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Freedom on the Net 2021 - Nigeria

PARTLY FREE

59

/ 100

A [Obstacles to Access](#) 17 / 25B [Limits on Content](#) 25 / 35C [Violations of User Rights](#) 17 / 40

LAST YEAR'S SCORE & STATUS

60 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom continued to decline in Nigeria, as Nigerians who used the internet to organize mass protests against police brutality were met with digital restrictions and disproportionate violence. Legislation that would reshape the legal landscape for internet content in Nigeria remains under consideration, including a data protection bill, a bill to regulate online content hosts, and a bill that would expand criminal penalties for online speech. Developments after the coverage period indicate further declines in internet freedom to come, as the Nigerian government blocked Twitter in the country and called for social media companies to register with state regulators. Nigeria's vibrant media landscape is impeded by criminal defamation laws.

Separately, the country has made significant improvements in the competitiveness and quality of national elections, though irregularities persist. Corruption remains endemic, particularly in the petroleum industry, a key economic sector. Security challenges, including the ongoing insurgency by the Boko Haram militant group, as well as communal and sectarian violence in the restive Middle Belt region, threaten the human rights of millions of Nigerians. The response by the military and law enforcement agencies to the widespread insecurity often involves extrajudicial killings, torture, and other abuses.

Key Developments, June 1, 2020 - May 31, 2021

- Nigerians did not experience slow internet speeds and connectivity interruptions caused by malfunctions in undersea fiber cables, an improvement from the previous coverage period (see A1).
- The #EndSARS movement against police brutality was organized on social media in October 2020. The government's response included disproportionate force, blocks of websites affiliated with the protests, and pressure on websites to remove related online content (see B1, B2, and B8).
- Lawmakers are considering legislation to formalize new regulations proposed by the National Broadcasting Commission (NBC) in August 2020 to extend the regulator's mandate to online broadcasters, subjecting such content hosts to new requirements for criminal liability and decryption (see B2, B6, C2, and C4).
- Authorities continued to arrest people for online activity, including in relation to online #EndSARS organizing. Several Nigerians were detained for months before trial (see C3).
- Regulations announced in December 2020 require Nigerians to connect their SIM cards with their National Identity Number, a key component of a new biometric national identification system, threatening anonymity (see C4).
- A draft data protection law was introduced in August 2020, which would formalize protections for data privacy in Nigeria (see C6).

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

Score Change: The score improved from 2 to 3 because Nigerians did not experience malfunctions in undersea fiber cables, which had caused slow speeds and connectivity interruptions during the previous coverage period.

Infrastructural challenges, including unreliable access to electricity, hampers both access to the internet and internet speeds. Despite these drawbacks, Nigeria has one of the largest populations of internet users in sub-Saharan Africa. According to the Digital 2021 report, over 104 million of the country's approximately 208 million residents were online, amounting to a penetration rate of 50 percent.¹ Meanwhile, the latest data from the International Telecommunication Union (ITU) reports an internet penetration rate of 27.7 percent in 2017.²

The government's new National Broadband Plan (2020–25) (NBP), which is set to replace the 2013–18 plan, has a goal of expanding broadband penetration to 70 percent by 2025.³ As of June 2021, the Nigerian Communications Commission (NCC), the sector regulator, reported a broadband penetration rate of 40 percent.⁴

According to NCC data, the number of fixed telephone connections per 100 people declined from a high of 108.9 percent in November 2020, to 98.3 percent in May 2021—representing a decrease of 20.3 million subscribers and marking the lowest rate since November 2014.⁵ Some analysts attribute this decline to new restrictions on the activation and replacement of SIM cards that the Ministry of Communications began enforcing in December 2020, as part of new rules requiring SIM cards to be linked with individuals' National Identity Numbers (see C4).⁶

Vandalism and destruction of communication infrastructure is common, and persisted through the coverage period.⁷ A Critical National Assets and Infrastructure Center (Establishment) Bill introduced in 2019 aimed to create an institution to oversee the protection of telecommunications and other infrastructure designated as critical, but it has not progressed.⁸

Power cuts frequently disrupt service and access. Data from the polling service NOI Polls showed the average daily power supply at between 9.2 and 9.7 hours in 2018 and 2019,⁹ up from less than 6 hours in 2016.¹⁰

Shortfalls in the power supply also undermine the quality of internet service offered by providers. Telecommunications base stations in Nigeria are typically powered by diesel generators, which reportedly account for 80 percent of their operating expenses.¹¹ Separately, the need to pay for expensive backup generators has accelerated the closure of cybercafés that were already struggling to compete with increasing mobile internet access.

