



**NATIONAL OPEN UNIVERSITY OF NIGERIA
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS
SEPTEMBER/OCTOBER 2015 EXAMINATION**

SCHOOL OF LAW

COURSE CODE: LAW 241

COURSE TITLE: HUMAN RIGHTS I

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS

1. To what extent are second generation rights enshrined and enforced under the 1999 constitution.
2. Amah is a two year old “AIDS orphan” whose biological mother died when she was 5 months old, after leaving with HIV for 15 years. Amah is institutionalised after she could not be absorbed into her extended family. Three months later she is adopted by a gay couple Amina and Ahmed. Amah is HIV positive and on anti-retroviral treatment. Her new parents want her to have as normal a life as possible so they apply to enroll her in a Montessori nursery school in Maitama, Abuja to enable her to socialize with other children of her age. On the enrolment form they are asked about her health and they disclose that she is “HIV positive”. The school sends Amina and Ahmed a letter accepting Amah into the school. However three weeks later they are sent a second letter stating that the school’s board of trustees has decided to withdraw their offer of a place to Amah following opposition from other parents. It appears that the other parents are concerned that Amah may expose their children to HIV through biting or bleeding during playground accidents. Amina and Ahmed are outraged. They approach you, a prominent Abuja attorney and ask for your advice on how to challenge the school. Advise them and the remedy available (if any).
3. Oba Alaiyebaba is the king of Oyo state and a member of the political party “We the People”. He was allocated some acres of land in a particular area of Ibadan. He put up advertisement for the sale of the land. Offers were made by three persons: Funke, Nduka and Mohammed. He decided to sell the land to only Funke, since Nduka and Mohammed

are not from Oyo state. During the most recent council meeting, he announced that all residents of the state should vote for the Governorship candidate of “We the People” and further threatened that the title documents of any land allocated to a non-indigene of Oyo state will be revoked and the owner of the land thrown into the evil forest, where life will be unbearable for them. Discuss the legal issues and advise the parties.

4. Sixteen year old Robert opened a bank account, and was issued with a silver-coloured debit card. On his way to use the ATM machine for the first time, he took the card from his pocket and fingered it as he walked along the street. Police Officer Kasali saw something that looked metallic in Robert’s hand, and thought that it might be a knife. He knocked Robert to the ground and then kneeled on Robert’s back to subdue him while he searched Robert’s jacket for weapons. Finding only the debit card, he pulled Robert to his feet, and told him that he was arresting him in order to establish his identity. Robert was taken to the police station, where he was refused permission to phone his family or speak to a solicitor. The police took his fingerprints and a sample of his DNA after a series of questions were asked. After thirty-eight hours in police custody, Robert was told that the police had established his identity and that he was free to leave.
 - (a) In the light of reported case law and other sources of law, consider the legality of the actions of the police.
 - (b) Explain what sources of legal advice and funding might be available to Robert if he wishes to sue the police.
5. “A Right is one of the most deceptive of pitfalls; it is so easy to slip from a qualified meaning in the premise to an unqualified one in the conclusion. Most rights are qualified”. Discuss.
6. Discuss critically the right to equality in Nigeria in relation to international instruments.