



Impact of the shrinking civic space on Media & citizens in West Africa

Key Trends and Actions Required



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1.0. Introduction



West Africa has long been a driver of democratic gains on the African continent and the lead on Africa's transition toward democracy. Observably in the last two decades, many autocratic regimes have embraced civilian rule through elections that have seen successful transitions and transfer of power. For instance, Burkina Faso witnessed the overthrow of the 27-year regime of president Blaise Compaoré through massive public protests. The Gambians also voted out longstanding dictator Yaya Jammeh ending his 22 years of autocratic rule. Countries such as Liberia and Sierra Leone, following years of war, upheld the tradition of organising free and fair elections which contributed to strengthening their democracy.

West Africa has also witnessed growing numbers and influence of activists, civil society organisations, social movements and social justice organisations. The advent of internet and social media have created greater spaces for citizens' engagement, participation in public discourse and provided opportunities for their voices to be heard and counted. The media has also grown exponentially with many more traditional set ups. The regional body - Economic Community of West African States (ECOWAS) - through several interventions and protocols such as the Protocol on Democracy and Good Governance (PDGG), the Conflict Prevention Framework (ECPF), etc, demonstrably has also outpaced other regional organizations in Africa in its support for democratic norms albeit some persisting challenges.

Citizen's growing participation in public discourse, and demand for accountability and transparency in governance and service delivery through the use of social media platforms suggested that the recorded improvements in democratic values and governance would hold firm and expand throughout the decades. However, in the last couple of years, the much touted democracy in West Africa has taken a retreat or a downward trend as a significant number of countries in the region have [recorded downwards](#) democratic trends.

The 2020 Freedom in the World [report](#) by Freedom House provides a striking evidence to the new trend. Of the 12 countries with the largest year-on year score declines around the world in 2019, West Africa had five – Benin, Burkina Faso, Guinea, Mali and Nigeria recording significant declines. There is evidence of rising authoritarianism curtailing individual freedoms, declines in political rights and civil liberties. Reports of widespread electoral irregularities, the arrest of pro-democracy activists and journalists, the killing of peaceful protesters in demonstrations in in some countries as well as the expanding reach of the armed extremist groups in the Sahel region are grounds for concern.

These developments have resulted in a shrinking civic space. According to the [CIVICUS Monitor](#) aside from Cape

Verde (which is open), all the other fifteen countries in West Africa have a narrowed or obstructed civic space.

The civic space in the region continues to decline as repressive countries become even more repressive. Four countries – Côte d'Ivoire, Guinea, Niger and Togo – moved from [obstructed to repressed](#) on the CIVICUS Monitor. In Togo, for instance, President Faure Gnassingbé was elected for his fourth term in office amidst accusations of fraud. President Alassane Ouattara of Côte d'Ivoire and President Alpha Conde of Guinea have each secured a third term in office amidst public protests met with lethal force. In Mali the democratically elected president was overthrown through a coup by a military junta.

West Africa has also seen the adoption of provisions and legislative instruments limiting freedom of expression and of the press, smothering civil society, and weakening political pluralism. Such developments have contributed in dismantling the democratic infrastructure throughout the region. These are typified by physical attacks, threats and demonization of those who stand for up the rights of citizens. The passage of restrictive laws increase surveillance on the operations of civil society while Digital and internet restrictions/shutdowns affect press freedom, trigger censorship and

intimidation. Government and security officials have been the main perpetrators while armed/ terrorist groups and even the private sector have also carried out such restrictions

Sadly, these restrictions persist, despite the fact that many African governments have signed, ratified and committed to upholding fundamental rights as signatories to international and regional human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples Rights (ACHPR).

This edition of the MFWA's Media and Governance Series, explores the shrinking civic space in West Africa; the growing issues contributing to the shrinking civic space as well as its impact on the media landscape and citizens. It also suggests key actions required of stakeholders such as governments, civil society organisations, the media and ECOWAS to stem or reverse the downward trend for a stronger democracy in West Africa.

2.0. The Civic Space in West Africa

The Civic space is the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them¹. An active and open civic space provides a conducive environment for individuals to form associations, mobilise themselves, express their views on issues of public concerns, and demand better conditions from their leaders. An open civic space is guaranteed when the state protects the fundamental rights to associate, assemble peacefully and freely express views and opinions.

