



NATIONAL HUMAN RIGHTS COMMISSION

Promoting and Protecting Civic Space and Human Rights

An Advisory Opinion to Federal, State and Local Governments and Civil Society Organisations issued pursuant to section 5(l)(m)(o) of the National Human Rights Commission (Amendment) Act

1.0 Preamble

The National Human Rights Commission of the Federal Republic of Nigeria (hereinafter referred to as the Commission),

Conscious of its mandate to promote, monitor, protect and enforce human rights of everyone in Nigeria in line with the national, regional and international human rights instruments to which Nigeria has enacted and is a party;

Recognising that a vibrant civic space- laws, polices, regulations, practices and institutions that allow citizens to claim rights associated with freedoms of association, peaceful assembly and expression- is key for a people centered approach to development and delivery of the dividends associated with democracy.

Acknowledging that the right to freedom of association is a fundamental freedom that empowers individuals to unite, organize, and advocate for causes that are important to them, their communities, society, and humanity.

Further acknowledging the important roles of civil society organisations in fostering human development through the provision of life saving programmes and the protection of citizens in humanitarian crises, advancing sustainable development, and fostering innovative solutions, particularly for marginalized communities: relieving government's burden by providing needed services to address poverty and inequalities.

Recognising the universality, indivisibility, interdependence and interrelatedness of human rights and the centrality of the four freedoms of speech, expression, association and assembly to facilitating dialogues and building bridges and pluralistic societies, and creating an enabling environment for peace, accountable governance and sustainable development.

Further recognising that civil society organisations are indispensable in the promotion of legal and institutional environments for fostering transparency and accountability, resulting in citizens having access to information, enabling meaningful participation in the democratic processes and contributing to good governance.

Conscious of the roles of civil society organisations, human rights organisations,

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trade unions, political parties, the Nigerian Bar Association, the media and other organisations and professionals in Nigeria in the protection of the four freedoms of speech, expression, association and assembly and the need for continuous cooperation, capacity and assistance to enable the full realisation and enjoyment of these rights by every Nigerian as a means to enhanced citizens' participation in the governance and electoral processes and building foundations for democratic, accountable and pluralistic societies.

Aware that Nigeria has three multi-level governance jurisdictions – Federal, State and Local Governments whose regulatory regimes impact on the operations and activities of nonprofits with the registration, tax system, corporate governance code, money laundering and countering of terrorism financing overlaying each of these resulting in burdensomeness, complexities, and inefficiency for nonprofits.

Noting that fundamental freedoms of association, assembly and expression which form the foundation of an enabling ecosystem for civil society, are continuously under threat in Nigeria across the world.

Re-affirming the normative and legal principles enshrined in the Advisory Opinions on **Protection of the Right to Freedom of Association and Assembly in Nigeria** of 31st July 2024 and **Protection of the Right to Freedom of Expression in Nigeria** of 4th April 2025.

Hereby issues the following Advisory:

2.0 Principles and Application

2.1 Principles

This Advisory is issued pursuant to the legal and inherent powers of the National Human Rights Commission in section 5(l)(m)(o) of the National Human Rights Commission (Amendment) Act, 2010 under the following principles:

1. Indivisibility, inter-relatedness and Interdependence of all human rights: All human rights are inter-related and depend on one another for full realization and enjoyment.
2. Equality: Every Nigerian is equal before the law and so is the application and enjoyment of all human rights to every Nigerian.
3. Non-discrimination: Every Nigerian is able to enjoy the human rights as enshrined in the Constitution and other legal and international human rights instruments without any discrimination as to birth, gender, religion, ethnicity, and political, cultural, economic and social orientations.
4. Neutrality and Independence: The National Human Rights Commission invokes its independence and neutrality under section 6(3) of the NHRC Act of 2010.

2.2 Application

This Advisory shall be applicable to the protection and promotion of civic space in Nigeria and other actions leading to the enjoyment of the rights to freedom of speech, expression, association and assembly and other associated rights therefrom.

