
THE ROLE OF DIGITAL RIGHTS ON DEMOCRATIC PROCESS IN NIGERIA

Ogunsakin, Oluwasegun Dar¹
Francis, Kenneth OluSANMI²

1 & 2 Department of Peace and Security Studies
Ekiti State University, Ado-Ekiti
Ekiti State, Nigeria

Temitope Emmanuel Abiodun³

Department of Political Science
Sikiru Adetona College of Education, Science and Technology,
Omu-Ajose, Ogun State, Nigeria

ABSTRACT

This study examined the role of digital rights in the democratic process in Nigeria. With the global trend in digitalization and technological growth, countries are competing for innovation to improve their democratic and political space. As such, there is a need to understand the functionality of how digital rights for all citizens remain vital to deepening the democratic process in Nigeria. The digital rights of Nigerian citizens have been short-changed due to the poor policy that protects citizens from engaging in the democratic process in the country. The study adopted the desk research method. This method collected secondary data from books, academic journals and the Internet. The study found that the Nigerian government's implementation of policy on digital rights is essential in the democratic process. For instance, the existence of digital rights in the country has accelerated continued access to and use of various telecommunication networks, digital media and technologies, and the internet to promote global digital systems of use. However, it was discovered that there were cases of violations of digital rights creating danger to democracy development in Nigeria. Also, the findings showed that the role of digital rights and technological spaces will allow for information rights in the country. However, there are challenges facing the role of digital rights in the country including infrastructure deficit, corruption, and a weak technological base. The study recommended that digital rights should be given priority in terms of providing infrastructure that will enhance quality services, tackling telecommunication corruption, and building a better cyberspace for all. The study concluded that, for

Nigeria to achieve a successful democratic process, digital rights need to be supported and funded for an effective role.

Keywords: *Digital rights, Technology, Democracy, Nigeria*

1. Introduction

A study of Nigeria's progress towards Africa's first digital democracy has rated its use of digital technology to enhance its political system as demonstrating "improvement" (Popoola, 2020). Technology is increasingly becoming an important tool for improving Nigeria's governance landscape (Palfrey, 2022). These technologies allow citizens to engage directly with the governments and to improve the delivery of essential services. Digital rights can also potentially increase transparency, accountability, and democratic principles by empowering people's voices.

Democracy as a form of government goes beyond elections, voting, and other electoral practices. Interaction, cooperation, and communication between all actors in a democratic structure are also important parts of a "functioning" democracy (Global State of Democracy Initiative, 2023). Democracy involves the government governing a nation by the people of that nation to achieve a better society. The nation's people include the elected and ordinary citizens or electors (Azeta, Azeta, Olaniyan, Azeta, & Ayeni, 2015). Digital rights refer to the freedoms and protections these 'ordinary citizens' have when using the internet and digital technologies. These rights include freedom of expression, the right to privacy, and the ability to access information freely, which, without adequate protection, can undermine the democratic process (Abaga, 2021).

Digital technologies have significantly advanced the democratic process in Nigeria by revolutionizing various aspects of political engagement. Firstly, these technologies have facilitated the formation and organization of political parties through online platforms, democratizing access and expanding their reach to previously marginalized populations. Additionally, digital tools such as social media (WhatsApp, Facebook, TikTok), online advertising, and digital marketing have revolutionized political campaigns, enabling parties and candidates to disseminate their messages widely and engage directly with citizens on issues that matter most to them. Moreover, digital platforms have enhanced transparency and accountability in the electoral process by allowing parties to share their manifestos and policies, fostering informed decision-making among voters, and holding elected officials to their promises (Medoye & Tukur, 2022).

Furthermore, digital technologies have revolutionized elections in Nigeria, with advancements such as online voter registration, electronic voting systems, and real-

time election monitoring and results transmission, enhancing efficiency and transparency. Citizens have also benefited from increased access to information and opportunities for civic engagement through digital platforms, enabling them to participate actively in online discussions, report electoral irregularities, and influence public opinion through online polls and surveys (Onyekwelu, 2023).

The existence of digital rights in Nigeria has accelerated advanced access to and use of various telecommunications networks, digital media and technologies, and the internet to promote various digital global exploitation programs. However, with the rise of digital rights violations, such as illegal arrests and intimidation of online users and criminal internet blocking, many online users have been deprived of their rights to personal freedom and human dignity, causing human rights violations to continue to increase. The government and some institutions took subversive steps that damaged internet access and accessibility and vulnerabilities in the potential use of digital technology (Amnesty International, 2023).

