

CHAPTER SEVEN

HUMAN RIGHTS

Defining “Human Right” the idea of a human right is that each person holds the right as an attribute of his or her humanity. The term “human rights” has come to refer broadly to those rights that are inherent in human nature, essential to human need or fundamental to human purpose, whether these rights arise from natural, positive or constitutional sources.

Human rights are, literally, the rights that one has simply because one is human. Human rights rest on nothing more than being human, they are universal, equal and inalienable. They are held by all human beings universally.

Therefore every citizen has certain rights which are guaranteed by law to be enjoyed by the citizen. These rights are clearly stated in the constitution of the country. These rights are generally known as fundamental human rights. These rights include:

(i) **Right to Life:** Every citizen has right to life, which means nobody can be deprived of his life except in carrying out the sentence of a court in respect of a criminal offence.

(ii) **Right to Dignity of Human Person:** Every citizen has right to dignity and honour as human being. That is he/she must not be subjected to torture or inhuman treatment. He/she must not be held in slavery or forced labour.

(iii) **Right to Personal Liberty:** Every citizen is entitled to his or her personal freedom. This means that nobody can be deprived of his/her personal liberty.

(iv) **Right to Fair Hearing:** Every citizen is entitled to a fair hearing by the competent court of law. The court must hear the case of every citizen fairly within a reasonably short time.

(v) **Right to Privacy and Family Life:** Every citizen has right to privacy and family life. This means that every citizen has right to private life, private discussion, personal correspondence etc.

(vi) **Right to Freedom of Thought, Conscience and Religion:** Every citizen has right to freedom of thought, conscience and religion.

(vii) **Right to acquire and own property:** Section 43 of the 1999 constitution provides every citizen the right to acquire and own property in any part of Nigeria. This includes the right to own a house, land, cars, etc.

(viii) **Right to employment:** Every citizen has right to be gainfully employed.

1. **Right to freedom of movement:** Every citizen has the right to move from one part of the country to another, choose one's work and change employment, establish and operate a business in any part of the country.
2. **Right to vote and be voted for:** This means every citizen has right to vote and to seek public office.
3. **Right to freedom from discrimination:** Every citizen must not be discriminated against on the basis of sex, race, religion, creed, colour, political opinion, origin etc.
4. **Right to peaceful assembly and association:** Every citizen has right to peaceful assembly and free association. Every citizen is free to join any professional association, political parties or religious groups.
5. **Right to freedom of expression:** Every citizen has right to freedom of speech, express ideas, views and opinions. Every citizen is also free to criticize constructively government policy.

Types of Human Rights

(i) Personal Rights

This category includes rights considered essential to liberty;

1. Right to freedom of conscience, thought, speech and religion

- expressions;
2. Right of freedom to marry whom one chooses, to have children, to associate with whomever one pleases;
 3. Right to live where one chooses, to travel freely, to emigrate; and
 4. Right to privacy.

(ii) Political and Legal Rights

1. Right to vote and seek public office, petition, assembly.
2. Freedom of press.
3. Right to free speech for political discussion.
4. Right to fair hearing.
5. Right to equality before the law.

(iii) Economic and Social Rights

This category includes rights considered essential to human life and human dignity.

1. Right to acquire, use, transfer and dispose of property.
2. Right to choose one's work, change employment.
3. Join labour unions and professional associations.
4. Establish and operate a business.
5. Enter into lawful contracts.
6. Right to social equality and to a basic standard of living adequate to protect health, security and well-being.
7. Right to just and favourable working conditions and protection against unemployment.
8. Right to equal pay for equal work.

(iv) Cultural and Solidarity Rights

This category includes rights considered essential to respecting the values and traditions of groups of people throughout the world. They include rights to collective self-determination and rights to language, religion and culture.

What we know as human rights today as a concept is a process that has gone through many stages of development. Human rights are inherent in human nature. They constitute a body of unique virtues which are highly cherished and valued from the inception time.

