

AN OVERVIEW OF HUMAN RIGHTS CONCERNS RAISED BY THE RESPONSE TO THE OUTBREAK OF COVID-19 PANDEMIC IN NIGERIA

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ABSTRACT

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In response to the threat occasioned by the spread of the Covid-19 pandemic, the government of the Federal Republic of Nigeria, came up with regulations and directives, derogating or restricting some human rights provisions already entrenched in the country's 1999 Constitution (as amended), such as; right to the dignity of the human person, in section 34, right to Personal liberty in section 35, right to freedom of association in section 40, right to freedom of movement in section 41 and right to private and family life, as found in section 37. Even though the same Constitution allows some restrictions and derogation from fundamental rights in Section 45 (1)-(3) it is the intention of this paper to identify the discriminatory application of the restrictive measures introduced at various levels to curb the spread of Covid-19. In achieving this intention, the paper also examines the Infectious Disease Control Act, 2021.

KEY WORDS: Human Rights, Covid-19 Pandemic, derogation, restrictions, policies

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1.0: INTRODUCTION

Human rights are inherent, indivisible, interconnected and interrelated.¹ They are natural to all human beings irrespective of ethnicity, sex, nationality, origin, religion, and colour. These rights can be protected in a functional democratic setting that anchors its foundation on the rule of law.² The push for respect for human rights has been on the global front burner for many years now, and to demonstrate the seriousness attached to it by the international community, some developed countries have made respect for human rights by a least developed or developing country as a key indicator in determining whether or not to grant aid or to do business with the country.³

Irrespective of the above, Amnesty International reveals that human rights violations are rampant globally with high degrees of frequency, regularity and gravity generally and specifically in Nigeria.⁴ These violations are further exacerbated during the enforcement of lock downs and other restrictions due to Corona-virus (Covid-19) pandemic, in order to maintain the sanctity of public health. The period of the pandemic can be described as that period that ‘at one time or the other in our national history, we had observed the tenets of human rights more on paper than in practice’⁵ The COVID-19 pandemic affected all spheres of human endeavour, ranging from the health care system, economy, politics, sports and recreations, and the enforcement of human rights which is the focus of this paper. Let us look at a brief history of world pandemic and COVID-19 outbreak.

2.0: BRIEF HISTORY OF WORLD PANDEMIC AND COVID-19 OUTBREAK

Mankind has faced epidemics and pandemics throughout history. The earliest recorded example dates back some 5,000 years. In A.D. 165-180, the Antonine Plague laid waste to the

¹J A Dada 'Human Rights under the Nigerian Constitution: Issues and Problem', (International Journal on Humanities and Social Science 2012) (2) (12) p 2.

²O Ikenga, 'A Jurisprudential Critique of Human Right situation in Nigeria', Nigeria Democracy and Global Democracy (2nd ed I K Odimegwu, 2007) (3) World Philosophy Day, 222

³ Compendium of State Administration of Criminal Justice Laws Analyses, Vol III, Edited by M,T Ladan, Publication of the Nigerian Institute of Advanced Legal Studies (NIALS), MaxArthur Foundation, p.5

⁴Amnesty International reveals the 10 worst attacks on human rights across the world last year <https://www.independent.co.uk/news/world/politics/amnesty-international-reveals-the-100worst-attacks-onhuman-rights> accessed 09 August 2020

⁵M Ajomo, 'The Rudiments of Human Rights', (1999) op cit at 105 [www.ajol.info>index.php>naujilli>article>view](http://www.ajol.info/index.php>naujilli>article>view) accessed 09 August 2021

Roman army and may have killed over 5 million people. The Plague of Cyprian (A.D. 250-271) is estimated to have killed 5,000 people a day in Rome alone, while the Plague of Justinian (A.D. 541-542), also known as the bubonic plague, marked the start of the decline of the Byzantine Empire with estimates suggesting that up to 10 percent of the world's population died. The Black Death (1346-1353) wiped out nearly half of Europe's population and killed millions more when it resurfaced centuries later in London, Marseille, and Moscow. In the 20th century, the Spanish Flu (1918-1920) killed an estimated 50 million people, and the Asian Flu (1957-1958) accounted for 1.1 million deaths.⁶

The latest pandemic to hit the world is the corona virus, also known as COVID-19.⁷ First identified in December 2019 in Wuhan, China, and as at 12th November 2021, WHO has recorded "251,788,329 confirmed cases of COVID-19, including 5,077,907 deaths" globally.⁸ In Nigeria, the index COVID-19 case was announced on the 28 February 2020, amidst fear and trepidation because of the country's obvious weak healthcare system. The Nigerian government knowing it must act fast to prevent the spread of the disease issued several regulations, directives, guidelines and protocols at national, states, and organisational levels to prevent the spread of COVID-19.

The Nigeria Centre for Disease Control (NCDC) has recorded 213,076 confirmed cases and 2,949 deaths as at 14th November 2021.⁹ On March 11, 2020, the World Health Organization (WHO) declared that the outbreak of the viral disease has become a pandemic. In the same vein, the WHO called on governments to take urgent and aggressive action to stop the spread of the virus.¹⁰ Measures adopted include restrictions on national and international travels, total lock

⁶Jarus. O *20 of the Worst Epidemics and Pandemics in History* (LiveScience, Mar. 20, 2020); Slack P "Responses to Plague in Early Modern Europe: The Implications of Public Health," 1988 (55) *SR* 433-453

⁷ The Coronavirus (COVID-19) disease, was first reported from Wuhan, China, on 31 December 2019. It later spread into several countries worldwide, killing millions and exposing Africa's fragile health care system.

