



Emergent Issues on Citizens' Rights to Protest in Nigeria

Ayoade Onireti

The University of Greater Manchester
Deanne Road, Bolton, United Kingdom, BL3 5AB
A.onireti@greatermanchester.ac.uk

Abstract.

The right of citizens to protest is a fundamental pillar of democracy and a vital component of human rights. It embodies the collective voice of the populace and provides a powerful mechanism for demanding accountability, justice, and societal change. In Nigeria, this right is enshrined in Sections 39 and 40 of the 1999 Constitution, which guarantee freedom of expression and association. However, like in many jurisdictions, these freedoms are not absolute. The Constitution allows for restrictions in specific circumstances, including matters of national security, public safety, public order, public morality, and public health. However, in recent years, Nigeria has witnessed growing challenges to its citizens' right to protest. These challenges have sparked heated debates surrounding the limitations, enforcement, and human rights implications of protest regulations. The Nigerian government has often been accused of arbitrarily denying the right to expression and protest beyond the constitutional exceptions. Such actions have fostered an atmosphere of fear, stifled opposition voices, and led to significant infringements on Nigerians' right to peaceful assembly. This tension between constitutional rights and statutory provisions raises critical questions about the balance of power between the state and its citizens. This article examines the emergent issues surrounding the right to protest in Nigeria, arguing that peaceful protests and expression are among the most effective tools Nigerians possess for combating injustice and poor governance. Arbitrary restrictions on these rights threaten human rights, the rule of law, and the very foundations of democracy in Nigeria.

Keywords: Nigeria, Right to Protest, Freedom of Expression.

1 Introduction

The right to protest is a cornerstone of democratic governance and serves as a collective mechanism through which the citizens demand accountability, justice and social reform. In Nigeria, this right is constitutionally protected under Sections 39 and 40 of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), which guarantees the right to freedom of expression and association (Constitution of Nigeria, 1999). Nigeria is also a contracting party to various regional and international Conventions where these rights are protected. These include the African Charter on Human and Peoples' Rights, Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

However, freedom of expression and association are not without limitations. The Constitution and other Conventions allow for restrictions of these rights in specific circumstances, including matters of national security, public safety, public order, public morality, and public health (s. 41(1)-(2) Constitution of Nigeria, 1999).

In recent years, Nigeria has experienced a troubling rise in state-imposed constraints and restrictions on the right to protest. Restrictions on the right to protest imposed by the government appear to extend beyond the constitutional exceptions outlined under Sections 39 and 40 of the Constitution. For instance, the Nigerian authorities arrested over 124 protesters across the country during the 'End bad governance' protest in August 2024. 10 out of those arrested were later charged with treason, which carries the death penalty, prompting widespread concerns over the erosion of civil liberties in the country (Human Rights Watch 2024). Several other incidents, such as the 2021 Twitter Ban (Oyeabor, 2023), mass arrest and shooting of protesters during the 2024 #EndSars, suggest that these arrests are not merely a regulatory approach but a broader institutional disapproval of the citizens' rights to freely express dissent and engage in peaceful assembly. These developments have sparked debates about the balance between constitutional guarantees and statutory enforcement, raising questions about the Nigerian State in safeguarding or suppressing its citizens' rights (Ogbemudia et al, 2004) (Aina-Pelemo, 2023). Therefore, this paper explores the emergent issues surrounding the right to protest in Nigeria. In so doing, it examines the legal, political, and human rights dimensions of recent restrictions. As its central research question, this paper discusses how recent governmental restrictions on peaceful protest in Nigeria align with or depart from constitutional guarantees and international human rights standards? Second, what are the democratic and governance implications of these restrictions for citizens' ability to hold the state accountable through peaceful assembly?

The paper argues that the right to protest peacefully remains one of the most powerful tools available to Nigerians in the pursuit of justice and good governance and arbitrary limitations on this right pose a serious threat to democratic principles and the rule of law. The measures adopted by the Nigerian authority's risk undermining the foundational principles of democracy and public confidence in the government's commitment to upholding civil liberties.

