

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa

NIGERIA 2015





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The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by fesmedia Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 30 AMB Countries (2005-2015)

African Media Barometer

NIGERIA 2015

Summary

Nigeria's constitution was last revised in 2011, although the amendments were limited to issues concerned with the conduct of elections. The constitution thus contains the same provisions on freedom of expression as four years ago, when the last AMB was conducted for the country. It sees freedom of expression as a fundamental right.

Although freedom of expression is explicitly enshrined in the constitution, freedom of media is at best a derivative of this provision as there is no specific mention of "media freedoms" or "freedom of the press".

Nonetheless, Nigeria's highest law recognises the cardinal role of the press in pursuing a free and democratic society. Section 22 stipulates that: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives" of the constitution, "and uphold the responsibility and accountability of the Government to the people." Some media scholars and activists have argued that this provision affirms the right and freedom of the media to hold the government accountable to the people and is therefore an implicit recognition of the watchdog role of the media.

Beyond the constitution, several other Acts, laws and legislative instruments regulate freedom of expression and media operations. These instruments principally operationalise constitutional provisions and convey the spirit of the supreme law.

The lack of specific protection for journalists breeds fear in the media. Operating under bad economic conditions, media houses are also mindful of the consequences of their reporting on business, while journalists try not to offend some newsmakers with business, political or other ties to their employers.

Criminal libel and defamation appear to remain the toughest roadblock to freedom of expression in Nigeria. Additionally, a recently enacted Cybercrimes (Prohibition, Prevention, etc.) Act is also emerging as a serious threat. The law was passed only this year, and three people have already been taken to court over things they wrote or did on the internet.

Nigeria's 2011 Freedom of Information (FOI) Act is considered the most important piece of media regulation enacted in recent years and has helped to "push the frontiers". But there are "challenges in compliance".

In the absence of any law or regulation, individuals and institutions in Nigeria can create and run websites, blogs and other digital platforms without seeking authorisation. But citizens are now required to register their SIM cards before accessing mobile telephony services, although it is hard to argue that this constitutes a restriction to producing and distributing digital content.

Nigeria has many organisations promoting and protecting the interest of media and journalists. Media organisations and other civil society groups regularly advocate for the protection of press freedom.

When it comes to news and information outlets or sources, Nigeria has them in all formats and in good number: newspapers, radio stations, television channels and increasingly online news sites. Accessibility and affordability is, however, not so straightforward to predict, since they differ from one sector to the next and are determined by multiple factors.

Although years of advocacy for the rights of women and other minorities have produced positive results in the Nigerian media, bias against women has not completely gone away. Men's views are still favoured when discussing "important" issues like politics, business, conflicts and current affairs. Even though women and children are the main victims of the ongoing armed conflict in the north of the country, news reports hardly reflect this reality.

Fewer women also rise to important positions in newsrooms, even though most of the brightest students from journalism schools and faculties are usually young women.

No sector is taboo in the Nigerian media. They cover a wide range of issues, particularly politics, business, culture, entertainment, economy, and religion. Investigative journalism, however, is still a work in progress.

Advertising is a powerful tool in the hand of government officials and agencies, and is used to influence the editorial posture of media organisations. They routinely use the placement of adverts to either reward friendly organs, or to punish those considered hostile or friendly to political and business rivals.

Public broadcasting is governed by several Acts setting up each Federal public broadcaster. These include the Federal Radio Corporation of Nigeria Act, the Voice of Nigeria Act and the Nigerian Television Authority Act. States also have laws setting up state broadcasters, and these vary in form and content from state to state and media organisation to media organisation.

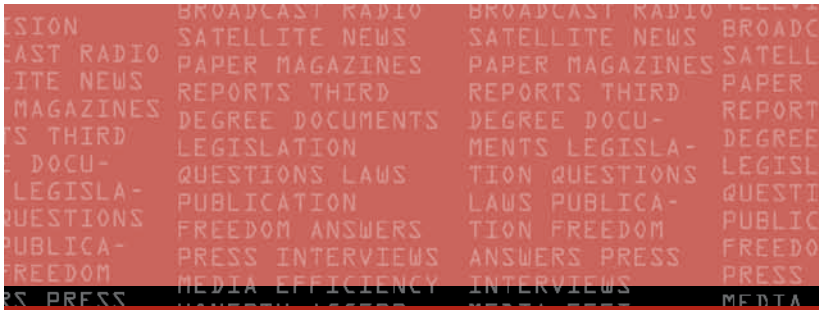
Frequencies are managed by separate bodies that cover the broadcasting and telecommunications sectors. It is expected that the coming digital switchover will free up frequencies and increase the spectrum available to broadcasters. In the meantime, frequency allocation is riddled with corruption and irregularities.

Generally, journalists in the private sector are better paid, though with the drawback that they do not receive regular salaries. There is no uniformity in the private sector in terms of salaries, with big news organisations paying far more than smaller ones. This discrepancy is partly due to the absence of any collectively bargained agreements between unions and employers. Poor salaries force many senior staff to aspire for political jobs, especially as press secretaries in State Governments, or in public relations or corporate communication positions in companies and NGOs.

Corruption in the Nigerian media is a major source of concern for stakeholders. Journalists are known to receive and even demand “brown envelopes” – and, in rare cases, gifts including expensive cars – from newsmakers in exchange for favourable reporting.

There were a number of positive developments during the period covered by the AMB. After many years of advocacy, the Nigerian Government finally issued 17 community radio licences, distributed in all the geopolitical zones of the country. At least one is already broadcasting.

Another major development in the media landscape was the “explosion” of social media and online journalism. Although widely viewed as a positive development, it has also come with many challenges for the industry, as “Everyone is now a journalist”.



SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.



Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the Constitution and supported by other pieces of legislation.

Nigeria's constitution was last revised in 2011, although the amendments were limited to issues concerned with the conduct of elections. The "supreme" law, which has "binding force on all authorities and persons throughout the Federal Republic of Nigeria", thus contains the same provisions related to freedom of expression as four years ago, when the last AMB was conducted for the country.

The constitution regards freedom of expression as a fundamental right, with Section 39 noting that:

1. Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.
2. Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions.

Whereas freedom of expression is explicitly enshrined in the constitution, freedom of media is at best a derivative of this provision. In this regard, journalists only benefit from the right to freely express themselves as "every person" and not as members of a special corps. In other terms, journalists "hide under the law to practice".

The absence of a specific mention of "media freedoms" or "freedom of the press" is seen in the industry as a failure to recognise the special nature of journalistic work, that is, a profession based on the expression of a fundamental right. At the same time, it remains unclear to what extent it curtails media freedoms.

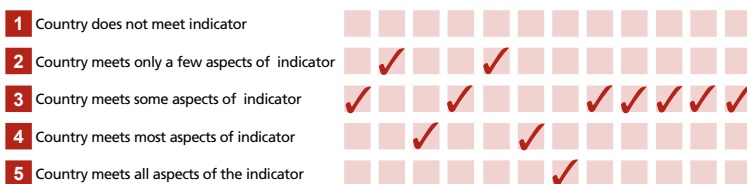
Nonetheless, Nigeria's highest law recognises the cardinal role of the press in pursuing a free and democratic society. Section 22 stipulates that: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives" of the constitution, "and uphold the responsibility and accountability of the Government to the people." Some media scholars and activists have argued that the provision affirms the right and freedom of the media to hold the government accountable to the people, and is therefore

an implicit recognition of the media's watchdog role. However, the media have been unable to invoke the provision as a protective shield as it is contained in Chapter Two of the constitution, which is titled "Fundamental Objectives and Directive Principles of State Policy". Provisions in this chapter are regarded as mere statements of objectives, which, according to provisions in Section 6(6) (c) of the same constitution, cannot be litigated upon in any court in Nigeria.

