

CHALLENGES AND RESOLUTION OF FREEDOM OF EXPRESSION IN THE DIGITAL ERA IN NIGERIA: AN APPRAISAL

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Abstract

The advent of the digital era has transformed the communication landscape, enabling individuals to express their thoughts, opinions, and ideas globally. In Nigeria, as in many countries, freedom of expression is a fundamental right protected by the Nigerian constitution. However, the digital age presents unique challenges and opportunities for exercising this right. This paper explores Nigerians' challenges in exercising freedom of expression in the digital era. The paper looks at various approaches to addressing this challenge, suggesting a combination of legislative measures, educational initiatives, and technical solutions to ensure that digital spaces in Nigeria are more open and transparent. It also emphasizes the need for public awareness initiatives, government transparency, and accountability in light of increasing digital surveillance and censorship. The paper concludes by reiterating the importance of freedom of expression in a digital era and the need for the Nigerian government to take concrete steps towards guaranteeing the freedoms of its citizens. It stresses the need for effective dialogue among all stakeholders to ensure a safe and open digital space in Nigeria.

Keywords: Challenges, Digital Era, Freedom of Expression, Nigeria, Resolutions

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Introduction

The digital era has brought forth new challenges and opportunities for freedom of expression. On one hand, the Internet has made it easier for individuals to express themselves and share information, regardless of their location or social status, leading to a surge in creativity and innovation while empowering people to engage in public discourse. This era, characterized by rapid technological advancements, especially in the Internet and social media platforms, has transformed the creation, sharing, and consumption of information (Pencarelli, 2020). Globally, the digital era has offered unparalleled opportunities for individuals to express themselves, connect with others, and access vast amounts of information (Baiyere et al., 2020). The digital realm has evolved into a global public forum, enabling individuals to voice their opinions, challenge societal norms, and rally for social and political causes.

The digital era has expanded the scope and

reach of freedom of expression in several ways (Volberda et al., 2021). The Internet has democratized access to information, allowing individuals to seek, receive, and impart knowledge from various sources. The digital era has broken down traditional barriers to information dissemination, enabling citizens to access diverse viewpoints and engage in informed decision-making. Digital technologies have empowered ordinary individuals to become citizen journalists, reporting on events and sharing news and information in real-time (Earl et al., 2022). Social media platforms have evolved into channels for eyewitness reporting, providing alternative perspectives and challenging mainstream media narratives.

However, the digital era has given birth to online platforms that have become powerful social and political activism tools. Social media has played a pivotal role in mobilizing grassroots movements, organizing protests, and raising awareness about human rights abuses and social injustices (Flew et al.,

2019). It has facilitated the amplification of marginalized voices and encouraged global solidarity. The digital era has unleashed new forms of artistic and creative expression. Through platforms like blogs, podcasts, videos, and social media, individuals can share their creative works with a global audience, bypassing traditional gatekeepers and censorship (Stallkamp & Schotter, 2021).

Against this backdrop, this study examines the challenges and resolution of freedom of expression and the digital era in Nigeria.

Freedom of Expression

Freedom of expression refers to the fundamental right of individuals to express their thoughts, ideas, opinions, and beliefs without censorship or interference (Pentney, 2022). It is a fundamental human right recognized internationally, including in the Universal Declaration of Human Rights and various national constitutions and legal frameworks. Chapter 4, section 39(1) of the Nigerian constitution states: "Every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference." This clause guarantees that people can freely communicate their ideas, beliefs, and thoughts without the interference of the government or any other authority (Wilson & Gapsiso, 2019). It includes a variety of modes of expression, such as spoken word, written word, artistic expression, and other types of communication.

