

CIVIC SPACE SCAN

Enabling Environment at the sub-national level, a case of four States – Borno, Enugu, Kano, and Lagos.

July 2023

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About the Report

This report and research behind it set out to present the first assessment against the “practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned’ report of the United Nations Human Commissioner for Human Rights. The recommendations outline good practices for promoting and protecting civic space based on lessons from different parts of the world. This assessment provides evidence against the recommendations. It is the first assessment report targeting civil society enabling environment at the sub-national level.

The assessment provides all stakeholders- United Nations Human Rights Council, civil society organisations in and outside the focal states, International NGOs, policymakers, parliamentarians, businesses, and multilaterals- with a detailed set of data showing the degree of progress towards the recommendations. This report presents an assessment of implementation in four states – Borno, Enugu, Kano, and Lagos.

What this report is not:

01

A comprehensive overview of the civic space landscape across the country but an overview of the most salient developments, positive and negative in four states.

02

A deep and scientific analysis of practices and approaches to protect and promote civic space but it is expected that over the years, this exercise will enable deep dive analysis across the 36 states of the Federation with a view to identifying further trends.

Methodology

We spent 4 months - April to July 2023 researching enabling environment at the sub-national level and writing this report. NNNGO prepared the assessment area using the “practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned’ report of the United Nations Human Commissioner for Human Rights. The project staff and other civil society actors contributed to the development of the assessment area. The research assessed seven objectives in promoting and protecting civic space across the focal states:

1. Minimum legal and administrative provisions.
2. Existence of systems for self-regulation or co-regulation.
3. High level messages and honours.
4. Long-term support and resources for civil society organizations.
5. Nurturing culture of volunteerism
6. Addressing threats and attacks on civil society actors.
7. Use of derogatory terminology.

These objectives were judged to be the most important aspects of protecting civic space and serve as the criteria against which the states are reviewed. The primary source of information was desk research, in-depth key informant interviews, focus group discussions, and validation workshops across the focal states. In seeking to understand what the environment looked like across the 4 focal states, we embarked on the following activities:

Assessment Tools and Approaches

The Assessment team conducted data collection through desk research, conducting in-depth key informant interviews (KIIs), and facilitating focus group discussions (FGD). The assessment primarily focused on CSOs in Kano, Lagos, Borno, and Enugu as the main beneficiaries but also included other stakeholders from the government (regulators). The assessment targeted CSOs based on their experience working in the State and their practice of engaging with the state on regulatory frameworks.

Government representatives were selected based on their relevance and responsibilities to the regulation of civil society operations. In their selection of stakeholders, the assessment team relied on contacts and information available in the NNNGO membership database, the information provided by local civil society actors in the states as well as data collected through desk research.

Data collection through desk research

The desk research focused on the review of legal frameworks (law as written and its implementation), websites, social media platforms of focal states, existing research relating to civil society regulations, and relevant activities implemented by agencies of government to celebrate international days. The desk research included the review of written speeches and interviews with government officials relating to civil society, citizens’ activities, or international day celebrations.

Data collection through KIIs

The Assessment team conducted 4 KIIs. The purpose of each interview was to learn about the regulatory environment in the focal states and detailed issues experienced by each respondent as well as to learn about the realities they are seeing on the ground. The Assessment team strived to arrange interviews with qualified civil society individuals or organizations with the necessary knowledge and practical experience to respond to the identified questions. In total 4 (3 males, 1 female) CSO participants attended the KIIs from Lagos, Borno, Kano and Enugu. Interviews were held online from May 16 - 25, 2023. Interviews were held online from May 16 - 25, 2023.

Data collection through FGDs

The Assessment team conducted 4 FGDs on the topics of enabling environment. The FGDs were held virtually. 4 CSO participants attended the FGD in Kano, 4 in Lagos, 6 in Borno, and 7 in Enugu. FGDs were held online from May 17 - 23, 2023.

Validation

Four validation workshops were held to present to civil society organisations in each of the focal states the full report and major findings of the research, improve the quality of the research and get feedback on the accuracy of the information gathered by the Assessment team, relevance and the value addition of the research, identify and prioritize the major problem areas and possible interventions, improve the usefulness of the report by ensuring consistency of the findings with recommendations.

Validation workshops were held for each state from 20 June to 6 July. In total, 117 CSO representatives (52 women and 65 men) took part in 4 validation workshops. Public officials who work on civil society issues also attended the validation workshops.

The workshops took place physically and each lasted 7 hours. Participants had a further opportunity to provide comments in writing. The feedback received informed changes to the respective findings from each state.

Content

The Assessment was divided into two assessment areas based on UN Recommendation A/HRC/32/20 and sub-divided into seven research areas covering:

- (i) minimum legal and Administrative Provisions,
- (ii) existence of systems for self-regulation or co-regulation,
- (iii) high level messages, awards and honours,
- (iv) Long-term support and resources for civil society organizations
- (v) nurturing culture of volunteerism,
- (vi) addressing threats and attacks to civil society actors and
- (vii) use of derogatory terminology.

The Assessment team provided context, analysed the relevant policy, laws, regulations, and practices.

Audiences

1. Civil society organizations running or thinking about starting a non-profit in the focal states.
2. Government at the national and sub-national levels interested in promoting and protecting civic space.
3. Donors who currently or may fund civic space programmes or projects.
4. United Nations Human Rights Council and other multilateral organizations including International NGOs will likely find certain parts applicable to their work and hope that the report provides more visibility and information on civic space at the sub-national level.

Feedback

We welcome feedback on any aspects of the report. Civic space at the national and sub-national levels requires constant monitoring as laws, policies, and regulations change. We are excited to hear from colleagues on the ground in the focal states on changes, progress, or challenges they may encounter. This report is the start of our path to tracking freedom of association across the 36 States of the Federation starting with Kano, Borno, Lagos, and Enugu. If you are interested in providing feedback, input, or comments please write to us at nnngo@nnngo.org.

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INTRODUCTION

Defining “Safe and Enabling Environment”.

The laws that govern the creation and operation of civil society organisations are a core tenet of ensuring an enabling environment. At its thirty second session, the Human Rights Council received the report of the United Nations Human Rights Commissioner for Human Rights on “Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned”. The Human Rights Council in its resolution (A/HRC/32/L.29) welcomed the report and:

Urges States to ensure the creation and maintenance of a safe and enabling environment for civil society in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review, and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review;

In the report¹, the High Commissioner focuses on examples of practices that optimise civil society’s transformative potential. In our research, we focused on shaping the domains around freedom of association based on recommendations and best practices identified in the report, using it as an essential to defining a “safe and enabling environment” and defining what data needs to be collected. As a result, we focused on pairing the best practices with definitions used by the Open Government Partnership (OGP):

An enabling environment for CSOs protects and promotes the exercise of the freedom of association. Freedom of association is the cornerstone of an effective civil society as it allows people to come together to improve their lives, communities, and the world at large. It enables citizens’ participation and advocacy, including working collectively towards open and responsive governance. Basic protections for civil liberties, which include the freedom of association, are also part of the criteria for membership in the OGP.²

In this report, we define freedom of association as an “organised, independent, not-for-profit body based on voluntary grouping of persons with a common interest, activity or purpose”.

The key recommendations³ framing the research were drawn from 2 broad clusters of recommendations by the UN High Commissioner under the freedom of association section of the report:

- ② Minimal legal and administrative provisions, favouring simple notification to a neutral body and available to all at little or no cost, with no compulsory registration requirement for basic operations, best encourage a diverse and independent civil society.
- ② Ensuring that public freedoms are guaranteed by law and upheld by institutions is certainly a foundation for an enabling environment for civil society to work freely and independently. But it must be complemented by a political culture that recognizes the value of civil society and encourages its engagement.

Central to these clusters are best practices from the report which were framed into seven broader domains that shaped the design of key questions that informed the research, and they are:

¹ https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/32/20

² https://www.opengovpartnership.org/wp-content/uploads/2018/05/OGP-ICNL_Guide-Opening-Government_20180508.pdf

³ Civic space scan research methodology

- ④ Minimum legal and administrative provisions.
- ④ Existence of systems for self-regulation or co-regulation.
- ④ High level messages and honours.
- ④ Long-term support and resources for civil society organizations.
- ④ Nurturing culture of volunteerism.
- ④ Addressing threats and attacks on civil society actors .
- ④ Use of derogatory terminology.

