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FREEDOM ON THE NET 2024

Nigeria

PARTLY FREE

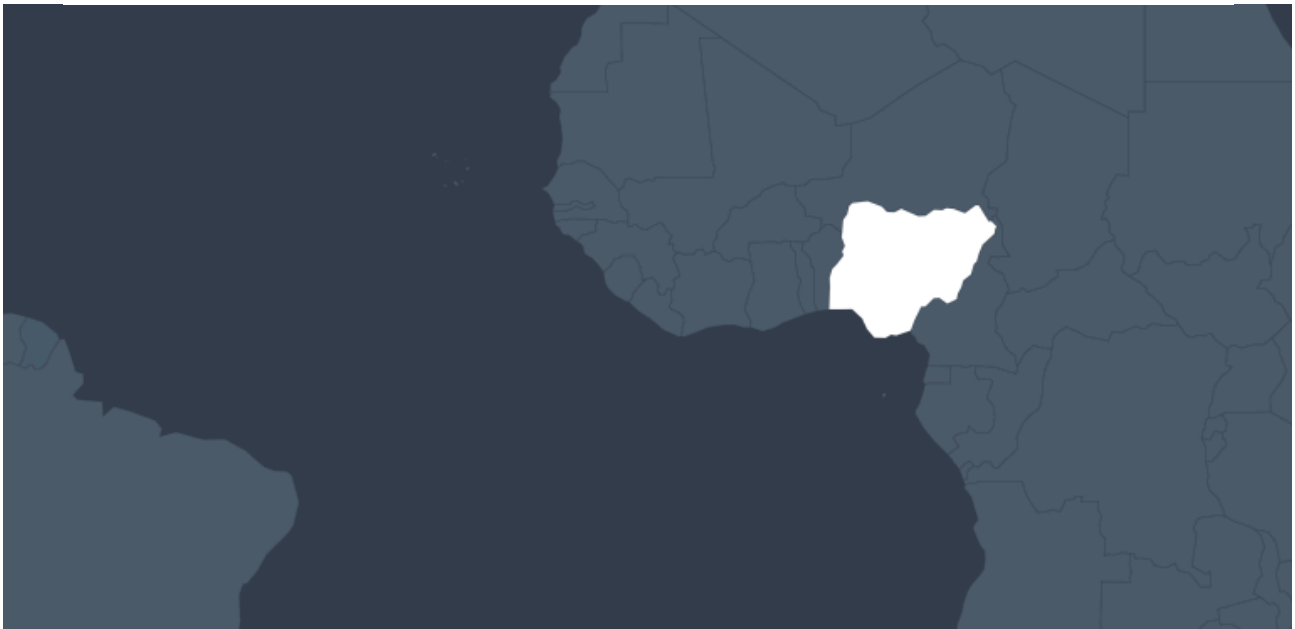
59
/100

A. <u>Obstacles to Access</u>	17 /25
B. <u>Limits on Content</u>	24 /35
C. <u>Violations of User Rights</u>	18 /40

LAST YEAR'S SCORE & STATUS

60 /100 **Partly Free**

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Key Developments, June 1, 2023 – May 31, 2024

Internet freedom declined slightly in Nigeria, as continued threats of legal prosecution and extralegal retaliation for online journalists led to the removal of news stories during the coverage period. Although the passage of a data protection law and amendments to the Cybercrimes Act were seen as positive steps, authorities continue to crack down on protesters, online activists, and journalists who publish content that negatively portrays powerful individuals.

- Two online journalists removed stories in response to legal pressure and intimidation they received during the coverage period (see B2).
- The Cybercrimes Act was amended in February 2024, amending Nigeria’s infamous “cyberstalking” charge in Section 24 that has been frequently used to arrest or imprison journalists and activists (see C2).
- Although authorities continued to arrest and charge internet users for their online activity, some prosecutions ended in acquittals, overturned convictions, or shortened sentences during the coverage period. Omoyele Sowore, an activist and journalist whose stringent bail conditions had prevented him from seeing his family for more than four years, was acquitted of treason after a long-delayed trial in February 2024, and the sentence of Mubarak Bala for blasphemy was reduced from 24 to 5 years (see C3).
- In June 2023, the president signed the Nigeria Data Protection Act (NDPA), following years of civil society advocacy for data protection legislation (see C6).
- Online journalists continued to face threats, and in some cases, physical violence in retaliation for their work. One journalist went missing and was later found dead in September 2023 (see C7).

Political Overview

While Nigeria has made significant improvements to the quality of its elections since the 1999 transition to democratic rule, the 2023 presidential and National

Assembly elections, which saw Bola Tinubu elected president and the All Progressives Congress (APC) retain its legislative majority, were marred by irregularities. Corruption remains endemic in the key petroleum industry. Security challenges, including insurgencies, kidnappings, and communal and sectarian violence in the Middle Belt region, threaten the human rights of millions of Nigerians. Military and law enforcement agencies often engage in extrajudicial killings, torture, and other abuses. Civil liberties are undermined by religious and ethnic bias, while women and LGBT+ people face pervasive discrimination. The vibrant media landscape is impeded by criminal defamation laws, as well as the frequent harassment and arrests of journalists who cover politically sensitive topics.

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

3/6

Infrastructural challenges, including unreliable access to electricity, hamper both access to the internet and internet speeds.

According to DataReportal's *Digital 2024* report, Nigeria had an internet penetration rate of 45.5 percent as of January 2024, a 10 percent fall from 2023.

1 According to the Nigerian Communications Commission (NCC), the number of internet subscriptions increased by 7.6 million from January 2023 to December 2023. **2** According to NCC data, the number of fixed-line internet connections improved to 21,104 as of December 2023. **3**

The government's National Broadband Plan 2020–25 (NBP) aims to expand broadband penetration to 70 percent by 2025. **4** As of December 2023, while the total number of broadband subscriptions had increased from the previous year, the NCC reported that the broadband penetration rate declined from 48.2 to 43.7 percent in 2023. **5**

In 2021, the National Executive Council approved the rollout of 5G technology for mobile networks in Nigeria after a trial period in three major cities. In August 2022,

the mobile service operator MTN rolled out 5G services at 190 sites in seven states. ⁶ In June 2023, Airtel inaugurated its 5G network in Lagos, Rivers, and Ogun states and in the Federal Capital Territory. ⁷ As of December 2023, the NCC reports that only 1 percent of subscribers were utilizing 5G services; 4G services were used by 31.3 percent of subscribers, while 57.8 percent still utilized 2G technology. ⁸

The average fixed-line broadband download speed was 19.34 megabits per second (Mbps) and the average mobile download speed is 26.74 Mbps as of January 2024.

⁹ In 2019, the National Information Technology Development Agency (NITDA) released its Framework and Guidelines for Public Internet Access. The framework aimed to guarantee minimum quality standards and set other guidelines for shared connections. ¹⁰

While some anticipated that access to higher-quality internet service in Nigeria would be improved by the launch of SpaceX's Starlink in the country in January 2023, the impact on connectivity is still uncertain given its high subscription and hardware costs (see A2), and reports of unreliable service during rainy weather.

