



SPACES FOR CHANGE | S4C

RESEARCH | POLICY | CITIZEN ACTION

EXECUTIVE SUMMARY
NAVIGATING CIVIC SPACE
DURING THE
**FIRST WAVE OF
CORONAVIRUS**

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No country in the world expected the pandemic and the resulting health crisis. The sudden outbreak of the scourge forced countries, including Nigeria, to take charge and make difficult choices to contain disease spread.

Emergency regulations were hurriedly passed across Nigerian states and at the federal level which severely limited certain rights and freedoms. Not only that, a flurry of disease containment and mitigation measures were imposed in the three most-impacted states initially, and later on, across the country. The methods used to enforce the precautionary and mitigating measures triggered a vast array of intended and unintended consequences, with far-reaching implications on the fundamental human rights of citizens and the civic space in general. Particularly significant were the resulting spikes in human rights abuses coupled with the misuse of emergency laws to stifle basic freedoms and crack down on the civic space. The ensuing tension between the containment measures and specific sets of rights particularly the right to protest, associate and assemble freely, media and internet freedoms, women and minority rights, provoked both academic and civic discourses around the compatibility and proportionality of the imposed restrictions to the identified legitimate aims of government.

Between June - December 2020, SPACES FOR CHANGE | S4C in collaboration with the UK-based Institute for Development Studies, implemented the “Navigating Civic Space in A Time of COVID-19” project, a component of the Action for [Empowerment and Accountability \(A4EA\) Research Programme](#)). The research reviewed how a range of social, political and policy measures introduced to curb the spread of COVID-19 reshaped and shifted the dynamics of civic space in Nigeria. This brief summarises the research findings, identifying how emergency response measures and public health protocols introduced to curb disease spread during the first wave of the pandemic impacted the civic space and how civil society responded.

METHODOLOGY

Over a six-month period, an observatory panel on civic space comprising a team of Nigerian activists and organizations monitored and examined the multifaceted impacts of the COVID-19 emergency response and mapped how various actors, actions and practices were limiting the civic space, and how civil society organisations were responding. Prior to the commencement of this project, incidents of crackdowns on the civic space linked to the enforcement of COVID-19 safety protocols and lockdown rules tracked on a digital database (www.closingspaces.org) accumulated knowledge on the underlying trends, tactics, drivers and flash-points. At monthly virtual meetings over six months, the participating organizations: (Spaces for Change, Global Rights, Youths and Environmental Advocacy Centre, Network on Police Reforms in Nigeria (NOPRIN), Centre for Community Empowerment and Poverty Eradication, a gender expert and a representative of slum and informal settlements) deliberated on these drivers, trends, analyzing and evaluating how they were opening or closing the spaces for civic action.

The following research questions shaped the content of the observatory panel discussions, informing a realistic assessment of the country-level situations:

- What was the climate of Nigeria's civic space before COVID19?
- What changes are civil society actors in the country experiencing and observing in civic space since the arrival of the pandemic?
- What strategies are civic actors, including civil society organizations developing to engage with this changing civic space?
- What other forms of social and political action are emerging that have implications for civic space?



