

## **HUMAN RIGHTS VIOLATIONS AND 2023 ELECTIONS IN NIGERIA: CHALLENGES AND PROSPECTS**

BY

**Allu, Alkali**

Department of General Studies, Isa Mustapha Agwai 1 Polytechnic, Lafia, Nasarawa State,  
And

**Adokwe, Bulus Abiyawa**

Department of General Studies, Isa Mustapha Agwai 1 Polytechnic, Lafia, Nasarawa State,

### **Abstract**

Nigeria's Presidential election in February 2023 resulted in Bola Ahmed Tinubu as the winner, announced by the Independent National Electoral Commission (INEC). Opposition parties and candidates rejected the election's outcome, with Atiku Abubakar of the PDP coming second, Peter Obi of the Labour Party third, and Rabiu Musa Kwankwaso of the New Nigeria Peoples Party fourth. Obi and Atiku have requested a cross-examination of INEC's electoral materials, including controversial BVAS machines. This study examined the effects of human rights violations in the election and suggested ways on how to overcome such violations in the future. Data for this study was gathered from interviews, observations, media reports and journal publications. The study found out that the outcome of Nigeria's 2023 general elections did not portray the nation as a democracy worthy of emulation. Also, the general elections in Nigeria were a total breakdown of human rights, disregarded transparency on the part of INEC, and subversion of the will of the majority of citizens, among others.

**Keywords:** Election, INEC, Nigeria, Democracy, President

### **Introduction**

Elections in Nigeria should uphold fundamental human rights by encouraging the formation of political parties, registration of Permanent Voters Cards, free movement, freedom of expression, association, political pluralism and freedom of defection without fear of violence. However, elections in Nigeria often result in bloodshed, destruction of public facilities, vote buying and inducement, bribery, theft, rigging, and violations of fundamental human rights, such as stealing ballot boxes and papers.

Nigeria's elections are often viewed as a 'do-or-die' affair, with disputes among contenders and supporters. Opposition members may face kidnapping, torture, or death. Despite the 2023 presidential election, human rights abuses, voter suppression, and disenfranchisement persist in the media, with no elections without violations.

The Independent National Electoral Commission (INEC), on February 25<sup>th</sup>, 2023, conducted the presidential election in which the major contenders were Ahmed Bola Tinubu of the All Progressives Congress (APC), Atiku Abubakar of the People's Democratic Party (PDP), Peter Obi of the Labour Party (LP) and Musa Kwakwanso of the New Nigeria Peoples Party (NNPP). And the candidate of the APC Bola Tinubu was pronounced the winner by the electoral umpire in hot and controversial electoral processes. Bola Ahmed Tinubu defeated his rivals with 36% votes cast. The declaration was made on March 1, 2023, four days after

the polls. Before the election, INEC recorded over 134 attacks on its facilities across the nation, especially from the south-east region (Gavin, 2023 in Kohnet, 2023).

The United Nations Office of High Commissioner for Human Rights (UNOHCHR, 2019) emphasises that many human rights are owed by the States to all residents within their territories, while certain human rights are owed by a State to particular groups of people, often known as citizens. For example, the right to vote and be voted for in elections is bestowed and only owed to citizens of a nation. Therefore, the responsibilities of that nation to its citizens include but are not limited to the obligation to take decisive and sincere measures to ensure that the human rights of citizens are protected by providing effective means against violating the rights of persons and remedies for persons whose rights are violated within its territory (Shaibu et al, 2020).

Nigeria's lack of proactive measures to safeguard human rights was evident in February 2023 when a woman, Mrs. Jennifer Efed, was injured while voting in Lagos. Despite receiving treatments and stitches, she continued to cast her vote. The Labour Party's "Obedient Movement" movement saw her bravery and resistance against suppressing her rights. However, since Nigeria adopted secret balloting, it's unclear which presidential candidate she voted for, highlighting the poor situation during elections.

This study focuses on the link between elections and human rights violations in Nigeria, addressing a research design gap and the scarcity of quantitative techniques. It contributes new knowledge on human rights and the importance of preserving them, regardless of the personal interests involved.

