



**NEAR EAST UNIVERSITY  
INSTITUTE OF GRADUATE STUDIES**

**DEPARTMENT OF INTERNATIONAL LAW**

**SOCIAL MEDIA REGULATION AND THE IMPLICATION ON THE NIGERIAN SOCIETY.**

**LL.M THESIS**

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**Nicosia**

**December, 2022.**

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### **Declaration**

I hereby certify that all data, materials, analyses, and conclusions in this thesis were gathered and presented in accordance with the academic standards and moral principles of the Institute of Graduate Studies at Near East University. I further affirm that I have properly cited and referenced any information and data that are not unique to this work, as required by these rules and conduct.

Sandra Chiamaka Okwodu

18/ December/2022

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Sandra Chiamaka Okwodu

## **Abstract**

### **Social Media Regulation and the Implication on the Nigerian Society**

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The discussion of social media regulation has risen to the top of the social milieu and on a worldwide level. The plan is backed by government groups due to what they called "abuse of the platforms". According to authorities, social media might further polarize a country like Nigeria if it is not swiftly regulated. But regulations apply to conventional media, and many people think that the call for regulations on social media is an attempt to stifle free speech. The print and broadcast media in the nation are already governed by the National Broadcasting Commission and the Nigerian Press Council.

Nigerians from all political backgrounds have thus opposed the need for social media regulation. This study, which is grounded in regulation theory, examines the problems and consequences of social media regulation in a democratic country like Nigeria. The primary issue is when citizens' rights to free expression are violated. The paper used qualitative research to its peak in order to get relevant information so as to tackle the issue behind regulating social media in Nigeria and also find secondary data sources that were helpful for comprehending the difficulties and effects of starting a social media regulation in Nigeria. The thesis concludes that social media control is unquestionably difficult since it will almost surely amount to a breach of the right to freedom of speech, which democratic governments throughout the world try to defend.

**Keywords:** Social Media, Democracy, Regulation, Human Right, Freedom of expression and Speech.

## **Abstract**

**(Turkish Translation)**

**Sosyal Medya Dzenlemesi ve Nijerya Toplumunu Üzerindeki Etkisi.**

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**LL.M, Department of International Law**

Sosyal medya dzenlemesi tartiřması, sosyal ortamın zirvesine ve dünya apında bir düzeye yükseldi. Plan, "platformların kötüye kullanılması" olarak adlandırdıkları durum nedeniyle hükümet grupları tarafından destekleniyor. Yetkililere göre, sosyal medya, hızlı bir şekilde dzenlenmediđi takdirde Nijerya gibi bir ülkeyi daha da kutuplaştırabilir. Ancak dzenlemeler geleneksel medya için geçerli ve birçok kiři, sosyal medyayla ilgili dzenleme ađrısının ifade özgürlüğünü bastırma girişimi olduğunu.Ülkedeki yazılı ve görsel medya zaten Ulusal Yayın Komisyonu ve Nijerya Basın Konseyi tarafından yönetiliyor.

Tüm siyasi geçmişlerden Nijeryalılar bu nedenle sosyal medya dzenlemesine duyulan ihtiyaca karşı ıktılar. Temeli regülasyon teorisine dayanan bu alıřma, Nijerya gibi demokratik bir ülkede sosyal medya regülasyonunun sorunlarını ve sonuçlarını incelemektedir. Birincil sorun, vatandaşların ifade özgürlüğü haklarının ne zaman ihlal edildiđidir. Makale, Nijerya'da sosyal medyayı dzenlemenin ardındaki sorunu ele almak ve ayrıca Nijerya'da bir sosyal medya dzenlemesi başlatmanın zorluklarını ve etkilerini kavramaya yardımcı olacak ikincil veri kaynaklarını bulmak amacıyla ilgili bilgileri elde etmek için zirveye kadar nitel arařtırmayı kullandı. Tez, sosyal medya kontrolünün, dünyanın her yerindeki demokratik hükümetlerin savunmaya alıřtığı ifade özgürlüğü hakkının neredeyse kesinlikle ihlali anlamına geleceđi için tartiřmasız zor olduđu sonucuna varıyor.

**Anahtar Kelimeler:** Sosyal Medya, Demokrasi, Dzenleme, İnsan Hakları, İfade ve İfade Özgürlüğü

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## List of Abbreviations

**ACHPR:** African Charter on Human and Peoples' Rights

**ARR:** African Research Review

**BBC:** British Broadcasting Corporation

**CCLA:** Canadian Civil Liberties Association

**CEI:** Computer Enterprise Institute

**CFRN:** Constitution of the Federal Republic of Nigeria

**DIY:** Do it yourself

**ECOWAS:** Economic Community of West African States

**FILJ:** Fordham International Law Journal

**GLG:** Global Legal Group

**HBR:** Harvard Business Review

**HRW:** Human Rights Watch

**HURIWA:** Human Rights Writers Association of Nigeria

**IBM:** International Business Machines

**ICCPR:** International Covenant on Civil and Political Rights

**ICT:** Information and Communication Technology

**IFLA:** International Federation of Library Association and Institutions

**IJMDS:** International Journal of Media, Security and Development

**IWS:** Internet World Stats

**JAL:** Journal of African Law

**LRJ:** Library Research Journal

**LSEPS:** London School of Economics and Political Science

**MMS:** Multimedia Messaging Service

**NBC:** National Broadcasting Commission

**NCC:** Nigerian Communications Commission

**NDPR:** Nigeria Data Protection Regulation

**NGO:** Non Governmental Organization

**NITDA:** National Information Technology Development Agency

**NJMCS:** Nasarawa Journal of Multimedia and Communication Studies

**NJPS:** Nile Journal of Political Science

**NMMC:** New Media and Mass Communication

**NPC:** Nigerian Press Council

**PRC:** Pew Research Centre

**RJLIS:** Research Journal of Library and Information Science

**RSF:** Reporters Sans Frontières

**SARS:** Special Anti-Robbery Squad

**SMS:** Short Message Service

**SRD:** Statistics Research Department

**SUP:** Stanford University Press

**UDHR:** Universal Declaration of Human Rights

**ULJ:** Unizik Law Journal

**UNGA:** United Nations General Assembly

**USIP:** United States Institute of Peace

**VOA:** Voice of America

## CHAPTER I

### Introduction

#### Background of the Study

Humans are born with certain fundamental rights that are bestowed upon them by the society in which they live. According to the Universal Declaration of Human Rights, everyone is born free and with an equal sense of value and rights<sup>1</sup>. In a nation like Nigeria where the State is required to respect, protect and fulfil human rights, this is consistent with the Rule of Law, a key element of a democratic society.

The "Protection against Internet Falsehood and Manipulation Bill"<sup>2</sup> commonly referred to as the "Anti-Social Media Bill," is perceived as having a direct impact on the people of Nigeria's right to freedom of expression. One plausible example is the ban on Twitter in Nigeria. The right to free speech is threatened by social media regulation.<sup>3</sup>

Social media has been an unrestricted tool for the public, but it has also been used to disseminate information when conventional avenues have been ineffective. During the Arab Spring, demonstrators in North Africa utilized Facebook to share information with the world.<sup>4</sup> Youths in Nigeria used Twitter in 2020 to express and record their protest against police brutality and poor administration. They utilized its power to attract masses to protest locations and, when they were fired at, to expose the regime to the world. Social media today keeps the government on its toes. According to Access Now and the #KeepItOn campaign, there were 182 Internet shutdowns in 34 different countries in 2021.<sup>5</sup> Governments everywhere are stating that this needs to stop. However, civil society and human rights

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<sup>1</sup> Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) art 19; [hereinafter referred to as the UDHR] available at <[https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)> accessed on 23 October 2022.

<sup>2</sup> 'Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill', (2019) available at <https://guardian.ng/wp-content/uploads/2019/11/Protection-from-Internet-Falsehood-and-Manipulation-Bill-2019.pdf> accessed on 23 October 2022.

<sup>3</sup> Paul Emmanuel, 'Everything you need to know about Nigeria's Social Media Bill and what you can do about it' (2019) *Techpoint*. available at <https://www.techpoint.africa/2019/11/28/nigerias-social-media-bill> accessed on 23 October 2022.

<sup>4</sup> Britannica, 'Arab Spring pro-democracy protests' (2010-2013) available at <https://www.britannica.com/event/Arab-Spring> accessed on 23 November 2022.

<sup>5</sup> 'Taxonomy of a shutdown: 8 ways government restrict access to the internet, and how to #KeepItOn' (accessnow, 2021) available at [https://www.accessnow.org/keepiton/#KIO\\_Toolkit](https://www.accessnow.org/keepiton/#KIO_Toolkit) accessed on 25 October 2022.

organizations are concerned that this could simply be a government effort to control social media. But because of its influence, it has also turned into a source of false information.

A rule that requires Facebook, YouTube, and other internet firms to battle disinformation, report how their various services better contentious content, and normally avoid pointing at online ads based on a person's background, religion, or sexual orientation was just approved by the European Union. On social media nowadays, opinions, information, news, and everything else travel without boundaries or filters. Social media has been an unrestricted tool for the public, but it has also been used to disseminate information when conventional avenues have been ineffective. During the Arab Spring, demonstrators in North Africa utilized Facebook to share information with the world. Youths in Nigeria used Twitter in 2020 to express and record their objection against police brutality and poor administration.<sup>6</sup>

A "Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries" was published in June 2022 by the National Information Technology Development Organization, a Federal Government agency with the responsibility to create, standardize, and provide advice on information technology. Agreeing to NITDA, the purpose of the code of conduct was to begin best practices which would hinder the digital ecosystem harmless for Nigerians and non-Nigerians in Nigeria, set out methods to battle online problems like disinformation and misinformation, and administer a co-regulatory tactic towards enactment and compliance.<sup>7</sup>

The agency described Collaborative Computer Service Platforms in the draught document as "any electronic medium or site where services are provided by means of a computer resource and on-demand and where users create, upload, share, disseminate, modify, or access information, including websites that provide reviews, gaming platforms, and online sites for conducting commercial transactions."<sup>8</sup>

Social media operators, websites, blogs, media partaking websites, online discussion forums, streaming platforms, and other similarly oriented intermediaries where services are either permitted or delivered and transactions are carried out as well as places where users normally can generate, read, engage with, upload, share, distribute, modify, or access information were included as examples of Internet intermediaries, according to the document.

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<sup>6</sup> Onyekachi Umah, "Twitter vs. Nigeria; 'the Human Rights of Twitter Inc. and the Twitter Users' ( 8 June 2021) LearnNigerianLaws.com available at <https://sabilaw.org/twitter-vs-nigeria-the-human-rights-of-twitter-inc-and-the-twitter-users> accessed 26 October 2022.

<sup>7</sup> Temitayo Jaiyeola, 'Nigeria's tortuous journey to social media regulation' (*PUNCH*, 26 July 2022) available at <https://punchng.com/nigerias-tortuous-journey-to-social-media-regulation/?amp> accessed on 26 October 2022.

<sup>8</sup> Ibid.

Large platforms like Facebook and Twitter would thereby furnish a user, or authorized government agency with information on:

- a) Reason behind popular online content claim and the factor or figure behind the influence, and,
- b) Why users get precise information on their timelines

Nigerians reacted negatively to the legislation despite the agency's efforts to combat false and misleading information being listed in the document due to the fact that Nigerian government and its related agencies had made it one of their lives works. They referred to the code as a covert effort to control and monitor social media. The Media Rights Agenda described it as an effort to trespass on Nigerians' constitutional rights and meddle with the National Assembly's powers, duties, and authority in a statement.<sup>9</sup>

In the past, the Nigerian government has been audacious in its attempts to control social media. The Federal Government of Nigeria suspended Twitter on June 4, 2021, after the social media platform removed a message by the president, Major-General Muhammadu Buhari (retd.). Twitter also deleted a message by the president a few days prior, so observers knew it was for that reason even though the government claimed it banned Twitter due to the ongoing use of the site for activities that are capable of damaging Nigeria's corporate existence through the spread of fake news.<sup>10</sup> The Federal Government announced earlier this year through Lai Mohammed the Minister of Information and Culture that it was striving to restore reason to social media. He asserted that no responsible government would stand by while actions that may burn the nation down continued unchecked. The government may no longer be able to simply throw up its hands and permit this to carry on, he continued. Also the minister also stated, in part, that "That Nigeria initiated the campaign to regulate social media, which was bitterly fought by the stakeholders," when defending his ministry's budget before the House of Representatives Committee on Information, National Orientation, Ethics, and Values in 2020.<sup>11</sup>

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<sup>9</sup> 'Media Rights Agenda', 'Nigerians Overwhelmingly Reject Senate Anti-Social Media Bill'(March 2020) *Media Rights Agenda*

available at <<https://mediarightsagenda.org/nigerians-overwhelmingly-reject-senate-anti-social-media-bill/#>> accessed 1 November 2022.

<sup>10</sup> 'BBC NEWS' 'Twitter agrees to Nigeria's demands to end seven-month ban' (2022) available at <https://www.bbc.com/news/world--africa-59958417> accessed 2 November 2022.

<sup>11</sup> Anietie Ewang, 'Nigeria's Twitter Ban Follows Pattern of Repression' (7 June 2021) Human Rights Watch, available at <https://www.hrw.org/news/2021/06/07/nigerias-twitter-ban-follows-pattern-repression> accessed 03 November 2022.

They were warning that social media would ruin us if we didn't regulate it. Fake news and social media won't ruin Nigeria. Mohammed is a representative of the government's position that ensures social media should be regulated, but he is not the only one. The National Assembly has been working to impose social media regulations. The Hate Speech Bill, which Abdullahi, a former deputy chief in the Senate, sponsored in March 2018, sought to outlaw hate speech nationwide. After withdrawing the legislation, the Senate resurrected it in 2019.

The Senate's "Protection against Internet Falsehood and Manipulations Bill 2019" was introduced by Mohammed Musa in 2019. According to him, the bill would help to stop online fake news. "It is a law that will direct how we may tolerate our activity on social media," he said. False information has spread around the world so frequently and has caused so much havoc in various regions<sup>12</sup>. This is as a result of such statements that Nigerians kicked against the NITDA's attempt. People won't have complete freedom to express themselves as they like due to the code of behaviour.

