch "C" Orientation Course which held at the Permanent Orientation Camp, Iseyin on 10th December, 2014.

[7]United Nations < https://www.un.org/en/global-issues/human-rights> accessed 19 July 2023.

[8] A D Jacob, 'Human Right under the Nigerian Constitution: Issues and Problems' [2012] (2)(12) *International Journal of Humanities and Social Science*, 4; Y Olomojobi, *The Nature of Human Rights and Civil Liberties from the Nigeria Perspective*<https//ssrn.com/abstract=2906639> accessed 3 July 2023.

[9] S Abila and L O Nwauzi, 'Implications of the Herdsmen's Killings in the Middle-belt on National Security and Human Rights Legal Regimes' [2018] (8) (1) *Journal of Property Law and Contemporary Issues*, 132.

[10]I Muraru, *Constitutional Law and Political Institutions* (Vol.1, Bucharest, Actami Publishing House, 1995).

[11][1985] 8 NWLR [pt 6] 211.

[12][1991] 6 NWLR [pt 200] 708.

[13] *Uzuoukwu & Ors v Ezeonu II & Ors* [1991] 6 NWLR [pt 200] 708, 761.

Niki Tobi, JC A as he then was had opined that human rights is more of an international concept while Fundamental rights is more of a municipal or domestic concept.[14]

In *Ogba v The State*, the Supreme Court extra-judicially declared that "a fundamental human right is one that cannot be waived by the government or any form of legislation."[15] A fundamental right is a right guaranteed in the constitution of Nigeria.[16]

It is important at this point to state that the phrase "Fundamental Human Rights" is the same as "Fundamental Rights". Different Countries in providing for those human rights that are essential to the wellbeing of man in the society, adopt different headings - "Bill of Rights", "Fundamental Rights", "Fundamental Human Rights".

Rights of Vulnerable Persons

The concept of "vulnerable persons" in human rights law recognizes that certain individuals or groups face heightened risks of human rights violations due to their specific circumstances, characteristics, or societal position. While human rights are universal and apply to everyone, vulnerable persons often require special measures, protections, and attention to ensure their equal enjoyment of these rights and to address systemic discrimination and marginalization.

Vulnerability, in this context, refers to an increased susceptibility to harm or abuse. It's not an inherent trait that diminishes an individual's rights or dignity but rather a condition that arises from social, economic, political, or physical factors, such as discrimination and marginalization, dependency, power imbalances, lack of access to justice, resources, or services, and situations of crisis **s**uch as armed conflict, natural disasters, or displacement.

The recognition of vulnerability aims to identify and address the specific barriers these groups face in realizing their human rights, moving beyond a purely formal equality to achieve substantive equality. The overarching framework for the rights of all individuals, including vulnerable persons, is provided by the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966).

These core treaties, alongside others, enshrine the principle of non-discrimination, which is fundamental to protecting vulnerable groups. Article 2 of both Covenants explicitly prohibits discrimination on various grounds.

International human rights law has evolved to develop specific instruments and mechanisms to address the unique vulnerabilities of particular groups:

1. **Children:** Dependency, physical and psychological immaturity, susceptibility to abuse, exploitation (child labor, trafficking, sexual exploitation), neglect, and involvement in armed conflict (child soldiers). Convention on the Rights of the Child (CRC, 1989) and its Optional Protocols (on armed conflict, sale of children, and a communications procedure). The CRC recognizes children as rights-holders, not merely objects of protection.[17] Right to life, survival and development; protection from all forms of violence, abuse, neglect, and exploitation; right to education, health, and play; right to express their views and be heard.
2. **Women:** Gender-based discrimination, violence (domestic, sexual, harmful practices), unequal access to education, healthcare, economic opportunities, political participation, and disproportionate impact during conflict and crises. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and its Optional Protocol. Often described as an

[14] *Ibid.*

[15] [1992] 2 NWLR [pt 222] 1642, per Karibi-Whyte JSC.

[16] *Odogu v Attorney General (Federal) & Ors* [1996] 6 NWLR [pt 456] 508, 522.

[17] Convention on the Rights of the Child, UN General Assembly Resolution 44/25 (1989).

"international bill of rights for women."[18] Equality in all spheres (political, economic, social, cultural, civil); freedom from all forms of discrimination and violence; reproductive rights; equal access to education and healthcare.

3. **Persons with Disabilities:** Discrimination, exclusion, attitudinal barriers, physical inaccessibility, limited access to education, employment, healthcare, and justice. They often face stigmatization and neglect, particularly in institutions. Convention on the Rights of Persons with Disabilities (CRPD, 2006) and its Optional Protocol. This treaty marks a paradigm shift, recognizing persons with disabilities as subjects of rights and focusing on their full and effective participation in society.[19] Non-discrimination; accessibility (physical, information, communication); full and effective participation and inclusion in society; independent living; right to work, education, and health.
4. **Indigenous Peoples:** Historical oppression, dispossession of land and resources, cultural destruction, discrimination, poverty, marginalization, and lack of self-determination. UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007). While a declaration (non-binding), it is widely recognized as reflecting customary international law. ILO Convention No. 169 is also a key binding instrument.[20] Self-determination; rights to lands, territories, and resources; rights to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions; free, prior and informed consent (FPIC).
5. **Migrants, Refugees, Asylum Seekers, and Internally Displaced Persons (IDPs):** Statelessness, discrimination, xenophobia, lack of legal status, exploitation (including trafficking), arbitrary detention, limited access to basic services, and heightened risks of abuse, especially for women and children on the move. 1951 Refugee Convention and its 1967 Protocol (for refugees); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW, 1990) (for migrant workers). While there's no specific treaty for IDPs, their rights are covered by IHRL and, in conflict situations, IHL, and are guided by the Guiding Principles on Internal Displacement.[21] Non-refoulement (for refugees/asylum seekers); protection from arbitrary detention; access to legal procedures; right to family unity; right to an adequate standard of living. All migrants, regardless of status, retain fundamental human rights.
6. **Minorities (Ethnic, Religious, Linguistic):** Discrimination, social exclusion, marginalization, hate speech, violence, cultural assimilation pressures, and denial of distinct identity and participation rights. UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992). General protection also found in ICCPR (Article 27). Right to enjoy their own culture, profess and practice their own religion, use their own language; right to effective participation in cultural, religious, social, economic, and public life.
7. **Older Persons:** Ageism, discrimination, neglect, abuse (physical, financial, emotional), limited access to healthcare and social services, isolation, and challenges in maintaining independence. While no specific binding treaty exists, the UN Principles for Older Persons (1991) and increasing attention from UN bodies like the Human Rights Council (e.g., through the Independent Expert on the enjoyment of all human rights by older persons) highlight their specific rights. There is a growing movement for a dedicated convention. Independence, participation, care, self-fulfillment, and dignity, including access to adequate food, shelter, healthcare, and protection from abuse.[22]

