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**COUNTER-TERRORISM, HUMAN RIGHTS
AND CIVIC SPACE IN AFRICA**

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INTRODUCTION

Counter-terrorism efforts in Africa have intensified, particularly in the sub-Saharan region, following the increase in terrorism-related deaths. Recent data from the [Global Terrorism Index](#) (GTI) indicates that sub-Saharan Africa recorded the largest increase in terrorism deaths, rising by 8% in 2022 compared to the 2021 death rate.¹ The GTI further noted that 60% of global terrorism in 2022 occurred in sub-Saharan Africa alone. Corroborating this finding, the African Union acknowledged that “the resurgence of unconstitutional changes of government; the expanding threat of terrorism and violent extremism across the continent, including the influx of foreign terrorist fighters, private military companies and mercenaries, the proliferation of armed groups, as well as transnational organized crime, negatively impact the peace, security, stability, sovereignty and territorial integrity of some Member States.”² The countermeasures adopted by countries, though well-intentioned, have produced certain negative consequences adversely impacting the human rights of civilian populations while constraining the civic space across the continent.

Human rights and national security are interdependent and mutually-reinforcing objectives. In other words, human rights must lie at the center of efforts to “preserve the security of African states in line with the Common African Defense and Security Policy and within the spirit of finding African security solutions”.³ Consistent with the whole-of-government approach, civilians, communities and civil society organizations, who often bear the brunt of national and regional counter terrorism operations, have a crucial role to play in the fight against terrorism and violent extremism. Evidence shows that the engagement of this cross-section of society helps to craft counter measures which are locally-rooted, resilient, accountable and in alignment with human rights standards. This paper examines the impact of counter terrorism responses in Africa, highlighting how countries ravaged by terrorism can collaborate with the civil society to protect human rights while countering terrorism.



1. Global Terrorism Index 2023: [Global Terrorism Index 2023 - World | ReliefWeb](#)

2. African Union, [Declaration on Terrorism and Unconstitutional Changes of Government in Africa, May 2022](#)

3. African Union, *ibid.*

IMPACTS OF COUNTER-TERRORISM ON HUMAN RIGHTS AND THE CIVIC SPACE IN AFRICA

In response to the surging threat from a proliferation of violent groups using terror tactics across the continent, African countries have adopted a wide range of kinetic and non-kinetic measures. These include the enactment of counter-terrorism laws and policies, use of maximum military force, overt and covert surveillance operations, electronic interceptions, sophisticated identity authentication systems, dismantling of terrorist networks and bases, deradicalization and extremism prevention interventions. Because these measures are often executed in consonance with the “doctrine of military necessity”, human rights considerations are often relegated, while the resulting human rights violations and contractions on democratic freedoms, are explained away as “collateral damage” or the “unavoidable by-product of legitimate military action.” Below are examples of the five major ways counter-terrorism operations have impacted human rights and civic space in Africa:

1. Festering Governance Challenges & High Civilian Casualties: Numerous counter-terrorism measures deployed by countries have emphasized the use of military force without addressing the local

factors that lead to terrorism and violent extremism. The root causes of insecurity — such as poverty, unemployment, electoral irregularities, impunity and mismanagement of natural resources—remain largely unresolved, causing public anger to erupt from time to time.⁴ The prevalence of hostile social and economic conditions creates a large pool of disenchanting and idle populations with increased vulnerability to recruitment by terrorists and violent groups. Despite some strides recorded in the fight against terrorism, there have been repeated incidents of non-combatant civilian casualties.⁵ High death toll of civilians, especially women and children, resulting from drone strikes, military air raids, accidental bombings, air strikes, and so forth have characterized counter terrorism operations in Burkina Faso,⁶ Nigeria,⁷ Mali,⁸ Sudan,⁹ etc., putting a question mark on the applicability of human rights to the rules of engagement for military action.