Therefore, social media has been governed. Abolaji, who is the program manager for Paradigm Initiative Nigeria, explained that it signifies that the government has controlled it and it is a tool for 'the constitutionally guaranteed rights of Nigerian citizens'.<sup>13</sup> He claimed that once Twitter's suspension was lifted, his organization and many other civil society organizations met behind closed doors with the company to discuss their concerns about the code of conduct. He revealed that while Twitter was open about its interactions with the government, it was equally transparent about the fact that it was a regulated institution. Abolaji also described the meeting in detail, stating that it was private. We wanted to understand the restriction's entire outcome and how the Federal Government came to an agreement to lift the ban.

Therefore, I believe there should be more stakeholder involvement that normally informs many decisions rather than just them making them on their own. There is a need for input from others as well, to share knowledge and determine the best course of action. Odeyemi, a senior partner of e86 Limited and an ICT expert, felt that while it was vital to offer some form of technology guidance, the motives driving NITDA's action were not

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<sup>12</sup> Adaeze Nzewi, 'Nigerian Youths, Social Media Bill Regulation and the Gathering Storm: Where are the Library Services' (2021) 5(1) RJLIS 01-07 available at <https://www.sryahwapublications.com/research-journal-of-library-and-information-science/pdf/v5-i1/1.pdf> accessed 03 November.

<sup>13</sup> Ibid. (n6); Samson Akintaro, 'Paradigm Initiative says Nigeria's Code of Practice for Internet is a tool for rights abuse' (*Nairametrics* June 2022) available at <https://nairametrics.com/2022/06/15/paradigm-initiative-says-nigerias-code-of-practice-for-internet-is-a-tool-for-rights-abuse/?amp=1> accessed 04 November 2022.

particularly admirable. He thinks the government or any agency shouldn't make social media regulation a top priority. His opinion on this matter was that he didn't think this should be among the top five things to focus on in terms of priority while also believing that this is developing as a result of everything that transpired between the Nigerian government and Twitter, and that it is not a foundation upon which to build. He further opined that the benefits of social media should be acknowledged first before the negativities.<sup>14</sup>

The advent of technology changed the ways which people communicate followed by the creation of social media through the emergence of platforms such as Facebook, which was launched in 2004 and other popular platforms for example Instagram, Twitter and YouTube (amongst others). The possibilities these platforms afford people is tremendous and, in a world, as fast growing as this one where technology is a leading front, it has transformed the society by enabling information sharing, transforming social life and developments.

With the positivity surrounding the emergence and usage of social media, the negativity abounds. In a country like Nigeria where Democracy is practiced, trying to curb these negativities by regulating social media is seen as an infringement on the 'right to freedom of expression' which is provided in the Constitution of the Federal Republic of Nigeria (as amended).<sup>15</sup> Free expression is seen as a bedrock principle, ensuring the continuity and evolution of democracy, "*freedom of expression is regarded as a cornerstone of democracy which ensures the consolidation and development of democracy*".<sup>16</sup>

However, the misuse of the innovation's power is concerning and Gbajabiamila a speaker of House of Representatives in an interview with Premium Times Nigeria acknowledged the social media platforms and connoted it to a weapon for "good and evil", in his words "*It is something we need to do because we have a responsibility to protect every single citizen in this country and that is what we must do*".<sup>17</sup> This has led the National Assembly of Nigeria in an attempt to curb misinformation/fake news on the internet to pass a bill despite failed attempts in the past to do so. The bill was introduced in the senate by

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<sup>14</sup> Samson Akintaro, 'Regulating Nigeria's digital economy beyond fines – Experts' (*PUNCH*, 19 April 2022) available at <https://punchng.com/regulating-nigerias-digital-economy-beyond-fines-experts/?amp> accessed on 2 November 2022.

<sup>15</sup> s 39 (1) Constitution of the Federal Republic of Nigeria (as amended)1999, available at <https://www.int/edocs/lexdocs/laws/en/ng/ng014en.pdf> accessed 07 November 2022

<sup>16</sup> Nonso Attoh, 'The Frivolous Petitions Bill and Permissible Restrictions on Freedom of Expression' (2016) SSRN, available at <https://dx.doi.org/10.2139/ssrn.2713169> accessed 22 October 2022

<sup>17</sup> Bakare Majeed, 'Why Social Media must be regulated- Gbajabiamila' (*Premium Times*, 28 June 2021) available at [www.premiumtimesng.com/news/headlines/470407-why-social-media-must-be-regulated-gbajabiamila.html](http://www.premiumtimesng.com/news/headlines/470407-why-social-media-must-be-regulated-gbajabiamila.html) accessed 02 November 2022.



Mohammed Musa in 2019 and was titled “Protection from Internet Falsehood and Manipulation Bill”.

Despite social media's many advantages and potential for misuse, it is difficult to regulate social media without violating anyone's rights. This research work will examine the impact regulating social media has on human rights in Nigeria and how it affects the society. There have been discussions over the optimum type of internet governance to implement in order to prevent abuses. Observers have questioned whether individual governments in various nations would advocate for the path of regulating the internet (i.e., individually) or if such attempts would have an international perspective. The primary obstacle to creating a thorough framework for social media platform regulation is the variety of laws that have previously been developed by different nations.<sup>18</sup>

Per the World Internet Stats, Nigeria is the sixth most Internet-active nation in the world and as of December, 2021, Nigeria had 144,949,194 internet users, rising 67.5 percent of the population, per Nigerian Communication Commission (NCC) on the daily active use of the Internet for a variety of social engagements.<sup>19</sup>

### **Statement of Problem**

Social media comes with potential gains and problems, while the gains can be celebrated, the problems associated with it can lead to devastating consequences. For example, cyber bullying and cyber fraud has been noted to lead to depression, suicide and even murder. Whenever there are already existing laws in place to deal with such acts, the need to further curb excesses by establishing laws/rules may inadvertently be infringing on certain human rights. The issue associated with this is how easy will regulating social media be without infringing on the peoples right and implementing the existing law(s).

Only approximately 5% of American internet users were using social media in 2005, when it was still in its infancy. This percentage increased to almost 70% in 2019. Early in 2019, the Pew Research Centre conducted a study on US individuals' use of social media. According to the survey, teens prefer Snap Chat and Instagram while adults prefer YouTube and Facebook, with TikTok reportedly having the fastest growing user base among younger users. Adults also tend to use Facebook and YouTube the most frequently. It's astonishing

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<sup>18</sup> Alexandra Paslawsky, ‘The Growth of Social Media Norms and the Governments’ Attempts at Regulation’ (2017) 35 (5) FILJ 1485. Available at <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2604&context=ilj>

<sup>19</sup> Internet World Stats, ‘Nigeria’ In Africa (*IWS*, 25 June 2022) available at <https://www.internetworldstats.com/africa.htm#ng> accessed 03 November 2022.

how much time people spend on social media.<sup>20</sup> According to one study, users of these platforms spend several hours per day on social media.<sup>21</sup>

### **Purpose of the Study**

The major aim of this Research work is to analyze the practical effects of Social Media regulation in Nigeria on the rights of its citizens by exploring write ups and how it affects rights of individuals in Nigeria.

A number of things have happened in Nigeria that has given the government and people of the nation new perspectives on the new media platforms. While some consider it to be the ideal setting and platform for civic engagement, others simply see it as an evil force. Hate speech, the dissemination of misinformation, and cyber bullying are a few issues that could support social media regulation in Nigeria. Similar to how social media was used in the #OccupyNigeria 2012 demonstration, the #EndSARS 2020 campaign, and numerous other ways by individuals to demand accountability and transparency in government,<sup>22</sup> calls for platform regulation have become more common in both conventional and new media. The calls are primarily made by government organizations and militaries, like the Executive and the Legislature.<sup>23</sup>

It is significant to remember that, despite the enormous advantages social media can provide, not all of the resources available through the platforms are advantageous to everyone. For instance, the freedom offered by social media platforms is responsible for the spread of false information, fake news, half-truths, and many other vices.<sup>24</sup> Similarly, the argument for social media regulation is justified by cyber stalking, cyber bullying, trolling, spam, and other

<sup>20</sup> Andrew Perrin and Monica Anderson, 'Share of U.S. adults using social media, including Facebook, is mostly unchanged since 2018' (2019) PRC available at <https://www.pewresearch.org/fact-tank/2019/04/10/share-of-u-s-adults-using-social-media-including-facebook-is-mostly-unchanged-since-2018/> accessed 16 January 2023.

<sup>21</sup> Brooke Auxier and Monica Anderson, 'Social Media Use in 2021' (2021) PRC available at <https://www.pewresearch.org/internet/2021/04/07/social-media-use-in-2021/> accessed 04 November 2022.

<sup>22</sup> Wade Ben-Hirki, 'Disinformation and Social Media Regulation – The Nigerian Experience' (2021) *Strong Cities* available at <https://strongcitiesnetwork.org/en/guest-article-disinformation-and-social-media-regulation-the-nigerian-experience/> accessed 04 November.

<sup>23</sup> Yomi Kazeem, 'Nigerians are bracing for another government attempt to regulate social media after national protests' (2020) *Quartz Africa* available at [https://finance.yahoo.com/news/nigerians-bracing-another-government-attempt-164815561.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ2xILmNvbS8&guce\\_referrer\\_sig=AQA-AAFD219eo3RvyEFED2illssTuqxTBTIeOGJB6GwmK2Hesr1mHp4Q0VAbS\\_C4IZ>](https://finance.yahoo.com/news/nigerians-bracing-another-government-attempt-164815561.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ2xILmNvbS8&guce_referrer_sig=AQA-AAFD219eo3RvyEFED2illssTuqxTBTIeOGJB6GwmK2Hesr1mHp4Q0VAbS_C4IZ>) accessed 04 November.

<sup>24</sup> Kelvin Inobemhe, et al., 'New Media and the Proliferation of Fake News in Nigeria' (2020) 2(2) NJMCS 154 available at [https://www.researchgate.net/publication/352863583\\_New\\_Media\\_and\\_the\\_Prioliferation\\_of\\_Fake\\_News\\_in\\_Nigeria](https://www.researchgate.net/publication/352863583_New_Media_and_the_Prioliferation_of_Fake_News_in_Nigeria) accessed 04 November 2022.

fraudulent behaviours. In addition, there is a continuous barrage of propaganda broadcast through social media.<sup>25</sup>

Proposals to restrict social media have drawn criticism from Nigerians both at home and abroad. However, the National Assembly of Nigeria is now debating two significant legislations that are both aimed at controlling social media. The Independent National Commission for the ‘Prohibition of Hate Speech Bill’ is being reviewed at the same time that the Senate is considering the ‘Protection from Internet Falsehood and Manipulation Bill’ 2019.<sup>26</sup> Both measures are considered as attempts to restrict free speech and to punish those who use social media to express themselves; the hate speech bill calls for the death sentence as the highest punishment; and according to Amnesty International, democratic values oppose any attempt to silence public discussion’.

It is noteworthy that, notwithstanding the advancement made thus far in adopting social media regulatory measures, the issue of how simple it is to govern social media remains. This thesis scrutinizes the difficulties and results of social media regulation in a democratic Nigeria.

### **Research questions**

Regulating social media in a democratic society pose a threat to the rights of freedom of expression and speech. This presents the questions of:

- (1) What are the factors leading to Social Media Regulation?
- (2) How do these factors affect the Rights of the individuals in the Nigerian Society?
- (3) What are the challenges involved in regulating social media in Nigeria?
- (4) What role do the media play in responsibly covering human rights abuses in Nigeria?

Social media use has advantages (the good), cautionary tales (the bad), and risks (the ugly), which can lurk and have an impact on many people's lives, but especially those of teenagers.

### **Significance of the Study**

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<sup>25</sup> Nkem Osuigwe, ‘Social Media Regulations and the Library in Nigeria’ (2018) 3 LRJ available at <https://journals.unizik.edu.ng/index.php/lrj/article/view/49/49> accessed on 04 November 2022.

<sup>26</sup> Aniete Ewang, ‘Nigerians Should Say No to Social Media Bill’ (2019) HRW available at <https://www.hrw.org/news/2019/11/26/nigerians-should-say-no-social-media-bill> accessed 04 2022.

The significance of this study lies in how regulating social media affects the rights of freedom of expression and speech; as a tool, the benefits of Social media in revealing violations on human rights (especially in a country such as Nigeria with reportedly high rates of human rights violations).

### **Limitations**

This study was designed to narrate the implications and effects social media regulation has in the Nigerian society therefore, the findings and discussion reported in this study is based on qualitative research approach. The researcher considered working on this study to find out the implications regulating social media has on human rights in the Nigerian society with first-hand knowledge and experience as a citizen. The researcher encountered difficulties in finding direct case laws on social media regulation in Nigeria but continued with the case of **Ogwuche v. Federal Republic of Nigeria** on radio/TV media.

### **Definition of Terms**

**Democracy** – Cambridge dictionary defined as the belief in freedom and fairness between people, or a system of Government centred on this belief, in which influence is either held by elected representatives or directly by the people themselves.<sup>27</sup> In the same vein, a democratic society is a country that practices the system of democracy.

**Freedom of Expression/Speech** – is the right to hold opinions, receive and impart information freely as provided for in the Universal Declaration of Human Rights.<sup>28</sup>

**Human Rights** – Black’s Law Dictionary defined it as the freedoms, immunities, and benefits that, conferring to modern values (esp. at an international level), all human beings as the capacity to claim as a matter of right in the society in which they live.<sup>29</sup>

**Mass Media** – is a communication of whether written, been broadcast and also spoken that influences or reaches a large audience.<sup>30</sup>

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<sup>27</sup> ‘Democracy’ *Cambridge dictionary* (2022) available at [www.dictionary.cambridge.org/dictionary/english/democracy](https://www.dictionary.cambridge.org/dictionary/english/democracy) accessed 25 October 2022.

