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Freedom of the Press 2012 - Nigeria

2012 Scores

Press Status: Partly Free
Press Freedom Score: 50
Legal Environment: 13
Political Environment: 22
Economic Environment: 15

The 1999 constitution guarantees freedom of expression and of the press, but Nigeria's vibrant and active media sector continues to face numerous attempts by state and nonstate actors to suppress political criticism and intimidate journalists into silence. On a positive note, 2011 saw significant improvement in the legal environment with the signing of the Freedom of Information (FOI) Act by President Goodluck Jonathan. The new legislation is the result of a decade-long advocacy campaign led by civil society groups and media practitioners, and guarantees citizens' right to public information. Its passage made Nigeria the second country in West Africa, after Liberia, to adopt a comprehensive right to information law. Until the passage of the law, access to official information remained restricted by provisions in the 1962 Official Secrets Act and the criminal code, which creates various press and speech offenses, including sedition, criminal defamation, and publication of false news. Whether the recently passed FOI Act will negate the provisions of some of these laws remains to be seen. Libel is a criminal offense, and several journalists have been charged in recent years. In November 2011, Olajide Fashikun, editor of the *National Accord* newspaper, was arrested after alleging in a series of articles that there is corruption in the Nigerian Football Federation (NFF). At year's end, he was awaiting libel charges by the NFF.

The National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the broadcast code. Some critics allege the commission's processes and decisions can be opaque and politically biased. In October 2010, President Goodluck Jonathan announced that the government was giving the NBC full authority to consider and issue licenses, including those for community radio, without obtaining final approval from the presidency, provided applications "have met all the conditions stipulated by law." Despite the announcement, there has been no indication that an amendment to the law establishing the NBC and its charter is pending before the National Assembly to support the change in the commission's mandate.

In 1992, the military government of General Ibrahim Badamasi Babangida created the Nigerian Press Council to regulate a wide range of media policy, including ownership, registration, and journalistic practice; a 1998 amendment to the decree continued to impose fines and possible jail sentences on noncompliant journalists. The council had a

board of 19 appointed members with few media representatives, as industry groups refused to cooperate in nominating members to the board. With the return to civilian rule in 1999, local media advocacy groups challenged the constitutionality of the repressive decree, and in July 2010, a Federal High Court nullified sections of the Nigerian Press Council Act as unconstitutional, rendering the act powerless. The federal justice in the case, A.M. Liman, called the law "a bulwark against the free expression of opinion, ideas and views whether by individual journalists or by the press," concluding that the act was "a gross violation of the right guaranteed under Section 39 of the constitution."

Despite the backing of the federal courts in attempts to extend protections for a free press, Nigeria remains a dangerous place to practice journalism. Sharia, or Islamic law, courts – which operate in 12 northern states – demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. A major threat to press freedom and general public safety in 2011 was the violent campaign by the militant Islamist sect Boko Haram, whose wave of bombings, assassinations, and intimidation claimed hundreds of lives during the year. The group is seeking to impose strict Islamic law over all of Nigeria. In October, the group carried out one of its most brazen attacks on journalists, when members shot and killed Zakariya Isa, a reporter and cameraman for the state-owned Nigerian Television Authority (NTA), as he covered the aftermath of one of the sect's bomb attacks in the northeastern city of Maiduguri.

Other acts of intimidation against the press in 2011 included more than 30 attacks on press freedom in the period leading up to the April presidential, legislative, and gubernatorial elections. Journalists were frequent targets of ill-disciplined police and State Security Service (SSS) agents, who arrested and detained them for brief periods without judicial or legal authorization. Separately, in October, police raided the offices of the *Nation*, seeking information about how the newspaper had obtained a letter from former president Olusegun Obasanjo to President Jonathan outlining Obasanjo's desire for Jonathan to replace the leaders of the Petroleum Technology Development Fund and four other agencies with his own candidates. After newspaper staff refused to disclose such information, police arrested four editors and two journalists; however, they were all released and charges against them were never filed. A number of journalists' murders in recent years remain unsolved. Some journalists practice self-censorship on sensitive political and social issues.

There are more than 100 national and local publications, the most influential of which are privately owned. However, a number of state and local governments own print and broadcast media, as do individuals directly involved in politics. The print sector is generally vibrant and outspoken in its criticism of unpopular state policies. There are 15 major privately owned daily newspapers, one government-owned daily with national reach, and a number of other state-owned dailies that tend to be poorly produced and require large advertising subsidies. Radio tends to be the main source of information for Nigerians, while television is used mostly in urban areas and by the affluent. Private television stations must ensure that 60 percent of their programming is produced locally. The state's history of monopolizing broadcast communications has prevented the development of community radio, although an advocacy movement begun in 2003 has resulted in signs of support from the government.

Licensing fees and taxes for broadcast media remain high, and many outlets experience financial difficulties, limiting their viability. The only two nationwide broadcast networks are state-owned: the Federal Radio Corporation of Nigeria and the NTA. However, in February 2010 the NBC awarded the first private radio and television network license to Silverbird Communications, which had outbid two other private competitors for the licenses, paying 3.5 billion naira (about \$25 million) for the TV network license, and 1.5 billion naira (about \$11 million) for the radio license. A 2004 NBC ban on the live broadcast of foreign programs, including news, on domestic stations remains in force. Nevertheless, foreign broadcasters, particularly the U.S.'s Voice of America and the British Broadcasting Corporation (BBC), are important sources of news in the country.

Bribery and corruption remain problems in the media industry, particularly in the form of "brown envelopes," or small cash gifts that sources give journalists. A 2009 survey of 184

media professionals in Lagos found that 61 percent of them habitually received brown envelopes while on reporting assignments. However, 74 percent of the respondents disagreed that the gifts led to biased coverage, perhaps because the practice is so common.

Approximately 28 percent of the population accessed the internet during 2011. According to the 2011 Africa Media Barometer report on Nigeria, forms of new media, especially social-media outlets such as Twitter, Facebook, and YouTube, provided civil society with a greater voice during the 2011 elections. In comparison to past elections, increased access to the internet allowed the sharing of information and debate surrounding the campaign. There were no reports that the government restricted access or monitored e-mail. However, in March 2010, a Sharia court in Kaduna ordered a human rights group, the Civil Rights Congress (CRC), to close its blog and stop hosting debates on Twitter and Facebook about the use of amputation to punish theft in Nigeria's 12 northern states governed by Sharia. The debates were prompted by the 10th anniversary of Nigeria's first case of amputation under Sharia. The CRC said it would appeal the ruling. Bloggers, many of whom are nonresident Nigerians, are occasionally arrested or harassed by the security services. In January 2011, columnist and blogger Okey Ndibe was briefly arrested on arrival in Nigeria and his passport was confiscated for several days.

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