

CONSTITUTION

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Date Enacted: January 01, 1970 | Date of Commencement: January 01, 0001

CHAPTER IV

HUMAN RIGHTS

Section 46 - Enforcement 11 of 2010

(1) Save in so far as it may be authorized to do so by this Constitution, the National Assembly or any subordinate legislative authority shall not make any law, and the executive and the agencies of Government shall not take any action, which abolishes or abridges the rights and freedoms enshrined in this Chapter, and any law or action in contravention thereof shall, to the extent of the contravention, be invalid.

(2) Any person who claims that a right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled—

(a) to make application to a competent court to enforce or protect such a right or freedom; and **(b)** to make application to the Ombudsman or the Human Rights Commission in order to secure such assistance or advice as he or she may reasonably require.

(3) Where a court referred to in subsection (2) (a) finds that rights or freedoms conferred by this Constitution have been unlawfully denied or violated, it shall have the power to make any orders that are necessary and appropriate to secure the enjoyment of those rights and freedoms and where a court finds that a threat exists to such rights or freedoms, it shall have the power to make any orders necessary and appropriate to prevent those rights and freedoms from being

unlawfully denied or violated.

(4) A court referred to in subsection (2) (a) shall have the power to award compensation to any person whose rights or freedoms have been unlawfully denied or violated where it considers it to be appropriate in the circumstances of a particular case.

(5) The law shall prescribe criminal penalties for violations of those non-derogable rights listed in section 44 (1).