<sup>28</sup> Article 19 Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) art 19; [hereinafter referred to as the UDHR] available at [https://www.un.org/en/udhrbook/pdf/udhr\\_booklet\\_en\\_web.pdf](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf) accessed 23 October 2022.

<sup>29</sup> ‘Human rights’, *Black’s Law Dictionary* 809 (9<sup>th</sup>edn, WEST PUBLISHING CO. 2009).

<sup>30</sup> CliffsNotes, ‘The role and influence of Mass Media’ in *Sociology* (2022) available at [www.cliffsnotes.com/study-guide/sociology/contemporary-mass-media/the-role-and-influence-of-mass-media](https://www.cliffsnotes.com/study-guide/sociology/contemporary-mass-media/the-role-and-influence-of-mass-media) accessed 25 October 2022.

Oxford Learner's Dictionaries defined it as sources of information and news such as newspapers, television, radio and internet that reach and influence large numbers of people.<sup>31</sup>

**Regulation** – an official rule or act of controlling something.<sup>32</sup>

**Social Media** – is defined as forms of electronic communications (such as websites for social networking and microblogging) through which users generate online communities to share information, ideas, personal messages, and other content (such as videos).<sup>33</sup>

## CHAPTER II

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<sup>31</sup> 'The mass media', *Oxford Learner's Dictionaries* (2022) available at [www.oxfordlearnersdictionaries.com/definition/english/the-mass-media?q=mass+media](http://www.oxfordlearnersdictionaries.com/definition/english/the-mass-media?q=mass+media) accessed 25 October 2022.

<sup>32</sup> 'Regulation' Cambridge Dictionary (2022) available at [www.dictionary.cambridge.org/dictionary/english/regulation](http://www.dictionary.cambridge.org/dictionary/english/regulation) accessed 25 October 2022.

<sup>33</sup> 'Social Media', Merriam Webster Dictionary (2022) available at [www.merriam-webster.com/dictionary/social%20media](http://www.merriam-webster.com/dictionary/social%20media) accessed 25 October 2022.

## METHODOLOGY

To be able to pinpoint how regulations of social media in Nigeria are to be done, a literature review was done and creative ideas were gotten in the course of the research. The factors on which this regulation can be tackled have been carefully taken into maximum consideration and analyses critically after series of researches. The study used a qualitative research approach that simultaneously analyzes exposures and outcomes in study participants.

### **Qualitative Data**

Quantitative research, in contrast to qualitative research, offers a kind of data that is incredibly objective and allows for the discovery of facts regarding a subject or research question. Additionally, it offers a very quantifiable foundation of data that can be statistically assessed and used to support or refute a specific theory. One of its main benefits is how quickly and relatively easily quantitative research can be carried out. The "richness" of the data acquired and its contextual implications may be lost due to speed and ease, which ultimately results in a more constrained and "unreal" phenomenon.

### **Data Collection**

It is very important to know whether there is an inherent risk with regards with regulating social media, or if contain some secretive information that a country has that regulating social media might be very harmful to the society at large. So, I was able to carefully source for various information needed, even some case laws with regard to the topic in question thereby enhancing better knowledge on how regulating social media in Nigeria can be of great help to the country.

First and foremost, it not just about regulating social media but how does it affect the rights of the citizens in the country, the percentage was weighed so as to be of great important not just for government but also citizens in the country and that is the ideal life.

### **Research Ethics**

This Research paper is basically more about making remarkable researches in order to bring in the best solution on how the thesis could be tackled and aid in better productivity. It is essential to keep in mind that not all of the resources made available through social media platforms are advantageous to everyone, despite the enormous benefits they can offer. For instance, the freedom provided by social media platforms is to blame for the dissemination of fake news, false information, half-truths, and many other vices. Similar to this, the case for social media regulation is supported by instances of trolling, spam, trolling, and other

fraudulent behaviour. Additionally, a constant stream of propaganda is disseminated via social media.<sup>34</sup>

Therefore, there are lots of advantages and disadvantages of social media but better research and studying always guarantee a well-developed option if it should be regulated or not in a Democratic Country.

### **The effect of Social Media Regulation on Human Rights**

The media, in whatever format however has the certain potential to bring relevant attention to circumstances or situations which involves human rights, disclose transgressions, and inspire people to take action. Human rights suffer from bad effects of the media. So, it important to understand the function of the media, whether it has a positive or bad influence. Social Media has led to much chaos on the internet and even in real-life matters, this is where regulation comes in. In addition to reducing the chance of learning inaccurate information, it lowers the possibility of escalating interpersonal conflict. Additionally, the rules will be strictly adhered to since there is a standard that users must meet.

Social media have advantages as well as possible drawbacks. We face a number of brand-new issues as a result of these novel phenomena. How to prevent Internet rules from stifling freedom of expression is one crucial concern. Today, for instance, "blocking" is routinely employed to stop particular items from getting to a final user. The evidence suggests that this approach does not effectively stop, for instance, human rights breaches over the Internet. In addition, who should determine what should be blocked and what procedures and remedies should apply to this?

This work explains some of the ways media is regulated which directly impacts on the Right to freedom of expression and the Right to privacy as provided for by local and international legislations, which includes:

#### **Blocking**

The freedom of expression, free flow of information, and the freedom and variety of the media are all recognized as essential human rights in the Universal Declaration of Human Rights (UDHR) and other post-Second World War international declarations. Using software or hardware to evaluate communications and make a decision on whether to block receipt

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<sup>34</sup> Nkem Osuigwe, 'Social media regulations and the library in Nigeria' (2018) LRJ 3(1) 15. Available at <https://journals.unizik.edu.ng/index.php/lrj/article/view/49> accessed 10 November 2022.

based on pre-established criteria, blocking primarily serves the purpose of preventing particular Internet material from reaching its intended recipient. The censoring of child abuse imagery is a common goal, but doing so does not completely destroy the images or eradicate them from the Internet.

Since there are many distinct kinds of blocking, not all of them are equally effective or similarly legal. The concept may imply that limiting access to the Internet is as simple as flipping a switch, although the technologies' capabilities are actually rather sophisticated and are frequently simple to get around. False positives and false negatives can occur with blocking, resulting in the outright ban of sites with and without banned content, respectively. Blocking by the government as a means of social media regulation may go contrary to the obligations stipulated in the Charter of the United Nations (UN Charter)<sup>35</sup> in ensuring the enjoyment of its citizen's rights and freedom.

### **Data Retention**

Also, could be named Metadata Collection, Data retention refers to the mandate that communications network operators, like internet service providers, keep all of their customers' interaction data for a longer period of time than the usual (billing) period of time, "just in case," the records are advantageous in a future police or secret service investigation. Repressive actions like as breaking phone confidentiality laws, examining mails, searching homes or individuals, and making arrests are only permitted under criminal law when there are clear signs that a crime has been committed and that a particular person was involved. All normally requires at least some basis of suggestions of illegality before it will be allowing intrusive processes, and correlate the intrusiveness of the measures to the level of real or factual evidence available, as well as to various procedural safeguards. Countries use dissimilar terms such as "reasonable suspicion" and "factual indications."

For instance, relatively unnoticeable measures with relatively lax procedural requirements are generally authorized when the evidence is "soft" (in a crucial case, conceivably no more than a prerequisite for an official record and a post factor assessment). Strong proof of criminal activity and personal involvement, as well as a court's approval is needed for more intrusive actions (home searches, arrests, etc.).

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<sup>35</sup> United Nations, *Charter of the United Nations*, (24 October 1945) 1 UNTS XVI, available at <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> accessed 02 November 2022.



The primary objective in government data retention is traffic analysis and mass surveillance... These activities may or may not be lawful, depending on the constitution of laws of the country. In many jurisdictions access to these databases may be made by a government with little or no judicial oversight.<sup>36</sup> Thus, the line between government possessing such authority and protecting individuals' right to privacy is thin. Although, there are legislations in Nigeria that impacts data protection in Nigeria, Nigeria does not have a principal legislation on data protection.<sup>37</sup>

### **Censorship by Pressure**

Due to the threats of legal action, cancellation of contracts or licenses, and outright bans, government authorities are increasingly contacting authors or websites to put pressure on them to remove content. This is true even when the companies are situated in foreign countries. A senior executive can be influenced just as well with a "word in ear." After all, businesses normally want to maximize profit; free speech protection is not the reason they exist. These demands highlight issues related to human rights, such as whether businesses should be required to withstand demands in order to protect the human rights of their customers.

Social media is a democratic instrument that allows individuals to demand greater accountability, according to the ban's sceptics, who insist. Social media gives people the chance to express their rage on current problems that they care about.<sup>38</sup> Additionally, social media is an excellent place or a valuable platform for citizens to file complaints about serious wrongdoing or corruption, but all of that freedom was threatened by the provisions of the anti social media bill.

### **Control of Information**

Although controversial, the press serves as a sentinel and reflects the people, and that there is broad agreement that the growth of a democracy is correlated with the growth and composition of the mass communication system in that democracy<sup>39</sup>. The assertion that "the

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<sup>36</sup> 'Data retention' *Wikipedia* (2022) available at [https://en.m.wikipedia.org/wiki/Data\\_retention](https://en.m.wikipedia.org/wiki/Data_retention) accessed 03 November 2022.

<sup>37</sup> Jumoke Lambo and ChisomOkolie 'Data Protection Laws and Regulations Nigeria' (2022) GLG available at <https://iclg.com/practice-areas/data-protection-laws-and-regulations/nigeria/amp> accessed 03 November 2022.

<sup>38</sup> An example is the recent unlawful killings by the government in Syria.

<sup>39</sup> Lai Oso, 'Media and democracy in Nigeria: A critique of liberal perspective' (2013) 10 NMMC13 available at <https://core.ac.uk/download/pdf/234652351.pdf> accessed 03 November 2022.

mass media and democracy are intimately intertwined" is supported by them<sup>40</sup>. The new social media control measure might look wonderful, but it is a little problematic because any platform user could run afoul of the proposed bill's restrictions and if this new law is passed, a number of people or organizations, such as correspondents, blogs, radio and television stations, on- and offline print media, on-air characters, website hosts, bloggers, providers of internet services (ISPs), YouTube channels, and more, will be negatively impacted.<sup>41</sup>

This approach proposes the fact that might be simple for the government to regulate communications, and once that develops, abuse by government officials will probably be too simple or possible.

### **Targets of Anti-Social Media Bills for Journalists**

Nigeria currently targets media professionals with current laws including the Cybercrime (Prohibition, Prevention, e.t.c.) Act<sup>42</sup> and the Terrorism Prevention (Amendment) Act.<sup>43</sup> Media professionals and journalists were either imprisoned, arrested, attacked, or made to disappear in Nigeria during the #ENDSARS movement and even during elections. Therefore, it is expected that when new legislation is being considered, the level of harassment of journalists may rise.

### **Usefulness of Social Media**

We now have more connectivity and convenience thanks to social media and technology:

- (1) Keeping in touch with distant relatives and friends via email, SMS, FaceTime, etc.
- (2) Information and research are available quickly.
- (3) Involvement in civic commitment like fundraising, social awareness helps provide a voice.
- (4) Remote employment possibilities.
- (5) Online education, career training, and content discovery through YouTube videos.

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<sup>40</sup> SantasTsegysu andOgoshi John Dogara, 'An appraisal of mass media role in consolidating democracy in Nigeria' (2016) 10(1)ARR, 73-86. <<https://www.ajol.info/index.php/afrev/article/download/129819/119382>> accessed 04 November 2022.

<sup>41</sup> Emmanuel Paul, 'Everything you need to know about Nigeria's social media bill and what you can do about it' (2019) *Techpoint*. available at <https://techpoint.africa/2019/11/28/nigerias-social-media-bill> accessed on 03 November 2022.

<sup>42</sup> Cybercrime (Prohibition, Prevention, e.t.c.) Act 2015 available at [https://www.cert.gov.ng/ngcert/resources/CyberCrime\\_Prohibition\\_Prevention\\_etc\\_Act\\_2015.pdf](https://www.cert.gov.ng/ngcert/resources/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf) accessed 04 November 2022.

<sup>43</sup> Terrorism Prevention (Amendment) Act 2013 available at [http://placng.org/lawsofnigeria/laws/terrorism\\_bill.pdf](http://placng.org/lawsofnigeria/laws/terrorism_bill.pdf) accessed on 04 2022.

(6) The convenience of banking and bill payment.

(7) Social media aids in the dissemination of intellectual knowledge on laws and rights of individuals.

(8) In the same vein, it aids in exposing human rights violations.

Social media is a global platform for interaction and communication. It tends to enhance each socialized person's event psychology and motivational characteristics swings. Communication is used to put this into action.

Humans must communicate in order to survive; thus, man has always found a method to fulfil that need. The media, which is a catch-all phrase for a variety of communication channels, has demonstrated how important humans are everywhere in the world.

The ability of not being able to communicate to large audience or people tend to lead to the progress of mass media in Nigeria such as writing the earliest forms of personal media, speech and gestures has the benefits of being easy to use and did not unavoidably need complex technology.

The growth of communication technologies has thoughtful the role of the media in the society has been more noteworthy. Also, it is pertinent to cultural and civilized education. According to "John Dewey" the role of media is for education has opines which "James Ages and Walter" also emphasized the function of the media as a source of conning information around the globe. It is also a form of entertainment.

However, it's a type of electronic communication that makes interaction possible depending on specific timings and traits. Social media is a platform for interpersonal communication that makes use of scalable and widely available publishing methods. Social media transforms and broadcasts media monologues and social dialogues using water-based technology.

According to Dammy Shea who is an analyst in the Huffington Post, it promotes the democratization of knowledge and information and converts people from content consumers of new media to the internet's most active users. The fast expansion of social media running that has been observed over the last two to three years has detracted from their assimilation into popular culture and the daily lives of many people.

Social media has also received a lot of interest from the commercial and academic worlds concurrently. The development of new technology has resulted in a decline in communication and connection across all media kinds. Additionally, reward and crowd sourcing are used as engagement strategies for human rights organizations.