¹¹

In March 2024, damage to undersea cables caused internet outages in several countries across West Africa, including Nigeria. ¹² The impacts of the outage were limited, as internet service providers (ISPs) in Nigeria were able to redirect traffic along other routes. ¹³

Vandalism and destruction of communication infrastructure is common and persisted through the coverage period. ¹⁴ Power cuts frequently disrupt service and access, and shortfalls in the power supply also undermine the quality of internet service offered by providers. During the coverage period, the country experienced several electricity grid collapses ¹⁵ and power outages due to insufficient electricity generation and allocation. ¹⁶ Telecommunications base stations in Nigeria are typically powered by diesel generators, ¹⁷ which reportedly account for 80 percent of their operating expenses. ¹⁸

In June 2024, after the end of the coverage period, the operation of the national grid was affected as union members held a general strike to demand an increase

to the minimum wage. Union members reportedly stopped staff from manning control rooms; Nigerians experienced a daylong nationwide power outage. ¹⁹

Nigeria is served by eight international undersea cables; the newest, 2Africa, landed in Nigeria in February 2024. ²⁰ With two landing points in Lagos and Kwa Ibo, the 2Africa cable is expected to improve connectivity in southern regions of Nigeria. ²¹

In 2018, the Association of Submarine Cable Operators of Nigeria (ASCON) was formed to “promote, encourage, and assist in the protection of subsea cable infrastructure and ancillary equipment and facilities from marine activities, man-made and natural hazards.” ²²

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

1/3

Although significant digital divides along the lines of gender, geography, and language persist, affordable data services for mobile subscribers have increased internet access.

In March 2024, the cost of a monthly plan with 1.5 gigabytes (GB) of 4G internet from MTN, Glo, and Airtel, the country’s most widely used ISPs, was 1,000 naira (\$1.26). ²³

A GB of prepaid mobile data cost 1.4 percent of monthly income, according to the *Economist’s* 2022 Inclusive Internet Index. ²⁴ However, on Surfshark’s 2023 Digital Quality of Life Index, which measures the time required to work at an average hourly wage in order to afford the cheapest mobile internet package, Nigeria ranks near the bottom, at 99th out of 121 countries globally for affordability of mobile data and 119th for affordability of fixed-line broadband. ²⁵

During the coverage period, the country experienced a surge in the cost of living characterized by high inflation and the devaluation of the naira, ²⁶ which has impacted the affordability of internet service. The price of fuel in Nigeria tripled following economic reforms introduced in May 2023 that included discontinuing the country’s fuel subsidies. ²⁷ Due to the widespread dependence on private

generators for electricity (see A1), surging fuel costs have a sizable impact on the cost of connectivity. Consumers also frequently complained about rapid depletion of data allotments during the coverage period, forcing users to pay to top up more frequently. **28** In a March 2024 statement, the NCC noted that many complaints were the result of changing consumer data-utilization habits and the move to 4G, long-term evolution (LTE) networks, but promised to prioritize consumers' quality of experience. **29**

Telecommunications operators have faced increased operating costs, and companies including MTN and Airtel reported losses driven by inflation and the falling value of the naira. As a result, operators have appealed to the communications minister to direct the NCC, which sets allowable prices for services, **30** to increase price floors for service. **31** In an October 2023 comment, the chairman of the Association of Licensed Telecommunications Operators of Nigeria (ALTON) attributed high operating costs to tax burdens, noting that ALTON members are responsible for at least 49 taxes and levies. **32**

The rollout of 5G networks and Starlink satellite internet services (see A1) present exclusive options for the few Nigerians who can afford them. The cheapest 5G-enabled smartphone available in Africa costs \$300 as of February 2023. **33** The prices for a Starlink setup kit and monthly subscription both spiked after the devaluation of the naira in March 2024, increasing from 378,000 to 800,000 naira (\$477.86 to \$1,010) and from 19,000 to 38,000 naira (\$24 to \$48), respectively. **34** Such prices remain unaffordable for many in Nigeria, where about 40 percent of residents live on one dollar per day per government data released in 2020. **35**

In July 2022, the federal government announced that it would impose a 5 percent excise tax on telecommunications services, borne by subscribers, in an effort to increase revenue. **36** The policy was widely criticized by consumers and telecommunications service providers alike, and in September 2022, the federal government suspended the policy over concerns it would negatively impact the digital economy. **37** The NCC announced that the duty was rescinded in March 2023. **38**

Nigeria's internet landscape is characterized by a significant urban-rural divide and a slowly narrowing gender digital divide. According to the 2022 edition of the

Inclusive Internet Index, 1.3 percent fewer women have internet access than men.

39

Cost remains a major impediment to internet access for many Nigerians in rural areas, and the wide electricity gap between urban and rural areas creates internet access issues: 91.4 percent of Nigeria’s urban population has electricity, while just 30.4 percent of the rural population does. **40** Due to the unreliable electricity supply (see A1), those who can afford it often rely on private generators and standby battery-powered inverter systems to remain online during power outages.

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

6/6

There were no restrictions on connectivity to the internet or mobile networks during the coverage period. Mobile network restrictions were last reported in 2021 in Zamfara State and localities across Sokoto State while security forces addressed a wave of bandit attacks and kidnappings. **41**

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-optic networks that crisscross the country, including Phase3 Telecom, Globacom-1, MainOne, Suburban Telecom, Multi-Links Telecommunications, and MTN. There are now active internet exchange points (IXPs) in five regions. **42**

However, February 2024 amendments to Section 41 of the Cybercrimes Act require all public and private organizations in Nigeria to integrate and route their internet and data traffic through Security Operations Centres (SOCs), which then feed traffic through a national-level Computer Emergency Response Team (CERT) in order to “protect the national cyberspace.” **43** Such centralization of internet traffic through a government body could facilitate connectivity restrictions or surveillance (see C6). Although this amendment has yet to be enforced, in May 2024, National Security Adviser Nuhu Ribadu signed a directive calling for full implementation of the act. **44**

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

5/6

There are no significant legal, regulatory, or economic obstacles that restrict the diversity of service providers in Nigeria.

The information and communications technology (ICT) market in Nigeria has expanded considerably over the past two decades, with 257 licensed ISPs as of March 2024. **45** The growth of fixed-line broadband providers has slowed in recent years with the rise in mobile access.

Despite the large number of registered ISPs, there is a high degree of market concentration. **46** Four privately owned mobile service providers provide internet access: MTN, Globacom, Airtel, and 9Mobile (formerly Etisalat). As of March 2024, MTN held the largest share of mobile internet subscribers, with 69.3 million, followed by Airtel and Globacom with 46.8 million and 44.3 million, respectively.

47 In the fixed-line market, as of March 2024, ipNX held of 71 percent of subscriptions. **48**

NTEL, which began operations in 2016 after acquiring the license of the defunct national telephone service provider NITEL, offers VoIP (voice over internet protocol) services. **49** In June 2024, NTEL chief executive Adrian Wood announced plans to restructure the company, provide new services to Nigerian customers, and transfer ownership from the Asset Management Corporation of Nigeria (AMCON), which had operated the company since 2023, to new investors.

50

In November 2022, MTN was awarded a 5G license after an auction by the NCC, giving it a head start on the deployment of 5G technology and leading other members of the industry to fear it could achieve market dominance. **51** To discourage an industry monopoly and undue advantage, the NCC capped the maximum amount of spectrum a licensee can acquire at 200 megahertz (MHz) of the 3.5 gigahertz (GHz) band. **52**

The NITDA's 2019 Framework and Guidelines for Public Internet Access is designed to regulate the provision and use of public internet access in Nigeria. According to the framework, public internet access points (PIAPs) must register with the NITDA and obtain approval from the body to carry out their operations.

53

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

2/4

Regulatory bodies that oversee service providers have historically had a reputation for independence, though some actions by the NCC have called the body's autonomy into question. **54** The 2003 Nigeria Communications Act vests regulatory responsibility over the ICT sector with the NCC. The government nominates the NCC's nine-member board of commissioners. The NCC's current chief executive and executive vice chairman, Aminu Maida, was appointed in 2023 through a process that was viewed as fair. Maida is considered an industry expert with a strong academic and technical background. **55**

In August 2023, Bosun Tijani was appointed minister of communications and digital economy. Tijani was previously the chief executive and cofounder of the Co-Creation Hub (CcHub), an influential technology-sector incubator. His appointment was well received by the private sector and civil society, but observers were concerned for his independence after he apologized for social media posts criticizing the government at a Senate ministerial-screening hearing.

