



Managing **COVID-19** with a Focus on Civic Freedoms

This document which has been prepared by the Nigeria Network of NGOs with funding from the International Centre for Not-For-Profit Law breaks down data on the impact of governments' measures to address COVID-19 on Civic freedoms.



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Acknowledgment

This report has been produced by a small team of staff at the Nigeria Network of NGOs. Oyebisi, B. Oluseyi was the main author of the report and led the research team. Oyindamola Aramide led the data compilation team and gave research support. Chdinma Okapara played a major role in improving the methodology.

Adeola Odunsi, Abbas Busari, Tobi Akande, Boluwatife Akanu, Oluwafunmilayo Agbajuni provided excellent contributions. Finally, NNNGO is extremely grateful to the International Center for Not-for-Profit Law for financing the work which has produced this report.

Scope, Strength, and Limitations of the Data

The assessment featured a complete set of indicators developed for the first time from recommendations by 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. These indicators were identified to analyse the state of play between March 2020 and September 2021 towards four broad indicators - (i) open response, (ii) due process, scope, and limitations, (iii) countering misinformation, disinformation, and hate speech and (iv) expanding digital access (v) open recovery and reform (vi) raising awareness and training (vii) regulating the media environment and (viii) sanctions and accountability along with 26-sub indicators drawing on different methodologies and assessment criteria.

No single measurement method can fully capture some of the complex issues related to

“being honest with people” which is at the heart of open response to addressing the pandemic. Government, donors, and civil society organisations will find this report useful and inspirational, as it is the first of its kind in providing indicator measurement for assessing what “good response to managing a pandemic” looks like hence, it can be used by governments at the federal and state level to evaluate their own current state of affairs in relation to how they responded to the Covid-19 pandemic since it started.

The method used to measure government's response has both strengths and limitations. A key strength is the depth of the data. For example, on open response, there are indicators on information sharing across mainstream media where data to assess it was mined from numerous sources. As with any data exercise, the method has data gap limitations since majority of states do not have data for all indicators which makes cross-state comparisons more difficult.

Introduction

The Coronavirus disease outbreak (COVID-19) has since December 2019 affected many and as of 2021, countries continue to reel from the economic, social, fiscal and health upheavals caused by the disease. Because of the novelty of the disease, governments at all levels were challenged by the uncertainty that comes from lack of sufficient information and thus, inability to appropriately plan.

Although, the disease in its heterogeneity manifested differently across countries – with many African countries reporting lesser deaths and infections than their European counterparts, the national and subnational management of the pandemic has had huge implications on the lives and livelihood of humans across the world and especially in developing countries like Nigeria where there is a predominant lack of social protection and access to quality health care which have remained serious concerns for decades.

To understand the long-term implications of pandemics especially from a human rights perspective along with policies that might be considered timely and effective in dealing with novel disease outbreaks, possessing a dataset

on the timing, appropriateness, and stringency of responses of governments across the country is key. This paper on governments' responses is sourced from the NNGO covid19 Tracker on state government actions, the Nigeria Centre for Disease Control website, press releases, traditional and social media sources of government and government agencies along with a data validation exercise conducted among civil society organisations.

This report takes a look at the human rights implications of governments' responses – communication, crisis management and policy responses in its different dimensions: health, economic and social using indicators based on the United Nations 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. It provides data on the actions undertaken by national and subnational governments to help mitigate the territorial effects of the crisis and offers lessons on managing future pandemics based on these.

Background

Nigeria reported its first COVID-19 infection on February 27, 2020, and the country has since then recorded over two hundred thousand (200,000) cases with more than 2,000 deaths spanning across the 36 states of the country. In response, the Federal government of Nigeria kickstarted series of actions which snowballed into an infectious disease control strategy to respond and rebuild government public health workforce and systems to address the coronavirus pandemic.

The Presidential Task Force, a high-level team headed by the Secretary to the Government of the nation adopted a National COVID-19 Multi-Sectoral Pandemic Response Plan which serves as a blueprint for a whole-of-Government response to the pandemic with a mandate to advise

government on measures in view of containing the spread of the COVID-19 disease and ensure the safety of lives of Nigerian citizens.

Measures undertaken by government ranged from lockdowns to curfews, travel bans, school closures, stay-at-home-directives, enforcement of social distancing, economic policies, testing requirements, quarantine. <https://www.pwc.com/ng/en/covid-19/government-covid-19-response-measures.html>. After the lifting of travel bans, measures taken included but were not limited to mandatory testing for COVID for incoming and returning travellers, quarantine and have now evolved into talks around vaccinations.

