

Tackling the Problem of Hate Speech During Elections in Nigeria

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Hate speech—verbal or written attacks on persons or groups based on shared attributes such as ethnicity, race, religion, political beliefs, gender, sexual orientation, or disability—hinders peacebuilding, development, and peaceful co-existence among diverse groups in (not limited to democratic) societies. It has fueled violent conflicts, civil wars, and genocide, as seen in the anti-Semitic prelude to World War II, in the anti-Muslim campaign in Bosnia, and in the anti-Tutsi hate campaign before the Rwandan genocide.

Nigeria returned to democratic politics in 1999 after years of military rule following independence in 1960, and has since witnessed five transitions of political power. But while Nigeria is working to consolidate democracy, hate speech is also increasingly becoming a challenge. While hate speech occurs regularly in the media and in public discourse in Nigeria, it often heightens and crystalizes during election periods, contributing to violence and hampering political reconciliation after the vote.¹ As a federation of about 180 million people, over 250 ethnic groups, and religious and social diversity coupled with a political system characterized by intense contestation for power and a winner-take-all environment, Nigeria provides a conducive environment for hate speech to fester. As a result, elections post-1999 have seen violence stoked by hate speech. Election-related rioting, public violence, murder, and thuggery have resulted in hundreds of deaths and economic destruction and have also fueled secessionist and anti-secessionist movement tensions.² With the approaching 2019 elections, Nigeria must consider options to ensure that hate speech does not derail democracy, harm peacebuilding, and increase division in the country.

Hate Speech in Nigeria's 2011 and 2015 Elections

During the 2011 and 2015 general elections, politicians, religious figures, public officers, citizens, and ethnic jingoists deployed hate speech throughout the electoral cycle. Using traditional and social media, contenders deployed derogatory words and terms in local dialects to label and demean opponents.^{3,4,5} Also problematic is that ownership of Nigerian media is highly concentrated in the hands of elites who sometimes use it to promote hate messages against the opposition. For instance, the African Independent Television (AIT) and a group of radio stations, which are owned by a prominent member of the People's Democratic Party (PDP), and the Nigerian Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN), which is owned by the federal government and controlled by members of the ruling party, have been used to propagate hate speech during election periods.⁶ The National Broadcasting Commission (NBC), although empowered by the federal government to enforce punishment for hate speech offenses, finds it difficult to impose sanctions due to the wide attention gained from broadcasting hate messages against the opposition. In 2015, politicians associated with President Goodluck Jonathan employed Cambridge Analytica to produce and distribute an Islamophobic video to scare the electorate from voting for the opposition.⁷ The video associated the opposition figure, General Muhammadu

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Buhari, with Boko Haram and used graphic images of violence committed by Boko Haram to convey to the audience what they should expect if Buhari won.

Efforts to Address Hate Speech

Although there is no Nigerian law that expressly prohibits hate speech, the Criminal Code has provisions related to libel, slander, blasphemy, perjury, and similar offenses. Section 95 of the *Nigerian Electoral Act of 2010* prohibits acts that constitute hate speech during election campaigns but falls short of explicitly labeling them as such. On the political front, registered political parties have signed a code of conduct stating that no party or candidate may distribute inflammatory statements, but the code is voluntary and does not prescribe sanctions. The Advertising Practitioners Council of Nigeria (APCON) Act and the National Broadcasting Commission (NBC) Code contain provisions that forbid hate messages in the media, and section 26 of the 2015 *Cyber Crime Act* prohibits the publication of racist and xenophobic materials. However, there is no political will to punish those who use hate speech during elections, and, thus far, no offenders have been prosecuted under any of the laws. It is therefore difficult to find any legal precedent for tackling hate speech. In February 2018 the Nigerian Senate considered a bill making hate speech punishable by death. In the bill, the explanation of hate speech is ambiguous and associated with the fight against terrorism, as the Vice President of Nigeria, Yemi Osinbajo, has stated that hate speech is a form of terrorism.⁸ The bill has faced opposition by media and civil society as an attempt to silence government critics.

Policy Options and Recommendations

Legal reforms targeting hate speech could limit civil rights and freedom of expression. Moreover, political elites and security forces could use the proposed law against hate speech to target critics, as they have allegedly done with the *Cyber Crime Law* in Nigeria.⁹ Nevertheless, there are other policy options to counter and prevent hate speech while protecting the free expression needed for vigorous political debate during elections.