To address this, the following research questions will be addressed:

1.1 Research Questions and Contributing Statement

- Address the key constitutionality and statutory frameworks governing the right to protest in Nigeria
- To assess how recent government actions and security practices affected the citizens' ability to exercise the right to protest
- To what extent do current restrictions on the right to protest align with or deviate from the provisions of the Constitution of Nigeria and its international human rights obligations
- Address the broader implications of these restrictions for democratic governance, the rule of law and civic participations

This paper makes the following contributions to scholarly and political debates on civil liberties and adherence to human rights provisions in Nigeria.

- It provides a systematic analysis of the emerging tension between constitutional rights and state-imposed limitations on the right to protest in Nigeria
- It offers evidence-based assessments on how governmental practices, particularly policing and administrative restrictions, shape the lived reality of protest rights in Nigeria
- It advances the normative argument that safeguarding peaceful protest is essential for strengthening democratic accountability, protecting human rights, and promoting good governance in Nigeria.

Together, these contributions deepen understanding of the evolving landscape of civic freedoms in Nigeria and highlight the urgent need for reforms that align state practices with constitutional and international human rights standards.

1.2 Methodology

Much of the research conducted in this paper will emerge largely from a combination of doctrinal (black-letter) and socio-legal approaches, allowing for the law surrounding the right to protest in Nigeria to be placed under immense scrutiny through analysis of both primary and secondary sources, including statutes, decided cases, textbooks, and journal articles (McConville, Hong Chui, 2017). This approach to research aims to describe, often in great detail, the technical, purely legal meaning of rules and principles (Ayoade Onireti, 2018). The Doctrinal research is often commended for its flexibility and unified structure that enables the author to gather a sound understanding of the law whilst permitting the identification and analysis of factual material (what the law currently is), and the identification and analysis of various legal issues which are found to have emerged (Stott, 1999). The main justification for adopting the doctrinal approach within this study is that it will assist in providing an accurate and complete statement of the law, thereby clarifying any ambiguities within rules, placing them in a logical and coherent structure and describing their relationship with other rules (Chynoweth, 2008). The Materials analyzed using this approach include legislation and case law, such as the 1999 Constitution of Nigeria, Public Order Act (CAP P42) 2004, the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights (ICCPR)

Using the black-letter approach alone is restrictive and would not allow the writer to treat the topic in its wider perspective (R. Banakar, 2011). Whilst the doctrinal approach explains the law ‘as it is,’ one of its main limitations is that it does not address the law ‘as it ought to be’ (T. Hutchinson, N Duncan, 2012). Since the primary aim of this paper *inter-alia*, is to assess the democratic, governance, and human rights implications of the restriction of the right to protest in Nigeria, it becomes important to supplement the doctrinal approach with the Socio-legal approach. The Socio-legal methodology exposes discrepancies between law in books and law in action, i.e. the application of the law in the society (P. Harris, 1986). Whilst the black-letter approach defines and explains the content of this legal rule, the socio-legal approach focuses on the social nature, functions, and implications of this rule (Ayoade Onireti, 2018). In this paper, the socio-legal methodology will be used to investigate the impact of the restriction of the right to protest in Nigeria and, more importantly, its implications on civil liberties and human rights. Conclusions will be drawn from credible reports and policy documents produced by relevant national and international bodies such as Amnesty International reports, Human Rights Watch, and other credible/scholarly peer-reviewed reports.

Before engaging with the discussions on the impact of restrictions on the right to protest in Nigeria, it is essential to present a brief overview of the domestic, regional, and international constitutional and legal framework governing this right, as well as key judicial decisions within which the right to protest been challenged in court. The next section addresses this in detail.

2. Nigeria’s Legal Frameworks on the Right to Protest

The 1999 Constitution of the Federal Republic of Nigeria (CFRN). The Nigerian Courts approach protest rights through a combination of constitutional interpretation, case law and balancing tests that weigh state interests against civil liberties. The key legal anchor is sections 39 and 40 of the 1999 Constitution of the Federal Republic of Nigeria 1999(CFRN). It is important to note that the Constitution is the final and supreme law in Nigeria. This is clearly spelt out under its supremacy clause, which provides that “*this Constitution is supreme, and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria* (CFRN 1999). Section 1(3) of the Constitution further clarifies that if any law is inconsistent with the provisions of the Constitution, the Constitution shall prevail, and that law shall, to the extent of the inconsistency, be void (Nigeria Constitution 1999)

The CFRN provides the constitutional legal basis for the right to protest. Section 39 (1) stipulates that.

“Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.”

Section 40 stipulates that.

'Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests....' (Nigeria Constitution 1999, s.40)

These provisions collectively establish a constitutional guarantee for peaceful assembly and protest in Nigeria. However, like in many jurisdictions, these freedoms are not absolute. The Constitution permits restrictions on the right to protest in certain circumstances, as outlined in Section 45, including matters of national security, public safety, public order, public morality, and public health. Additionally, the rights to protest and expression may be curtailed to protect the freedoms of others.

In balancing the right to protest against public order, the Nigerian courts often apply a proportionality-style test, even though the Courts rarely label it as such (Gadzama et al, 2024). Having made clear in several decisions that peaceful protest in Nigeria does not require a police permit (*Ibrahim v COP*, 2017), the right to protest is presumptively valid, and any restrictions must be justified. Thus, in applying the proportionality-style test approach, the court is interested to know if the restriction of the right to protest is lawful, necessary for public order or safety, and whether it is proportionate to the aim pursued?

Public Order Act (CAP P42) 2004. Interestingly, the Nigerian government enacted the Public Order Act 2004. This Act requires individuals or groups intending to hold public gatherings or protests to obtain a Police permit. The constitutionality of the Act was, however, challenged in the landmark case of the *Inspector General of Police v. All Nigerian People's Party & Others* (AHRLR 179, 2007). The Court in this case ruled that the police's request for permits before citizens can hold rallies or processions is illegal and unconstitutional as it violates section 40 of the 1999 Constitution and Article 11 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap. 10, Laws of the Federation of Nigeria, 1990 and to that extent, null and void. The legal implication of this ruling is that no police permit is required for Nigerians to protest peacefully or hold rallies.

The question that then arises is how limitations placed on the right to protest in Nigeria are justified and contested. Most of the limitations on the right to protest are challenged through contestation in courts, social media mobilizations, and internal/external pressure from foreign media and international organisations (Ekeke, 2023; Okoye, 2021). A deeper tension emerges where legal doctrine and enforcement diverge. Whilst the Courts have repeatedly affirmed that peaceful protest does not require permit, yet the police continue to disperse gatherings, arrest organizers and use force in ways that contradict judicial precedent. This gap between law and practice creates a for practical unconstitutionality, where rights exist on paper but are undermined by enforcement culture. The result is a system in which the judiciary articulates rights-protective principles, but the Executive agencies operationalise protest through the 'security-first' lens, therefore producing inconsistency and eroding public trust in constitutional guarantees.

Having examined the domestic constitutional provisions governing the right to protest in Nigeria, it is also important to highlight the corresponding protections under the Country's regional and international human rights regimes.

The African Charter on Human and Peoples' Rights (ACHPR).

In spite of Nigeria's Constitution being the supreme law of the country, Nigeria has accepted human rights responsibilities/obligations through the ratification and or domestications of regional and international human rights treaties (Edwin, 2007). These treaties are "legally" binding on Nigeria, imposing obligations to respect, protect and fulfil human rights (Agbakoba, Adewale, 1999). The primary goal for the establishment of the African Union (AU) in 1963 in Ethiopia was to have a regional body that brings together all African countries, similar to the European Union. Consequently, the African Union adopted the African Charter on Human and Peoples' Rights (ACHPR) in June 1981 and came into force on 21st October 1986. The ACHPR is alternatively referred to as the "Banjul Charter." The ACHPR was enacted to protect the human rights and freedoms of the people living in Africa. Nigeria, being a member of the AU, became a signatory to the African Charter on 31st August 1982 and ratified the Charter on 22nd June 1983 (African Commission on Human and Peoples' Rights, 19830).

Art. 10(1) of the ACHPR provides that *"every individual shall have the right to free association, provided that he abides by the law."*

Similarly, Art. 11 of the ACHPR provides that *"every individual shall have the right to assemble freely with others."*

In the same vein, freedom of association and assembly under the ACHPR is a qualified right.