This advisory is issued to:

- (a) All persons and authorities exercising powers over law enforcement, security, intelligence and military affairs.
- (b) All persons exercising executive, legislative and judicial powers in the federal, state or local government.
- (c) All individuals, groups and associations who seek to enjoy or realise the aforesaid four freedoms of

speech, expression, association and assembly in Nigeria and all the associated rights and duties thereto.

- (d) All civil society, media and professional organisations and bodies who have mandate to promote the rule of law, accountability governance, peace and human rights in accordance with the Fundamental Rights and the Fundamental Objectives and Directive Principles of State Policy enshrined in the Constitution of the Federal Republic of Nigeria.

2.0 Role of CSOs in Democracy and Development

2.1 Civil society organisations (CSOs) play an increasing important role in promoting democracy and development in Nigeria, serving as a bridge between citizens across communities and governments, delivering services, enhancing voice and shining the light on on accountability of the government and non-state actors to the people.

2.2 Since the return to democratic governance in Nigeria in 1999, civil society organisations continue to advocate for legislative and policy reforms that promote democratic norms and respect for fundamental human rights of Nigerians. In terms of democratic consolidation, the work of civil society organisations has impacted on voter education, electoral reforms, political parties' development and public accountability for free, fair and credible elections in Nigeria. In addition, the enactment of key governance legislations such as the Freedom of Information Act and the Public Procurement Act can be attributed to the sterling advocacy and influence of Nigerian CSOs.

2.3 As key drivers of social and economic development, CSOs have played an important role in promoting social investments and philanthropy in Nigeria. These includes conditional cash transfers, healthcare and educational support, housing and food assistance, child welfare systems and youth employment support. In humanitarian emergencies, including during pandemics, CSOs are at the frontlines, supporting the distribution of social assistance to communities, advocating for the rights and welfare of COVID-19 patients, internally displaced persons and providing digital education to local communities.

2.4 CSOs compliment governments action in delivering quality social services in a cost-effective manner and the implementation of the Sustainable Development Goals. For example, CSOs provide assistance to young people and vulnerable groups through anti-poverty programmes. CSOs further serve as agents and advocates for citizens using their learned experiences to inform policy changes and actions.

3.0 Definitions and Principles

3.1 Understanding 'civic space.'

Civic space refers to the environment in which citizens and civil society organizations can freely express themselves, organize, and participate in public life, without fear of reprisal or undue restriction. Civic space is a key element of functioning democracies, allowing people to engage in political dialogue, advocate for change, and hold persons and institutions of authority to account.

3.2 The Constitution and Civic Space

The 1999 Constitution of the Federal Republic of Nigeria (as amended) lays the foundation for the establishment and guarantee of civic space as a cornerstone of democracy. The Constitution provides in section 14 as follows:

- (1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice.
- (2) It is hereby, accordingly, declared that-

- (a) sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority;
- (b) the security and welfare of the people shall be the primary purpose of government; and
- (c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.**

Through the above provision, the constitution provides the impetus for citizens' participation in the governance and electoral processes, including the creation of an enabling environment for citizens to hold and expression opinions. A healthy civic space is essential for a democratic society, as it allows citizens to participate in shaping their communities and hold their leaders accountable.

3.3 Civic space and Human Rights: A symbiotic relationship

The presence of institutional and legal environment to protect and promote civic space is crucial to the enjoyment of all human rights. Essentially, majority of the civil and political rights can only thrive in a protected civic space. These rights include:

1. **Freedom of Expression:** The ability to express opinions, ideas, and information without censorship or fear of punishment.
2. **Freedom of Association:** The right to form and join groups, organizations, and movements.
3. **Freedom of Assembly:** The right to gather peacefully and publicly to express collective views.
4. **Access to Information:** The ability to obtain information relevant to public life, including information from the government.
5. **Accountability:** The presence of an enabling environment to hold governments and other powerful actors accountable for their actions.

From a policy perspective, an active civic space is crucial

Civic space facilitates open dialogues, debates, and advocacy, contributing to a more just and equitable society.

