

## Research Article

### Insecurity and Human Rights in Nigeria: Analyzing the Impact of Violent Crimes in the Society

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**Abstract:** This study investigates the relationship between insecurity and human rights in Nigeria, and specifically banditry, attacks of the Fulani Herdsmen and kidnapping. Despite constitutional and international guarantees of certain fundamental rights, high incidences of violent crimes continue to severely infringe on citizens' rights to life, liberty, security, and property. In taking a conceptual and qualitative research design that is informed by frustration-aggression theory and human security, the study analyses archival literature, government documents, and scholarly works to understand the socio-economic, legal, and governance dimensions of insecurity. The study found that violence has been exacerbated by factors like porous borders, easy access to small arms, weak institutions and governance. This violence has displaced people, disrupted livelihoods, eroded social cohesion and inhibited investment. Although legal and institutional frameworks such as, the Constitution, African Charter on Human and Peoples' Rights, the Terrorism (Prevention and Prohibition) Act and, the National Human Rights Commission Act exist to provide necessary frameworks to protect and provide redress for affected individuals, the actual enforcement of the rule of law has been very weak in Nigeria. The article recommends greater security sector reform, greater transparency in governance, promoting community resilience, and integrating human rights protection in security policies and actions. Ultimately, in order to achieve sustainable peace and security in Nigeria, authorities will need to work in a coordinated manner that strives to connect security operations with socio-economic development and inclusive governance that address the underlying causes of insecurity, while fulfilling the rights and dignity of citizens.

**Keywords:** Insecurity, Human Rights, Banditry, Herdsmen Attack, Kidnapping

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#### 1. Introduction

Nigeria has been experiencing a complicated security profile for decades which cuts across its socio-political and economic spheres. Since the passing of the 1999 Constitution, which provides for fundamental human rights alongside the mandate of ensuring political freedoms and economic viability Nigeria's security profile has gone from optimistic governance improvements to significant regression owing to varied security threats. For example, the Constitution's Chapter II provides for directive principles which are supposed to ensure economic, social and cultural rights of the Nigerians. The ongoing post-1999 era has continued to expand these insecurity problems while the very objectives of the socio-economic and political foundation of those rights are tenuous, and they continue to complicate the stability and welfare of the nation. The security threats most worrisome and most prevalent around banditry, herdsmen violence, and kidnappings, occupy the security space in Nigeria; they present unique challenges for the observance of human rights, and they threaten national unity. The issues of banditry, Fulani herdsmen violence, and kidnappings are intertwined with larger issues of human rights abuses, including Terrorism, violations of the rights to life, rights of personal liberty, rights to security and rights to property ownership, thus illustrating the intersectionality of the state's security challenges and human rights problems in Nigeria.

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Comprehending this nexus is critical. The present study responds to the urgent need to explain the wide-ranging effects of insecurity on Nigeria's human rights and national security. The social and economic impacts of systemic insecurity are extensive. There are injuries and deaths, loss of property, internally displaced persons, time loss in agriculture, loss in learning and education due to closure of schools, deterring investments, and creating a cycle of underdevelopment and governance deficiency. Although the impacts are in our consciousness, there are significant gaps in knowledge relating to a holistic approach to security management, governance quality, and the protection of human rights. There is a conceptual gap that very often ignores the connections amongst good governance, human security, and sustainable peace in national security.

To examine these dimensions, this research adopts a conceptual and qualitative research design, using archival literature, and secondary data obtained from other secondary sources, including government documents, academic journals, and conference papers. The theoretical underpinnings are provided by the frustration-aggression theory to understand the reason behind violent acts and human security theories which move the focus of security from the actions of states to the rights and well being of individuals. The review as a methodology facilitates a holistic understanding of the associations between insecurity and human rights violations in Nigeria.