The pandemic and containment measures introduced by the government had devastating

economic influence especially as social protection responses by government was initially slow and when it came, inadequate. The impact of a five-week lockdown on the informal sector was especially huge as citizens who relied on daily earnings were largely affected by the inability to make income due to restriction on movement and mandatory closure on places of business. This coupled with job losses and pay cuts in the formal sector owing to revenue loss by corporations plunged many Nigerian families deeper into poverty.

In a report released in July 2021 titled **Between Hunger and the Virus**, Human Rights Watch noted that "These levels of hunger are almost double what Nigerians experienced prior to COVID-19." <https://www.hrw.org/report/2021/07/28/between-hunger-and-virus/impact-covid-19-pandemic-people-living-poverty-lagos#:~:text=The%20report%2C%20%E2%80%9C'Between%20Hunger,dwellers%2C%20and%20other%20urban%20poor>

Other human rights implications of the pandemic and government's actions or inactions (in this case) are the spike in cases of gender-based violence, lack of timely, adequate, and effective communication to local communities on the disease which left them vulnerable to infection and endangered others etc.

Methodology

The research was qualitative and used documentary methods. The sources of data for the study included the Coronavirus dashboard of the Nigeria Centre for Disease Control (NCDC) website, <https://covid19.ncdc.gov.ng/> the Nigeria Network of NGOs Covid-19 Tracker on State Government actions <https://covid19.nnngo.org/>, open-source online search for information on government website and social media handles, desk reviews of covid related legislations and news reports. Data for this report was based on an extensive desk research conducted by the NNNGO team from February 2020 to September 2021 using several evidence-based sources ranging from news articles published by reputable news organisations, government's social media handles and that of citizens' organisations.

As Nigeria emerged from the lockdown following the COVID-19 crisis, the Nigeria Network of NGOs (NNNGO) embarked on qualitative research to monitor government's enforcement of legislative measures and conduct analysis of the impact of these measures on civic freedoms in line with recommendations for a human rights-based approach to COVID-19 from human rights mechanisms.

NNNGO is committed to reporting on the civic space dimensions of the COVID-19 pandemic. Our work in this respect identified four indicators and sixteen sub-indicators to guide a civic space-compliant response by government at the national and sub-national level to the crisis that covers open response, due process, misinformation, hate speech and digital access. We identified a large variety of responses at the sub-national level, some of which are positive and others worrisome. The positive examples we have mentioned in this report are flagged as evidence of policy choices or actions that are available to government at all levels and which they can adopt as they consider their civic space protection obligations during a pandemic. The inclusion of an example should not be taken as an endorsement or critique of the government's entire process to addressing the crisis.

Primarily based on information sources directly from public statements made on government websites, social media handles and news articles from reputable organisations, this data or information have not been independently verified by NNNGO as this is practically impossible. Further data were gathered from a Focus Group Discussion and data validation exercise conducted among civil society organisations hosted by the Nigeria Network of NGOs in Ibadan, Oyo state.

The period of coverage for the study (between February 2020 and September 2021-Week 9, 2020 to Week 39, 2021) spans the first, second and third waves of the Covid-19 disease infection in Nigeria. During the period, the country witnessed **206,138** cases and **2,723** [1].

1-<https://ncdc.gov.ng/diseases/sitreps/?cat=14&name=An%20update%20of%20COVID-19%20outbreak%20in%20Nigeria>

This period experienced imposition of a lockdown at national and subnational levels, restriction on movement, school closures, travel bans across the country. At some point in this period, there was partial and eventual easing on these measures and gradual return to normalcy with regards to activities across the country.

To carry out this research, indicators based on the United Nations 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 to assess the government's response to the COVID-19 Pandemic at the federal and state levels looking at how the drastic measures deployed to contain the pandemic affected and continue to affect civic freedoms.

We acknowledge the significant uncertainties involved in such an exercise but believe our approach is a useful way to frame and assess

government's response to the pandemic and how they vary across states and at the federal level. The methodology is designed to provide accurate information with many of the sub-indicators relying on a large amount of data. The assessment is structured along 9 key indicators, ordered by 26 sub-indicators enabling a variety of different ways to measure the state of play in addressing the pandemic across the 36 States of the Federation and actions of the Federal Government.

