

MEIN

MEDIA AND EXPRESSION IN NIGERIA

JUNE 2023



MEDIA AND EXPRESSION IN NIGERIA (MEiN)

June 2023 Report



Institute for Media and Society

Nigeria

ABBREVIATIONS AND ACRONYMS

This section of the report provides a list of the abbreviations used in this document. Each abbreviation is listed in alphabetical order, followed by its full form.

These are the abbreviations used in this report:

ADVAN - Advertisers Association of Nigeria

ARCON - Advertising Regulatory Council of Nigeria

CJID - Centre for Journalism Innovation and Development

DSO - Digital Switch Over

ECOWAS - Economic Community of West African States

FRCN - Federal Radio Corporation of Nigeria

FRSC - Federal Road Safety Commission

ICIR - International Centre for Investigative Reporting

IMS - Institute for Media and Society

MEiN - Media and Expression in Nigeria

MRA - Media Rights Agenda

NBC - National Broadcasting Commission

NUJ - Nigeria Union of Journalists

SERAP - Socio-Economic Rights and Accountability Project

SLAPP - Strategic Lawsuits Against Public Participation

BACKGROUND

Media and Expression in Nigeria (MEiN) is a monthly report by the Institute for Media and Society. The report focuses on the developments that affect freedom of the media and expression in the country. This initiative involves monitoring the editorial content of various media sources and the actions of pertinent stakeholders.

METHODOLOGY

This combines quantitative and qualitative data collection and analysis. The data is coded by media monitors using a content analysis method that assigns codes to the units of analysis categorised under the following headings:

- **Issues:** the topics or themes that relate to MEiN during the period in review. The topics include various types of attacks on the media and other victims, regulation of the media space, and other related themes.
- **Actors:** the individuals or groups that are involved in or influence the issues. These actors include the government and its agencies, journalists and the media in general, as well as politicians and political parties.
- **Victims:** the individuals or groups that suffer harm or loss as a result of the issues or actions of the actors, and could be any of the individuals or groups identified under actors.

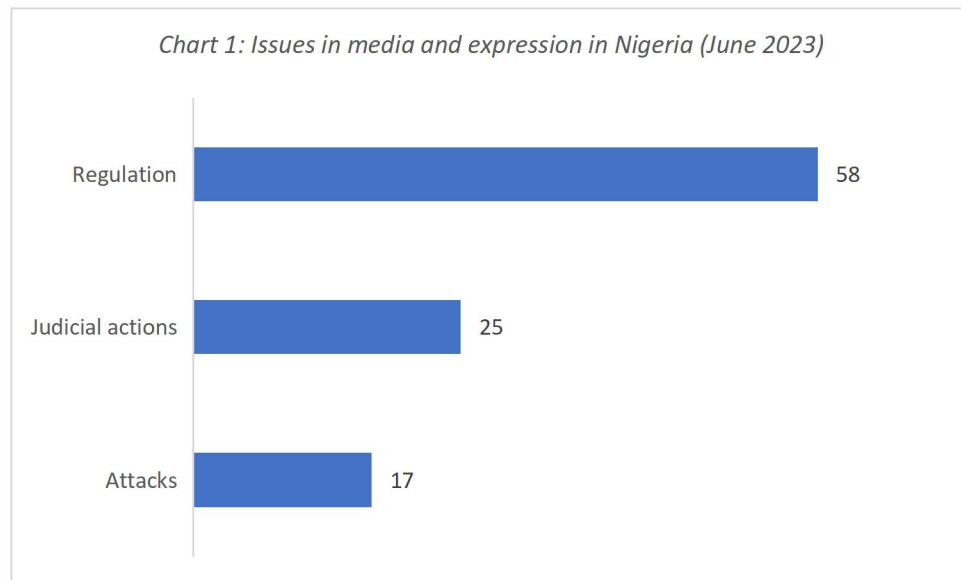
The coding process is done by trained media monitors who follow a coding scheme that defines the categories and sub-categories of each unit of analysis. The coding scheme also specifies the rules and criteria for assigning codes to the data. The coded data is then translated into a spreadsheet for further analysis.

