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Abstract: The rights of patients are the application of the full rights a patient has. Patients are entitled to the full range of human rights. The Fundamental Rights (Enforcement Procedure) Rules 2009 made pursuant to Section 46(3) of the 1999 Constitution of the Federal Republic of Nigeria is the current procedural rule for the commencement of an action for the enforcement of fundamental human rights. The 1999 Constitution of Nigeria is the ground norm. It is the supreme law to which all other legal norms must conform. Many patients are not aware of their rights and this has resulted in rampant abuses and inhuman treatments from medical practitioners of different field. This can be seen in the rampant cases of medical malpractice by these medical practitioners. This paper has taken a critical appraisal of the rights of the patient via Fundamental Right Enforcement procedure rules 2009 and 1999 Constitution of the Federal Republic of Nigeria. The objectives of this paper is to create awareness to patients on their rights via Fundamental Rights Enforcement Procedure Rules 2009 and the possibility of redressing any breach of these rights via Fundamental Rights Enforcement Procedure Rules 2009, which is recognized and a domesticated Law in Nigeria. This paper discusses the various rights of patients, the challenges patients face, the various inhuman treatments patients are faced with and ways of redressing any breach of these rights. The methodology of this paper is doctrinal. The study found out that inhuman treatment of patients is a breach of fundamental rights of a person and can be redressed via Fundamental Rights Enforcement Procedure Rules 2009 in Nigeria. It also found out that many patients are not aware of their rights and this has resulted in rampant cases of abuse on patients. This paper recommends a stiffer punishment on any breach of a patients’ rights; this is to deter others from committing the same act and to reduce the abuses patients face. It recommends wider communication modes on the rights of patients; this would create more awareness to patients on their rights. It recommends that government should help in implementing these policies.

Keywords: duty of care, fundamental rights, fundamental rights enforcement procedure rules 2009, human rights, medical practitioner, medical malpractice
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