



THE MEDIA AND HATE SPEECH IN NIGERIA: A POLICY BRIEF



**Centre for Information Technology
and Development**

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TECHNOLOGY AND
DEVELOPMENT**

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PREFACE

Economic crises and a set of complex political dynamics in the country are throwing up new challenges to the unity and social cohesion in Nigeria. Divisive discourse have taken over the air. Rumours calculated to cause confusion and unleash conflicts are daily dose of the social media in particular. But even more frightening is the increasing spade of hate and dangerous speech that suffices all the media channels. The hate and dangerous speech we see is largely grounded in religious and ethnic narratives. All of a sudden, hate and dangerous speech has expanded from the media channels of politicians and has entered places of worship where religious leaders are preaching hate and inciting their followers to kill. The dangers of dangerous speech are not far-fetched. We have seen how hate speech has led to mass killings in a number of countries already. In our country at the moment, hate and dangerous speech is woven around specific community and religious conflict making it difficult to address the problem, resulting in the killings of many people. Nigeria cannot be isolated from the possible consequences of allowing hate speech to be key feature of our communication. More than any time before, the country is challenged to find bold and effective strategies to curb dangerous speech in our communication realm.

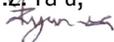
Over the last two years, CITAD has engaged in monitoring and countering dangerous speech in the country. While the campaign has been very useful in terms of neutralizing the possible consequences of some dangerous speech and inoculating the population against the dangers of been provoked by dangerous speech, we feel that as a nation we have not taken this issue with the seriousness it deserves.

Government has not addressed itself to uncovering and addressing the key drivers of dangerous speech in the country some of which are the making of the government itself. Without addressing these drivers of hate speech, strategies of curbing it cannot be effective. Government has not sought to rally round different stakeholders to join a well defined agenda to curb hate speech in the country.

We studied the nature and pattern of hate and dangerous speech in the media that our dangerous speech monitoring observatory has collected over the last two years and came up with what we think are the key drivers of hate speech in the country. On the basis of this, we have offered a number of suggestions on what different shareholders should do to address the problem.

It is our hope that this policy brief which is one of a series which synthesizes these findings and present appropriates recommendations would not only help in drawing the attention of policy makers and other critical stakeholders to urgently join the effort to curb hate speech in our country, but also provide government with clear tools with which it has to lead the campaign and action to rid our country of hate and dangerous speech and hence move us towards a more peaceful and socially cohesive society.

CITAD would like to acknowledge and thank MacArthur Foundation for supporting the dangerous speech project and providing resource for the publication of this policy brief among other publications. We thank our team of dangerous speech monitors who daily keep us informed about what dangerous speech is being spread in our various communication channels as well as the countering team who work to naturalize dangerous speech in the media. We thank also all those who have in one way or the other contributed in the production of the policy brief.

Y.Zi Ya'u,


Executive Director, CITAD

INTRODUCTION

A number of unresolved conflicts such as the Biafran agitation, the farmer/herdsmen conflict and the tension between Shiites Movement and government in the country have led to an increase in the spread of hate speech in conversational spaces. This is likely to continue as politicians begin preparation for the 2019 general elections unless stakeholders take bold initiatives to address this negative aspect of our communication practice.

At the Centre for Information Technology and Development (CITAD), we operationalize hate speech as any speech act that:

- Insults people on the basis of their religion
- Abuses people for their ethnic or linguistic affiliation
- Expresses contempt for people because of their place of origin
- Disparages or intimidates women or girls because of their gender
- Condone discriminatory assertions against people living with disability
- Abuses or desecrates symbols of cultural or religious practices
- Denigrates or otherwise ridicules traditional or cultural institutions of other people
- Deliberate spread of falsehood or rumors that demeans or maligns, or otherwise ostracizes other people on the basis of religion, ethnicity, gender or place of origin or for the accident of one form of disability or the other.

Since the turn of this year, the volume, frequency and acerbity of hate speech has continued to grow, creating tension and diverting national attention from issues of common interest to divisive voices that are ready to tear the fabrics of the country. Over the last 10 months we have in our hate speech observatory captured more than 6000 items of hate speech.

Although hate speech tends to be more prevalent in the social media, it nevertheless occurs in both the print and broadcast media. And although hate speech online tends to propagate faster and cheaply, hate speech in traditional media tends to more easily catalyze into violence than those in the social media. The reason for is that traditional media such as newspapers and radio have a higher level of credibility rating among citizens than social media. In addition, although social media is growing, its reach is still small compared to traditional media such as radio. For example, the online population of Nigeria is put at 93 million as at October 2017 by the Nigerian Communications Commission (NCC). Facebook which has the highest number of users of social media in the country (with over 93% market share as of November 2017) has about 16 million users followed by Whatsapp. Twitter has very few users in the country.

The danger of hate speech in traditional media however does not stop at credibility rating of the media that aids the believability needed for audience to act the call to action embedded in the message of the hate speech. What makes it additionally problematic is the fact that there is connection

between hate speech online and hate speech in the traditional media. This connection centers on three related points:

Firstly, as most traditional media have also established social media presence, stories and news from the traditional media are promoted using social media tools which are linked to the online versions of the traditional media. This thus extends their reach beyond the traditional media audience.

