

The Dynamics Of The Right To Life: A Sine Qua Non To Sustainable Development

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Abstract

The life of a person is predetermined by his entirety, be it his physical make-up, activities, relations with other beings etc. A person's components, whether mental, physical, social, psychological, economical and so on, are closely knitted to his life. Indeed, no life, no man. Consequently, the assurance granted man through the right to life, as guaranteed by the law, be it international, municipal etc, is tantamount to the fact that, the right to life must be duly reversed, by all and sundry. Every nation, race, tribe, gender, institution, organization and the world over, recognize and perhaps, respect this right. However, there cannot be a complete regard to the life of a person, when such person is constantly abused and denied essentials of life, such as food, medical attention, education and necessary freedoms. The right to life is dependent on these essentials and can thus, not be guaranteed without these. This is the purport of this article. It illuminated these dynamics of the right to life. Hence, an espousal on the right to life and its correlation to these dynamics is hereby attempted. A variety of legislations and case laws were considered in this work. The doctrinal method was also utilized in the discourse, for proper illumination of the subject matter. However, this study may neither be conclusive nor replete, but, it may prove to be resourceful, insightful and restorative.

Keywords: Right, life, sine qua non, dynamics, variation, human right, sustainable development.

Introduction

Life is essential in the whole being of man because his existence solely depends on it. Without life, there is no man. Thus, if life is snuffed out of a man, then he is lost. This significance of the supreme right – the right to life, necessitates the call for attention from all persons (old or young), authorities, corporate bodies, governments, non-governmental organizations (NGO's) etc. on this beacon called 'Right to Life'. Until this concentration is achieved, it may very well be that, Human Right is, unachievable and unrealistic here in Nigeria and Africa at large. This presumption is buttressed by the fact that, every right guaranteed man by reason of his being and existence as human, depends absolutely on the Right to Life, whether the Right to Dignity of Human Person, Right to Personal Liberty, Right to Fair Hearing, Right to Privacy and all Freedoms enshrined in the law, be it Freedom of Expression, Freedom of Thought, Conscience and Religion etc. All these as aforementioned, are co-joined as a network to the supreme right, that is, the Right to Life. This right is a central nerve. This will be elucidated in this work, to the extent that, it may be argued that here in Nigeria, using Rivers State as a case study, no fundamental right or human right (as the case may be) is guaranteed and protected without the right to life. This accounts for this task, which is aimed at espousing the variations of the right to life. To this end, it is apt to begin this work by defining salient terms therein.

Definition of terms

For better elucidation of the subject matter, it is apt to define salient terms utilized in this paper.

Right

Right is said to be a moral or legal claim to have or get something, or, to behave in a particular way.¹ It is the entitlement of a person over a thing or object. It may be bestowed on a person or object by virtue of heritage, transference or otherwise. A right is a 'jus'² in law.

Life

Life is basically the state of being alive as human; an individual person's existence.³ It is the ability to live, exist peacefully – without encumbrance. It is being able to thrive in a tranquil state.

Sine qua non

Sine qua non is the technical term meaning – 'without which it is impossible to do a thing'.⁴ It is a Latin terminology. Thus, the author here suggests that, right to life is the only means to sustainable development.

Dynamics

Dynamics may be a force that produces change, action or effects.⁵ It is a shift or significant movement in a thing or object. A drive to effect a conspicuous change in a thing.

1Oxford Advanced Learner's Dictionary (International Student's Edition, New 8th Edition) page 1273.

2Jus is a term for right in law (Black's Law Dictionary).

3 Ibid n1 p857

4 Ibid

5 Ibid

Variation

Variation depicts a change, especially in the amount or level of something.⁶ It is when a thing is wide or varied (not being static but changing often).

Sustainable development

Sustainable development which ensures that the institution of resources and the environment, do not damage prospects, for the use of such prospects by the future or unborn generations.