⁸ See WHO, 'WHO Coronavirus (COVID-19) Dashboard' <https://covid-19.who.int/> accessed 14 November 2021 in

⁹ See 'NCDC, COVID-19 Nigeria <https://covid19.ncdc.gov.ng/> accessed 14 November 2021'

¹⁰ The WHO at a world conference announced that Covid-19 has assumed the status of a pandemic

downs, compulsory wearing of face masks, social distancing and regular washing of hands or use of alcohol-based hand sanitizers when accessing public places, among others.¹¹

3.0: FUNDAMENTAL HUMAN RIGHTS AND DEROGATION OR RESTRICTION ON THE RIGHTS DURING PANDEMIC

As noted earlier the Covid-19 pandemic is an unprecedented challenge to the enforcement of fundamental human rights and the observance of rule of law because both remain applicable even in times of national emergency.¹² This was posited in the case of *Ibrahim v Nigeria Army* when the court defined fundamental rights as a right derived from natural or fundamental law. A significant component of liberty, encroachment of which are rigorously tested by courts to ascertain the soundness of purported government justification.¹³

Under various international instruments on human rights, States must ensure protection of certain recognized rights such as right to life, healthcare¹⁴, freedom of expression, access to information, education and freedom of movement among others. However, in an attempt by the States to take necessary measures during the pandemic to limit the spread of Covid-19, they trample on rights, suppress freedoms, imposed severe restrictions on freedom of movement and assembly, which can be seen in the form of closures of educational establishments, premises used for commercial, recreational, sports, cultural and religious purposes, thus dismantling democracy and violating the rule of law.¹⁵

¹¹ Guidelines for the Justice and Legal Education Sectors to Facilitate Adherence to the National Covid -19 Guidelines, Edited by M.T Ladan, MacArthur Foundation, Published by the Nigerian Institute of Advanced Legal Studies. 2021, p.26

¹² Joy Okundia 'The Impact of Covid-19 on Human Rights and Individual Health: The Perspective of International Cooperation Limitations' available at: <https://www.researchgate.net/publication/355476444> accessed on 1st August, 2022

¹³ *Ibrahim v Nigeria Army* (2015) LPELR 24596 (CA)

¹⁴ The 1946 Constitution of the World Health Organization (WHO) in its preamble defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". The preamble further states that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition. The 1948 Universal Declaration of Human Rights also mentioned health as part of the right to an adequate standard of living (art. 25). The right to health was again recognized as a human right in the 1966 International Covenant on Economic, Social and Cultural Rights.

¹⁵ Sawal I, Ahmad S, Tariq W., Tahir, M. J., Essar, M. Y., & Ahmed, A. 'Unequal distribution of COVID-19 vaccine: A looming crisis' (Journal of Medical Virology, 93(9), 5228–5230. 2021). Available at <https://doi.org/10.1002/jmv.27031> accessed on 3rd August, 2022

Even though the interference with these rights is allowed under the international human rights instrument once it is lawful, it must however be necessary, proportionate to the public interest being pursued and non-discriminatory against any religious, language, race, age, disability or other background.¹⁶ Nevertheless, States are duty bound to ensure striking the balance between their response to the pandemic and respect for the rule of law. As the World Health Organization (WHO) Director General recently observed on COVID-19 that, ‘All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights’.¹⁷

It is apposite at this stage to highlight some of the human rights affected by the outbreak of Covid-19 pandemic such as right to life, the dignity of human person, right to Personal liberty, right to freedom of association, right to freedom of movement and right to private and family life. In the International modern world, the 1948 Universal Declaration of Human Rights (UDHR) was the first recognized instrument on human right. It articulated that everyone has the right to life, liberty and security of person and no one shall be deprived arbitrarily of this right.¹⁸ Article 4 stated further that no one shall be held in slavery nor subjected to torture or to cruel, inhuman or degrading treatment or forced to perform compulsory labour.¹⁹ Thus, in the case of Nigeria Police Force & Ors v Omotosho & Ors in this case, the deceased one Azeez Omotosho was the husband of the 1st Respondent and father of the 2nd -4th Respondents. The fundamental right sought to be enforced by the Respondents is their right to dignity of human person as enshrined in section 34 (1) of the 1999 constitution of FRN as amended based on their contention

¹⁶ World Health Organisation: ‘Addressing Human Rights as Key to the COVID-19 Response’ Human Reproduction Programme April, 2022

¹⁷ WHO Director General, Media Briefing, March 11. Available at <https://www.who.int/dg/speeches/detail/who-directorgeneral-s-opening-remarks-at-the-media-briefing-on-covid19---11-march-2020> accessed on 1st August, 2022 other international human rights laws recognizing right to health are: Article 5 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination: Article 12 of the 1966 International Covenant on Economic, Social and Cultural Rights: Articles 11, 12 & 14 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women: Article 24 of the 1989 Convention on the Rights of the Child: Articles 28, 43 & 45 of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: Article 25 of the 2006 Convention on the Rights of Persons with Disabilities. The right to health is also recognized in several regional instruments, such as the African Charter on Human and Peoples’ Rights (1981), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as the Protocol of San Salvador (1988), and the European Social Charter (1961, revised in 1996). The American Convention on Human Rights (1969) and the European Convention for the Promotion of Human Rights and Fundamental Freedoms (1950) etc

¹⁸ Article 3 of the 1948 Universal Declaration of Human Rights, Article 4 of the Africa Charter on Human and Peoples Rights, Section 33 of the Constitution Federal Republic of Nigeria 1999 as amended and the case of Omonyahun & Ors v. Inspector General of Police & Ors (2015) LPELR 25581 (CA)

¹⁹ Article 4& 5 of the UN Declaration, Article 5 of African Charter and Section 34 of the Constitution

that the killing of the said Azeez Omotoso in their presence amount to torture, inhuman and degrading treatment and a disrespect to their dignity and infringement of their respective individual right to a family. It is effulgent that the Respondents action is for the enforcement of the right to dignity of human person irrespective of the fact that the action which resulted in the infringement of the said right was the killing of their husband and farther. It is a constitutionally guaranteed right and must at all times be seen and respected as such, if the wheel of the Rule of law is to be allowed to grind properly. The court went further that the criminality involved in the act of unlawful killing of the deceased Azeez Omotosho does not deprive the Respondents from maintaining an action to enforce their constitutionally guaranteed right to dignity of human person.²⁰

Again, Article 26²¹ and 17²² provides that everyone has the right to free, compulsory education in the elementary and fundamental stages. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit which shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Similarly, the Declaration recognises individual rights to privacy and family life when it provides that no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.²³ Article 13²⁴ says everyone has the right to freedom of movement and residence within the borders of each State, right to leave any country, including his own, and to return to his country.

