



Research Paper

Decoding Digital Authoritarianism: Nigeria's Social Media Bill and the Future of Regulatory Freedoms

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Abstract

Social media has transformed communication in Nigeria, creating optimism and peril. In an attempt to respond to apprehensions regarding online "falsehoods," Nigeria's legislature introduced the Protection from Internet Falsehood and Manipulation Bill, 2019 (the social media bill). The bill is examined in this article from a legal and human rights standpoint. Using doctrinal legal analysis, we map the bill's provisions onto the 1999 Constitution of Nigeria and Nigeria's international obligations under the ICCPR and the African Charter. Our analysis demonstrates that the bill's broad prohibitions on "false statements," the draconian sanctions, and the expansive blocking powers fall far outside constitutional and international limitations on regulating speech. Some of the key provisions criminalizing vague categories of speech and allowing shutdowns and coercive "correctives" by police risk violating fundamental rights in Section 39 of the Constitution and Article 19 of the ICCPR, and Article 9 of the African Charter. Rights groups and civil society groups have all condemned the bill as intolerant; they have mounted petitions and court challenges arguing that it would stifle free expression. We conclude that the social media bill, if enacted, would chill online speech and very likely violate Nigeria's international legal commitments. We call on Nigeria to table or substantially cut back this project, pursuing instead open, due-process-based approaches and preventative strategies (e.g., media literacy, voluntary codes) deferential to constitutional safeguards.

Keywords: African Charter, Constitutional Law, Digital Regulation, Freedom of Expression, Nigeria, Social Media Bill

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I. Introduction

Nigeria is the biggest ICT market in Africa with a young, fast-digitalizing population.¹ The federal government has embraced the internet's economic and social potential, but has also increasingly expressed nervousness about content online. During the last decade or so, high-profile incidents, like mass protests held on social media and Twitter's indefinite suspension from April to June 2021, have exposed the strength of cyberspaces in addition to the state's tendency to operate in cyberspaces.² In this context, parliamentarians tabled the Protection from Internet Falsehood and Manipulation and Other Related Matters Bill, 2019, or the social media bill, in November 2019.³ The bill, which successfully passed its second reading late in 2019, seeks to penalize the dissemination of "false statements" on the internet and vests authorities with the mandate to direct the shutdown of social media platforms and the suspension of user accounts. The tabling of the bill initiated furious public discourse.⁴ The bill has been petitioned against officially by thousands of Nigerian citizens because it infringes on basic rights. It has been roundly condemned by leading human rights organizations, such as Amnesty International and Human Rights Watch, as an assault on freedom of expression.⁵ Analysts in the field of jurisprudence and media commentators have drawn parallels with restrictive laws in other legal systems and cautioned that it would legalize state regulation of online discussion.⁶

Several scholars have discussed Nigeria's increasing regulation of online communication, particularly through laws such as the Cybercrimes Act and the pending social media bill.⁷ Although these works identify pertinent issues, they tend to present blanket criticisms rather than nuanced legal examination.⁸ None of the existing studies critically assesses the provisions of the bill concerning Nigeria's Constitution and its commitments under international human

¹ E O Anwana et al., "A Comparative Analysis of E-Commerce Legal Frameworks in Nigeria and South Africa: Shared Lessons for Sustainable Development," in *2024 International Conference on Decision Aid Sciences and Applications, DASA 2024*, 2024, P.2, <https://doi.org/10.1109/DASA63652.2024.10836530>.

² U J Idem and E S Olarinde, "Assessing the Adequacy of the Legal Framework in Facilitating E-Commerce in Nigeria," in *2022 International Conference on Data Analytics for Business and Industry, ICDABI 2022*, 2022, 412–17, <https://doi.org/10.1109/ICDABI56818.2022.10041505>.

³ J Dee, *From Tahrir Square to Ferguson: Social Networks as Facilitators of Social Movements*, From Tahrir Square to Ferguson: Social Networks as Facilitators of Social Movements, 2018, <https://doi.org/10.3726/978-1-4539-1757-2>.

⁴ U J Idem, "The Legal Approach for Fighting Cybercrimes in Nigeria: Some Lessons from the United States and the United Kingdom," in *2023 International Conference on Cyber Management and Engineering, CyMaEn 2023*, 2023, 191–98, <https://doi.org/10.1109/CyMaEn57228.2023.10050983>.

⁵ K Bajpai and A Jaiswal, "A Framework for Analyzing Collective Action Events on Twitter," in *8th International Conference on Information Systems for Crisis Response and Management: From Early-Warning Systems to Preparedness and Training, ISCRAM 2011*, 2011, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84905653124&partnerID=40&md5=b8225092e961b5ec94ecbeec8385d421>.

⁶ B Jemilohun, "Liability of Internet Service Providers under Nigerian Law," *African Journal of Legal Studies* 11, no. 4 (2019): 352–70, <https://doi.org/10.1163/17087384-12340039>.

⁷ V Obia, "Digital Policy and Nigeria's Platform Code of Practice: Towards a Radical Co-Regulatory Turn," *Data and Policy* 7 (2025), <https://doi.org/10.1017/dap.2025.1>.