## **2. Legal and Institutional Framework**

Nigeria's legal framework is built around the security of people, and the protection of fundamental rights. The State must make "the security and welfare of the people" a major purpose. Banditry, herdsmen attacks and kidnappings are some violent crimes that put rights at risk, such as the right to life, dignity of the human person, personal liberty, freedom of movement, and the right to acquire and own immovable property. These guarantees can also be found regionally in the domesticated African Charter on Human and Peoples' Rights, as following right to life, dignity, liberty, movement, and property. And in Nigeria they can be enforced through the Ratification and Enforcement Act, Cap A9 LFN 2004.

Criminal law accommodates the central offenses associated with insecurity; the Criminal Code prohibits kidnapping, and related offenses to liberty, with several state laws adding restoration of liberty; and more and more, prosecutors are turning to federal use where conduct engages with terrorism financing and organized violence. Nigeria has a Terrorism (Prevention and Prohibition) Act, 2022 containing a comprehensive framework for terrorism and its financing, and it is normally the channel for ransom-driven kidnappings. In parallel, the Anti-Torture Act, 2017 absolutely prohibits torture and bars any "exceptional circumstances" as justification, with penalties provided for violations. A critical constraint on security responses so that counter-measures do not themselves breach rights.

Front-line responsibility, institutions for rights enforcement is the Nigeria Police Force, as per the Police Act 2020, which states the primary functions of the Force, which includes preventing and detecting crime, protecting life and property, enforcing the law in compliance with the Constitution, and enforcing the law in compliance with the African Charter. While the Nigeria Security and Civil Defense Corps (NSCDC) was established to complement policing, it was also established by the Nigeria Security and Civil Defence Corps Act (2003 as amended in 2007) to protect critical national assets and infrastructure and assist in times of crisis. Both matters from a policing perspective; particularly in the rural and semi-urban corridors affected by conflicts between herders and farmers, and bandits into the national space. To provide constitutional duties without diminishing rights through coordination between agencies, is paramount for an effective response.

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In substantive remedies and accountability through oversight, victims and actors in the public interest, have access to High Courts in Nigeria to enforce their rights under the Fundamental Rights (Enforcement Procedure) Rules 2009, which provide streamlined standing and procedure for the purposes of enforcing the rights as provided in Chapter IV.. The National Human Rights Commission Act (1995 as amended 2010), as intended, gives the NHRC the authority to investigate breaches of rights and critically register its findings as judgments made by the High Court for enforcement purposes. This legitimizes non-judicial accountability as an alternative to court processes. On the procedural question, the Administration of Criminal Justice Act (ACJA) (2015) by the Nigerian legislature also aims to ensure due-process protections during arrests and investigations (for example, the recording of arrests, recording of statements by suspects, and reporting of the arrests as required) to uphold accountability.

### **2.1 Constitutional Context of Human Rights and Security in Nigeria**

Nigerian human rights defense relies on the 1999 Constitution of Nigeria (as amended), specifically chapter II, which is dedicated to Nigeria's Fundamental Objectives and Directive Principles of State Policy. Chapter II encompasses the recognition of economic, social, and cultural rights with political freedoms, indicating the state's commitment to allowing political liberties and economic wellbeing to its citizens. The Constitution provides an elaborate catalogue of rights to protect; however, these rights mean little in practice for many people, especially during insecurity where human rights protections can be disregarded. Constitutional guarantees do not account for on the ground realities which promote and sustain insecurity, in most cases rendering legal protections meaningless in people's daily lives.

Nigeria's governance structure and security state have historically been influenced by its colonial past, as well as an unbroken history of military regimes for so many years, which engendered a legacy of authoritarian rule, weakened institutions, and tenuous civil-military relations. These historical antecedents are part of the current governance deficits and institutional weaknesses that hinder effective security management and promote human rights violations. Poor governance structures, inconsistent operationalization of policies and corruption are among the factors exacerbating security challenges, making the enforcement of the rule of law more difficult and allowing an environment conducive to human rights violations. Thus, government accountability is fundamental in addressing insecurity and improving human rights protections, even though it is considered the most under-researched piece in the puzzle. Government accountability entails law enforcement being transparent, security operations being prudential and open, as well as the public being part of the solution to restore confidence and order.