This right may however be subject to restrictions provided for by law, for the protection of national security, law and order, public health or morality.²⁵ The proviso in Article 12 of the

²⁰ Nigeria Police Force & Ors v Omotosho & Ors (2018) LPELR 45778 (CA) See also the case of Omonyahuy v Inspector General of Police (2015) LPELR (25581) Page 70

²¹ Article 26 UDHR

²² Article 17 African Carter

²³ Article 12 UDHR, Article 19 African Carter and Section 37 of the 1999 Constitution as amended. See also the case of Okafor & Ors v Ntoka & Ors (2017) LPELR 42794 (CA)

²⁴ UDHR, Article 12 African Carter and Section 41 of the 1999 Constitution as amended

²⁵ Article 12 of African Carter, other right affected by the restriction include freedom of association and religion. The Declaration in Article 18 says: Everyone has the right to freedom of thought, conscience and religion; this right

African Charter and many other Conventions/treaties²⁶ allow limitations when necessary such as the case of Covid 19 pandemic in order to accommodate the need to balance individual right against public interests, including the protection of public health and safety. The pandemic has affected everyone's lives at work, school, travel, restaurant, and the event and tourism sectors in particular have suffered considerable financial losses due to restricted regulations and recommendations.²⁷ Many companies have struggled to survive and had no choice than to temporarily close off and dismiss employees when the freedom to engage in a trade has been restricted due to the pandemic.

The Covid 19 pandemic specifically also affect the right of women and children as provided and protected under Convention on the Elimination of All Forms of Discrimination against Women which in its Article 12 provides that States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.²⁸ Even though it is arguable, it said that the impact of Covid 19 pandemic affected both men and women but that women experience them differently. The existing gender and social inequalities are exacerbated by COVID-19 and are impacting on girls/women and children.²⁹ The increased restrictions on mobility due to Covid 19 has affected women and children access to essential health services related to sexual and reproductive health. Such restrictions can therefore be regarded as a violation of their human rights.³⁰

In view of the unprecedented challenge Covid-19 pandemic posed, and in order to preserve life and property, countries across the global world have no choice but to adopt extraordinary measures. Hence, it necessitates the unbearable lock downs to prevent transmission of the virus, restrict by necessity freedom of movement and, in the process, freedom to enjoy many other human rights as guaranteed by the law.

includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

²⁶ Section 45 of the 1999 Constitution as amended

²⁷ The impacts of the coronavirus pandemic on the implementation of fundamental and human rights Recommendations by the Human Rights Delegation, Human Rights Centre's publications, Joonas Tupala 2020 Available at www.humanrightscentre.fi/publications accessed on 20t August, 2022

²⁸ Article 12 of Convention on the Elimination of All Forms of Discrimination against Women

²⁹ UNW.Gender Equality Measures in COVID-19 Response. Available at www.unwomen.org/en/news/infocus/in-focus-gender-equality-in-covid-19-response accessed August 2022

³⁰ UNFPA. COVID-19 A gender lens. Available at <https://www.unfpa.org/resources/covid-19-gender-lens> accessed on 13t August, 2022

However, Article 19 of the Declaration³¹ gave individual right to freedom of expression and to receive information without any restriction whatsoever. It provides: ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’³² Thus, in the case of *Aviomoh v Commissioner of Police* It was stated that it is correct that the freedom of expression and freedom to hold opinions are rights accruing to Nigerian citizen. So when section 39 (1) of the constitution entitles a person to freedom of expression and imparting ideas and information, it is not a blanket right. It must not be utilized or invoked in such a way, that it offends public safety, order, morality and health, and it must not be injurious to the rights and freedom of other persons.³³

Consequently, all measures taken that restrict freedom of expression, access to information and media are not readily justifiable. Information, even during the pandemic/emergency period is necessary for the public to understand the danger and adopt measures to protect themselves at individual level regardless of language, age, disability or other background. Restricting the public flow of information and its agents i.e. Journalists and human rights defenders are detrimental to an effective public health as envisage by Article 25³⁴ of the declaration. The Government at various levels only need to regulate and control deliberate dissemination of misinformation that may cause harm to public healthcare or derogate government efforts in curbing the spread of the diseases.

In terms of human rights abuses, there were reports of human rights violations from the efforts of the security agencies to enforce the stay at home order issued by President Mohammadu Buhari (the President of the Federal Republic of Nigeria) which has resulted in the extra-judicial killing of about eighteen innocent Nigerians, between March 30th and April 13th 2020, a figure higher than the documented toll inflicted by the disease as of 15th day of April 2020.³⁵ The cases of

³¹ Article 19 UDHR, Article 19 African Charter and Section 38 of the 1999 Constitution as amended

³² Ibid

³³ *Aviomoh v Commissioner of Police* (2014) LPELR 23039 (CA)

³⁴ It says: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

³⁵ <https://www.bbc.com/news/world-africa-52317196> accessed 11 October 2020

violations cut across South West, South East and South-South states including Lagos and Abuja.³⁶ It was also reported that the National Human Rights Commission, received and documented about 105 complaints of incidents of human rights violations occasioned by security forces in 24 of Nigeria's 36 States and Abuja.³⁷ This paper, therefore, is geared towards an overview of the human rights concerns raised by the response to the outbreak of the pandemic in Nigeria; particularly right to dignity of human person, right to personal liberty, right to freedom of association, right to freedom of movement and right to private and family life which are civil and political rights.

4.0 AN OVERVIEW OF HUMAN RIGHTS CONCERNS RAISED BY THE RESPONSE TO THE COVID-19 PANDEMIC GLOBALLY

Human rights are broadly classified into two major categories which are the Civil and Political Rights, and the Economic and Social Rights, otherwise referred to as the First and Second generation rights respectively.³⁸ The Civil and Political rights include the right to life, right to the dignity of human person, right to freedom of association, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion and freedom of movement.³⁹ The Economic and Social Rights include such rights as the right to education, right to employment, the right to food and shelter, right to security in the event of unemployment.⁴⁰ This section will examine the human rights violations that ensued from the response to the Covid-19 pandemic generally, but specifically as it relates to right to dignity of human person, right to personal liberty, right to freedom of association, right to freedom of movement and right to private and family life which are first generation rights. Some of these rights shall be examined one after the other.