Even more than other forms of media, mass media have assimilated into society across the globe. The term "new media" may not be appropriate in a few years due to the fact that these forms are ingrained in our day-to-day lives and could be referred to as "alternative media" when they merge with traditional media. The same theories that apply to traditional media may also apply to new media, as people have always experienced rapid change. Its focus throughout history has been on ideologies and cutting-edge technology in order to meet the demands of people trying to get used to new social norms.<sup>44</sup>

### **Social Media Platforms in Nigeria**

Whatsapp was Nigeria's most used social media platform in the third quarter of 2021; nearly 92 percent of internet users in the country between the ages of 16 and 64 noted it. For the entire year 2022, it was calculated that there will be about 4.9 million active Whatsapp users.<sup>45</sup>

Platforms for social media with the most users in Nigeria, Facebook users substantially outnumbered Whatsapp users in 2022. Facebook user penetration was predicted to be around 16.7 percent in that year, with a total user base of just over 36 million. Additionally, given the number of users, Facebook's online advertising may potentially reach almost 26 million people. Another well-liked social network among Nigerians was YouTube. In 2022, it was estimated that there will be close to 6.7 million platform users.<sup>46</sup> Generally, increase in social media usage users in Nigeria has increased in recent years. From the 18 million users who registered in 2017, there were approximately 34 million social media users in the nation as of 2022. Due to the fact that the basis of this growing trend keeps unwavering, it is normally expected that, by 2025, over 90 million people will use at least one social media platform in

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<sup>44</sup>An example is during the covid pandemic era, Lockdown States were able to convene world International meeting through the technological platforms provided for by the Internet.

<sup>45</sup> Doris Dokua Sasu, 'Leading Social media platforms in Nigeria 2021' (2022) statista available at <https://www.statista.com/statistics/1176101/Leading-social-media-platforms-nigeria/#:~:text=In the third quarter of, for the full year 2022> accessed 16 January 2023.

<sup>46</sup> Doris Dokua Sasu, 'Social media platforms with most users' (n44).

Nigeria. Overall, the most followed network accounts are those of friends, family, and people known by the social media user.<sup>47</sup>

In Nigeria, it is anticipated that over 90 million people would use at least one social networking platform by 2025 if this upward trend continues. In general, the social media user's friends, family, and acquaintances have the most followers on networks. The usage of social media to communicate with others has increased in popularity as a communication tool. Through all of history, people have sought ways to interact with one another. In this technological age, people have also learned how to interact socially online, which is possible because of the spread of social networking websites and programs. The majority of the maximum widely used social networking apps have been around for a while, but as smart phones become smarter, so do the apps, and you can now do a lot more than you could in the past. Social media is now being used by businesses to engage with and reach out to their customers. No longer is it necessary to do business in meetings.

The number of social media platforms has also significantly increased. There has never been a greater chance to select a social network that suits your preferences, whether it be fan favourites like Instagram and Facebook or newcomers like TikTok. But since there are so many brand-new apps released every day, it could be challenging to decide which ones are worthwhile. In light of this, let's examine the most widely used social networking sites in Nigeria.

Overtaking Facebook Messenger in popularity, Whatsapp is widely used social messaging software. It has a sizable user base, a good user interface, and lets you send and receive text messages, videos, voice conversations, and photos. Whatsapp has made it simple to stay in touch with family and friends wherever in the world. The most effective and cutting-edge marketing tool for companies is now the mentioned app. It is a tool for business promotion and developing enduring relationships with customers. You can respond to customers more quickly and manage your time more effectively with auto-replies, which is both a time-saving and feedback-improving tactic.<sup>48</sup>

Secondary Facebook is the only media where you may find friends, colleagues, and family members from your previous or current lives. Facebook users typically share personal photographs, links, and quick comments, but they can also become fans of businesses or

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<sup>47</sup> Ibid.

<sup>48</sup>Bscholarly, 'Most Used Social Media In Nigeria 2022: Top 10' (2022) available at <<https://bscholarly.com/most-used-social-media-in-nigeria/>> accessed 05 November 2022.

other groups. Facebook groups, unlike Facebook pages, don't promote products or services, but they can be quite helpful for igniting discussions. Facebook is a terrific place to start if you want to reach an adult audience with compelling visual material that catches their attention, provokes an emotional response, and motivates them to share it. Facebook is the greatest tool to use if you want to quickly create a working community around a subject or business.

Thirdly, Influencers, bloggers, companies, small business owners, friends, and everyone in between all call Instagram home. Instagram has grown to be one of the most well-liked social networking sites for teenagers and young adults because to its creative designs, which include a variety of properties. Instagram is a treasure trove for connecting with people under the age of 40. Since its inception, Instagram has proven to be a terrific marketing tool for companies looking to expand their reach and raise customer awareness of their products. In general, Instagram is a lot of fun to use because it is so successful at what it sets out to do. Because of the quick, disconnected messages it posts, Twitter is categorized as a micro blogging tool.

Twitter shares certain characteristics with other well-known social media sites like Facebook, Pinterest, and YouTube. One of the simplest social media networking platforms available is Twitter, but it's also one of the most engaging and fascinating. Only 280 characters are allowed for messages, but that's more than adequate to share a link, a picture, communicate breaking news, or even trade ideas with your favourite influencer or celebrity. Through tweets and retweets, you may rapidly connect with a large number of people, follow the work of other experts in your field, and increase relationships with other users.<sup>49</sup>

Another power social media is the YouTube, YouTube is the most popular video hosting site in Nigeria, with more than 2 million videos accessible each day and more than 400 million views every little time. Although this platform is mostly for video content, both lengthy and short videos content can succeed on it depending on your sector and target demographic. On this platform, you may find everything from first-person product reviews to commercials and "how-to" guides for virtually any topic or discipline. On the website, users can remark, review, and share what they see. With over 2 billion active users each month, YouTube has grown to be a significant social media platform. Men and women that are

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<sup>49</sup>Mohammed Abdullateef, 'Regulating social media in Nigeria: A quantitative perception study' (2021) 2(1) NJPS 52 available at [https://www.researchgate.net/publication/346717844\\_Regulating\\_social\\_media\\_in\\_Nigeria\\_A\\_quantitative\\_perception\\_study](https://www.researchgate.net/publication/346717844_Regulating_social_media_in_Nigeria_A_quantitative_perception_study) accessed on 05 November 2022.

between the ages of 15 and 34 are huge fans of YouTube. Strive to keep their interest throughout your videos, whether you're instructing them on new marketing strategies or streaming video games.<sup>50</sup>

Another most well-known social media networks in the world is the TikTok app. Despite just being five years old, this social networking software has more than one billion users that are actively using it. TikTok is rapidly rising to prominence as one of the most widely used social networking platforms worldwide thanks to its enormous user base. Short clips with music, filters, and other interesting effects can be created by users using the software. It's occasionally disgusting and occasionally funny, but there's no denying that it's addictive. Users have the option to express themselves uniquely on TikTok.

Due to its ease of use, anyone can create video on TikTok, which makes it stand out from the competition as one of the rare platforms that focuses on entertainment rather than lifestyle. This is the reason why it draws in so many content producers from over the world, and why they work to improve their performance on the platform. When you want to engage a young audience with compelling video material that doesn't always directly relate to your goods or services, TikTok is the perfect platform for doing so.<sup>51</sup>

The number seven most popular media is LinkedIn. It is among the most popular platforms for business social networking. It could spark a great deal of curiosity and give you a platform to communicate details about your business, the news, future events, and more. The site has evolved into one of the most beneficial resources for improving your resume, finding a new job, and networking with individuals in your specialized networks as its popularity has expanded. It's one of the few well-known social networking sites specifically focused on business growth, and it's great for interacting with vendors, hiring new employees, and staying up to date on business news. The best place to post anything about your company or profession is undoubtedly LinkedIn.<sup>52</sup>

The number eight is Snapchat; it has become so popular because it has completely changed how people interact with one another. The ability to attach various photos to your person while filming a brief video clip is just one of the many features that Snapchat offers in

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<sup>50</sup>Peter Suci, 'Youtube Remains The Most Dominant Social Media Platform' (2021) available at <https://www.forbes.com/sites/petersuci/2021/04/07/youtube-remains-the-most-dominant-social-media-platform/?sh=560bfe9a6322> accessed 05 November 2022.

<sup>51</sup>Udora Orizu, 'Lai Mohammed Calls for Regulation of Social Media' (2022) THIS DAY available at <<https://www.thisdaylive.com/index.php/2020/10/27/lai-mohammed-calls-for-regulation-of-social-media/>> accessed on 05 November 2022.

<sup>52</sup> Doris Dokua Sasu, (n44).

addition to allowing you to share short video clips with your followers. The app has a beautiful design that perfectly balances being young and serious for this kind of app. If you want to reach a youthful audience and are passionate about producing bite-sized, engaging video content, Snapchat should be your top priority.

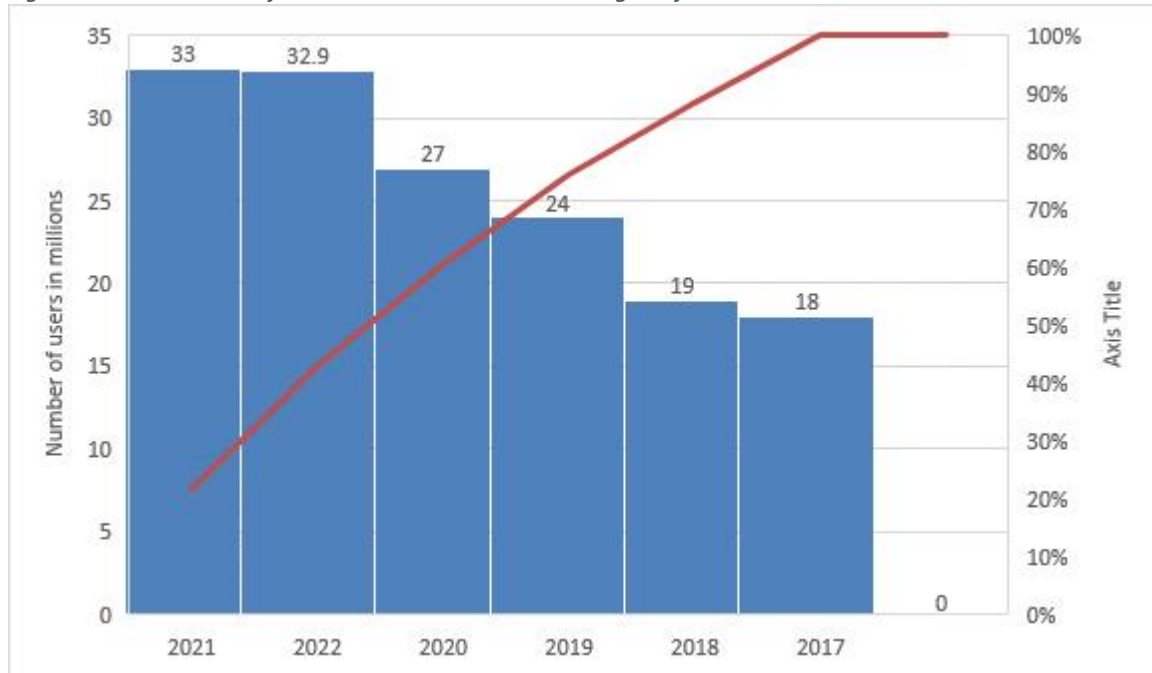
Another essential social media in Nigeria is the telegram, this is a cloud-based, and freeware platform for instant chatting is Telegram. While Whatsapp has a limit of 250 users, Telegram is texting software platform that prioritizes safety and speed. With Telegram, you can create group chats with up to 5000 users or even more and stay in touch with everyone.

On these platforms, you may create your own chat-bots that can handle particular tasks like order processing or customer care. End-to-end coded video calling, file sharing, and other capabilities are also available on Telegram. You can transfer up to 1 GB of images and movies using Telegram.

The tenth on the list is the Pinterest. You may save and find creative inspiration on the well-known social bookmarking site Pinterest for a wide range of themes, including food, DIY home projects, fashion, getaway concepts, interior design, business, and everything in between. This social media platform, which caters mostly to female readers, is commonly mentioned as a crucial step in the process of finding new products. Pinterest boasts of having the most dedicated female readership out of all social media platforms. Most of their users are in their twenties. Pinterest need to be your top focus if your target demographic is predominantly adult women or if your industry is lifestyle, fashion, home décor, or DIY.



Figure 1 Total Number of Active Social Media Users in Nigeria from 2017 to 2022<sup>53</sup>



<sup>53</sup>Statcounter. 'Social Media Stats Nigeria, (2021) *GlobalStats* available at <https://gs.statcounter.com/social-media-stats/all/nigeria> accessed 06 November 2022.

## CHAPTER III

### LITERATURE REVIEW

A thorough understanding of relevant studies is provided by the literature review, which also assisted in choosing the right aims, hypotheses, and technique to advance the subject at hand. A very important social and scientifically developments of the twenty-first century, social media have been labelled.

Social media is a type of online electronic communication. Social networking websites that were created to let people share their opinions and stay in touch with friends, foes, family, well-wishers, and other social groupings are known as social media. Social media users in Nigeria are officially put at 53.5% of the population, higher in 2012 than the national average for 2008, which was projected to be over 80% of those who live in the urban areas of Nigeria in 2016.<sup>54</sup> The daily learning environment has greatly benefited from the Internet and social networking sites.

A survey research approach to analyze undergraduates and secondary school teachers in the rural Igbo-Etiti Local Government Area of Enugu State for their paper titled "bridging rural-urban information gap for development: the social media imperative was employed.<sup>55</sup> The study population was 9700 people, with a respondent age range of 17 to 30 for students and 25 to 45 for teachers. Taro Yamani was used to select a sample size of 400 people.<sup>56</sup>

The research revealed that social media and communications services are available to rural Igbo-Etiti in Nigeria. The data also supported the notion that telecommunications networks frequently experience seizures. The results also showed that Igbo-Etiti rural residents in Nigeria use social media to promote their development, with Twitter and Facebook being the most popular.

