

Nigeria Digital Rights Landscape Report

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This report is part of 'Digital Rights in Closing Civic Space: Lessons from Ten African Countries'; the Introduction is also recommended reading.

1. Introduction

Nigeria has witnessed a high level of adoption of digital devices and technologies in the past 20 years. Adoption of those new technologies has brought transformations to different aspects of life at the individual, group, and societal levels. Those transformations are easily observable in the civic space. What used to be private has become public and connectedness, especially via mobile telephony and social media, which now appear commonplace, were at best only imagined until recently. Thanks to digital technologies, voiceless sections of Nigerian society such as women, minority groups, and victims of violence now have a voice, which can be amplified to the extent to which they can adopt and manipulate these technologies. Political corruption has also become voiced through these technological advancements.

The disruption caused by digital technologies has also invited new laws, particularly from the Federal Government of Nigeria and its ministries and agencies: the government institutions that were not used to citizens demanding accountability from them (Bischoff 2020). All of this is happening at a time when the civic space globally has been found to be shrinking or closing. The same fate that befell Nigerian civic space in the pre-democracy era of military dictatorship is fast befalling it again in the current democratic dispensation, and its effects are extending from physical spaces into digital ones.

The civic space, which is described as 'the layer between state, business, and family in which citizens organise, debate and act' (Buyse 2018: 967) is said to be shrinking or closing when there are restrictions placed on the activities of civic actors. The restrictions, which mainly come from governments, may be executed through different strategies such as 'political, administrative and extra-legal, including violence, threats, de-legitimation, the use of the law to criminalise civic activism, and stigmatisation' (Hossain *et al.* 2019: 6). The restrictions are characterised by denial of right of access to spaces where people express views and opinions that appear to be critical of governments, and criminalisation of actions directed at demanding accountability from constituted authorities. In the last 20 years, just as the civic space has extended from geographical spaces to cover digital spaces, so have attacks on it, especially from governments.

In recognition of digital spaces as an extension of the physical civic space, governments have introduced legislations which are capable of abridging right of access to them as they do with geographical spaces. Protest mobilisation, actual protests, and other forms of civic action have been organised on digital platforms across the world, in democratic and non-democratic countries alike. In Nigeria, the first nationwide online protest so far with complementary offline protest took place on 2 January 2012, when individuals and groups from all the 36 states and the Federal Capital Territory trended the hashtag #OccupyNigeria on Twitter and other social media (Uwalaka and Watkins 2018). The protest, which was mobilised significantly online, led to the shutdown of state capitals and major towns in the demand for the reversal of fuel subsidy removal.

Since #OccupyNigeria, online protests have become common in Nigeria. Global connectivity and the rapidness with which information flows on digital platforms especially, pitches governments against the use of digital platforms for civic action such as protests. Just like the Nigerian government has been doing in the past few years, most governments across the world have been found to have taken specific actions to stifle free speech or abridge rights to freedom of association in the digital space (Bischoff 2020). In Nigeria, civil society groups and citizens have always risen up against such measures that restrict digital rights by using the same digital technologies. Despite continuous advocacy for civil rights, violations of digital rights are growing in Nigeria.

In the internet era, digital rights are described as human rights, an extension of the equal and inalienable rights of humans (Hutt 2015). The Human Rights Council of the United Nations (2016: 3) declares that:

the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

This report presents an overview of digital rights in Nigeria with a view to highlighting the contextual realities that promote or constrain those rights.

2. The political landscape

The date of 29 May 2020 marks 21 years since Nigeria returned to democratic rule. The political context of the country has seen a lot of positive transformations, the most outstanding of them being that there has not been any extra-legal disruption to the four-year tenure of political office holders at the federal and state levels. Periodic election, which is a core element of democracy, has been upheld every four years. This stability has made political parties the primary formal machinery for seeking and acquiring political power in the country. This political development is unfolding at a time when access to the internet and adoption of diverse digital technologies are also growing. Different sections of Nigerian society have adopted digital technologies for different purposes: the government for general governance, information dissemination, and election administration; politicians and political parties for political mobilisation; and civil society groups and citizens for civic action, among other uses.

However, what has been most defining in Nigeria's political landscape is the adoption of digital technologies for election administration and management. This has so far had numerous implications for digital rights in Nigeria. Digital technology was first widely used in Nigerian elections in 2015. The Independent National Electoral Commission (INEC) issued the electorate the Permanent Voter's Card which is to be authenticated on election day using a biometric smart card reader. However, on election days, the technology malfunctioned in many places and election officials had to resort to manual accreditation and voting procedures. There were claims and counterclaims of deliberate sabotage of the technology to rig the elections in favour of the dominant parties. The battle was intense on social media between the supporters of the All Progressive Congress (APC) and the Peoples Democratic Party (PDP). Former President Goodluck Jonathan lost the election which was won by Gen. Muhammadu Buhari, who also won a re-election in 2019.

