

Civic Space and COVID-19

Lessons from Governments' Response.

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Introduction

The coronavirus pandemic has profound consequences for citizens and businesses across different Nigerian communities as the virus continues to shape local, national, and global agendas towards addressing the triple crisis of health emergency, economy, and political instability. As Nigeria emerged from the lockdown following the COVID-19 crisis, the Nigeria Network of NGOs has been documenting lessons from the measures and the impact they have on civic space. This report is based on two sets of evidence:

>> Open-source tracking of government measures through official press releases and statements issued by national and sub-national governments on their websites and social media handles.

>> Indicators developed by NNNGO for measuring/assessing the impact of measures taken by States using the UN Special Rapporteur on Freedom of Association and Assembly's report on the promotion and protection of the right to freedom of opinion and expression and the Open Government Partnerships (OGP) guide to open government and the coronavirus: misinformation and protecting freedom of expression.

Specifically, this issue brief, the first in a series, analyses the trends we observed, in light of COVID-19 emergency; extent to which rights and fundamental principles associated with expression, assembly and participation were affected, drawing out lessons and recommendations for preparing for the next pandemic or future health crisis.

Civil Society's Response: Covid Measures

As national and sub-national governments reeled out measures to address the pandemic, civil society organisations rapidly responded to the pandemic, changing their ways of working because of restrictions on movement and assembly. Majority of their activities moved online while adapting to the realities and new needs of their beneficiaries. For example, in Ebonyi State, a nonprofit provided support to a mother of 4 children who was deserted by her husband because she gave birth to all girls.

She confessed that for over 3 years, her husband who resided in Onitsha had neither enquired after, nor supported her or the children. She had

worked at the Quarry mines in Umuogharu and before the COVID-19 period made an average of N400 (\$0.97) daily, hauling and carrying lumps of stones from mining pits 30 metres underground.

During the pandemic especially due to the lock down and restrictions, she could not go to work and or find support to feed her children and aged mother. This example is just one of the many responses to the pandemic by civil society organisations as tracked by the Nigeria Network of NGOs in its report "Civil Society Spending on Covid-19". [1]

Decision Making and Participation

We saw first-hand how the pandemic fundamentally undermined guaranteed rights and principles including those relating to decision making and citizens' input, essentially affecting the right to participate. While civil society and the public at large were rarely consulted in the

process of designing, implementing, or reviewing the emergency measures, policies and laws adopted, we documented as a lesson and best practice how the Ogun State Government through twitter consulted with citizens on its decision to ease the lock down or not. [2]

1. <https://nnngo.org/civil-society-spending-on-covid-19-march-june-2020/>

2. <https://www.facebook.com/oyebisi/posts/10158572753366579>

While civil society's response shows yet again the importance of the sector in supporting and representing the issues affecting the poor, marginalised and the vulnerable in our society the space to deliver this essential service during the pandemic was largely closed. For instance, a nonprofit delivering services to sickle cell patients could not provide medical support to its "clients" as a result of ban on freedom of movement - disallowing measures that respond to real needs of a group that needed their medications, supplied free of charge by the organisation.[3]

Whereas participation of civil society in the decision-making process could have helped prevent possible disproportionate, overbroad, and counter-productive responses by the government in this sense. These effects were not only witnessed by health-focused nonprofits; also limited were the activities of organisations providing services such as distribution of food items and PPEs to beneficiaries in rural and hard-to-reach communities. Designating some activities of nonprofits as essential during a pandemic or crisis is an imperative.

Given the uncertainties that surrounded national and global understanding of the pandemic, there is the need for the participation of citizens and citizen organisations in co-creating policies, measures and programmes that address the real needs of vulnerable groups including hard-to-reach communities in a timely manner and in ways that leave no one behind. The right to participate calls for a deliberate process through which those interested or affected are involved before decisions are taken.

Lessons from the Ogun State example of consultation using Twitter as mentioned above, the Nigeria Centre for Disease Control (NCDC) providing information through social media and its website[4] and public hearing held on the Infectious Disease Bill[5] show that the three main levels of participation of 1) access to information 2) consultations and 3) active involvement of the public through dialogue and partnership are possible during a crisis if government will prioritise participation in its response efforts.

Informing The Public

People depend on communication and connection for their optimal wellbeing. This is the case even in times of crisis and uncertainties. Underpinning the process of citizen participation in a democracy is the act of citizen communication (public information) on government plans and access to official documents in order to make opinion, comments, views and feed-back. Findings from our work revealed that while the legal framework for curbing the pandemic by the Federal Government is publicly available on the NCDC website[6] those of 4 (Lagos[7], Edo[8], Ekiti[9], Nasarawa[10]) out of the 36 sub-nationals are easily accessible as of 28 June 2021 at 5.36pm Nigerian time.

