

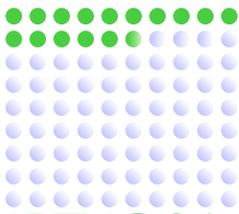


UPR SESSION 31

# NIGERIA

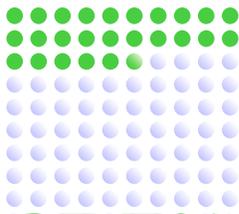
FREEDOM OF EXPRESSION & INTERNET FREEDOM

### HOUSEHOLDS WITH INTERNET ACCESS



15.2%

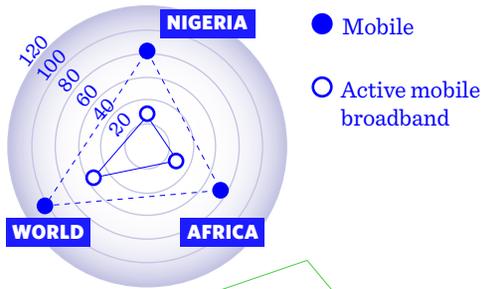
### INDIVIDUALS USING THE INTERNET



25.7%

Sources: ITU

### SUBSCRIPTIONS PER 100 INHABITANTS



### PRESS FREEDOM RANKING

Reporters Without Borders, 2018



## Nigeria must guarantee free press and critical opinion online, ensure citizens' access to information, and uphold privacy and personal data protection.

Pursuant to constitutional guarantees of free speech, Nigeria's media landscape is diverse, and outlets openly criticise government policies. However, journalists and citizen bloggers find themselves at risk of prosecution under restrictive laws such as the 2015 Cybercrime Act, which has fostered an environment of self-censorship.

Although the 2011 Freedom of Information Act guarantees citizens' right to information, implementation is patchy. There are wide ranging exemptions to accessible information including those related to "international affairs" and "defense of the country." Furthermore, authorities do not proactively release information or remain unresponsive to requests, undermining press freedom.

Indeed, a 2016 report by the Carter Center found the law was not being fully implemented due to "a pervasive culture of secrecy in government business." More recently, citizens' access to information online has been restricted by the communications regulator through an order to block access to 21 websites promoting Biafran independence from Nigeria.

## RECOMMENDATIONS

- Repeal Section 24 of the 2015 Cybercrime Act and pass the Digital Rights and Freedom Bill to safeguard free expression for citizens, journalists and civil society organisations online
- Respect citizens' right to data protection and privacy by passing the Data Protection Bill without delay
- Ensure implementation of the Freedom of Information Law through proactive disclosure and responsiveness to citizens' requests, including through online platforms, websites, email and social media
- Reverse the Nigerian Communications Commission's ban on access to certain websites and desist from any form of online content censorship

### SUBMITTING ORGANISATIONS



PARADIGM INITIATIVE NIGERIA



MEDIA RIGHTS AGENDA NIGERIA



CIPESA



SMALL MEDIA

- **Repeal Section 24 of the 2015 Cybercrime Act and pass the Digital Rights and Freedom Bill to safeguard free expression for citizens, journalists and civil society organisations online**

Allocations of up to USD 2.8 million in the 2018 Federal Budget for an undisclosed “social media mining suite” are indicative of the government’s determination to monitor citizens’ communications on social media networks.

The 2015 Cybercrime (Prohibition, Prevention) Act is the principal instrument used to arrest and intimidate citizens, journalists, bloggers and others for comments made online, with at least 24 individuals arrested between January 2016 and April 2018. Persons charged under Section 24 (1b) of the act can be charged up to USD 19,500 and imprisoned for up to three years.

In March 2018, the Nigerian Senate passed the Digital Rights and Freedom Bill which is aimed at protecting human rights online. The Bill is currently awaiting presidential assent to become law.

- **Respect citizens’ right to data protection and privacy by passing the Data Protection Bill without delay**

Whereas the Nigerian Constitution guarantees protection of “the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications,” no legislation currently exists to protect citizens’ data privacy.

Meanwhile, some legislation and policies threaten online privacy. For instance, Section 38 of the Cybercrime Act mandates internet service providers to preserve all traffic data and subscriber information and provide access to law enforcement agencies.

The Data Protection Bill 2017 should be signed into law immediately. It proposes that personal data should not be used for direct marketing, under an automated decision-making process or any process that may cause damage or distress to the individual. Together with the passing of the Digital Rights and Freedom Bill, it would provide robust data protections.

- Ensure implementation of the Freedom of Information Law through proactive disclosure and responsiveness to citizens' requests, including through online platforms, websites, email and social media

The 2011 Freedom of Information Act mandates public institutions and some private entities to make public records and information freely available. However, obtaining public information remains a challenge, with freedom of information requests routinely refused or ignored, compelling requesters to seek court orders.

As an example, the Nigerian Contract Monitoring Coalition was denied access to information related to a World Bank-funded project. The Coalition successfully initiated a court case which compelled three public institutions to release the information.

The right to receive and impart information without interference is provided for under Section 39 of the Nigerian Constitution and is crucial in supporting a free press. According to official statistics available from the official FOI Act website, there is a declining trend in the number of requests made by citizens.

- Reverse the Nigerian Communications Commission (NCC)'s ban on access to certain websites and desist from any form of online content censorship

In October 2017, the Nigerian Communications Commission (NCC) ordered internet service providers (ISPs) to block access to 21 websites related to agitation for the secession of parts of eastern Nigeria. According to a copy of the letter sent to ISPs, restriction of access to the websites was to "prevent the commission of an offence under Section 146 of the Nigerian Communications Act 2003."

Among the 21 websites listed in NCC's October 2017 order to block access to are biafraradio.com, biafranet.com, biafrainc.com, and gobiafra.com. According to internet measurement tools, the websites are blocked by Nigeria's three major operators (MTN, Globacom and Airtel).

The NCC's ban on access to these 21 websites should be overturned to facilitate citizens' free access to information, freedom of opinion and expression, and the availability of diverse content online.

**UPROAR** is coordinated by Small Media, in collaboration with a coalition of digital rights organisations working internationally.

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# UNIVERSAL PERIODIC REVIEW