

**SOCIAL MEDIA OPERATIONS VERSUS FREEDOM OF EXPRESSION: THE
NIGERIA EXPERIENCE**

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Abstract

Social media epitomizes freedom of expression while maintaining its prominent position in democracies that are actively engaged in government by playing crucial roles as sources of information and by offering a variety of sources of information. The two-way information flow between the public and the government has been further enhanced by social media, making the process more adaptable, accessible, and responsive. Despite the fact that advancements in technology and the growth of information have radically altered how people live their lives, freedom of speech ironically is falling globally. This study looks at social media usage in relation to Nigeria's commitment to free speech. The method of secondary data collection was used for the paper. Findings demonstrate that exercising one's right to free expression is subject to restrictions. This is so because the right to freedom of expression is seen to be non-absolute. There are many limits, including laws against hate speech and data protection. Findings also demonstrate that the Nigerian government is uneasy because people are using social media to advocate for the protection of their basic human rights, for due process, and for constitutional law. Findings shows the implication of government interference with freedom of expression are economic implication and human rights violations and if the Government continues to gag social media it might only lead to more insurrections as the citizens will find alternative measures or resort to violent means to get freedom of expression. Therefore, it is advised that in order to permit freedom of expression and strengthen democracy, the government should take off its adversarial robe towards social media use by the populace. Government should channel its energy to educating the populace on the use of social media within the ambit of freedom of expression

Keywords: Freedom of Expression, Social Media, Nigeria, Hate speech

Introduction

Social media platforms have completely changed our ability to connect across previous social, political, and geographic barriers. Unlike in the past when gatekeepers negotiated and controlled access to platforms for major media, now potentially anyone and any content might quickly reach millions of people. Although this development has exacerbated the negative effects of false information and hate speech, it also offers tremendous opportunities for the democratisation of speech and the diversification of public discourse. 2021 (Obiaje)

Despite the fact that everyone is given the right to free speech under Section 39(1) of the Nigerian Constitution. Uzoka (2021). Numerous nations have laws that forbid or place limitations on particular forms of expression that encourage hatred and violence. Because there are freedoms to do things and freedoms from things, there is little doubt that a person's own boundaries of freedom cannot restrict the freedom of others. Any country that wants to build a respected and secure society for its citizens must ensure that our right to express our opinions does not infringe on another person's freedom from fear (Mohammed, 2019).

Obiaje, (2021) noted that some proponents of free speech favour an unrestricted exchange of ideas to a closed one. They believe that engaging in dialogue where opposing viewpoints may freely confront one another is the greatest way to combat harmful communication. Some contend that prohibiting hate speech is essential to safeguard minority populations from the harm that such discourse may do. Around the world, many perspectives on what constitutes appropriate speech may be observed and freedom to express it. Some nations appear to be more accepting than others of maybe specific speech styles and perhaps the presentation of specific ideas. For instance, the constitutional principle of free expression has historically been ardently upheld in the United States of America. However, even there, there are still significant restrictions on free expression, such as those that ban profanity and speech that calls for "imminent lawless action" (Moyo & Osunkunle, 2022)

Even proponents of free speech and expression concur that hate speech needs particular management, especially when directed towards minorities who lack the resources to respond to it. The effects on people's life, health, and safety are genuine and terrible. It harms communities, causes division, and impedes social progress in the battle against prejudice. War and genocide can result from hate speech. Free speech is a vital right, but it shouldn't be permitted to trump other people's fundamental human rights, including their right to life. Hence this study sets to examine the social media operations in light of the freedom of expression in Nigeria.

Objectives of the study

1. To ascertain the limitations of freedom of expression on the Nigerian social media space.
2. To find out reasons why government interfere with freedom of expression on social media operations in Nigeria.
3. To find out the implication of government interference with freedom of expression on the Nigerian social media space to democracy.

Literature review

Social media

In order to inform one another about the goods, services, and brands available on the market, consumers create, share, and utilise a range of online information sources known as social media (Whiting & Williams, 2013).