## **Conceptual Review**

### **Human Rights**

According to Dahniar (2017) in Shaibu et al (2020), human rights are the basic rights and freedoms to which all humans are considered entitled. These basic rights that are not alienable to humans include but are not limited to right to life, right to liberty, the right to freedom of thought, the right to freedom of expression and right to equal treatment before the law, the right to freedom of choice, right to freedom of speech, right to freedom of association and movement among other rights. These rights represent entitlements of the individual or groups from the government and/or the responsibilities of the individual. Such rights are ascribed "natural," which means that they are not earned and cannot be denied based on race, creed, ethnicity, or gender (Shaibu et al, 2020). However, these rights can be denied or restricted when citizens break laws are found guilty and are jailed in prison, for which they are not allowed to enjoy some of these natural rights. In line with this, the United Nations Office for the High Commissioner for Human Rights (2019) reiterates that human rights as the totality of rights every single human being is entitled to enjoy without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. In this sense, human rights are constitutionally backed up or guaranteed by certain human rights laws, and acts; protecting citizens and residents of a country against unlawful behaviours which may interfere with or impede with fundamental freedoms, rights, and dignity of other persons in the same society.

Human rights are universally recognized in treaties, conventions, international law, and codes of principles. However, cultural practices and values can vary across societies. Mbah and Augustine categorize human rights into Classic and Social Rights, with Classic rights requiring the state to prevent certain actions against residents and social rights empowering the state to provide certain guarantees.

### **General Election**

There are no generally acceptable definitions of the meanings of human rights, violations and even elections. People define these concepts based on their society, their laws, their political economic system, their values, their constitutions and even their mentality.

According to Ugoh (2004) cited in Shaibu et al (2020), elections are the legitimate way of transferring power from one regime to another through the ballot box in any democratic society. Citing Wojtasik (2013, p.27-28), Shaibu et al further state that elections are competitive criteria for selecting and determining democratic legitimization of the exercise of public authority.

It is this competitiveness that Nigerian elections are based on. Since the return to democracy on May 29, 1999, elections in Nigeria have always taken too extreme, in which there must be violence in part of the country or another, kidnapping and maiming of opposition members, destruction of electoral materials before and during voting, and sometimes killing perceived oppositions. In other societies, competitiveness may warrant politicians and their political parties to woo supporters by way of presenting people-oriented manifestoes peacefully, strategically, and convincingly. For Omotola (2007), Osumah and Aghemelo (2010) cited in Shaibu et al (2020) elections are means adopted in democratic societies for: selecting political elites, legitimizing those in power, determining control over authorities, ensuring political accountability, creating political programmes, and recreating the image of public opinion for the benefits of all.

Elections in Nigeria are a competitive period where citizens register to elect their next leaders, aiming to correct complaints from the past four years. Politicians prepare themselves for various levels of government, presenting persuasive manifestos to convince Nigerians they are better than previous elected leaders. This period also tests human rights in Nigeria's democracy, ensuring fairness and justice for all citizens.

### **Empirical Review**

In 2022, President Buhari finally assented to the amended Electoral Act, which was meant to increase transparency, democracy, and respect for human rights in future elections. INEC announced that the Presidential and National Assembly elections were to be held on Saturday 25th February 2023, followed by Governorship and State Houses of Assembly elections on Saturday 11th March 2023. While the date for the Presidential election was sacrosanct, the other elections were shifted following petitions filed at the Election Tribunal by aggrieved opposition parties like PDP and LP. The presidential candidates of both parties claimed the outcome of the presidential election did not reflect the will of the people, alleging gross violations of human rights, voter suppression, violence, rigging, corruption, and blatant negligence in following the rules of the electoral act by the Independent National Electoral Commission.

According to Peter Obi of the Labour Party and Atiku Abubakar of the People's Democratic Party through the copies they filed at the tribunal, the electoral umpire, INEC did not upload results from polling units to IREV for real-time checking. Hence, both parties prayed to the court demanding to cross-examine or inspect the Bimodal Voter Accreditation System (BVAS) machines used during the 25 February 2023 Presidential election. Consequent upon this, INEC shifted the 11 March Governorship and State House of Assembly elections to March 18, to enable the aggrieved parties to make their inspections on the BVAS machines.

