



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
SEPTEMBER 2013 EXAMINATION

COURSE CODE: LAW241

COURSE TITLE: HUMAN RIGHTS LAW I

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER ANY FIVE QUESTIONS.

1. Sade and Nduka are dating. Sade's ex-boyfriend Odafe becomes jealous. He subjects Nduka his sub-ordinate in the Navy to 'fatigue' at every given opportunity to prevent Nduka from having the energy to go on a date with Sade after the close of work daily. When confronted by his superiors he says Nduka is idle and Navy fatigue is a part of his training as a soldier. (14 Marks).
 - i. Which if any of Nduka 's fundamental Human Rights been infringed? (7 marks)
 - ii. Can Odafe's actions be excused, under what section of the law. (2 Marks)
 - iii. Does it make any difference if Nduka is a civilian haven refused to join the Navy for religious reasons and Odafe's superiors had authorized naval staff 'to discipline the coward anytime they encounter him'. (5 Marks)
2. Nimi aged 8 was bethrothed to Yerima aged 55, Nimi had heard from her friends how young girls her age had been whisked of at night to be forcefully married and the marriage consummated. Fearing the consequences, she contacts Negie a Human Rights activist, who advises her of her rights under the child's act.
 - i. What advice is Negie likely to give Nimi. (8 Marks)
 - ii. Are those rights enforceable in Nigeria. (6 Marks)
3. Ernest and Oturkpo have been courting for three years. Ernest aged 21 is a Christian male from Delta state and Oturkpo aged 15 is a Hindu female from Yola state. Both parties Parents have refused to give their consent for marriage between the couple. Oturkpo's Parents forcefully remove her from her A' Level college and transfer her to Pandam a remote community with no educational or communication facility where she is unable to establish contact with Ernest. Her Parents arrange for her to marry Raja a Buddhist from Yenagoa. Ernest against all odds makes his way to Pandam to

rescue his bride to be. He is arrested, detained and beaten on the orders of the DPO at Pandam.

i. Identify the legal issues in the above matter. (14 Marks)

4. Briefly discuss the following treaties/organizations and their objectives stating their effectiveness or otherwise: (14 Marks)

i. The ECJ (4 Marks)

ii. The ECHR (10 Marks)

5. Explain in detail the Right to fair hearing via the aid of decided cases. (14 Marks)

6. Bayo was dragged to the market square naked and beaten in public by his elder brother Chukwuma for taking corn from Sidi's farm without her permission. Totally humiliated by the treatment meted out to him, Bayo decides to sue for breach of his Fundamental Human Rights. (14 Marks).

i. What is a Fundamental Human Right. (6 Marks).

ii. Briefly discuss which Right Bayo is likely to allege has been breached with the aid of decided cases. (8 Marks).

7. Briefly describe the Right to acquire and own immovable property anywhere in Nigeria. (14 Marks).

8. What are the restrictions on the Right to Life as enshrined in the Constitution discuss briefly. (14 Marks).

9. Ayo and Vivian are friends. Vivian is dating Mustapher and discovers she is six weeks pregnant with Mustapher's child. It is a taboo in Vivian's community for her to be pregnant outside of wedlock. Vivian pleads with Mustapher to marry her as he had earlier promised, before it becomes obvious she is with child. He refuses stating that he is financially unprepared and weddings in Vivian's community are way too expensive. Vivian threatens to commit suicide. Ayo her friend is a medical student and is secretly in love with Vivian. He cannot bear the thought that she might commit suicide and decides to help out by assisting Vivian to procure an abortion. She survives it, she is eternally grateful and immediately breaks up with Mustapher.

i. What are the legal issues in this question. (5 Marks).

ii. Has the right to life been infringed, in what way? (5 Marks).

iii. If Ayo was a medical practitioner, what effect does this have? (2 Marks).

iv. At six weeks a baby is not fully formed, what is the impact of information? (2 Marks).