[18] Convention on the Elimination of All Forms of Discrimination against Women, UN General Assembly Resolution 34/180 (1979).
[19] Convention on the Rights of Persons with Disabilities, UN General Assembly Resolution 61/106 (2006).
[20] United Nations Declaration on the Rights of Indigenous Peoples, UN General Assembly Resolution 61/295 (2007).
[21] Convention Relating to the Status of Refugees, UN General Assembly Resolution 429 (V) (1951).
[22] United Nations Principles for Older Persons, UN General Assembly Resolution 46/91 (1991).

8. **Terrorist:** Anthonio Cassesse defined human right as the ideological and normative galaxy in rapid expansion, with a specific goal: to increase safeguards, for the dignity of the person, Human Rights represent as ambitious (and in part, perhaps, illusory) attempt to bring rationality into the political institution and the societies of all states.[23] In essence, while terrorists are universally seen as criminals who violate the rights of others, their own fundamental human rights cannot be entirely ignored or stripped away by the state. Fundamentally, most terrorist are a product of pre-hostilities violated rights. The failure to respect the rights of young citizens often make them willing and ready tools in the hand of non-state actors and they are easily recruited into terrorist organizations.

Right to Life of Vulnerable Persons

The right to life is the most fundamental of all human rights, recognized in Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights (ICCPR). It is a non-derogable right, meaning it cannot be suspended or limited even in times of public emergency. For vulnerable persons, the protection of this right takes on added urgency due to their heightened exposure to threats that can lead to its arbitrary deprivation.

The UN Human Rights Committee, in its authoritative General Comment No. 36 on Article 6 of the ICCPR (2018), elaborates extensively on the scope of the right to life. It emphasizes that this right should not be interpreted narrowly; it encompasses not only freedom from arbitrary killing but also the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, and to enjoy a life with dignity. The Committee explicitly highlights the special measures of protection states must take towards persons in vulnerable situations whose lives are at particular risk.

The right to life imposes both negative and positive obligations on States. States must refrain from engaging in conduct that results in the arbitrary deprivation of life, including extrajudicial killings, excessive use of force by law enforcement, or capital punishment that doesn't meet the "most serious crimes" threshold. States must take all appropriate measures to protect the lives of individuals from foreseeable threats, whether from state agents, private persons, or systemic conditions. This includes legislative, administrative, judicial, and other measures to prevent loss of life, investigate violations, and provide effective remedies. For vulnerable persons, this positive obligation is particularly crucial.

In conclusion, the right to life of vulnerable persons is a central pillar of international human rights law, demanding not only that states refrain from arbitrary killings but also that they take proactive measures to safeguard lives and ensure a life with dignity. The UN Human Rights Committee's General Comment No. 36 provides a comprehensive framework, emphasizing the broad scope of this right and the specific obligations states have towards those most at risk. However, despite these strong legal protections, vulnerable groups continue to face immense threats to their right to life globally, from systemic discrimination and neglect to targeted violence and mass atrocities. Effective protection requires robust national legislation, independent and impartial investigations, accountability for perpetrators, and sustained international monitoring and advocacy to translate legal principles into lived realities for every individual, especially those in the most vulnerable situations.

Right to Personal Liberty of Vulnerable Persons

The right to personal liberty is a cornerstone of human rights, enshrined in Article 3 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights (ICCPR). It provides that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." This right is crucial for the enjoyment

[23] A Cassesse, 'Human Rights in a Changing World' (Temple University Press 1990) 3

of other rights, as arbitrary deprivation of liberty often precedes or facilitates further human rights violations, such as torture, ill-treatment, and enforced disappearance.

For vulnerable persons, the right to personal liberty often faces unique and exacerbated threats due to their specific circumstances, societal discrimination, and power imbalances. They may be at greater risk of arbitrary detention, unlawful confinement, or exploitation that deprives them of their freedom.

The Human Rights Committee, in its General Comment No. 35 on Article 9 of the ICCPR (2014), clarifies the broad scope of this right; liberty of person concerns freedom from physical confinement, security of person protects against intentional infliction of bodily or mental injury, whether detained or not, arbitrary arrest or detention is prohibited, meaning deprivation of liberty must not only be lawful (in accordance with national law) but also non-arbitrary (reasonable, necessary, and proportionate in the circumstances, and compatible with the ICCPR), and procedural safeguards are essential, including prompt information about reasons for arrest, notification of charges, prompt judicial review, and access to legal counsel.

The General Comment explicitly states that "Everyone" includes, among others, girls and boys, soldiers, persons with disabilities, lesbian, gay, bisexual and transgender persons, aliens, refugees and asylum seekers, stateless persons, migrant workers, persons convicted of crime, and persons who have engaged in terrorist activity. It also emphasizes that States must protect individuals against wrongful deprivation of liberty by *lawful organizations, such as employers, schools and hospitals*, and by *individual criminals or irregular groups, including armed or terrorist groups*.[24]

The right to personal liberty is indispensable for vulnerable persons, yet it is frequently curtailed or denied due to systemic discrimination, inadequate legal safeguards, and insufficient oversight. International human rights law, particularly Article 9 of the ICCPR and specialized treaties like the CRC, CRPD, and ICRMW, provides a robust framework for its protection, emphasizing the non-arbitrary nature of any deprivation of liberty and requiring specific safeguards for those at heightened risk. However, the assessment reveals a significant gap between these legal norms and their practical implementation. Ensuring the right to personal liberty for vulnerable persons demands proactive measures from states to repeal discriminatory laws, prioritize alternatives to detention and institutionalization, strengthen judicial oversight of all forms of deprivation of liberty, guarantee access to legal assistance and effective remedies and combat impunity and hold perpetrators accountable. Ultimately, safeguarding the personal liberty of vulnerable persons requires a fundamental shift towards inclusive societies that uphold dignity, autonomy, and non-discrimination for all.