The concept of human rights is now rooted in many legal systems of the world. **They are contained in the Universal Declaration of Human Rights of United Nations Organisation** which was adopted in 1948, the Organisation of African Unity, now African Union (AU) adopted it through the African Charter of Human and Peoples Rights and it has also formed the basis of domestic laws (constitutions) of many countries including Nigeria.

HUMAN RIGHTS ABUSE

Human rights abuse occurs when citizens are denied or prevented from exercising their rights. It can also be referred to a situation where a citizen is prevented from exercising his/her fundamental human rights. Human rights abuse is also referred to as **Human Rights Violation**. Despite the fact that Nigerian Constitution recognizes human rights, there are still cases of violation of these rights. This happened during the military era. During the military era, the constitution and all democratic institutions were suspended. Nigeria in the past has experienced series of military coups and counter coups.

Some of the human right abuses in Nigeria include

1. Arrest and detention of people without trial is an abuse of the right to freedom.
 - (ii) Closure and proscription of media houses, bans of publications, arrest, and harassment of journalists and newspapers vendors is an abuse of freedom of speech and expression.
 - (iii) Prevention of assembly of people for peaceful protest by police, the use

of excessive force or tear gas to disperse people during any peaceful or lawful demonstration is an abuse of freedom of peaceful assembly and association.

(iv) Torture, detention, political repression, cruel and degrading treatment of human rights abuse.

(v) Other forms of human rights abuse are child trafficking, drug abuse, child abuse, rape, sexual abuse or sexual harassment.

(vi) When court orders, injunctions and judgment are defied by government. It is also part of abuse of human rights.



Picture Showing a Violation of Human Rights

The Effects of Human Right Abuse on the Individual and Society

- (i) There is a violation of the constitution.
- (ii) There may be lawlessness in the society.
- (iii) Life, liberty and security of people are under threat.
- (iv) Political instability.
- (vi) Lack of progress and unity.

1. The torture and hardship that the citizen is subjected to may hamper his health.

- **How to Safeguard Human Rights** The rights of human beings can be safeguard through the following ways:
 - (i) Education and public enlightenment - citizen should be educated on their rights and how to defend these rights.
 - (ii) The Constitution: We must be law abiding. There are constitutional provisions for the respect of individual human rights.
 - (iii) The law enforcement agents should be properly trained to perform their duties without abusing the rights of the citizens.
 - (iv) The Court: The court is a legal authority with the power to intervene when the right of a citizen is abused. Where there is a case of violation of one's rights, citizens should go court to seek redress and enforce those rights.



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- **Picture Showing a Court Proceeding**
- (vi) The Mass Media: The mass media such as newspapers, radio, magazines, television, journals, films, hand bills, leaflets etc are sources of information dissemination to the people. Therefore the mass media should be allowed to function effectively. The press should have access to information (freedom of press, freedom of expression).



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- **Picture Showing Mass Media**
- 1. Public Opinion: The views or opinions of the citizens of a country are very important. When people express their views or opinions against unpopular policy or against abuse of power by government officials. This is called public opinion.



A picture showing peaceful protest

1. Public Complaints Commission: This is a commission established by the government to deal with cases of abuse of power, injustice and unfair treatment of citizens by public officials of law enforcement agents e.g. National Human Rights Commission.
2. Non-governmental Human Rights Organisations: These organizations such as Amnesty International, Civil Liberty Organisation, Human Rights Watch, Freedom House, Free Speech and others to monitor the performance of governance in different countries and give up to date reports on their human rights activities. Their reports can be used as a yardstick to determine the level or degree of human rights abuses or violations in countries reported.
3. There must be respect for the rule of law and sanctions imposed on violators. The police should be properly trained in this regard.

Limitations to Fundamental Human Rights

The Constitution protects and guarantees the fundamental human rights of the citizens, however there are situations or conditions under which the human rights may be denied, controlled, curtailed, limited or suspended.