In January 2020, during the previous coverage period, a break in the South Atlantic 3(SAT3)/West African Cable System (WACS) undersea fiber-optic cable interrupted internet and voice service in Nigeria. MTN, which is the most widely used provider in Nigeria, was reportedly most affected by the cable damage.¹² The disruption, which lasted about a week, resulted in slow internet speeds for some customers, while others could not access the internet at all. Other internet service providers (ISPs) in Nigeria rely on other fiber-optic cable systems to provide internet access, such as MainOne and Glo 1. Furthermore, at the end of March 2020, another cut to SAT3/WACS resulted in slow internet services for end users across Nigeria.¹³

The average fixed broadband download speed is 11.91 Mbps and the average mobile download speed is 16.74 Mbps.¹⁴ 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.¹⁵

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.”¹⁶

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 around gender, geography, and language persist, affordable data services for mobile subscribers has increased internet access. In its 2020 Affordability Report, the Alliance for Affordable Internet ranked Nigeria 19 out of 72 low- and middle-income nations in the implementation of policies leading to affordable internet access.¹⁷ In 2019, Nigeria was also ranked

19 out of 61 low- and middle-income nations.¹⁸ In February 2021, the cost of at least 1.5 GB of data from MTN, Glo, and Airtel, the country's most widely used ISPs, was \$2.62, compared to \$3.28 in February 2018.¹⁹

Cost remains a major impediment to internet access for many Nigerians in rural areas. 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.

In October 2019, the Minister of Communications and Digital Economy issued a directive to telecommunications operators through the NCC to reduce the cost of data and to stop illegal data reductions for consumers, but it has yet to be implemented.²⁰

In 2016, the government introduced the Communication Service Tax Bill 2015, which would decrease the affordability of internet access by imposing a 9 percent tax on consumers for communications services including short-message service (SMS), data, and voice services.²¹ The bill was integrated to the Telecommunications Service Tax Bill 2016, which did not pass into law, and then into the Communication Tax Bill 2019,²² which passed through first reading in February 2019 and awaits further consideration.²³

Nigeria's internet landscape is characterized by a significant digital gender divide, and an urban-rural divide. According to the Inclusive Internet Index, women in Nigeria are 22 percent less likely to access the internet than men.²⁴ The electricity gap between urban and rural areas also creates internet access issues: 86 percent of Nigeria's urban population has electricity, while 34 percent of the rural population does.²⁵

Over 500 languages are spoken in Nigeria.²⁶ While local and international news outlets broadcast in the country's most-spoken languages, local-language content is vastly underrepresented. For example, there are few Wikipedia entries in the three major Nigerian languages of Yoruba, Hausa, and Igbo (see B7).²⁷

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for 6 / the purposes of restricting connectivity? 6

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

The backbone connection to the international internet is decentralized, resulting in a climate of healthy competition with little government interference. Multiple players have built fiber networks that crisscross the country, including Phase 3, Glo 1, Main One, Suburban Telecom, Multilinks, and MTN. There are now five active internet exchange points (IXPs).²⁸

In October 2020, Nigerians took to the streets to protest police brutality in the #EndSARS protests (see B8). There were concerns that the government would seek to disrupt internet connectivity during the protests. Civil society organizations like the Paradigm Initiative led advocacy efforts around internet shutdowns and conducted a public education campaign on circumvention and measurements tools.²⁹

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service 5 / providers? 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 the number of licensed ISPs growing from 18 in 2000 to 163 as of March 2021, though the growth of fixed-broadband providers has slowed in recent years with the rise in mobile access.³⁰ Despite the large number of registered ISPs, there is a high degree of market concentration.³¹ Five privately owned mobile service providers also provide internet access: MTN, Globacom, Airtel, 9Mobile (formerly Etisalat), and NTEL, which began operations in 2016 after acquiring the license of the defunct national telephone service provider NITEL.³² In 2016, MTN acquired Visafone, securing access to its 800-MHz spectrum.³³

In May 2020, several states reduced or fully waived broadband right-of-way (RoW) charges, tariffs levied on telecommunications companies for each meter of cable built along state roads. High RoW charges can limit the expansion of broadband and restrict the entry of new providers to the market, or result in higher costs for subscribers. The states of Ekiti, Imo, Plateau, and Katsina lowered state RoW charges from 4,500 naira (\$11.50) to 145 naira (\$0.37) per linear meter, while Kaduna State waived its charge.³⁴ Earlier, in January 2020, 14 state governments increased their RoW charges by up to 1,000 percent, prompting a rebuke from the federal government.³⁵

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. Public internet access is defined as connectivity in "computer terminals, computers, mobile phones, and/or other devices without charge to the user." According to the framework, public internet access points (PIAPs) are required to register with the NITDA and obtain approval from the body to carry out their operations.

Cybercafés are required to obtain licenses, but the large number of unlicensed cybercafés in operation suggests that the regulator has not enforced the requirement.[36](#)

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail 2 / to operate in a free, fair, and independent manner? 4

Although regulatory bodies that oversee service providers have historically had a reputation for independence, some recent actions by the NCC have called the body's autonomy into question. 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, Umar Garba Danbatta, was appointed in 2016 through a process that was viewed as fair. Danbatta, a leading academic, is also considered an industry expert.[37](#)

The NCC's close relationship with Isa Pantami, the minister of communications and digital economy, has largely undermined perceptions of the regulator's independence.[38](#) Pantami regularly issues orders to the NCC, potentially violating Nigerian law, and has forced the NCC to be involved in his feuds with other members of government.[39](#) For instance, in December 2020, the Minister issued directives to the NCC on awarding contracts,[40](#) ordered the suspension of SIM cards,[41](#) and asked the regulator to end some charges relating to National Identity Number (NIN) retrieval.[42](#)

The National Information Technology Development Agency (NITDA), which was established in 2007, is tasked with planning, developing, and promoting the use of information technology in Nigeria. One of its objectives is to "accelerate internet and intranet penetration in Nigeria and promote sound internet governance." The agency also supervises the management of the country code top-level domain (.ng).[43](#) Although the NITDA appears to operate independently, its director general, who is responsible for the day-to-day administration of the agency and the implementation of policy, is a political appointee[44](#) who reports to his former boss, the current minister for communications and digital economy.