Since the 2015 elections, the civic space in Nigeria has been polarised with supporters of former President Goodluck Jonathan and his PDP on the one side and supporters of the current President Muhammadu Buhari on the other side. The supporters of the former are branded in social media platforms and media discourse in general as 'wailers' while those of the former are christened 'hailers' (Ibrahim 2015). This simplistic typology of actors in the civic space, which was introduced into public discourse

by Femi Adesina, Special Adviser to President Muhammadu Buhari on Media and Publicity, summed up all views critical of the government as being politically motivated. In other words, to criticise the actions of the current government or to demand accountability from it is to be seen and treated as a member of the opposition party PDP. The typology regards all civil society organisations (CSOs), non-governmental organisations (NGOs), faith-based organisations (FBOs), media organisations such as newspapers, television, radio, and blogs, and even individuals that are critical of government, as not just being against the government but also in support of the ex-ruling party. This polarisation has been defining for Nigerian civic space since 2015 when President Muhammadu Buhari assumed office.

3. The civic space landscape

The chaos that characterised the Nigerian political context always spills over into the civic space. In fact, Nigeria's return to democracy was not achieved without the activities of vibrant civil society groups, individual activists, and public intellectuals, radio, newspapers, and news magazines that stood up to the country's military dictators. The period between the cancellation of the 12 June 1993 presidential election allegedly won by Chief MKO Abiola and the eventual military handover to the civilian government on 29 May 1999 witnessed different shades of civic activism in the country.

For example, in 1993, *Tell* Magazine launched guerrilla journalistic reporting after its publications were seized and its premises shut by the tyrannical military government of General Sani Abacha for exposing government secrets and calling global attention to violations of human rights in the country (Ojebode 2011). That same year, four of *Tell's* senior editors were arrested and detained by the government (*ibid.*). Activists and opposition politicians were arrested for treason and detained for months without trial even after the court dismissed the case (Immigration and Refugee Board of Canada 1997). The period was characterised by the arrest, imprisonment, murder, and disappearances of those who spoke against the inhumanity of military rule in the country. Nevertheless, the end of military rule did not end such occurrences. The rest of this section presents a highlight of landmark events which had implications for the closing and opening of Nigerian civic space between 2000 and 2020. Throughout this time, Nigeria's ranking on Freedom House's Freedom Index has hovered within the 'partially free' bracket as civic space experiences a seesaw between events that partially open and close civic space (see Figure 3.1).

Table 3.1 Opening of the civic space

Year	Shift	Implications
2004	Emergence of 234Next, the country's first online newspaper	Opening of space for journalists
2005	Arrest, imprisonment, and assassination of bloggers and journalists	Closing of space for bloggers and journalists
2010	Emergence of civil society groups leveraging digital technologies to empower citizens and demand accountability from government	Opening of space for civic society groups
2014	Same Sex Marriage (Prohibition) Act	Closing of space for LGBTI and other sexually non-binary individuals and groups
2015	Licensing of first set of community radio stations	Opening of space for especially rural and underserved community dwellers
	Frivolous Petitions Bill rejected	Induced fear of imminent closing of space for journalists, bloggers, and social media users
	Arrest of activists	Closing of space for human rights activists
	Emergence of a woman-led KOWA Party	Opening for women politicians
2015–20	Police brutality against protesters	Closing of space for human rights activists, CSOs, journalists, and citizens
2016 (reintroduced in 2019)	Rejection of Gender and Equal Opportunities Bill by the Senate	Closing of space for girls and women
2016 (revisited in 2019)	NGO Regulation Bill, still under consideration before the Legislature	Closing for CSOs, NGOs, and FBOs
2017	Increased number of government-owned and private FM radio stations	Opening of space for journalists and media consumers
2019	Open Treasury Portal providing online access to expenses incurred by government ministries, departments, and agencies	Opening of space for civil society groups working on public accountability
	Nigeria Data Protection Regulation	Opening of space and protection from privacy violation for journalists, bloggers, CSOs, NGOs, and all users of social and other digital media platforms
	Hate Speech Bill	Closing of space for journalists, bloggers, CSOs, NGOs, and all users of social and other digital media platforms
	Protection from Internet Falsehoods and Manipulations and Other Related Matters Bill	Closing of space for journalists, bloggers, activists, CSOs, NGOs, and all users of social and other digital media platforms
	Digital Rights Bill – presidential assent withheld	Closing of space for journalists, bloggers, CSOs, NGOs, and all users of social and other digital media platforms
2020	Proposed licensing of online radio and television	Closing of space for journalists
	Corporate and Allied Matters Act 2020 empowers government agencies to reconstitute board of trustees of CSOs, NGOs, and FBOs	Closing of space for CSOs, NGOs, and FBOs

Source: Author's own.