Human rights

Human rights are rights ascribed to a person by reason of birth or human nature. They are natural rights which every man has as a result of being human. These rights are inalienable, they speak from conception to death. Thus, no man may be arbitrarily deprived of his right. They are fundamental rights which every person is bestowed with as a natural phenomenon. It is present in all constitutions and may therefore be codified. The courts recognize human rights as natural rights. Thus, in *Ramsome-Kuti v A.G. Federation*,⁷ the court per Kayode Eso, JSC held, emphasizing the status and position of human rights thus: "...Rights which stand above the ordinary laws of the land... they are not just mere rights but antecedent to the organized political society itself... it is a precondition to a civilized existence"⁸

Further, as NIALL MACDERMOTT puts it:

"Human rights are part of the common heritage of all mankind without discrimination on grounds of race, sex, religion or other differences. These rights common to all mankind, have a long history... they have been formulated more fully than ever before and agreed to by all peoples from all parts of the world."⁹ Human Rights have been recognized here in Nigeria, thus, the constitution which is the grundnorm,¹⁰ speaks of these rights. Indeed, international cognizance has been taken of human rights round the globe, irrespective of race, religion, status, sex etc.¹¹

In virtually all laws in the world today, the issue of human right has been at the fore. Therefore, there is an incessant cry for the respect and protection of human rights because, they are inalienable rights. Thus, all laws be it international protocols, municipal

legislations, customary laws, judicial precedents, have taken cognizance of the rights of man, which cannot be denied him.

It is pertinent to state that, even the writings of renowned publicists and jurists appreciate the fact that human rights must be at the centre of all laws, as far as it concerns man and his/her relation.

6Ibid pg458

7 (1995) 2 NWLR (Part 6) 211.

8 Ibid, pg 229

9 NIALL MACDERMOTT: An Opening Address to the International Conference on Human Rights Education in Rural Environments, Lagos, Nigeria, 1985, page 10. See also Chukwudifu Oputa, 'Human Rights in the Political and Legal Culture of Nigeria,' at the All Nigeria Judges Conference Papers 1982 (London Soviet x Maxwell) (1985) pg 2.

10See S. 1 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as altered). 11 Human Rights have been observed from time memorial round the world. Presently, it is at the front burner of fundamental issues in the United Nations. Indeed, the effect of the World War II gave rise to UN declaration on Human Rights in 1948, which is the Universal Declaration on Human Rights (UDHR) 1948. This has also led to other treaties and covenants on the subject such as: ICESCR (1966) etc.

Hence, on the international plane, the United Nations have recognized these rights to such extent that it appears on virtually all its covenants, protocols.12. Here in Nigeria, the issue of human rights has been domesticated such that, every bit of law here recognizes human rights. This is evident in the constitution.13 Suffice it to say that the grundnorm here mentioned, has both the justiciable¹⁴ and the non-justiciable rights, 15 as its contents. On the face of it, these rights are recognized. Hence, the issue of the right to life is not a recent evolution. It has been and will continue to occupy the front pages of all laws, constitutions, whether written or unwritten, covenants, protocols, legislations etc. Even customs and practices of various peoples in the world at large, recognize and respect the significance of right to life. Therefore, the case of right to life can never be over-flogged. It is pertinent to state here that, in spite of differences in religions in the world, the right to life, is hallowed and well-protected in the varying religions. For instance, it is a notorious fact that the Bible speaks of the right to life in the Ten Commandments, where it states that, 'Thou shall not kill'. So, no man should take another's life. Indisputably, this right is enshrined in the constitution of the Federal Republic of Nigeria.16The section is powerfully couched thus: "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.17. Further, it empathically provides for the circumstances that are permissible under the law, wherein a person's life may be taken or deprived. Hence, it reads:

"A person shall not be regarded as having been deprived of his life...
for the defence of any person from unlawful violence;
in order to effect a lawful arrest...

for the purpose of suppressing a riot, insurrection or mutiny"18

Evidently, right to life without encumbrance is provided for here in Nigeria. It is recognized under the law. Nevertheless, the question here raised is, to what extent is this

hallowed right recognized, respected and protected? Is it indeed hallowed? It is submitted here that the right of the human person to life is neither recognized, respected nor protected here in Nigeria. Also, it is not hallowed. What obtains here is a mirage of the respect for life. 12 These include but not limited to the ICCPR (1966), ICESCR (1966), CEDAW (1979), DEDAW (1967).

13 Chapter IV of the Constitution of the Federal Republic of Nigeria (as altered) (1999), specifically provides for the inalienable rights of the Nigerian citizen. See sections 33-46. It is important to mention the presence of the rights in Chapter II of the Constitution, although these are non-justiciable and at best, mere pronouncements. No action can be raised on these rights in Chapter II, so they are mere fiction.

14S. 33-44 CFRN (1999) as altered, are justiciable rights. They are actionable.

15 S. 13-20 CFRN (1999) as altered, are non-justiciable rights. Thus, even where infringed, it is not actionable

16Ibid, S. 33 specifically provides for the right to life of a person.

