PARADOX OF PROTECTION OF THE RIGHT TO FREEDOM FROM TORTURE IN NIGERIA

Miracle Oluchi Ogba*

Abstract

This article examines the persistent issue of torture in Nigeria, despite legal frameworks like the Anti-Torture Act of 2017. It explores the historical, socio-economic, political, and cultural factors that contribute to the widespread practice of torture by security forces. While the Act aims to prohibit torture, its implementation faces significant challenges, including a lack of enforcement, political will, and accountability. The study analyses the impact of poverty, instability, compromised judicial system, and societal attitudes on the enjoyment of freedom from torture. It concludes that a comprehensive approach, including strengthening the judicial system, training, oversight, political commitment, and socio-economic reforms, is cruc ial to eradicate torture and uphold human rights in Nigeria.

Key-Words: Anti-Torture Act, Human Rights, Impunity, Security Forces and Torture

*LL. B (ABSU Nigeria), BL (Nigeria Law School), LL.M (Queen Mary University of London, United Kingdom). Affiliations: Lecturer 11, Abia State University Uturu and Postgraduate Researcher Queen Mary University of London.
Email: ogba.miracle@abiastateuniversity.edu.ng or miracle_okala@yahoo.com or m.o.ogba@hss23.qmul.ac.uk; Mobile Number: +234 9037711141; +44 7767645728; ORCID NO:https://orcid.org/0009-0005-7081-0548.

1. **Introduction**

Torture is a universal phenomenon practised in most families, communities, prisons, police and military detention facilities.

[2] Torture is practised by states mostly through their law enforcement agencies and this has affected most African states particularly Nigeria.[3] The manner torture is practiced depends on policies and ideology of the state and the institutions of government.[4] Torture is as old as man dating back to the account in the Holy Bible where Cain tortured and killed his brother Abel.[5] Torture also occurred when the Israelites were in exile in the land of Egypt and were greatly tortured, treated with cruelty, inhumane and degrading punishment.[6]

At the early age of human existence when there were no formal laws to regulate human conduct, it was the survival of the fittest.[7] Man dealt with his fellow man in accordance with practices of jungle lifestyle, the stronger exercised and had dominion over the weaker, thus man's existence was miserable, nasty, brutish and short.[8] It was until the English parliament passed the Magna Carta of 1215 commonly known in our contemporary times as the mother of 'human rights' or 'fundamental rights' that man assumed some measures of rights, duties and privileges.[9] The Magna Carta of 1215 became the brain- child and mother of contemporary human rights ideology adopted into the various domestic laws of States, regional treaties and international instruments.[10] The

---

[2] Malcon N. Shaw, *International Law*, (7th ed), London, Cambridge University Press, 2014, 232-235.

[3]*R v Bow Street Metropolitan Stipendiary Magistrate, Ex parte Pinochet Ugarte* (No. 3) (20000 1 AC, 147, *Ai- Adzsani v United Kingdom,* European Court of Human Rights, Judgment of November 21, 2001; see also Olusegun Adeniyi, *The Last 100 days of Abacha, Lagos,* The Bookhouse Company, 2005, 2. See also Hagler Okorie, *Law of Armed Conflict: Principles and Concepts,* Princeton & Associates Publishing Co. Ltd, Lagos Nigeria, 2021, 511-527.

[4]Yinka Olomojobi, *Human Rights and Civil Liberties in Nigeria, Discussions, Analysis and Explanations,* Princeton 7 Associates Publishing Company Limited, Lagos, 2016, 62, See also *Uzochukwu v Ezeonu* (1999) 6 NWLR (pt 200) 708, *Shri D. K Basu Nad Anor v State of West Benegal of India and others* (2005) CHR 131 at 35-136.

[5] Genesis chapter 4 v 8, *Holy Bible,* Authorised King James Version, Hilson Publishers and Distributors Limited, Lagos Nigeria, 2000.

[6]*ibid*, 5: 7-15.

[7] Thomas Hobbes, The Leviathan (1951) cited in Appadorai A.; The Substance of Politics, Fourth Impression, London, Oxford University Press 2004, 25.

[8]*Ibid*.

[9] Abubakar Sadiq Ogwuche, *Compendium of Human Rights Law,* (1st ed.), Lagos, Maiyati Chambers, 2006, 1.

[10]Section 33-42 of the 1999 Constitution of the Federal Republic of Nigeria as amended, Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, European Convention on Human Rights and Fundamental

influence of the Magna Carter of 1215 introduced a plethora of human rights such as the recognition of the dignity of human person, personal liberty, and freedom from oppression, right to governance and several other assumed God-given rights.[11] This influenced the development of the English Bill Of Rights 1689, the French Declaration on the Rights of Man and Citizens 1978,[12] the United States Constitution and Bill of Rights, 1791,[13] and subsequently either directly or indirectly by necessary implication, the various human rights and fundamental freedoms ingrained in State laws and in the human rights systems of the international community.[14]

Ironically, none of these human rights instruments expressly prohibited torture even after the horrors of the First World War of 1914 – 1918.[15] However, it was after the atrocities of the Second World War which lasted from September 1, 1939 to September 2, 1945, that the international community realised the necessity of expressly prohibiting acts of torture and other ill-treatments.[16] Although torture was sparingly referred to in the preamble of the United Nations Charter as a universal concern, it was not specifically addressed.

The Universal Declaration of Human Rights (UDHR) established in 1948, became the first international instrument to expressly prohibit torture and other ill-treatments. Article 5 of the UDHR states that "No one shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment".[17] Incidentally, despite the prohibition of torture by the UDHR, its practice by States, law enforcement agencies

---

Freedom 1950, Inter-American Convention on Human Rights, 1987 and African Charter on Human and Peoples Right 1981.

[11]Ogwuche (n 8).

[12]Jones, G. W., The British Bill of Rights (1990) *Parliamentary Affairs* (Vol. 43, No 1) 27- 40.

[13]Akhil Reed Amar, Bill of Rights as a Constitution, *Faculty Scholarship Series,* 1992, Paper 1033, (Vol. 100, No1131) 1132.

[14] Javaid Rehman, *International Human Rights Law*, Second (ed) London, Pearson Education Limited, 2010, 75.