At its core, freedom of expression encompasses seeking, receiving, and imparting information and ideas through various means, such as speech, writing, art, media, or any other form of communication (Ibrahim & Pate, 2019; Sani, 2014). This right enables individuals to express their creativity, share knowledge, engage in public discourse, criticize the government or other institutions, advocate for social change, and participate in democratic processes. Freedom of expression fosters open societies, promotes diversity, and safeguards individual autonomy and dignity. It enables the exchange of different viewpoints, the pursuit of truth, and the advancement of knowledge (Adibe et al., 2017). Allowing the free flow of information facilitates public scrutiny of those in power, helps uncover wrongdoing, and encourages accountability.

However, freedom of expression is not an absolute right and can be subject to certain limitations. These limitations are typically imposed to protect other important rights and interests, such as national security, public order, public health, or the rights and reputations of others. The exact extent and scope of

these limitations can vary between countries and legal systems, and striking a balance between free expression and these competing interests can be a complex and contentious issue. Section 45 of the 1999 Constitution allows for certain limitations on this right in specific circumstances. For example, the government may restrict freedom of expression to protect national security, public order, public morality, or the rights and reputation of others.

Overview of the Digital Era in Nigeria

The digital era in Nigeria has witnessed significant growth and transformation, bringing about profound changes in various sectors of the economy and society as a whole (Fu et al., 2021). Over the past decade, Nigeria has experienced a remarkable increase in internet penetration. The widespread availability of affordable smartphones, coupled with the expansion of mobile network coverage, has facilitated access to the Internet for a significant portion of the population. As of 2021, Nigeria had an estimated internet penetration rate of around 50% (Inegbedion, 2021). Nigeria has one of the largest mobile markets in Africa, with rapid growth in mobile subscriptions and millions of Nigerians accessing voice and data services through their mobile devices (Kabir & Kadage, 2017). Mobile network operators have invested in expanding their infrastructure, improving connectivity across the country. Mobile banking and digital wallets have gained popularity, providing financial inclusion to the unbanked population.

Nigeria has become a hub for technology startups and entrepreneurship (Afolabi, 2015; Akanle & Omotayo, 2020; Henry & Lloyd, 2019). Lagos, in particular, has emerged as a vibrant tech ecosystem, hosting numerous incubators, accelerators, and co-working spaces. These hubs provide a conducive environment for innovation, collaboration, and the development of tech-driven solutions across various sectors.

The digital era has revolutionized the entertainment industry in Nigeria (Enahoro & Olawade, 2021). Nollywood, the Nigerian film industry, has fully embraced digital distribution channels, expanding its reach to a global audience through platforms such as Netflix and YouTube. Furthermore, online music streaming services like Boomplay and MTN Music have experienced tremendous growth, providing Nigerian musicians with a platform to connect with a broader fan base. Additionally, social media platforms like Facebook, Twitter, Instagram, and WhatsApp have seen widespread adoption in Nigeria, serving as powerful tools for communication, information dissemination, and social activism. This has led to the rise of

influencers and content creators who utilize social media to establish personal brands and engage with large audiences.

The Nigerian government has undertaken several digital initiatives to drive economic growth and enhance service delivery. The National Digital Economy Policy and Strategy, unveiled in 2020, seek to expedite digital transformation in crucial sectors like agriculture, education, healthcare, and governance (Lee, 2020). The implementation of the National Identification Number (NIN) and the continuous advocacy for a digital identity ecosystem showcase the government's dedication to utilizing technology for citizen services.

Challenges to Freedom of Expression in The Digital Era in Nigeria

In the digital era, Nigeria faces several challenges to freedom of expression. These challenges are primarily related to laws and regulations, surveillance, online harassment, and the spread of disinformation. Some challenges are:

1. Cybercrime and Security Laws

Nigeria has enacted laws like the Cybercrime Act (2015) to address cyber threats, but these laws have also been used to restrict freedom of expression (Simiyu, 2022). The broad definitions of offences and the severe penalties imposed under the law have raised concerns about their potential for misuse and stifling of dissent. While the law addresses important concerns such as hacking, identity theft, and fraud, certain provisions have raised concerns about their impact on freedom of expression. For example, Section 24 criminalizes sending "grossly offensive" messages or of an "obscene, indecent, or menacing character," which can be subjective and open to abuse.

