

Critical Appraisal of the Constitutional Right to Human Dignity vis-a-vis Flagrant Breach of Fundamental Rights by Federal and State Agencies*

Abstract

Fundamental human rights, as provided by the Constitution, are to be enjoyed by every Nigerian, subject to the exceptions provided by the Constitution or by any other statute. The *corpus juris* in Nigeria had even gone further in assigning to specific government agencies, both at the federal and at the state levels, the duties of protecting the rights of Nigerians. However, it is appalling that the various agencies of government charged with the protection of these constitutionally-guaranteed rights are not only failing in their duty but are also at the forefront of breaching human rights, particularly the right to dignity of human person. This paper critically examined how federal and state agencies breach the constitutionally-guaranteed rights of citizens, in particular, the right to the dignity of the human person, and what could be done to remedy these institutional breaches. It is found that several governmental agencies are involved in the breach of the fundamental right of the dignity of human person, especially in the course of carrying out their duties. This paper recommended for a true independence of the judiciary in order to be able to protect adequately the fundamental rights of Nigerians, particularly the right to dignity of human person.

Key Words: *Constitutional Rights, Judiciary, Fundamental Right, Human Rights, Constitution*

1. Introduction

The right to the dignity of the human person is a concept which transcends the limitations of national constitutional provisions.¹ Indeed, the right to dignity is not only a fundamental right, but is also a universal right which is sacrosanct and must be respected by all. In cognizance of this, the right to dignity of the human person is recognised, entrenched and protected, in international, regional, and national human rights instruments. At the international level, we have the Universal Declaration of Human Rights 1948, which provides in Article 1 as follows: “*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood*”.² Furthermore, at the regional level, we have the African Charter on Human and Peoples’ Rights 1981 which has been ratified and now forms part of our laws.³ Article 5 of the Charter, aptly captures the right to dignity of the human person where it provides thus: “*Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly, slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited*”.⁴ Finally, at the national level, we have various instruments legislating on the rights to the dignity of the human person, chief among which is the Constitution of the Federal Republic of Nigeria

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¹ Learn Nigerian Law, ‘Right to the Dignity of the Human’, <<https://www.learnnigerianlaw.com/learn/human-rights/dignity>> accessed 1st July 2023.

² UDHR 1948.

³ African Charter on Human and Peoples’ Rights (Ratification and Enforcement Act) 1983.

⁴ ACHPR 1983, Art. 5.

1999, where in section 34⁵, provides that the right to dignity of the human person is recognised and guaranteed. From the foregoing, it is now a truism that the right to dignity of the human person is a universal question of importance. And the right to dignity of person is fundamental and critical to the attainment of other constitutional rights. Apart from the right to life, the right to dignity squares up as one of the most important rights that human beings are entitled to enjoy in Nigeria.⁶

In very recent times, there has been an upsurge in demand for the protection and respect of the right to dignity around the globe. Nigeria, is not left out in this demand, as we have witnessed time and again, the flagrant disregard for the right to the dignity of the human person. At the fore of this breach of right to dignity is federal and state government agencies, especially the men in uniform. Reports of this breach have become incessant across the federation, the same which now begs the question as to whether the constitutional right to dignity of the person is respected by federal and state agencies, or is a mere lip service? Notwithstanding the existence of laws that recognise, establish and guarantee the constitutional right to dignity of the human person, we still have various incidence of breach of the same right especially by federal and state agencies who are meant to be gatekeepers of this right, ever willing enforce these rights at the slightest threat of a breach. It is now commonplace that the flagrant violation of fundamental human rights by the government and its agencies in Nigeria has become a recurrent topical issue in human rights conferences locally and internationally.⁷ The incessant breach of fundamental rights, and in particular, the right to dignity, by federal and state agencies often lead to social tensions, conflicts, and a breakdown of social cohesion. This has also proven to have adverse effect on the economy as well as the general perception of the government and its agencies. The End SARS saga is a good case study on this point. Furthermore, despite the ban on SARS,⁸ the incidence of breach of constitutional rights, particularly, the right to dignity is still on the rise, and this breach is most common in relation to detainees and prisoners.⁹