According to Alakali, Faga, and Mbursa (2017: 171), the concept of social media can be defined as a collection of internet-based applications that are rooted in the theoretical and practical principles of Web 2.0. These applications facilitate the generation and sharing of content by users. Whiting and Williams (2013) provide an extensive compilation of social media platforms, encompassing several categories such as microblogging websites (e.g., Twitter and LinkedIn), business networking websites (e.g., Flickr), and photo and video sharing websites (e.g., YouTube), among others. Social networking platforms are readily available and commonly offered at no cost.

Freedom of speech and expression

The freedom of speech and expression is widely recognised and protected as a fundamental human right on a global scale (Udofa, 2011, p. 4). Consequently, the right to freedom of speech and expression is delineated, upheld, and protected by legal agreements and instruments in the national, regional, and worldwide spheres. The right to free speech and expression is subject to several restrictions, making it less absolute than most other rights (Udofa, 2011, p. 4). One such restriction is the rule against defamation.

However, having the freedom to transmit one's ideas, opinions, and convictions through any methods, like as speaking, writing, printing, signs, and nonverbal clues, is what is meant by freedom of speech and expression (Obieje 2021). However, this freedom, since it allows a person to express themselves orally or nonverbally in order to freely share their ideas, feelings, and convictions without fear of any kind. It is a fundamental principle of a democratic government.

Internet and social media freedom of speech

Internet and social media allow people to freely express themselves and share ideas. A global movement for justice, equality, transformation, powerful accountability, and human rights has grown in recent years. By allowing people to rapidly communicate, share information, and unite, the Internet and social media have often contributed to such movements. In the rapidly changing media landscape, where the internet and mobile communication dominate, the UN Human Rights Committee has worked to implement freedom of speech. The Committee recommended States to take all necessary steps to ensure access and independence of new media development. It defined new media as an independent international opinion network. Obiaje 2021

Free speech and expression are also protected by the Nigerian Constitution. Section 39 of the 1999 Nigerian Constitution provides that "everyone shall have the right to freedom of expression, including the freedom to hold opinions and the freedom to receive and impart information without hindrance."

Freedom of speech and expression is a fundamental right protected by the Nigerian Constitution and other international documents, regardless of delivery. Since the internet

and social media are increasingly used to exercise this right, access to this medium has become a fundamental human right. Makinwa, Igbashangev, Ogunyemi, 2022.

Theory

Technological Determinism Theory

The technological determinism argument contends that because every technical development leads in a change that ultimately affects society, technology controls the society in which we live. The thesis, put forth by Marshal McLuhan in 1964, also asserts that technology promotes social development in every civilization and that, as a result of globalisation, it would eventually improve communication that transcends time and distance barriers (Asemah et al., 2017). The technological determinism theory also argues that as society moves from one technological age to another, media technology affects how people feel, think, and act (Uky, 2011). Similar to this, according to Haider (2020), technological determinism theory explains how global surface area has shrunk as a result of technological advancement. This is consistent with the idea that each society's character is determined by the kind of technology it has access to (CM, 2016). Technological developments bring in new eras in human history, according to Ujy (2011). Examples of these technological advances include the development of the wheel, which altered human mobility and allowed people to travel farther in less time, and the development of new media, which revolutionised communication.

Because social media platforms, which individuals utilise, are ICT products, this study has a connection to the thesis of technological determinism. Theoretically, this technology has greatly aided beneficial social transformation and progress in society through the real-time, instantaneous transmission of information regardless of distance or time.

Empirical Research

Obiaje (2021) explored the Nigerian government's attempts to impose restrictions on press freedom, in particular the suspension of Nigerian Twitter in that year. According to the study's secondary method of data collection, the Nigerian government is unhappy because citizens are battling for the protection of their basic human rights, for due process, and for constitutional jurisprudence. The study concluded that the government should remove its adversarial toga and de-monopolize the media in order to advance freedom of expression and deepen democracy.