With internet coverage of about 46.24% in November 2022, Nigeria has the largest internet users in Africa and the seventh-largest globally (Jaiyeola, 2023). Although Nigeria is Africa's largest economy, it is largely monolithic, with oil production accounting for a large portion of the Gross Domestic Product (GDP) (Sasu, 2022). However, the recent rebalancing of the economy shows that previously dormant sectors are recovering, including information and communication technology – which is heavily dependent on the Internet economy. However, further investment is needed in Nigeria's internet economy to realize its full potential

Digital rights protect freedom of expression, data, access, and social media governance. It covers personal data protection and also leads to the enforcement of data protection (Jaiswal, 2021). It is vital to point out that all the basic rights enshrined in the 1999 Constitution of the Federal Republic of Nigeria, which guides the activities of everyone in the country, are related to online rights. This is because every user of a digital space has the right to life, namely the right to exist in a digital space and the right to express oneself and be part of an association or group, as desired online (Adegoke, 2020). Conversely, the right to privacy and freedom of expression are interrelated and important aspects of digital rights.

Like many of its neighbors and much of the world, Nigeria is at a crossroads as more citizens go online and legal frameworks protecting civil rights struggle to keep up (Babalola, 2020). Nigeria could be a leader in protecting online rights, but real threats, including the Cyber Crimes Act, jeopardize this positive outlook. Digital rights will enable democracy in the country and pave the way for freedom of speech

and expression in government. However, a critical question is: How do digital rights impact the democratic process in Nigeria, and what are the implications of their protection and enforcement for the development of democracy in the country? This research will, therefore, examine the role of digital rights in the democratic process in Nigeria, with a focus on understanding how the protection and enforcement of these rights contribute to the deepening of democracy in the country.

While previous research has explored the importance of digital rights in promoting democratic values globally, there is a lack of sufficient literature focusing on their implications for democracy in Nigeria. This therefore examined the role of digital rights in the democratic process in Nigeria, focusing on how the protection and enforcement of these rights contribute to the deepening of democracy in the country. By conducting a comprehensive analysis of the current state of digital rights in the country and their impact on the democratic process, this paper fills a significant gap in the literature. The study aimed to examine the role of digital rights in the democratic process in Nigeria. Other objectives of the paper include:

1. To examine regulatory Frameworks on digital rights in Nigeria;
2. To ascertain the role of digital rights on the democratic process in Nigeria; and
3. To examine the challenges of digital rights on the democratic process in Nigeria.

This paper is therefore divided into six sections with section as the introduction. Section two is the literature review. Section three is the methodology of the study. While section four deals with the regulatory frameworks on digital rights in Nigeria, section five discusses the Role of Digital Right on the Democratic Process in Nigeria. Section six is the conclusion and the policy recommendation of the paper.

2. Literature Review

2.1 Conceptual Clarification

Digital rights are civilian and legal rights that enable people to access, engage, develop, and publish digital media or to access and utilize computers, other technical devices, and telecommunication networks (Calzada, 2021). This concept specifically refers to protecting and realizing existing rights, for instance, the right to privacy and freedom of expression, in digital technology, particularly the internet (BBC News, 1999). For instance, some countries recognize the right of citizens to access the Internet, while others restrict the usage of the Internet (Lucchi, 2011). According to Kim & Choi (2018), several human rights have been discovered to apply to the internet. This includes freedom of speech, privacy, and freedom of association. In addition, rights to education and multilingualism, consumer rights, and capacity building related to the right to development were also identified. To

give an idea of the breadth and complexity of the seemingly simple issues of rights covered under the general term “digital rights,” here are a few examples:

Internet Access: Although explicit rights to the internet have yet to be known in international treaties or similar instruments, much debate exists about whether the Internet should be considered a human right (Juan, 2015). However, there is growing recognition that internet access is essential for exercising several fundamental rights.

Interruption of Internet access: Despite this, restrictions on internet access through internet shutdowns, disruption of online networks and social media pages, and content blocking and filtering continue. The International Covenant on Civil and Political Rights (ICCPR) has been construed as providing for an outright prohibition of conduct that constitutes, for example, a prior restraint (Bossuyt, 1987, Katz, 2016).

Freedom of choice between sources of information: In 2017, a report by the UN Special Rapporteur on Freedom of Expression found that free choice between sources of information makes sense in the digital age only if internet content and applications of all kinds are transmitted without discrimination or undue interference by non-state actors (UN Special Rapporteur on Freedom of Expression, 2017). This concept is known as net neutrality, the ways that all internet data should be engaged equally without interference (Media Defence, 2022). In Africa, there has been considerable debate about access to zero-rated content, which are apps or websites where mobile operators do not count the use of a particular app or website against a user's monthly data allotment, leaving them "free" (Research ICT Africa, 2020).

Right to privacy: In a world where we leave digital footprints with every action we take online, maintaining privacy online is becoming increasingly difficult. While data protection laws are increasing worldwide, including in Africa, they vary widely in scope and effectiveness and how they are enforced. Government-directed mass surveillance has also increased due to technological developments that allow communications to be intercepted in various ways, such as through biometric data capture and facial recognition technology (Defence Media, 2022).

