

# Preserving the Right and Dignity of Persons: Combating Torture in Nigeria

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Torture has been widely proscribed by state actors, individuals, and civil society organisations as detrimental, cruel, and inhumane and as having no place in a civilised society with acceptable democratic standards and ideals. This general condemnation of violence against persons led to the adoption of the United Nations Convention Against Torture (UNCAT), an international framework eschewing torture or degrading treatment by member countries. Nigeria is a signatory to this pact and also the Optional Protocol to the Convention, which was ratified on July 27, 2009. Aside from being a signatory to the major conventions on torture, Nigeria has passed a series of internal legislations against torture.<sup>1</sup> The Constitution of Nigeria, which is its grund norm, has expressly outlawed and prohibited torture of any kind. Section 34 of the Constitution of Nigeria, 1999, as amended, holds that “Every individual is entitled to respect for the dignity of his person and accordingly- no person shall be subject to torture or inhuman or degrading treatment...”

What is torture? Torture has been defined as an attack on a person’s humanity and dignity.<sup>2</sup> UNCAT gave an exhaustive definition of torture. Article 1 defines torture as:

Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

This definition of torture is seen as being too restrictive and limited to state actors.<sup>3</sup> The definition of torture has been expanded to include torture carried out by agents on behalf of the state, organised crime, or private individuals working in state-monitored facilities.<sup>4</sup> The whole gamut of definitions describing torture has one central theme, which is intentional infliction of harm or pain, whether physical or psychological, to serve a purpose without regard to due process.

Torture is regarded as a crime in Nigeria and under international law, where violators are liable to sanctions. However, despite the total prohibition of all forms of torture, there has been an uptick in incidents of torture around the world. This devastating rise in torture and other outrages on

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<sup>1</sup> The Nigeria Anti-Torture Act 2017, Violence Against Persons (Prohibition) Act, 2015, African Charter on Human and Peoples’ Rights, which was domesticated and has the force of law in Nigeria, etc.

<sup>2</sup> Association for Prevention of Torture, “What Is Torture?” (*Apt.ch*) <<https://www.apt.ch/torture-prevention/what-torture>> accessed June 25, 2025

<sup>3</sup> Richard Carver and Lisa Handley (eds), *Does Torture Prevention Work?* (Liverpool University Press 2016).

<sup>4</sup> Wikipedia contributors, ‘Torture’ (Wikipedia, The Free Encyclopedia, 11 June 2025) <https://en.wikipedia.org/w/index.php?title=Torture&oldid=1295064364> accessed 15 June 2025.

human dignity has been linked to a rise in armed conflict. It has been gathered that torture and other forms of inhuman treatment are part of the State policy by Russia in its war against Ukraine to intimidate and instil fear, punish, or extract information and confessions.<sup>5</sup> There has been a grave violation of international law by warring parties in the Israel-Hamas war and also in Sudan, where there is an entrenched and repressive culture of torture, with the major target being civilians. Nigeria has witnessed torture and inhumane acts meted out to citizens and non-citizens alike, carried out by law enforcement agencies and military personnel. It has been noted that ‘reports of violence, extrajudicial punishments, and coercive interrogation techniques continue notwithstanding constitutional protections and international human rights duties’.<sup>6</sup> According to Amnesty International, the frequency of torture in Nigeria has become standardised rather than systematised. They also note the presence of some ‘officials’ in charge of torture in military bases and police stations. The UN Subcommittee on Prevention of Torture (SPT) visited Nigeria in September 2024 to assess the treatment of individuals in detention and whether the country had strengthened its capacity to protect the human rights of people deprived of liberty, including through the proper functioning of a National Preventive Mechanism (NPM). Shujune Muhammed, head of the delegation, gave this bleak view of what transpired:

The delegation regrets the lack of cooperation from Nigerian authorities during and prior to the visit. We were confronted with a climate of hostility and faced access issues in several places of detention. Receiving the SPT’s visit and allowing it to exercise its mandate without obstruction is an international obligation under the Optional Protocol to the Convention against Torture (OPCAT), which Nigeria ratified in 2009<sup>7</sup>

This is what most civil society organisations are subjected to, with statutorily empowered officials like the Magistrates mandated by the Administration of Criminal Justice Act to visit police stations in their nearest jurisdictions to ensure accountability and the rule of law are not even exempted from these hostilities.