In the current insecurity context, human rights issues are widespread. Insurgency, banditry, and different acts of violent crime have put fundamental rights, including the right to life and security of the person, in serious jeopardy. The continued occurrence of mass killings and violent attacks attributed to herdsmen undoubtedly has serious legal consequences, whether it is criminal liability for murder and terrorism or civil violations of property and land rights. In addition to insecurity, corruption and bad governance lead to human rights abuses; undermining the administration of justice and fair protection; thereby affecting the social contract between the state and its citizens. This unfortunate situation demonstrates the need for constitutional reform with good governance structures to facilitate the protection and advancement of the human rights of Nigerians.

### **3. Banditry in Nigeria: Genesis, Operations, and Consequences**

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The prevalence of armed banditry in Nigeria, especially in northern parts of the country, poses a serious security concern and has its sociological roots in the proliferation of Small Arms and Light Weapons (SALW). Their availability has stimulated social emergencies in the form of armed conflicts in many geopolitical areas of Northern Nigeria. Poor policies, weak political institutions, and the porosity of borders enable the infiltration and expansion of SALWs, which sets the stage for social discontent and bandit networks to operate openly within the bosom of criminalities. The geographical layouts also suggest an unfortunate multiplicity of conflict hotspots in which armed banditry incidences transgress with terrorism and organized insurgent activities. Uncontrolled borders have permitted illicit flow of arms, drugs and human trafficking to exacerbate the overall security challenges across border states.

Bandits use a variety of methods to conduct their business including armed robbery, cattle rustling, arson, sexual assault, kidnapping for ransom, and attempts on terrorizing individuals and villages. The majority of their activities take place in rural and semi-urban areas, where protracted instability and their resultant lack of legitimate governance and security apparatus combine to create a community in return to being vulnerable. The evidence is mounting that more bandit groups are either collaborating or enjoying at least tacit cooperation with a coalition of terrorist organizations in a sophisticated, organized criminal typology that both transform standard counter-insurgency responses into abject failures and creates underground havens ultimately resisting credible state authority. The criminal collaboration rhetoric should make us more careful about the level of threat they pose, the extent to which communities are threatened to being unsafe and the extent to which our governments perceive the kind of lawlessness we seek to avoid that fractures the public's sense of safety.

The socio-economic effects of banditry are serious and far-reaching. Communities suffer displacement at rates that are alarming, loss of livelihoods that are primarily agriculture-related and interruptions to social services. All of these issues lower quality of life and slow development. Rights abuses against civilians like kidnapping for ransom, extrajudicial killing, and extortion which compromise the physical and economic security of the individual and community are commonplace. Economically, the country itself experiences loss through decreased foreign and domestic investment, lowered productivity, and increasing resources diverted to security and similar responses, which is inhibiting Nigeria's overall development.

#### **4. Fulani Herdsmen Attacks: Conflict and Human Rights Issues**

The long standing socio-economic and cultural tensions between the Fulani herdsmen and agricultural communities in Nigeria have been worsened by recent demographic and environmental shifts. While the nomadic Fulani were historically able to graze in ways that coexisted relatively peacefully with settled farmers, rapid population growth, climate change, and desertification have combined with the extreme competition for decreasing land and water to create a more volatile situation, which has led to increased violence. Due to inadequate policy responses that are hampered by a lack of institutional capacity, the constitutional and institutional systems that mediate these conflicts are severely limited, making it difficult to resolve disputes and provide protections for affected populations.

Herdsmen attacks typically represent violence, both in terms of mass killings, destruction of property, and, displacing of vulnerable groups. Such attacks go beyond threatening security and implicate direct violations of human rights, including politically protected rights such as the rights to life rights to own property. Violence has legal implications ranging from criminal prosecution for murder and terrorist activities in the event of a

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mass attack to civil action for trespass of land and restitution of property. Traditional institutions such as chieftaincies and local councils have a mixed record in conflict resolution and management. They sometimes encourage peacebuilding and then other times, engage in politicization which undermines the potential for meaningful and sustained conflict resolution. Government level responses are varying in terms of consistency and effectiveness.