2. Breach of Right to Dignity of the Human Person by Federal and State Agencies

There have been increasing incidents of the breach of the right to dignity of human persons by the federal and state agencies in Nigeria. The fundamental right of every Nigerian against torture and degrading treatment, its limitation under the law and challenges to the enforcement of this rights are thus discussed below by posing the first question, what is the Nature of the Constitutional Right to the Dignity of the Human Person and its Limitations? The Constitution has clearly provided for the right to dignity of human person in section 34 that every individual shall be entitled to the respect of dignity of human person and thus, no person shall be subjected to torture or degrading treatment, or held in slavery or required to perform forced or compulsory labour. The only limitations of this fundamental right known to law is provided in subsection (2) of that section which provides for what does not amount to forced or compulsory labour. These exceptions include:

⁵ CFRN 1999, s. 34.

⁶ Akani Nnamdi Kingsley, 'A Critical Appraisal of the Right to Human Dignity Vis-à-vis The Rights of Women in Nigeria' (2019) <<https://www.researchgate.net/publication/341464153>> accessed 1st July 2023.

⁷ FO Abimbola and OC Benson, 'Violation of Fundamental Human Rights by Government and its Agencies in Nigeria: How Effective is Judicial Intervention?', <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4335300> accessed 2nd July 2023

⁸ The Special Anti-Robbery Squad (SARS) unit of the Nigerian Police Force

⁹ Learn Nigerian Law, 'Right to the Dignity of the Human', <<https://www.learnnigerianlaw.com/learn/human-rights/dignity>> accessed 1st July 2023

- (a) any labour required in consequence of the sentence or order of a court;
- (b) any labour required of members of the armed forces of the Federation or the Nigeria Police Force in pursuance of their duties as such;
- (c) any labour required of persons having conscientious objections to the armed forces of the Federation;
- (d) any labour required which is reasonably necessary in the event of any emergency or calamity threatening the life or wellbeing of the community; or
- (e) any labour or service that forms part of –
 - (i) normal communal or other civic obligations of the wellbeing of the community,
 - (ii) such compulsory national service in the armed forces of the Federation as may be prescribed by an Act of the National Assembly, or
 - (iii) such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an Act of the National Assembly.¹⁰

These are the only exceptions to the fundamental right of dignity of human person; in other words, any action by any person or government or any of its agencies, whether at the federal level or state level, that does not fall within these known exceptions will be regarded as a case of breach of this fundamental right. There have been rising cases of the arbitrary breach of this fundamental right by federal and state agencies. The agencies that are ordinarily charged with the protection of human rights are at the forefront of its breach. Some of these agencies employ high-handedness in carrying out their functions. This high-handedness has resulted in the breach of the fundamental right to the dignity of Nigerians. It has been submitted that it is only in Nigeria that the Department of State services (DSS) is an extension of the presidency and has the temerity to assault and attempt to re-arrest Omoyele Sowore within the precinct of the court and thereby desecrate the hallowed temple of justice and get away with it.¹¹ In its 2020 report, Amnesty International noted that under the Buhari administration, Nigerian security forces committed grave human rights violations, including torture and other ill-treatment, and the use of excessive force, which resulted, on some occasions, in unlawful killings.¹² Members of the police force employ torture, inhuman and degrading treatment in the extraction of confession from suspects.¹³ So, with the application of force and cruelty, the members of the Nigerian Police Force have gotten confessions from arrested persons. A mind-boggling experience of the police infringing on the right to freedom from inhumane treatment is the case of *Oyakhire v The State*.¹⁴ In this case, the police at the checkpoint in Kogi state did not only rob the victims, they had also set their bus on fire by shooting at the gallons of petrol in the bus, thereby killing its occupants. In that case, the apex court held thus:

This case represents the height of man's inhumanity to man. The Appellant and his co-accused police office constables employed by the nation to protect the lies and properties of its citizenry embarked on this unlawful mission and in their brazen brutality terminated the lives of these five innocent and defenseless victims, with unimaginable damages to their loved ones and families back at their various homes.

