CIVIC SPACE IN WEST AFRICA:

TRENDS, THREATS & FUTURES

SPACES FOR CHANGE | S4C

RESEARCH | POLICY | CITIZEN ACTION

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About this report

Since 2017, Spaces for Change|S4C has maintained a database—**www.closingspaces.org**—that tracks and reports crackdowns on the civic space in Nigeria and West Africa. This trends-mapping and foresight report derives from S4C's civic space vigilance programs, particularly the incident-tracking of governmental restrictions that obstruct the rights to freedom of expression, assembly and association in the West African sub-region between 2017 - 2022. The incidents tracked across 16 countries in West Africa build evidence of a democratic recession characterized by an increasingly shrinking civic space in the subregion. Freedom of speech (345 incidents), and press freedom (207 incidents), have been particularly backsliding more than ever, followed by the repression of assembly/association rights (I91 incidents). The significant constraints on free speech, free press, assembly and association rights are making it harder and more dangerous to hold governments accountable.

As governments massively drift toward authoritarianism, a major consequence is that the operating space for civil society is heavily constrained, aggravated by the dwindling tolerance for criticism and the silencing of dissenters. What this report has done is to map and collect resources on observed trends and drivers of closing civic space in West Africa, highlighting the priority action areas for human rights defenders, activists, and campaigners. Furthermore, it uncovers the tactics popularly used to obstruct the civic space, the groups most targeted, the rights violated the most, and the increasing role of non-state actors in creating a hostile environment for civic participation both online and offline. It is hoped that the findings will help to increase civil society's preparedness and capacity to reclaim closed civic spaces, foresight future threats, and be able to counter them more effectively.

This regional trend analysis was undertaken under the auspices of the Ford Foundation-supported Civic Space Resource Hub (CSR-Hub) for West Africa which offers West African civil society organizations operating in restricted environments the levers and resources to enhance their institutional resilience and effectiveness.

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AML/CFT: Anti-money laundering and countering the financing of terrorism

COVID19:   Coronavirus Disease

CSOs: Civil Society Organizations

ENDSARS: END Special Anti-Robbery Squad (SARS)

ESR: Election Situation Room

FATF: Financial Action Task Force

GI-TOC: Global Initiative Against Transnational Organised Crime

IPOB: Indigenous People of Biafra

LGBTQIA: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual

NCC: Nigeria Communications Commission

NGO: Non-governmental Organization

NCSCC: National Cybersecurity Coordination Center

NITDA: National Information Technology Development Agency

NPO: Non-profit organizations

PHC: Population and Housing Census

S4C: Spaces for Change

SARS: Special Anti-Robbery Squad

SLAs: Service Level Agreements

ANALYSIS METHODS

Results are predicated on the incident-tracking on the Closing Spaces Database hosted and constantly updated by Spaces for Change. Incidents are tracked on weekly intervals from media monitoring and other publicly available records of crackdowns on these rights. The Database provides freely accessible information about the civic space temperature in the subregion in terms of real numbers of crackdowns on civic freedoms, identities and the gender of victims, locations of the incidents, the rights violated, and the perpetrators.

639 incidents tracked between May 2016 and July 2022 were divided into seven categories: (1) freedom of expression, (2) freedom of association/assembly, (3) press freedom, (4) digital closure and surveillance, (5)political restrictions, (6) restrictive regulations and (7)anti-money laundering and countering the financing of terrorism (AML/CFT). While incidents that occurred prior to, or after the selected intervals have been excluded, they have been referenced in the analysis where necessary. All data entries tracked were initially collected in tabular form. They were subsequently imported into spreadsheets for computation, organization, and analysis. Researchers used a hierarchical model to identify patterns and generate frequencies among the seven categories tracked during the selected interval. The tabulation of incidents, data filtering and the aggregation of frequencies enabled the uniform trends, group/country-specific effects, differences, and commonalities in the civic space climate across countries in the subregion, to emerge.

The overall analysis is based on the aggregation of frequencies and smoothing out short-term fluctuations in order to draw comparisons and conclusions regarding the performance of civic participation rights, namely, freedom of expression, freedom of association and freedom of assembly in the entire subregion. Drawing the results of the region-wide assessments, the report anticipates the future of civic space in the subregion by looking ahead to identify threats and opportunities to watch out for, so that actors can proactively prepare to mitigate or counter them. The regional foresight considered the internal and external factors, political developments, historical foundations, technological changes plus the shifts in social and cultural norms undergirding these incidences.

Summary of findings

- Press freedom is under attack across West Africa, signaling a hostile environment for journalists and the news media to operate freely.

- Free speech is the right most at risk in the subregion. Expressing one's thoughts, especially online, now comes with greater costs and risks. Internet freedom is declining, compounded by harsh consequences and fewer protections for free speech across the region.

- Significant constraints on assembly and association rights are making it harder and more dangerous to hold governments accountable.

- Journalists are disproportionately targeted by repressive practices more than any other group of civic actors.

- Governments are increasingly weaponizing anti-terrorism and security laws to repress civil society and restrict access to foreign funding.

- There is a significant involvement of non-state actors—such as armed/proscribed groups, agitators, militants, cults, terrorists and gangs—in the narrowing civic space in West Africa.

- The frequency, risks and nature of the crackdowns on civic actors vary along gender lines.

- Judicial mechanisms are ineffective in reining in overreaching state conduct, distorting the system of checks and balances enshrined in national constitutions.

Chapter 1

CONTEXT ON CIVIC SPACE IN WEST AFRICA

A map of West Africa showing the sixteen countries in the region – Benin Republic, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger Republic, Nigeria, Senegal, Sierra Leone, and Togo.

Brief Context on West Africa

▶ Colonialized by Britain (five countries), France (nine countries) and Portugal (two countries)

▶ Most countries in West Africa have experienced military coups and some intervals of military dictatorship

▶ Some countries, like Togo, have been governed by a single family for decades

▶ West African countries have ranked low on governance and human rights indices. Average rating on 2021 Democracy Index was 4.34 (EIU Democracy Index)

There are sixteen countries in West Africa sharing significant geographical, ethnic and political similarities. Out of these 16 countries, Nigeria has the largest population, with about 206 million people as of 2020. Mostly former colonies of England, France and Portugal, their colonial heritage largely shaped their legal and political systems as well as their law enforcement architecture, with implications for the domestic civic space landscape. At some point in their histories, most West African countries had experienced military coups and military-led governments. This long exposure to military rule left legacies of anti-democratic laws and institutions which hold sway till date. While military rule is in force in some of the countries, democracy remains a popular form of government in the subregion.

Forms of Civic Space activities in West Africa

| Social activism/advocacy | Trade unionism | Political parties and other organizations |

Although most governments in West Africa identify as democracies, their democratic architecture often resembles monarchy or obvious autocracy. Togo has been continually governed by the Gnassingbe family, since 1967. Except for Cape Verde and Ghana, other West African countries have not featured favorably in the Democracy Index. The form of governance in a country rubs off on the civic space and determines the priority issues of civic space actors. In countries governed by military or undemocratic governments, the civic space is characterized by pro-democracy movements, protests and human rights advocacy. In more democratic environments, political parties and other political organizations are more prominent while non-governmental organizations complement government efforts in the provision of social goods and services such as education, healthcare, culture, social welfare, and humanitarian assistance.

Despite having numerous security initiatives in place, insecurity is on the increase in West Africa, manifesting in the form of terrorism, kidnapping, banditry, ethnic and religion upheavals, and political clashes. There are Boko Haram terrorist threats in Nigeria, attacks by armed groups in Burkina Faso, conflicts in the Sahel, coups d'état in Gambia, Niger, and Guinea combined with the chequered history of civil wars in nearly all countries in the subregion. Recent security advisories for Nigeria issued by the US government[2] suggest that these security threats are not abating, while elevated risks of terror attacks are projected. These security threats, and the governmental responses to them, also have major ramifications on the civic environment.

Civic Space Threats and Modes of Attack in West Africa
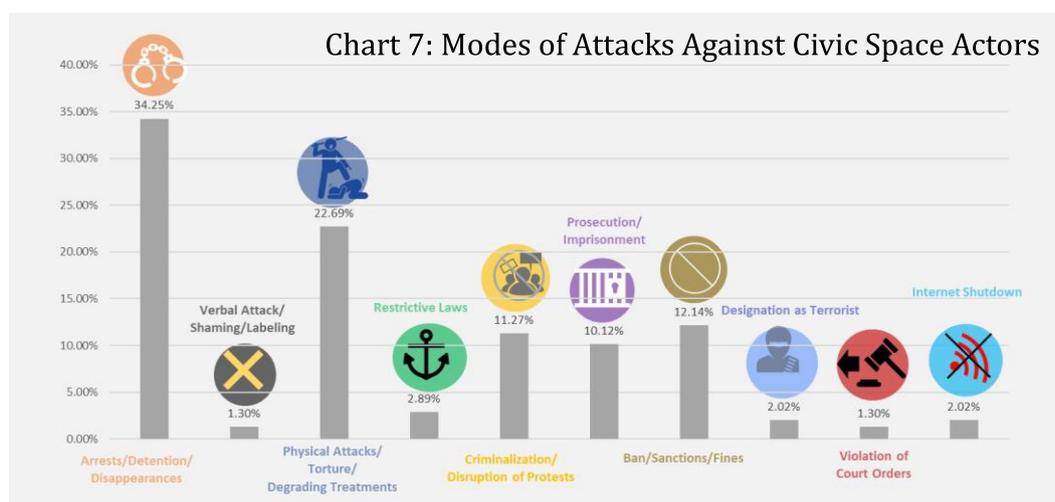
Chart 7: Modes of Attacks Against Civic Space Actors

- **What is Civic Space?**

Civic space refers to certain conditions that determine how freely and without hindrance, all members of society can exercise their fundamental rights to speak, assembly, associate and organize as well as participate in the governance of their country either as individuals or in unofficial or organized groups. The "civic participation rights"—specifically the freedom of expression, freedom of assembly, and freedom of association—are entrenched in the various constitutions of the West African countries and are also protected under international law. A shrinking or closing civic space depicts a situation where the state or non-state actors, under whatever guise, interferes with the ability of citizens and groups to freely exercise their civic participation rights.

- **Modes of Attack**

Modes of attack refer to the tactics used by state (and non-state) actors to enforce crackdowns and or legitimize the repression of civic spaces whether online or offline. Modes of attack deployed may change from time to time depending on the targets or the states' repressive practices.

The existence of the Closing Spaces Database— **(www.closingspaces.org)** —represents the first step in combating restrictions on the civic space by demonstrating the manner, tactics, and extent governments are limiting civic participation.[3] Gleaned from the incidents tracked on the database, West African governments have steadily deployed the following tactics with significant consistency to shrink the civic space in the subregion:

- Arrests and detention

- Unlawful killings, physical attacks, torture and degrading treatment

- Disruption and criminalization of protests

- Trials, prosecutions and persecutions

- Violation of court orders

Civic space refers to certain conditions that determine how freely and without hindrance, all members of society can exercise their fundamental rights to speak, assembly, associate and organize as well as participate in the governance of their country either as individuals or in unofficial or organized groups. The "civic participation rights"—specifically the freedom of expression, freedom of assembly, and freedom of association—are entrenched in the various constitutions of the West African countries and are also protected under international law. A shrinking or closing civic space depicts a situation where the state or non-state actors, under whatever guise, interferes with the ability of citizens and groups to freely exercise their civic participation rights.

[3] Spaces for Change, DATABASE ON CLOSING CIVIC SPACES IN NIGERIA: AN INDEPENDENT REVIEW

- Ban, sanctions, fines & expulsion

- Shaming, labelling and other non-legal restrictions

- Designation of terrorism

- Blasphemy

- Forced disappearances

The tactics above may be used independently or by combining several tactics. That means state authorities—or non-state actors—may employ a single or multiple tactics to execute crackdowns on specific targets or target groups, with the effect that a single incident may involve just one type of restriction or several restrictions. For instance, a critic may be arrested and detained based on a comment posted on Facebook which criticized a public official or exposed some wrongdoing by a person in authority. Stifling such criticism can trigger a chain of violations beginning with an arrest, followed by detention, and then prosecution which may result in either a conviction or prolonged incarceration. The arrest may culminate in the court ordering his/her release which may be disobeyed by the authorities.