There is a lot of literature on the difficulties and consequences of modifiable digital skills, such as new media, of which social media is also an aspect. The following is a review of some of the literatures: Because social media is primarily private and can set its own

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<sup>54</sup> Benard Anyanwu and EjemAgwu, 'Narcotising us through the Social Media in Nigeria' (2016) 3(1) IJMSD available at <http://eprints.lmu.edu.ng/3879/1/Narcotizing%20Dysfunttion%20of%20the%20Social%20Media%20in%20Nigeria.pdf> accessed 04 November 2022.

<sup>55</sup> Adaeze Nzewi, 'Nigerian Youths, Social Media Bill Regulation and the Gathering Storm: Where are the Library Services' (2021) 5(1) RJLIS 01-07 citing Odoh V., and Nnadiukwu MA., available at <https://www.sryahwpublications.com/research-journal-of-library-and-information-science/pdf/v5-i1/1.pdf>

<sup>56</sup> IFLA (2016) IFLA code of ethic for librarians and other information workers (full version). Retrieved from: <https://www.ifla.org/publications/node/11092>.

regulations, one of the difficulties in regulating it is that there is a conflict of interest and some of the businesses that hold social media platforms favour free speech, and have implemented various self-regulatory measures.<sup>57</sup> Similar to this, one of the difficulties in regulating social media is that it differs fundamentally from traditional media formats, making it more difficult to untangle the platforms.<sup>58</sup>

The ambiguity of terminology is one of many issues with social media regulation; it is feasible that government organizations tasked with enforcement could take advantage of the regulatory language's ambiguity to act in ways that might be viewed as restrictive<sup>59</sup>. The Nigerian social media laws present a major threat to free speech because they are ambiguous or relatively open to interpretation. Certain rules may be ambiguous and frequently not interpreted in its ordinary forms, leading to various sorts of misunderstanding.<sup>60</sup>

The main significance is where free speech and social media regulation intersect. Furthermore, some rules support free expression and specify that any restrictions on it must be both reasonable and justifiable. The line that must be drawn between free expression and interference with the public's right to enjoy it must be carefully drawn because one might easily cross over to the other.<sup>61</sup>

### **Human Rights in Nigeria**

The present constitution in Nigeria guarantees the protection of human rights. The American Human Rights Report notes numerous areas where more development is needed, abuses by Boko Haram, killings by government forces, a lack of social equality, and problems with freedom of speech.<sup>62</sup> While Nigeria has made significant improvements in human rights under this constitution, there are still a number of areas that need improvement. The World

<sup>57</sup> Brian Cummings, 'The Pros And Cons Of Regulating Social Media Influencing' (2018) *Entrepreneur Middle East* available at <https://www.entrepreneur.com/en-ac/marketing/the-pros-and-cons-of-regulating-social-media-influencing/311352> accessed 04 November 2022.

<sup>58</sup> Dipayan Ghosh, 'Are We Entering a New Era of Social Regulation?' (2021) HBR available at <https://hbr.org/2021/01/are-we-entering-a-new-era-of-social-media-regulation> accessed 04 November 2022.

<sup>59</sup> Bond Robert, 'Social Media: To Regulate or not to Regulate?' (2020) *Lexology* available at <https://www.lexology.com/library/detail.aspx?g=1518ccb4-e092-4017-ac57-1d3558d3c73b> accessed 06 November 2022

<sup>60</sup> Clyde Wayne Crews, 'The Case Against Social Media Content Regulation' (2020) CEI available at <https://cei.org/studies/the-case-against-social-media-content-regulation/> accessed 06 November 2022.

<sup>61</sup> Cara Zwibel, 'Regulating Social Media: Into the unknown' (2021) Canadian Civil Liberties Association available at <https://ccla.org/social-media-regulation/> accessed 06 November 2022.

<sup>62</sup> American Human Rights Reports, 'Nigeria 2012 Human Rights Report, (2012) available at <https://2009-2017.state.gov/documents/organization/204365.pdf> accessed 16 January 2023.

Report, Nigeria's human rights situation is still being harmed by Boko Haram's increased brutality, restrictions on LGBTIQ rights, and political corruption.<sup>63</sup>

There was new hope for freedom of expression among the public and the media when General Ibrahim Babangida took office in 1985 and repealed Decree NO. 4 of 1984, a law that made it unlawful to publish any material deemed excruciating or hostile to the safeties of the government. Political tolerance existed for a while under the Babangida dictatorship. This brief venture into human rights, however, ended when the administration started imprisoning its opponents and terminating those who did not support its beliefs and ideologies. More newspapers were shut down and more well-known groups were banned under this government than under any other in Nigeria's post-colonial history.

In Nigeria, the paparazzi were frequently the target of intimidation and fear mongering. Journalists were exposed to State Security Service "chats" that included threats and the potential for incarceration and Newspapers would frequently close their doors. A number of other publications were shut down by the federal government at various points with Nigeria being one of the most dangerous places for journalists.<sup>64</sup>

Despite improvements in some areas, critics contend that there is still need for growth in terms of press freedom. Assessment from Freedom House shows that Nigeria was only "partly free".<sup>65</sup>

Nigeria was ranked 115th out of 180 countries in the Reporter without Borders World Press.<sup>66</sup>

According to Reporters without Borders, the Nigerian government targeted measures to reduce civic space along with the killing, incarceration, and abuse of journalists as reasons for the rating. However, compared to 2021 report, Nigeria had a corruption score from Transparency International of 154/180, this position is higher.<sup>67</sup> According to the Reporters

<sup>63</sup> American Human Rights Reports, 'Nigeria 2015 Human Rights Report, (2015) available at <https://2009-2017.state.gov/documents/organization/204365.pdf> accessed 16 January 2023.

<sup>64</sup> Saher majid and Peter Cobus, 'Rights Groups Sound Alarm Over Waning Press Freedoms in Nigeria' (2020) VOA available at <https://www.voanews.com/a/press-freedom-rights-groups-sound-alarm-over-waning-press-freedoms-nigeria/6190070.html> accessed 16 January 2023.

<sup>65</sup> Freedom House, 'Countries and Territories (Nigeria)' (2023) available at <https://freedomhouse.org/countries/freedom-world/scores> accessed 16 January 2023.

<sup>66</sup> Edeh Samuel, 'Most Used Social Media In Nigeria' (2022) *bscholarly* available at <https://bscholarly.com/most-used-social-media-in-nigeria/> accessed 07 November 2022.

<sup>67</sup> Transparency International, 'Nigeria' (2021) available at <https://www.transparency.org/en/countries/nigeria> accessed 16 January 2023.

without Borders study, Africa's most populous nation enjoys real media plurality with more than 100 independent publications, but covering issues involving politics, terrorism, or financial corruption by the powerful is particularly problematic.<sup>68</sup>

On July 24, 2020, a UN representative pleaded with Nigerian authorities to free famed human rights advocate Mubarak Bala, who had been held for more than two months on blasphemy claims but had not been charged.<sup>69</sup>

United Nations human rights experts urged Nigerian authorities to free singer Yahaya Sharif-Aminu, who was convicted and given the death penalty for allegedly singing blasphemous lyrics, in late September 2020. The singer's home was allegedly set on fire on March 4 by a group of people, according to the U.N. Human Rights Special Procedures group.<sup>70</sup>

The Federal Government of Nigeria announced a ban on Twitter on June 4, 2021, after Twitter removed a tweet from President Muhammadu Buhari because it was abusive toward a particular tribe in the nation and had the potential to incite violence, both of which are against the platform's rules of engagement. This action can be considered as yet another violation of Nigerians' human rights and freedom of expression by a civilian government that made a commitment to uphold the constitution in its entirety and safeguard Nigerians' lives.

### ***Ogwuche v. Federal Republic of Nigeria***<sup>71</sup>

Festus A. O. Ogwuche is a lawyer, a broadcaster, and the owner of Crownfield Solicitors, a law firm that promotes democracy, good governance, and human rights. They also sponsor radio and television programs on these topics.<sup>72</sup> The Nigerian government sent a letter to the plaintiffs on May 30, 2014, titled "Additional Regulation for Live Political Broadcasts," explaining that due to some political live programs were divulgence to material that incited violence, was provocative or highly divisive and threatened the peace and unity of the nation,

<sup>68</sup> Reporters without Borders, 'Daily abuses suffered by Nigeria's journalists' (2012) RSF available at <https://rsf.org/en/daily-abuses-suffered-nigeria-s-journalists> accessed 16 January 2023.

<sup>69</sup> 'Human rights in Nigeria' *Wikipedia* (2022) available at [https://en.m.wikipedia.org/wiki/Human\\_rights\\_in\\_Nigeria](https://en.m.wikipedia.org/wiki/Human_rights_in_Nigeria) accessed 03 November 2022

<sup>70</sup> United Nations Human Rights, 'UN rights experts urge Nigeria to overturn death sentence for singer who shared song on Whatsapp' (2020) available at <https://www.ohchr.org/en/press-releases/2020/09/un-rights-experts-urge-nigeria-overturn-death-sentence-singer-who-shared> accessed 16 January 2023.

<sup>71</sup> [2018] ECW/CCJ/APP/09/15, ECW/CCJ/JUD/31/18

<sup>72</sup> *Ogwuche v. Federal Republic of Nigeria* [2018] Global Freedom of Expression available at <https://globalfreedomofexpression.columbia.edu/cases/ogwuche-v-federal-republic-of-nigeria/> accessed 03 November 2022.

the plaintiffs and all broadcasting houses must give the Commission 48 hours' notice before a political live program airs.<sup>73</sup>

Further threats from the Commission included "removal of the broadcast license, outright closure of broadcast outfits, direct censorship of all broadcast materials, and seizure of broadcast equipment of any organization that does not comply with the abovementioned letter's directions." The plaintiffs requested specific evidence of transmission program abuse that threatens the peace and unity of the nation from the Commission in response to the Government's attempts to put an end to their advocacy on radio, television, and social media; however, they did not receive a response.

On March 18, 2015, the plaintiffs filed a lawsuit with the ECOWAS Community Court of Justice. The National Broadcasting Commission was exercising omission as permitted by Nigerian law at the time the National Broadcasting Commission filed its preliminary objection, and the lawsuit was frivolous due to no human rights violations were committed, according to the Nigerian Government of Nigeria, which claimed that the court lacked jurisdiction. This objection was later overturned.<sup>74</sup>

### **Decision Overview**

The three-man panel, which included Asante J, Atoki, and Costa, was led by Asante. The Court's jurisdiction to decide this case and whether the plaintiffs' human rights to freedom of speech and expression have been violated are the two questions that need to be resolved.

The plaintiffs claimed that they filed the lawsuit to uphold their fundamental right to freedom of speech and expression and that the court has jurisdiction.<sup>75</sup>

The Court has authority to decide cases of violations of human rights that take place in any Member State. Individuals seeking redress for abuses of their human rights must submit applications in the following ways:

- I. Not remain anonymous; nor
- II. Be made whilst the same dispute is being heard by another international court.

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<sup>73</sup>Most used social media in Nigeria available at <https://bscholarly.com/most-used-social-media-in-nigeria/> accessed 07 November 2022

<sup>74</sup>'Government Can Lawfully Violate Human Rights: The Case of Twitter vs. Nigeria.' <<https://sabilaw.org/government-can-lawfully-violate-human-rights-the-case-of-twitter-vs-nigeria/>> accessed 22 December 2022.

<sup>75</sup>Ibid footnote 61.

The plaintiffs went on to claim that their right to free speech was violated by both the necessity to give the National Broadcasting Commission written notice 48 hours before a live political broadcast which will air and the eventual termination of the transmission of their media programs. Additionally, the plaintiffs based their argument on the ACHPR: <sup>76</sup>*All peoples shall be equal; they shall enjoy the same respect and have the same rights, according to another's rule over a people.*<sup>77</sup>

In asserting that their rights to free speech were violated, the plaintiffs claimed that they got a letter from the Nigerian government through the National Broadcasting Commission requiring that all political live programs be submitted to the Commission 48 hours before broadcast in order to prevent the transmission of polarizing, inciting, and hateful speech on the plaintiffs' program. However, the plaintiffs asked the defendant to provide evidence supporting their claims that the plaintiffs' program contained speeches that were divisive, provocative, and nasty. Instead of responding, the government proceeded to censor the plaintiffs' media outlets, violating their human rights to free speech.

According to the plaintiffs, the alleged infringement of their right to free speech was breached, which states:

- I. The right to information belongs to every person.
- II. Each person is entitled to the freedom to speak and propagate their thoughts within the bounds of the law.<sup>78</sup>

They also cited the International Covenant on Civil and Political Rights (ICCPR), which states:

Everyone has the right to freedom of opinion and expression, including the right to hold opinions without interference and the right to seek, receive, and transmit information and ideas through any media without regard to frontiers.<sup>79</sup>

The plaintiffs also cited the Universal Declaration of Human Rights (UDHR), which affirms the protection of freedom of expression in a similar manner. In light of this, the

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<sup>76</sup> Article 19 African (Banjul) Charter on Human and Peoples' Rights (1986) rev. 5, 21 I.L.M. 58. Available at [https://www.achpr.org/public/Document/file/English/banjul\\_charter.pdf](https://www.achpr.org/public/Document/file/English/banjul_charter.pdf) accessed 22 December 2022.

<sup>77</sup> Edwin Egede, 'Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria' (2007) citing African Charter on Human and Peoples' Rights, 51 *Journal of African Law* 249 <<https://api.semanticscholar.org/CorpusID:145433466#id-name=S2CID>> accessed 22 December 2022.

<sup>78</sup> Article 9 African (Banjul) Charter on Human and Peoples' Rights (1986) rev. 5, 21 I.L.M. 58. Available at [https://www.achpr.org/public/Document/file/English/banjul\\_charter.pdf](https://www.achpr.org/public/Document/file/English/banjul_charter.pdf) accessed 22 December 2022

<sup>79</sup> Article 19 (2) International Covenant on Civil and Political Rights [1966] General Assembly resolution 2200A (XXI)

plaintiffs asserted that any restriction on the freedom of expression or the right to hold unrestricted opinions in whatever medium is a breach of the right to freedom of expression for all people.