Democracy: Ntalaja (2002) argued that democracy is a form of government that supports and encourages morals and gives people the right to participate in decisions that affect their collective will and interests. Giddens (1996) and Asua and Udofia (2016) viewed democracy as a government that allows citizens to participate in political decisions and elect their representatives to govern them within a certain period. Therefore, democracy is a form of government that involves handing over the sovereign power of the people through elections to those who are elected to form the government and which legitimizes the exercise of state control over the people by the government that is formed (Ogbe & Ojie, 2021). According to Baba-Ahmed, (2023),

in Nigeria, the violent conflict between the ideals of the democratic system and its practice creates valid reasons to doubt its usefulness and adequacy. The argument that this is the only system that fits “a country like us” is so exhausted that any election makes it disappear. Of course, even in older and more stable democracies, the system in which most of humanity lives is subject to intense scrutiny, so often and in various forms and guises that it is only buttressed by a strong foundation of people with economic privileges supporting it.

Where stable and strong economies and the class systems they create are weak, democracies suffer massive abuses from the political gangs that control the economy and the state. The citizen, who only sees voting as his role in the democratic process, either withdraws from it or develops a transactional value system around it that allows it to pick up bits and pieces as the train of monopoly and exclusion rolls on (Soss & Weaver, 2017).

2.2 Theoretical Review

To enhance the correlation between digital rights and the strengthening of the democratic process in Nigeria, theoretical lenses such as the Democratic Theory and the Human Rights Framework is necessary

Democratic Theory posits that democracy thrives when citizens are actively engaged in political processes, have access to information, and can freely show their opinions. In Nigeria, digital rights play a pivotal role in realizing these democratic principles by empowering citizens to participate in online political discourse, hold government officials accountable, and contribute to decision-making processes. By safeguarding digital rights such as freedom of expression and access to information, Nigeria can foster a vibrant democratic culture where all voices are heard and respected (Mathiesen, 2014).

The Human Rights Framework underscores the intrinsic connection between digital rights and broader human rights principles, including the right to privacy and freedom of expression. In Nigeria, the protection of digital rights is a matter of upholding individual liberties and a fundamental aspect of ensuring human dignity and democratic governance. By respecting and enforcing digital rights, Nigeria can create an environment where citizens feel safe to express themselves online, access information freely, and engage in political activism without fear of reprisal. This, in turn, strengthens the democratic process by promoting transparency, accountability, and inclusivity in governance (Onyekwelu, 2023).

3. Methodology

The study adopted the desk research method. The method involves using text from various secondary sources that are focused on achieving various research objectives or questions. The desk research uses data from already completed surveys, reports, and other comparable materials available online, in public libraries, and on websites. The purposive sampling of secondary sources is done to ensure that the various data correspond to the research objective and are contextualized to fill in the gap in the study.

4. The Regulatory Frameworks and Digital Rights in Nigeria

Nigerian Communications Commission (NCC)

Importantly, the 1999 Constitution recognizes privacy and freedom of expression as fundamental rights. However, digital privacy rights still require special attention from policymakers, and the current policy environment can be described as patchy. The laws and regulations discussed in this section contain provisions consistent with digital rights and privacy objectives, but these are not their primary focus.

There are no laws that explicitly regulate digital rights and data protection issues. Nigeria had a legal framework for the interception of communications in January 2019, when the Lawful Interception of Communications Ordinances came into force and was issued under the Nigerian Communications Act 2003. Most surveillance policies have been devised over the years in response to threats to national security or other issues with serious economic implications. Cybercrime is a great example. In 2012, Nigerian consumers lost around 2.15 trillion naira (over \$13 billion) due to cybercrimes (Sesan, Babatope & Bankole, 2013). This also threatens foreign investment and the country's international image (Nigeria Communications Commission, 2016). Facing this growing pressure, the Government was finally forced into action, resulting in Cybercrime (Prohibition, Prevention, etc.) Act of 2015. The basis of the existing policy framework is the Nigerian Communications Act 2003, which established the Nigerian Communications Commission (NCC) as the regulator. The law empowers the NCC to create and provide regulatory frameworks for the Nigerian communications industry and related matters (the Federal Republic of Nigeria Official Gazette, 2003).

