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Status: Partly Free

Total Score: 37/100 (0 = Best, 100 = Worst)

Population: 190,886,311

Internet Penetration: 25.7%

Freedom in the World Status: Partly Free

Key Developments, June 1, 2017 – May 31, 2018

- Independent online news outlet Naij.com was found blocked in November 2017, along with 20 other websites, many of which promoted the independence of the Biafra region (see Blocking and Filtering).
- The Senate proposed a broadly worded hate speech bill in March 2018 that critics worry could be used by the government to silence online dissent (see Legal Environment).
- The Digital Rights and Freedom Bill passed at the House of Representatives in December 2017 and the Senate in March 2018; it now only requires the president's assent before becoming law (see Legal Environment).
- Online journalists and activists were subject to increasing extralegal harassment and intimidation for their activities (see Intimidation and Violence).

Introduction:

Internet freedom in Nigeria declined in the past year due to unprecedented blocks on 21 websites, including an independent online news outlet, as well as growing intimidation and violence against journalists and activists for their online activities. The continual arrests of journalists and bloggers also remained a concern.

With the approach of the 2019 national elections, civil society leaders and members of opposition parties have expressed concern about further crackdowns on internet freedom, despite assurances from the government that it supports media rights. In November 2017, it was revealed that service providers had blocked 21 websites, including the popular Naij.com news outlet, at the request of the telecommunications regulator, the Nigerian Communications Commission (NCC); the blocking

order had apparently come at the behest of the national security adviser. Many of the blocked sites promote the independence of Biafra, the region that attempted to secede from Nigeria in 1967 and fought against the federal government in the Biafran War. The move raised concerns that the websites of opposition parties and NGOs could be blocked during the 2019 election campaign period.

Internet freedom advocates believe that a broadly worded hate speech bill proposed by the Senate in March 2018 could be used by the government to silence online dissent; the bill prescribes the death penalty for speech that leads to a person's death. While the bill has been met with strong opposition, it is one of many recent proposals to clamp down on free speech at a moment when citizens are increasingly using online tools to defend democracy.

In the face of government pressure, citizens are using online platforms to advocate for better governance. Online campaigns, including the social media campaign that followed the kidnapping of more than 100 schoolgirls from Yobe state in February 2018, highlight the continued resilience and dynamism of human rights activists.

Persistent civil society advocacy has succeeded in pushing forward the Digital Rights and Freedom Bill first proposed in April 2015. Passed at the House of Representatives in December 2017 and the Senate in March 2018, the bill now only requires the president's assent before becoming law. If passed, the law will guarantee the application of human rights within the digital environment and promote the freedoms of expression, assembly, and association online, among other impacts on internet freedom.

Obstacles to Access:

Access to the internet on mobile devices continues to become more affordable. The regulator's order to ISPs to block 21 websites at the behest of the national security adviser calls the regulator's independence into question.

Availability and Ease of Access

Nigeria has one of the largest populations of internet users in sub-Saharan Africa, with over 89 million citizens online. According to the latest data from the International Telecommunications Union (ITU), Nigeria's internet penetration rate was 26 percent in 2016.^[1] Most of the growth in internet use can be attributed to the proliferation of mobile phone services. As of December 2017, the sector regulator reported a mobile phone teledensity of 103 percent and nearly 145 million active mobile internet subscriptions on GSM networks.^[2] The ITU documented a lower mobile phone penetration rate of 83 percent in 2016.^[3] The government's National Broadband Plan (2013-2018) has set a 30 percent target for broadband penetration, which the country has made incremental progress toward achieving.

Increasing access to the internet is driven by affordable data services for mobile subscribers. The Alliance for an Affordable Internet ranked Nigeria the 13th most affordable internet environment among 58 developing and emerging countries assessed in its 2017 Affordability Drivers Index.^[4] As of February 2018, mobile internet plans remain very popular, with 1.5 gigabytes of data available for USD \$3.28. In 2017, the average cost of a GSM plan was USD \$0.02 per megabyte of data,^[5] compared to \$0.05 per megabyte in 2016, \$0.26 per megabyte in 2015, and \$1.00 per megabyte in

2011. Nevertheless, costs are still a major impediment to internet access for many Nigerians in rural areas.

In March 2016, the government introduced the Communication Service Tax Bill 2015, which, if passed, will decrease the affordability of internet access by imposing a 9 percent tax on consumers for communications services, such as SMS, data, and voice services.^[6] The bill was still under consideration in 2018 despite its unpopularity among various stakeholders.