[15] Alexander Anievas, '1914 in World Historical Perspective: The Uneven and Combined Origin of the World War1 (2011) *European Journal of International Relations* (vol. 19 No. 4) 721-746; see also Senft, G. 'Resistance Against the War of 1914-1918', Gunter Bischof, and Ferdinand Karlholer (eds) *Contemporary Austrian Studies,* University of New Orleans Press, New Oreleans, Louisiana, USA, 2016, 14 and see Verena Moritz, 'The Treatment of Prisoners of War in Austra-Hungary 1914-1915; Histography of Prisoners of War in the Late Habsburg Empire.

[16]Ill- treatment is used in the content of describing violations of human rights which does not constitute torture. See United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

[17]*Article 5* of UDHR 1948.

and non-state actors did not abate but rather aggravated and proliferated all over the international community perhaps on grounds that the provision of torture and other ill-treatment in the UDHR was merely a common standard of achievement for all peoples and all nations and not a legally binding instrument.[18]

Even the subsequent prohibition of torture in Article 7 of the International Covenant on Civil and Political Rights 1966 did not stop torturous acts and inhuman practices, for example, there were several disappearances, killings, torture, rape amongst other inflicted on Chileans by their former Head of State, General Pinochet, which caused devastating effects and unrest on the people of Chile. Similarly, Hissene, former Head of State of Chad, used state instrumentalities to inflicted untold torture, ethnic cleansing, rape and other cruel, inhumane or degrading treatment on Chadians.[19]

A step further taken by the United Nations to specifically prevent and prohibit torture in its entirety was the adoption of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 1984 which became operational in 1987.[20] Ironically the need to prevent and prohibit torture has, for over thirty-eight years since the adoption of the UNCAT, remained largely in principle rather than in practice.

Nigeria is a member of the international community and as such the Nigerian Constitution explicitly provides for the right to freedom from torture by expressly stating that no person shall be subjected to torture or to inhuman or degrading treatment, no person shall be held in slavery or servitude and no person shall be required to perform forced or compulsory labour.[21] The Anti-Torture Act 2017 is a step in the right direction taken by the National Assembly to further prohibit torture in Nigeria and there are government agencies, and non-governmental

[18] Rehman (13) 76.

[19] *Prosecutor v Hissene Habre* SYS/TC/42/2013. See also Nsonguurua J. Udombana, *The African Union in International Law; Selected Studies*, Ibadan, John Archers Publishers, 2020, 323-324. See also Fredrick L. Kigris, 'The Indictments in Senegal of the Former Chad Head of State (2009) *Asian Journal of International Law,* 324. See also Mahmood Monshipotri and Claude E. Welch, 'The Search for International Human Rights and Justice: Coming to Terms with the New Global Realities (2000) 23 *Human Rights Quarterly*, 370-373.

[20] Declaration on the Protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly Resolution 3452 (XXXX) of December 9, 1975. See also Rehman (n 13) 811.

[21] Section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

agencies whose primary function is to protect and enforce the right to freedom from torture for Nigerians.[22]

Despite these laudable legal frameworks available today in Nigeria, the question of the preservation of the right to freedom from torture is still the subject of most national and international human right discourse and this is due to the incessant and widespread infringements on the right to freedom from torture in its different forms ranging from the brutality by security forces, use of torture and threat of violence during investigations and questioning, parade of crime suspects, use of corporal punishment, human trafficking, forced labour, and exploitative employment conditions among many others as the list is endless.

The current situation is deeply troubling given that the right to freedom from all forms of torture is a fundamental right explicitly provided for in Chapter 4 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and its breach is punishable under different legislations in force in Nigeria today.[23] Irrespective of these provisions, human rights violation cuts across all spheres of man's existence, and the Nigerian security services have been accused of being one of the greatest violators of human rights in Nigeria.[24] This was one of the reasons that led to the widespread 'END SARS' protest across Nigeria in 2020, challenging the continued intimidation, torture and cruel treatment meted out to Nigerian youths by the members of the now disbanded Special Anti-Robbery Squad (SARS).

It is against this backdrop that this article seeks to critically examine the impediments to the enjoyment of the right to freedom from torture in Nigeria, as well as the extent of promotion it enjoys in Nigeria today with relation to the existing legal and institutional framework available both locally and internationally, and lastly to provide recommendations which would be instrumental in the campaign towards achieving maximum enjoyment of the right to freedom from torture in Nigeria.

2. **Incidences of Torture, Inhuman and Degrading Treatment by Security Forces in Nigeria**

[22]For example, government agencies like the National Human Rights Commission (NHRC), Police Service Commission, and National Committee Against Torture while non-governmental organisation includes Civil Society Organisations, Legal Aid Organisations, and International Organisations.
[23]*Section* 34 *Ibid.*
[24]Felix Daniel Nzaraga, "An Analysis of Human Rights Violation by the Nigerian Security Services", (2014) *Journal of Law, Policy and Globalization,* Vol. 30, 2.

The various forms and acts of torture, and inhumane or degrading punishment by security forces in Nigeria will be analysed with reference to the brutality of the officers of the now disbanded Special Anti-Robbery Squad (SARS). The position of the law on torture, inhuman or degrading punishment is very clear. The court in *Eze v I.G. P*[25] stated that by virtue of section 34(1)(a) of the Constitution every individual is entitled to respect for the dignity of their person, and no person shall be subjected to torture or to inhuman or degrading treatment.

Nigeria is a state party to several regional and international human rights treaties that prohibit the use of torture and other ill-treatment. These include the African Charter on Human and People's Rights (ACHPR), United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol (OPCAT), International Covenant on Civil and Political Rights (ICCPR), International Convention for the Protection of All Persons from Enforced Disappearance. Importantly, Nigeria has the Anti-Torture Act, a local legislation that prohibits and criminalises the use of torture of any kind in Nigeria. The Act came into force following several years of sustained campaigns by local and international human rights organisations.[26]

The Anti-torture Act makes 'torture' a distinct offence in our criminal jurisprudence and prescribes punishment for any person who commits torture or aids, abets, counsels, or procures anybody to commit torture.[27]Section 8 of the Act prescribes a maximum punishment of 25 years for anyone convicted of torture in Nigeria. The Act prescribes that if death occurs because of the torture, the person involved will be charged with murder. The Act also made freedom from torture an absolute right, stating clearly that no exceptional circumstances whatsoever – including a state of war or threat of war, political instability or any other public emergency – may be invoked as a justification for torture.[28] However, Amnesty International reports have revealed several widespread human rights violations which include extra-judicial executions, torture, other degrading and inhuman treatment, rape and extortion by law enforcement agencies which has continued with the enactment of the Act. Security agencies have