17 Ibid

18 Ibid

With utmost respect, the human life means little or nothing here in Nigeria to both the citizens, and authorities in charge. The human life is not revered as it ought to. It is important to state that, the life of a person encompasses the integral part of him/her. It is multifaceted, in the sense that, it entails his livelihood, health, environment, housing, access to modern facilities, dignity of person etc. The life of a person involves his entire being and make-up. Thus, where a part of him/her is infringed or distorted, then the person in question is no longer whole or complete. It is this completeness in man that affects the tenor of the law here in Nigeria on the right to life. Indisputably, the law speaks on right to life but, the big question is, what does the law say and how clearly does it say what it says? The fact that the right to life of a person is enshrined in the constitution will not suffice to ensure and assure the common man in the society of his life completely. With due respect to the farmers of the law, the wordings of the grundnorm (constitution) as afore-stated, are neither strong enough nor explicit on what life means or entails. It is here submitted that, the life of a person must be clearly defined and explicit to such extent that every person, be it the government, individuals, corporate bodies etc. know and understand what life means. Undoubtedly, this calls for a review of our jurisprudence on fundamental rights. It may be argued here that, there is an absolute need for the fundamental rights, especially, that which relates to life, to be expanded and expounded. It is vital that the notion of right to life be expounded to include necessary details of life, such as livelihood, health care, shelter, dignity of person, environmental factors etc. These are the dynamics of the right to life. Where any of these components are taken away, then, there is no right to life.

Dynamics of the right to life

The purport of this article is to expound and enunciate the variations of the right to life, which though not well appreciated as part of this right, but, are co-joined to this right. Candidly, there is no right to life if these aspects of the right, are extricated. The author here argues that, there are variations of this right and they are as follows:

Right to livelihood

Livelihood depicts a means of earning money in order to live.¹⁹ The life of a person is determined by his source of income. Unless a person has a reasonable source of living, he is devastated, dejected and unstable on every sphere of his life.

Hence, if he is unemployed, unskilled and hungry, he has no choice but to resort to criminality, restiveness and other vices which will in the long-run destroy him and the society at large. There is no gainsaying that, the alarming crime rate in Nigeria.¹⁹ Ibid, n1, pg871. It is defined as means to earn a living. It is as a result of no meaningful livelihood. The rate of unemployment in Nigeria is significant and has given rise to indices of crime. The high rate of poverty in the country may be the basic reason for the height of crime in every nook and cranny of the State. It may be argued that, the average Nigerian Youth may be prone to criminal tendencies, which has actually put Nigeria in the front burner of nations with criminal capacities. This certainly calls for caution. The importance of reasonable livelihood cannot be over-emphasized, owing to the fact that, even the civilized societies have recognized its impact to such extent that this issue has been incorporated into their laws and management system. They have thus provided an enabling environment for the employed and unemployed. For instance, in the United States of America, provisions have been made for social security for the citizenry. Thus, even the unemployed citizens have basic provisions made to manage their status. More so, reasonable tax deregulations are made for sectors such as agriculture, tourism, import and export etc. This therefore, boosts their economy. The average U.S. citizen can survive without resort to crime or unhealthy lifestyle.

A vivid example of the expansion of life as including the right to reasonable livelihood, has been stipulated in the Indian Constitution.²⁰ The supreme law of India is detailed about life thus, it includes the livelihood of its citizens in the definition of life. This was illustrated in the case of *Maneka Ghandi v. Union of India*.²¹ The Supreme Court of India in its decision, expanded the meaning of life to include livelihood, housing, healthy environment, modern health care and women's right against rape. Indisputably, this makes the Indian Constitution creative, certain and progressive. This is indeed, a remarkable innovation. This was further illustrated in the case of *Olga Tellis v. Bombay Municipal Corp*²² where the court held that, livelihood was borne out of right to life. Consequently, the Nigerian jurisprudence must be dynamic so as to adopt these recent and better opinions of the right to life. The constitution of the Federal Republic of Nigeria (as amended),²³ must address the issue of life rightly and with utmost clarity. The judiciary must take giant strides to interpret the law explicitly because it is the hope of the common man and of course, the watchdog of the constitution. As the custodian of the law, the courts must take necessary steps to exhaustively define the right to life, to include livelihood. No doubt, reasonable livelihood, is next to sanity and peaceful co-existence.²⁰ Article 21 of the Indian Constitution. Also, see De D. J (2002), the constitution of India, Hyderabad, Asia Law House (Google Scholar).