2. Proliferation of Security Laws: African countries combating terrorism have churned out a plethora of security laws and policies aimed at expanding the policing powers of law enforcement agencies to counter terrorism and protect national security, but they rarely define what “national security” or “terrorism” means. This lack of definitional uncertainty

⁴. Spaces for Change. *Civic Space in West Africa: Trends, Threats and Futures*. February 2023

⁵. NEXTIER. *Collateral Damage: The Military Gets it Wrong Again*

⁶. ADF. *Survivors Describe Burkinabe Military Drone Strikes that Killed Civilians*. February 14, 2024

⁷. Bayo Wahab: *10 times Nigerian Security Forces have mistakenly bombed civilians*. December 5, 2023

⁸. Mali: *Drone strikes killed 13 civilians including seven children in Amasrakad*. March 28, 2024

⁹. Aljazeera: *Sudanese army kills at least 40 people in a drone attack on Khartoum*

opens the doorway to label dissenting groups and movements as “terrorists” and then visit the consequences prescribed under the law upon them. Ample evidence¹⁰ shows how security laws are frequently weaponized to censor free speech online, arrest, detain and prosecute citizens, civic actors, and journalists for very benign activities such as peaceful protests, publication of critical and satirical commentary, and other forms of dissent.¹¹ Furthermore, most security laws re-criminalize acts already outlawed in criminal and penal codes, prescribing harsher punishment and curtailment of civic freedoms, while displacing preexisting criminal justice systems. Persons accused of terrorist activities face immediate and harsh repercussions even before being found guilty such as arrest without bail, freezing of accounts and incalculable reputational damage. Terrorist designation procedures and the prosecution of terrorist suspects characteristically lack fair hearing while disregarding the presumption of innocence enshrined in national constitutions.

3. Mass Surveillance and Compulsory Digital Identity Schemes: Mass surveillance and mandatory digital identity authentication initiatives have become a key component of international

and national counter terrorism efforts. While covert and overt surveillance operations as well as digital identification programs make the tracking and arrest of criminal targets much easier, concerns are growing that these measures are usually unaccompanied by adequate human rights safeguards. Independent studies provide evidence showing that physical surveillance, including the digital monitoring of campaigners, journalists and activists is becoming a very common and increasingly disturbing trend.¹² Human rights concerns have been raised where governments collect vast amounts of personal and biometric data for targeted profiling and surveillance.¹³ Arbitrary surveillance and invasive biometric data collection practices across African countries are exacerbated by the dearth of strong regulations governing the importation and use of dual spyware technologies; or for protecting biometric use and data privacy and for restricting inappropriate surveillance. Foreign companies are profiting massively from this wave of digital repression, and are taking advantage of the weak governance and regulatory systems in the region to supply spying technologies used to violate human rights and restrict civic space.¹⁴

4. Overregulation of Civil Society: Consistent with the obligations laid out in

10. Hannah, Smidt, [Open Access Repository: Shrinking Civic Space in Africa: When Governments Crack Down on Civil Society](#)

11. See the [Closing Spaces Database West Africa](#)

12. [Spaces for Change, Civic Space in West Africa: Trends, Threats and Futures, February 2023](#)

13. [Financial Nigeria, Nigeria risks lower score on biometric data practices, February 2021](#)

14. [Spaces for Change, UNOCT Malaga Conference](#)

several international treaties, governments across the world, including African countries, have introduced legislative and regulatory measures designed to combat illicit financial flows, money laundering, financing of terrorism and weapons proliferation. The application and enforcement of these measures are often restrictive, inhibiting the ability of businesses and legal arrangements to move funds, goods and services across borders freely. Countries now extend the application of these terrorism financing regimes to non-profit organizations (NPOs) and charities carrying out humanitarian, service provision and other types of good works to populations in greatest need. These new layers of stringent measures—ranging from multiple registration points, costly licensing and renewal procedures, duplicated reporting obligations, overlapping regulatory oversight—specifically targeted at the non-profit entities tilt towards over-regulation. Consequently, NPOs have either had their licenses revoked¹⁵ or their bank accounts frozen in Uganda,¹⁶ Tanzania,¹⁷ Kenya,¹⁸ Egypt,¹⁹ and Ethiopia,²⁰ while regulatory initiatives to address terrorist threats linked to new payment technologies and fundraising methods continue to limit the opportunities for entities, including

nonprofits, from accessing important virtual assets and new financial instruments” (i.e. cryptocurrencies), “prepaid cards” and “crowdfunding platforms”. Among other things, these trends necessitated the establishment of the Unintended Consequences Workstream of the Financial Action Task Force (FATF) in 2021 which looked at de-risking, financial exclusion, suppression of non-profits, and the impact of a misapplication of FATF Standards on human rights and due process.²¹