56 Despite his prominence, he is still perceived as an outsider by many telecommunications operators. **57**

The NCC's close relationship with Isa Pantami, the former minister of communications and digital economy, undermined perceptions of the regulator's independence. **58** During his tenure, Pantami was reported to regularly issue orders to the NCC, potentially acting beyond his supervisory scope, and drew the NCC into his feuds with other members of government. **59**

The NITDA, which was established in 2007, is tasked with planning, developing, and promoting the use of information technology in Nigeria. The agency also supervises the management of the country code top-level domain, .ng. **60**

Although the NITDA appears to operate independently, its director-general, who is responsible for the day-to-day administration and policy implementation, is a political appointee who reports to the minister for communications and digital economy. ⁶¹ Additionally, critics have questioned whether the agency can legitimately formulate regulations, frameworks, and guidelines regarding the internet in Nigeria. In October 2022, Paradigm Initiative, through a legal suit, asked the courts to determine the NITDA's powers as they relate to the protection of personal data and the issuance and enforcement of sanctions. ⁶² The agency's recent release of the Code of Practice for Interactive Computer Service Platforms and Internet Intermediaries (see B3) also raises questions around how strictly the code will be enforced and if the agency will have the practical capacity to enforce it.

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

4/6

In recent years, the Nigerian government has blocked some social media platforms and political content found online. During the coverage period, the government ordered telecommunications operators to block cryptocurrency trading websites, and some political websites that were previously blocked remained inaccessible. Generally, the complex nature of Nigeria's internet infrastructure makes it difficult to carry out systematic filtering or censorship.

In February 2024, the government ordered service providers to block access to cryptocurrency trading websites including Binance, OctaFX, and Coinbase, ⁶³ citing manipulation of the foreign exchange market that was further contributing to the falling value of the naira. ⁶⁴ Following the announcement, Coinbase stated that it remained accessible in Nigeria, though the site showed signs of blocking on multiple networks following the issued order according to data from the Open Observatory of Network Interference (OONI). ⁶⁵

The Nigerian government blocked online content relating to the #EndSARS [Special Anti-Robbery Squad] protests (see B8), including the Feminist Coalition’s website, Radioisiaq.com, and Endsars.com; they continued to show signs of blocking on several networks during the current coverage period, according to OONI data. ⁶⁶ The websites, which first became inaccessible in November 2020, belong to organizations that played prominent roles during the civic protests. ⁶⁷

According to OONI data, 16 pro-Biafran websites that were blocked in 2017 continued to show signs of censorship during the coverage period. ⁶⁸ Patreon, a platform where individuals can pay for monthly subscriptions to access content from creators, showed signs of blocking on multiple ISPs in Nigeria during the coverage period. ⁶⁹

In June 2021, the government ordered that X, then called Twitter, be blocked on most major networks. Days earlier, the platform had deleted a post from then president Muhammadu Buhari’s account and suspended the account for 12 hours, stating that the post, which seemed to threaten violence against Biafran secessionists, violated rules on abusive behavior. ⁷⁰ The service became accessible again in January 2022. According to authorities, the ban was lifted after the operator agreed to several conditions, including setting up an office in the country, appointing a designated country representative to interface with the Nigerian authorities, and paying taxes to the government; the company, however, had not specifically acknowledged agreeing to these conditions. ⁷¹

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

2 / 4

Score Change: The score declined from 3 to 2 because multiple online journalists retracted or removed stories in response to legal pressure from authorities.

The government does not regularly issue formal takedown requests, though journalists have been compelled to remove online content as a result of intimidation or as a condition of release from detention (see C3 and C7).

Journalist Segun Olatunji was abducted and detained by army officers in March 2024 after publishing a story with the online outlet First News that investigated a corruption scandal involving former president Buhari's chief of staff, Femi Gbajabiamila, and Buhari's aide and nephew (see C3 and C7). Olatunji was asked to provide a written apology to Gbajabiamila. First News issued an apology and stated that the story was false, prompting Olatunji—who maintained the article was accurate—to resign. **72** Before his detention, Olatunji had removed another story from First News's website about how government officials had 'diverted' public funds, after he reportedly received phone calls objecting to the story (see C7). **73**

In October 2023, Saint Mienpamo Onitsha, founder of social media-based broadcaster NAIJA Live TV, pulled down a report alleging that security guards had killed a man outside a Presidential Amnesty Program office, issued an apology, and published a "corrected" story after he was charged with cyberstalking under Section 24 of the Cybercrimes Act (see C3). **74**

In October 2022, the Facebook page for the online investigative journalism outlet WikkiTimes was taken down for allegedly violating the platform's community guidelines, after what WikkiTimes suspected was coordinated mass reporting of their account in retaliation for their investigative work. Despite contacting Facebook multiple times to appeal the decision, they were unable to restore the page. In November 2022, Facebook suspended the outlet's new page after WikkiTimes published an investigation into the former Bauchi State police commissioner. The page was down for several weeks while the outlet worked with Facebook to regain access. **75**

According to Google transparency reports, there were 8 government requests for content removal made through court orders directed at the third party for defamation between January and June 2023; **76** 22 of the 30 associated pieces of content were eventually removed by Google but the remaining 8 items could not be located by the company. From July to December 2023, Google received 9 requests for content removal for a total of 35 items. Three of the requests were for defamation, while the other six were for privacy and security reasons. Two of the requests during this period came from government officials. Google removed 28 of the 35 items requested, citing legal reasons for the removals. **77** Between

July and December 2023, Meta reported erroneously restricting access to three Instagram accounts, which the company later restored. **78**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

2/4

Restrictions on internet content lack transparency. The blocking of 21 pro-Biafra websites in 2017 was not carried out through a transparent process. The block was ordered by the NCC based on Section 146 of the 2003 Nigeria Communications Act (NCA), which obligates ISPs to cooperate with the NCC to preserve national security and prevent crime. **79** The government frequently relies on Section 146 to justify content restrictions. The blocking of websites associated with the #EndSARS protests in November 2020 also lacked transparency (see B2).

In October 2022, the NITDA approved the Code of Practice for Interactive Computer Service Platforms and Internet Intermediaries. **80** The code mandates that all internet intermediaries “act expeditiously upon receiving a notice from an Authorised Government Agency of the presence of unlawful content on its Platform” by acknowledging “receipt of the complaint and tak(ing) down the content within 48 hours.” The code defines unlawful content as anything violating existing law. Although the code has not yet been applied to any case, Nigerians reportedly fear that it will serve as a tool for repression of free expression and that it was published to serve as a “backdoor way of regulating the media”. **81**

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

3/4

The persistent arrest of users for their online activities under the 2015 Cybercrimes Act has resulted in growing self-censorship, particularly among professional journalists who publish content online (see C3). Self-censorship has worsened in recent years as the extent of the Nigerian security services’ surveillance and interception powers has been revealed (see C6). **82** However, some journalists persist in their work, despite potential repercussions.

Recent arrests of individuals in northern Nigeria for their online activities have contributed to growing self-censorship. ⁸³ Two TikTok creators who were convicted of defaming the governor of Kano State in a satirical video in November 2022, and who were sentenced to public flogging and 30 days of community service, reportedly stopped making videos about political and religious content following their release. ⁸⁴ Six other Nigerian TikTok creators also anonymously reported that they avoid certain issues and sounds in their videos, and make sure to dress appropriately in their videos to prevent repercussions from authorities.