The definitions of cybercrime offenses in Nigerian laws can be overly broad and vague. This lack of clarity can lead to an interpretation that restricts legitimate forms of expression. For instance, provisions related to "cyberstalking" and "cyberbullying" could be used to target individuals engaging in online criticism or dissent. The Cybercrime Act imposes severe penalties for cyber offenses, including lengthy prison terms and heavy fines. Such harsh punishments can have a deterrent effect on individuals who fear being targeted for expressing their opinions online, leading to self-censorship.

Moreover, the laws lack adequate safeguards to prevent misuse and protect freedom of expression. For instance, there is a lack of clear provisions protecting whistleblowers and journalists who expose corruption or wrongdoing through digital platforms. The absence

of strong procedural safeguards may result in arbitrary arrests and detentions, further stifling free expression. Also, there have been cases of selective enforcement of cybercrime laws in Nigeria, with authorities targeting individuals critical of the government or engaged in activism. This inconsistent enforcement creates a climate of uncertainty and fear, discouraging citizens from freely expressing their opinions online.

2. Social Media Regulation

Social media regulation in Nigeria poses a significant challenge to freedom of expression in the digital era. Despite legitimate concerns about misinformation, hate speech, and other online harms, regulating social media platforms can curtail free speech and restrict access to information. In 2021, the Nigerian government suspended Twitter operations in the country after the President's tweet was removed (Anyim, 2021). This move sparked worries about governments' ability to control and limit access to social media platforms, essential spaces for citizens to voice their opinions, obtain information, and participate in public discussions.

3. Online Harassment and Cyberbullying

Online harassment and cyberbullying are significant challenges to freedom of expression in the digital era. These issues can impede individuals' ability to express themselves freely and participate in online discussions. Online harassment involves targeted attacks, threats, and intimidation toward individuals or groups. This can include hate speech, abusive language, doxing (revealing personal information), and the spread of false rumors or defamatory content. Women, activists, journalists, and marginalized communities are often disproportionately targeted.

Online harassment can result in self-censorship as individuals fear the repercussions of expressing their opinions freely (Ong, 2021). When confronted with the threat of harassment and cyberbullying, people may opt not to share their thoughts, participate in public debates, or advocate for causes they believe in, thus restricting the variety of voices and ideas online. Online harassment and cyberbullying can have profound psychological and emotional impacts on victims, leading to anxiety, depression, and even suicide in extreme cases. The fear of online attacks can foster a hostile environment that undermines individuals' mental well-being and their willingness to engage in public discourse.

4. Disinformation and Fake News

Disinformation and fake news present significant challenges to freedom of expression in the

digital era. The rapid dissemination of false information through digital platforms can damage public discourse, erode trust in credible sources, and disrupt democratic processes. These deceptive tactics can be employed to sway public opinion, manipulate electoral outcomes, and control narratives. The proliferation of fake news online has the potential to warp reality, deceive the populace, and hinder well-informed decision-making (Ireton & Posetti, 2018).

The proliferation of fake news can erode trust in credible news sources, media organizations, and legitimate information channels (Mason et al., 2018). This can lead to citizens struggling to discern between reliable and false information, making it difficult for them to form informed opinions. Disinformation can exacerbate social tensions, foster division, and incite violence. In Nigeria, where communal and ethnic tensions sometimes exist, spreading false information can amplify these divisions and potentially lead to real-world conflicts.