Due to the recommendations and best practices, this research used the seven key domains in measuring a safe and enabling environment at the sub-national level. The research acknowledges and presents in some instances a summary of examples of the best practices seen at the Federal level in contrast to those at the sub-nationals. It recognises that a cumulation of practices, laws, regulations, and policies across local, state, and federal levels provides the national enabling environment outlook for civil society in the country.

The Civic Space Scan Framework

A safe and enabling environment for civil society organisations safeguards their rights to freedom of association – allowing groups of individuals to start non-profit organisations with the aim of doing good or for public benefit. Within this context are the seven domains mentioned above. The first domain, **Minimum legal and administrative provisions**, encapsulates laws, policies, and regulations guiding the formation (registration) of civil society organisations in the focal states.

The second domain, the **Existence of systems for self-regulation or co-regulation**, builds on this to ascertain how civil society is supported at the sub-national level to form and work under the auspices of umbrella organizations in ways that reduce the need for administrative resources and administrative costs and favours independence.

The third domain, **High level messages and honours** capture the commemoration of events by the state such as international days, speeches about the value of civil society by public officials, awards, and honours in recognition of their contributions.

The fourth domain, **Long-term support and resources for civil society organizations** review the existence of funding support to civil society organisations.

The fifth domain, **Nurturing culture of volunteerism**, covers whether students are allowed to work with civil society organisations as part of their internship, industrial attachment, or national service, where they exist, initiatives such as this support an environment supportive of an environment conducive to civil society activity.

The sixth domain, **Addressing threats and attacks on civil society actors**, assesses the steps taken by the government to prevent and protect civil society actors from attack.

The seventh domain, **Use of derogatory terminology**, to delegitimize civil society actors explores words commonly used by public officials to label civil society and increase negative public opinion of civil society actors. By framing the assessment in terms of these domains, the importance of each to promoting a safe and enabling environment for civil society is highlighted as well as how essential it is that they are understood by all stakeholders.



Findings, Promising Practices, and Considerations



Minimal legal and administrative provisions

According to the UN recommendation on a safe and enabling environment for civil society, minimal legal and administrative provisions, favouring simple notification to a neutral body and available to all at little or no cost, with no compulsory registration requirement for basic operations, best encourage a diverse and independent civil society. This includes transparent and non-discriminatory registration procedures for CSOs, free and independent operation, cooperation between citizens- formal or informal- and the absence of disproportionate or unwarranted state interference.

At the national level, civil society organisations wishing to become legal entities are registered under the Companies and Allied Matters Act, 2020 (CAMA). Civil society organisations at the sub-national level are subjected to further registration with Ministries and Agencies of Government in instances where they need to access government facilities or work with the government on issues such as education, health, environment, women empowerment among others. The practice is prevalent across the 36 states of the Federation.

CSOs reported that in **Enugu**, and **Lagos** there are no known legal frameworks for registering civil society organisations in these states. In these states, organisations interested in working with the government must register with the relevant ministry responsible for the subject matter of their proposed activity with each ministry developing different standards for registration, some of them quite lenient and others quite strict. None of the ministries responsible for registering civil society organisations in the state have developed real expertise in dealing with and registering organisations as usually this is a sideline activity for them.

At the validation workshop in Enugu, the Ministry of Gender Affairs and Social Development pointed out that the Social Development Decree No. 12 of 1974 mandates the registration of Civil Society Organisations operating within the ministry in the state. The Decree which has never been reviewed is “unpopular, obsolete, and not publicly available” according to participants in attendance at the validation workshop.

Social Development Decree No 12 of 1974, a law promulgated under the military administration, provides the regulatory cover used by sub-national governments in Enugu to regulate civil society organisations. While the Decree has not been repealed, it established social welfare programmes in Nigeria. It provides the legal framework for the Social Development Directorate with the social welfare department established in 1989 following the establishment of the Federal Ministry of Culture and Social Welfare.

The social welfare department's mandate includes coordinating intergovernmental and interstate social welfare activities, conducting research and surveys on various aspects of social welfare, training professional social workers, and organising and coordinating welfare agency training. Included in their mandate as well were legislation on issues affecting social welfare in Nigeria, research on international issues impacting social welfare, and interactions with social welfare organisations at the national and international levels which included participation in national, regional, and global meetings on social welfare and coordination of national, regional and global meetings on welfare like attending conferences and meetings of the sessions of the United Nations Commission for Social Development, the World Family Organization.

With the creation of new states between 1976 and 1991, social welfare programmes were moved to the Ministry of Women Affairs and Social Development⁴. This might explain the origin of the regulatory powers arrogated to the Ministry of Women Affairs in the registration of civil society organisations in Nigeria with Enugu as a case study.

In **Kano**, there are two laws, the Youth Edict Law which was promulgated in 1976. The law registers youth organisations in the State. The Local Government and Community Development law registers Community Based Organisations in the State. According to government officials attending the validation workshop, the Kano State Corporative Society Law (Cap33) also regulates activities formed freely by individuals to pursue the economic interests of their members. Neither law is publicly available at the time of our assessment and writing of this report. A copy of the law was later shared with the project, and it is available at <https://bitly.ws/T8rk>.

The Kano State of Nigeria Youth Club Edits of 1976 provides for the registration of youth clubs in the State, keeps custody of the register of youth clubs, supervises activities of youth council and youth clubs, and submits an annual progress report on youth council and youth activities to the Commissioner. The law describes a youth club as an association of three or more persons who are between the ages of eighteen and thirty years inclusive and formed for the purposes of promoting youth fellowship, encouraging, and participating in community development, engaging in philanthropic and social welfare activities, upholding, and promoting moral values, promoting sports, arts, and culture among youths.

To register, an application must be made to the registrar signed by three people qualified to be members of the club

accompanied by three copies of the proposed byelaws and other particulars as may be required by the registrar. Upon payment of a registration fee of 50 Naira, a certificate is issued provided the constitution of the club complies with the provision of the edict, the name of the club is approved by the registrar. Where an application is refused the registrar shall give notice of refusal which may appeal to the Commissioner responsible for matters relating to youth. When approved, the registrar will ensure the full name, registered address and registration number of every youth club registered under the edict is gazette.

The expression “youth club” or its Hausa equivalent “Kungiyar Matasa” must form part of the name of every youth club registered under the edict. Youth clubs are prohibited from registering with a name that depicts any political, religious, or tribal interests or leanings, tends to deceive, or is likely confused with the name of any club previously registered under the edict.

The byelaws of the club are expected to set internal controls and corporate governance measures around membership, election and duties of officers, dues, levies and subscription, powers of the general meeting of the club and annual meetings, trustee and patron meetings, revocation of byelaws by two-thirds of the membership, availability of the register of members listing their names, ages, current address, and occupation of its members.

The Commissioner may give directions to the youth club about its activities, and this must be effected. Membership of youth clubs registered under the edict is prohibited for the Nigerian Army, Navy or Airforce, Nigerian Police, Nigerian Prison Department, The Customs Preventive Service, or any Federal or State Government establishment where the employees are by law allowed to bear arms.

⁴ https://www.researchgate.net/publication/315477585_Social_Welfare_Scheme_a_Neglected_Component_of_Public_Health_Care_Services_in_Nigeria

In October 2021, the Kano State Governor, Governor Abdullahi Ganduje approved the review of the 1976 Youth Club Edict following the submission by the Ministry of Youth and Sports Development with technical support from the Youth and Environmental Development Association, YEDA. A validation exercise was conducted by the Kano State House of Assembly⁵ after several sittings to review the draft law proposal between the Ministry of Youth and Sports Development, Kano State, and the Youth Development Association to develop a draft bill to repeal and enact a new law which includes the provision for youth training centers, private training centers. The bill is yet to become law.

In **Enugu**, the Ministry of Youth and Sport and the Ministry of Gender Affairs and Social Development register civil society organisations in the state.

For **Kano**, the Ministry of Youth and Sports Development, Ministry of Women Affairs and Social Development, Kano State Ministry of Commerce and Industry, and Local Government and Chieftaincy Affairs Community.

