

The State of
Freedom
in Nigeria

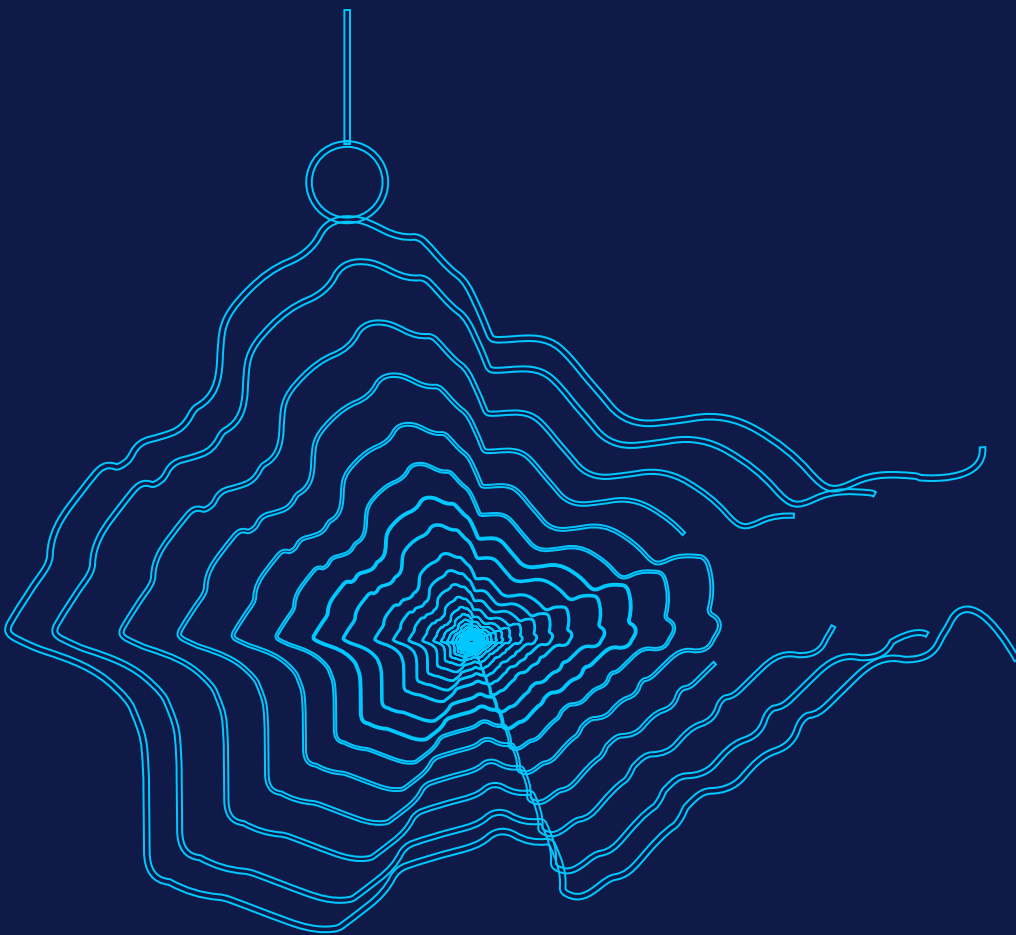




Table of Contents

Introduction	02
Methodology	04
Key Findings	06
Survey Reflections	10
Recommendations	13
References	14
Appendixes	15



Introduction

Recent events across Nigeria including attacks by security forces against protesters, the ban on Twitter – a vital social media platform for political discourse– and attacks on government critics, provide an indication that civil rights and democratic freedoms in the country are in decline. However, there is a shortage of data that provides a true picture of citizens’ interaction with these issues.

The arrests that followed the #EndSARS protests, and the killing of protesters at the Lekki Tollgate in Lagos on October 20, 2020, by security forces raised concerns about freedom of expression in Nigeria. Amnesty International reported that at least 12 people were killed during the protests, an outcome that might suggest that citizens are not allowed open observation of their basic freedoms.

Prior to the events of October 2020, arbitrary arrests of journalists and disappearances were reported including that of Abubakar Idris Dadiyata, a government critic and member of the opposition of the current government, and Mubarak Bala who has been sentenced to 24 years in prison by a state high court in Kano, for religious blasphemy. Censorship of broadcast media through the Nigerian Broadcasting Commission (NBC) code exists. Proposed amendments to the Nigerian Press Council (NPC) Act and National Broadcasting Commission (NBC) Act are new threats to press freedom and freedom of information with controversial areas set out to target the press and media with punitive measures for independent journalists and media houses that violate the National Press Code.

Understanding that citizens’ experiences and perceptions of human rights and basic freedoms are critical in the pursuit of participatory governance and democratic consolidation in Nigeria

prompted Anvarie Tech and ResearcherNG to conduct this research, providing baseline data to ascertain these issues in three categories: Freedom of Expression, Political Participation, Rule of Law and Corruption (functioning of government).

Data was collected via surveys and focus group interviews. The respondents for the survey were asked a total of eight questions on the freedom of citizens to criticize the government, organize political groups, elect political leaders, and partake in protests and demonstrations. Additionally, the survey asked questions about the strength of the legislature and judicial system, the effectiveness of government institutions that tackle corruption, and the freedom of the media to report critically about government institutions and officials. The interview took a deeper dive into the same structure of questions from the survey with a total of sixteen (16) questions on what their personal experiences and thoughts were about the freedom of citizens and journalists to criticize the government, protest experiences, accountability of the government, and the strength of the three arms of government which is reflected verbatim.

This report briefly discusses the perceptions Nigerians have about freedom of expression, political participation, and trust in democratic norms and institutions. It also doubles as a policy brief to guide decision-makers towards adopting and effecting policies that protect human rights and democratic freedoms in Nigeria. Furthermore, it will serve as a baseline report and resource tool for civil society organizations and activist groups advocating for the protection of the civic space and respect for free expression including the repeal of policies, laws, and practices that punish free expression or endanger human rights.



Methodology

The study was conducted as an online poll to assess respondents' perceptions about freedom of expression, political participation, and the level of trust and faith in democratic norms and institutions. We also conducted focus group interviews to get insights into the perceptions expressed.