5. Internet Shutdowns

Internet shutdowns pose a significant challenge to freedom of expression in the digital era in Nigeria. An internet shutdown refers to the deliberate disruption or total shutdown of internet services within a specific region or country (Diepeveen & Pinet, 2022). Internet shutdowns restrict people's ability to access information, express their opinions, and engage in online activities. It curtails freedom of expression and stifles the flow of information, limiting the democratic space and the ability of individuals to participate in public discourse. Internet shutdowns hinder access to vital information, including news updates, emergency services, educational resources, and business transactions. This lack of access disproportionately affects marginalized communities and inhibits a country's development and economic growth.

6. Limited Digital Literacy

Limited digital literacy is a significant challenge to freedom of expression in the digital era, including in Nigeria. Digital literacy refers to using digital technologies effectively, critically evaluating information online, and navigating the digital landscape responsibly. Digital literacy is often closely linked to limited access to digital technologies and the Internet. Disparities in access, particularly in rural and marginalized communities, hinder individuals' ability to acquire digital literacy skills and participate fully in the digital sphere.

Limited digital literacy skills can make individuals more susceptible to misinformation, fake news, and online scams (Rubin, 2019). Without the

ability to critically evaluate information, people may unknowingly share false or misleading content, contributing to misinformation. Individuals with limited digital literacy skills may hesitate to express their opinions or engage in online discussions due to a lack of confidence in navigating digital platforms, concerns about privacy, or fear of online harassment. This self-censorship can result in underrepresenting certain voices and perspectives in online spaces.

Limited digital literacy skills can make individuals more vulnerable to online harassment, cyberbullying, and other forms of online abuse. Without the necessary skills to protect their privacy, identify, and report abusive behavior, and safely navigate online platforms, individuals may find it challenging to address and mitigate online harassment. Digital literacy is increasingly essential for economic participation and accessing job opportunities (Roozenbeek & Van der Linden, 2019). Limited digital literacy skills can perpetuate economic disparities, as individuals with inadequate digital skills may struggle to benefit from online job markets and digital entrepreneurship opportunities.

Resolution to the Challenges to Freedom of Expression in the Digital Era

Addressing the challenges to freedom of expression in the digital era in Nigeria requires a comprehensive approach that involves multiple stakeholders.

1. Legislative Reforms

Review and amend existing laws, such as cybercrime and security, to ensure they do not unduly restrict freedom of expression. Laws should be drafted with clear and specific provisions that balance the need for security with the protection of fundamental rights. To protect freedom of expression in the digital era, reviewing and amending cybercrime and security laws to ensure they do not unduly restrict legitimate speech is crucial. This can involve narrowing the scope of offenses, clarifying definitions, incorporating robust safeguards for freedom of expression, and promoting transparency and accountability in law enforcement. Striking a balance between addressing cyber threats and safeguarding fundamental rights is essential to ensure Nigeria's free and open digital environment.

2. Social Media Regulation

Engage in transparent and inclusive dialogue among the government, civil society organizations, technology companies, and users to formulate balanced social media regulations that address concerns while upholding freedom of expression. Ensure that any regulations adhere to international

human rights standards and adhere to the principles of proportionality and necessity. Regulations pertaining to social media must safeguard fundamental rights, such as freedom of expression and privacy. These regulations should be evidence-based, respect international human rights standards, and undergo regular review and adjustment as technology and online behavior progress. Cooperation among the government, social media platforms, civil society, and users is crucial for devising effective, rights-respecting solutions to the challenges associated with social media in Nigeria.

3. Digital Literacy and Media Education

Integrate digital literacy and media education into formal education curricula and develop awareness campaigns to promote critical thinking, responsible digital citizenship, and the ability to identify and counter disinformation. Provide educators with training and professional development opportunities to enhance their understanding of digital literacy and media education. Equip them with the necessary skills and knowledge to teach students about the responsible use of digital technologies and critical evaluation of online information. Establish community-based digital literacy and media education programs. Partner with local organizations, libraries, community centers, and NGOs to provide workshops, seminars, and training sessions on digital literacy, media literacy, and online safety for community members of all ages.