In **Lagos**, civil society organisations register with the relevant ministry responsible for the subject matter of their proposed activity. Across the 3 states, civil society organisations registering with the ministries and agencies are required to submit reports and are subject to inspections. For example, the Ministry of Women Affairs and Poverty Alleviation registers civil society organisations working on women's issues in Lagos State. The Ministry requires an annual report and carries out physical inspections.

The Borno State Agency for Coordination of Sustainable Development and Humanitarian Response (BACSDAHR)⁶ "registers and maintains the profiles of all humanitarian and development partners including national and international

NGOs and civil society/community-based organizations operating in Borno State, indicating their precise sector affiliations and locations of their project(s).

We also conduct regular reviews of the register/profile to determine the consistency of operational reports and general information submitted by partners". The law establishing the agency was signed on 11 December 2019. All nonprofits operating or seeking to operate in Borno State are required to register, failing which they risk the suspension of their operations, albeit, within Borno State only.

Furthermore, civil society organisations are required to register with the relevant ministry responsible for the subject matter of their proposed activity. The Borno State Emergency Management Agency (BSEMA) also registers civil society organisations.

While BACSDAHR could be easily taken as a model for states to follow in terms of the legal framework for registering civil society organisations at the sub-national level, of particular concern is the non-compliance with the provisions of the African Charter on Human and People's Rights (African Charter) Guidelines on Freedom of Association and Assembly in Africa⁷.

With regards to the legal personality of associations, the Guideline states: "States shall not compel associations to register to be allowed to exist and to operate freely. Whereas in Borno the certificate or registration by BACSDAHR is "issued upon completion of registration procedures, shall be conclusive evidence of authority to operate in specific location(s) or throughout the State as agreed between the Agency and the operating partner(s). These provisions under the law setting up the agency are not in line with the protection of fundamental freedoms of association.

⁵ https://web.facebook.com/yedanigeria/videos/validation-meeting-on-reviewed-1976-youth-club-edict-to-be-replaced-by-youth-dev/725578235117918/?_rdc=1&_rdr
⁶ <https://acsdhr.bo.gov.ng/index.php#whatwedo>
⁷ https://www.movedemocracy.org/wp-content/uploads/2018/06/guidelines_on_freedom_of_association_and_assembly_in_africa.pdf

Additionally, the activities of BACSDAHR in relation to civil society registrations also negate the notification regime provided in the Guideline- "Registration shall be governed by a notification rather than an authorization regime; such that legal status is presumed upon receipt of notification". Registration with BACSDAHR confers authorization as completion of registration and issuance of the certificate is "conclusive evidence of authority to operate in specific location(s) or throughout the State as agreed between the Agency and the operating partner(s)".

Organisations are required to renew their registration every three (3) years, "subject to satisfactory review of value addition and positive impacts of the activities of the organization on the lives of target populations and contributions to the development of the state". Whereas the Guideline stipulates that "associations shall not be required to register more than once or to renew their registration". The requirement that civil society organisations renew their certificate every three (3) years creates an undue burden for CSOs.

Understandably issuance of licenses and permits can be subjected to appropriate regulation, while this is permissible, they should be subject to the same generally applicable licensing and regulatory requirements and procedures that apply to similar activities of individuals or businesses, or public agencies. If licenses or permits are required for certain activities e.g., operation of an orphanage or holding a seminar for secondary school students, civil society organisations should not be subject to requirements that are more stringent than those applicable to individuals, businesses, or public agencies. Activities requiring licenses or permits should not be used by states to impose additional registration burdens on civil society organisations.

For example, a civil society organisation wishing to provide a home for the elderly, use of a park, government facilities, or food to people in IDPs may be required to

obtain permits or licenses to do so and should generally be held to the same standards of professionalism, sanitation, protection, etc. as it applies to other organisations.

As part of its activities, BACSDAHR collects, analyzes, and reviews project/programme documents relating to humanitarian, stabilization, and development efforts/response operations of partners and advises the State Government as appropriate. It also collates the annual work plans of all partners for documentation and analysis to ensure conformity with the State Development Plan and inclusion in the State Budget Plan. The implementation of the work plans of development and humanitarian partners is subject to review and approval by the Agency, in line with the State Stabilization and Development Plan.

The obligation for "partners" to submit their work plans for review and approval by BACSDAHR constitutes human rights violations as the authorization procedure does not comply with international human rights laws. For example, the Guideline on Freedom of Association and Assembly in Africa provides that "States shall respect, in law and practice, the right of associations to carry out their activities, including those denoted above, without threats, harassment, interference, intimidation or reprisals of any kind". Approval of work plans by the agency represents interference in the ability of civil society organisations to carry out their activities.

Article 22 of the International Covenant on Civil and Political Rights (hereafter the Covenant) affirms that "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." Article 6 (f) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55) explicitly refers to the freedom to access funding, stating that the right to freedom of thought, conscience, religion, or belief shall include,

inter alia, the freedom “to solicit and receive voluntary financial and other contributions from individuals and institutions.” On 21 March 2013, the Human Rights Council adopted resolution 22/6, in which it called upon States to ensure that reporting requirements “do not inhibit functional autonomy [of associations]” and “do not discriminatorily impose restrictions on potential sources of funding.”⁸

Submission of work plans inhibits the functional autonomy of civil society organisations operating in Borno. Denying approval for work plans submitted to the agency constitutes problematic constraints and arbitrary delays in the functioning and use of resources by affected nonprofits.

Although this report recognises the need for coordination and enhancement of aid effectiveness, following the Paris Declaration (2005), the Accra Agenda for Action (2008), and the Busan Partnership for Effective Development Cooperation (2011), all requiring accountability of development partners and harmonization of aid initiatives, this does not give powers to countries or agencies like BACSDAHR to “determine priorities and subsequently control the plans of CSOs, thereby justifying limitations over the activities of civil society actors” according to the Special Rapporteur on the rights to freedom of peaceful assembly and of association.⁹

The Special Rapporteur highlights that coordination of aid is not listed as legitimate grounds for restrictions under the International Covenant on Civil and Political Rights. Furthermore, he underlines that barriers in the name of aid effectiveness have little in common with “the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”.

The Special Rapporteur stresses that even if the restriction were to pursue a legitimate objective, it would not comply with the requirements of “a democratic society”. In particular, deliberate misinterpretations by Governments of ownership or **harmonization principles to require associations to align themselves with Governments’ priorities contradict one of the most important aspects of freedom of association, namely that individuals can freely associate for any legal purpose.** The law establishing the BACSDAHR and its activities would benefit from a review in line with international human rights laws, guidelines, and recommendations on freedom of association. Such a review must include dialogue and meaningful consultation with civil society.

Across the 4 states, civil society organisations reported mixed experiences with the ease of registration. In **Kano**, registration is deemed easy and takes between three to five working days once all requirements are met. Requirements include completion of an application form submitted along with the constitution of the organisation, list of executives, passport photograph, thematic focus, and a non-refundable fee of 5,000 Naira. In Kano, registration cost for the Ministry of Commerce and Industry is N20,000 including validation; Local Government and Chieftaincy Affairs Community is N3,000 and Ministry of Youth and Sports Development is N5,000.

Civil society organisations in **Enugu** reported problems of agency expertise, regulatory capacity, and bias. Registration requirements include a completed application form, Corporate Affairs Commission (CAC) registration certificate, passport photograph, thematic focus, and applicable registration fee which varies depending on the Ministry. The range of registration fees in Enugu is between fifty and fifty-six thousand naira (N50,000 - N56,000).

⁸ http://freeassembly.net/wp-content/uploads/2013/09/A.HRC_.23.39_EN-annual-report-April-2013.pdf

⁹ http://freeassembly.net/wp-content/uploads/2013/09/A.HRC_.23.39_EN-annual-report-April-2013.pdf

Registration in Borno is reported to be free of challenges. To register, an organisation must submit its annual work plan, evidence of registration with national and state level networks, evidence of registration with the Corporate Affairs Commission (CAC), Special Control Unit on Money Laundering, Federal Inland Revenue Service, and evidence of an official bank account along with a completed application form.

