



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2020_1 EXAMINATION

COURSE CODE: PUL241
COURSE TITLE: HUMAN RIGHTS LAW I
CREDIT UNITS: 4
TIME ALLOWED: 3 HOURS
INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)

1. Mrs. *Odinka Dede* has just learnt to drive and was extremely happy. Her lovely husband Comrade Dede, a successful businessman in Benin City promised to purchase *Gulf 3* Volkswagen for her private use. On December 14th 2019, Comrade Dede fulfilled his promise by purchasing a direct *tokumbo Gulf 3* Volkswagen for Mrs. *Odinka*. The arrival of the newly-purchased vehicle no doubt changed Mrs. *Odinka*'s world, because due to her poor background, she never believed she would own or drive a car. Mrs. *Odinka* was born and brought up in *Achoba* village, and poorly educated. However, due to her good upbringing, Comrade Dede's parents persuaded him to marry *Odinka*; as according to them, she will make a good wife. His contact with Mrs. *Odinka* during 2016 Christmas celebration made him change his mind about village girls and finally both of them got married in 2017 and they have been enjoying their marriage. On 17th of December 2019, Mrs. *Odinka* was driving to Asaba from Benin and was accosted by Road Safety Officials who demanded for her driving license which she produced. They further examined the car and other requirements which were intact. Noticing her timidity, one of the officers known as *sharp sharp* demanded for Mrs. *Odinka*'s mobile phone which she produced. They indicted her for driving along highway with a mobile phone without credit. Officer *sharp sharp* tore her clothes badly while pulling her out of the car and kept her in their van for hours till she paid the sum of N1,500.00 as they demanded. Comrade Dede has been told that the actions of the Road Safety Officers amount to human rights abuse and is confused as to the meaning of the term.

As a Human Rights Lawyer, you are expected to:

- (i) Define the term, 'Human Rights' for the sake of Comrade Dede **5 Marks**
- (ii) Identify which class of human rights was under abuse from the above scenario in accordance with *Karel Vasak*'s teaching on human rights and state why you think so. **8 Marks**
- (iii) State the three duties of state in relation to human rights. **12 Marks**
2. (a) Briefly relate Positivism with Human Rights. **5 Marks**
- (b) Succinctly explain the global concept of Human Rights **4 Marks**

- (c) “Human rights are natural rights which are conferred by natural law on every human being.” Discuss citing the words of Gaius Ezejiolor. **6 Marks**
- 3.** Colonialism is anti-human. It is one of the widest forms of human rights abuse globally as it has the potential to deprive people of the liberty of self-expression and freely determine their future. Nigeria was colonized by the British. Colonialism was planted in Nigeria through three prong attacks, however, even prior to independence in 1960, there had been struggle and clamour for human rights in Nigeria. Briefly discuss the process of this colonization. **15 Marks**
- 4.** In a brief form, relate the origin and content of international human rights norms. **15 Marks**
- 5.** An Association of the Aged of Nigeria (AAN) has just been responsive to the predicament of their members. The Association is aggrieved with the governments of the day over what they call government’s insensitivity over the plights of the aged citizens. They argue that it is the government’s responsibility to take care of the aged citizens and failure to do so amounts to injustice of which the Association was prepared to seek redress in the court of law. The Association has therefore approached you as a human rights lawyer, to file a suit against the Federal Government and various State Governments for the perceived injustice.
- (a) Identify the category of right raised by the Association of Aged People of Nigeria. **5 Marks**
- (b) Relate the position of the above right in the 1999 Constitution. **10 Marks**
- 6.** (a) Discuss the right to Freedom of Expression and the Press and derogation thereof. **10 Marks**
- (b) What is the function of the Constitution? **5 Marks**