Evidence of consultation with civil society or the public on the legal frameworks are not available neither are there those of collaboration where responsibilities are jointly taken at all stages of decision making. For example, the Presidential Steering Committee on Covid-19 has till date only government officials and a representative of the World Health Organisation with[11] no clear strategy for engaging civil society or the public in its decision-making process (agenda setting, issues identification, drafting decision and implementation).

3-Key informant interview, NNNGO COVID-19 survey at <https://nnngo.org/nonprofit-covid19-survey/>

4-<https://covid19.ncdc.gov.ng/>

5-<https://www.channelstv.com/2020/05/12/refs-to-hold-two-day-public-hearing-on-infectious-disease-bill/?fbclid=IwAR1TLww-aA9A-Q5ajulzchQE2U1whOhnx7P2-wlinwJxYmZo7VfMCcFx070>

6-https://covid19.ncdc.gov.ng/media/files/COVID-19_REGULATIONS_2020_20200330214102.pdf

7-<https://www.proshareng.com/admin/upload/report/13300-Infectious%20Diseases%20Regulations%202020-proshare.pdf>

8-<https://www.aalex.com/wp-content/uploads/2020/04/EDO-STATE-DANGEROUS-INFECTIOUS-DISEASES-EMERGENCY-PREVENTION-REGULATIONS-2020-1.pdf-1.pdf>

9-<https://moj.ekitistate.gov.ng/wp-content/uploads/2020/03/JKF-COVID19.pdf>

10-<https://nsmoj.com/download/proclamation-made-pursuant-to-the-nasarawa-state-dangerous-infectious-diseases-emergency-prevention-regulations-2020/#>

11-<https://statehouse.gov.ng/covid19/members/>

Public information through different channels happened more at the national level than at the sub-national. Lagos, Ogun, Oyo, Ekiti and Kaduna led the way in providing information, yet again active involvement of civil society cannot be established, however there were information sessions organised by the Federal Ministry of Health, National Primary Health Care Development Agency (NPHCDA) and Federal Ministry of Budget and Planning that the Nigeria Network of NGOs and other civil society organisations attended.

Though formal mechanisms or platforms for dialogue between government and civil society were not in place, the sector remained active by convening amongst itself and with the donor,

multilateral agencies, and the International NGO community to identify issues, make recommendations, coalesce, and make proposals to government at all levels including through media engagements.

Engagement with the public on the Infectious Diseases Bill by the House of Representatives^[12] at a public hearing^[13], pushback by civil society^[14] and subsequent withdrawal of the Bill serve as an important lesson when thinking about the ability of civil society to influence the process, express and organise and example or case study in the implementation of the right to participate through public consultation in a democracy and during a crisis.

A Whole-of-Society Approach to Civic Space During Uncertainties

Issues of civic space can no longer be about restrictive civil society laws or limitations on fundamental freedoms imposed by the state. The pandemic has shown that the nature of civic space is evolving and must encompass respect for democratic principles, rule of law and accountable governance at not only the national but at the state and local government levels while serving as the bedrock of measures to address the pandemic including building back better.

With local governments serving as a platform for local leadership and participatory mechanism in a democracy, coordination and response to the pandemic were largely missing across local governments in Nigeria which was further complicated by a lack of autonomy.

The critical structure provided by local governments as the arm of government closer to the people and as a space for democracy and democratic innovation must be safeguarded as part of the whole-of-society approach to issues of civic space during and post COVID-19.

The role of protecting and reclaiming civic space through local democracy will require not just civil society but an array of critical stakeholders and a broader mobilisation of society at large across different levels of government—local, state, and national to safeguard from bottom-up the rights and fundamental principles already gained and ensure inclusive development as enshrined in the Sustainable Development Goals.

12-<https://www.premiumtimesng.com/news/headlines/391489-gbajabiamila-defends-infectious-disease-bill-promises-public-hearing.html>

13-<https://placng.org/i/wp-content/uploads/2020/05/Remark-by-the-Speaker-of-the-House-of-Reps.-Rep.-Femi-Gbajabiamila-on-the-Controversy-generated-by-the-Proposed-Control-of-Infectious-Diseases-Bill-2020.pdf>

14-<https://www.premiumtimesng.com/regional/ssouth-west/394836-csos-reject-controversial-infectious-diseases-bill.html>

As Nigeria continues to work to address the pandemic, local governments will be as key as possible to making decisions on how services are provided in communities including how the

vulnerable are supported in claiming their rights and in supporting national and state efforts to rebuild the economy.