Power cuts frequently disrupt service and access, despite Nigeria's status as an oil-rich country. Nigerian households reported slight improvements in electricity access in recent years, receiving an average of ten hours of power supply per day in February 2017, up from less than six hours the previous year.^[7] Those with the financial wherewithal are able to rely on private generators and standby battery-powered inverter systems to stay online during outages.

Shortfalls in the power supply also undermine the quality of internet service offered by providers. Telecommunications base stations in Nigeria are typically powered by diesel generators, which reportedly account for 80 percent of their operating expenses.^[8] Separately, the need to pay for expensive backup power generators has accelerated the closure of cybercafés that were already struggling with competition against the growing popularity of internet access on mobile devices.

Nigeria's internet landscape is characterized by a significant digital gender divide: October 2015 research by the Web Foundation and Paradigm Initiative found that poor women in Nigeria's largest city, Lagos, were 50 percent less likely to have access to the internet than men of the same age, education, and income level.^[9]

Another major obstacle to internet access in Nigeria is language literacy. While Nigeria is home to over 500 local languages,^[10] most internet content is in English, and local language content is vastly underrepresented. For example, the Wikipedia pages in the three major Nigerian languages of Yoruba, Hausa, and Igbo are sparsely developed. Wikipedia entries on Nigerian topics are often edited by individuals who do not reside in Africa.^[11] Local language resources, such as audio and video health and educational materials, come with higher data requirements, potentially limiting access for users who can afford less data, yet stand to benefit the most from educational materials online.

Restrictions on Connectivity

There were no restrictions on connectivity to the internet or mobile networks during the coverage period. Mobile network restrictions were last reported in 2014 and 2015 in three northern states during a state of emergency in the fight against Boko Haram.

The backbone connection to the international internet is decentralized, resulting in a climate of healthy competition with little government interference. Multiple players have built fiber networks that crisscross the country, including Phase 3, Glo 1, Suburban Telecom, Multilinks and MTN. There are three active internet exchange points (IXPs).^[12]

ICT Market

The ICT market in Nigeria has expanded considerably over the past decade, with the number of licensed internet service providers (ISPs) rising from 18 in 2000 to 98 as of February 2018, though the growth of ISPs and fixed wireless access (FWA) providers has slowed in recent years with the rise in mobile access.^[13] Five privately owned GSM mobile phone operators also provide internet access: MTN, Globacom, Airtel, 9Mobile (formerly Etisalat), and NTEL, which began operations in February 2016 after acquiring the license of the defunct first national operator, NITEL.^[14] In January 2016, MTN acquired Visafone, securing access to its 800MHz spectrum as a possible precursor to the launch of 4G LTE service.^[15]

In July 2017, Etisalat changed its name to 9Mobile, following the exit of the company's largest shareholder, Mubadala Development Company. Analysts believe that Mubadala's exit was due to 9Mobile's mishandling of \$1.2 billion in loans.^[16] Although 9Mobile's proposed sale to Teleology Holdings has been mired in controversy, it continues to provide services to subscribers.^[17] NCC asserts that Teleology has not paid a nonrefundable, \$50 million registration fee, despite their claims to the contrary. The Central Bank of Nigeria, some vendors owed by 9Mobile, and the chairman of a legislative committee on telecommunications have all raised objections to the sale, leaving the company's future uncertain.^[18]

Cybercafés (or telecentres) are required to obtain licenses, but the large number of unlicensed cybercafés in operation suggests that the regulator has not enforced the requirement.^[19]

Regulatory Bodies

The 2003 Nigerian Telecommunications Act vests regulatory responsibilities over the ICT sector in the Nigerian Communications Commission (NCC). The government nominates the NCC's nine-member board of commissioners. The NCC's current CEO and executive vice chairman, Umar Garba Danbatta, was appointed in August 2016 through a process that was viewed as fair. Professor Danbatta is a leading academic and considered an industry expert.^[20]

Until recently, the NCC had a reputation for being relatively independent. However, during the coverage period, some of the NCC's actions, including blocking orders it conveyed to licensed operators on behalf of the national security adviser, cast a shadow over the body's perceived independence (see Blocking and Filtering).

