



Reclaiming Nigeria's Shrinking Online Civic Space

A Collective and Sustainable Civil Society Approach to Protect Liberties

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About the Report

This report is designed to support the Shehu Musa Yar’Adua Foundation’s initiative to address Nigeria’s shrinking civic space and improve civic engagement and freedom of speech and expression. It seeks to narrate findings regarding how the online civic space can be strengthened by understanding blockers that citizens, activists, media personnel and non-government organisations face when speaking on national and subnational issues affecting every citizen across literacy, gender, religious, tribal and geographical spread. To do this, the research draws on insights and experiences of persons who have contributed to the civic space through various interventions and/or have borne the brunt of government clampdown tactics.

The report features five sections designed to support the Yar’Adua Foundation in its work to support civic coalitions by addressing the risks, threats to the online civic space and opportunities for reform.



Contents

About the Report	Inside Cover
Table of Contents	1
Background	2
Research Methodology	3
The Online Civic Space Landscape in Nigeria	4
Assessing the Risks and Threats	6
Risk Classification and Effects	6
Policy and Legal Frameworks	11
Recommendations	15
References	19



Background

In the 21st century, the internet and social media have aided the expansion of platforms available for people to discuss issues, dialogue differences, advocate and demand their fundamental human rights as well as accountable governance. Unlike offline, these platforms avail users the legitimacy of anonymity to discuss issues and organise for causes on a scale that would have been impossible prior to the advent of the internet and social media platforms.

During this same period, governments with dictatorial tendencies have repressed people's freedoms; going beyond simply shutting down dissent to killing civilians, journalists, and political opponents who dare express views not in conformity with that of the government. In Nigeria for example, militarized dictatorship was the order before the transformation to democracy. This military rule normalised the idea of using force against civilians and disallowing any form of civil action against the government. Despite the transition to democracy, embedded in the psyche of citizens is the idea that their freedoms as enshrined in the constitution do not matter and the social contract dictating their engagement with government is null and void. In the era of military rule, participation in the civic space to a large extent required human presence. Pressure groups, civil society organisations, journalists, and dissidents against oppressive systems organised and engaged each other in person with the intention of pushing back against government's usual initiatives that aimed to shrink the civic space. Since the emergence of internet and social media, some aspects of this contest over the expression of civil liberties have expanded to online platforms, creating an online civic space.

"Civic space is the political, legislative, social and economic environment which enables citizens to come together, share their interests and concerns and act individually and collectively to influence and shape policy-making. Civic space encourages people to pursue multiple, at times competing, points of view. A dynamic and plural civic space ensures that governing bodies take into account interests, needs, and concerns of society at large. On the contrary, when civic space shrinks, governments and institutions are less likely to be responsive to citizens' requests",¹ and

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when these happen online, we have what is referred to as shrinking online civic space.

"The term 'shrinking space' can be understood as a concept or framework that captures the dynamic relationship between repressive methods and political struggle, including the ways in which political struggle responds to these methods to reclaim space, and the impact this response has upon how political struggles relate to one another. Its value as a framework is that it helps us to think through common trends of repression, including their sources, effects, and mechanisms, which political actors are faced with."² The threats leading to shrinking of the online civic space take various forms and shapes, and most of it is spearheaded by the government and citizens who have the support or are paid by the government. "Government-sponsored trolling and cyberattacks involve: "hacking phones and computers, issuing death and rape threats, disseminating doctored images, hijacking hashtags, spreading conspiracy theories, accusations of treason and promoting virulently discriminatory sentiments. Trolls are instructed to disseminate propaganda, isolate or drown out critical views, and inhibit anti-government movements, while amplifying the messages of government officials and boosting follower numbers".³

This research will inform the strategies and initiatives of civil society organizations in Nigeria in their bid to push back against the shrinking online civic space. In its role of providing technical assistance to stakeholders in their effort to protect the civic space, the Yar'Adua Foundation will utilise the outcome of this research to support the Human Rights Commission which plays a crucial role of protecting citizens' rights, the Action Group for Free Civic Space

¹ What is Civic space | ² Online "Shrinking Space" a framing paper

³ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association



in Nigeria which focuses on defending the civic space against security-induced restrictions as well as the Nigeria Civil Society Situation Room which develops strategies for tackling the threats to the overarching civic space in Nigeria. This research will also further support the building of broader coalitions with other civic actors who bring different sets of skill sets to the fight to keep the civic space safe and open for the growth of Nigeria's democracy.

The research examines the phenomenon of shrinking online civic space in Nigeria with the goal of understanding the risks and threats they pose to Nigeria's democratic development, the forces and mechanisms, and solutions for collective action by civil society organizations. Among other things, this research undertook the task of classifying by severity these threats and risks, reviewing the regulation landscape and providing practical recommendations for a proactive civil society action.

It draws insights and lessons from active citizens, activists, protest leaders, thought leaders, civil society organisations who have experienced first-hand the threats to the online civic space and engage in charting the course for internet freedom and the protection of digital rights. These insights will further be translated into recommendations to inform civil society action for addressing threats of shrinking online civic space.

Research Methodology

Understanding the blockers, political and operational context of the civic space in Nigeria requires an in-depth assessment of actions, activities and beliefs held by various actors. In accomplishing the objectives of this study and the overall project, the following approach was employed:

- Desk Research with the key objective of reviewing existing literature on risk and threats to Nigeria civic space and factors undermining efforts by civil society stakeholders to protect the space. The desk research provided broad and comprehensive insights into global and regional perspectives on online shrinking space. As part of the desk

research, we scanned offline and online sources to i) contribute to a deeper understanding around key questions, ii) Analyse substantiated incidences and evidence of risks/threats, iii) Identify best approaches to strengthen civil society action. For relevance and recency, research sources explored were completed within the last 3 years, with no materials that are older than 5 years. The scope of sources explored include:

- ▶ International organisations working to protect internet freedoms and protecting civic space.
- ▶ Literature reviews from reputable libraries (public, university) and scholarly journals or publications
- ▶ Articles and blog posts in relevant websites, channels (some of which may be from media experts, scholars, institutions, thought leaders—especially to identify threats to online civic space, civic activities and civic institutions
- ▶ Reports by civic organisations like Civicus, Oxfam, World Movement for Democracy, The civic space Initiative, Amnesty,
- ▶ News reports from Google News and other credible news platforms
- ▶ Google Scholar, Academic databases (log-in needed) such as JSTOR and EBSCOhost, Sci-hub.cc.

