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LEGAL APPRAISAL OF THE RIGHT TO FREEDOM FROM DISCRIMNATION IN NIGERIA AND ITS IMPACT ON ECONOMIC GROWTH

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Abstract

Discrimination remains a significant impediment to economic growth and national development in Nigeria, manifesting in political, gender, and employment sectors. Despite Nigeria's constitutional and international human rights obligations, systemic discrimination continues to hinder the nation's economic potential by perpetuating inequalities and excluding qualified individuals based on ethnic, religious, gender, and socio-political biases. This paper examines the legal framework prohibiting discrimination in Nigeria, including the 1999 Constitution, the Labour Act, and relevant international conventions. It highlights how these discriminatory practices infringe on fundamental human rights, impeding economic growth by limiting human capital development and productivity. The paper further explores the nexus between discrimination across economic sectors and Nigeria's dwindling economy, arguing that the failure to enforce anti-discrimination laws exacerbates economic stagnation. It concludes with practical recommendations, including stricter enforcement of anti-discrimination laws, inclusive policies in employment and governance, and public sensitization to foster national cohesion and sustainable economic progress

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1. Introduction

Discrimination, as a violation of fundamental human rights, continues to undermine Nigeria's economic development. Despite numerous legal safeguards, systemic biases persist, limiting access to employment, political representation, and economic opportunities for marginalized groups. The Nigerian legal framework, including the 1999 Constitution, the Labour Act 2004, and international human rights treaties, explicitly prohibits discrimination; however, enforcement remains weak. This paper seeks to establish a nexus between acts of discrimination across economic sectors and Nigeria's dwindling economy. It critically examines the impact of discrimination on national productivity and economic growth while emphasizing the human rights laws being infringed.

2. Legal Framework Prohibiting Discrimination in Nigeria

2.1 The 1999 Constitution of the Federal Republic of Nigeria

The 1999 Constitution (as amended) serves as the supreme law of the land, explicitly prohibiting discrimination. It states that no Nigerian citizen shall be discriminated against on the basis of sex, ethnicity, place of origin, religion, or political opinion.[1] The constitution further mandates that the state must ensure social order based on equality, freedom, and justice.[2] These provisions reinforce Nigeria's commitment to eradicating discrimination; it declares that national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex,

[1] CFRN 1999(as amended), s 42.
[2] *Ibid*, s 17

religion, status, ethnic or linguistic association or ties shall be prohibited.[3] However, the practical implementation of these safeguards remains inadequate.

2.2 The Labour Act 2004

The intention of a level playing field in the labor sector is engraved in the constitution when it declares the need to ensure equal pay for equal work without discrimination on account of sex or any ground whatsoever and prohibits discrimination on grounds such as ethnicity, origin and sex are the guiding force of the Labour Act.[4]

Even though the Nigerian Labour Act governs employment relations in Nigeria, it lacks explicit provisions directly addressing discrimination, its general provisions are subject to the anti-discrimination mandates of the Constitution. Case law, such as *Omolola Olajide v. Nigerian Police Force & 2 Ors.*[5] reinforces the need for employment policies that protect individuals from gender-based discrimination, and where a claim of discrimination on the basis of termination of employment is established by an aggrieved party, remedies available is compensation for wrongful or unfair termination and/or reinstatement, depending on the statutory provision of the employment. This case gave rise to the repeal of regulation 127 of the Police Act which prohibited unmarried female police officers from becoming pregnant, the Regulation upon which the Claimant was dismissed from service.