[25] (2017) 4 NWLR (Pt. 1554) 44.
[26]Anti-Torture bill was signed into law by the formal President Muhammadu Buhari on 29 December 2017.
[27]Sections 8 and 9, Anti-Torture Act 2017.
[28]*Ibid*, Section 3.

continued to use torture as a means of punishment and as a tool for extracting information from suspects and detainees.[29]

Due to the widespread occurrence of torture and brutality of security services across the country, in late 2017, Nigerian human rights defenders/activists and Nigerian youths launched a massive decentralised street protest with the hashtag #EndSARS aimed at drawing attention to human rights violations committed by the Special Anti-Robbery Squad (SARS), a unit of the Nigerian Police Force tasked with protecting Nigerians from violent crimes, such as, robbery and kidnapping.[30] On the 4th of October 2020, a video went viral showing SARS officers dragging two men from a hotel and shooting one of them outside. A few days later protests erupted across Nigeria, which led to the disbandment of SARS on 11 October, 2020. However, the protests continued, demanding more than empty promises of the reformation of the Nigerian Police. On the 20th of October, between 6:45 and 9:00 pm, the Nigerian army and police allegedly killed at least 12 peaceful protesters and left several injured in Lekki and Alausa in the cosmopolitan city of Lagos. The security forces, without warning, opened fire on thousands of people who were peacefully calling for good governance and an end to police brutality as part of the *#EndSARS* movement.[31]

Again, following the report of Amnesty International, detainees in SARS custody were subjected to a variety of methods of torture, including hanging, mock execution, beating, punching and kicking, burning with cigarettes, waterboarding, near-asphyxiation with plastic bags, forcing detainees to assume stressful bodily positions and sexual violence. Some of the victims of police brutality interviewed by Amnesty International revealed their experiences in the hands of the now disbanded SARS officers. One of the victims, Miracle Onwe, who was arrested in 2017 on the allegation of laptop theft, while recounting his experience with the SARS, told Amnesty International that he was tortured and hardly given any food during his 40-day detention by SARS, before he was charged

[29]Amnesty International, Nigeria: "Time to End Impunity Torture and other Violations by Special Anti-Robbery Squad" June 2020, pg. 8.

[30]Special Anti-Robbery Squad (SARS) was a branch of the Nigerian Police Force under the State Criminal Investigation and Intelligence Department (SCIID). Founded in late 1992 as one of the 14 units in the Force Criminal Investigation Department, which was established to detain, investigate, and prosecute people involved in crimes like armed robbery, kidnapping and other violent crimes.

[31]Amnesty International, "#EndSARS Movement: From Twitter to Nigerian Streets", <https://www.amnesty.org/en/latest/campaigns/2021/02/nigeria-end-impunity-for-police-violence-by-sars-endsars/> accessed 4 March 2025.

and brought before a court.[32] He narrated his travail with Nigerian officers, thus:

> At SARS office Awkuzu, their leader directed them to hang me, they took me to the back of the hall and tied me up with ropes, and tied my hands behind me, tied my two legs together, and then tied the rope binding my hands with that around my legs behind me, causing my chest to protrude. They had two, already prepared iron stands where they hang people. They passed an iron rod through the ropes and then lifted me by the rod and hung me from the iron stand. Then they started to use all manner of items to beat me, including machetes, and sticks, inflicting me with all manner of injuries. When the first officer came to check and saw that I was almost unconscious, he went to call their team leader, who then asked them to bring me down. They dumped me inside the interrogation hall…

Miracle told Amnesty International that the next day; he was taken from Awkuzu to a SARS detention centre at Nnewi, where he was detained for 40 days. He said he was denied food and water by SARS during his detention and only managed to stay alive with the help of inmates who smuggled sachets of water into his cell at midnight. He further alleged that eight of his co-detainees died of starvation during the period of his detention. Miracle was taken to court on 25 March 2017 and charged with armed robbery, but was discharged for lack of evidence. A lawyer who took up Miracle's case told Amnesty International that he wrote the Inspector General of Police (IGP) in May 2017 asking for an investigation, but failed to get any response from the IGP.

The National Executive Council (NEC), headed by the Vice President, Professor Yemi Osinbajo, with all the 36 state governors and the Central Bank of Nigeria (CBN) Governor as members, resolved to set up judicial panels of inquiry to probe cases of police brutality as demanded by the #EndSARS protesters. In a meeting held on 15 October, the NEC promised to implement the report of the panels which were set up in 28 states and in Abuja. In its resolution, the council assured that the indicted police officers would be prosecuted, and victims of police brutality compensated as recommended by the panels, popularly referred to as *#EndSARS* panel.[33] However, two years on, more than 40 *#EndSARS*

[32]*Ibid*. p. 9.

[33]Olasunkanmi Akinlotan, '#EndSARS: Victims of Police Brutality Still Awaiting Compensations Recommended by Panels', Premium Times, Written on October 21, 2021, <https://www.premiumtimesng.com/newsheadlines/490888-endsars-victims-of-police-brutality-still-awaiting-compensations-recommended-by-panels.html> accessed 4th March 2025.

protesters were still languishing in jail.[34] A major concern has been the lack of transparency in the entire process, making it difficult to track the progress of compensation and prosecution efforts. Civil society organisations and human rights activist have continued to advocate for the full implementation of the NEC's resolution, while demanding justice for victims of police brutality.

Although the Special Anti-Robbery Squad was disbanded on 11 October 2020, it was reconstituted into what was renamed Special Weapons and Tactics Team (SWAT). Just like many Nigerians fear, it became a mere institutional change of name with no internal changes or re0rientation. This obviously did not change the situation, as torture remains a crime-solving tool for security and law enforcement agencies in Nigeria. Many of the acts of torture carried out by officers are usually done either to intimidate or bully the suspects to confess to a crime, the Anti-Torture Act stipulates that torture is deemed to have been committed when an act by which pain or suffering, whether physical or mental, is intentionally inflicted on a person to obtain information or confession from them or a third person.[35]

3. **Prisoners and Detainee's Right to Freedom from Torture**

A prisoner is usually denied certain rights for a specified time because of the sentence passed against them under the law. Most importantly, the right to freedom of movement for prisoners is restrained and may not fully enjoy the right to personal liberty as provided for under *section 35* of the Constitution. However, a prisoner does not totally lose their rights as a human being and must be allowed to enjoy some basic rights despite being confined in prison. The right not to be subjected to torture, inhuman or degrading treatment is one of the few rights provided for under Chapter 4 of the Constitution that does not have a limitation, therefore, even if a person has been convicted of the most grievous offence and sentenced to jail, their right not to be subjected to torture, inhuman or degrading treatment also follows them into jail and can never be taken away from him under any circumstance except for lawful means of execution. Unfortunately, the situation is different in most Nigerian correctional centres which have become centres of torture for both pre-trial detainees and prisoners.