⁸ E S Olarinde, E O Anwana, and U J Idem, "E-Commerce and e-Health in Nigeria: Prospects and Challenges of Effective Legislative Framework for Sustainable Development," in *2024 International Conference on Decision Aid Sciences and Applications, DASA 2024*, 2024, <https://doi.org/10.1109/DASA63652.2024.10836439>.

rights law.⁹ This article addresses this omission by providing a doctrinal, rights-based legal analysis.

The article provides a critical legal examination of Nigeria's Social media bill. While Section 39 of the 1999 Constitution succinctly states "the right to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference," Section 45 allows for some restrictions if they are "reasonably justifiable in a democratic society" in the interest of defense, public safety, public order, or the like. Nigeria is a party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, both of which enshrine free expression subject to narrowly drawn and required limitations. This study evaluates bill provisions against these constitutional and treaty benchmarks.

Using a doctrinal legal approach, we examine the Social Media Bill draft and relevant legal authorities. We begin by recognizing Nigeria's digital rule of law context and the bill's main measures. We then compare those measures to domestic law (Constitutional free expression protections and restrictions) and international norms (ICCPR Art. 19, African Charter Art. 9, and related guidance by UN and African bodies). Additionally, we examine civil society's response and efforts to legally challenge, which indicate apprehension about the law's impact. Our analysis demonstrates that the expansive prohibitions and enforcement authority granted by the bill exceed the acceptable limits of regulation. We conclude with suggestions for bringing Nigeria's strategy to online disinformation into conformity with human rights and constitutional standards.

2. Finding and Analysis

2.1. The Social Media Bill: Objectives and Provisions

The social media bill was introduced as a legislative remedy for the issue of "fake news."¹⁰ Its self-proclaimed aim is to "preclude falsehoods and deceptions in Internet transmission," while simultaneously creating mechanisms for punishing individuals disseminating false information. In theory, the bill aims to regulate online content in a bid to maintain public order as well as national security. In actual practice, the law can be used to criminalize a wide array of online speech as criminal acts, thus stifling dissent, criticism of the government, satire, and good-faith public discourse.¹¹

The principal offenses under the Act are that it is an offense for any individual to transmit a statement via the internet which is knowingly false or is "likely to be prejudicial to the security of Nigeria," or likely to generate public doubt concerning the efficiency of any duty or function of the Government.¹² The definition here is broad and unclear, and hence it

⁹ D O Okocha, M Chigbo, and M J Onobe, "Digital Authoritarianism in Postcolonial Nigeria: Internet Control Techniques and Censorship," in *Sub-Saharan Political Cultures of Deceit in Language, Literature, and the Media, Volume II: Across National Contexts*, 2023, 229–49, https://doi.org/10.1007/978-3-031-42883-8_12.

¹⁰ S Sharmin, "Evolution of User Behaviour on Social Media during 2018 Road Safety Movement in Bangladesh," *Social Network Analysis and Mining* 14, no. 1 (2024), <https://doi.org/10.1007/s13278-024-01349-z>.

¹¹ J T Jost et al., "How Social Media Facilitates Political Protest: Information, Motivation, and Social Networks," *Political Psychology* 39 (2018): 85–118, <https://doi.org/10.1111/pops.12478>.

¹² P Anansaringkarn and R Neo, "How Can State Regulations over the Online Sphere Continue to Respect the Freedom of Expression? A Case Study of Contemporary 'Fake News' Regulations in Thailand," *Information and Communications Technology Law* 30, no. 3 (2021): 283–303, <https://doi.org/10.1080/13600834.2020.1857789>.

encompasses practically all types of criticism directed at the government or its associated bodies.¹³ No clear criterion is established by the law as to what constitutes a "false statement," and there is no requirement to prove intention to deceive or specific harm resulting from such statements.¹⁴ This ambiguity facilitates subjective enforcement of the law.¹⁵ Offenders on these broadly and loosely defined offenses can be jailed for up to three years or fined N300,000 (approximately US\$825), or both.¹⁶ The creation of parody or fake accounts is also prohibited, usually under any account used for the dissemination of false information or as a platform for impersonating any individual or organization.¹⁷ These, too, are liable to be punished with imprisonment and fine, criminalizing in effect satire and political parody, which are innocuous modes of expression under international human rights standards. Besides imposing criminal sanctions, the legislation empowers broad regulatory powers to the government. Most significantly, it empowers police agencies and other law enforcement agencies to issue "access blocking orders." The orders compel ISPs to block access to any web destination, website, social networking site, or user account that is determined to be in ongoing breach of legal prohibitions. The process precludes judicial supervision entirely. The bill provides that police powers simply notify the Nigerian Communications Commission (NCC), which then has to direct ISPs to comply. There is concern regarding the lack of a court order or independent oversight under this procedure, as it may relate to due process and the risk of abuse of authority.¹⁸

It also authorizes the concerned authorities to release "correction notices," thus compelling designated individuals or websites to issue retractions or clarifications as instructed by the government. Failure to act on such correction notices can lead to additional sanctions or jail time. It effectively forces one to publicly align with the government's position, regardless of whether the initial statement is an opinion, a satire, or a legitimate criticism. In sum, the social media bill makes an attempt at tackling online disinformation but does so on erroneous foundations of criminalization and censorship tools.¹⁹ Rather than establishing independent fact-checking or promoting digital literacy initiatives, the bill penalizes types of content, provides disproportionate executive powers to the government arm, and minimizes the role of the judiciary.²⁰ These measures not only erode freedom of expression but also

¹³ D Tan and J S Teng, "Fake News, Free Speech and Finding Constitutional Congruence," *Singapore Academy of Law Journal* 32, no. 1 (2020): 207–48, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85091817325&partnerID=40&md5=74334c82fd6293018f86752365a15ed0>.