As for **Lagos State**, civil society respondents noted that it is quite easy to register once all the requirements are met, which includes an application form, evidence of registration with the Corporate Affairs Commission, organisational structure, list of Board of Trustees, organisations' address, audited financial report, and email address. While some ministries charge fees others do not. Distance and location are reported as a barrier. According to participants attending the validation, the Ministry of Women Affairs

and Poverty Alleviation (WAPA) charges the sum of #10,000 for registration fee, Lagos State Office for Disability Affairs (LASODA) charges no fee, the Ministry of Youth and Social Development (MYSD) is "more friendly in interaction and also charges no registration fee".

Both the Child Rights Act and Violence Against Persons Prohibition Act (VAPP) provide the framework for registering orphanages, childcare centers, and shelters for women, girls, and boys among others. Though the Child Rights Act has been domesticated¹⁰ in all four (4) focal states under review, the VAPP is yet to be passed by Kano State¹¹. States are yet to refer to the laws as a basis for some of the regulations existing in this field of work. More awareness it seems needs to be carried out on these laws and the provisions for regulating nonprofit activities relating to child, women, and girl centers including orphanages.



Existence of systems for self-regulation or co-regulation

As part of best practices to promote a safe and enabling environment, the UN Human Rights Commissioner recommended the introduction of systems for co-regulation or self-regulation in areas where civic space issues can be managed by civil society organizations. There are some aspects of nonprofit governance that can only be addressed by civil society organisations among themselves whereas there are other dimensions that require government involvement and in other instances some of the regulatory functions can be shared between the sector and government.

Experience from the work of the Nigeria Network of NGOs has shown that different

kinds of regulatory regimes fit parts of nonprofit functions better than others. For example, laws may allow for the filing or submission of audited financial reports but do not recommend proactive disclosure. Civil society organisations may come together to agree on a minimum standard for disclosure that aids their transparency and accountability.

In general, at the national level, there have been efforts since the 2000s to institutionalise self-regulation among civil society organisations in Nigeria with the Nigeria Network of NGOs leading this effort since 2001 with the adoption of a code of conduct by its members in November 2012.¹² Since then efforts to

¹⁰ <https://independent.ng/states-and-the-child-rights-act-3/> and <https://www.thecable.ng/allocate-resources-for-effective-implementation-unicef-hails-kano-for-signing-child-protection-law#:~:text=With%20the%20development%2C%20Kano%20joins,which%20Nigeria%20is%20a%20signatory.>

¹¹ <https://www.partnersnigeria.org/vapp-tracker/>

¹² Civil Society Regulation in West Africa: Self-Regulation, State Control or Regional Norms and Standards, WACSeries

institute a nationally recognised self-regulation mechanism have received a boost with the support of the EU-ACT and USAID SCALE project which has seen the emergence of a National Technical Committee on Self-Regulation which has now morphed into the Civil Society Self-Regulation Council comprising of state networks across the 36 states. A harmonised code of conduct developed by the Nigeria Network of NGOs, NTC, and PWAN serves as the vehicle for self-regulating the sector¹³.

Adoption of the harmonised code of conduct by civil society organisations is still at the emerging or startup phase. There still exists the need to raise awareness and get the buy-in of anti-regulation leaders in the sector including getting larger nonprofits to participate more fully in the self-regulation initiative.

In **Borno**, networks are recognised as self-regulation mechanisms as membership of networks forms part of registration requirements when registering with ministries and agencies in the state. Civil society organisations reported the existence of standards or codes of conduct for civil society organisations operating in the state.

In **Enugu**, ENSNET, an organisation leading self-regulation efforts in the state was disbanded by its members due to an internal crisis. Whereas ENSNET was at the forefront of mobilising civil society organisations towards the adoption of self-regulation between 2021 and March 2023. Hence when respondents reported the non-existence of self-regulation mechanisms in the state, they were largely correct. Though ENSNET has through its leadership led and facilitated engagements with the government on the harmonization of civil society regulations in the State and a government-civil society committee inaugurated by the Government to address the challenges, the dissolution of

ENSNET by its members has meant that this process is stalled. Whereas the existence of ENSNET prior to this time could have accounted for our findings to the research question on whether umbrella associations are recognised by the state as self-regulation mechanisms and treated as such, civil society organisations responded in the negative.

CSO participants at the Focus Group discussion felt that the recognition of umbrella networks by the government is subject to interest. They noted that if the government recognises umbrella associations in the state, then there will be no instances of multiple registrations.

In their opinion, in some instances where the government had recognised umbrella associations, they were because of pre-existing relationships. There are no standards or codes of conduct for civil society organisations in the state. ENSNET the main organisation championing self-regulation in the state has been disbanded owing to an internal crisis and political interference¹⁴.

In **Kano**, the Kano State Network of NGOs has adopted the harmonized code of conduct which is at the point of implementing this among its members. Through network meetings, capacity building on compliance and mission attainment, review of organisational strategic plans the network can regulate some aspects of the operations of its members.

According to civil society organisations reporting, the Kano State Government recognises the Kano State Network of NGO as a self-regulation mechanism as it's treated as such. They mentioned that the network is often consulted on policies and programmes and that the network is also asked for recommendations on nonprofits in the state that can be worked it.

¹³ <https://cssreg.org/code-of-conduct/>

¹⁴ https://www.blueprint.ng/enugu-csos-announce-dissolution-of-ensnet/#google_vignette

The Kano Civil Society Forum (KCSF) also exists in the state and is an intermediary between citizens and the government. The Kano Civil Society Forum is an umbrella body with more than 130 registered members. The Forum regulates some of the activities of its registered members and the members are categorized into different areas. The forum gives technical support to its members for their development.

In **Lagos**, networks such as the Lagos Civil Society Participation for Development¹⁵, Civil Society for HIV/AIDS in Nigeria, Association of Civil Societies on Malaria, Immunization and Nutrition, Tuberculosis Disease Networks and other thematic networks are recognised by the state and often consulted by relevant ministries and agencies of government, though the degree of consultation can be improved to be more meaningful.

There is no information on the adoption of any code of conduct by the networks and their members in the state.

It is impressive to see that across the 4 states, civil society networks are recognised by governments. Education and advocacy on the part of proponents at the national level targeting civil society networks at the sub-national level is the best and most cost-effective mechanism for establishing systems for self-regulation and as a means of shifting the focus away from legislative initiatives in areas where civil society organisations can self-regulate to public enlightenment that can garner support from anti-regulation nonprofit leaders and nonprofit accountability. Getting buy-in of nonprofit boards and senior management remains in all probability the strongest operational mechanism of self-regulation in the civil society sector.



High level messages and honours

In its recommendation, the UN High Commissioner for Human Rights noted that “High-level messages, awards and honours send important signals to the public concerning the value of civil society’s contributions, as do annual commemorative events such as the International Day of Democracy or Human Rights Day, among many others”. This means that speeches and comments of public officials along with the celebration or commemoration of international days relating to upholding rights and instituting awards in honour of civil society leaders are important in reinforcing the value of civil society.

To assess how public leaders have used high-level messages in raising the profile

of civil society among citizens in Borno, Enugu, Kano and Lagos, democracy day address by the governors of the states from May 29, 2019, to May 29, 2023, was used as a reference point. Across the four states, none of the governors referred to civil society publicly in their address during this period except in 2022 when the Lagos State Governor mentioned civil society in his democracy day speech,¹⁶ and in 2021 when during a political party rally the Kano State Governor referred to civil society within the contest on anti-Federal Government protests¹⁷. The role of civil society was reinforced in the Enugu State Government speech when inaugurating the steering committee on the harmonization of civil society regulatory frameworks in the state¹⁸.