¹⁰ CFRN 1999, section 34(2)

¹¹ S Ekwowusi, 'Nigeria: Human Rights Violation in Nigeria' <<https://Africa.com>> accessed 15th July 2023

¹² Sahara Reporters 'International Criminal Court, Amnesty International Worried by Human Rights Violation by Nigerian Army, Others Under Buhari Government' <<https://saharareporters.com/2023/01/06/international-criminal-court-amnesty-international-worried-human-rights-violation>> accessed 14th July 2023

¹³ OVC Okene & NK Akani 'Human Dignity and Human Rights: The Nigerian Question' [2019] 17(1) Maiduguri Law Journal [196-221]

¹⁴ [2006] 15 NWLR Part.1000, 157

The case demonstrated the regrettable reality that numerous police check points along our highways only give citizenry a false sense of security.¹⁵

Intimidation has been employed by the members of the police force in their investigations of suspects. This intimidation is garbed with threats to the deprivation of the liberty of these suspects, their torture and even death. This intimidation gives room to harassment and extortion. Members of the armed forces have not been left out in this breach of human rights. In *Nwankwola v FRN*,¹⁶ the police were also at their worst behavior. There, the Appellant, a police officer was arraigned before a High Court in Benin, where he was convicted and sentenced to seven years' imprisonment with hard labour for demanding the sum of one million naira from one Alexander Okiye, a person against whom criminal complaints were made, and eventually receiving the sum of five hundred thousand naira (₦500,000) from him. It was a case that threw light on the rackets that are being run by police officers across police formations in the country to line their pockets while intimidating suspects under investigation. In *Ibikunle v The State*,¹⁷ the Appellant who had gone to effect the arrest of a suspect, ended up killing the suspect, only to discover afterwards that he had killed the wrong man. His defense was that he did not shoot to kill. It bears stating that he had forced himself into the apartment of the victim who had refused to open the door, for whatever reason, but met his untimely death at the hands of the trigger-happy police sergeant who clearly was baying for blood. The justices of the apex court did not have any issue in affirming his conviction and death by hanging by the lower Courts. In *Okonkwo v Ezeonu & Ors*¹⁸ the Court of Appeal condemned the attitude of the police vis-à-vis the fundamental right to dignity of persons in their custody, describing it as barbaric and unconstitutional. In that case, the Appellant who had been unlawfully arrested by the 3rd and 4th Respondents (police officers) was detained for eleven days without trial at the instigation of the 1st and 2nd Respondents. He was tortured and brutalized following which he filed a fundamental right action for the breach of his fundamental right. Having failed at the lower Court, his appeal was allowed by the appellate Court which mulcted the Respondents in costs and damages for their egregious conduct. In this present time, the use of police and other security agencies as a means of debt recovery and other civil matters has been disturbing. In the very recent case of *Kure v COP*,¹⁹ the Supreme Court shunned this growing practice in the following words:

As I went through the facts of this case, I was wondering how a purely civil matter could easily metamorphose and transubstantiate into a purely criminal case. The end result now is that Appellant has suffered irreparable damage, disgrace, shame, odiousness and untold hardship in the hand of the police that is constitutionally and legally saddled with the prosecution of criminal offences. The police have muzzled the rights and freedom of Nigerians even where cases are clearly outside their jurisdiction, power or corridor.....if this is not tackled, everybody would have suffered in the merciless hand of the police who has become a law unto itself in this country.

Furthermore, there have been cases of the employment of security personnel in the enforcement of contracts. Thus, security personnel and government agencies have lent themselves in afflicting inhumane treatment against persons on behalf of those who called them. The Supreme

¹⁵ Ibid

¹⁶ (2015) LPELR-2439(CA)

¹⁷ (2007) LPELR-8068 (SC)

¹⁸ (2017) LPELR-42785 (CA)

¹⁹ (2020) LPELR-49378 (SC)

Court has been confronted with this issue in the case of *Diamond Bank Plc v. Opara*.²⁰ Where the appellant had instigated operatives of the Nigerian police to arrest the respondents who were indebted to it. The police subjected the first defendant to torture, servitude and degrading treatment until he was able to pay the loan. The Supreme Court was disgusted at this fact and stated thus:

What is even more disturbing in recent times is the way and manner the Police and some other statutory agencies, rather than focus squarely on their statutory functions of investigation, preventing and prosecuting crimes, allow themselves to be used by overzealous and/or unscrupulous characters for the recovery of debts arising from simple contracts, loans or purely civil transaction. Our security agencies, particularly the police, must know that the citizenry's confidence in them ought to first be ensured by the agencies themselves by jealously guarding the integrity of the uniform and powers conferred on them. The beauty of salt is its taste, once salt loses its own taste, its value is irredeemably lost. I say this now and again, our security agencies, particularly the police are not debt recovery agencies. The agencies themselves need to first come to this realization, shunning all entreaties in this regard and they will see confidence gradually restored in them. Where we are now in this country is that place where our "Men in black & blue" command almost no respect from the citizenry because of how we have sunk. But it is my belief, which belief, I must say I hold very dearly, that all hope is not lost, many women and men of deep integrity are in our security agencies, and they only need to rise now to the occasion.