Right to Private and Family Life of Vulnerable Persons

The **right to private and family life** is a fundamental human right crucial for individual autonomy, dignity, and well-being. It is enshrined in Article 12 of the Universal Declaration of Human Rights (UDHR), stating that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." This is further elaborated in Article 17 of the International Covenant on Civil and Political Rights (ICCPR).

The Human Rights Committee, in its General Comment No. 16 on Article 17 (1988), interprets "privacy" broadly to encompass aspects of physical and mental integrity, personal autonomy, control over one's personal information, and protection from surveillance. "Family" is also given a broad interpretation, extending beyond the traditional nuclear family to include all those comprising the family as understood in the society of the State party concerned.

For vulnerable persons, the right to private and family life faces particular and often acute threats, stemming from discrimination, lack of resources, societal prejudice, and systemic barriers that undermine their ability to form, maintain, and enjoy family relationships and control their personal lives.

[24] Human Rights Committee, General Comment No. 35 on Article 9: Liberty and Security of Person, UN Doc. CCPR/C/GC/35 (2014), paras. 3, 7.

Right to Dignity of the Human Person of Vulnerable Persons

The right to dignity of the human person is arguably the foundational principle of all human rights, underpinning the universality, indivisibility, and interdependence of other rights. It asserts the inherent worth of every individual, irrespective of their circumstances, and demands respect for their integrity and autonomy. As enshrined in Article 1 of the Universal Declaration of Human Rights (UDHR), "All human beings are born free and equal in dignity and rights." In the Nigerian context, Section 34 of the 1999 Constitution (as amended) explicitly guarantees the right to dignity of the human person, stating 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."

For vulnerable persons, the right to dignity is often systematically violated, not just through direct acts of humiliation or abuse, but also through societal structures, discriminatory laws, poverty, neglect, and lack of access to basic services. These factors combine to diminish their sense of self-worth and reduce them to less than fully human in the eyes of society or the state.

Deep-seated poverty exacerbates vulnerabilities and forces individuals into undignified circumstances (e.g., street begging, forced labor, inadequate housing). Certain traditional or cultural practices, such as discriminatory widowhood rites, stigmatization of persons with disabilities or HIV/AIDS, and pronatalist norms, directly undermine the dignity of individuals. A lack of accountability for human rights violations, particularly by state actors, perpetuates abuses that violate dignity. Despite the existence of progressive laws (e.g., Disability Act, Anti-Torture Act), their effective enforcement is often hampered by corruption, lack of political will, and insufficient resources. Ongoing conflicts in parts of Nigeria lead to displacement, violence, and a severe erosion of dignity for affected populations. Vulnerable persons often face barriers in accessing legal remedies for dignity violations due to illiteracy, poverty, and fear of reprisal.

In conclusion, the right to dignity of the human person is the bedrock of a just and humane society. In Nigeria, while enshrined in the Constitution and supported by various laws and institutions, its practical realization for vulnerable persons remains a significant challenge. The assessment reveals that groups such as persons with disabilities, women, children, IDPs, persons living with HIV/AIDS, and those in informal employment or detention disproportionately face threats that undermine their inherent worth.

Addressing these violations requires a multi-faceted approach such as robust enforcement of existing laws and speedy passage of pending protective legislation, targeted interventions to address poverty, inequality, and social determinants of vulnerability, challenging harmful cultural practices through advocacy and education, strengthening accountability mechanisms for human rights violations and investing in social protection programs that uphold the dignity of marginalized populations. Ultimately, ensuring the dignity of every human person in Nigeria necessitates a societal transformation towards greater inclusion, respect, and justice, moving beyond mere legal pronouncements to create a reality where everyone can live a life of inherent worth and respect.

Right to Freedom of Movement of Vulnerable Persons

The right to freedom of movement is a fundamental human right, recognized in Article 13 of the Universal Declaration of Human Rights (UDHR) and more explicitly in Article 12 of the International Covenant on Civil and Political Rights (ICCPR). It encompasses the right to liberty of movement and freedom to choose one's residence within a State, he right to leave any country, including one's own and the right to enter one's own country.

In Nigeria, Section 41 of the 1999 Constitution (as amended) similarly guarantees every citizen the right to move freely throughout Nigeria and to reside in any part thereof, and no citizen shall be expelled from Nigeria or refused entry or exit. This right, however, is not absolute and can be subject to lawful restrictions for reasons such as national security, public order, public health, or protecting the rights and freedoms of others.

For vulnerable persons, the right to freedom of movement faces particular and often severe challenges, stemming from their specific circumstances, societal discrimination, physical barriers, and lack of

resources. They are disproportionately affected by restrictions, both lawful and unlawful, and may lack the means to exercise this right effectively.

Ongoing conflicts in Nigeria severely restrict movement, leading to displacement and humanitarian crises. Legislation that criminalizes certain identities (e.g., same-sex relations) or restricts administrative processes (e.g., for undocumented migrants) can arbitrarily limit movement. Lack of accessible transportation, roads, and public spaces significantly impedes the movement of persons with disabilities and older persons. Economic deprivation often means individuals cannot afford transportation, making their freedom of movement theoretical rather than practical. Harmful traditional practices or societal prejudices can impose informal but potent restrictions on the movement of women, girls, and certain minority groups. Corrupt officials may exploit movement restrictions for personal gain, and a lack of accountability for those who arbitrarily restrict movement perpetuates violations.

The right to freedom of movement is a vital component of human liberty and dignity. However, for vulnerable persons in Nigeria and globally, this right is frequently undermined by a confluence of insecurity, discrimination, socio-economic barriers, and insufficient protective measures. While Nigeria's Constitution guarantees this right, its practical realization for IDPs, women, children, persons with disabilities, and LGBTIQ+ individuals faces severe challenges. Ensuring the effective enjoyment of the right to freedom of movement for vulnerable persons requires a multi-faceted approach such as addressing root causes of displacement and insecurity, reforming discriminatory laws and policies, combating human trafficking and exploitation, providing adequate humanitarian aid and social services, and strengthening legal aid and awareness. Ultimately, safeguarding freedom of movement for all, especially the vulnerable, is a testament to a society's commitment to equality, human dignity, and the full realization of human rights.

Right to Food of Vulnerable Persons

The right to adequate food is a fundamental human right, recognized in Article 25 of the Universal Declaration of Human Rights (UDHR) and, more comprehensively, in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). It asserts "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Furthermore, it emphasizes the fundamental right of everyone to be free from hunger.