- Semi-Structured Key Informant Interviews: We also deployed a semi-structured Key Informant Interview (KII) technique with activists, media practitioners, citizens activists, and thought leaders on digital rights who have demonstrated experiences working to hold the torch of accountability in Nigeria. To expand the research scope and get more insights, the interview process included individuals who have been affected by laws and regulations in Nigeria while championing advocacies for rights beyond the online space and governance.

- Synthesis: To make sense of the data collected during primary and secondary research, we relied on a synthesis process requiring examination of the data for observations, patterns and analysis to improve understanding of trends driving the online shrinking civic space in Nigeria.



The Online Civic Space Landscape in Nigeria

The online civic space in Nigeria, much like other countries with emergent democracies, is under increasing attack by forces of the state whose understanding of digital platforms and how they work is limited. This limited understanding of digital platforms and how best to control them shapes the government's strategy in response to activism and advocacy. The online civic space in Nigeria began to take form from 2010 upward when the proliferation of digital platforms became evident and the knowledge of their utilization for civic activity began to grow. It exploded in 2012 with the Occupy Nigeria fuel subsidy protest which is considered one of the earliest major examples of mobilizing for civic action using digital media platforms. Since then, growth in the space has produced different examples of effective civic action including protest, advocacy campaigns, accountability efforts and election observation projects. Opportunities in the online space in Nigeria continue to drive adoption by many civil society organizations who use it to organize and engage citizens.

Much as online digital platforms have "helped CSOs expand their efforts, they have also expanded the area of risk and led to an increase in the invasiveness of the methods used. Digital technologies have become a fundamental part of CSOs' ability to collaborate, raise awareness and mobilise their constituents. Every day, core functions of their activities, such as travel, organising events, collaborating with other actors, and conducting outreach are enabled and mediated through centralised, free or low-cost digital tools that not only create data traces but also operate on a data-based business model. Mechanisms to receive funds and garner support, from financial transactions and donations to membership and participation, all leave online traces in a networked environment which can be monitored, exposed or appropriated. In an unstable and shifting political environment, understanding how this data is collected and utilised is essential to making informed decisions and weighing up potential risks for the future."⁴

A dynamic and plural civic space ensures that governing bodies take into account interests, needs, and concerns of society at large.

As governments continue to impose legal and extra-legal restrictions amid a worsening larger political environment for civil society, closing civic space online now appears to be just one part of a much broader pattern of authoritarian resurgence in Nigeria. The use of existing and new legal instruments poses a big threat to Nigeria's online civic space. The last few years have witnessed increased use of laws to suppress citizens' voices, undermine civil society action and jail journalists who file reports critical of the government. The government has also used laws such as the cybercrime Act of 2015 to threaten and jail online activists who are actively demanding accountability from the government.

One major characteristic of the online civic space in Nigeria is toxicity, which is due to the government unleashing troll frames on the space. These trolls bully citizens, attack dissidents, and disseminate doctored images. Pro-government troll farms also engage in disseminating misinformation and propaganda with the purpose of isolating or drowning out critical views, and inhibit anti-government movements, while amplifying the messages of government officials. These trolls define the government's approach to suppressing the online civic space in Nigeria and are currently proactively shaping policy discussions online in furtherance of government positions.

Political Economy Considerations affecting Cyber Space Regulations

Understanding the reality of Nigerian's civic space requires knowledge of the country's cyberspace effort and key considerations shaping its regulation. The cyberspace as we know it is a notional environment in which humans exist, interact and exchange information which has for a few decades now shaped global economies, democracies and brought about

⁴ Shrinking Civic Space, a digital perspective



globalisation. Essentially, communications over computers birthed cyberspace and for a while now debates about regulation and control of cyberspace by countries has raged on. The cyberspace has made things a lot easier globally but it has also brought with it challenges for countries and institutions. Cybersecurity and cyber-attack have emerged as some of the most challenging menace they have to contend with. While considerable progress has been made, these challenges continue to metamorphose due to the sophistication of cyber attackers. "The increased sophistication of attacks has resulted in the huge financial losses, loss of trust and reputation. Hacking, Ransomware, Phishing, Cybercrime-as-a-service, Denial of Service (DDoS), and other manifestation of cybercrimes are on a geometric surge in complexity and recurrence"⁵ across the globe.

In Nigeria, the effort for cyberspace regulation goes as far back as 2004. "In 2004, the Nigerian government developed a framework for cyber security following recommendations by the Presidential Committee on Illegal Online Activities. The strategic framework deals with the overall goal of setting a clear direction, coordination of the nation's engagements in cyberspace, as well protect and defend the national interests and the sovereignty of Nigeria. This culminated into the establishment of the Cyber Security Focal Point at the Office of the National Security Adviser (ONSA). Various activities and initiatives have been taken by ONSA in collaboration with various stakeholders towards ensuring security of the country's presence in cyberspace"⁶ and the key considerations for these regulations include:

- **Sovereignty and National Security** - In cyberspace, critical issues include how to maintain sovereignty and how nations can maintain their borders online. The concept revolves around ensuring other nations don't control and encroach on Nigeria's cyberspace. Much of that is hinged on the national security effort intended to manage security threats toward the country in line with the overall national security objectives.
- **Digital Economy and Financial Services** shapes the growth of the country's economy and much

of the assets controlling the initiatives that drive those growth are at risk of cyber-attacks unless protected through the nation's cybersecurity initiative.

- Cybercrime continues to grow as nations, including Nigeria, report huge losses due to digital theft. This has made the regulation of cyberspace pertinent to ensure that citizens, institutions and government do not continue to suffer from cyber attackers.
- Data Privacy and protection has dominated global conversations in recent times especially with the issues associated with big tech companies. Part of Nigeria's drive to regulate the digital space is on the basis of protecting citizens from such cyber abuse even though the country has yet to have in place a cogent data protection and digital policy.
- Terrorism has bedevilled Nigeria in the last 12 years with Boko haram's continued assault on the North Eastern part of the country. Some of the activities of the group have been predicted to rely on the digital space especially for sharing propaganda materials and recruiting fighters into its group. Part of Nigeria's regulation of the space is hinged on the need to ensure that such terrorist risks are proactively detected and curtailed.
- Political Control - The desire to control political narrative and what citizens say and do also drives the need to regulate cyberspace. In the last few years, the government has been accused of purchasing surveillance and communication interception devices to track journalists, dissidents as well as listen in on the conversations.