Limits on Content:

Independent online news outlet Naij.com was found blocked in November 2017, along with 20 other websites, many of which promoted the independence of the Biafra region. The blocking order lacked transparency. Online campaigns highlight the continued resilience and dynamism of human rights activists.

Blocking and Filtering

In November 2017, it was revealed that service providers blocked 21 websites, including the popular Naij.com online news outlet, at the request of the NCC.^[21] Though the blocking order lacked transparency, Paradigm Nigeria Many of the blocked sites promote the independence of Biafra, the region that attempted to secede from Nigeria in 1967 and fought against the federal government in the Biafran War. Although access to Naij.com was eventually restored, as of April

2018, at least 15 of the websites remained blocked.^[22] The NCC's actions have raised concerns that the websites of opposition parties and critical NGOs could be blocked during the 2019 election campaign period.

YouTube, Facebook, Twitter, WhatsApp, and other communications platforms are freely available and widely used.^[23] The complex nature of Nigeria's internet infrastructure makes it difficult to carry out systematic filtering or censorship.

In recent years, a few high-level government officials have called for a clampdown on social media in response to the growing influence of critical commentary on the internet,^[24] sparking fears of impending online censorship.^[25] Legislative proposals have added weight to those fears. The Frivolous Petitions Prohibition Bill introduced in 2015 sought to penalize expression on social media, though it was withdrawn in May 2016. Meanwhile, the Cybercrime Act, which was signed into law in May 2015, has been used to arrest bloggers for critical content in the past year (see Legal Environment, and Prosecutions and Detentions for Online Content).

Content Removal

The government did not issue any takedown requests, or force legitimate content to be removed from the internet during the coverage period.

Media, Diversity, and Content Manipulation

Nigeria is home to a diverse blogosphere, which has become a source of reliable news for many users, and provides space for vibrant debate on a broad array of political and social issues. Popular blogging platforms include Medium, Blogger, and WordPress. Diverse political viewpoints are represented on Nigerian websites and blogs, though some independent online media outlets faced a backlash under previous governments.

Government manipulation was not reported during the period, but as the 2019 elections approach, observers worry that online propaganda and manipulation could be employed to gain a political advantage among voters.

The ongoing prevalence of arrests for online commentary under the 2015 Cybercrime Law has resulted in increasing self-censorship, particularly among professional journalists who also publish content online (see Prosecutions and Detentions for Online Activities). Nigeria's LGBTI (lesbian, gay, bisexual, transgender, and intersex) community is marginalized, and many LGBTI individuals report feeling unsafe using their real names online, preferring to engage anonymously.^[26]

Digital Activism

As active social media users, Nigerians have become prolific digital campaigners, innovatively using social media and communications apps to call for social or political change. The savviness of Nigeria's digital activists led to significant internet freedom success stories in the recent past, including the defeat of the Frivolous Petitions Prohibition Bill, or the so-called social media bill, in 2016. Among its goals, the bill sought to constrain critical expression on social media.^[27]

With the 2019 elections approaching, online activism, including voter mobilization and citizen action to hold elected officials accountable, remains strong. In February 2018, when over 100 girls were abducted from their school in northern Nigeria, citizens started a campaign similar to #BringBackOurGirls in 2014, demanding information and action from the government. In response, the government provided more details on the situation, and continued to give status updates until all but one of the girls were returned.^[28]

Violations of User Rights:

A broadly worded hate speech bill proposed in March 2018 could be used by the government to silence online dissent. The Digital Rights and Freedom Bill passed at the House of Representatives in December 2017 and the Senate in March 2018; it now only requires the president's assent before becoming law. Several arrests were reported for online activities, while intimidation and violence against journalists and activists increased.

Legal Environment

Nigeria's 1999 constitution guarantees freedom of expression and the press. The implementation of Sharia (or Islamic) law in 12 northern states has not affected internet freedom in those regions to date. Nonetheless, libel is a criminal offense in Nigeria, including online, with the burden of proof resting on the defendant. Print media journalists covering sensitive issues such as official corruption and communal violence are regularly subject to criminal prosecution.

