

HUMAN RIGHTS APPROACH TO SOCIAL MEDIA REGULATION IN NIGERIA AND SELECTED JURISDICTIONS

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Abstract

Social media has emerged as a central platform for communication and civic engagement globally, enabling citizens to express opinions, participate in public debates, and hold authorities accountable. This paper explored the intersection of social media and Human Rights in Nigeria, focusing on how platforms such as Twitter, Facebook, Instagram, and YouTube have enabled citizens to exercise their rights. This study examines the regulation of social media in Nigeria, focusing on the tension between safeguarding freedom of expression and ensuring accountability. Employing a doctrinal research methodology, the study analysed constitutional provisions, statutes, and other relevant regulatory frameworks. Findings indicate that while regulation is essential to mitigate harmful online activities, current approaches are often criticised for being overly restrictive, lacking transparency, and potentially infringing on fundamental rights. The study concludes that an effective social media regulatory framework in Nigeria must strike a balance, protect freedom of expression, and promote accountability

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through clear legislation, independent oversight, and alignment with international human rights standards.

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1.0 INTRODUCTION

Globalization has made the world to move into the digital age where several activities are done on digital platforms. Nigerians, on their part, have also found social media platforms to be one of the most powerful communication tools for engaging the public, marketing, sales, and friendship.¹ The advancement of communication technology in modern-day society has turned the world into a global village. With the mobile phone in hand, an average internet-savvy human being is in a world of his own.² And with a wide range of phones and mobile networks to choose from, the average internet-savvy human being is undoubtedly equipped with the requisite tools to navigate the internet as he desires. His access to the internet is incomplete without the social media platforms, such as Facebook, WhatsApp, and so many others, which form his major media of communication.³

The National Assembly proposed two bills that would impact the freedom of expression of its citizens. These bills are the Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill 2019 (False Speech Bill) and the Independent National Commission for the

¹ [file:///C:/Users/hp/Downloads/1193-1819-1-PB%20\(4\).pdf](file:///C:/Users/hp/Downloads/1193-1819-1-PB%20(4).pdf) accessed 25th May 2026

² Ibid

³ Ibid

Prohibition of Hate Speeches Bill (Hate Speech Bill). The False Speech Bill seeks to prevent the transmission of false statements of fact through social media platforms.⁴ At the same time, the Hate Speech Bill aims to promote national cohesion and integration by curbing unfair discrimination and hate speech based on race or ethnic relations.⁵ The basis for introducing these bills lies in the recognition that the rights and freedoms granted by the Nigerian Constitution are not absolute.

Any restrictions infringing on constitutional rights must be justified in accordance with the provisions of the Constitution. Chapter IV of the Constitution provides various rights, which are described as ‘Fundamental Human Rights.’ In *Hassan v. EFCC*,⁶ the Court of Appeal defines fundamental rights as “a right which stands above the ordinary laws of the land and which is antecedent to the political society itself, and it is a primary condition to civilized existence.”⁷ These rights include the right to life; the right to dignity; the right to personal liberty; the right to a fair hearing; the right to privacy and family; the right to freedom of thought, conscience, and religion; the right to freedom of expression and the press, etc. Though these rights are described as fundamental, some are qualified rights, and the law can limit them. The right to freedom of expression is an example of a right that can be restricted.

Section 39 of the Constitution guarantees and protects the right to freedom

⁴ SB. 132, Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill, 1st Sess, 9th Parl, 2019 (second reading, 20 November 2019) <https://nass.gov.ng/documents/bill/10965> [False Speech Bill]

⁵ HB. 246, Hate Speech (Prohibition) Bill, 1st Sess, 9th Parl, 2019 (first reading, 24 July 2019) <https://nass.gov.ng/documents/bill/10613> accessed 25th May 2026

⁶ *Hassan v E.F.C.C* (2014) 1 NWLR {Pt. 1398} page 607 at 610

⁷ Ibid

of expression and the press. It provides that: (1) every person shall be entitled to freedom of expression, including the 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.⁸

The subsection also provides that no person other than the state or any authorized person shall own, establish, or operate a wireless broadcasting station except in accordance with an act of the legislature.⁹ The Nigerian Constitution, therefore, protects the freedom to hold opinions, have ideas and information, and impart ideas and information. People are free to express their opinions, whether they are of an opposing view or not, without any fear of punitive measures or restraints. This right is vital for the protection of the exchange of ideas and has been held to be a fundamental principle in any democratic state.¹⁰ In *Omega Bank Plc v. Government of Ekiti State*,¹¹ the Court of Appeal noted that section 39 of the Nigerian Constitution guarantees freedom of expression and subsumed in this right is the right to criticize the government, public bodies and officers.¹²

The Supreme Court of Nigeria has stated on many occasions that the right to freedom of expression is not absolute.¹³ While section 39(1) of the Nigerian Constitution guarantees the right to freedom of expression, it

⁸ The Nigerian Constitution

⁹ Ibid at s 39 (3).

¹⁰ (2019) LPELR-47298 (C.A.)

¹¹ (2007) 16 NWLR (PT. 1061) 445 at 478-479, para-E.

¹² Ibid

¹³ *Aviomoh v C.O.P & Anor* (2021) LPELR-55203 (SC)

also recognizes that there may be circumstances where this right needs to be restricted. Section 39(3)(a) provides for such restrictions in cases where the disclosure of information received in confidence or the maintenance of the authority and independence of the courts necessitates it.¹⁴

The restriction of the right to freedom of expression under the Constitution can be either a general or a specific limitation.¹⁵ A specific limitation is sometimes contained in the section or a subsection that provides for the protection of the right to freedom of expression.¹⁶ On the other hand, some countries' constitution do not subject their constitutional rights to specific limitations; instead, they are restricted by the general limiting provision.¹⁷ In Nigeria, Section 45 of the Nigerian Constitution allows for the general limitation of certain fundamental rights outlined in Chapter IV of the Constitution. Section 45 provides: Nothing in sections 37, 38, 39, 40, 41 of this Constitution shall invalidate any law that is

¹⁴ Constitution of the Federal Republic of Nigeria,

¹⁵ Stephen Gardbaum, "The Structure of a Free Speech Right" in Adrienne Stone & Frederick Schauer, *The Oxford Handbook of Freedom of Speech* (Oxford: Oxford University Press, 2021) 213 at 221.

¹⁶ Ibid. An example is Article 19 (2) of the Indian Constitution and Article 5 (2) of the German Basic Law. Article 19 (2) of the Indian Constitution provides that; Nothing in sub-clause (a) of clause (1) shall 'prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence'.