Respondents were asked a total of eight questions about the freedom of citizens to criticize the government, organize political groups, elect political leaders, and partake in protests and demonstrations. Additionally, the survey asked questions about the strength of the legislature and judicial system, the effectiveness of government institutions that tackle corruption, and the freedom of the media to report critically about government institutions and officials. To answer these questions, respondents were presented with options to either completely agree to the question asked, mostly agree, completely disagree, or mostly disagree.

The Survey was administered to **1861 respondents** through simple random sampling, between *November 15 and December 10, 2021*. In choosing a methodology for this survey, a key consideration was representation; ensuring that all six geopolitical zones in the country were included in the process.

The majority of respondents were between the ages of **16 - 24 (57.1%)**, and **25-34 (33.8%)**. There were more **men (57.8%)** than **women (42.2%)** who participated in this study. Respondents were drawn from all regions of the country with the most responses coming from the **South West (30.7%)**, **South South (13.6%)**, **South East (6.4%)**, **North West (16.5%)**, **North East (3.6%)**, and **North Central (29.2%)**.

See appendixes on pg. 15



Key Findings

The following findings are based on overall data obtained through the survey. Respondents were asked a total of eight questions around the freedom of citizens to criticize the government, organize political groups, elect political leaders, and partake in protests and demonstrations. Additionally, the survey asked questions around the strength of the legislature and judicial system, the effectiveness of government institutions that tackle corruption, and the freedom of the media to report critically about government institutions and officials. To answer these questions, respondents were presented with options to either completely agree to the question asked, mostly agree, completely disagree, or mostly disagree.

Freedom of Expression

I. Negative and positive perceptions of freedom of speech are nearly equally expressed:

The survey indicates that perceptions of freedom of speech and the negative implications of exercising freedom of speech are balanced. ' **50.4%** of respondents **agree** that citizens are free to criticize the government without fear, while **49.6%** **disagree** with this statement.



I believe that is what democracy stands for. The ability to be able to call out those we elected into office and tell them if they've done stuff that is not in accordance with why we put them into office. But if we are not able to do that, then democracy has failed.

II. Despite the ban on protests, citizens remain favorable to rights to freedom of assembly:

Major cities in Nigeria, including Lagos and Abuja, following the #EndSARS Protests in October 2020, banned all forms of “street demonstrations, protests, and processions”. However, **59%** of respondents **agree** that citizens have the freedom to participate in demonstrations, while **41%** of the respondents who participated in the survey **disagree**.

III. Mixed perception of press freedom among citizens:

In the 2020 World Press Freedom Index, Nigeria is ranked 120th of 180 countries, compared to Niger, Haiti, Mongolia, Malawi, and Sierra Leone. However, citizens' perception of the ability of the media to report critically about government institutions and officials without fear indicates that **51.4%** of respondents **agree** that the media can report critically about government institutions and officials without fear, while **48.6%** of respondents **disagree**.



I think journalists ought to even lead the fight because they have first-hand information most times on what is going on. They ought to be at the forefront and should be part of the protests too. If we had gotten as much support from journalists back then when we had the peaceful protest against the injustice. It probably would have been better for it.

Political Participation and Elections

I. Freedom of political organizing and freedom of association:

Section 40 of the Constitution of the Federal Republic of Nigeria 1999 provides as follows, ‘every person shall be entitled to assembly freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any association for the protection of his interests. A majority of respondents, **69.3%**, **agree** that Nigerian citizens are free to organize political groups, while about **30.7%** of respondents **disagree**.

II. Citizens retain trust in the election management body and electoral process:

The survey sought to establish whether or not respondents were confident in the electoral process. **60.2%** **agree** that citizens can choose government leaders in free and fair elections, while **39.8%** **disagree**. The decline in trust for the government that was witnessed immediately after the 2007 general election in Nigeria, led voters and indeed the majority of Nigerians to demand electoral reform. The Nigerian government in agreement with the call for reform set up the Uwais electoral reform committee. The committee assignments among others were to recommend policies that will enhance trust in government.

Rule of Law and Corruption

I. Access to justice remains partial and subjective:

Citizen perceptions on access to justice indicate a lack of trust in the judicial system as **71.2%** of respondents **disagree** that the Judicial system is fair and treats everyone equally while only **28.8%** **agree** that the judicial system is fair. Access to justice must be seen as impartial and objective by guaranteeing that individuals and groups will have access to justice in the country and consequently enhance the protection of rights enshrined in the Constitution.



I don't think they are following due process. Because if you look at it critically... In the grand scheme of things, is there actually a due process in Nigeria? Like where is there a due process? And that is because, even as the constitution stated the three-level administration, there is no due process involved. For Instance, if there was due process involved between these three arms of government, there would be no reason why the EFCC or DSS invaded the house of the highest-ranking judge of the supreme court.

II. Lack of accountability between arms of government:

In response to whether or not the legislature holds the government accountable, a majority of the respondents **56.8% disagree** while **43.2%** of respondents **agree**. The principle of separation of powers and checks and balances is a theoretical framework meant to help and ensure that leaders and operators of various institutions of government do not allow their selfish interests to override public interest and the common good. In theory, the 1999 constitution recognized and made provisions for the smooth relationship between the executive and judiciary by prescribing their functions based on the principle of separation of powers and checks and balances.



The legislature ensures that some of the things that we are advocating for are really just sleeping on their duties so yeah, there are a lot of issues and I think it is becoming clearer and better as most of us are actively involved and calling out these elected individuals to do better.

III. Debating the independence and effectiveness of government institutions that tackle corruption:

At **65.2%**, a majority of of respondents **disagree** that government institutions established to tackle corruption are independent and effective while **34.8% agree** that government institutions are independent and effective.



No they are not. We know that they are stealing state resources and funds. It is glaring. They do not even hide it. Politicians do not have any other jobs except being in office and you see them owing stuff that obviously cannot be accounted for with the salary they earn or whatever it is they get so we obviously know that they are taking other steps other than those earning salaries. They are not accountable. There is so much evidence.



Quoted notes are taken verbatim from focus group interviews where citizens were asked the same questions.