A systematic review of data gathered was benchmarked against the indicators. Several full text articles and publications were read to identify lessons, best practices and recommendations that merit our research criteria and that were of sufficient quality. Our analysis was conducted with the understanding that some of the data sources do not document the entire scope of events but provides insight into happenings and potential turn out of events. The report has just one goal to learn and improve on improving on civic space during a pandemic.

The Indicators

Published in April 2020, the United Nations Special Rapporteur on Freedom of Association and Assembly's report on the promotion and protection of the right to freedom of opinion and expression was drafted in view of concerns by the UN SR on Freedom of Opinion and Expression that "some national and international measures to combat the COVID-19 pandemic may be failing to meet international human rights standards related to freedom of expression" The report underlined areas key to ensuring that national and international measures adopted by government indeed meet these human rights standards: **limitations to the right to access, impart and receive information, restrictions to Internet access; threats to journalism; public health disinformation and an increasing use of surveillance tools.**

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ReportDiseasePandemics.aspx>

These key areas along with recommendations from the Nigerian Open Government Partnership Secretariat around **open response** and **open recovery reform** which speaks to the concern around the rapid spread of misinformation and disinformation especially at a time when information sharing is pivotal to the safety of lives and containment of the spread of the Covid-19 disease were further delineated into specific statements primed to gather specific data on government's attention to human rights indices specifically around rights to expression, access to information, protection and legislation, in its implementation of Covid-19 management.

<https://www.opengovpartnership.org/documents/a-guide-to-open-government-and-the-coronavirus-misinformation-and-protecting-freedom-of-expression/>

Open Response

■ *Government should proactively share relevant information in a timely manner, updated on a regular basis*

■ *Publish information across mainstream media, social media channels and through mediums and languages accessible to*

segments of the population across the digital divide.

- Government should designate official spokespersons and data sources in relevant government departments to minimize the likelihood of conflicting messages.

At the federal level, the [Nigeria Centre for Disease Control \(NCDC\)](#)^[59] proactively shared necessary information regarding the COVID-19 pandemic from number of new cases, number of deaths to number of recovery and overall number of cases. Information is updated on a daily basis and [errors acknowledged](#) ^[2]. Citizens are able to access the information via the Centres website and social media handles in infographics, motion graphics and text formats. A dashboard providing real time information was also published by the Center at (<https://covid19.ncdc.gov.ng/>) . All

communications and guidelines issued on the containment of the virus and how citizens and health care providers can protect themselves are publicly available at <https://covid19.ncdc.gov.ng/guideline/> and <https://statehouse.gov.ng/covid19/> . Information were largely in English language and on few occasions we saw published information in [Yoruba](#) ^[3], [Hausa](#) ^[4] and Igbo by the Centre.

Videos, infographics, fact sheets, weekly situation reports, audio commercials in different languages via a dedicated covid-19 NCDC website and social media pages were produced.

The NCDC Connect Centre was also created to manage NCDC toll-free lines, WhatsApp, Telegram, and text messaging platforms. Media stations produced programmes and information sharing videos and audios on covid-19 while newspapers seem to rely more on their social media platforms to share information on the disease. SMS to raise awareness on the pandemic were also shared with mobile phone subscribers. The Federal Government established a [Presidential Task Force](#)^[5] to coordinate and oversee the country's multi-sectoral inter-governmental efforts to contain the spread and mitigate the impact of COVID-19 pandemic. The Task Force headed by the Secretary to the Federal Government who doubles as the spokes person.

Across sub-nationals, [Lagos](#)^[6], [Ekiti](#)^[7], [Ogun](#)^[8], and [Kaduna](#)^[9] were more proactive than others in sharing information about the pandemic using multiple channels- state social and governor's social media handles. All of the 36 states except Kogi share one information or the other on the pandemic on their social media handles. The State Governors of each state were designated incident commanders and have in place state task forces on COVID-19 except Kogi.

Most states except for a few (Lagos, Ekiti, Rivers, Akwa Ibom, Ogun who still posted in August and September respectively) seemed to have stopped actively posting updates on their SM sites since March 2021 (the beginning of vaccination talks). States also provided data to NCDC for dissemination at the Federal level which fed into the larger fact sheet for NCDC updates.