Beyond the constitution, several other Acts, laws and legislative instruments regulate freedom of expression and media operations. These instruments principally operationalise constitutional provisions and convey the spirit of the supreme law.

Scores:

Individual scores:



Average score:

3.2 (2008: 2.3; 2011: 3.5)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Nigerians are outspoken by nature. In the age of talk shows, phone-in radio programs and social media, people easily find space to express their opinions, which often include harsh criticism of the Government and other powerful interests. As a general rule, "Nigerians like to be free and can say anything they want."

However, this is not always without consequence. There is a good supply of evidence of government officials, security forces and even private citizens harassing members of the public and journalists for the views they express. This comes in the form of threats and other psychological intimidation, or as physical assault.

Citizens are comparatively freer to speak their minds than journalists. This might be for the simple reason that attacks on journalists often happen in the public domain and are relayed in media reporting. For example, a governor in Enugu

made headline news in 2014 for slapping a journalist in public over a story the State executive felt injured his reputation. The governor allegedly tried to kill the reporter, even after the latter was transferred to a different town by his news organisation. In another instance, a police commissioner arrested and detained a journalist for simply referring to the security official as “controversial” in a news report.

Generally, “the level of intolerance of top officials is very high and this is reflected in media reporting.”

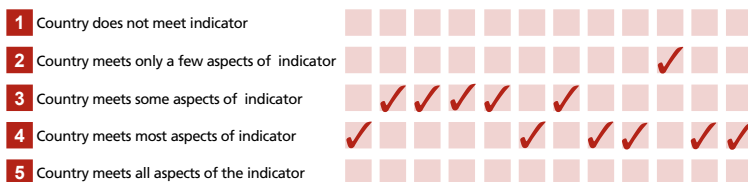
Terrorism and other inflammable internal issues also limit how much journalists can exercise their freedom of expression. Subjects like Boko Haram and the apparent return of the Biafra secessionist struggle are considered very sensitive, although they are nonetheless reported.

The lack of specific protection for journalists breeds fear in the media. Operating under bad economic conditions, media houses are also mindful of the consequences of their reporting on business, while journalists try not to offend some newsmakers with business, political or other ties to their employers. Journalists are concerned about their future and prioritise staying employed over the full expression of press freedom.

Compared to the past, Nigeria’s media landscape is nonetheless freer today. Even though there has been a surge in the flogging of journalists as well as other forms of assault on them, it does not compare numerically to the years of military rule, when the imprisonment of journalists was rife and even assassinations and disappearances of journalists were known to occur.

Scores:

Individual scores:



Average score:

3.4 (2008: 2.4; 2011: 2.3)

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secrets, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media.

Nigeria's democratic evolution means that several post-colonial and post military rule laws have become redundant, at least in principle. The 1999 constitution more or less disbands what it terms laws that are not "reasonable" in a democratic society. Yet, these laws have lingered on and are frequently "resurrected" to conveniently serve political ends. Many, if not all, of them infringe on the public exercise of freedoms, especially freedom of expression.

A common example that has been used recently is the Criminal Code's provision on sedition¹. Although an Appeals Court invalidated sedition in 1985 as unconstitutional, public officials still use it when it suits their purpose. It has become common for officials to drag journalists or other citizens to court, charging them with sedition, even if they know the court will eventually throw out the case. The goal, it appears, is to use the process to intimidate journalists and other opinion holders into silence. Nigeria's struggle with the armed group Boko Haram, and more recently the apparent re-emergence of the Biafra independence struggle, appears to have made the use of sedition fashionable anew.

The resurging use of the "old" sedition law adds to other pieces of legislation apparently designed to limit freedom of expression, such as the country's Official Secrets Act, which is considered excessive. The secrecy law is used now and then to evade the country's recently enacted Freedom of Information Act. In the conflicting atmosphere of freedom of information and obligation to secrecy, public officials are more inclined to not sharing information with the public, and shy away from expressing their personal or professional views on a subject.

Criminal libel and defamation appear to remain the toughest roadblocks to freedom of expression in Nigeria. On top of these, the recently enacted Cybercrimes (Prohibition, Prevention, etc.) Act is already emerging as a serious threat. This law was passed only this year (2015), yet, already three people have been taken to court over things they wrote or did on the internet. This is a "worrying development", given the surging popularity of digital media and the number of Nigerians switching to digital content.

While some laws appear to have direct implications on the extent to which freedom of expression is enjoyed, some are indirect, subtle and unpredictable. Court rulings have gone back and forth on the issue of whether Nigerian law protects journalistic sources, with the Court of Appeal finally deciding that

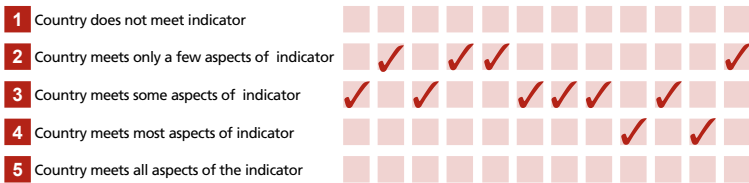
¹ Section 50-52

journalists enjoy no special privilege - including protection of their sources - under the constitution. While some believe that the Supreme Court may decide otherwise, for now the issue has not yet gone before Nigeria’s highest court and the three-decade-old decision of the Court of Appeal remains the guiding law on the issue.

There is clearly a legal explanation for the confusing landscape. While the constitution guarantees freedom of expression in seemingly straightforward terms, it also weakens citizen’s ability to fully exercise the fundamental right. While freedom of expression is guaranteed, the constitution² cautions that “nothing... shall invalidate any law that is reasonably justifiable in a democratic society.”

Scores:

Individual scores:



Average score: 2.8 (2008: N/A; 2011: N/A)

1.4 The government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

Nigeria gets good ratings when it comes to the production of international law. It is often one of the key players in initiating and drafting many international and regional treaties, charters and declarations; and among the first to sign and ratify them. Furthermore, the country’s constitution makes international legal instruments ratified by Nigeria applicable at home by default, although they need to be domesticated before they can be enforced in local courts. In this light, Nigeria has ratified most African instruments related to freedom of expression, including the African Charter on Human and People’s Rights. Indeed, most of the laws regulating the country’s media landscape reflect some of the guiding principles found in international instruments.

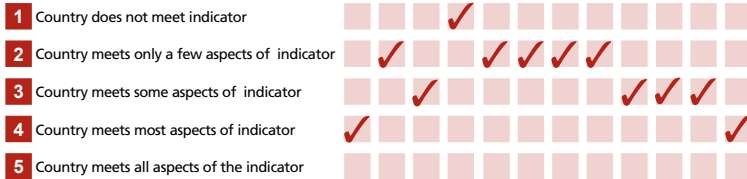
“The problem is when it comes to implementation,” a panellist said. “Many freedom of expression cases against Nigeria have gone before African bodies and

² Section 39.3

the country has in no instance been found to be complying with the international regulation.”

Scores:

Individual scores:



Average score:

2.6 (2008: N/A; 2011: 1.2)

1.5 Print publications are not required to obtain permission to publish from state authorities.

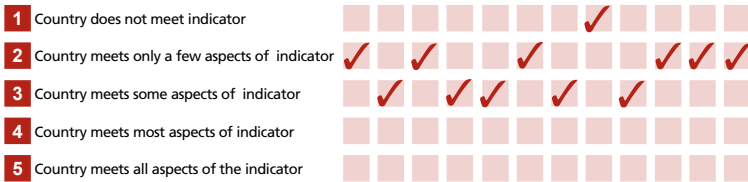
Newspapers obtain legal or moral personalities from State Governments. Because of the legislative independence that each Nigerian state enjoys, the rules for newspaper operations vary from state to state. However, almost every state requires some form of registration before newspapers can become operational. This registration is often done in the office of the State Director of Information.