¹⁷ Section 1 of the Canadian Charter provides that the rights under the charter are guaranteed 'subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'. Article 19 of International Covenant on Civil and Political Rights Adopted and opened for signature, ratification, and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 (entry into force 23 March 1976) ICCPR.

reasonably justifiable in a democratic society: (a) in the interest of defence, public safety, public order, public morality, or public health; or (b) for the purpose of protecting the rights and freedom of other persons.¹⁸

2.0 CONCEPTUAL CLARIFICATION

2.1 Human Rights

The word “right” is derived from the Latin word *rectus*, which means that to which a person has just, valid claim. This right may be classified into legal right, which is the liberty of acting or abstaining from acting on a specific manner, or the power of compelling a specific person to do or abstain from doing a particular thing.¹⁹ The Black’s Law Dictionary defines right as that which is proper under the law, morality or ethics, something that is due to a person by just claim, legal guarantees or legal principle.²⁰

Human Rights have been defined by the United Nations as those rights which are inherent in our nature and without which we cannot function as human beings. Human rights is a process that has taken years in the history of mankind; it has been a process which has gone through many stages. The concept of human rights is one of the most profound questions that have ever tasked scholars.

2.2 Social Media

Social media are new media technologies that facilitate the creation,

¹⁸ The Nigerian Constitution,

¹⁹ MD Kabir (2010), *A Comparative Analysis of the European Convention on Human Rights and the African Charter on Human and Peoples' Rights* (Unpublished PhD dissertation), Faculty of Law, Ahmadu Bello University, Zaria.

²⁰ *Black's Law Dictionary*, 8th edition p.1347

sharing, and aggregation of content (such as ideas, interests and other forms of expression) amongst virtual communities and networks.²¹ Common features include:²² Online platforms enable users to create and share content and participate in social networking. User-generated content such as text posts or comments, digital photos or videos, and data generated through online interactions. Service specific profiles that are designed and maintained by the social media organization. Social media helps the development of online social networks by connecting a user's profile with those of other individuals or groups.

The term *social* in regard to media suggests platforms enable communal activity. Social media helps people connect and build networks.²³ Users access social media through web-based or mobile applications. These interactive platforms allow individuals, communities, businesses, and organizations to share, co-create, discuss, participate in, and modify user-generated or self-curated content.²⁴ Social media is used to share memories, form friendships, build communities and learn.²⁵ They may be used to promote people, companies, products, and ideas.^[8] Social media can be used to consume, publish, or share news. Popular social media

²¹ Kietzmann, Jan H.; Hermkens, Kristopher (2011). "Social media? Get serious! Understanding the functional building blocks of social media". *Business Horizons*

²² Obar, Jonathan A.; Wildman, Steve (2015). "Social media definition and the governance challenge: An introduction to the special issue". *Telecommunications Policy*.

²³ Dijck, Jose van (2 January 2013). *The Culture of Connectivity: A Critical History of Social Media*. Oxford University Press

²⁴ Boyd, Danah M.; Ellison, Nicole B. (2007). "Social Network Sites: Definition, History, and Scholarship". *Journal of Computer-Mediated Communication*. **1**

²⁵ O'Keeffe, Gwenn Schurgin; Clarke-Pearson, Kathleen; Council on Communications and, Media (April 2011). "The Impact of Social Media on Children, Adolescents, and Families". *Pediatrics*.

platforms with over 100 million registered users include Twitter, Facebook, WeChat, ShareChat, Instagram, Pinterest, etc.

Social media outlets differ from old media (e.g. newspapers, TV, and radio broadcasting) in many ways, including quality, reach, frequency, usability, relevancy, and permanence.²⁶ Social media outlets operate in a dialogic transmission system (many sources to many receivers) while traditional media operate under a monologic transmission model (one source to many receivers). For instance, a newspaper is delivered to many subscribers, and a radio station broadcasts the same programs to a city.²⁷

Social media has been criticized for a range of negative impacts on children and teenagers, including exposure to inappropriate content, exploitation by adults, sleep problems, attention problems, feelings of exclusion, and various mental health maladies.²⁸ Social media has also received criticism as worsening political polarization and undermining democracy, exacerbated by platform capture by vested interests,²⁹ with journalist Maria Ressa deeming it "toxic sludge" for increasing distrust among members of society.³⁰ Major news outlets often have strong controls in place to avoid and fix false claims, but social

²⁶ Tao, Xiaohui; Huang, Wei; Mu, Xiangming; Xie, Haoran (18 November 2016). "Special issue on knowledge management of web social media". *Web Intelligence*.

²⁷ Pavlik, John; MacIntoch, Shawn (2015). *Converging Media 4th Edition*. New York, NY: Oxford University Press. p. 189.

²⁸ <https://www.aecf.org/blog/Social-Media-and-Teen-Mental-Health-The-Annie-E.-Casey-Foundation> accessed 26th May 2026

²⁹ Usher, Nikki (22 June 2021). "From Media Capture to Platform Capture". In Schifffrin, Anya (ed.). *Media Capture: How Money, Digital Platforms, and Governments Control the News*. Columbia University Press. p. 155-

³⁰ Ibid

media's unique qualities bring viral content with little to no oversight. "Algorithms that track user engagement to prioritize what is shown tend to favor content that spurs negative emotions like anger and outrage. Overall, most online misinformation originates from a small minority of "superspreaders," but social media amplifies their reach and influence."³¹

3.0 THEORETICAL FRAMEWORK

The study identifies some formidable theoretical frameworks which are quite apposite in the circumstances of this discourse, which will be considered hereunder. These are Social Movement Theory, Libertarian Theory and Media Dependency Theory.