¹⁵ <https://www.channelstv.com/2022/05/15/lagos-govt-partners-civil-society-to-advocate-increase-in-blood-donation/>

¹⁶ <https://thisnigeria.com/democracy-day-lagos-govt-ll-continue-to-improve-lives-sanwo-olu/>

¹⁷ <https://authorityngr.com/2021/06/14/democracy-day-ganduje-stages-mega-rally-as-kano-shuns-anti-buhari-protest/>

¹⁸ <http://bitly.ws/kjsn>

"To all Lagosians, our entrepreneurs, students, workers, homemakers, transport and market unions, religious and civic leaders, members of the civil society, and everyone else, thank you for your support," - **Lagos State Governor, Democracy Day Speech 2022.**

"The AUTHORITY reports that while other states across the federation battle to contain with the anti-Federal Government protest organized by a section of the Civil Society Organizations, Kano state Governor, Dr. Abdul-lahi Umar Ganduje held a mega-political rally at Kano Pillars Stadium, Sabon Gari, where hundreds of members of the opposition parties were welcomed into the fold of the All-Progressive Congress (APC)". **Kano State Governor, Democracy Day Speech 2021.**

"Civil Society Organizations continue to play a big role in shaping national policies in Nigeria. They drive and coordinate the process of developing a "model" self-regulatory framework, this model includes a code of conduct, operational standards, information services, peer accreditation amongst others. The European Union Agent for Citizenship Driven Transformation (EU ACT) has stressed the need to provide a guiding operating platform that will harmonize the procedures between Civil Society Organizations (CSOs) and Government Agencies in the State". - **Inaugural speech by the Secretary to the State Government on the inauguration of the Steering Committee for the harmonization of civil society regulatory framework in Enugu State - 21st September 2022.**

The research further assessed how the incoming administration through their inauguration addresses is setting the tone for an enabling environment for civil society; both the Lagos State Governor¹⁹ and Kano State Governor²⁰ mentioned civil society in his May 29, 2023, inauguration addresses;

"We will continue to partner with other stakeholders, including civil society organizations, the private sector, and international development partners to create more effective, more transparent, and more accountable institutions that work to improve the lives of all citizens." - **Kano State Governor Inaugural Day Speech.**

"I am also incredibly grateful for the robust support we have consistently received from our revered Traditional Rulers, our esteemed Religious Leaders, and our proactive members of Civil Society Organizations, Community Development Associations and Community Development Committees" - **Lagos State Governor Inaugural Day Speech.**

In **Lagos**, the 150 EKO Aspire Women instituted by the Lagos State Government celebrate individuals and organisations on the front lines in the fight against gender-based violence, gender equality and in commemoration of International Women's Day. The recognition sees the Lagos State Governor personally signing letters²¹ addressed to women leaders of

organisations in different fields and sectors including the nonprofit sector²². Other days commemorated in the state relating to rights are democracy day (formerly May 29 and now June 12) and Human Rights Day is often left to the Ministry of Justice to commemorate while this is subject to funding and the priority of the political head.

¹⁹ <https://www.tvcnews.tv/2023/05/we-will-do-more-in-the-next-four-years-sanwoolu/> (accessed June 14, 2023)

²⁰ <https://kanofocus.com/2023/05/29/abba-kabir-yusufs-2023-inaugural-speech-as-governor-of-kano-state/> (accessed June 14, 2023)

²¹ <https://myschoolnews.ng/gov-sanwo-olu-celebrates-lasu-vc-prof-ibiyemi-olatumji-bello-recognizes-her-among-150-eko-aspire-women> and

²² https://m.facebook.com/story.php?story_fbid=pfbid07ZL1fBrSyUz-mtxEmGw3XP1a2PE8p2Xxd3xRhuqskYus8ugqPmxrcrauDu95RAv6mNI&id=1605701151&mibextid=Nif5ozand https://www.instagram.com/p/CapaFupijzj/?utm_source=ig_web_copy_link (accessed on 14 June 2023).

Compared with Lagos, no awards or honours are reported in **Borno, Enugu** and **Kano**. National Day of Democracy is commemorated by the State with only CSOs commemorating International Human Rights Day. Civil society organisations felt that the commemoration of international days and events is influenced largely by political interests and not necessarily to recognize the value of civil society.

Validation workshop participants noted that in Kano, “awards given so far are politically driven and selective”. In 2022, some CSOs were awarded certificates of honour by the office of the SSA to the Governor on NGOs. The government also awarded NGOs in commemoration of the World NGO Day in 2021 as evidenced by the Kano State Network of NGOs.



Long-term support and resources for civil society organisations

States can create and maintain an enabling environment for civic activity by investing in the development of civil society, taking measures to build participation capacities, especially for marginalized voices, and facilitating access to diverse funding sources and technology. Empowering and strengthening civil society capacities contribute to a protective environment (A/HRC/31/55).

Under this recommendation, only the Lagos State Government was found to have been publicly reported to provide grants to civil society organisations. The Ministry of Women Affairs and Poverty Alleviation²³ and the Office of Sustainable Development Goals and Investment²⁴ were the two agencies of government that led this effort. The Ministry of Women Affairs provided a N250,000 grant to 54 women focused nonprofits registered with the Ministry while the Office of SDGs and Investment, was “designed to award the sum of N5 million each to three winning ideas that target each of the

Sustainable Development Goals. In total, the grant seeks to fund 51 projects addressing SDGs targets (three projects per SDG) across Lagos state”.

In Kano, the Kano state government has funded the Open Government Partnership (OGP) where CSOs benefited from implementing activities. Some selected organizations were supported, some civil society groups were given cars, and some received support through the umbrella of OGP. In Lagos, the Lagos State Office for Disability Affairs (LASODA) provided a 5 million grant to provide a home for persons with disabilities in the state in December 2022.

A N500 million annual disability fund was established by Lagos State Special People’s Law (SPL) in 2016 to advance the cause of Persons with Disabilities which also includes support to civil society organisations working in the field of disability. There are allegations that the funds have been misappropriated²⁵.

²³ <https://www.youtube.com/watch?v=rCoq20Pvdf0>

²⁴ <https://lagosstate.gov.ng/blog/2022/11/30/lagos-launches-sdg-grant-for-ngos-others/> and <https://www.premium-timesng.com/news/top-news/564418-sdgs-lagos-launches-n255-million-grant-challenge-for-51-projects.html?tztc=1> and <https://punchng.com/lasg-screens-101-ngos-others-for-sdg-grant/>

²⁵ <https://tribuneonline.ng/persons-with-disabilities-sought-sanwo-olus-intervention-over-misappropriation-of-disability-fund/>, <https://von.gov.ng/lagos-state-empowers-persons-with-disability/> and <https://pmnewsnigeria.com/2019/02/12/am-bode-gives-n10-million-grants-1000-assistive-devices-to-plwds/>



Nurturing culture of volunteerism

In line with the recommendation, nurturing a culture of volunteerism by enabling students to work with civil society organizations, as is the case of human rights organizations in Hungary, has the potential to increase young people's interest in civil society work.

Initiatives offered by the business community, including law firms and networks, volunteer projects, or working for part of a year with civil society are similarly supportive of an environment conducive to civil society activity. In recognition of volunteering, the Federal Government established the Nigeria National Volunteer Service – “a volunteer management

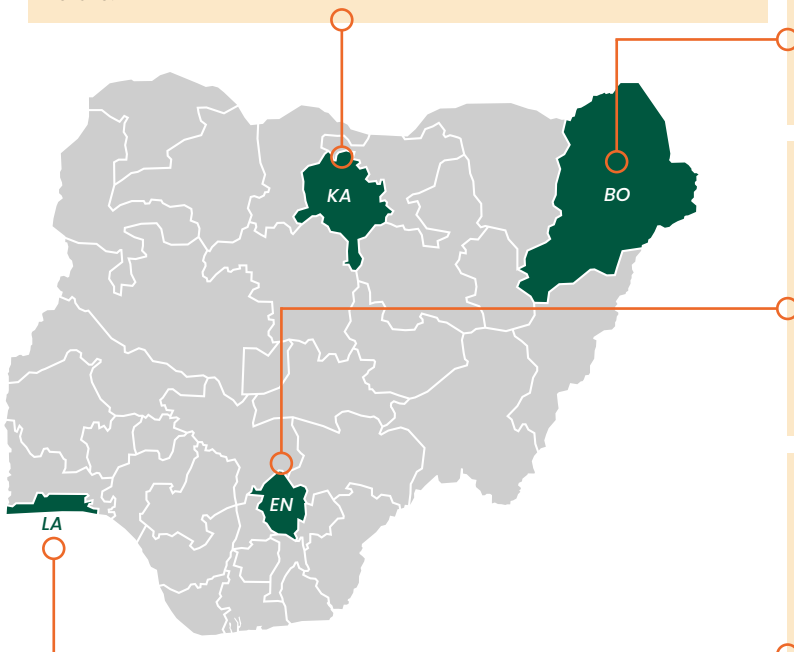
institution set up by the Federal Government to complement national development efforts through encouraging, harnessing, managing and effectively deploying volunteer services and activities of both Nigerians at home and abroad”²⁶. The Federal Government on Wednesday, 9th December 2020, approved the National Policy on Inclusive Volunteerism and its Action Plan for implementation. It will provide direction and guidelines for effective management of volunteerism for development. At the Federal level, the international volunteer's day is celebrated annually on December 5.

