

Rights Of Citizens To Protest - Extent & Limits



INTRODUCTION

Protesting is a fundamental right in any democratic society, serving as a crucial means for citizens to express their opinions, grievances, and demands. In Nigeria, the right to protest is enshrined in the Constitution and various international conventions to which Nigeria is a signatory.

Constitutional Rights To Protest

1. Freedom of Expression (Section 39):

The Constitution of the Federal Republic of Nigeria, 1999, guarantees the right to freedom of expression. This encompasses the right to hold opinions and to receive and impart information and ideas without interference.

2. Freedom of Assembly and Association (Section 40):

Nigerian citizens have the right to assemble freely and associate with other persons, particularly to form or belong to any political party, trade union, or any other association for the protection of their interests.

3. Freedom of Movement (Section 41):

This ensures that every citizen is free to move throughout Nigeria and reside in any part thereof, thus facilitating the ability to participate in protests in different locations.

International Frameworks

1. African Charter On Human and People's Rights:

Article 11 of the African Charter on Human and People's Rights states: "Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics, and rights and freedoms of others."

2. Universal Declaration of Human Rights (UDHR):

Article 19 of the UDHR recognizes the right to freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Article 20 of the Universal Declaration of Human Rights (UDHR) further guarantees the right to protest: "Everyone has the right to freedom of peaceful assembly and association."

3. International Covenant On Civil and Political Rights (ICCPR):

Nigeria is a party to the ICCPR, which under Article 21 recognizes the right of peaceful assembly.

Why Should We Protest?

1. Demanding Social Justice:

i. Addressing Inequality: Protests can highlight social, economic, and ethnic inequalities, pushing for policies that promote fairness and equity.

ii. Human Rights Violations: When there are violations of human rights, such as unlawful detentions, police brutality, or discrimination, protests can bring these issues to the forefront.

2. Political Accountability:

i. Government Transparency: Citizens may protest to demand transparency and accountability from their government, especially in cases of corruption or misuse of public funds.

ii. Election Integrity: Protests can be a response to perceived or actual electoral fraud or manipulation, advocating for free and fair elections.

3. Economic Grievances:

i. Unemployment and Poverty: High unemployment rates, rising poverty, and inadequate social welfare can lead citizens to protest for better economic policies and job creation.

ii. Inflation and Cost of Living: Protests may arise in response to economic policies that result in high inflation, increased cost of living, or reduced purchasing power.

4. Environmental Concerns:

i. Climate Change: Environmental activists often protest to raise awareness about climate change, demanding action from governments and corporations to reduce carbon emissions and protect natural resources.



ii. **Pollution and Degradation:** Protests can also target local environmental issues such as pollution, deforestation, and land degradation, seeking more sustainable practices.

5. Labour Rights

i. **Worker Exploitation:** Workers may protest against unfair labor practices, unsafe working conditions, and inadequate wages, demanding better protections and benefits.

ii. **Union Rights:** Protests can also support the right to form and join trade unions and to engage in collective bargaining.

6. Civil Liberties:

i. **Freedom of Speech and Assembly:** Citizens might protest to protect their civil liberties, including the right to free speech, assembly, and association, especially when these rights are under threat.

ii. **Privacy and Surveillance:** Protests can challenge excessive government surveillance and the infringement of privacy rights.

7. Cultural and Identity Issues:

i. **Discrimination and Marginalization:** Protests can be a response to cultural, religious, or gender-based discrimination and marginalization, advocating for equal rights and representation.

8. Public Services and Infrastructure:

i. **Healthcare and Education:** Inadequate public services, such as healthcare and education, can lead citizens to protest for better facilities, access, and quality.

ii. **Infrastructure Development:** Protests may also call for improved infrastructure, such as roads, public transportation, and housing.



9. Peace and Security:

i. **Conflict and Violence:** Protests can demand an end to armed conflicts, terrorism, and violence, advocating for peace and security.

ii. **Police and Military Conduct:** Protests can challenge excessive use of force by police or military, calling for reforms and accountability.

10. International Solidarity

i. **Global Issues:** Protests can show solidarity with international movements or issues, such as global human rights campaigns, anti-globalization protests, or actions against multinational corporations.

Limits Of Protests

While the right to protest is protected, it is not without limits. These limitations are designed to balance the rights of individuals with the need to maintain public order, protect national security, and safeguard the rights and freedoms of others.

1. **Protests must be peaceful:** Violence, rioting, looting, and destruction of property are prohibited. The moment a protest turns violent; it loses its constitutional protection.

- 2. Permit Requirements:** In some cases, local authorities may require permits for public gatherings. This is to ensure that protests do not disrupt public order and that the necessary security arrangements can be made.
- 3. Public Safety and Order:** Authorities have the power to disperse gatherings that pose a threat to public safety and order. This includes protests that block major roads, disrupt economic activities, or incite violence.
- 4. National Security:** Protests that threaten national security, promote terrorism, or incite hatred against specific groups may be restricted.
- 5. Respect for the Rights of Others:** Protesters must respect the rights of others. This includes refraining from hate speech, defamation, and actions that could harm other individuals or groups.

What An Ideal Protest Should Look Like

 Peaceful Conduct Ensure that all participants in the protest understand the importance of maintaining a peaceful demeanor. Organizers should communicate clearly that violence will not be tolerated.	 Clear Objectives Protests should have clear objectives and demands. This helps in maintaining focus and ensuring that the message is not lost.	 Engagement with Authorities Where required, engage with local authorities to obtain the necessary permits and to ensure that the protest is lawful.	 Public Awareness Inform the public and media about the protest's objectives, route, and expected conduct. This can help in garnering support and ensuring transparency.	 Preparedness for Disruptions Be prepared for potential disruptions. Have a plan in place for maintaining order if infiltrators or agitators try to incite violence.
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What A Protest Should Not Be

 <p>01 Violence & Vandalism Avoid any form of violence, vandalism, or destruction of property. Such actions undermine the legitimacy of the protest and can lead to severe legal consequences.</p>	 <p>02 Disruption of Critical Services Do not block emergency services or disrupt critical infrastructure. This can endanger lives and lead to public backlash.</p>	 <p>03 Incitement to Hatred Avoid speeches or actions that incite hatred or violence against specific individuals or groups. This is both illegal and morally unacceptable.</p>
 <p>04 Non-cooperation with Law Enforcement Do not refuse to comply with lawful instructions from law enforcement officers. This can escalate tensions and lead to unnecessary confrontations.</p>	 <p>05 Occupying Private Property Do not occupy private property without permission. This is illegal and can result in immediate legal action against the protesters.</p>	



Conclusion

The right to protest is a vital part of democracy, allowing citizens to express their views and demand accountability. However, it must be exercised responsibly and within the bounds of the law to ensure that it contributes positively to societal development. By understanding and respecting the limits of this right, Nigerian citizens can effectively use protests as a tool for change without compromising public order and safety.

ABOUT THE NESG

The NESG is an independent, non-partisan, non-sectarian organisation, committed to fostering open and continuous dialogue on Nigeria's economic development. The NESG strives to forge a mutual understanding between leaders of thought so as to explore, discover and support initiatives directed at improving Nigeria's economic policies, institutions, and management.

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