Over recent years however, West Africa has witnessed growing violations of democratic principles as the repressive apparatus of some governments has steadily expanded from a relatively narrow segment of political opposition figures to encompass a broad collection of target groups, including activists, civil society actors, bloggers, independent journalists, etc. There is a growing sense of intimidation and attempts to stifle freedom of expression as citizens find their [rights curtailed](#) when expressing critical views about governments or political establishments and their activities or demand accountability for their stewardship.



Key Trends and Challenges

2.1 Crackdown on citizens' mobilization and public protest

In many West African states, citizens' mobilization and protests have been met with lethal force in recent years as political rights and civil liberties have become restricted. The region witnessed an increase in the number of social movements mostly facilitated by social media with the launch of hashtags, followed by citizens taking to the streets to make demands. For instance, there was in Mali, the [Movement 5 \(M5\)](#) public protest which led to the overthrow of then President Ibrahim Boubacar Keita in August 2020; the [#EndSARS](#) protest in Nigeria organised to denounce police brutality, as well as the [#FreeSenegal](#) created to denounce crackdown on freedom of expression and voice out governance concerns, and more recently [#Fixthecountry](#) movement in Ghana which demanded from the government to address issues of unemployment, poor health care infrastructure, poor road networks among others.

Most public protest, although considered as citizens' growing awareness and participation in the governance process, have been quashed by law enforcement officers. In Nigeria, during the [#EndSARS](#) protest, according to data gathered by Amnesty International, 12

peaceful protesters were [killed](#) in a day. Such developments have also been recorded in other countries such as Mali where 14 people were [killed](#) during the M5 protest. One of the most violent crackdown on public protests in West Africa has been the [killing](#) of 42 Guineans during protests against the unconstitutional third term in office of President Alpha Conde. In 2019, the country adopted a new law allowing gendarmes to [shoot Onsight](#), insulating them from legal consequences. According to the foremost free expression monitoring organisations in West Africa, Media Foundation for West Africa (MFWA), [the law](#) is pushing the country to the brink of a rule-of-law meltdown.

With increasing arrests and prosecutions of protesters, citizen's right to assemble and protest has come under threat as governments are increasingly intolerant of dissent voices, and citizens' demand for more accountability, transparency and development. The use of force resulting in the killing of protesters is an infringement of the freedom to assemble, protest, and freedom of expression. They also constitute a blatant disregard for international and regional democratic principles that many West African countries are signatories to.



2.2 Stifling Online Space

The introduction of the internet along with social media platforms have played a key role in improving democratic gains across West Africa. The technologies have given more people and groups access to information and the tools needed to increase productivity and communication than in the past. Social media allows ordinary people, civic groups, and journalists to reach a vast audience at little or no cost and provides a platform for citizens to organize, mobilise and protest. Access to internet has been recognized by the UN as a basic human right while freedoms observed offline have been extended to the online space. Meaning fundamental rights guaranteed offline such as freedom of

expression, should necessarily be guaranteed online.

However, while social media have at times served as a level playing field for civil discussion, they are now tilting dangerously towards illiberalism exposing citizens to an unprecedented [crackdown](#) on their fundamental freedoms. This manifests in various forms such as highlighted below:

2.2.1 Internet shutdown and social media blockade

Internet shutdowns and restricted access to social media platforms represent a direct violation of human rights. Citizens who are directly affected by an internet shutdown are unable to access important information. This limits the ability to conduct several activities considered

essential for human rights, including the ability to speak freely against government policies, to organise and conduct peaceful protests, to have ready access to emergency services, etc. Internet shutdowns also restrict the ability to document and disseminate information about human rights violations including killings or the disproportionate use of force by the police or military. Consequently, governments are unable to be held accountable for these violations.

Internet shutdown is a growing trend in the region and which is contributing to the shrinking civic space. In an attempt to muzzle freedom of expression and of the press, some governments in West Africa are increasingly resorting to shutting down the internet². The first internet shutdown in West Africa was recorded in [Togo](#) in 2017 during public protest which called on President Faure Gnassingbé to stepdown, as he was in his 3rd mandate in office. Since then, governments in [Liberia](#), [Sierra Leone](#), [Benin](#), [Guinea](#), and [Niger](#) have resorted to internet shutdown to curb the flow of information among citizens to mobilise for demonstrations, and to disperse outraged protesters hence infringing on their rights of freedom of assembly. Authorities in the region can disrupt

non-violent demonstrations before they begin as they make it difficult for people to organize online by shutting down the internet.