Survey Reflections

Nigerians are constitutionally free to engage in discussions on politics and other topics. Freedom of expression is a fundamental right that is universally recognised and guaranteed under Section 39 (1) of the 1999 Constitution of Nigeria. However, rights groups have frequently criticized the government for prohibiting or dispersing protests that are critical of authorities, as seen in recent events like the peaceful EndSARS protests where protesters were attacked by security forces. In addition, the government was criticized for restricting the freedom of digital expression of Nigerians when it banned Twitter, a key social media platform for political discourse, in June 2021.

The findings of this survey inspire reflection on human rights and basic citizens' freedom in Nigeria. Are the rights of citizens protected? Can journalists and other media personnel carry out critical investigative work without fear? The majority of respondents agreed that citizens have the freedom to criticize the government without fear, partake in protests and demonstrations, organize political groups, and take part in free and fair elections. When it comes to press freedom, respondents agreed in near equal parts that the

media was both free and unfree to report critically about government institutions and officials without fear.

The ban on Twitter heightened public scrutiny, and it calls for attention to the 2019 Independent National Commission for the Prohibition of Hate Speech Bill and the Protection from Internet Falsehood and Manipulation Bill (also referred to as the Social Media Bill). The sponsors of the bill claim that the Social Media Bill aims at curbing the spread of falsehood and fake news in Nigeria, with the Hate Speech Bill seeking to promote national cohesion and integration by outlawing unfair discrimination, hate speeches, and the establishment of an Independent National Commission for the prohibition of hate speeches and connected matters. Both Bills have been condemned by advocacy and human rights groups, like Amnesty International, for their ambiguity and potential use as tools for political control.

Groups working around Digital rights like the Paradigm Initiative have also criticized the government for its failure to approve the Digital Rights and Freedom Bill which serves as a buffer between

protecting the rights of citizens and curbing the spread of false information. The Digital Rights and Freedom Bill was passed by the National Assembly in 2018 and seeks to “protect internet users in Nigeria from infringement of their fundamental freedoms and to guarantee the application of human rights for users of digital platforms and Digital media.” However, the Nigerian president, Muhamadu Buhari, declined to sign the bill, stating that it covered too many technical subjects and did not address them extensively.

Human rights, which include the freedom of expression, are considered one key requirement in a democratic state. When bills clearly aimed at protecting citizens’ rights are not passed into law, it calls the state of a country’s democracy into question. Though freedom of the press is constitutionally guaranteed, journalists and other media personnel have either been harassed or arrested for reporting critically on political leaders or sensitive subjects like the military.

Everyone in Nigeria is protected by law to freely hold their own opinions and share such opinions through different platforms. The Nigerian Constitution in Section 39 extends the right to include the right “to own, establish and operate any medium for the sharing of information, ideas and opinion”. The government has the responsibility to protect freedom of expression, which includes the following instances:

1. The right to free speech and to express your opinion:

including speeches at protests that criticize the government, speech, art, music, and other forms of creative communication.

2. The right to online expression:

Access to the internet and the freedom to share opinions on social media like Facebook, WhatsApp, and Twitter without illegal restrictions.

3. The right to freedom of the press:

Journalists and media outfits have the right to receive and share information through television, radio, newspapers, blogs, and websites.

4. The right to seek, receive and share information:

Every person has the right to request certain classes of information in the custody of the government and to share such information with others without any form of intimidation.

4. Limitations on media outlets:

The Nigerian constitution in sections 39 (2 & 3) requires the licensing and authorization requirements from the president before owning and operating a radio or television station.

7. Limitations on everyone:

The Nigerian constitution in sections 39(3) and 45 allows for the restriction of the right to freedom of expression: for preventing the disclosure of information received in confidence; for maintaining the authority and independence of the courts; as a result of occupying a certain office in the government; for belonging to the military, police or any other security agencies; in the interest of security, public safety, public order, public morality, and public health and to protect the rights and freedom of other people. However, these limitations/restrictions are not automatic, and as such must meet the three-part test of legality, legitimacy, and necessity/proportionality.

From the survey findings, a majority of respondents agreed that the judicial system is unfair, the legislature does not hold the government accountable, and government institutions that tackle corruption are not independent and effective. These responses, considered alongside Nigeria’s poor ranking (121) on The World Justice Project Rule of Law Index, indicate concern for the state of Nigeria’s judicial system and the effectiveness of its legislature.

When it comes to corruption, Nigeria scores among the poorest on the Corruption Perceptions Index (CPI), which ranks countries around the world, based on how corrupt their public sectors are perceived to be. In 2021, over 100 wealthy and influential Nigerians were exposed in the Pandora Papers for using anonymous companies to buy properties with a total worth of £350 million in the United Kingdom. This follows previous reports, like the Panama Papers, that highlight the grave state of corruption and accountability in Nigeria. Scoring a CPI of 24 is indicative that Nigeria has serious corruption problems that require critical attention.



Recommendations

- **Strengthen Legal and Regulatory Frameworks to Support Freedom of Speech and Expression:**

Against the backdrop of a growing trend of nation-states adopting blocking measures of online platforms (like the suspension of Twitter in Nigeria), there is a need to strengthen legal and regulatory frameworks to support freedom of speech and expression in accordance with the international human rights framework. The National Assembly should domesticate the Digital Rights and Freedom Bill and other regulations concerning the freedom of speech and expression. This should be done in conformity with international standards on freedom of expression and freedom of the media. These laws should promote cooperative exchange between citizens and the state, aimed at the protection of free, open, and interoperable civic and online spaces.

- **Implementation of the Administration of Criminal Justice Act (ACJA):** The passage into law of the Administration of Criminal Justice Act 2015 was a major breakthrough in the criminal justice regime in Nigeria. The provisions of the Act reveal that there is a conscious effort to reduce delays in the criminal process and to ensure the rights of the defendants. The Act goes a long way to put in place progressive measures which if properly

implemented will greatly enhance the criminal justice system, however, certain loopholes in the provisions of the Act such as the failure of ACJA to make specific provisions relating to women and children as found in some International instruments, failure to make provision for the Criminal Procedure Law to be applicable in courts that are not federal courts having repealed and merged Criminal Procedure Act and Code. The effective implementation of the ACJA will increase citizen trust in the judicial system.