¹⁴ K Chng, "Falsehoods, Foreign Interference, and Compelled Speech in Singapore," *Asian Journal of Comparative Law* 18, no. 2 (2023): 235–52, <https://doi.org/10.1017/asjcl.2023.9>.

¹⁵ S Jayakumar, B Ang, and N D Anwar, "Fake News and Disinformation: Singapore Perspectives," in *Disinformation and Fake News*, 2020, 137–58, https://doi.org/10.1007/978-981-15-5876-4_11.

¹⁶ M Teo Wei Ren and Y Y Kiu, "Burden of Proof and False Statements of Fact Under the Protection from Online Falsehoods and Manipulation Act 2019 Singapore Democratic Party v Attorney-General [2020] SGHC 25 The Online Citizen v Attorney-General [2020] SGHC 36," *Singapore Academy of Law Journal* 33, no. 1 (2021): 760–76, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85128953513&partnerID=40&md5=20ae1a4e4ec5e9074f3992c1e03dc784>.

¹⁷ R Jothie, "AUTHORITARIAN RULE OF LAW DEPLOYS POLITICAL GASLIGHTING: Singapore Legislates Against Fake News," in *Routledge Handbook of the Rule of Law*, 2024, 316–32, <https://doi.org/10.4324/978135123718527>.

¹⁸ R Craufurd Smith, "Fake News, French Law and Democratic Legitimacy: Lessons for the United Kingdom?," *Journal of Media Law* 11, no. 1 (2019): 52–81, <https://doi.org/10.1080/17577632.2019.1679424>.

¹⁹ T Lawal, K Ola, and H Chuma-Okoro, "Towards the Recognition of Internet Access as a Human Right in Nigeria: A Theoretical and Legal Perspective," *International Review of Law, Computers and Technology*, 2025, <https://doi.org/10.1080/13600869.2025.2500798>.

²⁰ P Singh and V Sharma, "Legitimacy of Fake News Regulations on Touchstone of Freedom of Speech and Expression: A Comparative Study of Singapore and India," *International Journal of Private Law* 10, no. 2–4 (2023): 163–74, <https://doi.org/10.1504/IJPL.2022.129687>.

violate fundamental principles of proportionality and legal certainty. Interestingly, Nigeria has established legal frameworks intended to handle dangerous or illicit online content. For example, the Cybercrimes (Prohibition, Prevention, etc.) The Act of 2015 has provisions that combat cyberstalking, identity theft, and the transmission of harmful or objectionable content.²¹ While this act has been faulted for its purported overreach and possible intrusiveness, it provides a solid basis for the regulation of online spaces without duplicating old efforts or introducing unduly burdensome new controls. Nigeria's Penal and Criminal Codes also contain laws on defamation, sedition, and incitement, which have been invoked in the past against activists and journalists.²²

Critics contend that the enactment of the social media bill would not address any gaps in the law; rather, it would impose undue, redundant, and politically driven limitations on freedom of expression. The imposition of the bill on top of earlier legislation implies that its *raison d'être* may be to entrench state control of online discussion.²³ Thus, the law has been characterized as a tool of digital authoritarianism, as opposed to an instrument of legitimate regulatory governance. Defenders of the bill claim that the dissemination of disinformation on social media presents grave risks to national security, election integrity, and public health. They point to examples where misinformation has instigated social unrest, inflamed ethnic tensions, or even resulted in violence. These are legitimate concerns that warrant an appropriate regulatory response. Nonetheless, any such response must be proportionate, focused, and in line with constitutional and international human rights norms. The broad and repressive scope of the social media bill does not meet these basic standards.²⁴

International standards, as articulated in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter on Human and Peoples' Rights,²⁵ demand that any restrictions on the right to freedom of expression must be prescribed by law, have a legitimate aim, and be necessary and proportionate within the purview of the demands of a democratic society. The social media bill today does not meet such established standards.²⁶ Its broad definitions, lack of independent oversight, and severe penalties have a chilling impact on freedom of speech, instead of fostering a well-considered scheme of regulation.²⁷ Moreover, foreign examples demonstrate the possible dangers of such a law. In Singapore, Ethiopia, and Egypt, such laws have been employed to suppress opposition and sanction utterances critical of the government.²⁸ The Nigerian bill has a striking similarity

²¹ K Riemer and S Peter, "Algorithmic Audiencing: Why We Need to Rethink Free Speech on Social Media," *Journal of Information Technology* 36, no. 4 (2021): 409–26, <https://doi.org/10.1177/02683962211013358>.

²² J M Moses, T S Targema, and J Ishaku, "Tale of an Ill-Fated Scapegoat: National Security and the Struggle for State Regulation of Social Media in Nigeria," *Journal of Digital Media and Policy* 15, no. 1 (2024): 27–45, https://doi.org/10.1386/jdmp_00100_1.

