



DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

NIGERIA
COUNTRY REPORT

2024

Nigeria

Executive Summary

This report evaluates Nigeria's digital rights and inclusion ecosystem in 2024, covering internet access, disruptions, freedom of expression, data protection, artificial intelligence (AI), digital inclusion, and content moderation. Key advancements include the development of a national AI strategy. Obstacles such as SIM card disconnections, unaffordable internet tariffs, internet throttling during protests, and ambiguous laws stifling freedom of expression counter these advancements. Data breaches remain a pervasive issue despite the establishment of the Data Protection Commission, and digital inclusion for marginalised groups remains insufficient. The methodology employed for this research is a mixed-methods approach that combines desk research, policy analysis, and case studies to evaluate the digital rights and inclusion landscape. It involved reviewing secondary sources, such as laws, government policies, and public documents, to assess their impact and implementation. Specific incidents, including internet disruptions, journalist arrests, and data breaches, were documented as case studies to illustrate challenges. A scoring framework aligned with the ACHPR Declaration of Principles, The Score Index, developed by Paradigm Initiative, was used to benchmark compliance in key areas like internet access, freedom of expression, and data protection. Additionally, qualitative insights were gathered through stakeholder consultations and workshops to capture diverse perspectives and identify trends in digital rights violations. Recommendations emphasise enforcing existing laws, reducing barriers to access, improving transparency, strengthening public-private partnerships, and ensuring ethical AI governance. With these interventions, Nigeria can bolster its digital landscape, enhancing inclusion, resilience, and rights protection.

2

DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024



Introduction

3

DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024

Nigeria's rich diversity encompasses over 250 ethnic groups and a multitude of languages, contributing to its vibrant cultural landscape. Factors such as urbanisation and economic status influence the country's demographic distribution and literacy rates, reflecting this diversity. The Nigeria Londa 2024 report presents a comprehensive assessment of the state of digital rights and inclusion in Nigeria. Building on previous editions, this report examines key themes such as internet access, disruptions, freedom of expression, data protection, artificial intelligence (AI), digital inclusion, and content moderation. The African Commission on Human and Peoples' Rights declaration determines key indicators to score these thematic areas.

Internet access

In 2023, Londa reported the ambitious plan of the government to expand broadband penetration to 70% by 2025.¹⁰⁶⁵ In 2024, this ambition is yet to be achieved, but the year had both strides and setbacks. In strides, 2024 saw 5G penetration at 2.19% from 0.83% that was reported in August 2023. In setbacks, Nigeria has seen a significant fall in internet usage due to the mass disconnection of telecommunications subscribers. The Federal Government of Nigeria in the year 2020 first announced that Nigerians were mandated to connect their phone numbers through their SIM cards to their National Identity numbers with an initial deadline of 2 weeks.¹⁰⁶⁶ For four years the deadlines were extended up until a final deadline of September 14, 2024¹⁰⁶⁷ and this has meant unconnected phone numbers have been disconnected from their service providers in their millions.¹⁰⁶⁸ The result has been a reduction in Nigerian Communications Commission subscriber and teledensity¹⁰⁶⁹ numbers. In November 2023, mobile subscriptions were at 223,220,009 and teledensity percentage at 102.97%, while in September 2024, the subscription numbers were 154,904,827 and teledensity at 71.46%.

Further barriers to access in the country include smartphones being too expensive¹⁰⁷⁰ and internet tariffs being unaffordable for up to 71% of the population.¹⁰⁷¹ Despite the affordability challenges, Starlink announced a 97%¹⁰⁷² hike in tariffs for Nigerian subscribers; this was met with sanctions from NCC, the regulator.¹⁰⁷³ Regardless of the stance by NCC, it is clear that tariff hikes are looming in the country, as industry players have also sought permission from NCC to increase tariffs in the country.¹⁰⁷⁴ These affordability challenges will deepen the digital divide.

Disruptions

Many Nigerians experienced internet throttling during the #EndBadGovernance (in Nigeria) protests held from August 1-10 2024. NetBlocks reported on 'X'¹⁰⁷⁵ a disruption to leading internet provider MTN in Nigeria, noting it could limit visibility for the #EndBadGovernanceInNigeria protests. Since the protests began on August 1, MTN subscribers have faced difficulties accessing social media, with connectivity dropping to 40% on the day of the protests, compared to over 80% prior. This raised concerns about the impact of internet disruptions on the global reach of the demonstrations,

1065 Nigerian National Broadband Plan 2020-2025. Available at: <https://ngfrepository.org.ng:8443/bitstream/123456789/3349/1/NIGERIA%20NATIONAL%20BROADBAND%20PLAN%202020-2025.pdf> (Accessed January 4, 2024)