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet 4 / content, particularly material that is protected by international human rights standards? 6

The Nigerian government blocked online content during the coverage period, including relating to the #EndSARS protests (see B8). These were the first such restrictions since 2017, when 21 websites, many of which promoted the independence of Biafra, were made inaccessible. Generally, the complex nature of Nigeria's internet infrastructure makes it difficult to carry out systematic filtering or censorship.

In January 2021, the news website Peoples Gazette was blocked on mobile internet services provided by Airtel, MTN, 9mobile, and Glo. Samuel Ogundipe, the website's managing editor, alleged that the government ordered the block in retaliation for the outlet's October 2020 investigation into the professional competency of President Buhari's chief of staff.[45](#) As of July 2021, the Peoples Gazette was accessible at a different URL.[46](#)

In November 2020, the website of the Feminist Coalition, radioisiaq.com, and endsars.com were blocked. The websites, which remained inaccessible on mobile networks as of July 2021, belong to organizations that played prominent roles during the October #EndSARS protests led by youth across Nigeria (see B8).[47](#) As of July 2021, the websites remained inaccessible on mobile networks.[48](#)

On June 5, 2021, after the coverage period, the Nigerian government ordered Twitter blocked on most major networks. Days earlier, the platform had deleted a post from Buhari's account and suspended the account for 12 hours, stating that Buhari's post violated rules on abusive behavior; the post seemed to threaten violence against Biafran secessionists.[49](#) The government subsequently threatened to prosecute Nigerians accessing Twitter through circumvention tools and ordered media organizations to stop using the platform.[50](#) As of August 2021, Twitter remained inaccessible to Nigerian internet users.[51](#)

Earlier, in November 2017, it was revealed that service providers blocked 21 websites, including the popular Naij.com online news outlet, at the request of the NCC.[52](#) Though the blocking order lacked transparency, many of the blocked sites promoted the independence of Biafra, the region that

attempted to secede from Nigeria in 1967 and fought against the federal government in the 1967–70 Biafran War. Although access to Naij.com was eventually restored, at least nine websites remained inaccessible, but the others were accessible as of 2021.⁵³

YouTube, Facebook, WhatsApp, and other communications platforms are freely available and widely used.⁵⁴

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? 3 / 4

The government does not regularly issue any takedown requests, though there are concerns that online content relating to the #EndSARS protests may have been removed by content providers in October 2020 (see B8).

A fund used by the Feminist Coalition, a civil society group, to distribute support to protesters was made inoperable for nine days on the online payment processing platform Flutterwave. Ostensibly the interruption was for “scheduled maintenance,” though the Feminist Coalition indicated that the closure of the account was related to their role in the #EndSARS protests,⁵⁵ and they later said it would be permanently closed. Media reports also indicated that the Flutterwave platform was temporarily suspended, which the company later disputed.⁵⁶ Separately, a YouTube feed from Arise News was taken down while livestreaming at Lekki Tollgate, a day after security forces shot and killed at least 12 peaceful protestors at the toll gate. The feed was reportedly flagged for copyright violations; it was restored a few hours after being removed.⁵⁷

According to Google’s updated transparency report, there were four government requests for content removal during the company’s January–June 2020 reporting period. The reasons for the requests are national security (1), defamation (1) and unspecified (2), but no additional information was provided. Google removed 24 items of content pursuant to the requests, of a total of 87 items requested for removal. Google received one request for content removal in the period from July to December 2020, and did not comply with the request.⁵⁸ According to Facebook’s transparency report, there were no content restrictions of Nigerian content from July to December 2020.⁵⁹ However, Facebook complied with 8 of 10 requests for users’ data categorized as “legal process requests” and refused to provide users’ data in response to 2 emergency disclosure requests.⁶⁰

In August 2020, the National Broadcasting Commission (NBC) published amendments to the Nigerian Broadcasting Code, which include regulations for online broadcasters for the first time.⁶¹ The amendments impose liability on online broadcasters for content posted on their platforms, though it does not clearly describe the scope of the online broadcasters covered under the rules. Sanctions for breaches of the code’s provisions, including registration requirements, include orders for content deletion and website blocking (see B6). The amended code does not describe how sanctions will be enforced. Industry and civil society groups criticized the amended code for restricting innovation and online speech.⁶² A bill to pass the amendments into law is under consideration, with a hearing held in June 2021, after the coverage period.⁶³

Many media houses in Nigeria are owned or controlled by politicians and government officials,⁶⁴ potentially influencing their reporting.

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, which obligates ISPs to cooperate with the NCC to preserve national security and prevent crime.⁶⁵ The blocking of websites associated with #EndSARS protests in November 2020 also lacked transparency, as did content removals potentially linked to political pressure (see B2 and B3).