The Court stated that, in determining whether it has jurisdiction over the case, the "mere allegation of Human Rights violation as opposed to the veracity of the claim has been held by the court in decided cases, to be sufficient enough to trigger its jurisdiction to adjudicate on alleged violations of Human Rights provided for in the African Charter on Human Rights" It used an earlier re-establish this stance. At page 14 of the ruling in the case ECW/CCJ/APP/38/16 and ECW/CCJ/JUD/19/17, the court concluded that:

Indeed For this Court to exercise jurisdiction, an applicant only needs to allege human rights abuses. This is different from the concerns about the accuracy of the claim.<sup>80</sup>

In *Hissein Habre v. Republic of Senegal*, the court found that among the factors it should take into account when deciding whether it has jurisdiction is:

- If the matter before it pertains to a right that has been established for the benefit of people;
- Whether it results from the state in question's duty under international or local law to advance, uphold, protect, and guarantee human rights;
- Whether the alleged breach of that right actually exists.

The Court determined that the only circumstance in which a party cannot assert the Court's jurisdiction is where the matter has already been before another international court of competence. At Paragraphs 28 and 46 of its ruling in *El Haji Mame Abdou Gaye v. Republic of Senegal*<sup>81</sup> the court emphasized this view. In the end, the Court declared that it was satisfied that the immediate case's focus on a human rights violation was "sufficient to activate the Court's jurisdiction on the matter".

The Court did point out that while restrictions on freedom of expression are possible, they must adhere to predetermined standards. These conditions are stated in ICCPR Article 19 (3), which states that:

- For respecting the reputations or rights of others.
- For the defense of public health and morality, national security, public order, or both.

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<sup>80</sup> (n71).

<sup>81</sup> [2012] ECW/CCJ/JUD/01/12.



In the end, the Court ruled that it had jurisdiction to hear the case, which was founded on a purported human rights infringement. After determining that it had jurisdiction, the Court determined that the Nigerian government had breached the plaintiffs' right to free speech and granted the declarations they had requested in paragraphs 23, 24, 25, 27 and 28 of their original petition as well as in the ruling. The court also mandated the withdrawal of the May 30, 2014, letter from the Commission headed "Additional Regulation for Live Political Broadcasts" and enjoined the government from continuing to violate the plaintiffs' constitutional rights to freedom of expression.

### **Concluding Fact on the Case**

The Economic Community of West African States' Community Court of Justice ruled that the Nigerian government's new law against a human rights organization amounted to censorship and infringed their right to free expression. Due to some program broadcasting material that endangered the peace and unity of the nation, the National Broadcasting Commission established a regulation requiring Festus A. O. Ogwuche and all broadcasting houses to have any proposed live programming reviewed by the Commission 48 hours before airing.

The Court looked at national and international human rights laws before concluding that the Nigerian government had not proven that Ogwuche's media programs posed a serious enough threat to warrant the restriction and that it was therefore an undue burden.<sup>82</sup> As a result, the Court mandated that the Regulation be revoked.

### **Media Regulation in Nigeria**

The mass media are organizations that utilize copying knowledge to convey evidence to the general public.<sup>83</sup> This implies that specific institutions, groups, or organizations are in charge of creating and/or disseminating media messages to the general public. In this sense, journalists, reporters, and other media experts are involved in the news reporting business and make it possible and simple for the government and other authorities to watch over, censor, regulate, and even directly or indirectly regulate the mass media. Before the invention of social media, this was the case.

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<sup>82</sup> See also *Media Right Agenda and Others v. Nigeria* [2000] Comm. No. 224/98 (2000) available at <https://globalfreedomofexpression.columbia.edu/cases/media-rights-agenda-and-others-v-nigeria/> accessed 24 December 2022.

<sup>83</sup> Niklas Luhmann, 'The Reality of the Mass Media' (2000) SUP available at [https://monoskop.org/images/6/6c/Luhmann\\_Niklas\\_The\\_Reality\\_of\\_the\\_Mass\\_Media.pdf](https://monoskop.org/images/6/6c/Luhmann_Niklas_The_Reality_of_the_Mass_Media.pdf) accessed 16 January 2023.

Regulation is broadly defined as imposition of rules by government, backed by the use of penalties that are intended specifically to modify the economic behavior of individuals and firms in the private sector.<sup>84</sup>

In a representative democracy, laws may be passed by legislative action, presidential decree, or religious prescription. In order to ensure that the media (both electronic and print) control in accordance with a set standard, norm, or custom, the government or other relevant bodies are involved in media regulation. In Western Europe, the history of media regulation dates back to the 15th century. The advent of the printing press was hailed at the time since it eliminated the laborious chore of manually duplicating religious or government manuscript texts.<sup>85</sup>

The establishment of a tight licensing system, however, where persons had to be given advance consent by the state to publish, and defaulters were thought to be treacherous and harshly punished, was the result of the dread of dissent by printers and authors. From the 16th through the 19th centuries, rigid rules that restricted the freedom of information and expression were gradually relaxed as a result of the worldwide struggle for human rights across Europe and North America. A new level of control was introduced in the 1920s with the advent of public radio broadcasts, telegraphs, and telephones. Every country's government or other organizations regulate its media in a variety of ways. The National Broadcasting Commission is the body in Nigeria in charge of overseeing electronic media.

By dispensation requests for the possession of television and radio stations, distributing broadcasting licenses, enforcing a uniform broadcasting code to assure professionalism, and fining defaulters, it was primarily established on August 24, 1992, in accordance to Decree 38. The Nigerian Press Council (NPC), one of the main regulatory bodies for the press, investigates complaints against the press, especially print media, and keeps an eye on their operations to make sure the ethical code of conduct is being followed. On the other side, the Nigerian Communications Commission (NCC) concentrates on services linked to telecommunications. The Commission has the authority to enforce rules regarding spectrum allocation, authorizations, assignments, and licenses, as well as telecommunications-related offenses and the enforcement of fees, charges, or fines.

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<sup>84</sup> 'Regulation' available at < <https://stats.oecd.org/glossary/detail.asp?ID=3295> > accessed 16 January 2023.

<sup>85</sup> Onyekachi Umah, 'Does The President/Governors Have Powers To Lockdown Any Part Of Nigeria Or Restrict Human Rights?' (2020) LearnNigerianLaws available at <<https://sabilaw.org/does-the-president-governors-have-powers-to-lockdown-any-part-of-nigeria-or-restrict-human-rights-daily-law-tips-tip-537-by-onyekachi-umah-esq-llm-aciabuk/>> accessed 10 November 2022.

In Western Europe, the bygone of media regulation dates back to the 15th century. The advent of the lithography press was hailed at the time since it eliminated the laborious chore of manually duplicating religious or government manuscript texts. The establishment of a tight licensing system, however, where persons had to be given advance consent by the state to publish, and defaulters were thought to be treacherous and harshly punished, was the result of the dread of dissent by printers and authors. From the 16th through the 19th centuries, rigid rules that restricted the freedom of information and expression were gradually relaxed as a result of the worldwide struggle for human rights across Europe and North America.

Any discussion of media regulation, whether it be in traditional or social media, is interesting because it must always take into account the potential for controllers to violate fundamental human rights, such the freedom of expression and speech. Freedom of information is a fundamental human right and the cornerstone of all freedoms to which the organization is dedicated.<sup>86</sup>

“Everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and the freedom to seek, receive, and share information and ideas through any media, without regard to frontiers”.

“Everyone shall have the right to acquire information and to express and disseminate opinions within the framework of the law”.<sup>87</sup>

Every person in Nigeria has the right to freedom of expression, including the freedom to have opinions and to obtain and spread ideas and information without hindrance, according to the Constitution of the Federal Republic of Nigeria.<sup>88</sup>

Discussions about the potential for human rights violations when enforcing social media laws are not limited to Nigeria; they occur in many democratic countries across the world. An analyst makes the case that in order for social media to be regulated, states must reflect this in their laws and policies in order to guarantee that people's online rights, notably their freedom of expression and access to information, are preserved.

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<sup>86</sup> RES 59(1) United Nations General Assembly (1946) available at [www.wordlii.org/int/other/UNGA/1946/87.pdf](http://www.wordlii.org/int/other/UNGA/1946/87.pdf) accessed 11 November 2022

<sup>87</sup> Article 9 of the African Charter on Human and People's Rights (1986) available at [https://www.achpr.org/public/Document/file/English/banjul\\_charter.pdf](https://www.achpr.org/public/Document/file/English/banjul_charter.pdf) accessed 16 January 2023.

<sup>88</sup> CFRN (n15).

This means that the government shouldn't impose general prohibitions or require internet media outlets to register. Second, there should be a clear and precise legal basis for blocking media outlets' content. This means that all acts that are considered to be "hate speech," "terrorist tendencies," and immoderation must be specifically defined in law, and such content blocking must only be approved by an impartial, independent court with the necessary procedural safeguards. If the blocking degree is accompanied by details regarding the reason(s) for the blocking, this will be very effective. Thirdly, there should be a justification for restricting internet content.

When content restriction mechanisms adhere to generally accepted international standards, this can be confirmed. States should not be allowed to censor materials that are of public interest or that express an opinion contrary to that of the government or a particular religion. In order to avoid restricting the right to free expression, technology to be employed for such regulation should be carefully considered. By safeguarding that such orders are the least restraining options available and that the list of prohibited websites is properly publicized, courts, tribunals, and other regulatory bodies charged with the accountability of dispensing content blocking orders must also take the risks of "over-blocking" into consideration.

### **The 2019 Social Media Bill<sup>89</sup> and the Constitution of Nigeria<sup>90</sup>**

To mitigate the effects of such transmissions in Nigeria, the law seeks to restrict the transmission of misleading assertions or fraudulent declarations of facts. Suppressing the funding, promotion, and endorsement of anything that is thought to be untrue would be one approach to do this. Inauthentic coordinated behaviour, including the abuse of online accounts, will be detected, controlled, and safeguarded against, and offenders will face consequences. In Nigeria, there is no specific court decision on hate speech and the problem will be multiplied if such a case comes to the court because there is no specific legislation on hate speech and as such recourse will be made to the constitution in respect<sup>91</sup>

The bill also outlines what conduct should be punished as making a false statement of fact under the law. This includes being detrimental to Nigeria's security, public health, public

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<sup>89</sup> The Protection from Internet Falsehood and Manipulation Bill (2019) The Guardian Nigeria available at <https://guardian.ng/wp-content/uploads/2019/11/Protection-from-Internet-Falsehood-and-Manipulation-Bill-2019.pdf> accessed on 10 November 2022.

<sup>90</sup> CFRN (n15).

<sup>91</sup> Ogisi U. M., 'Social Media and the Rights of the Individual: the Nigerian Perspective' (2017) 3 ULJ 12 available at <file:///C:/Users/USER/Downloads/1193-1819-1-PB.pdf>> accessed 17 January 2023.

safety, public peace, and public finances. Other ways one might be held accountable include sending messages that could affect an election's outcome or incite animosity, hostility, or ill-will between various people.

Those who send statements that are damaging to Nigeria's good relations with foreign nations or have the potential to erode public faith in the effectiveness of the government may also be found to be in violation of the law. The bill stipulates that a defaulter shall be punished by conviction for an offence and shall be accountable. An individual who violates this law faces up to 3 years in prison, a N300, 000 fine, or both. If not, there would be a 10 million naira fine.

The provision of services for the dissemination of false claims of fact in Nigeria is another issue that is particularly addressed by the bill. It aims to address the issue of the press and, more lately, owners and workers of online news media outlets including social media pages, YouTube channels, websites, blogs, and other social network platforms commercializing news and information. The bill is seen as targeting the mass media in general, whose duty is to hold the Government accountable. Targeting these institutions/individuals means access to information could be either controlled/doctored by the government at best or simply non-existent at worst<sup>92</sup>

The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people<sup>93</sup>

The law stated that anyone who accepts or decides to accept a financial or material remuneration for creating transmission service(s) while knowing that the service(s) is or will be used in the transmission of false statements in Nigeria is guilty of the crime and subject to a fine of N150, 000 or three years in prison, or both, depending on the circumstances. Otherwise, a fine of N500, 000 would be assessed.

With the hashtag #SayNoToSocialMediaBill, Nigerian activists are speaking out against a bill that would restrict online behaviour; the Senate had a second reading of the Protection against Internet Falsehood and Manipulation Bill before moving it to a subsequent reading. A protest gathering against the law has been organized by activists at the National Assembly.

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<sup>92</sup> Emmanuel Paul (n3).

<sup>93</sup> s 22 Constitution of the Federal Republic of Nigeria (as amended) 1999.

Social media posts that are "likely to be harmful to national security" and "those which may weaken public confidence" in the Nigerian government are prohibited by the law. It suggests that certain offenses be punished by a fine, a three-year prison sentence, or both. The measure aims to give law enforcement organizations the ability to issue orders to internet service providers to shut down internet connection. The second paragraph of the Nigerian Constitution is in itself like an oath and an obligation for the Federal Government to uphold which goes contrary to the provisions of the supposed Bill meant to stifle free speech. It States:

AND TO PROVIDE for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people.<sup>94</sup>

The bill's proponents argue that it is vital for security, peace, and unity; however it seems to contain ambiguous criminal offenses that would enable the government to prosecute peaceful criticism of the ruling party. This would be against international law, which defends free speech. Social media, which has roughly 32.9 million users in Nigeria, is an essential medium for influencing public conversation.<sup>95</sup>

The proposed bill further gave power to the Law enforcement agency (Police) to arrest those found guilty of spreading false information or hate-speech online and this is disastrous to the citizens of Nigeria because it is widely known that the agency (Police) have a tendency to violate people's rights.<sup>96</sup>

After similar public outcry, a bill to control social media was initially debated in 2015 but did not become legislation. However, the Cybercrimes law, which criminalized a variety of online activities, was passed in the same year. A troubling trend toward the suppression of freedom of expression in Nigeria is suggested by a number of further recent raids, arrests, and detentions of journalists and activists, as well as the closing down of media sites.