1066 Emma Okonji, "FG Directs SIM Card be Linked to National Identity Number" <https://www.thisdaylive.com/index.php/2020/12/16/fg-directs-sim-card-be-linked-to-national-identity-number/>, (Accessed November 13, 2024)

1067 Vaughan O'Grady "Nigeria's NCC sets one last deadline for SIM registration" <https://developingtelecoms.com/telecom-business/telecom-regulation/17233-nigeria-s-ncc-sets-one-last-deadline-for-sim-registration.html>, (Accessed November 13, 2024)

1068 Justice Okamgba, "Telcos begin disconnection of phone lines not linked to NIN" <https://punchng.com/telcos-begin-disconnection-of-phone-lines-not-linked-to-nin/>, (Accessed November 13, 2024)

1069 Number of fixed (landline) telephone connections per 100 people in a specified geographic area. Teledensity is often used to compare the level of access to voice and data communications services between metropolitan and rural areas, or between one country and another.

1070 Royal Ibeh, "High Smartphone Prices Undermine Nigeria's 2025 Broadband Goals" <https://nationaleconomy.com/high-smart-phone-prices-undermine-nigerias-2025-broadband-goals/> (Accessed November 12, 2024)

1071 Small Business Insights, "High internet costs hinder digital access for 71% of Nigerians, conference reveals" <https://smallbusinessinsights.ng/high-internet-costs-hinder-digital-access-for-71-of-nigerians-conference-reveals/> (Accessed November 12, 2024)

1072 Justice Okamgba, "Elon Musk's Starlink hikes internet subscription fee by 97% for Nigerian users" <https://punchng.com/elon-musks-starlink-hikes-internet-subscription-fee-by-97-for-nigerian-users/> (Accessed November 13, 2024)

1073 Justice Okamgba, "Elon Musk's Starlink hikes internet subscription fee by 97% for Nigerian users" <https://punchng.com/elon-musks-starlink-hikes-internet-subscription-fee-by-97-for-nigerian-users/> (Accessed November 13, 2024)

1074 David Whitehouse, "MTN Nigeria demands tariff increase as weak currency, high inflation drive losses" <https://www.theafricareport.com/346578/mtn-nigeria-demands-tariff-increase-as-weak-currency-high-inflation-drive-losses/> (Accessed November 13, 2024)

1075 Victor Olorunfemi "Internet services on MTN face severe disruption amid hunger protests: Report" <https://gazettengr.com/internet-services-on-mtn-face-severe-disruption-amid-hunger-protests-report/> (Accessed November 12, 2024)

with MTN maintaining a 50.50% market share of network service providers in Nigeria.¹⁰⁷⁶

Freedom of expression

A number of previous Londa reports on Nigeria noted the clampdown on online freedom of expression through the Cybercrimes Act of 2015, which included arrests of skitmakers¹⁰⁷⁷ and journalists.¹⁰⁷⁸ In 2024, this law was amended,¹⁰⁷⁹ an amendment that came with positive changes but was shrouded in controversy, such as the secrecy and lack of public participation in the passage.¹⁰⁸⁰ This amendment included the infamous Section 24, which now limits cyberstalking to cases involving pornographic content or false information intended to cause a breakdown of law and order or pose a threat to life. However, the ambiguous phrase “to cause a breakdown of law and order” continues to raise concerns about potential abuse by security agencies, as evidenced by past incidents where vague laws targeted journalists and dissenting voices.¹⁰⁸¹

The National Broadcasting Commission (NBC) has in the past imposed fines and sanctioned broadcast media institutions for the views or comments of guests that were perceived to have violated regulations. However, on January 17, 2024, a Federal High Court in Abuja declared the provisions of the Nigeria Broadcasting Code that allowed the NBC to impose fines on broadcast stations for alleged violations of the code to be null and void. The court ruled that administrative and regulatory bodies are not permitted to exercise judicial powers. These fines had been used to censor broadcast houses from reporting on protests, banditry and various issues deemed unfavourable to the government.¹⁰⁸²

In 2023, Londa reported a new administration in Nigeria following the general elections with the opportunity to frame a rights-respecting agenda for itself, and the President himself promised to respect media freedoms during his administration.¹⁰⁸³ So far, 2024 has seen various journalist arrests, such as in February, when journalist Kasarachi Aniagolu of The Whistler Newspaper was arrested and detained by the Nigerian Police while covering a raid on Bureau de Change operators in Abuja. In March, Segun Olatunji, editor of FirstNews, was abducted by armed men from his home in Lagos and later found in the custody of the Defence Intelligence Agency (DIA).¹⁰⁸⁴ Other journalist arrests, such as those of Ebule Anthony Metsese and Sufuyan Ojeifo, highlight the increasing dangers to media professionals in Nigeria.