The constitutional right to privacy under Section 37 is not absolute. This is qualified by Section 45, which provides that nothing in Section 37 invalidates "any law reasonably justifiable in a democratic society – (a) in the interests of defense, public security, order, public morality or public health; or (b) to protect the rights and

freedoms of others." However, the NCC provisions on derogation of digital privacy rights are often used without regard to "reasonable justification" and without taking into account the principles of privacy necessity and proportionality governing derogation under control. Nor does the regulation itself protect Nigerians' digital rights. For example, a formal request for access to an individual's personal information must be signed by law enforcement or a security officer of police rank or higher. This is prone to abuse: permission must be accompanied by a court order from a judge. A court — not a law enforcement or security agency — must determine whether such a request is reasonable and justifiable (Policy and Legal Advocacy Center, 2013). Constitutional democracy. Second, is this carried out by considering the interests or goals set out in Article 45 of the Constitution? According to Stears Data and Luminate (2021), since its creation, the NCC has issued the following regulations relevant to this study:

1. The Consumer General Code of Practice, 2007
2. The Registration of Telephone Subscribers Regulations, 2011
3. The Nigerian Communications (Enforcement Processes, etc.) Regulations, 2019
4. The Lawful Interception of Communication Regulations, 2019.

National Identity Management Commission (NIMC)

Section 26 of the National Identity Management Commission (NIMC) Act 2007 prohibits disclosure of registered information and limits access to data contained in NIMC databases or information relating to registered individual records. However, access to individual information may be granted with the permission of the Commission if a request is made by or on behalf of the individual or if the individual consents to the disclosure of the information. As noted in Roberts, Mohamed Ali, Farahat, Oloyede, and Mutung'u, (2021), in this case, information may be submitted without the consent of the person concerned "in the interest of National Security; necessary for purposes connected with the prevention or detection of crime; or for any other purpose as may be specified by the Commission in a regulation" (26(3)).

The National Information Technology Development (NITDA Act, 2007): The National Information Technology Development (NITDA Act, 2007) is a digital regulator established by the NITDA Act 2007 and tasked with implementing laws and policies and with establishing policies for the promotion of Information and Communication Technology (ICT) in Nigeria. NITDA is also empowered by law to make regulations and issue policies for the monitoring, evaluating, and enforcing information technology practices, activities, and systems in Nigeria and for all

matters related to digital technology (NITDA, 2007). This is to ensure the privacy and protection of Nigerians' data amidst an alarming rise in personal data breaches. To achieve this goal, the National Information Technology Development Act (NITDA) enacts the Nigerian Data Protection Regulation (NDPR) to ensure the realization of digital rights in Nigeria through safeguards that provide a fair and equitable legal, regulatory framework to protect data and what regulatory measures provide the framework according to global best practice (Ololuo, 2020).

5. The Role of Digital Right on The Democratic Process in Nigeria

The role of the digital right is very important in creating a democratic culture beyond the political system. Digital rights are the backbone of democracy, and all digital rights actions remain in the public consciousness for a long time (Abaga, 2021). Holding the government accountable is one of the main goals of the media in establishing a democratic environment. Monitoring, information, and education functions also play an important role as they ensure that governments are accountable for what is entrusted to them. Technology is at the forefront in an age of anti-corruption and mismanagement, ensuring that these bad phenomena are minimized. Even if digital professionals are exposed to daily danger in performing their duties, they will not be dissuaded from their actions. Once dominated by print, radio, and television media, they have experienced disruption from digital platforms.

The role of digital rights in the democratic arena needs to be characterized by the general public striving to fulfill their main duties to society to achieve greater success (Wanyama, 2023). Providing accurate, credible, and balanced information to the general public is essential to achieving democracy in Nigeria.

Digital platforms have enabled citizens to exercise their rights to engage in online activism, sign petitions, and participate in online consultations on policy issues, increasing citizen participation in governance (Igbashangev, Abdullahi, Basil, Gbasha, Ugbede & Humbe, 2023). Participation in governance refers to the ability of citizens to engage in the decision-making process, contribute to policy formulation, and hold leaders accountable. Digital technologies have significantly enhanced this aspect of democratic participation in Nigeria. For example, social media platforms, online petitions, and digital campaigns have empowered citizens to engage in democracy by mobilizing, raising awareness, and influencing public opinion on various issues, such as “End SARS”, “Bring Back Our Girls”, and “Not Too Young To Run”. For instance, the End SARS movement, which started on Twitter, led to nationwide protests and eventual government reform.

Citizens have also been able to participate in online consultations as government agencies, civil society organizations, and private sector entities have launched online platforms for citizens to provide input on policy issues, such as budget formulation, legislative reforms, and development projects (Forus International, 2021). Digital spaces such as Twitter and Facebook have now become for citizens a space to discuss governance issues, share information, and collaborate on advocacy initiatives, fostering a sense of community and collective action.

Digital platforms have enabled citizens to access government services, such as passport applications, tax payments, and land registration, reducing bureaucratic hurdles and increasing transparency. Online platforms, such as the Independent Corrupt Practices Commission (ICPC) and the National Human Rights Commission (NHRC), are enabling citizens to report corruption and human rights abuses, thereby promoting accountability and justice.

The National Assembly's e-parliament platform allows citizens to contribute to legislative debates. Nigerians can now provide input on bills and track the legislative process. Government officials, political leaders, and civil society organizations utilize digital platforms to engage with citizens in real-time, responding to questions and addressing concerns in digital town hall meetings.