[3] *Ibid,* s 15(2).
[4] *Ibid* , s 42.
[5] NICN/AK/14/2021

Judicial activism has played a pivotal role in shaping anti-discrimination jurisprudence in Nigeria. The National Industrial Court of Nigeria (NICN) is steadily moving the Nigerian employment scene to be at par with international best practice which dictates that every employer must give valid and justifiable reasons for the termination of private employments, as against what was formally obtainable under the common law rules which governed employment.[6]

There is *Mrs. Folarin Oreka Maiya v. Clinton Health Access Initiative Nigeria &7 Ors.*[7] Where the NICN held that the termination of employment on grounds of pregnancy is discriminatory and therefore is wrongful, which attracted an award of heavy punitive damages against the employer. Again in *Mrs. Amaechi Laurette Onyekachi v. Stanqueen Investment Ltd*.,[8] the NICN found in favour of the Claimant and declared that the act of forcing the Claimant to resign due to her request for maternity leave, was constructive dismissal by the employer.

2.3 International Human Rights Instruments

Nigeria is a signatory to several international conventions that prohibit discrimination, including:

i. The Universal Declaration of Human Rights (UDHR, 1948) – Articles 1, 2, and 7 emphasize equality and freedom from discrimination.

[6] *Mr Ebele Onyekachi v Diamond Bank Plc* (2015) 58 NLLR(Pt 199).
[7] (2012)27 NLLR (Pt.76)110.
[8] Suit No NICN/LA/271/2014

ii. The International Covenant on Civil and Political Rights (ICCPR, 1966) – Prohibits discrimination based on race, sex, language, or religion.
iii. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) – Focuses on gender equality.

3. Forms of Discrimination Across Economic Sectors in Nigeria

3.1 Employment Discrimination

Discrimination in the labor market manifests in age restrictions, gender bias, and ethnic favoritism. Many job advertisements impose age limits, restricting employment opportunities for qualified individuals who have been delayed by the Nigerian education system.

a. Age Discrimination: According to a foundation report, Ageism is a significant issue affecting employment opportunities in Nigeria, calling it a societal problem that is deeply entrenched in Nigeria.[9] The concept "Ageism" is seen as the stereotyping, prejudice or discrimination based on a person's age. They go on to explain that when young ones are marginalized, they tend to be poor and have little exposure to acquire more knowledge and training which in turns leads to lack of productive employment and may become socially and economically unassimilated. And in a developing country like Nigeria where there is a widening gap in the standards of living of young people, social problems such as alcohol and drug use, cultism, kidnapping, sea piracy, and others are prone to occur.

[9] Building Blocks for Peace Foundation, 'Ageisim and its effects on the Nigerian's Employment growth' 918th April 2023)<https://bbforpeace.org/blog/2023/04/18/ageism-and-its-effect-on-the-nigerias-employment-growth/ > accessed 16th March 2025.

When the youths are not given job opportunities or are been marginalized, they go into different criminal activities to make ends meet, which will not only affect the economic growth of the country but will also lead to high risk of loss of lives and insecurity in Nigeria.

b. Gender Discrimination; this is also prevalent, with many private sector employers hesitant to hire women due to maternity leave policies. Asadu Emmanuel reports that 19.3% of males in the workforce being unemployed, and 21.6% of women in the workforce unemployed. He further explains that Nigeria is plagued by high levels of gender-based discrimination and it applies to the labour force, notes that women are discriminated against in the workplace and experience a 'double discrimination' when they belong to an ethnic minority.[10]

The banking sector has however made strides towards gender inclusion, as seen in the leadership positions held by women in some banking institutions like Zenith Bank and GT Bank amongst others upholding this commendable practice.

3.2 Political Discrimination

Despite constitutional guarantees, political marginalization persists. Section 14(3) of the Constitution mandates federal character representation in government appointments. However, political exclusion, and marginalization of the Niger Delta people of south-south and of the Igbo ethnic group from presidential positions, undermines national unity.

[10] Asadu C Emmanuel, 'Labour market: Applicable Labour Market Models and Gender Issues' 9University of Nigeria 2019) essay of the writing workshop "Rising Issues in Economics — Nigeria's Perspective", published 9 January 2020.