The online civic space in Nigeria, much like other countries with emergent democracies, is under increasing attack by forces of the state whose understanding of digital platforms and how they work is limited.

⁵ Cybersecurity: understanding the threat landscape and lessons from the GDPR for Nigerian entities

⁶ National Cybersecurity Strategy



Cybercrime Act (2015): Criminalizing Online Speech

Much of the criticism of the cybercrime act is its illegal use by the government to detain journalists, critics and online dissidents. “Between 2016 and 2017, at least eight social media users, activists, and journalists were arrested under the Cybercrime Act for their online posts. In July 2017, journalist Danjuma Katsina was arrested in Katsina state following Facebook comments on corruption allegations against Mansur Mashi, a newly elected member of the House of Representatives. He was released after one day and given no reason for his detention. In July 2017, a primary school teacher was fired and then arraigned before a Magistrate’s court in Ilorin for allegedly insulting Senate President Bukola Saraki on Facebook. However, the charges were later withdrawn. In February 2018, Nigeria’s secret police arrested journalist Tony Ezimakor over his reporting that alleged that the government secretly paid millions of dollars to secure the release of the girls kidnapped by the Boko Haram militants in Chibok in 2014.”¹

Assessing the Risks and Threats to Nigeria’s Civic Space

Risks and threats to Nigeria’s online civic space take various forms. Some of the risks and threats currently exist while others are just taking shape. This research finds that the major risks and threats emanate from the government and its use of laws to arrest, intimidate and threaten digital activists, funding of online trolls and delegitimising protest. To better understand this, we classified these risks, the mechanism and their effects in the table below.

Risk Classification and Effects

Most Severe		
Risks and Threats	Mechanisms	Effect on Civil Society
Overbroad interpretation of existing laws like the Cyber Crime Act	<ul style="list-style-type: none"> Government critics and activists are targeted and arrested Law enforcement agencies charge them with dubious crimes based on very broad interpretations of existing laws Government shops for favourable judges to grant orders to keep activists remanded Eventually charges may be thrown out by the courts but the activist has already suffered considerable harassment by state agents Sometimes other forms of harassment can be deployed dubiously relying on existing laws e.g., freezing of accounts and being prevented from embarking on international travel 	<ul style="list-style-type: none"> Activists are forced to self-censor and constantly live in fear for their safety Significant impact on personal finances of activists forced to defend themselves against judicial harassment Scarce civil society resources intended for programmatic work are spent on campaigns to free colleagues from government custody



Most Severe		
Risks and Threats	Mechanisms	Effect on Civil Society
Introduction of new laws to stifle and control the online civic space	<ul style="list-style-type: none"> • Pro-government legislators introduce bills with clauses that empower government to place restrictions on online expression • Government representatives and online trolls embark on advocacy campaigns to galvanize support for the legislative measure • Online activists and civil society organizations pushback on the measure • Eventually, government backs down temporarily until it sees another opportunity to re-introduce the measure 	<ul style="list-style-type: none"> • Repeated attacks by government wears out the general public and weakens demand for civil liberties • Scarce civil society resources intended for programmatic work are spent on campaigns to push back on harmful legislative proposals
Employing troll farms to misinform the public and discredit activists and their messages.	<p>Online intimidation and manipulation of public opinion.</p> <ul style="list-style-type: none"> • Utilization of youth within political party structures to discredit dissenting voices or cast doubt on experiences shared 	<ul style="list-style-type: none"> • Volume of attacks create collective exhaustion and wears down online activists • Dampens the ability of CSOs to freely spread information online. • Creates echo chambers that deepen social divides and discourages constructive dialogue. • Directly or indirectly censors social media accounts belonging to activists
Revoking credentials and de-registering civil society organizations.	<ul style="list-style-type: none"> • Government identifies organizations who have been critical of its actions and instructs the Corporate Affairs Commission (CAC) to revoke the registration of the organization • The CAC carries out this instruction and sometimes issues a public statement regarding the action in order to send a message to other organizations 	<ul style="list-style-type: none"> • Prevents affected CSO from accessing financial services and carrying out activities • Drives fear in other CSOs and forces them to self-censor.



Most Severe

Risks and Threats	Mechanisms	Effect on Civil Society
Death threats, arrests, and disappearance of dissidents, online activists, and journalists.	Use of force and State Security apparatus to exert control over citizens. <ul style="list-style-type: none"> Disappearances and invitations to SSS offices or headquarters of security forces 	Activists, online journalists and CSOs begin to self-censor due to death threats, arrests, etc.
Criminalizing protests and civil action.	State Security Apparatus	Discourages willing citizens and CSOs from exercising their constitutional right to peaceful gathering and protests. It also further stamps the fear of protests in not so willing individuals and organizations which ultimately spreads the wrong belief that demanding accountability through protests is unlawful.
Procurement of surveillance tools to invade the privacy of citizens.	Government and Network Service Providers.	Fear of using social media platforms and getting tracked by the authorities.
Infiltration of ranks in Civil Society Organisations and pandering to government	Shaky ideological standing	Undermining of civil society from the inside.
Travel restrictions and blocking of bank accounts of online activists.	Government through Public and Private Financial Institutions and the Immigration service.	Activists, journalists and civil society actors are scared to move freely, travel and go about their duties without fear.