In recent years, a few high-level government officials have called for a clampdown on social media in response to the growing influence of critical commentary on the internet,⁶⁶ sparking fears of impending online censorship.⁶⁷ A number of worrying legislative proposals have added weight to those fears. The Frivolous Petitions Prohibition Bill, introduced in 2015, sought to restrict expression on social media, though it was withdrawn in 2016. Meanwhile, the Cybercrime Act, which was signed into law in 2015, has been used to arrest bloggers for posting critical content during the coverage period (see C2 and C3). During the coverage period, two other bills with the potential to restrict the internet and digital content were under consideration, the Protection from Internet Falsehood and Manipulation Bill and National Commission for the Prohibition of Hate Speeches Bill 2019 (see C2). In March 2020, the Senate held a public hearing for the Protection from Internet Falsehood and

Manipulation Bill. The hearing was attended by 110 civil society organizations; the majority of these groups asked the Senate to remove the bill from consideration.[68](#) The bill has not advanced as of July 2021.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 3 / 4

The persistent arrests of users for their online activities under the 2015 Cybercrime Act has resulted in growing self-censorship, particularly among professional journalists who publish content online (see C3). This self-censorship worsened after recent reports that revealed the extent of the Nigerian security services' surveillance and interception powers. Security forces had access to journalists' private communications, and sometimes used that information to facilitate arrests (see C6 and C6). [69](#) Despite the trend of growing self-censorship, some journalists persist in testing boundaries, despite potential repercussions (see B8, C3, and C7).

Nigeria's LGBT+ community is marginalized, and online self-censorship is common among LGBT+ individuals.[70](#) Many LGBT+ internet users report feeling unsafe using their real names online, preferring to engage anonymously.[71](#) While members of the community may comment on or share content discussing or promoting LGBT+ issues, most are not open about their identity online, likely due to societal prejudice and measures like the Same-Sex Marriage (Prohibition) Act 2014, which criminalizes public displays of same-sex relationships.[72](#)

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other 2 / powerful actors to advance a particular political interest? 4

Political figures and government officials sometimes seek to manipulate the online environment on sensitive issues. Many media houses in Nigeria are owned or controlled by politicians and government officials,[73](#) potentially influencing their reporting.

Coordinated social media campaigns that spread disinformation on behalf of political candidates were common[74](#) at both the national[75](#) and local[76](#) levels during the February 2019 national elections. Campaigns hired individuals to create fake Twitter accounts that spread propaganda, bolstered a candidate's agenda, undermined opponents, and shaped the online conversation ahead of the elections.[77](#) According to a Quartz report published in February 2019, one campaign paid a team of 12 people to manage more than 600 Twitter accounts. A 2019 CDD West Africa study collected 34.5 million tweets from major politicians, political parties, media houses, and other accounts that published posts with election-related hashtags, and concluded that 19.5 percent of them showed signs of automation.[78](#)

In addition to these efforts to manipulate the online information environment, in May 2019, Facebook announced that it was deleting 265 accounts that were used to influence the online environment through disinformation campaigns in several countries, including Nigeria.[79](#) The fake accounts were run by the Archimedes Group, an Israeli company, and sought to influence the 2019 Nigerian elections.[80](#)

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to 3 / publish content online? 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.

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 August 2020, the NBC published amendments to the Nigerian Broadcasting Code, which include regulations for online broadcasters for the first time (see B2).[81](#) The amended code requires "persons who wish to operate web/online broadcasting services" to register with the NBC. Registered online platforms are subject to the code's provisions, including those relating to hate speech (see C2). A bill to pass the amendments into law is under consideration, with a hearing held in June 2021, after the coverage period.[82](#)

Separately, also in June 2021, the NBC issued a statement directing social media platforms and online broadcasters to apply for a broadcast license.[83](#) As of July 2021, the major global social media platforms apparently had not registered with the NBC, while Nigerian social media companies that sought to register reported inaction by the regulator.[84](#)

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 a backlash under previous governments.

There were robust and lively social media conversations during the 2019 election period, with both progovernment and opposition voices active across social media platforms like Twitter and Facebook. The same is true for charged topics such as the #EndSARS protests or government handling of security of citizens; critics and supporters of the government continue to have robust media conversations.

Nigerians are typically able to access a range of local and international news sources that are independent and balanced, and broadcast in the main languages spoken in the country. These sources include the national news broadcaster, the Nigerian Television Authority (NTA),⁸⁵ which is one of the largest television networks in Africa and broadcasts in local languages. Broadcasters owned by state governments also air content in local languages, while privately owned broadcasters serve communities in both English and local languages.⁸⁶ Many of these local news sources are also available online. International news sources like the British Broadcasting Corporation (BBC) are also popular in Nigeria and offer online content in local languages,⁸⁷ including pidgin English.⁸⁸

However, some communities struggle to find online content in their local language. The majority of content is in English, while local languages are vastly underrepresented (see A2).