²³ R Adibe, C C Ike, and C U Udeogu, "Press Freedom and Nigeria's Cybercrime Act of 2015: An Assessment," *Africa Spectrum* 52, no. 2 (2017): 117–27, <https://doi.org/10.1177/000203971705200206>.

²⁴ U J Orji, "Protecting Consumers from Cybercrime in the Banking and Financial Sector: An Analysis of the Legal Response in Nigeria," *Tilburg Law Review* 24, no. 1 (2018): 105–24, <https://doi.org/10.5334/tlrl.137>.

²⁵ African Union, "African Charter on Human and Peoples' Rights, Adopted by the Eighteenth Assembly of Heads of State and Government June 1982 - Nairobi, Kenya," 1981.

²⁶ R Manthovani, "Indonesian Cybercrime Assessment and Prosecution: Implications for Criminal Law," *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 439–52, <https://doi.org/10.5281/zenodo.4756224>.

²⁷ D O Akindipe et al., "Appraisal of the Legal Framework on Emerging Cybercrimes and Virtual Disruption in Nigeria," in *IEEE International Conference on Emerging and Sustainable Technologies for Power and ICT in a Developing Society, NIGERCON*, 2024, <https://doi.org/10.1109/NIGERCON62786.2024.10927149>.

²⁸ W Nwankwo and K C Ukaoha, "Socio-Technical Perspectives on Cybersecurity: Nigeria's Cybercrime Legislation in Review," *International Journal of Scientific and Technology Research* 8, no. 10 (2019): 47–58,

to Singapore's Protection from Online Falsehoods and Manipulation Act (POFMA), which has been severely criticized for allowing the executive to unilaterally decide the veracity of information without independent verification.²⁹ Nigeria may well turn out this way unless rights-based and more inclusive regulatory frameworks are put in place. Some of the complex solutions to combating misinformation involve scaling up public education initiatives, funding independent fact-checking organizations, and pressuring social media platforms to ensure they have transparent content moderation policies. These measures solve the issue without punishment or infringing on freedom of speech.³⁰

In conclusion, while the social media bill purports to protect the public from misinformation, its contents constitute a significant danger to democratic accountability and freedom of expression in Nigeria. It duplicates existing laws, grants unrestricted powers to the executive arm of government, and criminalizes a wide variety of legitimate speech. Rather than advancing digital governance, it could end up entrenching digital authoritarianism. There is a pressing need for a more equitable and rights-aware framework to manage Nigeria's digital landscape without undermining fundamental freedoms.

Table I. Summary Table of the Social Media Bill

Aspect	Details
Stated Purpose	To prevent falsehoods and manipulation in online communication
Main Offenses	Transmitting false information likely to harm national security or government credibility
Penalties	Up to 3 years' imprisonment or N300,000 fine; same for parody/fake accounts
Enforcement Powers	Police can issue blocking orders and correction notices without court approval
Due Process Concerns	No independent oversight or requirement for judicial review
Overlap with Existing Laws	Duplicates the Cybercrimes Act 2015, Penal Code provisions on defamation and sedition
Criticism	Seen as vague, overbroad, and open to abuse, the chilling effect on free speech
International Standards Conflict	Fails the necessity and proportionality tests under ICCPR and the African Charter
Comparative Examples	Mirrors Singapore's POFMA; similar misuse in Egypt, Ethiopia
Alternative Solutions	Public education, fact-checking, and transparent platform policies
Conclusion	Threatens rights, duplicates law, promotes censorship, calls for rights-based alternatives

Source: Processed by the Author based on Analysis

<https://www.scopus.com/inward/record.uri?eid=2-s2.0-85073803569&partnerID=40&md5=84b9d96c7c3d8011922fccb843337ce>.

²⁹ Jothie, "Authoritarian Rule of Law Deploys Political Gaslighting: Singapore Legislates Against Fake News."

³⁰ O T Ayodele et al., "Social Media, Public Participation and Legislations in Nigeria: A Review," in *African Renaissance*, vol. 2022, 2022, 331–50, <https://doi.org/10.31920/2516-5305/2022/SlIn1a16>.

2.2. Constitutional and Human Rights Compatibility

The main legal question is how the limitations under the social media bill align with Nigeria's 1999 Constitution and treaty obligations incumbent on Nigeria. At the domestic level, the Constitution safeguards freedom of expression in Section 39(1), including the right to receive and impart information and ideas without external interference. The right is not absolute. Section 45(1) of the said Constitution also solidifies the same promise by permitting the enactment of a law that imposes limitations on individuals, provided that the limitations are "reasonably justifiable in a democratic society."³¹ The limitations must be for the sake of safeguarding certain legitimate objectives, which include defense, public safety, public order, public morality, public health, and protection of the rights and freedoms of others. The legal requirements, as established in constitutional and international law, demand that any restriction needs to be legal, justified, necessary, and proportionate.³²