Arrests and detention of activists and civil society actors ordered by state agents are the most-widely used tactics of repression, accounting for 34.25% of all recorded cases. These two tactics either precede or accompany various forms of governmental restrictions on civic freedoms. For example, crackdowns on journalists, demonstrators or agitators that organize or participate in public assemblies are often preceded by arrests. Where such arrests result in prosecution, criminalization, criminal conviction or even terrorist designation, the penalty applied almost always starts or ends with the arrest and detention of the target(s) as well. Target groups have also had to contend with physical attacks and torture following arrests and detentions. This possibly explains why physical attacks/ torture/ degrading treatments the second highest modes of civic repression in the subregion.

Citizens have always used protests to get the attention of the government. Nothing has caused widespread disaffection and anger more than the rising state of insecurity across the subregion, mounting economic hardship, extra-judicial killings by law enforcement officers, gender-based violence, poverty, unemployment, unpopular policies and programs of government such as increasing petrol prices and electricity tariffs. The pervasiveness of these problems provide the needed fuel for protests to erupt. Criminalizing and disrupting protests are also popular tactics employed by governments to limit the rights to associate and assemble freely. 11% of the incidents tracked in the subregion demonstrate the popularity of this tactic, especially in countries like Niger, Nigeria, Benin Republic, and Senegal, where governments have used national security as an excuse to suppress organized assemblies.

Using legislative and regulatory measures to limit association and assembly rights has become almost a commonplace in West Africa. This tactic accounts for (2.89%) almost 3% of the incidents tracked. Restrictive provisions inserted into laws and policies

criminalize protests and public assemblies or may impose stringent conditions for organizing public gatherings such as requiring permits from state authorities. Non-compliance often attracts penalties, fines, sanctions and including arrests and imprisonment. Apart from protests, restrictive laws also limit civil society by censoring free speech, expanding governmental powers to interfere with non-profit funding, regulating content on social media like Benin's 2018 Digital Code increasingly used against people expressing critical views. Others include ordering internet shutdowns, conducting surveillance and expanding policing powers of the state etc.

Internet shutdowns, accounting for 2.02% of the average, are fast becoming favorite tools of governments with low or zero tolerance thresholds for negative criticism. According to reports, internet shutdowns have more than doubled between 2020 and 2021, from 12 reported service disruptions to 25, respectively.[4] For the last five years, almost all internet shutdowns in Africa have been because of protests—real or imagined. For instance, state authorities partially disrupted access to social media during the mass anti-government protests that started on 10 July 2020 in Mali.

Although verbal attacks/shaming and labelling lie at the bottom of the pyramid, the consequences on the civic space are no less grave. These tactics have been used to intimidate, threaten, disgrace or expose dissenters to shame and ridicule. These tactics are least used because other extreme tactics that produce the desired harsher effects on victims are preferred. Negative rhetoric has also been used to stifle political opposition, stigmatize activists and to smear sections of civil society. Victims have regularly approached the courts seeking legal redress for violations resulting from the exercise of overreaching state power, but court orders have been ignored in certain cases. As threats to civic freedom persist across West Africa, actors within the space must redefine their strategies by building their capacity to monitor, analyze, and develop solutions to rapidly respond and confront the underlying drivers of shrinking civic space in the subregion.

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[4] Access Now: Internet shutdowns in 2021: the return of digital authoritarianism

Chapter 2

COMMON TRENDS IN CIVIC SPACE IN WEST AFRICA

Advancements in digital technology have widened the canopy of activism, allowing new entrants to have greater access to online and offline spaces for civic action. Consequently, the internet and social media easily handed citizens and civic groups a limitless tool for expression and democratic participation, expanding the civic space beyond the traditional media outlets, the streets and town halls. On the other hand, the ever-expanding spaces for civic engagement have also widened the dragnet of targets of governmental crackdowns. As digital technology is expanding the frontiers of civic action, so also has the scope of government restrictions widened, extending its claws to the new entrants whose actions make governments uncomfortable and subject them to greater scrutiny. [S4C:2020].[5] The findings below highlight the common trends in civic space across countries in West Africa.

1   Press freedom is under attack across West Africa

Source: Quartz

Out of the 207 incidents of crackdowns on press/media freedoms, 122 were recorded in Nigeria alone. The database documents crackdowns on journalists and media outlets in all 16 West African countries, taking mostly the form of arrests, detentions, office raids, brutality, seizure of journalistic equipment, sanctions and fines on broadcast media, anti-media laws designed to gag the press, hacking of cellphones etc. The highest number of

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[5] SPACES FOR CHANGE, August 2020, ibid.

attacks on press freedom were recorded in Nigeria (122), Ghana (16) and Liberia (14). These records, indeed, signal *"a problematic environment for press freedom"* in West Africa.

The database results on press freedom corroborate the findings of other independent studies like the 2022 World Press Freedom Index[6] showing that Nigeria is one of the West African nations classified as having "very bad", "bad" or "problematic" environments for press freedom".[7] Out of 180 countries and territories, West African countries like Nigeria ranked 129th, Benin 121st, while Ghana and Senegal are ranked 60th and 73rd in the world respectively. While Nigeria dropped from 129 to 120 in the latest press freedom ranking, Togo lost 26 places[8], pointing to a dramatic deterioration of the ability of journalists and the news media to operate freely.

Chart 1: Press freedom incidents by country
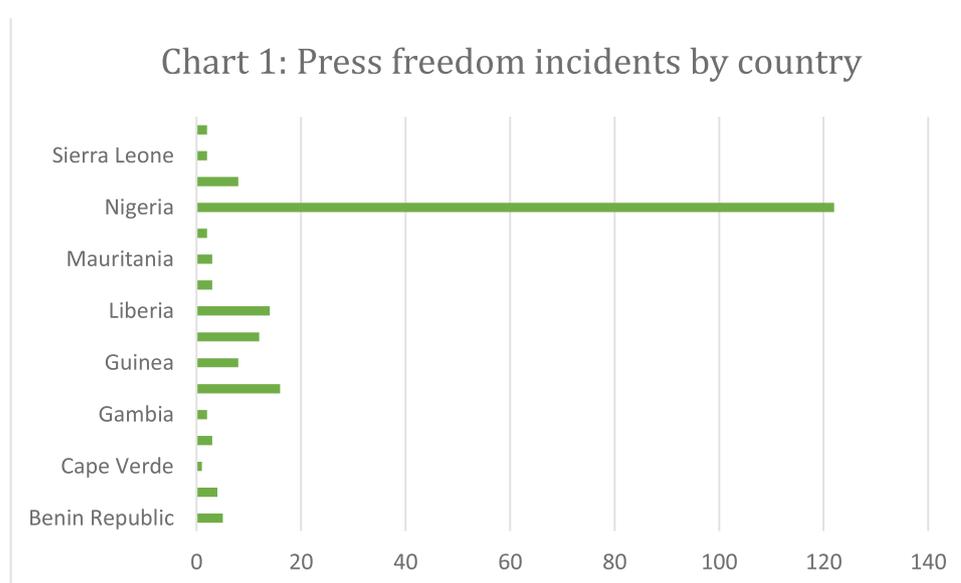
West African countries with the lowest incidents of attacks on press freedom are Cape Verde which recorded one incident, Cote d'Ivoire (3), Burkina Faso (4), Sierra Leone (2) and Gambia (2) respectively. Likewise, these countries performed marginally better in the 2022 World Press Freedom Index. Cape Verde (ranked 36th), Cote d'Ivoire (37), Burkina Faso (41) Sierra Leone (46) and Gambia (50) are among the countries ranked as satisfactory in the 2022 World Press Freedom Index. Gambia particularly showed signs of progress on press freedom having ranked 87th in 2020, 85th in 2021 and 50th in 2022, following a considerable decrease in attacks on journalists and the opening new media outlets.

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[6] Reporters Without Borders

[7] Channels TV, Nigeria Remains 'Dangerous And Difficult' For Journalists – Report (2022) https://www.channelstv.com/2022/05/03/nigeria-remains-dangerous-and-difficult-for-journalists-report/

[8] Togo First, Togo tumbles 26 places in the latest World Press Freedom Index (2022) https://www.togofirst.com/en/public-management/0605-9902-togo-tumbles-26-places-in-the-latest-world-press-freedom-index

Notable Incidents

○ In February 2022, the Host of '*The Citizen Show'* on Accra FM, Kwabena Bobbie Ansah[9], was arrested by some persons believed to be national security operatives.

○ In Nigeria, journalists such as Steven Kefas (a freelance journalist and strong critic of Kaduna State Governor Nasir el-Rufai); Agba Jalingo (publisher of online Cross River Watch); and Jones Abiri (publisher of the Bayelsa-based Weekly Source newspaper) were all arrested, detained and prosecuted at various times for publishing materials online and offline that were considered offensive. Nigeria's Broadcasting Commission (NBC) imposed fines running into millions of naira on 5 independent media stations for airing a documentary regarding the activities of terrorists in Nigeria[10] while the Federal High Court in Nigeria barred journalists and members of the public from attending proceedings in terrorism-related cases.[11]

○ While Sierra Leone's Ibrahim Foday, 38, a reporter for Exclusive Newspaper, was stabbed to death on 12 June on the outskirts of Freetown. Another investigative journalist, Gibril Gottor—who has been investigating several sensitive stories including looting by a criminal group—had his apartment's back door doused in petrol.[12]

○ The National Broadcasting Commission, the national regulatory body for television and radio activities, fined three independent television stations that reported the very high-handed response to the #ENDSARS protest by Nigerian security forces.[13]

2 Internet freedom is declining compounded by growing online censorship and fewer protections for free speech across the region

Incident-tracking across the subregion indicates very aggressive clampdowns on free speech compared to other civic participation rights such as the freedom of association and freedom of assembly. 354 of the 639 incidents recorded during the period under review, representing 64% of incidents involved the suppression of free speech.

Chart 2: Free speech is the right most at risk

152
39
345

■ Expression   ■ Association   ■ Assembly

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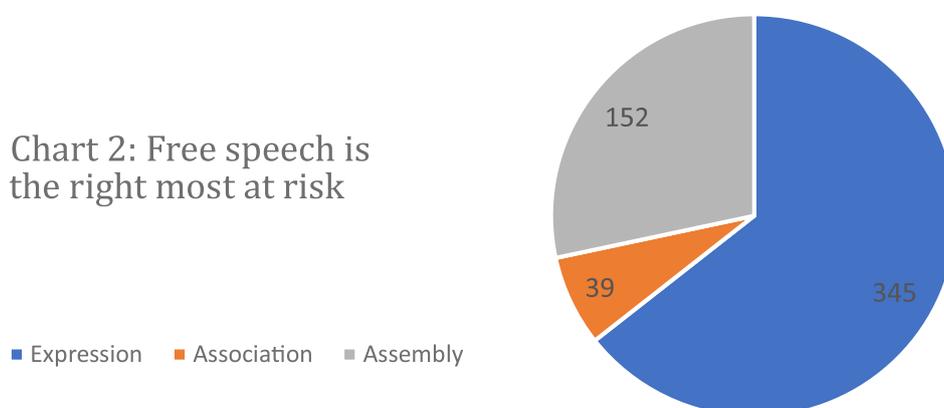
[13] Human Rights Watch, Nigeria: Punitive Financial Moves Against Protesters

Findings show record-high incidents of clampdowns on freedom of expression, mostly taking the form of arrests, detentions and prosecution of activists and critics posting comments critical of the government and political officials on social media. This means expressing one's thoughts, especially online, now comes with greater costs and risks. Not only that, the personal or collective expression of views, whether verbally or in written form, is becoming riskier for both individuals and groups. Restrictions of this right mainly target journalists, opposition figures, activists and vocal critics.