In **Kano**, civil society organisations reported that while students can volunteer, this is often driven by expectations for payment. Whereas volunteering is unpaid and paying expenses to remove barriers to volunteering for volunteers on a low income or with little spare cash is allowed, organisations are often not able to cover these expenses. Students of political science, social science, law, education, engineering, and medicine are fields that often volunteer. Corporate volunteering is not happening in the state.

In **Borno**, opportunities exist for students to volunteer including those undergoing national service under the National Youth Service Scheme (NYSC). Students from the fields of public administration, geography, social sciences, regional planning, and physical and health education are seen more often. Corporate organisations are reported to allow their staff to volunteer with civil society organisations in the state, however, this is not a frequent occurrence. Civil society organisations celebrate International Volunteer Day however this is not recognised by the state.

In **Enugu**, students and serving youth corps (NYSC) members can volunteer with civil society organisations across the state. They come from fields such as business administration, development, computer science, history, education, arts, and social sciences. Staff of corporate organisations are allowed to volunteer with CSOs, depending on partnerships that exist between both organisations. Civil society organisations have heard about International Volunteer Day however it has never been celebrated by the state.

In **Lagos**, civil society organisations felt that the culture of volunteering needs to be promoted as it is hard to find undergraduates interested in volunteering with nonprofits in the state. However, where students have been successfully recruited for volunteering, it is dependent on the availability of projects, with students coming from the fields of communication, biological sciences, zoology, botany, forestry, and fishery. Most organisations, however, have received corps members through the NYSC. In the opinion of focus group participants, corporate organisations in Lagos State are “in their own space. Because most of them have their own foundations, their staff most times volunteer directly there”. International Volunteers Day is not celebrated in the state.



BO: BORNO EN: ENUGU KA: KANO LA: LAGOS

²⁶ <http://nnvsnigeria.gov.ng/about/>



Addressing threats and attacks on civil society actors

Addressing threats and attacks targeting civil society actors should be part of building a tolerant culture. Across the focal states, civil society organisations reported that attacks on civil society actors are happening, though this may occur far apart in time in some instances. They opined that the level of threat depends on the nature of the work of the organisation, location, operations, and approach. However, instances of attacks were mentioned in Borno, Enugu, and Kano.

In **Borno**, instances of attacks on non-profit staff were cited such as kidnapping for ransom and shooting by military personnel. The government intervened by introducing reintegration programmes and providing security for the civil society actors including a framework for reporting such incidents to the Department of State Services. Validation workshop participants explained that the Northeast Peace and Security network provides a forum for NGOs and humanitarian actors to address issues relating to security and threats while encouraging further awareness of the network and how civil society organisations can access them.

Threats faced by civil society actors in **Kano** are linked to freedom of peaceful assembly. Protest leaders are sometimes arrested to prevent protests from being held. Actors advocating against government policy are often targets of government threats in the state, in most instances government rhetorics have been used in addressing such with no action. Actors affected have had to resort to using the services of lawyers in the civil society community.

In **Enugu**, human rights defenders often face threats because of their activities. The attacks can be subtle, and, in some cases, strategies used by the government include extra-legal means. The report of the panel set up to investigate the ENDSARS protests and make recommendations to the government is yet to be made publicly available. Civil society organisations have also demanded accountability in this regard²⁷.



Use of derogatory terminology

For instance, labelling civil society organisations and actors “foreign agents”, “moles” or “unpatriotic” in laws or in State-supported media, generally aims to deter criticism, discourage free expression, increase negative public opinion of civil society actors, and distract attention from the issues at stake. States have an obligation to protect people from acts by private individuals or entities that would impair the enjoyment of freedom of opinion and expression.

Across the focal states, respondents mentioned that public officials often do not use derogatory words about the sector publicly but have in private meetings used words such as “fake”, “unregistered”, “noise makers.” The only time civil society was used by the governor of Kano State in its democracy day speech was in a negative sense: “The AUTHORITY reports that while other states across the federation battle to contain with the anti-Federal Government protest organized by a

²⁷ <http://bitly.ws/Lcap>

section of the Civil Society Organizations, Kano state Governor, Dr. Abdullahi Umar Ganduje held a mega-political rally at Kano Pillars Stadium, Sabon Gari, where hundreds of members off the opposition parties were welcomed into the fold of the All Progressive Congress (APC)". The use of the word "section" is common within the corridors of power when describing civil society activities in relation to protests or anti-government policy and is used to connote only a few, not a majority. A framing that targets these actors and their organisations.

In **Borno**, civil society organisations working in the field of accountability have been accused of "brainwashing" and teaching community members to be "disrespectful" to their leaders. Words such as "thieves", "troublemakers" and "money launderers" are used especially when civil society organisations are demanding accountability in **Enugu**. For Kano, phrases such as "enemies of progress" "groups in opposition" "they are with the opposition party" in delegitimizing civil society.



Conclusion and Recommendation

This report presents a snapshot of the implementation of the practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned report of the United Nations Human Commissioner for Human Rights. It is the first known assessment report whereby sub-national trends in implementation will be assessed over time. It makes visible a complex picture of freedom of association while acknowledging the unique opportunity of “zooming in” on four states- Borno, Enugu, Kano, and Lagos

The research has shown mixed results in the implementation of the recommendations across the four focal states. With some exceptions, states scored low in creating a safe and enabling environment for civil society. Promising practices like those from the Lagos State Government around honours and recognition including funding for civil society are worth noting and reinforced. Modelling this initiative and expanding it to cover human rights defenders working in the areas of accountability will considerably improve civic space.

Regarding legal and minimal administrative provisions, states should favour the granting of permits and licenses rather than registering civil society organisations afresh since a single national registry already exists with the Corporate Affairs Commission. Focus on improving the legal environment should be in the areas where general licensing regulations already exist and those that affect public safety, health, or welfare. For example orphanages, homes for the elderly, child shelters and women shelters among others. Obtaining such licenses should not be stringent for civil society than those applicable to businesses and individuals. The responsible agency or unit for granting such licenses must be independent and where possible be a mixed commission.

Legal frameworks developed through meaningful consultation with civil society and passed by the state assemblies must be in place. While the Borno model of an agency set up by law is noted several concerns remained and they have been flagged in this report, especially those relating to interference and abuse of fundamental rights associated with freedom of association.

In addition to the minimum standards of conduct and requirements already set out in statutory regulations in CAMA and other 52 laws, policies, and regulations²⁸ guiding the operations of civil society organisations, civil society at the sub-national level should be encouraged to set higher standards of conduct and performance through voluntary self-regulation in areas such as setting standards for programs, organisational integrity, management practices, human resources, finance, communications and fundraising through codes of conducts and enforced through umbrella associations however, the law should not require membership in any specific umbrella organisation.

Of concern is the use of derogatory terms for civil society across 3 of the focal states, this does not show the value of civil society in a good light and may set up factors for public attacks or bashing. The use of derogatory words by public officials reflects a political struggle over the legitimate role of civil society organizations in public affairs as well as over the legitimate role of the state in regulating such civil society activities. Research findings point to the use of reputational attacks to discredit civil society by public officials involves three steps: First, a specific government promotes a specific set of basic appropriateness norms that define and limit the range of authorized CSOs and their operations. Second, individual CSOs are publicly delegitimized, that is, labeled as exceeding these boundaries.

²⁸ <https://nnngo.org/wp-content/uploads/2022/05/CIVIL-SOCIETY-REGULATORY-FRAMEWORKS-IN-NIGERIA.pdf>

Third, by doing so, governments indirectly damage the CSOs in question by harming their public image as can be seen in instances cited in Borno, Enugu, and Kano. Measures to reinforce the value of civil society through high-level messages by public officials would yield better results if their speech writers and officials themselves are educated on the damage negative comments have on the sector and that better results may be achieved if narratives are framed in ways that show the value of the sector.