Due Process, Scope, and Limitations

- Ensure that emergency powers that temporarily restrict these constitutional rights are subject to limitation within the frameworks, such as the International Covenant on Civil and Political Rights
- .Ensure the emergency powers' scope and limitation are clearly defined, including procedural and legal requirements as well as the right to recourse under the domestic constitution

2-<https://www.facebook.com/profile/100064649291568/search/?q=error>
3-https://www.facebook.com/permalink.php?story_fbid=3139259979470337&id=1042952012434488
4-https://www.facebook.com/permalink.php?story_fbid=3083994928330176&id=1042952012434488
5-<https://statehouse.gov.ng/covid19/objectives/>
6-<https://www.facebook.com/followlasg>
7-<https://www.facebook.com/ekitistategov>
8-<https://www.facebook.com/ogsgofficial>
9-<https://www.facebook.com/profile/100044610211459/search/?q=COVID>
59-<https://www.ncdc.gov.ng/>

- *Strengthen legal frameworks on the role of national human rights institutions and create mechanisms for them to partner with civil society to carry out their role*
- *Ensure that limits to freedom of expression for the purpose of pursuing legitimate aims, such as tackling corruption and cybersecurity are legal and proportionate.*
- *Institute stronger recourse measures to end impunity related to attacks on journalists and media personnel.*

The Federal Government in a bid to curtail the spread of COVID-19 rolled out measures that restricted the constitutional rights of citizens to movement and assembly through travel bans (inter-state) and ban on large gatherings—restricting it to 20 at first and 50 in its report on the [state of attacks](#)[43] on journalists in Nigeria in year 2020, the International Press Centre documented “not fewer than forty-eight (48) cases of attacks on journalists and eight (8) attacks on media outlets in Abia, Abuja, Adamawa, Akwa-Ibom, Anambra, Bayelsa, Borno, Delta, Ekiti, Edo, Ebonyi, Enugu, Imo, Kaduna, Kogi, Lagos, Nasarawa, Ondo, Osun, and Rivers.

The following attacks on journalists were documented during the COVID-19 pandemic:

March 28, 2020: Punch Newspaper circulation vehicle was attacked by the Military on its way to distribute one of its titles to states in the South-South region. The windscreen was destroyed alongside the tyres.

April 1, 2020: Michael Ikeogwu (NUJ Chairman, Delta State) and Mathew Omonigho of Daily Post were assaulted by men from the Delta State Task Force on Environment in Uvwie Local Government Area of the Delta State while there to monitor the stay-at-home order by the

government as a measure taken to curtail the spread COVID-19 pandemic in the state.

April 15, 2020: Linus Chima and the Delta Broadcasting Service team were assaulted by security agents for covering scenes of clear violation of the social distancing directive by both the federal and state governments.

April 15, 2020: Norbert Amede a photojournalist with Pointer Newspaper, was assaulted by men of the Nigerian Police at Ibusa, Oshimili North Local Government Area of Delta State.

April 15, 2020: Jide Bello of NTA was molested and bruised while returning home from work by Soldiers of the 32 Artillery Brigade, Nigerian Army, Owena Cantonment, Akure, Ondo State.

people much later. There were limits on the number of days the restrictions would last and reviewed or extended on the average monthly. Restrictions at the sub-national level followed the same order. The Quarantine Act 2004, [COVID-19 regulations 2020](#) [10] and [Coronavirus Disease \(Covid-19\) Health Protection Regulations 2021](#) [11] provided the procedural and legal requirements for the restrictions in Lagos, Ogun and the FCT. The Coronavirus Disease (Covid-19) Health Protection Regulations 2021 provided a summary conviction for all offences relating to the regulation.

Sub-national governments also passed Coronavirus (prevention of infection) regulations in their various domains. We tracked news of the regulations and laws in [Abia](#) [12], [Adamawa](#)[13],

[Akwa Ibom](#)[14], [Anambra](#)[15], [Bayelsa](#)[16], [Ebonyi](#)[17], [Edo](#)[18], [Ekiti](#)[19], [Kwara](#)[20], [Kaduna](#)[21],