Out of the 345 incidents of free speech repression documented, 242 were recorded in Nigeria alone, followed by marginally high incidences in Ghana (19) and Liberia (14). Cape Verde (1) Sierra Leone (2) and Togo (3) recorded the least infractions on free speech. Despite having low records of unleashing crackdowns on account of critical commentary posted online or offline, countries like Sierra Leone recorded nationwide disruption to internet service amid anti-government protests, which restricts online access and subdues free speech during such times.

Increased use of regulatory and legislative measures to censor free speech and content on online platforms was notably documented across West African countries. While Senegal has mooted plans to roll out new legislation to give the Senegalese government greater control of social media,[14] Nigeria has made multiple attempts to introduce laws designed to beef up regulation of social media platforms. The 2020 Freedom on the Net Report on The Gambia further outlines how the combination of restrictive regulation of the internet, limits contents posted online, outrightly violating the rights of internet users. Other interferences take the form of network disruptions, internet shutdowns, suspension and blocking of certain social media sites such as the Twitter ban in Nigeria. Togo, Mauritania, Chad, Mali and Guinea have also restricted access to the internet or social media applications at some point in the 2020s. The 2020 Freedom on the Net Report on The Gambia further outlines how the combination of restrictive regulation of the internet, limits contents posted online, outrightly violating the rights of internet users.

Findings show record-high incidents of clampdowns on freedom of expression, mostly taking the form of arrests, detentions and prosecution of activists and critics posting comments critical of the government and political officials on social media. This means expressing one's thoughts, especially online, now comes with greater costs and risks.

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14 Demien Glez, The Africa Report, Senegal's president joins the chorus against Twitter and Facebook (2021) Accessed via https://www.theafricareport.com/99491/senegals-president-joins-the-chorus-against-twitter-and-facebook/

15 Closing Spaces Database, Action Group on Free Civic Space Submits Memo to Senate Committee on Social Media Bill; Accessed via https://closingspaces.org/action-group-on-free-civic-space-submits-memo-to-senate-committee-on-social-media-bill/

16 Vanguard, Dust over FG's latest plans to regulate social media with practice code (2022) Accessed via https://www.vanguardngr.com/2022/06/dust-over-fgs-latest-plans-to-regulate-social-media-with-practice-code/

17 https://freedomhouse.org/country/gambia/freedom-net/2020

18 BBC, Africa internet: Where and how are governments blocking it?, published 14 January 2021, Accessed via https://www.bbc.com/news/world-africa-47734843

At least 4 civic space intrusions in Mauritania were in the form of internet

Notable Incidents

○ Though security operatives did not state any clear reasons for his arrest, Ghana's Kwabena Bobbie Ansah was allegedly arrested in connection to a post he made on Facebook, in which he claimed that the "current judiciary is corrupt and made up of crooks and criminals led by a corrupt Chief Justice who's struggling to purge himself of a $5 million thievery allegation".[19]

○ Gabriel Ogbonna, a human rights lawyer was arrested, detained for months without trial after he made critical comments about public officials and their policies via his Facebook page.[20]

○ A Senegalese journalist, Ouleye Mané, who works for Touba TV, was detained on June 30 alongside 3 of her friends, for sharing a cartoon picture of President Macky Sall 2017.[21]

○ A court in Benin Republic sentenced an investigative journalist, Ignace Sossou, to 18 months in prison and a fine of CFA francs 200,000 (about US$ 400) for a post his Facebook and Twitter pages which officials deemed as "fake news" for misquoting the Public Prosecutor.[22]

○ Niger's reporter, Samira Sabou got a one-month suspended jail sentence for publishing a report by the Geneva-based Global Initiative Against Transnational Organised Crime (GI-TOC) in May.[23]

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[20] Premium Times, Nigeria's secret police, SSS, illegally detains lawyer for two months without trial

[21] Closing Spaces Database, Senegalese Journalist, Ouleye Mané, Detained, https://closingspaces.org/incident/a-senegalese-journalist-ouleye-mane-detained/

[22] Closing Spaces Database, Journalist Jailed 18 Months for "Misquoting" Public Prosecutor on Social Media

[23] Suspended Jail Terms for Journalists in Niger who Published Report on Corruption

● **Significant constraints on assembly and association rights are making it harder and more dangerous to hold governments accountable.**

Freedom of assembly encompasses the right to collectively participate in peaceful demonstrations, protests, strikes, or gatherings for a specific purpose, while freedom of association includes the right to form or join a group, for a specific purpose. The curtailment of this right spiked in 2021 with 83 incidents compared to only 12 incidents tracked in 2019. 191 incidents of restrictions on assembly/association rights recorded across the region mainly involved the criminalization of protests, dispersal of, and preventing the planning of protests or other organized public gatherings. Limitations on association rights have manifested in the form of deregistration, proscription,[25] refusal to register certain groups advancing their collective interests.[26]

Chart 3: Suppression of Freedom of Association/Assembly
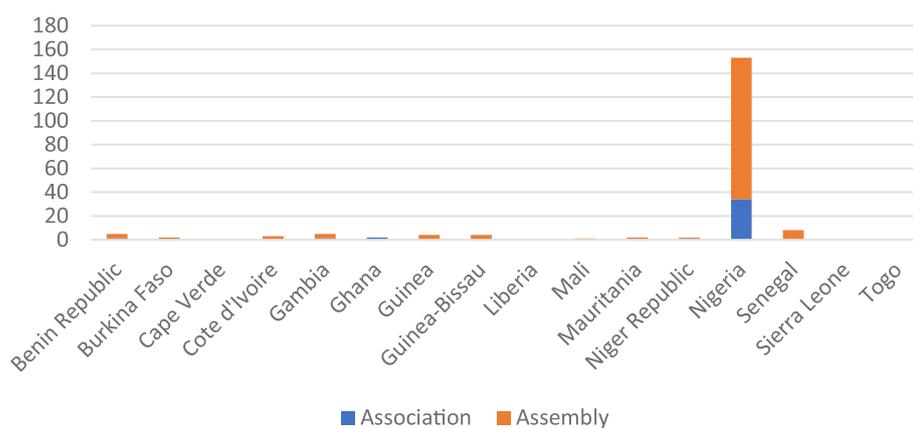
Nigeria alone recorded a whopping 159 out of the 191 incidents tracked, followed by Benin Republic and Senegal. Security forces often disperse demonstrations using lethal force, especially when demonstrators are critical of the government or are asking uncomfortable questions. Similar to the June 2022 protests in Senegal which was met with deadly repression and resulted in the death of four demonstrators, injuries and the arrest of political opponents,[27] Nigeria's #ENDSARS protests against police brutality were forcibly repelled with maximum force by the military and police – firing live bullets into the crowd resulting in deaths and injuries.[28] Across West Africa, a total of 78 incidents involving criminalization of the violent dispersal of protests were recorded.

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[25] [Closing Spaces Database, Nigerian Soldiers Arrest Veteran Nollywood Actor, Chiwetalu Agu for using Biafra Emblem](#)
[26] [Closing Spaces Database, Herbalists Drag CAC to Court over Refusal to Register Association](#)
[27] [Article 19, Senegal: Killing of demonstrators must be investigated](#)
[28] [ThisdayLive: In Damning Report, Lagos #EndSARS Panel Says 11 Killed at Lekki Tollgate](#)

Protests have arisen because of the widespread public discontent with the state of governance and development in the subregion. The major drivers of protests in West Africa are poverty, political opposition, police brutality, low standard of, and high cost of living, growing anti-French sentiments framed as anti-neocolonialism, mismanagement of abundant natural resources fueling inequalities and conflicts. Protests and tensions are also imminent where large swathes of the youth populations are deprived of education, healthcare, and gainful employment. As was the case in Nigeria and Senegal, broadcast media stations that covered anti-government protests were fined heavily and suspended for 72 hours by the government respectively.[29] Websites associated with #EndSARS protests were blocked on the wake of the protests in November 2020 while the lead protesters had their bank accounts frozen without any prior notice or legal proceedings. Association and assembly rights are eroded when such punitive moves evoke fear among the populations and disincentivize persons from organizing or participating in peaceful assemblies.

> **Websites associated with #EndSARS protests were blocked on the wake of the protests in November 2020 while the lead protesters had their bank accounts frozen without any prior notice or legal proceedings. Association and assembly rights are eroded when such punitive moves evoke fear among the populations and disincentivize persons from organizing or participating in peaceful assemblies.**

Protests in Conakry, Guinea, October 2019. Source: Wikimedia

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[29] Closing Spaces Database, Senegal Protests after Opposition Leader Ousmane Sonko Arrested

Because of the increased internet penetration in the region, it is now commonplace for disenchanted citizens to converge on social media—especially on Twitter and Facebook—using hashtags and share buttons to express their collective angst. Popular convergences on social media have been described as digital assemblies.[30] In Nigeria, Ghana and Senegal, these online campaigns have mutated into powerful street demonstrations that have shaken the country's political and economic foundations, and have forced governments to initiate reforms. In countries like Niger, Togo, Senegal, Sierra Leone, Nigeria and Mali,[31] the repression of anti-government sentiments on social media and the ensuing demonstrations in the streets have been reinforced by internet shutdowns and network disruptions[32] or banning of social media sites.[33] While the Nigerian government banned Twitter shortly after the #EndSARS protests, authorities in Niger shut down internet access across the country following days of violent protests that erupted in the capital Niamey and several other towns right after the announcement of the presidential election's provisional results.[34]

Notable Incidents

○ Clashes and violent demonstrations took place in several areas of central Dakar following the arrest of popular opposition politician, Ousmane Sonko, who was arrested for an alleged rape offence.

○ Nigeria's #EndSARS campaign which started online snowballed into nationwide protests with predominantly young protesters speaking out against the brutality of the Special Anti-Robbery Squad (SARS), a unit of the Nigerian Police Force that often operates in plainclothes.

○ Ghana's #FixTheCountry protests evolved from an online agitation till it hit the streets of Accra and other cities. 137 people and more than two dozen were injured during protests calling for President Adama Barrow to honor a pledge to step down after three years in office

○ Côte d'Ivoire police fired tear gas at and used batons against protesters who were gathering to march against a new draft constitution which opposition leaders described as "a step backward for democracy".

○ Senegalese police excessively used tear gas and truncheon to disperse protesters who were demanding greater transparency in the management of the country's natural resources.
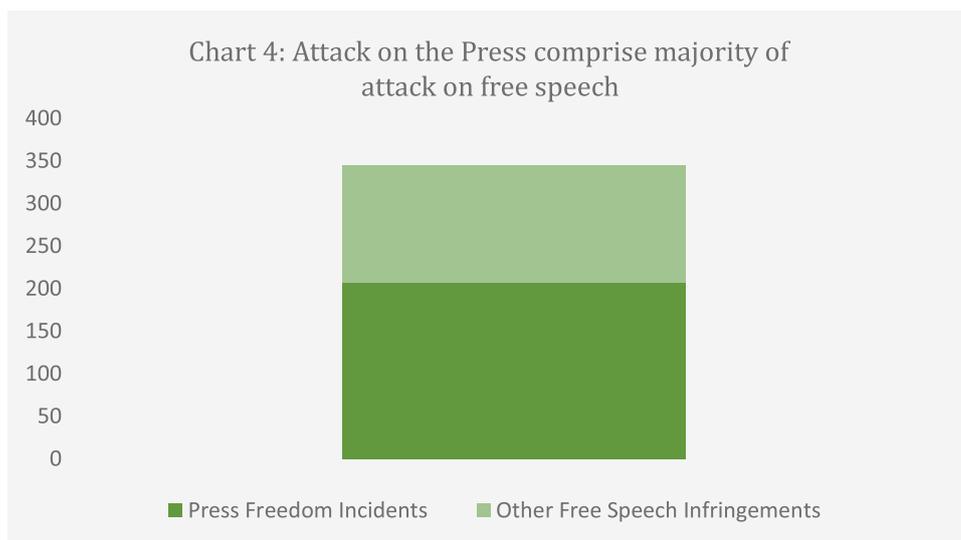
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[34] [Authorities in Niger Shut Down Internet Access across the Country](#)

● Journalists are disproportionately targeted by repressive practices more than any other group of civic actors

Consistent with the finding that press freedom is under grave threat in all 16 countries in West Africa, journalists covering elections,[35] extractive activities[36] demonstrations,[37] COVID-19[38] and sport tournaments[39] have been the prime targets of attacks. Journalism in West Africa is so risky that journalists have been robbed while covering electoral activities,[40] barred from courtrooms while covering high-profile cases[41] and stabbed by hoodlums while in the line of duty.[42] All the incidents tracked in Guinea Bissau regarding the repression of free speech involved journalists. Similarly, at least 98% of all crackdowns on the civic space in Ghana and Sierra Leone targeted journalists.