The manner with which the police and other security agencies carry out their functions, has led in the abuse of the fundamental rights of Nigerians particularly the right to dignity of human person had led to the protest of 2020 tagged the ENDSARS protest.²¹ This protest arose from the agitations of Nigerians, particularly the youths, against certain human rights violation by the Special Anti-Robbery Squad, particularly brutality, illegal detention and torture, extrajudicial killing, illegal stop and search, etc, all of these which constitute a breach of the right to dignity of human person. While the protest was ongoing, the Nigerian soldiers were employed in committing a massacre on defenseless citizens at Lekki toll gate on the 20th day of October, 2020.²² Even persons associated with the protest have been arrested and tortured by the security personnel.²³

3. Challenges Confronting Enforcement of Fundamental Rights of Nigeria Against Federal and State Agencies

There are challenges confronting the enforcement of fundamental rights against federal and state agencies, these include:

a. Illiteracy and ignorance of Nigerians: The illiteracy and ignorance of Nigerians as to the existence of their rights provided in the constitution as well as other local and international instrument is the primary challenge facing the enforcement of these rights. Most Nigerians are not aware of what rights they have under the law and the manner to go about in enforcing them.

²⁰ [2018] 7 NWLR Part.1717, 92

²¹ The Cable, 'An Overview of the #EndSARS Protest in Nigeria: Legal Issues and Matters Arising' <<https://www.thecable.ng/an-overview-of-the-endsars-protest-in-nigeria-legal-issues-and-matters-arising>> accessed 14th July 2023

²² Ibid

²³ Ibid

For one, some illiterate detained persons are not aware of their right of silence or that they are entitled to having a lawyer around when making a statement. This ignorance is very costly in the long run and will end up making the detainee admit what he doesn't know of its implication. Also, most Nigerians are not aware that they can bring an action for enforcement of their rights. This problem has enabled some Nigerians in harassing other Nigerians with certain federal agencies like the Nigerian Police Force.

b. Poverty: Poverty is one of the problems that is challenging the enforcement of these rights available to Nigerians, particularly the right to dignity of human persons. What are rights to a person who have no means of enforcing them? According to Aguda, “...*the practical actualization of most of the fundamental rights cannot be achieved in a country like ours where millions are living below starvation..., in circumstances of this nature Fundamental Rights provision enshrined in the constitution are nothing but meaningless jargon to all those of our people living below or just at starvation level...*”²⁴ Poverty according to Oputa is another modern form of slavery.²⁵ So, rights are difficult to enforce by a poor man who cannot afford to pay the appearance fee of a counsel, let alone the full services of a counsel for the full trial of his case. For example, when a person is unlawfully detained by the police, it is certainly with money that his relatives will be able to bring an action for his release. This is one of the reasons why many persons are languishing in detention without being tried and without being released because there is nobody to bring their unlawful detention to the notice of the court so that the court may order their release.

c. Violations by the Police: The Police seems to be the major violator of human rights in Nigeria. Ordinarily, a suspect arrested for any offence is presumed to be innocent until proved guilty and ought to be promptly informed in writing the reasons for his arrest. In reality, the suspect is practically denied all these constitutionally entrenched rights and suspects are subjected to all manners of torture to force or coerce them to make confessional statement. Suspects are exposed or subjected to crude and barbaric ordeal or torture such as using hot electric iron, electric cables, hanging of suspect on ceiling, sticking pins or sharp objects in the private parts of suspects, merciless beating, chaining of hands and legs, shooting of suspects on the limb, use of cigarette lights to inflict burns on suspect etc. Most police interviewed conceded that in the absence of an efficient means of investigating crimes, torture becomes the quickest means of extracting information from suspects. Torture as a technique of investigation has become institutionalized in Nigeria. There are several reported cases of rape, extra-judicial and arbitrary executions, use of excessive force, arbitrary arrests and detention, general harassment of the individual and communities, inhuman and degrading treatment of inmates in police custody made against personnel of the Force. Even the provision of *section 29(2)(a) of the Evidence Act* is not acting as a good enough deterrent for the police in avoiding the resort to torture.