The impacts of violence from Fulani herdsmen involve more than just immediate security issues. These events raise human rights issues and threaten the community's stability. The climate of fear denies people's freedom of movement, their ability to access livelihood opportunities, and social cohesion is also broken which causes already vulnerable communities to become more fragmented. These conditions affect governance and the slippage of the inclusive development agenda into the failure of legitimized development in the region. Resolving herders/farmer conflicts is important to ensure sustainable peacebuilding in Nigeria. Emerging policy recommendations from research suggested balanced support from Federalist activities, increased devolution of power down to local levels, and creating participatory governance frameworks from all potential stakeholders to provide permanent of solutions using the best layers of all stakeholder inputs.

### **5. Kidnappings: Scope, Motives, and Human Rights Violations**

Kidnapping in Nigeria has increased tremendously and has become an organized crime shrouded under various motives. The motives include kidnapping for ransom, kidnapping for ritual purposes, and kidnapping for political reasons. Kidnapping affects all regions of Nigeria but there are certain vulnerable areas with weak security presence and socio-economic deprivation, making it a hotspot for kidnappers. The easiness of kidnappers operating without credible and capable deterrent factors is linked to other insecurities occur in Nigeria like banditry and insurgency and overall violent crime, creating an ecosystem we can call complicated enough to include euphemisms for criminality extending into violations of human rights and international norms, drawing nourishment and vitality from system deficits and unfettered instability of governance and societal dysfunction.

The human rights implications for victims of kidnapping and their communities are serious and far reaching; victims experience immediate and direct violations of their right to liberty, freedom, and personal security. In most cases they undergo traumatic experiences, with some victims dying as a result of the kidnapping. These abuses are felt, in major parts by families, who cope with the added psychological burden and social cost of a kidnapping. The family suffers from the impact of losing freedom and safety and long-term effects surrounding a loss of trust in those offering security or investigation as well as a loss of trust and stability from the community relations. The economy of kidnapping is difficult to calculate but there are direct losses felt by businesses and educational endeavors because of kidnappings disrupting school closure and displacement. Many ransoms caused additional hardship by additional borrowings, compounding any losses by households economic security. The community and society experience debilitating loss through fear and insecurity dismantling social trust and collective resilience; an amorphous relationship that is complicated during recovery and peacebuilding processes.

In response to the kidnapping crisis, governments have opted to provide additional security and military operations; however, these approaches are often hindered by organizational failures, resource deficiencies, and difficulties in intelligence. Community resilience and civil society engagement provides important complementary to formal security mechanisms in building early warning systems, negotiations, and awareness

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campaigns to build local capacity to address kidnappings. Policy experts have also suggested that integrated strategies which include victim support services, criminal justice reform, and accountability mechanisms could improve prevention and quick response to kidnapping.

#### **6. Linkages between Insecurity and Human Rights Violations**

Nigeria's security situation is rooted in the persistent cauldron of violence which is coupled with a plethora of human rights abuses. Armed violence impinges on core human freedoms and their associated rights (like life, security, property, and the freedom to move about) and those being attacked in a stage of existential against the loss of their freedom. This breed of violence displaces vulnerable populations of internally displaced persons (IDPs) because the disruption generates waves of massive population dislocation, forcing human beings out of their homes with cataclysmic repercussions for safety and dignity. Consistent with global patterns, women and children remain particularly vulnerable in insecurity situations and their experience is further complicated by the very real dangers of being subjected to gendered violence and a disregard for their rights in general.

From this standpoint of the impacts of violent insecurity on human rights, the issue cannot be separated from its structural causes, like bad governance, dispossession from corruption or the institutional frameworks that facilitate poor governance and human rights abuses. Economic dislocation, especially widespread unemployment and persistent poverty act as factors that keep the kettle boiling, cultivating grievances and providing recruitment options for criminal and terrorist organizations. The challenges posed by ethnic adaptations and religious intolerance have implications for discrimination and targeted abuses which aggravates these divisions and undermines national unity. All of these factors compound the insecurity the people face as they struggle against the chronic denial of their human rights.