The analysis of the data employs description and visualization techniques such as graphs, charts and tables to present the results clearly and concisely.

The research also employs a qualitative method that complements the quantitative method by highlighting some of the contents driving the data trends.

ISSUES

These were the topics that dominated the contents tracked during the period in review.



Regulation

According to Chart 1, regulation of the media landscape, with seven stories, was the most prominent topic as it represented 58% of 12 applicable reports.

Examples

1. "We won't succumb to threats at undermining advertising industry —ARCON," [Nigerian Tribune reported](#) on June 5.

"The Advertising Regulatory Council of Nigeria (ARCON), has said that it will take all necessary legal steps to sanitise the nation's advertising space as the industry regulator and not succumb to threat," the report read.

"The regulatory body, in a statement signed by its Head, Corporate Affairs, Winifred Akpan, added that its latest series of reforms are not attempts at strangulating advertising as claimed in some quarters but designed to protect the interests of stakeholders and check revenue haemorrhage, especially the annual loss of over N120b to foreign models.

"In recent times, the apex regulatory body has been at daggers drawn with the Advertisers Association of Nigeria (ADVAN), over some of its new policy thrusts.

"For instance, ADVAN had criticised its decision to set up the Advertising Industry Standards of Practice, (AISOP), immediately after its unveiling last year, claiming the document never had the inputs of all stakeholders in the industry."

2. "Reliance on social media can ruin you – NBC DG warns broadcast stations," [Daily Post reported](#) on June 12.

"The Director General of the National Broadcasting Commission, NBC, Mallam Balarabe Shehu has described fake news and hate speech as the biggest threats to the peace and unity of Nigeria," the report said.

"This is even as he has warned broadcast stations in the country against relying on news from social media to build and disseminate their news broadcasts.

"The NBC DG gave the warning in Umuahia on Monday during the 10th edition of media training for media practitioners, organized by Vision Africa Radio station, warning that unverified news is not worthy of airing.

"Mallam Shehu warned that heavy sanctions awaited broadcast stations in the country that contravene broadcast laws, in line with Section 311 of NBC codes.

"He maintained that no injurious or offensive message would be condoned by the broadcast regulator, warning that only credible, fair and balanced reports are acceptable."

3. "We'll not relent in sanitising media industry – NBC boss," [TheNewsGuru reported](#).

"The Director General, National Broadcasting Commission (NBC), Mr Balarabe Ilalah, has reaffirmed the commission's commitment toward sanitising the nation's media industry," the report read.

Ilalah made this known on Monday in Umuahia, while declaring open a two-day training programme for media practitioners.

"The theme of the training is 'The relevant message in a changing world'.

"The programme was organised by Vision Africa Media Training Institute, in collaboration with Sharing International."

4. On June 13, [The Guardian published a feature story](#) titled, "Constitutionality of fines by NBC, other agencies".

"In recent times, there have been debates about alleged abuse of power and the constitutionality or otherwise of powers of regulatory agencies to impose fines on suspected offenders," the article read.

"Although the imposition of a fine is one of the enforcement tools provided for in the enabling laws of various regulatory agencies, there are concerns that such laws are inconsistent with the Constitution.

"Some agencies of government impose fines on alleged cases of non-compliance, omission or failure to undertake an act within a stipulated period.

"Agencies under this category include the Federal Road Safety Commission (FRSC), the National Broadcasting Commission (NBC), Traffic Management Authorities of various states, and many others.

"This debate, no doubt, is heightened by NBC's recent imposition of fines on broadcast stations over allegations of infringements. According to Toluwani Adebisi, a human rights lawyer, NBC is unlawfully ascribing powers belonging to various arms of government to itself."