The chart below shows that even though journalists make up just a small fraction of the population in West Africa, they have been attacked significantly more times than other citizens for expressing or publishing independent opinions or news.

Chart 4: Attack on the Press comprise majority of attack on free speech

■ Press Freedom Incidents   ■ Other Free Speech Infringements

Consistent with the finding that press freedom is under grave threat in all 16 countries in West Africa, journalists covering elections, extractive activities, demonstrations, COVID-19 and sport tournaments have been the prime targets of attacks…. Apart from journalists, other civic actors that are constantly facing deadly threats of attacks from state actors are student union leaders, demonstrators, religious movements, labour leaders, ethnic agitators, opposition politicians and bloggers.

[36] Armed Men Attack Ghana Broadcaster Radio Ada FM Over Coverage of Mining Deal
[37] #EndSARSMemorial: Police Arrest Another Journalist In Osun During Memorial Protest
[38] Guinea-Bissau: Reporter Beaten by Policeman while Covering COVID Protest
[39] Closing Spaces Database, Liberian Journalists Assaulted while Covering Senate Election, Sports Tournament
[40] Closing Spaces Database, Liberian Journalist Beaten, Robbed while Covering Pre-Election Event
[41] Nnamdi Kanu Trail: DSS Denies Journalists Access to Court Room
[42] Hoodlums Attack and Stab Journalists During Line of Duty

The most popular official reasons advanced by state actors for clamping down on journalists is that their commentaries or publications can incite an uprising.[43] Journalists covering environmental justice issues, the mismanagement of natural resources and extractive activities are more likely to get into trouble or experience brutality by security operatives in Nigeria,[44] Ghana[45] and Senegal[46] while long prison terms and huge fines are frequently slammed on journalists and media outlets in Niger,[47] Côte d'Ivoire'[48], Nigeria and Benin Republic.[49] Press coverage for classified operations of the police and the military comes at a great cost in Ghana,[50] Cape Verde, Senegal and Nigeria where the accused persons are often slammed with criminal investigations or criminal charges bordering on "qualified disobedience," [51] "violating defense secrecy"[52] and acts 'inimical to state and national security"[53] respectively. Liberia records the highest number of attacks on journalists covering elections and politics.[54] Journalists have been lured to police stations in Ghana where local police forcefully deleted photos from their phones.[55]

Sudden shutdowns of media stations critical of the government are popular methods of state sanction in Gambia[56] and Nigeria, [57] with nearly all the independent radio and TV stations in the country affected one way or the other. Apart from journalists, other civic actors that are constantly facing deadly threats of attacks from state actors are student union leaders,[58] demonstrators,[59] religious movements,[60] labour leaders,[61] ethnic agitators, opposition politicians and bloggers.[62]

Source: premiumtimesng

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[43] Captain Smart Arrested for Inciting an Uprising in Ghana
[44] Ogoni Cleanup: HOUSE of Rep Committee Watch as HYPREP Aides Assault Protesters
[45] Armed Men Attack Ghana Broadcaster Radio Ada FM Over Coverage of Mining Deal
[46] Police Uses Teargas and Truncheons to Disperse Protesters On A Peaceful March
[47] Suspended Jail Terms for Journalists in Niger who Published Report on Corruption
[48] Ex-President' Son Gets Six Month Jail Term For Information Communicated In An Interview
[49] Closing Spaces Database, Journalist Jailed 18 Months for "Misquoting" Public Prosecutor on Social Media
[50] Journalists Assaulted For Filming Military
[51] Authorities Investigate 3 Cape Verde Journalists After Reporting On Police Killing
[52] Senegalese Journalists Arrested over Military Coverage
[53] Committee to Protect Journalists, Nigerian journalist jailed for refusing to reveal source
[54] Journalists Attacked, Harassed, and Threatened while Covering Liberian Senate Election
[55] Ghana Police Detain 2 Citi FM Journalists, Beat 1 in Custody
[56] Two Radio Stations Shut Down, 4 Journalists Arrested in Gambia, https://closingspaces.org/incident/two-radio-stations-shut-down-4-journalists-arrested-in-gambia/
[57] NBC Shuts Down Vision FM for Discussing Alleged 'Corruption of NIA Boss'
[58] 14 Student Union Leaders Arrested and Tortured by the Nigeria Police
[59] Police Uses Teargas and Truncheons to Disperse Protesters On A Peaceful March
[60] Scores killed in Shiites security agents clash
[61] Nigeria Police attack striking labour leaders in Ebonyi
[62] Closing Spaces Database, DSS Files Terrorism Charges against Blogger who Streamed Igboho's House Raid on Facebook

● Governments are increasingly weaponizing anti-terrorism and security laws to repress civil society and the civic space

Although nebulous terms like "*national security*", "*national interest*" and "*terrorism*" are rarely defined in security laws, they are frequently invoked by security forces and government institutions in West African countries to justify the overreaching conduct of state actors. Because of this lack of definitional certainty, governments have adopted broad definitions of these terms and applied them in ways that stifled dissent and limited civil society.

A recent study chronicled that:

> "*In name of curbing insecurity, law enforcement powers have been expanded, while physical and digital surveillance have become routinized. The expansion of policing powers and the routinization of surveillance have provoked an overflow of intended and unintended consequences of law enforcement such as a surge in arrests and detention, use of deadly force to disperse civil demonstrations, censorship of free speech, internet restrictions, proscription of religious and ethnic agitators, designation of dissenters as terrorist groups and so forth. The legion of security initiatives implemented across the country has increased opportunities for state security agents to misuse and crackdown on civil liberties and fundamental freedoms. All these have been justified by reference to protecting national interest or national security.*"[63]

As the above make clear, "national security" is not only invoked to justify restrictions on civic freedoms in both peace times and emergency situations, but also used as an excuse for the huge budgetary allocations[64] and investments in surveillance technologies which is often diverted to surveil activists online. Existing anti-terrorism, cyber laws and data regulations are usually invoked to justify these clampdowns.[65] Criminalizing dissent and applying anti-terrorism legislations to social justice campaigns that public authorities find offensive often pave the way for blocking the websites of targeted groups and slamming terrorist

> **Although nebulous terms like "national security", "national interest" and "terrorism" are rarely defined in security laws, they are frequently invoked by security forces and government institutions in West African countries to justify the overreaching conduct of state actors…. The meaning of terrorism has been so expanded that any disagreement with state actors—by anyone whatsoever—can be equated with terrorism.**

[63] Action Group on Free Civic Space, Nigeria: Shrinking Civic Space in the Name Of Security (2022) Accessed via https://closingspaces.org/7965-2/

[64] FG Budgets N4.8bn to Monitor WhatsApp, Satellite Phone

[65] Action Group on Free Civic Space, Security Playbook of Digital Authoritarianism in Nigeria (December 2021): https://closingspaces.org/the-security-playbook-of-digital-authoritarianism-in-nigeria/

designations on activists, agitators and campaigners. 14 cases of terrorist designations were tracked in the subregion, with the incidents occurring in Nigeria (11), Benin Republic (2) and Guinea (1).

The meaning of terrorism has been so expanded that any disagreement with state actors—by anyone whatsoever—can be equated with terrorism.[66]   Ali Yakubu,[67] Amudat Babatunde,[68] Joseph Odok[69], Ambrose Nwaogwugwu[70] and Emperor Ogbonna[71] were charged with terrorism on account of Facebook posts that were critical of state executives. Other formal charges typically slammed on targets include "libel, slander and insulting language".[72] The criminal charges against activists and journalists are usually pressed by the most-powerful intelligence bureaus and security agencies statutorily mandated to respond to highly sensitive cases bordering on national security. For example, Benin Republic's Ignace Sossou was arrested and detained by officials of the Central Office for the Suppression of Cybercrime. Nigeria's Department of State Security (DSS) leads crackdown operations and prosecutions premised on violations of cybercrime and terrorism legal regimes in Nigeria while Gambia's National Intelligence Agency plays a similar role.[73]

Notable Incidents

- ○ 21 pro-Biafra websites were blocked in 2017 on the orders of the Nigeria Telecommunications Commission (NCC) based on Section 146 of the 2003 Nigeria Communications Act, which obligates ISPs to cooperate with the NCC to preserve national security and prevent crime.

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[66] Action Group on Free Civic Space, Nigeria: Shrinking Civic Space in the Name Of Security (2022) Accessed via https://closingspaces.org/7965-2/
[67] Closing Spaces Database, Businessman Jailed For Allegedly Calling Adamawa Governor 'Father Of All Thieves'
[68] Closing Spaces Database, DSS Files Terrorism Charges against Blogger who Streamed Igboho's House Raid on Facebook;
[69] Closing Spaces Database, Nigerian Lawyer Slammed with Terrorism Charges for Criticising State Governor
[70] Closing Spaces Database, At Last, PDP New Media DG, Nwaogwugwu Granted Bail In High Court
[71] TV360: 70 Days in Custody; The Case of Emperor Ogbonna
[72] Closing Spaces Database, Guinea Bissau Blogger Arrested For Criticizing The Prime Minister, https://closingspaces.org/incident/guinea-bissau-blogger-arrested-for-criticizing-the-prime-minister/
[73] Journalist Charged to Court after 23 days in Detention

○ 21 pro-Biafra websites were blocked in 2017 on the orders of the Nigeria Telecommunications Commission (NCC) based on Section 146 of the 2003 Nigeria Communications Act, which obligates ISPs to cooperate with the NCC to preserve national security and prevent crime.

○ Members and apologists of Indigenous People of Biafra (IPOB) engaging in secessionist campaigns in the South-eastern part of Nigeria have had hundreds of their members allegedly killed by security forces and their leader, Nnamdi Kanu, currently facing terrorism charges. The Nigerian government also proscribed the activities of the group, designating them as terrorists. 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 and killings.[74]

○ In the wake of the #EndSARS protests in October 2020, the #ENDSARS protestors were surveiled, had their bank accounts frozen and afterwards slammed with terrorist-financing charges based on Section 13(1)(a) and(b) of the Terrorism Prevention Act and Regulation 31(2)(a) and (3)(b) of the Central Bank of Nigeria Anti-Money Laundering/Combating the Financing of Terrorism Regulations, 2013 ("CBN CT Regulation")

○ For condemning the "poor conditions" of Nigerien soldiers fighting Boko Haram in Diffa Region during a TV interview, civil society activist Nouhou Arzika was arrested and detained at the Criminal Investigation Department for allegedly breaching national security.[75]

● Non-state actors play a significant role in repressing the civic space in West Africa

Although state actors remain the prominent perpetrators of repressive acts towards civic actors, findings show that the activities of non-state actors are increasingly becoming a dominant driver of contractions on the civic space. Non-state actors refer to both individuals and entities that are not affiliated with, directed by, or funded through the government.[76] 8% of the contractions on the civic space tracked across the subregion involved non-state actors such as corporations, ethnic agitators, vigilante security outfits, opposition and ideological movements, private financial institutions, paramilitary and armed resistance groups. The activities of non-state actors could be spontaneous, organized or isolated events that are perpetrated to advance certain political, cultural and economic interests or the advancement of religious or ethnocentric ideologies.