On November 12, the Nigerian Senate revived a hate speech measure that would have made the death sentence a potential punishment for hate speech, which is another unsettling development. Later, the bill's death penalty clause was dropped in response to strong public outcry. Due to its inherent cruelty, Human Rights Watch condemns the death sentence in all

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<sup>94</sup> CFRN (n15).

<sup>95</sup> Doris Dokua Sasu, 'Number of active social media users in Nigeria 2017-2022' (2022) available at <https://www.statista.com/statistics/1176096/number-of-social-media-users-nigeria/> accessed 16 January 2023.

<sup>96</sup> The Endsars peaceful protest being a critical example amongst other police brutality happening in Nigeria.

situations. An issue arising out of the proposed Bill is the fact it over-criminalized many wrongful online actions and it is seen as a way to shut individuals up online in expressing themselves

The constitution of Nigeria preserves the freedom of expression and stipulates that any limitations on this right must be justified in a democratic society, exactly like international and African human rights legislation. Legislators in Nigeria must protect everyone's right to peacefully criticize the government without concern about reprisals, censorship, or legal repercussions.

### **Understanding the Implication of Regulating Social Media in Nigeria**

Social media regulation has been a topic of discussion for some time.<sup>97</sup> Governments all across the world discovered that their citizens' right to freedom of expression was being carelessly and recklessly treated as a result of evident abuses of the platform, including the dissemination of false information, the use of obscene language, and even bullying and stalking. Bond also mentions that governments are worried about a rise in hate speech, fake news, and other activities that pose a threat to many different nations. This has prompted calls for social media regulation. Legislators throughout the world are actively trying to either punish offenders who violate people's right to free speech on social media or compel social media corporations to self-regulate, as is well known.

Precautions are also used in the management of user identities across platforms by technology businesses because social media businesses provide tools that permit users to maintain anonymity from the beginning; this is perceived as a challenging or intimidating endeavour. People are proven to be moving away from the requirement for self-restraint when using social media platforms, though, so they will need to adjust to change if abuse concerns are seen. We need a multi-layered identity verification system that links each social media user's accounts and eliminates the potential for people to stay anonymous if there is a virtual environment where free expression is truly unrestricted.<sup>98</sup>

Because of this, technology firms and governments can hold people accountable for posting things that provoke or are directed at particular people or groups of people. Any limitations, if any, must be created while still respecting the constitutional right to free speech.

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<sup>97</sup> Bond Robert (n 58).

<sup>98</sup>Tony Raval, Regulating social media companies' (2019) *Forbes* available at <https://www.forbes.com/sites/forbestechcouncil/2019/06/10/regulating-social-media-companies/?sh=7414c4f962b9>. Accessed 10 November 2022

To put it another way, those who create legislation governing social media should make sure that the fundamental right to free expression is never compromised. This is consistent with the European Parliament's stance that social media regulation efforts need to be intensified, but censorship needs to be avoided and free speech needs to be maintained.

The fact that traditional and new media are utilizing digital innovation in the digital age is a major cause for concern. As a result, traditional media outlets increasingly have specialized social media handles to meet the news needs of their audience. Youthful media consumers are increasingly using internet platforms, such as mobile applications, to access news. Any platform regulation is therefore a two-edged sword.<sup>99</sup> It impacts press freedom while also infringing on the rights of those whose basic right to free expression is being violated. It is a challenging time and task to take into account all media control, whether through social media regulation or not, as advocates for press and media freedom seek for comprehensive legal change. In any case, if new rules have an impact on how social media platforms are used by traditional media, overregulation could also result.<sup>100</sup>

When all else fails, self-regulation continues to be the best course of action. This implies that those in charge of running well-known social media platforms like Facebook, Instagram, and Twitter, as well as the individuals and businesses that manage those platforms, should be held responsible for self-regulation. According to reports, in response to calls for industry-led regulation, often known as "self-regulation," Facebook and Twitter have made measures toward self-regulation. Ghosh who is the reporter claims that Facebook, YouTube, and Twitter are taking action to remove tweets, videos, postings, and comments that encourage any kind of violence or conspiracy theories. Although these removals appear to be effective, others still perceive them as an attack on free expression.<sup>101</sup> Two measures intended to control social media are raising abuse concerns in Nigeria. For instance, the Nigerian Writers Association for Human Rights (HURIWA) is concerned that the country's Minister of Information has obstructed freedom of expression by going undercover while posing as a threat to national interests

Oranii another reporter cited his HURIWA to make the case that numerous proposals are restricting speech by pointing out that the nation has already passed legislation like the

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<sup>99</sup> Rodney Thompson, What trends will change broadcasting? IBM. (2020).

<https://www.ibm.com/weather/industries/broadcast-media/trends-that-will-change-broadcasting> accessed 12 November 2022

<sup>100</sup> Ibid.

<sup>101</sup> Ghosh (n57).



Cybercrime Prevention Act, which governs social media. I question whether the struggle against freedom is a waste of the little resources we have.<sup>102</sup>

In Nigeria, journalists and media professionals have been arrested, kidnapped, arbitrarily detained, and disappeared, according to a report by Amnesty International, according to verified cases seen by OSSAP-SDG. As a result, adding new regulations to control social media restricts the freedom of expression that Nigeria vowed to uphold as part of SDG-16.

Governments might manage social media without restricting personal freedoms if they attempted to concentrate on the causes rather than the symptoms.

In order to solve concerns like ad monetization, profiling, algorithms, verification, and bot mechanisms, regulations that focus on structural aspects must be implemented first.<sup>103</sup> Khan, however, discovered a fundamental issue that allows social media technology businesses introduce specific features throughout the platform's development stage, fully eliminating international supervision rules. So, if any kind of control is possible, it should start when new or changed software or applications are made for users of social media sites. This can be accomplished by eliminating all functionality, including self-regulatory functionality that promotes misuse.

Additionally, individuals will always publish content that is judged unlawful, risky, or harmful, and that both these individuals and social media platforms should be held responsible for their deeds. So there is no need for open censorship that would interfere with our right to free speech. You must be prepared for identification and verification, as was already explained. If rules are adopted that "require users to validate their identities before allowing them to communicate on online social media platforms," according to Ravel, regulators can create a safer online environment.<sup>104</sup>

News, information, ideas, and everything else move without boundaries or restrictions in today's social media. Social media has been an unrestricted tool for the general public, but it has also been used to spread information when traditional avenues have been ineffective. During the Arab Spring, a protester in North Africa utilized Facebook to share information

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<sup>102</sup> Segun Olaniyi, 'Social Media Regulation Will Free Speech, HURIWA warns' (2019)*Guardian* available at <https://guardian.ng/news/social-media-regulation-will-kill-free-speech-huriwa-warns/>> accessed 12 November 2022.

<sup>103</sup> Israr Khan 'how can States Effectively Regulate social media platforms? Oxford Business Law. (2021) available at <https://www.law.ox.ac.uk/business-law-blog/blog/2021/01/how-can-states-effectively-regulate-social-media-platforms> accessed 12 November 2022

<sup>104</sup> Tony Raval (n91).

with the world. A young man in Nigeria documented and told the story of his 2020 protest against police violence and poor administration on Twitter.<sup>105</sup>

Additionally, they used its ability to mobilize masses for rallies, and when they were shot, they made governments aware that the world was watching them. The government is concerned about the media. The Access Now and #KeepItOn group claimed in 2021 that there were 182 internet blockages in 34 nations. This ought to be limited, according to governments all across the world.<sup>106</sup> But human rights organizations and members of civil society worry that this is merely the government trying to control social media. However, such strength also makes it a platform for false information

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<sup>105</sup> Israr Khan (n96).

<sup>106</sup> (n5).

## CHAPTER IV

### FINDINGS AND DISCUSSION

Regulating social media is one of the biggest issues facing contemporary Nigeria. It was gotten that Nigeria had 109 million internet users as of the January 2022.<sup>107</sup> There is no denying that the internet has made a significant contribution to the country's progress across all fronts and as such there are numerous ways that was gotten as a result of studies and researches that will give profitable ideals why social media shouldn't be regulated in democratic country like Nigeria.

#### **Social Media Regulation in Nigeria and Human Rights**

Social media regulation legislation is not particularly new in Nigeria. In reality, proposals to regulate the platforms have been raised ever since the 2015 general elections in Nigeria, which tested the powers of digital media platforms. The Anti-Social Media Bill, also known as the Frivolous Petitions Bill, was proposed in the Nigerian Senate in 2015 and even made it to second reading before being eventually abandoned as a result of recommendations, according to a research.<sup>108</sup> Nigerians were concerned that the proposal was an effort to suppress free expression while it was being debated.<sup>109</sup>

The measure sought to govern social media platforms and short message services, but many of its features were deemed insulting by the public, who rejected the bill.<sup>110</sup>

On social media, people may express their rage about contemporary topics that concern to them. Additionally, social media may be a useful arena or advantageous platform for people to report egregious misconduct or corruption. The legislative arm of the Nigerian government advocated scrapping the bill in line with the Congressional Hearing on Judicial, Human Rights, and Legal Matters' recommendations, which were supported by the argument that important areas of the legislation already addressed the concerns the bill presented.

Nigeria's executive branch of government, represented by the Minister of Information, advocated for the regulation of Facebook, Twitter, and Instagram following the EndSARS

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<sup>107</sup> Statista, 'Number of internet users in Nigeria 2017-2022' (2022) SRD available at <https://www.statista.com/statistics/117608/number-of-internet-users-nigeria/> accessed 16 January 2023.

<sup>108</sup> Nkem Osuigwe (n25).

<sup>109</sup> Nonso Attah (n16).

<sup>110</sup> Timileyin Omilana, 'Nigerian government to regulate social media' (2019) *The Guardian* available at <https://guardian.ng/news/nigerian-government-to-regulate-social-media/> accessed 11 November 2022.

movement.<sup>111</sup>The updated Protection against Internet Falsehoods and Manipulation and Other Related Matters Measure appeared and passed second reading, the stage of the parliamentary process that permits a measure to become law, just a few weeks after the minister's request.<sup>112</sup> However, the legislation first addressed it in 2019, thus that wasn't the first time the proposal was made and debated. The policy is also known as the "Social Media Bill," Following the law's second and third readings in the Nigerian National Assembly, the president is given a clean copy of the legislation to sign.<sup>113</sup>

The increased digital activity on multiple platforms has led to a rise in calls for social media regulation. The contents of the bill deal with a number of safety, security, and associated issues. In part, the measure criminalizes false claims that are published electronically, whether on social media or other platforms. According to the Bill, it is also illegal and punishable by Nigerian law if such transmitted statements have a negative effect on Nigeria's security, public health, public finances, public security, or Nigeria's relations with other countries, influence an election's outcome by endorsing a candidate, or incite hatred or hostility toward a specific person.

Protection against Errors and Manipulation on the Internet and Other Related Matters, an NGO, claims that the 2019 bill addresses issues including misrepresentation through social media sites like Facebook, Twitter, and Instagram, among other things. Additionally, it includes disseminating lies by SMS and MMS. It demands that anybody found guilty of disseminating misleading material on social media be criminally prosecuted and given appropriate punishments. The NCC may even be instructed to order service providers to impose access restrictions on websites that publish false information. The law also gives the police and other law enforcement agencies the power to order the removal of online content that endangers the general welfare.

In accordance with the proposed legislation, a single offender would face a sentence of 300,000 Naira or three years in prison, while a group of people or an organization would face

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<sup>111</sup> Felix Onuah and Libby George, 'Nigeria considers social media regulation in wake of deadly shooting' (2020)

*Reuters* available at

<https://www.reuters.com/article/us-nigeria-socialmedia-regulation-idUSKBN27D14M> accessed 12 November 2022.

<sup>112</sup> Nwachukwu Egbunike, 'Nigeria's social media bill will obliterate online freedom of expression' (2020)

*GlobalVoices* available at

<https://advoc.globalvoices.org/2019/11/29/nigerias-social-media-bill-will-obliterate-online-freedom-of-expression/> accessed 12 November 2022.

<sup>113</sup> (n3).

a sentence of up to 10 million Naira. It also stated that the same sanctions apply if an individual or group broadcasts or amplifies them via phony or unauthorized social media accounts.

The Independent National Commission's Anti-Hate Speech Bill aims to do the same by making what the Commission refers to as "hate speech" illegal. Any harsh or derogatory language, images, or texts that could stir up racial hatred are prohibited by the proposed rule. Hanging is the appropriate punishment for the offender, especially if their acts resulted in another person's death. The Independent National Commission for Ethnic Discrimination, Hate Speech, All Forms of Ethnicity-Based Harassment, Ethnic or Racial Mistreatment, Victimization Discrimination, and Prohibition, will be the name of the legislation. It includes topics like committee creation.<sup>114</sup>

Amnesty International has actively reached out to bill supporters on the one side, while academics and Nigerians have also expressed their displeasure with the measure.<sup>115</sup> Hate speech legislation concentrated on harassment based on ethnicity but neglected to take into account other widely acknowledged forms of discrimination and harassment, such as gender, religion, and disabilities. In other words, topics like harassment based on a person's religious views, harassment based on a handicap or disfigurement, and harassment based on gender are all considered to be universally acceptable or recognized grounds for harassment.<sup>116</sup>

The Bill is seen by so many Nigerian citizens as a means to infringe on their Rights as well as a means for Government to control matters related to them. The Bill does not protect and it is not in line with the stipulations provided for by the Nigerian Constitution, the UDHR, The ACHPR and the Human Rights Acts on the rights of freedom of expression and speech.