Figure 3.1 Freedom House ranking for ADRN countries, 2000–19¹

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Zimbabwe	Partially free	Partially free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	Not free	N/A	Not free	N/A	Not free	Not free	Not free	Partially free	Partially free	Partially free	Partially free
Zambia	Partially free	N/A	Partially free	N/A	Partially free															
Uganda	Partially free	N/A	Partially free	N/A	Partially free	Partially free	Not free	Not free	Not free	Partially free	Not free									
Sudan	Not free	N/A	Not free	N/A	Not free															
South Africa	Free	N/A	Free	N/A	Free															
Nigeria	Partially free	N/A	Partially free	N/A	Partially free															
Kenya	Not free	Not free	Not free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	Partially free	N/A	Partially free	N/A	Partially free						
Ethiopia	Partially free	N/A	Not free	N/A	Not free															
Egypt	Not free	N/A	Not free	N/A	Not free															
Cameroon	Not free	N/A	Not free	N/A	Not free															

■ Free
 ■ Partially free
 ■ Not free

Note: ADRN – African Digital Rights Network.

Source: Adapted from Freedom House (2019)

The information presented in Table 3.1 reveals that events and decisions that can open the Nigerian civic space and those that can further close it have been happening concurrently over the years. It is striking to note that the media landscape has become diverse and has widened to reach previously underserved sections of the country. With the commencement of community radio licensing, rural communities have gained access to information and the right to be creators of media content. An increased rate of licensing government-owned and commercial FM radio stations also has improved radio penetration across the country. All of these, coupled with the emergence of online newspapers, radio, and television, pluralise the country's information landscape, providing people with alternative information sources. As the media and journalism space widens for journalists to practise in, it also opens for citizens to consume and co-create information.

Despite that, certain actions of government are either closing or threatening to close the Nigerian media space and the civic space in general. Of particular interest among such actions is legislations (Ibezim-Ohaeri 2017) which are capable of stifling free speech, especially on digital

¹ Data not available for 2010 and 2012.

communication technologies. For example, the Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill (2019)² criminalises sharing information that can diminish public confidence in the performance of any duty or function of, or in the exercise of any power of, the Nigerian government. This is a problematic provision whose lack of specificity can be taken advantage of to silence voices that are critical of government.

The same bill also criminalises the operation of parody accounts on social media and stipulates a fine and/or a prison term for its violation. In spite of the fact that the bill has not been passed into law, the Nigerian police arrested Babatunde Olusola, a Nigerian university student, for operating on Twitter a parody account in the name of former President Goodluck Jonathan (Akinkuotu 2020). The bill poses a danger to activists that may employ creative devices for communicating their critique of government. The Hate Speech Bill (2019) also prescribes a life sentence or a death sentence for propagating hate speech (Abdulrauf 2019). Journalists from media companies that are perceived to be in opposition to the government are at greater risk of falling victim to the provisions of these legislations. For example, Nigeria's Department of State Services (DSS) arrested a student journalist Ayoola Babalola for criticising President Muhammadu Buhari and another member of the ruling All Progressive Congress (APC), Bola Tinubu. The court later granted him bail on a bond of N150,000 (Sahara Reporters 2020). Activists and CSOs that are often critical of government are equally at risk. The chilling effects of legislations such as these ones are capable of closing the civic space.

Furthermore, women and sexually non-binary people are potential victims because policymakers guard the country's hegemonic positions on issues of gender and sex. The Nigerian Senate's rejection of the Gender and Equal Opportunities Bill (2016) is a setback to the campaign for gender equality in the country. Analysts consider 2015 to be the inception of the worst era for civic actors in Nigeria since the end of military rule in 1999, in terms of government restriction of rights (Ibezim-Ohaeri 2017). As reflected in the information presented in Table 3.1, more restrictive laws were introduced between 2015 and 2020 than in the preceding 15 years. The year 2015 is significant because it marked the ascension to power of former military dictator Muhammadu Buhari as a democratic president of Nigeria. From the trend established in Table 3.1, Nigerian civic space under the leadership of President Muhammadu Buhari cannot be said to be thriving as it should in an ideal democracy.

