



GALVANIZING COLLECTIVE ACTION TO PROTECT THE CIVIC SPACE IN NIGERIA

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SPACES FOR CHANGE
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CONTENTS



Introduction	2
<hr/>	
The Civic Space: Definitions And Scope Under Nigerian Law	4
<hr/>	
Evolution of a Contested Civic Space In Nigeria	5
<hr/>	
Contextual Factors Impacting the Civic Space in Nigeria	6
<hr/>	
Modes of Attack on the Civic Space in Nigeria	14
<hr/>	
How Threats To The Civic Space Differ Across Nigeria's Geopolitical Zones	22
<hr/>	
Past And Current Interventions To Protect The Civic Space	26
<hr/>	
Key Stakeholders With Respect To Protecting Civil Liberties In Nigeria	30
<hr/>	
Recommended Actions To Protect Liberties And Defend Civil Society	34
<hr/>	
References	40
<hr/>	

1. INTRODUCTION

In November 2020, the Shehu Musa Yar’Adua Foundation, with support from the Foreign, Commonwealth and Development Office of the UK Government through the Policy and Legal Advocacy Centre (PLAC), established an advocacy initiative to protect the civic space. The project responds to attempts by the federal and state governments to silence activists and dissenting voices while imposing restrictive measures, laws and policies to disrupt the legitimate operations of civil society organizations and human rights defenders. The database of closing civic spaces in Nigeria—www.closingspaces.org—tracks and documents deliberate and consistent efforts made by the government in Nigeria to weaken or silence institutions or individuals demanding political accountability or challenging official impunity. As of July 29, 2020, the database had tracked 252 incidents of repressive activities in the Nigerian civic environment, with attacks on free speech and organized dissent (in the form of restrictions on free association and free assembly) bearing the highest share.

SPACES FOR CHANGE | S4C was retained by the Yar’Adua Foundation to assess surging restrictions to the civic space in Nigeria. Victoria Ibezim-Ohaeri conducted this research, with assistance from colleagues, Olusola Oluwafemi, Chimee Adioha and Rejoice Imozemeh. The study aims to deepen sectoral understanding of the triggers, trends and drivers of closing civic space in order to inform the development of more effective unified responses to them. This report concludes that improving the capacity of frontline organizations to withstand and repel harassment and persecution is a critical step towards building a stronger civil society that can effectively

hold government accountable and secure remedies for human rights violations. The Nigerian Civil Society Situation Room and Action Group on Free Civic Space in Nigeria comprise the primary stakeholders targeted during the pilot phase of this research advocacy.

Improving the capacity of frontline organizations to withstand and repel harassment and persecution is a critical step towards building a stronger civil society that can effectively hold government accountable and secure remedies for human rights violations.

1.1 RESEARCH METHODOLOGY

This report features an in-depth study of socio-economic and political phenomena of the civic space in Nigeria using a variety of resources from private and publicly accessible sources including digital databases, draft legislations, national statistical agencies, independent studies, press statements issued by public and private institutions and credible media reports. Combining both qualitative and descriptive approaches, the study draws extensively from the methodology and approach outlined in CIVICUS Civil Society Index (CSI) as well as the incident-tracking on the Closing Spaces Database and other extensive studies on civic space carried out by SPACES FOR CHANGE.

Researchers held several project meetings with the staff and Director, Public Policy Initiative of the Yar’Adua Foundation to fine-tune the terms of reference and streamline research questions and findings with other independent studies commissioned by the Foundation. This report is structured to address the following questions:



- What are the strengths, weaknesses, opportunities, and threats to civic spaces in Nigeria?
- How do identified threats and risks rank with respect to probability of occurrence and severity of impact?
- How do the factors identified above vary across Nigeria's geopolitical zones?
- What are past and current policy interventions in this area?
- What are the lessons learned from past and current interventions?
- Who are the key stakeholders at the heart of protecting civil liberties in Nigeria?
- What technically sound and politically feasible collective actions can civil actors take to protect liberties in the short, medium and long term?

At a February 18, 2021 virtual workshop, SPACES FOR CHANGE presented its preliminary research findings to a broad spectrum of civil society organizations, drawn from the philanthropic, public and private sectors. Opinions, observations, and experiences shared at the virtual session lend depth and meaning to this report. Case studies portray the discouraging reality of a rapidly-contracting civic space, while highlighting opportunities for further engagement and collective action.

Over all, this study takes stock of the threats and risks facing the civil society sector in Nigeria, flagging how the identified risks and threats rank with respect to probability of occurrence and severity of impact. Divided into six broad themes, the first section discusses the theoretical and legal frameworks establishing the civic space under Nigerian law, elaborating various provisions that undergird the definition of civic space. It delves deeper into an exposition of the range of actors participating actively in the national civic space arena. Subsequent chapters explain the nature of threats witnessed across regions, shedding light on specific characteristics and distinctions between the drivers, trends and responses to threats in the north and south of Nigeria. From the comprehensive analysis of the sector's vulnerabilities and strengths, the report concludes with feasible recommendations to spur collective action to protect the sector from external and internal shocks and scale critical interventions.

2. THE CIVIC SPACE: DEFINITIONS AND SCOPE UNDER NIGERIAN LAW ¹

The term civic space is often used to describe those human rights which facilitate the ability of individuals and groups to participate in the polity and governance of their country.

Despite the express protections afforded to civil liberties under the Nigerian constitution, the civic space in Nigeria remains heavily and aggressively contested. State and non-state actors frequently and systemically repress and obstruct citizens from exercising these fundamental rights.

2.1 DEFINITION OF THE CIVIC SPACE

The term civic space is often used to describe those human rights which facilitate the ability of individuals and groups to participate in the polity and governance of their country. The civic space (that is the freedom and means to speak, access information, associate, organise, and participate in public decision-making) is essential to the healthy functioning and development of any society and is considered a precondition for accountable governance and social justice.² From this definition, it is inferred that certain constitutionally protected rights, including institutional arrangements, norms, and distribution of power that enable a free civic space, are equally impacted when the civic space is obstructed, repressed or closed. Principal among these are rights to access information and the rights to free expression, assembly and association. The trio of free speech, association and assembly rights, form the fulcrum of rights on which the civic space rests upon. These rights are interconnected in such a way that the deprivation of one right often triggers the violation of the other rights.

2.2 THE CIVIC SPACE UNDER NIGERIAN LAW

The civic space in Nigeria is established by the Nigerian constitution which expressly guarantees the protection of the freedoms of expression, assembly and association.

The freedom of expression is protected under Section 39(1) of the 1999 Constitution of Nigeria which guarantees the right of citizens to air their views, engage in dialogues and express dissent on any issue through any communication channel of choice. The right to access information and press freedoms are based on this right.

The freedom of association and assembly are protected by Section 40 of the 1999 Constitution which permit citizens to form and belong to any group for the propagation of their thoughts and ideas, or belong to any political party of choice, hold and disseminate political ideologies.

Enshrining the freedom to speak, assemble and associate freely in Chapter IV of the Nigerian 1999 Constitution (as amended) and applying the espoused standards to public and private conduct serves to protect individual liberties from forcible intrusions and discrimination in the face of entrenched power interests. These constitutional provisions facilitate engagement among citizens 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 (SPACES FOR CHANGE [S4C]: 2020).³

2.3 CONTESTATION OF THE CIVIC SPACE IN NIGERIA

Despite the express protections afforded to civil liberties under the Nigerian constitution, the civic space in Nigeria remains heavily and aggressively contested. State and non-state actors frequently and systemically repress and obstruct citizens from exercising these fundamental rights.

¹ Victoria Ibezim-Ohaeri (Extracts from SPACES FOR CHANGE's Nigeria Baseline Report for the Action for Empowerment and Accountability (A4EA) Research Programme) implemented by the UK-based Institute for Development Studies; A4EA programme can be accessed here: <https://www.ids.ac.uk/programme-and-centre/action-for-empowerment-and-accountability-a4ea/>

² Carmen Malena, Transparency & Accountability Initiative, Improving the Measurement of Civic Space, 2015, <https://www.transparency-initiative.org/archive/wp-content/uploads/2015/05/TAI-Civic-Space-Study-v13FINAL.pdf>

³ SPACES FOR CHANGE, Database of Closing Civic Spaces in Nigeria: An Independent Review, August 2020.

Please see <https://spacesforchange.org/database-on-closing-civic-spaces-in-nigeria-an-independent-review/>

3. EVOLUTION OF A CONTESTED CIVIC SPACE IN NIGERIA



3.1 COLONIAL ERA

Legal and political constraints to the civic space date back to the colonial era when civil liberties were not guaranteed under colonial law. Despite this limitation, civil groups in many parts of Nigeria recognized their entitlement to these liberties and sought to assert them. The 1929 Aba women's campaign for social justice serves as a prominent example. The "Aba Women's Riot" between November and December 1929 witnessed the convergence of thousands of women protesting the imposition of direct taxation and the exclusion of women from governance following the introduction of Warrant Chiefs. It was the first major revolt by women in West Africa. Although the protest was a strategically executed revolt organized by women to redress social, political and economic grievances, the colonial government's depiction of local women's resistance struggles as violent riots illustrates the age-long attempts by state actors to frame popular demands for social justice as a collision between sovereign powers and civil liberties. The protest encompassed women from six ethnic groups including Ibibio, Andoni, Orgoni, Bonny, Opobo, and Igbo.

Following the events, many Warrant Chiefs were forced to resign and 16 Native Courts were attacked, most of which were destroyed. In 1930 the colonial government abolished the system of warrant chieftains, and appointed women to the Native Court system. These reforms were built upon by the African women and have been seen as a prelude to the emergence of mass African nationalism.^{4,5}

3.2 MILITARY RULE

Following Nigeria's independence in 1960 and the subsequent military incursion into politics, the civic space narrowed considerably and became heavily repressed. Consistent with the aversion of many military dictatorships to any form of organized dissent to challenge the failings of their governments, labour leaders were frequently arrested and union meetings disrupted. The Nigerian Labour Congress (NLC) was dissolved twice during the military regimes following intense confrontations with the then ruling junta. The first dissolution occurred in 1988 under President Ibrahim Babangida and the second in 1994 under the regime of Sani Abacha.⁶ Human rights leaders, including members of the Civil Liberties Organization (CLO) were arrested, detained and some were jailed following bogus trials. The CLO – registered in 1987 – had its licence cancelled by the Abacha regime. The proscription and closure of newspapers, and the malicious prosecution of human rights campaigners, were also rife.

3.3 DEMOCRATIC ERA

Although the return to a constitutional democracy in 1999 abated some of the most severe forms of repression in the civic space, vestiges of the brutal military era remain. A digital database: www.closingspaces.org has curated incidents affecting the civic space in Nigeria since 2015. The database tracks and reports crackdowns on the civic space and documents the manner, tactics, and extent the Nigerian government is limiting civic expressions and participation.⁷ As of July 2020, the database reported 252 incidents of crackdowns across Nigeria's 6 geographical regions, grouped into eight distinct categories: free speech, association and assembly rights, press freedom, human dignity, violations of the right to life, anti-money laundering and countering financing of terrorism, political restrictions and restrictive legislations.

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⁴ Judith Van Allen, "Aba Riots or the Igbo Women's War? – Ideology, Stratification and the Invisibility of Women." *Ufahamu: A Journal of African Studies* 6.1 (1975).

⁵ Lorna Lueker Zukas, "Women's War of 1929." in *The International Encyclopedia of Revolution and Protest* (2009): 1-2.

⁶ Ayodamola Owoseye and Azeezat Adedigba, *Premium Times, Nigeria's 10 Most Powerful Trade Unions* published September 30, 2017; Accessible via <https://www.premiumtimesng.com/news/headlines/244650-nigerias-10-powerful-trade-unions.html>

⁷ SPACES FOR CHANGE, *Database of Closing Civic Spaces in Nigeria: An Independent Review*, August 2020

4. CONTEXTUAL FACTORS IMPACTING THE CIVIC SPACE IN NIGERIA

The push for economic growth has often contributed to restricting the civic space by nurturing the distrust and repression of civil society actors who have criticized business or foreign investors, and who have consequently been labelled “anti-development” or “anti-national interest”.

⁸ World Economic Forum, The Global Risks Report 2017, 12th Edition, pp 29-30

⁹ Carothers and Brechenmacher 2014, p. 9; Greenslade 2011; OHCHR 2014b

¹⁰ Palumbo-Liu 2016; Sokatch 2013

¹¹ Such accusations have been made in several countries, including India, Pakistan, and Malawi (see Doane 2016; ICNL 2016a; Jafar 2011, p. 133)

¹² Green 2015.

¹³ Rutzen 2015, p. 7.

¹⁴ Doane 2016; Funders' Initiative for Civil Society 2016, p. 9; United Nations Special Rapporteur 2016. In India, the Intelligence Bureau claimed, in a leaked report, that civil society prevents GDP growth by 2-3% per year.

4.1 GLOBAL TRENDS

The 2017 World Economic Forum Global Risk Report highlights a trend of deteriorating rule of law and declining respect for basic civil and political rights at the global level over the past 10 years. The report notes that governments around the world are introducing new regulations and restrictions supposedly intended to address increasing security threats, but which in actual fact threaten the existence of an open and free society and the stability of the environment in which businesses invest and operate.