One of the most arguably high-profile cases was that of a renowned investigative journalist – known by his name on X, PIDOM, and for exposing government corruption – who disappeared online ahead of the #EndBadGovernance (In Nigeria) protest. Before his disappearance, he announced plans to release confidential documents revealing government corruption. On August 5, 2024, he

1076 National Communications Commission, “Industry Statistics” <https://www.ncc.gov.ng/statistics-reports/industry-overview> (Accessed November 14, 2024)

1077 Olakunle Olafioye, “Cybercrime laws: Tough time for pranksters, skit makers” <https://thesun.ng/cybercrime-laws-tough-time-for-pranksters-skit-makers/> (Accessed November 14, 2024)

1078 Committee to Protect Journalists, “Journalist arrested, charged under cybercrime law in Nigeria” <https://cpj.org/2019/03/journalist-arrested-charged-under-cybercrime-law-i/> (Accessed November 14, 2024)

1079 S.P.A Ajibade & Co, “The National Assembly Amends The Cybercrimes (Prohibition, Prevention, Etc.) Act” <https://www.mondaq.com/nigeria/security/1466724/the-national-assembly-amends-the-cybercrimes-prohibition-prevention-etc-act> (Accessed November 14, 2024)

1080 Policy and Legal Advocacy Centre, “Cybercrimes Amendment Act Exposes Lapses in Legislative Process” <https://placng.org/Legist/cybercrimes-amendment-act-exposes-lapses-in-legislative-process/> (Accessed November 13, 2024)

1081 Imoleayo Adedeji, “Amended Cybercrime Act dangerous, may influence police clampdown on journalists, others – Lawyer” <https://punchng.com/amended-cybercrime-act-dangerous-may-influence-police-clampdown-on-journalists-others-lawyer/> (Accessed November 14, 2024)

1082 Dania, Onozure. “Judgment stopping NBC from imposing fines constitutional, say stakeholders.” Punch Newspapers, January 24, 2024. https://punchng.com/judgment-stopping-nbc-from-imposing-fines-constitutional-say-stakeholders/#google_vignette. Accessed November 14, 2024)

1083 Deji Elumoye, “Tinubu Vows to Uphold Media Freedom, Respect Divergent Views” <https://www.thisdaylive.com/index.php/2023/12/19/tinubu-vows-to-uphold-media-freedom-respect-divergent-views/?amp=1> (Accessed November 12, 2024)

1084 Adejumo Kabir, “Attacks On Press Freedom Still Common Under Nigeria’s New President” <https://humanglemedia.com/attacks-on-press-freedom-still-common-under-nigerias-new-president/> (Accessed November 15, 2024)

was confirmed¹⁰⁸⁵ to have been arrested in a hotel in Port Harcourt by the Nigeria Police Force's Cybercrime Unit under the directive of the National Security Adviser, charged with leaking classified documents and cyber-related offences. His arrest has drawn widespread criticism, with reports of physical and psychological abuse during detention and allegations of police misconduct, including theft of his belongings. The police imposed unrealistic bail conditions,¹⁰⁸⁶ including a requirement for a civil servant with a N500 million property as a surety. All these events spotlight dangers to media freedoms in the country.

Data Protection and Privacy

Journalists are not only disproportionately arrested under the Cybercrimes Act, they are also endangered through arbitrary State surveillance, as well as other groups like protesters, activists, opposition politicians and civil society organisations being targeted.¹⁰⁸⁷ The Nigerian government has been reported to have widespread use of spyware¹⁰⁸⁸ and heavy investments in surveillance technologies to the tune of USD 40 million in intercept technology and USD 583 million on public surveillance.¹⁰⁸⁹ The case of PIDOM referenced above, who was tracked and arrested in a hotel room, suggests the surveillance capacity of the government.