21 See *Maneka Ghandi v. Union of India*, see Normawati Hushim, as accessed from <https://www.sciencedirect.com//procedia social and behavior sciences//>, last assessed 12thJanuary, 2022. 22(1985) SCC (3) 545

23 Ibid, n16. See S.33 CFRN, 1999, as altered.

Right to environmental health

The environment of the populace is fundamental to the lives of the citizenry. This is to say that, a healthy environment has its impact on the present and future of the people living therein. As such, the environmental factor of life cannot be over-emphasized.

In fact, it must be constant and predominant in every discourse of life. Little wonder why it has taken the front stage of matters arising both at the international plane and the national level. Issues of the environment have been reiterated by the United Nation to justify her call for healthy environment and healthy living round the globe. The Stockholm Declaration, 24 readily comes to mind. Indeed, the environment was clearly addressed in its report thus:

“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality, that permits a life of dignity and wellbeing; and he bears a solemn responsibility to protect and improve the environment for present and future generations.”²⁵ From the aforementioned report, it is clear that, the need to protect and improve the environment cannot be over-flogged here. Candidly, an environment of quality is correlated to a life of quality. The environment must be preserved and conserved, for better living. Owing to this, the question here is, to what extent is the Nigerian environment preserved, conserved and protected for the present and future generated? Regrettably, the situation in Nigeria is sympathetic; the incessant pollution of the environment calls for attention and rapid response. Oil spillage is a constant variable here in Nigeria. Explosives are used daily; the water, air, flora, and fauna environments are in deplorable states. The pollution of the Nigerian environment of course, is as a result of man’s need to explore and exploit his environment, for necessities in life. Thus, the activities of persons’ whether natural or artificial, have a concomitant effect in the natural and built environment. It is submitted here that, the hazard recently seen in Rivers State, Akwa-Ibom, Lagos, just to mention a few, is borne out of oil spillage and bunkering activities. A typical example of this is seen in the Borokri/Sandfilled area of Port Harcourt, where the waters have become undrinkable with virtually all homes impacted by soot.²⁶ Indeed, the hazardous nature of the ongoing soot in Rivers State is mindboggling. Candidly, the lives of Rivers State indigenes have now been traded for oil and gas activities. Illegal bunkering is now a phenomenal occurrence, such that, it is assumed a right and privilege by the culprits, who argue that it is their only means of survival. It 24 The Stockholm Declaration of the United Nations Assembly on Environment (1999). 25 See Principle 1, Stockholm Declaration.

26 Soot is a black powder and an environmental hazard which occurs as a result of the burning of coal, wood, carbons, plastic, tyres etc used for bunkering activities in oil producing areas. In recent times, soot is visibly occurring in every part of Rivers State.

It must be re-emphasized that, the effect of these illegal activities, are felt in virtually all homes, all nooks and crannies of the State. Roofs, windows, curtains, floors and virtually all surfaces are affected by soot. Most annoying, is the fact that, the effect of soot is felt in the nostrils, which appears as a black substance, even where the affected person has not smoked or being exposed to smoke. Thus, the effect of soot is in the air and is thus breathed in, whether desired or not. It culminates into an undesired and mandatory

punishment for any person in Rivers State. In plain terms, the air is dirty and badly affected. This undoubtedly, is hazardous and poses an imminent danger to the health of the people in Rivers State. Little wonder why the Rivers State Government, under the leadership of Governor Nyesom Wike, has thus, taken giant strides on the elimination of these illegal bunkering activities, in order to secure the health of the Rivers people.

Another issue for consideration in the issue of environment, is that of degradation of farms and the source of living of the masses. The average Nigerian family has no farm to earn her means of living. In the past, families resort to their farms as source of income. Unfortunately, there are little or no farms anymore for agricultural activities. The high level of pollution is expressive on the subject. Hence, farmers have left their occupations for virtually nothing; women have taken to prostitution rather than boosting and selling farm produce. In the Ikwerre, Etche and Ogoni axis of Rivers State, there are no more farms due to the factor aforementioned. To further buttress this fact, is the poor fishing state in Rivers and Bayelsa States, where the fishermen no longer have means of livelihood because of pollution, use of dynamites (explosives) and the likes in the waters. Until these issues are dealt with, there may be little or nothing for the survival and existence of the Nigerian populace.