- **Independent Oversight, Increased Cooperation, and Allocations to Fight Corruption and Entrench Rule of Law:**

Inter- and intra-agency cooperation is improving among anti-corruption agencies but remains inadequate. Increased cooperation can help ensure that progress is made in the fight against corruption and towards entrenching the rule of law. In addition, budgets and staffing limitations also hurt the effectiveness of Nigeria's anti-corruption agencies. Nigeria's anti-corruption agencies suffer from a deficit of skilled, apolitical, independent oversight. They function more effectively when led by non-partisan practitioners. These steps are important for increasing the independence and effectiveness of government anti-corruption agencies.

References

Democracy Index 2021: the China challenge https://www.eiu.com/n/campaigns/democracy-index-2021/#mktoForm_anchor

Another Christmas And New Year Without Dadiyata; Still, Where Is Dadiyata? By Oyewole Michael <https://saharareporters.com/2022/02/12/another-christmas-and-new-year-without-dadiyata-still-where-dadiyata-oyewole-michael>

Mubarak Bala <https://www.uscirf.gov/religious-prisoners-conscience/mubarak-bala>

Undeterred by public outcry, Nigerian govt wants its media censorship to include 'all online media' <https://www.premiumtimesng.com/news/headlines/468219-undeterred-by-public-outcry-nigerian-govt-wants-its-media-censorship-to-include-all-online-media.html>

Freedom in the World 2021: <https://freedomhouse.org/country/nigeria/freedom-world/2021>

Twice as Many People Live in Repressed Countries Compared to a Year Ago: <https://monitor.civics.org/PeoplePowerUnderAttack2019/>

Reporters Without Borders Ranking <https://rsf.org/en/ranking>

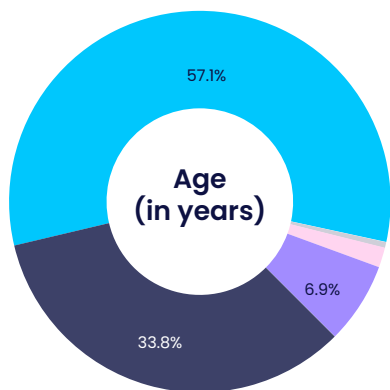
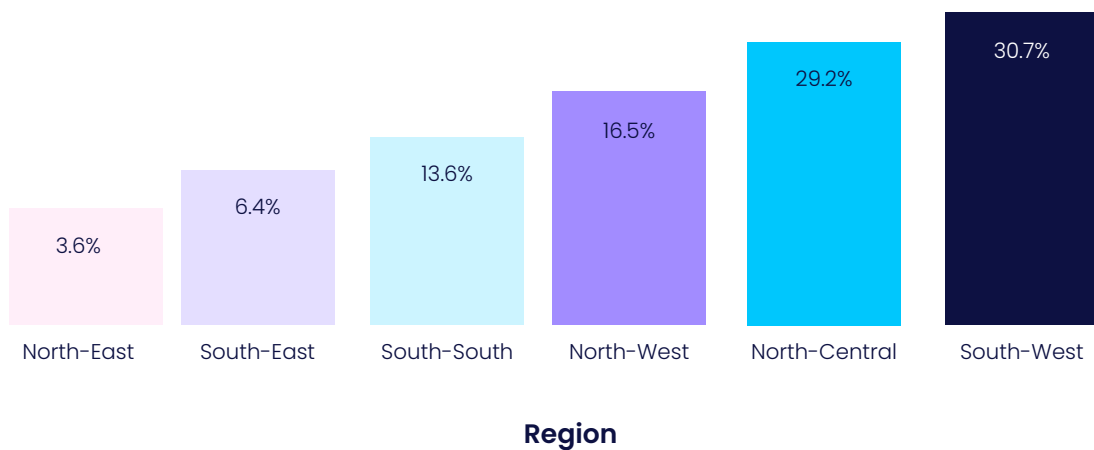
Protecting Civic Spaces: A Pocket Guidebook on Civil and Political Rights in Nigeria - <https://nigeria.action4justice.org>

Protecting Civic Spaces: A Pocket Guidebook on Civil and Political Rights in Nigeria - <https://nigeria.action4justice.org>

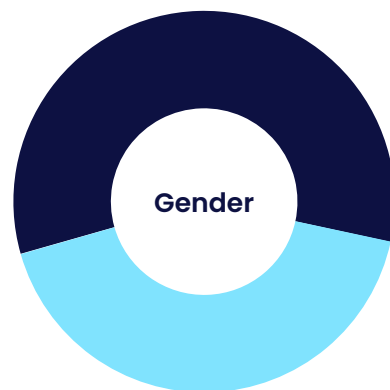
Five Controversial Aspects Of Nigerian Press Council Amendment Act <https://dailytrust.com/five-controversial-aspects-of-nigerian-press-council-amendment-act>