[34] Amnesty International ' Nigeria: Two Years On, More Than 40 *#EndSARS* Protesters Were Still Languishing in Jail <https://www.amnesty.org/en/latest/news/2022/10/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/> accessed 5th March 2025.

[35] Section 2 (a) of the Anti-Torture Act, 2017.

Over time, the philosophy behind the punishment of imprisonment has shifted from using it as a tool of retributive justice to a tool for reformation, with the hope of transforming prisoners and absorbing them back into society as better citizens.[36] Seemingly, it is in line with this change of philosophy that former President Mohammadu Buhari changed the name of the Nigerian Prisons Services to the Nigerian Correctional Services after signing the Nigerian Correctional Services Act, 2019 into law.

Though inmates are confined to the custodial facility, it is in furtherance of the need for the inmates to be treated as human beings that the Nigerian Correctional Services Act mandated that inmates should be provided with opportunities for vocational training, education, as well as training in modern farming techniques.[37] By the Act, Nigerian Correctional Services should feature educational programs for inmates at primary, secondary and tertiary levels, making provisions for teachers and classrooms in custodial centres. Inmates should be able to write NECO, WASSCE or GCE and gain admission to the National Open University and other educational institutions in the country. Also, inmates are allowed access to dedicated CBT centres for them to participate in JAMB examinations.[38] Inmates are allowed access to basic equipment and to facilitate entrepreneurship training such as woodwork, tailoring, welding, electronics, though these facilities are usually in limited supply and due to the poor state of repair.[39] These programmes rehabilitate and reform inmates in custodial centres across the country to enhance their reintegration back into the society.[40]

The Act mandates the correctional centres to prevent torture, inhuman and degrading treatment, sexual and non-sexual violence and bullying in custodial centres across the country.[41] The Act also provides that inmates

[36]Marcus Ayodeji Araromi, 'Prisoners' Rights Under the Nigerian Law: Legal Pathways to Progressive Realization and Progressive Realization and Progression*', Afe Babalola University Journal of Sustainable Development Law and Policy*, Vol. 6, Issue. 1: 2015, p. 171.
[37]*Section* 14, Nigerian Correctional Services Act, 2019.
[38]Adelowo Adebunmiti A, 'How Improved Prison Education Can Decongest Correctional Centers, reduce Crime, by experts', The Guardian Newspaper, <https://guardian.ng/fea
tures/how-improved-prison-education-can-decongest-correctional-centres-reduce-crime-by-experts/> written on 19 November 2020, accessed on the 8 March 2025.
[39]Ime Robson Nseobot and Anietie Imo Effiong, 'Entrepreneurship Educations of Prisons Inmates in Nigeria: Effects on Skills Acquisitions for Self-Reliance', *International Journal of Organisational Business Excellence*, Vol. 2 (2), 2019, p. 73.
[40]Section 10 (f), Nigerian Correctional Services Act, 2017.
[41]*Ibid*. Section 14 (8) (a), (b) & (c).

shall not be held in slavery or servitude, and that labour carried out by inmates should neither be afflictive in nature nor for the personal benefit of any correctional officer.[42] The question remains, to what extent has the Act been implemented? The beautiful intentions which no doubt if properly implemented will lead into an improved human rights realisation for prisoners and detainees, remain in the letters of the law as a mere aspiration and a toothless bulldog.

Despite the statutory framework providing for the dignity of inmates in Nigeria, there are still infringements of human rights in custodial centres across the country. The most fundamental is infrastructural deficit in the Nigerian correctional system. According to the Nigerian Correctional Services record in 2025, the total number of inmates in custodial centres across the country is 80, 879, while 53, 178 of them are awaiting trial and 27, 701 are convicted and sentenced.[43] This causes a fundamental issue of congestion in custodial centres across the country, and leads to clustering and crowding of up to 20-30 prisoners together in a cramped cell that is originally meant for five to seven inmates.[44] These situations arouse prison violence, aggressive behaviour and reduce the health quality and sense of psychological wellbeing of the inmates.[45]

Overcrowding in custodial centres across the country puts pressure on the facilities and management structure as the custodial centres faced with dilapidated infrastructure, poor sanitation, poor nutrition, lack of medicine for the prisoners, lack of access to clean water, lack of proper sewage disposal system, sometimes inmates are forced to sleep on each other because lack of sleeping space.[46] This unhealthy and unsanitary living condition is degrading and inhuman. No human being should live in such conditions as this constitutes a breach of the right to dignity of person.

Again, correctional officers, in safeguarding the inmates, subject them to cruel treatments such as solitary confinement in cells with little or no illumination and ventilation, starvation, physical violence, harassment,

[42]*Ibid*. Section 15 (1).

[43] Alfred Ayo Ayenigba and Olutunde Micheal Ajoa, 'A Statistical Study of Convicted and Awaiting Trial Individuals in Nigeria' *Asian Journal of Science* 2025.

[44]Awopetu Ronke Grace, 'An Assessment of Prison Overcrowding in Nigeria: Implication for Rehabilitation, Reformation and Reintegration of Inmates', *IOSR Journal of Humanities And Social Science*, Vol. 19, Issue 3, 2014, P. 2.

[45]*Ibid*.

[46]Evelyn Okaku, 'In Nigeria's Crowded Prisons, Inmates Describe Terrible Feeding, Sanitation', Premium Times, <https://www.premiumtimesng.com/news/headlines/339239 -in-nigerias-crowded-prisons-inmates-describe-terrible-feeding-sanitation-2.html>written on July 6, 2019, accessed 8 March 2025.

threats, intimidation, or the use of shackles on the prisoners, especially in situations where the inmates are said to have breached the prison rules and regulations.[47] These treatments constitute a gross violation of the provisions of the Nigerian Correctional Services Act, 2019 regarding the welfare of inmates, this is also a breach of the right to freedom from torture dignity of the inmates in custodial centres across Nigeria.