In June 2024, Nigeria marked one year of the Nigeria Data Protection Act (NDPA) and the Establishment of the Nigeria Data Protection Commission (NDPC). The NDPA strengthens the constitutionally assured right to privacy.¹⁰⁹⁰ In this time, it has released the draft NDPA General Application and Implementation Directive (GAID).¹⁰⁹¹ The GAID marks a significant step towards strengthening data protection in Nigeria. It also provides essential guidance and clarification on the provisions of the NDPA, the principal legislation on data protection in Nigeria. It further hosted a few validation workshops inviting stakeholders to contribute to the document.¹⁰⁹²

Despite the existence of the NDPC, the NDPA and GAID, there have been a myriad of data breaches from the private and public sectors. In 2024, numerous disputes regarding data breaches are currently being litigated in Nigerian courts, which may be attributed to the increasing awareness and prominence of the issue.¹⁰⁹³

Globacom, a prominent Nigerian telecommunications company, was the victim of a substantial cyberattack that disrupted its operations and exposed sensitive customer data, according to a recent exposé.¹⁰⁹⁴ The internal systems, customer service channels, and administrative functions were reportedly crippled by the attack, which reportedly escalated on July 13, 2023. According to reports, hackers gained access to Globacom's Domain Name System (DNS), redirecting traffic

1085 "Bankole Abe, "Police confirm arrest of whistleblower PIDOM" <https://www.icirnigeria.org/police-confirm-arrest-of-whistleblower-pidom/> (Accessed November 14, 2024)

1086 Deborah Musa, "Court grants PIDOM N5m bail in cybercrime case" <https://punchng.com/court-grants-pidom-n5m-bail-in-cyber-crime-case/> (Accessed November 14, 2024)

1087 Spaces for change, The Proliferation of Dual-Use Surveillance Technologies in Nigeria: Deployment, Risks & Accountability <https://spacesforchange.org/download/report-the-proliferation-of-dual-use-surveillance-technologies-in-nigeria-deployment-risks-accountability/> (Accessed November 14, 2024)

1088 Human Rights Watch. "Human Rights Watch Among Pegasus Spyware Targets," July 15, 2022. <https://www.hrw.org/news/2022/01/26/human-rights-watch-among-pegasus-spyware-targets#:~:text=Lama%20Fakih%2C%20Crisis%20and%20Conflict%20director%20and%20head%20of%20the,introduced%20on%20people's%20mobile%20phones.> (Accessed November 12, 2024)

1089 Daniel Adaji, Nigeria invests \$40m in intercept technology, \$583m in surveillance- Report, <https://punchng.com/nigeria-invests-40m-in-intercept-technology-583m-in-surveillance-report/> (Accessed November 12, 2024)

1090 section 37 CFRN

1091 Data Guidance, "Draft Nigerian Data Protection Act General Application and Implementation Directive 2024 " <https://www.dataguidance.com/legal-research/draft-nigerian-data-protection-act-general> (Accessed December 30th 2024)

1092 Ifeoma Peters, "NDPC Holds Second Validation Workshop on NDP Act GAID, Seeks Stakeholder Input" <https://dnlegalandstyle.com/dnl/ndpc-holds-second-validation-workshop-on-ndp-act-gaid-seeks-stakeholder-input/> (Accessed November 15, 2024)

1093 Zakariyyah Adaramola, "Disputes over data breach, banks' tech glitches increasing in courts – CJN" <https://dailytrust.com/disputes-over-data-breach-banks-tech-glitches-increasing-in-courts-cjn/> (Accessed November 13, 2024)

1094 Olumuyiwa Olowogboyega, "The Globacom breach: How hackers held Nigeria's telco giant hostage" <https://techcabal.com/2024/10/21/how-hackers-held-globacom-hostage/> (Accessed November 14, 2024)

and acquiring control over critical systems.

Globacom purportedly neglected to notify regulators, despite the legal obligation to disclose breaches within 72 hours under Nigeria's Data Protection Act. Globacom has been silent on the details of the breach, recovery efforts, or preventive measures for more than a year, which has raised concerns about the security of consumer data and accountability.

In March, 2024 XpressVerify, a website, was exposed for selling Nigerians' identification data by the Foundation for Investigative Journalism (FIJ)¹⁰⁹⁵. Three months later, another private website, AnyVerify, was found trading sensitive citizen data, including Bank Verification Numbers (BVNs), International Passport information, National Identity Numbers, Tax identification numbers, and more, for as little as ₦100 per request following an investigation by Paradigm Initiative (PIN), a digital rights social enterprise that proceeded to initiate legal action against multiple government agencies.¹⁰⁹⁶

This incident highlights the growing sophistication of cyberattacks and data breaches in Nigeria even though the NDPC has been noted to investigate various incidents and impose fines.¹⁰⁹⁷ It is unclear whether any specific action has been taken against Globacom, NIMC and its fellow government agencies.