The human security theoretical lens open up a critical perspective that highlights the need to move beyond state-driven focused security paradigms, and towards safeguarding the rights and well-being of individuals. Human rights protections must be included into security frameworks to ensure peace and development is sustainable. However, aligning human rights respect into security management policies, as well as enforcing those policies, presents significant hurdles in policy development and implementation, particularly in contexts where enforcement mechanisms are weak, and there are multiple, overlapping threats. Addressing these will require coordinated and coherent approaches that align security and human rights goals.

#### **7. Socio-Economic Implications of Banditry, Herdsmen Attacks, and Kidnappings**

The deflationary influence of persistent insecurity in Nigeria negatively impacts the socio-economic structure of the country, especially regarding agriculture, food security, health and education, and other development measures. Violence and the associated displacement caused by bandits and herdsmen disrupt farming activities completely, most notably in the attacks by bandit groups, ultimately decreasing agricultural production and creating additional food insecurity in affected communities. Food insecurity impacted negatively on form of health and nutrition challenges for internally displaced persons and rural communities trying to establish sustainable livelihoods. Economic output is strained considerably due to the loss of productive capacity and the disruption of infrastructure, inhibiting recovery and development.

The areas of education and health are the most negatively affected; education and health have substantial inventory and setting limitations on supplies from insecurity related

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attacks on schools and health facilities cutting access to relevant services through limitations of supply and associated increasing morbidity & mortality rates. Education in particular, through destruction & abandonment limits opportunities for students and teachers through loss of human capital opportunities and limits longer term development plans. The rising trends of disease incidence, malnutrition and infant mortality notwithstanding have significant health security consequences of insecurity and demands further inquiry. There are direct and serious impacts on population resilience and the capacity of the country to achieve sustainable development goals.

Economic investments experienced similar effects from instability caused by insecurity. Continuous violence causes disruption to investor confidence, creating a disincentive for attracting new domestic and foreign capital needed for development. Additionally, the investments available to the government for development programs are also reduced when emergency security resources are pulled from development initiatives into crisis security responses, causing long-term developmental issues with socio-economic vulnerabilities. In broader terms one must consider the cost of these to society which includes loss of human capital, loss of productivity and disruption to progress towards the elimination of poverty and social injustice.

#### **8. Government Policies and Institutional Responses**

In response to Nigeria's complex insecurities, various reforms of the security sector and operational initiatives have taken place to address insurgency, banditry, and herdsmen violence. This has entailed deploying military and paramilitary forces, conducting intelligence gathering operations, and more uncommon, community policing programs. In the vast majority of instances, because of poor inter-agency coordination, inadequate intelligence capabilities and reliance on limited resources, all of which conclude with the ineffectiveness of security initiatives. It is still a key agenda to modernize security agencies as threats evolve.

It is to be noted that S.33(1) of the Constitution as well as Article 4 are not aspirational but a rather binding commands. The Nigerian state is constitutionally and morally obliged to guarantee that no citizen is left vulnerable to terror, kidnapping or killing. Failure to meet this obligation is a direct violation of both law and conscience and requires a call for urgent action and accountability.

The court especially the ECOWAS court has been very firm in holding states accountable to any breach of right stemming from State's failure to protect the Citizens' rights. In the case of *Estate of Mbikpenu Zamber V Federal Republic of Nigeria* judgment of which was delivered on the 10<sup>th</sup> of October, 2019; the community court found that the government of Nigeria failed to protect the rights of the deceased and their communities to life and adequate security thus violating Nigeria's Constitution and the various international protocols/treaties the defendant's country is a signatory to. The court therefore mandated and ordered the Federal Government of Nigeria to take adequate steps in securing lives and properties of the applicants and also to investigate and prosecute the perpetrators of the January 2018 mass killings and destructions in the Tse Agu, baguene, Ada Areas of Guma Local Government Area of Benue State.

