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Centre for Human Rights
Faculty of Law

PRESS STATEMENT

THE CENTRE FOR HUMAN RIGHTS EXPRESSES CONCERN ABOUT THE RECENT INDEFINITE SUSPENSION OF TWITTER'S OPERATIONS IN NIGERIA

7 June 2021

The Centre for Human Rights, University of Pretoria (the Centre) is deeply concerned about the indefinite suspension of Twitter by the Federal Government of Nigeria on 4 June 2021. The suspension came after Twitter deleted a tweet by the President of Nigeria, Muhammadu Buhari).

Twitter is a social media platform that is used by millions of Nigerians for news, entertainment, commercial and non-profit activities, and political and social organising. It is also used as a space for engaging public officials and other high-profile individuals who also use it to communicate with the public.

On 1 June 2021, in his response to the current security challenges in Nigeria, President Muhammadu Buhari tweeted as follows through his official Twitter account @MBuhari:

Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Nigerian Civil War. Those of us in the fields for 30 months, who went through the war, will treat them in the language they understand.

Centre for Human Rights
Faculty of Law,
University of Pretoria,
Pretoria, 0002, South Africa

Tel +27 (0)12 420 3810
Fax +27 (0)12 362 1525
Email chr@up.ac.za
Web www.chr.up.ac.za



Lauréat 2012 du Prix des droits de l'homme de l'Union Africaine • Winner of the 2012 African Union Human Rights Prize
Lauréat 2006 du Prix UNESCO de l'éducation aux droits de l'homme • Winner of the 2006 UNESCO Prize for Human Rights Education

Consequently, the tweet which Twitter found to have violated its [policies on abusive behaviour](#) was deleted. Twitter's policy on abusive behaviour provides, among others as follows:

We do not tolerate content that wishes, hopes, promotes, incites, or expresses a desire for death, serious bodily harm or serious disease against an individual or group of people.

This includes, but is not limited to:

- Hoping that someone dies as a result of a serious disease e.g., "I hope you get cancer and die."
- Wishing for someone to fall victim to a serious accident e.g., "I wish that you would get run over by a car next time you run your mouth."
- Saying that a group of individuals deserves serious physical injury e.g., "If this group of protesters don't shut up, they deserve to be shot."

In a reaction to Twitter's action deleting the President's tweet, on 4 June 2021, the Federal Ministry for Information and Culture, [announced](#) through its official Twitter account @FMICNigeria, that the Federal Government has indefinitely suspended Twitter's operations in Nigeria 'for activities that are capable of undermining Nigeria's corporate existence.'

In a [press release](#) on 5 June, 2021 by the Association of Licensed Telecommunications Operators of Nigeria (ALTON) — the official industry body for all providers of telecommunications and subsidiary services in Nigeria stated that it received formal instructions from the [Nigerian Communications Commission](#) (NCC) to suspend access to Twitter. ALTON added in its release that its 'members have acted in compliance with the directives of the NCC.' The NCC is the primary regulator of the telecommunications sector including Internet Service Providers (ISPs) in Nigeria.

The Centre is concerned that this action by the Federal Government of Nigeria follows those of other African countries like [Uganda](#), [Gabon](#), [Tanzania](#) and [Chad](#) that have restricted access to social media platforms without any clear legal or legitimate basis to do so. This trend has been condemned as a gross human rights violation, especially with respect to those provided for in human rights treaties that African governments are parties to.

In the case of Nigeria, it is particularly concerning that, considering the adverse impacts of the COVID-19 pandemic on both socio-economic and civil and political rights, the governments would resort to shutting access to any social media platform, many of which have facilitated the enjoyment of the right to freedom of expression and access to information online. In its [press release](#) on 8 April 2020, the

Special Rapporteur on Freedom of Expression and Access to Information in Africa noted the importance of access to the Internet in particularly in responding to the COVID-19 pandemic that

Internet and social media shutdowns violate the right to freedom of expression and access to information, contrary to Article 9 of the African Charter on Human and Peoples' Rights.

The internet and social media have given voice to the people of Africa who may now discourse on social, economic and political issues far more than ever before, and States should not take away that voice.

Primarily, Nigeria has the obligations to guarantee and protect the right to freedom of expression as provided for under Section 39 of the 1999 Constitution of the Federal Republic of Nigeria; Article 19 of the International Covenant on Civil and Political Rights (ICCPR); and Article 9 of the African Charter on Human and Peoples' Rights (African Charter).

Noting the permissible but narrow limitations of the right to freedom of expression provided for under Article 19(3) of the ICCPR, the United Nations Human Rights Committee in its [General Comment](#) 34 stated as follows:

Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3.

Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.

Recognising the importance of digital communication and the role of social media platforms in facilitating it, the African Commission on Human and Peoples' Rights (African Commission), in its recently revised [African Declaration on Principles of Freedom of Expression and Access to Information in Africa](#) (the revised Declaration) provides under Principle 38(1) and (2):

1. States shall not interfere with the right of individuals to seek, receive and impart information through any means of communication and digital technologies, through measures such as the removal,

blocking or filtering of content, unless such interference is justifiable and compatible with international human rights law and standards.

2. States shall not engage in or condone any disruption of access to the internet and other digital technologies for segments of the public or an entire population.

While the Centre notes that Nigeria does not currently have a primary, comprehensive and rights-respecting policy with respect to social media regulation, the directions on how to develop such policy have been provided for in many regional and international human rights instruments. For example, under Part II of the revised Declaration, States are required to guarantee the right to freedom of expression.

In particular, Principle 16 of the Declaration particularly provides:

1. States shall encourage media self-regulation which shall be impartial, expeditious, cost-effective, and promote high standards in the media.
2. Codes of ethics and conduct shall be developed by the media through transparent and participatory processes and shall be effectively implemented to ensure the observance of the highest standards of professionalism by the media.
3. Co-regulation may also be encouraged by States as a complement to self-regulation, founded on informed collaboration between stakeholders including the public regulatory authority, media and civil society.

The Federal Government of Nigeria is obligated to comply with international human rights standards which, these standards also apply to its recent indefinite suspension of Twitter. For example, the Federal Government of Nigeria had an opportunity to use a less intrusive means by appealing the decision of Twitter to delete the tweet rather than resorting to blocking access of all Nigerians to the platform.

In addition, the Federal Government of Nigeria neither stated nor justified the law it relied on in its suspension of Twitter's operations in Nigeria. Given the current political and socio-economic challenges facing the country, the suspension could not have been a justified response especially when the biting impacts of the COVID-19 pandemic are considered. Therefore, its action to suspend Twitter's operations indefinitely is a gross violation of the right to freedom of expression and access to information.

Given this background, the Centre calls on the Federal Government of Nigeria to:

1. Guarantee the right to freedom of expression and access to information both online and offline;
 2. Restore access to Twitter in Nigeria;
 3. Amend its various laws on the right to freedom of expression and access to information both online and offline in Nigeria in compliance with international human rights standards; and
 4. Consult widely with diverse stakeholders on its approaches to social media regulation and policies.
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For more information, please contact:

Tomiwa Ilori

HRDA Alumni Coordinator / Researcher: Expression, Information and Digital Rights Unit

Tel: +27 (0) 12 420 4397

Fax: +27 (0) 86 580 5743

oluwatomiwa.ilor@up.ac.za