Content Moderation and Censorship

The digital space in Nigeria has been the subject of discussion regarding some form of content moderation, particularly since the introduction of the social media and hate speech bills in 2019 which were met with significant opposition. In 2022, National Information Technology Development Agency (NITDA) introduced its draft Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries (Online Platforms).¹⁰⁹⁸ NITDA used this code to notify all Interactive Computer Service Platforms/Internet Intermediaries operating in Nigeria that the federal government has set out conditions for operating in the country. These conditions address issues around legal registration of operations, taxation, and managing prohibited publication in line with Nigerian laws.¹⁰⁹⁹ The code of practice also outlines what government requests for information, takedowns and judicial oversight looks like to Computer Service Platforms/Internet Intermediaries that include but are not limited to social media platforms and other major technology companies.¹¹⁰⁰

The government has not disclosed any information regarding the quantity of content moderation requests it has submitted to "big tech" companies. However, Meta, TikTok, and Google have disclosed the number of requests they have received.

Meta reports¹¹⁰¹ that the Nigerian government made a total of 48 requests in 2023, including 250 user accounts, 43 legal process requests, and five emergency disclosure requests. Some data was generated for 31.03% of these requests from July to December 2023. The Nigerian government

1095 Joseph Adeyi "ALERT: XpressVerify, a Private Website, Has Access to Registered Nigerians' Data and Is Making Money From It" <https://fij.ng/article/alert-xpressverify-a-private-website-has-access-to-details-of-registered-nigerians-and-is-making-money-off-it/> (Accessed December 30th 2024)

1096 Paradigm Initiative, "Major Data Breach: Sensitive Government Data of Nigerian Citizens Available Online for Just 100 Naira", <https://paradigmhq.org/major-data-breach-sensitive-government-data-of-nigerian-citizens-available-online-for-just-100-naira/> (Accessed December 30, 2024)

1097 Osamu Ekhaton, "NDPC gets ₦400 million in fines from 7 companies for data breaches" <https://techpoint.africa/2024/06/13/nd-pc-gets-fines-companies-data-breaches/> (Accessed November 15, 2024)

1098 National Information Technology Development Agency, "CODE OF PRACTICE FOR INTERACTIVE COMPUTER SERVICE PLATFORMS/ INTERNET INTERMEDIARIES" <https://nitda.gov.ng/wp-content/uploads/2022/06/Code-of-Practice.pdf> (Accessed November 15, 2024)

1099 Aragba-Akpore, "NITDA'S NEW CODE AND ONLINE PRIVACY" https://www.thisdaylive.com/index.php/2022/06/22/nitdas-new-code-and-online-privacy/#google_vignette (Accessed November 17, 2024)

1100 Davidson Otoru & Agboola Dosunmu, "Exploring the NITDA Code of Practice and Its Potential Impact on Social Media and Online Platforms" <https://www.aelex.com/exploring-the-nitda-code-of-practice-and-its-potential-impact-on-social-media-and-online-platforms/> (Accessed November 17, 2024)

1101 Meta "Transparency Center" <https://transparency.meta.com/reports/government-data-requests/country/NG/> (Accessed November 12, 2024)

submitted 10 requests to TikTok¹¹⁰², of which eight were implemented. Google¹¹⁰³ reports a total of 42 requests from 2013 to 2024, with copyright, privacy, and security serving as recurring reasons for requests, as well as defamation. In general, the volume of requests is comparatively low in comparison to global trends and the average of 36.75 million social media users¹¹⁰⁴ in the country. This suggests that entities in Nigeria are not using internet intermediaries to censor online content. Additionally, it has been reported that the intricate character of Nigeria's internet infrastructure further complicates the implementation of systematic filtering or censorship.¹¹⁰⁵ While censorship might not go through these companies, journalists have been compelled to remove online content as a condition of release from detention or as a result of intimidation.¹¹⁰⁶ It is important to note that the reports from Google¹¹⁰⁷ and TikTok¹¹⁰⁸ were challenging to comprehend and analyse due to the format and volume of the requests, that of Tiktok specifically was in an Excel zipped file.

Access to information

The Freedom of Information Act (FOI Act), enacted in Nigeria in 2011 after years of advocacy by civil society groups and journalists, aimed to enhance public access to government records, promote transparency, and uphold press freedom. It allows individuals to request public information¹¹⁰⁹ without the need to show special interest, mandates public institutions to maintain and publish records, and protects whistle-blowers exposing misconduct.