Least Severe

Risks and Threats	Mechanisms	Effect on Civil Society
Subtle threats of Internet shutdown	Government through threats of creating restrictive laws	Pushing the boundaries of civic space and getting civic actors to lose their guard.
Blacklisting online activists and dissenters by labelling them with an evil act and falsely accusing them of crime.	Government through the use of trolls for online intimidation.	Toxifying the online media space and making it unpleasant for genuine dissent to take place.
Working in silos and lack of collaboration	Individualizing efforts	Disunity and lack of synergy in pushing for a free civic space



Least Severe

Risks and Threats	Mechanisms	Effect on Civil Society
The deliberate lack of data privacy and internet rights law	Regulatory framework, Network Service Providers.	Denies civic actors' baseline to demand digital rights and internet freedom are respected.
Requiring online news platforms to register with government	Regulatory environment.	Controlling who and what is published, censoring the online news media space.
Lack of proactiveness among online activists and civil society organizations in threat identification.	Ineffective coordination within civil society	Weak unified front in the fight to keep the online civic space from shrinking
Lack of accountability to online communities on funding and initiatives.	Financial reports, audits, etc.	Trust deficit between citizens and civil society
Strenuous registration processes for civil society organisations.	Rigid regulatory environment.	Discouraged from starting organisations that hold government accounts.
The dis-inclusion of online activists in push-back strategies of civil society organisations.	Civil society organisations strategy sessions	Sidelined voices of active citizens in the forefront of online accountability advocacies.

Policy Intervention for Online Civic Protection

Policy interventions are rare when it comes to protection of the online civic space in Nigeria. This is due to the fact that most issues affecting the space are nascent and digital civic engagement hasn't been around for long. As this research finds, not many policy initiatives have been undertaken by stakeholders interested in keeping the space open. Most advocacies to protect the space are reactive rather than proactive, with lots of engagement and advocacy among civil society groups and Nigeria's lawmaking body. However, there exists a concrete policy effort by Paradigm Initiative Nigeria (PIN), in collaboration with different stakeholders, to fashion out the proposed Digital Rights and Freedom Bill which is under consideration by the legislative body.

- **Digital Rights and Freedom Bill** - "In 2015, Paradigm Initiative Nigeria (PIN) presented a Digital Rights and Freedom Bill to the Nigerian public. The Bill addressed the broad issue of digital rights, including data privacy, freedoms of online expression, opinion and information, the right to peaceful online assembly and association, and safeguarding human rights regarding surveillance and interception of communication. In April 2019, after the Bill was passed by both houses of the National Assembly, President Muhammadu Buhari declined to sign it into law. Explaining his refusal, the president suggested that "the scope of the bill should be limited to the protection of human rights within the digital environment to reduce the challenge of duplication and legislative conflict in the future". The civil society coalition intensified its advocacy



work by redrafting the Bill and presenting it to the legislature. The revised version accommodated the president's concern by unbundling data protection and provisions concerning surveillance, monitoring and interception while focusing on human rights within the digital environment. The revised version passed first reading in the House of Representatives in July 2019 and has been lingering since.⁷

■ Lesson Learned

- ▶ A legal Approach to online civic space activism draws on the powers of the constitution and forces lawmakers into action.
- ▶ Targeted Advocacies are effective ways to leverage legislative advocacies
- ▶ Collaboration with all stakeholders ensures legislative take cognizant of diverse perspectives
- ▶ Effective Reporting and Accountability improves trust and buy-in from citizens
- ▶ Educating legislators on digital rights and internet freedom has worked in getting their buy-in.
- ▶ Leveraging digital activists help put pressure on the government to act.

Stakeholders at the Heart of Protecting Internet Freedoms in Nigeria

Tackling threats to online civic space in Nigeria requires concerted effort by all stakeholders involved and extensive collaboration to protect freedom of people on the internet. A major part of this effort is led by civil society organisations who continue to drive unrelenting advocacies that prevent government from completely shutting the civic space. The mapping below displays the major stakeholders working to actively protect internet freedom in Nigeria and guarantee the civic space stays open.

...major risks and threats emanate from government and its use of laws to arrest, intimidate and threaten digital activists, fund online trolls and de-legitimise protest.

- Civil Society
 - ▶ Paradigm Initiative Nigeria (PIN)
 - ▶ Space for Change
 - ▶ Action Group on Free Civic Space
 - ▶ Amnesty International Nigeria
 - ▶ Centre for Democracy and Development
 - ▶ Nigeria Youth ICT4D Network
- Government
 - ▶ National Technology Development Agency (NITDA)
 - ▶ Nigeria Communication Commission (NCC)
 - ▶ Institute of Software Practitioners in Nigeria (ISPON)
 - ▶ Presidency Office of Digital Engagement (PODE)
- Media
 - ▶ Media Rights Agenda (MRA)
 - ▶ Other media organisations publish advocacy reports
- International
 - ▶ CIVICUS
 - ▶ Alliance for Affordable Internet
 - ▶ International Telecommunication Union
 - ▶ Open Internet for Democracy
 - ▶ Center for International Private Enterprise
 - ▶ Policy International
 - ▶ Nets Rights Africa Coalition
 - ▶ African Internet Rights Alliance
 - ▶ Forum on Internet Freedom in Africa
 - ▶ Access Now
 - ▶ International ICT Policy for East and Central Africa (CIPESA)

⁷ Digital Rights and Privacy in Nigeria



Policy and Legal Frameworks

The research findings and synthesis process highlighted a series of policy and legal frameworks providing justification for sustained attacks on the civic space and other existing and proposed legal frameworks that seek to strengthen or address online freedom in Nigeria. The secondary research findings also highlight efforts by the members of the civil society and other stakeholders to push back against what is dubbed as “wrong discharge” of government powers to silence the voices of dissidents. At the core of these are civil society organisations working individually or in collaboration to check unfettered government power regarding online access and governance. Some of the key legal frameworks include and proposed government policies:

Cyber Crime Act 2015: In 2015, The Nigerian Government under the administration of the former President Goodluck Ebele Jonathan signed the Nigerian CyberCrime Act 2015 into law⁸. Initial reaction to the development of the law was the belief that the Cybercrime Act would tackle the issues of Internet fraud ravaging the country at the time. However, it became quite clear that the law had other instruments that could be legally used to silence voices and suppress democratic values and rights of citizens. The freedom of expression for citizens had been challenged with the introduction of this law and sooner, citizens began experiencing the impact of undemocratic interpretations of sections of the law. In the provisions of the Act, pronouncement on the legal consequences of “Cyberstalking” and Cyberbullying” had been stated to carry a punishment from the range of a fine not less than 2 million naira or imprisonment

up to no less than 1 year. Also depending on the severity of the offence, punishment for both crimes could incur a penalty of up to 25 million naira or up to 10 years imprisonment. The definitions of these crimes in the law do not explicitly exclude criticism of public figures made in good faith. As a result, political office holders and powerful government officials have exploited the law to attack citizens who share critical reviews or general criticisms of their (government officials) actions on social media.