5. Incorrect Transplantation of International Counter terrorism Norms:

National policies and legislative responses to terrorism mainly derive inspiration from international counter-terrorism norms. Countries often copy and paste these international norms without giving adequate consideration to the social, economic, political, and religious differences of the local context. As these norms are not homegrown, most African countries fall short in implementation, and then face various sanctions, low ratings or get placed on “grey lists”. Grey-listing produces panic and knee-jerk reactions, pressing countries to unleash measures to address identified deficiencies within a specific time frame, which eventually produce crippling and chilling effects on

¹⁵. [The Citizen, Tanzania: Board revokes six NGOs license](#)

¹⁶. [The Independent, NGOs plead with government over frozen bank accounts, January 7, 2021](#)

¹⁷. [Africa Intelligence: An Islamic NGO under pressure, April 18, 2024](#)

¹⁸. [All Africa, Kenya: Kalonzo Foundation Sues NGOs Board Over Account Freeze](#)

¹⁹. [Ahrum Online: Egypt freezes over 1,000 NGO bank accounts](#)

²⁰. [All Africa: Ethiopia: Board Upholds Revocation of NGOs, Licences, Accounts Freeze](#)

²¹. [Global NPO Coalition on FATF, Frequently Asked Questions](#)

the civic space. In many African countries the determination to attain a compliant rating and to avoid the consequences of non-compliance, has led to the introduction of tighter regulatory measures and the establishment of new institutions without conducting sufficient analysis, meaningful consultations, and the outreach required.²²

RECOMMENDATIONS FOR PROTECTING HUMAN RIGHTS WHILE COUNTERING TERRORISM

Partnership with Civil Society is Key:

Civil society organizations (CSOs) are an important resource that have been playing major roles in the fight against terrorism in the continent. The diversity of voices within civil society across Africa comprise experts, practitioners, and organizations working on diverse issues ranging from humanitarian assistance, peacebuilding, conflict prevention, youth development, gender justice, legal empowerment, community engagement and countering violent extremism. Civil society's collaboration and engagement with national authorities, security agencies, and multilateral organizations, including development agencies, have resulted in sustained positive impact in many contexts.

Anti-terrorism legislations in African countries like Nigeria encourage the involvement of civil society in national

counter terrorism initiatives. For instance, Nigeria's Terrorism Prevention (Prohibition) Act 2022 requires security agencies and the National Counter-Terrorism Center (NCTC) to work in collaboration with civil society organizations to provide the necessary education, support, information, awareness, and sensitization in the interest of preventing and combating acts of violent extremism, terrorism, terrorism financing, and proliferation and proliferation financing. This kind of legal requirement for collaboration between governments and civil society represent a good practice that needs to be replicated in national and regional anti-terrorism policies in the continent.

De-Emphasise Securitization and the Use of Military Force:

The use of force has never been a helpful strategy for addressing any form of conflict. De-emphasizing the use of force is not only necessary to reduce the vulnerability of local populations to the strong propaganda campaign and violent extremist (VE) narratives, but also dissuades women and young people that are either victims of heavy-handed security operations or aggrieved by the loss of properties, spouse or family members. Sustained military actions are likely to open new sources of conflict and cause a sporadic increase in the proliferation of weapons and armed fighters in the Sahel region, exacerbating

23. See TPA sections 5 and 6.

existing human rights violations and civic space closures.

Address Governance Challenges in the Region: There is a strong link between governance deficits and the rising levels of terrorism and violent extremism in Africa. Consistent with the African Union's Declaration on Terrorism and Unconstitutional Changes of Government in Africa, African governments have a responsibility to address the rising incidents of unconstitutional changes of political power as well as the extremely defective electoral processes, worsening insecurity and pervasive governance challenges triggering them. Strategic economic, political and policy reforms are necessary to reverse conditions that cause poverty, unemployment, corruption, low standard of- and high cost of living and the mismanagement of abundant natural resources fueling inequalities and conflicts.

Investments in Capacity-building: Continuous investments in training and capacity-building for key security and law enforcement personnel on the application of the principles of international human rights and humanitarian law to armed conflicts cannot be overemphasized. Recognizing that the implementation of counter-terrorism measures is fragmented across several departments, capacity-development should be backed by effective coordination between state, national, regional stakeholders across

both the law enforcement and non-law enforcement sectors in collaboration with relevant CSOs and community leaders. Knowledge-transfer, exchange programs and information sharing between African countries are essential for building trust, strengthening cooperation and cross-regional sharing of lessons learned, experiences and best practices.