Appendixes

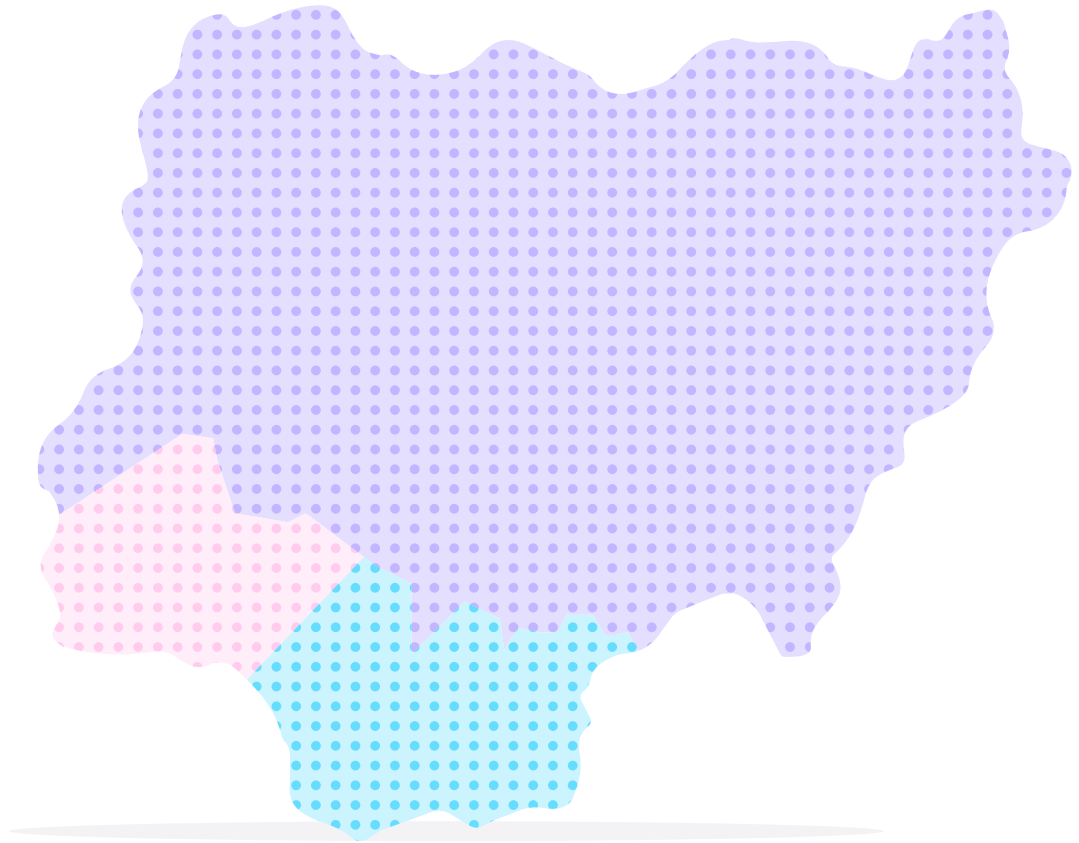
Socio-Demographics of Respondents to Survey



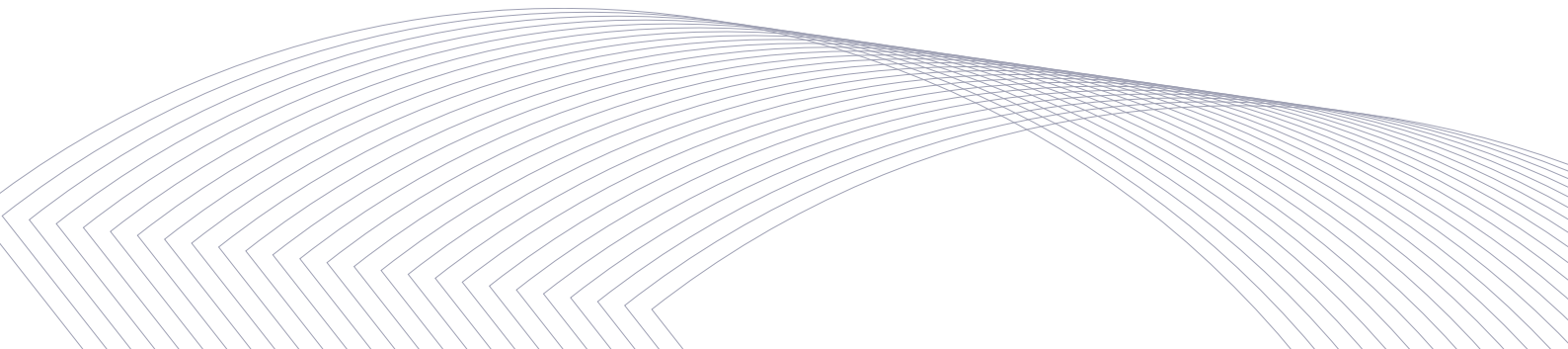
- 16 - 24
- 25 - 34
- 35 - 44
- 45 - 64
- 64 and above