4.1: The Right to Personal Liberty

The right to personal liberty was violated during the outbreak of the covid-19 pandemic. Apart from the fact that the pandemic has on its own curtailed this right, government policies and enforcement agencies in Nigeria worsened the situation. This is because during the period in

³⁶Ibid

³⁷<https://www.aljazeera.com/news/2020/04/nigeria-security-forces-kill-18-curfew-2004161425> accessed 12 October 2020

³⁸www.lincoln.edu/criminaljustice/hr/Classification.htm

³⁹ CFRN 1999 as amended Chapter 4

⁴⁰ UNDHR 1948 A 24

question, in most states in Nigeria, there were cases of arbitrary arrests and detention of citizens and even health workers and others on essential duties were not left out. According to Sahara Reports⁴¹ the NHRC as at 25th April, 2020 received and documented about 105 complaints of such incidents perpetrated by Security Forces. On 10 April 2020, footage shared by Amnesty International revealed that detainees in a Cambodian prison are living in "inhumane conditions." With at least 25 prisoners lying on the floor of a single small cell, the prison is claimed to be extremely overcrowded and there was non-observance of physical distancing requirements. It was referred to as a "ticking time bomb, especially during the corona virus outbreak." This scenario is not different from what is obtainable in Nigeria where the prisons are always very congested and where inmates live in very deplorably condition.⁴² It should be noted that overcrowded prisons are likely to have poor sanitary conditions that can facilitate the transmission of communicable diseases and human rights experts during the 50th session of the UN Human Rights Council highlighted human rights violation in criminal justice systems.⁴³

The International human rights law, notably the International Covenant on Civil and Political Rights (ICCPR), requires that restrictions on rights for reasons of public health or national emergency be lawful, necessary and proportionate. Restrictions such as mandatory quarantine or isolation of symptomatic people must, at a minimum, be carried out in accordance with the law. They must be strictly necessary to achieve a legitimate objective, based on scientific evidence, proportionate to achieve that objective, neither arbitrary nor discriminatory in application, of limited duration, respectful of human dignity, and subject to review⁴⁴

In the United States, the Justice Department has quietly asked Congress for the ability to ask Chief Judges to detain people indefinitely without trial during emergencies; part of a push for new powers that comes as the novel corona virus spreads throughout the United States⁴⁵ Human Rights Watch noted that the Australian government sent hundreds of Australians to an

⁴¹ Sahara Reports, Victims of Law Enforcement Brutality During Covid-19 <https://saharareporters.com> accessed 08 08 2022

<https://www.nigeriarights.gov.ng/nhrc-media/press-release/104-report-of-alleged-human-rights-violations-recorded-between-13th-april-to-4th-may-2020-following-extension-of-the-lockdown-period> accessed 08 08 2022

⁴² Prison Conditions: the issue- Penal Reform International <https://www.penalreform.org/Issues/prosonconditions>

⁴³ The 50th session of the UN Human Rights Council took place in Geneva from 13 June to 8 July 2022.

⁴⁴ Sharifah Sekalala, Health and Human Rights are inextricably linked in the covid-19 response. <https://ah.bmj.com>

⁴⁵ The DOJ requests indefinite detention without trial. <https://privacyinternational.org/examples/3519/us-doj-requests-indefinite-detention-without-trial>

immigration detention centre on Christmas Island where the conditions were previously described as "inhumane" by the Australian Medical Association⁴⁶.

Section 35(1) of the Nigerian Constitution provides that: "Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law"⁴⁷

- (a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;
- (b) by reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law;
- (c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence;
- (d) in the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;
- (e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or
- (f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.

Notwithstanding the above provisions, there were still cases of the violation of this right in Nigeria during the period of the covid-19 pandemic. A good example of such violation was the case of the Covid-19 index case in Benue State, who was kept in isolation centre for 58 days

⁴⁶ Australian Immigration Detention Policy and Practice <https://humanrights.gov.au/https://www.aljazeera.com/news/2022/2/16>

⁴⁷ 1999 Constitution of the Federal Republic of Nigeria (as amended)

against her wish. The woman who is a Nigerian/ British citizen by name Mrs Idoko Filani arrived in Nigeria in March, 2020. When she presented herself in a private hospital for minor body pain, she was detained on suspicion of having the Corona virus. After the test, she was said to have the virus even though she was asymptomatic. This woman claimed she does not have the virus and further stated that she was being kept against her wish by the Nigeria Center for Disease Control (NCDC) at the isolation centre.⁴⁸

Can one say that her being kept in the isolation centre for 58 days against her wish was a violation of her fundamental human right? or can it be said that her isolation is very much in line with the derogation provided by Section 35(1) of the Nigerian Constitution that; ‘‘every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in certain cases and in accordance with a procedure permitted by law’’⁴⁹ Can her condition be said to fall into the category of people who are exempted and can be lawfully denied their personal liberty as we see in sub section (e) of the Section 25(1) which provides that, ‘‘in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community.’’

4.2 Right to Dignity of the Human Person

The Administration of Criminal Justice Act (ACJA)⁵⁰ brought a new dawn in the criminal justice system of Nigeria. The congestion of the Nigerian prisons (currently known as correctional centers) is staggering and a threat to the lives of prisoners who ought to be protected against the menace of the pandemic of COVID-19. Many people in Nigerian prisons have not been convicted of a crime but are locked up simply because they are still facing trials or awaiting trials. The same thing applies to flouters of lockdown who were arrested and dumped in police

⁴⁸ This woman’s case went viral on the social media where she was always filming herself and broadcasting to the whole world through the internet that she did not take any drug throughout her stay in the isolation center at Abuja where she was kept

⁴⁹ 1999 Constitution of the Federal Republic of Nigeria (as amended) S. 35(1) and S.25(1)

⁵⁰ Enacted in 2015. Before 2015, the criminal Justice system of Nigeria was regulated by (i) the Criminal Procedure Act (CPA), which came into effect as Ordinance No.42 of 1945. It was re-enacted as Ordinance No. 43 of 1948 and went through a series of amendments over time until it was incorporated as Cap 80.LFN 1990. and (ii) the Criminal Procedure Code (CPC) Cap C30 Laws of Northern Nigeria, 1963, which was enacted by the Northern Region of Nigeria and applied only in the Northern region and later when states were created, to all the Northern States of Nigeria.

cell. The essence of lockdown conflicts with the idea of such massive detention of flouters of the rule. One is prone to ask whether the arrest is correctional or a condemnation?