It remains debatable to what extent State officials intend to use this requirement to limit the freedom of newspapers to operate. Isn't some form of formal recognition for newspapers to publish? Notwithstanding the varied views, panellists generally agreed that registration constitutes some sort of prior-authorisation.

In practice, many newspapers ignore registration processes and go straight ahead to publish. "But when they run into problems, it is then they know there is a law," said a panellist. "You write a very critical story and suddenly you are being asked if you are registered."

Scores:

Individual scores:



Average score:

2.3 (2008: N/A; 2011: 2.1)

1.6 Confidential sources of information are protected by law and/or the courts.

The protection of confidential sources of information is a major omission in Nigeria's media regulatory framework. Not a single line in the country's range of media related laws makes mention of this important requirement for the practice of journalism.

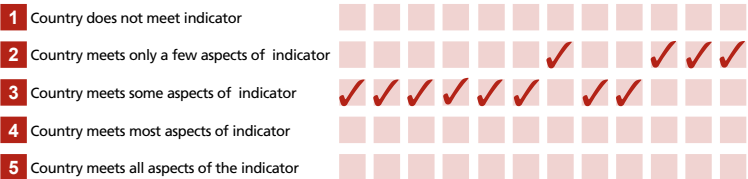
Case law has also failed to fill the gap, and in the view of some, has created more confusion instead of providing a solution. In one landmark case (*Momoh vs the Senate*), a High Court ruled in favour of protecting journalistic sources, but the Court of Appeal overturned the decision. The Court of Appeal judges insisted that no special protection existed for sources of information. The case was thrown out on other grounds.

Section 16 of the 2011 Freedom of Information Act states that "A public institution may deny an application for information that is subject to the following privileges... (c) Journalism confidentiality privileges." However, this does not seem to address the question of a journalist's confidential sources of information. Also, it is unclear if it applies to journalists in the private sector, who may not have to deal with FOI requests.

In a nutshell, journalists enjoy no rights to protect sources before the courts, security forces, parliaments and other such bodies.

Scores:

Individual scores:



Average score: 2.7 (2008: 1.1; 2011: 1.9)

1.7 Public information is easily accessible, guaranteed by law, to all citizens.

Nigeria’s 2011 Freedom of Information (FOI) Act is considered the most important piece of media regulation enacted in recent years. The Act guarantees public access to information and defines conditions under which citizens can enjoy the right to know. It is “an Act to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officer from adverse consequence of disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters.”³

The FOI Act has helped to ‘push the frontiers’. However, there are “challenges in compliance”.

Some government institutions are still reluctant to honour FOI requests. The National Assembly, for instance, has repeatedly refused to honour requests to reveal the salaries of lawmakers. In another example, a university is still to respond to several requests to confirm if it conferred a PhD on former president Goodluck Jonathan, as the former leader claims.

Some State Governments have simply refused to acknowledge the law. Political authorities in Benue, Enugu, Kaduna, Lagos, Ogun and Oyo States, for instance, had insisted on passing a complementary law before beginning to implement the FOI Act. To date, however, no such laws have been passed by these states. Judges in different States have given different interpretations on the scope of the law and whether or not it was binding on States. In Oyo State, a court ruled that it was enforceable in the State. In Lagos, a judge said it was only binding on Federal officials. The absence of any decision so far in appeals on cases related to whether

³ FOI Act introductory notes (2011)

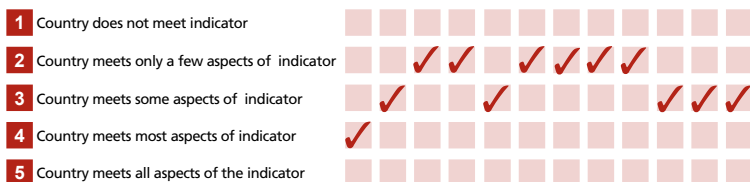
the FOI covers State institutions has slowed its implementation across the country.

Keepers of public information and records also frequently use the Official Secrets Act to deny the release of information. Other excuses include the perpetual absence from duty of the official responsible for responding to FOI requests.

In spite of the shortcomings in its implementation, the public still sees the existence of the FOI Act as a major improvement on the past.

Scores:

Individual scores:



Average score:

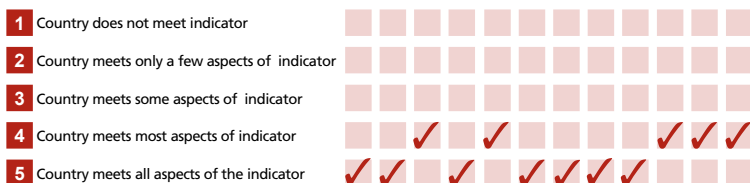
2.6 (2008: 1.6; 2011: 2.9)

1.8 Websites, blogs and other digital platforms are not required to register with, or obtain permission, from state authorities.

In the absence of any law or regulation, individuals and institutions in Nigerian can create and run websites, blogs and other digital platforms without seeking authorisation. Citizens are now required to register their SIM cards before accessing mobile telephony services, but it is hard to argue that this constitutes a restriction to producing and distributing digital content.

Scores:

Individual scores:



Average score:

4.6 (2008: N/A; 2011: 4.7)

1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

Earlier in 2014, it emerged that the Federal Government had paid an Israeli hacking firm about USD40 million to monitor the online communications of Nigerians, although there were no details about the scope of the monitoring and whose communication was being monitored. The Bayelsa State Government was also embroiled in a similar affair, with reports revealing that it had paid an Italian firm about NGN100 million (slightly over USD500,000)⁴ to monitor internet users in the state.

These examples show that both Federal and State officials are interested in what happens online. This prying has led to people being arrested for comments they make or information they share online, such as the arrest of a student over a Facebook post containing details of an alleged fertiliser scam in Katsina State in 2014. Other examples include the arrest of three bloggers and a man who tweeted about a clash between Boko Haram fighters and officials of the Directorate of State Security (DSS), the Nigerian domestic intelligence agency.

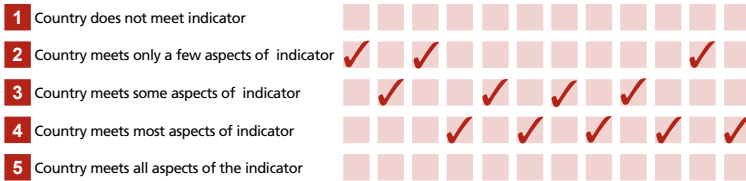
Many believe the government is actively intercepting digitally transmitted information, particularly of targeted individuals, groups or organisations. The Federal government was a primary suspect when *Premium Times'* website was hacked and injected with viruses. Actions like this, if any, are currently executed within a legal vacuum. But things may change in the future. Two Bills to legalise government-backed interception of information are pending in parliament. They are: Telecommunications Facilities (Lawful Interception of Information) Bill, 2011 and Interception of Communications Bill, 2012

Beyond hacking, it is unclear if the government actively filters internet content. There is no evidence of blocked sites or digital services. Sometimes though, when some websites or services suddenly break down, even briefly, people cannot help but wonder whether the government is involved.