Aside from direct intervention, education and accountability mechanisms have both been valued components of the national security and human rights agenda. Education encourages citizens as consumers and as responsible members of a society, to recognize violations and call for redress. This action requires accountability mechanisms to nurture transparency. Moreover, proposals have been made regarding mobile complaint centers in wards and senatorial districts, making access to justice and ensuring participation in

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security. Furthermore, accountability mechanisms are also strengthened by involving corporate bodies and civil society organizations in the campaign, and calling for good governance in the security management arena.

Even with these efforts, there are gaps in policy implementation, mostly around ensuring human rights frameworks are fully integrated into security policy design and implementation. It will be important to strengthen intelligence capabilities, ensure participation at the community level, and finally, view socio-economic development as an integral part to security policy, as to better build resilience and create effective security. The increased emphasis on good governance, transparency and anti-corruption measures can help to restore the state's legitimacy and cultivate trust from citizens. The overall gaps need to be addressed systematically to ensure sustainable security and protections for human rights.

### **9. Role of Civil Society and Community Resilience**

Civil society organizations are a central player in both security advocacy and human rights advocacy in Nigeria's layered conflict context. In Nigeria, and across Africa, women-led organizations can play a leading role in the fight against violent extremism and establishing gender equality for inclusion into peace processes, and at times, they have done so to fill a hampered response in institutional security. At the community operated level engagement in community mobilization, peacebuilding, and offering support services for emerging needs in building resilience locally. Local communities have created early warning systems and analogies for consensus building that prevent and mitigate conflicts in many situations and enhance social cohesion. The media provide a complementary ability to influence conflicts leading to peace through journalism that encourages peace environments where understandings take priority over divisions and doesn't encourage media politicization.

In addressing community resilience programming in Nigeria, there are most likely linking many strategy areas working within traditional indigenous institutions. Even if these are politicized in most communities, traditional institutions can still be present in the community governance arena in a limited capacity e.g. chieftaincies and local councils can be relevant actors in mediating conflicts and strengthening peacebuilding practices. The community has relied on social cohesion methods to support mainly transitional action in working to mitigate the impacts of insecurity. This also brings new neighbours like IDPs or returns back into their community networks, or relationships which have broken down and need restoration. Using local knowledge and culturally situated approaches can enhance sustainability and acceptance of shared solutions based on security with communities.

Nevertheless, civil society actors confront not only limited resources and political pressures, but also the risks associated with working in unstable environments. Civil society actors are often faced with safety concerns, affecting their ability to operate. It is essential to establish relationships between government institutions and civil society to further collaborative responses, share resources and influence policy. These relationships can harness the valuable resources from committed and diverse actors, creating a security ecosystem that is much more inclusive and resilient.

### **10. Conclusion and Recommendations**

In conclusion, insecurity in Nigeria through armed banditry attacks, interventions of Fulani herdsmen and kidnappings presents a multi-dimensional and complex threat to Nigerian human rights and security because it undermines all elements of human security and national stability in Nigeria. These security challenges are exacerbated by



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socio-economic and governance challenges, which fuel cycles of violence and violations of countless Nigerians. The socio-economic impact ranges from disrupted livelihoods and food insecurity to interruptions with health and education systems; whilst also eroding governance institutions and the public's trust. The use of the human security perspectives that emphasize individual rights and wellbeing of the communities is needed to develop, acceptable and inclusive national responses and strategies to deal with these issues.

To mitigate insecurity and protect human rights, concerted policy actions are necessary. First, strengthening institutional frameworks and implementing comprehensive security sector reforms will enhance operational effectiveness and accountability. Second, fostering inclusive governance and transparency can diminish grievances and facilitate participatory conflict resolution. Third, promoting community engagement, civic education, and socio-economic development will build resilience and address root causes of insecurity. Future research should explore empirically the effectiveness of existing interventions and policies on security and human rights outcomes. Further studies are needed to understand the dynamic inter-linkages between insecurity, migration patterns, and human rights abuses. Research adopting inter-disciplinary approaches that harmonize security and rights perspectives will enrich the knowledge base and inform better policy formulations.

Through integrated efforts combining security reforms, governance improvement, human rights protection, and community empowerment, Nigeria can make significant strides towards sustainable peace and development, ultimately safeguarding the rights and dignity of all its citizens.

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