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OVERVIEW OF FINDINGS

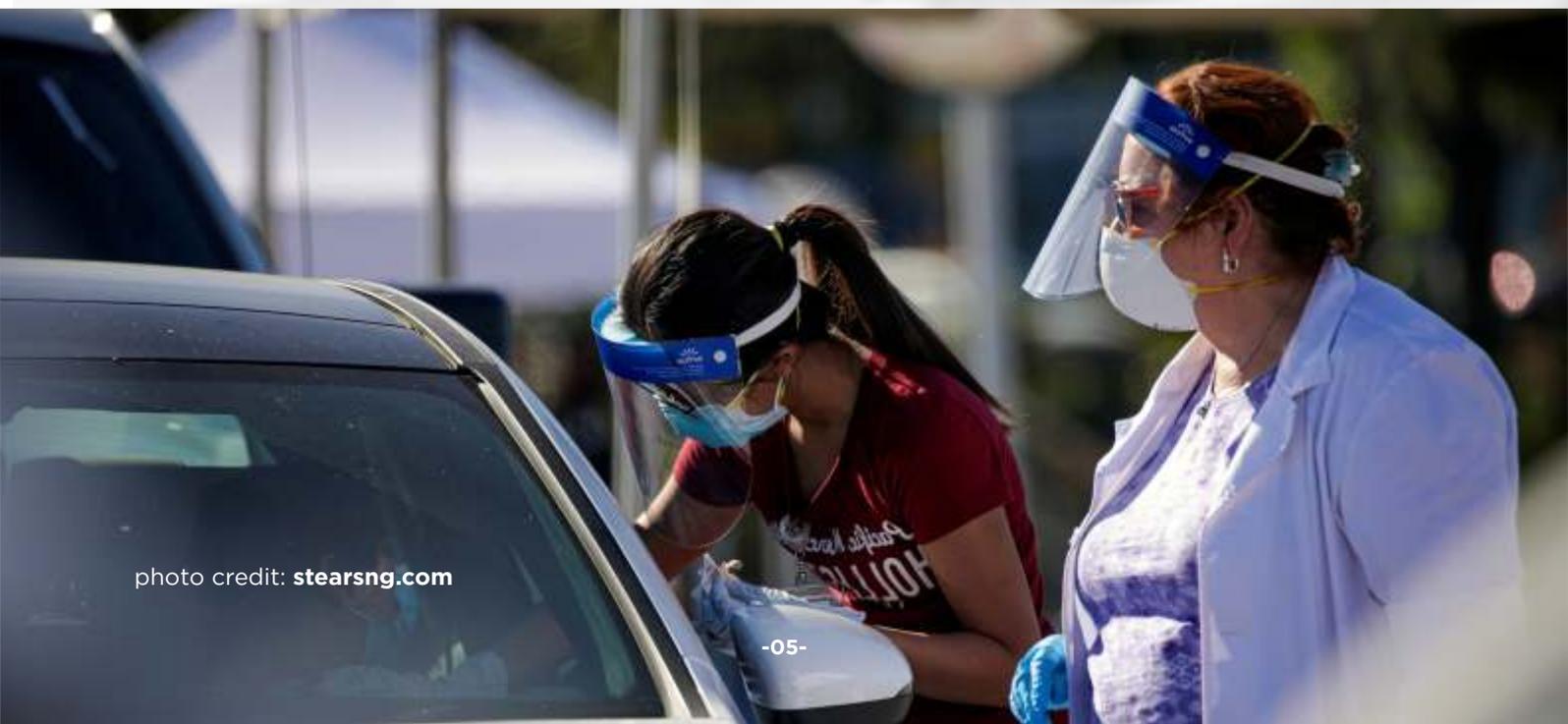
The report is organised around six core themes that emerged during the observatory panel's monthly discussions and analysis of the first wave of the pandemic in Nigeria.

1. The History, Context and Governance of the Nigerian Civic Space: The term civic space is often used to describe certain expressive rights that support individuals to organise, assemble, associate, speak, receive, share information and ultimately participate in governance and policy-making processes that affect their lives in any environment. The civic space is the bedrock of every democratic society. When it is open, it allows for citizens and groups to freely assemble, communicate and influence political structures without hindrance. The rights to free expression, association and assembly are interconnected and guaranteed by Chapter IV of the Nigerian 1999 Constitution (as amended). They are so interconnected that the deprivation of one is often a trigger for the violation of the other rights. Precisely because of the interconnectedness of these constitutional guarantees, they bring the civic space to life by facilitating engagement among citizens themselves and between citizens and the government. In effect, every citizen is a recognized participant in the civic space arena and can play a role in the political, economic and social life of the country.¹
2. The Nigerian Civic Space before COVID-19: Long before the pandemic, the civic space often suffered contractions that restricted the ability of citizens to speak freely, organize and assemble to protest government policies and programs they considered inimical to their collective interests and wellbeing. During the military regime, civil society organisations, activists as well as vocal critics of the government encountered heightened repressions and brutality in the hands of the ruling junta. The military era was characterised by indiscriminate arrests and incarceration of activists, extra-judicial killings – such as the state-ordered execution of Ken-Saro Wiwa or the brutal murder of democracy campaigner, Kudirat Abiola—or the enactment of plenteous decrees that ousted the constitution.