These digital participation channels have increased citizen engagement and inclusivity, enhanced transparency and accountability, improved government responsiveness and citizen satisfaction, empowered marginalized groups, amplified their voices, and strengthened democratic institutions and the rule of law.

However, digital freedom advocacy in Nigeria has been faltering for some time (Adegoke, 2020). The Nigerian government has officially banned Twitter and restricted its functionality from June 5, 2021, to January 13, 2022. The government-ordered shutdown was intended to limit citizens' access to information on the platform, citing that continued use of Twitter will enable the spread of misinformation, promotion of hate speech, and incitement to cause public disorder and undermine national security (Chinaecherem, 2022). This ban limits citizens' ability to express themselves and share their opinions, ideas, and perspectives, a fundamental right in a democratic society.

The Nigerian Constitution not only permits freedom of expression, freedom to operate the media, and disseminate information and its ideas and opinions but also provides the responsibility to oversee the government's activities and obliges the government to be responsible in its transactions (Muobuikwu, 2015). For instance, the Nigerian Constitution speaks of democracy, stating that the media must increase

the political knowledge of the masses, such as information about electoral actions or processes, to include the morals of the person appointed at various levels. The media should also promote a spirit of conformity among people at all levels regarding their opinions or ideologies (Ogbamosa, 2019). This, in turn, will promote social justice and social responsibility and add value to human rights in Nigeria.

There is no doubt that data protection exists to protect individual data and prevent misuse and interference with their rights. Hence, the Nigerian Data Protection Regulation 2019 was enforced by the National Development Agency Act of Information Technology 2007 (NITDA). The data protection regulations in Nigeria are copies of the European Union's General Data Protection Regulations, which also regulate the protection of individual data. This gigantic leap has caused a stir in the sporadic developments of the Nigerian government, which has stated its goal of ensuring its companies remain competitive in international trade through the legal protection afforded by a fair and equitable data protection regulatory framework in Nigeria (Data Protection Regulation, 2019).

Nigeria's data protection regulations, which are structured in four stages, have indeed created rights for data subjects, including the right to agree if their data will be collected, to be informed about the purpose of providing the data, and at the same time to designate a data controller's commitment to safeguarding data (Nigerian Data Protection Regulation, 2019).

The Nigerian Communications Commission (NCC) telecoms regulator's draft bill legally intercepting communications gives authorities unconstitutional access to invade citizens' privacy. A comparison of the 2015 and 2016 budgets reveals that the government has increased the internet monitoring and surveillance budget. This is based on special allocations for Internet surveillance devices monitored by PINs since 2013, when the government spent \$40 million to acquire surveillance equipment from the Israeli company Elbit Systems (Paradigm Initiative Nigeria, 2016). Sections 24 and 38 of the Cybercrime Act 2015 affect the freedom of online citizens, and various proposed laws contain clauses that threaten internet freedom. This includes the telecommunication facilities (legal interception of information), Information Wiretapping Bill, Bill on Fraud and Electronic Transaction Crimes, Bill on Communication via Short Message (SMS), and the Internet at the Criminal Investigation Agency (Olajengbesi, 2022). Furthermore, the National Communications Commission (Amendment) Bill 2003 (to allow police and security

agencies to track, intercept, and monitor conversations and text messages) (Abdallah and Krishi, 2014) and the 2016 Caller Location Information Bill.

6. Challenges of Digital Rights on the Democratic Process in Nigeria

There are barriers to a strong democracy in Nigeria at all levels of government. Conflict - caused by political rivalries and rivalries between communities, ethnicities, religions, or the sharing of resources - poses a grave threat to democracy. Corruption permeates the daily lives of Nigerians. Many government agencies need to be sufficiently engaged with the public or the private sector and can carry out their duties. In addition, civil society needs more capacity and resources to engage effectively with the government and advocate for change (USAID, n.d.). Section 37 of the Nigerian Constitution 1999 guarantees citizens' privacy, homes, correspondence, telephone calls, and telegraphic communications (Web Foundation, 2017). The right to privacy in Nigeria is supported by the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR). Although the provisions in the Constitution do not specifically mention "data," it is debatable whether information about home, correspondence, and telephone calls falls under the definition of personal data (Babalola, 2020).

The Nigerian National Identity Management Commission (NIMC) has announced plans to develop a digital ecosystem to create an environment that supports the effective and efficient mass registration of Nigerians and legal Nigerian residents into a centralized and secure national identity database issuing digital identities to all residents into a form Resident Identification Number (NIN). This process continues despite the lack of adequate legal protection for personal data. Although the National Information Technology Development Agency passed the Nigerian Data Protection Regulation (NDPR) 2019, it does not constitute a comprehensive data protection framework as no independent data protection commission has been established.