Under the FOI Act, a denial of an information request is actionable.¹¹¹⁰ If a government or public institution refuses access to information, it is required to provide the applicant with a written notice outlining the reasons for the refusal. This notice must specify the relevant provisions of the FOI Act supporting the denial and inform the applicant of their right to challenge the decision in court. Additionally, the notice must include the names, designations, and signatures of the individuals responsible for the denial. Importantly, section 7(3) of the Act mandates that the institution must also confirm whether the requested information or record exists, ensuring that denial is not issued without proper justification. However, the Act's implementation has faced challenges, including poor record-keeping practices by public institutions, limited compliance with its provisions, and its exclusion of the private sector.¹¹¹¹

Court rulings have thankfully upheld the Act in many cases and led to landmark advocacy-inspired cases, such as ordering the disclosure of public officials' salaries and recovered funds, but its practical impact remains limited. Many Nigerians report difficulties in accessing public information, and the law has not fully realised its potential to guarantee transparency or support freer press freedom. A 2023 report¹¹¹² disclosed that over 170 Nigerian Ministries, Departments and Agencies (MDAs) violated the FOIA in that year showing the generally low level of compliance.

1102 Tiktok, "Government Removal Requests Report " <https://www.tiktok.com/transparency/en-us/government-removal-requests-2023-2> (Accessed November 12, 2024)

1103 Google, Government requests to remove content, <https://transparencyreport.google.com/government-removals/overview?hl=en> (Accessed November 12, 2024)

1104 "What Is The Number Of Social Media Users In Nigeria?," <https://www.verivafrica.com/articles/what-is-the-number-of-social-media-users-in-nigeria?id=what-is-the-number-of-social-media-users-in-nigeria>. (Accessed November 12, 2024)

1105 Freedom House, "Nigeria," Freedom House, <https://freedomhouse.org/country/nigeria/freedom-net/2024>. (Accessed November 12, 2024)

1106 See n37

1107 See n39

1108 See n38

1109 Section 1(1) of the FOI Act

1110 MADUBUIKE-EKWE, N.J., and Joseph N. MBADUGHA. "Obstacles to the Implementation of the Freedom of Information Act, 2011 in Nigeria." NAUJILJ, 2018. <https://www.ajol.info/index.php/naujilj/article/view/168833/158299>

1111 San, O. M. Atoyebi, and O. M. Atoyebi San. "Freedom of Information Act 2011: The Journey So Far - Omaplex Law Firm." Omaplex Law Firm - Round-The-Clock Legal Assistance Just For You (blog), July 23, 2024. <https://omaplex.com.ng/freedom-of-information-act-2011-the-journey-so-far/>. (Accessed November 19, 2024)

1112 Ibrahim Adeyemi, "The MDAs Violating Nigeria's Freedom Of Information Act," Humangle,, <https://humanglemedia.com/the-mdas-violating-nigerias-freedom-of-information-act/> (Accessed November 19, 2024)

AI and Emerging Technologies

The National Centre for Artificial Intelligence and Robotics (NCAIR) was established by NITDA in 2020 to promote research and development on emerging technologies and their practical application in areas of Nigerian national interest.¹¹¹³ Artificial intelligence has seen an accelerated momentum in the digital space in 2024 in Nigeria. On August 1st 2024, the country launched its new AI strategy¹¹¹⁴ It has the following strategic pillars :

- Building Foundational AI Infrastructure,
- Building and Sustaining a World-class AI Ecosystem,
- Accelerating AI Adoption and Sector Transformation,
- Ensuring Responsible and Ethical AI Development,
- Developing a Robust AI Governance Framework.

Among these pillars Pillar four aims to guide Nigeria's AI development within a responsible and ethical framework, emphasizing fairness, transparency, accountability, privacy, and human well-being. The strategy mentions creating an AI Ethics Expert Group (AIEEG) to establish ethical principles aligned with Nigerian values and developing an AI ethics assessment tool. The pillar also focuses on a human-centered AI transition by addressing potential societal disruptions like job displacement and inequality, through foresight studies and legislative reforms. These reforms will protect human rights, privacy, and ensure equitable access to technology through initiatives such as digital literacy programs and community hubs. This pillar attempts to put in safeguards with the growing interest in AI and proper focus and implementation will make it fit for purpose.

Shortly after the strategy was launched, the Federal Ministry of Communications, Innovation & Digital Economy (FMCIDE) announced that it secured a ₦2.8 billion grant from Google to support AI talent development in Nigeria. The fund aims to enhance AI-focused education and skill development for youth and underemployed individuals.¹¹¹⁵ The fund has already selected 10 start-ups. Similarly, the National Assembly is currently drafting a bill to establish a legal framework on artificial intelligence in the country. This development coincides with the announcement by UNESCO and Infinix mobile phones that they aim to train 10,000 people in AI and robotics in Nigeria, with a first cohort of 30 individuals having already been selected.¹¹¹⁶ The private sector is also showing some readiness to deploy the use of artificial intelligence such as a Nigerian radio station announcing the use of an AI virtual host.¹¹¹⁷

Digital Inclusion and Protections

In 2023, Nigeria adopted a Child Online Protection Policy and Strategy¹¹¹⁸, developed to safeguard children in the digital space and promote safer online experiences. The policy, which is publicly accessible along with various supporting resources on the Nigerian Communications Commission (NCC) website, offers guidance on best practices for child online safety. However, it does not carry the force of law and remains a non-binding framework, serving primarily as a reference tool. As such, it lacks enforcement mechanisms, limiting its effectiveness in holding violators accountable or mandating compliance across sectors.