Capital punishment or the death penalty is an institutionalised practice designed to result in deliberately executing persons who were found guilty of and convicted a capital offence.[48] In simple terms, it is state sanctioned punishment of executing an individual for a specific crime. Some of the methods of execution used to carry out the death penalty today include beheading, hanging, lethal injection, shooting. Capital punishment in Nigeria is constitutional and legal.[49]Section 33 (1) of the constitution provides that "every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria." The operation of this section shows that the right to life is not absolute and that there are certain crimes which a person will be found guilty of, and a death penalty would be passed on him by the courts.

Under the Criminal code, various offences are punishable by death across the federation including murder,[50] treason,[51] and treachery[52], conspiracy to commit treason,[53] directing and controlling or presiding at an unlawful trial by ordeal which results in death.[54]Section 1 of the Robbery and Firearms (Special Provision)[55] prescribes a death penalty for robbery. Majority of death penalty executions in Nigeria are done by means of hanging.[56] The court in *Samuel v State*[57] while commenting on

[47] Yahaya Abubukar Muhammad and Maryan Ishaku Gwangndi and A.S Hassan, 'The Rights of Prisoners in Nigeria and the Role of Prisons and Modern Penology', *Journal of Law, Policy and Globalization*, Vol. 60, 2017, 78.
[48]Capital Punishment, Internet Encyclopedia of Philosophy, <https://iep.utm.edu/death-penalty-capital-punishment/#:~:text=Capital%20punishment%2C%20or%20%E2%80%9Cthe%20death%20penalty%2C%E2%80%9D%20is%20an,is%20responsible%20for%20violating%20norms%20that%20warrant%20execution> accessed on March 8 2025.
[49]*Onuoha Kalu v The State* [1998] 13 NWLR 531.
[50]Section 319, Criminal code, 2004.
[51]Section 37, *Ibid.*
[52]Section 49 (a), *Ibid.*
[53]Section 37 (2), *Ibid.*
[54]Section 208, *Ibid.*
[55]Cap. R. 11 Laws of the Federation of Nigeria, 2004.
[56]By provision of section 37 (2) of the Criminal Procedure code which applies in the South, section 272 code which applies in the North.
[57] (2021) 2 NWLR (Pt. 1761) 451.

whether the court can impose lesser sentence where mandatory death sentence is prescribed by the law provided that "in a capital offence where the law prescribes a mandatory death penalty, the court cannot impose a lesser sentence." Usually when people are sentenced to death in Nigeria, they are put on death row, pending when the governor signs the death warrants. Unfortunately, most governors are reluctant to perform this role thus, increasing the population of death row inmates who are left to languish in prison in the most degrading manner. This practice also contributes largely to the problem of prisons congestion in Nigeria.

In determining whether the death sentence amounts to a breach of the right to dignity of the human person, one has to pay attention to the wordings of the Supreme Court per Onnoghen J.S.C in *Amoshima v State*[58] where the court stated that:

> in relation to death sentence, there is a global trend which shows hostility to the imposition of the sentence on the convict. The death penalty may be said to be degrading of human beings but the same cannot be said where the law recognises its existence and desires its enforcement by the law courts. Whereas in very many jurisdictions the death sentence is frowned upon or even abolished, it is firmly entrenched in Nigerian statutes.

The court in the pronouncement above alluded to the fact that the nature of the death sentence can be degrading in nature even though it is constitutional, unlike the Supreme Court's vehement position in *Onuoha Kalu v. The State*.[59] The cruelty of the death sentence cannot be over-emphasised. The methods by which the executions are usually carried out can involve physical torture. Hanging, electrocution, firing squad may not kill instantaneously. Hanging, which is meant to cause death at once, may instead kill by strangulation, and electrocution may on different occasions lead to electric burns and may need more than one application of electric current to kill the condemned. Whatever methods of execution is adopted, each defies the concept of humanity. It is immaterial whether the state has constitutional right to impose the death penalty for any offence.[60]

---

[58] (2011) 14 NWLR (Pt. 1268) 530.
[59] (n 48) (Pt 585) 551.
[60]Uweru, B., 'The Efficacy of the Death Penalty: An Analysis of a Survey of Women Hard Drug Traffickers in Benin and Warri, Nigeria', Narcotics: Law and Policy in Nigeria, Vol 8. (1990), 372.

The situation of inmates spending prolonged time on death row before execution due to the reluctance of governors to sign the death warrant can also be said to amount to inhuman or degrading treatment which contravenes the constitutional rights of the inmate. This subjects the inmate to prolonged suffering, psychological and mental trauma, because the inmate is in a mental state where she/he knows that his/her death is imminent, but she/he does not know the exact day it will be, and this situation could last for years and years.

In conclusion, it can be argued that the death penalty constitutes a breach of the right to freedom from torture, inhumane and degrading punishment. Starting from the prolonged time that an inmate spends on death row after sentence has been passed, to the prolonged anticipation of the day when execution will happen, and the methods of execution, all constitute an infliction of psychological, mental and physical torture. Thereby breaching the inmate non-derogable right to freedom from torture, cruel, inhuman or degrading treatment. The fact that Nigerian laws provide for the death penalty does not mean it avoids infringing on the dignity of Nigerians, and it therefore falls on the government to join other countries around the world in abolishing capital punishment in Nigeria.

4. **Analysis of the Adequacy of The Anti-Torture Act 2017 and other Legal Measures in Preventing Torture in Nigeria**

The Anti-Torture Act of 2017 was enacted to criminalise torture and other cruel, inhuman, or degrading treatment in Nigeria. It prescribes penalties of up to 25 years' imprisonment for offenders and holds both direct perpetrators and commanding officers accountable. The Act also mandates that suspects be informed of their rights, including access to medical examinations and legal representation. Despite these provisions, the effectiveness of the Act in curbing torture by security agencies remains questionable.[61]

Although the Anti-Torture Act 2017 exists, Nigerians have continued to suffer severe forms of torture and ill-treatment at the hands of Nigerian security agencies, particularly the now-disbanded Special Anti-Robbery Squad (SARS). These violations were often carried out with brazen impunity, targeting predominantly young men from economically disadvantaged backgrounds, many of whom were arbitrarily arrested without warrants. Victims consistently recounted harrowing experiences

[61]Adediran I, Anti-Torture Act 2017: Issues and Implication for Police Officers, Lagos, Mondaq, 2021.

