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THEORETICAL ASPECTS OF CITIZENSHIP ACCORDING TO THE CONSTITUTION OF THE REPUBLIC OF GHANA

A concept of citizenship is well known all over the world. From legal point of view this category shows legal connection between a human and a state. A person in such relations must obey duties of the country of a person's citizenship. At the same time such a state must create conditions for realizations of human rights and freedoms, protect a person. In this case it is possible to talk about existence of civil society in such a country, all members of which have equal citizenship.

An essential component of «equal citizenship» is respect, the recognition by one person of another's parity in the social contract and in public affairs. Any irrational form of stigmatization, be it based on race, gender, or religion, automatically assigns individuals who have that trait to an inferior category. There are three values of equal citizenship — respect, participation, and responsibility — are the characteristics one expects of all citizens in a democratic society. It is, of course, impossible to legislate social or economic equality; few people would, in any case, want that. But the courts and the legislatures have attempted to ensure that at least in three areas deemed «fundamental» no person or group of persons will face discrimination. First, there is voting rights, one of the great privileges as well as responsibilities of a democratic society. A free and fair election is the hallmark of democracy, and the ability to cast one's vote has both symbolic as well as substantive importance. A second area, access to the courts, is similar to voting in that it gives a person the chance to be heard. That integrity is undermined if certain groups are prevented from that access, if blacks or women are kept off jury rolls, if people are punished simply because of the color of their skin. Many but not all of the cases that have helped establish the rights of accused persons have involved defendants of color, and the message that the courts have sent is clear: Equal protection means fair treatment in both the criminal and the civil court system. A third area deemed fundamental has involved marriage and family, which in a free society are also tied closely to issues of respect, responsibility, and participation. Marriage and having children are integral to one's status, social self-concept, and legal responsibilities [1].

There is the Constitution of the Republic of Ghana [2] that regulates questions about citizenship. According to Article 6 of the mentioned legislative document every person who, on the coming into force of this Constitution, is a citizen of Ghana by the law continues to be a citizen of Ghana. A person born

in or outside Ghana after the coming into force of this Constitution becomes a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was citizen of Ghana. A child of not more than seven years of age found in Ghana whose parents are not known is presumed to be a citizen of Ghana by birth. A child of not more than sixteen years of age neither of whose parents are citizens of Ghana who is adopted by a citizen of Ghana may, by virtue of the adoption, be a citizen of Ghana.

A woman married to a man is a citizen of Ghana or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.

According to Article 8 of the mentioned Constitution a citizen of Ghana ceases forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquires or retains the citizenship of a country other than Ghana. A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, must cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the second schedule to this Constitution and made an registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired.

A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of a country other than Ghana may, on the renunciation of his citizenship of that other country, become a citizen of Ghana. Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage may, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

In accordance with Article 9 of the Constitution Parliament may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana under the provisions of this Constitution. The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground:

- that the activities of that person are inimical to the security of the State or prejudicial to public morality or the public interest;
- that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

There will be published in the Gazette by the appropriate authority and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article

applies to be registered as a citizen of Ghana or has been registered as a citizen of Ghana. Parliament may make provision for the renunciation by any person of his citizenship of Ghana.

In my opinion every Ghanaian citizen may use three of mentioned elements of «equal citizenship» because the Constitution of Ghana was created in with the aim of the protection and preservation of fundamental human rights and freedoms, unity and stability for our nation.

Literature

1. Melvin Urofsky. Equal Protection of the Law / M. Uforsky [Electronic source]. – Access mode: <http://www.4uth.gov.ua/usa/english/society/rightsof/equal.htm>

2. Constitution of the Republic of Ghana [Electronic source]. – Access mode: http://www.wipo.int/wipolex/en/text.jsp?file_id=222988

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THEORETICAL ANALYSIS OF HUMAN RIGHTS AND THEIR VIOLATION ACCORDING TO THE CONSTITUTION OF NIGERIA

The theme about a concept, types of human rights and especially their protection is still actual and debatable nowadays. Human rights may be defined as rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status [1]. Human rights are integral and underlying in the nature of a man, they should be exercised without restriction of any kind. Osita Eze defined human rights as the demands or claims which individuals make on the society, some of which are protected by law while others remain aspirations to be attained in the future. U. O. Umozurike has also defined human rights as the claims which are invariably supported by ethics, which should be supported by law especially made on its official managers by individuals or groups on the basis of their humanity. To my mind it is possible to support their opinions and add that human rights are possibilities defined by the law for every human to regulate, protect human life and satisfy human necessities.

The Magna Carta (1215), the Universal Declaration of Human Rights (UDHR) (1948), the British Bill of Rights (1689), the American declaration of independence (1776), the French declaration of rights of land and citizens (1789) are the legal documents about human rights. These rights are further simplified into separate international covenants which are the International covenant on civil and political rights (ICCPR) and the International covenant on