1113 National Centre for Artificial Intelligence – Nigeria), "About Us"<https://ncair.nitda.gov.ng/about-us/> (Accessed November 19, 2024)

1114 National Centre for Artificial Intelligence – Nigeria), "National AI Strategy", https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AI-Strategy_01082024-copy.pdf

1115 <https://fmcide.gov.ng/ministry-announce-n2-8billion-google-support-to-advance-ai-talent-development-in-nigeria/> (Accessed November 19, 2024)

1116 Adebayo Waheed, "UNESCO, Infinix Target 10,000 Students For AI Robotic Training In Nigeria," Leadership News, November 18, 2024, <https://leadership.ng/unesco-infinix-target-10000-students-for-ai-robotic-training-in-nigeria/>. (Accessed November 20, 2024)

1117 Popoola Yaqoub, "Women Radio 91.7FM Unveils Nigeria's First AI Virtual Host, Nimi," Independent Newspaper Nigeria (blog), November 19, 2024, <https://independent.ng/women-radio-91-7fm-unveils-nigerias-first-ai-virtual-host-nimi/>. (Accessed November 20, 2024)

1118 Gloria Ume-EzeOKE, FEC Approves National Child Online Protection Policy And Strategy, <https://www.channelstv.com/2023/01/25/fec-approves-national-child-online-protection-policy-and-strategy/#:~:text=So%2C%20they%20switch%20only%20to,affect%20them%20morally%20and%20otherwise.%E2%80%9D&text=He%20said%20it%20is%20against,approved%20as%20the%20National%20Commissioner.> (Accessed January 30, 2025)

The Universal Service Provision Fund (USPF) was established by the Federal Government of Nigeria to facilitate the achievement of national policy goals for universal access. The fund held two workshops focused on adoption, utilisation, and sustainability of Information Communication Technology (ICT) in the rural, unserved and underserved areas of the country. These were hosted in June and July in Oyo and Kano states respectively.¹¹¹⁹ Universal service to information and communication technologies (ICTs) in rural, un-served and underserved areas in Nigeria. Londa, 2023 reported that the Universal Service Provision Fund published its annual report for the year 2021 and there is no new report.¹¹²⁰ However, the National Assembly approved USD 10,148,248¹¹²¹ as the Universal Service Provision Fund's (USPF) 2024 budgetary estimate. The USPF is also consistent with publishing its call for service providers in the first week of the year¹¹²² signalling that consistent work is ongoing. However, how much work, where and how it is being used remains unclear due to a lack of consistent, visible reporting by the fund.

In 2018, Nigeria enacted the Discrimination Against Persons with Disabilities (Prohibition) Act to protect PWDs from exclusion and ensure accessibility. The Discrimination Against Persons with Disabilities (Prohibition) Act was a necessary bill, as the 2023 WHO report¹¹²³ highlighted a striking reality that one in six people globally live with a disability, facing accessibility challenges that are 15 times greater than those experienced by people without disabilities. In Nigeria, a country of over 218 million people, approximately 29 million individuals have disabilities. In spite of this law, people with disabilities are faced daily with many barriers such as inaccessible public spaces and transportation.¹¹²⁴ The most widespread assistive devices in Nigeria are glasses, braille and clutches, which makes it clear that there is a lack in the country for more complex devices in global standards for accessibility.¹¹²⁵ People with disabilities have also documented struggles with the National Identity enrollment exercise that requires biometric registration with some having attempted the process for years on end without progress.¹¹²⁶ The private sector also seemingly leaves this group out in service delivery, for instance, in financial services and design of relevant applications.¹¹²⁷

1119 USPF, "News", <https://www.uspf.gov.ng/media-centre/news> (Accessed November 20,2024)

1120 USPF, "Publications" <https://www.uspf.gov.ng/media-centre/publications> (Accessed November 20,2024)

1121 17 billion Naira using Central bank rates as at November 19th 2024 available at: <https://www.cbn.gov.ng/rates/exchrtebycurrency.asp>

1122 <https://www.publicprocurement.ng/tag/23-01-2024/> (Accessed November 20,2024)