⁴ NGN1 = USD0.005, 13 Dec 2015

Scores:

Individual scores:



Average score:

3.2 (2008: N/A; 2011: 4.2)

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

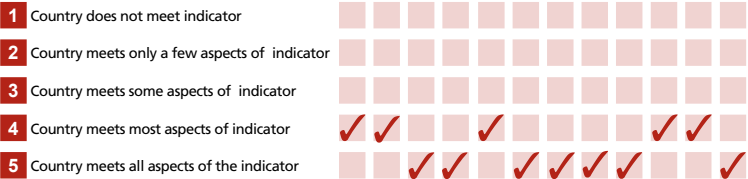
Nigeria has many organisations promoting and protecting the interests of media and journalists. Some of the most prominent organisations operating in the country, as identified by the panellists, include:

- The Nigeria Union of Journalists (NUJ)
- The Newspapers Proprietors Association of Nigeria (NPAN)
- The Broadcasting Organizations of Nigeria (BON)
- Media Rights Agenda (MRA)
- Radio, Television and Theatre Workers Union (RATTAWU)
- The Nigerian Guild of Editors
- Institute for Media and Society (IMS)
- International Press Centre (IPC)

Media organisations and other civil society groups regularly advocate for the protection of press freedom. After the African Independent Television (AIT) was prevented from attending a press conference by President Muhammadu Buhari shortly after he assumed office in 2015, the civil society outcry led to a reversal of the government's position.

Scores:

Individual scores:



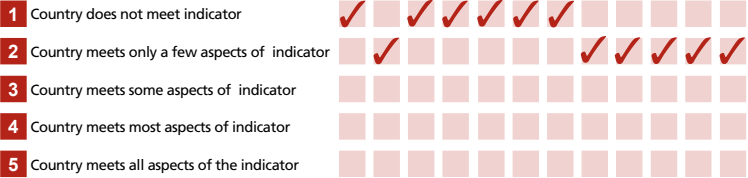
Average score: 4.6 (2008: 4.4; 2011: 4.7)

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Most Nigerians would agree that the country’s FOI Act was a product of broad consultation, which most other laws do not enjoy. However, its enactment in 2011 did not set any precedence. The Cybercrimes (Prohibition, Prevention, etc.) Act of 2015, which came after the FOI Act, was not a product of consultations. Even though it may be hasty to jump to conclusions since no media legislations have been produced since the FOI, general lack of consultation in the country’s law-making process remains the dominant state of affairs.

Scores:

Individual scores:



Average score: 1.5 (2008: N/A; 2011: 4.4)

Average score for sector 1: 3.0

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

When it comes to news and information outlets or sources, Nigeria has them in all formats and in good number: newspapers and other print publications, radio stations, television channels and increasingly online news sites. Accessibility and affordability are, however, not so straightforward to predict, since they differ from one sector to the other and are determined by multiple factors. As such, it may be helpful to examine the situation medium by medium.

Print

Nigeria has hundreds of newspapers and magazines, which can be private or public, national or local, regular or irregular. The most prominent are the private national dailies located in the big cities. However, some local papers like *Leadership* and *Amininya* publish in local languages and have left a mark on the country's media landscape.

National or local, newspaper circulation in Nigeria is on a decline. Leading papers such as *The Punch* and *The Nation* put approximately 40,000 copies on the market. This, for a population of roughly 150 million people! Almost all national papers now print only a single edition. Smaller papers simply do not declare their circulation, but the numbers are unlikely to surpass a few thousand.

Papers are generally restricted to the big cities, reaching a few rural areas only after two to three days or more. High rates of illiteracy and poverty also limit access to newspapers, particularly in rural areas. Unable to afford the cover prices, "free readers" gather around newsstands to catch a glimpse of the headlines. Some newspaper vendors are overcoming the high cost by creating spaces where customers can rent and read papers for as low as NGN50 (about USD 0.25).

Nigeria's newspaper sector also suffers from a drop in the reading culture as a whole. "The society has evolved but reading has declined," said a panellist.

Radio

Radio is by far the most popular source of information in Nigeria because of its broad availability and affordability. It is particularly popular in rural areas, where it is sometimes the only source of information. Recently licenced community radios

will increase access to some of the countries marginalised groups, with more local and relevant content.

The landscape is made up of different broadcasters: publicly-owned Federal and State stations and networks, commercial urban news and entertainment stations and in its infancy, non-profit community broadcasters. Each of these broadcast in a wide range of languages, including English, pidgin and any of more than 250 local languages. The *BBC* runs a Hausa service, which has a large audience in northern states. Different radio stations target different segments of society, resulting in a total coverage that reflects Nigeria's diverse ethnic and linguistic groups and varied interests.

Northern Nigerians love their radio. As the news source of choice, the radio has become part of the way of life in northern states, where even the most segregated in society consume local, national and even international content from places as far off as China.

Audience participation – through phone-in possibilities, has helped radio to maintain a comfortable place in the broadcast media landscape.

In spite of the wide reach of radio, some parts of the country are still not covered. These are mostly border regions, some of which depend on broadcasts from neighbouring countries like Cameroon. Most privately owned stations only cover a 20 to 30-kilomere radius from the capital.

Television

As a broadcast medium, television does not enjoy the popularity of radio. Nonetheless, there is a fairly large and increasing number of channels, including those of a few private networks. In general, urban areas are better served than rural areas, in part because city dwellers can afford television sets and are close to broadcast transmitters, while rural dwellers are comparatively poor and far away from signals. Access to electricity, which is required to power television sets, is also more reliable in urban areas.

One of the consequences is that rural audiences do not get a good variety and are fed content from highly biased state-run channels. Government broadcasters still dominate free-to-air services, which limits the choices available to the vast majority of the population.

Digital media

Internet penetration is rising with the popularity of data services via mobile phones. In September 2015, it was estimated that the country had over 148 million GSM and more than two million CDMA users.

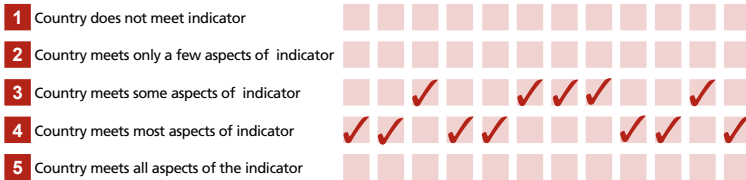
Internet connectivity figures are unreliable because of the different approaches to calculating them. One estimate claims that Nigeria had 67 million internet users in 2014. The figure did not appear to take stock of those who connect to the

Internet via mobile phones, who were estimated by the Nigerian Communications Commission to number more than 95 million during the same period.

Increasing access to the internet is helping online publications to flourish. They have become an alternative source of information for the vast majority of urban dwellers.

Scores:

Individual scores:



Average score: 3.6 (2008: 3.4; 2011: 2.8)

2.2 Citizens’ access to domestic and international media sources is not restricted by state authorities.

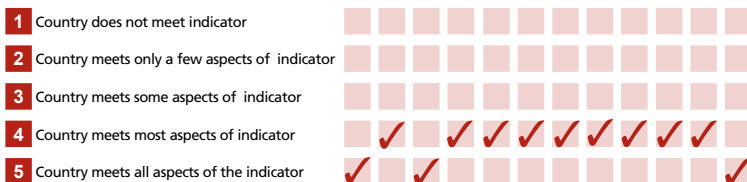
Numerous international news outlets are available to Nigerians without restriction. Satellite, cable and FM transmissions beam broadcast signals from all over the world to almost every corner of the country. Foreign magazines and newspapers are also widely available and restricted only by cost.

Increasingly, national channels and radio stations air foreign content through partnerships with outlets like the Voice of America. A few radio stations in Lagos have arrangements that allow foreign correspondents to file stories on their behalf. The only restriction to broadcasting international content concerns live news broadcasts, for which the National Broadcasting Commission insists that a special permission must be obtained through licensing. This requirement is not strictly respected or enforced.