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 12 (1999), provides an authoritative interpretation of this right, clarifying that it means "the right of every man, woman, and child, alone or in community with others, to have physical and economic access at all times to adequate food or the means for its procurement." It includes dimensions of availability, accessibility, adequacy and sustainability of food.

In Nigeria, while the right to food is not explicitly enshrined as a justiciable right in the 1999 Constitution, the Right to Food Act 2023 aims to make food security a legal right, obligating the government to respect, protect and fulfill these rights. However, its implementation remains a significant challenge.

For vulnerable persons in Nigeria, the right to food is particularly precarious. They are disproportionately affected by food insecurity, malnutrition, and hunger due to intersecting factors of poverty, conflict, climate change, discrimination, and inadequate social protection.

Widespread poverty remains the primary driver of food insecurity, limiting economic access to food for millions. The Boko Haram insurgency, banditry, and farmer-herder conflicts have disrupted agricultural production, destroyed livelihoods, displaced farmers, and impeded food supply chains, particularly in northern Nigeria. Floods, droughts, and changing weather patterns reduce agricultural yields and destroy harvests, impacting food availability. Despite policies like the National Policy on Food and Nutrition and the Right to Food Act 2023, implementation has been poor due to insufficient funding, weak coordination, and a lack of public awareness. Mismanagement of funds and resources intended for food security programs undermines effective delivery of aid and support. Discriminatory practices limit women's access to productive resources, hindering their capacity to ensure household food security.

Soaring food prices due to economic factors (e.g., fuel subsidy removal, naira devaluation) make food unaffordable for many, especially the vulnerable. Insufficient investment in sustainable agricultural practices, infrastructure, and support for smallholder farmers, who produce most of Nigeria's food.

In conclusion, the right to food is a fundamental human right, but its realization for vulnerable persons in Nigeria faces profound challenges. While the recent Right to Food Act 2023 offers a legal basis, its potential impact is undermined by a complex interplay of insecurity, poverty, climate change, and systemic implementation gaps. The assessment highlights that children, women, IDPs, persons with disabilities, older persons, and the urban poor disproportionately bear the burden of food insecurity and malnutrition. Ensuring the right to food for all, especially the vulnerable, requires urgent and concerted efforts by effectively implementing the Right to Food Act, addressing insecurity and conflict, strengthening social protection systems, investing in sustainable agriculture, promoting gender equality, improving data collection and monitoring and enhancing public awareness. Upholding the right to food is not merely an act of charity but a legal obligation and a moral imperative for building a resilient, healthy, and dignified society.

Right to Shelter of Vulnerable Persons

The right to adequate shelter, often understood as part of the broader right to adequate housing, is a fundamental human right essential for dignity, health, and well-being. It is recognized in Article 25(1) of the Universal Declaration of Human Rights (UDHR) as part of the right to an adequate standard of living and, more comprehensively, in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Committee on Economic, Social and Cultural Rights (CESCR), in its authoritative General Comment No. 4 (1991) on the right to adequate housing, clarified that this right is not merely about having a roof over one's head but includes several interconnected elements such as legal security of tenure, availability of services, materials, facilities, and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.

In Nigeria, while the **1999 Constitution (as amended)** does not explicitly make the right to adequate housing a justiciable right, it can be implied through the right to dignity (Section 34) and other socio-economic objectives. Various national housing policies and initiatives exist, but a significant housing deficit persists.

For vulnerable persons in Nigeria, the right to shelter is particularly precarious. They are disproportionately affected by homelessness, insecure tenure, forced evictions, and living in inadequate conditions due to poverty, discrimination, conflict, and the lack of comprehensive social protection.

The right to adequate housing imposes three levels of obligation on States Parties to the ICESCR which are respect, protect and fulfill the right to shelter. States must refrain from interfering with the existing enjoyment of the right to adequate housing (e.g., refraining from arbitrary forced evictions). States must prevent third parties (e.g., landlords, private developers, armed groups) from violating the right to adequate housing (e.g., by regulating rents, preventing exploitative practices, protecting against violence). States must proactively adopt legislative, administrative, and other measures to facilitate and ensure the full realization of the right to adequate housing for all, particularly vulnerable groups. This includes providing housing subsidies, establishing social housing programs, and promoting sustainable development.[25]

Nigeria faces an enormous housing deficit, estimated at over 20 million units, making adequate housing inaccessible for a large portion of the population. Widespread and often violent forced evictions, particularly in urban areas, continue to occur without adequate resettlement plans or remedies, directly violating the right to shelter. Ambiguous land ownership, particularly in customary land systems, contributes to insecure tenure for many, making them vulnerable to displacement. Corruption within land administration, housing agencies, and urban planning exacerbates the housing crisis and undermines

[25] Committee on Economic, Social and Cultural Rights, General Comment No. 4 (1991) on the Right to Adequate Housing, para. 8.

efforts to provide adequate shelter. Ongoing conflicts cause large-scale displacement, destroying homes and livelihoods, and preventing safe return. The high cost of housing relative to income makes it impossible for the majority of the population, especially the poor, to access adequate housing. Despite the Right to Food Act 2023, the absence of an explicit justiciable right to housing in the Constitution limits legal redress. Existing laws are often poorly enforced. Increasing floods and other climate-related disasters destroy homes, creating new waves of displaced persons.

The right to adequate shelter is a critical determinant of human dignity and well-being, yet for millions of vulnerable Nigerians, it remains an aspiration rather than a reality. The assessment reveals that IDPs, the urban poor, women, children, persons with disabilities, and ethnic/religious minorities are particularly exposed to threats such as forced evictions, living in inhumane conditions, and lacking security of tenure. Addressing this multifaceted challenge requires robust and rights-based interventions such as explicit recognition and justiciable right, halting forced eviction, investment in social housing, inclusive urban planning, strengthening land tenure security, addressing root causes of conflict and displacement and promoting gender equality in land and property rights. Ultimately, ensuring the right to adequate shelter for all vulnerable persons in Nigeria is not only a legal obligation but a moral imperative for fostering a just, equitable, and dignified society.

Right to Healthcare of Vulnerable Persons

The right to health, or the right to the highest attainable standard of physical and mental health, is a fundamental human right recognized in Article 25 of the Universal Declaration of Human Rights (UDHR) and, more comprehensively, in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee on Economic, Social and Cultural Rights (CESCR), in General Comment No. 14 (2000), clarifies that this right is not an entitlement to be healthy, but rather a right to the enjoyment of a variety of facilities, goods, services, and conditions necessary for the realization of the highest attainable standard of health. It encompasses availability, accessibility, acceptability and quality of healthcare.