Electoral violence and voter suppression, as witnessed in the 2023 elections, further infringe on democratic rights. The Nigerian political trajectory has been characterized with the utilization of state powers in appropriating resources and offices in a manner that put some ethnic nationalities at a disadvantaged position thereby making the politics of marginalization an important political question in the Nigerian political system.[11]

The role free elections play in ensuring respect for political right is also enshrined in the international Covenant on Civil and Political Rights.[12] Unfortunately, Nigeria has failed woefully in this stance as was glaring in the last election held in the country in 2023. The denial of a particular tribe from voting in Lagos was quite disturbing and a bane to promoting democracy.

Many will argue that section 77(2) of the Constitution, section 12(1) Electoral Act and section 1(2) of Registration of Voters Act is enough coverage for the right to vote. These sections are merely centered on eligibility to vote and nothing else. It is only when we accord right to vote its rightful place can we be able to accord citizens the right to seek redress for the infringement of their right. Only when the voting right is given its necessary place in Chapter IV as a fundamental right and accorded the necessary place can we be said to be running a democratic government.

[11] Onwubiko Obinna & Ugorji, Nene Veronica,' The Politics of Marginalization in Nigeria: Challenges of the 4th Republic'[2022] (12)(1) University of Nigeria Journal of Political Economy, 36-53.
[12] ICCPR 1966, art 25.

Political discrimination is equally exhibited in the composition of the government of the federation or any of its agencies. Section 14(3), (4) of the Constitution states that the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect federal character of Nigeria and the need to promote a national unity and to command national loyalty. These provisions were respectively repeated verbatim in sections 15(3) and 15(4) of the 1999 Constitution of the Federal Republic of Nigeria. The Constitution Drafting Committee (CDC) which drafted the 1979 Constitution adopted the principle of federal character in recognition of the heterogeneous nature of the Nigerian society. The essence of this provision of the law is to ensure that there is no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies. According to Awe, it is aimed at ensuring that our public institutions are peopled in a manner that reflects our demographic diversity, as it serves as a mechanism for accessing public goods and privileges in a fashion that is consistent with our ethno-regional plurality.[13] Anything short of this in such a highly heterogeneous nation-state made up of variegated ethnic groups which were independent of one another will paint a picture of Exclusiveness which is an attribute of ethnicity, that often results in interethnic discrimination in jobs, housing, admission into educational institutions, marriages, business transactions or the distribution of social services. This factor of exclusiveness is usually accompanied by nepotism and corruption.[14]

[13] Awa E O, 'Foundations for Political Reconstruction in Nigeria' [1982] (3)(1) *Journal of African Studies* 90

[14] Ukiwo, U. (2005). *On the study of ethnicity in Nigeria*, (Oxford University 2005), 71. CRISE working paper No. 12

In the civil and public services of the nation, it has been noted that as a result of the undue application of quota and lack of regard for merit in the application of federal character principle, standards and professionalism are being compromised and endangered and it has also created some measure of tension and frustration among some public servants, particularly in the south, whose career expectations are adversely affected by the need to reflect the federal character and who see the measure as a ploy to deprive them of jobs for the benefits of the Northerners.[15]

Unfortunately, this discrimination is on full display when it comes to the leadership of our nation. From the inception of democracy, the leadership or presidential position has been rotated predominately among two tribes which are Yoruba and Hausa. From the inception of democratic government by General Abdulsalami Abubakar in 1998, Presidential position has been rotated mainly between two tribes which are Yoruba and Hausa with the exception of Goodluck Ebele Jonathan who is from the South South region. The deprivation of the Igbo tribe from presidential position does not reflect national integration as seen in the Constitution.

3.3 Ethnic and Religious Discrimination

Ethnic and religious biases fuel socio-economic exclusion. The denial of job opportunities and business contracts based on ethnic affiliations creates a hostile business environment, stifling economic competition and innovation. Ethnic bigotry, as observed on social media and in electoral violence, perpetuates division and discourages national integration.