2 See **Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill 2019**, SB 132, 9th National Assembly.

4. The technology landscape

Nigeria has witnessed a great deal of technological transformation in the last 20 years. The most fundamental of them is the introduction of Global System for Mobile (GSM) communication in 2001. In the last two decades, the number of mobile network service providers has increased, just as their range of services has. All service providers offer call, text, and internet services and the majority of Nigerians access the internet on their mobile phones. The quality of internet service in the country varies based on service provider and user location. By 2019, all operating mobile network service providers have upgraded their services from 2G and 3G to 4G. Table 4.1 provides an overview of mobile telephone penetration in the last 20 years.

Table 4.1 Uptake of mobile telephone services in Nigeria

Mobile telephone subscription	2002	2005	2010	2015	2020 (May)
Number of subscribers	2,271,050	19,519,154	88,348,026	151,017,244	192,267,890
Percentage increase (%)	0	759.5	352.6	70.9	27.3
Teledensity³	1.89	16.27	63.11	107.87	100.72

Source: NCC.⁴

One year after the inception of GSM in Nigeria, in 2002, there were less than 2.3 million subscribers. Four years later, in 2004, the number of subscribers has increased more than seven times. The percentage increase predictably slowed down by 2015 because more people had already subscribed to the service. It is also noteworthy that compulsory Subscriber Identity Module (SIM) card registration began in 2015. This registration could also have played a role in the observed trend. As of May 2020, there are over 192 million subscribers in the country. Internet subscribers have also been increasing in the last 20 years.

³ Teledensity was calculated based on a population estimate of 126 million up to December 2005; from December 2006, teledensity was based on a population estimate of 140 million; from December 2007 it was based on active subscribers; from December 2001 to 2006, it was based on connected subscribers.

⁴ See **Nigerian Communications Commission Industry Statistics: Annual (2002–19)**.

Table 4.2 Mobile (GSM) internet subscribers

Date	Internet subscribers	New subscribers	Percentage increase (%)
December 2012	30,939,112	0	
December 2013	64,229,097	33,289,985	107.6
December 2014	76,324,632	12,095,535	18.8
December 2015	97,032,543	20,707,911	27.1
December 2016	91,880,032	-5,152,511	-5.3
December 2017	98,391,456	6,511,424	7.1
December 2018	111,632,516	13,241,060	13.5
December 2019	125,728,328	14,095,812	12.6
May 2020	140,761,851	15,033,523	12

Source: NCC.⁵

The number of internet subscribers has also been increasing in the last 20 years. It was only in 2016 when the Nigerian economy was in recession that the country recorded a decrease in the number of internet subscribers. As of May 2020, there are over 140 million internet subscribers in Nigeria and broadband penetration has also been increasing in the last 20 years.

Table 4.3 Internet broadband services in Nigeria

Date	January 2017	January 2018	January 2019	January 2020
Number of subscriptions	41,403,821	38,117,147	61,732,130	73,466,093

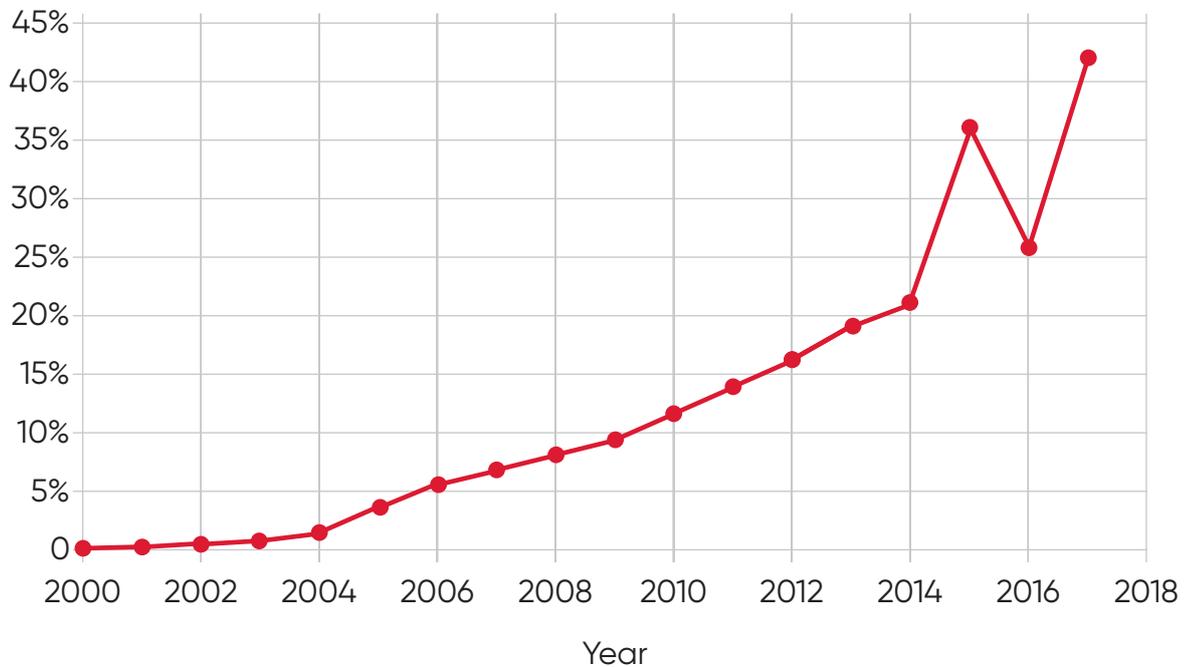
Source: NCC.⁶

Internet broadband penetration is slower than the general internet penetration rate.