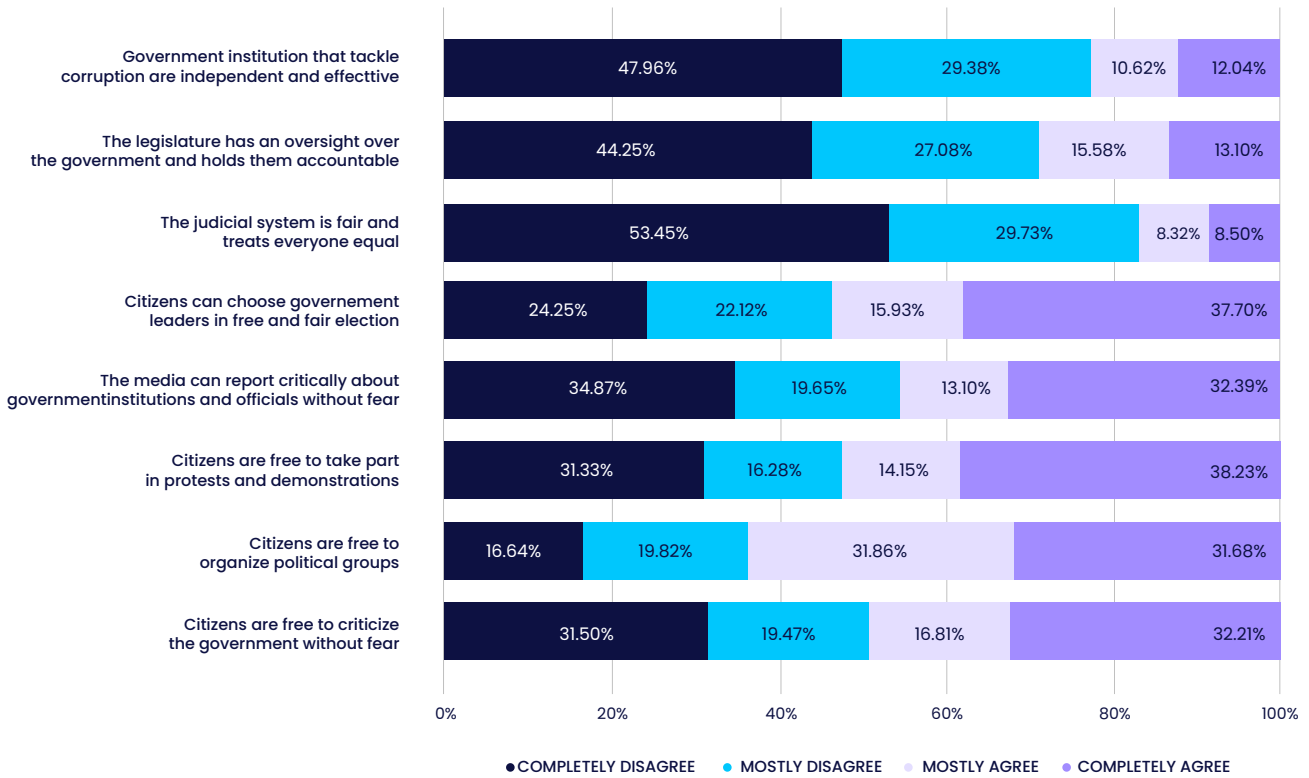
- male
- Female



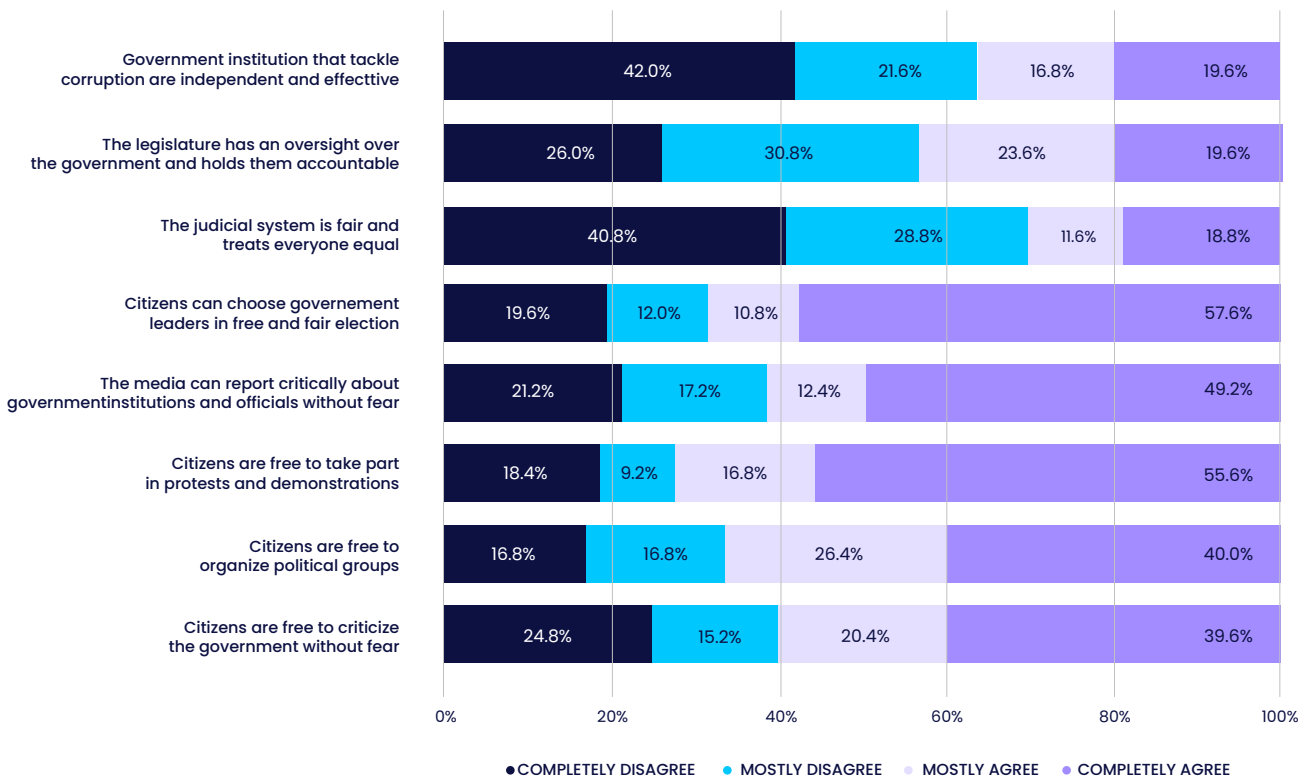
Disaggregated Responses by Region



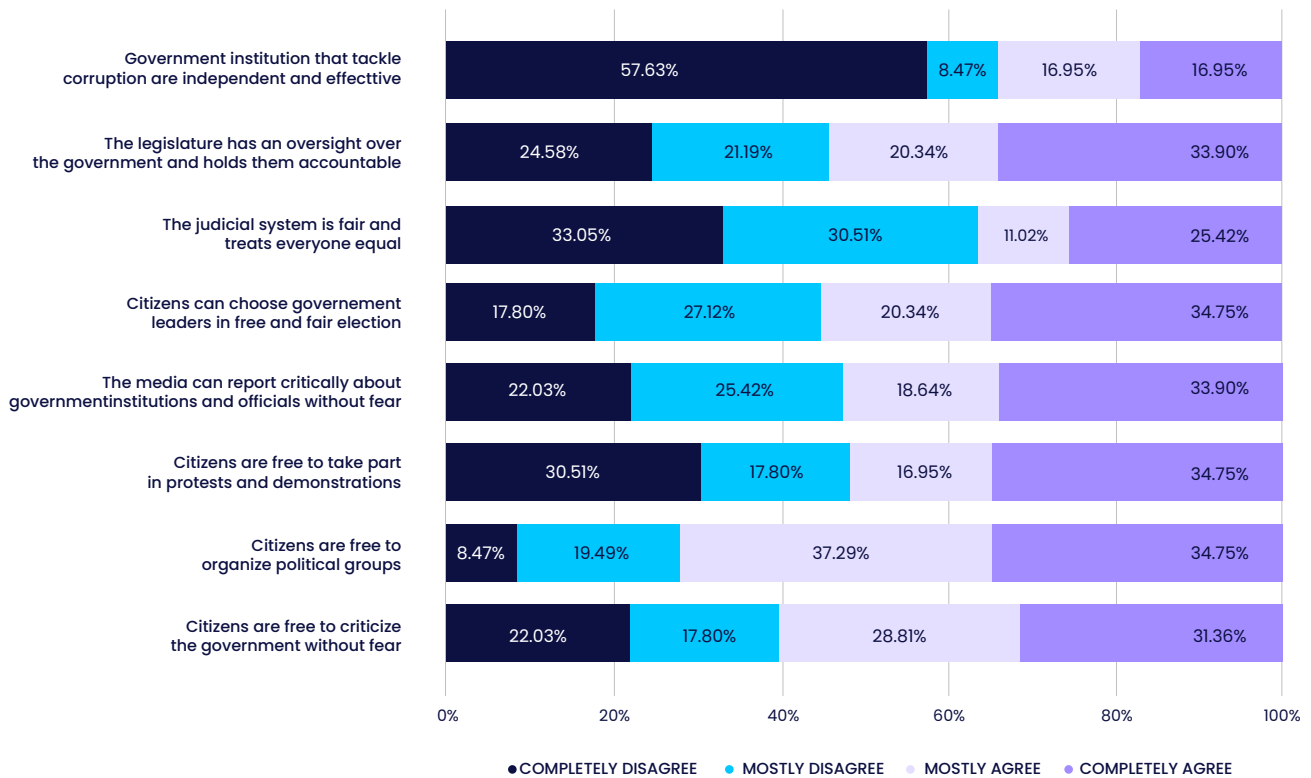
Citizens Perception on the State of Freedom in Nigeria in the South West