4. Protection Against Online Harassment

Strengthen laws and mechanisms to address online harassment, cyberbullying, and hate speech. Provide support services for victims, establish user-friendly reporting mechanisms, and ensure law enforcement agencies effectively respond to such incidents. Support research and studies on online harassment, its impact, and effective strategies for prevention and intervention. Regularly monitor and assess the effectiveness of existing measures to adapt and improve strategies for combating online harassment.

5. Civil Society Engagement

Support and collaborate with civil society organizations, human rights defenders, and media watchdogs to monitor and advocate for freedom of expression rights. Encourage their active participation in policy development and decision-making processes. Civil society organizations can organize public dialogues, consultations, and forums to bring together diverse stakeholders, including government officials, technology companies, media representatives, and

citizens, to discuss challenges and opportunities regarding freedom of expression in the digital era. Civil society is crucial in promoting and protecting freedom of expression in the digital era. Their active engagement and advocacy efforts contribute to Nigeria's vibrant, inclusive, and rights-respecting digital environment.

6. Strengthening Digital Infrastructure

Improve internet access and affordability, especially in underserved areas, to bridge the digital divide and guarantee equal opportunities for participation in the digital space. Expand broadband infrastructure to ensure reliable and affordable internet access nationwide, including rural and underserved areas. This entails investing in developing telecommunications infrastructure, such as fibre-optic networks, satellite connectivity, and mobile broadband coverage.

Address the affordability of internet services by implementing policies that promote competition among internet service providers and reduce the cost of connectivity. This can include licensing more providers, reducing taxes and tariffs on telecommunications equipment, and promoting infrastructure sharing among operators. Develop initiatives to bridge the digital divide and ensure equal access to digital technologies. This entails providing access to digital devices, promoting digital literacy programs in underserved communities, and offering subsidies or incentives to make internet services more accessible to marginalized populations.

Conclusion

The digital era has brought both opportunities and challenges for freedom of expression in Nigeria. While it has increased access to information and facilitated public discourse, significant hurdles still need to be addressed. These challenges include censorship and content control, threats to journalists and activists, online hate speech and disinformation, and the delicate balance between regulation and rights.

Several critical resolutions can be considered to address these challenges and uphold freedom of expression. These include developing transparent and inclusive legislation, strengthening protections for journalists and activists, promoting media literacy, engaging with technology companies, and ensuring an independent judiciary. By implementing these resolutions, Nigeria can strike a balance between regulating the digital space and protecting individual rights, fostering a vibrant and informed digital environment where freedom of expression thrives.