5 See **Nigerian Communications Commission Industry Statistics: Annual (2002–19)**.

6 See **Nigerian Communications Commission Industry Statistics: Annual (2002–19)**.

Figure 4.1 Percentage of the population with internet access in Nigeria



Source: Based on data from ITU (2020)

The number of internet users in Nigeria as presented by ITU is far lower than given by the country's communications body, the Nigerian Communications Commission (NCC – see Table 4.2). This is understandable because NCC data are based on telecommunications services subscribers. As a result, the data do not exclude cases of multiple subscriptions by individuals – a common practice in Nigeria – and neither do they account for business and corporate subscribers. ITU data are modelled based on individuals using the internet and thus give a more realistic picture of internet penetration in the country. As shown in Figure 4.1, individual internet users in Nigeria rose from 0.064 per cent of the population in 2000, to 11.5 per cent in 2010, and to 42 per cent in 2019. Therefore, although approximately 60 per cent of Nigerians remained without internet access in 2019, one could say that it has been a near-steady climb.

4.1 Social media use in Nigeria

Nigerians across age, sex, and literacy level use social media for different purposes. However, the use of social media for civic action is popular in Nigeria. Facebook, established in 2004, was the first social media platform that became popular in Nigeria. When Twitter was established in 2006, Nigerians also adopted it in large numbers. While some migrated completely to Twitter, some keep both Facebook and Twitter accounts. It is common in the country to operate multiple social media accounts. Instagram and

other platforms that were introduced later have also seen Nigerians open accounts on them in large numbers. Nevertheless, Twitter and Facebook remain the foremost social media platforms in use. According to Statista.com, Nigeria's social media users totalled 27.6 million in 2017, 29.3 million in 2018, an estimated 30.9 million in 2019, and an estimated 32.4 million in 2020 (Statista 2020). Simon Kemp's DataReportal, which puts total social media users in the country at 27 million, states that there was an increase of 3.4 million between 2019 and 2020 with a 13 per cent penetration (Kemp 2020).

Individuals and groups in Nigeria have come to depend on social media for public engagement. The development is not out of place as Nigerian political leaders have also become largely visible on the various social media platforms. Facebook, with a 59.57 per cent penetration of the country's total internet users, ranks first among the social media platforms that Nigerians use for public discourse. It is followed by Twitter with a 24.54 per cent penetration of internet users (GlobalStats 2020). Both Facebook and Twitter have contributed significantly to the opening of online civic spaces in Nigeria. Users have always been on alert to protest any attempt by the government to restrict access to the platforms or to silence critical voices. Between 2012, when #OccupyNigeria trended on Twitter and Facebook, to the present, offline protests have become risky as a result of the frequent police brutalisation of protesters. Nigerians have taken to social media as alternative platforms for voicing their dissatisfaction with the government and for demanding accountability.

One advantage that online civic action has over offline is the immediacy of global attention to it without a dependence on the mainstream media. Nigerians have attracted global attention to local issues on a number of occasions. Hashtag trending is one of the major strategies employed to pursue their causes. Some of the popular hashtags are presented in Table 4.4.

Table 4.4 Key digital hashtag campaigns and actors

Year	Hashtag	Actor
2012	#OccupyNigeria	Opposition politicians, celebrities, and activists
2014	#BringBackOurGirls	Bring Back Our Girls movement
2015, 2019	#NoToSocialMediaBill	Social media influencers
2017	#ENDSARS	Social media influencers
2019	#SexForGrade	BBC, social media influencers
2019–2020	#Buharimustgo	Social media activists

Source: Authors' own.

Led by opposition politicians, celebrities, and activists, #OccupyNigeria was a hashtag that trended in 2012 to mobilise the public against an increase in fuel prices by the government. The movement later brought people onto the streets, resulting in the complete shutdown of important cities across the country. #BringBackOurGirls called attention to the 2014 abduction of over 200 Chibok girls abducted by Boko Haram terrorists in Northern Nigeria.