of being subjected to brutal beatings, mock executions, sexual violence, and prolonged denial of essential medical care while in custody. Furthermore, detainees were frequently extorted under duress, with many forced to make false confessions to crimes they did not commit.[62]

The systemic nature of these abuses indicates deep-rooted institutional problems within Nigeria's policing structure, including poor oversight, a culture of impunity, and weak internal accountability mechanisms. Although the Anti-Torture Act criminalises such acts and mandates strict penalties, including imprisonment for up to 25 years, the reality on the ground demonstrates a significant failure in enforcing these legal protections. In fact, despite overwhelming evidence and public outcry, there has been no successful prosecution of any SARS officer under the Anti-Torture Act since its passage.[63] This lack of enforcement highlights a profound gap between the existence of progressive human rights legislation and its practical application. It underscores the broader challenges Nigeria faces in ensuring that legal reforms are meaningfully implemented to protect citizens from abuses by those entrusted with enforcing the law.[64]

Civil society organisations have been vocal in criticising the glaring lack of effective implementation of the Anti-Torture Act 2017 in Nigeria. Notably, Access to Justice, a prominent human rights advocacy group, has observed that no security operative has been successfully prosecuted under the Act since its enactment, despite the numerous documented cases of torture by law enforcement agencies. This failure to hold violators accountable has been identified as a key factor undermining the deterrent effect of the legislation. In a similar vein, 'Lawyers Without Borders', an international human rights organisation with a strong presence in Nigeria, has lamented the absence of crucial operational guidelines from the Ministry of Justice that are necessary to facilitate the effective enforcement of the Act. The lack of procedural directives and clear prosecutorial strategies has created a vacuum that allows perpetrators within the security agencies to evade justice with ease.[65]

---

[62]Lawyers Without Borders; Lawyers Lament Non-Implementation of Anti-Torture Law, Lagos, The Guardian Nigeria, 2021.

[63] RoLAC and Partners Promote Actions Against Torture in Nigeria, 2022 <https://www.justice-security.ng/rolac-and-partners-promote-actions-against-torture-nigeria#:~:text=Furthermore%2C%20a%20lack%20of%20accountability,ATA%20for%20crimes%20of%20torture.> accessed 4 April 2025.

[64]Amnesty International; Nigeria: Horrific Reign of Impunity by SARS Makes Mockery of Anti-Torture Law, London, Amnesty International, 2020.

[65] RULAAC (Rule of Law and Accountability Advocacy Centre); Why Torture Remains Prevalent in Nigeria, New York, Sahara Reporters, 2021.

Furthermore, the National Human Rights Commission (NHRC), the federal body mandated to protect and promote human rights in Nigeria, has consistently expressed concern over the continued incidents of torture by security personnel. The Commission has issued public warnings to security agencies, emphasising the urgent need to adhere strictly to both national standards enshrined in the Anti-Torture Act and international human rights instruments to which Nigeria is a party, such as the United Nations Convention Against Torture (UNCAT). The NHRC's advocacy stresses that compliance with these legal frameworks is not merely a matter of internal policy but a binding obligation under international law. Despite these interventions, the systemic challenges such as entrenched impunity, lack of political will, and insufficient institutional reforms, continue to hinder the realisation of the objectives of the Anti-Torture Act, thereby leaving victims without adequate redress and perpetuating a cycle of abuse.[66]

Several factors contribute to the inadequate enforcement of the Anti-Torture Act. These include a lack of awareness among law enforcement officers, insufficient training, and inadequate resources for proper investigations. The absence of political will and accountability mechanisms further exacerbates the situation. Due to the lack of victim protection mechanisms, victims often fear that reporting their experience might backfire and the same agencies responsible for enforcement are sometimes implicated in violations, leading to a culture of impunity.[67]

To enhance the effectiveness of the Anti-Torture Act, it is imperative to establish clear implementation guidelines, provide comprehensive training for law enforcement personnel, and ensure accountability through independent oversight bodies. Political commitment at the highest levels is crucial to drive reforms and restore public trust. Only through concerted efforts can Nigeria uphold its commitment to human rights and eradicate torture by security agencies.[68]

6.**Challenges Confronting the Right to Freedom from Torture and other Inhuman Treatments in Nigeria**

The right to freedom from torture is a fundamental human right that is enshrined in both national and international legal frameworks, yet in Nigeria, the protection of this right faces significant challenges. Despite

[66]*Ibid*.
[67]National Human Rights Commission: Stop Torturing Suspects, NHRC Warns Security Agencies, Lagos, Punch Newspapers, 2023.
[68] Street Journal Reporters; Anti-Torture Act Not for Savage Security Operatives – Suspects, Lagos, The Street Journal, 2022.

the enactment of the Anti-Torture Act 2017, which was designed to prevent and punish acts of torture, various socio-economic, political, and judicial barriers hinder the full realisation of this right. These challenges are deeply rooted in the Nigeria's historical, social, and legal structures, where factors such as widespread poverty, political instability, a weakened judicial system, and ingrained cultural attitudes toward authority contribute to the persistence of torture and ill-treatment by security forces.

In examining these multifaceted challenges, this discussion will seek to explore how socio-economic inequalities, political realities, judicial constraints, and cultural factors all play pivotal roles in hindering the effective enforcement of anti-torture laws in Nigeria. Understanding these obstacles is crucial for identifying pathways toward reform and ensuring that the right to freedom from torture is genuinely protected for all Nigerian citizens. These challenges include the following:

6.1 Socio-Economic Factors

Widespread poverty and unemployment in Nigeria play a crucial role in exacerbating the vulnerability of citizens to acts of torture and ill-treatment by security forces. With over 63% of Nigeria's population living in multidimensional poverty according to the National Bureau of Statistics (NBS), many Nigerians lack the basic financial resources needed to access legal services or seek remedies against abuses perpetrated by law enforcement agencies.[69] Poverty restricts victims' ability to access competent legal representation, file complaints, or pursue lengthy and often expensive judicial processes.[70]

Additionally, individuals from low-income backgrounds are more likely to be exposed to arbitrary arrests, unlawful detention, and extortion by security personnel, as they are perceived as easy targets who cannot legally fight back. Many victims are detained in poor conditions for prolonged periods without formal charges, in violation of their rights. In such settings, acts of torture are used not only as a means of punishment

[69]National Bureau of Statistics (NBS); 2022 Multidimensional Poverty Index Report, Abuja, NBS, 2022.<https://nigerianstat.gov.ng/news/72> accessed 4th April 2025. See also Osode Olanubi O.O, 'The Impact of Multidimensional Poverty in Nigeria: Challenges and Solutions' 7th October 2024 <https://www.verivafrica.com/insights/the-impact-of-multidimensional-poverty-in-nigeria-challenges-and-solutions#:~:text=Figure%203:%20Percentage%20of%20Nigeria's%20multidimensionally%20poor%20in%20each%20indicator%20in%202022&text=The%20National%20Multidimensional%20Poverty%20Index,%2C%20Gombe%2C%20and%20Kebbi%20states.> accessed 4th April 2025.

