

A photograph of a busy election station in Nigeria. In the foreground, a man wearing a green cap and a blue and yellow high-visibility vest is looking down at a document. Behind him, a line of people, including women in colorful traditional attire and headwraps, are waiting. Some are looking at their phones. The scene is outdoors with trees in the background.

THE 2019 NIGERIAN ELECTIONS THROUGH THE LENS OF DIGITAL RIGHTS

A research study by:
Paradigm Initiative
Open Observatory of Network Interference (OOONI)

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■ About

Paradigm Initiative

Paradigm Initiative is a social enterprise that builds ICT-enabled support systems for young people, and advocates digital rights, in order to improve their livelihoods. Paradigm Initiative has worked with government, civil society, private institutions and international organizations, including the United Nations to set standards in ICT education, telecenter support, ICT applications in rural areas, and other ICT interventions in Africa. Paradigm Initiative has offices in Yaba, Aba, Kano (Nigeria); Lome (Togo), Yaoundé (Cameroon), Arusha (Tanzania) and Lusaka (Zambia).



OONI

The Open Observatory of Network Interference (OONI) is a free software project under The Tor Project that aims to increase transparency of internet censorship around the world.

To this end, OONI develops free and open source software (called OONI Probe) designed to measure various forms of network interference, such as the blocking of sites and instant messaging apps.

Hundreds of thousands of network measurements are collected from more than 200 countries every month, contributing to OONI Explorer, one of the world's largest publicly available resources on internet censorship.



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Credits

1 Introduction

The year 2019 was poised to be a watershed year for Nigeria, as the nation faced its 6th consecutive general elections after the transition to democracy in 1999. The two most popular political parties on the ballot were the All Progressives Congress (APC) which had come to power in 2015, and the Peoples Democratic Party (PDP) which had held Presidential powers for 16 uninterrupted years (1999 - 2015). Together with them in the contest were 89 other registered political parties with varying degrees of popularity in the country. At stake were elections which would produce the President of the Republic, governors of Nigeria's states, senators and representatives for Nigeria's Parliament and members of the Houses of Assemblies (legislative arm) of the various states in Nigeria. Elections to the offices of the President, Vice-President, Senators and Members of the House of Representatives were held on February 23 2019, with Governorship elections held on March 9 2019 and a number of supplementary elections held across the nation beyond those dates.

Elections are high stakes events in Africa, with repercussions for human rights. In particular the

impact on digital rights and the free flow of information has come under intense scrutiny in recent years.

The 2019 Nigerian Elections through the lens of Digital Rights report seeks to highlight abuses to digital rights and human rights during the elections, particularly freedom of expression and data privacy. This report seeks to serve as evidence document which demonstrates the impact of the election process on human rights of voters, journalists, election organizers, election observers and all others involved in the elections.

2 Methodology

To uncover evidence on human and digital rights violations during the 2019 Nigerian elections, The 2019 Nigerian Elections through the lens of Digital Rights report Report employed desk research, document analysis, expert interviews, network measurements and ethnographic observation. This multi-method approach unearthed a trove of rich evidence informing the conclusions of the report



3 ICTs Use in Nigeria

International Telecommunications Union (ITU) data from the 2017 Measuring the Information Society Report¹ suggests that fixed telephone subscription in Nigeria is 0.1%, mobile cellular subscription is 81.8%, fixed broadband subscription is 0.1%, active mobile broadband subscription is 22.9%, percentage of households with computer 10.6%, percentage of households with Internet access 15.2% and percentage of individuals using the Internet 25.7%.

Nigerians are very active on social media, with 74.7% of those online using Facebook, 12.6% using Twitter, 8.7% using Pinterest, 1.7% using Instagram, 1.6% using YouTube as at April 2019.² Social media use was very widespread and uninhibited during the elections, with a number of popular social media hashtags employed by Nigerians to support their preferred candidates such as #Buhariiswinning³ and #Atikuiswinning.⁴



4 Freedom of Expression

The right to freedom of expression is enshrined in the Nigerian constitution. Sections 39 of the Nigerian Constitution protects the right to freedom of expression and press. Section 39(1) of the Constitution of Nigeria provides that, "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."⁵

The right to freedom of expression, including the right to form opinions, is linked to political participation. Given the centrality of the media to the shaping of opinions and dissemination of information around elections, considerable attention was placed on the media and their role in the 2019 elections.