85

Nigeria's LGBT+ community is marginalized, and online self-censorship is common among LGBT+ individuals. ⁸⁶ Many LGBT+ internet users report feeling unsafe using their real names online, preferring to engage anonymously, ⁸⁷ likely due to societal prejudice and measures like the Same-Sex Marriage (Prohibition) Act 2014, which criminalizes public displays of same-sex relationships. ⁸⁸

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	2 / 4
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Political figures and government officials sometimes seek to manipulate the online environment on sensitive issues. Many media companies in Nigeria are owned or controlled by politicians and government officials, ⁸⁹ potentially influencing their reporting.

Before and after the 2023 presidential elections, powerful actors propagated disinformation and misinformation, manipulating public perception in the process.

⁹⁰ An investigation published by the British Broadcasting Corporation (BBC) in January 2023 revealed that political parties regularly paid networks of social media influencers and microinfluencers to amplify disinformation and post false narratives about their opponents, often exploiting ethnic and religious differences.

⁹¹ Some political leaders shared inauthentic election results and footage falsely claiming that ballot-box stuffing was widespread. ⁹²

A 2022 study from the Centre for Democracy and Development West Africa (CDD West Africa) found that state-affiliated groups coordinated disinformation

campaigns and operated troll farms aimed at harassing and delegitimizing opposition voices online. Influencers, domestic political consulting firms, and bots use language associated with “fact-checking” to gain credibility, which further undermines the integrity of the information space. **93**

Political officials and their appointees often spread unverified information or undermine legitimate news in an effort to whitewash their administration or policies. **94** For example, the government denied the occurrence of shootings during the 2020 #EndSARS protests, referred to as the #LekkiMassacre on social media, even though there were livestreams of the incident. **95** The information minister at the time, Alhaji Lai Mohammed, described a report on the shootings as “a triumph of fake news and the intimidation of a silent majority by a vociferous lynch mob.” **96**

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

3/3

There are no significant economic or regulatory constraints that negatively affect users’ ability to publish content online. The state does not limit the ability of online outlets to sell advertisements or attract investment, advertisers are generally free to do business with any online media outlet, and owners of online media outlets do not need informal connections with government officials to be economically viable.

In February 2024, the Corporate Affairs Commission said it would begin to enforce business registration requirements for social media content creators and influencers. **97**

In May 2024, the Central Bank of Nigeria issued a circular to financial institutions introducing a 0.5 percent “cybersecurity levy” on all electronic transactions that would be used in a “National Cybersecurity Fund,” administered by the Office of the National Security Adviser (ONSA), to fund the implementation of amendments to the Cybercrimes Act (see C8). **98** However, after intense public outcry, legal action from civil society groups, **99** and legislative debate, **100** the implementation of the levy was suspended days after its rollout. **101** Groups raised concerns about the timing of the levy’s implementation given ongoing high

inflation and high costs of living, which have impacted people's abilities to publish and do business online.

Previously, banking industry policies affected individuals' ability to complete international transactions, such as paying for advertising on social media platforms or subscribing to content platforms like YouTube. Major banks in Nigeria suspended the use of naira-denominated cards for international transactions in 2022, ¹⁰² which had a practical effect on the amount of advertising that Nigerians could pay for on international content platforms like Facebook and Instagram. ¹⁰³ However, in July 2023, the use of naira-denominated cards for international transactions up to \$500 per month was restored, allowing users to pay on platforms like Google and Meta. ¹⁰⁴

ISPs in Nigeria are not known to manipulate network traffic or bandwidth availability, and generally respect the principles of net neutrality. There are no barriers to establishing online news outlets, blogs, or social media channels.

In June 2021, the National Broadcasting Commission (NBC) issued a statement directing social media platforms and online broadcasters to apply for broadcast licenses. ¹⁰⁵ As of July 2021, the major global social media platforms apparently had not registered with the NBC, and Nigerian social media companies that sought to register reported inaction by the regulator and an absence of a framework to carry out the government's directive. ¹⁰⁶ In January 2022, the NBC reportedly halted efforts to force social media platforms and online broadcasters to obtain broadcast licenses. ¹⁰⁷

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

3/4

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. Diverse political viewpoints are represented on Nigerian websites and blogs, though some independent online media outlets faced backlash under previous governments.

There were robust and lively social media conversations during and after the 2023 election period, with both progovernment and opposition voices active across social media platforms like X and Facebook. The same is true for charged topics such as the 2020 #EndSARS protests or government handling of security issues.

Nigerians are typically able to access a range of local and international online news sources that are independent, balanced, and broadcast in the main languages spoken in the country. However, some communities struggle to access online news in their language, as some local languages are underrepresented and English-language content represented the majority of news output. International news sources like the BBC are also popular in Nigeria and offer online content in local languages, ¹⁰⁸ including English-based Pidgin. ¹⁰⁹

Online media outlets, social media pages, blogs, and websites feature a diversity of voices, providing content produced by ethnic minorities, ¹¹⁰ religious groups, ¹¹¹ women, ¹¹² and LGBT+ people. ¹¹³

A February 2022 study by CDD West Africa found that social media platforms are common avenues for spreading misinformation and disinformation in Nigeria. False or misleading information online impacts the information space offline as well, as Facebook and Twitter (now X) posts are frequently reprinted in newspapers and shared in radio broadcasts. Such content has made it more difficult for Nigerians to access credible information on important issues and has contributed to increased polarization along ethno-religious lines. ¹¹⁴ Following a deadly attack on remote communities by armed groups in Plateau State on Christmas Eve in 2023, ¹¹⁵ fact-checkers found that possible coordinated activity from social media accounts spread false information about the attacks using unrelated photographs and videos. ¹¹⁶ The spread of such misinformation heightens the risks of further offline violence—similar narratives on social media led to retaliatory violence in the region in 2018. ¹¹⁷

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

5/6

Online mobilization tools are generally freely available to users. 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 despite restrictions on previous online activism, including the ban on Twitter in 2021 and the state's disproportionate response to the #EndSARS protests in 2020.

During the 2023 presidential elections, social media was wielded by citizens as a tool for civic participation. **118** Young people used social media to organize the #Obidient political movement in support of Labour Party candidate Peter Obi. **119** This online mobilization for a third-party underdog increased the political consciousness of young people and boosted their participation in the elections. **120** While powerful actors used misinformation (see B5), no technical or legal measures were taken by the government to undermine or restrict online mobilization.

The government's blocking of Twitter from June 2021 to January 2022 impacted social media users' ability to mobilize online, since Twitter was widely used for organizing social campaigns. **121**

Protests erupted across Nigeria in October 2020 after a video spread on social media of members of the Special Anti-Robbery Squad (SARS), a police unit with a history of abusive behavior, shooting a man in Delta State. **122** Nigerians mobilized to call for the squad to be disbanded, and the decentralized movement also took up calls for an end to police brutality and the unconditional release of arrested protesters. **123** Protesters used social media for a wide variety of purposes, from organizing demonstrations to gathering evidence to exonerate participants accused of violence. **124** The movement largely dispersed after the military opened fire on protesters at the Lekki toll gate, a popular protest site, killing at least 12 people in what was later condemned by a judicial panel as a massacre. **125** The government also imposed restrictions on people affiliated with the #EndSARS movement. Websites associated with protest organizers remain blocked (see B1), while #EndSARS-related online content may have been removed by content providers in October 2020 (see B2).

In August 2024, after the end of the coverage period, Nigerians used the #EndBadGovernance hashtag on Instagram and X to protest the country's cost-of-living crisis, precipitated by the removal of fuel price subsidies and the devaluation of the naira. **126** Police arrested and detained 124 protesters, including an investigative journalist alleged to be behind an anonymous social media account

that promoted the #EndBadGovernance hashtag. The journalist was confirmed to be in police custody three weeks after he went missing. ¹²⁷

The #RevolutionNow hashtag, popularized in 2019 by political activist and former presidential candidate Omoyele Sowore (see C3), continues to be used in online discussion of poor governance and corruption, sometimes leading to protests offline.