[70]*Ibid*.

but also to extract confessions or bribes.[71] The economic disenfranchisement of large segments of the Nigerian population creates an environment where impunity thrives, and accountability for human rights violations remains minimal.[72]

The link between poverty and human rights violations, including torture, is further compounded by the state's limited capacity to provide free or subsidised legal aid services to indigent citizens. Although mechanisms such as the Legal Aid Council of Nigeria exist, their reach is limited by chronic underfunding and infrastructural challenges. As a result, many victims of torture suffer in silence, unable to access justice or receive compensation. Without systemic socio-economic reforms aimed at reducing poverty and empowering citizens, efforts to eliminate torture and ill-treatment by security agencies will continue to face significant obstacles.

6.2 Political Factors

Political instability and pervasive corruption within Nigeria's governance structures critically undermine the enforcement of human rights protections, particularly the right to freedom from torture. Over the years, political crises, electoral violence, and the frequent breakdown of law and order have weakened institutional frameworks meant to safeguard citizens against abuses. In such a volatile environment, security agencies often operate with little or no oversight, engaging in torture and ill-treatment without fear of accountability. Investigations into allegations of torture are rarely conducted transparently, and when they are, they often lead to little or no consequence for the perpetrators.[73]

Corruption is another major political reality that fuels the persistence of torture. Many security operatives engage in extortion and human rights violations for personal gain, often shielded by a corrupt hierarchy that discourages whistleblowing or independent investigations. Human Rights Watch documented instances where victims of torture were

[71]Human Rights Watch; 'Everyone's in on the Game' Corruption and Human Rights Abuses by the Nigeria Police Force, New York, Human Rights Watch, 2010. <https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force> accessed 4th April 2025.

[72]Amnesty International; Nigeria: Time to End Systematic Torture in Detention, London, Amnesty International, 2014. <https://www.amnesty.org/en/documents/afr44/011/2014/en/> accessed 4 April 2025.

[73]Human Rights Watch; Corruption and Human Rights Abuses by the Nigeria Police Force, New York, Human Rights Watch, 2010.<https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force> accessed 4th April, 2025.

forced to pay bribes to secure their release or to avoid further abuse.[74] Furthermore, political leaders frequently prioritise the loyalty of security agencies over the enforcement of human rights standards, turning a blind eye to abuses in exchange for political protection or suppression of dissent.[75]

The absence of strong political will to enforce the Anti-Torture Act and other legislation, severely hampers efforts to protect citizens rights. Although Nigeria has ratified several international human rights treaties and passed domestic laws prohibiting torture, the actual implementation remains poor.[76] Governments have been reluctant to prosecute security officials accused of torture, fearing political backlash or loss of loyalty from the security forces. Without a firm commitment to systemic reforms, transparent prosecutions, and institutional accountability, political realities in Nigeria will continue to present formidable obstacles to the full realisation of freedom from torture.[77]

6.3 Judicial System Constraints

The Nigerian judicial system is fraught with systemic challenges that significantly undermine the protection of the right to freedom from torture. One of the most critical issues is the problem of prolonged pretrial detention, where individuals, including victims of torture, are often held for years without formal charges or trial. According to the Nigerian Correctional Service, over 70% of inmates in Nigerian prisons are awaiting trial, many of them subjected to torture or other ill-treatment during their detention.[78] This situation fosters an environment in which torture is used routinely to extract confessions or coerce compliance, particularly from marginalised and economically disadvantaged groups.[79]

---

[74]*Ibid*.

[75]CLEEN Foundation; Public Perceptions of Safety and Security in Nigeria: 2020 Survey Report, Lagos, CLEEN Foundation, 2020.<https://cleen.org/2020 accessed 4th April, 2025./12/15/public-perceptions-of-safety-and-security-in-nigeria-2020-survey-report/> accessed 4th April, 2025.

[76]Amnesty International; Nigeria: Horrific Reign of Impunity by SARS Makes Mockery of Anti-Torture Law, London, Amnesty International, 2020.<https://www.amnesty.org/en/ latest/news/2020/06/nigeria-sars-impunity-mockery-anti-torture-law/> accessed 4th April 2025.

[77]United Nations Human Rights Office; Committee Against Torture: Concluding Observations on Nigeria, Geneva, UN OHCHR, 2019.<https://tbinternet.ohchr.org/treaties/CAT/Shared%20Documents/NGA/CAT_C_NGA_CO_1_35361_E.pdf,> accessed 4th April, 2025.

[78]Nigerian Correctional Service; Custodial Statistics: Awaiting Trial Inmates, Abuja, NCoS, 2023.<https://corrections.gov.ng/statistics/> accessed 4th April 2025.

[79]*Ibid.*

Limited access to legal representation further compounds the difficulty faced by torture victims seeking justice. Although the Nigerian Constitution guarantees the right to legal counsel, in practice, indigent defendants often go without meaningful legal assistance due to the underfunding and limited reach of public defenders and legal aid services. Organisations such as the Legal Aid Council of Nigeria struggle with inadequate resources, meaning that many detainees particularly those from rural areas or impoverished communities cannot challenge their detention or report instances of torture.[80]

Moreover, inefficiencies within the judicial system, including case backlogs, corruption among court officials, and the intimidation of witnesses, contribute to a culture of impunity for security forces. Victims who attempt to report torture face significant hurdles, including threats, re-victimisation, and skepticism from judicial officers.[81] These systemic weaknesses not only prevent redress for individual victims but also deter others from coming forward to report abuses, thereby perpetuating cycles of torture and injustice. Without comprehensive judicial reform, including measures to ensure prompt trials, better funding for legal aid, and protection for victims and witnesses, the right to freedom from torture in Nigeria will remain largely theoretical.