While the dawn of democracy arrived with some respite which restored the supremacy of the constitution and civic freedoms, it however brought new threats and governmental restrictions to the civic space often framed around the objective of securing national *security* or *interest*. Episodic skirmishes between regions and the rise of global terrorism, especially the onslaught of insurgent groups like Boko Haram in some parts of the country, tend to provide justification for these restrictions. Beyond the measures to counter violent conflicts, terrorism and other situations that pose threats to the country's territorial and political sovereignty, other forms of crackdowns have been documented, which include attacks on *dissenting voices*, *disruption of peaceful protests*, *withdrawal of media licenses*, *sanctions and fines on media organizations*, *arrest of journalists*, *vocal critics* and *opposition voices* challenging impunity, official corruption and human rights abuses.

The nature of governmental restrictions observed during the democratic dispensation is categorised into three:

- **Restrictive legislation** proposed or considered by the country's parliamentary bodies that have enormous potential to restrict free expression, curtail organised assemblies and shrink the civic space. Notable among them are the Non-Governmental Organizations Regulatory Bill (NGO Bill),ⁱⁱ the Protection from Internet Falsehood and Manipulation Bill 2019 (also known as the Social Media Bill)ⁱⁱⁱ and National Commission for the Prohibition of Hate Speeches Bill 2019—popularly known as the Hate Speech and Social Media Bills. The Social Media Bill, sponsored by Senator Mohammed Sani, seeks to prohibit the digital transmission of false statements and empowered law enforcement departments (the Nigerian Police Force) to order the internet service provider to disable access to users in the online location that false communication emanated from. Likewise, the Hate Speech Bill, sponsored by Senator Aliyu Sabi Abdullahi, criminalized various forms of expressions that could stir up ethnic hatred. Proposed sanctions include death sentence for specific offences.
- **Overbroad application of existing state and federal laws:** This refers to the practice of applying legal provisions so broadly beyond the original intendment of lawmakers in order to justify crackdowns on civil society or suppress criticisms directed against those in power. For instance, Nigeria's 2015 Cybercrime Law was enacted to create a legal, regulatory and institutional framework for improving cybersecurity and to ensure the protection of the critical national information infrastructure. State officials have often invoked this law to justify the arrests of vocal critics like Abubakar Sidiq Usman and Musa Babale Azare in 2016. More recently, Joseph Odok, Ambrose Nwaogwugwu and Emperor Ogbonna were charged with terrorism on account of Facebook posts that were critical of state executives. In all of these cases, state prosecutors relied on the provisions of the Cybercrimes (Prohibition, etc.) Act of 2015.
- **Non-legal restrictions** which usually takes the form of shaming, negative labeling and including outright proscription of the activities of targeted activists and groups. For instance, #BringBackOurGirls (BBOG) campaign represents a rallying platform for the mobilization of support to secure the release of the kidnapped Chibok girls. BBOG campaigners have been heavily criticized by the Peoples' Democratic Party (PDP)—one of Nigeria's major political parties—for working for the rival political party, All Peoples Congress (APC). PDP chieftains alleged that the BBOG was exploited by the APC in the pursuit of their 2015 political agenda, and point to the subsequent appointment of the campaigners into high-ranking political offices as the evidence for their claims. The narrative colouring the appointments as a reward for using the BBOG campaign to achieve political objectives has gained traction in civic discourses, negatively affecting their reputation with the public.^{viii}





COVID-19

AND THE CHANGING DYNAMICS OF THE CIVIC SPACE

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The trends observed during the first wave of the coronavirus pandemic beginning from March 2020 up to December 2020 could be summed up as follows:

- **Collision with civil liberties:** Certain new normal adjustments like travel bans, social distancing and lockdowns particularly had higher potential for human rights infractions. A litany of documentations such as the Closing Spaces Database^x, ICNL's COVID-19 tracker and Article 19 indicate that the rights most implicated include the freedom of movement, freedom of assembly, right to personal liberty, right to property, freedom of expression and of course, press freedoms. The collision between these health-premised adjustments and the securitized methods of enforcement engendered not just a wide range of intended and unintended consequences, but also interfered significantly with constitutionally-protected freedoms.
- **New transgressions emerge:** The pandemic equally paved the way for new transgressions to emerge and equally enlarged governmental powers to reprove and deter them. Across the country, numerous citizens were arrested for violating interstate travel bans and failure to wear face masks. Sometimes, the consequences for non-compliance with health protocols were cruel, ranging from instyant killings for not wearing a facemask, sex-for-freedom, extortions accompanying arrests etc.
- **Gender-based and sexual violence:** Nigeria also witnessed an exponential rise in sexual and domestic violence barely a month into the pandemic. An influx of rape cases across the country was particularly noted during the lockdown months of March to May 2020. According to the Lagos State government-run Domestic and Gender Violence Response Team, there has been a 60 percent increase in domestic violence, 30 percent rise in sexual violence, and 10 percent increase in physical child abuse.^{xii} Only 11 out of 3,000 sexual and