2.2.2 Harsh digital media legislative regime

A growing list of countries in West Africa continue to tighten their grip over the online space by adopting laws aimed at regulating the space. Such laws have over the years played an enormous role in dimming the prospects for technology to deliver greater human rights, and strengthen democracy. In 2018, the parliament of Benin adopted a digital code in which Article 550 on harassment through electronic means of communication stipulates:

“Whoever, initiates an online communication coercing, intimidating, harassing, or creating an emotional distress in a person, through the use of an information technology system to encourage, and replicate a dangerous and hostile behaviour is punishable by imprisonment of one (1) month to two (2) years or fined any amount from five hundred thousand (500 000) to ten million (10 000 000) CFA Francs, or both”.

On the bases of the above Article which also deals with the publication of fake news in its second and third paragraphs, at least 17 journalists, bloggers and online

activists have been [arrested and prosecuted](#) in less than two years.

Such practices have also been recorded in [Niger](#), [Cote d'Ivoire](#), [Togo](#), [Mauritania](#) where authorities under laws adopted to regulate online content have jailed citizens for defamation, or fake news publication. In Nigeria, a Cybercrime Act [passed](#) in 2015, allows law enforcement officers to arrest bloggers and online journalists on grounds of “cyberstalking”.

During the peak of the COVID-19 pandemic, arrests and prosecution of citizens and journalists for the publication of fake news spiked as governments adopted emergency measures. In Nigeria, the Ebonyi State [passed](#) the Infectious Diseases Regulation Bill into law. Even though authorities said the [law](#) was crucial in the fight against the Coronavirus, it criminalizes the transmission, or dissemination of false information on dangerous infectious diseases and or any circumstances related to or bordering on the outbreak or possible outbreak of Covid-19 within the State. Measures seemingly undertaken to gag the media were recorded by the [MFWA in Cote d'Ivoire](#) where six journalists were arrested for the publication of false information.

The result of such practices is a sharp increase in the abuse of civil liberties and shrinking online space for civic activism

leading to people refraining from speaking out on political, and social issues as they fear their speech could be recorded and potentially used against them. Also, activists and journalists who might otherwise hold governments to account for wrongdoing are more inclined to self-censor.

The Abolition of criminal libel over the years was considered to be a contributing factor to improving the culture of democracy in the region. However, with the recent resurgence of these restrictive laws there are growing fears that they could limit media freedom and freedom of expression.

2.3 Media intimidations and attacks on journalists

Media organisations represent the lifeline of an active and vibrant democracy as they provide platforms which allow citizens to exercise their fundamental rights of freedom of expression. The development of the media, growth of private and independent media outlets, access to information and a liberal freedom of expression environment have been often identified as key features of a transparent, accountable and participatory democracy.

Although the resurgence of multipartyism in the 90s ushered in the region a favourable environment triggering an explosion of newspapers, radio and television stations with diverse editorial policies, the continuous downwards democratic trends recorded have heavily affected the media landscape. Media and democratic development are mutually conditioned and consequential; hence they affect one another. Events unfolding in the region as a result of the shrinking civic space paint a gloomy picture of the press freedom situation as there is growing sense of intimidation of the media, and attacks on journalists have been rampant and severe manifestations of which are evidenced in several reports by media monitoring organisations both at the national and regional levels.

2.3.1 Shutdown and Intimidation of critical media houses

West Africa is increasingly witnessing the shutdown and intimidation of independent private media houses on the grounds of breach of ethics or defamation. According to the 2018 State of Freedom of Expression, in Burkina Faso, the media is considerably intimidated and crippled with heavy fines and taxes that can only force them to shut

down. The most recent incident in Burkina Faso occurred when the High Council of Communication suspended the Omega Media Group for 5-days (from 8 to 13 June, 2021) for alleged errors in its coverage of a terrorist attack.