Art 27(1) of the ACHPR provides that "the rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest" This suggest that human rights under the ACHPR, including the right to freedom of expression, is permitted with due regard to the rights of others, collective security, morality and common interest. Furthermore, Article 29(3) and (5) of the ACHPR impose a duty on the individual not to compromise the security of the State whose national or resident they are.

It is important to note that the Nigerian National Assembly incorporated the African Charter into its domestic law through the African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act 2 of 1983, and is now contained in Cap 10, Laws of the Federation of Nigeria, 1990. Consequently, the African Charter is now part of the laws of Nigeria, and the Courts are obliged to endorse it. This conclusion was reiterated by the Supreme court in the case of *Sani Abacha v Gani Fawehinmi* (1997) where the court ruled that 'the provisions of the African Charter on Human and Peoples' Rights shall, subject as thereunder provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria' The Supreme Court has, however, clarified in several decisions that where there is a conflict between the Charter and the Nigerian Constitution, the Constitution should prevail (*Ogugu v The State*, 1994) (*Chima Ubani v Director of State Security Services*, 1999) (*Mojekwu v Ejikeme*, 2000).

The International Covenant on Civil and Political Rights (ICCPR).

Nigeria is a signatory to several international Conventions, including the ICCPR. These Conventions bind her to respect the human rights of all individuals within its territory. The ICCPR was adopted by the United Nations General Assembly Resolution 2200A

(XXI) of 16 December 1966. It entered into force on 23 March 1976 (Tomuschat, 1966). Nigeria acceded to the ICCPR in October 1993, but it is yet to ratify the first Optional Protocol on establishing an individual complaint mechanism (Nigeria Human Rights Commission, 2009). Even though Nigeria is yet to incorporate the ICCPR into its domestic law, as a State party to the Covenant, Nigeria is obliged to guarantee the protection of rights under the ICCPR, which includes the right to freedom of association and assembly.

The ICCPR also guarantees the right of peaceful assembly and the right to freedom of association. Art. 21 of the ICCPR provides that the right of peaceful assembly shall be recognised. Similarly, Art. 22 stipulates that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Freedom of association and the right to peaceful assembly are also not absolute rights under the ICCPR. Both of them are qualified by Para 2 Art 21 and Art. 22(2).

Art 22(2) provides that restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Following the assessment of Nigeria's domestic, regional and international provisions governing the right to protest in Nigeria, the next section discusses the recent challenges and lived realities faced by Nigerians in exercising this right.

3. Recent Challenges to the Right to Protest in Nigeria

Despite the legal safeguards provided under the CFRN 1999, the African Charter and the ICCPR, the practical exercise of the right to protest in Nigeria has faced increasing challenges in recent years. Nigerians have encountered systemic barriers that undermine their ability to express dissent. The excessive use of force by the security agencies, arbitrary arrests, prolonged detention, and digital surveillance/suppression have created a climate of fear and intimidation, deterring public participation in peaceful protest. This section examines recent incidents that highlight the tension between the constitutional right to protest and government practices.

3.1 #EndSARS Protest 2020 – Arrests and Killings

In October 2020, Nigeria witnessed one of the most significant youth-led protests against the Nigerian Police Force's Special Unit, known as the 'Special Anti-Robbery Squad (SARS).' The protest was a result of years of unchecked police brutality, arbitrary arrests, and extrajudicial killings by the Unit. The #EndSARS protests were held across all the 36 states of the country, calling for justice, accountability and reform in the Police Force (New York Times, 2020). Unfortunately, what started as a peaceful demonstration quickly escalated into a national disaster marked by violent crackdowns by security forces and loss of lives. On 20th October 2020, peaceful protesters gathered at the popular Lekki toll gate in Lagos, waving flags and singing the national anthem. That evening, security forces opened fire on the crowd, killing 10 protesters (Amnesty

International, 2020). The Nigerian government continues to deny responsibility for the killings, but video evidence suggests otherwise. Following the protests, many demonstrators were arrested and detained without trial. Amnesty International reported that many of these detainees face fabricated charges such as arson, violent disorders, unlawful possession of firearms and treason. Most of the detainees also alleged torture and inhumane treatment while in custody (Amnesty International, 2023). One of the protesters arrested, Sodiq Adigun, told Amnesty International:

"I have been detained since 2020 without trial. I am innocent. My life has been shattered. I need my liberty" (Amnesty International Report, 2023).