d. Inadequacy of the Court System: The court has likewise played some roles in the violation of human rights. The existing system of administration of justice in Nigerian courts is grossly inadequate. Access to courts and justice is obstructed by inefficient legal aid, court congestion, high costs of litigation, poor and inadequate court facilities, poor condition of service of judicial workers, cumbersome system of recording court proceedings (leading to delay and abuse of processes), archaic and non-uniform rules of procedure, and corruption in the clerical and

²⁴ Tokunbo Orimobi LP, ‘Challenges to the Enforcement of Fundamental Human Rights in Nigeria’ (Business Day, 2015)

²⁵ Ibid

administrative cadres. The delay in court proceedings is one that has prevented many persons from having recourse to the court when aggrieved. Despite the enactment of the Administration of Criminal Justice Act and its similar provisions in various states, and even the FREP Rules that all pave the way for faster dispensation of justice, there have still been no fast means of dispensation of justice. One of the factors that can be accounted for the delay in the dispensation of justice is the fact that judges, in this present day, are still required to rely on analogue record proceedings of the court. Aside from this being time consuming, it is also stressful. Another factor that may account for this is shortage of manpower in the judiciary. A judge may be assigned several cases which are times three of what he can be able to hear in a week.

e. Independence of the Judiciary: To a large extent, the independence or otherwise of the judiciary plays a great role in its ability to dispense justice in matters involving the rights of detained persons. The police and other law enforcement agencies are all agencies under the executive arm of government. The judges are to be appointed by the president. In as much as on the face value, this does not prove to be a problem, but on a deeper examination, one would realize it is a very big challenge facing the enforcement of the rights of a detained person. Sometimes, the judges may not want to displease their 'appointers' by giving judgment against an agency of such appointer.

f. Inactiveness of Human Rights Bodies: Most of these bodies that have the protection of human rights as their primary aim are inactive and mostly exist just in paper. They do not carry out their functions as provided in the various instruments establishing them. For example, the National Human Rights Commission is only recognized as one of those agencies that have occupants but one cannot find a tangible thing which they do with respect to the protection of human rights.

4. The Synthesis to Constitutional Right to Dignity of the Human Person

By the foregoing, it is pertinent to know that there is a difference between human rights and fundamental human rights. The importance of understanding this distinction is, among other matters, with respect to the level of enforcement by the courts. Ordinarily, right to education is a human right provided by international and regional conventions and treaties, and even contained in chapter two of the Constitution. Nevertheless, as a standalone, this right is unenforceable in Nigeria. On the other hand, we have those rights that are called fundamental rights²⁶ which, among other things are enforceable.²⁷ This work also found that the right to dignity of human person is a fundamental right that cuts across other forms of right. This is because a person whose right to life has been guaranteed should be given the right to be free from any inhumane or degrading treatment that will hamper the full enjoyment of his life.²⁸ Furthermore, the executive arm of government at the federal and state levels with their agencies have engaged in several acts of abuse of the fundamental right to dignity of human person. This abuse occurs at different levels; some in the performance of the duties of these executive agencies and others in matters that are unrelated to their functions. Federal agencies such as the police have engaged in various inhumane acts against Nigerians while standing at the police have lent themselves to be used as tools in the settlement of purely private disputes. Nevertheless, there are several challenges confronting the enforcement of fundamental rights in Nigeria. The two prominent challenges confronting the enforcement of fundamental rights

²⁶ These rights are provided for in chapter four of the constitution.

²⁷ CFRN 1999, section 46(1)

²⁸ *Onuorah Kalu v State* [1998] 13 NWLR 531

in Nigeria are the illiteracy and ignorance of Nigerians as to the existence of these rights, their exceptions and the remedies available to them on the one hand, and the interdependence of the judiciary on other hand are equally discussed.