Section 34 of the Constitution provides that every individual is entitled to respect for the dignity of his person, and accordingly-

- (a) No person shall be subjected to torture or to inhuman or degrading treatment;
- (b) No person shall be held in slavery or servitude; and
- (c) No person shall be required to perform forced or compulsory labour.

This right provided for by section 34 of the Constitution of the Federal Republic of Nigeria (CFRN), 1999, says among other things that no person shall be subjected to torture or to inhuman or degrading treatment. The Infectious Disease Control Act, 2021 promulgated to abrogate the erstwhile Quarantine Act of 2005 has been described as superfluous, and that it smirks of dictatorship.⁵¹ For instance, Section 14 of the Act gives the Director-General (D.G) of the NCDC, the power to place a citizen under surveillance. It grants excessive discretionary powers to not only the D.G but also to the Police and Health Officers.

4.3: Right to Freedom of Movement

Failure to ease the lockdown when it is absolutely necessary; for instance, to enable people go to hospital, buy food and possibly visit aged parents, is unreasonable and non-justifiable restriction to enjoyment of the right to Freedom of movement. While it is conceded that this right may be curtailed in emergency situations as envisioned by Section 41(2) of the Constitution, the fact remains that restriction on the right has to be lifted in appropriate circumstances. The test for restriction is whether it is reasonably justifiable in a democratic society; and must fall under the grounds listed in Section 41(2) (b).

In this regard, the regulations made pursuant to Quarantine Act can be said to be in conflict with the Constitution; as it covers more grounds than the Constitution itself. In Nigeria there are incidents of people who claimed that they were forcefully quarantined and were never placed on any medication, only to be discharged later. Some also complained that they were told at the isolation centers that they tested positive whereas their results were not shown to them. These complaints resulted in some patients refusing to be held in public treatment centers. Report hadit

⁵¹ Femi Falana, SAN, Human Rights and Constitutional Lawyer This Day Newspaper of 26/05/2020 p.4

that in Lagos, a Magistrate Court on the 8th of April, 2020 sentenced over 30 lockdown flouters; most of whom were caught jogging, to 14 day quarantine and a month community service⁵². The fact that the Magistrate made the order for the defendants to be quarantined without first; determining their health status is unarguably unfair and a violation of their right to personal liberty. There ought to have been an order mandating that the defendants be tested before they could be quarantined. In the instant case, it is clear that the defendants were quarantined as a punishment and neither in their own interest nor that of the members of the public.

By virtue of section of 41 of the Constitution, every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom. Subsection 2 provides that nothing in subsection (1) of this section shall invalidate any law that is reasonably justifiable in a democratic society –

- (a) imposing restriction on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria; or
- (b) providing for the removal of any person from Nigeria to any other country to-
 - (i) be tried outside Nigeria for any criminal offence, or
 - (ii) undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty;

Provided that there is reciprocal agreement between Nigeria and such other country in relation to such matter.

Section 41(1) provides that every citizen is entitled to move freely throughout Nigeria and to reside in any part thereof. The extradition of the Almajiris from one part of northern Nigeria to another in the midst of the corona virus pandemic is a violation of the right of citizens to reside in any part of the country that they wish. Also the restriction on intrastate movement during the period is a violation of the same.

4.4: Right to peaceful assembly and association

⁵² <https://www.thecable.ng>gbagada-joggers-must-be-quarantine>

This is another important constitutional right violated through the regulations and measures put in place by the government to curb the spread of Covid-19. Section 40 of the Constitution provides that every person shall be entitled to assemble freely and associate with other person, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interest.

4.5: Right to Medicare

Access to medicine has been issue of concerns in the past. The right to health is a fundamental right recognized globally both in national laws and international instruments.

In Libya, the medical situation worsened amidst the war, and hospitals were constantly being attacked. In April 2020, it was confirmed that 27 health facilities had been damaged and 14 closed in five weeks. On April 6, United Arab Emirate (UAE) backed forces of Khalifa Haftar launched a rocket attack against the AlKhadra General Hospital and damaged the 400-bed facility where 300 patients, including two COVID-19 patients, were being treated. The attack was condemned as a violation of international humanitarian law by Yacoub El Hillo.⁵³ The right to free Medicare which is still considered as non-justiciable right in Nigeria was visibly violated. Political, economic, social, education and environmental objectives amongst others are enshrined in Chapter 11 of the Constitution as Fundamental Objectives and Directive Principles of State Policy; being aspirations to be attained; which are yet to be attained and it includes health care. The attempt by the Federal House of Representatives in Nigeria to make law to handle health care in respect of covid-19 was commenced in such a manner that attracted suspicions and condemnation. This is talking about the Infectious Diseases Bill; which intends to bring about the law for compulsory vaccination of citizens among other draconic provisions. This was condemned as likely to violate citizens' right to the dignity of their human persons enshrined in Section 34 of the Constitution. This Bill has been suspended.

5.0 Applicable International Instruments on the protection of Civil and Political Rights

Under the International Covenant on Economic, Social and Cultural Rights, which most countries have adopted, everyone has the right to “the highest attainable standard of physical and

⁵³ By the United Nations Humanitarian Coordinator for Libya, Yacoub El Hillo

mental health.” and governments are obligated to take effective steps for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases.”

The United Nations Committee on Economic, Social and Cultural Rights, which monitors state compliance with the covenant, has stated that:

The right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health.