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

3/6

Nigeria's 1999 constitution guarantees freedoms of expression and the press, but these rights are not always respected in practice, including for online activities.

Paradigm Initiative, a digital rights organization, led efforts to codify protections for internet freedom through the introduction of the draft Digital Rights and Freedom Bill in 2015. The organization announced it would submit the bill to the National Assembly again in April 2024; ¹²⁸ then president Buhari declined to sign a previous version in March 2019. ¹²⁹ The bill's objectives include protecting freedoms of expression, assembly, and association online; guaranteeing the application of human rights within the digital environment; providing sufficient safeguards against online abuse and providing opportunity for redress; and equipping the judiciary with the necessary legal framework to protect human rights online.

Though the Freedom of Information (FOI) Act 2011 allows organizations to request access to public information, the government often does not respond to these requests. In September 2023, a civil society coalition released a report revealing that over 170 federal ministries, departments, and agencies violated the FOI Act. ¹³⁰ Media Rights Agenda expressed concern in December 2023 about the poor funding allocation for implementation of the FOI Act in the federal

government's budget for 2024, and suggested it signaled a lack of government commitment. ¹³¹ In March 2022, the National Identity Management Commission (NIMC) and the NCC both ignored requests from civil society organizations (CSOs) for information regarding the government's decision to grant security agencies unfettered access to the commissions' databases. ¹³² There have been few cases where the judiciary grants access to information after the government denies the request. ¹³³

Nigeria's judiciary has achieved a degree of independence, but political interference and corruption—as well as a lack of funding, equipment, and training—hamper its ability to adjudicate cases. Then president Buhari's January 2019 suspension of Nigeria's chief justice, ¹³⁴ which occurred without the involvement of the National Judicial Council (NJC) or the National Assembly, as required by law, ¹³⁵ brought the judiciary's independence further into question. In an unprecedented move, the Supreme Court issued a press statement in March 2023 cautioning members of the public not to attack the judiciary after the Court's decisions in two election-related cases prompted concerns about its independence and impartiality. ¹³⁶ In December 2023, a group of CSOs petitioned the UN Special Rapporteur on the Independence of Judges and Lawyers, highlighting concerns about the independence of the Nigerian judiciary and requesting a probe into justices who delivered a ruling overturning the results of the March 2023 Kano State governorship election. ¹³⁷

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1/4

Despite the amendment to narrow a broad provision in the Cybercrimes Act during the coverage period, heavy penalties for online activity remain in place.

The Cybercrimes Act of 2015 provides a framework for addressing cybercrime but contains broadly worded provisions that can be used to punish legitimate expression. ¹³⁸ Duplicating existing libel laws, Section 24 of the law penalized “cyberstalking” with up to three years in prison, a fine, or both. ¹³⁹ 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 10

million naira (\$12,640), or both. ¹⁴⁰ Reporting has also revealed that Section 27, which criminalizes any person who “aids, abets, conspires, counsels, or procures another person(s) to commit any offence under [the Cybercrimes] Act,” ¹⁴¹ is being used to prosecute journalists. ¹⁴²

Several CSOs have filed lawsuits to challenge the constitutionality of the Cybercrimes Act’s provisions. ¹⁴³ In 2019, the court of appeal in Lagos upheld the constitutionality of Section 24 of the Cybercrimes Act. ¹⁴⁴ However, in July 2020, one of the suits brought before the Court of Justice of the Economic Community of West African States (ECOWAS) by Law and Rights Awareness Initiative received a favorable judgment from the court. The court stated that Section 24 of the act was a violation of Articles 9(2) and 19(3) of the African Charter on Human and Peoples’ Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR), and ordered Nigeria to amend or repeal the section. ¹⁴⁵ In March 2022, in a similar case brought by SERAP Nigeria, the ECOWAS court again ruled that the “vague and arbitrary nature” of Section 24 violated the ICCPR and the ACHPR and ordered Nigeria to amend the law. ¹⁴⁶

In February 2024, amendments to the Cybercrimes Act narrowed the definition of “cyberstalking” under Section 24, now applying only to messages that are pornographic or knowingly false, “for the purpose of causing a breakdown of law and order, posing a threat to life, or causing such messages to be sent.” ¹⁴⁷ CSOs celebrated the amendments to Section 24 as a positive move for digital rights. ¹⁴⁸ However, the amendment retained the heavy penalties under the original law, and experts raised concerns that the amended version could still be used to make arrests if authorities claimed that reporting had caused a breakdown of law and order. ¹⁴⁹

Existing criminal charges brought under Section 24 previously were expected to no longer stand, as a result of provisions of Section 36 of the Nigerian constitution that prohibit the conviction for offenses not defined. ¹⁵⁰ Authorities also continued to arrest and detain journalists using the older version of Section 24, even after the amendment came into force (see C3).

In October 2023, the NBC presented the National Broadcasting Commission (Repeal and Enactment) Bill 2023 before the National Assembly. Although the content of the bill has not been made public as of March 2024, the NBC director-

general revealed that the bill contains provisions for “social media regulation,” as well as spectrum management and digital broadcasting. ¹⁵¹ The bill had not yet had its second reading by the end of the coverage period. ¹⁵²

The implementation of harsh interpretations of Sharia (Islamic law) in 12 northern states has increasingly affected internet freedom in those regions—notably in the form of blasphemy charges leveled against people for their online activities, often with long pretrial detentions (see C3).

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.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	2 / 6
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During the coverage period a number of bloggers, journalists, and private citizens were arrested for their online activities, including for investigative reporting into corruption cases involving government officials, negative coverage of authorities or powerful businesspeople, or for violation of blasphemy laws in states under Sharia jurisdiction. Despite the amendment of Section 24 of the Cybercrimes Act in February 2024 (see C2), authorities continued to detain journalists using the previous, broadly defined version of the “cyberstalking” offense through the end of the coverage period.

In February 2024, the Inspector General of Police directed the police’s National Cybercrime Center to monitor and prosecute those who spread false information and engage in cyberbullying, claiming that individuals and groups were spreading falsehoods to tarnish the reputation of the police. ¹⁵³ In May 2024, police in Adamawa State arrested TikTok user Aliyu Musa for a video criticizing the police. Police stated that Musa’s video could “lead to a breakdown of law and order.” ¹⁵⁴ That same month, police arrested and detained Martin Otse, a social media personality also known as VeryDarkMan, for two weeks on five counts of cyberstalking against the police and a Nollywood actress. Otse was granted bail in June 2024, after the end of the coverage period. ¹⁵⁵

In May 2024, police arrested Daniel Ojukwu, a journalist with the Foundation for Investigative Journalism (FIJ), after his reporting revealed corruption implicating senior Nigerian officials. The police moved him to Abuja, but did not confirm the detention for several days, leading the FIJ's founder, Fisayo Soyombo, to criticize the arrest as an "abduction." ¹⁵⁶ Ojukwu was accused of cyberstalking, cyberbullying, and conspiracy under the Cybercrimes Act, and was granted bail after 10 days in detention. ¹⁵⁷

Separately, the FIJ's Soyombo was under investigation during the coverage period by police for reporting in February 2024 about police officers, customs officials, and smugglers allegedly engaging in collaboration at the Nigeria–Benin border. ¹⁵⁸

Also in May 2024, authorities arrested Precious Eze Chukwunonso, who publishes the online outlet NewsPlatform, on charges of provoking a breach of the peace by offensive publication and conspiracy to commit a felony. ¹⁵⁹ The arrest came after Chukwunonso published an article alleging that a local businessman had fought with a neighbor in Lagos. Chukwunonso said the police arrested him without a warrant and that the businessman threatened him at the police station (see C7). He was released on bail in June 2024, after the end of the coverage period. If found guilty, he could receive a two-year prison term, a fine of up to 90,000 naira (\$114), or both.