Before leaving office in May 2015, former president Goodluck Jonathan signed the Cybercrime (Prohibition, Prevention, etc.) Act 2015 into law, providing a framework for addressing the country's cybercrime epidemic.^[29] The law, however, includes provisions that violate citizens' rights to privacy (Section 38, see Surveillance, Privacy, and Anonymity) and freedom of expression. Duplicating existing libel laws, section 24 of the law penalizes "cyberstalking" or messages that are "false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another" with up to three years in prison, a fine, or both. Section 26 penalizes distribution of "racist or xenophobic material to the public through a computer system or network" with up to five years in prison, a fine of up to NGN 10 million (US\$50,000), or both.^[30]

A coalition of civil society organizations led by Paradigm Initiative, a digital rights organization, filed a suit to challenge the constitutionality of sections 24 and 38 of the cybercrime law in May 2016.^[31] However, a judge dismissed the case in a January 2017 ruling. The coalition filed an appeal on May 3, 2017 challenging the judge's decision.

Paradigm Initiative has also led efforts to codify protections for internet freedom through the introduction of the draft Digital Rights and Freedom Bill in April 2015. Sponsored by lawmaker Chukwuemeka Ujam, the bill was passed at the House of Representatives in December 2017^[32] and the Senate in March 2018. The bill now only requires the president's assent before becoming law. The bill's objectives are to guarantee the fundamental privacy rights of citizens and define the legal framework regarding surveillance; promote the freedoms of expression, assembly, and association online; outline the provisions of lawful and authorized interception of communications within the digital environment without sacrificing the freedom and constitutional rights of citizens; guarantee the application of human rights within the digital environment; provide sufficient safeguards against

online abuse and provide opportunity for redress; and equip the judiciary with the necessary legal framework to protect human rights online. If signed by the president, the bill will provide a comprehensive data privacy and protection framework and make internet shutdowns illegal.

Internet freedom advocates have raised concerns that a broadly worded draft hate speech bill proposed by the Senate in March 2018 will be used by the government to silence the online activities of opposition critics and NGOs; the bill prescribes the death penalty for speech that leads to a person's death. The bill, sponsored by Senator Aliyu Sabi Abdullahi, a member of the president's party, ostensibly seeks to eliminate "hate speech and discourage harassment on the grounds of ethnicity, religion or race among others" and, among its provisions, states that "any person who uses, publishes, presents, produces, plays, provides, distributes and/or directs the performance of any material, written and/or visual, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words, commits an offence."^[33] While the bill has been met with strong opposition, it is one of many recent proposals to clamp down on free speech in a moment when citizens are increasingly using online tools to defend democracy. As of May 31, 2018, the bill had not yet been voted on in the Senate.

Prosecutions and Detentions for Online Activities

Numerous bloggers, online journalists, and private citizens were arrested for their online activities in the past year, most of whom were charged for "cyberstalking" under section 24 of the cybercrime law, though no cases have led to convictions:

- 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.^[34]
- In July 2017, a primary school teacher was fired and then arraigned before a magistrate court in Ilorin for allegedly insulting Senate President Bukola Saraki on Facebook; the charges were later withdrawn.^[35]
- In August 2017, a citizen was arrested for posting an image of Kogi state Governor Yahaya Bello's Abuja residence on WhatsApp; authorities claimed that the image threatened Bello's security.^[36] Online journalists Timothy and Daniel Elombah were charged with cybercrime in January 2018 for posting an article critical of Inspector-General of Police Ibrahim Idris.^[37]
- 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 in Chibok in 2014.^[38]

Surveillance, Privacy, and Anonymity

Thus far, there has been no evidence that authorities proactively monitor internet and mobile phone communications, but many online journalists have long suspected that they are being monitored by the state. In April 2017, the federal government denied monitoring calls and social media posts.^[39] However, the NCC stated during a March 2018 event that "the Office of the National Security Adviser (ONSA) has a direct link to the NCC's SIM registration database in order to monitor and apprehend criminals in the country."^[40]

The government's intent to enhance its surveillance capabilities is reflected in its federal budget, which in 2018 allocated NGN 4.6 billion (US \$12.8 million) to "Stranvisky Project 2 (Ongoing)," an ONSA project that was allocated NGN 13.9 billion (US \$45.6 million) in 2017.^[41] Observers believe the project is for new surveillance technology. Other line items in the 2018 budget for the ONSA and Department of State Security include the "DSS Social Media Mining Suit," with an allocation of NGN 2.2 billion, "Wolverme Next Generation SDRIMSI" with a provision of NGN 1 billion, "Surveillance Drone" with a budget provision of NGN 1 billion, and "Mobile Surveillance Facilities" with NGN 240 million allocated, among others.^[43] As of May 2018, the purpose of these budget items was unclear, as well as their current status. Government officials frequently assert that new technology to fight the Boko Haram terrorist group is necessary.

