



FOR IMMEDIATE RELEASE

NATIONAL HUMAN RIGHTS COMMISSION URGES RESPECT FOR HUMAN RIGHTS BY ALL WITH REGARDS TO EXERCISE OF FREE EXPRESSION, ASSEMBLY AND ASSOCIATED RIGHTS, INCLUDING THE RIGHT TO PROTEST.

ABUJA, 3 JANUARY 2012: This Advisory is issued in exercise of the responsibilities conferred on the National Human Rights Commission under Section 5(b)(o) of the National Human Rights Commission Act as amended by the National Human Rights Commission (Amendment) Act, of 2011, which empowers the Commission to “on its own initiative....report on actions that should be taken by the Federal, State or Local Government to comply with the provisions of any relevant international human rights instruments.”

The National Human Rights Commission affirms that the right to assemble freely and to protest or demonstrate peacefully is a human right recognized and guaranteed within Sections 39-40 of the Constitution of the Federal Republic of Nigeria, 1999 and Articles 9-11 of the African charter on Human and Peoples’ Rights, which is domestic law in Nigeria.

In addition, under Article 21 of the International Covenant on Civil and Political Rights, to which Nigeria is also party, “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the 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.”

Peaceful protest is a duty of citizens and an essential characteristic of an open and democratic society. Article 13 of the African Charter on Democracy Elections and Governance, which Nigeria has ratified, requires government to “take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace.”

In implementing this obligation, government has a duty to encourage its citizens to channel or express their grievances in a peaceful manner. Therefore, individuals or groups should be free to express their views, offer their criticisms, canvass their ideas for democratic change and improvement, and assemble or protest for these purposes provided they do not seek to propagate these ideas by violent means or in a manner that disturbs public peace, safety or security.

At all times, it remains the obligation and responsibility of security agencies and law enforcement agents to ensure equal protection of all persons, including groups, within Nigeria and afford all the protections they require to exercise their constitutional rights. The Commission reiterates that law enforcement agents must at all times respect and protect the human rights of all persons; avoid use of excessive force, arbitrary arrests and detention or resort to “third-degree” methods of policing.

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- The effective exercise of the right to protest entails co-operation between public authorities, security agencies and civil society. This is particularly important given the current context of enhanced safety and security consciousness in Nigeria.

Persons organizing or participating in any protests or demonstrations have an obligation to respect the laws of the land, comply with lawful directives of law enforcement agents and express their views in a manner devoid of violence or breakdown of law and order.

At a time such as this, there are many pressures and demands on the attention and assets of the security and law enforcement agencies. To enable them to manage limited assets and enhance the effective protection of persons or groups exercising the right to protest, it is good practice for persons seeking to exercise the right to protest or demonstrate to notify or invite the Police or other responsible authorities in the areas in which a protest is planned. This will enable the agencies to monitor the activities proposed, offer protection as may be required and ensure that there is no breach of the peace.

Intending protest organizers should designate leaders, whose contact details should be communicated to the Police or law enforcement. It is also good practice to designate Marshalls who would work with law enforcement to maintain peace and order. In return, the Police and law enforcement should designate a team of personnel in all Commands who should liaise with organized civil society and ensure that they are adequately trained and skilled.

In keeping with its statutory responsibilities, the National Human Rights Commission will offer good offices to both the law enforcement and security agencies as well as organized civil society to inform and mediate any disputes or disagreements as to the management of the exercise of the right to protest or demonstrate.

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• Oti Anukpe Ovwah
Acting Executive Secretary