Inclusion of Women, Youth and Minority Groups: Counter-terrorism responses should prioritize the inclusion of women and youth in the design and implementation national action plans and PCVE programs, with emphasis on education, economic empowerment and supporting the reintegration of survivors of sexual violence (especially resulting from forced abductions and forced marriages to armed fighters), reducing their stigmatization, building social cohesion and community resilience to counter violent extremism in all its forms. New deradicalization solutions need to focus more on civic engagement with different interest groups and addressing the critical social and economic, including ethnic and religious issues fueling sympathy, support, and recruitment into terrorist and proscribed groups. The factionalization of terrorist sects also creates a unique opportunity for governments and civil society to use strategic communications to counter their violent narratives.

Reform of Anti-terrorism Legislations:

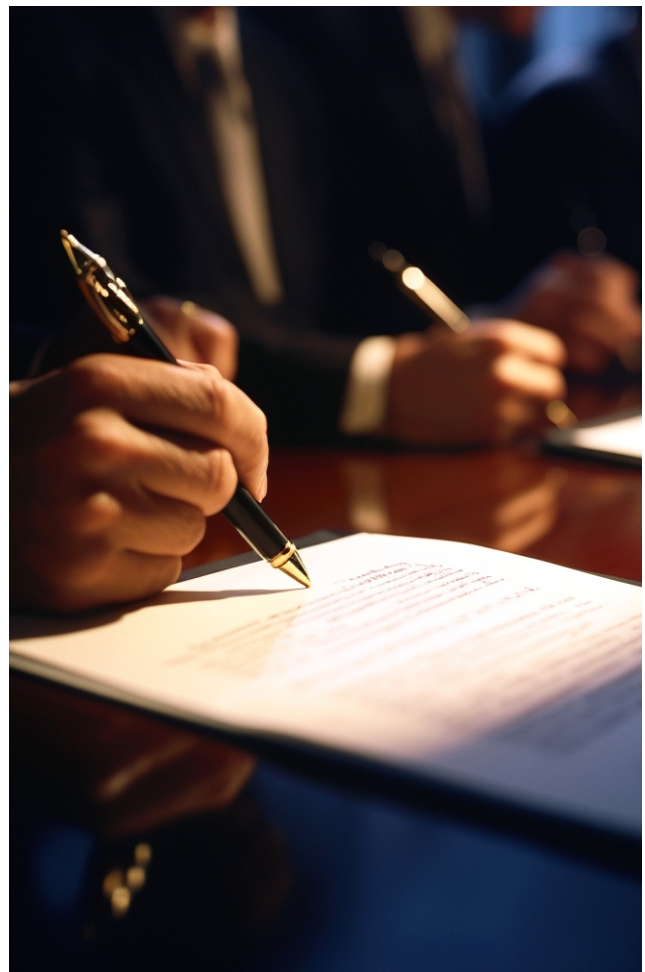
Reform of anti-terrorism legislations across the region is vital for a sustainable human rights climate. African government should take steps to reform all legal provisions in national security laws susceptible to abuse and misinterpretation. Reforms need to focus on addressing the following areas: non-definition and vagueness of certain legal concepts (like national security and terrorism), the expansion of surveillance and detention powers of law enforcement and intelligence agencies, importation and use of spyware, humanitarian exemptions and restrictive provisions limiting free speech and CSOs' legitimate activities.

CSO Access and Secure Engagement:

Very few advocacy groups have access to security institutions working to combat terrorism in African countries. Sustained civil society engagement with security institutions is necessary for increasing adherence to the applicable rules of national and international humanitarian law governing containment measures. African governments should take steps to build trust and make CSOs feel secure when engaging sensitive PCVE discourses.

Global Security Policy Reviews Need to Trickle Down: International norm-forming entities have a role to play to prevent the misuse or incorrect application of its standards.

The frequent reviews of global security regimes like the [UN Global Counter Terrorism Strategy](#) by norm-setting institutions are not enough. The upstream reviews rarely trickle down to the local contexts where they have already transmuted into hard national laws. The reviews should specify with exactitude, the acceptable standards of behaviour in internal and external combats that may have implications for national security, as well as other situations that do not rise to the level of terrorism and of violent extremism.



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