Over the past five years, Paradigm Initiative have observed increasing attacks against freedom of expression. Our 2018 Status of Internet Freedom in Nigeria report⁶ noted the increase in arrests of journalists and bloggers over three years, and the progress of legislation and policies which have put a chill on freedom of expression.

The year 2019 began on the same note as the previous five years, with the storming of the Abuja and Maiduguri offices of a leading Nigeria media house, Daily Trust.⁷ This assault, which led to the arrest of journalists, continued the trend

¹ "Measuring the Information Society Report 2017", International Telecommunications Union (ITU), <http://bit.ly/2Hhix7Y>

² StatCounter Global Stats, "Social media stats in Nigeria - April 2019", <http://gs.statcounter.com/social-media-stats/all/nigeria>

³ Opeyemi Kayode, Twitter Trend: "How Nigerians react to Buhariiswinning", Daily Trust, February 24 2019, <http://bit.ly/2YsTjt6>

⁴ Opeyemi Kayode, Twitter Trend: "How Nigerians react to Atikuiswinning" Daily Trust, February 24 2019, <http://bit.ly/2WJz0XJ>

⁵ 1999 Nigeria Constitution, <http://bit.ly/2EogQDX>

⁶ Okunoye B et al (2018). Tightening the Noose on Freedom of Expression: 2018 Status of Internet Freedom in Nigeria Report, <http://bit.ly/2VFI0Rj>

⁷ Sani Tukur, "Armed soldiers raid Nigerian newspaper offices, arrest journalists", Daily Trust, January 6 2019. <http://bit.ly/2ZGmU3E>

of intimidation of journalists in the country. During the course of the first round of elections (Presidential) however, freedom of expression for citizens and journalists was largely unimpeded, with the free public expression observed online and offline. The second round of elections (Election of State Governors) however was marked by attacks on journalists across the country.⁸

On social media, there was robust and largely uninhibited discourse among Nigerians with hashtags such as #Buhariiswinning and #Atikuiswinning. Conversations on social networks such as WhatsApp was also robust, although notable initiatives were launched to curb misinformation.⁹ Majority of the most popular socio-political websites were also accessible during the election period, however a number of websites linked to the secessionist movement of Biafra were

blocked - a continuation of blocks that have been observed since October 2017 [see section on NetworkInterference].

Paradigm Initiative Freedom of Expression Poll 2019¹⁰ reported similar patterns as observed for the 2018 Poll.¹¹ Although a majority of respondents reported being able to freely express themselves online, a significant percentage felt otherwise.

Campaign finance questions are also an integral part of the idea of free opinion formation as a basis of genuinely democratic elections.¹² As a result of the lack of restrictions on campaign funding levels during the elections, there is grounds for the suspicion that the free choice of voters was undermined and the democratic process distorted by the disproportionate expenditure on behalf of candidates.



Figure 1: Paradigm Initiative Freedom of Expression Online Twitter Poll 2019

⁸ "Journalists in Nigeria detained, harassed, and assaulted while covering state elections", Committee to Protect Journalists, March 13 2019. <http://bit.ly/2ZHPPEq>

⁹ Yomi Kazeem, "Nigerian media houses are forming a coalition to combat fake news ahead of next year's elections", Quartz Africa, November 29 2018, <http://bit.ly/2VG0cFw>

¹⁰ Paradigm Initiative 2019 Freedom of Expression Twitter Poll, <https://twitter.com/ParadigmHQ/status/1107932543674912768>

¹¹ Paradigm Initiative 2018 Freedom of Expression Poll, <https://twitter.com/ParadigmHQ/status/981454872510976000>

¹² Michael Meyer-Resende, "A New Frontier: Social Media/Networks, Disinformation and Public International Law in the context of election observation", Democracy Reporting International, <http://bit.ly/2Hw8Nqg>

5 Data Privacy

Data privacy has remained a concern for Nigeria in the absence of a data protection law, although section 37 of the Nigerian constitution guarantees the privacy of citizens' correspondence. It states, "the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected"¹³. And specifically around elections, there have been concerns over the years about the user of data of electoral value collated from Nigerians. In late 2016 for instance, following the 2015 national elections, the website voters.ng mysteriously appeared on the Internet¹⁴, detailing voters registration information on Nigerian voters in 36 states of the Federation. Vigorous public protest led to the website being quickly taken down by its sponsors, although digital rights activists had successfully archived its data.

The 2019 elections too had its own episode of flagrant violation of data privacy. It emerged during the election period that voters personal identifiable data, which could have been only obtained from the electoral umpire - the Independent National Electoral Commission (INEC) and the communications regulator (NCC), was been used in political campaigns, in particular voter persuasion through targeted phone calls¹⁵.

