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THE LEGALITY OF PROTEST IN NIGERIA: A FOCUS ON THE PLANNED AUGUST 1, 2024 DEMONSTRATIONS



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In Nigeria, the right to protest is enshrined in the 1999 Constitution, which guarantees freedom of expression, peaceful assembly and association under Sections 39 and 40. These constitutional provisions allow citizens to express their opinions, gather peacefully, and form or join groups to advocate for common interests. However, the exercise of these rights is subject to various legal frameworks and interpretations that can either protect or limit the right to protest, depending on the circumstances.

Several laws and judicial interpretations influence how these rights are exercised e.g., the Public Order Act requires organizers of public gatherings to obtain a permit from the police. However, this requirement has been a point of contention as the Court of Appeal had ruled that the need for police permits to hold rallies or protests was unconstitutional, as it infringed on the fundamental rights to peaceful assembly. The Criminal Code Act and Penal Code contain provisions that could potentially be used to restrict protests, particularly if they are deemed to disrupt public order, incite violence, or cause harm to individuals or property. Participants in protests can be charged with offenses such as unlawful assembly, riot, or incitement to violence.

The planned protests on August 1, 2024, are set to be another significant test of Nigeria's legal and democratic frameworks. These protests are aimed at addressing widespread concerns over the country's economic challenges, governance issues, and perceived erosion of democratic values. Citizens have emphasized their intention to conduct the protests peacefully, in accordance with their constitutional rights. However, the Nigerian government and security agencies have expressed concerns over potential disruptions to public order. The protests bring to the forefront the ongoing debate in Nigeria about the balance between safeguarding citizens' rights to express dissent and ensuring public order. However, past experiences suggest that the situation could escalate if there is a perception of heavy-handedness by security forces or if the protests turn violent.

The protests will likely serve as a critical moment in the ongoing discourse on the protection of civil liberties in Nigeria, highlighting the need for a legal and political environment that respects and upholds democratic principles.