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[74] Victoria Ibezim-Ohaeri, Galvanizing Collective Action to Protect Nigeria's Civic Space, published by Shehu Musa Yar Adua Foundation, 2021, https://yaraduafoundation.org/files/Galvanizing%20Collective%20Action.pdf
[75] Civil Society Leader Arrested For Allegedly Breaching National Security - Closing Spaces
[76] ESCR-NET: Non-state Actors

Chart 5: Role of State and Non-State Actors

8.47%

91.53%

■ State Actors   ■ Non-State Actors

As the incidents below reveal, non-state actors often take advantage of the systemic dysfunctions or the governance challenges to pursue ideological, criminal or corporate agendas which have had the effect of silencing human rights defenders or limiting their ability to organize and assemble freely. In other words, having a dysfunctional security machinery that cannot adequately protect human rights and enforce law and order increases the potential for non-state actors to narrow the civic, media and political spaces without restraint.
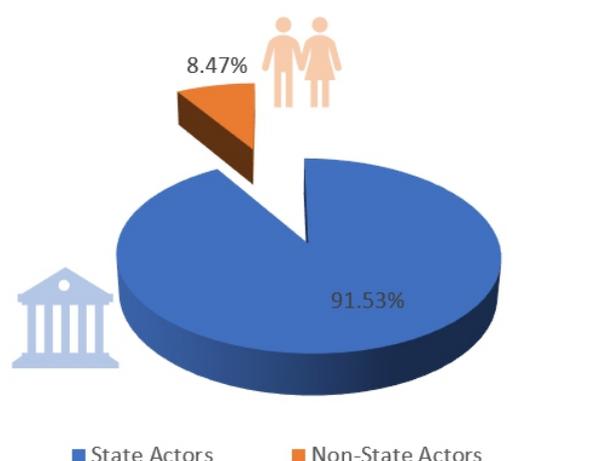
Although state actors remain the prominent perpetrators of repressive acts towards civic actors, findings show that the activities of non-state actors are increasingly becoming a dominant driver of contractions on the civic space. Non-state actors refer to both individuals and entities that are not affiliated with, directed by, or funded through the government.

Notable Incidents

○ The role of non-state actors in the contraction of civic space is exemplified by the attack on Sierra Leonean Gibril Gottor by arsonists on 29 April 2022. [77]

○ The recent decision by Ghana's Kumasi Traditional Council to tentatively close down Oyerepa FM, [78]

○ The arson and killing of two political campaigners, wounding many at a political rally in South-East Nigeria by unknown gunmen.[79]

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[77]   Closing   Spaces   Database,   Arson   Attack   on   a   Sierra   Leone   Investigative   Journalist, https://closingspaces.org/incident/arson-attack-on-a-sierra-leone-investigative-journalist/
[78] We Respect Our Chiefs but Ghana is not a Chiefdom – Akoto Ampaw to Kumasi Traditional Council
[79] 2 killed, many Injured as Gunmen Attack APC, APGA Campaigners in Anambra

○ Facebook user named "Gedeh Eagleeyes" issued multiple threatening messages to Liberian blogger, Ms. Davis, who is the founder of the Facebook-based news outlet GrainCost TV. [80]

○ In South-South Nigeria dominated by environmental justice campaigners, non–state actors—cult groups, armed gangs and militant warlords—are exercising undue authority over community members. Oil companies have been blamed for the increase activities of cult groups operating with impunity. These companies award surveillance contracts to cultists who in turn use the money to buy sophisticated weapons to terrorize communities. [81]

3   Non-state actors play a significant role in repressing the civic space in West Africa

More males were victimized during the crackdowns by state and non-state actors in West Africa. While there has been a significant increase in the number of women participating actively in the spaces for political, media and civil society, men are almost three times more

Chart 6: Gender Profile of Victims of Civic Space Closure
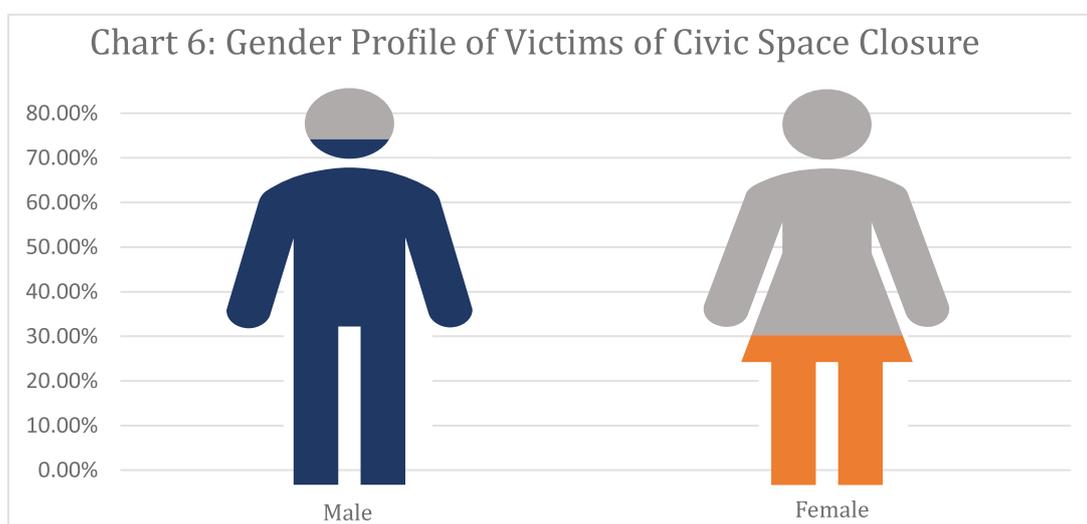
[80] Liberian Journalist Aryee Davis Threatened, Harassed Online over Reporting on Alleged Fraud
[81] Gov. Wike blames oil companies for Rivers violence

likely to get into trouble than women. Findings show that journalists are mostly at risk, with a greater proportion of incidents affecting males. Higher number of affected men also suggests that civic space activities, such as journalism and activism, are still male-dominated, and accounts for why men are likely to get into trouble than women.

The nature of risks faced by men and women also differ. While men suffer greater harm in terms of numbers, women are more vulnerable to attacks more than men. In particular, women and other vulnerable minorities face greater risks online because of their gender, race or sexual orientation. Incidents suggest that women are more likely to be victims of cyberbullying and intimidation on social media more than men. These threats are often extended to their children,[82] causing them psychological trauma and eventual withdrawal from activism. Women have been victims of state repression in Liberia, Ghana, Nigeria, Burkina Faso, Gambia, Niger etc.

Feminists and women's rights advocates pushing for gender equality often receive harsh criticism, disgusting messages, including slut-shaming. These treatments could even come from other members of the social justice community, especially religious and community leaders that staunchly subscribe to patriarchal norms and practices. In the same way, LGBTQIA+ rights activists experience aggression and discrimination from both state and non-state actors, including the civil society. LGBTQI activists report exclusion from fora where human rights issues are deliberated upon.

The #EndSARS protests presented an opportunity to portray the intersectionality of human rights issues, especially violations caused by police brutality. In a tweet that has now been taken down by Feminist Coalition, the group promoted and protested on behalf of LGBTQI persons that are also victims of police brutality. The group came under heavy criticism from the public for their solidarity with the LGBTQI community, which must have informed the decision to take down the tweet. This was cited as an example of the continued exclusion and isolation of LGBT+ rights organisations and activists in social justice campaigns by other SJLs.

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[82] Liberian Journalist Aryee Davis Threatened, Harassed Online over Reporting on Alleged Fraud

<div style="background-color: #f0b400; padding: 20px;">

Notable Incidents

○ After 23 days in detention without a charge, Gambia's popular television broadcaster, Ms Fatou Camara, was charged with two criminal counts of giving and publishing false information "with the intent to incite disaffection against and

○ tarnish the image of President Yahya Jammeh and the Government of the Gambia".[83]

Ghanaian police lured Citi FM Reporter, Ms. Addo, to Citi FM's headquarters,
○ where they arrested her at gunpoint and deleted photos from her phones.[84]

In Nigeria, Kano State Hisbah Board has docked a Kannywood actress and social
○ media blogger, Sadiya Haruna, for "uploading sexual contents on her social media handles." In the so-called sexual content, she was dancing seductively and making sexual comments.[85]

Gloria Ballason, Lawyer and Human rights activist had her radio program, 'House
○ of Justice' broadcast on Liberty Radio shut down by Kaduna state authorities.[86]

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● Judicial mechanisms are ineffective in reining in executive overreach

The conduct of state executives—especially security operatives—sharply contrasts with the democratic tenets of separation of powers. Although the independence of the judiciary as well as the rights to free speech, association and assembly are protected in the constitutions of all 16 West African countries, security laws often arrogate to the executive branch certain powers statutorily reserved for the judiciary. The increasing usurpation of judicial functions by security agents limits the democratic space while undermining the independence of the judiciary to act without fear or favor, especially when civic freedoms are threatened.

The democratic space is narrowed when judges handing down decisions which are unfavourable to the executive are subjected to reprisals.[87]In Nigeria, the Chief Justice of Nigeria was suspended and later removed under circumstances that were controversial and widely adjudged to be unconstitutional. Fearing judicial intimidation and similar disgraceful removal from office, serving justices pander to the whims of the executive. Amid increasing disputes between citizens and the state, judicial independence has been weakened by executive impunity, political interference, and corruption. Despite these setbacks, some courts have showed serious determination to assert their independence and uphold human rights, but court orders are routinely disobeyed by state executives.

Access to justice is an important determinant of a free civic space. Crackdowns on civil liberties do not always end up in the courtrooms especially when state executives order arrests and prolonged detentions of activists without trial. In cases where formal charges are pressed, prosecutions are grounded on serious security laws and cybercrime legislations

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83 [Journalist Charged to Court after 23 days in Detention](#)
84 [Ghana Police Detain 2 Citi FM Journalists, Beat 1 in Custody](#)
85 [Islamic Police, Hisbah Arraigns Kannywood Actress For Uploading 'Sexual Content' on Social Media](#)
86 [Authorities Shut Down Radio Program of Gloria Ballason, Lawyer and Human Rights Activist](#)
87 [Jiti Ogunye, Premium Times, ANALYSIS: Suspension of CJN Onnoghen: An illegal executive coup against a recalcitrant chief judicial officer](#)

which have the effect of tarring the acts complained of with the brush of criminality in order to justify prolonged incarceration and to obtain the harshest punishment possible for the defendants. Consequently, the detainees are kept beyond the constitutional limits without trial in violation of their due process rights. They are often detained in unhealthy cells and police officers have been known to exploit such situations to demand bribes and extort suspects in exchange for freedom.[88]

Restrictive and vaguely-worded legislations are also used to keep the judiciary away from executive-sanctioned conduct that stifle dissent. Article 192 of the new Press Code, adopted by Senegal's National Assembly empowers administrative authorities to order the seizure of property used to publish or broadcast information, to suspend or stop a television or radio programme, and to provisionally close a media outlet on national security or territorial integrity grounds, among other things.[89]

Notable Incidents

- Before he was eventually freed, Gabriel Ogbonna, a human rights lawyer remained in the custody of the State Security Service (SSS) for over two months despite court judgments ordering his release. [90]

- Islamic Movement of Nigeria (IMN) leader in Nigeria, Sheik Ibrahim Zakzaky and his wife, Zeena Ibrahim remained in 'protective custody' of the Nigerian government despite multiple court orders for their release. [91]

- The Supreme Court of Liberia ordered the reopening of National Chronicle Newspaper shut down by the Liberian government without a court order, and the reason given for closure by the government was that the paper was closed for security reasons. [92]

CONCLUSION:

The findings detailed above expose an upswing in governmental restrictions on civic freedoms across West Africa. Trends show how governmental power is exercised in ways that have considerably repressed human freedoms and contracted the spaces for civic engagement. State actors often justified these restrictions by making reference to national interest or national security reasons. Undeterred by these restrictions, civil society actors in the subregion are deploying a wide range of strategies to confront the massive drift towards authoritarianism. Groups like Spaces for Change (S4C) take the lead in patrolling and analysing legislations with restrictive elements to gauge their consistency with national interest considerations. Because understanding the provisions of the proposed restrictive statutes is necessary to empower advocates to push back and confront the restrictions

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[88] Ademola Orunbon,The Punch, Of COVID-19 Lockdowns and Police Extortion, May 12, 2020; Accessed via https://punchng.com/of-covid-19-lockdowns-and-police-extortion/
[89] Senegal: New Press Code Provides Custodial Sentences For Press Offences
[90] Premium Times, Nigeria's secret police, SSS, illegally detains lawyer for two months without trial

[91] Six times Buhari has disobeyed court orders
[92] Press Union of Liberia v. Government of Liberia

headlong, S4C routinely leverages their convening power to sensitize and galvanize civil society advocates to interrogate legislative prescriptions considered too restrictive.