According to INEC cited in *Vanguard Newspaper* (2023. March 25), there were 1,491 constituencies for which the 2023 general elections were conducted for which candidates must emerge from democratic, transparent and valid primaries, in line with the provisions of sections 29 and 84 of the Electoral Act, 2022. Following the outcome of the elections, there were protests both at the national and state levels. In Nasarawa state, for instance, topless women and other supporters of opposition parties, took to the streets to protest the outcome of the state's governorship election, alleging that security agencies, the state government, and the ruling national party APC connived with INEC to subvert the will and rights of the people to freely choose who to lead them. Due to public outcry and concerns from national and international concern bodies such as Amnesty International, the Police Command in the state issued a statement banning protest till further notice. Again, peaceful protest is a fundamental and inalienable right of the human person and should not be taken away from them.

However, international, regional, and national documentations on human rights credited to the United Nations Centre for Human Rights (UNCHR, 1994); UNOHCHR (2019); African Union (AU, 2007); Constitution of the Federal Republic of Nigeria (CFRN, 1999) clearly show that every citizen of a country has the rights to peaceful protest when not satisfied with government's actions, decisions, policies, and disobedience to the rule of law. Worthy of note is that some of the documentation are directly concerns to violation of human rights in the 2023 general elections in Nigeria. For instance: UNCHR (1994) states that the basic international standard on elections involves three central rights: the right to take part in government; the right to vote and to be elected; and the right to equal access to public service. But the 2023 general elections fell short of these three central rights. The European Union Observers, ECOWAS observers (about 240 in number) expressed that, though the Presidential election was largely peaceful in most states but were not satisfied with the transparency of the election, which however, did not affect INEC from announcing the winner. The Universal Declaration of Human Rights further states that the *will of the people* shall be the basis of the authority of government at all levels, especially when elections matter.

### **Discussion of Findings**

Although many observers accepted the outcome of the presidential election which produced Bola Ahmed Tinubu as President-elect, there were still concerns among others, who expressed widespread violence and electoral inconsistencies. No doubt, some even described it as the worst election in the history of the electoral process in Nigeria. Considering the challenges that characterised the incumbent President Muhammadu Buhari's administration, especially in areas of security and economics, many Nigerians, mostly the youths wanted a change of the unfortunate predicament. In countries like Togo and Benin, people clamoured

for change when things were not going as expected. One can assume that the #Endsars protest that took place on 20 October 2020, motivated the youths to anticipate a younger president and a better government who could listen to the voice of the people, and take accountability and transparency seriously. And the former Governor of Anambra State Mr. Peter Obi took advantage of this scenario when he moved from the PDP in 2022 to the Labour Party and clinched the party's Presidential ticket unopposed.

The elections came with so much expectation and promise especially as INEC introduced a new version of technology to solve the problem of rigging, and overvoting, and with the commission's chairman Professor Mahmood Yakubu assuring Nigerians of transmitting results in real-time to the commission's central server for everybody to see. However, INEC failed to deliver on its promises because the results of the Presidential election were not uploaded as promised, giving room for possible manipulations, falsifications and cancellations of figures. Talking about human rights and violations in the elections, virtually all the 36 states of the federation recorded some form of human rights violations in which till now, no one has been charged, persecuted, convicted or sent to jail, which still leaves the question mark as to whose interest human rights were violated for.

An INEC Ad-hoc staff in Cross River state, Miss Glory Effiom Essien was hit by a stray bullet when some gunmen 'happily' opened fire. She was in a boat heading to Bakassi for election duty. Professor Gabriel Yomere the Cross River Resident Electoral Commissioner confirmed this incident to *Vanguard Newspaper* when he said the victim was quickly rushed to the University of Calabar Teaching Hospital for treatment. In that regard, her right to participate in public service was denied. According to Article 21 of the Universal Declaration of Human Rights (1948), *everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*

More than 50 political thugs at about 2:15 am on Sunday, March 19, invaded the Cross River collation centre in Ogoja and disrupted the collation of results, vandalised the environment, chased away youth corps on electoral duties, carted away electoral materials, stole mobile phones, and inflicted some level of injuries on ward collation officers who tried to resist them. Again, in whose interest were human rights violated? The electorate who already cast their votes could not see how their votes were counted. A collation officer Dr. Paul Bassey who was injured told *Vanguard Newspaper* that the thugs came with heavy stones, planks, and other hard materials.