In principle, the distribution of foreign content within the country is the prerogative of the News Agency of Nigeria (NAN). However, with technological advances and lax enforcement, news organisations are routinely bypassing NAN to procure content directly from wire services like *Reuters*, *Associated Press* and *Agence France Presse*.

Scores:

Individual scores:



Average score:

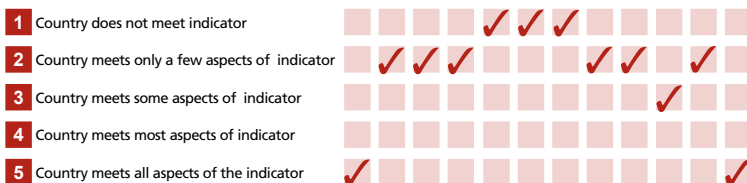
4.3 (2008: 4.5; 2011: 3.9)

2.3 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

Nigeria has a few newspapers run by either Federal or State authorities. These include *Tide*, *Nigerian Observer* and *the Standard*. These papers are created to serve the interest of public authorities and are strictly controlled, with strong state influence on their content and editorial processes. As one panellist put it: "No state has a newspaper that enjoys zero interference from state authorities. Independence is an impossible task."

Scores:

Individual scores:



Average score:

2.3 (2008: 1.1; 2011: 1.1)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

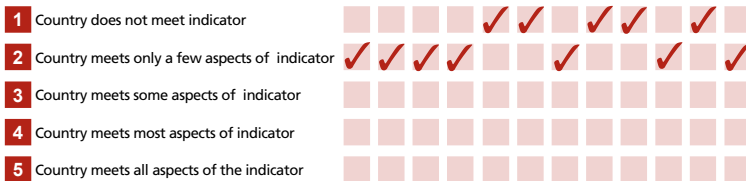
Owners of most news outlets are well-known, or the public thinks they know them. In reality, the real owners of news organisations often operate from the shadows, using publicly known faces only as fronts. It is therefore difficult to know who the real owners of some news organisations are, with certainty.

A few news organisations also operate without any public hint on who the owners are. No one really knew who owned *National Interest*, for example. Several names have been cited but no one is certain. Records on the ownership of *AdabaFM*, a radio station, are also murky. Its broadcast license is reported to have been transferred from one person to the other, but it is unclear to whom.

Opacity in ownership in the broadcast sector is promoted by the licencing process. Scores of broadcast licences have been acquired but not exploited and it is believed that the real licence owners often rent or sell broadcast licences to others. *Daily Trust* once reported that more than 72 broadcasting licences were issued just before the administration of President Goodluck Jonathan transferred power. It is hard to find these names in public records.

Scores:

Individual scores:



Average score: 1.6 (2008: N/A; 2011: N/A)

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

Nigerian cross-ownership rules⁵ appear straightforward: a person may own two radio stations plus not more than one TV channel, and vice versa. The law also prohibits the creation of private radio or television networks.

In general however, these requirements are violated and media concentration is common. In spite of the law, *Silver Bird*, *Ray Power* and *AIT* already operate networks. Beyond inadequate law enforcement, the lack of transparency in

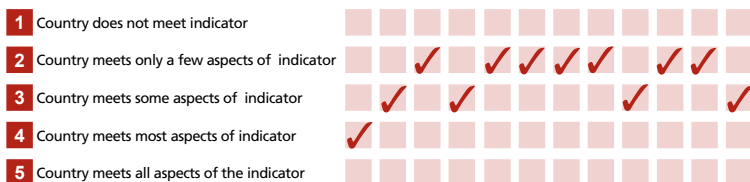
⁵ Nigeria Broadcasting Commission Act

ownership also makes it difficult to implement cross-ownership and media concentration rules.

The National Broadcasting Commission announced in 2015 that it had commissioned a study to look into issues of competition in the broadcast sector. Lawmakers are also discussing issues of competition across all sectors of the Nigerian economy and it is assumed that the media sector will be addressed.

Scores:

Individual scores:



Average score:

2.5 (2008: 2.9; 2011: 1.3)

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

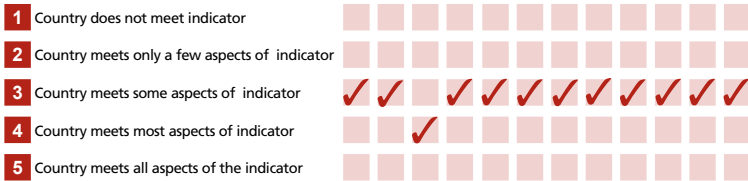
Publicly-owned media organisations are entitled to either Federal or State subsidies, where applicable. Such subsidies – when disbursed – have shrunk significantly over the years, forcing public media organisations to turn to other revenue sources such as advertising.

Nigeria has no clear policy on direct government support to private media. Instead, private broadcasters are required to pay an annual levy equivalent to 2.5 percent of their turnover to the NBC.

The sector is characterised by different categories of broadcasters: public, private-commercial, campus and community outlets. The process of licencing campus and community radios is underway, with at least one community radio station already operational. The licencing of campus radio stations has been ongoing since 2002, while that of community radio stations only began in 2015.

Scores:

Individual scores:



Average score:

3.1 (2008: N/A; 2011: 2.5)

2.7 All media fairly represent the voices of both women and men.

Years of advocacy for the rights of women and other minorities have produced positive results in the Nigerian media. Compared to just a few years ago, the voices of women have gained greater prominence in news reports and programs. Many newsrooms and editors have become “gender sensitive” even in their choice of words. Broadcasters have dedicated airtime and newspapers special pages and columns to discuss issues of interest to women.

However, bias against women has not completely gone away. Men’s views are still favoured by media when discussing “important” issues like politics, business, conflicts and current affairs. Even though women and children are the main victims of the ongoing armed conflict in the north of the country, news reports hardly reflect this reality.

The persistence of gender stereotypes in the media is a reflection of overall society. Outspoken women are considered pompous and tagged by their peers as seekers of cheap fame. Because of this type of labelling, most women are unwilling to take the floor and address issues that affect them. “Women need clearance to enter the public space, but men do not need such clearance,” a panellist explained.

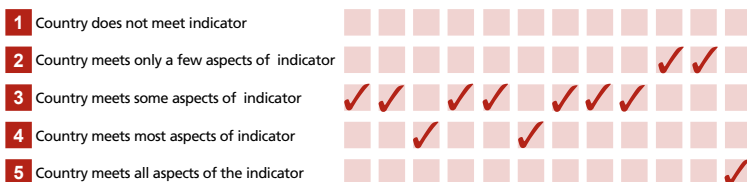
Politics is the sector in which women’s voice is most absent. Media coverage of politics is dominated by men, in part because women lack the financial means and notoriety needed to transform oneself into a newsmaker. Even in homes where both the husband and wife are politicians, there is a tendency for the man to seek to outshine the woman and occupy higher office, even if the woman is better qualified.

Journalists argue that they do not deliberately marginalise women or their issues. “A good reporter does not look at the face of his or her source,” said a panellist. “What is available is what you use. Who is available is who you interview.”

Fewer women also rise to important positions in newsrooms, even though most of the brightest students from journalism schools and faculties are usually young women. Getting ahead, it seems, “is not about brains but access and networks”.

Scores:

Individual scores:



Average score:

3.2 (2008: N/A; 2011:2.3)

2.8 All media fairly represent the voices of society and its minorities in its ethnic, linguistic, religious diversity.

Hope Dey (there is hope), a Treasure FM (an FRCN Station in Port Harcourt, Rivers State) program run by a handicapped host to discuss issues affecting people with disabilities, has struggled to stay on air. Its producers have repeatedly come under pressure to take down the show because of lack of sponsorship. Yet, it has managed to survive, giving people with disabilities a weekly platform to highlight their plight.