10-https://covid19.ncdc.gov.ng/media/archives/COVID-19_REGULATIONS_2020_20200330214102_KOHshnx.pdf
 11-<https://www.health.gov.ng/doc/PTF-COVID-REG.pdf>
 12-<https://puoreports.ng/2020/04/17/covid-19-ikpeazu-signs-abia-state-infectious-disease-regulations-2020/>
 13-https://www.vanguardngr.com/2020/04/covid-19-fintiri-signs-restriction-order-into-law/?_cf_chl_captcha_tk__=pmd_b2240e69a655605544b93309e662bf55a5ed95de-1629118816-0-gqNtZGzNA42jcnBszQj6
 14-<https://www.vanguardngr.com/2020/03/gov-emmanuel-signs-quarantine-restriction-of-movement-law/>
 15-<https://www.premiumtimesng.com/regional/ssouth-east/388434-anambra-assembly-passes-covid-19-infectious-disease-prevention-eradication-bill.html>
 16-<https://guardian.ng/news/bayelsa-domesticates-quarantine-act-as-diri-signs-executive-order/>
 17-<https://guardian.ng/news/umahi-signs-covid-19-other-infectious-diseases-emergency-prevention-bill-into-law/>
 18-<https://www.vanguardngr.com/2020/04/obaseki-invokes-quarantine-act-firms-up-response-to-covid-19/>
 19-<http://moj.ekitistate.gov.ng/wp-content/uploads/2020/03/JKF-COVID19.pdf>
 20-<https://www.vanguardngr.com/2020/04/kwara-commences-contact-tracing-of-75-persons-over-confirmation-of-two-victims/>
 21-<https://www.facebook.com/govkaduna/photos/text-of-state-broadcast-by-malam-nasir-el-rufai-governor-of-kaduna-state-on-the-/1453129764871619/>
 43-<https://www.ipcng.org/wp-content/uploads/2021/05/2020-REPORT-ON-STATE-OF-ATTACKS-ON-JOURNALISTS.pdf>

Lagos[22], Osun[23], Oyo[24], and Nasarawa [25] states.

The National Human Right Commission of Nigeria is accredited a “A’ status under the Paris Principle from 2006 to 2020. The Commission created a toll-free line[26] for citizens to report rights violations, issued statements[27] in support of protection of rights and also tracked human right situations and violations[28] relating to the pandemic.

In line with its normative and rule-making mandate, the Commission issued guidelines and advisory opinions to national and state governments on protecting the human rights of vulnerable groups in the COVID-19 response, these include: The Standard Minimum Guidelines for Human Rights of COVID-19 Patients in Treatment Centres in Nigeria[29] and the Advisory Opinion on the Protection of the Rights and Dignity of Almajiri Children in COVID-19 Response[30].

Countering Misinformation, Disinformation and Hate Speech

- Designate specific units within government that can immediately identify and counter misinformation trends, while avoiding punitive measures that could lead to censorship.
- State agencies should refrain from conducting propaganda campaigns. Media and civil society have an important role to play in monitoring and flagging state led disinformation campaigns.
- Ensure that any new executive orders or legislation that target hate speech meet the limits of proportionality, necessity, and legality as outlined in international human rights law.

- Ensure that accountability and redress for curbing hate speech on social media platforms lies with the government rather than the online platforms themselves.

NCDC seems to be the unit designated by government to identify and counter misinformation trends as can be seen from their [campaign against fake news](#)[31] including how they have provided rapid response on fake news associated with the pandemic. A COVID-19 Rumour Response[32] – a team of partners including the Center for Democracy and Development (a civil society organisation) was set up by NCDC focusing on countering disinformation in Nigeria. The Governor of Kogi State, Yahaya Bello reduced

22-https://pwc-nigeria.typepad.com/tax_matters_nigeria/2020/03/lagos-state-infectious-diseases-emergency-prevention-regulations-2020.html

23-<https://www.tekedia.com/on-the-quarantine-act-in-ekiti-lagos-and-osun-states>

24-<https://oyostate.gov.ng/oyo-govt-to-pass-covid-19-emergency-regulations-into-law/>

25-<https://nsmoj.com/download/nasarawa-state-dangerous-infectious-diseases-emergency-prevention-regulations-2020/>

26-https://www.facebook.com/154441408306502/photos/a.169905946760048/1143076409442992/?__cft__%5b0%5d=AZXcEV4suki3yxsNorHXXuVyw_2FOniMJb7rbUgCv39v85hl-SX_f7ppFKw9zzKDKsvgA3aOdPZCJfDf4KE5QsmZRyYX199wWNkE-glnPxPRRmje5sWE0kGyu-JLPW00JNCfYEnfBLwLH5X0izakRlaY&__tn__=EH-R

27-<https://www.facebook.com/profile/100064851333988/search/?q=pandemic>

28-<https://www.nhrc.gov.ng/nhrc-media/press-release/104-report-of-alleged-human-rights-violations-recorded-between-13th-april-to-4th-may-2020-following-the-extension-of-the-lockdown-period.html>

29-<https://www.nhrc.gov.ng/publications/107-standard-minimum-guidelines-for-the-human-rights-of-covid-19-patients-in-treatment-centres-in-nigeria-2020.html>

30-<https://www.nhrc.gov.ng/nhrc-media/press-release/110-protection-of-the-rights-and-dignity-of-almajiri-children-in-covid-19-response.html>

31-<https://www.facebook.com/profile/100064649291568/search/?q=fake%20news>

32-<https://www.cddwestafrica.org/2020/06/12/covid-19-we-must-work-together-to-fight-fake-news-ncdc/>

the [pandemic to just a flu](#)[33] and Governor of Cross Rivers, Ben Ayade [dismissed the need for social distancing](#)[34][35].