Collaborative initiatives to push back against civic repression are also popular. For instance, the Action Group on Free Civic Space, populated by more than 100 civil society groups and actors act in solidarity to ensure that government regulations (framed around national security, anti-money laundering (AML) and countering terrorism financing (CFT)) do not shrink the civic space. Within a short time, the coalition grew in strength in numbers, shared expertise and research and built capacity amongst individual activists/bloggers, and created good working relationships with national and international regulators.[93] The Civil Society Situation Room[94] has been conducting training sessions for civil society groups and election observers, increasing their ability to monitor violations of electoral guidelines, incident reporting on election days, as well as how to use the deployment and observation checklists. In this way, citizens' rights to associate and assembly freely, as well as participate in political governance processes are continuously checked and monitored for restrictions.

[93] International Civil Society Center (ICSC), Spaces for Change: From informal networks and collaboration to the Action Group fo r Free Civic Space in Nigeria, 2019, page 1: **https://icscentre.org/2020/04/22/from-informal-networks-and-collaboration-to-the-action-group-for-free-civic-space/**
[94] Nigerian Civil Society Situation Room: **Situation Room Prepares Observers for Bayelsa and Kogi Governorships**, September 2019: https://www.placng.org/situation_room/sr/situation -room-prepares-observers-for-bayelsa-and-kogi-governorships/

Chapter 3

CIVIC SPACE FUTURES IN WEST AFRICA

The analysis trends in West Africa reveals a grim future of civic space where respect for fundamental freedoms will diminish significantly while the certainty of legal protection for civil liberties is no longer assured. Not only that, the constitutionally-protected mechanisms for ensuring separation of powers and taming overreaching conducts of state actors are becoming weaker and heavily compromised. How can activists, human rights defenders and civil society practitioners foresight future threats and be able to counter them more effectively? The first step is to unknot the uncertainties by estimating the nature, likelihood and frequency of occurrence of anticipated threats. Two different, but complementary, methodologies were applied to estimate the probability and frequency of threats to civic space in West Africa. The two methods are *arithmetic aggregation* and *per capita incident analysis*.

- ## Foresight methodologies

1   Simple Aggregation

As the name implies, this simply involves predicting threat density based on the mathematical calculation of incidents per country. In this approach, the higher the number of incidents in a country, the more threatened and restricted the civic space is. The arithmetic aggregation of incidents presented below puts Nigeria forward with the riskiest civic space while the civic space in Cape Verde is freer and open. In the same way, the civic space in Senegal (26) and Ghana (21) is more constrained than Sierra Leone (2) and Togo (4).

Chart 8: Country rankings based on simple aggregation

Rank	Country	Total Recorded Incidents
1	Nigeria	462
2	Senegal	26
3	Ghana	21
4	Benin Republic	20
5	Guinea	17
6	Guinea-Bissau	17
7	Liberia	17
8	Mauritania	13
9	Cote d'Ivoire	11
10	Gambia	11
11	Burkina Faso	6
12	Mali	6
13	Niger Republic	5
14	Togo	4
15	Sierra Leone	2
16	Cape Verde	1

Aggregating the number of incidents offers a transparent and objective method for establishing threat levels per country and identifying common trends across countries in the subregion. However, this approach may not be ideal for making accurate probabilistic predictions of civic space threats across the entire region due to the significant disparities in population size as well as the legal and political systems facilitating civic participation.

2   Per Capita Incidents

The second approach weighs the incidents in each country against the country's population size. Based on this, we are able to estimate the chances of a person becoming victimized by crackdowns on the civic space in each country. This approach estimates the likelihood of

Chart 9: Civic space risks per country
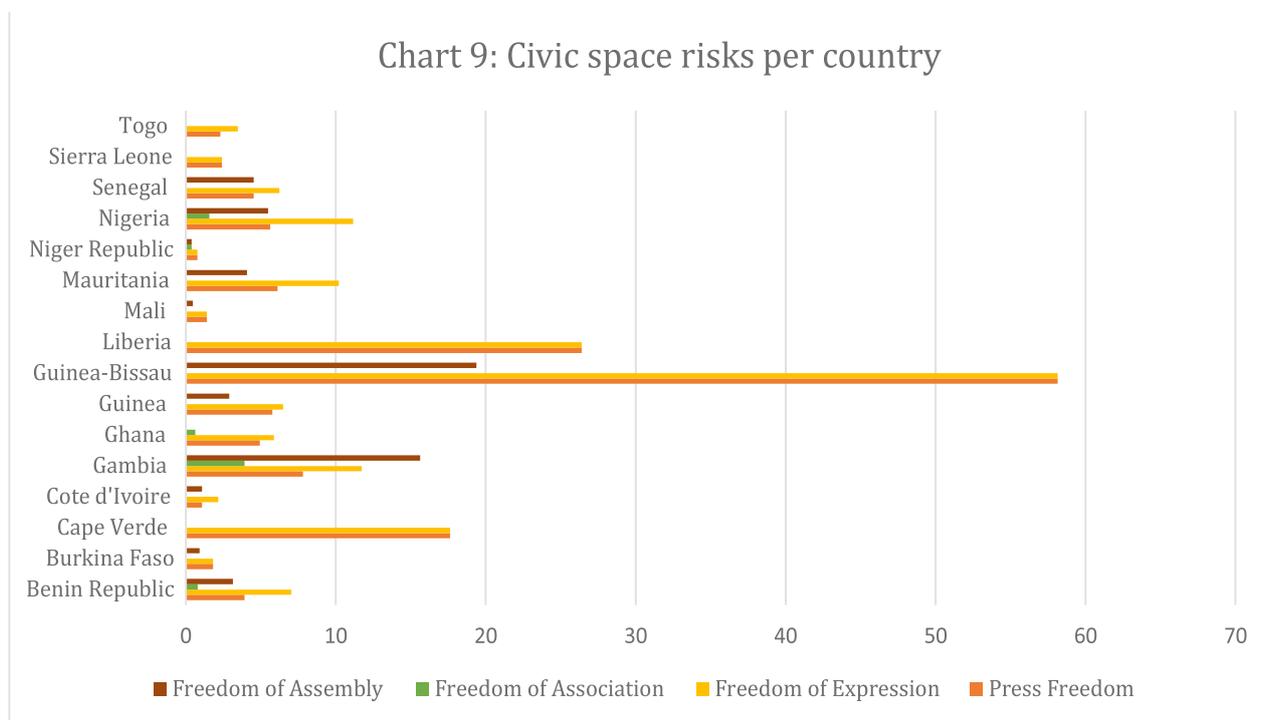
occurrence of crackdowns on civic freedoms. By way of illustration, 122 incidents of restrictions on press freedom were tracked in Nigeria, which has a population of 216,746,934 as of November 2022. This translates to one incident of press freedom suppression affecting one out of 1,766,142 persons while similar incidents in Cape Verde affect one out of every 567,678 persons. This means that while Nigeria has more incidents arithmetically, a single incident in Cape Verde is denser considering the smaller sample size. Using the same method, journalists in Guinea-Bissau are exposed to the highest probabilities of attacks than any other country of West Africa with 1 out of 82,524 persons at risk. This is followed by Liberia where 1 out of 32,075 persons are potentially at risk of attacks. At 19%, Guinea-Bissau equally tops the chart for likelihood of being victimized for engaging in protests The Gambia follows comes second at 15 % frequency.

Chart 10: Country rankings based on per capita incidents

Rank	Country	Chances of victimization per country (% x 0.00001)
1	Guinea-Bissau	82.38960883
2	Gambia	42.99424424
3	Liberia	32.04453361
4	Mauritania	26.51989063
5	Nigeria	21.3151804
6	Cape Verde	17.61562012
7	Benin Republic	15.64366729
8	Senegal	14.72781497
9	Guinea	12.26047804
10	Ghana	6.482391817
11	Togo	4.607850602
12	Cote d'Ivoire	3.968835835
13	Mali	2.794107265
14	Burkina Faso	2.71458353
15	Sierra Leone	2.407771516
16	Niger Republic	1.9169089

Taking all civic space incidents as a whole, Guinea-Bissau ranks the highest on the scale of likelihood of victimization at the ratio of 0.00082% of its population. By this estimation, the country's record of 17 incidents is relatively high compared to its low population (2,063,367). On the other hand, Nigeria's staggeringly high population of 216,746,934 subsidizes the equally high record of 462 incidents, placing the country at number 5 on the chart. Niger Republic with a population of 26,083,660 and only 5 reported civic space incidents ranks the least on the chart.

Foresighting Future Trends and Threats
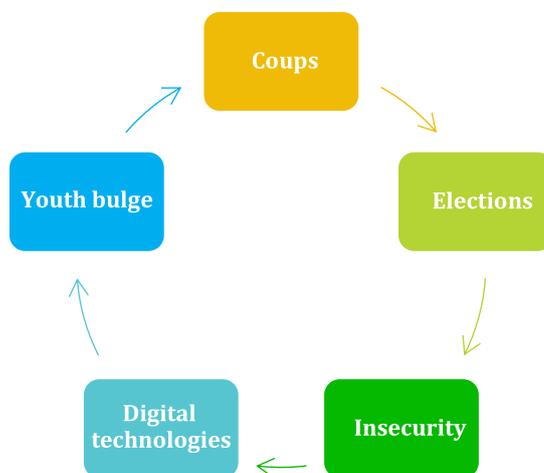
Hierarchical cluster analysis of 639 incidents tracked in 16 countries reveal five main drivers threatening to close the civic space in West Africa. The analysis identified coups, election and insecurity as major drivers. More importantly, youth bulge and digital technologies were flagged as additional mutually-reinforcing drivers prompting states to toughen control measures. Monitoring states' response patterns to these 5 (five) drivers can help anticipate future threats to the civic space and inform the development of interventions that can diminish the likelihood their likelihood of occurrence.

1. **Coups:** Persisting bad governance will incite military coups. Military-led governments will be characterized by increased securitization, victimization of politicians, repression of press freedom and criminalization of protests, resulting in significant obstructions or outright closure of the civic space.

2. **Elections:** Elections have been scheduled to hold in Nigeria while at least 9 West African countries have either held a national-level election in 2022 or will be holding one in 2023. Unpopular electoral outcomes will ignite protests and violent unrest while governments will push back with internet disruptions and shutdowns.

3. **Youth bulge**: A large youth cohort in a country's population operates as a double-edged sword. On one hand, they can be catalysts for change. On the other hand, they can potential sources of political violence and social instability. The political reawakening of large numbers of unemployed youths in West African countries will precipitate a groundswell of antigovernment sympathies capable of causing major shifts in the democratic landscape in the region. Efforts by political incumbents to push back and suppress youthful agitations will meet strong resistance.