(i) During war time or Emergency period: During war time or emergency period, citizens' rights may be curtailed or suspended e.g. during Nigeria civil war, certain parts of our fundamental human rights was denied, also when there is a threat to internal security, citizen's rights are usually curtailed.

(ii) When there is a serious violence or political crisis that can lead to the breakdown of law and order e.g. recently President Goodluck Jonathan announced a state of emergency in some local government areas of some states in Nigeria (Plateau State, Borno States, Gombe State and Niger State) because of Boko Haram insurgency.

(iii) Due to the outbreak of natural disaster and disease when there is an outbreak of natural disasters such as earthquakes and floods, the rights of the individual may be restricted.

Also citizen' rights to freedom of movement may be curtailed where there is outbreak of disease or an epidemic. A citizen can also be stopped from travelling or moving around, if he or she has a contagious disease which can infect other people.

(iv) Criminals: Convicted criminals may be denied their rights as a form of punishment. Also people suspected of crime may have their rights to freedom and movement restricted.

A citizen found guilty of murder, armed robbery or treason may lose his/her right to life.

(v) Security risk: If a person is regarded as security threat to the country, his/her rights may be restricted.

(vi) Able-bodied men are sometime conscripted into the armed forces in

time of war in order to safeguard the territorial integrity of the country.



Picture Showing a Criminal Arrested by the Police

**Human Rights Activities Could Help Achieve Change: Some Who Made a Difference in the Their Respective Societies include -
Martin Luther King, Jr. (USA)**

Martin Luther King, Jr. (1929 - 1968) was the principal leader of the Civil Rights Movement in the United States. A Baptist minister, King, with other black ministers, founded the Southern Christian Leadership Conference in 1957 to fight racial injustice through nonviolent means such as boycotts and demonstrations. His actions laid the groundwork for passage of the Civil Rights Act of 1964, which prohibits racial discrimination in public places and calls for equal opportunity in employment and education. For his leadership, King received the 1964 Nobel Peace Prize. King was shot and killed on April 4, 1968, in Memphis, Tennessee, where he was supporting a work strike of black refuse workers. King's activism led to emancipation of black Americans in USA today.



A Picture Showing Martin Luther King During Demonstration in USA

Nelson Mandela

Nelson Rolihlahla Mandela (1918 -) was elected president of South Africa on May 9, 1994, an event that capped a life-long struggle to achieve a multiracial democracy in his country. Mandela had begun his political career some 50 years earlier, as an organizer for the African National Congress (ANC), a group opposed to white minority rule in South Africa. Beginning in 1952, as the ANC's deputy

president, Mandela traveled throughout the country organizing resistance to discriminatory legislation based on racial classifications. In 1964, he was sentenced to life imprisonment for sabotage and treason; he spent 27 years in jail. When he was released in February 1990, he immediately embarked on a course of dialogue and negotiation that brought democracy and equality to South Africa. In 1993, Mandela along with then South African President F. W. de Klerk was awarded the Nobel Peace Prize. Mandela is respected worldwide. He fought for the end of the Apartheid in South Africa.



Picture Showing Nelson Mandela

Chief Gani Fawehinmi (SAN) - Nigeria

Chief Gani Fawehinmi was a human right activist. A social crusader in human right activities, a determined fighter for freedom. He was the voice of the voiceless.

He was a fearless fighter. He attacked the abuse of power wherever it reared its ugly head.

He used the law to fight injustice, promote accountability and good governance. He challenged the military for the enthronement of democracy and constitutional democracy. He fought tirelessly. He was a selfless advocate of the people's right and a foremost crusader against injustice.

He will be remember as a man who is always ready to defend the masses and fight for their rights.

He suffered greatly particularly under the military regimes in this country. He was incarcerated on many occasions, humiliated and persecuted and suffered unwarranted imprisonment in Nigeria.