Alakali, Faga, and Mbursa (2017) analysed the use of profanity and hate speech on Nigerian social media platforms and evaluated the social and legal repercussions on the profession of journalism. The study looked into the problem using both quantitative and qualitative methods. A survey research strategy was employed to sample 384 participants for the study. Data was then gathered through focus group discussions and a questionnaire. The study's findings show that encouraging offensive language and hate speech on social media has negative social and legal repercussions for the practise of journalism. The results also reveal that while the respondents are aware that expressing hatred or using profanity may have legal repercussions, they are unaware of the obligations placed on such behaviour in Nigeria. As a result, a qualitative, doctrinal, and analytical methodology was used in the study's consideration of the obligations put on individuals who use profanity and hate speech in Nigeria as well as the resulting legal implications. Based on the data, the study

came to the conclusion that Nigeria has sufficient legal safeguards in place to control the phenomenon of hate speech and obscenity on social media platforms. The report made several recommendations, including that monitoring organisations established in accordance with the law adopt guidelines to recognise and delete hate speech on social media platforms in Nigeria and that the Nigerian government and nongovernmental organisations (NGOs) support monitoring programmes like the UMATI in Kenya to learn more about the use of hate speech.

Ayim (2021) examined how Nigeria's Twitter ban will affect the country's economy, free speech, and information flow. In order to assess the views of government officials, religious leaders, business experts, legal experts, and IT-based business specialists on the prohibition, the study looked at legal files and the media. The paper claims that the Twitter ban violates people's rights to free speech, access to information, and sharing. The study also found that the economic consequences of the restriction were so severe that they caused communication problems between business partners, job losses, hostility in the stock market, and business failures. The study concludes that the government should reconsider its position and let consumers access to Twitter because it is one of the platforms on which people may make a living and a method to boost the nation's economy.

Methodology

For this study, the secondary data gathering approach was used. In this regard, information on the topic was acquired, examined, and discussed using the available sources, which included journals, newspaper articles, reports, and other internet sites.

Social media and the right to free speech: The case of Nigeria's Twitter ban

Twitter was banned in Nigeria on June 4 due to what the Nigerian government described as "the continuous use of the site for actions that are capable of damaging Nigeria's business existence." Following the censorship of one of President Buhari's posts in which he threatened to deal with separatist rebels "in the language they would understand," the government made its decision soon after, prompting accusations that the Twitter ban was retaliatory. After seven months, the government lifted the platform's restriction (DW, 2022). This is true even though Jalloh (2021) claims that 40% of Nigeria's population, or about 40 million people, have Twitter accounts.

According to Akinpelu (2021), the Nigerian government has shown that it is undeterred in its attempts to regulate online media. Following public outcry at a prior social media restriction, the government has now developed a new campaign to censor the media. As part of the agency's ongoing, under consideration Act revision, the Nigerian Broadcasting Commission's minister of information, Lai Mohammad, encouraged the legislature to enhance the organisation by extending the agency's power to regulate the media to include all digital media in June 2021. The government wholeheartedly concurs with this point of view because, in their eyes, social media platform regulation is becoming more and more global. Citing nations like Singapore, Algeria, Pakistan, and Turkey as having social media restrictions (Akinpelu, 2021).

Holden (2021) added that the UK has started enforcing a new rule that threatens social media corporations with fines of up to 18 million pounds (about N10.8 billion) if they fail

to outlaw internet abuses. The French Competition Regulator fined Google 220 million euros (or roughly N110 billion) on June 7, 2021 (France 24, 2021) for abusing its market dominance in French online advertising.

According to Akinpelu (2021), who quotes the Nigerian minister of communication, Pakistan is a prospective partner for Nigeria because the South Asian nation just adopted new social media legislation that require businesses like Facebook, Twitter, YouTube, and even TikTok to register and create offices there. According to Broadcast Prome (2020), Netflix and Amazon Prime Video got licences from the Turkish broadcasting regulator in accordance with the country's new online broadcasting legislation. Even though Mr. Mohammed's account is false, the Nigeria that most people want to see scored poorly on the press freedom and human development indices; as an illustration, Australia's regulation is very dissimilar from Nigeria's Twitter ban or regulatory policy (Akinpelu, 2021).