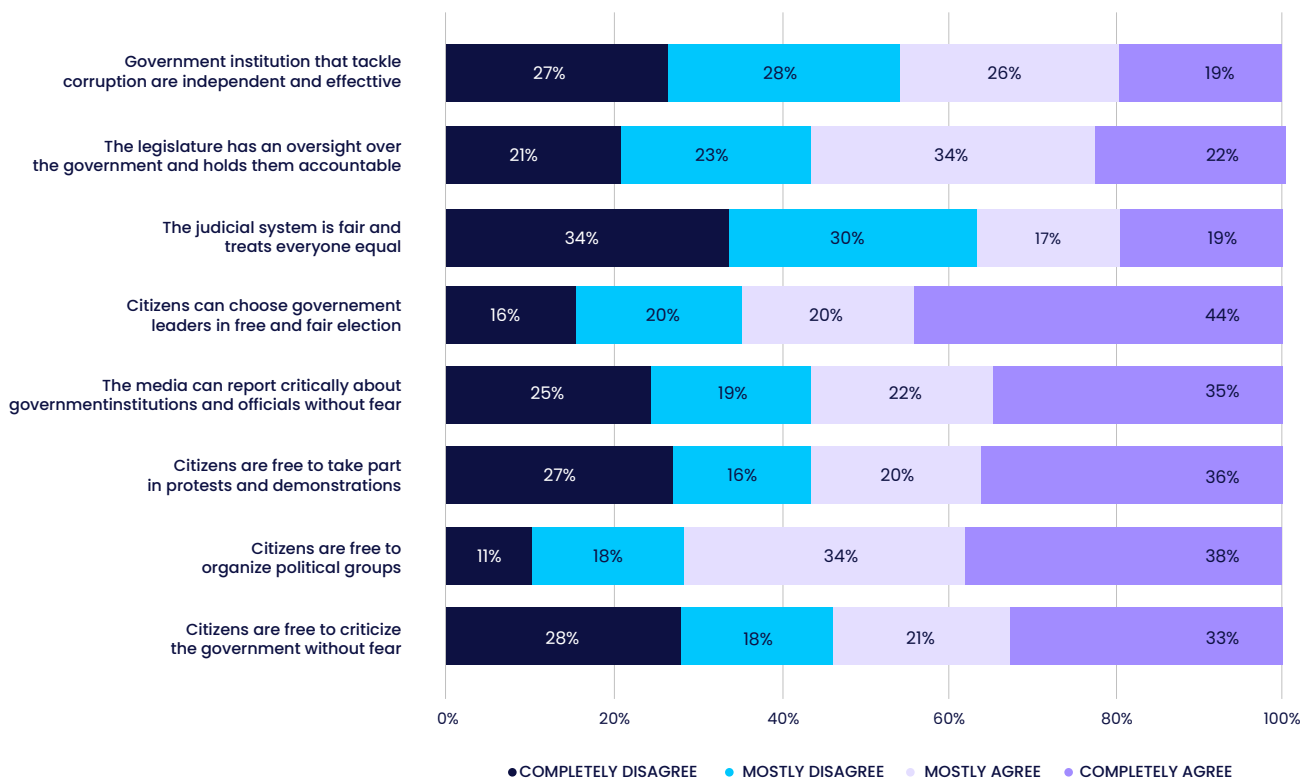
Citizens Perception on the State of Freedom in Nigeria in the South South