2.3 National and International Human Rights Law Context:

The first basic issue relating to the groundwork necessary for the protection and promotion of civic space is that while government and the political structure that drives an open society can take many forms in a democracy, it lies in the principle that laws must recognize the right of individuals to assembly, speak out, join together to pursue shared interests or to pursue shared notions of the public good, free of state interference.

1. The 1999 Constitution protects core civic freedoms including freedom of association, peaceful assembly and expression. Specifically, section 40 states that *every person has the right to assemble freely and associate with other persons, including the right to form or belong to any political party, trade union or association for the protection of their interests.*
2. Nigeria has ratified and is therefore party to major international human right laws relevant to civic space and they are:
 - Article 10 of the African Charter on Human and Peoples' Rights (ACHPR):
 - Article 8 of the African Charter on the Rights and Welfare of the Child
 - Articles 12(3), 27(2) and 28 of the African Charter on Democracy, Elections and Governance.
 - Article 20 of the Universal Declaration of Human Rights

- Article 22 of the International Covenant on Civil and Political Rights (ICCPR):
 - Article 15 of the International Convention on the Rights of the Child
 - International Covenant on Economic, Social and Cultural Rights (ICESCR):
 - Article 7(c) of the Convention on the Elimination of All Forms of Discrimination Against Women,
 - Article 26 and 40 of the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families,
 - Article 15 of the 1951 Convention Relating to the Status of Refugees,
 - Article 24(7) of the International Convention for the Protection of All Persons from Enforced Disappearance, and
 - Article 29 of the Convention on the Rights of Persons with Disabilities.
3. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has clarified that an “association’ refers to any groups of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests.” This term encompasses “both formal and informal organizations, national or international ... and can include voluntary groups, clubs, non-profit organizations, cooperatives, foundations, charities, trade unions, as well as advocacy groups¹.
 4. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has affirmed that “the right to freedom of association equally protects associations that are not registered” and that individuals “involved in unregistered associations should indeed be free to carry out any activities, including the right to hold and participate in peaceful assemblies, and should not be subject to criminal sanctions².
 5. Associations have the right to register or not register. When they do decide to register, they have the right to acquire legal personality and consequent benefits including the ability to have bank accounts and to initiate legal proceedings in their name.³
 6. Beyond the broad legal protections on freedom of association explicitly identified in the Constitution and international human right laws ratified by the country, laws regulating civil society are in various codes. One of the codes supports the creation of nonprofit entities (Companies and Allied Matters Act 2020), another code shapes the tax treatment of nonprofits registered under the Companies and Allied Matters Act (Companies Income Tax Act, Value Added Tax Act, Personal Income Tax Act and Finance Act), a code on preventing money laundering and countering finance of terrorism (Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) Regulations)
 7. Others include codes covering thematic areas of work such as shelters and orphanages which are governed by both the Violence Against Persons (Prohibition) Act and Child Rights Act respectively.
 8. In Nigeria, the guarantee of freedom of association is national in scope. Individuals or groups of people seeking to acquire legal personality as “charitable or ecclesiastical” (nonprofits) organisations must register with a governmental authority and satisfy the authority that they comply with the requirements for

¹ UN Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule*, UN Doc. A/HRC/53/38/Add.4, 23 June 2023, para. 6

² UN Human Rights Council, *First Thematic Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai*, UN Doc. A/HRC/20/27, 21 May 2012, para. 56; *see also* UN Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai*, UN Doc. A/HRC/29/25, 28 April 2015, para. 59.

³ Guidelines on Freedom of Association and Assembly in Africa page 11
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nonprofit status. These governmental authorities are Corporate Affairs Commission, Federal Inland Revenue Service and the Special Control Unit against Money Laundering.