In Nigeria, while the 1999 Constitution (as amended) does not explicitly make the right to health justiciable (directly enforceable in court), Section 17(3)(d) states that the State shall direct its policy towards ensuring that there are "adequate medical and health facilities for all persons." More significantly, the National Health Act of 2014 provides a legal framework for Nigeria's health system and asserts that "a health care provider, health worker or health establishment shall not refuse a person emergency medical treatment for any reason" (Section 20). The National Health Insurance Act (NHIA) 2022 is a crucial development, aiming to make health insurance mandatory for all Nigerians and establishing a fund for vulnerable groups to provide "subsidy for health insurance coverage for vulnerable persons and payment of health insurance premiums for indigents."

Despite these legal and policy frameworks, the right to healthcare for **vulnerable persons** in Nigeria is severely challenged by systemic issues. Vulnerable populations face disproportionate barriers to accessing quality, affordable, and timely healthcare, leading to poorer health outcomes.

States must refrain from interfering directly or indirectly with the enjoyment of the right to health (e.g., refraining from discrimination, forced medical procedures, or destroying health facilities). States must prevent third parties from interfering with the right to health (e.g., regulating private healthcare providers, preventing pollution, protecting individuals from violence that affects health). States must adopt legislative, administrative, budgetary, judicial, promotional, and other measures towards the full realization of the right to health. This includes establishing a national health system, investing in primary healthcare, ensuring universal access, and providing social safety nets.[26]

Nigeria allocates less than 5% of its national budget to healthcare, far below the 15% Abuja Declaration target, leading to underfunded facilities and reliance on out-of-pocket payments. Many health facilities, especially in rural areas, lack modern equipment, basic amenities (electricity, water), and essential

[26] Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the Right to the Highest Attainable Standard of Health, para. 33-37.

medicines. A severe shortage of doctors, nurses, and specialists, exacerbated by brain drain, leaves millions without adequate medical care. Despite the National Health Act 2014 and NHIA 2022, operationalization and effective implementation face challenges due to poor knowledge of the Act, political commitment, and sustainable funding. The majority of Nigerians pay for healthcare directly, leading to financial hardship and pushing many below the poverty line. Mismanagement of health funds and resources diverts essential services and impacts quality. Ongoing conflicts not only increase health needs but also destroy health infrastructure, displace health workers, and hinder humanitarian access. Many Nigerians are unaware of their healthcare rights or avenues for redress.

The right to healthcare is a cornerstone of human dignity and development, yet for vulnerable populations in Nigeria, it remains significantly compromised. While Nigeria has made legal strides with the National Health Act and NHIA, the practical reality is marked by profound disparities in access, quality, and affordability. Children, women, IDPs, persons with disabilities, older persons, and LGBTIQ+ individuals bear the brunt of a struggling health system. To ensure the effective realization of the right to healthcare for all vulnerable persons in Nigeria, comprehensive and sustained efforts are imperative. Significantly increasing health budget allocation and ensuring transparent and efficient use of funds, particularly for primary healthcare and vulnerable groups. Investing in building, equipping, and maintaining functional health facilities, especially in rural and underserved areas. Addressing brain drain through improved working conditions, remuneration, and training programs, and deploying healthcare workers to underserved communities. Ensuring mandatory health insurance covers all citizens, with particular focus on subsidizing premiums for vulnerable groups as enshrined in the NHIA. Tackling poverty, improving sanitation, ensuring food security, and promoting education, which are critical for overall health outcomes. Ensuring safe access to healthcare for conflict-affected populations and protecting health workers and facilities. Implementing anti-discrimination measures within healthcare settings, ensuring that no one is denied care based on their identity or status. Raising public awareness about healthcare rights and providing accessible mechanisms for accountability and redress.

Right to Education of Vulnerable Persons

The right to education is a fundamental human right, universally recognized as essential for human dignity, personal development, and active participation in society. It is enshrined in Article 26 of the Universal Declaration of Human Rights (UDHR) and more comprehensively in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The latter stipulates that primary education shall be compulsory and available free to all, secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education and higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education. It also emphasizes quality education and the right of parents to choose schools.

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 13 (1999), clarifies that the right to education implies availability, accessibility, acceptability, and adaptability of educational facilities and programs.

In Nigeria, while the 1999 Constitution (as amended) in Section 18 sets out educational objectives, these are generally considered non-justiciable (not directly enforceable in court). However, the Universal Basic Education (UBE) Act of 2004 makes basic education (primary and junior secondary) free and compulsory, providing a legal framework for its realization. Furthermore, the Child Rights Act (2003), adopted by many Nigerian states, explicitly guarantees the right to free, compulsory, and universal primary education for every child.

Despite these legal frameworks, the right to education for vulnerable persons in Nigeria is profoundly challenged by a complex interplay of poverty, insecurity, gender inequality, cultural barriers, and systemic governance issues. Vulnerable populations face disproportionate obstacles in accessing quality education, leading to alarming rates of out-of-school children and widespread illiteracy.

States parties to the ICESCR have specific obligations regarding the right to education. States must refrain from interfering directly or indirectly with the enjoyment of the right to education (e.g., refraining from arbitrary expulsion, discrimination in admission).[27] States must prevent third parties (e.g., private actors, armed groups) from interfering with the right to education (e.g., regulating private schools, protecting schools from attacks. States must adopt legislative, administrative, budgetary, judicial, and other measures to realize the right to education.

Insufficient budgetary allocation to the education sector at all levels, leading to poor infrastructure, lack of learning materials, and inadequate teacher salaries. Persistent attacks on schools, abduction of students and teachers, and generalized insecurity (especially in the North-East and North-West) lead to school closures, low enrolment, and a fear of sending children to school. Dilapidated classrooms, lack of basic amenities (water, sanitation, electricity), and insufficient school buildings contribute to poor learning environments and overcrowding. A significant shortage of qualified and well-trained teachers, particularly in rural and conflict-affected areas, impacts the quality of education. High poverty rates force many families to prioritize survival over education, leading to child labour and early marriage. Persistent patriarchal norms, early marriage, and perceived limited returns on girls' education contribute to their disproportionate exclusion. Lack of effective oversight, accountability, and corruption within the education system hinder progress. Despite the Disabilities Act, practical implementation for inclusive education remains very low.

