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Freedom of the Press 2011 - Nigeria

Status: Partly Free

Legal Environment: 14

Political Environment: 21

Economic Environment: 17

Total Score: 52

The 1999 constitution guarantees freedom of expression and of the press, but Nigeria's vibrant and active press faced numerous attempts by state and nonstate actors to suppress political criticism and intimidate journalists into silence in 2010. The legislative branch of government, the conservative Sharia (Islamic law) courts, and to a lesser extent, the federal executive branch remained major obstacles to media freedom. On the positive side, Nigeria's judiciary continued to assert its independence in 2010, including striking down the restrictive Nigerian Press Council Act.

Notwithstanding the backing of the federal courts regarding attempts to extend protections for a free press, the country's Sharia courts, which operate in 12 northern states, demonstrate antagonism toward free expression, and Sharia statutes impose severe penalties for alleged press offenses. Libel is a criminal offense, and several journalists have been charged in recent years, although none in 2010. In an earlier legal victory for journalists, a federal appellate court ruled in June 2009 that then president Umaru Yar'Adua could not sue the private daily *Leadership* until his term ended. The president had filed the case against the publication over a 2008 article about his poor health. The president died in office from a heart ailment in early 2010. The secrecy about the president's health sparked an intense public debate about what constituted public information. Under the current legal framework, access to official information remains restricted by laws such as the 1962 Official Secrets Act and the criminal code, which creates various press and speech offences, including sedition, criminal defamation, and publication of false news. During the course of the year, the National Assembly continued to block passage of a federal Freedom of Information Bill, which was first presented to the legislature in 1999; various iterations of the bill had since been blocked by either the National Assembly or former president Olusegun Obasanjo. In November 2010, Minister of State for Information and Communications Labaran Maku again called on the legislature to pass the bill in the interest of good governance, but no action had been taken by year's end.

The National Broadcasting Commission (NBC) is responsible for licensing broadcast media and upholding the broadcast code. Some critics say the commission's processes are opaque and politically biased. In May 2009, the NBC suspended the license of a radio station in southwest Nigeria, Adaba 88.5 FM, for two weeks after it failed to pay a fine

of 500,000 naira (\$3,350) for violations of the broadcast code. The station had been providing commentaries on regional political issues. 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 swath of media policy, including ownership, registration, and journalistic practice; a 1998 amendment to the decree continued to prescribe fines and possible jail sentences for 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."

Nigeria is a dangerous place to practice journalism. Media workers suffered numerous attacks in 2010, including the murder of three journalists in two separate incidents on April 24. Edo Sule-Ugbagwu, a court reporter for the daily newspaper the *Nation*, was gunned down in his home in a suburb of Lagos by unknown assailants. In Jos, a recurring site of sectarian violence, Nathan S. Dabat and Sunday Gyang Bwade, a deputy editor and reporter for the Protestant biweekly *Light Bearer*, were hacked to death by rioters on their way to an assignment. In another incident in April, four journalists who covered the dismissal of the head of the electoral commission received threats by text message that invoked the names of three Nigerian journalists whose murders remain unsolved. In a climate of worsening crime and personal security, four journalists and their driver were abducted in July in the southeastern city of Aba and held for ransom by kidnappers who demanded 250 million naira (about \$1.6 million). The five abductees were released a week later, with no ransom paid but 3 million naira (\$20,000) stolen from them. The police quickly arrested four people in connection with the kidnapping. Although the murders and threats were condemned by government ministers and there were calls for rapid police scrutiny of the cases, impunity remains the norm, with most cases remaining unsolved. Two major sources of attacks on journalists are political party activists and the police themselves, who regularly harass reporters as they attempt to cover the news.

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 Nigerian Television Authority. 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 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 29 percent of the population accessed the internet during the year. There were no reports that the government restricted access or monitored e-mail. Except for the case of the brief detention and passport seizure of U.S.-based blogger and scholar Okey Ndibe during a visit to Nigeria, there were no reported instances of harassment or arrest of local or expatriate bloggers in 2010, as had been the case in previous years. However, in March, a Sharia court in Kaduna ordered a human rights group, the Civil Rights Congress (CRC), to close its blog and stop hosting debates on the social networking sites Twitter and Facebook about the use of amputation to punish theft in Nigeria's 12 northern states governed by Sharia law. The debates were prompted by the 10th anniversary of Nigeria's first case of amputation under Sharia law. The CRC said it would appeal the ruling.

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