It is vital to mention the issue of fishing ponds, rivers, streams, lakes, oceans etc. that are no longer fit for their original purposes. These are now inaccessible and seemingly useless. There are no fishes anymore, with complete dearth of aquatic life. In the past, these were actually means of survival for the people because, sales were made out of their net catch or out of the produce. Unfortunately, the case is no longer the same because of oil spillage, production and manufacturing activities, rigs (offshore and onshore), bunkering (kpoo fire) going on in the waters. Thus, the right to healthy environment is infringed on daily basis. The case of Rivers State is illustrative on this issue. The average fisherman in the aforementioned State, no longer has where to fish, due to devastated waters. The natural resources are now destroyed and relegated for undue preference of artificial or man-made resources, which are at best, harmful. It is imperative to state that, Environmental hazards like water and air pollution, extreme weather or chemical exposures, can affect human health by giving rise to chronic diseases like cancer, or to acute illnesses like heat exhaustion. Some of these health effects can be short-term (acute) or long - term (chronic). Undoubtedly, poor air quality triggers asthma attacks; elevated blood lead levels in children can cause developmental disabilities; vulnerable populations like the elderly and infants are most at risk, for heat-related illnesses, during heat waves.²⁷ Further, extreme weather that causes power outages, can lead to cases of carbon-monoxide poisoning. Thus, it must be reiterated that, there is a need for environmental health in Nigeria, especially in oil producing States such as Rivers State etc, owing to environmental degradation. Human activities are basically the major source of this environmental challenge. Hence, it must be regulated. The machinery of the law and incidences thereto, must be utilized to regulate the use of environment. Innocent persons and the vulnerable, must not suffer because of hoodlums and criminals, or by reason of undue and selfish degradation of the environment, by both public and private firms. The populace must be considered paramount. Public health is most essential for healthy living.

Right to medical/health care

Medical care is an integral part of life. The health of a person is dependent on several factors such as foods, environment and prompt attention or response where need be. The situation in Nigeria in respect of health and medical care generally, is mindboggling. Indeed, there are no reasonable medical facilities or necessary infrastructures for good health management. The hospitals and clinical outfits here are nothing to write about.

These infrastructures are dilapidated, with little or no medicines for the masses. Even where available, they are insufficient to deal with the medical situations. Also, where provided, they tend to be expensive for the average citizen, thus making medical response insignificant and infinitesimal. This of course, has led to resort for external medical response from other countries such as India, South Africa, United States of America, United Kingdom and the likes of it. The importance of medical/health care cannot be over-emphasized. It goes to the root of life and has a positive or negative impact on the population of the country, and, its productivity level. Hence, it is pertinent to state that, poor health management in the Nigerian populace has led to a rise in maternal and child mortality rate. In the South African case of Minister of Health &Ors. v. Treanwear Action Campaign & Ors.²⁸ the court held that a policy which violated the negative obligation implicit in the right to access to healthcare service, was an infringement of the right to life. It is worthy to state that the policy tended to exempt a class of persons from medical access to Nevirapine (an Anti-Retro Viral Drug, which was given to avoid transmission of HIV at birth). Thus, the court saw the need for all persons ²⁷. As stated clearly in the discourse on Environmental Health. See <https://www.cdc.gov> (tracking intro) accessed 21st January, 2022. 28CCT8/02 (5 July 2002). Whether rich or poor, to this particular healthcare.²⁹ Truly, the sooner this situation of healthcare is resolved in Nigeria, the best for her. Citizens must have access to proper health management. Lives ought not to be lost on daily basis, as a result of negligence and selfish ends of leaders. Corruption must be dealt with.

Right to education

It may be apt to say that, the high rate of illiteracy in Nigeria is as a result of the lack of education in the country. Educational management in Nigeria is quite appalling. There are no good public schools; no infrastructures generally, no sound teaching and a high rise in moral decadence in Nigeria. Not to mention the poor funding of schools, whether at the basic or tertiary levels. The incessant cry on good education by renowned writers, publicists has to an extent, yielded only a slight and insignificant change in the present state of educational institutions. It is hoped that the authorities will be mindful of these yearnings and, do the needful. Suffice it say that, the political situation in Nigeria has not helped issues. This is clearly evident in management and funding of institutions of learning. Indeed, some institutions have benefited from educational support system such as TETFUND, ³⁰ while some are yet to benefit. The political drama which affects this

scheme is worrisome. Surely, all institutions at the tertiary level ought to benefit from this invention scheme, irrespective of who is at the helm of affairs in the institution, or what party he/she belongs to. Unfortunately, this is not the case as it concerns the trust fund. What obtains is more dramatic than it appears, sometimes, mountains must be moved with extraneous effects and undesired efforts.