The report identifies security concerns, protectionism, changing global aid landscape and market fundamentalism as triggers and contextual factors as drivers of closing civic spaces around the world.⁸

4.1.1 Security Concerns and Counter-Terrorism Measures

The sensitive geopolitical context, the rise of cyberattacks and major data breaches and hacks, as well as the global insurgency of violent extremism and radicalization have led many countries to adopt security measures and counter-terrorism laws that have increased scrutiny and restrictions on the participation of societal actors, including civil society and individual citizens, sometimes including restrictions on dissenting voices.⁹

4.1.2 Mobilization of Nationalistic Sentiments

Civil society actors often challenge decision-makers on issues tied to security and identity, such as the response to terrorism or the treatment of minorities and refugees. Nationalist sentiment has been mobilized to counter such criticism.¹⁰

The argument against foreign funding also has nationalistic undercurrents: some non-governmental organizations that take foreign funding have been accused of being unpatriotic or anti-development.¹¹

4.1.3 Changing Dynamics of Development Aid

Developing and emerging countries are often less dependent on foreign aid than they have been in the past, and less tolerant of external influence over the spending of aid money.¹² Many developing countries have begun to consider the control of development aid as an important step towards reducing aid dependence – but some governments have used it to exert control over civil society activities in their country.¹³

4.1.4 False Dichotomy Between Economic and Social Interests

Popular narratives have emerged in certain geographical contexts around the world that pit agitation for social and environmental justice against the collective desire for economic prosperity. As a result, the push for economic growth has often contributed to restricting the civic space by nurturing the distrust and repression of civil society actors who have criticized business or foreign investors, and who have consequently been labelled “anti-development” or “anti-national interest”.¹⁴



4.2 THE NIGERIAN CONTEXT

CIVICUS downgraded Nigeria from obstructed to repressed in its People Power Under Attack 2019 report. Evidence presented by local and international civic space trackers such as the Closing Spaces Database, the Press Freedom Index and the Civicus Monitor, point to rapidly backsliding civic freedoms in the country. Across the regions, state actors at the federal and regional levels have gained notoriety for adopting various tactics, including abductions, phony criminal trials and restrictive legislations to silence dissent, restrict civil society and obstruct the traditional and digital spaces used for peaceful democratic engagement and activism. Out of the 36 states, over 50 percent of crackdowns on civic space occur in three states; Abuja, (Federal Capital Territory) Lagos and Kaduna. Restrictions to civic engagements have surged despite the multiplicity of interventions designed by civil society watchdogs to push back and demand accountability.

4.2.1 Perpetuation of Impunity

While in the past 5 years, Nigeria has witnessed a significant surge in human rights issues including unlawful and arbitrary killings, extrajudicial killings, forced disappearances, torture, and arbitrary detention by both government and non-state actors, there have been little or no consequences for perpetrators. In many instances, the government took initial steps to investigate alleged abuses but there were few public reports of prosecutions of officials who committed violations, whether in the security forces or elsewhere in government. With regard to significant allegations of human rights violations by security forces, no charges were filed. Subsequently, impunity has remained widespread at all levels of government.¹⁵

4.2.2 Politicization of Dissent

Politicians and state agents often resort to politicizing legitimate agitations for good governance in order to delegitimize their demands, increase their vulnerability to stigma and justify the need for the state to act in opposition to these agitations.

4.2.3 Criminalization of Dissent

Accusing social justice campaigns of terrorism is another popular strategy used to suppress organized dissent. A classic example is the proscription of the non-violent secessionist campaigns of the Indigenous People of Biafra, IPOB. Hundreds of their members have been allegedly killed by security forces and their leader, Nnamdi Kanu, forced into exile. Because of the incessant arrests and targeted killings of its members, many IPOB agitators are still in hiding with many either injured or unable to move about freely due to constant fear of arrests. Many have lost their sources of livelihoods and their businesses collapsed. The resulting economic losses have pushed many families into hardship and want. The proscription of groups like the IPOB and the Islamic Movement of Nigeria as terrorist organizations point to the government's revulsion toward organized dissent, especially when powered by religious and ethnic inclinations.^{16, 17}

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¹⁵ United States Department of State - Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2019, pages 1-2

¹⁶ Nigeria: Court Bans Shia Group; Human Rights Watch, July 30, 2019; Accessed via: <https://www.hrw.org/news/2019/07/30/nigeria-court-bans-shia-group>

¹⁷ Punch Newspaper, Court affirms IPOB's proscription, designation as terrorist group; Published on January, 19, 2018; accessed via: <https://punchng.com/court-affirms-ipobs-proscription-designation-as-terrorist-group/>

4. CONTEXTUAL FACTORS IMPACTING THE CIVIC SPACE IN NIGERIA contd.

4.2.4 Mobilization of Ethnic and Religious Sentiments

Political actors often exploit the context of contested citizenship and ethnic nationalism to undermine the effective exercise of civil liberties and frustrate demands for accountability. In recent years, Nigeria has witnessed the exploitation of socio-political, ethnic and religious tensions to subjugate ethnic and religious minorities and deliberately target critics of such state-sanctioned injustices. Southern Kaduna is a prominent example where the state's handling of the protracted ethno-religious disputes between Christian minority farmers and Fulani Muslim herdsmen is characterized by discrimination to favour the latter. The violence characterising these disputes has claimed about 20,000 lives since 1980.¹⁸ Critics demanding accountability for the atrocities in Southern Kaduna are not spared from the burning furnace of executive fury.

A 2017 study conducted by Spaces for Change revealed that Kaduna State leads the pack among states intolerant of media criticisms.¹⁹ Gloria Ballason, a human rights activist and anchor of a radio programme, 'House of Justice' in Kaduna State has had her radio programme forcefully taken away from her and reassigned to another person because the state authorities found her comments 'troubling' and 'upsetting'.²⁰ The long list of critics that have faced or currently facing prosecution in Kaduna includes Audu Maikori, Adamu Abdullahi, Barak Zebede, Segun Onibiyo, Steven Kefason, Luka Binniyat, Dr. John Dan Fulani, Midat Joseph and many more.²¹

4.2.5 Coercion and Co-opting of the Judiciary and Parliament

Recent trends to deploy the coercive power of the state to intimidate the judiciary and the legislative arms of government is concerning. In 2019, the ruling party removed the Chief Justice of Nigeria through an administrative process that contravened the constitution – sending a strong message that no judge is safe if they fall out of favour with the executive. The controversial removal on the country's most senior judicial officer came months after the invasion of the homes of justices of the Supreme Court in the middle of the night by armed security operatives based on questionable allegations of corruption.

Likewise, heavily-armed security operatives of Nigeria's Department of State Security Services (DSS) barricaded the entrance of the Nigerian federal parliament preventing federal lawmakers from accessing their offices to carry out their lawful legislative duties on Tuesday, August 7, 2018. Serial attacks on hallowed democratic institutions are widely perceived as forming part of a broader 'agenda to undermine the other two arms of the federal government capable of exerting oversight, and creating the necessary checks and balance of power that could prevent the executive from fully transforming into a tyranny.'²² The import of this is that state actors can easily influence judicial and parliamentary decisions in order to achieve spurious political agendas and also legitimize the harassment and persecution of dissenting voices.

¹⁸ Chatham House: Violence in Southern Kaduna Threatens to Undermine Nigeria's Democratic Stability, 15 February 2017, Accessed via <https://www.chathamhouse.org/2017/02/violence-southern-kaduna-threatens-undermine-nigerias-democratic-stability>

¹⁹ The Niche, **Kaduna Tops States Intolerant of Media Criticism, Study Reveals**, <https://www.thenicheng.com/kaduna-tops-states-intolerant-of-media-criticism-study-reveals/>

²⁰ Closing Spaces Database, **Authorities Shut Down Radio Program of Gloria Ballason, Lawyer and Human Rights Activist**, December 1, 2016; Accessed via <https://closingspaces.org/incident/gloria-ballason-lawyer-and-human-rights-activists/>

²¹ The Cable, **Odinkalu Lists El-Rufai's Critics Facing Persecution**, September 1, 2020, <https://www.thecable.ng/odinkalu-lists-el-rufais-critics-facing-persecution>

²² Allison Godswill, The Daily, **Spaces for Change, NNGO kick against invasion of National Assembly**, Accessed via <https://www.thedaily-ng.com/spaces-for-change-nngo-kick-against-invasion-of-national-assembly/>



4.2.6 Abuse of Security Concerns and Counterterrorism Measures

Rising activities of insurgents and extremist groups, including Boko Haram, in fragile states in the north eastern region has provided legal justification for the state to adopt militarized responses to defend its national security and territorial sovereignty. The pervasiveness of extremist activities has equally paved the way for enhanced security measures to be repurposed to achieve other restrictive objectives unrelated to national security. Particularly worrying is the use of counter-insurgency refrains as an excuse to target humanitarian groups and suspend their operations. For instance, a number of international humanitarian agencies operating in the conflict-ridden north east region of the country have been declared persona non-grata based on allegations of providing support to non-state armed groups. In 2019, the Nigerian Army ordered the closure of Action Against Hunger office (an INGO based in the North East). The North East office of Mercy Corps was also closed based on allegations of supporting insurgents terrorising the North-eastern region of the country. The unilateral establishment of guilt without evidence and the imposition of penal measures for allegedly supporting terrorist groups pose grave risks to the legitimate operations of charitable groups.

4.2.7 Overstretching National Interest Rhetoric

Since 2016, the Nigerian state has consistently sought to introduce legislation that would cede control of the civil society sector to the state by making the argument that foreign funding for voluntary associations poses a threat to the country's national interests. The lead paper in support of the 2016 NGO Bill emphasizes the need "to regulate civil society organizations (CSOs) on matters relating to their funding, foreign affiliation and national security, and ... to check any likelihood of CSOs being illegally sponsored against the interest of Nigeria." In simple parlance, arguments like this re-echo increasingly popular sentiments suggesting that NGOs are "vulnerable to terrorist abuse" or are "enablers for funding terrorist groups." In a press release, military authorities stated that "the Command has obtained several credible intelligence indicating Action Against Hunger (AAH) as one of those NGOs operating in the North-East that is notorious for supplying food and drugs to the criminals in the area".²³ Consequently, the military ordered a forced closure of the offices of the humanitarian group. Although the assumptions linking genuine NGOs and terrorist abuse are largely unsupported by evidence, the perceptions of increased vulnerability to terrorist financing continue to gain ground, filtering into literature, including international standard-setting instruments like the Financial Action Task Force (FATF) regulations (prior to the amendments).

4.2.8 Restrictive Legislation

Since 2014, a tidal wave of legislation containing provisions that have enormous potential to shrink the civic space has saturated Nigeria's legislative landscape. In May 2016, the Nigerian civil society successfully pushed back on the Bill Prohibiting Frivolous Petitions, popularly known as the Social Media Bill,

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²³ The Defence Post, Nigerian Army Claims NGO Aids Boko Haram and ISWAP, Shuts Maiduguri and Damaturu Offices, published September 20, 2019; Accessed via <https://www.thedefensepost.com/2019/09/20/nigeria-army-shuts-acf-boko-haram-iswap/>

4. CONTEXTUAL FACTORS IMPACTING THE CIVIC SPACE IN NIGERIA contd.

Since 2014, a tidal wave of legislation containing provisions that have enormous potential to shrink the civic space has saturated Nigeria's legislative landscape.

By 2019, the number of restrictive legislative proposals considered in federal and state parliaments swelled.

designed to regulate communications and use of the social media. Barely two months after the Bill was rested, another bill -- A bill to provide for the Establishment of Non-Governmental Organizations Regulatory Commission— which aimed to restrict civil society operations in Nigeria passed second reading in the Nigerian parliament. The bill, popularly known as the NGO Bill, sought to enlarge governmental powers to regulate, monitor and interfere with the funding and operation of voluntary associations registered as non-governmental organizations (NGOs). By 2019, the number of restrictive legislative proposals considered in federal and state parliaments swelled. Notable bills introduced that year include the Protection from Internet Falsehood and Manipulation Bill 2019 and National Commission for the Prohibition of Hate Speeches Bill 2019— popularly known as the Social Media Bill and Hate Speech Bill respectively. In August 2020, the Nigerian president assented to the review of the Companies and Allied Matters Act. Like a double-edged sword, the amended statute promises to improve corporate accountability and enhance the ease of doing business in the country. On the other hand, several provisions grant discretionary powers to the regulatory commission to suspend the trustees of non-profits without the intervention of a court, raising concerns that the new law could lead to the unwarranted targeting of non-profit organisations holding political leaders and institutions to account.

Calls for the repeal of outdated legislation such as the Federal Quarantine Act also culminated in the introduction of two proposed federal statutes sharing substantially similar provisions, called National Emergency Health Bill, and the Control of Infectious Diseases Bill. Although the two bills aim to widen the scope of governmental powers to manage and control the spread of infectious diseases like COVID-19, the restrictive nature of some of the provisions sparked public outrage, with many groups²⁴ denouncing the bill's frightening implications for civil liberties. Sections of the proposed Infectious Diseases Bill empower the Director-General of the diseases control agency to stop any meeting or gathering that is 'likely to increase the spread of an infectious disease'. Absent statutory safeguards to prevent the abuse of this power, such overly broad provisions may be exploited by intolerant regimes, including overzealous state agents, to use disease prevention as an excuse to proscribe all sorts of meetings, including human rights meetings, accountability conferences, public protests, civil demonstrations and the like.

The theatre for the enactment of restrictive legislations regularly shifts to state legislatures. In 2017, the Deputy Speaker of Imo State House of Assembly initiated a bill with frightening potential to gag media freedoms in the state. The sponsor claimed the bill would, among other things, define the standard of operations for media houses in the state and create an appropriate framework for the effective organization of a newspaper industry and allied businesses that can compete in any part of the world.²⁵ Just before the bill could scale through the second reading, intense resistance from civil society stakeholders led to its withdrawal.