The continued detention of the protesters violates the right of the protesters, especially their right to personal liberty as guaranteed under the Constitution.

3.2 Twitter(X) ban in 2021

In one of the most drastic affronts on the right to expression and association, the Nigerian government suspended Twitter's operations in the country on Friday, 4 June 2021. The ban came as a result of Twitter deleting a post by the then Nigerian President, Muhammadu Buhari, for violating the platform's safety rules. President Buhari had, in a series of tweets, threatened a section of the country (Biafra agitators), saying those responsible for the destruction of government properties would be treated the way a secessionist group, Biafra, was treated during the Nigerian civil war. The government alleged that Twitter was being used to undermine Nigeria's national security. The government also alleged that Twitter was allowing "the spread of religious, racist, xenophobic and false messages" that "could tear the countries apart. (BBC News, 2021).. Many Nigerians expressed outrage against the outright ban and accused the government of trying to stifle freedom of expression in the country. The Minister of Justice and Attorney General of the Federation, Abubakar Malami, debunked these allegations and further directed the prosecution of those who use international means such as Virtual Private networks (VPN) to access the platform. Civil liberty organizations and international media organizations expressed outrage over the ban. For instance, Amnesty International (AI) described the ban as a means of curbing the press and social media platforms and a troubling indication of the broader deterioration of human rights protections across the country (Amnesty International, 2021). The ban in Nigeria was lifted in January 2022 following sustained external pressure on the government (Guardian, 2022).

3.3 #EndBadGovernance Protests 2024

Nigeria witnessed another massive protest between 1st August to 10 August 2024, tagged #EndBadGovernance. Protests erupted across the country as a result of widespread frustration over the economic hardship, corruption, and bad governance. What began as scattered demonstrations later evolved into a nationwide protest uniting students, workers, labor Unions, and activists, with thousands taking to the streets to demand better governance from the government. However, the government's response was forceful. At least 21 protesters were killed by security forces during the peaceful protest, and over 1,100 people were arrested (O. Ariemu, 2024). Curfews were imposed in several states, and major roads were blocked by the military. Human rights organisations, including Amnesty International and Human Rights Watch, condemned the

crackdown as a violation of both Nigerian Constitutional protection and international human rights treaties.

The incidents examined in this chapter collectively demonstrate a widening gap between Nigeria's constitutional guarantees of peaceful assembly and the realities of state practice. The #EndSARS protest (2020), the Twitter/ X Ban (2021), and the #End-BadGovernance demonstrations (2004) show a consistent pattern of the Nigerian State increasing reliance on coercive, punitive and digitally restrictive measures to suppress dissent. These developments reveal a structural tension between legal doctrine, which affirms the right to protest and enforcement culture, which often treats protest as a threat to national security rather than a democratic entitlement. Taken together, these events shows that the right to protest in Nigeria is not merely constrained by isolated abuses but the systematic governance approach that prioritises control over participation.

The next section examines the human rights, societal, and political implications arising from the suppression of the right to protest in Nigeria.

4. Human Rights, Societal, and Political Implications of Suppression of the Right to Protest in Nigeria

The suppression of protest in Nigeria carries profound implications that extends far beyond the immediate disruption of public demonstrations. As the preceding chapters have shown, the legal and practical constraints placed on civic mobilization reveal a deeper structural tension between constitutional guarantees and the state's coercive practice. These restrictions have broader implications for human rights, societal cohesion, the economy, and the country's political governance.

4.1 Human Rights Implications

Another significant implication of suppressing peaceful protest in Nigeria is that it breaches Nigeria's domestic, regional and international human rights obligations under the CFRN 1999, the African Charter on Human Rights and the ICCPR. These crackdowns on protests also have significant implications for Nigeria's standing in the global human rights community. The hallmark of human rights is to ensure that people live their lives free from fear or intimidation from others or the government. When the state fails to fulfil its obligation to protect the fundamental rights and freedoms of its citizens, it undermines the very principles upon which democratic governance is built. Such failures not only erode public trust in institutions but also expose citizens to injustice, marginalisation and abuse.