5. On June 18, [The Punch published an interview](#) titled, "New advertising law won't kill foreign agencies – ARCON DG".

"The Director-General of the Advertising Regulatory Council of Nigeria, Olalekan Fadolapo, speaks on the controversies surrounding the new ARCON Law, amongst other issues," the interview began.

"There has not been any time ARCON has said it wants to be part of the table when discussions on how to pay, what to pay, and when to pay are done," The Punch quoted him to have said.

"What ARCON is saying is that equity and fairness should prevail. Should we, as a government agency, allow them to ruin the industry? Look at all the markets around us. Check out what happens in other markets. They pay within 45 days. These same people who go into other markets and pay as they are due will come to Nigeria and tell media houses that they cannot pay them until after 120 days, and they are telling ARCON to stay away and let them continue doing this."

6. "Digital switchover falters, 29 states remain on analogue," [The Guardian reported](#) on June 21.

"There appears to be no end in sight for Nigeria's Digital Switch Over (DSO) journey as the paucity of funds, lack of political will and new technicalities may have stalled its progress," the report said.

"The Guardian understands that the DSO phased roll-out plan has been jettisoned owing to the perceived tediousness of the process, slowness, funding issues and fast-evolving technology. In its place, the Federal Government plans to execute a uniform roll-out, the date of which is not certain because of the change of administration.

"In the phased rollout, only about eight states have been covered, albeit partially. The states include Lagos, Abuja, Kano, Rivers, Kwara, Enugu, Osun and Plateau.

"The plan by the administration of ex-President Muhammadu Buhari, as championed by the then Minister of Information and Culture, Lai Mohammed, and the National Broadcasting Commission (NBC), was to complete the process by December 7, 2022."

7. "'Withdraw regulations on customers' social media handles or face legal action', SERAP tells CBN," [Vanguard reported](#) on June 25.

"Socio-Economic Rights and Accountability Project (SERAP) has urged Mr Folashodun Shonubi, Acting Governor, Central Bank of Nigeria (CBN) to 'immediately delete the patently unlawful provisions in the Central Bank of Nigeria (Customer Due Diligence) Regulations directing banks to obtain information on customers' social media handles for identification.'

"SERAP also urged him to 'withdraw the Circular number FPR/DIR/PUB/CIR/007/076 of 20 June 2023 mandating banks and other financial institutions to implement and comply with the unlawful mandatory provisions on customers' social media handles in the CBN Regulations.'

"According to Section 6(a)(iv) of the CBN Regulations, banks and other financial institutions 'shall identify their customer and obtain information on the social media handle of the customer.' Section 6(b)(iii) contains a similar provision.

"In the letter dated 24 June 2023 and signed by SERAP deputy director Kolawole Oluwadare, the organisation said: 'The CBN Regulations and directive to banks to obtain details of customers' social media address violate Nigerians' rights to freedom of expression and privacy. It is inconsistent and incompatible with the rule of law.'

"SERAP said, 'The CBN ought to contribute to the advancement of respect for the rule of law and human rights in the discharge of its statutory functions, and not undermine or violate these fundamental legal requirements and standards.'

"According to SERAP, 'The purported mandatory requirement would inhibit Nigerians from freely exercising their human rights online. If obtained, such information may also be misused for political and other unlawful purposes.'"

Judicial actions

Judicial actions were the focus of three stories or 25% of the reports.

Examples:

1. "ECOWAS Court to Deliver Judgment on October 30 in MRA's Suit to Compel Nigerian Government to Investigate Unresolved Killing of 11 Journalists," [MRA reported](#) on June 2.

"The Community Court of Justice of the Economic Community of West African States (ECOWAS) will deliver its verdict on October 30, 2023, in a suit filed by Media Rights Agenda (MRA) seeking to compel the Federal Government of Nigeria to properly investigate the unresolved killings of 11 journalists, who were murdered over a period of two decades, identify and prosecute their killers," the report read.