In May 2024, police with Nigeria's cybercrime center summoned and briefly detained two journalists with the International Centre for Investigative Reporting (ICIR) over a report that alleged that two former inspector generals of police had been involved in illegal transactions involving land. The investigation for cyberstalking and "defamation of character" followed a criminal complaint from a land-development company mentioned in the journalists' reporting. The pair were questioned for nine hours and released on the condition they return for further questioning in June 2024, after the end of the coverage period. ¹⁶⁰

Segun Olatunji, editor for the online outlet First News, was abducted and detained for two weeks without charge by army officers in March 2024 after publishing a story discussing a corruption scandal involving former president Buhari's chief of staff, Femi Gbajabiamila, and Buhari's aide and nephew (see B2 and C7). ¹⁶¹

In October 2023, Saint Mienpamo Onitsha, founder of broadcaster NAIJA Live TV, was arrested and charged with cyberstalking under the Cybercrimes Act and defamation under the criminal code for reporting on tensions in the southern Niger Delta after security guards allegedly killed a man outside a Presidential Amnesty Program office. Onitsha was detained for nearly four months before being released on bail in late January 2024. ¹⁶² When charged, Onitsha pleaded not guilty, pulled down the report, published a “corrected” story, and issued an apology. ¹⁶³ If convicted, he could face a 25 million naira (\$31,600) fine, up to 10 years in prison, or both for cyberstalking, as well as up to two years in prison for the defamation charge. Onitsha reported that while in detention, police used a computer to download files from his phones (see C5). His case was still ongoing at the end of the coverage period; following the amendment of Section 24 of the Cybercrimes Act (see C2), Onitsha’s lawyer said that he intends to “incorporate the amendments into his defence in court.” ¹⁶⁴

In September 2023, journalists Aiyelabegan Babatunde AbdulRazaq and Oluwatoyin Luqman Bolakale of Just Event Online and the Satcom Media were arrested and charged for cyberstalking and conspiracy after publishing articles alleging that Jumoke Monsura Gafar, a local politician, had abused his office. ¹⁶⁵ They were granted bail after nine days in detention. Both outlets retracted the report, although the original version of the article is still available online from one of the outlets. ¹⁶⁶

In September 2023, social media influencer Chioma Okoli posted a negative review of a brand of tomato puree on Facebook. Following her post, the pregnant Okoli was arrested and detained in Lagos, then flown to Abuja, where the police filed a case against her under Sections 24 and 27 of the Cybercrimes Act. She was granted administrative bail and secured a restraining order against a further arrest without court order. ¹⁶⁷ Nonetheless, in January 2024, the police attempted to arrest her again, reportedly stating that Inspector General of Police directives superseded the court order. ¹⁶⁸ She was later rearrested. In May 2024, her lawyer announced that she had suffered a miscarriage and had been arraigned on two charges of cyberstalking. ¹⁶⁹ Okoli was granted bail later in May 2024. Her case was ongoing at the end of the coverage period. ¹⁷⁰

In March 2023, Blessing Edet was arrested and charged with six counts under Section 24 of the Cybercrimes Act for allegedly defaming the governor of Akwa

Ibom State, Udom Emmanuel, after she posted on Facebook alleging that he was involved in extramarital affairs. ¹⁷¹ She pleaded not guilty to the charges and was granted bail until her trial in May 2023. Edet returned to Nigeria to stand trial in June 2023, and her passport was confiscated after the prosecution alleged that she had fled to Dubai to avoid the charges. ¹⁷²

Internet users also sometimes face legal prosecution for online activity that is deemed to be immoral or to violate Nigeria's blasphemy laws.

In February 2024, TikTok user Murja Ibrahim Kunya was arrested and detained after her neighbors alleged that her behavior online was immoral, constituted public nuisance and an attempt to corrupt and recruit young girls into prostitution, and that she disseminated explicit material and vulgar language online. ¹⁷³ Kunya spent two days in custody before she was released on bail by the Sharia court. Kunya had previously been arrested over her TikTok videos in January 2023 and charged with criminal intimidation, disturbance of public peace, obscene acts, and dishonest execution of deed of transfer, ¹⁷⁴ and in September 2022, when she was part of a group of 10 TikTok content creators sued in a Kano State Sharia court for "promoting explicit content" in their music. ¹⁷⁵

The Kano State Hisbah Board, a religious police force, also sought to arrest other content creators along with Kunya. Abubakar Ibrahim, also known as G-Fresh Al'ameen; Sadiya Haruna, Ashiru Idris, also known as Maiwushirya; Ummee Shakira; and Hassan Makeu were also declared wanted by the board for their online conduct. ¹⁷⁶ (According to a board statement from 2023, its overall efforts to control the creation of social media content related to behavior and the depiction of modesty. ¹⁷⁷) Ibrahim was eventually arrested in June 2024, after the end of the coverage period, by operatives of the Hisbah Command in Kano State for promoting immoral behavior online and for incorrectly reciting the first chapter of the Quran. ¹⁷⁸ The board stated that the arrest followed several warnings and multiple counseling sessions "aimed at guiding him towards acceptable social media behaviour." ¹⁷⁹

In January 2024, police arrested seven people who stated that they identified as LGBT+ on TikTok for "unnatural offences" under Nigeria's criminal code. ¹⁸⁰

Rhoda Jatau, a resident of Bauchi State, was arrested in May 2022 on charges of religious contempt and cyberstalking after sharing a video on WhatsApp condemning the murder of a Christian university student by classmates. ¹⁸¹ Jatau was held without bail for 19 months, until December 2023, and was granted only intermittent access to legal counsel during that period. Before granting bail, a judge rejected Jatau's no-case submission and ruled that the prosecution could continue. ¹⁸² If convicted, Jatau could face up to five years in prison.

In April 2022, humanist activist Mubarak Bala was sentenced to 24 years in prison on numerous charges, including blasphemy and contempt of religion. He was arrested in April 2020 for insulting the prophet Muhammad in a Facebook post. ¹⁸³ In May 2024, an appellate court reduced the length of his sentence from 24 to 5 years. ¹⁸⁴

In May 2024, special rapporteurs from the UN Office of the High Commissioner on Human Rights (OHCHR) called for the immediate release of Yahaya Sharif-Aminu, a singer who has been in detention since he was convicted of blasphemy for lyrics he shared on WhatsApp in 2020. ¹⁸⁵ The Kano State High Court ordered a retrial in 2021, and in 2022, the Kano State Court of Appeal upheld both the decision to order a retrial and the legality of the Sharia law under which Sharif-Aminu was originally convicted and handed a death sentence. ¹⁸⁶ He remains in detention without bail pending retrial, while his lawyers have challenged the constitutionality of Nigeria's blasphemy laws and Sharia penal codes at the Supreme Court. ¹⁸⁷

Individuals prosecuted for their online activity are occasionally acquitted of their charges or have sentences overturned. In February 2024, Omoyele Sowore, an activist who has campaigned against corruption and poor governance through his popular online hashtag movement, #RevolutionNow (see B8), was acquitted of treason charges over social media comments in which Sowore called for peaceful revolution. ¹⁸⁸ Sowore had been arrested in August 2019 and detained until that December, despite court orders to release him on bail. The trial faced numerous delays, and the strict conditions of Sowore's bail prevented him from traveling to see his family, who reside in the United States, for four and a half years. ¹⁸⁹