The right to education is a critical enabler of other human rights and a pathway out of poverty. For vulnerable persons in Nigeria, however, this right is frequently denied or severely curtailed. The assessment highlights that out-of-school children, girls, IDPs, persons with disabilities, and children from poor and marginalized backgrounds face immense barriers to accessing quality education. To ensure the effective realization of the right to education for all vulnerable persons in Nigeria, comprehensive and sustained efforts are imperative. Upholding the right to education for vulnerable persons is not merely an obligation but a strategic investment in Nigeria's future, fostering human development, reducing inequality, and building a more resilient and equitable society.

Terrorism per se is an anathema to human rights.[28] This is because the random nature of terrorist acts undermines freedoms and consequently, the international human rights framework. Thus, the human cost of terrorism has been felt in virtually every corner of the globe. This clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of the rights to life, liberty and physical integrity of victims, hence, counter-terrorism operations. However, Counter Terrorism operations refer to all military and humanitarian efforts deployed by the state to address the issue of insecurity in the country.[29] Therefore, this aims at enhancing criminal justice capacity for effective rule of law based investigation, prosecution and adjudication of terrorist cases, promoting inter-agency collaboration on counter-terrorism matters, improving the national legal regime against terrorism, strengthening international cooperation against terrorism and ensuring respect for human rights.[30] As a matter of fact, in achieving these national values, human rights of the citizens are being violated and relegated to the background by the government. This can be witnessed by the level of indiscriminate and extra-judicial killings, torture and ill-treatment, enforced disappearance, arrest and detention, violations of rights of internally displaced persons, rape and sexual slavery, forced eviction of civilians among others.

[27] Committee on Economic, Social and Cultural Rights, General Comment No. 13 (1999) on the Right to Education, paras. 43-46.

[28] Constitution of the Federal Republic of Nigeria 1999 (as amended), s 33

[29] M. E. Nwocha, *Right to Life and the Death Penalty: Philosophy, Law and Practice. (*Abakaliki: CE Darrols Publishers, 2014).

[30] I. O. Igwe, 'To What Extent is Killing in Defence of Property Equal to Right to Life in Nigeria?' (Beijing: Beijing Law Review, 2020) 3.

Terrorism and the Rights of the Vulnerable

Terrorism, as a pervasive and complex global phenomenon, presents profound challenges to the protection of human rights, particularly the rights of vulnerable populations during armed conflict and counter-terrorism operations. In the Nigerian context, the scourge of terrorism, primarily driven by groups such as Boko Haram and other insurgent factions, has resulted in widespread human suffering and violations of fundamental rights.

Understanding Terrorism and Vulnerability

Terrorism, characterised by the unlawful use of violence and intimidation against civilians to achieve political or ideological objectives, disproportionately impacts vulnerable groups including women, children, internally displaced persons (IDPs), and persons with disabilities. These groups often bear the brunt of terrorist acts and the subsequent security responses, resulting in multifaceted violations of their rights. *Terrorism* is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal "sectoral" treaties relating to specific aspects of it define certain acts and core elements. In 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60, stated that terrorism includes "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and that such acts "are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them."

Ten years later, the Security Council, in its resolution 1566 (2004), referred to "criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act". Later that year, the Secretary-General's High-level Panel on Threats, Challenges and Change described terrorism as any action that is "intended to cause death or serious bodily harm to civilians or noncombatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act" and identified a number of key elements, with further reference to the definitions contained in the 1999 International Convention for the Suppression of the Financing of Terrorism and Security Council resolution 1566 (2004).[31]

The General Assembly is currently working towards the adoption of a comprehensive convention against terrorism, which would complement the existing sectoral anti-terrorism conventions. Its draft article 2 contains a definition of terrorism which includes "unlawfully and intentionally" causing, attempting or threatening to cause: "(*a*) death or serious bodily injury to any person; or (*b*) serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or (*c*) damage to property, places, facilities, or systems…, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act." The draft article further defines as an offence participating as an accomplice, organizing or directing others, or contributing to the commission of such offences by a group of persons acting with a common purpose. While Member States have agreed on many provisions of the draft comprehensive convention, diverging views on whether or not national liberation movements should be excluded from its scope of application have impeded consensus on the adoption of the full text. Negotiations continue. Many States define terrorism in national law in ways that draw to differing degrees on these elements.

Vulnerable persons are frequently exposed to displacement, loss of livelihood, sexual and gender-based violence, and denial of access to essential services. Moreover, the fear and insecurity engendered by

[31] *A more secure world: Our shared responsibility* (United Nations publication, 2004.

terrorism exacerbate their marginalisation and hinder their enjoyment of rights enshrined in national and international legal frameworks.

Counter-Terrorism Operations against Boko Haram

In 2009, violent clashes broke out in north-eastern Nigeria between an Islamist insurgent group, Boko Haram, and the government of Nigeria. Between 2009 and 2012, there were around 1,500 Battle Related Deaths (BRDs) associated with this conflict. In 2013, the government called a state of emergency and launched a large-scale military offensive against the insurgents. The intensity of the conflict increased to that of a war, with around 1,600 Battle Related Deaths over the course of one year. In addition, it is estimated that attacks by Boko Haram on civilians led to the deaths of around 650 civilians between 2010 and 2012. According to Amnesty International (2014), more than 1,500 people were killed in northern Nigeria in the first three months of 2014.[32] The fight against Boko Haram in Nigeria represents one of the most protracted and devastating counter-terrorism campaigns in recent history. Since its emergence in the early 2000s and the escalation of its insurgency in 2009, Boko Haram, and later its splinter faction, the Islamic State West Africa Province (ISWAP), have posed an existential threat to Nigeria and the wider Lake Chad Basin region. The Nigerian military, supported by regional and international partners, has been at the forefront of efforts to combat these groups, employing various strategies with mixed effectiveness and significant human rights implications.