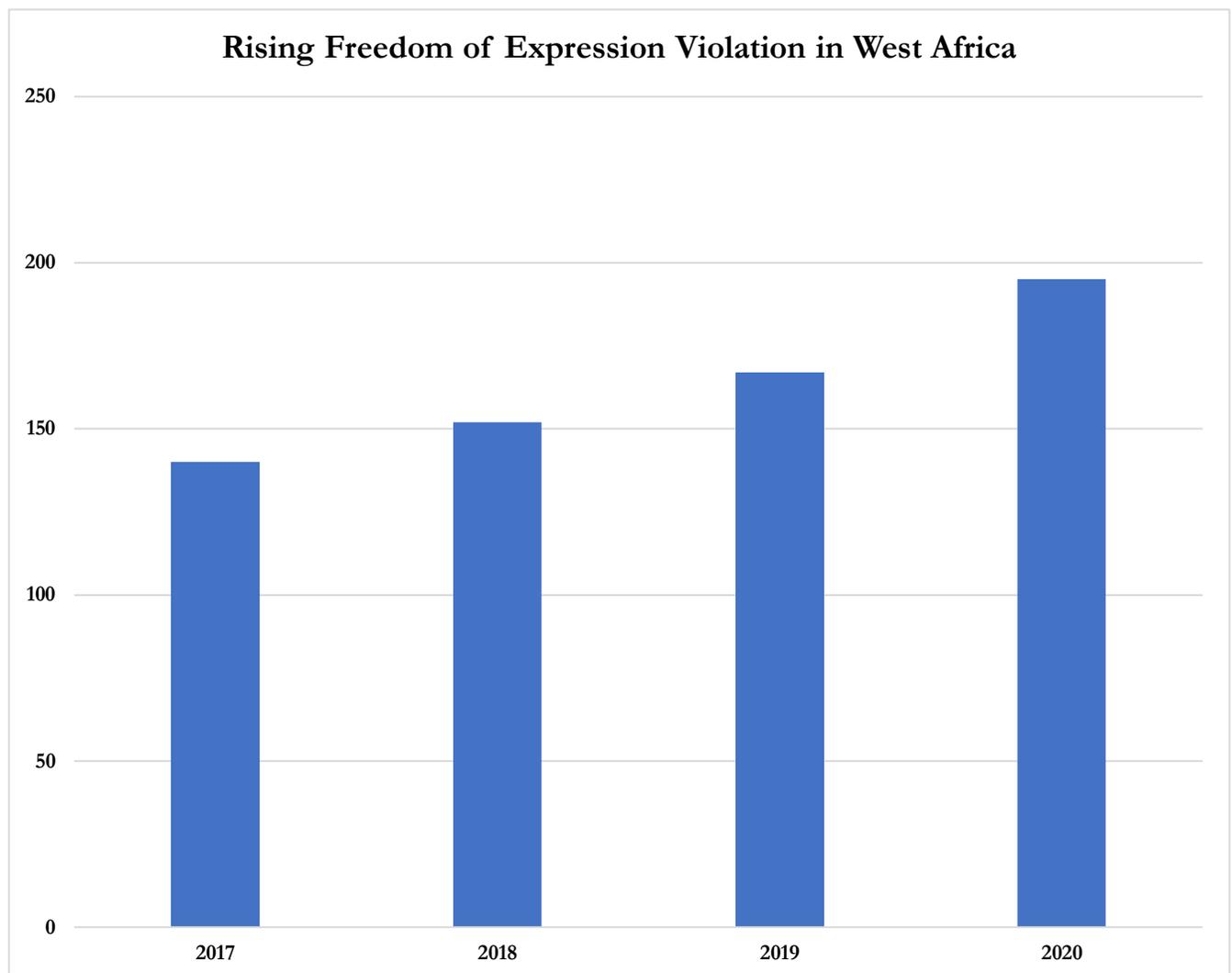
Countries like Niger, Benin, Togo, Guinea have also seen some of their pro-opposition media houses shut down. In Benin for instance in 2016, seven media houses were arbitrarily [shutdown](#) for several reasons including change of transmission location. In 2019, the media regulatory body [shut down](#) two opposition aligned media organisation. Also, media houses operating in politically tensed contexts are often intimidated. For instance, in Guinea, the media regulatory body has [shut down](#) several media organisations in the country, while the President, Alpha Conde has openly warned media organisations against granting interviews to dissents.

2.3.2 Brutal Harassments

There is evidence to suggest that the environment in which the media in parts of West Africa operate has increasingly become hostile. Journalists are harassed, attacked, and killed while in the line of duty, with most of the perpetrators being

law enforcement or security officers. Most of the perpetrators of such violations are not prosecuted. This has contributed to the high rate of impunity. In 2018, the Media Foundation for West Africa (MFWA) [recorded](#) about 8 deaths and 152 violations against media professionals and citizens in four countries in West Africa. In 2019, Ghana [recorded](#) the death of an investigative

journalist brutally murdered in connection with his work while other journalists in the country received threats as they enlightened citizens on bad governance practices. Such a hostile environment is creating a climate of fear and a culture of silence among media workers.