²⁴ Fund for Global Human Rights: Nigerian Civil Society Pushes Back On Draconian Disease Bill, May 2020: <https://globalhumanrights.org/blogs/nigerian-civil-society-pushes-back-on-draconian-disease-bill/>

²⁵ Chinonso Alozie, Vanguard Newspaper, Law to Define Operations of Media Houses Passes Second Reading in Imo Assembly, Published February 20, 2017; Accessed via : <https://www.vanguardngr.com/2017/02/law-define-operations-media-houses-passes-second-reading-imo-assembly/>



4.2.9 Timeline of Restrictive Legislative Interventions

- 2014 – Bill to Regulate the Acceptance and Utilization of Financial/Material Contributions of Donor Agencies to Voluntary Organizations: The intention of this bill is to subject all foreign receipts to voluntary organizations to the regulation of the Independent Corrupt Practices Commission (ICPC). Voluntary organizations, especially non-profits would not be able to receive funds from donor agencies without registering with the ICPC. ([Closing Spaces Database](#))
- 2015 – Bill for an Act to Prohibit Frivolous Petitions, popularly known as the Anti-Social Media Bill was introduced in the Nigerian Senate in December 2015. The Bill required persons seeking to petition the conduct of state authorities and officials to swear an affidavit. Persons who published petitions not supported by an affidavit would have been deemed to have committed an offence and upon conviction, liable to six months imprisonment without the option of a fine. ([MFWA: 2016](#))
- 2016 – A Bill for an Act to provide for the Establishment of Non-Governmental Organizations Regulatory Commission known as the “NGO Bill 2016”. The lead argument in support of the Bill emphasizes the need “to regulate CSOs on matters relating to their funding, foreign affiliation and national security, and ... to check any likelihood of CSOs being illegally sponsored against the interest of Nigeria.” ([SPACES FOR CHANGE: 2016](#))
- July 2016 – Nigeria voted against Human Rights Council Resolution at its 32nd session, which requires States to commit to ensure a safe and enabling environment in which civil society can operate free from hindrance and insecurity. Nigeria is one of the 7 countries that voted against the resolution. ([UN.ORG: 2016](#))
- 2016: Digital Rights and Freedom Bill 2016, sponsored by Hon. Chukwuemeka Ujam, seeks to define the legal framework regarding surveillance, guarantee the fundamental privacy rights of citizens and promote the freedoms of expression, assembly and association online. Additional objectives of the bill include the application of human rights within the digital environment; provide sufficient safeguards against abuse online and provide opportunity for redress by equipping the judiciary with the necessary legal framework to protect human rights online. ([PLAC 2016](#))
- 2016 – The Nigerian government conducted a National Risk Assessment (Nigeria NRA) in 2016 to identify, assess, and understand the money laundering and terrorist financing risks for the country's financial systems, including the non-profit sector, and take proportionate measures to counter any threats so identified. ([NFIU 2016](#))
- Sept – October 2019 – The scheduling of a national evaluation on AML/CFT measures triggers the need for a sector-wide response from civil society, and the Action Group on Free Civic Space formalises to carry out this work. ([AGFCS: 2019](#))
- 2019: Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill, 2019, sponsored by Senator Mohammed Sani Musa (APC Niger East), seeks to prevent and punish falsehoods and manipulations in internet correspondences and transmission in Nigeria. ([Closing Spaces Database](#))
- 2019: National Commission for the Prohibition of Hate Speeches Bill 2019 (Hate Speech Bill). Sponsored by the Deputy Senate Whip Sabi Abdullahi, the stated objective of the bill is to eliminate all forms of hate speeches against any person or indigenous group to Nigeria. The bill contains provisions that punish written or visual material that is threatening, abusive or insulting and intended to stir up ethnic hatred against any person or person from an ethnic group in Nigeria. Sentences for violators include death by hanging where the hate speech leads to the death of another person. ([Closing Spaces Database](#))
- April 2020: Control of Infectious Diseases Bill sponsored by Hon. Femi Gbajabiamila, the Speaker of the House of Representatives is seeking to repeal the outdated National Quarantine Act 2004. The proposed legislation aims to enlarge the powers of the Nigeria Centre for Disease and Control (NCDC) to prevent and manage the outbreak of infectious diseases such as COVID-19. ([Closing Spaces Database: 2020](#))

4. CONTEXTUAL FACTORS IMPACTING THE CIVIC SPACE IN NIGERIA contd.

- August 7, 2020: President Muhammadu Buhari assented to amendments to the Companies and Allied Matters Act (CAMA) recently passed by the National Assembly. The presidential assent repealed and replaced the extant Companies and Allied Matters Act, 1990, after 30 years, introducing new legal provisions that change the regulatory environment for non-profits, with enormous potential to restrict the civic space and limit constitutionally-protected freedoms. ([Closing Spaces Database: 2020](#))

Certain state and federal laws have been applied beyond the original intention of the law in order to justify crackdowns on civil society or suppress criticisms directed against those in power.

As evidence from the Closing Spaces Database shows, bloggers and active citizens are the primary targets of the overbroad legal enforcements.

4.2.10 Overbroad Application of Existing Laws

Certain state and federal laws have been applied beyond the original intention of the law in order to justify crackdowns on civil society or suppress criticisms directed against those in power. (OHAERI V.I: 2017).²⁶ Here, existing laws are interpreted and enforced in a manner that casts the net so wide to catch all possible offenders of serious and not-so-serious misdemeanours. In periods close to the election cycles, laws dealing with hate speech are frequently overstretched to punish and limit political opposition.²⁷ The laws mostly misused to target critics range from cybercrime laws to sedition provisions and those relating to treason and blasphemy.

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 routinely invoked this law to legitimize the arrests of social commentators like Abubakar Sidiq Usman²⁸ and Musa Babale Azare in 2016. More recently, Joseph Odok²⁹, Ambrose Nwaogwugwu³⁰ and Emperor Ogbonna³¹ 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.

As evidence from the Closing Spaces Database shows, bloggers and active citizens are the primary targets of the overbroad legal enforcements. The arrests are mostly effected by the Department of State Security (DSS), and the victims routinely slammed with charges of terrorism and cyberstalking brought pursuant to the federal cybercrimes legislation. Public commentary posted on social media top the list of reasons for these arrests while the cybercrime provisions are predominantly invoked to justify the arrests and prosecutions. The growing body of evidence linking social media commentary and state persecution corroborates Closing Spaces Database' analytics which found that the freedom of expression—comprising press freedom (63 incidents) and the freedom of speech (53 incidents)—bears the highest share of repressive activities in the Nigerian civic environment.³² This finding represents a possible explanation for the motive behind the persistent introduction of restrictive legislative proposals designed to regulate the social media.

²⁶ Victoria Ibezim-Ohaeri, *Confronting Closing Civic Spaces in Nigeria*, Issue 26, SUR International Journal on Human Rights, September 2017: page 1; <https://sur.conectas.org/en/confronting-closing-civic-spaces-in-nigeria/>

²⁷ Kingsley Obiejesi, ICIR Nigeria, *HATE SPEECH? Shehu Sani Calls el-Rufai 'Bottled Fart, Toxic Waste, Poisonous Viper*, published September 20, 2017, <https://www.icirnigeria.org/hate-speech-shehu-sani-calls-el-rufai-bottled-fart-toxic-waste-poisonous-viper/>

²⁸ BBC: *Nigeria Anger Over Blogger Abubakar Sidiq Usman's Arrest*, 9 August 2016, <https://www.bbc.com/news/world-africa-37024062>

²⁹ Closing Spaces Database, *Nigerian Lawyer Slammed with Terrorism Charges for Criticising State Governor*, Please see: <https://closingspaces.org/incident/nigerian-lawyer-slammed-with-terrorism-charges-for-criticising-stategovernor/>

³⁰ Closing Spaces Database, *At Last, PDP New Media DG, Nwaogwugwu Granted Bail In High Court*, <https://closingspaces.org/incident/at-last-pdp-new-media-dg-nwaogwugwu-granted-bail-in-high-court/>

³¹ TV360: *70 Days in Custody; The Case of Emperor Ogbonna*, <https://www.youtube.com/watch?v=7AlhPYzCOY&feature=youtu.be>

³² SPACES FOR CHANGE, *Database of Closing Civic Spaces in Nigeria: An Independent Review*, August 2020, Please see <https://spacesforchange.org/database-on-closing-civic-spaces-in-nigeria-an-independent-review/>



4.2.11 Change in Regulatory Environment for Non-Profits

Newly-introduced provisions of the just-amended Companies and Allied Matters Act 2020, notably PART F, foisted sudden changes in the legal environment for non-profit activities in the country. The provisions of Part F enlarged governmental powers to suspend and remove the trustees of an association, thereby taking over the administration or management of the association's property and bank credits. By interfering with the rights of groups to associate and self-govern freely, Sections 838, 839 and 842 of CAMA 2020 contradict constitutionally-protected freedoms, particularly the freedom of association. Attempts to expand government powers or regulations without corresponding incentives and government accountability is usually met with strong public resistance. The new CAMA has reignited conversations among NGOs and other non-profits regarding the development of an alternative regulatory framework.

Sudden changes to the legal environment have also been observed at the state and regional levels. State Houses of Assembly of the six North-east states of Adamawa, Bauchi, Borno, Yobe, Gombe and Taraba introduced a bill in November 2019, to regulate and coordinate the activities of non-governmental organisations (NGOs) in the Boko Haram-ravaged region of the country. In Borno State, the bill was passed in December 2019 ignoring the concerns of local and international humanitarian agencies regarding the bill's propensity to disrupt the neutrality and independence of legitimate humanitarian operations. The bill required individual programmes and projects of humanitarian entities to be approved by the state and relevant line ministries before implementation and must align with the so-called Borno State Development Plan that is not publicly accessible. It further obligates humanitarian agencies to recruit all their junior, middle and management level staff from Borno, or for management, the North-east.

In addition to the risk of delays and apparent inconsistencies with existing labour and non-discrimination laws, failure to comply with the new regulations attracts the cancellation of registration leading to the forced suspension or complete cessation of humanitarian operations. Not only that, individuals face jail terms or the risk of heavy fines for non-compliance. Beyond the imminent state capture and loss of organizational independence, these legislative changes have the effect of crippling organizations or individuals financially or through difficult compliance requirements.

⁵⁵ See Borno State Agency for Coordination of Sustainable Development and Humanitarian Response Bill

5. MODES OF ATTACK ON THE CIVIC SPACE IN NIGERIA

Overall trends establish that press freedom is the hardest hit by state-sanctioned restrictions, with journalists and media entities bearing a disproportionate share of governmental crackdowns on the civic space.

As of January 2021, the Closing Spaces Database documented 100 listings of attacks on press freedom in West Africa. Out of the 100 listings, 66 incidents occurred in Nigeria.

³⁴ Today.ng, Nigeria Ranks 115th On Press Freedom Index, published April 26, 2020; <https://www.today.ng/news/nigeria/nigeria-ranks-115th-press-freedom-294593>

Drawing on incident-tracking and country ranking results from local and international civic space trackers, including the Closing Spaces Database, Press Freedom Index and the Civicus Monitor, the following threats and modes of attack were identified as posing major risk to the civic space in Nigeria:

1. Violations of Press Freedom
2. Attacks on free speech especially on social media
3. Disruption of public protests
4. Suppression of religious/ethnic sentiments
5. Political opposition
6. Terrorism/counterterrorism
7. Crackdown on CSOs using new regulations
8. Blasphemy convictions/ death penalty
9. Partisanship, polarization of social justice advocacy
10. Financial constraints to CSOs defending the civic space

5.1 VIOLATIONS OF PRESS FREEDOM

Overall trends establish that press freedom is the hardest hit by state-sanctioned restrictions, with journalists and media entities bearing a disproportionate share of governmental crackdowns on the civic space. Journalists are brutalized and their cameras seized during protest marches. Undercover journalists receive threats for their journalistic exposures, while stiffer penalties are imposed on violators of broadcasting codes. A number of privately-owned media stations have been suspended indefinitely for flimsy reasons. In June 2019, the National Broadcasting Commission suspended the licences of African Independent Television and Ray Power FM belonging to the privately-owned Daar Communications Limited. Allegations included the use of "divisive and inciting contents from the social media". Media stations have been raided for reporting stories linked to the military's fight against terrorism and political corruption, while journalists have been banned from providing coverage for presidential activities. In March 2020, the Nigerian Presidency barred certain media houses from covering its activities.

As of January 2021, the Closing Spaces Database documented 100 listings of attacks on press freedom in West Africa. Out of the 100 listings, 66 incidents occurred in Nigeria. Across Nigeria, the region with the highest record of attacks on press freedom is North-Central, followed by South-West, South-South and then the South-East region. In the North-Central and South-West regions, the majority of incidents occurred in Abuja, the national seat of power and Lagos, Nigeria's centre of commerce. All attacks on press freedom in the North-West, except for one incident, happened in Kaduna State alone. Corroborating database records, Nigeria is ranked 115th out of 180 countries in RSF's 2020 World Press Freedom Index.³⁴ The Index conducted by Reporters sans frontières (Reporters Without Borders) cited the killings of journalists and campaigns of disinformation as examples of the country's attempts to weaken the press. The report acknowledges that media pluralism witnessed in the country is in contrast with the high risks associated with 'covering stories involving politics, terrorism or financial embezzlement'.



5.2 ATTACKS ON FREE SPEECH

Freedom of speech is the fundamental right of individuals or groups of people to articulate their opinions and ideas on any issues, through diverse means without fear of retaliation, persecution, censorship, or legal sanctions.³⁵ Crackdowns on free speech take the form of abductions and forced disappearances of vocal critics as was the case of Abubakar Idris Dadiyata, a lecturer and fierce critic of the Nigerian government, who was abducted from his home on August 1, 2019, in the Barnawa neighbourhood of Kaduna, in northwestern Nigeria. Arrests, detentions and criminal prosecutions on account of critical commentary posted on social media networking sites like Facebook, Twitter and YouTube top the list of triggers for clampdowns on free speech. The trials and imprisonment of a litany of bloggers and activists, including Emperor Ogbonna, IG Wala, Audu Maikori, Ambrose Nwaogwugwu, Omoyele Sowore, Agba Jalingo and so many others, for comments posted on social media, point to the state's growing notoriety for stifling dissent.

The Closing Spaces Databases records 56 incidents of crackdowns on free speech across Nigeria as of January 2021. The North-Central is the highest with 15 incidents, with South-West and North-West recording a tie of 13 incidents respectively. The region with the least incidents is North-East, with only 3 reports. Lagos, Kaduna and Abuja, the nation's capital stand out as the three states that top the incidents table. Out of the 13 incidents in the North-West region, 8 occurred in Kaduna, with the remainder spread across Katsina and Sokoto States.

5.3 DISRUPTION OF PUBLIC PROTESTS

Section 40 of the Nigerian Constitution guarantees the right of every Nigerian to free assembly and association. Public demonstrations often erupt in response to pressing societal and political problems across the country. Nothing has caused widespread disaffection and anger more than the rising state of insecurity in the country, mounting economic hardship, extra-judicial killings by law enforcement officers, gender-based violence and increasing petrol prices and electricity tariffs. The pervasiveness of these problems also provided the needed fuel for protests, including online digital assemblies, to erupt.