More than ever there is an urgent need for sensitization exercise to be carried out by Non-Governmental Organizations, educating people of the various fundamental rights, particularly the right to dignity of human person. Such enlightenments should not be restricted to just the masses in rural areas. Even some enlightened persons in urban areas are not aware of the existence of these rights. So, handbills and billboards can be used for sensitization in urban areas and in rural areas that are flooded with illiteracy, seminars can be held and outreach carried out in order to educate them on the existence of their rights. In the same view, poverty has been identified as one of the challenges confronting the enforcement of the fundamental rights, particularly the right to dignity of human person. It is one thing for there to be provision for ventilation of grievances by aggrieved persons, it is another thing for them to be able to enforce it. The cost of bringing an action and defending same is expensive and unaffordable to the poor masses to the point that there has been saying that only the rich can access justice. It is the poor that are mostly caught up in the infringement of right to dignity of human person by executive agencies. Thus, it is recommended that the administrative cost of bringing and defending suits, particularly breach of fundamental rights, be reduced to enable the poor masses access it. Also, lawyers should be willing to take up pro bono cases and NGOs and the legal aid should join in helping people with fundamental right action access justice. Again, the judiciary should be made truly independent so that justice will be done and seemingly done despite the fact that the executive has several forms in which they exercise control over the judiciary. It is also a known fact that the chief executive, which is mostly the president for the federation or the governor for the state, is the one in charge of appointment and remuneration of judges. He who pays the piper dictates the tune. So, the judges may not want to decide a matter against a 'child' of their appointers. So, the judiciary should be made totally free in substance and in procedure. Even if the judiciary is made accountable to any other arm, that arm should be the legislative arm as we are having more persons there and it will not be easy for a single member of the legislative arm to want to ride on the judges. So, the appointment of judges, as well as their remuneration should be entirely removed from the hands of the executive arm so that when there is a matter involving an agency of the executive arm in court, the judiciary will be truly free to decide the matter fairly and impartially. The courts are congested with cases and matters may not come up until several months after they have been filed. There are usually incessant adjournments and recess in litigation, making many persons lose patience easily. It is recommended that more judges are appointed and more judicial division created so that matters will be held speedily. Also, just as in election petition matters, timeframe should be set for the start and finish of fundamental rights matters. In the alternative, it is recommended that a separate court be created for the enforcement of fundamental rights especially the right to dignity of human person. Also, technology should be incorporated in the court system in order to ensure quicker dispensation of justice. There is a saying that holds that justice delayed is justice denied. So, there is a need especially in the case of detained persons, there should be quicker dispensation of justice. Stenography should be employed as the means of recording proceedings in the courtroom. A lot of time and energy are expended by the judges in the course of manually recording proceedings. So, if stenographers are employed, it will make that particular aspect of trial to be fast. Also, online service and online dispute resolution mechanisms should be employed. Judges should be more willing to sit on weekends, provided

the parties are in agreement of this. In order to make this attractive, there should be incentives for judges when they sit on weekends

5. Conclusion

Constitutional rights being so fundamental are rights recognised, entrenched and guaranteed by the constitution. It is due to their fundamental nature that they are protected by the *fons et origo* of our laws and are enjoyable and exercisable by all citizens. To that end, the breach of these constitutionally guaranteed rights is an anomaly that should be decried and shunned by every right-thinking person in the society. Unfortunately, in recent times we have seen the government as well as their agencies flagrantly breach these rights, where in fact, they ought to lead the society by example in respecting and protecting the rights of citizens. It is upon this background that this writeup suggests a clarion call to the government and its agencies to act in their pride of place as custodians of the tenets of democracy, and desist from violations of constitutional rights of citizens, and in particular, the right to dignity of person. Conversely, it is noteworthy that respect for constitutional rights of citizens is *sine qua non* to a peaceful and thriving society. It is also submitted that the right to dignity of the person is central to every other right and liberties executable citizens, and as such, the breach if which should not be taken likely. Finally, victims of breach of the right to dignity should not cower down but raise to the occasion by enforcing their rights. It is also advised that all recommendation in respect of the challenges in the enforcement of the right to the dignity of the human person should be applied so as to encourage more citizens to enforce their rights at the instance of the slightest breach or the threat of a breach.