Volunteers are the backbone of civil society, establishing mechanisms for improving access to volunteer opportunities and raising awareness of its benefits to undergraduates would help create an

environment where civil society organisations are able to attract talents and also serve as an avenue for citizens' participation an important element within a democracy.

Though attacks on civic actors are reported to be less frequent in the focal states, nevertheless research findings point to the need for adequate safeguards for protecting civic actors from threats or attacks. The government should seek to better understand the threats faced by civic actors and consider mechanisms for reporting such threats and attacks to security agencies including issuing public statements condemning such while also ensuring access to justice.

Specifically, and in the context of the recommendations, lessons, and best practices provided by the United Nations, it is suggested that governments at the Federal and State levels bear the following in mind to promote and protect civic space in Nigeria:

1 Minimal Legal and Administrative Provisions

To ensure minimal legal and administrative provisions for the promotion and protection of civic space at the sub-national level, the National Assembly should repeal Decree 12 of 1974. At a minimum State Assembly should deploy legal safeguards commensurate with the degree of civic space infringements associated with freedom of association to protect civil society organisations in their states. Administrative provisions should be found in the law, simplified with the use of online platforms, social media, and other resources to ensure consistent messaging on eligibility, scope, benefits (incentives to register), fees, and method of application among others.

2 Nurture a culture of Volunteerism

National and sub-national governments must genuinely, proactively, meaningfully, and constructively engage with a broad representation of civil society actors to support a more conducive environment for volunteering. Strengthen the Nigeria National Volunteer Service to shape and inform along with civil society input in the development and implementation of laws, regulations, policies, and other measures that can promote and make formal volunteering (individual and corporate) more attractive to citizens and as a way of participating in a democracy. Such laws must be domesticated by sub-national governments.

3

High-Level Messages and Honours

Civil society organisations do good work across Nigerian communities, as such keeping their work visible to stakeholders is imperative. National and sub-national governments must include these civil society organisations in their honours and award lists based on merit devoid of bias and partisanship. The increasing role of civil society organisations in a democracy has required that governments must use the right narratives and messaging in acknowledging and reinforcing their role in several thematic areas. Governments should therefore establish appropriate frameworks for recognising the contribution of civil society to local, state, and national development. While civil society organisations hold governments accountable to their promises and policies including pressures, policy makers must be wary of labelling these organisations as anti-government or opposition. Civil society organisations working in the field of accountability, democracy, and good governance must also do well to balance collaboration with confrontation.

4

Long-term support and Resources for Civil Society Organizations

National and sub-national governments must ensure a fair and non-partisan distribution of any public support to civil society organizations. This includes ensuring that calls for proposals and published and broadly disseminated and that all funds and benefits are distributed through clear and accessible application procedures and objectives, transparent and non-discriminatory. Consider creating flexible multiyear funding for schemes for civil society organisations to cover administrative expenses and support institutional and resilient building while ensuring that the provision of this support does not deprive benefiting organisations of their independence and is not used as leverage to control or excessively monitor them. Provide tax deductions for all private contributions and donations to not-for-profit organizations working towards public benefit objectives.

5

Existence of systems for self-regulation or co-regulation

The emergence of self-regulation mechanisms and the continued engagement of sub-national civil society networks/coalitions in the process guarantees extensive collaboration to fully deploy the harmonised code of conduct and improve the rate of voluntary adoption by civil society organisations. Civil society networks/coalitions should ensure that their members are mobilised to subscribe to the self-regulation models of their choice and such mobilisation activities are accompanied by adequate education and awareness including guides, toolkits, and templates to ensure those needing capacity receive the right resources and information to aid subscription. National and sub-national governments should support and incentivise these voluntary efforts of civil society to self-regulate but must refrain from mandating membership in any including networks/coalitions.

6

Addressing Threats and Attacks on Civil Society Actors

Attacks on civil society actors continue to happen at the sub-national level. National and sub-national governments must ensure that civil society actors can have access to effective remedies for violations of their right to access resources. Access to an independent, impartial, and effective judicial remedy. Make available legal aid to civil society organizations and actors to claim their rights and provide training to judges on international human rights norms and standards concerning freedom of association. Civil society organisations must work with parliamentarians to recognise violations of freedom of association and understand how these can be protected including how national security legislation may be used to deter civil society organizations.

7

Use of Derogatory Terminology

National and sub-national governments must develop clear policies and messaging on the value of inclusive and independent civil society and on the importance of respecting, protecting, and promoting civic space. Policy makers must engage in dialogue with civil society to prevent unintended consequences due to misrepresentation of the sector and explore strategies to counter misinformation, harassment, discrimination, and anti-democratic narratives targeting civil society. Include the positive role of civil society and their rights to fundamental freedoms in staff training and senior leadership briefings and speeches.

Appendix A

Validation workshop reports

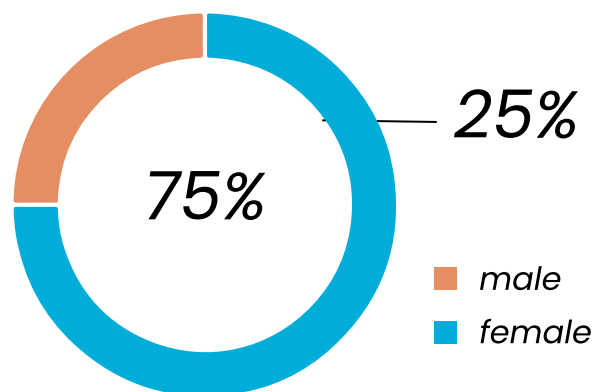
1. Enugu Validation Workshop Report:
<https://bitly.ws/T9NS>
2. Borno Validation Workshop Report:
<https://bitly.ws/T9Pp>
3. Kano Validation Workshop Report:
<https://bitly.ws/T9NC>
4. Lagos Validation Workshop Report:
<https://bitly.ws/T9PJ>

Appendix B

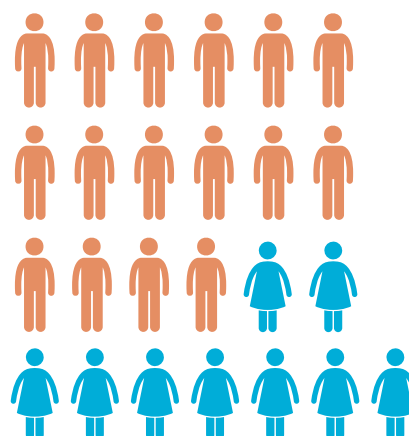
Participant's Details

Participant's Details

For the KII, participants were leaders of sub-national networks in the states with experience leading nonprofit organisations. Majority 75% of KII participants identified as male and 25% as female.



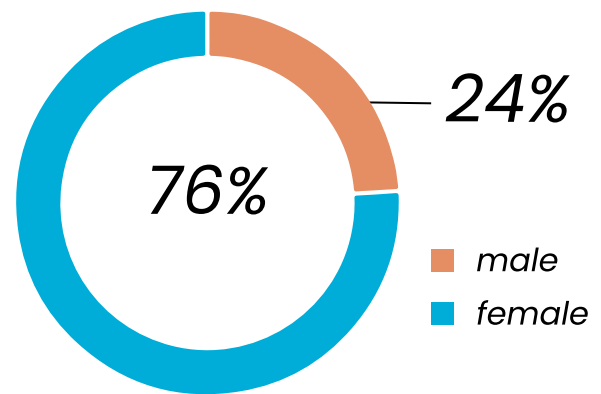
In the focus groups we had several participants who worked across programmes, management and governance roles and represented organisations working in the areas of human rights, democracy and good governance, advocacy, media organisations, coalitions, and networks. 16 identified as male and 9 as female.



For the validation workshop, in

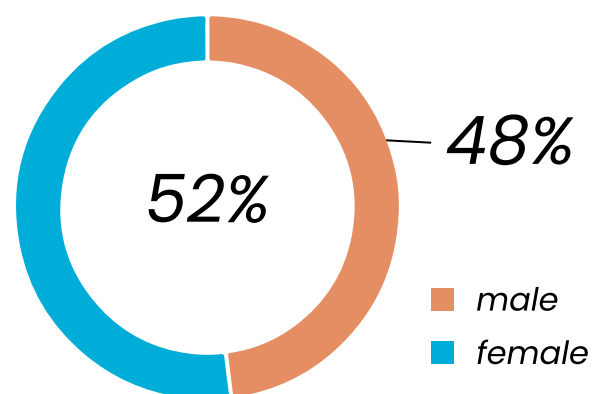
Lagos

A total of 25 participants including 4 persons with disabilities were in attendance which includes (6 males, 19 females, 7 youths comprising 7 females, 18 adults comprising 6 males and 12 females) from various government agencies and civil society organizations- Media organizations, Disability Affair Organizations, Networks, Government stakeholders and Human right defenders who all participated at the workshop.