At an international level, Nigeria is a signatory to the International Covenant on Civil and Political Rights (ICCPR), which expresses the right to freedom of expression under Article 19 but permits such restrictions under certain and restricted circumstances.³³ The limitations placed must (a) be grounded in statute law, (b) aim to advance a legitimate interest, for example, the preservation of public order or the protection of national security, and (c) be required and proportionate to advancing the intended objective. In the same tradition, Article 9 of the African Charter on Human and Peoples' Rights enshrines the right to express and communicate one's thoughts, under legal restrictions. collectively, these bodies of law evaluate any restriction imposed upon freedom of expression, particularly those imposed by the criminal law. An analysis determines that a large number of the requirements within the social media bill align with constitutional and human rights standards.³⁴ Notably, the ban on the dissemination of "false statements" is a content-based limitation on freedom of expression. Although international law recognizes the argument that there are categories of false or harmful speech, e.g., defamation or incitement to violence, that may legitimately be curtailed under valid reasons, the proposed social media bill is unclear in defining a "false statement" and does not demand evidence of harm or bad faith. That ambiguity is troubling. The current language of the proposed legislation may be interpreted as punitive to individuals who commit minor factual errors, outside-the-box thinkers, or people who challenge government policies that are predicated on erroneous assumptions. The present level of vagueness falls short of the requirement that limitations on expression be clearly established and expressly defined. The presence of vagueness or ambiguity in legislative enactments leaves uncertainty regarding unacceptable conduct, thereby permitting subjective interpretation. The Human Rights Committee, in General Comment No. 34 on Article 19 of the ICCPR, noted that any

³¹ P Rossi et al., "Cyberdefence of Offshore Deepwater Drilling Rigs," in *Proceedings of the Annual Offshore Technology Conference*, 2021, <https://doi.org/10.4043/31235-MS>.

³² U Jerome Orji, "An Inquiry into the Legal Status of the ECOWAS Cybercrime Directive and the Implications of Its Obligations for Member States," *Computer Law and Security Review* 35, no. 6 (2019), <https://doi.org/10.1016/j.clsr.2019.06.001>.

³³ A B Soares, S Lazarus, and M Button, "Love, Lies, and Larceny: One Hundred Convicted Case Files of Cybercriminals with Eighty Involving Online Romance Fraud," *Deviant Behavior*, 2025, <https://doi.org/10.1080/01639625.2025.2482824>.

³⁴ S Lazarus et al., "Fraud as Legitimate Retribution for Colonial Injustice: Neutralization Techniques in Interviews with Police and Online Romance Fraud Offenders," *Deviant Behavior*, 2025, <https://doi.org/10.1080/01639625.2024.2446328>.

restriction on freedom of expression must be transparent, accessible, and precisely defined.³⁵ The language of the bill, viz., "false statements," "prejudicial to the security of Nigeria," and "undermining public confidence in the government," is too vague and subjective and fails to meet these minimum requirements.³⁶

Second, the enforcement provisions outlined in the Bill are of serious concern due to due process.³⁷ The law grants powers to police and other law enforcement agencies to issue "access blocking orders" without requiring prior approval from a court.³⁸ These provisions enable blocking of access to a website, social networking site, or even an individual user account deemed to be in contravention of the terms laid down by law.³⁹ The procedure is purely administrative: upon receipt of a notice from law enforcement, the Nigerian Communications Commission (NCC) is obligated to direct Internet Service Providers (ISPs) to implement a block. The procedure is effectively insulated from judicial review and does not include procedural safeguards such as notice to the concerned individuals, a right to challenge the instruction, or an independent review. Laws that have been written under international law demand the reduction of administrative censorship, especially in instances that result in the overall ban of internet usage. International jurists have criticized the application of such measures.⁴⁰ The International Commission of Jurists has set out the framework for judicial control regarding content regulation on the internet, arguing that regulation is needed to maintain democratic values and that it is the least intrusive means available. Internet provision cut-offs or general restrictions on access are disproportionate, except in situations of the greatest severity and rarity.⁴¹

Nigeria's blanket six-month Twitter ban in 2021, handed down without judicial oversight, offers a dramatic example of the threats posed to electronic governance institutions by unfettered executive authority.⁴² Such actions would be legitimized under the social media bill being proposed. The penalties outlined in the bill are also disproportionately harsh and

³⁵ M O'Flaherty, "Freedom of Expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee's General Comment No 34," *Human Rights Law Review* 12, no. 4 (2012): 627–54, <https://doi.org/10.1093/hrlr/ngs030>.

³⁶ M O'Flaherty, "International Covenant on Civil and Political Rights: Interpreting Freedom of Expression and Information Standards for the Present and the Future," in *The United Nations and Freedom of Expression and Information: Critical Perspectives*, 2015, 55–88, <https://doi.org/10.1017/CBO9781316018552.004>.

³⁷ J Brunger, "Marx's Doctrine of Use Value Compared with Mill's Theoretic Utilitarianism," *Journal of Human Values* 21, no. 1 (2015): 48–50, <https://doi.org/10.1177/0971685815569656>.

³⁸ A Ray, H Roberts, and D Clifford, "Constitutional Challenges in Combatting Disinformation and the Five Eyes Alliance," in *Digital (Dis)Information Operations: Fooling the Five Eyes*, 2025, 148–66, <https://doi.org/10.4324/9781003457947-14>.

³⁹ J Varela da Costa and M Mira da Silva, "Countermeasures against Fake News: A Delphi Study," *Transforming Government: People, Process and Policy* 19, no. 2 (2025): 392–413, <https://doi.org/10.1108/TG-10-2024-0258>.