1. For the Independent National Electoral Commission:

- a. Increase collaboration with civil society and the media:** The Independent National Electoral Commission (INEC) could do more to collaborate with civil society and the media to establish a voters' campaign that educates the public about the harmful effects of hate speech and practical ways to stop its spread, such as responsible social media use and fact-checking.
- b. Increase collaboration with law enforcement agencies:** INEC and law enforcement agencies could also enforce sections of the electoral law that prohibit hate speech in elections. The INEC should activate mechanisms for monitoring and reporting hate speech by constituting a special task force to work in concert with the Nigerian Police for enforcement of relevant hate speech laws. This could set a precedent that helps to deter electoral violence in the 2019 general elections. Furthermore, this collaboration will provide the Nigerian judiciary with opportunities for interpretation of hate speech-related laws to counter the trend in future elections.
- c. Support electoral actors in countering hate speech:** INEC would do well to increase outreach to electoral stakeholders, including political parties and the media, through training on what constitutes hate speech, media incitement, and on the content of the Code of Conduct for Political Parties.

2. For Donors and Civil Society Organizations:

- a. Fund and implement anti-hate speech efforts:** Individual and corporate donors should consider supporting civil society programs that educate the public about the negative consequences of hate speech. These programs could counter hate speech and increase sectoral collaboration throughout Nigeria.

3. For Media Organizations:

a. Develop and enforce media standards and accountability: Media practitioners should demonstrate social responsibility through stricter editorial review to prevent hate messages from creeping into their content. Editors and managers should consider routine training for staff to empower them to detect hate messages and to remove such messages without injury to legitimate media content. The Nigerian Union of Journalists and other media associations could enforce with sanctions the codes of conduct that preclude their members from accommodating or originating hate messages. The media could also more proactively partner with INEC and civil society to spread positive and peaceful messages around elections.

Bloggers, contributors, and managers of social media should educate themselves and other contributors about hate messages and take preventive actions by forming a watchdog coalition as a platform for exposing perpetrators. These accountability mechanisms could increase public trust and be used to protect society.

3. For the International Community:

a. Incorporate capacity-building programming to address hate speech: As part of their engagement with elections in Africa, and specifically in Nigeria, international partners should consider increasing attention to countering hate speech. The United Nations, regional organizations, international NGOs, and their affiliates should utilize their leverage to incentivize domestication of international agreements to tackle offenses related to hate speech.

b. Facilitate the sharing of best practices: The international community could also offer platforms such as knowledge sharing networks or associations for countries to exchange experiences on best practices to handle the problem so that a country like Nigeria can benefit from experiences of other countries who have had successes in tackling hate speech.

For an in-depth analysis of the challenges of hate speech and post-election peacebuilding in Nigeria, see the accompanying Africa Program Research Paper No. 23 by Olusola Isola.

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1. Christian Chukwuebuka, "Hate Speech and Electoral Violence in Nigeria," *University of Nigeria Nsukka*, (2015), <http://inecnigeria.org/wp-content/uploads/2015/07/Conference-Paper-by-Christian-Ezeibe.pdf>
 2. Ibid.
 3. Center for Information Technology and Development, "Traders of Hate in Search of Votes: Tracking Dangerous Speech in Nigeria's 2015 Election Campaign," *Center for Information Technology and Development*, (2016), <http://www.citad.org/download/traders-of-hate-in-search-of-votes/?wpdm=2493>.
 4. "Nigeria: Post-Election Violence Killed 800," *Human Rights Watch*, last modified May 16, 2011, <https://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>.
 5. National Human Rights Commission, "A Pre-election Report and Advisory on Violence in Nigeria's 2015 General Election," *National Human Rights Commission*, (February 2015), <http://citizenshiprightsinafrica.org/wp-content/uploads/PRE-ELECTION-ADVISORY-ON-VIOLENCE-2.pdf>
 6. The Punch, "AIT Apologises To Tinubu Over 'Lion Of Bourdillon,'" *Sahara Reporters*, February 5, 2016, <http://saharareporters.com/2016/02/05/ait-apologises-tinubu-over-%E2%80%98lion-of-bourdillon%E2%80%99>.
 7. Carole Cadwalladr, "Revealed: Graphic video used by Cambridge Analytical to influence Nigeria election," *The Guardian*, April 4, 2018, <https://www.theguardian.com/uk-news/2018/apr/04/cambridge-analytica-used-violent-video-to-try-to-influence-nigerian-election>.
 8. "Rethinking the proposed law on 'hate speech,'" *The Punch*, last modified August 30, 2017, <https://punchng.com/rethinking-the-proposed-law-on-hate-speech/>.
 9. "Two Nigerian journalists charged with cybercrime," *Committee to Protect Journalists*, last modified February 27, 2018, <https://cpj.org/2018/02/two-nigerian-journalists-charged-with-cybercrime.php>.

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