Secondly, as the data from our monitoring shows, a number of hate speech items online are responses to either actual hate speech or items considered offensive in the traditional media. This means that content of traditional media fuels hate speech online.

Third, as many people have no access to traditional media, and in their frustration with mainstream media, they take to hate speech to respond to items they hear or read in the mainstream media that which they cannot have the right to reply through the same channel. Citizens' inability to access and respond to issues in the traditional media is thus also a major driver of hate speech online.

Given this likelihood and the high propensity of hate speech in the traditional media to excite people into responding to hate speech, it is important that efforts are made to curb hate speech in print and broadcast media. This Policy Brief is aimed at contributing to a policy review in the media sector to address the spread of hate speech in the media.

MEDIA REGULATORY FRAMEWORKS

Both print and broadcast media have extant regulatory frameworks. The print media is subject to the supervisory role of the Nigeria Press Council (NPC), established by law to regulate journalism practice in the country. The NPC's mandate in particular provides among others things, for it to “ Enquire into complaints about the Press and the conduct of any person or organization towards the Press” and “Monitor the activities of the Press with a view to ensuring compliance with the Code of Professional and Ethical Conduct of the Nigeria Union of Journalists. In pursuant of this, it has developed a Code of Ethics for Nigerian Journalists. The Code of Ethics in section 6 provides that “A journalist should refrain from making pejorative reference to a person's ethnic group, religion, sex, or to any physical or mental illness or handicap”.

Broadcast media is regulated by the Broadcasting Code, developed through the instrumentality of the Nigeria Broadcasting Commission (NBC), the sector regulator. This code is currently undergoing review. The revised but not yet approved version has some explicit provisions on hate speech.

In addition to these, the Advertising Practitioners Council of Nigeria (APCON) has also provision against inciting adverts. In order to conform to this, the council requires that advertisers (who are registered and regulated by the Council) submit copies of their adverts for vetting. When approved they are given certificate of approval with which they can place their adverts. Media Houses are required to demand to see the certificate before they execute the advert deal.

MANIFESTATION OF HATE SPEECH IN CONVENTIONAL MEDIA

In the print media, hate speech appears in commentary by readers, letters to editors, opinion articles and in news and reports. They can also be embedded in cartoons. On rare occasions they can be carried in adverts as the infamous death wish advert by Gov Fayose in the run up to the 2015 general election. For the broadcast media, they can be found in different components of broadcast such as news and reports, commentaries, musical performance and drama, songs, political programmes and adverts. While much of hate speech in news and reports could result from poor journalistic judgment, those in adverts and political programmes are carefully crafted with intent. A case in point was the film on General Mohammed Buhari in the run up to the 2015 general elections which was carefully done with insertions of several hate speech within the body of the documentary. On the other hand, reports such as when Barr. Shema, then Katsina State Governor, described members of the then opposition party as cockroaches or when the Oba of Lagos said they will drive the Igbos into the lagoon if they did not vote APC, were allowed into the media largely because media gatekeepers did not see the hate speech in those statements. Paid live political programmes, especially in radio tend to contain hate speech which those who paid for the programmes inserted to be aired.

WHY MEDIA REGULATION APPEARS INEFFECTIVE

In our engagement with media stakeholders, four major points were raised on why hate speech finds its way into the mainstream media in spite of the number of provisions and guides that could be used to stop it. These include:

1. **Weak Sanction Regime:** Fines provided in the various media regulations codes for infractions set up many years ago are low in the current dispensation. For example, the APCON Guidelines provides a fine of only N200,000 for any media house “Which publishes or exposes an advertisement without the ASP certificate of Approval”. In addition to category A sanction which may involve the revocation of licence or closure of broadcasting station, the NBC code provides for three categories of penalties namely “light (N250, 000 to N500,000), heavy (N2,000, 000 to N10,000,000) and severe (N20, 000,000 and above).” Most offensive speech infraction falls under the light penalty category which is a maximum of N500,000. Given that advert rates are considerably much higher, it is profitable for media owners to carry these adverts and pay the penalty which is just a small amount of the advert money. Repeatedly in stakeholders’ forums we hear the anguish of regulators who see media owners commit the same offence over and over again because it is profitable.