gender-based violence (SGBV) cases have been successfully prosecuted in six states of the country,^{xiii} underscoring the need for accountability. Movement restrictions and isolation did not only increase the prospect of gender-based violence, but particularly made it difficult for victims stuck with their abusers to get help from appropriate quarters.

- **Rising attacks on free speech and media freedoms:** Documentations on the Closing Spaces Database suggest an increment in attacks on free speech and media freedoms during the pandemic. The documented attacks stretch from the arrests of journalists on account of their journalistic duties to the victimization of citizens for engaging in sensitive rhetoric, often accompanied by denial of access to legal representation and bail.
- **Discriminatory enforcement of health regulations:** The selective enforcement of COVID-19 health protocols did not help matters. While the prohibition of public gatherings and social distancing rules were strictly enforced for social and religious gatherings, the same rules were suspended for political gatherings. Campaign rallies by leading political parties like the All Progressives Party (APC) and the Peoples Democratic Party (PDP) in Edo State during the September 2020 governorship elections unheeded social distancing or precautionary measures for coronavirus prevention, powering narratives that Nigerian elites and political class are above the law.^{xiv}

- **Strikes by health workers:** The entrance of healthcare workers into the civic space arena comes at a watershed moment in the nation's history when a pandemic exposed the depth of infrastructural dysfunctionality and unpreparedness of national emergency response systems. In April 2020, health professionals in Lagos, Akwa-Ibom State, Abuja and across the country clashed with state governments strikes over complaints of poor welfare and inadequate protective equipment. Calls for the payment of hazard allowances for health workers treating virus-affected patients surged. National Association of Resident Doctors, a body of doctors undergoing residency training, and the Joint Health Service Unions (JOHESU), representing nurses, midwives, radiologists and others, led these strike actions, demanding life insurance, full access to protective equipment, hazard allowances and improvements in healthcare infrastructure and the welfare of medical personnel.



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NATURE AND SCOPE OF PANDEMIC-INDUCED RESTRICTIONS ON THE CIVIC SPACE

Based on the trends observed above, four notable patterns of restrictions on the civic space were observed during the first wave of the pandemic. They are:

- **The securitization of health emergency powers:** The most glaring example is the Ebonyi State governor's shoot-at-sight directive to security operatives to shoot any person that tries to escape from quarantine and isolation centres.^{xvi} Across the country, security operatives and enforcement officers deployed maximum force including military action to enforce compliance with safety protocols – such as wearing facemasks, social distancing and ban on public gatherings, etc. The Database of Closing Civic Spaces—www.closingspaces.org —tracked numerous incidents of the use of disproportionate force against civilians (leading to injury and deaths) by security operatives enforcing the lockdown measures. Corroborating the records on the Database, a press statement of the National Human Rights Commission (NHRC)^{xvi}, also reported 11 deaths as of April 2020 resulting from extrajudicial killings by law enforcement operatives enforcing the lockdown in different parts of the country.
- **Executive and regulatory overreach:** The pandemic provided a trigger for the tidal wave of hastily-enacted health regulations containing numerous provisions that restrict civic freedoms and narrow the space for civic action. For instance, border and airspace closures fall within the realm of federal jurisdiction, but numerous state governors closed their states' waterways, air and land borders, which includes the prohibition of inter-state/inter-town travels, except for essential services. Travel and movement restrictions particularly interfered with the organisation of public demonstrations and also hampered the ability of lawyers to provide legal services for clients in faraway locations.
- **Restrictive legislative proposals:** Emergency regulations were hurriedly passed across Nigerian states and at the federal level which severely limited certain rights and freedoms. Calls for the repeal of outdated legislations like the Federal Quarantine Act culminated in the introduction of two proposed federal statutes sharing substantially similar provisions, called the National Emergency Health Bill, and the Control of Infectious Diseases Bill, 2020. Although the two bills aimed to enlarge governmental powers to manage and control the spread of infectious diseases like COVID-19, the restrictive nature of some of the provisions provoked public outrage, with many groups denouncing their frightening implications for civil liberties. The flurry of regulations enacted in the wake of the pandemic and harsh enforcement measures adopted by some state authorities and security operatives added to existing pressures on the civic space.
- **Political friction (federal-state law divergence):** Regulatory divergence resulted from the conflicting regulations enacted at the federal and state levels for the handling of the pandemic. In consequence, citizens and corporate entities fell under the heavy hammer of the law when they adhered to federal regulations, but contravened state regulations. Scores were arrested, detained and prosecuted^{xviii} despite these contradictions. The most popular example is the Rivers State Government versus Caverton and Exxon Mobil saga where the Caverton Group, a private helicopter service company that renders flight support to oil companies obtained approval from the federal Aviation Minister to fly passengers engaged in essential services in the oil and gas industry. Caverton's pilots and passengers were arrested and remanded in custody when they flew into the airport in Rivers State in contravention of paragraph 8 of Rivers State Quarantine (Coronavirus and Infectious Diseases) Regulation, 2020. The regulation suspended flight operations and prohibited persons landing at the airports in the state to transit into or through the state to any neighbouring state.