Boko Haram, officially known as Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (People Committed to the Propagation of the Prophet's Teachings and Jihad), initially emerged as a socio-religious movement opposing Western education and secular governance.[33] Under Abubakar Shekau, it transformed into a violent insurgency, launching attacks on government institutions, schools, churches, and mosques. In 2016, a major schism led to the emergence of ISWAP, which has often focused on targeting military installations and engaging in more sophisticated attacks, while also attempting to win over local populations through the provision of services.[34]

The Nigerian military's response to Boko Haram has evolved over time, employing a combination of kinetic and non-kinetic approaches, often in collaboration with regional forces. The military has launched numerous operations with various code names, primarily aimed at degrading Boko Haram's fighting capacity, reclaiming territory, and rescuing captives. These include Operation Zaman Lafiya (Era of Peace), Operation Lafiya Dole (Peace by All Means Necessary), Operation Rescue Final, Operation Deep Punch, and Air Campaigns.[35]

The effectiveness of counter-terrorism operations against Boko Haram has been a mixed bag, with periods of significant gains followed by insurgent resurgence and adaptation. The military, particularly with MNJTF support, has recaptured significant territories previously held by Boko Haram, forcing the insurgents out of major towns and into remote areas like the Sambisa Forest and the Lake Chad islands. Several top Boko Haram commanders, including Abubakar Shekau, have been killed or neutralized, disrupting the group's command structure. The ability of Boko Haram to control large swaths of territory has been significantly diminished compared to its peak in 2014-2015.[36]

Boko Haram and ISWAP have demonstrated remarkable resilience and adaptability, shifting tactics (e.g., from conventional warfare to asymmetric attacks, suicide bombings, and kidnappings) and exploiting

[32] A Jones and R Naylor, The Quantitative impact of Armed Conflict on Education in Nigeria: Counting the Human and Financial costs (CFBT Education Trust 2014) 5

[33] United Nations Security Council resolution 2253(2025) "Jama'atu Ahlis-Sunna Lidda'awati Wal-jahad (Boko Haram) <https://main.un.org/secutitycouncil/en/sanctions/1267/aq_sanctions_list> accessed 24 January 2026.

[34] African Journals Online (AJOL). (undated). "Narratives of Defence: A Qualitative Study of Military Strategies Against Terrorism in Nigeria." (Notes ISWAP's emergence in 2016 after a leadership conflict within Boko Haram).

[35] Walden University Research. (undated). "Public Policy Response to Violence: Case Study of Boko Haram Insurgency in Nigeria." (Mentions various operations like Zaman Lafiya and Lafiya Dole).

[36] Sabinet African Journals. (2024). "Boko Haram Insurgency and Military Response in Nigeria." (Reports MNJTF successes in "reducing the Boko Haram insurgency, with a reduction in the number of attacks and the reclamation of territories").

porous borders. The Nigerian military has faced persistent issues with inadequate funding, corruption in procurement, and logistical constraints, impacting troops' morale and operational effectiveness.[37] The transnational nature of the threat, with insurgents operating across the Lake Chad Basin, complicates containment efforts and allows for cross-border movement and access to resources. Lack of accurate and timely intelligence, coupled with a strained relationship between the military and local communities due to alleged abuses, hinders effective intelligence gathering.

Counter-terrorism operations in Nigeria have been marred by widespread and credible allegations of severe human rights violations by the Nigerian military and other security forces. These abuses have not only caused immense suffering but have also undermined the legitimacy of the state's response and alienated affected populations. Numerous reports document alleged extrajudicial killings of suspected Boko Haram members and civilians, often without due process. Thousands of individuals, including women and children, have been arbitrarily arrested and detained for prolonged periods in overcrowded and unsanitary conditions, often without access to legal counsel or family. Detainees have reported widespread torture and other cruel, inhuman, or degrading treatment in military and security agency custody. There are disturbing allegations, including a Reuters investigation, of the Nigerian military running a secret, systematic, and illegal abortion program that terminated thousands of pregnancies of women and girls who had been kidnapped and raped by Boko Haram fighters.

The counter-terrorism operations against Boko Haram in Nigeria represent a monumental undertaking to safeguard national security and protect civilians. While the Nigerian military, supported by the MNJTF, has achieved tactical successes in degrading the insurgents' capabilities and reclaiming territory, the conflict remains complex and protracted. The persistent challenges, including the adaptable nature of the insurgency, logistical hurdles, corruption, and most critically, the widespread allegations of human rights abuses by security forces, undermine the long-term effectiveness of the strategy. The severe humanitarian consequences and the erosion of trust between the military and civilian populations highlight the urgent need for a recalibrated approach.

Military Operations against Bandits in Nigeria

The Nigerian military has been actively engaged in various operations to combat banditry, particularly in the North-West and North-Central regions of the country.[38] Banditry in Nigeria refers to a complex and evolving security challenge characterized by armed criminal gangs involved in kidnapping for ransom, cattle rustling, village raids, sexual violence, and the imposition of illegal levies on communities. Unlike the Boko Haram insurgency, which is primarily ideologically driven, banditry is largely motivated by economic gains.[39] The crisis has led to widespread displacement, loss of lives and livelihoods, and a general breakdown of law and order in affected areas.

The Nigerian military, alongside other security agencies, has launched numerous operations to counter banditry. These operations are part of the military's broader internal security mandate, deployed when conventional policing proves insufficient. Over the past five years, the Nigerian Armed Forces have launched over 40 operations and exercises to address various security challenges, including banditry.[40] Some notable operations specifically targeting banditry include **Operation Sharan Daji (clearing the bushes):** Launched in July 2015, primarily to tackle cattle rustling and armed banditry in the North-West; Operation Harbin Kunama (Scorpion Sting): Initiated in July 2016 and subsequent phases (e.g., Harbin Kunama II in 2017, Harbin Kunama III in 2019) to deal with cattle rustling, armed banditry, and farmer-

[37] SFJESGS. (undundated). "13 NIGERIAN MILITARY AND THE FIGHT AGAINST INSURGENCY: CHALLENGES AND PROSPECTS." (Highlights how "corruption in the defense sector weakened the military's capacity").

[38] "Zamfara Airstrike Tragedy: Understanding Civilian Casualties and Security Challenges in Nigeria." Impact International for Human Rights Policies. (2025).

[39] Taylor & Francis "Shock and awe: Military response to armed banditry and the prospects of internal security operations in Northwest Nigeria." Peer-reviewed Journals. (2023).