There are provisions for the prohibition of misinformation and fake news in the state regulations. For example, the Ekiti State Coronavirus (prevention of infection) regulations prevents the publication of any statement, through any medium including social media, with the intention to deceive any other person about Covid-19. Yet, the regulation does not limit any powers or indemnities of law of agencies provided for in any law.

On August 4, 2020, the Federal Government launched[36] the reviewed sixth Broadcasting Code of the National Broadcasting Commission (NBC). Among other things, the code prohibits hate speech and raised the fine from 500,000 to 5million Naira. August 13, 2020. The Board of the NBC kicked against the amendments to the sixth edition of the Nigeria Broadcasting Code.

Accordingly, management of the Commission did not undertake a proper consultation before making the amendments to the code noting that the amendments to the code were capable of destroying investments in the nation's broadcast sector[37].

Though not related to COVID-19, on August 13, 2020- the NBC fined Nigeria Info 99.3FMLagos[38] (a radio station) for unprofessional broadcast. Accordingly, this was as a result of the 'unprofessional conduct' of the Station in the handling of the Programme, "Morning Cross Fire", aired on August 10, 2020, between 8.30am and 9.00am. This was expected to serve as a deterrent to all other broadcast stations in Nigeria who are quick to provide a platform for subversive rhetoric and the expositions of spurious and unverifiable claims, to desist from such.

Following the Twitter ban, NBC directed all social media platforms and online broadcasting service providers operating in Nigeria to apply for a broadcast license. This was followed by a controversial amendment to the NBC Act which sought to stifle media organizations. These actions have prompted huge protests from all the major media houses in Nigeria, with each outlet publishing a front-page advertisement campaigning against undue media regulation in the country[39].

Expanding Digital Access

■ *Open, secure, and accessible internet is particularly key for essential workers and the public to access critical information in a timely fashion and also gain access to economic markets and resources. Governments should refrain from blocking access to the internet or placing restrictions*

Using the Facebook, Google transparency reports and Internet Society Pulse as the data

source for this indicator, internet was open, secure and accessible until June 4, 2021 with [bam on Twitter](#) [40].

On September 9, internet shutdown in [Zamfara](#) [41] was activated and in [Kaduna](#)[42] on September 29 2021 to combat a spate of banditry and ransom-seeking kidnappings plaguing the region.

33-<https://www.facebook.com/553619271453229/videos/1557057917778710/>
34-<https://www.lindaikajisblog.com/2020/4/covid-19-you-dont-need-social-distancing-when-you-put-on-protective-mask-cross-rivers-state-governor-ben-ayade-tells-residents-video.html>
35-<https://gga.org/covid-19-when-a-governor-believes-its-a-hoax-and-ordinary-flu/>
36-<https://www.channelstv.com/2020/08/04/fg-launches-amended-broadcasting-code-says-hate-speech-fine-now-n5m/>
37-https://www.channelstv.com/2020/08/13/nbc-board-disagrees-with-lai-mohammed-rejects-amended-nbc-code/?fbclid=IwARIWFerd48Syf_QSQ8m6XVdZ2behz5uMgXo5ACqWxsgHsf4DVSJKSp86mE
38-https://www.channelstv.com/2020/08/13/mailafia-nbc-fines-radio-station-n5m-for-unprofessional-broadcast/?fbclid=IwAR3Eyt2gR-lqXyYfYaPb34z74pgCH5ixCkCvFvOyF0twUXhE38qS_bSXvs-l
39-<https://www.cfr.org/blog/nigerian-press-freedom-grave-danger>
40-<https://pulse.internetsociety.org/shutdowns/nigeria-coercive-twitter-ban>
41-[https://edition.cnn.com/2021/09/09/africa/phone-services-suspended-zamfara-intl/index.html#:~:text=Abuja%2C%20Nigeria%20\(CNN\)%20Mo,seeking%20kidnappings%20plaguing%20the%20region](https://edition.cnn.com/2021/09/09/africa/phone-services-suspended-zamfara-intl/index.html#:~:text=Abuja%2C%20Nigeria%20(CNN)%20Mo,seeking%20kidnappings%20plaguing%20the%20region)
42-<https://guardian.ng/news/kaduna-to-shut-down-telcos-over-insecurity/>

