

WEEK 3

FUNDAMENTAL HUMAN RIGHTS

MEANING OF HUMAN RIGHTS

Human rights are the inalienable rights and privileges enjoyed by the citizens of a state as codified in the constitution.

Fundamental human right means that every individual at birth is endowed with certain rights- life, liberty and the pursuit of happiness. Most of these rights are recognized and entrenched in the constitution of most countries. Therefore it is the responsibility of the state to ensure that its citizenship enjoys these rights

These rights include:

1. The right to life, security, protection of the law and undisturbed access to the court of law
2. Freedom and protection from slavery and forced labour
3. The right to vote and to be voted for in any political election
4. Right to ownership of property and protection from deprivation of property
5. Freedom of forming and joining any political association
6. Freedom of movement without any restraints
7. Freedom from unlawful detention, arrest and torture
8. Freedom of expression and the press
9. Right to education
10. The right to a fair hearing
11. Freedom of religion

Such rights include right to life, right to dignity of the human person, right to personal liberty, right to freedom of expression and the press, right to freedom of movement, right to a fair hearing, right to freedom of thought, conscience and religion, right to vote and be voted for, right to private and family life, etc.

LIMITATION OF HUMAN RIGHTS

Human rights can be restricted for the overall good of the citizens and the country at large in the following ways:

1. A citizen may be denied some of his rights if he is detained by a court of law.
2. A citizen's right to life may be denied if he is condemned to death by the law court as a result of murder, armed robbery, etc.
3. Right to life is also restricted by the law which forbids a citizen from killing himself or herself.
4. Right to fair hearing cannot be exercised beyond the highest court which is the Supreme Court in Nigeria.
5. Right to private property may be restricted by the right of the state to compulsorily acquire private property for public use.
6. Declaration of dusk to dawn curfew in periods of emergency or chaos may limit the right of a citizen such as freedom of movement.

7. The police in enforcing law and order can ban public assembly and demonstrations which will deny a citizen his rights to freedom of association and assembly.
8. A citizen suffering from insanity or contagious disease may be deprived of his rights to safeguard the rights of others.
9. The court can also restrict the movement of a citizen if he/she has a serious case pending in court.
10. Rights to freedom of expression and the press are restricted by the law that prevents individuals from saying or publishing statements that could damage the personality of others (laws of slander and libel).
11. Some public office holders such as the president, governor, parliamentarians, ambassadors, judges cannot be sued while in office because they enjoy the protection of the law called 'immunity clause'
12. Existence of military rule or an unpopular dictatorial government can lead to restriction of citizens' rights.

ASSIGNMENT

1. What do you understand by 'immunity clause'?
2. State five reasons for the limitations of human rights.