Infrastructure Deficit: What is meant by this is the supply of insufficient electricity; the poor road network makes transportation from one place to another very difficult.

Weak Technological Base: This is common among developing countries, including Nigeria. The reasons for this are far-fetched, given the company's disorganization and lack of strategic planning. Interestingly, the 21st century is driven by the high

technologies needed for industrial growth. Undoubtedly, this situation is caused by a need for more effective leadership with the necessary vision to grow and develop (Medoye & Tukur, 2022). The attitude of the Nigerian government, with its laws and crackdown on journalists, bloggers, and internet users, shows that it is unprepared for any form of opposition. Although some laws are made for the country's security, many laws and government policies in this regard follow the world (Olomjobi, 2017). In the Internet age, digital rights are fundamental human rights. For example, the rights to online privacy and freedom of expression are extensions of the same and inalienable rights enshrined in the United Nations Universal Declaration of Human Rights. According to the United Nations, excluding people from the Internet violates these rights and international law (Hutt, 2015).

7. Conclusion and Recommendations

7.1 Conclusion

This study examined the role of digital rights in Nigeria's democratic process. It is considered a failure of the democratic ethos when freedom of expression is not guaranteed for all in government. Democracy upholds freedom of expression as a way for all citizens to participate in the governance process in digital or physical ways. Whenever and wherever digital right is suppressed in any way, legal or illegal, the nation cannot claim that a democratic system exists because that is one of the characteristics of dictatorial regimes. Therefore, this study portrays the role and the need for digital rights in Nigeria's democratic process. The functionality of the Nigerian constitution should support the freedom of use and engagement on the technological use of platforms to promote democracy and good citizen participation.

7.2 Recommendations

Building an effective regulatory framework and functionality of the digital rights in the democratic process that can protect the digital rights of Nigerians and establishing an accountability system to ensure, among other things, that any organization (private or public) that collects personal information from citizens is responsible for how the information transmitted and used is stored and used, the following recommendations are made:

- I. The enactment and enforcement of a Digital Rights and Freedoms Act by the Nigerian National Assembly are imperative to safeguard digital rights across the nation.
- ii. The Nigerian Communications Commission (NCC) should undergo a revision of its rules to incorporate provisions for judicial oversight and mandate the publication of an annual report, ensuring transparency and accountability in

its operations.

- iii. Establishing a dedicated Digital Rights Commission under the purview of the Ministry of Communications and Digital Economy would create a safe space for digital rights advocacy and enforcement, thereby fostering a culture of free speech and democracy in Nigeria.
- iv. The National Information Technology Development Agency (NITDA) should spearhead the promulgation and enforcement of the Nigerian Data Protection Regulation (NDPR) to enhance privacy practices within companies and institutions, thus safeguarding the digital rights of Nigerian citizens.
- v. In collaboration with relevant stakeholders, The Ministry of Information and Culture should intensify public education campaigns on digital privacy, particularly focusing on the privacy implications of mobile apps and internet usage. This initiative aims to empower citizens to assert their digital rights effectively.
- vi. The establishment of an independent Data Protection Authority, as mandated by Nigeria's Data Protection Act, should be prioritized under the supervision of the Ministry of Justice. This authority would oversee data protection regulations and ensure the balance between state interests in data collection and individual privacy rights.

REFERENCES

- Abaga, H.I. (2021, December 27). *The Role of Media in Nigeria's Democracy*. <https://www.transcontinentaltimes.com/the-role-of-media-in-nigerias-democracy/>
- Abdallah, N.M., and Krishi, M.A. (2014). *Cybercrime Bill: FG Seeks Powers To Intercept SMS, Emails, BBMs, Fax*. <https://dailytrust.com/cybercrime-bill-fg-seeks-powers-to-intercept-sms-emails-bbms-fax/>
- Adegoke, A. (2020). *Digital rights and privacy in Nigeria*. The Paradigm Initiative
- Amnesty International. (2023). *The state of the world's human rights*. <https://www.amnesty.org/en/latest/news/2023/03/international-system-unfit-to-deal-with-global-crises-annual-report-2022/>