"A three-member panel of the Court, sitting at a virtual session in Abuja and presided over by Justice Gberi-be Ouattara, adjourned the case for judgment on May 19, 2023, after hearing arguments from the parties in support of and opposition to a Preliminary Objection brought by the Nigerian Government as well as the submissions of both parties on the substantive issues in the suit in which MRA is asking the court to award N10 million as compensation to each of the families of the journalists who were killed between 1998 and 2019.

"The deceased journalists, over whom MRA filed the suit on August 16, 2021, include: Mr. Tunde Oladepo, Bureau Chief of The Guardian newspaper's Ogun State office, killed in Abeokuta on February 26, 1998 by gunmen who entered his home early in the morning on that day and shot him dead in the presence of his wife and two young children; Mr. Okezie Amauben, publisher of Newsservice magazine, reportedly arbitrarily shot and killed by a police officer in Enugu on September 2, 1998; Mr. Fidelis Ikwuebe, a freelance journalist for The Guardian newspaper, who was abducted and murdered on April 18, 1999 while covering violent clashes between the Aguleri and Umuleri communities in Anambra State; Mr. Sam Nimfa-Jan, a journalist with Details magazine in Jos, Plateau State, who was killed in Kafanchan, Kaduna State, on May 27, 1999 while covering riots between Hausa Fulani and Zangon-Kataf groups and his body was found with arrows protruding from his back; and Mr. Samson Boyi, a photojournalist with the Adamawa State-owned newspaper, The Scope, who was killed by armed men on November 5, 1999 while on assignment to cover a visit by the then State governor, Mr. Boni Haruna, to the neighbouring Bauchi State."

2. On June 14, [Swift Reporters published an article](#) titled, "Court Orders CBN To Pay MRA N1 Million Damages For Wrongful Denial Of Information, Disclose Information Requested".

"Federal High Court in Abuja on Wednesday ordered the Central Bank of Nigeria (CBN) to pay Media Rights Agenda (MRA) N1 million as damages for wrongful denial of access to information and directed the apex bank to also make available to the organization all the information it requested in its May 22, 2020 letter regarding the bank's data protection policies and practices," the report read.

"Delivering judgment today in a suit instituted by MRA against the CBN, the CBN Governor and the Attorney General of the Federation, Justice Donatus Uwaezuoke Okorowo held that the failure of the CBN to disclose or make available to MRA the information requested by the organization in the letter amounts to a violation of its right of access to information established and guaranteed by Sections 1(1) and 4 of the Freedom of Information Act, 2011 and also constituted a wrongful denial of access to information under section 7(5) of the Act.

"MRA filed the suit on June 15, 2020, through its lawyer, Mr Darlington Onyekwere, challenging the CBN's refusal to disclose the information it applied for and asking the Court to compel the bank and its Governor to make available the information it requested in its May 22, 2020 letter to the bank in which it asked, among other things, for copies of all the CBN's data protection policies issued in conformity with the Nigeria Data Protection Regulation (NDPR), 2019; the name and contact details of the CBN's Data Protection Officer, designated following the NDPR and its relevant data privacy instruments and data protection directives."

Attacks

Two reports were focused on attacks, representing 17% of the stories coded during the period under review.

Examples:

1. "Rivers police deny threatening journalist to lure, nab suspect," [The Sun reported](#) on June 9.

"The Rivers State Police Command has denied intimidating and harassing Mr Chinedu Orlu-Orlu, a reporter with Today 95.1FM when they used him to lure and arrest Mr Kingsley Victor Woko, the Community Development Chairman of Rumuagholu in Obio/Akpor Local Government Area (LGA)," the report said.

"Secretary of Nigeria Union of Journalists (NUJ), Rivers State chapter, Mr. Ike Wigido, in an interview with journalists on Wednesday, said when he went to meet the leadership of the police in the state, the Commander of the Commissioner of Police (CP) Monitoring Unit in charge of the matter disclosed that Orlu-Orlu was not harassed or intimidated when he was used to lure and arrest the suspect last Monday.