Raise Awareness and Training

- *Establish training programs on respecting and protecting expression. All state authorities responsible for protecting journalist and freedom of expression should participate.*
- *Encourage organisations representing women and minorities in crafting solutions to disinformation, harassment, and violence on online platforms.*

The National Orientation Agency (NOA) a Federal Government agency launched a Fact-Checking Capacity Building for 37,000 Nigerians in the 36 states and FCT over the next five year[44].

Regulating the Media Environment

- *Increase international pressure on state-led harassment, detention, or killing, establish guidance on safety of journalists (that consider gender-related threats) and create conditions for greater media pluralism.*
- *Guarantee effective protection of women and LGBTQIA+ media and civil society actors who may face workplace dangers.*

Attack on the media, civil society and women continue to increase unabated. The International Press Center alerted that the prevalence of attacks by security agents on journalists poses herculean challenge that must be engaged by stakeholders to ensure that the media continue to function under an enabling environment.

The report contends that the media cannot properly provide information that will serve the public good in Nigeria if the lives and means of live of journalists continue to be put at risk.

The situation in Nigeria reflects the global trend of increased gender-based violence. GBV is reported to have significantly increased since the lockdown began in the three most affected areas (Lagos State, FCT and Ogun State) on 30 March 2020.

The Lagos State Domestic and Sexual Violence Response Team reported a three-fold increase in the number of telephone calls received through their hotlines in one month. In particular, service providers have reported sharp increases in cases of intimate partner violence and domestic violence. Other states have implemented similar lockdown measures, resulting in increased incidence of GBV[45].

44-<https://tribuneonline.ng/fake-news-noa-partners-to-train-37000-fact-checkers-in-five-year/>

45-https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis_The%20Shadow%20Pandemic.pdf

Countering Misinformation, Disinformation and Hate Speech

- *Assess, reform and reverse rules on content and defamation as needed in consultation with media, tech platforms and civil society.*

The Federal Government has said it [uncovered 476 online publications \[46\]](#) dedicated to churning out fake news against the government. Minister of information alerted that fake news is distracting COVID-19 fight [47]. On 5 June 2021, the Nigerian government officially put an indefinite ban on Twitter, restricting it from operating in Nigeria after the social media platform deleted tweets made by the Nigerian President Muhammadu Buhari warning the south eastern people of Nigeria, predominantly Igbo people, of a potential repeat of the 1967 Biafran Civil War due to the ongoing insurgency in South-eastern Nigeria. The Nigerian government claimed that the deletion of the

President's tweets factored into their decision but it was ultimately based on "a litany of problems with the social media platform in Nigeria, where misinformation and fake news spread through it have had real world violent consequences", citing the persistent use of the platform for activities that are capable of undermining Nigeria's corporate existence[48].

The Federal Government set up a [negotiation committee\[49\]](#) with Twitter and have since made [progress in their discussions\[50\]](#). Some of the conditions made by the Federal Government for Twitter operations to resume in Nigeria include that Twitter should establish a legal presence in the country, register as a Nigerian company with an address. The Twitter recommendations [will affect other platforms \[51\]](#).

Sanctions and Accountability

- *Remove the statute of limitations to investigate crimes against the freedom of expression.*
- *Strongly promoting, protecting, and refraining from interference with the independent media's role of informing the public and holding officials accountable for their statements and actions.*
- *Set out strong protections for investigations and prosecutions for violence against journalists and other civil society actors, to ensure access to justice. These should include gender sensitive/responsive protocols.*
- *Ensuring accountability, such that no State is free to use this public health crisis for unlawful purposes beyond the scope of the health threat.*

46-<https://www.pulse.ng/news/local/lai-mohammed-says-fake-news-threatens-nigerias-existence/zj31521>

47-<https://guardian.ng/news/rise-in-fake-news-distracting-covid-19-fight-lai-mohammed/>

48-https://en.wikipedia.org/wiki/Ban_of_Twitter_in_Nigeria

49-<https://www.premiumtimesng.com/news/top-news/469369-twitter-ban-nigerian-govt-sets-up-negotiation-committee-five-ministers-included.html>