4. **Digital technologies:** 4G and 5G networks will penetrate urban and remote locations in the region, increasing the speed and capacity of mobile networks. The internet will continue to fuel the rise of people power through continuous expansion of the spaces for civic engagement. State actors will deploy an array of tactics to suppress the rise of internet-propelled people power and the surge in online remonstrations.

5. **Insecurity:** Insecurity will remain a major threat to civic participation in the subregion. International terrorism will redraw the lines between external and internal security. Governments all over the world, including West Africa, will use security as an excuse to curtail civic freedoms considering the growing emergence of new technologies and trends of terrorism.

- ## How Future Threats Will Play Out

1   Military Coups

Although the wave of democratization surged during the last decade of the millennium, a number of African countries experienced their first coups during the same period. Till date, recent successful coups in 3 West African countries as well as the unsuccessful attempts in few other countries evince that coups still linger.

Recent successful coups in West Africa

	Burkina Faso January 24, 2022
	Guinea September 5, 2021
	Mali May 24, 2021

In Guinea[95], Burkina Faso[96] and Mali[97] where successful coups have taken place, the civic space has been characterized by increased securitization, the victimization of politicians, repression of press freedoms, and criminalization of protests etc. In Guinea, the military government has dissolved the main opposition group known as the National Front for the Defense of the Constitution.[98] This came just hours after the group had called for nationwide peaceful demonstrations to demand dialogue with the military, opposing parties and civil society groups.[99] Similar movements against military regimes exist in Mali where a coalition of political parties have rejected the military-led government's slow transition to democratic rule which could take up to five years.[100] Experience from the past shows that the longer the military regime, the more constrained the spaces for civic groups agitating a transition to democracy, compounded by heightened fear of reprisals.

2   Elections

The subregion has a history of election-related violence, opposition suppression, election fraud, and political tensions along ethnic/religious fault lines that become more pronounced during elections. Shaped by that history, the political temperature often gets charged as political parties rally for support while interest groups emerge in support of preferred candidates. The increased socio-political interactions during election seasons are often accompanied by massive political propaganda, intentional misinformation of voters, and crackdowns on critics and activists. The government or political party in power seeking

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[95] https://closingspaces.org/region/guinea/
[96] https://closingspaces.org/region/burkina-faso/
[97] https://closingspaces.org/region/mali/
[98] Guinea's Military-appointed Government Dissolves Opposition Group (voanews.com)
[99] ibid
[100] Mali: Political parties reject military's five-year transition to democracy plan | Africa | DW | 02.01.2022

reelection will also have to contend with fierce opposition from other political parties and vocal critics. Political leaders and government institutions push back furiously when civic actors point out the failings of the incumbent administration, interrogate political manifestos of the various political parties and steer political debates toward uncomfortable directions.

National Assembly Elections in Senegal. *Africanews*

Benin	National Assembly	2023
Guinea-Bissau	People's National Assembly & Senate	2023
Liberia	President	10 Oct 2023
Mauritania	National Assembly, Regional & local	2023
Nigeria	President, House of Representatives & Senate	25 Feb 2023
Sierra Leone	President	24 Jun 2023
Togo	National Assembly	2023

Upcoming elections to watch. *eisa.org*

Elections have been scheduled to hold in Nigeria—West Africa's most populous country—while at least 9 West African countries have either held a national-level election in 2022 or will be holding one in 2023. Electoral outcomes are often fiercely contested as was the case in Senegal where the outcome of the 31 July 2022 National Assembly elections continues to

be a cause of concern. Both the ruling party and the opposition coalition claimed victory despite both sides failing to win a clear-cut majority in the legislature. [101]

Against this backdrop, elections are important indicators of the level of openness or otherwise of the civic space. Across the subregion, civil society organizations (CSOs) play major roles during elections as monitors, observers of the entire gamut of electoral processes and activities, including voter education. The Election Situation Room (ESR) model has successfully piloted during elections in Cote d'Ivoire, Guinea, Liberia, Mali, and Nigeria.[102] Civil society organization, backed by diverse philanthropic institutions, will intensify their election observation and monitoring activities across the subregion and equally succeed in raising the bars of public confidence and integrity of electoral processes.

Elections in West Africa have also been affected by internet shutdowns—usually taking the form of outright blackouts, restriction of access to social media sites, and the disconnection of fixed-line and mobile internet—on the excuse of maintaining peace and order. [103] For the most part, internet shutdowns are often ordered in times of disputed elections to prevent unrests and protests arising from unpopular electoral outcomes. With many elections scheduled in many parts of West Africa, shown in the table below, these shutdowns are likely to escalate, threatening access to information, free speech and electoral freedoms while shrinking the online civic space.

3   Digital technologies

Thanks to the critical investments in digital technology infrastructure coupled with the rapid transition to digital economies, enhanced internet access to a smartphone or a computer is expected, especially among the youth population. The proliferation of social media platforms will spur the expansion of the spaces for civic engagement, resulting in increased socio-political participation across West Africa. State actors will double down their authoritarian moves in order to curtail the rise of internet-propelled people power. National budgets and imports for new surveillance technologies will swell, enabling governments to expand their policing powers, and easily track, locate and arrest online commentators and campaigners.[104]

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[101] Senegal: Governing coalition loses legislative majority | Politics News | Al Jazeera

[102] Mamadou Diallo, Open Society Foundations, Inside a Virtual "Situation Room" for West Africa's Election Observers, https://www.opensocietyfoundations.org/voices/inside-virtual-situation-room-west-africa-s-election-observers

[103] 16 African countries where internet was shut down during polls : K24 TV

[104] Action Group on Free Civic Space, The Security Playbook of Digital Authoritarianism in Nigeria, Accessed via https://closingspaces.org/the-security-playbook-of-digital-authoritarianism-in-nigeria/

Chart 11: Percentage change in internet usage between 2000 and 2021.
Statista

Country	Value
Cabo Verde	(very small)
Gambia	
Mauritania	
Sierra Leone	
Senegal	
Benin	
Cote d'Ivoire	
Guinea	
Burkina Faso	
Ghana	
Mali	
Niger	
Nigeria	
Liberia	
Togo	
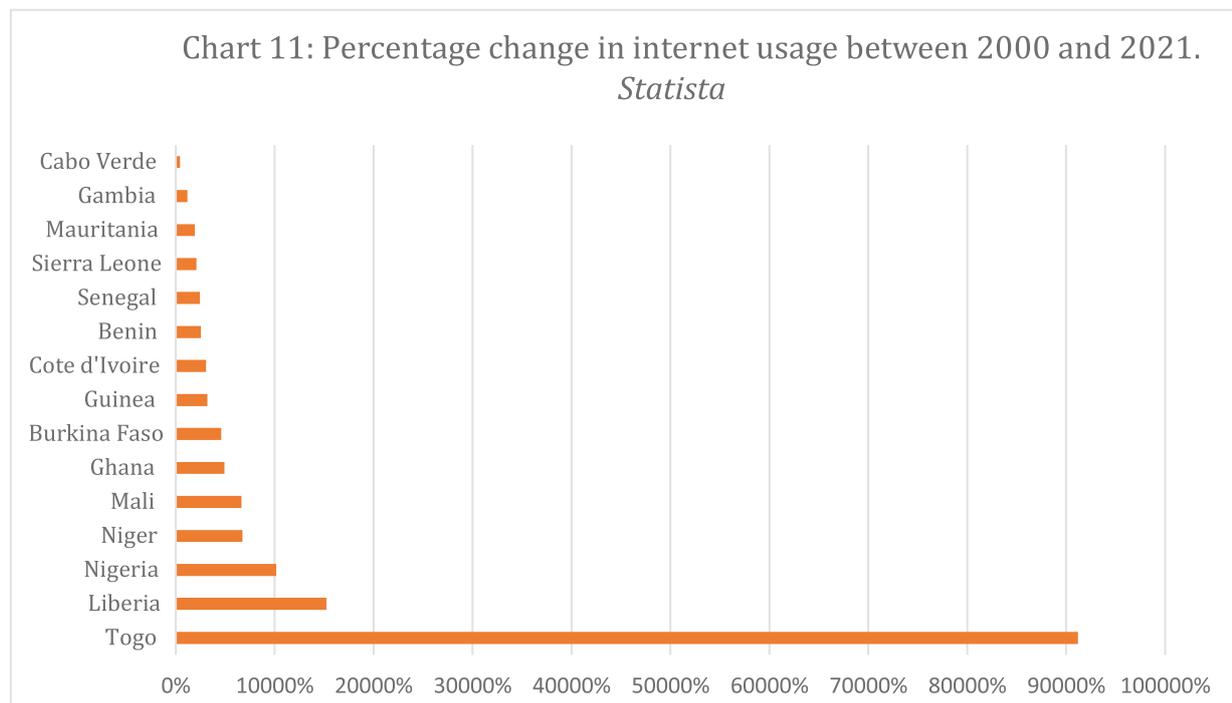
With the same vigor and speed with which internet is building people power and democratizing access to information resources, West African governments will feel more threatened by the immense power of the social media to stir political outrage capable of unseating regimes. Stricter regulatory measures, stiffer penalties, and legislative amendments will top the list of tactics states will use to contract online civic spaces. The signs are already worrying. The National Cybersecurity Coordination Center (NCSCC) of Sierra Leone has issued a notice of imprisonment terms between ten and twenty years in relation to information shared online "to destablilize the State."[105] The law does not explicitly define what conduct is "*destabilizing the State*" and therefore punishable. Many states in West Africa have similar regulations worded so broadly which vest excessive discretionary power on state actors to shove simple misdemeanors into the dragnets of punishable offences such as sedition, treason, terrorism and other serious felonies. Based on these trends, increased censorship and over-regulation of the internet will be witnessed in the subregion.

● Censorship of Media Platforms

The internet and media platforms have opened new ways and spaces for organizing public assemblies and dissent. Just like the internet, the media will not be spared from the regulatory fury of governments. With the ultimate goal of censoring free speech and limiting resources available for citizens and civic groups to organize dissent, governments will use a variety of methods to bring both the traditional and new media under their firm grip. Accordingly, independent radio and television stations as well as new media (networking sites, social media channels and content moderation) platforms are to expect sterner

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[105] Closing Spaces Database, Internet Disrupted in Sierra Leone amid Anti-Government Protests, https://closingspaces.org/incident/internet-disrupted-in-sierra-leone-amid-anti-government-protests/

regulations through enhanced licensing requirements, broadband tariffs, sanctions, fines, network shutdowns, revocation of permits and licenses, review of licensing conditions etc.

New media spaces such as Facebook and Twitter, which have in the past, provided safe spaces for digital mobilization will be new frontiers for the war on free speech in West Africa. Recently, Nigeria's internet regulator, the National Information Technology Development Agency (NITDA) recently released a draft "Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries"[106] which seeks to regulate internet platforms including social media. The code would, for instance, compel the platforms to incorporate and maintain a physical presence in Nigeria. Further, the Code purports to compel internet platforms to comply with a direction of the government to remove "prohibited materials," which it defines as materials that are "*objectionable on the grounds of public interest, morality, order, security, peace, or is otherwise prohibited by applicable Nigerian laws*." Thus, the Code does not contain any definition of the ideals mentioned in this definition of prohibited materials, implying that in most cases, it would be up to the government to determine when and why a material is prohibited.

For business reasons, content moderation platforms are setting up physical presence in West Africa. Twitter set up its African head office in Ghana.[107] Whilst this is a positive development for the economy of West Africa in terms of revenue and employment creation, concerns remain that having physical offices bring the platforms firmly within the regulatory control of the governments thereby making susceptible to overregulation.

4   The Youth Bulge

Most West African countries are witnessing a youth bulge, with persons between ages 15 and 35, dominating their national population demography. More than 60 percent of Senegal's population is under the age of 25.[108] As at August 25, 2022, the youth accounts for 70 percent of the Nigeria's population 217 million population, which stands at a huge 151 million youths.[109] With these numbers, the socio-economic and political progress of countries in the subregion lies in the hands of the youths.