While the 1979 Public Order Act is the primary legislation regulating assemblies in Nigeria, the Court of Appeal quashed several sections of the Public Order Act, urging alignment with constitutional guarantees of free speech and free assembly protected under sections 39 and 40.³⁶

Section 45 of the Constitution permits state authorities to derogate from free speech and free assembly rights only in the interests of defence, public safety, public order, public morality or public health, or to protect the rights or freedoms of others. The database records 56 incidents of crackdowns on free assembly and association as of January 2021. Over 40 #RevolutionNow protesters demanding better governance from the current administration were arrested in Abuja in August 2020.³⁷ The North-Central is the highest with 25 incidents, with South-West and North-West recording a tie of 13 incidents respectively. The region with the least incidents is North-East, without a single report. Not all low incidents rates can be attributed to a free civic space. Low reporting can be attributed to the wave of insurgency and violent attacks of the Boko Haram Islamist group in the region which has resulted in socio-economic fragility and the mass displacement of millions of people.

³⁵ Closing Spaces Database/Free Speech: <https://closingspaces.org/category/right-to-free-speech/> Press freedom incidence rates across regions Region Prevalence rate North central 23 North East 3 North West 5 South East 7 South West 17 South South 11 66

³⁶ **INSPECTOR GENERAL OF POLICE v. ALL NIGERIA PEOPLES PARTY & ORS.** (2007) 18 NWLR (Pt.1066) 457 C.A.

³⁷ Closing Spaces Database, August 5, 2020; <https://closingspaces.org/incident/over-40-revolutionnow-protesters-arrested-in-abuja-as-military-personnel-patrol-city/>

5. MODES OF ATTACK ON THE CIVIC SPACE IN NIGERIA contd.

The exploitation of socio-political, ethnic and religious tensions to subjugate ethnic and religious minorities and deliberately target critics of such state-sanctioned injustices has been widely documented.

³⁸ SPACES FOR CHANGE, **Beyond FATF: Trends, Risks and Restrictive Regulation of Non-Profit Organizations in Nigeria**, May 2017, Accessed via <https://spacesforchange.org/wp-content/uploads/2017/06/Beyond-FATF.-Trends-Risks-and-Restrictive-Regulation-of-Non-Profit-Organisations-in-Nigeria.pdf>

³⁹ Olatunji E. Alao, PhD, Ayuba Gimba Mavalla, PhD, **Kaduna State Sharia Crisis of 2000: The Lessons and Challenges after Sixteen Years**, IOSR Journal of Humanities and Social Science (IOSR-JHSS), Accessed via <http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2021%20Issue10/Version-12/B2110120814.pdf>

⁴⁰ SPACES FOR CHANGE, **Confronting Closing Spaces for Civil Society in Nigeria**, Published March 25, 2017; <https://spacesforchange.org/report-confronting-closing-spaces-for-civil-society-in-nigeria/>

⁴¹ Human Rights Watch, **Multiple Killings in Nigeria's Kaduna State: Authorities Should End Cycle of Impunity**, July 31, 2020; <https://www.hrw.org/news/2020/07/31/multiple-killings-nigerias-kaduna-state>

5.4 SUPPRESSION OF RELIGIOUS/ETHNIC SENTIMENTS

The exploitation of socio-political, ethnic and religious tensions to subjugate ethnic and religious minorities and deliberately target critics of such state-sanctioned injustices has been widely documented. In and around the South-Eastern states of Nigeria predominantly inhabited by the Igbo tribe, the people share a mutual feeling of tribal marginalization and group repression. The Independent Peoples of Biafra (IPOB) initiated region-wide campaigns against the institutionalized marginalization of the Igbos, renewing the agitation for secession. The Igbos' demand for separation from the Nigerian state is not new. In 1967, the secession of Biafra from Nigeria caused a two- and half-year civil war that claimed millions of lives.

Recurrent attacks on IPOB members have resulted in numerous deaths. The IPOB leader, Nnamdi Kanu, has been forced into exile. Protests by Igbo traders in Onitsha remonstrating over the arrest and detention of Nnamdi Kanu in December 2015 was greeted with extreme state-sponsored violence. In May 2016, the brutal massacres characterized the annual commemoration of the Biafra Remembrance Day. These two incidents were bloody, leaving in their trail, haunting accounts of unrestrained shooting sprees by Nigerian security operatives, resulting in mass arrests, injuries, deaths, forced disappearances and incalculable property losses.³⁸

Southern Kaduna is another hotbed of violent ethnic tension, compounded by deep-seated religious divisions between Christian farmers and Muslim cattle herders. The striking discrimination characterizing the state's handling of security issues affecting farmers and herdsmen, which ostensibly favours the latter, is widely documented.³⁹ When herdsmen-attackers invade Southern Kaduna communities, they operate for hours without any form of restraint by security operatives.⁴⁰ Attackers have never been apprehended nor brought to justice till date, increasing villagers' vulnerability to constant invasion and brutal attacks. Particularly aggravating the situation is the complacency of the Federal and State governments in responding to the humanitarian crisis resulting in hundreds of deaths, loss of properties and mass displacement of residents. The glaring state inaction as attacks on Southern Kaduna communities became fiercer despite curfews imposed in August 2020. The continuing injustices irked leaders of Southern Kaduna communities, including the broader civil society and the international community⁴¹ leading to an outcry against the perceived bias of the Kaduna State government towards the Christian minority farmers.

5.5 STIFLING OF POLITICAL OPPOSITION

Negative rhetoric has also been used to stifle political opposition, stigmatise activists and smear sections of civil society. The Closing Spaces Database records 16 incidents of perceived politically-motivated attacks and prosecutions on opposition politicians (and their family members and allies), underscoring how political differences have become another driver of closing civic space in Nigeria. The Nigerian government arraigned popular politician, social critic



and member of the opposition political party, Dino Melaye, twelve times in one year for a number of offences ranging from murder, corruption, and for some other unclear reasons. Attacks of this nature have the effect of delegitimizing their critical commentary and agitations for good governance or to increase their vulnerability to stigma and ridicule. As witnessed during the 2015 general elections which pitched a southern Christian, Goodluck Jonathan, against a Muslim northerner, Muhammadu Buhari, political differences can lead to the polarization/fragmentation of civic space along ethnic, political, and religious lines.

5.6 TERRORISM/COUNTER TERRORISM

Restrictions on civil society framed around the objectives of counterterrorism find expression in a number of national security reports and policies. Nigeria published a National Risk Assessment (NRA) for TF and ML (completed in 2016), which identified Designated Non-Financial Businesses and Institutions (DNFIs) as being amongst those sectors most vulnerable to money laundering and terrorist financing (ML/TF). The NRA included civil society organizations in this DNFI classification along with casinos, car dealers and lottery businesses, among others. This provided justification for government to propose extraordinary financial regulatory measures for CSOs. The opportunity to put up a strong challenge and dismantle the perception of non-profits as conduits for money-laundering or the financing of terrorism, emerged in the last quarter of 2019 during the FATF Mutual Evaluation and onsite visit to Nigeria. Ahead of the Mutual Evaluation, groups like SPACES FOR CHANGE conducted a rigorous analysis of the NRA, flagging the stringent restrictive measures proposed for countering the ML/TF risks, and the potential burdens on the operational capabilities of civil society organizations. The research report⁴² challenged the official classification of NPOs as DNFI, disputing the evidential basis for the identification and classification of ML/FT risks, threats and vulnerabilities in the sector.

5.7 CRACKDOWN ON CSOS USING NEW AND EXTANT REGULATIONS

Non-profits in Nigeria are subject to the regulation of a host of agencies, including the Corporate Affairs Commission (CAC), Special Control Unit Against Money Laundering (SCUML), Nigerian Financial Intelligence Unit (NFIU), Federal Reporting Council of Nigeria (FRCN), Federal Inland Revenue Service (FIRS) National Planning Commission (NPC), banks etc. These entities primarily undertake regulatory oversight through various methods and restrictions such as the requirement for periodic financial reports, submission of currency transaction reports (CTRs) and Suspicious Transaction Reports (STRs), filing of annual returns in lieu of tax exemptions, surveillance of financial inflows, winding up erring NPOs, among several others.

Despite the profusion of regulators for non-profit entities in the country, official attempts to introduce additional regulations for the sector have persisted. The NGO Bills of 2014 and 2016 add to the list of proposed regulatory measures

Negative rhetoric has also been used to stifle political opposition, stigmatise activists and smear sections of civil society.

...political differences have become another driver of closing civic space in Nigeria.

⁴² SPACES FOR CHANGE, *Unpacking the Official Construction of Risks and Vulnerabilities for the Third Sector in Nigeria*, May 2017

5. MODES OF ATTACK ON THE CIVIC SPACE IN NIGERIA contd.

Growing religious intolerance and violent extremism are major drivers of crackdowns on the civic space in the northern region of Nigeria.

⁴³ Closing Spaces Database, **CAC deregisters Company in Error**, November 12 2020; Accessed via <https://closingspaces.org/cac-deregisters-company-in-error/>

⁴⁴ Stephanie Busari and Eoin McSweeney, CNN, **Outrage as Nigeria sentences teenage boy to 10 years in prison for blasphemy**, published 26 January, 2021; Accessed via <https://edition.cnn.com/2020/09/16/africa/blasphemy-nigeria-boy-sentenced-intl/index.html>

designed to curtail external funding for non-profit organizations and limit their operations. Sustained pushback from civil society organizations prevented the passage of these restrictive draft statutes. The recent amendment of the Companies and Allied Matters Act 2020 and the Companies Regulations, 2021 sparked outrage among stakeholders who regard the amendment as a well-orchestrated plot to achieve the failed NGO Bill's objectives through the back door. As past precedents demonstrate, Nigerian civil society groups fear the amended law, particularly the provisions that sweep too broadly, could be bent to target groups challenging official impunity and demanding social change.

In addition to the restrictive dimensions of certain applicable legal frameworks, significant overlaps and the duplicity of regulatory functions often results in multiple reporting obligations to different entities. For instance, NPOs file annual returns to the CAC where they submit financial statements detailing inflows and spending within a fiscal year, among other information. More detailed particulars of the same set of transactions are filed with SCUML on a weekly or monthly basis depending on whether they are CTRs, STRs etc as the case may be. NPOs also pay and file personal income or withholding tax remittances to the state or Federal Inland Revenue Service on a weekly or monthly basis as the case may be. NPOs interface with commercial banks regularly where they are required to furnish information regarding inflows and outflows transacted on their accounts. SCUML conducts periodic onsite and offsite inspection of NPOs, and this responsibility is also shared with the NFIU. The multiplicity of compliance requirements leads to overregulation of the sector which is a major cause of low compliance and even non-compliance rates. Due to the time-consuming nature and high costs associated with compliance, many organizations often fall short. State actors can then use this as an excuse to clampdown on targeted organizations through undue interference in their operations, forced closures, penalties and fines, deregistration⁴³, and other regulatory disruptions.

5.8 BLASPHEMY CONVICTIONS/DEATH PENALTY

Growing religious intolerance and violent extremism are major drivers of crackdowns on the civic space in the northern region of Nigeria. For instance, blasphemy or the use of derogatory words against the Prophet Mohammed is regarded as a grave offence in several states in Northern Nigeria where Shari'a law is operative. This offence carries the most severe punishments, ranging from death by hanging, amputation of limbs to long term imprisonment. On August 10, 2020, a 13year old boy, Omar Farouk was sentenced to 10 years in prison for blasphemy in the north-western region. An Upper Shari'a court sitting in Kano found Farouk guilty of using "disparaging language against Allah" while arguing with a friend.⁴⁴ The same court, on the same day, sentenced Yahaya Aminu Sharif, a singer, to death by hanging for blaspheming the Prophet in his song which he circulated on WhatsApp. Following the circulation of the song, his family home was razed by an angry mob.⁴⁵ These are only a



few examples of many others who have been punished under Shari'a law for blasphemy and other related offences in Northern Nigeria.

Reminiscent of the ethno-religious crisis that plunged Nigeria into a civil war in 1967, blasphemy-linked convictions and mob attacks have persisted in the northern region because such punishments are sanctioned by both state and non-state actors. This has fanned the flames of religious intolerance in the North, widening the divisions between Christians and Muslims. Historical records are replete with incidents involving non-state actors inflicting jungle justice on blasphemers. On August 9 2008, a Muslim mob in Kano state beat a fifty-year-old Muslim man to death for allegedly blaspheming the Prophet.⁴⁶ Similarly, Abdullahi Umaru received the same beheading treatment in July 14, 1999, in Randali, a village in Kebbi state for alleged blasphemy against Prophet Mohammed.⁴⁷ These killings bring to mind the bloody religious riots the murder and beheading of Gideon Akaluka—a young Igbo trader whose wife allegedly desecrated the Koran by using pages of Islam's holy book as toilet tissue—sparked in Kano. After he was imprisoned by the police, a group of Muslims broke into the jail, killed him, and walked around the city parading his severed head.⁴⁸

5.9 PARTISANSHIP AND POLARIZATION OF SOCIAL JUSTICE CAUSES

The political temperature in the country inevitably heats up around election windows, deepening fears about the potential outbreak of violence on a massive scale both during and after the elections. The politicization of social justice causes usually heightens near to the outset of general elections when rival politicians latch onto topical issues to secure more votes and maximize their political advantages. For instance, although the #BringBackOurGirls campaign became a rallying platform for the mobilization of support to secure the release of the kidnapped Chibok girls, the 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 sinister political objectives has gained traction in civic discourses, negatively affecting their reputation with the public.

The politicization of social justice causes usually heightens near the outset of general elections when rival politicians latch onto topical issues to secure more votes and maximize their political advantage.

⁴⁵ Murtala Adewale, The Guardian, **Kano Court Sentences Singer Yahaya Aminu Sharif To Death for Blasphemy**, published 10 August 2020; Accessed via <https://guardian.ng/news/kano-court-sentences-singer-yahaya-aminu-sharif-to-death-for-blasphemy/>

⁴⁶ Daily Trust, **Mob Kills 50-Year-Old Man for 'Blasphemy'**, August 11 2008; accessed via: <http://allafrica.com/stories/200808110940.html>

⁴⁷ Facts as reported in **Abubakar Dan Shalla v. The State** (S.C. 245/2004) [2007] NGSC 113 (05 October 2007).