50-<https://www.vanguardngr.com/2021/09/end-of-twitter-suspension-near-says-lai-mohammed/>

51-<https://www.vanguardngr.com/2021/10/twitter-recommendations-to-affect-other-social-media-platforms-%E2%80%95lai-mohammed/>

■ *Doing what is necessary to trace the development of the disease – but only what is necessary. The law is flexible enough to tolerate errors and inadvertent overreach at a time of crisis, but it is not so flexible as to condone the discretion to conduct surveillance without oversight, without limit and without resort to fundamental principles of legality and necessity.*

Perceptions of the media being [controlled](#) [52] by government or [interference](#) [53] is still high. The press in Nigeria has suffered a number of setbacks over the years, with the obvious but unsuccessful attempts by government to control the media.

There were equally increased harassment and killings of journalists in the country. These acts are equally causing frustrations among media professionals in the country. Politicians both in and out of government are increasingly filing legal cases against the media who especially report allegations of corruption, while security operatives have been used to block access for journalists in several areas. On the other hand, a number of ostensibly independent media organizations are in fact owned by leading politicians or businessmen, thereby heightening concerns about the continued independence of the press, while poor professional standards and ethical violations continue to make the press vulnerable to government attacks[54].

The [Infectious Diseases Bill](#) [55] which was proposed to replace the quarantine act by the House of Representatives and at the 2nd reading state (public hearing) in 2020 was [rejected](#)[56] by civil society but is billed to be [represented](#)[57] . In May 2020, Speaker of the House of Representatives, Femi Gbajabiamila said “the current law severely constrains the ability of the Federal Government of Nigeria and the Nigeria Centre for Disease Control (NCDC) to take proactive action to prevent the entry into Nigeria of Infectious diseases and the management of public health emergencies when they occur. Even now, the government remains vulnerable to claims that some directives already being implemented to manage the present crisis do not have the backing of the law and therefore cannot withstand judicial scrutiny”[58] .

The Bill in its current form failed on the right to privacy of the ICCPR which provides that: “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honor and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.” It also grants vague surveillance and undefined powers granted to the Director General in Section 5, 14 and 19. It lacks safeguards for possible abuse.

52-<https://iwpr.net/global-voices/nigeria-media-still-used-tool-control>

53-<https://guardian.ng/saturday-magazine/cover/nigeria-media-environment-not-free-of-government-interference-yet/>

54-https://www.kas.de/c/document_library/get_file?uuid=8db5900e-32a1-2f85-f6a6-eeedd4b5ac07&groupId=252038

55-<https://covidlawlab.org/wp-content/uploads/2020/06/Control-of-Infectious-Diseases-Bill.pdf>

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

57-<https://independent.ng/breaking-reps-to-represent-infectious-diseases-bill-soon-gbajabiamila/>

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

Looking Forward: A National Agenda for Better Civic Space Response to COVID-19

NNNGO has worked to develop and release the first set of data to measure government's response to the COVID-19 pandemic. While response looked different between governments, they have one important quality in common: a quest to curb the pandemic.

The processes of gathering data for this report revealed several key insights for governments, advocates, development partners and citizens who are committed to open civic space: focus on civic space at the sub-national level. This project is an important and innovative process for measuring COVID response by governments using the UN Special Rapporteur (UNSR) on Freedom of Assembly and Of Associations and the Open Government Partnerships (OGP) Recommendation on Civic Space as indicators for measurement.

The process revealed that while many states are interested in curbing the pandemic far fewer are collecting and sharing proactively or in real time information on the disease as did the Federal Government, Lagos, Ekiti, Ogun and Kaduna. Policymakers, donors, advocates, and citizens all have a critical role to play in

demanding better response along the 9 broad indicators and 26-sub indicators.

Moving forward, NNNGO is committed to bringing together stakeholders across the country to share innovations and experiences around legal preparedness for pandemics with one another. NNNGO encourages governments at the state level to follow in the footsteps of the recommendations by the UNSR and OGP and institute a process that compile and analyse a range of data sources to shine a light on the indicators.

The next step is to use this information to drive policy and reforms to the measures and inform planning process around the pandemic. To help ensure better response in ways that respect rights and strengthens civic space. Keeping civic space opened within a pandemic and outside requires a multi-stakeholder approach. At NNNGO, we believe that no one sector can accomplish this alone. We are eager for government, private sector, citizens, and other critical stakeholders to create a Nigeria where rights are respected either in a pandemic or when there is none.