The right to health provides that health facilities, goods, and services should be available to the citizens.

6.0: LEGAL RESPONSE TO THE OUTBREAK OF COVID-19

It is trite that the legal basis for any regime or authority in Nigeria is the Constitution of the Federal republic of Nigeria.⁵⁴ Notwithstanding the country’s inexperience on health issues like the Covid-19 pandemic, the constitution already makes provisions which can accommodate the president’s response to situation like the pandemic. Accordingly, Section 305 gives the president the discretion to issue proclamation of a state of emergency in the federaltion or any part of the federation through an instrument published in the official gazette.

Section 305(3) itemizes the circumstances or situation to which such proclamation of a state of emergency could be issued as follows-

The President shall have the power to issue proclamation of a state of emergency on when

- (a) The Federation is at war;
- (b) The federation is in imminent danger of invasion or involvement in a state of war;
- (c) There is actual breakdown of public order and public safety in the Federation or any part thereof to such extent as to require extraordinary measures to restore peace and security;

⁵⁴ 1999 Constitution of the Federal Republic of Nigeria (CFRN) (as amended 2011)

- (d) There is a clear danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert such danger;
- (e) There is an occurrence or imminent danger, or the occurrence of any disaster or natural calamity, affecting the community or a section of the community in the Federation;
- (f) There is any other public danger which clearly constitute a threat to the existence of the federation; or
- (g) The president receives a request to do so in accordance with the provisions of subsection (4) of this section.

The Government of a state can also make a request to the President to issue same proclamation under the circumstance in the state of request after the governor must have must a secured a two-third majority resolution of the House of Assembly. It is interesting to note that the President can *suo moto* issue proclamation of a state of emergency on a state where the Governor fails to make such request within a reasonable time.⁵⁵ The constitution however fails to define or hint an idea of what ‘reasonable time’ means particularly when dealing with a case such as pandemic.

Needless to state the grave effect of covid-19 under this heading, as steps required from responsible government dictates spontaneous responses and actions in order to secure lives. Even though neither the word ‘pandemic’ nor ‘heath risk’ is not mentioned in s 305, both paragraphs (e) and (f) can be safely put to accommodate the situation of pandemic for the president to make proclamation under.

What may not be feasible is the provision of subsection (2) in the light of the spread and danger associated with covid-19. This article does not think the subsection has a value to such situation. The subsection envisages the receipt of the official gazette to which the president’s proclamation on a state of emergency for the purpose of considering the worthiness of the proclamation in order to secure the resolution of the National Assembly to approve the proclamation or not. And where such resolution for approval is not secured, the President’s proclamation becomes revoked.

⁵⁵ See (5)

No wonder the President, rather than declaring a state of emergency under this provision of the Constitution or other emergency power laws⁵⁶ opted to do so under a special regime, Quarantine Act of 1926, which does not have all the back and forth excessively complicated administrative procedure. By virtue of the provision of s 3⁵⁷ the President has unrestricted power to make regulations for the purpose of ‘prescribing the steps to be taken within Nigeria upon any place, whether within or without Nigeria being declared to be an infected local area; prescribing the introduction of any dangerous infectious disease into Nigeria or any part thereof from any place without Nigeria, whether such place is an infected local area or not; preventing the spread of any dangerous infectious diseases from anyplace within Nigeria, whether an infected local area or not, to any other place within Nigeria; preventing the transmission of any dangerous infectious disease from Nigeria or from any place within Nigeria, whether an infected local area or not, to any place without Nigeria; Prescribing the powers and duties of such officers as may be charged with carrying out such regulations; fixing the fees and charges to be paid for any matter or things to be done under such regulations, and prescribing the persons by whom such fees and charges shall be paid, and the persons by whom the expenses of carrying out any such regulations shall be borne, and the persons from whom any such expenses incurred by the Government may be recovered; generally for carrying out the purposes and provisions of this Act’⁵⁸

By extension, subject to the same condition and limitations, a Governor of a state has the power to make such declaration and regulations as to which the president powers also extends to particularly where the president has not made the declaration and regulation for that state.⁵⁹ Under this regime, unlike what is obtainable in the Constitution, a Governor is not required to request proclamation of a state of emergency from the President. These powers were judiciously observed during the pandemic.⁶⁰

In line with intention of the powers given to the president and the governors, the President issue a regulation in 2020, COVID-19 Regulations on lockdown policies and also declared lockdown

⁵⁶ Emergency powers Act and S 45 (2) CFRN

⁵⁷ Quarantine Act 1926 (An Act to provide for and regulate the imposition of quarantine and to make other provisions for preventing the introduction into and spread in Nigeria, and the transmission from Nigeria, of dangerous Infectious diseases) Cap. Q2 Laws of Federation of Nigeria 2010

⁵⁸ s 4

⁵⁹ S 8

⁶⁰ This led to various declarations and regulations made by both the state and the federal government

in Abuja, Lagos and Ogun States.⁶¹ Accordingly, schools, organizations and business were closed down in these three states.⁶² By the regulation, during the period of the lockdown, every person is meant to be confined to their residence, unless strictly for the purpose of performing an essential service, obtaining an essential goods or services, or seeking medical care.

Even though the lockdown under the Regulation was directed to three states, in order to safeguard the health of other citizens of the country, all borders linking the three affected states to the rest of the country was also shut save for transportation of persons on essential duty, food, fuel, manufactured goods or donated relief items. The freedom to gather for whatever purpose be it religious, sport or ceremonial gathering was also taken away from people except where the gathering concerns funeral rites and even at that only 20 people are expected to be present to ensure social distancing as stipulated by the Infection Prevention and Control Regulation.