9. In *Inspector General of Police vs. All Nigeria Peoples Party and Others* (2007) AHRLR179, the Court of Appeal laid down the judicial principles recognizing the preeminent position of the right to freedom of expression, right to freedom of association and assembly. The Court of Appeal held that “the right to demonstrate and the right to protest on matters of public concern are rights which are in the public interest and that which individuals must possess, and which they should exercise without impediment as long as no wrongful act is done.”
10. In interpreting the position of the Public Order Act, the Court further held that legislations “cannot be used by way of condition to attain unconstitutional result” and that the “Public Order Act cannot be used to attain the unconstitutional result of deprivation of right to freedom of speech and freedom of assembly.” (para 32). Their Lordships concluded that “the Constitution should be interpreted in such a manner as to satisfy the yearnings of the Nigerian society.
11. The decision aligns with international human rights standards regarding freedom of expression and assembly, reinforcing Nigeria’s commitment to upholding these rights within its democratic framework under the following principles.
 - a) Citizens do not require police permits to hold peaceful protests.
 - b) Notification to law enforcement about planned assemblies does not equate to seeking permission but serves as an avenue for ensuring safety and orderly conduct of protests and assemblies.
 - c) Law enforcement agencies must respect citizens’ rights while maintaining public order without infringing upon constitutional freedoms.
 - d) Citizens and protesters have the consequential obligations to ensure orderly conduct, respect for law and the security of other citizens and public and private properties.

2.4 Key Dimensions and Characteristics

1. **Rule of Law and Basic Rights:** The broader legal context within which freedom of association and the treatment of Associations is treated is rooted in Section 40 of the 1999 Constitution. Guarantees such as basic rights of citizens to speak freely, to associate or assemble for nonviolent purposes, to form associations and hold private property are fundamental to the functioning of civil society.
2. **Legal Entity or Juridical “Person”:** Specific provisions to recognise Associations as legal or juridical persons affording them the right to certain privileges as identified by the Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples’ Rights (African Commission) which includes holding a property, tax incentives, ability to have bank accounts and to initiate legal proceedings in their name and corresponding obligations which makes it desirable for them to be recognised by law. Part B and Part F of the Companies and Allied Matters Act 2020 define the features that qualify organisations for such legal recognition.
3. **Incorporated vs Unincorporated Associations:** To be recognised in law, that is to enjoy “legal entity or juridical person” status with its accompanying rights and obligations, individuals and groups of people forming an Association, some acts must be undertaken to transform them into a formally constituted, legal or juridical person, distinct from those individuals. They must have some institutional reality to them as reflected in regularised patterns of behaviour, internal procedures and presumably governing officers.

The formal legal person status (Incorporation) is granted in Nigeria by the Corporate Affairs Commission (CAC). The advantage of incorporation is that their liabilities can be limited to the assets held in the name of the Association thereby protecting the assets of its directors or officers who act on behalf of the Association from claims against the Association.

Unincorporated associations will be individuals or group of persons bound together by common purposes, coming together to form, merely have writes a constitution or articles of association stating the name of the association, purposes, members of the initial governing body, whether the association will have members, what will happen to its income, assets and liabilities on dissolution and certain other basic formalities contained in legal articles of incorporation. Typically, it is not necessary to have government approval to create an unincorporated association hence they do not enjoy legal entity status and its accompanying rights and obligations. Unlike incorporated associations, liabilities of the association are not limited to the assets therefore there is little, or no protection afforded to its members.

Quasi incorporation status have been granted to Co-operatives or friendly societies through the Co-operatives Act such that though unincorporated they have some legal prerogatives of incorporation such as ability to open a bank account, hold property and enjoy certain tax incentives.

4. Purpose: Three key characteristic of associations is their a) purpose, b) public benefit (character) and c) non-profit (non-commercial) nature. They can also engage in business activities and still qualify as nonprofit organizations so long as the profits thus earned are used wholly to support broader public purpose or benefit (character) and are not distributed to the directors or officers, or members. An organisation is considered non-profit only if it benefits whole community or a section of it- public benefit (character). What constitutes public benefit or public character is defined by Section 23 of the Companies Income Tax Act (CITA): ecclesiastical, charitable, sporting or educational activities.

More generally the classification of Associations added in the Company Regulations 2021 serves as the touchstone for the definition of public benefit or character and as one of defining features of organisations registering under Part F (incorporated trustees).