⁴⁸ Daily Independent, **Beheading Stirs Nigerian Tension**, Published Sunday 23 October 2011, Accessed via <https://www.independent.co.uk/news/world/beheading-stirs-nigerian-tension-1596448.html>

5. MODES OF ATTACK ON THE CIVIC SPACE IN NIGERIA contd.

5.10 FINANCIAL CONSTRAINTS TO CSOS DEFENDING THE CIVIC SPACE

It is important that CSOs maintain their independence and legitimacy at all times in order to gain public trust and good will. Inadequate funding or funds from questionable sources threaten the legitimacy and independence of CSOs. Most organizations lack staff with proficient resource mobilization skills, a situation compounded by limited access to resources. Domestic philanthropy is not yet fully developed, resulting in significant dependency on foreign funding.

The brevity of most donor-funded projects is a critical component of the financial constraints local organizations face. This makes it difficult for most groups to coordinate long-term advocacy campaigns. State actors often exploit the tentativeness of NGO attention-spans to an issue in order to perpetrate abuses with impunity. They expect civic actors will back down after a short time due lack of resources to sustain the tempo of such advocacy campaigns.

5.11 RISK ANALYSIS TABLE

Threat	Frequency of Occurrence	Severity of Impact on Civic Space	Recommended Mitigation Approach	Examples
Violations of press freedom	High	High	Reactive	Suspension of DAAR Communications PLC license
Attacks on free speech esp. on social media	High	Medium	Proactive	Emperor Ogbonna, IG Wala, Audu Maikori, Ambrose Nwaogwugwu, Omoyele Sowore, Agba Jalingo
Disruption of public protests	High	High	Reactive	#RevolutionNow #ENDSARS
Suppression of religious/ethnic sentiments	Low	High	Reactive	Islamic Movement in Nigeria (IMN), IPOB
Stifling of political opposition	High	High	Reactive	Dino Melaye, Shehu Sani etc
Terrorism/counterterrorism	Low	High		Action Against Hunger, Mercy Corps etc
Changes in legal environment	Low	High	Proactive	CAMA 2020
Blasphemy convictions/ death penalty	Low	High	Reactive	Mubarak Bala, Yaya Shariff
Partisanship, polarization of social justice advocacy	Low	Medium	Proactive	2015 elections
Financial Constraints	High	High	Proactive	CLO



Low, High and Medium ranking depict the frequency and severity of the impact of threats on the civic space, which then informs the character of responses required to mitigate attacks. "Low" under Frequency of Occurrence signifies that the threats do not occur that often. However, incidents that do not occur frequently may still pose grave risks to the sector. For instance, the suppression of ethnic and religious occur infrequently and mainly in specific locations and regions. But when they occur, the scale of extreme violence, massacres and human rights violations that characterise such incidents are worrying. Likewise, the changes in legal environment are low frequency because the established procedures for rulemaking or for legislative amendments are administratively long, regimented and time-consuming. Therefore, the plethora of legislative proposals designed to alter the legal environment do not always result in enforceable statutes backed by law. When regulatory changes do succeed, adverse impacts are severe and could totally alter the cycle of licensing/certifications, compliance, reporting and organizational programming. Not many organizations are equipped materially and financially to withstand these shocks.

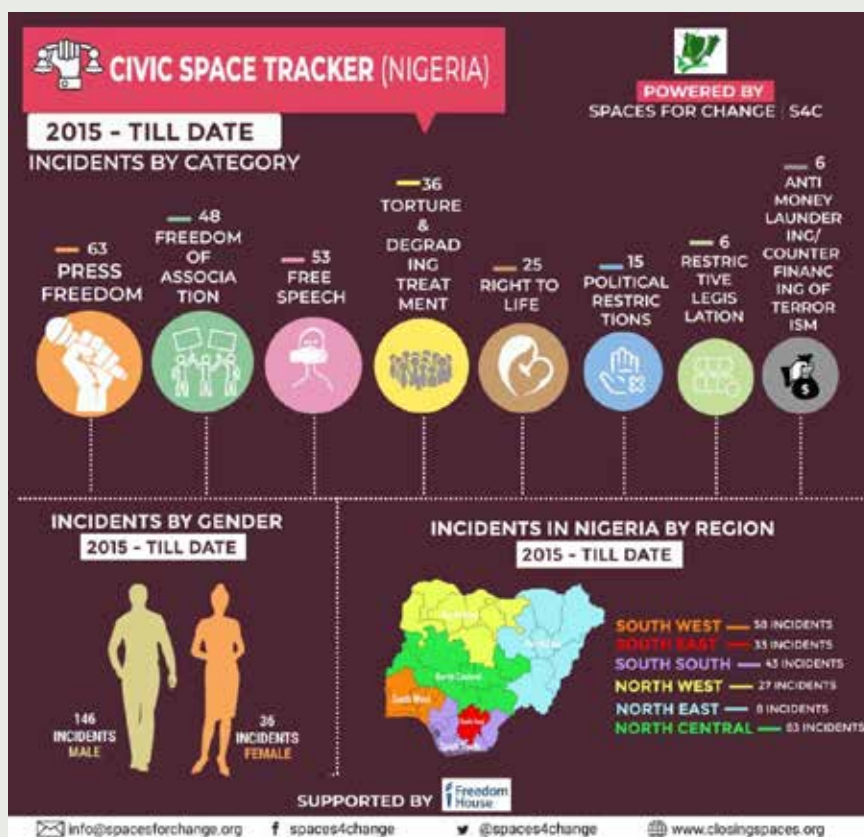
High Frequency ranking means the identified threats occur very often. They can also be regarded as occupational hazards associated with accountability and social justice campaigning across jurisdictions, including Nigeria. The high frequency of occurrence has necessitated the development of mitigation measures which provide victims various options for reparation. In other words, the risks occur frequently but can be avoided or mitigated through a range of preventive or corrective strategies not limited to avoidance, prompt access to quality legal representation, relocation, asylum, political connections, party defection, access to financial resources and regulatory compliance. The availability and accessibility of these legal, social and administrative remedies for high-frequency threats have culminated in the significant reduction of the severity of the impacts. Because actors can mitigate risks by quickly resorting to preventive or corrective actions, the impact of the threats may be low or medium.

Threats require reactionary or proactive responses based on the severity of impact to the sector. Ideally, high-impact risks must be tackled proactively because they are more difficult to manage, and accordingly, should be avoided or nipped in the bud at all costs. Proactive grounding enables actors to forecast, respond and even prevent threats long before they happen instead of implementing last minute ad hoc solutions. However, reactionary responses were recommended for certain high-impact threats because of the spontaneous nature of their occurrence, and therefore not subject to the control of civic actors. Examples include the disruption of public assemblies or mob attacks linked to blasphemy, which happen suddenly and are triggered by official backlash or popular sentiments. These incidents are not typically easy to predict. None of the threats indicated a minor impact. Of the ten threats identified and ranked, violations of press freedom, attacks on free speech and the disruption of public protests top the list, signifying their high frequency and the need for activists and organizations to make contingency plans in advance. In addition, organizations facing high-impact threats should envisage that their operations may cease for a period of time and possibly cause fatalities. Whether having a high, low or medium impact, the need for organizations to develop effective support systems and contingency plans in response to identified threats cannot be overemphasized.

6. HOW THREATS TO THE CIVIC SPACE DIFFER ACROSS NIGERIA'S GEOPOLITICAL ZONES

Low number of incidents recorded in a region should not be construed as a better human rights record, but often reflects underreporting of infractions resulting from civic engagements.

⁴⁹ See Article 18 of the Universal Declaration on Human Rights, 18 of International Covenant on Civil and Political Rights (ICCPR), 9 of European Convention on Human Rights, 8 of African Charter on Human and Peoples' Rights and Article 30 of Arab Charter on Human Rights



While the character of restrictive state conduct across regions differs, the consequences often extend to other interconnected fundamental rights and freedoms protected by national and international law. These include freedom of movement, the freedom of thought, conscience and religion.⁴⁹

Out of the 252 incidents tracked across regions, the North-Central geopolitical region recorded the highest number of crackdowns with 85 incidents, followed by South-West with 66 recorded incidents, the majority of which occurred in Lagos State alone. Numbers for the South-South and South East regions are 43 and 33 respectively, with North-West and North-East recording the least, at 26 and 7 respectively.

Low number of incidents recorded in a region should not be construed as a better human rights record, but often reflects underreporting of infractions resulting from civic engagements. The database also categorizes incidents along gender lines by identifying incidents affecting men and women, with 147 incidents attributed to males and 37 attributed to females. If there are any positives to be taken from reported incidents involving females, it is the fact that women are equally at the forefront of civic engagements in Nigeria.



Further analysis of civic space trends, drivers and perpetrators of threats observed across the regions indicates certain similarities between the South-East, South-West and South-South regions (broadly referred to as the South) on the one part, and the North-East, North-West and North-Central regions on the other part (broadly referred to as the North). The case studies below shed light on the nature and distinctions between the civic space trends in the north and south of Nigeria, flagging how identified threats and risks rank with respect to probability of occurrence and severity of impact.

6.1 SOUTHERN REGION

In the Southern part of the country, citizens are more likely to get in trouble for participating in peaceful demonstrations or for expressions that criticize the failings of government and public officials. The risk of clampdown is heightened when commentary is posted on social media. Substantiated media reports are replete with accounts that establish the contraction of spaces for free expression as well as the obstruction of media freedoms. Consider the case of Femi Adeyeye, a student of the University of Lagos (UNILAG) who was expelled in August 2016 following a critique of the anti-student policies of the school contained in a Facebook post. The post condemned the university authorities for their insensitivity to the deteriorating conditions in which students study.⁵⁰ On another occasion, he posted a picture on Facebook depicting the deplorable living conditions of students of Obafemi Awolowo University. The photos went viral on the internet which led to his name being blacklisted in a national security report alleging that he was inciting students against the government.

On November 21, 2016, an Imo-based journalist, Aku Obidinma, was arrested by agents of the State Security Service over a media faceoff with the Deputy Governor of Imo State. He was charged and remanded in prison custody by a Magistrate court and forced to spend his Christmas holidays there despite meeting bail conditions.⁵¹ Ambrose Nwaogwugwu was arrested and detained by the Department of State Security (DSS) on May 28 on account of his Facebook commentary criticizing Imo State Governor, Senator Hope Uzodinma. The Department of State Security (DSS) also arrested Emperor Ogbonna on March 24, 2020 for making posts on his Facebook page critical of Abia State Governor. He was charged before the Federal High Court in Umuahia with the offence of terrorism.

Disruption of public assemblies is another hallmark of repressive governmental behaviour in the southern states. Such disruptions flagrantly violate the constitutionally-protected right to free speech, impeding the ability of citizens to protest peacefully. Images culled from various social media posts on the Closing Spaces database signpost the use of extreme force and cruelty to quell peaceful protests across the country.⁵² #RevolutionNow protests convened by Sahara Reporters' publisher, Mr. Omoyele Sowore, have been the target of sustained clampdowns by state authorities. Violent attacks on peaceful demonstrators

In the southern part of the country, citizens are more likely to get in trouble for participating in peaceful demonstrations or for expressions that criticize the failings of government and public officials. The risk of clampdown is heightened when commentary is posted on social media.

⁵⁰ Premium Times, September 26, 2018, <https://www.premiumtimesng.com/regional/ssouth-west/286457-unilag-reinstates-student-activist-then-summons-him-before-another-panel.html>
⁵¹ Steve Uzoechi, New Telegraph, Activist Spends Christmas in Prison Custody Despite Meeting Bail Terms, December 25, 2016. retrieved <https://newtelegraphonline.com/news/sunday-magazine/activist-spends-christmas-prison-despite-meeting-bail-condition/>
⁵² Action Group on Free Civic Space, #ENDSARS/ENDSWAT: Violent Attacks on Peaceful Protesters Must Stop! Published October 21, 2020 via: <https://closingspaces.org/endsars-endswat-violent-attacks-on-peaceful-protesters-must-stop/>

6. HOW THREATS TO THE CIVIC SPACE DIFFER ACROSS NIGERIA'S GEOPOLITICAL ZONES contd.

As #RevolutionNow and #ENDSARS protests exemplify, it is commonplace for security operatives to deploy a variety of strategies to curtail public assemblies, interfering with the ability of groups to congregate and protest.

reached its peak when security operatives comprising a combined team of policemen and soldiers opened fire on #EndSARS protesters at the Lekki tollgate in Lagos.⁵³

As #RevolutionNow and #ENDSARS protests exemplify, it is commonplace for security operatives to deploy a variety of strategies to curtail public assemblies, interfering with ability of groups to congregate and protest. 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 defy such directives are harassed, arrested, and detained.⁵⁴ In other instances, police operatives blocked protest grounds, preventing demonstrators from mobilizing enough numbers to start collective action. As was witnessed during the COVID-19 lockdown, state executives across the country also adopted curfews as a popular strategy for suppressing protests and restricting further public assemblies. Edo, Rivers, Lagos and Imo topped the list of states that imposed curfews, with soldiers stationed in strategic places to disperse mass gatherings.⁵⁵

⁵³ Closing Spaces Database, Security Agents 'open fire' on Lekki Toll Gate Protesters, October 20 2020; <https://closingspaces.org/6158-2/>

⁵⁴ Committee to Protect Journalists, Police in Nigeria Assault, Arrest Journalists Covering #RevolutionNow Protests, published August 26, 2019; Accessed via <https://cpj.org/2019/08/police-in-nigeria-assault-arrest-journalists-cover/>

⁵⁵ Business Day: ENDSARS Protests and the Season of Curfews, published October 25, 2020; Accessed via <https://businessday.ng/editorial/article/endsars-protests-and-season-of-curfews-in-states/>

⁵⁶ Victoria Ibezim-Ohaeri, Extracts from SPACES FOR CHANGE's Nigeria Country Report for the Action for Empowerment and Accountability (A4EA) Research Programme implemented by the UK-based Institute for Development Studies; A4EA programme can be accessed here: <https://www.ids.ac.uk/programme-and-centre/action-for-empowerment-and-accountability-a4ea/>

⁵⁷ Murtala Adewale, The Guardian, Kano Court Sentences Singer Yahaya Aminu Sharif To Death for Blasphemy, published 10 August 2020; Accessed via <https://guardian.ng/news/kano-court-sentences-singer-yahaya-aminu-sharif-to-death-for-blasphemy/>

As the preceding paragraphs emphasize, stifling spontaneous or organized dissent is one of the dominant drivers of shrinking civic space in Southern Nigeria. Consequently, citizens and media organizations, fearing reprisal refrain from speaking up or reporting certain issues that may have a sensitive nature. When people do not feel at liberty to speak, the implication is that information needed to hold the government accountable is withheld and impunity grows. Collective silence not only emboldens repressive official behaviour, but also narrows the spaces for collective assertion of fundamental freedoms.