The Regulation made exhaustive provision that affected human life and existence both economically and socially. It restricted human movements, made exemptions to businesses in medicine, retail shops, food and drinks, logistics and transportation, accommodation, financial institutions, government institution and public utilities, places of worship, agriculture, manufacturing, aviation, communications, legal and security and diplomatic missions, international development partners and honorary consulates.⁶³

Another of such regulations, a function of the Quarantine Act of 1926, is the Coronavirus Disease (COVID-19) Health Protection Regulation 2021. The regulation is divided into 6 parts all for the purpose of further restriction of people and businesses. This particular regulation introduces the measure of meters to which a person must distance him or herself from another person. It restricts the distance level to at least two metres, reduces the maximum numbers of gathering to 50 persons in an enclosed or open spaces save for religious purposes where the maximum number is limited to 50% of the capacity of the space.⁶⁴

⁶¹ Lukman Abdulrauf, 'Nigeria's Emergency (Legal) Response to COVID-19: A worthy Sacrifice for Public Health' (18 May 2020) Verfassungsblog <https://verfassungsblog.de/nigerias-emergency-legal-response-to-covid-19-a-worthy-sacrifice-for-public-health> accessed 27 September 2022

⁶² On 30th March 2020 at 23:00h for an initial period of 2 weeks

⁶³ Implementation Guidance for Lockdown Policy 2020

⁶⁴ The Presidential Task Force (PTF) is given the discretion to vary the regulations on COVID-19 from time to time as it deems appropriate on the recommendations of the Nigeria Centre for Disease Control (NCDC)

The use of face covering concealing⁶⁵ both nose and mouth, washing of hands or cleaning with the use of hand sanitiser approved by NAFDAC⁶⁶ and checking of body temperature are deemed mandatory for any person to be allowed into the premises of identified establishments.⁶⁷ Nobody with body temperature above 38 degrees Celsius will be allowed entry and such a person will be advised to seek immediate medical attention. It is the mandate of business owners to implement the dictate of the regulation in ensuring provision of hand hygiene, safe hygiene, cleaning water, thermometer, enforce proper use of face covering, monitor queues, and generally ensure adherence to the provision of the Regulation.⁶⁸

The third part of the Regulation is dedicated to the mandatory compliance with treatment protocols. Accordingly, a person may not be able to refuse isolation or admission to a designated health establishment for the management of the Covid-19 disease where he has tested positive. A number of people were forcefully taken into isolation. Some of these patients claimed they are not sick and been admitted unjustifiably. Some even claimed not to be cared for after being confined into the centres.⁶⁹ The management of Public secondary and tertiary health facilities are required to designate a space or holding bay for the initial triage of anybody suspected to have contracted the disease and sample collection centres for the collection and transmission to the test lab⁷⁰

An alternative to mandatory confinement to designated isolation centres mentioned in Regulation 27 is the alternative home-based but monitored self isolation. This is only allowed where the person tested positive to Covid-19 is either asymptomatic or shows mild symptoms and also proves that he or she will be able to make such alternative arrangement which satisfies the protocol issued by NCDC as certified by a healthcare provider an assessment by a medical professional.⁷¹

⁶⁵ See Regulation 39 for definition.

⁶⁶ National Agency for Food and Drug Administration and Control (NAFDAC)

⁶⁷ Such establishment include markets (including open markets), Malls, Supermarkets, Shops, Restaurants, hotels, Event Centres, Gardens, Leisure Parks, Recreation Centres, Motor, Motor Parks and Fitness Centres.

⁶⁸ See Part 2 on Operations of Public Places. This provision is extended to places of worship, banks, schools, hostels, boarding and detention centres operators and passengers of public transportation vehicles as well.

⁶⁹ Peter Uzoho, 'NCDC: Why patients play, dance in Isolation Centres. Thisdaylive, Nigeria <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2020/05/22/ncdc-why-patients-play-dance-in-isolation-centres/amp/> accessed 04 October 2022

⁷⁰ See Regulation 26-29

⁷¹ Regulation 30 (a & b)

The Regulation makes the contravention of its provision an offence punishable with both fine a term of imprisonment for six months or both as contained in the Quarantine Act⁷² The Nigeria police force, Nigerian Security and Civil Defence Corps, the Federal Road Safety Corps, the Nigeria Immigration Service, the Federal Airport Authority of Nigeria, and other relevant Local Government, State and the Federal Government agencies are responsible for enforcement and implementation of the provision of the regulations provided under the Regulation. Failure of any officer to carry out the provision of the Regulation is to be met with a disciplinary action by the respective agency to which the officer belongs.⁷³

The Infectious Diseases Control Act was passed into law in 2021⁷⁴ with the aim of preventing the introduction into and spread in Nigeria of dangerous infectious diseases and for related matters. The Minister of Health under this regime made regulations such the Infectious Diseases (Covid-19 Access Restrictions and Clearance) Regulations 2021 for the purposes of combating the disease. The Act makes comprehensive provision on the management of covid-19 right from the stage of symptoms and testing positive, prevention of introduction and international spread of the disease and amongst its numerous provision, vaccination and prophylaxis – responsibility of getting vaccinated and the fact that a person may be forced, by order to get vaccinated where necessary.

7.0 PROBLEMS IDENTIFIED AND LESSONS LEARNT

Agreeably that the world community were saddled with the responsibility of saving lives during the pandemic to with the Nigeria also strives at achieving by passing several regulation to containd the spread of the virus, the consequences of such regulations cannt be neglected irrespective of the motive especially were rights violated are those ensured and secured in the grundnorm of the country i.e the Constitution of the Federal republic of Nigeria. A identified, the government while being pro acted should be conscious of the inalienable and fundamental rights of it citizens. Citizens right to personal liberty were trampled upon with the excuse of preventing the spread of the diseases as stated earlier. Many were forcefully dragged to isolation centres

⁷² s 5

⁷³ See Regulation 35-38

⁷⁴ The Bill for an Act to to repeal the Quarantine Act and Enact the Control of Infectious Diseases was passed on Tuesday, 21st December 2021 <<https://www.google.com/amp/s/www.vanguardngr.com/2021/12/reps-pass-controversial-infectiuos-diseases-bill-into-law/amp/accessed>> 06 October 2022

despite their insistence that they were not sick and without a proper test. Some designated Isolation centres refused to admit ordinary citizens. Admissions into such centres require connection with influential people in the country otherwise such a person wasn't admitted. This shows lack of equal treatment of citizens during the heated period of the pandemic.