- Azeta, A., Azeta, V., Olaniyan, O., Azeta A., and Ayeni, A. G. (2015). Implementing an E-Democracy System in Nigeria. *Journal of Resources Development and Management*, 4: 11-18
- Asua, A.S., and Udofia, A.N. (2016). Democracy and electoral administration in Nigeria: Problems and prospects. *Journal of Political Inquiry* 2(2), 198-205.
- Baba-Ahmed, H. (2023, March 8). *Our democracy: Problems in the solution*. <https://www.vanguardngr.com/2023/03/our-democracy-problems-in-the-solution/>
- Babalola, O. (2020, March 9). *Data protection and privacy challenges in Nigeria (Legal Issues)*. <https://www.mondaq.com/nigeria/data-protection/901494/data-protection-and-privacy-challenges-in-nigeria-legal-issues->
- BBC News. (1999, March 4). *Digital freedom: the case for civil liberties on the Net*. http://news.bbc.co.uk/2/hi/special_report/1998/encryption/58154.stm
- Bossuyt, M. J. (1987, February 1). *Guide to the 'Travaux Préparatoires' of the International Covenant on Civil and Political Rights*. Leiden, The Netherlands: Brill | Nijhoff. Retrieved May 26, 2023, from <https://brill.com/view/title/9771>
- Calzada, I. (2021). The Right to Have Digital Rights in Smart Cities. *Sustainability*, 13(20), 11438.
- Chinaecherem, M. (2022, December 31). *Appraisal of digital rights in Nigeria amidst repression by authorities: Pathways for enforcements*. <https://sabilaw.org/appraisal-of-digital-rights-in-nigeria-amidst-repression-by-authorities-pathways-for-enforcements/>
- Federal Republic of Nigeria Official Gazette, Nigerian Communications Act, 2003, http://www.uspf.gov.ng/files/Nigerian_Communications_Act_2003.pdf
- Forus International. (2021, June). *Towards an enabling digital environment for civil society*. <https://www.forus-international.org/en/pdf-detail/77151-towards-an-enabling-digital-environment-for-civil-society-full-report>
- Global State of Democracy Initiative. (2023). *Global State of Democracy Report 2022: Forging Social Contracts in a Time of Discontent*. <https://idea.int/democracytracker/g sod-report-2022>
- Giddens, A. (1996). *Sociology (2nd edition)*. Oxford: Blackwell.
- Hutt, B. (2015, November 15). *What are your digital rights?* <https://www.weforum.org/agenda/2015/11/what-are-your-digital-rights-explainer/>
- Lucchi, N. (2011). Access to network services and protection of constitutional rights: Recognizing the essential role of internet access for the freedom of expression. *Cardozo Journal of International and Comparative Law (JICL)*,

- 19(3). Available at SSRN: <https://ssrn.com/abstract=1756243>
- Igbashangev, P., Abdullahi, S., Basil, A., Gbasha, C., Ugbede, T.M & Humbe, B. (2023). Social Media as a Tool for the Advancement of Democracy and Good Governance in Nigeria. *SSRN Electronic Journal*. 10.2139/ssrn.4513869.
- Jaiyeola, T. (2023, January 3). *Broadband penetration hits 46.24%*. https://punchng.com/broadband-penetration-hits-46-24/#google_vignette
- Jaiswal, S. (2021, November 4). *The line between right to privacy and freedom of speech in the digital media*. <https://blog.ipleaders.in/line-between-right-privacy-freedom-speech-digital-media/>
- Juan C.L. (2015, September 23). *Internet access and economic, social and cultural rights*. Association for Progressive Communications, pp 10-11
- Katz, H. L. (2016). Internet Access and Freedom: Constructing and Reacting to Transnational Norms about Internet Diffusion and Use. https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=2483&context=gc_etds
- Kim, M., and Choi, D. (2018). Development of Youth Digital Citizenship Scale and Implication for Educational Setting. *Journal of Educational Technology and Society*, 21(1), 155–171
- Komolafe, A. (2023). *The nature of democracy in Nigeria*. <https://www.thisdaylive.com/index.php/2023/02/26/the-nature-of-democracy-in-nigeria/>
- Mathiesen, K. (2014). Human Rights for the Digital Age. *Journal of Mass Media Ethics*, 29(1), 2–18. <https://doi.org/10.1080/08900523.2014.863124>
- Media Defence. (2022). *Module 5: Trends in Censorship by Private Actors*. <https://www.mediadefence.org/ereader/publications/advanced-modules-on-digital-rights-and-freedom-of-expression-online/module-5-trends-in-censorship-by-private-actors/>
- Media Defence. (2022). *Module 1: General Overview of Trends in Digital Rights Globally and Expected Developments*. <https://www.mediadefence.org/ereader/publications/advanced-modules-on-digital-rights-and-freedom-of-expression-online/module-1-general-overview-of-trends-in-digital-rights-globally-and-expected-developments/>
- Medoye, D.T., and Tukur, M.A. (2022). *Nigerian Elections and Democracy in the Digital Age*. IntechOpen. doi: 10.5772/intechopen.105073
- Muobuikwu, C. (2015, June 14). *Freedom of Press and the Digital Media in the Nigerian Democracy: The Need for a Legal Framework*. Available at SSRN: <https://ssrn.com/abstract=2665373> or <http://dx.doi.org/10.2139/ssrn.2665373>