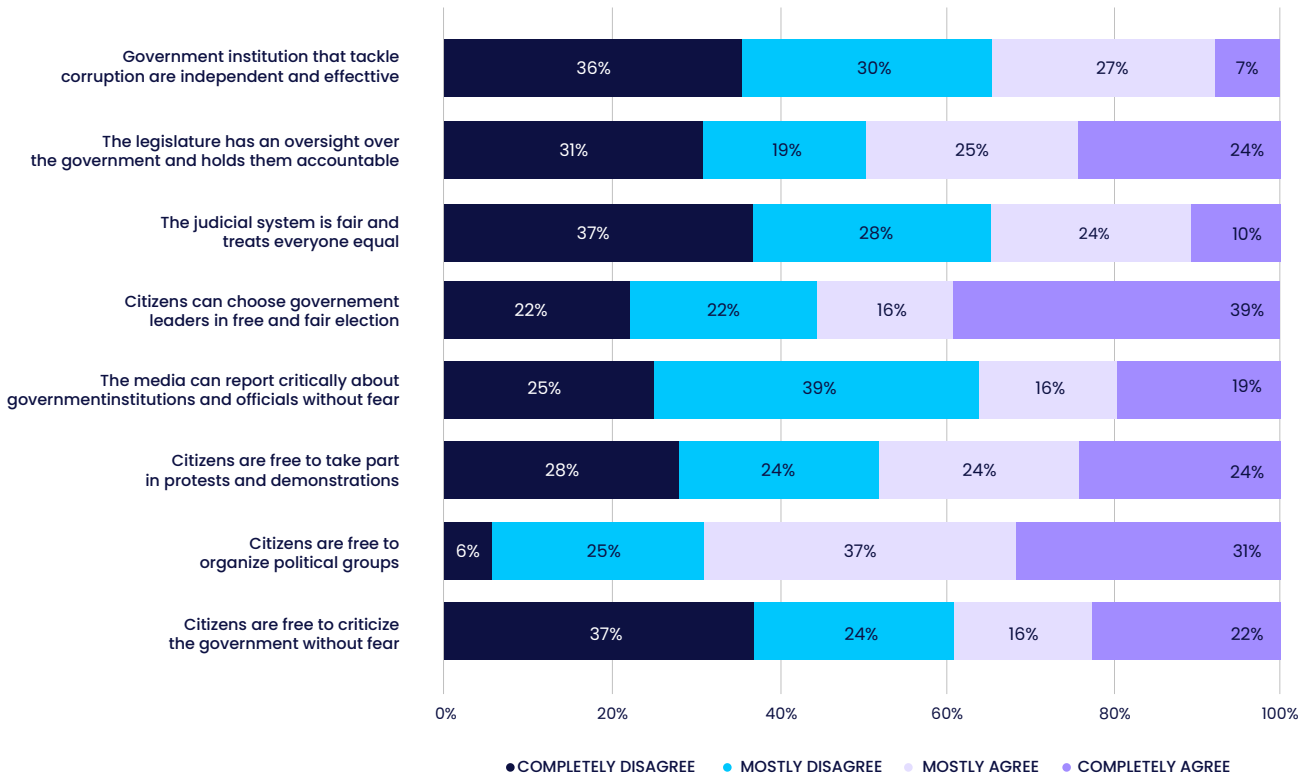
Citizens Perception on the State of Freedom in Nigeria in the South East



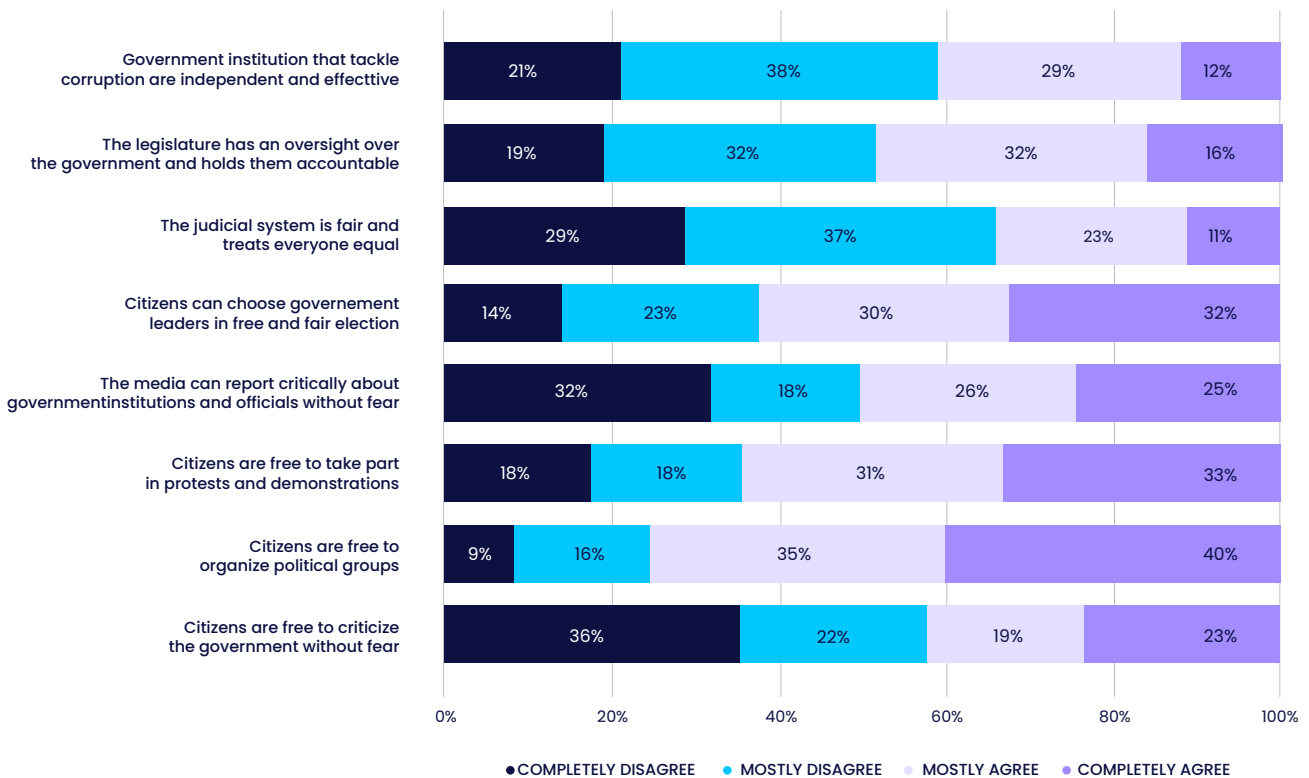
Citizens Perception on the State of Freedom in Nigeria in the North West



Citizens Perception on the State of Freedom in Nigeria in the North East



Citizens Perception on the State of Freedom in Nigeria in the North Central



The expert review team was led by Anietie Ewang (Nigeria Researcher, Human Rights Watch), Wumi Asubiaro-Dada (PhD Candidate, University of Toronto, Canada), and Adewunmi Emoruwa (Lead Strategist, Gatefield),

Research Team: Farida Adamu, Adekemi Omisakin, Etashe Linto, Mark Amaza (Senior Communications Officer, YIAGA), Ibrahim Faruk (Program Manager, Governance and Development, YIAGA).

This research was produced by ResearcherNG dba Bincika Insights for Anvarie Tech LTD/GTE.

The report was funded by the National Endowment for Democracy.

Copyright.

Unless indicated otherwise, this publication may be reproduced in whole or in part for non-profit or educational purposes without permission from the copyright holder. Please clearly acknowledge the source and send a copy or link of the reprinted material to Anvarie Tech/ ResearcherNG dba Bincika Insights. For more information relating to the survey, please contact: farida@bincika.co