⁴⁰ D A Eccles et al., "Three Preventative Interventions to Address the Fake News Phenomenon on Social Media," in *ACIS 2021 - Australasian Conference on Information Systems, Proceedings*, 2021, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85174593699&partnerID=40&md5=8006f4ca6a1c26637a579257249997e>.

⁴¹ N Janu, "Intelligent Framework to Detection of Fake News Using Deep Learning Approach," in *2024 IEEE International Conference on Information Technology, Electronics and Intelligent Communication Systems, ICITEICS 2024*, 2024, <https://doi.org/10.1109/ICITEICS61368.2024.10625287>.

⁴² A Mohammed and L A Adelakun, "The 2021 Nigerian Twitter Ban: A Text-Analytics and Survey Insight into Public Reactions and Outcomes in the Early Weeks of the Ban," *Communication and the Public* 8, no. 4 (2023): 390–401, <https://doi.org/10.1177/20570473231209077>.

not commensurate with the perceived injury.⁴³ A three-year prison sentence or N300,000 fine for merely publishing alleged "false statements" on the internet is excessive, particularly without requiring proof of intent or harm caused. Sanctions should be reserved for the most egregious and most damaging behavior, like inciting violence or pure hate speech. Moreover, the breakdown of robust legal defenses, such as the veracity of the information, matters of public interest, or the absence of ill will, exacerbates the current problem.⁴⁴ The assumption of guilt based on the sharing of information that is "false" in nature is a direct violation of the principle of legality and the principle of presumed innocence, which are both guaranteed in the Nigerian Constitution and upheld under international legal norms.⁴⁵

A comparative analysis of legal regimes suggests the inherent contradictions within such laws.⁴⁶ The threat to democratic societies presented by misinformation is addressed to a great extent by civil remedies such as administrative action or actions in defamation, and not by criminal prosecution. Laws criminalizing speech need to be scrutinized, particularly in political speech, freedom of the press, or social commentary domains vital to full democratic engagement. The penal and criminal provisions of the social media bill are against contemporary best practice and indicate a loss of confidence in the regulatory institutions. People are concerned on a large scale regarding how the Bill handles the issues of whistleblowing, parody, and satire. Criminalizing "parody" without regard to intent or content raises enormous questions for expressions that enjoy the cover of the Constitution.⁴⁷ Satire and comment have in contemporary democratic society increasingly been embraced as valid critiques. In the same way, anonymous submission remains the major channel through which whistleblowers typically bring information regarding corruption or misconduct to the authorities and the wider public. Limiting these channels of expression not only amounts to censorship of the public but can also dissuade individuals from reporting matters of great public concern. Furthermore, the obligation to publish correction notices involves significant burdens. Both platforms and users will be compelled to remove or modify content at the behest of government agencies under the provisions included in the Bill. The provision is an injunction that requests individuals to prioritize the government's viewpoint above any other concern, regardless of whether the original content was expressed as a personal opinion of an individual, a satirical comment, or a factually substantiated piece of information. In addition to this, the lack of an independent intermediary in this system slowly erodes the ethos of fairness. This places the service providers and users in the role of unknowing agents of government control, thereby impacting the freedom of expression and contemplation.⁴⁸

⁴³ W O Anyim, "Twitter Ban in Nigeria: Implications on Economy, Freedom of Speech and Information Sharing," *Library Philosophy and Practice* 2021 (2021): 1–14, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85112815774&partnerID=40&md5=0c2efdc3f30869038e3441d8b26a8c>.

⁴⁴ F B Gereme and W Zhu, "Early Detection of Fake News "before It Flies High,"" in *ACM International Conference Proceeding Series*, 2019, 142–48, <https://doi.org/10.1145/3358528.3358567>.

⁴⁵ U Akpojivi, "Silence and Silent the SóróSoké Generation: The Politicisation of Social Media in Nigeria," in *Communication Rights in Africa: Emerging Discourses and Perspectives*, 2023, 223–42, <https://doi.org/10.4324/9781003388289-17>.

⁴⁶ S Bojjireddy, S A Chun, and J Geller, "Machine Learning Approach to Detect Fake News, Misinformation in COVID-19 Pandemic," in *ACM International Conference Proceeding Series*, 2021, 575–78, <https://doi.org/10.1145/3463677.3463762>.

⁴⁷ C S Raghuvanshi, H O Sharan, and H K Soni, "Social Media Skirmish: Dealing With Fake News and Propaganda Using AI and ML," in *Text and Social Media Analytics for Fake News and Hate Speech Detection*, 2024, 248–61, <https://doi.org/10.1201/9781003409519-14>.

⁴⁸ L V S Lakshmanan, M Simpson, and S Thirumuruganathan, "Combating Fake News: A Data Management and Mining Perspective," in *Proceedings of the VLDB Endowment*, vol. 12, 2018, 1990–93, <https://doi.org/10.14778/3352063.3352117>.

