

## Expert Panel and Global Discussion on

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# Civic Space, Corruption, and COVID-19: Lessons on Civic Participation for Transparent Emergency Responses

On June 30, 2021, ICNL hosted an online discussion for civil society organization (CSO) representatives from around the world to share best practices on how to address corruption in public responses to COVID-19. Through expert presentations and group discussions in five languages, CSO representatives from 36 countries:

**IDENTIFIED TRENDS IN CIVIL SOCIETY SECTOR RESPONSES TO CORRUPTION IN THE COVID-19 CONTEXT ACROSS FIVE CONTINENTS**, noting both common challenges and unique approaches to advocating for reform, as well as the importance of CSO cooperation between and within countries to promote accountability.

**EXCHANGED STRATEGIES AND LESSONS LEARNED FOR CSOS TO ADDRESS CORRUPTION IN PUBLIC SPENDING ON PANDEMIC RESPONSES, ACCESS TO VACCINES, AND MORE**, including litigation, access to information requests, public pressure campaigns, education, and advocacy.

**CONSIDERED WHY CORRUPTION DURING THE PANDEMIC IS A CIVIC SPACE ISSUE**, specifically how governments in some countries have used pandemic-related measures to prevent CSO access to public information and limit the ability of civil society to peacefully assemble and call for change, among other actions, while in other countries CSOs have worked productively with public bodies to implement anticorruption initiatives.

Experts from the **Honduran National Anticorruption Council**, **Lawyers Without Borders (Jordan)**, **Malawi Human Rights Defenders Coalition**, and **National Foundation for India** delivered remarks on these topics. ICNL also facilitated discussion groups for participants who speak Arabic, Russian, Spanish, French, and English to further explore the interaction of civic space, corruption, and COVID-19 in their countries.

## Trends in Civic Space, Corruption, and the COVID-19 Pandemic

The 36 countries represented by participants in the online discussion were drawn from throughout Africa, Asia, Latin America, the Caribbean, the Middle East, and North America. In some of the participating countries, CSOs frequently collaborate with government officials, while in others the authorities are perceived as generally hostile to CSOs working to address corruption. Several common challenges related to corruption and civic space emerged, along with promising examples of CSOs exposing corruption, mobilizing public pressure, and promoting transparency and reform. Each of the observations reflected below was shared by an expert panelist or group discussion participant.

### ACCESS TO INFORMATION ON PUBLIC PROCUREMENT

A frequent concern, for example, from **URUGUAY**, where the government has repeatedly denied access to information requests from CSOs, was about lack of transparency in public procurement processes. In **MEXICO**, the government has pursued legal tactics, such as using military contracts for pandemic-related public procurement, to avoid disclosure rules. CSOs in **MALAWI** reported that the government has ignored procurement laws and allowed “rampant corruption” during the pandemic. The lack of transparency is acute in **BOLIVIA**, which does not have access to information laws.

In **INDIA**, the Prime Minister, for the first time in the country’s history, registered a government fund as a trust, which is not subject to ordinary procurement and disclosure rules. The fund, PM CARES, raised \$1 billion to fight COVID-19 in its first week, after which it stopped making public disclosures. A major scandal resulted when the fund contracted with an inexperienced company, based in the Prime Minister’s home state, to produce 50,000 ventilators, which were nearly all flawed. Similarly, a procurement scandal forced **BRAZIL’S** government to cancel a \$324 million contract. **MONGOLIAN** CSOs reported that corruption risk in the medical supply sector had increased sharply during the pandemic.

### INADEQUATE LEGAL FRAMEWORK TO ADDRESS CORRUPTION AND NEW LAWS RESTRICTING CIVIC SPACE

In **HONDURAS**, the existing legal framework allows the government to withhold documents for broad “national security” reasons and limits the prosecution of public officials, leaving CSOs without adequate tools to fight corruption. A strong corruption regulation there was repealed in 2010. CSOs in **BURUNDI** described anticorruption activities as “impossible” due to the severe persecution of critics and whistleblowers by the government, as well as the abolition of the country’s anticorruption tribunal.

Governments also used the pandemic as an excuse to impose or consider new laws restricting civic space and anticorruption activities. **MALAWI** and **HONDURAS**, among other countries, issued state of emergency orders limiting free movement and association, negatively impacting CSOs' ability to push for accountability. **JORDAN'S** government enacted a Defense Law which similarly constrained CSOs and considered a bill to allow the prosecution of journalists for defamation if they reported instances of corruption.