6.2 NORTHERN REGION

Religious intolerance and countering violent extremism are the principal drivers of crackdowns in the north of Nigeria. A recent surge in enthusiasm for blasphemy laws has encouraged a wave of arrests, detentions, trials and convictions, including the imposition of death penalties. A recent example is the continued detention of popular Nigerian atheist, Mubarak Bala based on a Facebook post on April 27, 2020 where he expressed certain reservations about Islam's Prophet Muhammad. The following day, he was arrested for blasphemy and transferred to Kano, a conservative state in Nigeria popular for its intolerance for religious dissent. Authorities have since held Mubarak in detention for over six months, refusing to formally charge him for any offence, but yet subjecting him to solitary confinement and denying him access to his lawyers and associates.⁵⁶ In August 2020, an Upper Shari'a Court sitting at Hausawa Quarters in Kano sentenced a 22-year-old singer Yahaya Aminu Sharif to death by hanging for blasphemy against Prophet Muhammad.⁵⁷



Just as security threats to indigenous communities have escalated, so also have religious tensions soared in the state, forcing religious movements to react in self-defence. In December 2015, the mass killings and burial of 347 Shi'a members of the Islamic Movement in Nigeria (IMN) by members of the Nigerian Army for allegedly blocking the road during a religious procession, sparked global outrage.⁵⁸ Should blocking roads lead to human massacres? Is the use of deadly force and the resulting deaths a proportionate consequence of road blocking? These were some of the 'unanswered' questions the #FreeZakzaky Campaign Committee posed in reference to the December 2015 mass killings and the burial of 347 IMN members by members of the Nigerian Army.⁵⁹ Following the attack, their properties, especially learning centres were destroyed by the Kaduna State government and over 200 members imprisoned. IMN leader in Nigeria, Sheik Ibrahim Zakzaky and his wife, Zeena Ibrahim have remained in 'protective custody' of the Nigerian government despite multiple court orders for their release. IMN members have continued to protest the prolonged incarceration of their leader since 2015.

The North-eastern region has been the locale for extremist religious activities which have mutated into full-blown terrorism. No day passes without news of shootings, bomb blasts, gun battles between Nigeria's security forces and members of the dreaded Islamist insurgency group, popularly known as Boko Haram, resulting in enormous loss of lives and properties, internal displacements and massive human rights violations. State authorities have responded to these trends through militarized responses and the stringent enforcement of security regimes often derived from international financial regulations like the Financial Action Task Force (FATF). Because of these trends, anti-money laundering (AML) and countering terrorism (CT) grounds have been deployed to target critics, order the forced closure of humanitarian organizations after allegedly linking their operations with terrorism. For instance, Action Against Hunger's main offices in Borno and Yobe States, north-eastern Nigeria was closed on September 18, 2019, following an accusation of "aiding and abetting" Boko Haram, a terrorist organization.⁶⁰

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.

⁵⁸ Premium Times, **Kaduna Govt says 347 Shiites Killed by Nigerian Troops Given Secret Mass Burial**, published April 11, 2016; Accessed via <https://www.premiumtimesng.com/news/headlines/201615-kaduna-govt-says-347-shiites-killed-by-nigerian-troops-given-secret-mass-burial.html>

⁵⁹ See Closing Spaces database, via: <https://closingspaces.org/incident/two-imn-members-allegedly-killed-police-officers-shot-as-shiites-protest-at-national-assembly/>

⁶⁰ Action Against Hunger'S PRESS STATEMENT, **NIGERIA: FOLLOWING FORCED CLOSURE OF OFFICES IN BORNO AND YOBE STATES, ACTION AGAINST HUNGER STRONGLY REJECTS ACCUSATIONS OF SUPPORTING TERRORIST GROUPS**, PUBLISHED SEPTEMBER 24, 2019; accessed via <https://www.actionagainsthunger.org/story/nigeria-borno-yobe-action-against-hunger-strongly-rejects-accusations-of-supporting-terrorist-groups>

7. PAST AND CURRENT INTERVENTIONS TO PROTECT THE CIVIC SPACE

7.1 Incident Tracking and Improved Analysis:

Mounting restrictions on civil society have presented watchdogs an opportunity to scale up tracking and documentation of atrocities and violations of civic freedoms on digital databases.⁶¹ For instance, both the Closing Spaces Database and the National Human Rights Commission (NHRC) documented numerous incidents of violations perpetrated by the Nigerian Police Force enforcing COVID-19 lockdown measures. Global Rights⁶² tracking of casualties of conflicts, violent clashes and extrajudicial killings also heightened the tracking of violence-related deaths across the country. The evidence generated from these knowledge-building initiatives served as springboards engendering other forms of policy and advocacy action.

ELECTION MONITORING AND OBSERVATION

The UK funded Deepening Democracy in Nigeria Programme Phase 2 (DDiN2), worked with state and civil society actors—including the Independent National Electoral Commission (INEC), National Democratic Institute (NDI), YIAGA Africa, BBC Media Action, Open Society Initiative for West Africa (OSIWA), Yar'Adua Foundation and Policy and Legal Advocacy Centre (PLAC) to strengthen democratic governance in Nigeria. Amid a turbulent period of programming in the aftermath of the general elections in February 2019 with high levels of election malpractices and violence, followed by keenly-contested gubernatorial elections in Kogi and Bayelsa States in November 2019, the DDiN2 Programme supported key stakeholders in promoting civic participation during the general elections in 2015 and 2019. The programme highlighted critical concerns about a regressive trajectory and worrying implications for forthcoming gubernatorial elections and the next general election in 2023.

RISE OF DIGITAL ASSEMBLIES

The #ENDSARS, #ArewaMeToo and #RevolutionNow campaigns demonstrate how young Nigerians in particular are congregating online and offline, taking advantage of social media to express their thoughts and ask critical questions about democratic governance. There is no doubt that a skilled and self-confident youth population constitutes the most important recruits for a successful war against surging governmental restrictions, including the ethnic and religious divisions pervading the Nigerian political environment.

The movement restrictions associated with COVID-19 lockdowns and health protocols may have interfered with the organization of public demonstrations, street actions and formal events—like conferences, workshops and seminars. Nevertheless, civil society actors and activists adapted to the disruptions by leveraging advancements in digital technology to drive their social justice agendas. Organizations are taking advantage of internet trends and hashtags to raise public awareness, converge for digital protests, demand action on issues and speak truth to authorities. In August 2020, a fierce Twitter campaign triggered the disinvitation of Kaduna State Governor El-Rufai as a keynote speaker at the

The #ENDSARS, #ArewaMeToo and #RevolutionNow campaigns demonstrate how young Nigerians in particular are congregating online and offline, taking advantage of social media to express their thoughts and ask critical questions about democratic governance.

⁶¹ Victoria Ibezim-Ohaeri, Extracts from SPACES FOR CHANGE's Nigeria Country Report for the Action for Empowerment and Accountability (A4EA) Research Programme) implemented by the UK-based Institute for Development Studies; A4EA programme

⁶² Global Rights, Mass Atrocities Casualties Tracking, 2019 Report: <https://drive.google.com/file/d/1OICbaCOgz5tQqXIUaxEHNkPllleoJV2/view>



60th Annual General Conference of the Nigerian Bar Association (NBA), the statutory body of all lawyers in Nigeria. Within hours of the campaign kicking off on social media, no fewer than 3,000 lawyers⁶³ signed the petition asking the NBA to withdraw the invitation. The campaign came on the heels of the governor's odious human rights records and notoriety for disobedience to court orders, coupled with his alleged poor handling of the unceasing bloodletting in Southern Kaduna.

IMPROVING REGULATORY COMPLIANCE

Funded by the European Union, the Rule of Law and Anti-Corruption (RoLAC) Programme works to strengthen the application of law in order to curb corruption in five states: Adamawa, Anambra, Edo, Kano, and Lagos. Among other things, RoLAC focuses on reforming the criminal justice system and improving the performance of anti-corruption agencies and how they work together. Under this banner, RoLAC is collaborating with SCUML to conduct sensitization for designated non-financial institutions (DNFIs) including non-profit organizations. The sensitization exercises are followed up with an evaluation of compliance programs in selected DNFIs.

MULTI-STAKEHOLDER ENGAGEMENTS

The EU-funded Agents for Citizen-driven Transformation (ACT) programme is working to provide platforms for structured and regular multi-stakeholder engagements for an improved and effective civil society regulatory environment. The programme has facilitated the emergence of civil society organisation (CSO) coordination platforms to promote constructive dialogue among CSOs and stakeholders on how to improve the current complex regulatory environment for CSO operations in Nigeria. The ACT program also delivers trainings focused on advocacy; rights-based approach to development; stakeholder mapping and analysis; financial control management; project cycle management; and gender and social inclusion; monitoring and evaluation (M&E). The training areas were developed according to the results from the CSO organisational capacity and system assessment (OCA) carried out during the inception phase of the programme. The OCA was primarily a self-reflection exercise for CSOs to identify and categorise their strengths and weaknesses.

7.2 LESSONS LEARNED

THE NORTH-SOUTH DIVIDE: Unlike the north where issues pertaining to private and public morals can draw the ire of executive and religious establishments,⁶⁴ holding state actors to account is the main trigger for governmental crackdowns in the south. Despite endemic poverty, widespread illiteracy, high disease burden, underage marriages and endless cycles of vicious violence ravaging the northern region, the culture of demanding accountability from state actors is not as prominent in the north as it is in the south. The culture of speak-no-evil ostensibly accounts for the low reporting of incidents on the Closing Spaces database recorded for the North-East and North-West regions.

⁶³ Innocent Anaba, **NBA NEC Withdraws El-Rufai's Invitation to Speak at Conference**, August 2020, Vanguard Newspapers: Read more at: <https://www.vanguardngr.com/2020/08/nba-nec-withdraws-el-rufais-invitation-to-speak-at-conference/>

⁶⁴ Rosie Collyer, Rfi, **Nigeria's Sultan of Sokoto Bans #Arewametoo Campaign**, Published 6/12/2019; Accessed Via <https://www.rfi.fr/en/africa/20191202-nigeria-s-sultan-sokoto-calls-women-s-rights-campaign-ban>

7. PAST AND CURRENT INTERVENTIONS TO PROTECT THE CIVIC SPACE contd.

...restrictions to civil society operations in Nigeria are a structural legacy of military rule.

⁶⁵ Action Group on Free Civic Space, #ENDSARS/ENDSWAT: Violent Attacks on Peaceful Protesters Must Stop!, October 21, 2020, <https://closingspaces.org/endsars-endswat-violent-attacks-on-peaceful-protesters-must-stop/>

⁶⁶ SPACES FOR CHANGE, Beyond FATF: Trends, Risks and Restrictive Regulation of Non-Profit Organizations in Nigeria.

INNOVATIVE CAMPAIGN TECHNIQUES: The resilience of #EndSARS protests is not unconnected with the organic nature of the campaign and its leaderless outlook which made infiltration by external detractors or the negotiation of a truce more difficult. Everybody was seen as a leader during the protest which transferred equal power to every protester. The low influence of divisive undertones such as religion, ethnicity and partisan politics also enhanced group cohesion, allowing different interest groups to articulate and integrate their precise needs and priorities into the broader theme of the agitations. #ENDSARS now transcends demonstrations against police brutality and extrajudicial killings, but represents the accumulation of pent-up anger towards institutionalized corruption, unemployment, official policies and programs that have unleashed mass suffering and high cost of living on the vastly poor populations.⁶⁵

ABUSE OF COUNTER-TERRORISM MEASURES: Mounting activities of terrorist groups such as the Boko Haram Islamic sect, and other militant groups threatening Nigeria's territorial integrity provide legal justification for heightened state-based oversight and punitive responses against the perceived threats to national sovereignty. The dominant narratives linking CSOs & NGO operations to terrorist activities, however, remains a major cause for concern. It needs to be acknowledged that the funding, especially external funding which NGOs receive, is prone to abuse. The risk of abuse is higher for sham organizations that raise funds and/or carry out other activities in support of terrorism under the guise of charitable activity.

ABUSE OF DISCRETIONARY POWER: What qualifies as a threat to national interest or national security is subject to the unilateral discretion of a few state officials, and therefore prone to abuse. Ambrose Nwaogwugwu and Emperor Ogbonna were slammed with terrorism charges on account of their critical commentary posted on Facebook. The relationship between a mere Facebook post and terrorism charges have puzzled civil rights watchdogs. Ultimately, vague phrases framed around the objective of 'national security and national interest' have served to broaden state powers to target organizations whose advocacy make the authorities uncomfortable.

LEGACY OF MILITARY RULE: A report attributes the restrictions to civil society operations in Nigeria to the structural legacies of military rule.⁶⁶ Between 1966 and 1999, save for a few years of intervening civilian governments, the ruling junta clamped down heavily on dissent, including civil society-led campaigns for the return to democracy. Extrajudicial killings, summary trials and imprisonment without trial of persons or groups considered as antagonists of the government were among the popular strategies military dictators deployed to crush political opposition. The chief political actors of yester years have refused to quit the stage for the younger generation of partisan participants. Consequently, Nigeria's political space is still heavily populated by ex-military generals, ex-



dictators and ex-service men who have controlled political power for more than four decades. Nigeria's current President Muhammadu Buhari is a former military general. This political hegemony has not only suppressed or inhibited new entrants into the political spaces, but also elevated the tradition of repression as a state policy in a democratic environment.

NEW ACTORS FOR SOCIAL CHANGE NEEDED: The sit-tight syndrome of former military generals has resulted in a weakening of the foundation for human rights protections, political succession and democratic accountability. Years of alienation have provoked anger, contributing to the growing number of youth who are turning to violent crimes, militancy and insurgency to express their discontent and challenge the structures of their disempowerment. Persons aged 35 years and under are estimated to constitute about 70% of the population of the country and are now so far removed from the political arena that they are relegated to occupying inferior political offices—such as Senior Special Assistants and Personal Assistants—completely bereft of decision-making power. The saturation of young people in non-decision-making positions has impeded efforts to mobilize a new generation of political leadership that can bring about real institutional change.