"Meanwhile, Orlu-Orlu has described as misrepresentation of fact, the statement credited to the CP's Monitoring Unit commander."

"Orlu-Orlu said: 'If the police will deny they did not harass me, they are lying. They harassed me, they took me out at gunpoint; all of them who came, five of them were with guns.

"'After they dialled his (CDC chairman) number in my phone and his line came out as the current CDC chairman. They told me that if I don't produce him, they will hold me down, even if it is two years, that they will deal with me. I asked them the station they came from, they did not tell me the station, they said they will not tell me anything.

"'So, they threatened me. I was so afraid because they came like kidnappers. They did not come like normal police officers. There was no form of identification on them. They (the police) came in a kidnapping form.

"They threatened my life. Immediately they used my line to call him, then he came out. They pushed me away in his presence before the entire community, where people were seeing that this is the man, who he (CDC chairman) usually calls to come for news coverage. It now looks like I am the one who brought the police to arrest the CDC chairman. I did not believe they were police officers until the CDC chairman's lawyer found out that they (policemen) came from the state CIID."

"Meanwhile, lawyers have reacted to the allegation and faulted the police for threatening the journalist and exposing him to danger. The legal practitioners said police violated the rights of Orlu-Orlu and charged NUJ, Rivers State to take up the matter to court."

2. "Court remands seven Yoruba agitators for 'invading' Ibadan radio station," [Nigerian Tribune reported](#) on June 19.

"Ibadan Magistrate court has remanded seven Yoruba agitators who invaded Amuludun station of the Federal Radio Corporation of Nigeria, Moniya in Akinyele local government area at Abolongo Correction Centre, Oyo," the report read.

"The suspects who are arraigned on a four-count charge of Conspiracy, treason and two-count charge of armed robbery are, Noah Atoyebi, Adeleke Gbenga AbdulGaniyu Mustaocha and Ifagbola Elijah.

"Others are; Oladapo Ajala and Rasheed Jimoh.

"The suspects were arraigned on a four-count at Ibadan Magistrate court on Monday but their plea was not taken.

"Magistrate P.O. Adetuyi ordered them to be remanded to be remanded at Abolongo Correction Centre, Oyo while the case is adjourned to 13th September 2023.

"Magistrate Adetuyi stated that the case file would be duplicated and sent to the Director of Public Prosecution for advice.

"It would be recalled that the suspects had on Sunday, May 28, 2023, hijacked the airwaves of the Amuludun station of the Federal Radio Corporation of Nigeria, (FRCN).

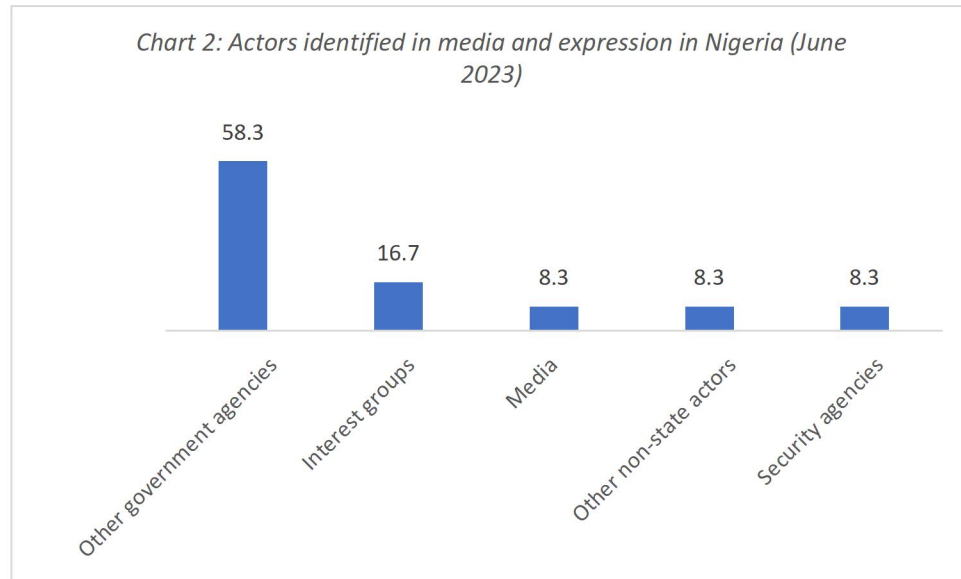
"They allegedly collected all the valuables including the mobile handsets of the broadcast staff on duty thereby making it impossible for them to communicate with the outside world.