Hudley, Bishi, and Grossman (2021) projected that the Twitter ban will have a large detrimental impact on the Nigerian economy because many Nigerians rely on Twitter to maintain their employment. For instance, job opportunities are posted on the website by employers. It is used by freelancers to advertise and market their services. In Africa, Nigeria has the most startups, and its thriving startup industry leverages Twitter to obtain funding. This accurately captures the current status of the economy.

Discussions

Consequences of government interference with the right to free speech, expression, and exchange of information

Anyim claims that in 2021, social media gagging would significantly affect people's rights. He listed the drawbacks of freedom of expression, including human rights violations and financial losses.

Consequences for Human Rights

Facebook and Twitter are widely recognised as prominent technological platforms for facilitating cooperation, marketing, and the dissemination of information. Ayim (2021) asserts that a significant number of Nigerians, particularly the younger demographic, employ social media platforms as a means of engaging in interpersonal communication, sharing content, and accessing information. The right to freedom of expression and information in Nigeria is safeguarded by both the Declaration of Principles on Freedom of Expression in Africa and the country's constitution, as well as international human rights law. It is important to note that any limitations imposed on this right must be duly justified within the context of a democratic society (Ewang, 2021).

In the scholarly work conducted by Adepetun, et al. (2021), Pastor Enoch Adeboye, the spiritual leader of the Redeemed Christian Church of God, emphasised the significance of Article 19 within the Universal Declaration of Human Rights. Nigeria has ratified the International Covenant on Civil and Political Rights (ICCPR), wherein Article 19 stipulates that member states are obligated to safeguard the entitlement to freedom of expression. This encompasses the right to express opinions without fear of reprisal, as well as the right to access, acquire, and disseminate information and ideas without being restricted by national borders.

According to the African Commission for Human and Peoples' Rights, Article 9(2) of the African Charter on Human and Peoples' Rights (ACHPR) provides individuals with the right to freely express their ideas in public. The African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa, specifically Principles 38 (1) and 37 (1), establish that states are prohibited from infringing upon individuals' rights to access and disseminate information via various communication channels and digital technologies. This prohibition encompasses actions such as content removal, blocking, or filtering. However, any interference must be justified and aligned with international human rights laws.

Economic Implications in General

According to Anyim (2021) and Obiaje (2021), Twitter plays a crucial role in the distribution of information, customer service marketing, and remote employment, particularly during public health and safety crises such as the COVID-19 pandemic. The recent decision to lift the ban on Twitter in Nigeria serves as an illustrative case. According to Iyatse and Adepotun (2021), the shutdown has the potential to negatively impact commerce, output, and employment.

According to Paulinus and Obi's assertions in 2021, the Nigerians in Diaspora Movement (NDM) expressed their disapproval of the prohibition of Twitter in Nigeria, citing its indispensability to a significant portion of the Nigerian populace. The narrative depicts the role of Twitter in facilitating upward mobility, particularly among young individuals, by enabling the dissemination of great ideas, therefore aiding in poverty alleviation. In light of the aforementioned circumstances, it is imperative that the Nigerian government expeditiously reassess the Twitter ban, as advocated by NDM.

According to a statement made by Valentine Ozigbo, the former president and group CEO of Transcorp PLC, social media platforms including as Twitter, Instagram, and Facebook play a significant role in fostering commerce, stimulating the economy, and generating employment opportunities for a substantial number of Nigerian individuals, particularly the youth demographic. The implementation of this prohibition is expected to have negative repercussions on various aspects, including the economy, democratic processes, and the career prospects of young individuals who rely on Twitter as a means of professional growth (Adepotun, Aikulola, Nwokoro, Ugoeze, & Akpa, 2021).