- Nigeria Communications Commission. (2016). *Effects of cybercrime of foreign direct investment and national development*, pp. 93–94, <https://www.ncc.gov.ng/documents/735-nmis-effects-cybercrime-foreign-direct-investment/file>
- Nigeria. (2022). CABI Compendium, CABI Compendium. <https://doi.org/10.1079/cabicompendium.108520>
- Nigerian Data Protection Regulation. (2019), *Data protection*. <https://ndpb.gov.ng/Files/NigeriaDataProtectionRegulation.pdf>
- NITDA (2007). *National Information Technology Development Agency Act 2007*. <https://nitda.gov.ng/wp-content/uploads/2020/11/NITDA-ACT-2007-2019-Edition1.pdf>
- Ntalaja, N.G. (2000). *Governance and the consolidation of democracy in Nigeria: Being a lecture delivered at University of Maiduguri*.
- Ogbamosa, M. (2019, August 27). Mass media: Constitutional responsibility without empowerment. <https://guardian.ng/features/law/mass-media-constitutional-responsibility-without-empowerment/>
- Ogbe, H.E., and Ojie, D.V. (2021). Restructuring for democracy in Nigeria: The role of political education and information communication technology. *Unizik Journal of Arts and Humanities*, 21(3), 196-202
- Olajengbesi, P. (2022, December 8). *Understanding the cybercrime act 2015 as media practitioners*. <https://prnigeria.com/2022/12/08/understanding-cybercrime-act/>
- Ololuo, F. (2020, February 19). *Nigeria: Data Privacy And Protection Under The Nigerian Law*. <https://www.mondaq.com/nigeria/privacy-protection/895320/data-privacy-and-protection-under-the-nigerian-law>
- Olomjobi, Y. (2017, October 31). *Right to privacy in Nigeria*. Available at SSRN: <https://ssrn.com/abstract=3062603>
- Onyekwelu, C. (2023). Digital technology and democracy in Nigeria: A study of how technology is transforming elections without necessarily deepening democracy. *The Round Table*, 112(6), 596-612. <https://doi.org/10.1080/00358533.2023.2286840>
- Palfrey, J. (2022). *Philanthropy, technology and democracy in Nigeria*. <https://www.thisdaylive.com/index.php/2022/03/24/philanthropy-technology-and-democracy-in-nigeria/>
- Paradigm Initiative Nigeria, (2016, December 8). *Digital rights in Africa report 2016*. <https://paradigmhq.org/wp-content/uploads/2021/04/Digital-Rights-In-Africa-Report-2016-LR.pdf>

- Policy and Legal Advocacy Center. (2013, November 25). *Proposed amendments to communications law highlights the mirage of the right to privacy in the 1999 constitution*. <https://placng.org/Legist/proposed-amendments-to-communications-law-highlights-the-mirage-of-the-right-to-privacy-in-the-1999-constitution/>
- Popoola, J. (2020, December 22). *Nigeria's use of digital technology to improve its politics rated as "improving"*. <https://guardian.ng/features/nigerias-use-of-digital-technology-to-improve-its-politics-rated-as-improving/>
- Research ICT Africa. (2020). *Zero-rated internet services: What is to be done?* https://www.researchictafrica.net/docs/Facebook%20zerorating%20Final_Web.pdf
- Roberts, T., Mohamed Ali, A., Farahat, M., Oloyede, R. and Mutung'u, G. (2021). *Surveillance Law in Africa: a Review of Six Countries*. Brighton: Institute of Development Studies, DOI: 10.19088/IDS.2021.059
- Sasu, D. (2022, November 17). Internet usage in Nigeria - statistics and facts. <https://www.statista.com/topics/7199/internet-usage-in-nigeria/#topicOverview>
- Sesan, G., Babatope S., and Bankole O. (2013). *Economic cost of cybercrime in Nigeria*. https://www.opennetafrika.org/?wpfb_dl=7
- Soss J., and Weaver, V. (2017). Police are our government: Politics, political science, and the policing of race–class subjugated communities. *Annual Review of Political Science*, 20(1), 565-591
- Stears Data and Luminate. (2021, June 25). *Data & Digital Rights in Nigeria: Assessing the activities, issues and opportunities*. <https://luminategroup.com/storage/1361/Data-%26-Digital-Rights-in-Nigeria-Report-%5BFINAL%5D.pdf>
- UN Special Rapporteur on Freedom of Expression. (2017, March 30). *Report A/HRC/38/35 on the Role of Digital Access Providers at para.\ 23 (2017)* <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/SR2017ReporttoHRC.aspx>.
- USAID. (n.d.). *Democracy, human rights, and governance*. <https://www.usaid.gov/nigeria/democracy-human-rights-and-governance>
- Wanyama, E. (2023). Digital democracy in Africa: What has the law got to do with it? <https://cipesa.org/2023/04/digital-democracy-in-africa-what-has-the-law-got-to-do-with-it/>
- Web Foundation. (2017). *Right to privacy? Nigeria needs a Data Protection Law*. <https://webfoundation.org/2017/10/right-to-privacy-nigeria-needs-a-data-protection-law/>