FEAR OF SPEAKING UP IS WIDESPREAD: Regulatory restrictions place enormous burdens on the operations of civil society organizations which include increased overhead costs and liabilities, financial instability, forced closures, unemployment, reputational harm, medical emergencies and so on. For private actors, challenging official impunity is equally becoming riskier. In turn, the fear of consequences—in the form of intimidation, arrest, detention, heightened security surveillance, bank account freeze, disruption of peaceful protests and use of excessive force by security agents—is not only restraining people from speaking up, but also discouraging other forms of civic action. Being afraid to lose their daily bread and economic power, many are unwilling to take the risk of confronting constituted authorities or to report and challenge social and economic injustices happening around them.

POLITICIANS INFILTRATING THE MEDIA: Restrictions on media freedoms have been compounded by the infiltration of the media space by politicians. Many media houses in Nigeria are owned, sponsored or affiliated to politicians and government officials, potentially influencing the ideological bent of the narratives from those outlets. Ability to push back is particularly limited by the partisan dispositions of media groups.

8. KEY STAKEHOLDERS WITH RESPECT TO PROTECTING CIVIL LIBERTIES IN NIGERIA

The key players in the civic space include state actors, civil society organizations, online movements (typically driven by young Nigerians), opposition political parties, National Human Rights Commission, human rights watchdogs, local media, international media, international governments, international donor organizations, and the general public.

8.1 CATEGORIES OF STAKEHOLDERS' BASED ON THEIR INTERACTION WITH THE CIVIC SPACE

State Actors: The 1999 Constitution as amended vested legislative, executive, and judicial powers on three arms of government: the executive, the legislature and the judiciary. The executive arm of government at the federal and state levels formulates policies and implements laws enacted by the legislature. The judiciary interprets these laws and adjudicates on matters affecting citizens' rights and obligations. These roles are to be carried out independently without undue interference. The interactions of these institutions among themselves, with citizens and civic actors in the performance of their constitutional roles have enormous consequences for the civic space. In 2020, the president removed the Chief Justice Nigeria from office without due process of law. Blatant disregard for constitutional processes and principles by state actors threaten democratic governance and civic expressions.

Despite threats to judicial independence, a robust trend of judicial activism has been witnessed with various courts asserting judicial authority, upholding democratic values and the supremacy of the constitution. In several landmark cases, the courts have quashed repressive legislations, administrative rules and regulations enacted to shrink the civic space and deny citizens' civic rights to the extent that they are contrary to constitutional provisions. A notable example is the Court of Appeal decision in respect of the Public Order Act where the court held that Public Order Act does not only impose limitation on the right to assemble freely and associate with others, which right is guaranteed under section 40 of the 1999 constitution, it leaves unfettered the discretion on the whims of certain officials, including the police.

Civil Society Organizations/ Human Rights Watchdogs: Civil society actors are organized along the lines of professional associations, registered organizations, social movements operating online or offline, and individual activists taking on causes that resonate with social justice. Members of professional bodies join to expand their connections with people in the industry and in particular, to benefit from the protections of collective and solidarity actions.

Building relationships and alliances across the civil society sector, the local communities, state actors and the private sector are among the popular strategies used to develop new and innovative ideas, improve results, increase capacity and create better funding opportunities for CSOs. This has allowed for the



complementarity of skills, and for deepening the bonds of solidarity among local stakeholders as they maximize the use of existing spaces to organise and collectively respond to threats.

Responding to the rising wave of restrictive legislative proposals and restrictions on free speech, association and assembly rights, civil society organization have formed coalitions and developed collaborative initiatives demanding increased accountability and protection of civil liberties. Groups like Policy and Legal Advocacy Center (PLAC),⁶⁷ SPACES FOR CHANGE,⁶⁸ CISLAC,⁶⁹ prepared an analysis of the Control of Infectious Diseases Bill while a coalition of Nigerian organizations under the banner of the Action Group on Free Civic Space submitted a joint legal memorandum to the House of Representatives' Committee on Health Care Services⁷⁰ and engaged in extensive parliamentary engagement as part of a broader collective effort to halt the passage of the bill.

⁶⁷ PLAC website: <https://placng.org/i/documents/bill-analysis-on-control-of-infectious-diseases-bill-2020/>

⁶⁸ SPACES FOR CHANGE, Legal Analysis of the Control of Infectious Diseases Bill 2020, <https://closingspaces.org/restrictive-proposal-legal-analysis-of-the-proposed-control-of-infectious-diseases-act-cida-2020/>

⁶⁹ CISLAC website: <https://cislacnigeria.net/analysis-of-hb-836/>

⁷⁰ Action Group on Free Civic Space, Memorandum: Control of Infectious Diseases Bill 2020, <https://closingspaces.org/memorandum-control-of-infectious-diseases-bill-2020/>

Online Movements: Recent statistical records show that 40 percent of the total population, or almost 83 million people, live below the country's poverty line of 137,430 naira (\$381.75) per year. Widespread poverty, social inequality, political corruption, organized crimes and poor access to basic services are prompting more people to express their anger, especially on the internet. The wave of digitally-coordinated campaigns such as #ENDSARS, #ArewaMeToo and #RevolutionNow demonstrate how Nigerian civic actors are taking advantage of digital technology and the emerging opportunities in information and communication technology (ICT) to build solidarity and social capital to demand accountability, push for the eradication of poverty and push back against repressive legislations.

Opposition Parties: Following the handover of political power from President Goodluck Jonathan to Muhammadu Buhari in 2015, the Peoples' Democratic Party is now the major political opposition party in Nigeria. Opposition parties constantly criticize the ruling party's policies, ideas and programs while proposing alternatives to the electorate, thereby deepening democratic engagement and institutions in the process. In Nigeria, opposition parties have also played a pivotal role in defending the civic space. In 2004, one of the registered political parties—All Nigeria Peoples Party—requested the police chief to issue police permits to their members to hold unity rallies throughout the country to protest the rigging of the 2003 elections. The request was made following a violent disruption of their rally organised in Kano on 22 September 2003 on the ground that no police permit was obtained. Exercising authority derived from the Public Order Act which empowered police to grant permits for public gatherings, the request was refused. The party sued the Inspector-General of Police protesting the refusal. In a landmark judgement, the court held that the Public Order Act so far as it affects the right of citizens to assemble freely and associate with others, the sum of which is the right to hold rallies or processions or demonstration is an aberration to a democratic society and inconsistent with the provisions of the 1999 Constitution.

National Human Rights Commission: Nigeria's National Human Rights Commission (NHRC) was established in 1995 in line with Resolution 48/134 of the United Nations General Assembly which enjoins all member states to establish independent national institutions for the promotion, protection and enforcement of human rights. An amendment of the legal framework establishing the Commission in 2010 expanded its mandate to deal with all matters relating to the promotion and protection of human rights guaranteed under national and international law. The Commission monitors and investigates alleged cases of human rights violations in Nigeria and assists victims of human rights

8. KEY STAKEHOLDERS WITH RESPECT TO PROTECTING CIVIL LIBERTIES IN NIGERIA contd.

violations to seek appropriate redress and remedy. Freedom of expression and media freedoms are thematic focal areas of the Commission. Along this line, they execute programs that facilitate the exercise of this right and other interconnected rights essential for guaranteeing human rights, democracy and the rule of law.

Local and International Media: Section 22 of the 1999 Constitution guarantees the freedom of the press, radio, television and other agencies of the mass media to uphold the fundamental objectives and uphold the responsibility and accountability of the government to the people. Access to the media and information are necessary ingredients for civic action. Media coverage helps to amplify civic voices and raise public awareness about social injustices, with multiplier effect on the scale and tempo of civic engagements. The abduction of Chibok Girls and the #ENDSARS protests exemplify how the reportage of local stories in the international media can have the propensity to expose and draw global attention to governance challenges and historical injustices which give rise to impunity and continuous violations. As stated above, attacks on journalists and media organisations top the list of crackdowns on the civic space in Nigeria. They are particularly targeted due to their journalistic undertakings which expose the ills of governance and political leaders.

International Governments: International governments enter into various bilateral and multilateral agreements and set up mechanisms, enabling countries to collaborate in problem-solving and agenda-setting on a wide range of issues. Sanctions regimes are popular tools deployed to deter rogue behaviour and compel compliance with human rights norms. The possibility of being sanctioned by a foreign government can be a tool to hold state actors and even their allies in the private sector, accountable for their actions. In September 2020, the United Kingdom threatened to seize assets and impose visa restriction on Nigerian politicians caught rigging during the Edo and Ondo State governorship elections. In the events that followed the EndSARS protests in October 2020, civic actors and private individuals forwarded petitions to the UK House of Commons against some state officials implicated in the brutal attacks and abuse of citizens' rights that occurred during the protests.

International Donor Organizations: The international donor community is an important ally of local civil society organizations in the fight for justice, equality and a better society. Synergies developed between local and international allies transcends financial support, but also encompasses other in-kind currency such as research partnerships, capacity-building, technical assistance, solidarity, amplification of local voices through news/report mentions, speaking engagements, co-convening and so forth. The deepening of connections and exchanges between actors across jurisdictions not only expanded opportunities for southern perspectives to be reflected in global discussions affecting the civic space, but also enabled them to contribute to high-level dialogues with both intergovernmental and global traits.

General Public: As a result of advancements in information technology, activism is no longer the exclusive reserve of civil society, trade unions, human rights organizations and media advocates. A wider group of private actors and associational bodies now campaigns extensively online and offline against various social issues, injustices and restrictions on the civic space. Since the late 2000s, the emergence of new voices and vibrant actors illustrates thinning apathy levels and a shared commitment of ordinary citizens to demand change and push back against constraints to the free exercise of democratic freedoms. The significant increase in digital literacy and the growing culture of mass-based actions triggered online—as exemplified by the #RevolutionNow and #ENDSARS in Nigeria—reflect the shared aspirations of ordinary citizens to keep the civic space free from obstructions, and ensure all duty-bearers are held accountable. With the way emerging digital horizons are being infused into traditional organizing methods, the notable shifts in public consciousness and the emergence of mass movements willing to challenge governmental failings hold enormous potential for improving other weakening aspects of democratic institutions.



8.2 STAKEHOLDER ANALYSIS TABLE

Stakeholder	Interest in civic space protection	Influence
State Actors	Negative	High
Civil Society Organizations	Positive	High
Online Movements	Positive	High
Opposition parties	Neutral	Medium
National Human Rights Commission	Positive	High
Local Media	Neutral	High
International Media	Positive	Low
International Governments	Positive	Medium
International Donor Organizations	Positive	High
General Public	Neutral	High

The stakeholder analysis table above enables civic actors to identify stakeholders critical to the success of advocacy to defend the civic space. The table maps stakeholders' interest in defending the civic space juxtaposed by their ability to influence changes to official behaviour and governmental actions that constrain the civic space. Stakeholder influence is ranked low to high against public perception of their negative to positive interest in civic space protection. High influence rating indicates the stakeholder with a high ability to initiate action that triggers policy and systemic changes, including a reversal or suspension of threatening measures. Such influence may be derived from the stakeholder's hierarchical, economic, social or political position, or the stakeholder group's access to institutional connections and corridors where decisions are made and implemented.

Those with a high influence rating are considered strategic partners, champions or leaders and accorded priority in the development of sectoral responses to current and future threats. On the other hand, low and medium influence stakeholders have less ability to influence the outcomes of civic space causes. Low-influence does not mean the absence of interest in the advocacy outcomes. However, their influential weight may be constrained by low-knowledge of the issues in focus, illiteracy, apathy, existing bilateral relations with states, occupying sensitive official/diplomatic office, restricted access to the corridors of power and so forth. Low and medium-influence stakeholders do have persuasive power and can make good cheerleaders and backend drivers of social movements. Their influence and ability to repel or mitigate attacks can be nurtured and boosted through increased sensitization, engagement and collaboration. Particular emphasis should be placed on revving up the participation of numerous stakeholders with positive interest but low and medium influence.

9. RECOMMENDED ACTIONS TO PROTECT LIBERTIES AND DEFEND CIVIL SOCIETY

Organizations can mitigate risks and threats in the short term through the establishment of a special emergency fund.

9.1 SHORT TERM GOALS FOR CIVIL SOCIETY ORGANIZATIONS

9.1.1 Set Up Institutional Emergency Funds

The CIVICUS rankings, the Closing Spaces Database and a plethora of independent studies establish a marked increase in the rate at which civil actors and media personnel are being assaulted, kidnapped, unlawfully detained, tortured and killed, pointing to shrinking civic space in Nigeria. While some of these repressive tactics employed to stifle dissent and silence civil actors are brutal in nature, some tactics are more subtle and procedural in nature. For civil society organizations, these tactics produce bureaucratic difficulties and other undesirable outcomes such as financial instability, forced closures, asset freezes, legal liabilities and other bureaucratic impediments that disrupt their operations. Recently, the Central Bank of Nigeria directed commercial banks to freeze the bank account of ENDSARS protesters while attempts at the deregistration of an advocacy group was documented. These tactics can potentially destabilize the targeted organization and deprive their beneficiaries of life-saving assistance.

Organizations can mitigate these sorts of risks and threats in the short term through the establishment of a special emergency fund. Under this arrangement, a percentage of the organization's external funding will be contributed to the special funds domiciled either offshore or in a separate bank account managed by a trust. In emergency situations such as a bank account freeze or asset seizure, the funds shall be applied to ensure the stability of the organization's operations, programs including the retention of critical staff and support services during the period of obstruction. Cuts from external funding have been recommended because support for NGO work comes largely from overseas - the developments agencies and the private trusts.

9.1.2 Improving Regulatory Compliance Culture

Civil society organizations, as part of the non-profit sector, are obligated to comply with numerous legal frameworks and meet their reporting obligations to multiple regulatory agencies and institutions such as the Corporate Affairs Commission (CAC), the Special Control Unit against Money Laundering (SCUML), Federal Inland Revenue Service (FIRS), Nigeria Financial Intelligence Unit (NFIU) etc. Compliance and reporting to several entities require considerable time and financial resources which can place huge financial burdens on smaller organizations. As stated above, donor contributions to the institutional emergency funds can enable organizations offset these compliance obligations and prevent regulatory disruptions.