Chief Gani Fawehinmi (SAN) is an example of a courageous man in Nigeria, a lawyer by profession, human right activist and a social crusader. He challenged the military legally and courageously and fought for the enthronement of Democracy in Nigeria.



A Picture Showing Chief Gani Fawehinmi (SAN)

1. **LAW AND ORDER IN THE SOCIETY**

Law is a system of rules, regulations and guidelines which are enforced through social institution to govern human behaviours in the society. Laws are made by governments, specifically by the Legislatures.

Law is a set of rules that guides our conduct in society. Laws can be used to provide order and security. Laws describe ways people should behave, protect their rights, provides benefits and assign responsibilities.

Importance of Law

- (i) It serves as a norm for the conduct of people in the society.
- (ii) It keeps society running, without law there would be chaos and it would be survival of the fittest. Then the world would be unsafe and there would be no order in society.
- (iii) It also acts as a guideline to what is expected and accepted in society, without it there would be chaos and conflict between social groups and among individuals.
- (iv) Law allows for easy adoption to change that occur in society, as time changes so will a law.

- 1. Law also regulates other things such as trade, immigration, social and political activities.

However, laws are every where and it is pivotal that we follow them. Laws are constantly being amended when needed. People may not agree with a certain law but that is just the way society works.

Laws are generally based on common sense (i.e. don't drink while driving, respect others and their belongings).

Generally, if all people at all times followed common sense, laws would generally not be necessary.

Lastly, without laws, society would be at the mercy of anarchists whose main mission is to disrupt the orderly progress of a society. Laws are written and unwritten to be followed and applied equally to all people in a given society to ensure that no one feels abused by his fellow countrymen and to protect members of society.



A Picture Showing a Court Proceeding

Orderliness: This simply means a situation whereby citizens do things rights and in obedience to the rules and regulations of the society. It also means conformity with the rules and regulations of the land. It also involves doing things in a well orderly mannered. **Examples of Orderliness in Society**

There are many examples of orderliness in the society. They include:

- (i) **Discipline:** People must maintain discipline in both private and public places. Good driving skills involve obedience to traffic rules and regulations, the culture of queuing at public places.
- (ii) **Good Conduct** e.g. showing good examples to people, correcting the younger ones etc.
- (iii) Obedience to constituted authority.
- (iv) **Right attitude to work**, by showing good values such as honesty, hardworking, civility etc.

Orderliness is something that we should all strive for in our everyday life without it, life can be chaotic.

Getting up in the morning, arriving at school or work place on time, keeping the desk at work clean and keeping the house clean and well maintained are starting points for developing orderliness in one's life and are good examples of the importance of orderliness and why it should be used in everyday life.

People need to have better organisational skills in their lives.

Importance of Orderliness in the Society

- (i) It keeps the society moving and progressing in an orderly way.
- (ii) It gives a sense of direction and purpose both to the individuals and the society.
- (iii) It leads to the achievement of individuals, groups and societal goals.
- (iv) It gives a country a good image to the outside world.
- (v) It encourages leadership by examples.
- (vi) It also promotes high moral and ethical standards in people.

Orderliness is people taking pride in themselves and what is around them. They may have a sense of pride in their family, home, job, community or country. But when people do not have pride in their lives, their lives become chaotic. Therefore let us be orderly in all our activities.



A Picture Showing an Orderliness in a Social Gathering or Meeting

6.3 THE RULE OF LAW

Meaning of the Rule of Law

This means that all people in the country are subject to the same known, fair and impartial laws and that they will be held accountable before the courts, if they violate those laws. That is, nobody is above the law, irrespective of his/her position in the society.

The Rule of Law

The phrase “Rule of Law” was coined in 1895 by Professor A. V Dicey, a law teacher at Oxford University in Great Britain. According to him the rule of law has three basic principles or meanings namely: Supremacy of Law, Equality before the law and rights of the people.