"The alleged agitators took over the station and broadcasted live. The leader of the team, as reliably gathered, headed straight to the broadcast studio and was on air for almost one hour.

"The broadcast; 'We are being sent to inform the people that Yoruba people have been freed. Henceforth, no more police and army harassment. We are hereby calling for the release of our brothers and sisters that are serving jail term.'"

ACTORS

This section concerns the personalities and groups who were prominent in the relevant stories tracked in June 2023. It also concerns the actors identified as the major instigators or perpetrators of attacks against the media and (or) citizens' right to freedom of expression.

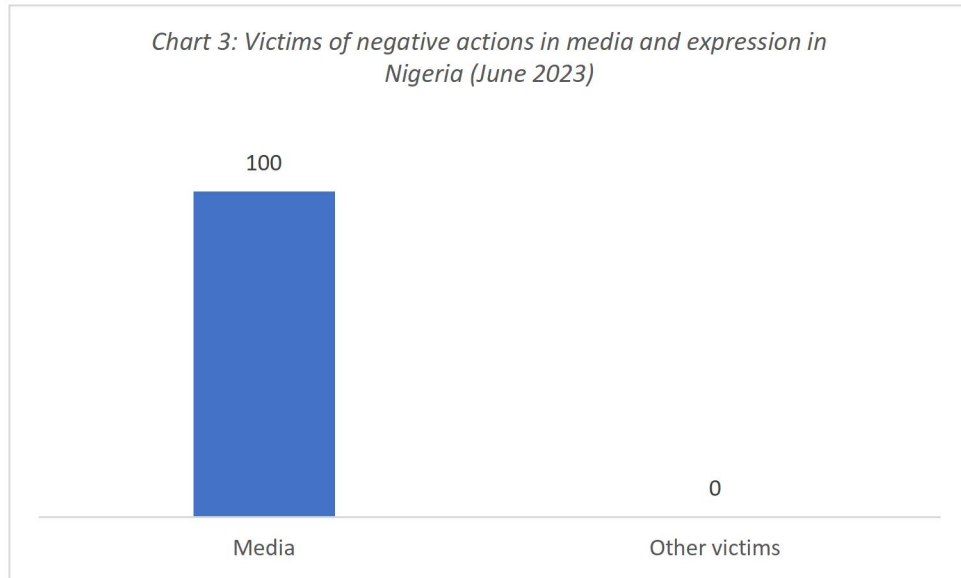


According to Chart 2, other government agencies were the most prominent actors as they were identified in seven stories or 58.3% of 12 applicable reports. Interest groups were identified in two reports or 16.7% of the total. The media were featured in one report or 8.3% of the stories. The same was true for other non-state actors and security agencies.

VICTIMS

These were the individuals or groups that suffered harm or loss as a result of the issues or actions of the actors. The stories tracked for this section involved, but are not limited to, the following form of 'negative actions':

- arrests
- threats
- detention
- censorship
- assault



The media (100%; two applicable reports) were the only victims identified in this section, Chart 3 shows.

CONCLUSION

MEiN analysis for the period under review showed that regulation was the most featured topic, accounting for 58% of the stories. Government agencies and interest groups were the most prominent actors. The media were the only victims of the negative actions recorded in this report.

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