6.4 Socio-Cultural Factors

Cultural and social realities in Nigeria significantly influence the enjoyment and promotion of the right to freedom from torture. In many communities, deeply ingrained attitudes towards authority figures, particularly the military and police, discourage individuals from challenging abuses or questioning unlawful acts. There is often a societal expectation of deference to authority, rooted in historical experiences with colonial and military regimes, where security forces wielded enormous power with little accountability. This cultural conditioning means that even when individuals experience or witness acts of torture, they may be reluctant to report such incidents for fear of retaliation, harassment, or further victimisation by security agencies.[82]

---

[80]Legal Aid Council of Nigeria; About Legal Aid Council, Abuja, Legal Aid Council, 2023.
<https://legalaidcouncil.gov.ng/,> accessed 4th April 2025.

[81]Human Rights Watch; *Nigeria:* 'They Beat Me Like a Dog': Political Persecution of Opposition Leaders and Protesters, New York, Human Rights Watch, 2020. <https://www.hrw.org/report/2020/10/28/they-beat-me-dog/political-persecution-opposition-leaders-and-protesters-nigeria> accessed 4th April 2025.

[82]Amnesty International Nigeria: "They Treated Us Like Animals" – Torture and Other Ill-treatment in Special Anti-Robbery Squad Detention, London, Amnesty International, 2020.<https://www.amnesty.org/en/documents/afr44/9505/2020/en/> accessed 4th April 2025.

Additionally, a widespread lack of awareness about fundamental human rights, including protections against torture, exacerbates the problem. In rural and marginalised urban communities especially, many citizens are unaware of their rights under the Nigerian Constitution, the Anti-Torture Act 2017, and international treaties like the UN Convention Against Torture.[83] Without knowledge of their rights or the mechanisms available for redress, victims are more likely to endure abuses silently. Social stigma also plays a role; individuals who challenge security operatives or pursue legal remedies are viewed as troublemakers, leading to isolation within their communities.[84]

The culture of silence and acceptance not only emboldens perpetrators but also weakens collective efforts to combat torture and human rights violations.[85] Public education campaigns, civic engagement initiatives, and community-based human rights awareness programs are crucial to changing societal attitudes. Empowering citizens to recognise and assert their rights is an essential step toward dismantling the culture of fear and ensuring that torture is no longer tolerated in any part of Nigerian society.

7.**Recommendations**

For the attainment of optimal enjoyment of the right to freedom from torture in Nigeria, the following recommendations are proffered.

1. First, the government should address the infringements to the right to freedom from torture in Nigeria and provides redress for the victims beginning with compensating #EndSARS and fulfilling all the recommendations of the #EndSARS Panel across the country. Accordingly, all human rights violators whether private citizens or public servants should be brought to book and punished for their crimes.
2. Second, the government should strengthen all institutions whose duty is to protect the rights of Nigerians, so they are able to carry out their jobs effectively. The Nigerian Police Force should be better equipped to protect Nigerians from the breach of their right. The Nigerian Correctional Services Centres should be properly

[83]United Nations Development Programme (UNDP); Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment, New York, UNDP, 2017. <https://www.undp.org/publications/journey-extremism-africa> accessed 4th April 2025.
[84]*Ibid.*
[85]National Human Rights Commission (NHRC); Report of the Presidential Investigation Panel on the Special Anti-Robbery Squad (SARS), Abuja, NHRC, 2019.<https://www.nigeriarights.gov.ng/nhrc-presidential-investigative-panel-report-on-sars/> accessed 4th April 2025.

funded. More facilities should be built and furnished while old ones should be renovated so that the inmates in custodial centres across the country will no longer be subjected to degrading and inhuman living conditions.

3. Third, members of armed forces across the country, such as the Nigerian Police, the Nigerian Correctional Services, and the Nigerian Army, should be constantly trained and sensitised on the need to respect the rights of the citizens whom they are supposed to protect and ensure that no Nigerian is subjected to torture, inhuman and degrading treatment.
4. Fourth, the government should improve the economic conditions of the country and alleviate poverty in the country, fight corruption, and end civil unrest and armed conflict across the country. This will reduce the vulnerability of many Nigerians to becoming victims of torture.
5. Fifth, the government agencies in conjunction with Non-Governmental Organisations and Civil Society Organisations should create initiatives to sensitise Nigerians on their rights generally and right to freedom from torture in particular, the way to enforce this right and seek remedy in case of breach and the schemes and machinations through which people are lured into forced labour and human trafficking so that Nigerians, especially those in the rural areas, do not continue to fall victim to these social evils.
6. Lastly, human rights instruments should be excluded from the provision of Section 12 of the 1999 Constitution requiring the National Assembly to enact treaties to which Nigeria is a party into law before they become binding and enforceable in Nigeria. This means that any international human rights instrument to which Nigeria is a party will automaticallybecomeapplicableandenforceableinNigeriawithoutthenecessityof it being enacted into law by the National Assembly. This way,Nigeria will be bound by all human rights instruments it ratifies based on*pacta sunt servanda* and that will go a long way to strengthen human rights enjoyment in Nigeria and particularly right to freedom from torture.

7. **Conclusion**

The pervasive issue of torture in Nigeria, a practice deeply rooted in historical, socio-economic, political, and cultural contexts, presents a formidable challenge to the nation's commitment to human rights. Despite the existence of legal frameworks, including the Anti-Torture Act of 2017 and constitutional provisions, the actual enjoyment of freedom from torture remains elusive for many Nigerians. This is due to

a complex interplay of factors, including widespread poverty, political instability, a compromised judicial system, and deeply ingrained societal attitudes.

The analysis reveals that the Anti-Torture Act, while a significant step forward, has been largely ineffective in practice, primarily because of a lack of enforcement, political will, and accountability. This failure highlights a critical gap between the legal ideals and the grim reality faced by many citizens, particularly those from marginalised communities. Addressing this multifaceted challenge requires a comprehensive approach. This includes strengthening legal implementation, providing robust training for law enforcement, ensuring independent oversight, and fostering political commitment to drive reforms. Crucially, there is a need to tackle the socio-economic disparities that make vulnerable populations susceptible to abuse.

Furthermore, public education and community engagement are essential to shift cultural norms and empower citizens to claim their rights. Only through such concerted efforts can Nigeria hope to eradicate torture and uphold the fundamental dignity and rights of all its citizens. The journey towards achieving this goal is undoubtedly challenging, but it is a necessary one for a nation striving to build a just and equitable society.