Source: MFWA Freedom of Expression Monitor

3.0. Way Forward & Key Recommendations

The political stability recorded between 1990 and 1994 in West Africa, is among the factors that favoured the surge in investment and the significant improvement of economic indicators throughout the region. According to the International Journal of Development and Economic Sustainability, West Africa almost doubled its Foreign Direct Investments in the same period.

However, from the above trends and challenges, it is evidenced that democracy and the civic space in the region is under serious threat. The fundamental rights of West Africa's nearly 400 million people are in jeopardy at a time when the geopolitical significance of the region is growing.

The growing political instability and the downwards democratic trends witnessed in the region could hurt the economic progress, and job creation potential of the region as financial, technical partners and investors who represent the backbone of the economic development of the region are keen on investing in stable democracies.

Undemocratic partners have proven to be unreliable partners, as repressive, corrupt, and unresponsive governments are more receptive to opaque deal-making with authoritarian powers.

Stable democracies are preferred because they prove over time to provide favorable environment for the media to play its watchdog role to ensure accountability of public officials, and provide platforms allowing citizens to take part in public discourse, and subsequently inform government policies for more inclusive development.

In the face of the downwards democratic trend recorded in West Africa, it is crucial to adopt practical multi-pronged approaches to sustain the democratic gains.

This paper therefore recommends the following targeted key actions required to help stem or reverse the retreat of democracy as well as a further shrink of the civic space in West Africa.

1- Governments:

Respect and abide by regional treaties and protocols

Most governments in West Africa are signatories to regional and international treaties, conventions, and protocols protective of democracy, political rights and civil liberties. For instance, the 2001 ECOWAS protocol on Democracy and Good Governance has been signed and ratified by all 15 countries of the organisation. The protocol in essence seeks to promote *Accession to power by free, fair elections (Article 1(b)); Popular participation in governance (Article 1(d)); Freedom of association and demonstration (Article 1(j)); Freedom of the press (Article 1(k)); The freedom of association and the right to meet and organise peaceful demonstrations shall also be guaranteed (Article 1(j))*. Crackdown on protesters, and attacks on the press constitute violations of this protocol and other allied principles. The MFWA strongly urges governments in West Africa to abide by international and regional treaties they are signatories to and observe democratic practices.

2- Civil Society Organisations:

Condemn, name and shame undemocratic governments and their actions that repress political and civil liberties

West Africa is witnessing growing undemocratic practices mainly perpetrated by governments, and state institutions. To discourage such practices, civil society organisations should continuously condemn human rights violations, and name and shame perpetrators of such violations. The bad press generated through the naming and shaming could contribute to governments and state institutions retracting from the pursuit of democratically unpopular attitudes and actions.

3-The Media

Uphold professionalism: The resurgence of new laws restricting freedom of expression and of the press both online and offline has often been blamed on the unprofessionalism and the growing phenomenon of mis-disinformation and fake news. By upholding a high level of professionalism, the media can avoid the scoop culture, produce fact-based reports to counter misinformation, and work towards advancing the national interest. This could contribute in the long term to improving media credibility, and subsequently the repeal of laws restricting freedom of expression and of the press.

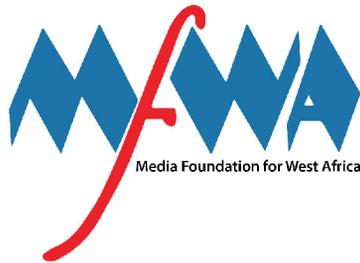
4-ECOWAS

4.1 Adopt a regional policy on media freedom

Although ECOWAS has established a track record of improving democracy in the region, there is currently no dedicated regional policy or framework on media freedom and access to information. The MFWA thus urges ECOWAS to adopt a regional policy to commit its member states to ensure and protect media freedom.

4.2 Prosecute violations of human rights

Perpetrators of attacks against media practitioners and demonstrators have often not been punished resulting in a high rate of impunity. The MFWA calls on the ECOWAS Community Court of Justice to prosecute cases of human rights violations recorded in the region, sanction governments and security agents found culpable, and seek redress for victims. This will contribute in guaranteeing the rule of law, ensuring respect for human rights and discouraging attacks towards the press and activists.



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