Countries with a high proportion of unskilled, unemployed and unproductive youth population risk becoming theaters of conflict, violent extremism and radicalization spreading from the Sahel. Ghana 2021 Population and Housing Census (PHC) reports that more than two in five (45.5%) unemployed persons 15 years and older are available for work but not seeking for employment of which the youth (15-35 years) constitute two-thirds (65.8%).[110] Sierra Leone's civil war that lasted for 11 years and left an estimated 700,000 children and youth displaced, 9,000 maimed, orphaned or separated from their parents.[111] The availability of a very large and poor youth population also creates a ready market for

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[106] https://nitda.gov.ng/wp-content/uploads/2022/06/Code-of-Practice.pdf
[107] https://www.bing.com/search?PC=U523&q=twitter+sets+office+in+ghana&pglt=41&FORM=ANNTA1
[108] https://countrymeters.info/en/Senegal
[109] Vanguard, How Nigeria's Youth Bulge Can Become A Demographic Dividend
[110] Ghana 2021 Population and Housing Census (PHC)
[111] Sierra Leone: The Youth and the Future of the Country

thugs that can easily be recruited by unscrupulous politicians to rig elections and undermine the electoral process. Flawed elections lay the foundation for an obstructed civic space.

Angered by the widespread social and economic deprivations that they face, persons of youthful age in the subregion will double efforts to resist and challenge the deterioration of living standards mainly through economic migrations and protests. Because they have the numbers, young people will increase their interest in political participation, leveraging their digital savviness to mobilize and display their prowess to determine electoral outcomes. In Nigeria, 7.2 million new voters or 76.5% are young people between 18-34 years.[112] CSOs' voter education, monitoring and coverage of election processes and cycles in West Africa will increase as political consciousness surges among young voters. As younger voters angered by the widespread discontent with the underperformance of their governments take more interest in politics, the translation of youthful anger into votes can lead to massive voter turnout capable of dismantling corrupt regimes and enthroning a new era of transformational leadership in the subregion.

5 Insecurity

A soldier on Patrol in a West African city. *Reuters*

Insecurity will remain a major threat to civic participation in the subregion for three major reasons. First, the root causes of insecurity—especially poverty, unemployment, impunity and mismanagement of natural resources—remain largely unresolved, causing massive deprivation and public anger to erupt from time to time. The prevalence of these adverse social and economic conditions will continue to erode public trust in political institutions and politicians while entrenching a lack of confidence in the government and electoral processes. Sometimes, security challenges can be so severe that a segment of the civil society in Burkina Faso regard insecurity as a more urgent concern than democracy.[113]

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[112] TheCable, 40 percent of newly registered voters are students, says INEC, https://www.thecable.ng/40-percent-of-newly-registered-voters-are-students-says-inec

[113] Civicus, BURKINA FASO: 'For a major segment of civil society security is a more urgent concern than democracy' (Interviews 26 October 2022) Accessed via https://www.civicus.org/index.php/media-resources/news/interviews/6115-burkina-faso-for-a-major-segment-of-civil-society-security-is-a-more-urgent-concern-than-democracy

Secondly, governments around the world, including West Africa, are increasingly using security as an excuse to curtail civic freedoms. A recent report chronicled how security narratives have been misused in Nigeria to erode the civic rights of citizens.[114] Whilst the security prognosis for the region remains bleak, the authorities need to seek lasting solutions rather than hiding behind the veil of insecurity to securitize the civic space and roll out repressive legislation and policies. Other tactics include the overbroad interpretation of existing legislation, particularly laws that restrict citizen rights during emergencies or in the interest of national security; the introduction of new laws that either arrogate excessive powers to the government or interfere with the exercise of civil rights; and the outright restraint of civic actors from performing their roles such as the banning of humanitarian organization by accusing them of terrorist financing.[115]

Third, insecurity will force the populace, especially credible contenders, to stay away from participating in the governance of their country. The arrest of Senegal's main opposition leader, Ousmane Sonko, triggered the worst unrest seen in the country's capita[116]l while Niger's opposition figure Hama Amadou was also detained for "his complicity" in demonstrations and destruction of property days after the presidential elections.[117] Fearing reprisal attacks, violent opposition, economic deprivation and politically-motivated criminal charges, many citizens may refrain from voting, participating in politics, and exercising their civic responsibilities.

● Over-regulation of Civil Society Organisations

Under the guise of complying with obligations laid out in several international treaties, governments across the world, including West African countries, have introduced certain 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 regimes to non-profit organizations (NPOs) and other civil society organizations carrying out human rights, humanitarian, service provision and other types of good works.

A report titled, "*Harms from Abroad"[118]* highlights the interconnection between the global efforts aimed at curtailing money laundering and terrorist financing and the contraction of civic space. For example, Recommendation 8 of the Financial Action Task Force (FATF) Standards stated that "NPOs possess characteristics that make them particularly attractive to terrorists or vulnerable to misuse for terrorist financing." Although FATF has revised

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[114] Action Group on Free Civic Space, Nigeria: Shrinking Civic Space in the Name Of Security (2022) Accessed via https://closingspaces.org/7965-2/
[115] This sentiment has been enabled, in part, by the Recommendation 8 of the Financial Action Task Force Standards. [115]
[116] https://www.bbc.com/news/world-africa-56298756
[117] https://www.africanews.com/2021/03/01/niger-opposition-figure-hama-amadou-imprisoned-amid-election-unrest/#:~:text=Niger%27s%20opposition%20figure%20Hama%20Amadou%20was%20imprisoned%20on,in%20detention%2C%20the%20public%20prosecution%20service%20told%20AFP.
[118] HARMS FROM ABROAD: IMPACT OF GLOBAL SECURITY MEASURES ON CIVIC SPACE IN NIGERIA - Closing Spaces

Recommendation 8 in favor of a risk-based approach, the sentiment that NPOs are security concerns have festered.[119] Since Recommendation 8, countries have enacted a flurry of regulations targeting NPOs and the civic space.

In 2018, Sierra Leone introduced a restrictive policy ostensibly designed to promote better coordination, transparency and accountability in the operations of civil society organizations (CSOs).[120] Some restrictive provisions of the policy includes: (a) requirement that all development assistance channeled through CSOs must be aligned with the national development priorities and should be properly coordinated with the government; (b) CSOs must sign Service Level Agreements (SLAs) with their respective sector ministries before they can commence operations; (c) the Policy provides for onerous registration and renewal procedures, including multiple reporting obligations. Imitating the Sierra Leonan approach, Nigeria has made several unsuccessful efforts to introduce similar legislations to tighten the regulation of civil societies, citing national security as an excuse.[121]

Among other things, FATF's recent workstream to study and mitigate the unintended consequences resulting from the incorrect implementation of the FATF Standards[122] examines undue targeting of NPOs through non-implementation of the FATF's risk-based approach; and the curtailment of human rights (with a focus on due process and procedural rights) stemming from the misuse of the FATF Standards or AML/CFT assessment processes to enact, justify, or implement laws, which may violate rights such as due process or the right to a fair trial. [123] The launch of this workstream affirms growing concerns by civil society about countries repurposing international regulations for other objectives unrelated to security. Despite these laudable moves to prevent misuse of the security architecture, changes at the international level defy gravity and do not trickle down. Rigid amendment procedures frustrate attempts to amend AML/CFT legal regimes to reflect best practices. A combination of these factors have not only laid the foundation for the overregulation of NPOs, but will continue to be exploited by governments to silence organized dissent.

● Copying and Pasting of Bad Practice

Repressive laws in one country have continued to serve as templates for other countries, in what may be termed as copycatism.[124] In Nigeria, the practice of copying and pasting restrictive laws from foreign jurisdictions is commonplace. On three notable occasions, Nigeria has copied statutes governing social media, infectious diseases control, regulation of NGOs from Singapore and Sierra Leone respectively. The now rested 2016 bill for the

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[119] NIGERIA: SHRINKING CIVIC SPACE IN THE NAME OF SECURITY - Closing Spaces, page 56 accessed 13 November 2022

[120] Sierra Leone - ICNL accessed 13 November 2022

[121] Ibid

[122] FATF "Mitigating the Unintended Consequences of the FATF Standards." Available at https://www.fatf - gafi.org/publications/financial inclusionandnpoissues/documents/unintended-consequences-project.html, accessed 13 November 2022

[123] HARMS FROM ABROAD: IMPACT OF GLOBAL SECURITY MEASURES ON CIVIC SPACE IN NIGERIA - Closing Spaces accessed 13 November 2022

[124] See Harms from Abroad, ibid.

regulation of non-governmental organizations was copied from Sierra-Leone.[125] Similarly, the country plagiarized the infamous Protection from Internet Falsehoods, Manipulations and Other Related Matters Bill, 2019 (popularly known as the Social Media Bill), and Nigeria's Infectious Diseases Bill, (both of which have extensive ramifications for the Nigerian civic space) from Singapore.

The cross-border effects of national legislations makes it imperative for human rights defenders in West Africa to rise to the challenge of confronting repressive practices observed in other jurisdictions as they may serve as precedents by West African countries determined to justify state-sanctioned repression.

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[125] 05132019_UPDATED_FINAL_Africa_Special_Brief_Freedoms_Under_Threat.pdf (freedomhouse.org) accessed 13 November 2022

Recommendations

1. **Conditioning free and fair elections on an open civic space:** Free and fair elections must be conditioned upon an open civic space under national and international electoral laws. In other words, political power transition through elections shall only satisfy the thresholds of free, fair and transparent when the civic space remains free before, during and after election seasons. Insisting on a free civic space during elections creates an enabling environment for healthy dialogues between citizens and political aspirants, for extracting performance commitments from elected officials and for demanding transparency in the operations of national electoral bodies and other public institutions.

2. **Improved access to technology:** Accessibility, affordability and the availability of internet-enabled devices particularly aided the expansion of new spaces for organizing, with many taking advantage of internet trends and hashtags to raise public awareness, converge for digital protests, demand action on issues and speak truth to authorities. Citizens and civic groups should design and propose legal frameworks and digital tools that assure them adequate protection from abuse and censorship, while expanding their digital skills and access to online resources and networks.

3. **Legal reforms:** Pushing for legislative and judicial reviews of repressive laws are imperative. Laws that confer powers on states to surveil and derogate from human rights need to be revised because they provide the baseline for power grabs and overreaching actions that exceed the limits of prescribed powers. Civil society organizations can seek categorical declarations from the courts to define the limits of the state's ability to use "national security" as an excuse to derogate from human rights principles.

4. **Innovative campaign techniques:** Initiatives designed to increase citizens' participation in governance and power to act must be encouraged. Innovative ways of organizing, mobilizing and participation should continuously be explored to outpace governments trying to suppress dissent and public protests. Organic campaigns with unique organizational structures can make infiltration by external detractors more difficult.

5. **New methods of collaboration:** Organizations sometimes work in silos and reinvent the wheel. Because harms on the civic space are now transnational and have cross-border effects, civil society actors need to adapt to new ways of collaborating within and beyond borders, allowing for complementarity of skills and deepening the bonds of solidarity in order to maximize strategy, results and scale of impact

6. **Simplify information-sharing**: Citizens and civil society organizations are increasingly depending on social media platforms to share information, communicate, engage, organize, fundraise, crowdsource and measure impact. That's why it's important to simplify the sharing and exchange of information between citizens and CSOs in ways that enhance their resilience and protects their physical and online safety. Knowledge-sharing initiatives like the Closing Spaces Database provide the raw material and evidence actors need to frame and inform their strategies and interventions.

7. **Other socio-economic indicators:** The surge in online demonstrations reflect the growing culture of digital activism. However, nuanced considerations like educational background, personal convictions, access to technology, religious and moral suasion primarily determine the participative dynamics and outcome of collective action against injustice. The combination of these factors can shape the success of collective actions and building solidarity to advance these issues.

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[i] https://freedomhouse.org/country/gambia/freedom-net/2020

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