6 Network Measurement

Leading up to and during Nigeria's 2019 general elections, we collaborated with our partner, the [Open Observatory of Network Interference \(OONI\)](#), on measuring networks in the country to monitor potential censorship events. We measured internet censorship in Nigeria through the use of [OONI Probe](#), which is [free and open source software](#) designed to measure various forms of network interference. The full technical analysis is available via the research report published on [OONI's site](#).

We found that most of the tested websites (i.e. the URLs included in the Citizen Lab's [global](#) and [Nigerian](#) test lists) were [accessible](#) in Nigeria throughout the 2019 general elections. The testing of [WhatsApp](#) and [Facebook Messenger](#) didn't present any signs of network interference during this period either. OONI measurements therefore suggest that Nigerians had access to popular online platforms throughout the 2019 general elections, which was the case on the ground.

Even though new censorship events didn't emerge during Nigeria's latest elections, old blocks appeared to remain in place. Last year, OONI and Paradigm Initiative [co-published a research report](#) which showed that a number of websites associated to the secessionist movement of Biafra were blocked. Our latest analysis of OONI measurements shows that the same sites remain blocked in Nigeria.

¹³ 1999 Nigeria Constitution, <http://bit.ly/2EogQDX>

¹⁴ The website was quickly taken down by its sponsors following public protests, but not before activists successfully archived its data

¹⁵ Olugbenga Adanikin, "2019 Election: How APC may have benefited from NCC, INEC breach of voters' privacy", International Centre for Investigative Reporting, February 1 2019, <http://bit.ly/2VBBcHq>

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While OONI measurements had been collected from 16 different ISPs during this study, we have limited our analysis to 3 Internet Service Providers (ISPs) from which the largest volume of stable measurements was collected: MTN, Airtel, and Globacom.

MTN (AS29465) continues to block sites associated to Biafra by means of DNS tampering. The same censorship techniques were also [observed](#) last year.

The following chart shows that almost all measurements consistently presented signs of DNS tampering between February 2019 to March 2019.

When blocking sites by means of DNS, MTN appears to [resolve the domains of blocked websites to a private IP space](#) (i.e. 192.0.0.1).

Previous measurements collected over the past year have also [shown](#) this pattern. It's possible that MTN may resolve blocked domains with unrouted IP addresses so that clients do not generate extra traffic (and potentially overload their network) when accessing blocked domains.

What's noteworthy is that, unlike the other sites, [biafraforum.com](#) is not blocked by means of DNS, but its testing presents HTTP failures. When this site was first tested in November 2017 (following the NCC's blocking order), it was initially found to be [accessible](#) on MTN. When it was tested again in April 2018, it presented a [connection error and signs of HTTP blocking](#). Similarly, recent measurements collected from February 2019 to March 2019 consistently present the [same anomalies](#) on the MTN network. This suggests that MTN is using a different censorship technique to block access to [biafraforum.com](#) (in comparison to other sites).

Blocking of websites in Nigeria on MTN (AS29465)



 **OONI**
Source: OONI Measurements

Source: OONI measurements collected from Nigeria, <https://explorer.ooni.io/country/NG>

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Similarly to [measurements collected in 2018](#), recent [OOONI measurements](#) collected between February 2019 to March 2019 suggest that Airtel (AS36873) continues to block numerous sites associated to Biafra by means of HTTP blocking.

The following chart illustrates that websites associated to Biafra consistently presented HTTP failures on Airtel throughout the testing period.

Last year, [biafrasay.com](#) was [not tested on Airtel](#) and the lack of measurements prevented us from evaluating whether the website was blocked on that network or not. Recent OONI measurements present [HTTP failures](#), suggesting that Airtel blocks access to [biafrasay.com](#). While it's unclear when the blocking started, OONI measurements show that the site has been [blocked on Airtel \(AS36873\) since at least 11th February 2019](#).

Recent [OOONI measurements](#) show that Globacom (AS37148) continues (in comparison to [last year](#)) to block sites associated to Biafra primarily by means of TCP/IP blocking.

The results, illustrated in the chart above, include three Biafra sites ([biafraland.com](#), [biafraradio.com](#), [biafra.net](#)) that were not tested last year on Globacom. Most measurements from the testing of [biafraland.com](#) suggest [TCP/IP blocking](#), while all measurements collected from the testing of [biafraradio.com](#) consistently presented [TCP anomalies](#). [Biafraradio.com](#) was, therefore, most certainly inaccessible during the testing period, and most likely [blocked](#). The recent testing of [biafra.net](#) was less conclusive (but the domain of the site has expired).