[15] Lambert Uyi Edigin,' Ethnicity and the Federal Character Policy in Nigeria' [2011] 98) (1) *A Journal of Contemporary Research* 214-222.

Nigeria's employment sector is burdened with cases of religious and ethnic discrimination. It has been reported that corps members, as graduates participating in the NYSC are increasingly being rejected at organisations where they were posted for work experience because of their religious beliefs.[16] The observatory reports different cases of discrimination, for example in 2017, Apeh Israel and a friend were rejected at a school to which they applied because they requested to be allowed to worship at their Catholic Church on Sundays instead of the school's Redeemed Church. At that time, Israel was unaware that the principal's actions violated their fundamental human rights. Again in 2009, Lawal Abdulraheem was rejected during an interview after attending his Juma'at prayer.[17] This discrimination was against his fundamental human rights to religion, thought and conscience as a Nigerian.[18]

Finally, Yusuf Abdulkabeer, a 41-year-old public servant, resigned from St Augustine College, Kogi State after facing religious restrictions. The government school prohibited Muslim prayers and mandated that everyone close their eyes during devotion.[19]

4. The Nexus Between Discrimination and Nigeria's Dwindling Economy

4.1 Poor Workforce Productivity

[16] African Digital Democracy Observatory, 'How Nigerians Cope with Pervasive Religious Discrimination' (<https://disinfo.africa/breaking-the-silence-against-religious-discrimination-in-nigeria-05857bbfc08d> > accessed 17 March 17, 2025.
[17] *Ibid*
[18] CFRN (as amended) s 38.
[19] (n14).

Discriminatory hiring practices undermine meritocracy, leading to the employment of underqualified individuals at the expense of more competent candidates. This reduces efficiency and productivity across economic sectors.

4.2 Brain Drain and Economic Decline

Discriminatory practices discourage skilled professionals from remaining in Nigeria, contributing to brain drain that has been seen to cut across sectors of Nigeria especially in the Universities. When employment is based on known basis and not merit, mediocrity in performance and brain drain is to be expected in whatever field this occurs. In education, it causes a fall in standard of education, lass of confidence in the quality of academic program, loss of innovative ideas and inability to produce employable graduates.[20]

Since discriminatory practices cut across all sectors of the Nigerian economy and its polity, it is safe to conclude this brain drain and the resultant loss of productivity will affect the various sectors of her economy, as Nigerian professionals seek employment opportunities abroad due to ethnic and gender biases limiting career advancement domestically. The exodus of talent further weakens the economy by reducing human capital investment.

When individuals are free from discrimination, they are more likely to participate in the workforce, contributing their skills and talents to the economy. Diverse teams foster creativity and innovation. When people

[20] Don M Baridam and Letam Don-Baridam,' University Administration and the Challenges of Brain Drain in Nigeria'[2020](22)(4) *Journal of Business and Management*, 57-65

from different backgrounds come together, they bring unique perspectives and problem-solving approaches. This diversity of thought can lead to groundbreaking ideas and solutions that drive economic growth

4.3 Capital Flight and Investor Apathy

Foreign investors are deterred by discriminatory policies and an unstable socio-political environment. Discriminatory employment laws and political exclusion create uncertainty, discouraging investment in key industries such as banking, manufacturing, and oil and gas.

4.4 Ethnic Bigotry

Ethnic bigotry refers to prejudice and discrimination against individuals or groups based on their ethnicity or perceived cultural background, often involving hostility and intolerance arises as a result of treating members of an ethnic group with hatred or intolerance. This naturally has a negative impact on peaceful co-existence and gives rise to strife, intolerance and discord. It also gives rise to a feeling of supremacy with desire to subjugate the tribe seen in the lesser light.