Disinformation and Misinformation

To address “misinformation”, “disinformation” and “fake news”, sub-nationals have enacted criminal penalties for “fake news” ranging from a fine to six months imprisonment or both. While we are yet to see the implementation of this aspect of the law, NNGO tracked an incident of “fake news” in Ogun State where the perpetrator had raised an alarm over the bad state of the food supplied as palliative.[15]

Rather than prosecute the perpetrator, a public apology and a recanting of the statement via the same platform where the fake news was shared was demanded. Awareness of these laws and provisions among citizens remains low hence it is difficult to ascertain if this has caused any uncertainty. It is important to ensure that this aspect of the quarantine laws do not affect the ability of citizens to criticise governments response. The effect of this provision in the law on freedom of expression will have to be examined.

Disinformation was a major issue during the crisis. The efforts of the National Centre for Disease Control in countering the narrative around fake news and disinformation through its social media platforms and other channels testifies to the role of responsive and open communication in a crisis. Proactive campaigns to address disinformation by civil society organisations such as Center for Democracy and Development through its fact checking initiative was effective in addressing issues of fake news.

Themes of disinformation that we tracked to have emerged during the pandemic included those on 5G, quack remedies, conspiracy theories around the vaccine, skepticism about the existence of the virus and false narratives containing multiple misleading claims. Tackling the menace of disinformation and misinformation will continue be the role of both government, private sector and civil society as we emerge from the crisis.

Online Opportunities for Public Participation and Meaningful Connectivity

Consumption of news during the pandemic doubled via apps and websites including social media. The crisis spurred creativity of citizens and civil society as majority of their activities moved online. In the face of the uncertainties, internet and digital technologies could provide an avenue for meaningful participation especially when social distancing orders were and are still in force. As can be seen from the pandemic, online opportunities for public participation no doubt come with their own challenges, from high connectivity to affordability and accessibility.

According to the Alliance for Affordable Internet “We have meaningful connectivity when we can use the internet every day using an appropriate device with enough data and a fast connection”[16] therefore internet coverage at an affordable rate “where 1GB of mobile broadband data is priced at 2% or less of average monthly income”[17] is crucial for all populations especially the vulnerable—elderly, persons with disabilities, young people, women, rural population, internally displaced persons and children.

15-<https://www.facebook.com/oyebisi/posts/10158444135956579>

16-<https://a4ai.org/meaningful-connectivity/>

17-<https://a4ai.org/affordable-internet-is-1-for-2>

Recommendations: Policies, Systems And Culture

- 1** Establish mechanisms for citizens and citizen organisations to give input to government through consultations, public invitation for submissions, designated email addresses, social media polls and chats for suggestions regarding key issues relating to the pandemic and a feedback system that shows how these inputs have been used in drafting responses to the pandemic.
- 2** Include civil society representatives in the membership of the Presidential Steering Committee on COVID-19 or other policy and decision-making committees.
- 3** Reinforce the oversight role of the National Human Rights Commission^[18] as it launched a call for the respect of human rights and the public to submit evidence of human right violations.
- 4** Through consultations with civil society organisations, designate some activities of nonprofits as "essential services" in crisis.
- 5** Reinforce and reaffirm the role of local governments in a democracy and in ensuring the delivery of essential services to communities across the country.
- 6** Implement policies and programmes that will bring down the cost of internet, mobile devices and accelerate action on the country's broadband plan.
- 7** Establish a multistakeholder platform that consists of government, business, civil society, digital technology platforms and citizens to provide oversight on content moderation and develop policies for addressing fake news, disinformation and misinformation.

¹⁸<https://www.facebook.com/NHRCMRU/photos/a.169932116757431/955199694897332/>and <https://www.facebook.com/oyebisi/posts/10159330692746579>

About NNNGO

NNNGO is the first generic membership organisation for nonprofits in Nigeria dedicated to improving the operational environment for nonprofits. NNNGO brings together more than 2,700 nonprofits from around the country focused on education, health, environment, gender, agriculture, social protection, youth, poverty, good governance, and other areas of progressing national development. Since 1992, NNNGO has worked to advance the common interests of the sector, providing programs that advance national development, civil society legitimacy, transparency, and accountability.

www.nnngo.org

Disclaimer

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