Groups such as SPACES FOR CHANGE and SCUML under the RoLAC programme administer Compliance Clinics to enhance anti-money laundering and countering financing of terrorism (AML/CFT) knowledge and compliance culture for non-profits in Nigeria. The clinic was designed upon the premise that enhancing regulatory compliance in the non-profit sector forms part of a broader strategy for pushing back on governmental restrictions on the civic space in Nigeria. In



collaboration with local and international AML/CFT regulators, the Clinic has developed modules and course curriculum that build the capacity of civil society organizations to develop and implement AML/CFT frameworks and checklists in the workplace which will help them deal better with regulatory and compliance authorities such as SCUML, NFIU, FIRS, and CAC. Scaling up initiatives of this nature is necessary for improving sector performance and achieving procedural propriety.

9.1.3 Establish CSO Self-Regulatory Framework

Most CSOs in Nigeria do not rely on the state for funding. This is a critical factor that can be leveraged to advocate for self-regulation and independence of the sector from undue governmental interference. Having a standard set of rules and ethics for CSOs would help to promote accountability and transparency on the part of CSOs in order to build public trust in the sector. It would also help advance the advocacy for independence of the sector and protection of CSOs from undue interference of the state in their operations.

On the flip side, advocacy for self-regulation of the NPO sector seems to presuppose that the NPO sector is not already well regulated. This presumption is wrong. As we have discussed earlier in this chapter, the finances and operations of CSOs are already heavily regulated and monitored by state agencies that one can argue that these numerous regulations constitute strategies to constrict the civic space and threaten democratic freedoms. NPOs are obligated to file and submit reports to CAC, SCUML, NFIU, FIRS etc. The National Planning Commission (NPC) also monitors and regulates the activities of the donor community.

Developing an alternative to a self-regulatory framework would require CSOs to push for the harmonization of reporting obligations for the sector. For this to work, database automation is imperative in order to integrate reporting and self-updating processes such that multiple compliance procedures ranging from self-reporting, uploading documents, tracking institutional records, updating data entries, retrieving, backup and monitoring are all automated and monitored through a single-window system. Rather than wait for the government, the sector can develop a self-service, single-window terminal for submitting statutory reports. This allows all management and financial reports submitted to the Corporate Affairs Commission by an organization to be easily accessible to other entities such as SCUML, FIRS or NFIU at the click of a button. It also eliminates the onerous burden of submitting the same report to multiple agencies, saves time and resources.

9.1.4 Strategic Litigation

According to Femi Falana SAN, "Litigation should be used as a complementary strategy with collective political struggle to challenge structural inequality and injustice and abuse of human rights. Litigation used strategically, can stimulate

"Litigation should be used as a complementary strategy with collective political struggle to challenge structural inequality and injustice and abuse of human rights. Litigation used strategically, can stimulate meaningful change and complement other political efforts..."
Femi Falana, SAN

9. RECOMMENDED ACTIONS TO PROTECT LIBERTIES AND DEFEND CIVIL SOCIETY contd.

⁷¹ Femi Falana, Public Interest Litigation (Part 2), The Vanguard Newspaper, December 31 2009; accessed via <https://www.vanguardngr.com/2009/12/public-interest-litigation-in-west-africa-2/>
⁷² INSPECTOR GENERAL OF POLICE v. ALL NIGERIA PEOPLES PARTY & 11 ORS. (2007) NWLR (Pt. 1066) 457 C.A.

meaningful change and complement other political efforts...⁷¹ To complement advocacy campaigns and other efforts designed to defend the civic space and promote social justice, CSOs can also file strategic lawsuits using the instrumentality of the law to raise awareness of repressive regulations and to bring about legal reform. An example is the lawsuit filed by the All Nigeria People's Party (ANPP) and several others⁷² that quashed the unconstitutional sections of the Public Order Act. The quashed sections, especially the requirement for a police permit to hold a rally or any other procession, limited the ability of citizens to protest and assembly peaceably. The Court of Appeal held that the requirement of police permits cannot be justified in a democratic society. Thus, the offending sections of the law were declared unconstitutional, null and void. This case represents how litigation can be used to influence social change and foster legal reform.

9.1.5 Incident Reporting: Database

The Closing Spaces database is an independent online databank for tracking, mapping and documenting incidents of human rights violations and threats to the civic space in West Africa, particularly in Nigeria. Because advocacy to defend space must be grounded in solid evidence, scaling up tracking initiatives on the digital database is critical to building knowledge and gathering evidence needed to coordinate effective responses to risks. One way to scale up the initiative is to expand tracking points across regions, especially in the regions like the North-East and North-West with low-reporting thresholds. Another way is expand access to citizens' reporting enabling users from across to self-report incidents directly on the database, subject to verification and other backend support. Through this approach, members of the public become stakeholders in the campaign to open up the civic space and promote democratic freedoms.

9.2 FOR THE DONOR COMMUNITY

9.2.1 Scale Up the Legal Support Fund

Funds of this nature abound and have been established to provide timely access to financial resources to human rights defenders (HRDs) at risk. In Nigeria, the Joint Civic Defense Fund provides HRDs at risk with immediate financial assistance to seek safe haven elsewhere, improve their personal security, digital security and pay legal fees where applicable. Access to funds of this nature is primarily activated by risks or exposure to danger.

Rather than wait for risks to occur, the performance of such funds can be bolstered by integrating proactive preventive measures and programs designed to enhance institutional security and personal protection. The program, which includes courses, seminars, training resources will deliver knowledge, expertise and tools to human rights defenders to assist in addressing personal and organizational security and protection concerns. In this connection, CC-HUB offers digital security support to organizations and businesses to assist them



in addressing pressing tech challenges around security (assessing vulnerabilities, training, etc), web interface and graphics design/redesign. With the rising number of new threats to the use of technology, services of this nature will equip HRDs and organizations with the knowledge and resources needed to ward off risks, and to develop and implement innovative methodology and approaches to online safety.

9.2.2 Data Justice Banks

Widespread poverty, social inequality, political corruption, organized crimes and poor access to basic services are prompting more people to express their anger, especially on the internet. The wave of digitally-coordinated campaigns such as #ENDSARS, #ArewaMeToo and #RevolutionNow demonstrate how Nigerian civic actors are taking advantage of digital technology and the emerging opportunities in information and communication technology (ICT) to build solidarity and social capital to demand accountability for social vices and influence change. Huge gaps however exist between the levels of digital penetration in urban and rural areas. A critical mass of civic actors operate from urban settings with stronger access to the internet, resulting in the exclusion of important voices in the spaces where social change initiatives are designed, conceptualized and implemented. Even though extrajudicial killings are rampant in the north, particularly the North-East region where civilian-military relations are strained due to the intensity of counter-insurgency operations, the #ENDSARS campaigns against police brutality predominantly held sway in southern states only.

Extending digital resources to advocates and organizations in non-urban and marginalized localities, including urban slums and rural communities, is imperative in order to improve digital literacy and promote inclusive participation of actors across regions in change-making interventions. To address this gap, the donor community can support the establishment of data justice banks across regions which can turn the tides for the populations that remain under-represented in digital convergences. Data justice banks not only enable new data flows into, within and out of marginalized communities, but also enhances social inclusiveness and collective citizenship in the delivery of social justice agendas.

9.3. FOR ACTIVE CITIZENS

9.3.1. International Sanctions Regime

In 2016, Congress enacted the Global Magnitsky Human Rights Accountability Act, which allows the U.S. government to sanction foreign government officials and their affiliates implicated in human rights abuses. In 2018, the UK House of Commons added the “Magnitsky amendment” to the Sanctions and Anti-Money Laundering Act, 2018 that allows the British government to impose sanctions on individuals, organizations and regimes (rather than countries) who commit gross human rights violations. Canada⁷³ & the EU have their respective sanctions regime.

Social justice advocates in Nigeria can leverage existing international sanctions regimes to hold the government and their cronies accountable for civil rights violations, corruption and abuse of due process. The practicability of this approach is doubtful. In October 2020, following the gross human rights violations and abuse that trailed the EndSARS protests, many activists and social justice advocates petitioned and pressured the UK government to impose sanctions on government officials and security operatives involved in the unlawful arrests, detention, torture and extra-judicial killings of citizens during the nationwide protests.⁷⁴ Even though the House of Commons held a long session on the petition, deliberations yielded no result. No official or state agent involved in the Lekki incident has been sanctioned to date.

⁷³ REUTERS, MPS BACK ‘MAGNITSKY AMENDMENT’ ON SANCTIONS FOR HUMAN RIGHTS ABUSES, MAY 1, 2018, ACCESSED VIA <https://www.reuters.com/article/uk-britain-russia-magnitsky/mps-back-magnitsky-amendment-on-sanctions-for-human-rights-abuses-idUKKBN124B9>

⁷⁴ UK Parliament, House of Commons Library, E-petition 554150, relating to Nigeria and the sanctions regime, November 19 2020; via: <https://commonslibrary.parliament.uk/research-briefings/cdp-2020-0148/>

9. RECOMMENDED ACTIONS TO PROTECT LIBERTIES AND DEFEND CIVIL SOCIETY contd.

Social media has bolstered active citizenship and facilitated the emergence of online communities of support, making it possible for anyone to support digitally-coordinated causes through solidarity actions

These online campaigns demonstrate a notable shift in civic space dynamics and a rise in citizen participation in governance at different levels.

⁷⁵ See UNHCR's 2013 Resolution

⁷⁶ SPACES FOR CHANGE, March 2020: <https://spacesforchange.org/we-wont-support-the-over-regulation-of-the-non-profit-sector-committee/>

9.3.2. Enhancing Active Citizenship

Section 40 of the 1999 Constitution of Nigeria guarantees the right of every person to assemble freely and associate with other persons, and in particular, form or belong to any political party, trade union or any other association for the protection of their interests. A critical dimension of the freedom of association & assembly is the right to participate meaningfully in public life, including participating in, and influencing processes of public deliberation and decision-making.⁷⁵ Inherent in the above is the right of citizens to act as independent watchdogs, influence government decisions and advocate for better governance processes.⁷⁶

Social media has bolstered active citizenship and facilitated the emergence of online communities of support, making it possible for anyone to support digitally-coordinated causes through solidarity actions like monetary contributions, changing their avatars to cause's images and logos, retweeting and quoting the campaign hashtags and participating directly in other unique actions that energize online assemblies. In August 2020, a fierce Twitter campaign triggered the dis-invitation of Kaduna Governor El-Rufai as a keynote speaker at the 60th Annual General Conference of the Nigerian Bar Association (NBA), the statutory body of all lawyers called to practice law in Nigeria. Another example is the EndSARS protests in 2020. These online campaigns demonstrate a notable shift in civic space dynamics and a rise in citizens' participation in governance at different levels. This shift has created an enabling environment for the emergence of new voices and vibrant actors in the civic space arena. As more citizens become politically-aware and socially conscious, there is a decline in public apathy and activism and social advocacy is no longer exclusively reserved for traditional actors like the civil society, trade unions and the media, but a wider group of private actors and citizens campaigning extensively both online and offline against various social issues, injustices and restrictions that affect them, including demanding better socio-economic welfare and accountability from the government.

9.3.4. Involve PWDs in Civic Space Advocacy in Nigeria

According to the World Disability Report (2011), an estimated 25 million persons are living with disabilities (PWD) in Nigeria. Historically, PWDs have been excluded in the broader national policy conversations, including in the execution of sectoral responses to the threats narrowing the civic space. Factors contributing to exclusion include lack of data as a result of underreporting of violations and abuse perpetrated by state and non-state actors towards PWDs, lack of infrastructure and accessibility tools, high illiteracy rate etc. This is a critical concern for stakeholders, especially for groups advocating for disability rights and inclusion of PWD in national discourse. An example is the recent efforts to resist government's overbearing power such as the #ENDSARS and the #RevolutionNow protests. This is a missed opportunity.



The Centre for Citizens with Disabilities has been pushing for the passage of the National Disability Law as part of a broader effort to reverse existing forms of exclusion. Lagos State legislature has also enacted the Special Peoples Law, which makes provisions for promotion of awareness regarding- the rights, respect and dignity of persons with disabilities, the capabilities, achievements and contributions of persons with disabilities to the society. Considering the foregoing, PWDs are uniquely positioned to reinforce civil society action by amplifying voices, facilitating direct and indirect engagements with duty bearers and supporting other stakeholders working to expand the civic space and uproot systemic inequalities. At the same time, it is now time for organisations of persons with disabilities need to know and assert their roles and responsibilities in the struggle.

CONCLUSION

People power is under attack. In recent times, we have seen how the rise of people power has become riskier and sparked a dangerous collision with sovereign power. The vicious collision of powers flows directly from the state's response, or resistance, to the rise of people power. The spate of reprisal attacks—in the form of disruption of peaceful protests, criminalization of free speech, intimidation, arrests, detentions and use of excessive force on protesters, overstretching of counter-terrorism regimes and security policies—are testament to this collision, forcing civic actors to operate in an increasingly closed space.

As digital technology is expanding the frontiers of civic action and democratic engagements, so also has the scope of governmental restrictions widened, extending its claws to new entrants demanding government accountability and subjecting state institutions to greater scrutiny.⁷⁷ In short, the more the civic space grows in breadth and depth beyond the traditional actors and settings, the wider the dragnet of governmental crackdowns.

A vibrant civil society is the critical force required to reclaim the civic space, push for institutional and systemic reforms and sustain the vibrancy of democratic engagements. Tightening spaces for civil society has brought to the fore the imperativeness of locally based responses and joint action, allowing for the complementarity of skills and deepening the bonds of solidarity among various actors and stakeholders as they maximise the use of existing spaces to organise and collectively respond to threats.

International action can complement local efforts to protect the civic space. Civil society actors will require the vigilance and support of the international community to confront the growing repression of the civic space in Nigeria.

PWDs are uniquely positioned to reinforce civil society action by amplifying voices, facilitating direct and indirect engagements with duty bearers and supporting other stakeholders working to expand the civic space and uproot systemic inequalities.

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⁷⁷ SPACES FOR CHANGE, *Database of Closing Civic Spaces in Nigeria: An Independent Review*, August 2020: <https://spacesforchange.org/database-on-closing-civic-spaces-in-nigeria-an-independent-review/>

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