Lastly, the social media law does not meet constitutional and international thresholds of justifiable limitations on freedom of expression. Even if the government may argue that the law aims at protecting national security or preserving public order, measures must be lawful, necessary, and proportionate. Vaguely worded provisions, lack of procedural safeguards, inordinately harsh punitive sanctions, and the stifling of satire and dissent do not pass these tests. Currently, the Bill appears to serve more as a tool for government censorship and regulation, rather than an actual mechanism for the protection of public interests. In democratic contexts, countering misinformation necessitates enforcing a comprehensive approach comprising public education, developing media literacy, open platform governance, and supporting independent media. Lawful measures should adhere to standards of respect for rights and be subject to independent institutions. The Nigerian constitution and international commitment under the ICCPR and African Charter provide a sound foundation for such an approach. What is needed is not wide-ranging and oppressive law, but thoughtful and principled regulation within a framework of democratic values.

Table 2. Legal Compatibility Analysis of Nigeria's Social Media Bill

Legal Standard	Assessment under the social media bill
Section 39(1), 1999 Constitution (Freedom of Expression)	Guarantees free expression; the bill imposes vague, content-based restrictions that undermine this right.
Section 45(1), 1999 Constitution (Permissible Restrictions)	Restrictions must be reasonably justifiable in a democratic society; the bill lacks proportionality and necessity.
Article 19, ICCPR (Freedom of Expression)	Permits restrictions only if lawful, necessary, and proportionate; the bill's broad language and harsh penalties do not meet this test.
Article 9, African Charter (Freedom of Expression)	Requires lawful and narrow restrictions; the bill's enforcement and penalties conflict with this principle.
Due Process Requirements	The bill allows administrative enforcement without judicial review, violating due process standards.
Proportionality of Sanctions	Three years' imprisonment for speech is excessive and not aligned with international norms.
Impact on Satire, Parody & Whistleblowing	Criminalizes legitimate forms of expression and discourages dissent.
Enforced Correction Notices	Compels private parties to adopt government narratives, undermining free expression.
Conclusion	The bill is inconsistent with Nigeria's constitutional and international human rights obligations.

Source: Processed by the Author Based on Analysis

2.3. Civil Society Responses and Resistance

Ever since it was proposed, the social media bill has been the target of massive public outrage. In late 2019, anger throughout Nigeria was palpable when news broke that the bill

had passed its second reading. Tens of thousands of Nigerians took to the streets and the internet to call for its withdrawal. The #SayNoToSocialMediaBill hashtag quickly went viral on Twitter, which was the online rallying point for activists, students, journalists, and everyday users. Some analysts saw the proposed bill as a move by political elites to stifle criticism, frustrate dissent, and reshape narratives ahead of the upcoming electoral cycles. The proposed bill has been rejected unanimously by a number of civil society organizations in Nigeria. A broad coalition of media groups, digital rights organizations, legal professionals, and academic institutions has issued statements denouncing the bill. Interestingly, Adeboye Adegoke of Paradigm Initiative, a foremost digital rights non-governmental organization, described the proposed bill as "a backdoor approach to muffling critical voices in Nigeria," hinting at a general suspicion that the legislation is less about national security and more about the assertion of political authority. The Nigerian Bar Association (NBA), the largest group of legal practitioners in the nation, publicly condemned the bill and warned that there is no constitutional or legislative foundation for granting the government the authority for mass censorship. These concerns were reiterated by major international human rights organizations. Amnesty International, Human Rights Watch, and Article 19 have collectively expressed concern about the bill, saying that it represents a danger to civil liberties, such as the rights to freedom of expression, association, and access to information. They highlighted that Nigeria, having ratified several human rights instruments, had a moral as well as legal duty to safeguard digital rights instead of limiting them. These groups argued that the bill, when passed, would further reduce Nigeria's shrinking civic space, a vital arena for democratic engagement and government accountability. Besides advocacy, civil society groups have adopted legal, political, and procedural actions in fighting the bill. Media Rights Agenda (MRA), an NGO in Nigeria dedicated to freedom of the press, has actively resisted government efforts at expanding content regulation. In a landmark court case, MRA took the National Broadcasting Commission to federal court for trying to apply licensing rules to online broadcasters. While not a direct challenge to the social media bill, the case illustrates a general trend of judicial pushback against governmental overreach in the online sphere. MRA and other such groups have long demanded more transparency, public input, and judicial review of all internet regulation proposals.⁴⁹

The political class has not been spared public dissatisfaction. Several representatives and senators have expressed doubts about the viability of the bill in question. During a live parliamentary session, several legislators expressed concerns about the bill's vague definitions and potential abuse. One senator questioned whether the bill could pass constitutional muster, noting that the language used is so broad it could be interpreted to criminalize even such good-faith discussion.⁵⁰ Others commented that the bill might be used as a tool during election periods to silence political opposition and the media. In light of this resistance, legislators agreed to conduct additional hearings on the bill and allow public commentary. To appease critics, the bill's sponsors committed to engaging stakeholders at large and to entertaining amendments to the most contentious aspects of the bill. Nonetheless, through mid-2022, the bill languished in committee, with no final vote taken. This postponement is broadly viewed as a win for civil society; however, the fact that the bill remains alive in the legislative process implies that the danger has not been removed. Concurrent events have exacerbated public anxiety regarding the government's plan. In 2021, the Nigerian government banned Twitter for six months, allegedly in reaction to the platform's removal of a tweet made by the president. The ban, which was unilaterally and without legal precedent imposed,

⁴⁹ Ibid.