(a) Social Movement Theory

Social Movement Theory proposes that social movements arise when individuals perceive a shared injustice or grievance, which leads to collaborative action targeted at social or political change. Social Movement Theory as it relates to this work, explains the framework for how human rights facilitate the use of social media in Nigeria. Social Movement Theory describes the mechanisms by which collective action is organized and sustained, highlighting the role of shared grievances, resources, and opportunities. In our digital age, these mechanisms are constantly carried out through social media platforms.³²

In Nigeria and other countries, social media functions as a virtual public sphere where grievances such as corruption, poor governance, and human rights abuses are articulated and amplified. The platforms provide

³¹ https://en.wikipedia.org/wiki/American_Psychological_Association - Wikipedia accessed 26th of May 2026

³² Tilly, C. (2004). *Social movements, 1768–2004*. Cambridge University Press.

powerful channels for organizing, mobilizing, and coordinating collective action.³³

Moreover, Social Movement Theory highlights the role of resource mobilization and political opportunities in the success of social movements. Social media has become a key resource in Nigeria by helping to generate funds, recruit volunteers, and attract international attention. Political opportunity structures (i.e., shifts in power or governance that make it easier for movements to succeed) can also be observed in Nigeria, where increased internet penetration and youth frustration with the political elite have created fertile ground for digital activism.³⁴

Social Movement Theory, as an interdisciplinary field, served as a framework for explaining the aspects of framing, resource mobilization, and political opportunity structure (i.e., shifts in power or governance) that form the core mechanisms of Social Movement Theory, were properly reflected.³⁵

(b) Libertarian Theory

Libertarian theory is also referred to as the free press theory; it was propounded in 1963 by Siebert, Peterson, and Schramm. The libertarian theory was proposed in opposition to authoritarian media theory in the 17th century, when monarchs were ruling most of Europe. During this period, the media was owned by the state, which allowed private

³³ T Uwalaka & J Watkins, (n37)

³⁴ Z Tufekci (2017). *Twitter and tear gas: The power and fragility of networked protest*. Yale University Press.

³⁵ Ibid

ownership only to trusted individuals.³⁶ The core assumptions of the libertarian theory include that publications should be free from prior censorship; there should be no compulsion to do anything; publication of error is protected equally with that of truth in matters of public opinion and belief; no restriction should be placed on export or import sending of messages across national frontiers; no restrictions should be placed on the collection of information for publication, provided it is done by legal means; journalists should be allowed to claim a reasonable degree of autonomy in their places of work.³⁷ This doctrine implies that the media must be left alone to constitute a free marketplace of ideas. Instead of the government checking the media, it is the responsibility of the media to check the government for various lapses so that they will know whether to accept or reject a particular government. The relevance of libertarian theory to the study theory is based on the premise that the theory allows of freedom of the media in a democratic dispensation.³⁸

(c) Media Dependency Theory

Media Dependency Theory, developed by Sandra Ball-Rokeach and Melvin DeFleur, explores the relationship between individuals, the media, and society. It posits that the more a person depends on media to fulfill their needs, the more influence media will have over their attitudes and behaviors.³⁹ This dependency increases during times of social change or crisis, where individuals turn to media to understand events and gain a sense of security. In the era of social media, this theory is particularly

³⁶ M Abdullateef, *Regulating social media in Nigeria; A Quantitative Perception Study of Nigerians*. In *Media & Communication in Africa* (2020),

³⁷ M Abdullateef (n 41)

³⁸ NE Osuigwe (n 42)

³⁹ SJ Ball-Rokeach & ML DeFleur (1976). *A Dependency Model of Mass-Media Effects*. *Communication Research*, 3(1), 3-21.

relevant as people increasingly rely on digital platforms for news, social interaction, and validation.⁴⁰ The theory underscores the power of social media in shaping public perceptions and attitudes, which can indirectly pressure the judiciary. Judges may become aware of public sentiment through social media, which could influence their rulings either consciously or subconsciously. This dependency is critical in understanding how social media can compromise judicial independence, as judges might feel compelled to issue decisions that avoid public backlash or align with the dominant discourse on social media platforms⁴¹.

4.0 LITERATURE REVIEW

Scholars such as Okoro and Odii, have offered opinions on the quest for regulation of freedom as the ability to freely express one's views and have access to information on activities, programs, and decisions made by those governing them.⁴² Among all forms of freedom, D'Arcy argued that freedom of the press and expression, which guarantees the right to seek, obtain, and share information about leadership activities without fear or favor, is the most crucial in a democratic state.⁴³ Unfortunately, in Nigeria, these rights are being threatened by elected leaders who have made explicit attempts to silence critical media voices. Successive governments have imposed severe restrictions on press freedom, including

⁴⁰ Ibid

⁴¹ Ibid

⁴² N Okoro and C Odii, *Freedom of Information: Legislation, Implementation and Enforcement*. Lagos: St. Benedette Publishers (2013).

⁴³ P D'Arcy, (2017). Why Freedom of the Press is More Important Now Than Ever. <https://ideas.ted.com/why-freedom-of-the-press-is-more-important-now-than-ever/> accessed 28th May 2026

the rising use of social media.⁴⁴

Mohammed opines that the conventional media in Nigeria, consisting of journalists, reporters, and media houses engaged in news reporting, opinion sharing, and information distribution, are monitored, regulated, and even controlled by the government and its agencies. The government often perceives the media as a threat to national security, as the information they publish can be as harmful as it is informative and educational.⁴⁵ The advent and widespread use of social media have given rise to citizen journalism, where both trained and untrained individuals generate and distribute content seamlessly, spontaneously, and simultaneously without moderation. Citizens now use social media to speak truth to power, demand accountability, and highlight government injustices in the public domain.⁴⁶

Social media regulation refers to state intervention in the moderation, restriction, and control of social media platforms to ensure national security and stability. This includes any form of restriction and control over the operations of high-tech (tele)communication giants and censorship of media content on computer-mediated software hosting social networking and interactions. Social media regulations involve government or related agencies managing and controlling the affairs of social media apps and platforms to ensure they operate according to defined standards, norms, or customs. Except for the Nigerian Cybercrime

⁴⁴ BCE Ndinojuo and A Udoudo (2018). A Converted Democrat? Profiling the Attacks on Nigerian Journalists During Buhari's Civilian Regime (2015-2017). *Covenant Journal of Communication (CJOC) An Open Access Journal*, 5(1), 1–21.

⁴⁵ A Mohammed (2021). Regulating Social Media in Nigeria: A Quantitative Perception Study. *Nile Journal of Political Science*, 2(1).

⁴⁶ Ibid

Act of 2015, there is no significant direct structure or code for social media regulation in Nigeria.⁴⁷

The Nigerian Constitution supports internet and digital freedom within the framework of International Human Rights Law. This is in addition to the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 and the Criminal Code, 1990. The Cybercrime Act aims to provide a regulatory framework for the prohibition, prevention, detection, prosecution, and punishment of computer system and network-related crimes, electronic communications, data and computer programs, intellectual property, and privacy rights.⁴⁸

The closest regulation that applies to misinformation and posting harmful content on social media is Section 24 (1a), which states that anyone knowingly or intentionally sending a grossly offensive, pornographic, indecent, obscene, or menacing message or material via a computer system or network is guilty of an offense and liable for prosecution. Subsection (1b) states that anyone knowingly or intentionally spreading messages or other material via a computer network system that they know to be false, with the intent to cause annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will, or needless anxiety to another person, is guilty of the same offense and liable to a fine or imprisonment for a term of not more than three years, or both.

