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2013 Scores

Press Status: Partly Free

Press Freedom Score: 51

Legal Environment: 13

Political Environment: 23

Economic Environment: 15

In 2012, Nigeria's vibrant and active media sector continued to face numerous attempts by state and nonstate actors to stifle political criticism and intimidate journalists into silence. The 1999 constitution guarantees freedom of expression and of the press, but other legal provisions create various press and speech offenses, including sedition, criminal defamation, and publication of false news. Several journalists have been charged with criminal defamation in recent years. In September 2012, the Ogun State governor, Ibikunle Amosun, filed a libel case against the *Nigerian Compass* newspaper for an article that accused him of "frivolous spending." In a separate case in April, a court threw out a 1 billion naira (\$6.4 million) defamation suit filed by former Ekiti State governor Ayo Fayose against *TheNews* magazine. Sharia (Islamic law) courts, which operate in 12 northern states, demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. However, federal courts have attempted to extend legal protections for journalists. In October 2012, a high court ruled that police had violated the fundamental human rights of Desmond Utomwen, a correspondent for *TheNews* and *PM News*, when they assaulted and detained him as he attempted to cover a peaceful protest outside a private bank in Abuja in 2009. The court awarded Utomwen 100 million naira (\$638,000), the largest legal settlement in any Nigerian case involving a journalist.

The 2011 Freedom of Information (FOI) Act guarantees citizens' right to public information and has put pressure on government agencies to release records in response to petitions by media and activist groups. Some state governors have balked at complying with the law, arguing that the federal legislation has no impact on state compliance. Until the passage of the law, access to official information remained restricted by provisions in the 1962 Official Secrets Act and the criminal code.

The National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the broadcast code. Some critics allege that the commission's processes and decisions can be opaque and politically biased. In 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, to support the change in the commission's mandate, is pending before the National Assembly. In August 2012, the federal cabinet approved the merger of the NBC with the Nigerian Communications Commission (NCC), the independent telecommunications regulatory body. In principle, the unification would create a more powerful information and communication technologies (ICT) agency, but new legislation is still required for the move to be implemented.

The Nigerian Press Council was created by a military government in 1992 to regulate a wide range of media policy, including ownership, registration, and journalistic practice. A 1998 amendment to the decree retained provisions that prescribed fines and possible jail sentences for noncompliant journalists. The council's board consisted of 19 appointed members with few media representatives, as industry groups refused to cooperate in the nomination process. With the return to civilian rule in 1999, local media advocacy groups challenged the constitutionality of the repressive decree, and in 2010 a federal high court duly nullified key sections of the Nigerian Press Council Act as unconstitutional, rendering it powerless.

There were no reports that the government restricted internet access or monitored e-mail during the year. The influence of social-media platforms such as Twitter, Facebook, and YouTube proved critical in providing alternative sources of news, information, and viewpoints during the massive nationwide protests sparked by Jonathan's January 2012 announcement that the government was withdrawing a key fuel subsidy, leading to historic price hikes. Civil society activists used social media and mobile-telephone text messaging to counter government propaganda that was designed to justify the subsidy decision. The protesters also used social media to mobilize supporters to occupy state-owned television outlets, forcing the stations to broadcast the demands of the protesters live.

Nigeria remains a dangerous place to practice journalism. In two separate incidents, the body of murdered editor Nansoh Sallah of Highland FM was found on a roadside in January 2012, and journalist Chuks Ogu of Independent TV was killed by unidentified gunmen in April. The assailants remained at large during the year, and no motive was known in either case. The escalation of a violent campaign by the militant Islamist sect Boko Haram, which has claimed hundreds of lives during the past two years, has only heightened the feeling of vulnerability among news practitioners. During 2012, the group was responsible for numerous incidents of intimidation toward journalists and media outlets, as well as the January assassination of reporter Enenche Godwin Akogwu of Channels TV in the northern city of Kano. In April, Boko Haram simultaneously bombed the offices of three media outlets in Abuja and Kaduna – the *Daily Sun*, *ThisDay*, and the *Moment* – killing at least eight people. The recent spike in unsolved killings of journalists earned Nigeria a place on the Committee to Protect Journalists' Impunity Index for the first time in 2012.

Security forces also engaged in acts of obstruction, intimidation, and violence against journalists during the year. Among a number of other cases, in February authorities locked over 60 journalists out of the press center at the Lagos airport and withheld their equipment as a matter of "national security." In October, journalist Bamigbola Gbolagunte of the *Daily Sun* was arrested on the orders of a local police commissioner, who demanded the retraction of an allegedly offensive report. In December, state security service agents invaded the homes of reporters Musa Mohamed Awwal and Aliyu Saleh of the Hausa-language *Al-Mizan* newspaper. They were assaulted, detained, and had their mobile phones and laptops confiscated. Also in December, security officials prevented reporter Ozioma Ubabukoh of the *Punch* from writing about the status of a governor who had not been seen in public for several months.

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 government 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 more affluent citizens. Private television stations must ensure that 60 percent of their programming is produced locally, while private radio must ensure that 80 percent 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 Nigerian Television Authority (NTA). However, in 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. A 2004 NBC ban on the live broadcast of foreign programs, including news, on domestic stations remains in force. Nevertheless, foreign broadcasters, particularly Voice of America and the British Broadcasting Corporation (BBC), are key providers of news in the country.

The internet has also become an increasingly important news source in recent years, and approximately 33 percent of the population accessed the medium in 2012.

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.

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