4.2 Societal and Economic Implications

Beyond its human rights implications, suppressing the right to protest in Nigeria has a ripple effect on the country's socio-economic front that undermines national development and cohesion. The arrest of peaceful protesters in Nigeria suggests that there is something fundamentally wrong with the Nigerian government's relations with the people. Suppressing the people's right to protest creates mistrust between the citizens and the government. This mistrust not only weakens democratic governance but also discourages accountability, innovations, and inclusivity, which are important for

economic growth. Scholars argue that protests often emerge from deep-rooted grievances such as corruption, unemployment, unfavorable economic policies, apathy, insecurity and disconnect between government and the people (Justino et al, 2019). Silencing these voices delays the necessary reforms and perpetuates systemic inefficiencies. This mistrust also reinforces some antisocial behaviours, such as tax evasion and political apathy (Tobiloba Fadesere, 2018). Moreover, the violent dispersal of protest can lead to the destruction of property, disruption of commerce and loss of investor confidence. These also have other ripple effects, such as loss of daily incomes for workers, diversion of public funds to security deployment rather than development initiatives, and youth disillusionment. This disillusionment fuels youth emigration, thereby draining the country of its most dynamic, energetic, and educated citizens.

4.3 Political Implications

The political implications of suppressing peaceful protest in Nigeria are multifaceted and far-reaching, threatening the very foundation of democratic governance and civic participation. The intimidation and violent crackdown on protesters severely undermine Nigeria's democratic credentials and signals a retreat from democratic norms. If this approach continues unchecked, Nigeria risks sliding into a system where power is maintained not through consent but through coercion. Suppressing citizens' right to protest can lead to widespread apathy, voters' disengagement and even civil unrest. From a global prism, repressive measures against protesters often attract condemnation from foreign governments, international human rights bodies, and global media, which results in diminished investor confidence and diplomatic strain. This may also isolate Nigeria diplomatically and economically, thereby weakening its influence on the continental and global stage.

Taken together, the suppression of the right to protest in Nigeria produces a constellation of human rights, societal and economic, and political consequences that reveal a deepening crisis in the country's democratic landscape. Understanding these interconnected effects is essential for assessing the health of Nigeria's democracy and for charting pathways forward towards a more inclusive and rights-respecting political order.

5. Conclusion and Recommendation for Policy Reforms

The analysis presented throughout this paper demonstrates that the suppression of the right to protest in Nigeria poses a grave challenge to citizens' human rights, the country's democratic aspirations and institutional integrity. The cumulative effects of these restrictions are a weakening of the rule of law and a narrowing of the civic space, thereby undermining the very foundations upon which democratic societies are built. In sum, the suppression of protest in Nigeria is not merely a violation of individual rights but deeply structural, with long-term implications for governance, legitimacy, and Nigeria's place in the global community. Unlawful restrictions on the rights to peaceful assembly and expression threaten Nigeria's adherence to human rights, the rule of law, and the very foundations of democracy in the country. For Nigeria to thrive

politically, it must recognise that the right to protest and dissent is not a danger but a democratic necessity.

In light of the increasing suppression of the right to protest in Nigeria, there is an urgent need for comprehensive reforms that safeguard civil liberties and reinforce democratic governance. The following recommendations seek to address these systemic challenges and chart a path toward a more open, rights-respecting and, more importantly, ensure that citizens can exercise their fundamental rights without fear of arrest or reprisal.

5.1 Repeal or Amend the Public Order Act

The Nigerian government need to urgently repeal the Public Order Act, which has been used to arrest protesters despite a ruling by the court that this contravenes the CFRN. The Act should be reviewed to align with Nigeria's constitutional guarantees and its regional and international obligations.

5.2 Prohibition of the Use of Military Force to Suppress Peaceful Protest

The Nigerian government need to ensure that the military and security agencies are not deployed for civilian demonstrations unless it is necessary, and this must be done with strict legal oversight.

5.3 Independent Oversight Mechanisms

Mechanisms should be in place to monitor the activities of the security agencies during protests, including the use of force or unlawful arrest. Erring officers should be prosecuted to serve as an example for others.

5.4 Timely Access to Justice

As the saying goes, justice delayed is justice denied. Individuals arrested during protests should be charged immediately. Prolonged detention without charge should be prohibited.