The #NoToSocialMediaBill hashtag trended in 2015 (Oladapo and Ojebuyi 2017) and again in 2019 to protest bills that sought to criminalise social media use for critical political commentary in the country. #ENDSARS has been trending since 2017 to call government attention to the abuse of power by members of the Special Anti-Robbery Squad of the Nigeria Police. The BBC was behind the #SexForGrade hashtag with a documentary which exposed the sexual exploitation of students of Nigerian and Ghanaian universities for grades. The documentary drew attention to the plights of women in a Nigerian higher institution of learning where sexual predatory behaviour was common (Malaea 2019).

4.2 The government's capacity to respond

There have been speculations that the Nigerian government planned to launch spy satellites, block websites and blogs that are critical of the government and its performance, and place mobile phones under surveillance (Okunoye 2017). Beyond the speculations, in 2013, the Nigerian government under President Goodluck Jonathan contracted an Israeli company, Elbit Systems, for US\$40 million to monitor online communication in the country (Ogala 2013). Carnegie Endowment for International Peace, which describes Nigeria as an electoral autocracy, states that the Nigerian government uses artificial intelligence technology from China's Huawei tech giant to monitor citizens (Carnegie Endowment for International Peace 2020).

The foregoing revelations reveal that the Nigerian government has for a long time been developing surveillance capacity which can undermine citizens' fundamental rights. Although Section 3.3 of the Nigerian Communications Commission's (NCC) Internet Code of Practice specifically directs that no service provider can block internet access to contents, devices, and applications that are lawful except for the purpose of network management (NCC 2019a), no one can be too sure how long the government will respect this provision given its increasing appetite for citizen surveillance.

Meanwhile, as a counterinsurgency strategy, the Nigerian Army in 2013 shut down GSM services in Adamawa, Borno, and Yobe, the three states that were most affected by Boko Haram terrorism (Jacob and Akpan 2015). This suggests that the government can exploit the state of unrest around the

country to implement this kind of shutdown nationwide if it serves its purpose. Also, Nigerians cannot be too sure that the government will not subject social media use in the country to overt surveillance and strict regulation. The position of the country's communications regulatory body is revealing in this regard. The NCC recommends that organisations should install social media monitoring devices or set up a monitoring team to avoid being implicated by the social media activities of their employees (NCC 2019c). This recommendation subtly reveals the stance of the NCC as positively disposed to social media monitoring. It could be argued that at the call of a government with a similar agenda, the NCC would not hesitate to deploy surveillance technology to monitor the public use of social media.

Furthermore, the Nigerian government has taken other decisions that have implications for the digital rights of citizens. One of them is SIM registration. All subscribers were directed to register their SIM card by the 30 June 2013 deadline and new SIM cards only become usable upon registration (NCC 2019b). Also, all old lines that were not registered by the stated date were deactivated. In addition, in 2015, the NCC directed that network service providers should deactivate all pre-registered SIM cards (*ibid.*). The latest directive on SIM card registration in 2020 makes National Identification Numbers (NINs) a mandatory requirement. The directive is likely to restrict access to mobile telephone networks in Nigeria as NIN registration services are not easily accessible (Kolawole 2020).

SIM registration raises data privacy concerns as the NCC is empowered to share subscriber data with security agencies (Olowogboyega 2020). Popular social media sites require mobile numbers for registration and SIM registration makes it all too easy for security agencies to track activists and anyone perceived to be anti-government. The NCC also allows GSM service providers to reissue mobile numbers after a period of inactivity. The practice resulted in Anthony Okolie spending ten weeks in prison for purchasing a SIM card which was previously used by Hanan, President Muhammadu Buhari's daughter (Sahara Reporters 2020). The privacy danger in this practice is high, as buying a reissued SIM card may give the buyer access to the contacts of the previous users who may still call the number, and to banking and other vital information linked to the SIM card.

It was also alleged that in 2017 President Muhammadu Buhari established a troll firm named the Buhari Media Centre (BMC), which later changed its name several times (Adebulu 2020). The trolls at the firm are said to be employed to attack the president's opponents through fake social media accounts. Prior to the 2019 presidential election as well, the Buhari Media Organisation, which is in fact the Buhari Media Centre, accused the PDP presidential candidate Atiku Abubakar of contracting an American lobbyist

Brian Ballard for US\$90,000 a month to propagate fake news about the APC candidate Muhammadu Buhari (The Cable 2018). Also in 2018, it was revealed that Cambridge Analytica meddled in Nigeria's 2015 presidential election to increase the winning chances of the then incumbent President Goodluck Jonathan (Ekdale and Tully 2020). All these point to the fact that the Nigerian government has been experimenting with technologies that are capable of monitoring the activities of citizens online and accessing their data without consent.