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

False information about the coronavirus proliferated on Nigerian social media during the COVID-19 pandemic. Rumors about the government's pandemic response and the health of political figures spread widely, sometimes by supporters of the opposition People's Democratic Party (PDP) or the ruling All Progressives Congress (APC).⁸⁹ In March 2020, three people were hospitalized after overdosing on chloroquine, a malaria medication. False information that the drug could be used to treat COVID-19 has proliferated online, in part due to US president Donald Trump's public endorsement of the medicine.⁹⁰

An April 2020 study by the Centre for Democracy and Development (CDD) West Africa found an unprecedented level of online misinformation and disinformation, especially content that inflames ethnic and political tension. The CDD West Africa study also found that false information originating online increasingly spread to Nigerian print, radio, and broadcast media.⁹¹

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, 5 / particularly on political and social issues? 6

Score Change: The score declined from 6 to 5 because the government restricted digital content relating to the #EndSARS protests, and because security forces responded to the protests, which were organized online, with disproportionate force.

Online mobilization tools are 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.

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.⁹² Nigerians mobilized to call for the SARS unit to be disbanded, and the decentralized movement also took up calls for an end to police brutality and the unconditional release of arrested protesters.⁹³ The protests were largely organized on Twitter and Facebook, and protesters used social media to raise funds, mobilize volunteers, organize medical support, gather evidence to exonerate protestors accused of violence, and more.⁹⁴

The movement largely dispersed after the Nigerian military opened fire on protestors at the Lekki Toll Gate, a popular protest site, killing at least 12 people.⁹⁵ The Lekki Toll Gate massacre remains under investigation by the government.⁹⁶

The government also imposed restrictions on people affiliated with the #EndSARS movement. Websites associated with protest organizers were blocked (see B1), while #EndSARS-related online content may have been removed by content providers in October 2020 (see B2). The Central Bank of Nigeria also froze the accounts of identified protesters and organizations that were supporting the protests.⁹⁷

The #RevolutionNow hashtag is often used in online discussion of poor governance and corruption. This sometimes spills offline; in August 2019, protesters held #RevolutionNow demonstrations over election irregularities.⁹⁸ Additional protests were announced using the #RevolutionNow hashtag⁹⁹ toward Nigeria's 60th independence anniversary on October 1, 2020, and in spite of government warnings, protests went ahead in Lagos, Abuja, and other Nigerian cities.¹⁰⁰ Operatives of the State Security Service arrested and brutalized protesters in Osun State.¹⁰¹

Digital campaigns mobilized prior to the coverage period have been successful, including digital activism that contributed to the defeat of the Frivolous Petitions Prohibition Bill, or the so-called social media bill, in 2016. Among its goals, the bill sought to constrain critical expression on social media (see B3).¹⁰²

Since the Protection from Internet Falsehood and Manipulation Bill's reintroduction in the Senate in November 2019, and ahead of a public hearing in March 2020, Nigerians mobilized online, using the hashtag #saynotosocialmediabill, and offline to oppose the bill, which threatens to constrict the space for freedom of expression in the country.¹⁰³ More than 100,000 people signed an online petition in opposition to what has also been called the "social media bill."¹⁰⁴ A similar hashtag, #SayNoToHateSpeechBill, has also been widely used.¹⁰⁵ The committee report that should follow the public hearing held in March 2020 is yet to be released, so the fate of the bill is unknown.

Online activists played a significant role during the 2019 election period, mobilizing voters and spurring citizen action to hold elected officials accountable. Supporters of the leading candidates in the presidential election, President Buhari and Atiku Abubakar, used the Twitter hashtags #Buhariiswinning¹⁰⁶ and #Atikuiswinning¹⁰⁷ to build support for their candidates.

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. Sponsored by lawmaker Chukwuemeka Ujam, the bill was passed by the House of Representatives in December 2017 and the Senate in March 2018. However, President Buhari declined to sign the bill in March 2019, claiming that it "covers too many technical subjects and fails to address any of them extensively."¹⁰⁸ Following Buhari's rejection of the legislation, the bill was revised to address the president's concerns and was reintroduced in the House of Representatives in July 2019.¹⁰⁹ 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. As of February 2021, the new version of the bill has been referred to the Committee of the Whole in the National Assembly but a committee report has not been announced.¹¹⁰

Nigeria's judiciary has achieved a degree of independence, but political interference, corruption, and a lack of funding, equipment, and training hamper its ability to adjudicate cases. The suspension of Nigeria's chief justice by President Buhari in January 2019,¹¹¹ which occurred without the involvement of the National Judicial Council (NJC) or the National Assembly, as required by law,¹¹² brought the judiciary's independence further into question.

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

A number of laws assign criminal penalties or civil liability for legitimate online activities in Nigeria.

Before leaving office in 2015, former president Goodluck Jonathan signed the Cybercrime Act 2015 into law, which provides a framework for addressing cybercrime but contains broadly worded provisions that can be used to punish legitimate expression.¹¹³ Duplicating existing libel laws, Section 24 of the law penalizes "cyberstalking" or messages that are "false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will, or needless anxiety to another" with up to three years in prison, a fine, or both. Section 26 penalizes distribution of "racist or xenophobic material to the public through a computer system or network" with up to five years in prison, a fine of up to 10 million naira (\$26,400), or

both.¹¹⁴ Recent 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 Cybercrime] Act,”¹¹⁵ is being used to prosecute journalists.¹¹⁶

A coalition of civil society organizations led by Paradigm Initiative filed a suit to challenge the constitutionality of sections 24 and 38 of the law in 2016.¹¹⁷ However, a judge dismissed the case in a 2017 ruling. Following the defeat of another appeal in June 2018, the same group filed an appeal with the Supreme Court in August 2018.¹¹⁸ Another civil society organization, the Incorporated Trustees of Laws and Rights Awareness Initiative, also filed a suit to challenge the law.¹¹⁹

Critics of a broadly worded hate speech bill introduced in 2018 alleged that it could be used by the government to silence the online activities of opposition critics and civil society. While there has been no further activity on the bill since it passed its first reading in the Senate in November 2019,¹²⁰ it is one of many proposals to clamp down on free speech during moments when citizens were embracing online tools to defend democracy.