HEIGHTENED CIVIC TENSIONS DURING A PANDEMIC

Heightedened civic tensions witnessed near to the outset of the pandemic, and more particularly when state-mandated lockdowns were enforced in most parts of the country warranted investigations examining the relationship between COVID-19 and the surging internal melees. From the rising hate speeches to the rapid spread of fake news to the resurgence of ethnic and religious conflicts in some parts of the country to the mismanagement of COVID-19 funds and more recently, the youth-led #ENDSARS protests and the accompanying trend of cancel culture, these highly disruptive events represent some of the tensions that heightened during a pandemic. To what extent did the pandemic fuel these tensions?



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- **The Conflict in Southern Kaduna, Northwest Nigeria:** Under Nigerian law, restrictions during an emergency like the COVID-19 pandemic must be supported by a clear legal basis to protect public health and safety, and any extraordinary measures taken during this period must be reasonably justifiable for the purpose of dealing with the situation. (Section 45 (2) of the Nigerian Constitution 1999). Any derogation from the constitutionally-protected guarantees must comply with rigorous due process provisions relating to proportionality and non-discrimination against specific groups. In Southern Kaduna, questions have been raised about the proportionality of the coronavirus emergency measures and the ways official response to the pandemic was exploited for other purposes unrelated to healthcare. The failure of security forces to halt the sporadic attacks and lack of accountability for these killings have continued to inflame existing ethnic and religious cleavages.
- **Concerns regarding the management of COVID-19 funds:** The Nigerian government received huge monetary donations from multiple national and international donors supporting national efforts to combat the spread of the coronavirus pandemic. Complementing the sum of N25.8 billion^{xx} relief fund donations by 107 Nigerian companies and notable individuals,^{xx} the World Bank approved the sum of \$114 million^{xxi} to bolster national capacity to prevent, identify and respond to the dangers associated with the coronavirus pandemic. These massive receipts triggered fresh calls for transparency and resource accountability. The huge spending on COVID-19 palliatives did not translate to benefits for millions of people living on the margins, unable to feed their families, renew the rent for their homes and small shops, pay utility bills and cater for the needs of their dependents because of the prolonged lockdown. The federal government's grants of cash transfers to the poorest of the poor did not reach many, just as the discriminatory distribution of palliatives between states in the northern and southern regions sparked outbursts of marginalization and exclusion.^{xxii} Controversy also trailed the diversion and rebranding of recovered funds as COVID-19 palliatives for poorer citizens, raising many questions regarding the criteria for the disbursement and the selection of beneficiaries.
- **New entrants in the civic space arena:** The emergence of new voices and vibrant actors on the civic space arena add an interesting dimension to the new normal foisted by the pandemic. Prominent on this list of rising voices and actors are politically-aware citizens,

health workers, students, religious groups, teachers' unions, senior judicial officers, pensioners, state attorney generals, corporate establishments and many more. Religious bodies also offered some promise for new mechanisms for civic action. With this new trend, activism is no longer the exclusive reserve of civil society, trade unions and media advocates, but a wider group of private actors and associational bodies campaigning extensively online and offline against various social issues, injustices and restrictions, including demanding better welfare for their members and holding the government accountable.