Further, the political play in respect of the leadership in institutions of learning, may not be in the best interest of the aims and objectives for setting up these outfits. They tend to do harm than good to an extent, to these institutions. It is here advised that, geographical, social-cultural dichotomies and like interests, be left out of educational management, to the end that, the goals and objectives of education will be attained.

Education must not be politicized; core goals and objectives must be pursued, with merit as standards for appointments and leadership. More so, bribery and corruption at all levels, must be erased totally in Nigeria, for best results in the pursuit of goals. Until bribery and corruption is dealt with, there can never be a better Nigeria. It is hoped that this dream will come true, else, all we have here as education will continue to be a mirage. Also, examination malpractices must be discouraged, no matter whose ox is being gored. 29 A South Africa case on HIV treatment. Accessed via www.sciencedirect.com 30 TETFUND means Tertiary Education Trust Fund. This is a scheme established by the Federal Government of Nigeria in 2011, to disburse, manage and monitor education tax to government-owned tertiary institutions in Nigeria. TETFUND scheme was formed as a product of the Education Tax Act of 1993. TETFUND is regulated by the TETFUND Act, 2011. TETFUND remains a major source for Tertiary Educational funding in Nigeria. It is indeed beneficial to both the learners and the learned. The projects of TETFUND and other developmental strategies of TETFUND, such as scholarships, have truly being the big boost of education in Nigeria.

Women's right and its correlation to right to life

The women in Nigeria being human persons are entitled to rights, just like their male counterparts. These rights range from proprietary rights to dignity of persons. Indeed, the women in Nigeria are bestowed with human rights by virtue of their human nature and this presupposes that these rights are inalienable.³¹ Thus, the right to life is inclusive. However, the question here is, to what extent are these rights protected? Do women actually have the right to life? Is there a correlation between the right to life and women's right? These are arguably, unanswered questions. The rights so ascribed to women are not very well protected here in Nigeria, in the sense that, the rights guaranteed under the constitution are not absolutely applied, where it relates to women. The point to note here is that, the values, norms, beliefs, traditional practices etc. in Nigeria, have somewhat made these rights unactuated, unrealizable and indeed, impracticable. Violent practices against women in Nigeria have not been absolutely combated or eradicated. It appears that these practices cannot be wiped out or erased completely here. Indisputably, violent practices such as sexual violence which includes rape (whether marital or otherwise), sexual harassment, indecent assault, incest, inter-alia are predominant here. Also, physical violence which includes but not limited to Female Genital Mutilation (FGM), Battery, Assault etc. are recurrent out here in Nigeria. Undoubtedly, emotional violence which has

to do with spousal abandonment without sustenance, deprivation and the likes are still practiced here. It must also be stated that psychological violence which includes isolation, stalking, verbal abuse, emotional abuse, psychological abuse, intimidation, general coercion, offensive conduct, indecent exposure, making false statements, are prevalent in Nigeria.

Indisputably, economic violence is still observed here in Nigeria. The fact remains that women have been deprived economically and financially by reason of obnoxious cultures, barbaric and anachronistic imbalance between men and women here in Nigeria. The typical Nigerian woman is believed and made to be dependent on the man as a result of the patriarchal nature of the society. This act has virtually relegated the woman in Nigeria to the back waters, making her voiceless, unheard and insignificant.

It is worthy to state that the economic imbalance amongst the women and men in Nigeria has silently sent the women to the backstage. In fact, it may be forbidding for the woman in Nigeria to be heard in the presence of her male counterpart.³² Till date, the woman is subsumed, in her bid to .³¹ Ibid, n13. They possess human rights just as their male counterparts do. Thus, no woman should be denied her rights just for the sake of being woman. ³² Till date, it is impracticable for a woman to be heard or granted access to speak in the presence of men. In fact, in Rivers State, especially the Ikwerre, Ogoni, Etche ethnic groups, women may not be granted certain rights such as right of audience, where her male counterpart is alive. Thus, only the male child in the family is permitted to speak on issues pertaining to the family. Be perfect or, mirrored as 'right thinking' and reasonable, in the Nigerian perspective. This undeserved, unwanted inclination has therefore put Nigeria in a bad light.³³

Truly, till date, women are denied rights such as right to education, right to empowerment, healthcare, etc. They are not given the privileges granted their male counterparts. Preferences are given to men because it is believed that the man keeps the lineage, while the woman marries out and leaves the home. Thus, the home is empty without the male child. He is the wealth and 'sustainer or pillar' of the home. Whatever is given to the woman is given to her husband and therefore is matrimony-based. Consequently, what is bestowed on the girl child is therefore built on sinking sand (marriage) and not on a rocky ground. This notion is to a great extent what has left the women in Nigeria uneducated, undeveloped and voiceless. Until, there is an attitudinal change, there cannot be a better Nigeria. It is pertinent to state here that these violent practices have been identified and somewhat addressed by the law. This is evident in the provisions of the Violent Against Persons (Prohibition) Act.³⁴ Which tends to regulate these violent practices presently in Nigeria.