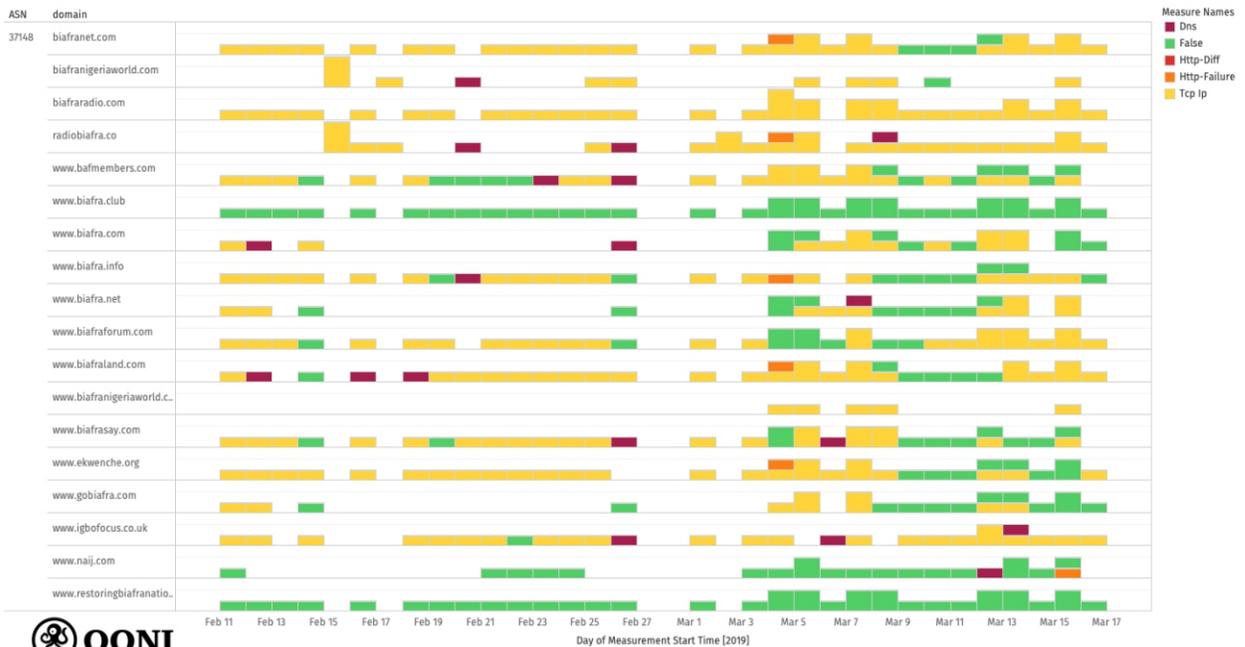
Blocking of websites in Nigeria on AirTel (AS36873)



 **OOONI**
Source: OONI Measurements

Source: OONI measurements collected from Nigeria, <https://explorer.ooni.io/country/NG>

Blocking of websites in Nigeria on Globacom (AS37148)



Source: OONI Measurements

Source: OONI measurements collected from Nigeria, <https://explorer.ooni.io/country/NG>

7 Conclusion

There was a lot of anxiety within civil society ahead of Nigeria's 2019 elections because of the deteriorating contexts around freedom of expression in the country in the past 3 years. The invasion of press houses and intimidation of journalists in the preceding 3 years, some of which were referenced in this document were sources of concern as the election approached. In addition, the spreading trend of Internet disruptions around elections in Africa heightened fears that this might be replicated in Nigeria. Nevertheless, despite these fears the elections went without the major digital rights incidents many had feared, although as highlighted in this report, data privacy breaches in the use of confidential electoral body data for campaigns and isolated cases of journalist harassment were a concern. Nigeria however perhaps deserves some commendation for demonstrating to Africa

once again after the Ghana example of 2018, that elections can be conducted on the continent without Internet disruptions. This report also highlighted the blocking of websites linked to Biafra secessionists. While we note that this restriction on the websites might be justified under international law within the context of preserving national security, we observed that the process could have been handled with more transparency.

Overall, gains have been made by civil society in Nigeria in securing an open, democratic and human rights respecting space for all Nigerians. The price of freedom is eternal vigilance and the vigilance demonstrated during the years must be sustained if Nigeria is not to slide into its dark past where oppression held sway.

Credits

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