The initial attempt to regulate digital rights and social media in Nigeria was through the Frivolous Petitions (Prohibition) Bill 2015, which sought to be the instrument for regulating social media. It was introduced in 2016

⁴⁷ U Jimada (2019). Social Media in the Public Sphere of Accountability in Nigeria. *Global Media Journal*, 17(32), 178.

⁴⁸ Ibid

during the 8th National Assembly but did not pass. Similarly, President Muhammadu Buhari declined to assent to the Digital Rights Bill 2016, a law intended to protect human rights online, safeguard internet users in Nigeria from infringement of their fundamental freedoms, and guarantee the application of human rights for users of digital platforms and/or digital media and related matters.⁴⁹

The Protection from Internet Falsehood and Manipulation Bill 2019 is another attempt at regulating the social media landscape in Nigeria. The bill was designed to prevent the transmission of false statements or false declarations of facts with a view to counter the effects of such transmissions in Nigeria. It aimed at suppressing the financing, promotion, and endorsement of false statements; hence, it projected mechanisms of detection, control, and safeguards against misuse of online accounts, with sanctions for defaulters. The bill seeks to address the issue of news and information commercialization by the press and, more recently, owners and operators of online news media outlets such as social media pages, YouTube channels, websites, blogs, and other social network platforms.⁵⁰

5.0 APPLICABLE LEGAL REGIME TOWARDS HUMAN RIGHTS REGULATION OF SOCIAL MEDIA IN NIGERIA

Nigeria has laws that address the use of social media and its issues. The Cybercrime (Prohibition, Prevention, etc) Act 2015 provides for the prohibition, prevention, detection, response, investigation and prosecution

⁴⁹ M Buhari (2019). Independence Day Speech. Retrieved from Punch website: <https://punchng.com/full-text-independence-day-speech-by-president-buhari/> accessed 28th May 2026

⁵⁰ A Mohammed (n 45)

of cybercrimes and other related matters. This Act also ensures the protection of Critical National Information infrastructure and promotes cybersecurity and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights.⁵¹ This Act criminalizes a wide range of cyber activities like hacking, identity theft, cyberbullying, harassment, online fraud, spreading false information, phishing, cyber stalking, unauthorized access to computer systems and so on. Misuse of social media platforms for these purposes can lead to legal consequences. This Act also establishes penalties for offences carrying fines, imprisonment or even both. Furthermore, this Act empowers the Law Enforcement Agencies to investigate and prosecute cybercrimes effectively.⁵²

Social media users can be held liable for defamation if they make false and damaging statements about individuals or organizations on social media. Defamation laws in Nigeria can be both civil and criminal, which protect individuals and organizations from defamatory statements made on social media platforms.⁵³ Section 373 of the Criminal Code defines defamation “as any matter likely to injure the reputation of any person by exposing him or her to slander, contempt or ridicule or likely to damage any person in his profession or trade by injury to his or her reputation.”⁵⁴ Likewise, Section 391 of the Penal Code Act also defined Defamation as “whoever by words either spoken or reproduced by mechanical means or intended to be read or by signs or by visible representations makes or publishes any imputation concerning any person, intending to harm or

⁵¹ Cybercrimes (Prohibition, Prevention, etc) Act 2015

⁵² A Mohammed (n 45)

⁵³ Ibid

⁵⁴ Section 373 of The Criminal Code Act in Nigeria

knowing or having reason to believe that the imputation will harm the reputation of that person, is said, except in the cases hereinafter expected to defame that person.⁵⁵ Defamation can be categorized as Slander (spoken defamation) and libel (written defamation), and the law in Nigeria allows individuals and organisations to take legal action against anyone who publishes false and damaging statements that harm their reputation, and individuals found guilty can face the wrath of the law

The Constitution and other statutes provide for the protection of the privacy rights of individuals. The Nigerian Data Protection Act 2023 (NDPR), 2019, issued by the National Information Technology Development Agency (NITDA), governs the collection, processing, and storage of personal data in Nigeria. This Regulation provides guidelines for the processing of personal data and ensures that the privacy rights of individuals are upheld. Unauthorised disclosure of personal information on social media platforms can lead to legal action under these laws. Social Media users must adhere to the regulations guiding the collection and sharing of personal information and use of social media in Nigeria. On 14th June 2023, The Nigeria Data Protection Act, 2023 was signed into law. This Act provides a legal framework for the protection of personal information and to safeguard the fundamental rights freedoms and interests of data subjects as guaranteed under the 1999 Constitution of the Federal of Nigeria (as amended). This Act also establishes the Nigeria Data Protection Commission (NDPC).⁵⁶

The Nigerian government has enacted laws to address hate speech, demeaning words, and incitement to violence. Section 3.0.2.1 of the Nigeria Broadcasting Code prohibits the broadcast of content that contains

⁵⁵ Section 391 of The Penal Code Act in Nigeria

⁵⁶ The Nigeria Data Protection Act

hate speech or incites violence. It provides that No broadcast shall encourage or incite to crime, lead to public disorder or hate, be repugnant to public feelings or contain offensive reference to any person or organization, alive or dead or generally be disrespectful to human dignity. Section 3.0.2.2 of the NBC code also provides that Hate speech is prohibited; therefore, a Broadcaster shall not transmit any programme, programme promotion, community service announcement or station identity, which is likely, in any circumstances, to provoke or perpetuate in a reasonable person intense dislike, serious contempt or severe ridicule against a person or groups of people because of age, colour, gender, national or ethnic origin, disability, race, religion or political leanings. This section mandates that broadcasters must ensure that their programming promotes national unity and does not contain content that could lead to violence or promote discrimination based on ethnicity, religion or other factors.⁵⁷ Violations of these regulations can result in sanctions or penalties imposed by the National Broadcasting Commission Act.⁵⁸

Nigerian Copyright Act, 2022 also protects original works of authorship, including artistic, musical, and literary works. Posting and sharing copyrighted materials without the permission of the Copyright holder on Social Media platforms can constitute intellectual Property Rights Infringement. The users of social media can be subject to legal action for violating copyright laws. Copyright holders also have the right to pursue legal remedies against infringers, including seeking damages and injunctions.⁵⁹