5. Registration Procedures: Compliance with permissible legal forms, purposes or other requirements that an association must possess is often verified at the point of registration. Two main compliance procedures that confers the non-profit status on associations is the juridical (legal entity) and public benefit status with both requiring government approval and satisfying government authorities that they comply with the requirements of nonprofit status. This is done through the Corporate Affairs Commission and Federal Inland Revenue Service (FIRS). These require certain documents to be prepared in prescribed form, forms completed, or modest fees paid does not have the effect of deterring associations from registering in practice.

The inherent right of freedom of association when it comes to having a nonprofit status is not assumed, it is essential for organisations to secure explicit recognition as nonprofit entities to function in this capacity.

6. Locus of Registration Authority and Degree of Discretion: The locus of the registration authority is vested in the Corporate Affairs Commission and Federal Inland Revenue Service. The degree of discretion vested in these agencies allow associations to self-define their purposes with registering authorities having only the discretion to verify that the claimed purposes are consistent

with those stipulated in law and that the organisation complies with minimum requirements as to legal form (that it has bylaws, an address and designated officers).

7. Appeal: Important to the development of the rule of law is the right of all legal persons including associations to appeal administrative decisions that affect them to an appropriate and independent court of competent jurisdiction. Arbitrary and unfair decisions affecting associations such as wrongful refusal to form an association are provided for in general laws governing judicial and administrative appeals.
8. Any burdens imposed on associations must respect their rights to retain the freedom to decide whether to register or not and should be commensurate with the benefits those organizations seek or receive from the state.
9. The right to freedom of association and assembly do not necessarily stand on their own. The enjoyment of these important rights is dependent on the facilitation of other associated human rights.
10. Right to Freedom of Expression: Closely tied to the enjoyment of the right to freedom of association and assembly is the right to express opinion freely as guaranteed by section 39 of the Constitution of Nigeria.
11. Right to Life: The protection of the right to life as guaranteed under section 33 of the Constitution of Nigeria is a major obligation by law enforcement and security agencies deployed to protests as well as organisers of protests and their supporters.
12. Right to dignity: Dignity is an all-encompassing human right whose guarantee will ensure that protesters and individuals are treated humanely and accorded all protection and assistance to conduct their protests and assemblies in the right environment and in dignity.
13. Right to personal liberty: This right protected by section 35 of the Constitution of Nigeria ensures that protesters are not subject to indiscriminate arrests and detention or any other forms of restriction that will dislodge or block their ultimate aim of organizing their protests or assemblies.
14. Right to fair hearing: Protesters should be accorded all assistance to ensure that they enjoy their rights to fair hearing before the courts and afforded with access to legal representatives for their protection at the earliest possible time as provided for in section 36 of the Constitution of Nigeria.
15. Right to freedom of movement: For both protesters and non-protesters, the enjoyment of the right to freedom of movement is essential to sustaining social and economic interactions.

3.0 Freedom of Association and Assembly at the Sub-national level

1. With registration authority vested in executive agencies at the national level, functional ministries and agencies of government at the sub-national level require some form of registration and are holding a powerful strong hold on the operations of nonprofit organisations -unduly burdensome.
2. A multi-ministry system of registration exists at the sub-national level, leading to reported cases of multiple registrations as different ministries tend to develop different standards for registration, some of them fairly easy and others quite stringent; no ministry develops real expertise in dealing with associations, often times it is a revenue generating activity lacking legal frameworks, with registration of associations being essentially a sideline activity for each ministry.

3. Any association engaging in activities subject to government licensing or regulation (e.g., health care, education, social services for people living with HIV/AIDS) should adhere to the same licensing and regulatory requirements and procedures as individuals, businesses, or public agencies. If a permit is required for certain activities (e.g., a parade permit), including public policy activities, associations should not face more stringent permit requirements than those applicable to individuals, businesses, or public agencies. Licensing and permit requirements should not be used to stifle the legitimate activities of associations, including public policy activities.

For example, if an association engages in activities that affect public safety, health, or welfare (e.g., by setting up a daycare center for small children), it is appropriate to require it to obtain a license to open such a center be subject to periodic inspections, and to meet reporting requirements that ensure the health and safety of the children.