Also in November 2019, the Protection from Internet Falsehood and Manipulations Bill 2019 passed first and second readings. The bill would allow the government to disrupt internet access, block social media platforms, and institute fines of up to 300,000 naira (\$820) or imprisonment of up to three years for statements that are “prejudicial to national security” or “diminish public confidence” in the government.¹²¹ A public hearing on the bill was held in March 2020, during which civil society organizations and government agencies like the NCC and the Broadcasting Organization of Nigeria voiced opposition.¹²² After the public hearing, the bill was referred to the Senate Committee on Judiciary, Human Rights, and Legal Matters, but has not advanced as of July 2021.

In August 2020, the NBC published amendments to the Nigerian Broadcasting Code (see B2). The changes included an upward review of fines from 500,000 naira (\$1,320) to 5 million naira (\$13,240) for hate speech.¹²³ These regulations could negatively impact freedom of expression in the country. A bill to pass the amendments into law is under consideration, with a hearing held in June 2021.¹²⁴

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 2 / under international human rights standards? 6

Numerous bloggers, journalists, and private citizens were arrested for their online activities during the coverage period, including for criticism of government officials and for blasphemy charges in states under Sharia jurisdiction. Several Nigerians were detained for months before trial, including humanist activist Mubarak Bala, who has been held since April 2020.

In November 2020, police in Osun State arrested Babawale Popoola and Queen Fisayo Aderemi for their roles as administrators of a WhatsApp group used for mobilization of local #EndSARS protests (see B8).¹²⁵ They were released on bail the next day.¹²⁶

In August 2020, authorities detained Ime Sunday Silas on cybercrime charges under the Cybercrimes Act. Silas was reportedly arrested for a message referencing a report published by the Profile, a new site for which Silas was the publisher, that related to blackmail and the wife of Akwa Ibom State’s governor. While bail was granted, he was still detained for weeks after.¹²⁷ The status of his case was not known as of July 2021.

In June 2020, Nigerian authorities detained Saint Meinpamo Onitsha, the founder of online news site Naija Live TV. Onitsha believes the arrest related to his reporting the previous month on the government’s failure to contain COVID-19 in Kogi State. Onitsha was charged under Cybercrime Act¹²⁸ and released on bail after 15 days in custody.¹²⁹

In July 2021, after the coverage period, Isma’il Isah was arrested in Sokoto state for a Facebook post in which he purportedly made blasphemous comments.¹³⁰

At least three people experienced months- or year-long pretrial detention during the coverage period for arrests relating to their online activities. As of July 2021, humanist activist Mubarak Bala remains detained in Kano state, following an April 2020 arrest for insulting the prophet Muhammad in a Facebook post. A judge ordered Bala released in December 2020.¹³¹

On May 23, 2020, Twitter user Olusola Babatunde was arrested for creating a parody Twitter account of Goodluck Jonathan, the former president of Nigeria. Babatunde was charged for impersonation under Section 22(3)(c) of the Cybercrimes Act, reportedly because Jonathan intervened to request his arrest.¹³² Babatunde was released on August 11, 2020, over 80 days later.¹³³

Emperor Gabriel Ogbonna, a barrister, was arrested by the Department of State Security (DSS) in late March 2020 after he allegedly publishing falsehoods about the governor of Abia State in a Facebook post.¹³⁴ Ogbonna was released on bail in late April, but was rearrested hours later by the DSS. He was eventually released on bail again on August 18, 2020.¹³⁵

Also in March 2020, singer Yahaya Sharif-Aminu was arrested in Kano state for a purportedly blasphemous song he circulated on WhatsApp. A Kano state Sharia court sentenced Sharif-Aminu to death in August 2020, prompting widespread criticism in Nigeria and from rights groups.¹³⁶ Sharif-Aminu appealed the following month and an appellate court quashed the death penalty in January 2021, on the grounds that Sharif-Aminu did not have access to counsel, and ordered a retrial.¹³⁷

In July 2021, after the coverage period, the Economic Community of West African States (ECOWAS) court ordered the Nigerian government to pay Agba Jalingo, publisher of online news outlet CrossRiverWatch, 30 million naira (\$72,900) for violating his rights during an August 2019 arrest.¹³⁸ Jalingo was detained without charge after CrossRiverWatch's critical reporting on corruption in Cross Rivers State, which included allegations against the state's governor.¹³⁹ Later that month, he was charged with disturbance of public peace, treason, cybercrimes, and terrorism for his reporting and social media posts about the governor.¹⁴⁰ Jalingo was released on bail in February 2020,¹⁴¹ but subsequently detained on charges of "gun running" on June 11, 2021, and arrested again during the "Democracy Day" protests on June 12.¹⁴²

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 2 / 4

Score Change: The score declined from 3 to 2 because new requirements to link SIM card registration with Nigeria's national biometric identity cards limit the anonymity of online communication.