2. Lack of Clarity on What Constitutes Hate Speech: With the exception of the current Broadcasting Code that is under consideration, none of the media regulations or laws have explicit definition of what constitutes hate speech. They rely usually on the term “inciting” speech or material. What is inciting is left for gatekeepers to determine. Given that hate speech had not been in the journalism training curricula, there is poor understanding of what constitutes hate speech. This is further made difficult by a concern not to stipple freedom of speech in the process of sieving out hate speech. Consequently, this creates the condition for hate speech to be unintendedly carried in the media.
3. Lack of Institutional Autonomy by Regulatory Agencies: The media regulatory agencies such as the Nigeria Broadcasting Commission, the APCON and the Nigeria Press Council are not sufficiently autonomous, both financially and institutionally, to effectively perform their responsibilities and discharge their mandates professionally. Their funding is largely at the behest of government while their top management positions and boards are political appointees. This means that political loyalty rather than professional integrity is determinant for appointment to these positions. In such situation, the agencies are unable to stand up to political influence. This was the case in 2015 when NBC was impotent as hate speech materials were broadcast in the air by both government controlled and private broadcast stations.
4. Poor and unprofessional Judgment: Lack of financial autonomy leads to poor and unprofessional judgment by media managers and gate keepers such as editors. While in government controlled media, this is due largely due to political control, in the private media, it is largely because of poor conditions of service. Often many of the private media, especially the print ones, have poor conditions of service which makes their staff to become susceptible to corrupting influence of those with hate speech materials. This is not helped by the fact that a number of journalists and media managers have poor understanding of hate speech.

TOWARDS A POLICY REVIEW

The key issues implicated in the porosity of media to provide space and airtime for hate speech are inadequate regulatory frameworks, poor enforcement, lack of capacity for enforcement and lack of clarity on what to look out for as hate speech. In line with this, a multi-faceted reform agenda is proposed:

1. Review of the Various Media Regulatory Laws and Codes: All the media codes and regulations in the country should be reviewed to provide for effective sanctions against hate speech. Already the National Broadcasting Commission is leading in this and it is important that the Nigeria Press Council as well as the APCON also follow suit.
2. Review of Journalistic Ethics: The current Code for Journalists has only one entry about not promoting violence. It does not make reference to hate speech. But it also has no sanction as to what should be done to a journalist who violates the provision. There is need to review the code to make explicit provision prohibiting journalists from engaging or providing space for hate speech. For this to be effective, there should be a clear and unambiguous definition of hate

speech and appropriate sanction should be provided which may be linked to sanctions provided in other media laws.

3. **Review of Journalistic Training Curricula:** One of the issues that came to the fore both in our consultations with media stakeholders and in other researches relating to hate speech is that many media workers do not have training on hate speech as to be able to sieve out hate speech in media products. While some journalism training institutes have pioneered conflict sensitive communication, hate speech identification should be incorporated into the curricula so that journalists are clear as to what constitutes hate speech and would be able to exercise professional and ethical judgment about content they are handling.
4. **Review of the INEC Campaign Code:** While the Campaign Code is not a media law, it nevertheless has bearing in the way hate speech finds itself into the media. Politicians, especially during electioneering campaign, are a significant group of those who indulge in hate speech. While hate speech they make is usually at campaign events and rallies, this get reported in the media as journalists cover them. The current code prohibits politicians from using inciting language during campaign. It is important to review the code to make explicit statement about hate speech and provide sanctions against all who indulge in hate speech whether during campaign or in other occasions.

RECOMMENDATIONS

Government

- Direct for the review of all media laws and regulations to incorporate explicit provisions with effective sanctions against hate speech
- Provide media regulatory agencies the space and autonomy to be independent, capable of full enforcement of all media regulations and laws in the country
- Professionalize the appointments of Board and top management of media regulatory agencies
- Legislation should protect state-controlled media from political influence
- Commit to the full implementation of the Freedom of Information Act at all levels since lack of information is one of the key drivers for rumours, fake news and hate speech

Media Regulatory Agencies

- Commence the review of laws and regulations with a view to make them effective in curtailing hate speech
- Liaising with universities and other journalism training institutions to incorporate conflict sensitive communication that includes hate speech in their curricula
- Media regulatory agencies/organizations, particularly the NBC, APCON, Press Council, the Guild of Editors and Nigeria Union of Journalists (NUJ) should proactively monitor the media and ensure that those found spreading hate and dangerous speech are appropriately sanctioned
- Ensure the effective enforcement of existing media laws and regulations
- Ensure that all licensed media organizations implement conditions of services that are governed by a regime of collective bargaining as negotiated by the Nigeria Union of Journalists and other trade unions that unionize media workers

Media Houses

- Join the campaign against hate speech by providing space to counter hate and dangerous speech
- Refrain from providing space for the promotion of hate and dangerous speech by others
- Adhere to all regulations governing the control of inflammatory and inciting language such as those contained in the National Broadcasting Commission (NBC) Code, the Advertising Practitioners Council of Nigeria (APCON) Act and the Nigeria Press Council, Code of Journalism.
- Individual journalists to adhere to high professional and ethical standards in carrying out their trade
- Provide continuing training for journalists on conflict sensitive reporting

Civil society Organizations

- Campaign for the review of the relevant media laws and regulation
- Demand for the full enforcement of all media regulations, laws and codes
- Continue to sensitize citizens to not indulge in hate speech and not be provoked by it
- Support media workers in their legitimate demand for better conditions of service and the professional space to do their work

ABOUT CITAD

Centre for Information Technology and Development (www.citad.org) is a capacity building civil society organization whose activities covers research, advocacy, training and publicity in all areas of ICTs. Its vision is: a knowledge-based democratic society free of hunger while its mission is: using ICTs to empower citizens for a just and knowledge-based society that is anchored on sustainable development

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