In 2017, Johnson Musa, a 32-year-old man, was arraigned before a Lokoja Chief Magistrate Court for allegedly taking aerial pictures of the residence of Yahaya Bello, the Kogi State Governor in Abuja with a drone camera and posting it on social media. Citing Section 24 of the Nigerian Cybercrime Act 2015, in the charge read to Johnson Musa, he was accused of “cyberstalking” the governor and exposing his details to the public. The accused was granted bail of 500,000 naira with two persons as sureties.

In August 2019, a former presidential aspirant and publisher of the Sahara Reporters Newspapers, Yele Sowore, was arrested by the Department of State Security Services (DSS) with allegations of insurrection and attempts to take over the Nigerian government. Sowore ran against President Muhammadu Buhari in the 2019 elections and following his loss, he launched a campaign “Revolution Now” which he called a campaign to seek better governance from the Buhari administration which had “failed the citizens”.

Charged under the Act, Jones Abiri, was unlawfully arrested and detained for a period of two years. In 2016, nine (9) operatives of the Department of State

Challenging Nigeria’s Cybercrime Act

In 2016, Civil Society Organizations concerned about the dictatorial and oppressive tendencies and trajectory of the Act challenged the legality of the Act. Paradigm Initiative, Media Rights Agenda and Enough is Enough Nigeria challenged the provisions of Section 24 and 38 of the Act at the Federal High Court in Abuja in 2016. Reaching an unfavorable decision in the ruling of the court stating the provisions as constitutional, the trio pushed for a review of the case at the Federal Court of Appeal. Similarly, in June 2018, the Appeal Court of Justice ruled in favor of the provision of the Act as constitutional. Unsatisfied with the verdicts while citing the dangerous precedent set for clamp down on democratic rights, the three organizations furthered their quest to ensure the preservation of the freedom of expression and the civic space by the approaching the Supreme Court to rule out Sections 24 and 38 from the Cybercrime Act 2015.

⁸ Nigerian Cyber Crime Act 2015 https://www.cert.gov.ng/ngcert/resources/CyberCrime__Prohibition_Prevention_etc__Act__2015.pdf



Security Services stormed Abiri's office in Yenagoa arresting him on the accusation of being the leader of a separatist movement that threatened the stability of the country. Efforts to get Abiri out from the detention by family members and concerned stakeholders proved abortive stretching Abiri's detention to a period of two years without trial and without access to his family. Following his release in August 2018, Abiri was re-arrested and detained in 2019 by operatives of the DSS on the same accusation and charges linking him to militancy in the Niger Delta region. Abiri was later granted bail in October 2019 to reunite with his family.

The Nigerian CyberCrime Act 2015 has provided legal backing for the arrest and detention of citizens including Yele Sowore, former National Security Adviser Sambo Dasuki, and other Nigerians with little to no respect for the rule of law or basic human rights in the dispensation of justice and equity. A bill sponsored by Senator Buhari Abdulfatai to repeal and re-enact the Cyber Crime (Prohibition, Prevention, etc) Act 2015 has been on the floor of the Senate in the National Assembly since 2017. Although the bill passed its first reading more than 3 years ago, its contents have yet to be made available to the public.

Protection from Internet Falsehood and Manipulation Bill, 2019: The Protection from Internet Falsehood and Manipulation Bill, 2019 (SB 132)⁹ sponsored by Senator Mohammed Sani Musa seeks to empower the Nigerian government to cut off internet access and/or interfere with access to social media platforms in Nigeria at will. According to the contents of the bill, the objective is to suppress and control

The Nigerian CyberCrime Act 2015 has provided legal backing for the arrest and detention of Nigerians ... with little to no respect for the rule of law or basic human rights in the dispensation of justice and equity.

the transmission of fake news and statements. Civil society has expressed serious concerns over this bill given the history of the Nigerian government and its officials to propose or sign laws that could further limit the freedom of expression in Nigeria and be used to attack opposing views of government actions. Findings showed that apart from the fact that the drafting and language of the bill pose threats to the civic space, trust deficiency between government and civic stakeholders continue to drive the perspective that government will use any expansion of its regulatory power unjustly.

Expressing displeasure with the bill, social media users, inclusive of civil society organisations and citizens, adopted the #SayNoToSocialMediaBill hashtag to protests efforts of the National Assembly to transmit the bill further to the next stage. In another protest against the bill, a petition¹⁰ in opposition to the bill was supported by over 100,000 signatures. Should the bill be passed, Section A Part 2 Clause 3 empowers the government to determine what constitutes false information or statements. This gives the government latitude to kick against statements or information considered to be anti-government or against any public official. Under this provision, criticisms from citizens could be categorised as false information. Additionally, the Nigerian Police Force has had a bad reputation in Nigeria for using force against citizens, extorting and carrying out illegal raids among others. Consequently, the Nigeria policing system faces a trust deficit with citizens. In Section C Part 3 Clause 12 Sub Clause 6, the Nigerian Police Force is empowered to direct the Nigerian Communications Commission to disrupt the internet access in Nigeria. Sub Clause 4 prescribes penalties for Internet or communication service providers who fail to comply with this directive.

