

**KNOW YOUR
FUNDAMENTAL
HUMAN RIGHTS
UNDER
NIGERIAN CONSTITUTION**

Barrister Manuel Akinshola

**The Complete “Know Your Rights” Titles Under Our
PUBLIC ENLIGHTENMENT CAMPAIGN SERIES (PECS):**

1. Know Your Rights As A Tenant (2016 Edition)
2. Know Your Rights As A Landlord (2016 Edition)
3. Know Your Rights Against The Police And In Court In Criminal Matters. (2016 Edition)
4. Know Your Fundamental Human Rights Under Nigerian Constitution (2016 Edition)
5. Know Your Civil Rights Against Other People (2017 Edition)
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Dedication

for

Oluwa *taiyemise*

&

Omo *kehindebola*...

My angels.

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Preface

From the onset of these publications, I made a commitment that I will keep the series regularly updated in line with applicable laws. This means that I have to update the books whenever the law is amended or repealed. This, therefore, informed the need to revise this book yet again.

The present Constitution of the Federal Republic of Nigeria was enacted on 29 May 1999 to usher in the Fourth Republic. However, this Constitution has been amended four times already, viz: once in 1999, two amendments in January 2011, and once in 2012. These various amendments changed some provisions of the Constitution. And, many of our readers have called me several times in the past, expressing their concerns and asking whether the laws regarding fundamental human rights were amended or repealed. But, I have continually informed them that the amendments carried out by the National Assembly DID NOT affect the provisions of the Constitution as regards the citizens' fundamental rights. These rights remain as provided, and not one word has been removed or changed. Even the sections on fundamental human rights remain unchanged. Therefore, any reference to the Constitution throughout this book still refers to the 1999 Constitution, (as amended).

There is a second reason why I had to revise this book to update the knowledge of readers. In particular, I want to remind the readers that special and specific procedures were put in place to help you enforce your rights. These procedures were contained in **The Fundamental Rights (Enforcement Procedure) Rules 1979**. Yes, I did not specifically elaborate on these procedures in previous editions because they were tedious and unnecessarily technical. The 1979 Rules were generally criticized for the elaborate and elongated procedures for the enforcement of fundamental rights, which led to delays, and which ultimately didn't serve its intended purpose.

In 2009 however, after about thirty years, the 1979 Rules were abrogated. Its replacement is **The Fundamental Rights (Enforcement Procedure) Rules 2009**. The primary focus of the new rules is to simplify and hasten the process of enforcement of fundamental rights, doing away with some of the technicalities and long processes under the old rules. So, I thought this was cheery news, worthy of being brought to your knowledge. Therefore, I have dedicated a topic under Chapter 13 to acquaint you with the provisions of the new rules. This new topic is, "How To Enforce Your Fundamental Human Rights", i.e., under the new rules.

I have always wondered why people find it difficult to exercise their fundamental rights as guaranteed by the Constitution of the Federal Republic of Nigeria. I have always felt bitterness and deep anguish in my spirit whenever I see a citizen being unlawfully deprived of his right, while the victim also accepts his situation as ‘fate’.

After extensive research, I discovered that the main reason many people are unable to enforce their rights is because, they do not even know these rights. Of course, you cannot enforce what you don’t know. It is true that these rights are enshrined in the Constitution. But, the problems I have come to discover are:

- firstly, not many people have access to this Constitution;
- secondly, the Constitution contains many other provisions regulating virtually every aspect of our national life, and therefore makes it cumbersome to read;
- thirdly, and most importantly, the Constitution is not written in simple language which can make for simple reading. It is full of legal jargons and technicalities. Therefore, because of this language problem, many people find it difficult to read and understand the Constitution.

After this discovery, I was moved to do something to help the masses in understanding the Constitution better.

The Constitution, by virtue of its language is subject to many interpretations. And, that is why we have many arguments on constitutional provisions here and there. Of course, that is why the courts were created: to interpret the Constitution and every other law.

It was, therefore, this desire to enlighten the citizens on their rights that forced me into writing this book. The main objective of this book is to simplify the constitutional provisions on human rights only to its most understandable form, so that you can read, understand and be enlightened on what your basic rights are as a citizen of Nigeria. I must admit, though, that the successes recorded by my other books under the “Know Your Rights” series energized me into this venture, with the belief that it will serve an equally beneficial purpose. I’ve been encouraged by the overwhelming responses and motivations from readers, through countless emails, calls and text messages. Many times too, people consult me on their problems and in the course of these consultations; I discover that they have read some of my books which opened their minds on their rights. I’ve always felt very elated and gladdened on such occasions.

It is thus my aim to enlighten all readers on their basic human rights as guaranteed by the Nigerian Constitution, so that they will not be denied these rights any more.

I welcome you to the world of knowledge!

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