The story of *Hope Dey* reflects the mixed fortunes of minority groups in the Nigerian media. While some groups have managed to occupy large spaces in the media, thanks to political, economic, ethnic and religious prominence, others who lack the right combination of such factors are simply shut out. Some subjects, like girl rights, living with HIV/AIDS, child labour, receive only marginal media interest.

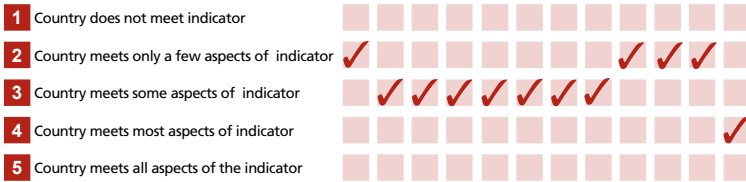
Part of the problem is the sheer number of minority groups in the country. Nigeria is believed to have more than 300 ethnic groups and local languages and media tend to focus on languages with the broadest reach. Rivers State, for example, has more than 18 dominant languages but only three are used in broadcasts on state-run radio outlets, since most people understand those three.

Broadcasting in local languages is common, and is expected to improve with the anticipated arrival of community radios. Some newspapers also publish in local languages. Daily Trust, for example has a Hausa edition.

As with languages and ethnic groups, the dominant religions such as Christianity and Islam, tend to get more media coverage than say traditional African worshippers and religious cults. Powerful pastors habitually buy long hours on radio and television to preach their message. Islamic preachers dominate most Friday broadcasts.

Scores:

Individual scores:



Average score: 2.8 (2008: N/A; 2011: 2.4)

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

No sector is taboo on the Nigerian media landscape. They cover a wide range of issues – particularly politics, business, culture, entertainment, economy, religion.

However, some sectors and issues tend to enjoy more coverage. Political and business stories are more likely to find their way onto a cover or as a headline, while culture may be relegated to inside pages and specialised programs.

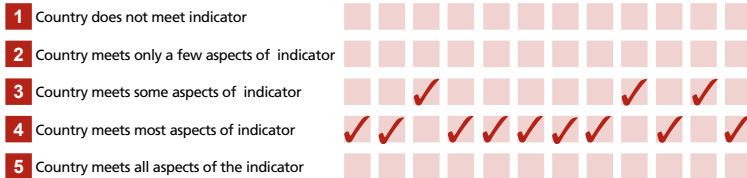
A number of local stories also appear in dedicated programs and columns. The situation is improving with the increase in local FM stations, community radio stations and regional papers. *The Nation*, for example, started an 8-page supplement covering the South West. *The NTA* runs a number of local programs sponsored by local governments. *AIT* and *Channels* run late night community newscasts.

Investigative journalism is still a work in progress. Increasingly, private newspapers are setting up investigative desks with support from civil society organisations.

“Once in a while”, well-investigated stories are published. However, this journalistic approach is limited by resources, personnel and fear.

Scores:

Individual scores:



Average score:

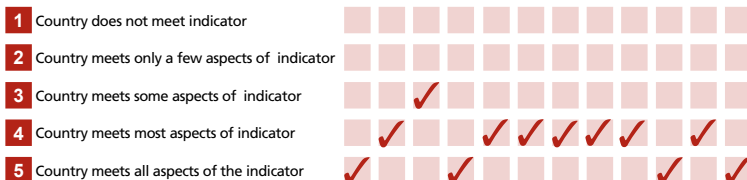
3.0 (2008: 4.0; 2011: 3.0)

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

Competition is pushing private broadcasters to increase content quality, including programming that is relevant to their audiences. Political and current affairs debate shows, such as ‘Matters Arising’ on *AIT* and ‘Sunrise’ on *Channels*, are some of the most popular on television. Radio stations are awash with phone-in programs that allow the audience to participate in discussing issues that matter to them. Generally, audiences prefer private broadcasters because of their quality and the pertinence of their content. Public broadcasters are loaded with government propaganda.

Scores:

Individual scores:



Average score:

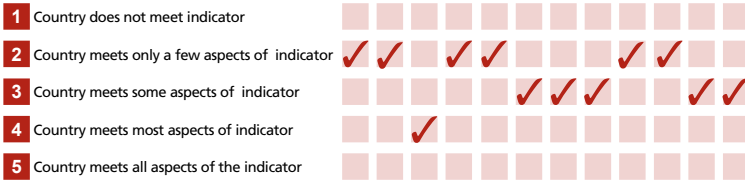
4.3 (2008: N/A; 2011: N/A)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

Efforts to promote ICTs in Nigeria are dispersed and lack any coherence. Policymaking and regulation is left in the hands of multiple ministries and agencies that are often in conflict over their precise mandates and competence to regulate various aspects of the sector. Currently, key players in the sector include the Ministry of Information and the Ministry of Communication Technology. Conflicts and inefficiencies in the sector caused Nigeria to miss the deadline for digital switchover in mid-2015. The Ministry of Communication Technology developed a national broadband plan for 2013-2018, which has since been abandoned. In summary, the ICT sector "has no roadmap or projections".

Scores:

Individual scores:



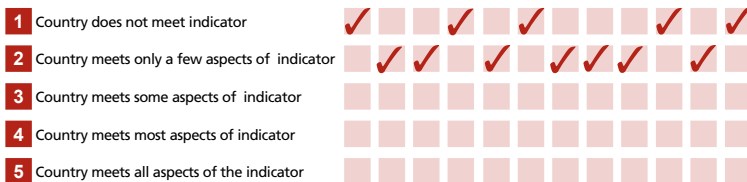
Average score: 2.6 (2008: N/A; 2011: 1.3)

2.12 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

Advertising is a powerful tool in the hand of government officials and agencies, which they use to influence the editorial posture of media organisations. They routinely use the placement of adverts to reward friendly organs, or deny adspendto punish those considered hostile or friendly to political and business rivals.

Scores:

Individual scores:



Average score: 1.6 (2008: 1.4; 2011: 1.8)

2.13 The advertising market is large enough to support a diversity of media outlets.

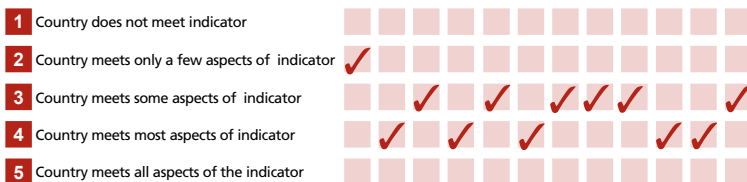
The advertising market in Nigeria is neither well-structured nor robust enough to sustain a diversity of media outlets. The criteria for the placement of adverts are unclear and often involve factors like friendship, and political, ethnic or even religious affiliations.

In 2014, there was a windfall of political advertising, which disappeared soon after the elections were over.

Beyond a few regular advertisers like telecoms and banking companies, most media organisations rely on churches, alternative medicine promoters and public service announcements for revenue.

Scores:

Individual scores:



Average score: 3.3 (2008: 2.6; 2011: 2.3)

Average score for sector 2: 3.0

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

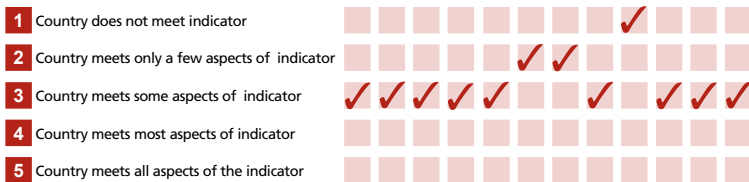
Nigeria's broadcasting sector is regulated by the National Broadcasting Commission Act. The goal of the NBC was to break the monopoly of the past and open up the sector to commercial broadcasting. It failed to foresee non-profit community broadcasting as public broadcasting, which has led to the slow development of the sub-sector. For instance, the NBC's licencing procedures are based on the concept of shareholders, whereas community radios are run by stakeholders. Nonetheless, about 17 community radio licences have already been issued and at least one of these stations has started broadcasting.