In **INDIA**, a law adopted in September 2020, which was successfully challenged in court, severely restricted CSOs' ability to receive foreign funding. Lawmakers in **KYRGYZSTAN** considered an "information manipulation" law, which would have punished CSOs for criticism of the government, although the law was not enacted. The **BOLIVIAN** government is now debating an anticorruption law under which CSOs could be liable for "corrupt acts," while failing to provide them with standing to sue for corruption.

## Strategies to Build Civic Space and Fight Corruption

Notwithstanding the above challenges, the discussions highlighted many examples of CSOs successfully pushing back against corruption and the restriction of civic space. In some cases, CSOs collaborated with public bodies to address corruption, while in others they exposed government malfeasance through coalitions or with social media. An expert panelist or group discussion participant shared each of the strategies and best practices below.

### MOBILIZING PUBLIC PRESSURE TO PROMOTE TRANSPARENCY AND ACCOUNTABILITY FOR CORRUPTION

After the **HONDURAN** government declared a state of emergency in February 2020, the National Anticorruption Council executed an exhaustive investigation and published 14 reports revealing the misallocation of \$50 million in COVID-19 funds— one of the largest state embezzlement scandals in the country's history. As a result, public officials have been prosecuted. The Council also exposed widespread delays and corruption risk in a government program to provide emergency funding to municipalities and pushed for appropriate action.

In **MALAWI**, the Human Rights Defenders Coalition, aware of the risk of corruption, led a successful public pressure campaign to force the government to audit COVID-19 funds. When authorities withheld the audit report, the Coalition threatened public demonstrations and litigation. The results of the audit, which were leaked, revealed considerable misuse of COVID-19 funds, leading to more than 300 arrests and the dismissal of a government minister.

Meanwhile, CSOs in **MONGOLIA** used social media to draw public attention to suspicious government procurement processes, while in **CAMEROON** a CSO steering committee formed to address a massive corruption scandal known as “COVIDGATE.”

A coalition approach was also used effectively in **JORDAN** by Lawyers Without Borders, which worked with 233 CSOs to oppose the proposed defamation law, which parliament eventually rejected.

CSOS ARE COLLABORATING WITH PUBLIC BODIES AND EACH OTHER TO RAISE AWARENESS AND PROVIDE TRAINING TO MONITOR CORRUPTION

In **HONDURAS**, the National Anticorruption Council trained citizens and grassroots groups to monitor public COVID-19 funds, identify corruption, and seek reforms. **PALESTINIAN** CSOs worked with the Palestinian Authority’s anticorruption agency to conduct a needs assessment on the anticorruption legal framework and administer a training program for 142 CSOs.

The **MALAWI** Human Rights Defenders Coalition runs a whistleblower program to identify corruption, which benefits from collaboration with the country’s anticorruption agency. In **RUSSIA**, CSOs reported that, while civic space restrictions remained, online platforms created during the pandemic enabled them to interact in new ways with public agencies, including by providing feedback and complaints related to corruption.

**INDIAN** activists in Tamil Nadu successfully pushed for a state law on torture after the police tortured and murdered two Dalits for refusing to pay a bribe (the police falsely claimed the victims had violated a COVID-19 lockdown order).

In contrast, Lawyers Without Borders and partner CSOs engaged in meetings with high-level **JORDANIAN** officials, but the government was “not responsive” until recently. The organization also conducted a survey that found funding challenges and restrictions on civil society were reported to be worse during the pandemic by most surveyed CSOs.

USING LITIGATION TO DEFEND CIVIC SPACE AND ADDRESS CORRUPTION

When **MALAWI'S** government considered an extreme law to restrict CSOs, the Human Rights Defenders Coalition obtained an injunction blocking its implementation. The Coalition is now working with legislators to design a better law to enable, rather than hinder, civil society. Similarly, Malawian CSOs challenged a harsh COVID-19 lockdown order which reportedly ignored domestic laws and international human rights obligations.

Strategic litigation in **INDIA** secured favorable court decisions on civic space, the PM Cares fund scandal, and a Foreign Contribution Regulation Act amendment which would have further constrained CSOs’ ability to receive foreign funding.

In contrast, CSOs in **RUSSIA** and in **JORDAN** reported that efforts to use strategic litigation to promote accountability for corruption were frustrated by the closure of courts during the pandemic.

### Next Steps

Participants at the virtual discussion emphasized the urgency of coordination between CSOs across regions to better address the transnational threat of corruption. ICNL welcomes comments from our global partners on the lessons learned presented here, which we will use to inform future knowledge sharing to enable civil society to address corruption in the context of COVID-19 and beyond.

ICNL is also pleased to invite our partners to a second global discussion, on **Civic Space, Surveillance, and Covid-19: The Role of Civil Society in Preserving and Enhancing Privacy**, on July 28, 2021 from 9:00-10:00 am EDT. Please see the event details [here](#).