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The Protection of Fundamental Human Rights under the Nigerian Constitution

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Abstract

Fundamental human rights constitute the cornerstone of democratic governance and the rule of law. These rights protect the dignity, liberty, and equality of individuals within a constitutional framework. In Nigeria, the protection of fundamental rights is primarily guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Despite the existence of these constitutional provisions, challenges such as governmental abuse of power, security concerns, and limited access to justice continue to affect the effective enforcement of these rights. This article examines the concept and significance of fundamental human rights within Nigeria's constitutional system. It further analyzes the legal framework established for their protection, reviews relevant judicial decisions, and discusses the challenges associated with their enforcement. The article concludes by recommending measures aimed at strengthening the protection of human rights and promoting constitutional governance in Nigeria.

Keywords: *Fundamental Human Rights, Nigerian Constitution, Rule of Law, Constitutional Protection, Human Rights Enforcement*

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Introduction

The recognition and protection of fundamental human rights are essential elements of democratic societies. These rights ensure that individuals are treated with dignity and respect while also limiting the powers of government authorities. In Nigeria, fundamental human rights are guaranteed under the Constitution of the Federal Republic of Nigeria 1999 (as amended), which provides the legal foundation for their protection and enforcement.

Fundamental human rights include rights such as the right to life, the right to personal liberty, the right to freedom of expression, and the right to fair hearing. These rights are considered essential because they protect individuals from arbitrary actions by the state and promote equality before the law.

The judiciary plays a critical role in safeguarding these rights by interpreting constitutional provisions and providing remedies where violations occur. Courts therefore function as guardians of constitutional rights and ensure that governmental actions remain consistent with constitutional principles.

Despite these constitutional protections, violations of human rights continue to occur in Nigeria. Issues such as unlawful detention, restrictions on freedom of expression, and abuse of power by security agencies have raised concerns about the effectiveness of existing enforcement mechanisms. This article therefore examines the constitutional framework for protecting fundamental rights in Nigeria and evaluates the challenges associated with their enforcement.

Concept of Fundamental Human Rights

Fundamental human rights refer to basic freedoms and liberties that every individual is entitled to enjoy by virtue of being human. These rights are universal, inalienable, and legally enforceable against the state.

Legal scholars often describe fundamental rights as those rights that are necessary for the development and dignity of the human person. They serve as safeguards against arbitrary governmental authority and provide individuals with legal protections against abuse.

Fundamental rights are closely connected with the concept of the rule of law, which requires that governmental powers be exercised according to established legal principles rather than arbitrary decisions. When fundamental rights are respected and protected, citizens can participate freely in social, political, and economic life.

International human rights instruments such as the Universal Declaration of Human Rights have also influenced the development of constitutional protections for human rights in many countries, including Nigeria.

Constitutional Framework for Fundamental Rights in Nigeria

The Nigerian Constitution provides a comprehensive framework for the protection of fundamental human rights. Chapter IV of the Constitution outlines several rights that are guaranteed to all citizens.

These rights include:

- Right to life
- Right to dignity of the human person
- Right to personal liberty
- Right to fair hearing
- Right to private and family life
- Right to freedom of thought, conscience, and religion
- Right to freedom of expression and the press
- Right to peaceful assembly and association
- Right to freedom of movement
- Right to freedom from discrimination

These constitutional provisions place legal obligations on government authorities to respect and protect the rights of citizens. Where violations occur, individuals have the right to seek redress through the courts.

The Constitution also empowers courts to enforce these rights through legal procedures designed specifically for human rights protection. The Fundamental Rights (Enforcement Procedure) Rules provide a simplified process that enables individuals to approach the courts when their rights have been violated.

Judicial Protection of Fundamental Rights in Nigeria

The judiciary plays a central role in the protection and enforcement of fundamental rights in Nigeria. Courts interpret constitutional provisions and provide remedies for individuals whose rights have been infringed.

One significant case illustrating judicial protection of fundamental rights is Military Governor of Lagos State v Ojukwu (1986). In this case, the Supreme Court emphasized the supremacy of the rule of law and condemned the actions of government authorities who disobeyed court orders. The court reaffirmed that governmental power must always be exercised within the framework of the law.

Another important case is Ransome-Kuti v Attorney-General of the Federation (1985), where the Supreme Court recognized the importance of fundamental rights and emphasized that these rights occupy a central position in the Nigerian constitutional system.

Through decisions such as these, Nigerian courts have demonstrated their commitment to protecting citizens from arbitrary government actions and reinforcing constitutional governance.

Challenges to the Protection of Human Rights in Nigeria

Despite constitutional guarantees, several challenges continue to hinder the effective protection of fundamental rights in Nigeria.

One major challenge is abuse of power by security agencies. Instances of unlawful arrest, prolonged detention without trial, and excessive use of force have been reported in various parts of the country.

Another challenge is limited access to justice. Many citizens lack the financial resources or legal knowledge required to pursue legal action when their rights are violated.

Judicial delays also present a significant problem. The slow pace of litigation can discourage individuals from seeking judicial remedies and weaken the effectiveness of legal protections.

Additionally, lack of public awareness about constitutional rights contributes to the persistence of human rights violations. Many individuals are unaware of the legal protections available to them.

Recommendations for Strengthening Human Rights Protection

Improving the protection of fundamental rights in Nigeria requires several important reforms.

First, government authorities and security agencies must operate strictly within the boundaries of the law and respect constitutional safeguards. Training programs on human rights should be implemented for law enforcement officials.

Second, access to justice should be improved by expanding legal aid services and reducing the cost of litigation. This would enable more citizens to enforce their rights through the courts.

Third, the judicial system should be strengthened by improving court infrastructure, increasing the number of judges, and implementing procedural reforms aimed at reducing delays.

Public education is also essential. Citizens should be educated about their constitutional rights through civic education programs and public awareness campaigns.

Finally, strong institutional oversight mechanisms should be established to ensure accountability where human rights violations occur.

Conclusion

The protection of fundamental human rights remains a central feature of constitutional democracy and the rule of law in Nigeria. The Constitution provides a strong legal framework designed to safeguard these rights and empower courts to enforce them.

However, challenges such as abuse of power, limited access to justice, judicial delays, and lack of public awareness continue to affect the effective realization of these rights.

Addressing these challenges requires a comprehensive approach involving institutional reforms, improved access to justice, and greater public awareness of constitutional protections. By strengthening mechanisms for human rights protection, Nigeria can promote democratic governance and ensure that citizens enjoy the full benefits of constitutional freedom and justice.

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