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

SIM card registration requirements instituted in 2009 threaten users' rights to anonymous communication and privacy.¹⁴³ particularly in the absence of a data-protection law.¹⁴⁴ Furthermore, in December 2020, the Nigerian government ordered citizens to link their SIM card registration with National Identity Numbers (NIN), the key component of Nigeria's national biometric information system, and threatened to disconnect lines that are not compliant after a 2-weeks registration window.¹⁴⁵ The announcement was widely criticized, particularly because NIN registration requires users to appear for an in-person capture of biometric data, exacerbating the risk of COVID-19 transmission.¹⁴⁶ In January 2021, a civil society group sued the government over the directive, arguing that it violates Nigerians' right to privacy.¹⁴⁷ The original December 30, 2020, deadline—which provided two weeks total for all Nigerians to link their NIN with their SIM card—has been repeatedly postponed, including in July to October 31, 2021.¹⁴⁸

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.¹⁴⁹

The NBC's August 2020 amendments to the Nigerian Broadcasting Code requires broadcasters, including online broadcasters, to comply with decryption orders from the NBC "at times of national emergency."¹⁵⁰ A bill to pass the amendments into law is under consideration, with a hearing held in June 2021.¹⁵¹

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy? 3 / 6

National and regional authorities have long sought out technology to facilitate surveillance, and reports of improper surveillance against journalists persist.

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 allows customers to monitor calls, texts, and cell phone

geolocation by exploiting weaknesses in mobile telecommunications infrastructure.¹⁵² Previously, a June 2016 *Premium Times* investigation found that politicians in Bayelsa, Delta, and Rivers States had purchased spyware from Circles.¹⁵³

In October 2019, a Nigerian law enforcement agency disclosed that Nigerian security forces use software from Cellebrite and AccessDataGroup, 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 sized from the *Daily Trust* when the paper's editors were arrested in January 2019 for their reporting on military operations in the northeast.¹⁵⁴ Earlier news reports revealed government contracts with the Italian surveillance firm Hacking Team,¹⁵⁵ as well as the presence of a command-and-control server located within Nigeria.¹⁵⁶

The government's intent to enhance its surveillance capabilities is reflected in federal budget allocations. Tens of millions of dollars have been set aside since 2018 for various surveillance projects¹⁵⁷ that apparently fall under the purview of the Office of the National Security Adviser (ONSA) and Department of State Security (DSS). These include tools for social media monitoring, and drones and other mobile surveillance tools¹⁵⁸ apparently capable of intercepting mobile phone traffic and collecting location data of mobile phone users.¹⁵⁹ The 2021 Executive Budget Proposal once again included funding for surveillance equipment.¹⁶⁰

Many online journalists have long suspected that they are being surveilled by the state. In February 2020, the Committee to Protect Journalists (CPJ) reported on the use of cell phone data by Nigerian security forces to arrest investigative journalists (see 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.¹⁶¹

In March 2019, President Buhari declined to sign the draft Digital Rights and Freedom Bill (see C1), which would have provided a comprehensive data privacy and protection framework, into law. The bill aimed to guarantee the fundamental privacy rights of citizens and define the legal framework regarding surveillance. It also contained provisions outlining procedures for the lawful and authorized interception of communications within the digital environment without sacrificing the constitutional rights of citizens.

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology 3 / companies infringe on users' right to privacy? 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 Nigeria Governors' Forum announced in April 2020 that it would partner with MTN to provide contact tracing and other services to contain the pandemic.¹⁶² This development could involve subscribers' information, and raised privacy concerns amongst the citizenry, though no further details were reported. A partnership between location data analysis firm Unacast and MTN to analyze social distancing in Nigeria using aggregated and anonymized network data from MTN was announced in September 2020.¹⁶³

In February 2020, the CPJ reported at least three cases since 2017 where the government used call detail records to arrest journalists. In each case, security forces used records from service providers to identify trusted contacts of the journalist, detained the contact, and had them call the journalist to report to a police station.¹⁶⁴

Separately, data-security issues were prevalent during the February 2019 presidential election. According to reports, a number of Nigerians received phone calls from individuals reportedly conducting political mobilization activities on behalf of the ruling party.¹⁶⁵ The phone numbers and locations of the call recipients were reportedly obtained from the Independent National Electoral Commission (INEC), which collects citizens' data while conducting elections.

In June 2019, President 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.¹⁶⁶ The act includes provisions to comply 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.¹⁶⁷

The 2015 Cybercrime Act requires service providers to retain user data and intercept electronic communications upon the request of law enforcement.¹⁶⁸ Under Section 38 of the law, providers are required to "keep all traffic data and subscriber information... for a period of two years" and

comply with requests from law enforcement agencies to access this data.¹⁶⁹ The law implies a degree of judicial oversight for these requests, but the procedure involved is unclear.¹⁷⁰

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.¹⁷¹ 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.¹⁷²

Data localization is mandated under the Guidelines for Nigerian Content Development in Information and Communications Technology, issued by the NITDA in 2013. The guidelines require ICT companies to “host all subscriber and consumer data locally within the country.”¹⁷³ 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.¹⁷⁴ The extent to which the guidelines have been enforced remained unclear as of 2020, as there have been no reports that international ICT companies have been compelled to comply.