One relatable and trending result of ethic bigotry is what is seen happening in The "X' App Space formerly known as Twitter. And one app user tweets 'Nigeria Twitter space starts each day and ends it with Igbo vs. Yoruba ethnic wars.[21]

This has unfortunately created a rift and lack of empathy among its Nigeria users, as was on evident display of the hate thrown to one Dr. Chinelo within the app space, who was one of the victims of terrorism on the deadly

[21] EJ @Enwanboso < https://x.com/Enwagboso/status/1740035659828781521> accessed 18th March, 2025.

Abuja Kaduna train attacked by terrorist on March 28, 2022 and tweeted about her attack of having just been shot.[22] Prior to her death, she had twitted that she had been shot but some individuals from the opposing tribe twitted, "that they hoped she had died" just because of her tribe. A report said 'before she died, she was able to raise her voice calling for prayers on Twitter. However, instead of prayers, she received some derogatory comments from those, many Twitter users have described, as 'Igbophobic.'[23]

4.5 Seclusion and Social Marginalization

Discrimination serves as a formidable force in fostering social isolation by consistently marginalizing individuals or groups based on characteristics such as race, gender, or socioeconomic status. This exclusionary practice denies affected communities' access to essential resources, opportunities, and social networks, exacerbating social divisions and hindering their integration into mainstream society.[24] The persistent nature of this marginalization reinforces stereotypes, thereby creating a cyclical pattern of discrimination that further entrenches social exclusion and weakens societal cohesion.

A pertinent example is the case of the Igbo people in Nigeria, where historical and contemporary experiences of discrimination have led to sentiments of seclusion and a heightened push for self-determination. The agitation for an independent Biafra by a section of the Igbo population can

[22] <https://x.com/Naija_PR/status/1508726170828869635 > accessed 18th March 2025.
[23] John Owen Nwachukwu, 'Abuja-Kaduna train: Reactions as Slain Dr Chinelo's Last Tweet Received Derogatory Comments' *Daily Post* (March 30, 2022) < https://dailypost.ng/2022/03/30/abuja-kaduna-train-reactions-as-slain-dr-chinelos-last-tweet-received-derogatory-comments/> accessed 18 March 2025.
[24] Gurr, T. R, *Why Men Rebel*. (Princeton University Press 1970)

be understood in this context, as exclusion from political and economic structures has fueled calls for sovereignty.[25] The Indigenous People of Biafra (IPOB), a pro-Biafra movement, has been labeled a terrorist group by the Nigerian government, and its enforcement of "sit-at-home" orders in the southeastern region has further deepened regional tensions.[26] This agitation underscores how discrimination fosters feelings of alienation, compelling marginalized groups to seek alternative means of asserting their identity and rights.

4.6 The Burden of Criminal Stereotyping

Discrimination not only isolates but also unjustly assigns guilt to particular groups based on preconceived biases. Criminal stereotyping—where entire ethnic or social groups are associated with certain crimes—exemplifies this phenomenon. In Nigeria, the Igbo people are often stereotyped as perpetrators of fraudulent business practices, while the Yoruba are associated with ritual killings and illicit activities. In line with criminal - stereotyping of a particular ethnic group, Mohamed reports that citizens have cautioned the national news media on the need to stop giving an ethnic tinge in their description of killer herdsmen by referring to them as Fulani herdsmen; a description that dangerously criminalises the entire ethnic group.[27]

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[25] Samuel Fury Childs Daly, *History of the Republic of Biafra* (Cambridge University Press 2020) Agitation: Historical Roots and Contemporary Struggles' [2019] (22)(3) *Journal of African Political Studies*, 1-34

[26] Okonkwo Ivan Emeka, 'Political Activism in Visual Expression: IPOB and The Biafra Question in the South East of Nigeria' [2018] (4)(4) *African journals of Art and Humanities*, 161-173.

[27] Mohamed Dahiru Aminu,'Criminalisation and Stereotyping of the Fulani Ethnicity' (may 4th 2018) < https://mohd-aminu.medium.com/quick-thoughts-on-criminalisation-and-stereotyping-of-the-fulani-ethnicity-cfe66b1e28d6> accessed 19 March 2025.