1. **Supremacy of Law:** The rule of law means the supremacy of law. That is, the constitution is the fundamental law of the land. All persons and all levels of authority derive their power from the constitution. Everybody is under the law. Therefore, everybody must be treated according to the law of the land. Ordinary citizens and leaders or government officials must abide by the rule of law and govern according to the constitution.
2. **Equality before the Law:** The second meaning of rule of law is equality before the law. This means that everyone is equal before the law and all men and women must be subjected to the ordinary law of the land administered by the law courts. It also means that no one is above the law. Government officials, lawyers, rich, poor, young and old must be tried by the ordinary law courts for whatever offence committed. There is no special protection under the law for a public official be a president, governor, minister, soldier or police man.
3. **Rights of the People:** The third meaning of the rule of law is the right of the people. This means the rights of the citizens in a country. They include - right to life, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thoughts, conscience and religion, right to freedom of expression and the press etc. These rights are entrenched in the constitution and they are fundamental because they are required for our existence. Therefore, it is the role of the government to protect these rights, to guarantee the safety of her citizenry. These rights are enforced by the law courts.

Importance of the Rule of Law

1. It helps to control despotic or tyrannical rulers: The rule of law forces rulers to conform to the laws of the land and not to see themselves as

- institutions or tin gods that should be feared.
2. The rule of law guarantees the fundamental human rights of the citizens in a country.
 3. The rule of law promotes peace, and political stability in the country.
 4. It encourages equality before the law. That is nobody is above the law, all men and women, rich or poor, young or old, are all equal before the law.
 5. The rule of law emphasises the supremacy of law. This means that, the constitution is supreme and superior to everybody and to all institutions of state.

Protection of rule of law

The following steps will ensure the protection of rule of law.

1. **Legal Process:** Everybody is under the law. Therefore before a person is punished, he should be given the opportunity to defend himself. He must be given a fair hearing.
2. **Independent Judiciary:** The judiciary which is an arm of a government must be independent. The judiciary must not be manipulated by the executive, legislature or the powerful members of the society in the discharge of their duties. This will enable them to perform their duties without any favour.
3. **Equity and Justice:** This implies that there must be equity, fairness and equal justice in the administration of justice in our judiciary system. Where judges lack integrity, the rules of law may be wrongly applied. Again justice delayed is justice denied. In Nigeria many people are held in prison for several years without trial. This is not good enough for the rule of law. Accused persons should be tried without delay.
4. **Free Press:** The press should be freed and should be allowed to carry out their duties without hinderance. The press must not be controlled, gagged or censored by the government. Freedom of press will enable them to expose cases of injustice, exploitation, corruption, abuse of power etc. For example, Nigerian press performed creditably well in the enthronement of democracy.
5. **Fair Play:** There should be fair play in our private and public dealings. There should be spirit of sportsmanship, tolerance, understanding and principle of give and take. Fair play will promote and ensure the rule of law. We must understand that we are living in an inescapably interdependent society such that we need each other to progress and develop as a country.
6. **Good Governance:** The government should be responsible and accountable to the people. Government should live up to its responsibility of providing good governance. The government should put in place sustainable programmes such as provision of basic social services and facilities that will reduce the suffering of the people and eradicate poverty in the society.
7. **Provision of Education:** The citizens should be given basic education. They must know how to read and write. The various levels of governments should establish literacy programmes for people.



Picture Showing a Judge and Lawyers in the Court

Exercises

- (i) Explain the meaning of human rights.
 - (ii) List six fundamental human rights.
 - (iii) Mention four forms of human rights abuse.
 - (iv) State three effects of the abuse of human rights.
1. State five conditions or situations under which a citizen's right can be limited or denied.
 2. What is rule of law?
 3. State the three principles of the rule of law.
 4. List four importance of rule of law.
 5. List four ways of protecting the rule of law.
 6. What is orderliness?
 7. Mention four examples of orderliness in society.