4. As noted above, nonprofit status should ordinarily entitle an association to special benefits, which bring with them additional regulatory burdens. The burdens of additional scrutiny to which an association is subject should be related to the additional benefits it receives from the state. Moreover, an association should retain the freedom to decide whether to obtain this special status and subject itself to the additional regulatory burdens.
5. It is **impermissible under international law** to use registrations or other regulatory instruments to prohibit associations from expressing policy judgments or opinions. To do so would be to violate the rights to freedom of expression and freedom of association. Furthermore, associations have an important role to play in a democratic society by enhancing public debate on the issues of the day. It is therefore appropriate to provide associations with the right to engage in the broadest array of nonpartisan political activities.

4.0 Importance of Freedom of Association and Assembly

4.1 According to the General Comment 37, the right to peaceful assembly presents us with the following unique value for the enjoyment of the human rights to freedom of association and assembly and the promotion of democracy.

4.2. The right of peaceful assembly enables individuals to express themselves collectively and to participate in shaping their societies. The right of peaceful assembly is important in its own right, as it protects the ability of people to exercise individual autonomy in solidarity with others.

4.3. When enjoyed together with other rights such as expression, the right to freedom of association and peaceful assembly “constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism. According to the General Comment 37, “peaceful assemblies can play a critical role in allowing participants to advance ideas and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals.”

4.4. Where they are used to air grievances, peaceful assemblies may create opportunities for the inclusive, participatory and peaceful resolution of differences.

4.5 Platform to advance other rights: Peaceful protests and assemblies always have as their aim, the call for the protection or realisation of certain rights, including economic, social and cultural rights by duty bearers. Peaceful protests therefore are necessary elements and platforms to advocate for the realisation of other human rights in a democracy.

4.6. Through protests and peaceful assemblies, citizens are able to participate directly in governance and shaping public policies in the spirit of the Fundamental Objectives and Directive Principles of State Policy in section 14(2)(b) of the Constitution which provides that “the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.”

5.0 Policy Recommendations

5.1 In view of the foregoing, the National Human Rights Commission in exercise of its mandate in section 5, paragraphs (l), (m) and (o) of its enabling Act makes the following recommendations:

5.2 Obligations of Federal and State Government

5.2.1 For the purpose of this Advisory, Association refers to:

any groups of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests.” This term encompasses “both formal and informal organizations, national or international ... and can include voluntary groups, clubs, non-profit organizations, cooperatives, foundations, charities, trade unions, as well as advocacy groups.

The NHRC urges the Federal and State Government to uphold the Fundamental Human Rights and the Fundamental Objectives of State Policy enshrined in the Constitution of Nigeria.

5.2.2 Government at federal and state levels shall:

1. Commit to upholding Freedom of Association as provided in constitutional and international human rights obligations as well as national legal frameworks.
2. Ensure human rights-based approaches to regulation and oversight of associations to guarantee freedom of association. Regulations should enhance civic space and the freedom of association rather than weakening or eroding them.
3. Coordination between different levels of government is essential to ensure important legislative areas are addressed. However, involving too many governmental bodies in regulating associations can create unnecessary administrative burdens and should be avoided.
4. One way to assess if registration and reporting burdens on associations are excessive is to compare them with those imposed on for-profit organizations. The ability to appeal enforcement decisions to an independent judiciary is crucial for correcting state abuse and deterring future abuses.
5. Regulations on reporting, supervision, and enforcement must protect the public from fraud, abuse, and rights violations without unlawfully restricting freedom of expression, association, and peaceful assembly.
6. To facilitate the interests of both the public, federal and state governments, there should be a single national registry of associations open to all. At a minimum, the national registry should contain limited but clearly defined information about the names, addresses, general representatives, purposes, activities, and so forth, for all associations in the country.
7. Federal and State Governments have obligations to facilitate peaceful assemblies by ensuring full protection of protest assemblies.
8. Federal and State Governments shall ensure that protests are not disrupted by opposing third parties, counter-demonstrators or hostile forces.
9. Federal and State Governments shall ensure that initial approaches to emerging violence by protesters or counter-protesters does not immediately lead to the use of deadly force and all measures to preserve human lives shall be ensured in accordance with international best practices.