### **What is the Way Forward?**

Combating torture in Nigeria will require the cooperation of all tiers of government, which includes the executive, legislature, and judiciary. The factors giving rise to rising incidents culminating in torture vary and could be grouped as economic, political, and social. Economic inequalities and low standard of living play a large role in systemised torture, as a large percentage of economically and socially disadvantaged persons are prone to torture and abuse. The fight to meet basic human needs or rights has led to torture by law enforcement agencies to clamp down on these acts, which usually involve violence. It has been argued that a lack of a vibrant and strong economy stultifies the campaign for basic human rights and the rule of law, as major institutions,

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<sup>5</sup> ‘Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – Note by the Secretary-General (A/79/181) [EN/AR/RU/ZH]’ (ReliefWeb) <<https://reliefweb.int/report/world/torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-note-secretary-general-a79181-enarruzh>> accessed 25 June 2025.

<sup>6</sup> Taiwo Justice Olorunlan, ‘Torture and Inhumane Acts in Nigeria: The Nigerian Government’s Response to Human Rights Violations and the Impact of the Democratic System on Individuals’ Lives’ (2024) 1(7) International Journal of Science, Architecture, Technology, and Environment 12

<sup>7</sup> Office of the United Nations High Commissioner for Human Rights, ‘Nigeria: Urgent measures needed to end torture and ill-treatment, say experts’ (OHCHR, September 2024)< <https://www.ohchr.org/en/press-releases/2024/09/nigeria-urgent-measures-needed-end-torture-and-ill-treatment-say-experts>>s accessed 25 June 2025.

particularly those that are public, are mired in corruption and abuse without necessary safeguards and checks.<sup>8</sup> Political instability has also led to a significant increase in torture and other cruel acts in Nigeria.<sup>9</sup> The rise of Boko Haram and other and other sects is duly attributed to the crisis in leadership, which has led to gaps for disgruntled entities to exploit.

The crucial issue is the attitude of the government towards the varied forms of abuse, torture, and degrading treatment. Though there has been considerable steps by successive governments to stem the tide through the laudable effort of implementing the passage of various laws targeting abuse and torture including the Administration of Criminal Justice Act of 2015 which has been adopted by all component states, the Anti-Torture Act, etc., this has not translated into measurable imprints in curbing systemic torture and abuse by law enforcement agencies. Indeed, Human Rights Watch, an international non-governmental organization that conducts research and advocacy on human rights, in its 2024 report on Nigeria, noted that there was still rising violence in the Northwest and Northcentral regions, separatist agitations in the Southeast regions, Boko Haram conflict, and abuse by security forces during the #EndBadGovernance protest that resulted in violence and human rights abuse and lack of accountability for abuses by security forces.<sup>10</sup>

To this end, there is a need for the government to provide adequate measures to ensure that all forms of torture and abuse are curtailed. Lack of implementation of the extant laws and international instruments is a core problem plaguing Nigeria. Ensuring transparency and accessibility to detention facilities is a good start. There is also a need to retool or reshape the practices of law enforcement agencies, especially with regard to interrogation techniques. In this regard, there is a need for collaboration with enforcement agencies in developed countries to adopt modern techniques of interrogation. There should also be a renewed focus on tackling systemic economic inequality to lessen the chasm and ensure sustainability and economic security for all citizens. Providing adequate centres of rehabilitation for abuse and torture victims is also vital to ensure their gradual reabsorption into society.

In celebrating this day set aside by the UN General Assembly as the United Nations International Day in Support of Victims of Torture, there is need to remind ourselves of the horror of torture and abuse and its impact on the human psyche and to call on agencies and state actors to ensure that all forms or manner of cruel or inhuman treatment is eradicated or stemmed to an extent.

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<sup>8</sup> According Transparency International, Nigeria ranks 140 out of 180 countries with a Corruption Perception Index score of 26 of 100. This indicates high level of corruption in Nigeria's public sector. See Transparency International, 'Nigeria' (Transparency International) <<https://www.transparency.org/en/countries/nigeria>> accessed 25 June 2025.

<sup>9</sup> Taiwo Justice Olorunlan ([n6]) 16

<sup>10</sup> Tirana Hassan, 'Nigeria' (Human Rights Watch, 19 December 2024) <<https://www.hrw.org/world-report/2025/country-chapters/nigeria>> accessed 25 June 2025.