The BMC is also alleged to be behind pro-government hashtags that are trended to counter any hashtag that is critical of the government. An instance was the #ReturnOurGirls hashtag that trended counter to the #BringBackOurGirls hashtag (Aina *et al.* 2019). The goal of the counter-hashtag was to show that the BBOG movement was wrong to demand that the government secure the release of the abducted schoolgirls. Rather, activists were asked to redirect their demand to the terrorists to return the girls they had abducted (*ibid.*). Nevertheless, the greatest threat to Nigerian civic space appears to be from restrictive anti-freedom legislations (Ibezim-Ohaeri 2017). Nigeria has some laws and bills being considered for law which pose a danger to the rights of freedom of speech, expression, and association, both offline and online. Among those legislations are the Terrorism Prevention Amendment Act 2013; the Cybercrime Act 2015; the NGO Regulation Bill 2016, which was revisited in 2019; the Protection from Internet Falsehoods and Manipulations and Other Related Matters Bill 2019; and the Hate Speech Bill 2019.⁷ Should all these bills pass into law, they are capable of rolling back all the gains the country has made in terms of the contributions of digital actions to the strengthening of democratic institutions.

7 See Federal Republic of Nigeria National Assembly **Bill Tracker**.

5. Technology assessment

Since digital rights exist on digital technologies, technology capabilities define the extent to which those rights can be exercised and protected. As noted earlier, digital technologies have facilitated an overlap of spaces with the interests of the state (government), civil society, and individuals intersecting, converging, and diverging at different times. When those interests conflict, each party will be able to protect its interests to the extent that it can manipulate the technologies or defend itself from the manipulation carried out by other parties. The government appears to be at an advantage over others in terms of its enormous power to regulate the activities of individuals and civil society groups. It may be argued that the Nigerian government has a history of abusing its power, and thus individuals and civil society groups have constantly put the government under check.

As a way of checking the excesses of government, Nigerian civil society groups concentrate on efforts to ensure that citizens are empowered to hold government officials accountable. Foremost CSOs in Nigeria that are concerned about digital rights include BudgIT, Paradigm Initiative, Enough is Enough (EiE) Nigeria, and Dubawa. BudgIT has a platform for monitoring: budget implementation (Budget Access⁸); government project implementation (Tracka⁹); utilisation of Covid-19 funds (CovidFund Track¹⁰); and natural resources extraction (Extractives¹¹). EiE Nigeria¹² promotes good governance and citizen engagement in governance and political processes while Paradigm Initiative¹³ engages in digital rights advocacy. Dubawa¹⁴ builds the capacity of journalists and other interested individuals to fact-check information online.

These actors appear to have enormous capacities to respond to most of the challenges posed by the contentious nature of Nigerian politics. For example, Dubawa and other digital fact-checking bodies are always quick to verify claims made by government officials and other social actors. BudgIT and EiE Nigeria are always ready to enlighten citizens on why they should demand accountability. BudgIT goes as far as analysing budgets to detect cases of inconsistency and tracking implementation. Besides their websites, all the organisations utilise social media extensively for engagement, especially Twitter and Facebook, and convene occasional offline events. They appear to have a mastery of the technology and have attracted large followings on different platforms. Also, the organisations appear to have standard digital security

8 See **BudgIT**.

9 See **Tracka**.

10 See **Civic Hive**.

11 See **Fix Our Oil**.

12 See **EiE Nigeria**.

13 See **Paradigm Initiative**.

14 See **Dubawa**.

measures in place. At no point did any of them report a case of hacking or important data loss. Attempts to undermine their digital security cannot be ruled out as their work is always critical of government at different levels.

CSOs and individual Nigerians utilise a wide range of off-the-shelf applications for gathering data. CSOs at times do develop and customise data-mining software to address their specific needs. Nevertheless, an obvious gap exists in their ability to respond to a case of internet shutdown should it happen in Nigeria. Nigerian digital actors depend mostly on consultation and formal requests, hashtag trending, online protests and petitions, and legal procedures to hold the government accountable. With the Covid-19 lockdown measures fully implemented in Abuja, the country's capital, where the headquarters of government ministries, departments, and agencies are located, traditional access to government information became constrained. Only digital access remained open.

Table 5.1 Technology assessment

Existing capacity	Individuals	Civil society	State/corporations
Bespoke technology used	None		AI surveillance (China AI technology) Government disinformation trolls and bots (alleged)
Off-the-shelf tools used	Tweetdeck Twitter Analytics	Self-developed software and API-based applications Refined data-mining skillsets Data analysis software such as R	Tweetdeck Social media Analytics (likely)
Manual methods used	Manual scrape Qualitative analysis		

Source: Authors' own.