Impressively, the Act is made to deal with issues pertaining to violence against persons whether male or female, adult or minors. Its provisions are explicit and clear. It is made to regulate any violent practices such as early marriage without consent of the party involved. Also, the law so enacted by the National Assembly appears to have certain limitations such as the fact that, any issue emanating from this law or related thereto can only be heard by the Federal High Court in the Federal Capital Territory, Abuja. Thus, restricting

or restraining every question to be determined under this law to the Federal High Court, Abuja the challenge here is that, it appears the doctrine of covering the field does not apply in respect of these matters of violent practices. It may be argued that, if the doctrine of covering the field does not apply under this law, then only citizens within the Abuja axis of the nation may have access to the law. How then will this law cover other areas of Nigeria? What then will be the fate of other citizens not domiciled in Abuja? Further, how can the poor ones in the rural areas access the courts for prompt justice? It will therefore be justice for only the rich. It will be lopsided. This calls for immediate attention. It is vital to state here that, regard must be given to the provisions of the Convention on Elimination of Discrimination Against Women (CEDAW), which has seemingly dealt with the issue of women.³³ The fact that women are still denied proprietary rights; made to suffer as a result of widowhood practices, with none for the widower is illustrative of the fact that women in Nigeria are still suffering and not properly placed.

Until this is changed then there are no women's right.³⁴ VAPPA, 2015. and violations against them.³⁵ This treaty or covenant must be truly adopted, ratified and domesticated, else we stay lagging behind.

Freedom from torture

Torture is any degrading act which infringes the right to dignity of a person. Thus, any inhuman practice which touches on the liberty or dignity of a person is contrary to the law.³⁶ Nonetheless, torture is constantly evident in Nigeria. This is clearly seen in the practice of the Police and the armed forces against citizens (whether innocent or otherwise). This should not be so, because torture is prohibited under the law and should therefore be avoided. The Police in Nigeria, in its bid to perform its duties, often apply torture on issues still under investigation. They seem to forget that torture is quite degrading and not helpful to the Nigerian society. It is submitted here that, torture should not be a procedure for investigation, no matter the mode. Torture must be wiped out of Nigerian system of investigation or statement taking by the Police. The truth is, torture impedes the right to life of a person. Where a person has his life as acclaimed, then he must have it completely. He must enjoy this right appropriately, with no form of encumbrance. Hence, torture in its barest minimum is quite degrading, undeserved, and unwanted. It is able to render the human right system in Nigeria meaningless; therefore, it should be eradicated from our system. A typical example is the 'End SARS case or protest, which was recently upheld'.

Another typical illustration of this is for an instance, where an armed robbery suspect is being investigated by the Police or other authorities, the suspect is usually beaten mercilessly, stripped naked, flogged heavily with weapons such as baton, electrocuted etc. just to get information or the truth. This may eventually yield the desired result of the 'truth' or it may not. If it does, then one is excited but, where it does not, what happens? What if out of fear or out of exhaustion and devastation, the suspect tells the purported 'truth', which may end up not being the truth? The point to note here is that, this method of investigation/interrogation is a denial of esteem, respect, confidence, protection, which should not be. It also tends to remove the element of 'voluntariness' in confessional statement.³⁷ The suspect is very many times forced or coerced into making an

‘involuntary’ confessional statement. This of course, is denial of justice and fairness. However, a deep question to be asked is, how then will crime be combated or detected? This is mindboggling because, there are suspects or criminals that without torture, maltreatment etc. the truth cannot be extracted from them. They are so rooted in criminality that they tend to be hardened and 35 CEDAW is particularly made to deal with issues related to women specially.