5.3 Obligations of the State Assembly and National Assembly

1. Improve legislative oversight by creating laws that safeguard freedom of speech, assembly, and association. This includes enacting protections against undue restrictions on protest and civic engagement.
2. Regularly review and update existing laws to ensure they do not infringe on civic freedoms. This includes repealing outdated or restrictive laws.
3. Scrutinize executive and administrative actions to ensure they respect civic freedoms. This includes oversight of law enforcement practices and the implementation of policies affecting civic space.
4. Conduct investigations and public hearings into violations of civic freedoms or abuses of power. These can serve as a check on government and corporate actions that impact civic space.
5. Support and promote programs that educate citizens about their rights and responsibilities in a democratic society.
6. Create platforms and opportunities for citizens to express their views and participate in policy discussions. This can include town hall meetings, public forums, and advisory committees.
7. Work collaboratively with civil society organizations, human rights groups, and other stakeholders to address challenges and promote a robust civic space.
8. Coordinate with federal authorities to ensure that state-level protections are in alignment with national standards and human rights obligations.

5.4 Obligations of the Nigeria Police and Other Law Enforcement, Security and Armed Forces

1. Ensure prompt, impartial, and thorough investigations into any incidents of human rights violations including during protests.
2. On the use of force:
 - (a) Abide by the recommendations of the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
 - (b) This principle specifies that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,” that the use of force should be exceptional, and that “the use of firearms is considered an extreme measure.”
 - (c) It also states that “no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.”
3. Law enforcement and security agencies shall respect the rights of citizens, including the right to peaceful assemblies to convene assemblies and to voice their opinions.
4. Provide and protect traffic routes for protesters and non-protesters to ensure the right to freedom of movement are enjoyed by all parties.
5. Provide protection for public and private properties against protesters or counter-protesters.

5.5 Obligations of the National Human Rights Commission

1. The Commission shall work with civil society organisations (associations) to provide adequate technical and programmatic support to ensure the protection and promotion of civic space.
2. The Commission shall work with the federal and state governments to ensure that an environment exists to support an enabling environment for the formation, operation and dissolution of associations.
3. Establish protective and accountability mechanisms on human rights violations arising from shrinking civic space.
4. Issue from time-to-time advisories and guidelines on other aspects of freedom of association and assembly and expression especially those relating to implementation of the Guidelines on Freedom of Association and Assembly in Africa.
5. Undertake advocacy, campaigns and other educational programmes to inform regulators and legislature on the negative implications of over-regulation and their impacts on the enjoyment of

fundamental principles such as freedom of association, assembly and expression.

5.6 Obligations of Civil Society and Protest Leaders

1. Ensure proper implementation of the aspect of laws governing associations which require that the governing board (trustees) exercise fiduciary responsibility and receive regular and detailed reports on finances and operations so that the organization can adequately police itself.
2. In addition, the civic sector should foster appropriate methods of self-regulation. For example, organizations working in a specific field (e.g., social services for the elderly or environmental protection) could form an association that democratically establishes special standards for governance, disclosure, and fundraising. Member organizations would then be required to certify their compliance with these standards.
3. Ensure that the protest is peaceful and avoid provocative actions such as carrying arms, hate speeches, attacks on law enforcement and security agencies or looting of public and private properties
4. Ensure that the protest remains peaceful and law-abiding. Violence and destruction of property will undermine the legitimacy of the protest.
5. While the right to protest is guaranteed, the protection of critical infrastructure is also essential.
6. Cooperate with law enforcement to ensure peaceful protests and apprehension of offenders

6.0 Conclusion

An open society can take many forms, but at its core, the state exists to serve the people, not the ruling party. To achieve such a society, laws must protect individuals' rights to freely express their views and to organize in pursuit of common goals. The Commission issues this opinion to set standards for laws permitting, protecting and promoting civic space based on international and regional human right laws. The most important underlying premise of the advisory is that laws should exist to protect fundamental freedoms.

Issued in Abuja, this 18th day of May 2026



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