5.5 Institutional Transparency

There is a need for institutional transparency and engagement between the government and civil societies, including regular consultations on public policy reforms, public grievances and youth engagement.

Taken together, these recommendations underscore a simple but urgent truth: the protection of the right to protect is indispensable to Nigeria's democratic future. Without meaningful legal reform, institutional accountability, and genuine transparency, the cycle of repression and mistrust will persist, weakening the foundations of governance and eroding public confidence.

Acknowledgements. n/a

Generative AI Disclosure. Generative AI tools were used solely to support language editing and/or formatting of author-written text (e.g., clarity, grammar, structure). No confidential, sensitive, or identifiable personal data were entered into these systems. All content was reviewed and verified by the authors, who remain fully responsible for the manuscript.

Disclosure of Interests. The authors have no competing interests to declare that are relevant to the content of this article.

References

1. Ogbemudia Michael, Adebisi Ogunmusere, Joseph Odigie, Eniola Akinwumi (2024) Research on Humanities and Social Sciences,) ISSN 2225-0484 (Online) Vol.14, No.2, 2024 pp 27 -33
2. Onyeabor, Onyekachi (2003) Regulation Of Social Media And Freedom Of Expression In Nigeria: A Case Study Of The Constitutionality of the Ban On Twitter In 2021 <https://ssrn.com/abstract=4972358> accessed 3rd January 2025
3. A.D Aina-Pelemo (2023). Analysis of the Right to Protest and Freedom of Assembly in Selected African Countries with a Focus on Nigeria. *African Journal of Legal Studies*, 15 (4) 504-526
4. Mike McConville, Wing Hong Chui, *Research Methods for Law* (2nd edn, Edinburgh University Press 2017) 4
5. Onireti, Ayoade (2018) . Protecting the state: A comparative analysis and constitutional assessment of Nigerian and United Kingdom legal responses to terrorism. Doctoral thesis, University of Central Lancashire https://knowledge.lancashire.ac.uk/view/creators_id/aonireti=40uclan=2Eac=2Euk.default.html
6. David Stott, *Legal Research* (2nd edn, Cavendish 1999) 3
7. Paul Chynoweth, *Legal Research* (1st edn, Blackwell Publishing Ltd. 2008) 29
8. Terry Hutchinson, Nigel James Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' [2012] 17 *Deakin Law Review* 83
9. Reza Banakar, *the Paradox of Contextualization in Socio-legal Research* (I.J.L.C 487, 2011) Pg 487
10. Philip Harris, 'Curriculum Development in Legal Studies' (1986) 20 *Law Teacher* 112
11. *Inspector General of Police, IGP v All Nigerian Peoples Party (ANPP)*, (2007) AHRLR 179
12. Egede Edwin, Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria (*Journal of African Law*, 51 (2) 249
13. Olisa Agbakoba, A. Adewale, Human Rights and the Rule of Law in Nigeria' (*HURILAW* 1999) pp 8 - 12
14. The Constitution of the Federal Republic of Nigeria 1999
15. Alex Cyril Ekeke (2002) Right to Peaceful Protest in Nigeria and the Recurrent Syndrome of Brutalisation: The #EndSARS Protest Debacle. *Journal of African Law* (2023), 1–11
16. Okoye Blossom Chisom (2021). Democracy and Right to Freedom of Expression: A Case Study on the Nigerian Youth Protest on Police Brutality. *Open Journal of Political Science* 11(01):34-53