Frivolous Petition Other Matters Connected Therewith Bill SB.143

Prior to the introduction of the Protection from Internet Falsehood and other Manipulation Bill 2019, the Nigerian government through its legislative arm had come up with various ways to restrict speech and penalise citizens for demanding accountability from public officials. In 2014, Senator Bala Ibn Na'Allah

⁹ Protection from Internet Falsehood and Manipulation Bill, 2019 (SB 132) <https://www.nassnig.org/documents/billdownload/10965.pdf>

¹⁰ Petition Against Social Media Bill https://www.change.org/p/the-national-assembly-of-the-federal-republic-of-nigeria-stop-the-social-media-bill-you-can-no-longer-take-our-rights-from-us?recruiter=981054092&utm_source=share_petition&utm_medium=twitter&utm_campaign=psf_combo_share_abi&recruited_by_id=82529250-9de2-11e9-8684-a97cde78d2e8&share_bandit_exp=abi-19140984-en-GB&share_bandit_var=v0&use_react=false



sponsored a “Frivolous Petition Bill”¹¹ which sought to regulate the use of social media by targeting persons who spoke against a government official or office; these people could be found guilty of an offence and upon conviction would have been liable to 2 years imprisonment or a fine of 2 million naira or both. The bill also proposed a punishment of up to seven years in prison or a five million naira fine (US\$25,000) for persons who gave false information deemed to threaten national security. Like many laws and pronouncements in Nigeria, it deliberately keeps the definition of “national security” ambiguous, and places no constraints on who determines what information is false and what information holds truth.

Kicking against the provision in the bill and its draconian nature, citizens took to social media to oppose the bill with #NoToSocialMediaBill creating global awareness on government’s efforts to interfere with social media activities and citizens’ rights to speak. Following the debates on the bill and social media protests, the bill was expunged and withdrawn from the floor of the National Assembly in 2016.

Non Governmental Organisations Regulatory Commission (Establishment) Bill 2016

Late Hon. Umar Buba Jibril sponsored the Non-Governmental Organizations Regulatory Commission (Establishment) Bill, 2016 to establish a non-governmental organisations regulatory commission for the supervision, coordination and monitoring of nongovernmental organisations, civil society organisations, etc, in Nigeria and for related matters, setting duplicated frameworks and mandates within the Nigerian governance space. With over 70,000 registered non-governmental organizations and civil society organisations in Nigeria, Nigeria already had approximately 10 legal frameworks guiding activities and operations of NGOs in Nigeria. By exerting undue influence and control over NGOs/CSOs/CBOs in Nigeria, the bill sought to accord power to the government to regulate every aspect of the operations of Nigerian NGOs.

Section 13 of the bill required NGOs to register with the commission and places an embargo on the operations of NGOs that do not comply.¹² This was despite the fact that the Corporate Affairs

Like many bills introduced by the government on speech and online freedom, the bill attacks online freedom of expression and proposes a penalty for contributing to or perpetrating “hate speech”.

Commission mandate already requires NGOs to register their organisations and file tax documents with the Federal Inland Revenue Service (FIRS). Section 29 of the bill also compels NGOs to provide private information about funding, partnership or association which borders on the abuse of freedom of association right as enshrined in various human rights laws as well as the Nigerian Constitution. If the bill, had passed into law. NGOs/CSOs/CBOs would have required approval from the designated official in charge of the commission and other government Ministers for their operations and activities. This would have severely impaired the independence of civil society.

Following the demise of Late Hon. Umar Buba Jibril, the NGO Regulatory bill stalled at the committee reference stage and conversations around the bill ceased.

Hate Speech (Prohibition) Bill, (HB 246) 2019

As part of regulating speech in Nigeria, the legislative government through Hon. Mohammed Tahir Monguno, introduced the “Hate Speech Bill” to address issues of religious and ethnic violence in Nigeria. The bill makes provision for the establishment of an Independent National Commission for the Prohibition of Hate Speech. According to the bill, the Commission would, amongst other functions, be responsible for “promoting peaceful co-existence amongst peoples of all ethnic groups by ensuring the elimination of all forms of hate speeches against any person or ethnic group”. Like many bills introduced by the government on speech and online freedom, the bill attacks online freedom of expression and proposes a penalty for contributing to or perpetrating “hate speech”. Section 4 of the bill prohibits abusive, threatening and insulting behaviour. The section

¹¹ The Guardian - Senate Throws Out Social Media Bill <https://guardian.ng/news/senate-throws-out-social-media-bill/>

¹² Amnesty International Nigeria - <https://www.amnesty.org/download/Documents/AFR4475902017ENGLISH.pdf>



poses a threat to satires, political opinions, dialogues and critical opinions from citizens, journalists, civil society actors and other stakeholders.

Critics of the bill highlighted the failure of the bill to explicitly define what hate speech means and also pointed out the susceptibility of the bill to be used as justification for personal vendetta by politicians with power and access. Experience has demonstrated that this type of application is a more than likely occurrence.

Global conversations around speech also looks at the difference between Hate Speech and Offensive speech and their common confusion. The bill fails in its precision to paint a picture of what Hate Speech is and how it differs from a speech made and found offensive by one or group of people. In other concerns, the bill duplicates existing provisions in the Cyber Crime Act 2015 and the Terrorism Act. Additionally, the punitive measures contained in the bill are extreme which makes it extremely concerning for the trajectory of online freedom of expression in Nigeria. For instance, the bill makes provision for death penalty in a case of a person found guilty of hate speech which is alleged to have caused the death of another person.

Just as there are various legal frameworks designed to constrain or shrink the online civic space, there are legislative proposals that seek to help improve or at least maintain citizens' right to access information without prejudice or fear of erosion of rights and independence.

Digital Rights and Freedom Bill (HB 490) 2016

This bill was proposed in 2016 as "An act to provide for the protection of human rights, to protect internet users in Nigeria from infringement of the fundamental freedoms and to guarantee application of human rights for users of digital platforms and/or digital media and for related matters". Sponsored by Honourable Tahir Mohammed Monguno, the bill scaled through first to third readings at the Nigerian House of Representatives and was subsequently passed. However, President Muhammadu Buhari declined assent to the bill in March 2019 stating

that "the bill covered too many technical subjects and failed to address any of these technical subjects extensively"¹³. Paradigm initiative Nigeria, Ministry of Justice, Nigeria Communication Commission and other stakeholders are currently working to review and revise the bill through stakeholder forums to address the concerns of the presidency and push the legislation to assent.

The bill would ensure protection of rights of citizens, journalists carrying out their duties and that members of the public can scrutinize government activities without fear of being arrested or detained in the course of their work. Further to the review of the bill, this bill was reintroduced to the floor of the House of Representatives as the [Revised] Digital Rights and Freedom Bill 2019¹⁴ and presented for first reading in July 2019.