References

1. Adibe, R., Ike, C. C., & Udeogu, C. U. (2017). Press freedom and Nigeria's cybercrime act of 2015: An assessment. *Africa Spectrum*, 52(2), 117-127.
2. Afolabi, A. (2015). The effect of entrepreneurship on economy growth and development in Nigeria. *The Effect of Entrepreneurship on Economy Growth and Development in Nigeria*, 3(2), 1-17.
3. Akanle, O., & Omotayo, A. (2020). Youth, unemployment and incubation hubs in Southwest Nigeria. *African Journal of Science, Technology, Innovation and Development*, 12(2), 165-172.
4. Anyim, W. O. (2021). Twitter ban in Nigeria: Implications on economy, freedom of Speech and information sharing. *Library Philosophy and Practice*, 0_1-13.
5. Baiyere, A., Topi, H., Venkatesh, V., & Donnellan, B. (2020). The internet of things (IoT): A research agenda for information systems. *Communications of the Association for Information Systems*, 47.
6. Diepeveen, S., & Pinet, M. (2022). User perspectives on digital literacy as a response to misinformation. *Development Policy Review*, 40, e12671.
7. Earl, J., Maher, T. V., & Pan, J. (2022). The digital repression of social movements, protest, and activism: A synthetic review. *Science Advances*, 8(10), eabl8198.
8. Enahoro, M. A., & Olawade, D. B. (2021). GSM and the Nigerian Economy: The Journey from 2004 to 2019. *Int. J. Econ. Financ*, 13(7), 69.
9. Flew, T., Martin, F., & Suzor, N. (2019). Internet regulation as media policy: Rethinking the question of digital communication platform governance. *Journal of Digital Media & Policy*, 10(1), 33-50.
10. Fu, X., Avenyo, E., & Ghauri, P. (2021). Digital platforms and development: a survey of the literature. *Innovation and Development*, 11(2-3), 303-321.
11. Henry, E.-O., & Lloyd, M. D. (2019). Reinventing the 'Nwaboi' apprenticeship system: A platform for entrepreneurship promotion in Nigeria. *International Journal of Advanced Research in Management and Social Sciences*, 8(9), 98-130.
12. Ibrahim, A. M., & Pate, U. A. (2019). In a democratized media context what a hoax can do, a misinformation can do even worse: Influences of fake news on democratic processes in Nigeria. *New media and mass communication*, 79, 10-17.
13. Inegbedion, H. E. (2021). Digital divide in the major regions of the world and the possibility of convergence. *The Bottom Line*, 34(1), 68-85. Q
14. Ireton, C., & Posetti, J. (2018). *Journalism, fake news & disinformation: handbook for journalism education and training*. Unesco Publishing.
15. Kabir, F. S., & Kadage, A. T. (2017). ICTs and educational development: The utilization of mobile phones in distance education in Nigeria. *Turkish Online Journal of Distance Education*, 18(1), 63-76.
16. Lee, J. W. (2020). Big data strategies for government, society and policy-making. *Lee, Jung Wan (2020). Big Data Strategies for Government, Society and Policy-Making. Journal of Asian Finance Economics and Business*, 7(7), 475-487.
17. Mason, L. E., Krutka, D., & Stoddard, J. (2018). Media literacy, democracy, and the challenge of fake news. *Journal of Media Literacy Education*, 10(2), 1-10.
18. Ong, E. (2021). Online repression and self-censorship: evidence from southeast Asia. *Government and Opposition*, 56(1), 141-162.
19. Pencarelli, T. (2020). The digital revolution in the travel and tourism industry. *Information Technology & Tourism*, 22(3), 455-476.
20. Pentney, K. (2022). Tinker, tailor, twitter, lie: Government disinformation and freedom of expression in a post-truth era. *Human Rights Law Review*, 22(2), ngac009.
21. Roozenbeek, J., & Van der Linden, S. (2019). Fake news game confers psychological resistance against online misinformation. *Palgrave Communications*, 5(1), 1-10.
22. Rubin, V. L. (2019). Disinformation and misinformation triangle: A conceptual model for "fake news" epidemic, causal factors and interventions. *Journal of documentation*, 75(5), 1013-1034.
23. Sani, A. A. (2014). Press Freedom: Analyzing the portrayal of Nigerian-State on National dailies cover-page headlines. *Yaşar Üniversitesi E-Dergisi*, 9(35), 6255-6260.
24. Simiyu, M. A. (2022). Freedom of expression and African elections: Mitigating the insidious effect of emerging approaches to addressing the false news threat. *African Human Rights Law Journal*, 22(1), 76-107.
25. Stallkamp, M., & Schotter, A. P. (2021). Platforms without borders? The international strategies of digital platform firms. *Global Strategy Journal*, 11(1), 58-80.
26. Volberda, H. W., Khanagha, S., Baden-Fuller, C., Mihalache, O. R., & Birkinshaw, J. (2021). Strategizing in a digital world: Overcoming cognitive barriers, reconfiguring routines and

- introducing new organizational forms. *Long range planning*, 54(5), 102110.
27. Wilson, J., & Gapsiso, N. (2019). Social Media and the Freedom of Expression in Nigeria: Posting the mind of a Nation. *Perspectives on the Information Society*, 301.