Several legal provisions may allow the government to conduct surveillance without respect for the Necessary and Proportionate Principles, international guidelines that apply human rights law to monitoring technologies.^[44]

The cybercrime law enacted in May 2015 requires service providers to retain user data and intercept electronic communications.^[45] Under Section 38 of the law, providers are required to "keep all traffic data and subscriber information . . . for a period of two years" and comply with requests from law enforcement agencies to access this data.^[46] The law implies a degree of judicial oversight for these requests, but the procedure involved is unclear.^[47]

Guidelines for the Provision of Internet Service published by the regulator in 2013 also require ISPs to cooperate with law enforcement and regulatory agencies in providing "any service-related information . . . including information regarding particular users and the content of their communications" during investigations of cybercrime or other illegal activity.^[48] The guidelines do not include oversight of that cooperation, creating the potential for abuse. The guidelines also stipulate that ISPs must retain user data and "the content of user messages or routing data" for at least 12 months.^[49]

Data localization is mandated under the Guidelines for Nigerian Content Development in Information and Communications Technology, issued by the Nigerian National Information Technology Development Agency (NITDA) in 2013. The guidelines require ICT companies to "host all subscriber and consumer data locally within the country."^[50] The stated aim was to boost local content and ICT development, but the requirement risks compromising user privacy and security, given the absence of adequate data protection laws.^[51] The extent to which the guidelines have been enforced remained unclear as of 2018, as there have been no reports that international ICT companies have been compelled to comply.

A draft Lawful Interception of Communications Regulation introduced by the communications regulator in February 2013 is still under discussion.^[52] If implemented, the regulation would enable interception both with and without a warrant under different circumstances, and require mobile phone companies to store voice and data communications for three years. It also directs telecommunications licensees to "provide the National Security Adviser and the State Security Service with the key, code, or access to . . . protected or encrypted communication" on demand.^[53] Critics said it bypassed the legislative process and threatens citizens' privacy rights, since it lacks judicial safeguards against abuse or opportunities for redress.^[54]

News of the government's acquisition of mass surveillance equipment in recent years has deepened suspicions of surveillance. In July 2015, leaked emails from the Italian surveillance firm Hacking Team revealed that the company had a contract with the Bayelsa state government that expired in November 2013.^[55] The active period of the contract, from 2012 to 2013, coincides with the state governor's crackdown on so-called "rumormongering" online.^[56] Citizen Lab research from 2014 also found a FinFisher "Command and Control" server located on a private ISP in Nigeria.^[57] As of May 2018, the extent to which that surveillance system is operational is not known.^[58]

SIM card registration requirements instituted in June 2009 threaten users' rights to anonymous communication and privacy,^[59] particularly in the absence of a data protection law.^[60] User registration is also required in cybercafés. An October 2013 directive from the regulator requires cybercafés to "maintain an up-to-date database of subscribers and users, including their full names, physical addresses, passport photos, and telephone numbers."^[61] Under section 7 of the cybercrime law, cybercafés must make their registers "available to law enforcement personnel whenever needed," with no clear requirement for judicial oversight.^[62]

Intimidation and Violence

Online journalists and activists have been subject to increasing extralegal harassment and intimidation for their activities in recent years, particularly by local officials or powerful businesspeople who have taken issue with critical commentary posted about them on social media. Along with the threat of arrest as an intimidation tactic, police often raided the homes of targeted bloggers, seizing equipment.^[63]

In June 2017, Charles Otu, a local journalist, was assaulted by a mob in Abakaliki for making Facebook comments critical of the Ebonyi state government.^[64] Separately in June 2017, Franc Utoo, a former opposition politician and social activist, was reportedly abducted by unknown gunmen in Abuja after sending insulting text messages to Abba Yaro, chairman of the Benue state All Progressives Congress (APC).^[65] Police later confirmed that Utoo was in their hands under arrest.

Technical Attacks

Cyberattacks against news websites, civil society, and human rights activists were not reported in Nigeria during the coverage period.

Notes:

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- [23](#) "Whatsapp is Nigerian Professional Social Media," Android Nigeria, September 24, 2014, <http://bit.ly/22fauOs>
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