17. Gadzama Christopher Linus Zekeri Glory Ojomachewu ThankGod Okeokwo (2004) *Protest Rights in Nigeria's Constitutional Democracy* (FUWJSS) Special Edition Volume 1, Number 1 December,
18. *Chima Ubani v Director of SSS* (1999) 11 NWLR (Pt 625) 129 (CA)
19. *Mojekwu v Ejikeme* (2000) 5 NWLR (Pt 657) 402 (CA)
20. National Human Rights Commission (Nigeria), *List Depicting Nigeria's Status and Ratification of U.N Human Rights Instruments* (NHRC, 2009)
21. Human Rights Watch Report (2024) Nigeria – Protesters Charged with Treason <https://www.hrw.org/news/2024/09/06/nigeria-protesters-charged-treason> accessed 7th Aug 2025
22. CNN (2021) – 'Nigeria Bans Twitter after Company Deletes President Buhari's Tweet' <https://edition.cnn.com/2021/06/04/africa/nigeria-suspends-twitter-operations-intl> accessed 4th August 2025
23. African Commission on Human and Peoples' Rights; Ratification Table: African Charter on Human and Peoples' Rights <http://www.achpr.org/instruments/achpr/ratification/> accessed 5th August 2025
24. Inspector General of Police v. All Nigeria Peoples Party & Ors (2007) LLJR- CA
25. African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Chapter A9 (Chapter 10 LFN 1990) (No 2 of 1983) Laws of the Federation of Nigeria 1990
26. *Sani Abacha v Gani Fawehinmi* (1997) S.C. 45/1997
27. *Ogugu v The State* (1994) 9 NWLR pt 366
28. Christian Tomuschat, (1966) *International Covenant on Civil and Political Rights* New York, 16 December (Audiovisual Library of Int Law <http://legal.un.org/avl/ha/iccpr/iccpr.html> Accessed 4th August 2025
29. Author, F., Author, S.: Title of a proceedings paper. In: Editor, F., Editor, S. (eds.) *CONFERENCE 2016, LNCS*, vol. 9999, pp. 1–13. Springer, Heidelberg (2016)
30. LNCS Homepage, <http://www.springer.com/lncs>, last accessed 2023/10/25
31. Nduka Orjinmo, BBC News "*Nigeria's Twitter ban: Government orders prosecution of violators*" 5th June 2021 <https://www.bbc.co.uk/news/world-africa-57368535> accessed 9th August 2025
32. Amnesty International – 'Nigeria: dozens of civil society groups demand end to Twitter ban' <https://www.amnesty.org.uk/press-releases/nigeria-dozens-civil-society-groups-demand-end-twitter-ban> accessed 7th August 2025
33. Emmanuel Akinwotu -Guardian News, *Nigeria lifts Twitter Ban Seven Months after site Deleted President's Post*, January 2022
34. <https://www.theguardian.com/world/2022/jan/13/nigeria-lifts-twitter-ban-seven-months-after-site-deleted-presidents-post> accessed 9th August 2025
35. New York Times, *Nigerians Demand an End to Police Squad Known as SARS*, Oct 2020 <https://www.nytimes.com/2020/10/12/world/africa/nigeria-protests-police-sars.html> accessed 9th August 2025
36. Amnesty International, *Nigeria: attacks on #EndSARS protesters leave 10 dead and hundreds injured*, Oct 2020 https://www.amnesty.org.uk/press-releases/nigeria-attacks-endsars-protesters-leave-10-dead-and-hundreds-injured?utm_source=google&utm_medium=grant&utm_campaign=BRD_AWA_GEN_dynamic-search-ads&utm_content=&gad_source=1&gad_campaignid=1717255123&gbraid=0AAAAADvZPBf9dLEKxDlwstASWJ__NiWf&gclid=CjwKCAjw-

_FBhBzEiwA7QEgyG_5irIEbhGE-
HYe_D95BEZ9GHZTLzKpHzJo0IPbYqcEHN5t0bnc5IRoCFYIQAvD_BwE
accessed 10th August 2025

37. Amnesty International - Nigeria: Three years after #EndSARS at least 15 protesters languish in Lagos jail, October 2023 <https://www.amnesty.org/en/latest/news/2023/10/nigeria-three-years-after-endsars-at-least-15-protesters-languish-in-lagos-jail/> accessed 10th August 2025
38. Ogaga Ariemu, DailyPost, August 1 Protest; Several Protesters reportedly Shot Dead in Nigeria, August 1, 2024 <https://dailypost.ng/2024/08/01/august-1-protest-several-protesters-reportedly-shot-dead-in-niger/> accessed 12th Sept 2-025
39. Tobiloba Fadesere, Nigerians Do not Trust Government, Stears, 2018 <https://www.stears.co/article/nigerians-do-not-trust-government/> accessed 11th August 2025
40. Justino, P., and Martorano, B. (2019). Redistributive Preferences and Protests in Latin America. *Journal of Conflict Resolution*, 63(9), 2128-2154.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