Public broadcasting is governed by several Acts setting up each Federal public broadcaster. These include the Federal Radio Corporation of Nigeria Act, the Voice of Nigeria Act and the Nigerian Television Authority Act. States also have laws setting up state broadcasters and these vary in form and content from state to state and media organisation to media organisation.

Frequency management is carried out by separate bodies that cover the broadcasting and telecommunications sectors. It is expected that the coming digital switchover will free up frequencies and increase the spectrum available to broadcasters. In the meantime, frequency allocation is riddled with corruption and irregularities. In some instances, broadcast frequencies were sold to telecommunications companies in shady deals.

Scores:

Individual scores:



Average score:

2.7 (2008: 2.9; 2011: 1.8)

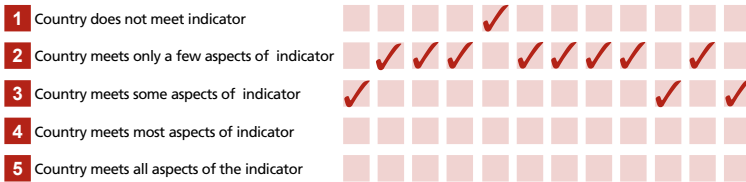
3.2 Broadcasting is regulated by an independent body that is adequately protected by law against interference and whose board is not dominated by any particular political party and is appointed – in an open way – involving civil society and not dominated by any particular political party.

The NBC has the status of a parastatal, which compromises its independence. It is run directly under the Ministry of Information and often receives directives from the presidency. NBC's members and staff are also appointed by the government, and provisions in the Commission's founding laws make the organ prone to government intervention.

Members of the commission are handpicked from different sectors, but are predominantly members or supporters of the ruling party. Those who come in neutral often feel the urge to toe political lines to keep their positions. The law gives the Minister of Information the power to hire and fire members of the Commission. With the change of administration earlier this year, it is expected that members of the NBC – mostly sympathisers of the past administration and ruling party – will be replaced.

Scores:

Individual scores:



Average score: 2.2 (2008: N/A; 2011: 1.3)

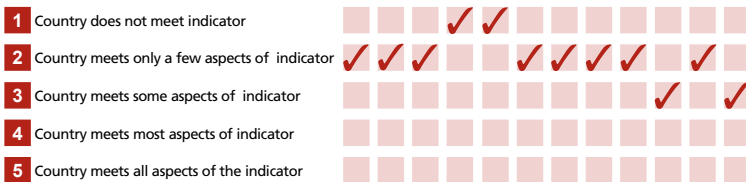
3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

The NBC is in charge of licensing. Its operations are not considered transparent and few know the criteria used to deliver licenses, as many people who satisfy the set conditions are never awarded these licences. In a practice that has been described as corrupt at best, individuals have obtained numerous licenses with the intention of reselling to desperate investors. At least 70 licenses were believed to have been issued in the final days of the last administration, despite hundreds of applications pending for years. “Some people apply and never get, some don’t apply but get.”

Two groups are prohibited from applying for broadcasting licenses: political parties and religious organisations.

Scores:

Individual scores:



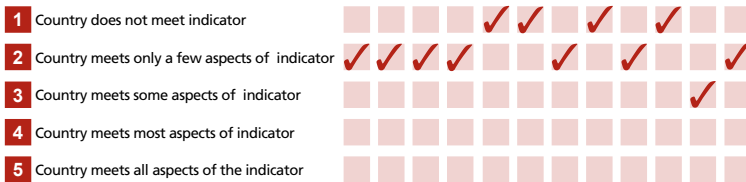
Average score: 2.0 (2008: 1.8; 2011: 1.3)

3.4 The state/public broadcaster is accountable to the public through an independent board which is representative of society at large and selected in an independent, open and transparent manner.

On paper, board members of public broadcasters are drawn from diverse sectors. In practice, however, they are “government, government, government”. Board members are appointed in ways that do not require them to be accountable to the public. As a result, they are neither independent nor do they serve the public interest.

Scores:

Individual scores:



Average score:

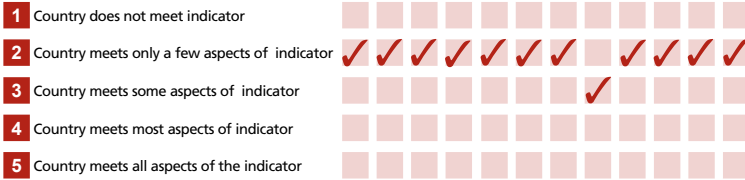
1.8 (2008: 1.2; 2011: 1.1)

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

The enabling Acts of the Federal Radio Corporation of Nigeria (FRCN), Nigerian Television Authority, Voice of Nigeria, and News Agency of Nigeria all give the Minister of Information the right to give directives to any of the public broadcasters, which are obliged to comply. A few managers have tried to resist external influence, but always run into problems and get fired. Managers are generally under a lot of pressure from ministers, particularly because there is no legal guarantee for editorial independence.

Scores:

Individual scores:



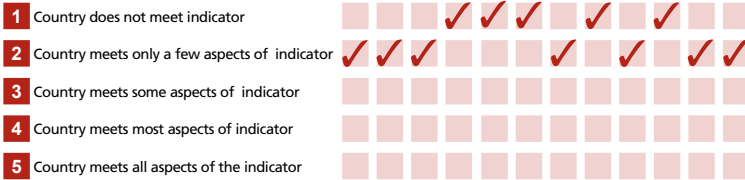
Average score: 2.1 (2008: N/A; 2011: N/A)

3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure.

State subventions to public broadcasters have nosedived and are hardly disbursed. Even though workers are paid as civil servants, managers hardly get enough money to cover running costs. In addition, they are required to pay 25% of their revenue into the Treasury Singular Account (TSA), as a general requirement for all parastatals. While the TSA has a deposit platform, it has no withdrawal platform. This has put pressure on state-run broadcasters to seek revenue from advertising.

Scores:

Individual scores:



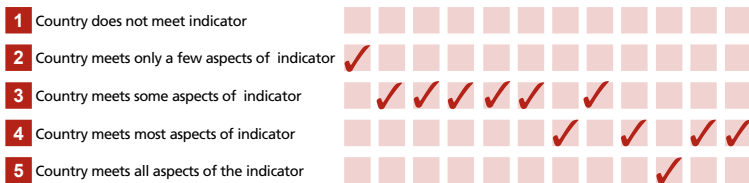
Average score: 1.6 (2008: N/A; 2011: 1.9)

3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

Public broadcasters are required by law to air at least 70% local content; and they try to comply. However, during elections they are often forced to follow the political agenda of candidates, to the detriment of other content. A few dare to run programs that give voice to all political parties, but the ruling party generally dominates political coverage and programming. In an attempt to catch up with private broadcasters, public radio and television stations are increasingly diversifying their offers of entertainment, sports, and global affairs programmes.