[40] "Insecurity persists as military launches over 40 operations in 5 years." (Daily Trust 2020).

herder clashes in the North-West and North-Central; **Operation Accord:** Launched in June 2020, involving joint air and ground offensives to destroy bandit camps; **Operation Hadarin Daji (Storm of the Forest):** A major joint task force operation established in 2018, primarily focused on Zamfara and Katsina states, where banditry has strong bases. Its objectives include large-scale military operations to degrade and defeat armed bandits.[41]

These involve direct military action, including ground offensives, air campaigns (airstrikes), and raids on suspected bandit hideouts and camps.[42] The military aims to neutralize bandits, destroy their assets, rescue hostages, and protect communities. Increasingly, the military is exploring non-kinetic approaches such as psychological operations (PSYOPS),[43] civil-military cooperation (CIMIC) initiatives, and strategic communication to win the trust of local communities, gather intelligence, and counter bandit narratives.

The effectiveness of military operations against bandits in Nigeria has been a subject of ongoing debate and mixed results. While the military has achieved some successes in neutralizing bandits, destroying camps, and rescuing victims, the banditry crisis persists and, in some areas, has intensified.

The military operations against bandits have had a severe human rights impact on civilian populations. There are numerous documented instances of accidental airstrikes by the Nigerian Air Force resulting in significant civilian deaths and injuries.[44] Since 2017, approximately 400 civilians have reportedly died in military airstrikes in northern Nigeria. These incidents raise serious concerns about the military's adherence to the principles of distinction and proportionality under International Humanitarian Law (IHL). Human rights organizations have reported allegations of Nigerian security forces committing human rights violations, including excessive force, extrajudicial killings, rape, torture, and arbitrary detentions against civilians and suspected bandits. The violence from both bandits and military operations has led to mass displacement, exacerbating humanitarian needs in the affected regions. The repeated civilian casualties and alleged abuses, coupled with a perceived lack of transparent investigations and accountability, deepen mistrust between civilians and the military.[45] The International Criminal Court (ICC) has noted a reasonable basis to believe that Nigerian security forces have committed war crimes and crimes against humanity in the context of counter-insurgency operations.

Military operations against bandits in Nigeria are a necessary response to a severe security threat that has devastated communities. While the military has made efforts and achieved some tactical successes, the overall effectiveness of these operations is hampered by the unconventional nature of banditry, intelligence gaps, civilian mistrust, resource limitations, and allegations of human rights abuses. A sustainable solution to banditry requires a comprehensive approach that goes beyond kinetic military action.

CONCLUSION

Despite the existence of comprehensive legal frameworks both nationally and internationally, significant challenges persist in effectively safeguarding the rights and dignity of vulnerable populations during such periods of insecurity. The inherent vulnerability of certain groups—particularly women, children, internally displaced persons, and other marginalised individuals—demands special attention within conflict and security settings. While Nigeria has made notable strides through legislation and institutional

[41] Taylor & Francis "Shock and awe: Military response to armed banditry and the prospects of internal security operations in Northwest Nigeria." Peer-reviewed Journals. (2023).

[42] "How Nigerian Army's New Strategy Shields NYSC Members, Commuters From Bandits, Kidnappers in North West." (Global Upfront Newspapers 2025).

[43] "Psychological Operations as Non-Kinetic Strategy in Countering Banditry: Insights from the Nigerian Military's Approach." (FUK JOURNALS 2024).

[44] "Zamfara Airstrike Tragedy: Understanding Civilian Casualties and Security Challenges in Nigeria." ImpACT International for Human Rights Policies. (2025).

[45] "Zamfara Airstrike Tragedy: Understanding Civilian Casualties and Security Challenges in Nigeria." Impact International for Human Rights Policies. (2025).

mechanisms aimed at protection, the implementation gap remains wide, often resulting in violations of fundamental rights during military and counter-terrorism actions. Moreover, the tension between security imperatives and human rights obligations underscores the need for a balanced approach that respects the rule of law, adheres to international humanitarian and human rights standards, and promotes accountability for abuses. Lessons drawn from international conflicts, including the wars in Ukraine and the Israel-Palestine hostilities, reinforce the universal necessity of protecting vulnerable persons and highlight the consequences when such protections fail.

Ultimately, the pursuit of national security in Nigeria must be harmonised with the imperative to uphold the rights and humanity of all persons, particularly the vulnerable. Strengthening legal frameworks, improving institutional capacities, and fostering a culture of respect for human rights within security operations are critical steps towards achieving this balance.

In conclusion, protecting the rights of vulnerable persons, including the terrorist before hostilities will greatly eradicate the availability of uninformed, uneducated and unemployed youth that become willing and ready tools in the hands of the propagators of the terrorist organization. The ability to prevent new recruits into the terrorist organization will drastically reduce their numbers and in less than no time, bring about the complete extermination of the existing terrorist groups or Bandits. With the respect of the pre-hostilities rights of the citizens, there would not be armed conflict or counter-terrorism operations, and by extension the discuss on the respect for the rights of the vulnerable during armed conflict and counter terrorism operation would not arise in the first instance

RECOMMENDATIONS

The following are recommended:

1. **Justiciability of Chapter II of the Constitution of the Federal Republic of Nigeria:** There is a need for Nigeria to review and strengthen existing laws relating to human rights protections during armed conflict and counter-terrorism. This includes ensuring that statutes such as chapter II of the constitution of the Federal Republic of Nigeria (Particularly Sections 15, 16 and 17) and the Child Rights Act are effectively harmonised with international legal standards. Moreover, enforcement mechanisms should be bolstered to guarantee compliance at all levels of government and security agencies. Sections
2. **Adopt the monist approach of domesticating treaties:** The provisions of section 12 of the constitution to allow for the monist approach to treaties domestication as against the dualist approached currently adopted by the country. Equally, Nigerian security personnel involved in armed conflict and counter-terrorism operations should receive comprehensive training on international humanitarian law, human rights law, and the special needs of vulnerable groups. Such capacity building would help reduce incidents of rights violations and promote respect for civilian protections.
3. **Respect pre-hostilities rights of all citizens:** Specific policies targeting the protection of women, children, and other particularly vulnerable groups must be mainstreamed into counter-terrorism and conflict management strategies. This includes addressing issues such as gender-based violence and recruitment of child soldiers. The pre-hostilities and post-hostilities rights of the terrorist should be respected and not violated.
4. **Implore the use of Technology:** Nigeria should actively engage with international bodies and draw lessons from global conflicts, such as those in Ukraine and Israel-Palestine, to improve its legal and operational approaches to protecting vulnerable populations during armed conflicts. This can be done with the use of technology, like introduction of and compulsory use of body camera to soldiers on counter terrorism operations, as well as the use of drone cameras.