⁵⁷ The Nigerian Broadcasting Code

⁵⁸ The National Broadcasting Commission Act LFN 2004 N11

⁵⁹ The Nigerian Copyrights Act 2022 Part IV (Section 36-43)

The Nigerian Government has proposed various regulations aimed at monitoring and controlling social media platforms. For instance, on 5th November 2019, the Nigerian Senate (National Assembly) proposed the social media Bill, to regulate Social Media Use to curb the spread of fake news, hate speech, and other forms of misinformation. Compliance with these regulations, if enacted, would be essential to avoid legal consequences for both the users and the social media platform providers. The title of the bill is ‘‘Protection from Internet Falsehood and Manipulation Bill’’, 2019, which criminalizes the use of social media in peddling false or malicious information.⁶⁰

6.0 COMPARATIVE PERSPECTIVES ON ENFORCEMENT OF FUNDAMENTAL RIGHTS IN OTHER JURISDICTIONS

Having considered the outlay of the human rights approach to social media regulation in Nigeria, it becomes necessary to comparatively analyze its application in select countries. To this purpose, the following discussion will look at how human rights are protected and upheld in, UK, Canada, South Africa and Uganda.

6.1 United Kingdom

The Human Rights Act 1998 seeks to give direct effect to the European Convention on Human Rights in domestic law by enabling claimants to bring an action in national courts instead of having to take their case before the European Court of Human Rights, as had previously been the case.⁶¹ The Act makes it unlawful for a public authority to act in a manner

⁶⁰ Protection from Internet Falsehoods and Manipulation and other related matter Bill 2019

⁶¹ Amos, Merris (2006). *Human Rights Law*. Oxford: Hart. ISBN 978-1-84113-324-9.

contrary to certain rights prescribed by the Convention⁶² and allows a UK court to award a remedy in the event of a breach.⁶³ Freedom of expression on social media in the UK is protected under Article 10 of the Human Rights Act 1998, but this right is conditional. Speech cannot incite hatred, be grossly offensive, or promote violence. The Online Safety Act requires platforms to balance user safety with journalistic and political free speech.⁶⁴

There is no specific legislation in the UK for social media regulation; instead, there exists what remains of a store of legislation, forming a patchwork which currently ranges from comparatively old and venerable to very recently passed. Older statutes tend to deal with communication matters in a general sense, whereas the Online Safety Act 2023 addresses those it considers issues directly related to social media platforms. Social media use in the UK is primarily governed by the Online Safety Act 2023, which legally requires tech platforms to protect users (especially children) from illegal and harmful content. The Online Safety Act is the UK's most comprehensive social media regulation. Passed in 2023, it places certain legal duties on providers whose users can upload content or communicate with other users. The law sets out to mitigate harm while protecting free

Pg. 8

⁶² Wadham, John; Mountfield, Helen; Prochaska, Elizabeth; Brown, Christopher (2011). *The Human Rights Act 1998*. Blackstone's Guides. Oxford: Oxford University Press. ISBN 978-0-19-969700-7. para. 3.15.

⁶³ Ibid para. 3.23.

⁶⁴https://www.google.com/search?q=freedom+of+expression+on+social+media+in+UK&oeq=freedom+of+expression+on+social+media+in+UK&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIICAQABgWGB4yDQgCEAAyhMYgAQYigUyBwgDEAAy7wUyCggEEAAy7wUyCggGEAAy7wUyCggHEAAy7wUyCggSAQoxNzMzMgGowajE1qAIIsAIB8QUOQ1RE9L2U6vEFDkNURPS9lOo&sourceid=chrome&ie=UTF-8 accessed 2nd June 2026

expression.⁶⁵

The platforms are required to remove illegal content under the Act, such as terrorism-related content, child sexual abuse content, and hate speech. Further, the platforms are subject to a duty to reduce the prominence of harmful yet legal content, especially as viewed by children, which may include content promoting self-harm, eating disorders, or suicide. Further duties are imposed in aspects of enforcement of terms and conditions; enhancement of user tools for reporting; protection of journalistic content; and matters concerning democratic debate.⁶⁶

The UK's communications regulator, Ofcom (Office of Communications), is given the responsibility for implementing the Online Safety Act and thus shall be vested with newly granted powers to audit social media platforms, request information from them, and fine them. Penalties that the regulator can impose on breaches shall include: a fine of up to £18 million or 10% of the global turnover of a company, whichever is highest, and blocking access to the platforms in the UK, where the offense is deemed serious enough. Ofcom also publishes codes of practice which the platforms shall follow unless they can convince Ofcom that their alternative measures are equally effective, thereby providing unambiguous guidelines for risk management, content moderation, and assistance provided to users.⁶⁷

However, there are concerns about the lack of overarching regulation covering social media and search services in the UK. This issue has been

⁶⁵ <https://www.csbppl.com/social-media-regulation/> accessed 2nd June 2026

⁶⁶ Ibid

⁶⁷ Ibid

highlighted by the government in the explanatory notes to the Online Safety Bill, which state that at present, most user-to-user and search services operating in the United Kingdom are not subject to any regulation concerning user safety. An exception to this is the statutory video-sharing platform regime, which requires service providers to protect individuals from certain harmful content and is enforced by Ofcom.⁶⁸ The government introduced the online safety legislation to improve regulation, reasoning that in light of the serious harm that content online can cause to users, more wide-reaching and comprehensive regulation of online services should be introduced.⁶⁹

6.2 Canada

Human rights in Canada have come under increasing public attention and legal protection since World War II. Inspired by Canada's involvement in the creation of the Universal Declaration of Human Rights in 1948,⁷⁰ the current legal framework for human rights in Canada consists of the Canadian Charter of Rights and Freedoms, part of the Constitution of Canada, and statutory human rights laws, passed by the federal Parliament and the provincial legislatures.⁷¹

The intersection of human rights and social media in Canada centers on the balance between freedom of expression, privacy rights, and protection against hate speech and online harassment. Canada approaches these

⁶⁸ <https://lordslibrary.parliament.uk/freedom-of-expression-online-communications-and-digital-committee-report/> accessed 2nd June 2026

⁶⁹ Ibid.

⁷⁰ Schabas, William (1998). "Canada and the Adoption of Universal Declaration of Human Rights" (PDF). *McGill Law Journal*. 43: 403.