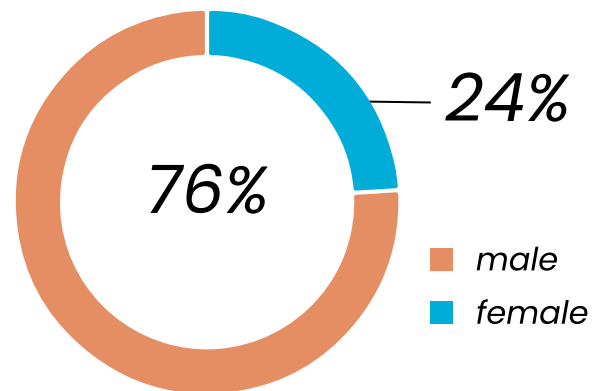
Enugu

A total of 25 participants were in attendance including (12 males, 13 females, 9 youths comprising 5 males, and 4 females, 16 adults comprising 7 males and 9 females) from various government agencies and civil society organizations- Media organizations, Networks, Government stakeholders and Human right defenders whom all participated at the workshop.



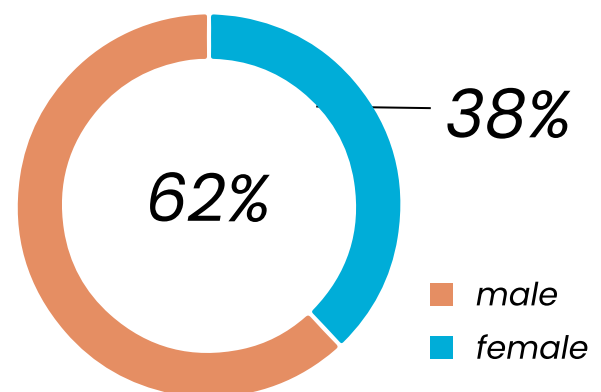
Borno

A total of 38 participants were in attendance including (29males, 9 females, 25 youths comprising 19 males, and 6 females, 13 adults comprising 10 males and 3 females) from various government agencies and civil society organizations- Media organizations, youth-led organizations, Networks, Government stakeholders and Human right defenders whom all participated at the workshop.



Kano

A total of 29 participants including 3 persons with disabilities were in attendance which included (18 males, 11 females, 10 youth comprising 5 males and 5 females, 19 adults comprising 13 males and 6 females).



Appendix C

Data collection methodology

Assessment Area Per A/HRC/32/20	Topic/Research Question	Sub-Topic/Research Question	Where can you find the information?	Who will contribute to the research?	How will you collect and analyse the information
<p>Freedom of Association</p> <p>Minimal legal and administrative provisions, favouring simple notification to a neutral body and available to all at little or no cost, with no compulsory registration requirement for basic operations, best encourage a diverse and independent civil society.</p>	<p>Minimum legal and Administrative Provisions</p> <p>Which law guides the registration or operation of non-profits in the State?</p> <p>For example, Borno: https://acsdhr.-bo.gov.ng/</p>	<p>Which agency of government/ministry registers civil society in the State?</p> <p>What are the requirements?</p> <p>How easy is it to register with the agencies?</p> <p>Are laws registering civil society in the State in line with Freedom of Association guidelines of the African Union?</p>	<p>Key Informant Interview (KII)-arrange online/telephone interviews with qualified representatives or organizations with the necessary knowledge, and practical experience to respond to the identified questions.</p> <p>Desktop research focused on the review of laws, existing research, and review of government websites, written information and interviews.</p> <p>FGD on the topic of non-profit registration in the States.</p>	<p>Civil society organizations in the focal States.</p> <p>Responsible agencies of government registering non-profits.</p>	<p>Develop in a table format a list of organisations in the focal state – human rights defenders, media, networks, individual non-profits. Organisations for KII will be identified and those for FGD also. All will be invited to the validation workshop. Mapping analysing responses will be developed for review by the project team.</p>

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<p>Systems for self-regulation or co-regulation have been developed or are being piloted in Norway and the Netherlands, providing for civil society organisations to work under the auspices of, and report to, umbrella organizations, which reduces the need for administrative resources and administrative costs and favours independence.</p>	<p>Existence of systems for self-regulation or co-regulation.</p> <p>What self-regulation mechanisms exist in the State?</p>	<p>Are Umbrella Associations recognised by the State as self-regulation mechanisms and treated as such?</p> <p>Are there standards or code of conducts for civil society organisations operating in the State?</p>	<p>Key Informant Information (KII)–arrange online/telephone interviews with qualified representatives or organisations with the necessary knowledge, and practical experience to respond to the identified questions.</p> <p>FGD on the topic of self-regulation in the States.</p>	<p>Civil society organisations and networks in the State.</p>	<p>Collate in a table format list of different civil society networks in the State. Networks to be invited to FGD and validation meetings.</p>
<p>Conducive public and political environment</p> <p>Ensuring that public freedoms are guaranteed by law and upheld by institutions is certainly a foundation for an enabling environment for civil society to work freely and independently. But it must be complemented by a political culture that recognizes the value of civil society and encourages its engagement.</p>	<p>High level messages, awards and honours.</p> <p>Are there awards and honours in the State recognising civil society's contributions?</p>	<p>Does the State support the commemoration of national or International Day of Democracy or Human Rights?</p> <p>What International Days does the State celebrate?</p> <p>Examples of high-level messages recognising or mentioning civil society's contribution.</p>	<p>Social media pages and websites of States and that of the Governors.</p> <p>Desktop research focused on information and interviews on International Days.</p> <p>Speeches of governors and other public officials for the mention or recognition of civil society. (2021 to April 2023).</p>	<p>Check each States Ministry of Information's website and social media handles as well for interviews and information on the activities of the State.</p>	<p>Develop a list of social media handles of all the states and that of their governors including official websites. Gather evidence of national and international days celebrated. Mapping of all speeches/interviews and links in a table format in excel disaggregated by instances where CSOs was mentioned.</p>

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	<p>Nurturing culture of volunteerism.</p> <p>Do students from federal or state universities domiciled in the State offer to volunteer with civil society organisations?</p>	<p>From what fields of study do these students come from?</p> <p>Do corporate organisations allow their staff to volunteer with civil society organisations?</p> <p>Does the State celebrate International Volunteer Day?</p>	<p>KII and FGD</p> <p>Desktop research focused on information on volunteering in the State.</p> <p>Websites or annual reports of big brands in the State for information on volunteer activities.</p>	<p>Big brands (Corporate Organisations) in the State.</p> <p>Check UNV and NNVS websites for information on volunteer activities in the focal states.</p>	<p>Develop a list of State and Federal institutions in the focal states. List of big brands with branches in the focal states, review if any has corporate volunteer programmes. Map IVD celebration in the State and information on volunteering.</p>
	<p>Addressing threats and attacks to civil society actors.</p> <p>How frequent are threats or attacks to civil society actors in the State?</p>	<p>When there are reports of an attack or threat to civil society actors, what role do the government play in addressing this?</p>	<p>KII and FGD</p> <p>Desktop research focused on reported attacks or threats to civil society in the focal states.</p>	<p>Major media outlets in the State.</p> <p>Human Right Defenders.</p>	<p>Map reported attacks on civil society actors disaggregated by government action to address such.</p>
	<p>Use of derogatory terminology</p> <p>Are there instances where political leadership in the State has used derogatory terminology to delegitimize civil society actors?</p>	<p>What derogatory words or terminologies are often used by political leaders in the State to delegitimise civil society?</p>	<p>Desktop research focused on speeches or statements by political leaders in the State labelling CSOs as foreign agents, moles, spy, unpatriotic etc.</p>	<p>Major media outlets in the State.</p> <p>Human Right Defenders.</p>	<p>Map instances across States.</p>

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