The information presented in Table 5.1 reveals that there is a general lack of knowledge about the technologies that are being used by the state to abridge digital rights and by non-state actors to protect these rights. It also reveals that the government is far ahead of the country's civil society in the deployment of technologies. As a result, civil society actors most likely lack the technological capacity to put government activities under watch. To measure up, CSOs will need to upgrade their technologies as well. They will be more effective in protecting the digital rights of Nigerians if they have superior technologies that can detect government surveillance and protect themselves and others from it.

6. The digital rights landscape

The state of digital rights in Nigeria is defined by uncertainty with presidential assent withheld from the Digital Rights and Freedom Bill (2019)¹⁵ already passed by the National Assembly. The current government of President Muhammadu Buhari does not disguise its animosity to digital rights and freedom with its support for legislations that are capable of abridging those rights. The legislations in this category, as presented in Table 3.1, include the Hate Speech Bill (2019) and the Protection from Internet Falsehoods and Manipulations and Other Related Matters Bill (2019). All of these, coupled with the government's use of Chinese AI technology for monitoring activities on digital platforms and devices, and a history of military shutdown of GSM services as counterinsurgency strategy, suggests that there is a lot to worry about with regard to digital rights in Nigeria. Confirming these ominous signals, CIVICUS downgraded the state of Nigeria's civic space from obstructed to repressed (CIVICUS 2019). This means that Nigeria's civic space is just one step from becoming closed, a situation that can only be imagined under a democratic government.

6.1 Digital rights in the time of the Covid-19 pandemic

The Covid-19 pandemic has brought a lot of change to personal and public life in Nigeria. The most fundamental was the government lockdown of entire states and a restriction on inter-state movement except for essential services. Despite this emergency situation in which the government made binding pronouncements to abridge citizens' rights, the Nigerian government did not make any attempt to restrict internet use during this period. Government responses to the explosion of fake news and conspiracy theories about Covid-19 were limited to advisories about fact-checking and seeking information only from trustworthy sources.

Nevertheless, the Control of Infectious Diseases Bill 2020 introduced in the Federal House of Representatives contains some injurious provisions. For instance, it empowers the Director General of the National Centre for Diseases Control (NCDC) to forcefully access and seize information based on personal judgement (Onaleye 2020). This provision puts journalists and others in possession of vital information at risk (Chinda 2020). A similar bill titled the National Health Emergency Bill 2020 introduced in the Senate also grants far-reaching powers to government agents at the expense of the citizens (Umoru 2020). The two bills are still before the National Assembly for consideration. Again, all of this suggests that the Nigerian government is ready to take advantage of an emergency situation such as the Covid-19 pandemic to undermine fundamental rights, especially those that thrive on digital technologies.

¹⁵ See **Digital Rights and Freedom Bill, 2019**.

7. Conclusion and recommendations

For many years, the political space in Nigeria has generated conflicts whose ripples polarise the civic space. The government in power has often taken advantage of this polarisation to propose legislations which summarily categorise all views that are critical of it as hate speech punishable by fines, or life or death sentences. These legislations have been a source of fear to users of digital technologies for civic actions. The situation is worse for CSOs, NGOs, FBOs, media organisations, and activists that are critical of the government because the government is far ahead of them in terms of technology capabilities. With the government's AI surveillance technology, it can pry into what those civil actors do on digital platforms and deploy legislations against them. All of this indicates that Nigeria's repressed civic space is not far from outright closing.

Therefore, the future of digital rights in Nigeria hangs mostly on efforts to discourage politicians' penchant for anti-freedom laws. The existing laws in Nigeria are enough to discourage civic actions online while the proposed ones are even more ominous. Should those bills be passed into law, digital rights in Nigeria will be negatively affected. To forestall such development, individuals and groups working on or interested in digital rights need to make the discourse a prominent part of the political process, such that the protection of digital rights becomes prominent on the political agenda.

In addition, civic actors in Nigeria need to develop urgent technology capabilities to withstand the government surveillance of digital platforms. Since Nigeria's Data Protection Regulation (2019)¹⁶ forbids unauthorised access to personal and organisational data, the right of the Nigerian government to deploy AI technology to monitor digital platforms is unknown to law. Nigerian civic actors need urgent knowledge of anti-surveillance technology if digital rights are to continue to thrive in the country. Also, further research into the national security implications of digital technology use in Nigeria is of utmost importance. The findings of such research can uncover positive alternatives to restrictive legislations as measures for ensuring the positive use of digital technologies. They can also inform policies that will preserve digital rights without compromising national security.

¹⁶ See Nigeria Data Protection Regulation 2019, National Information Technology Development Agency.

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