Scores:

Individual scores:

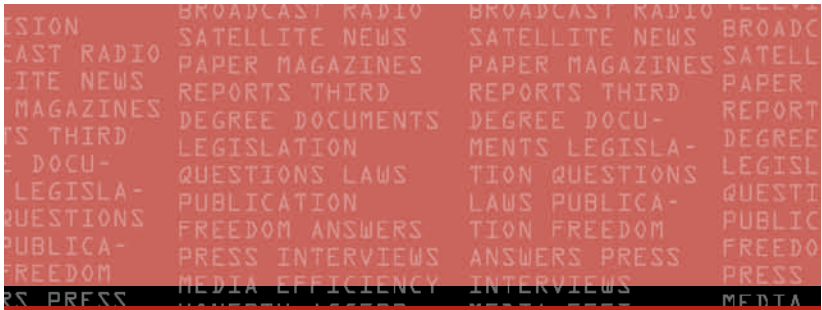


Average score:

3.4 (2008: N/A; 2011: N/A)

Average score for sector 3:

2.3



SECTOR 4:

The media practise high levels of professional standards.



4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

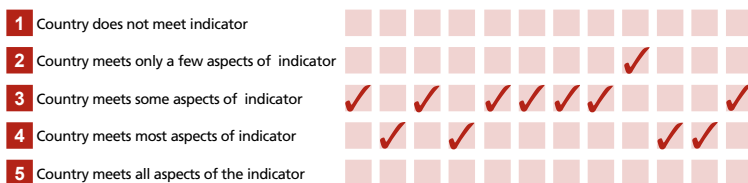
The NUJ recently reactivated its Ethics and Discipline Committee, which now regularly hears complaints from the public. However, the NUJ lacks the mandate to enforce its decisions and limits its actions to naming and shaming. Even this has received positive feedback from the public, who see the media actively putting their houses in order. One institution went as far as publishing an NUJ decision in the newspapers. With increasing demand for NUJ arbitration, the union is encouraging its State branches to also reactivate their Ethics and Disciplinary organs.

Other instances within the industry try to provide avenues for some form of self-regulation. Almost each media sector has a code of conduct, which members voluntarily follow. Examples include the Code of Conduct for Nigerian Journalists and the Code on Election Reporting. Individual organisations also have guiding principles, and some media publish excerpts from these from time to time.

Despite these efforts, media organisations do not claim that Nigeria has a veritable self-regulatory body. The Nigerian Press Council is a statutory body.

Scores:

Individual scores:



Average score:

3.3 (2008: 2.6; 2011: 3.1)

4.3 Salary levels and general working conditions, including safety, for journalists and other media practitioners are adequate.

Journalists of the public sector are paid following the civil service salary scale. In this regard, an entry level public media professional could expect to earn about NGN60, 000 (about USD300) per month. They also get “weigh-in” allowances.

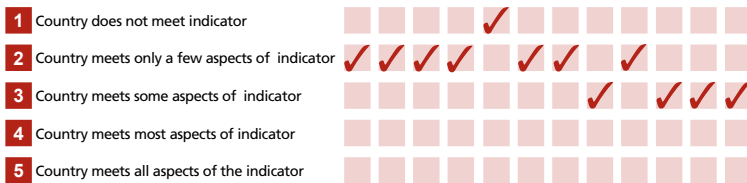
The weigh-in allowance is to compensate those journalists who are assigned shifts, working either at night or weekends. But the journalists insist that it is not really significant as the amount involved is about NGN2, 000 (about USD10) per month. Journalists at Voice of Nigeria get a 40% “peculiarity” allowance, which is meant to compensate them for the unique nature of their work in gathering and broadcasting news and information internationally, which also requires them to work for long hours serving an international audience that is on widely different time zones. However, the peculiarity allowance has become quite controversial as it is also paid to administrative staff in Voice of Nigeria which the editorial staff argue, is contrary to and defeats its purpose as the peculiarities applicable to the editorial staff do not apply to administrative staff to warrant their receiving the same allowance.

Public media unions such as the Radio and Television Workers’ Union, are still advocating for journalism to be considered a professional corps, which would increase their entry grade into the civil service from Grade Level 8 to 9, and thereby provide for higher entry level salaries and bonuses.

Generally, journalists in the private sector are better paid. The problem, however, is that their salaries are not regular. There is also no uniformity in the private sector with respect to salary scales, with big news organisations paying far more than smaller ones. This discrepancy is partly due to the absence of any collectively bargained agreements between unions and employers. Poor salaries force many senior staff to aspire for political jobs, especially as press secretaries in State Governments, or to seek public relations or corporate communication positions in companies and NGOs.

Scores:

Individual scores:

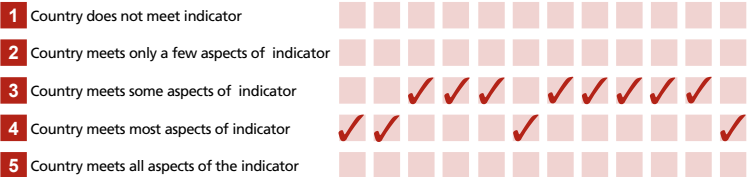


Average score:

2.3 (2008: N/A; 2011: 1.3)

Scores:

Individual scores:



Average score: 3.3 (2008: N/A; 2011:2.5)

Average score for sector 4: 3.2

The way forward

1. What were the developments in the media environment in the last three/four years?

Positive

- After many years of advocacy, the Nigerian Government finally issued 17 community radio licences, distributed in all the geopolitical zones of the country. One has already started broadcasting and the rest are expected to become operational in 2016. Authorities plan to deliver more licences after the experimentation phase.
- A major development in the media landscape has been the “explosion” of social media and online journalism. More than 70 percent of Nigeria’s population is younger than 30 years old and this demographic has encouraged new media. In addition to news site and blogs, the number of internet radios is on the rise. While all of this is a positive development, it has also come with many challenges for the industry. “Everyone is now a journalist.”
- Nigerians elected a new Administration in 2015. It was the first peaceful transfer of power through an election from a ruling party to an opposition party. This change is likely to have implications on the media. During election campaigns, politicians openly discussed the issue of journalists’ welfare and the need for self-regulation.

Negative

- Nigeria missed the deadline for the migration of broadcast transmission from analogue to digital. A new deadline has now been set for 2017, but many suspect it will be missed again because problems of coordination and transparency still persist.
- The passing of the Cybercrimes (Prohibition, Prevention, Etc.) Act in 2015 seems to have taken freedom of expression a step backward. After only a few months of the existence of the Law, at least three people have been jailed for things they said or did online.
- Radio Biafra began broadcasting in 2015, raising questions about compliance with licensing procedures and the ability of the system to regulate broadcasting. Authorities have been unable to use the law to stop the station, which serves a secessionist cause.

2. What kinds of activities are needed over the next 3-4 years?

Over the next three to four years, advocacy in the following areas stand the best chance of improving the media landscape in Nigeria:

- Better funding for public media
- Removal of taxes on newspaper inputs through the implementation of the Florence Convention
- Promotion of local production of newsprint and possibly the resurrection of the Nigerian Newsprint Manufacturing Company
- Development of a comprehensive ICT policy with a clear vision and direction
- Creation of a self-regulatory body for the media
- Production of legal guarantees for media freedoms

The panel discussion took place from the 27th to the 29th of November 2015, at Nike Lake Resort, Enugu, Nigeria.

Panellists:

Media:

1. Safiya Adamu, media manager
2. Akin Akingbulu, ICT expert
3. Jude Echewodo, media manager
4. Abdulwaheed Odusile, journalist
5. Gina Daka Osika, journalist
6. Cecil Odum Oruma, journalism trainer

Civil Society:

7. Angela Ajimase, activist
8. Emmanuel Anyaegbunam, lawyer
9. Chinedu Nwagu, human rights activist
10. Chiagozie Udeh, youth activist
11. Lydia Umar, gender activist
12. Mohammed Wuyo, activist

Rapporteur:

Eugene N Nforngwa

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