⁵⁰ Ibid.

significantly disrupted online communications, activism, and business activities. Leaders in civil society considered the ban to be a warning indicator that future measures could be enacted if the social media bill were enacted into law. The ban highlighted the threats associated with unchecked executive power in the realm of digital governance and exposed the government's readiness to circumvent judicial and legislative processes for political purposes.

The Twitter ban also had severe economic effects. Nigeria was said to have lost more than \$1.4 billion due to the ban, brought about by disruption in digital commerce, advertisement, and small business activities. Foreign investors were also wary of Nigeria's regulatory risk, pointing to the ban as an instance of arbitrary government. The economic case presented has added force to civil society's argument that freedom of expression is not only a democratic norm but also an essential economic imperative in the modern information era. In particular, groups with technological know-how and youth groups have been a significant force behind this pushback.⁵¹ The civil society organizations have held town hall meetings, webinars, and online campaigns, such as Enough is Enough Nigeria (EiE), BudgIT, and Connected Development, to hammer home the possible adverse effects of the bill. According to the groups, Nigerian young people rely on the online space for expression, economic empowerment, academic activities, and civic engagement. They argue that criminalizing broad swaths of online discussion would hurt the nation's youth and its technology industry. Editorial pages of many of Nigeria's top daily newspapers, such as The Punch, Premium Times, and Daily Trust, all ran adamant editorials opposing the bill. Editorial arguments have indicated that existing legislation fully covers issues like defamation, cyberbullying, and incitement, making the new bill unnecessary at a bare minimum and actively hazardous at worst. Media stakeholders have warned that passage of the law could lead to more self-censorship and further undermine press freedom, which is already facing grave danger in the country.⁵²

Traditional and religious leaders have also stepped into the debate. Some have cautioned that the law would be selectively applied, which would further exacerbate political and social polarization.⁵³ In Nigeria, with religious and ethnic plurality, the silencing of particular stories or oppositional voices would be a recipe for conflict, and national unity would be endangered. Therefore, most have supported the value of dialogue, transparency, and participatory policymaking as more effective methods for countering misinformation and hate speech that exists on social media platforms. Various proponents of the bill have accepted the concerns that have been raised. In a 2020 interview with Al Jazeera, a Senate spokesman defended the bill as a necessary weapon against online hate speech, admitting that public involvement is crucial in preventing potential abuse. He clarified that there was no government agenda to suppress freedom of expression, with inputs from stakeholders to be incorporated into the final draft. Critics, however, continue to be skeptical and assert that empty assurances cannot take the place of firm legal guarantees.⁵⁴

In general, both political and public opinion have turned heavily against the social media bill. The reaction of civil society is not just opposition to certain provisions of the bill but goes beyond to respond to a call for governance that is human rights-respectful, transparent, and accountable. The foregoing positions identify that Nigeria's constitutional and international

⁵¹ Ibid.

⁵² M A C Monts, "Internet, Social Media and Freedom of Expression," *Cuestiones Constitucionales* I, no. 44 (2021): 35–54, <https://doi.org/10.22201/IJ.24484881E.2021.44.16157>.

⁵³ Ibid.

⁵⁴ Ibid.

commitments highly regard open and pluralistic discourse, particularly in digital arenas that have become essential for democratic engagement. There is one common agreement among all parties: the current draft bill in its present form is undemocratic and must be withdrawn or drastically amended to comply with human rights.

3. Conclusion

The pending social media bill promises to protect Nigeria against online "falsehoods"; however, it is doing this at the expense of the freedoms hard-won. Our report indicates that its broad censorship powers and sanctions are not consistent with Nigeria's constitutional guarantee of free expression and accepted global norms. By authorizing disconnection and licensing fines for poorly defined offenses, the legislation stands to suppress legitimate discourse, thus damaging the democratic principles it seeks to promote. Civil society and analysts have rightly cautioned that the law would "chill" discussion and entrench a de facto digital censorship regime. To balance the regulation of misinformation with rights, Nigeria needs to move to less intrusive approaches. First, any regulation applied must be legal, definite, and with checks and balances. If combating disinformation remains a goal, lawmakers should turn to narrowly tailored civil remedies (e.g. defamation or fraud statutes) rather than new criminal speech crimes. Established alternatives include establishing an independent fact-checking organization, promoting media literacy initiatives, and encouraging responsible platform self-regulation approaches advocated by human rights groups for democratic states. Secondly, the state should avoid sweeping content removal or internet shutdowns that are not reviewable by a court. Any limitation imposed on internet content must be preceded by definitive legal authorization, judicial supervision, and adherence to due process. Moreover, the judiciary is accessible for appeal: stakeholders with concerns regarding the bill's constitutionality can seek pre-enactment judicial review, as permitted under Section 46 of the Constitution. The legislature must consider these and amend or repeal whatever provisions fall short of the necessity and proportionality tests under Article 45 and Article 19. More generally, Nigeria, like most countries, is compelled to strike an appropriate balance in regulating cyberspace. Legitimate public interests, such as the integrity of elections or the maintenance of public health, may excuse certain restrictions; they must be precisely calibrated, however. The social media bill, as it reads now, appears to be an overextension of regulations rather than an adequate response. To attain a robust and free internet in Nigeria's regulatory environment, policymakers need to balance laws with constitutional rights and global norms. This is the only means by which Nigeria will guard its national interests while safeguarding the digital rights of its citizens.

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