In February 2024, an appeals court dismissed the earlier conviction ¹⁹⁰ of two journalists for the online newspaper News Digest, who had published an

investigative report into alleged cannabis use at a rice processing factory following telecommunications surveillance that was used to bring them into custody (see C6). ¹⁹¹ ¹⁹² Although they have been acquitted of the criminal charges, they still face a civil suit from the company, Hillcrest Agro-Allied Industries, which is owned by former deputy governor of the central bank and adviser to former president Buhari. Hillcrest has demanded 500 million naira (\$632,000) in damages, along with an apology and retraction of the story. ¹⁹³

In August 2022, Agba Jalingo, publisher of the online news outlet CrossRiverWatch, was arrested for allegedly defaming Elizabeth Ayade, the sister-in-law of the governor of Cross River State. Although he was released days after his arrest, he was charged in December 2022 under Section 24 of the Cybercrimes Act for publishing claims on his website that caused Ayade “annoyance, ill will and insult.” ¹⁹⁴ He was granted bail and released from prison in April 2023. ¹⁹⁵ Jalingo had previously been arrested for his reporting and social media posts about the governor of Cross River State. Jalingo was acquitted in July 2024, after the end of the coverage period. ¹⁹⁶

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

2 / 4

While users can generally communicate anonymously online and freely use encryption tools, there are some legal provisions that threaten anonymity.

The Code of Practice for Interactive Computer Service Platforms, approved in September 2022, states that internet intermediaries operating in Nigeria must disclose the identity of the creator of information on their platforms when ordered to do so by a court of record. ¹⁹⁷

SIM card registration requirements instituted in 2009 threaten users’ rights to anonymous communication and privacy. ¹⁹⁸ In April 2022, the federal government directed all telecommunications companies to block SIM cards that had not been linked to a resident’s National Identity Number (NIN), the key component of Nigeria’s national biometric information system. Since the directive was issued, more than 40 million SIM cards have been blocked; individuals can only unblock their SIM cards by following steps to link their NIN. ¹⁹⁹ In February 2024, MTN

announced that it had disconnected 4.2 million lines for failure to link their NIN to their SIM cards following the expiration of the most recent deadline. **200** In July 2024, after the end of the coverage period, a court dismissed a challenge from the Socio-Economic Rights and Accountability Project (SERAP) that the blocking of unregistered SIM cards violated Nigerians' fundamental rights, upholding that the rights protected by the constitution could be curtailed in the name of national peace and security. **201**

The NITDA's 2019 Framework and Guidelines for Public Internet Access mandates that PIAPs "ensure every user goes through a registration process to acquire an access code for the purpose of public internet access after verification through the user's mobile number which is the unique login ID." This measure eliminates anonymity for those who utilize free internet connections and increases the collection and processing of user data. However, the framework also mandates that PIAPs use the most recent encryption standards to protect users' data and communications. **202**

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	3/6
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National and regional authorities have long sought out technology to facilitate surveillance, and reports of improper surveillance against journalists persist.

In October 2023, during a police interrogation (see C3), journalist Saint Mienpamo Onitsha said that police illegally obtained his phones' passwords under duress, and that after unlocking the devices, police connected them to a computer at the police station and downloaded his files. **203** The police retained both of his phones after releasing him on bail, leading a court to order their return in March 2024. **204**

In March 2023, 40 percent of journalists who responded to a survey by the Premium Times, an online newspaper known for its investigative journalism, reported being under surveillance in the past. **205** The Committee to Protect Journalists (CPJ) had previously reported on the use of cell phone data by Nigerian security forces to arrest investigative journalists in 2020 (see C3 and C6). Police used phone records to identify journalists' contacts, detained those

contacts, and then pressured those individuals to gain access to journalists and arrest them. **206**

In July 2021, the National Assembly approved a 4.87-billion-naira (\$10.96 million) budget for the National Intelligence Agency. According to the Premium Times, the government earmarked money for a WhatsApp Intercept Solution and a Thuraya Interception Solution, communications systems that would monitor calls, texts, and data traffic. **207** SERAP filed a lawsuit against the president in October 2021, and urged courts to find the government's plan to track and monitor WhatsApp messages and calls illegal. **208**

In December 2020, an investigation by the Citizen Lab identified the Defence Intelligence Agency, Nigeria's primary military intelligence agency, as a likely customer of the surveillance company Circles. The company—which is affiliated with the private Israeli firm NSO Group, known for its Pegasus spyware—provides services that allow customers to monitor calls, texts, and cell-phone geolocation by exploiting weaknesses in mobile telecommunications infrastructure. **209** Previously, a 2016 Premium Times investigation found that politicians in Bayelsa, Delta, and Rivers states had purchased spyware from Circles. **210**

In October 2019, a Nigerian law enforcement agency disclosed that Nigerian security forces use software from Cellebrite and AccessData Group, two companies that provide technology to extract and forensically search data from electronic devices, including devices protected by strong encryption. Forensic search technology was reportedly used to search over 20 computers and phones seized from the *Daily Trust* when the paper's editors were arrested in January 2019 for their reporting on military operations in the northeast. **211**

The government's intent to enhance its surveillance capabilities is reflected in federal budget allocations. Since 2018, tens of millions of dollars have been set aside for various surveillance projects that fall under the purview of the ONSA and Department of State Services (DSS). **212** These include tools for social media monitoring, drones, and other mobile surveillance tools apparently capable of intercepting mobile phone traffic and collecting the location data of mobile phone users. **213** A 2023 report from the Institute of Development Studies and the African Digital Rights Network reveal that Nigeria is Africa's largest customer of

surveillance technology, with the value of known contracts between 2013 and 2022 reaching at least \$2.7 billion. **214**

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

3/6

There are numerous legal mechanisms that compel service providers to assist the government in its efforts to monitor users' communications. The Nigerian government has used those mechanisms to investigate and arrest journalists.

The NITDA Code of Practice for Interactive Computer Service Platforms and Internet Intermediaries obliges platforms to cooperate with authorized government agencies on data requests, content takedowns, and similar other orders. **215** The code also stipulates that these platforms shall preserve information on individuals who have stopped using their platform or whose accounts have been deleted. **216** The code does not state how long such information should be preserved. Paradigm Initiative criticized the code for contravening Nigeria's existing data protection regulation at the time, the Nigeria Data Protection Regulation (NDPR). **217** Amnesty International expressed concerns that indefinite data retention in the code of practice incentivizes surveillance. **218**

In June 2023, President Tinubu signed the Nigeria Data Protection Act (NDPA) 2023 into law, **219** after years of undergoing long-drawn processes and at least 10 unsuccessful legislative attempts. **220** CSOs had long clamored for the law, **221** though some voiced displeasure that the NDPA removed the provision for a civil society representative on the governing council of the Nigeria Data Protection Commission (NDPC). **222**

In February 2022, the president approved the creation of the Nigeria Data Protection Bureau, now called the NDPC, to support the development of primary legislation for data protection and privacy. The bureau has previously been criticized for lacking the independence needed to protect the data privacy rights of citizens. **223** Although the NDPA asserts the independence of the NDPC, Section 60 states that the minister for communications and digital economy may give the NDPC directives regarding policy and the NDPC is obligated to comply.