1123 World Health Organization: WHO. "Disability," March 7, 2023. <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>. (Accessed November 20,2024)

1124 Chisom Udora "A Case for Disability Access to Public Infrastructure in Nigeria," n.d. <https://www.verivafira.com/in-sights/a-case-for-disability-access-to-public-infrastructure-in-nigeria>. (Accessed November 20,2024)

1125 Cdinclusion, "Assistive technology for PWDs in Nigeria, Where are we? – Centre for Disability and Inclusion Africa," November 2, 2023, <https://cdinclusionafrica.org/2023/11/02/assistive-technology-for-pwds-in-nigeria-where-are-we/>. (Accessed November 20,2024)

1126 Sodiq Ojurounbe, "Lepers, others living with disabilities struggle for digital identity enrolment," Healthwise, February 4, 2024, <https://healthwise.punchng.com/lepers-others-living-with-disabilities-struggle-for-digital-identity-enrolment/>. (Accessed November 20,2024)

1127 Juliet Umeh, "Trapped in digital dark: How Nigeria's financial system fails persons with disabilities " <https://www.vanguardngr.com/2024/09/trapped-in-digital-dark-how-nigerias-financial-system-fails-persons-with-disabilities/> (Accessed November 20,2024)

The score index

11

DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
Internet Shutdowns	P38(2)	3	There was documented internet throttling
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Nigeria has a robust broadband plan and the Universal Access and Universal Service Regulations 2007
False News Criminalisation	P22(2)	3	Disinformation is not criminal in Nigeria however the Criminal Code Act prohibits “publication of false news with intent to cause fear and alarm to the public” (Section 59)
Sedition Legislation	P22(2)	1	The legislation exists and has been used against protesters in 2024
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	There have been various documented arrests of journalists
Data Protection Legislation.	P42	4	There is an existence of a legislation and an accompanying regulatory agency, however it could be more independent with the way it receives funding and appointment process of the commissioner
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	The requests for content removal are relatively low as such state international through internet intermediaries are not alot
Invasion of Privacy of Communications	P41	3	Demonstrated pattern of surveillance
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	Reports of Government not adhering to the legal requests under the Freedom of Information Act

AI and Emerging Technologies national strategies	P39(6)	4	There is a National AI strategy that includes a pillar with human rights and ethical considerations as well as a National Center for Artificial Intelligence and Robotics
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	A non-binding child online protection policy and strategy exists
Digital Inclusion	P37(3)	4	There is a law focused on PWDs that however needs better compliance alongside the USPF initiatives
TOTAL (up to 60)		36	Moderately compliant.

Conclusion

The Nigeria Londa 2024 report reflects a digital rights and inclusion landscape marked by both progress and challenges. With a compliance score of 36 out of 60, Nigeria is moderately aligned with the Declaration of Principles of Freedom of Expression and Access to Information in Africa. Advancements like AI strategy development and 5G deployment highlight the potential for growth, but systemic barriers such as unaffordable internet tariffs, internet disruptions, and weak enforcement of FOI laws hinder progress. Strengthening policy implementation, fostering transparency, and ensuring inclusivity will be essential to enhancing Nigeria's digital ecosystem and setting a benchmark for progress in future assessments.

Recommendations

Government should:

- Ensure the implementation of the Nigeria Data Protection Act (NDPA) with rigorous oversight and accountability mechanisms.
- Build trust through consistent reports of progress and activities undertaken under various initiatives, from fines to enforcing sanctions and how funds are used to serve disadvantaged communities; these include but are not limited to the NDPC and USPF.
- Promote affordable internet access by regulating tariffs and subsidising access for underserved populations.
- Strengthen enforcement to ensure public institutions adhere to Freedom of Information (FOI) provisions.
- Refrain from unjustified internet throttling and shutdowns, particularly during protests and critical events.
- Accelerate the development and implementation of ethical AI frameworks and related legislation, allowing room for reviews as the landscape matures

Private Sector should:

- Redesign digital and physical infrastructure to better serve persons with disabilities (PWDs).
- Consult all relevant stakeholders at the design stage of products to allow for products promoting human rights..
- Publish detailed and timely transparency reports on content moderation and data protection efforts that are easily readable and accessible.
- Enhance protection against data breaches through investments in advanced rights-respecting security protocols.
- Adhere to legal requirements on data breach disclosures

Civil Society should:

- Advocate for reforms to ambiguous legislation that stifles free expression and leads to arbitrary arrests.
- Run campaigns to educate citizens about their digital rights and available legal recourse.
- Track compliance with data protection and digital inclusion policies of governments as a baseline for advocacy.