Freedom of Information Act 2011

The Freedom of Information Act¹⁵ was signed in 2011 by the former President, Goodluck Jonathan to aid citizens' access to information from public institutions; to guide government officials on the information to share and protect them from unlawful acts. Prior to the assent of the Act, the FOI had been the longest standing bill¹⁶ in the legislative chambers. The act empowers citizens to leverage increasingly available online access to demand transparency from public officials or demanding action on certain issues. The dissemination of accurate governance information promotes democracy by ensuring that citizens and other stakeholders have reliable knowledge to contribute to policy conversations.

Several organisations such as BudgIT Nigeria, Paradigm Initiative and others utilise the FOI Act to obtain relevant information from government agencies to inform governance transparency campaigns like the #OpenNASS¹⁷ campaign which focuses on making the government budget accessible to the average citizen. Despite the extensive transparency mandate provided by the FOI Act many government officials and institutions continue to explore ways to push back on FOI requests.

¹³ Digital Rights Bill Passes First Reading - Guardian Newspaper <https://guardian.ng/news/nigeria/national/revised-digital-rights-bill-passes-first-reading/>

¹⁴ Revised Digital Rights and Freedom Bill 2019 <https://paradigmhq.org/download/revised-digital-rights-and-freedom-bill-2019/>

¹⁵ Freedom of Information Act 2011 <https://www.cbn.gov.ng/FOI/Freedom%20of%20Information%20Act.pdf>

¹⁶ A Critical Analysis of Nigeria's Freedom of Information Act [http://gravitasreview.com.ng/shop/nigerias-freedom-of-information-act/#:~:text=Nigeria's%20Freedom%20of%20Information%20\(FOI,to%20ensure%20transparency%20and%20accountability.](http://gravitasreview.com.ng/shop/nigerias-freedom-of-information-act/#:~:text=Nigeria's%20Freedom%20of%20Information%20(FOI,to%20ensure%20transparency%20and%20accountability.)

¹⁷ Open NASS Campaign <https://opennass.ng/>



Recommendations

Tackling the challenge of online shrinking civic space in Nigeria requires collective action by all stakeholders to ensure the protection of digital rights and internet freedom of Nigerians. To achieve this goal, there needs to be intentional strategic planning, engagement and collaboration within the civic space. To inform such collaboration, this research makes the following recommendations:

Support Efforts to Remove Problematic Provisions from the Cybercrime Act

- The Cybercrime Act 2015 has remained one of the most potent tools of attacking the online civic space in Nigeria. Civil society members need to push for a review of problematic provisions that are anti people and unconstitutional. These provisions are used to stifle the digital rights and internet freedoms of Nigerians thereby hindering the Freedom of Speech, Freedom of Association and Freedom of Assembly of the Nigeria people as guaranteed by the Nigerian constitution.
 - ▶ Paradigm Initiative Nigeria (PIN) has before now undertaken the task analysing these problematic provisions and called for a revision. Civil society organisations can collectively support PIN to pursue this revision.

Support Efforts to Pass the Digital Rights and Internet Freedom Bill

- It is pertinent for civil society organisations to join forces and push for the implementation of the Digital Rights and Internet Freedom bill before the Senate. This bill as drafted and proposed by Paradigm Initiative as well as other stakeholders to provide for the protection of citizens in the online space. The bill explains in detail the rights of government, citizens, and other stakeholders with respect to digital rights of citizens and their freedom. The bill will also address the critical gap created by the lack of a national data privacy law. Members of civil society need to support the efforts of PIN as well as other digital rights advocacy groups to pursue the passing of the bill into law in Nigeria.

Create A Civil Society War Room on Digital Rights

- A civil society war room will serve the purpose of providing a safe space for civil society organisations in Nigeria to collectively and proactively identify, track, analyse and respond to threats to the online civic space. A critical success factor in implementing this recommendation is collaboration between traditional civil society activists who have more access to power and resources and online activists who are more social media savvy. A collaborative CSO war room on digital rights implemented in this manner will improve the quality of information available to civic actors to respond to government repression.
- The potential civil society war room on digital rights could partner with agencies like Digital Africa Research Lab which studies the use and misuse of social media in Africa and work to protect people from online harms like dis/misinformation and coordinated inauthentic behaviour. The Centre for Democracy and Development West Africa (CDD) which has invested a lot in understanding the challenges to Nigerians digital space could also be a potentially valuable partner to the CSO war room on digital rights.



- One of the issues limiting the push for safeguarding the online civic space in Nigeria is the lack of proactively identification of the threats. To ensure civic solutions to stay ahead of government high-handed approach, civil society coalition needs to engage the issues proactively and identify solutions that align with democratic values with the intent of shaping the agenda and staying ahead of government trolls online.

Increase Advocacy to Improve Understanding and Awareness of Digital Rights and Digital Security among Civil Society Organisations

- Civil society organisations and development partners with resources should develop programs and initiatives to educate citizens on their digital rights and to promote active citizenship online. This can be done in close collaboration with different stakeholders including government agencies like the National Orientation Agency which has a wide reach to citizens in the country. PIN is an active player with regards to pushing for the implementation of Digital Rights and Internet Freedom bill, shaping policy discourse, educating citizens and engaging stakeholders involved in the advocacy for protecting the rights of citizens online.

Identify Issue Specialists in Civil Society Circles

- There is the need to identify issues affecting stakeholders leading to the shrinking of online civic space and a niche owning exercise. This will ensure stakeholders can provide expertise and strategic support when it comes to strategizing for a push against the threats to the civic space as well as other threats that might emerge in the future. This will also ensure ease of reference when it comes to identifying which civil society organisation works on what. TechHerNG, for instance, is an experienced organisation with regards to civil society coordination for issue identification. Another organisation, Paradigm Initiative Nigeria (PIN), might be better placed to strategically engage on policy and laws that affect digital rights and freedoms. This ensures organisations and individuals are able to remain vigilant within their natural spheres of influence.

Support Strategic Litigation

- One of the most effective modes of attack on the online space is the overbroad application of existing laws. For instance, the Banks and Other Financial Institutions Act 2020 was used by the CBN to obtain a court order to freeze the accounts of up to 15 individuals and organizations involved in promoting the #EndSARS protest against police brutality. Strategic litigation can encourage the courts to narrow the interpretation of these laws and limit their use in harassing online activists and organizations.