Some patients in an isolation centre embarked on demonstration as they claimed they were not fed and catered for well in the confined centres⁷⁵ while some claimed that the testing equipment was faulty as almost everybody tested with the instrument tested positive which is alarming.⁷⁶ Amongst the areas of rights infringed on are right to personal liberty, right to dignity of human person, right to freedom of movement, right to peaceful assembly and association, right to private and family life, and finally even though not justiciable, right to medical care.

There is the need for federal and state government to work hand in hand to know the peculiarities and vulnerability of each state. It is not all state that the inhabitant have to sit at home. There are States, such as Kwara State, that could manage the situation without necessarily closing all markets and accessibility to basics. Medically, Nigeria was not prepared for emergency as witnessed during covid-19. The average Nigerians are ignorant as regards to the management of the disease or associated disease when they opted for self-isolation. Private hospital and even some government hospitals lack the basic equipment to test and manage the disease.⁷⁷

8.0 RECOMMENDATIONS

⁷⁵ Taiwo Adebulu, 'Bauchi: We've addressed irregular feeding complaints at isolation centres' May 5, 2020 TheCable, Nigeria <https://www.thecable.ng/Bauchi-weve-addressed-irregular-feeding-complaints-at-isolation-centres/amp> accessed 06 October 2022. Ishola Michael, 'We Have Acted on Complaints About Meals At Isolation Centres- Bauchi Govt' May 5 2020 Nigerian Tribune <<https://tribuneonlineeng.com/we-have-acted-on-complaints-about-meals-at-isolation-centres-%E2%80%95-Bauchi-govt>> accessed 06 October 2022. John Adams, ' Covid-19: Complaints of Poor Treatment at Niger Isolation centre' Minna 24th May 2020 <https://www.sunnewsonline.com/covid-19-complaints-of-poor-treatment-at-niger-isolation-centre/> accessed 06 October 2022

⁷⁶ Ope Adetayo, 'Why are Nigerians Paying for Fake Covid test results?' 01 October, 2021 ALJAZEERA <<https://www.google.com/amp/s/www.aljazeera.com/amp/economy/2021/10/1/why-are-nigerians-paying-for-fake-covid-test-results>> accessed 06 October 2022

⁷⁷ Olubunmi Adetunmbi, '10 Lessons from that Nigeria must learn from Covid-19' 01 April 2020 TheCable <<https://www.thecable.ng/10-lessons-from-that-nigeria-must-learn-from-covid-19>> accessed 06 October 2022. Ilesanmi OS, Afolabi AA. Six months of COVID-19 response in Nigeria: lessons, challenges, and way forward. *jidhealth* [Internet]. 2020 Sep. 27 [cited 2022 Oct. 6];3(Special1):198-200. Available from: <<https://www.jidhealth.com/index.php/jidhealth/article/view/63>> 06 October 2022. Francis Abulude & Ifeoluwa Abulude, 'Impact of the COVID - 19 pandemic: Lessons from Nigeria' ResearchGate https://www.researchgate.net/publication/347993916_Impact_of_the_COVID_19_pandemic_Lessons_from_Nigeria > 06 October 2022.

Having identified some human rights concerns in the way and manner government responded to the Covid-19 Pandemic, this paper makes the following recommendations;

- (i) The Nigerian government should develop its health sector so as to forestall a similar occurrence in the event of another health emergency situation, such as the pandemic.. This is because the government's response to the outbreak of Covid-19 was a panic response made in fear and trepidation, this is because the health care system was nothing to write home about and government knew it does not have the capacity to curtail the spread of the disease. To therefore maintain the sanctity of public health, government should be more pro active and invest more in the health sector
- (ii) The tenets of human rights should be observed more in practice than on paper.
- (iii) The government at the three levels should work together instead of issuing several regulations, directives , guidelines and protocols at the national, state, and organisational levels.
- (iv) More developed countries should make respect for human rights by a less developed or developing country a key indicator in determining whether or not to grant aid or to do business with them.
- (v) Government should strike a fine balance between protecting health, minimizing economic and social disruption and respecting human rights.

9.0 CONCLUSION

Even though the international human rights law guarantees everyone the right to the highest attainable standard of health and makes it obligatory for governments to take steps to prevent threats to public health and to provide medical care to those who need it, Interference with human rights should only be allowed when it is necessary and proportionate to the public interest being pursued and must be non-discriminatory⁷⁸ human rights law recognizes that in the event of serious public health threats and public emergencies threatening the life of the citizens, restrictions on some rights can be justified, provided they have; a legal basis, are strictly necessary, are based on scientific evidence and are neither arbitrary in application. Other characteristics are if the restrictions are of limited duration, respectful of human dignity, subject

⁷⁸ The International Covenant on Economic, Social and Cultural Rights which most countries have adopted

to review, and proportionate to achieve the objective.⁷⁹ This paper provides an overview of human rights concerns raised by the corona virus outbreak, focusing on government responses and interventions which are discriminatory or are clear violation of international human rights.

The scale and severity of the COVID-19 pandemic clearly rises to the level of a public health threat that could justify restrictions on certain rights, For example, the imposition of quarantine or isolation limiting freedom of movement.⁸⁰

Therefore, while one agrees that the signing of the COVID-19 Regulation 2020, is in exercise of the powers conferred on the President, by sections 2,3 and 4 of the Quarantine Act⁸¹ careful attention must be placed on human rights principles such as non-discrimination, transparency and respect for human dignity.

⁷⁹ Article 10 of the European Convention on Human Rights (ECHR) which is *impair materia* with article 19 of the International Covenant on Civil and Political Rights (ICCPR) is a good example of instances wherein a human right may be limited.

See generally also, UN, Overview of International Legal Framework for Disability Legislation <www.un.org> accessed 20 August, 2020

See also Article 46 of the United Nations Declaration on the Rights of Indigenous People : adopted by the UN General Assembly 13 September 2007, Doc. A/61/295

⁸⁰ Nigerian President Muhammadu Buhari signed the COVID-19 Regulation 2020 on 30 March 2020

⁸¹ CAP Q2 LFN 2004