In 2019, prior to the enactment of the NDPA, NITDA published the NDPR. **224** Currently, both the NDPA and the NDPR remain operational, though Section 63 of the NDPA establishes its supersession of other laws and enactments relating to personal data processing. The NDPA provides that all previous regulations issued by NITDA before the coming into effect of the act shall continue in effect as though they were issued by the NDPC. **225** However, data protection in Nigeria is plagued with a lack of uniformity in judicial and regulatory oversight, and data protection efforts are often drawn-out, exaggerated, and redundant. **226**

In June 2019, Buhari signed the Mutual Assistance in Criminal Matters Bill 2016 into law. Drafted to target international corruption, the law establishes procedures for cooperation with other countries in criminal cases through a mutual legal assistance treaty framework. **227** The act includes provisions for complying with requests from third states for telecommunications interception, stored telecommunications, or other forms of stored electronic data, subject to oversight in some circumstances from the attorney general or the courts. **228**

As part of the 2024 amendments to the Cybercrimes Act, Section 38 was amended to require service providers to keep and protect traffic data and subscriber information in accordance with the NDPA “and as may be prescribed by the relevant authority for the time being responsible for the regulation of communication services in Nigeria,” for two years and comply with requests from law enforcement agencies to access this data. **229** Section 38 also requires service providers to intercept electronic communications upon the request of law enforcement. **230** The law implies a degree of judicial oversight for these requests, but the procedure involved is unclear. **231**

The Guidelines for the Provision of Internet Service, published by the NCC 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. **232** The guidelines do not include oversight mechanisms, 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. **233**

A 2013 directive from the NCC requires cybercafés to “maintain an up-to-date database of subscribers and users, including their full names, physical addresses, passport photos, and telephone numbers.” **234** Under Section 7 of the 2015 Cybercrimes Act, cybercafés must make their registers “available to law enforcement personnel whenever needed,” with no clear requirement for judicial oversight. **235**

Data localization is mandated under the Guidelines for Nigerian Content Development in Information and Communications Technology, issued by the NITDA in 2013 and amended in 2019. **236** The guidelines require ICT companies to “host all subscriber and consumer data locally within the country.” **237** The stated aim of the guidelines 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. **238** The extent to which the guidelines have been enforced remains unclear as of 2023, as there have been no reports that international ICT companies have been compelled to comply.

Amendments to Section 41 of the Cybercrimes Act enacted in February 2024 require all public and private organizations to route their internet and data traffic to the sectoral SOCs established by the ONSA in order to “protect the national cyberspace,” raising concerns that such data could be vulnerable to surveillance. **239**

In March 2024, it was reported that a private website “Xpressverify” had unfettered access to all Nigerians’ NINs and registration information, including their phone numbers and home addresses, and was monetising access to this data, offering it to anyone for as low as 200 naira (\$0.25). **240** The NDPC stated that it was investigating the issue and would ensure that all guilty parties were brought to justice. **241** While the findings from the NDPC’s investigation were not yet public, the data protection commissioner said in a statement that an NIMC employee had caused issues by working with the company where the issue occurred. **242**

In March 2024, as part of a crackdown on cryptocurrency platforms (see B1) for alleged manipulation of the foreign exchange market, the Nigerian government reportedly demanded that Binance turn over data about the website’s top 100 users in the country, as well as the last six months of transaction data. **243** A

federal court then ordered Binance to provide “comprehensive information” about all users of the cryptocurrency platform in the country to the Economic and Financial Crimes Commission. **244**

In February 2020, the CPJ reported at least three cases since 2017 where the government used details from call records to arrest journalists. In each case, security forces used records from service providers to identify trusted contacts of the journalist, detained the contacts, and had them call the journalist to report to a police station. **245** Two of the journalists who were arrested following this communications surveillance tactic were convicted in April 2023 (see C3).

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

2/5

In recent years, online journalists and activists have been subjected to harassment and intimidation by local officials or powerful businesspeople who take issue with critical commentary posted about them online. Those arrested for their online activity sometimes also face violence while in detention.

In February 2024, Segun Olatunji, the First News editor, was abducted by 15 armed men, who had accosted Olatunji’s wife and son at a market, threatened them, and forced them to direct them to their home. While in detention, Olatunji was stripped, blindfolded, and tightly shackled for three days, that he said left him “groaning in pain.” **246** After his release without charge (see C3), Olatunji reported feeling residual pain and numbness from the ordeal.

In May 2024, while being held in detention for offensive publication after publishing an article about a Lagos businessman (see C3), Precious Eze Chukwunonso reported that the businessman came to the police station and threatened to “deal” with him and show him “where power lies.” **247**

Freelance journalist Jamil Mabai, who reported on Facebook about the shooting of a guest at a wedding with a DJ that was shut down by the Hisbah community watch, was detained without explanation and held in a cell for two hours and physically threatened in May 2024 after he went to the office of the Hisbah board in Katsina State to take an interview from their spokesperson. While the

commander of the board accused him of tarnishing their reputation, the journalist reported that two men holding canes threatened to beat him. **248**

In February 2024, Fisayo Soyombo began receiving death threats on social media and noticed suspicious activity on his accounts after publishing an investigation into rice trafficking on the border between Benin and Nigeria that implicated a man close to the president (see C3). **249** Soyombo had previously received death threats in 2022 in connection with the FIJ’s reporting. **250**

In September 2023, online journalist Yusuf Mubaarak went missing; his body was discovered along the side of a road in Ilorin three days later. **251** The governor of Kwara State called for security agencies to investigate the death. **252**

In September 2023, a group of Federal Road Safety Commission officers beat Mubarak Usman, a journalist with the ICIR, for attempting to record on his phone what looked like harassment of a woman by the officers at a traffic stop. They also seized his identity card and held it for two hours while demanding that he delete the video from his phone. **253**

The same month, when police arrested two online journalists who published an article alleging abuse of office by a local politician (see C3), a third journalist and editor of the Factual Times news site, Oyewale Oyelola, went into hiding after being called to the station out of fear of being detained over a similar story. **254**

Nigeria is home to diverse ethnic groups, and the significant level of ethnic rivalry and tensions manifests in online interactions. Following the 2023 presidential election, the reported use of ethnic slurs and inflammatory language online rose. **255** In Lagos, the rise in online harassment and inflammatory narratives was accompanied by voter intimidation and suppression targeting the Igbo ethnic group. **256**

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	2/3
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CSOs, journalists, and media websites are sometimes targeted with technical attacks, though such incidents frequently go unreported.

In July 2023, the Ogun state government website was defaced by a hacker called “Anon Ghost,” who claimed to be operating from the Maldives. The same state government had suffered a similar attack in 2015. **257**

The February 2024 amendments to Section 41 of the Cybercrimes Act give the ONSA the authority to establish sectoral SOCs that feed into a national cyber emergency response team (CERT). The amendment also requires all public and private organizations to route their internet and data traffic to the sectoral SOCs to “protect the national cyberspace” (see C6). **258**

Online media have been regular targets of cyberattacks. In April 2022, an attack on investigative journalism website WikkiTimes deleted articles, which took several days to restore. WikkiTimes’ publisher also reported that the outlet’s social media accounts are regularly reported and targeted with takedown requests (see B2).

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Footnotes

- 1** Simon Kemp, “Digital 2024: Nigeria,” DataReportal, February 23, 2024, <https://datareportal.com/reports/digital-2024-nigeria>.
- 2** “Broadband Subscription/Penetration Data,” Nigerian Communications Commission, accessed March 14, 2023, <https://ncc.gov.ng/statistics-reports/industry-overview#view-graphs-tab....>
- 3** “Subscriber/Teledensity data,” Nigerian Communications Commission, accessed March 3 2024, <https://ncc.gov.ng/statistics-reports/industry-overview#view-graphs-tab....>
- 4** David Abakpa, “Pantami Receives NBP 2020-2025 C’ttee Report,” Leadership, February 19, 2020, <https://leadership.ng/2020/02/19/pantami-receives-nbp-2020-2025-cttee-r....>
- 5** “Broadband Subscription/Penetration data,” Nigerian Communications Commission, accessed March 3, 2024, <https://ncc.gov.ng/statistics-reports/industry-overview#view-graphs-tab....>

More footnotes



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Country Facts

Population

218,500,000

Global Freedom Score

44/100 **Partly Free**

Internet Freedom Score

59/100 **Partly Free**

Freedom in the World Status

Partly Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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