⁷¹ McPhail, Brenda (May 18, 2016). "Canada & The UN: Past And Present". *CCLA*. Retrieved 3rd of April, 2026

issues through constitutional law, human rights tribunals, and evolving federal legislation.⁷² In Canada, freedom of expression is protected by Section 2(b) of the Canadian Charter of Rights and Freedoms. However, this right is not absolute. The law balances online speech with protections against hate speech, defamation, and targeted harassment, while government legislation shapes how social media operates in the country.⁷³ The protection of freedom of expression is premised upon fundamental principles and values that promote the search for and attainment of truth, participation in social and political decision-making, and the opportunity for individual self-fulfillment through expression.⁷⁴ The Supreme Court of Canada has maintained that the connection between freedom of expression and the political process is “perhaps the linchpin” of section 2(b) of the Canadian Bill of Rights protection, as seen in the cases of *R. v. Keegstra*.⁷⁵ *Thomson Newspapers Co. v. Canada (A.G.)*⁷⁶ and *Harper v. Canada (Attorney General)*.⁷⁷ Free expression is valued above all as being instrumental to democratic governance. The two other rationales for protecting freedom of expression, encouraging the search for truth through the open exchange of ideas, and fostering individual self-actualization, thus directly engaging individual human dignity, are also key values that animate section 2(b) analysis.⁷⁸

It must be noted that just as freedom of speech is not absolute in other

⁷² Schabas, William (n 74)

⁷³ Ibid.

⁷⁴ (*Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927 at page 976 and *Ford v. Quebec*, [1988] 2 S.C.R. 712 at pages 765-766).

⁷⁵ [1990] 3 S.C.R. 697

⁷⁶ [1998] 1 S.C.R. 877

⁷⁷ [2004] 1 S.C.R. 827)

⁷⁸ <https://www.justice.gc.ca/eng/csjsjc/rfc-dlc/ccrf-ccd1/check/art2b.html>

countries, there are certain restrictions that are imposed on being able to express oneself freely even in Canada. Legal restrictions such as anti-bullying, under the School Act of Alberta and Section 1 of the Charter of Rights and Freedoms, give the government the right to limit the extent to which one can use one's right to freedom of expression. Instances where freedom of expression leads to hate speech, obscenity, and defamation are subject to criminal charges.⁷⁹

There are various government bodies that keep a tab on the wrongful use of freedom of expression. The inter-media control institutions that regulate various media channels include the Canadian Association of Broadcasters, the Ontario Press Council, and the publishing association. There are different advertising groups that watch out for advertising content across media.⁸⁰ The Canadian Radio-Television and Telecommunications Commission (CRTC) monitors and approves all the scripts of the broadcasting advertisements for food, drugs, and cosmetic products on Canadian stations. In Ontario, the Liquor License Board, under the Ministry of Consumer and Commercial Relations, publishes a book listing what can and cannot be published in print and what can be broadcast in advertising for wine, beer, and cider products. All commercials that are intended for children under 12 years of age must follow the Broadcast Code for Advertising to Children, which is managed by the Children's Committee of the Advertising Standards Council.⁸¹

⁷⁹ <https://prowsebarrette.com/everything-you-need-to-know-about-freedom-of-speech-in-canada/> accessed 2nd of June 2026

⁸⁰ Ibid

⁸¹ Ibid

6.3 South Africa

South Africa became a democratic country in 1994. It enacted a constitution which is regarded as advanced since it entrenches the Bill of Rights. It is also recognised as the supreme law of the Republic, as it empowers the Constitutional Court to declare any law or conduct that is inconsistent with its provisions invalid.⁸² Before its incorporation, there was systematic discrimination, oppression, and unjustified limitation of human rights. The right to freedom of expression was one of the rights that were restricted unreasonably by the state. In the contemporary constitutional dispensation, freedom of expression is an important right under the democratic rule of law. This issue was highlighted by the court in *South African National Defence Union v. Minister of Defence and Another*,⁸³ which asserted that the right to freedom of expression should be seen as the pillar of democracy in the country.

Van Vollenhoven⁸⁴ argues that the reason why this right is at the core of our constitutional democracy is that it tends to assure everyone, including employees, the right to enjoy freedom of speech and freedom from fear as common people of the world. Moreover, the Constitution has the effect that the Bill of Rights is a cornerstone of democracy in South Africa. It also provides that the fundamental human rights enshrine the privileges of all people in the country and that it affirms the democratic values of human dignity, equality and freedom.⁸⁵ It must be borne in mind that the right to freedom of expression is documented as a fundamental human

⁸² Section 2 of the Constitution of the Republic of South Africa, 1996

⁸³ *South African National Defence Union v Minister of Defence and Another* 1999 4 SA 496 (CC)

⁸⁴ W.J. Van Wollenhoven, 'The Right to Freedom of Expression: The Mother of our Democracy', 18 (6) PER / PELJ (2015), p. 2304.

⁸⁵ Section 7 of the Constitution of the Republic of South Africa, 1996.

right, and it is subject to the direct and indirect application of the Constitution.⁸⁶

From a pure legal analysis, the direct vertical application entails that the state is bound to promote, protect and respect the rights contained in the Bill of Rights.⁸⁷ This means that the government cannot abuse its powers by limiting the employee's right to freedom of expression on social media unreasonably without adhering to internal limitations contained in section 16 or the limitation clause in section 36 of the Constitution. On the other hand, the direct horizontal application of the Constitution posits that the court must give effect to the Bill of Rights by applying and developing the common law insofar as legislation does not provide for that right.⁸⁸ On the same note, the indirect application of the Constitution has the impact that all laws, principles, norms and rules must be interpreted within the purview of the basic values of the Constitution.⁸⁹

Section 16 of the Constitution contains a significant right that protects the expression of all citizens in the country. This section states that everyone has the right to freedom of expression, which includes freedom of the press and other media.⁹⁰ The phrase "everyone" in this provision can be interpreted to include employees. However, it must be noted that section 16 does not expressly indicate that the right to freedom of expression extends to social media platforms. Reference is made only to the freedom

⁸⁶ J. Neethling, J.M. Potgieter & P.J. Visser, *Deliktereg* 5th ed. (Durban, LexisNexis, 2006), p. 17.

⁸⁷ Section 7 of the Constitution of the Republic of South Africa, 1996.

⁸⁸ J. Neethling, J.M. Potgieter & P.J. Visser, *Deliktereg* 5th ed. (Durban, LexisNexis, 2006), p. 17.

⁸⁹ *Ibid* p 17.