In Kogi state, over 100 INEC officials and ad-hoc staff were kidnapped on their way to the Constituency Collation Centre in Lokoja at about 2 am the same Sunday 19 March 2023. But police rescued 99 of the abducted staff. In this case, what mattered was that all electoral materials were destroyed by the hoodlums. But the INEC still declared results in Kogi state. The same question comes to mind, on whose interest was human rights violated?

As discussed earlier, in Nasarawa state, precisely Lafia the state capital, protesters took to the streets to protest alleged rigging of the state governorship election by INEC in the state. Though the protest later turned violent during which one person was reportedly killed and others sustained different degrees of injuries. This is because some criminal elements among the protesters engaged in acts of vandalism and destruction of public and private property within the state capital.

In every general election, Kano state is one of the few states where candidates hope to get more votes considering that the state is one of the most populated states in the country and with a high number of voters with PVCs. As an act of violation of human rights in the election in the state, a chieftain of the ruling All Progressives Congress (APC) Dauda Rarara had his residence set ablaze by thugs immediately the governorship candidate of the New Nigeria Peoples Party (NNPP) Abbas Kabiru Yusuf was declared elected by INEC. There was no justification for this action. Rarara's right to freedom to own property and freedom of association was violated.

In Adamawa state, the entire voting, collation, and announcement of results were cancelled by the INEC over incidences of violation of human rights by political thugs. It was reported that citizens, passers-by, motorists, and commuters were attacked on Sunday, March 19 when INEC failed to declare the winner over undeniable irregularities. These public violations of human rights by political thugs may continue to happen in the future so long as the government continues to look the other way. Everyone has the right to choose, including the right to choose who leads them.

In Lagos state in Aguda, Surulere, Mrs Jennifer Efedo was stabbed in her face by thugs who disrupted the voting process. The hoodlums attacked voters who tried to stop them from snatching ballot boxes and BVAS machines. However, the woman, after receiving treatment, came back to vote. A video circulated on social media showed MC Oluomo, one of the ruling party's political thugs threatening the Igbos and warning others not to vote for any party other than the APC. Threatening people not to exercise their rights to vote during elections is an act of violation of human rights, and in a saner clime, such an act would not go unpunished, regardless of whose interest such violation was carried out. There were other indecent acts of blatant human rights violations in Lagos state. President Muhammadu Buhari promised free, fair, and credible elections. His speech on Salah Day April 21, 2023, revealed that the president was pleased with the processes and outcomes of the elections, despite knowing how restless the nation was.

Six persons were killed and many injured in Benue state during the governorship and State House of Assembly elections. The six persons were allegedly killed by security personnel who were trying to snatch ballot boxes at different polling units of the state. Also, Vanguard Newspaper reported that over 26 persons were apprehended in the state for various offences including political thuggery, illegal possession of firearms, snatching of ballot boxes and voter suppression and intimidation. This is a total violation of *Article 25 of the International Covenant on Civil and Political Rights (ICCPR)* which Nigeria is a signatory to. It states: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. Other states like Rivers and Edo, also witnessed voter suppression and intimidation. Reacting to this, the United States of America through its embassy in Nigeria urged the federal government of Nigeria to bring violators or perpetrators of electoral violence to justice. Both the USA and the UK also announced the imposition of Visa bans on individuals whether politicians or voters are found guilty of human rights violations and electoral violence and

rigging. However, responding to this, Pa Adebajo the Leader of the Anifere Group—the Apex Yoruba cultural Group, said this visa sanction would not hold water or bring an end to human rights violations during elections.

### **Conclusion and Recommendations**

The outcome of Nigeria's 2023 general elections did not portray the nation as a democracy worthy of emulation. Despite the increase in voter registration and Nigerians who were eligible to vote in the elections, it is still what was obtainable in 1999. INEC announced that there were 93.4 million voters to participate in the 2023 general elections, which was over 11 million above the number of registered voters in the 2019 elections. Kohnert and Preuss (2019) stated that Nigeria's 2023 elections were expected to shape Africa's political landscape, especially in neighbouring West African countries like Togo and Benin. In these countries, elections do not deliver the kind of leadership, respect for human rights, accountability, and transparency that citizens expect (Gavin, 2023). The recent general elections in Nigeria were a total breakdown of human rights, disregard transparency on the part of INEC, and subversion of the will of the majority of citizens, among others.

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