Deepen Research

- Time and resource constraints limited a more factual analysis of the strengths and weaknesses of the online civic space in Nigeria. We recommend this be included in a subsequent project.



Highlights of Online Social Movements - Annex

Through the years, Civil Society Organizations have mobilized and created movements by leveraging individual and organizational connections, as well as online visibility to seek accountability from government and to demand a better quality of life for citizens. These movements were triggered by varying reasons and events. However, the means of mobilization and the creation of these movements were mostly similar. The internet and social media were instrumental in bringing together like minds to push for the actualization of goals. Examples of socio-political movements that started online in Nigeria include the Occupy Nigeria Movement, The EndSARS protests, OpenNASS, Bring Back Our Girls, ArewaMeToo, etc.

Occupy Nigeria: The Occupy Nigeria protests emerged as a result of the fuel subsidy removal by the former President of Nigeria, Goodluck Jonathan in 2012. As the largest oil producing country in Africa, the increment in pump price of fuel drove people to the streets to protest and demand for a reverting of the price. The organizing for this protest was majorly driven through social media platforms which allowed for a wide reach and the participation of Nigerians in different states in the country. During the protests, journalists reported how the movement brought Nigerians together in ways that had never been seen.

The Occupy Nigeria movement's core asks were the restoration of the fuel subsidy and the reversal of fuel price. Many Nigerians and Civil Society Organizations seized this opportunity to demand answers to questions that had piqued in their minds. The protests and strikes were sustained due to the pure passion Nigerians exhibited even in the face of police brutality.

The use of force to disperse protesters has been a strategy of the government for eons, and the Occupy Nigeria protesters received their share of violence and utter disregard of human rights from the Nigerian government. It was reported that at least one person was killed by the police during protests in Kwara State, and tear gas was thrown into the midst of protesters in Kano State.

After weeks of protests, the demands of the protesters were met. On the 16th of January 2012, it was announced that the fuel subsidy will be restored and fuel price will be reduced.

EndSARS: The EndSARS movement of 2020 started when a video of the senseless and unprovoked killing of a young man by a SARS officer went viral on the internet. The video triggered reactions from millions of Nigerian internet users, and many people began to share their bitter and tragic experiences in the hands of the Special Anti-Robbery Squad. Many of those who shared their story were only lucky enough to live to tell it. The movement rapidly moved from sharing stories online to a series of mass protests across the country, and a vehement outrage on social media where Nigerians demanded loudly for the total disbandment of SARS.

The Special Anti-Robbery Squad, a unit of the Nigeria Police Force has been accused time and time again of extrajudicial killings, senseless brutality, stealing, extortion, profiling young Nigerian men who look rich or drive expensive cars, rape, and torture. These crimes have occurred for years and the cries of Nigerians have been met with sheer impunity and disregard.

The immediate reaction of the government to these protests across the country was more police brutality. Protesters were teargassed, shot at and sprayed with water cannons. This led to the unfortunate death of protesters and even passers-by like Jimoh Isiaq in Ogbomosho, Oyo State. Protesters were arrested in their numbers, tortured and extorted. Some who secured their release related tales of woe. Police threatened to kill them with the assurance and confidence that there would be no consequences for their actions. Expectedly, the people lost confidence in



the government to protect their lives as they vociferously doubted and refused the news of the disbandment of SARS a few days after the protests began. The people were doubtful because the government of Nigeria had in fact disbanded SARS four years in a row and no improvement had been seen.

The government was relentless in meting out torture through the police, and the military as events of the 20th day of October 2020 showed. Nigerians were killed in their dozens by the military at the Lekki Toll Gate in Lagos State. It was a day of mourning throughout the country, and despite this, the grief of Nigerians was met with gaslighting and denial even in the face of clear and undiluted evidence. Nobody was held accountable.

The protests were sustained through fundraising and the swift intervention of Civil Society Organizations like the Feminist Coalition. The Feminist Coalition, otherwise known as Fem Co, collaborated with individuals and small businesses to provide food, tents, financial, medical and legal aid to protesters. The coalition was however clamped down upon by the government when their fundraising account was shut down and the fund donation link of the fintech organization ensuring the security of funds became inaccessible. Members of the coalition were also intimidated directly, when their personal and business accounts were blocked without reason. To further the oppression of Nigerians by the government, a member of the legal team who secured the release of hundreds of unlawfully arrested protesters had her passport seized by the Nigerian Immigration and denied her the right to travel; her right to travel. These are the challenges CSOs and online activists face when they hold their government accountable and demand for a better country.

Revolution Now: On August 5th 2019, Omoyele Sowore's party the African Action Congress declared a "National Day of Rage" to protest the elections of March 2019 which he ran against the incumbent president Muhammed Buhari. The protest which was tagged Revolution Now led to his subsequent arrest by the state security agency Department of State Security Service. His arrest sparked outrage amongst dissidents, activists and civil society with some public affairs analysts describing it as an "indication of the government's increasing intolerance for critical voices." Sowore has been in and out of detention multiple times for calling for a protest and revolution which the government says is "threatening public safety, peaceful co-existence, and social harmony in the country." Sowore's Revolution Now movement utilised social media platforms to engage and call on young Nigerians to hit the streets to demand for accountability and better governance from the Buhari administration. The security agencies on the other hand have tracked many young people using their social media platforms and at protest grounds, arresting them for daring to protest against the current administration. This signifies the government's high-handed approach to any form of criticism and use of the digital channels to

Arewa Me Too: In early 2019, activists broke the silence on sexual abuse in northern Nigeria using the social media Hashtag #ArewaMeToo. Online Activists specifically of northern Nigeria origin used the Hashtag to talk about sexual abuse in the region. Following the example of the global #MeToo movement, Fakhariyya Hashim first used the hashtag #ArewaMeToo to spotlight the issues women face. While highlighting the stories of abuse of young Northern women who chose to share her experience of sexual abuse on social media, they were face with endless attacks from government trolls from the states in Northern Nigeria. Some of the activists received death threats, physical harm while others were arrested for daring to call for a reverse of the norm of abuse against their gender. These events signify how toxic the digital space in Nigeria has become. Social advocacy on issues affecting citizens continues to suffer due to shrinking of the civic space by the government and their trolls.



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