⁹⁰ Section 16 (1) (a) of the Constitution of the Republic of South Africa, 1996.

of the press and other media. From a pure perspective, it can be argued that the intention of the drafters of the Constitution in using the phrase “other media” was to include platforms such as social media.⁹¹

Section 16 (1) (a) of the Constitution further acknowledges that the right to freedom of expression is protected to the extent that it allows everyone to receive or impart information or ideas. Generally, freedom of expression encourages employees to voice their opinions and perceptions. It is, thus, neither unlawful nor unconstitutional for employees to express themselves on social media platforms.⁹² It is immaterial whether or not employers authorise the employees to receive or share the information over the internet. It is also not important if there is a rule which prohibits the employee from mentioning the name of the employer on social media because any workplace policy that is intended to prevent the employee from stating the employer’s name on social media can be regarded as a violation of the right to freedom of expression.⁹³

6.4 Uganda

Uganda, a country in the heart of East Africa, has a complex and evolving human rights landscape shaped by colonial legacies, post-independence conflicts, and contemporary political dynamics. Following a turbulent history marked by dictatorship and civil war, the Constitution of the republic of Uganda,⁹⁴ was hailed as a turning point, ushering in an era of democratic governance and commitment to human rights. The Constitution integrates principles of international human rights law and

⁹¹ W.J. Van Wollenhoven (n 88)

⁹² Ibid.

⁹³ Ibid

⁹⁴ Constitution of the Republic of Uganda, 1995

provides extensive civil, political, economic, and social rights. Yet, the realization of these rights is uneven. Factors such as political repression, limited institutional capacity, systemic corruption, and inadequate public awareness continue to undermine human rights implementation.⁹⁵

Under Article 29 the constitutional provisions⁹⁶ provide for protection of freedom of conscience, expression, movement, religion, assembly and association. Under this provision the law gives an entitlement to all persons to enjoy the right to freedom of speech and expression to include freedom of the press and other media under Article 29(1)a).⁹⁷ This is in addition to exercising ones right to freedom of thought, conscience and belief which includes academic freedom in institutions of learning under article 29 (1)(b)⁹⁸. In this case each and every individual national has a right to have his/her opinion expressed freely without undue influences, in addition to holding their beliefs as paramount of how they wish to express and address their Concerns whether at home, in school and at the workplace.

The same Article 29 accords the people in Uganda a right to practice any religion and thus freedom to manifest such practice as to belong to and participate in practices of that religion or organization to which that person belongs, provided it is within the confines and powers of the Constitution.⁹⁹ Thus with a power to belong, and participate the law further strengthen the freedom by allowing people to participate in

⁹⁵ <https://recordoflaw.in/> Human Rights in Uganda: A Legal and Institutional Analysis - Record Of Law accessed 3rd of April 2026

⁹⁶ The Constitution of the Republic of Uganda 1995

⁹⁷ Ibid

⁹⁸ Ibid Article 29(1) (b)

⁹⁹ Ibid Clause c

assemblies as well as demonstrate together with others for any discontentment, provided this is exercised in a manner that is peaceful and unarmed, this is in addition to petitioning against any ruling that may be passed on such demonstrations in case of any dissatisfaction.¹⁰⁰ The Constitution under Article 29 clause e¹⁰¹ further grants people with a right of freedom to associate, where they are entitled to join unions, political parties Civic organizations and associations of their own choice. In other words, the purpose of this provision under the constitution is to ensure that the rights of people to enjoy their freedoms of association, expression. Association, assembly and movement are held as paramount for every individual citizen in Uganda More still the same law¹⁰² condemns any laws, cultures, customs or traditions which offend the dignity, welfare or interest of the women. in other words, practices which undermine the status of women and prevent them from exercising their fundamental freedoms are prohibited by the constitution.

In addition, the right to freedom of speech and expression is further strengthened under Article 38¹⁰³ of the same law, which advocates for civil rights and activities. Under this Article, every citizen is entitled to a right to participate in the affairs of government, whether at an individual level or through representation, provided this is within the confines of the law. This is in addition to participating in peaceful activities to influence the policies of government through civic organizations.¹⁰⁴ The purpose of this law is for concerns of citizens to be voiced and heard and on top of

¹⁰⁰ Ibid Clause d

¹⁰¹ Ibid Clause e

¹⁰² Ibid Article 3 (6)

¹⁰³ Ibid Article 38(1)

¹⁰⁴ Ibid Clause 2

this influence government policy to that which is demanded by the citizens against unpopular policies that do not reflect and address the problems of the people.

The decision to enshrine the right to freedom of expression and access to information in the constitution is an important recognition of the importance of free media and freedom of expression in a democracy. Indeed, the Ugandan media have thrived in the last 15 years, scrutinizing public affairs, encouraging robust public debate, and exposing corruption and other forms of malfeasance. In this regard, until recently Uganda has often been cited as a good example of a vibrant media landscape in the region. Citizens have also been generally free to express themselves.¹⁰⁵ However, much as the constitution accords all persons with the above rights to exercise their freedom of speech and expression, does not imply that they have an entitlement to abuse these rights. These rights can only be enjoyed if they do not interfere with the rights of others. Thus the constitution makes a distinction, as to the extent of the enjoyment of these rights.¹⁰⁶

Under Article 43 the constitution provides for some limitations and sets the standard for the justifiability of any limitation on fundamental rights as being 'acceptable and demonstrably justifiable in a free and democratic society and thus cannot be taken for granted.'¹⁰⁷ Thus in the enjoyment of these rights and freedoms, no person shall prejudice the fundamental or other human rights and freedoms of others, and neither are they expected

¹⁰⁵ Ibid

¹⁰⁶ Ibid Article 43

¹⁰⁷ Ibid

to exercise unfairness in the public interest,¹⁰⁸ of which the public interest cannot permit political persecution, detention without trial, and limitation of the enjoyment of the rights and freedoms that are acceptable and justifiably exercised in a free and democratic society.¹⁰⁹ The law thus provides for the exercising of these rights without having to infringe on the freedom of others and without any political harassment of others.

7.0 JUDICIAL ATTITUDE TOWARDS REGULATION OF HUMAN RIGHTS APPROACH TO SOCIAL MEDIA USE

Judicial independence is a fundamental principle in ensuring that the judiciary can make decisions free from external pressures and influences, primarily from the executive and legislative branches of government.¹¹⁰ This principle is crucial for the maintenance of the rule of law, protection of human rights, and delivery of fair and impartial justice. It is rooted in the doctrine of the separation of powers, which aims to establish checks and balances within a governmental system.¹¹¹ According to Hansford and Spriggs,¹¹² judicial independence encompasses not only the absence of interference but also the provision of adequate resources, the implementation of judicial accountability measures, and the cultivation of a culture that respects judicial decisions. These elements collectively ensure that judges can perform their duties without fear of reprisal or undue influence.