### **Challenges of Regulating Social Media in a Democracy**

This same proposed law itself is the Republic of Nigeria's first significant barrier to social media regulation. It may advocate for or inspire acts of violence that seriously harm the populace or the country's current state of peace between its many ethnic groups. However,

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<sup>114</sup> Sandra Eke, 'Nigeria: A Review of the Hate Speech Bill' (2020) Mondaq available at <https://www.mondaq.com/nigeria/human-rights/880810/a-review-of-the-hate-speech-bill> accessed 14 November 2022.

<sup>115</sup> See at Sahara Reporters, 'Bill on Hate Speech Repressive, Dangerous – Amnesty International' (2019) available at <http://saharareporters.com/2019/12/04/bill-hate-speech-repressive-dangerous-amnesty-international> accessed 14 November 2022.

<sup>116</sup> Charles Omole, 'Analysing the proposed hate speech' (2019) *Proshare*, available at <https://www.proshareng.com/news/Analysing-The-Proposed-Hate-Speech---Charles-Omole/48170> accessed 15 November 2022.

other people are concerned, stating that the bill's contents may be unclear. There are consequently some issues.

Hate speech: What is it? Who is qualified to define hate speech? There doesn't seem to be a consensus on what constitutes hate speech at all. Nigeria's anti-social media bill is poorly defines hate speech; there is a distinction between provocative speech and hate speech, with the latter falling under the umbrella of free speech, which is regarded as one of the foundational principles of democracy. There could be several interpretations of what is meant by 'news' because words have diverse connotations for different people, freedom of expression may be jeopardized whenever human communication is the goal.<sup>117</sup>

The nature of the internet presents a significant obstacle to social media regulation. For authorities, the lack of territorial restrictions presents a significant challenge. There might be virtual operations in virtual environments because of the Internet's lack of physical boundaries. The intricacy of the internet has produced a "thorny challenge" for government organizations tasked with regulating platforms, this emanates from territorial principle of Law; as individuals can access content created and hosted from all over the world, and it is not possible to tell where it has come from or where it is hosted.<sup>118</sup>

Territorial control of social media platforms and virtual settings is the second difficulty. Digital media, as already said, gives a perspective on international media, making regulation somewhat more difficult than was initially thought or anticipated.

The above bolsters the claim that the global freedom social media has granted the media has decreased the likelihood of regulatory success. One of the tools of international law that governments might use to exercise jurisdiction is the territorial concept.<sup>119</sup> Therefore, when activities are performed outside of a State's legal jurisdiction, prosecution is challenging territorial issues. It may be difficult (if not impossible) to bring charges against US residents who post about Nigeria on social media in their home nation or country of origin. Regardless of whether the remark or comment incites anyone, this still holds true.

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<sup>117</sup> Jidefor Adibe, 'Should the Law be used to curb hate speech in Nigeria?' (2018) *BROOKINGS* available at <https://www.brookings.edu/blog/africa-in-focus/2018/10/02/should-the-law-be-used-to-curb-hate-speech-in-nigeria/> accessed 16 November 2022.

<sup>118</sup> Sara Solmone, 'Regulate social media? It's a bit more complicated than that' (2018) *The Conversation* available at <https://theconversation.com/regulate-social-media-its-a-bit-more-complicated-than-that-103797> accessed on 17 November 2022.

<sup>119</sup> Ibid.

The absence of a global agreement on platform regulation presents a problem for nations interested in monitoring social media. At this stage, the risk is that people using social media may abuse the anonymity it offers and capitalize on its popularity to make unpleasant remarks directed at citizens of other nations. These people can be challenging to find. It is significant to remember that the situation is still challenging even though numerous organizations, nations, and people are pressuring technology corporations to implement regulatory procedures. For illustration, the former President of the United States of America, Donald Trump, just had his account suspended and permanently barred from Twitter.

It follows that the fact that such actions infringe on people's rights and the like makes it difficult to regulate social media platforms. Additionally, different nations approach social media regulation from various perspectives, so even if it's legal in one, you might not necessarily be fortunate to have the same status in another.

The nature, type, and authority in charge of regulating have been identified as another significant problem by social media regulation. For instance, Mark Zuckerberg, the CEO of Facebook, has been described as calling for openness in social media monitoring and arguing that the real debate is not whether tech companies or other platforms should be regulated, but rather how they are controlled. Whether regulation should be unilateral or subject to stricter regulations from organizations other than IT corporations is a topic of intense dispute.<sup>120</sup> However, no international organization has stepped up to assume control over the platform as of yet.<sup>121</sup>

Another major challenge in regulating social media in Nigeria emanating from the proposed Bill is the heavy punishments stipulated by it, especially the punishment of 'death'. In a country like Nigeria where Government agencies (such as the Nigerian police force and the Nigerian Army) that are empowered with the obligation to protect the citizens are the ones who hurt and kill the citizens, how will regulating Social media with such harsh punishments be if it is passed into Law? Who is to say what constitutes as misinformation especially where it is seen as exposing the actions and inactions of the Government? A true life example of this is the ENDSARS movement, where a lot of youths that tried to speak up

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<sup>120</sup> Aja Romano, 'Don't ask whether Facebook can be regulated. Ask which Facebook to regulate' (2018) *Vox*. Available at <https://www.vox.com/technology/2018/4/12/17224096/regulating-facebook-problems> accessed 18 November 2022

<sup>121</sup> Carys Afoko, 'Mark Zuckerberg is right to call for government regulation. But social media users and firms also have to police the web' (2019) *The Guardian* available at <https://www.theguardian.com/commentisfree/2019/apr/01/government-regulate-facebook-mark-zuckerberg-social-media> accessed 18 November 2022.

physically an online were made to shut up; with a live globally broadcasted video of the terrible mass shooting by the Nigerian Army on unarmed peaceful protesters.<sup>122</sup>

Regulating social media is tricky and that is challenges as there are already regulations on social media platforms, further establishing the Bill is seen as no longer curbing misinformation and hate speech but rather infringing on the right of freedom of Expression.<sup>123</sup>

### **Why Social Media Shouldn't Be Regulated in a Democracy**

The mass media, such as magazines, TV, radio, and the Internet, serve as significant information sources all over the globe and that contemporary civilization would be incomprehensible without them. The media performs two key roles in democracies. On the one hand, it serves as a watchdog (vertical function) that continuously informs people about politically significant facts. By offering a venue that represents the diversity of contemporary society, horizontal serves a purpose. As a result, the media contribute significantly to the democratic environment and create the groundwork for ongoing democratic development in contemporary communities around the globe. Once more, social media gives people a forum to hold governments responsible and influence policy.<sup>124</sup> Accordingly, the consequences covered below concentrate on how the suggested legislation will impact both journalists and users of the site as a whole.

The following point gives the clear point why social media shouldn't be regulated:<sup>125</sup>

1. Oso who is a media analyst in Nigeria makes the contentious claim that the media are the voices and watchdogs of the people and that the progress of democracy depends on regulation to offer thorough control over information. He notes that there is widespread consensus that character and growth are intertwined. Such societies' mass communication systems are what ultimately lead to democracy. Over-regulation can seriously hamper the ability of the media to serve society in a democracy. Another media analyst Paul claims that while new legislation to

<sup>122</sup> Another example is the current happenings in Iran and Afghanistan (2022)

<sup>123</sup> Human Rights Act 1998, article 10. available at <https://www.equalityhumanrights.com/en/human-rights-act> accessed 20 November 2022.

<sup>124</sup> Lisa Müller, 'The impact of the mass media on the quality of democracy within a state remains a much overlooked area of study' (2014) *The London School of Economics and Political Science* available at <https://blogs.lse.ac.uk/eurocrisispress/2014/12/10/the-impact-of-the-mass-media-on-the-quality-of-democracy-within-a-state-remains-a-much-overlooked-area-of-study/> accessed 21 November 2022.

<sup>125</sup> Tsegyu Santas and Inobemhe, 'Social media regulation in a democratic nigeria: challenges and implication' citing Oso and Egbunike (n106).



control social media may appear to be a good idea, it might be challenging because every platform user who uses it may be in violation of the proposed legislation's rules. Paul adds that in addition to journalists, bloggers, radio and television broadcasters, online and offline print media, on-air personalities, website hosts, and social media influencers, the Internet is among the individuals or entities that this new law directly affects. YouTube Channels, Internet Service Providers (ISPs), etc. Because of its integrity, information is simple for governments to control, making it likely too simple or potential for misuse by government officials.

2. Freedom of expression is undermined by social media regulation - Because they interfere with free speech, social media regulation measures have been called disgusting. To put it another way, the bill aims to silence dissent. The elimination of freedom in 2020 is one of the consequences of this bill; the measure (based on a cursory reading) purports to strive to stop the propagation of lies, fake news, and obvious misinformation on online platforms, its true goal appears to be the abolition of freedom of speech and freedom of criticism in any form. As was previously noted, social media platforms give citizens a chance to interact with their government more, and some people utilize the medium to constructively or broadly criticize the administration.<sup>126</sup>
3. Governments may be encouraged by regulations to address dissent since social media legislation in Nigeria gives the executive branch and its agents legal cover to do so. Social media regulation has encountered resistance across the African continent, as seen by the South African Development Community's regional initiatives as well as calls for social media control from Nigerian governors and government officials.<sup>127</sup>It asserts to be founded on the idea that laws are passed or pressured through to stifle criticism and keep doors shut permanently. The bill is viewed as being ambiguous and open to abuse and given the definition of the term in Nigeria, any criticism of the government might be construed as hate speech because Nigeria has poor levels of trust, tolerance, and maturity.<sup>128</sup>

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<sup>126</sup> Nwachukwu Ebunike (n106).

<sup>127</sup> Tafi Mhaka, 'How social media regulations are silencing dissent in Africa (2020) Aljazeera available at <https://www.aljazeera.com/opinions/2020/11/12/how-social-media-regulations-are-silencing-dissent-in-africa> accessed 26 December 2022.

<sup>128</sup> Sunday Otji, 'Nigeria's harsh hate speech and social media bills are making ordinary citizens nervous – and this is why' (2019) Independent available at <https://www.independent.co.uk/voices/nigeria-hate-speech-death-penalty-muhammadu-buhari-media-a9238781.html> accessed 26 December 2022.

4. Social media reveals human rights abuses/ violations and it acts as a watch dog through the individuals operating it because information is circulated and most of this information is explicit due to the severity of the issue. Regulating social media will restrict aides of various human rights organizations, Government and Independent Individual bodies of abuses happening worldwide because information is not passed. There are so many examples of how social media has aided in this and in calling out Government agencies that are involved in these human rights violations like the George Floyd case,<sup>129</sup> the ENDSARS operation, the current situation in Iran<sup>130</sup> and the Afghanistan Taliban takeover.

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<sup>129</sup> *State of Minnesota v. Derek Michael Chauvin* [2021] 27 CR 20 12646 available at [https://en.m.wikipedia.org/wiki/Trial\\_of\\_Derek\\_Chauvin](https://en.m.wikipedia.org/wiki/Trial_of_Derek_Chauvin) accessed 26 December 2022.

<sup>130</sup> 'The Current Situation in Iran; A USIP Fact Sheet' (2022) USIP available at <https://www.usip.org/publications/2022/10/current-situation-in-iran> accessed 26 December 2022.

## CHAPTER V

### Conclusions and Recommendation

#### Conclusion

Social media and new media has changed the ways information moves around the world, there has been a recent notice that social media sites provide communication ways for the media to reach people in modern culture. The 21<sup>st</sup> Century have made it that, every county in the world participates in several social media platform with the recognized platforms like Facebook, Whatsapp, YouTube, Instagram and Twitter, the dissemination of information was made faster through these means.

While the benefits of social media are enormous, the negativity and challenges is not left out. Scholars will argue that while there is a positive, there will be a negative. The negative aspects of these platforms lead the Nigerian Government to establish a bill targeting false information and hate speech in a bid to regulate Social media.

Uproars arose across the Nation emerged from both individuals and organizations in support of the Bill and those not in support; majorly centring on the fact that regulating social media was an infringement on the right to freedom of expression.

In this thesis, the difficulties and results of social media regulation in democratic country like Nigeria were examined. If individuals do not have access to the right to free expression in a government, it is regarded as a failing of the democratic ethics. One method that all citizens may participate in the political process in a democracy is through free speech. We cannot possibly claim the existence of a democratic society whenever and wherever free speech is suppressed through any methods, legal or illegal, as this is one of the traits of authoritarian regimes.

Regulating social media will cause a lot in the country; it should be just to the government advantage. Citizens of every country also has right of freedom of expression and that shouldn't be taken away from them, as such regulating social media cause harm and that won't be of benefit for both the country and citizens.

Although the social media regulation Bill isn't specifically directed at the media, it will have a severe effect on the ability of the media to fulfil its traditional role as the public's go-to source for information and communication in the twenty-first century and as a watch-dog to the government. Such regulatory efforts may be considered as a violation of democratic principles.

The study concludes that the proposed regulation of social media is becoming a harder task because it implies the marginalization of freedom of speech and expression, and such actions may prevent the advancement of liberal values, of which freedom of speech and expression is the most important and should be taken into consideration to its fullest extent.

### **Recommendation**

1. The social media platforms can be used by the Government to fight human rights abuses/violations by investigating and researching on matters addressed on these platforms, as it is a means for most individuals to advocate for public aid.
2. Government can enlighten and sensitize individuals in the society on the appropriate use of social media including the laws protecting their rights to freedom of expression and well as the exception to those laws, while enlightening them on their moral obligations to one another; Government ought to respect internet norms like freedom of expression and privacy in line with international doctrines on human rights when attempting to regulate social media.
3. Social media companies and professionals should be informed and educated on their rights and responsibilities and are required to establish member identity verification for users before registering on their platforms; both the media companies/professionals and the registered users should be held responsible for harmful information that is spread by them.
4. Social media companies should create an impartial monitoring team that would act as watch dogs to these platforms. What is construed as right and just in free speech by one person may be seen as offensive to another.
5. The government should work on giving a clear meaning and distinction to words that are ambiguous and vague such as “false information” and hate speech”. They have to be interpreted narrowly, defined and clear by the law.

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**APPENDIX**  
**Turnitin Similarity Report**