According to NetBlocks, an organisation specialising in cyber-security and monitoring Internet legislation, it is estimated that Nigeria incurs a financial loss of N102.5 million every hour due to the suppression of social media platforms. The daily financial deficit amounts to N2.5 billion. According to available data, there has been an estimated economic loss of 7.5 billion dollars over the course of the previous three days, specifically from the 4th of June, 2021. The suspension has resulted in the loss of market access for numerous small and medium-sized firms who rely on the platform for consumer engagement. The potential consequences of this situation could pose challenges for companies in effectively managing COVID-19 and other structural deficiencies. The national electronic commerce sector, which has a market value of \$12 billion, is likewise subject to the aforementioned impact (Iyatse and Adepotun, 2021).

Anyim (2021) provided a comprehensive analysis of the economic implications on many entities, including startups, small and medium-sized enterprises (SMEs), influencers, tax revenue, and startups.

Limitations on Expression Freedom

Citizens have limited free speech and expression rights under free speech and expression principles. It does not shield free speech abusers from penalties.

Free speech is limited. The right to free expression is seen as qualified. If the law allows the government to limit the right, it is not unqualified.

Restrictions on the right to free speech

Before owning and running a radio or television station, the Nigerian constitution, in sections 39 (2 & 3), requires the licencing and authorization required from the president.

Everyone has limitations: Sections 39(3) and 45 of the Nigerian constitution permit limitations on the right to freedom of expression:

for preventing the leak of information that was given to you in confidence.

for preserving the legitimacy and impartiality of the judiciary.

due to holding a particular position in the government.

for being a member of the armed forces, police, or another security organisation.

For the sake of safety, security, peace, morality, and health of the general population

to defend the freedom and rights of others.

Examples of constraints and limitations

if a client and an attorney have a confidential connection, for example.

if it is a judgement from an appropriate court.

to restrict military personnel, police officers, and other government officials from revealing information they acquire while performing their duties.

Defamation laws: which state that it is illegal to knowingly spread lies about another person in a way that harms their reputation.

Data protection laws: which restrict the exchange or disclosure of other people's sensitive or personal information.

Laws against hate speech may prohibit or restrict calling for violence against members of other groups.

In Nigeria, legislation like the Cybercrimes Act and the Quarantine legislation passed during the COVID-19 outbreak were made to defend national security. n.d. (Action 4 Justice Nigeria).

Conclusion

The fact that social media has shown to be a reliable platform for the dissemination of economical, political, and cultural ideas is crucial. It is impossible to overstate the importance of information sharing and idea gathering between the government and the people it governs, but the government must instead take this chance to seamlessly include the people in the conception, development, and execution of public programmes.

However, in order to ensure that the newly passed Freedom of Information Act (FOI) is put into effect, those who support press and media freedom must coordinate their activities.

Since doing so would grant it access to sensitive information about the government, allowing it to better carry out its constitutional responsibility and hold it accountable, the

press should constantly use its ability to establish and set agendas to draw attention to the law.

The legal restrictions on freedom of expression must also be made clear to social media users so that they can limit their expression and respect the rights of others.

Freedom of information thrives in nations where respect for human rights and democratic principles are deeply ingrained, established, and supported by the constitution. Instead of the existing polity's adoration of specific individuals, Nigeria as a nation must work towards developing strong institutions. Strong institutions would protect the public's rights when people in positions of authority abuse their powers.

In order to preserve the nation's democratic standing among other countries and to prevent the marginalisation of citizens in light of the transformative technological progress facilitated by the Internet, which has significantly impacted socio-economic, political, and cultural dynamics, it is imperative for the government to exercise moderation by establishing a forum for individuals to freely articulate their viewpoints on diverse matters.

It is widely acknowledged that the flourishing of participatory democracy is contingent upon the presence of unrestricted freedom of speech. The relaxation of press limitations is imperative in light of the upcoming 2023 general elections, given the prevailing socioeconomic and security problems.

The need to uphold the right to information must be carefully weighed against competing interests such as privacy, reputation preservation, national security, and the broader public interest. However, it is imperative that governmental authorities consistently adhere to legal and constitutional frameworks while conducting investigations related to breaches of public order and national interests.

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