The Draft Lawful Interception of Communications Regulation (see C5) would require mobile phone companies to store voice and data communications for three years if enacted.

Although Nigeria has no data protection legislation, in January 2019, the NITDA issued the Nigeria Data Protection Regulation to protect data privacy within the country.¹⁷⁵ Consultations on how the regulation would be implemented continued through the coverage period,¹⁷⁶ and the significance and effectiveness of the regulation remains unclear.

In August 2020, NITDA released a draft Data Protection Bill 2020, which would further elaborate on data protection rights in Nigeria and establish a Data Protection Commission to implement and monitor compliance with the bill. The draft bill does not require data localization, an apparent departure from the 2013 guidelines issued by NITDA.¹⁷⁷ As of June 2021, after the coverage period, NITDA and other government agencies, including the National Identity Management Commission, conducted stakeholder consultations on the draft bill.¹⁷⁸

User registration is required in cybercafés. 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.”¹⁷⁹ Under Section 7 of the 2015 Cybercrime Act, cybercafés must make their registers “available to law enforcement personnel whenever needed,” with no clear requirement for judicial oversight.¹⁸⁰

C7 0-5 pts

**Are individuals subject to extralegal intimidation or physical violence by state 2 /
authorities or any other actor in relation to their online activities? 5**

Online journalists and activists have been subject to increasing extralegal harassment and intimidation in retaliation for their activities in recent years, particularly by local officials or powerful businesspeople who have taken issue with critical commentary posted about them on social media. Along with the threat of arrest as an intimidation tactic, police often raid the homes of targeted bloggers, sometimes seizing equipment.¹⁸¹

In February 2021, Benjamin Anah, a reporter with the Guild, a news site, was attacked by enforcement officers affiliated with the Lagos Environmental Sanitation Corps, an environmental agency. Anah was recording the officers in an altercation with another group; when he identified himself as a member of the press to the officers, they attacked him, then locked him in a vehicle and tortured him.¹⁸²

In October 2020, Onifade Emmanuel Pelumi, a journalist with online broadcaster Gboah TV, was found dead after he went to cover an attempted robbery of a government facility in Lagos State. Pelumi was seen being escorted by officers into a police van, after police reportedly attacked a crowd of people at the facility; Pelumi’s body reportedly had a gunshot wound.¹⁸³

During the previous coverage period, several online journalists reported attacks and intimidation by security forces. In May 2020, Mienpamo Saint, a blogger and owner of independent news site Naijalivetv.com, was abducted at night by DSS officers in Yenagoa Bayelsa State. The officers questioned him on the sourcing of his stories regarding the potential arrest of the Ebonyi State deputy governor.¹⁸⁴ He was released without charge when he apologized for his website’s reporting, and denied he had been abducted in the first place at a conference organized by the DSS.

In March 2020, state security officers visited the home of Musikilu Mojeed, editor of the Premium Times online newspaper, in an attempt to have him reveal the source behind a leaked government document published by the outlet. Another Premium Times editor reported that two unmarked

vans, which he suspected belonged to the security services, had parked outside of the Premium Times office.¹⁸⁵ In late February, Samuel Ogundipe, a Premium Times journalist, received anonymous phone calls telling him to stop his work, as well as a phone call from someone claiming to work in the Nigerian army. In late March, he reported that his email had been hacked (see C8), and state security officers were reportedly parked outside his home that same month.¹⁸⁶

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 1 / subject to widespread hacking and other forms of cyberattack? 3

The rate of cyberattacks in Nigeria has greatly intensified over the last two years, including attacks against government and media websites.

Government websites were breached during the #EndSARS protests, with hackers attributing the attacks to solidarity with the movement. The websites of the Central Bank of Nigeria, the Economic and Financial Crimes Commission, and the Lagos States Independent National Electoral Commission were reportedly hacked in October 2020.¹⁸⁷ Hackers also breached a database belonging to the Nigeria Police Force and posted a file reportedly containing the personal information of hundreds of police officers. The hackers, all of whom claimed affiliation with the hacker group Anonymous, said they were in solidarity with the #EndSARS protestors (see B8).¹⁸⁸

During the previous coverage period, several cyberattacks against news sites and journalists were reported in Nigeria. Samuel Ogundipe, a Premium Times journalist, claimed that security services hacked his email in March 2020. The Premium Times website itself was targeted with multiple cyberattacks in February and March 2020, and two distributed denial-of-service (DDoS) attacks were reported in early March. State security officials have denied allegations of involvement.¹⁸⁹ Similarly, NewsWireNG, an investigative news site came, under DDoS and malware attacks¹⁹⁰ in March 2020, though they were repelled.¹⁹¹ NewsWireNG is known for its critical and investigative work targeted at government and other prominent figures in Nigeria.

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