This to a large extent provides certain rights for women. 36 See S. 34, 35 CFRN (1999) as altered. 37 The Evidence Act (2011) requires that confessional statements be made voluntary, without duress or any form of pressure. Indeed, it should be done without apprehension, unrepented. Notwithstanding, it is here submitted that torture especially in its extreme, is an infringement of the right to life of a person, whether the suspect is a child, adult, etc. no person should be subjected to torture of any kind. It is worthy to note that, torture even at its best practice, is a deprivation of the right to life. It should not be encouraged at all, no matter what the situation may be, it should not be practiced.

Even where it concerns crime, it should not be encouraged. Rather, technocrats should be engaged to extract truth where the need arises. These technocrats should apply their skills to its best capacity, thereby achieving the required result. Torture cannot be a means to an end, rather, it is devastating and may eventually lead to death. Where it leads to death, a life is lost. Even where no life is lost, the victim of torture may be rendered useless, incapacitated afterwards. Torture is not the best because, its aftermath is entirely meaningless to the society at large. More so, justice should be corrective and distributive. It does not mean that justice should not be absolutely retributive. However, this is a jurisprudential issue, which calls for expertise on related matters.

Right to security of person, property etc.

Every human person must necessarily be granted his right to security. Being a human person, every citizen must be protected and assured of his life. Thus, where citizens are unsecured and unprotected, then the right to life, is infringed. This brings to bear the fact that, the Nigerian society is unsecured. The security apparatus in Nigeria is appalling and failed. There is no gainsaying that, there is so much insecurity in Nigeria. The Boko Haram case, is evident. This entails terrorists attack on innocent citizens, with kidnap and homicide being the order of the day. Vulnerable citizens, such as school children, women, and the elderly are constantly attacked, for selfish reasons. Sometimes, this is as a result of unhealthy politics and undue supremacy of power. This should not be. This to my mind, is unhealthy and is a complete infringement of the right to life. Thus, the Nigerian authorities and all persons, whether old or young, must do the needful to combat this cold murder of the citizenry. Hence, criminals must be duly punished and made to face the sanctions of the law. Bribery and corruption must be discouraged and terminated, howsoever, so that, there will be optimal tranquility in the Nigerian society and the world over. Criminals and their cohorts must be brought to book by the authorities. This will deter further crime.

Conclusion

From the foregoing, it is clear that the right to life under the law is all encompassing. It is an umbrella shielding variety of rights. It is fundamental and is directly linked to different

facets of life. Thus, it may be argued that, a denial of these related rights is tantamount to infringement of the right to life. Consequently, it may be apt to say that, there is a nexus between the right to life and other rights not duly provided for in Nigeria. Even where provided, they are not properly so. They are silent and insignificant to the extent that, they are imperceptible and imperfect. These rights are closely knitted to life so much that, there cannot be life without these rights. They are basic facets of life and cannot therefore be an issue for jurisprudential debate. Thus, life is incomplete without these rights.

Owing to this fact, the point to note here is that, any law relating to life or made to regulate the issue of life of a person, yet devoid of these dynamics, is then, not appropriate. Thus, the sooner attention is paid to these silent facets of life in Nigeria, the best for all. The authorities in Nigeria must do the needful with respect to these insignificant spheres of life because, it may be argued here that, the purported right to life as contained or enshrined in the supreme law, is no right to life in the right sense of it. At best, it is right to life as it pleases the draftsperson of the law. Until these rights are duly provided for and made somewhat justiciable, then there is no protection and respect for the right to life in Nigeria.

Truly, these dynamics as highlighted, are integral parts of life. Indisputably, they are of great importance in the life and blood of every reasonable person, organization, government authorities etc. Every civilized nation makes provision for these. This is presently so in Indian constitution, which has recognized the need for these variations of the right to life. This therefore, calls for the review of the Nigerian Legal System, especially the laws on fundamental rights. It is hereby submitted that, the Nigerian Constitution and related laws, must be reviewed and completely amended. Where necessary, a new constitution must be enacted to accommodate these variations of the right to life. Finally, the Nigerian authorities, must do all within its powers to curb bribery and corruption. Every person found wanton under the law, must be made to face the law, because, no one is above the law. Hence, the rule of law, must be upheld. Right thinking persons should be made to rule as leaders, and, not bunch of thieves and inhuman personalities, who have little or no regard for the law, because of money and their sensitive positions in the society. It must be stated here that, this discourse is inconclusive on the subject matter, but has to an extent brought to the fore, the issues regarding the right to life as it is and as it ought to be in Nigeria. It is hoped that this will serve as a lead to the way forward, for peace and harmony in Nigeria. No doubt, education and sensitization of the citizenry, will also boost the desired peace.

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