However, such generalizations are flawed, as no single ethnic group holds a monopoly on crime. Every society has individuals who engage in unlawful activities, but the disproportionate attribution of crime to specific groups exacerbates stigmatization and social exclusion. According to the 2020 Fragile States Index, Nigeria is the 14th most fragile state out of 178 countries featured in the ranking. This ranking placed Nigeria above countries such as Somalia, South Sudan, Syria, DR Congo, Sudan, Afghanistan, and below those, and below those such as Iraq, Libya, etc.[28]

The presumption of guilt without due process contradicts the fundamental legal principle of "innocent until proven guilty" and erodes trust in the justice system.[29]This discriminatory pattern not only damages the reputation of targeted groups but also influences law enforcement practices, leading to biased policing and unjust legal outcomes. Addressing these issues requires a conscious effort to challenge stereotypes, promote inclusive policies, and foster a more equitable society

5. Human Rights Infringements Arising from Discrimination

The persistence of discrimination in Nigeria infringes upon several fundamental human rights, including:

i. The right to equality and non-discrimination (UDHR, ICCPR, 1999 Constitution, Section 42)

[28] Civil Society Advocacy legislative Center and others 'ETHNICITY, ETHNIC CRISIS AND NATIONAL SECURITY IN NIGERIA IMPLICATIONS AND MANAGEMENT STRATEGIES' <https://pscc.fes.de/fileadmin/user_upload/images/publications/Pub_Ethnicity_Ethnic_Crisis_and_National_Security_in_Nigeria.pdf> 2, accessed 19th March 19, 2025.

[29] Adeyanju, Oluwafunmilayo Folasade,' Safeguarding the Legal Provisions of the Presumption of Innocence of Pre-trial Detainees'[2023](3)(1) *Redeemer's University Nigeria, Journal of Jurisprudence & International Law (RUNJJIL)* 63-76.

ii. The right to political participation (ICCPR, Article 25; 1999 Constitution, Section 14)
iii. The right to fair labor practices (ILO Conventions; Labour Act)

6. Conclusion

Discrimination remains a formidable obstacle to Nigeria's economic growth and social cohesion. Despite robust legal frameworks, weak enforcement and institutional failures perpetuate inequality and exclusion. Addressing discrimination through legislative reforms, institutional strengthening, and public awareness is imperative for national development. By fostering an inclusive society, Nigeria can harness its diverse human capital for economic prosperity and global competitiveness.

7. Recommendations on Practical Solutions to Address Discrimination

7.1 Strengthening Legislative and Policy Frameworks

The government must enforce existing anti-discrimination laws while enacting more comprehensive legislation to address workplace, political, and ethnic discrimination. A clear prohibition of discriminatory employment practices in the Labour Act is necessary.

7.2 Institutional Reforms and Enforcement Mechanisms

The establishment of anti-discrimination tribunals and stronger oversight by the National Human Rights Commission (NHRC) will ensure compliance with human rights standards.

7.3 Public Sensitization and Education

Educational campaigns on diversity, inclusion, and human rights will foster societal change. Schools and workplaces should integrate anti-discrimination training programs to dismantle systemic biases.

7.4 Affirmative Action Policies

The introduction of affirmative action policies, particularly in public service employment and political appointments, will ensure equitable representation of all ethnic and gender groups.

7.5 Integration of Diversity Education into academic curriculums

Implementing comprehensive educational programs on diversity and inclusion in schools and workplaces is essential. These programs should educate individuals, especially children, about fundamental rights such as freedom from discrimination and the harmful effects of prejudice. Encouraging open discussions on biases, stereotypes, privilege, and systemic inequality can help challenge discriminatory mindsets. Additionally, organizing workshops with guest speakers from diverse backgrounds can further enhance awareness and foster a culture of inclusivity.