- **#ENDSARS:** Certain notable incidents illustrate the rise of people power, and a vicious collision with sovereign power. What started as peaceful protests across the country by young protesters demanding accountability and an end to the brutal policing operations of a unit of the Nigerian Police Force, known as Special Anti-Robbery Squad (SARS) degenerated into full blown civil unrest that shook the country's socio-economic and political foundations for several weeks. Street action persisted after the government failed to honor protesters' demands for SARS to be scrapped. Bowing to pressure, the Nigerian government dissolved SARS, but immediately replaced it with a new outfit known as Special Weapons and Tactics Team (SWAT). Protests have often been met with resistance. From the #RevolutionNow protests to the #ENDSARS campaigns, security operatives have consistently deployed a variety of strategies to disperse public assemblies. First, COVID-19 social distancing protocols, which includes the prohibition of large gatherings, are readily invoked to justify bans on gatherings of more than 50 persons and all forms of protests. Marchers, including journalists covering the protests, who defied the directives have been harassed, arrested, and detained.^{xxiii} In other instances, police operatives blocked protest grounds, preventing demonstrators from mobilizing enough numbers to start collective action.

CIVIL SOCIETY RESPONSES TO THE PANDEMIC

- Knowledge-sharing initiatives like the Closing Spaces Database provide the raw materials and evidence that actors need to frame and inform their strategies and interventions. The database tracks and documents crackdowns on the civic space in Nigeria and West Africa.
- The Monitoring and Recovered Assets through Transparency and Accountability (MANTRA)^{xxiv} project monitored government's transparency in disbursing Abacha's US\$322.5million looted funds, which the government used to provide COVID-19 palliatives to citizens.
- Groups like SPACES FOR CHANGE, POLICY AND LEGAL ADVOCACY CENTRE have taken the lead in stakeholder engagement, patrolling legislative proposals and analysing legislations with restrictive elements to gauge their consistency with human rights and national interest considerations.
- Because efficient access to information is crucial to the success of resource accountability campaigns, CSOs took advantage of freedom of information legislations, specifically Nigeria's Freedom of Information (FOI) Act 2011, to compel official disclosure of COVID-19 expenditures. One such information request by two CSOs compelled the federal government to disclose a spending of N30.5BN between April and July 2020.^{xxv}
- The Catholic church in Lagos increased the tempo of their public exhortations, imploring the government through press statements, live broadcasts and homilies to embrace "Dialogue not Force," and take practical steps to heed and implement protesters' demands.^{xxvi}
- Coronavirus may have interfered with the organisation of public demonstrations, street actions and formal events such as conferences, workshops and seminars, but civil society actors and activists adapted to the disruptions by leveraging on advancements in digital technology to achieve their social justice agendas.
- Civil society organisations routinely leveraged the power of public demonstrations, collaborative and knowledge-sharing initiatives to speak truth to authorities. In particular,

the pandemic forced civil society actors to embrace the new world of using digital technology to achieve social justice agenda; reinvent the wheel of collaboration to maximise the scale of impact; consider the importance of locally rooted responses in public health emergencies.

CONCLUSION

Lockdown, social distancing, contact-tracing, self-isolation, quarantine, testing, face-masks, sanitizers: these are the buzzwords of the moment, triggered by the massive spread of the COVID-19 pandemic. These buzzwords are accompanied by new trends, policies, good and bad state practices, popularly described as the new normal. While good practice varies from context to context, bad state practice framed as health emergency response is presenting a new type of challenge for activists and advocates. From the above, we have seen how invoking the mantra of 'public health' and 'public safety' to curtail human freedoms have enabled state actors in Nigeria to repurpose pandemic responses to achieve other objectives unrelated to healthcare, often with the approving nods from large swathes of the population. Again, courts and judicial bodies—in compliance with the lockdown directives—have remained shut, equally obstructing attempts by activists and legal professionals to use the instrumentality of the law to challenge overreaching state conduct.



photo credit: [huckmag.com](https://www.huckmag.com)

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