¹⁰⁸ Ibid Article 43(1)

¹⁰⁹ Ibid Article 43 2 (a), (b) and (c).

¹¹⁰ P Abbot, C Wallace and R Sapsford (2020). Responding to COVID-19: The resilience of judicial systems. *Journal of Comparative Law*, 15(2), 123-145

¹¹¹ Ibid

¹¹² TG Hansford and JF Spriggs (2012). *The Politics of Precedent on the U.S. Supreme Court*. Princeton University Press.

One of the most significant impacts of social media is on public opinion formation and dissemination. Social media platforms enable the rapid spread of information and ideas, often bypassing traditional media gatekeepers. This democratization of information dissemination can have both positive and negative consequences.¹¹³ On one hand, it empowers individuals and marginalized groups to voice their opinions and mobilize support for various causes. On the other hand, it can also lead to the spread of misinformation and echo chambers where users are exposed only to views that reinforce their own beliefs.¹¹⁴ According to Vosoughi, Roy, and Aral,¹¹⁵ false news spreads more rapidly on social media than true news, posing challenges for public understanding and decision-making. This phenomenon has significant implications for judicial independence, as public opinion shaped by social media can pressure judicial outcomes.

The role of social media in shaping political landscapes cannot be understated. Politicians and political movements extensively use social media to engage with constituents, disseminate information, and mobilize supporters.¹¹⁶ This direct line of communication can bypass traditional media filters and potentially influence judicial proceedings. For instance, high-profile cases often become focal points on social media, where public opinion is actively formed and expressed. In such scenarios, judges may face indirect pressure to align their decisions with popular sentiment,

¹¹³ A Al-Mahdi (2021). Social Media and Judicial Independence in High-Profile Criminal Cases in Egypt. *Middle East Law Journal*, 15(3), 201-224.

¹¹⁴ Ibid

¹¹⁵ S Vosoughi, S, D Roy, and S. Aral, (2018). The Spread of True and False News Online. *Science*, 359(6380), 1146-1151

¹¹⁶ SJ Ball-Rokeach, & ML DeFleur, (1976). A Dependency Model of Mass-Media Effects. *Communication Research*, 3(1), 3-21

potentially compromising judicial independence. Carr, Barnidge, Lee, and Tsang¹¹⁷ suggest that social media can enhance political participation and engagement, but also highlights the risk of increased political polarization and its impact on judicial neutrality.

Moreover, social media's influence extends to the transparency and accountability of the judiciary. Social media platforms can serve as watchdogs, holding judges and judicial processes accountable by publicizing perceived injustices or misconduct.¹¹⁸ This increased scrutiny can be beneficial in promoting judicial integrity and discouraging corruption. However, it can also lead to undue pressure on judges to conform to public expectations rather than adhering strictly to the law. According to Kim, Baek, and Kim,¹¹⁹ while social media can enhance transparency, it also poses risks related to the quality and reliability of the information shared. The balance between transparency and undue influence is delicate and critical for maintaining judicial independence.

Judicial independence requires that judges make decisions based solely on the law and facts of the case, free from external influences. Social media, by amplifying public opinion, can indirectly challenge this principle.¹²⁰ High-profile cases that attract significant social media attention can create an environment where judges might feel pressured to issue rulings that

¹¹⁷ D Carr, M Barnidge, Lee, B., & SJ Tsang. (2014). Social Media Use and Political Engagement: A Meta-Analysis. *Communication Research Reports*, 31(3), 283-292.

¹¹⁸ E Carter, & J Brown, (2022). Public Perceptions of Judicial Fairness in the Age of Social Media. *American Journal of Judicial Politics*, 29(2), 150-175.

¹¹⁹ S Kim, TH Baek, & Y. Kim, (2012). The Diffusion of Social Media: Measuring its Impact on Media Transparency and Democracy in South Korea. *Asian Journal of Communication*, 22(4), 449-466.

¹²⁰ C. McGeorge, (2013). The Social Media Challenge to Judicial Independence. *The Yale Law Journal*, 123(4), 1349-1372

align with public sentiment to avoid backlash. Black, Johnson, and Wedeking¹²¹ found that media coverage, including social media, can influence judicial decision-making, particularly in politically charged cases. This influence is especially potent in jurisdictions where judges are elected, as they may be more sensitive to public opinion to secure their positions. The phenomenon of "trial by media" is exacerbated by social media, where the court of public opinion can sometimes overshadow the actual judicial process. Social media users often express strong opinions about ongoing cases, and these opinions can go viral, influencing broader public sentiment.¹²² This environment can lead to situations where judges might feel compelled to consider the potential public reaction to their rulings. According to Phillips and Vercellotti,¹²³ the pervasive nature of social media can create a parallel public trial, which can complicate the judicial process and impact judicial independence. Ensuring that judges remain insulated from such external pressures is vital for the integrity of the judicial system.

Furthermore, the role of social media in mobilizing public opinion can impact legislative processes that affect the judiciary. For instance, social media campaigns advocating for or against judicial reforms can shape legislative agendas and public policy. This dynamic can indirectly influence judicial independence by affecting the legal framework within which judges operate.¹²⁴ According to Matsa and Mitchell,¹²⁵ social media

¹²¹ RC Black, TR Johnson, and J Wedeking. (2016). The Influence of Media Coverage on U.S. Supreme Court Justices. *Journal of Politics*, 78(3), 593-605.

¹²² Ibid.

¹²³ J Phillips, and T. Vercellotti, (2013). Media, Public Opinion, and the Court. *American Journal of Political Science*, 57(2), 292-306

¹²⁴ Nguyen, D. (2019). The Role of Social Media in Politically Sensitive Judicial Cases in Vietnam. *Asian Journal of Comparative Law*, 14(2), 179-201.

campaigns can significantly impact political decision-making and policy formation, highlighting the interconnectedness of social media, public opinion, and governance. Understanding this interplay is essential for safeguarding judicial independence in a digital age. While social media has revolutionized communication and information dissemination, it presents both opportunities and challenges for judicial independence.¹²⁶ The potential for public opinion shaped by social media to influence judicial decisions underscores the need for robust mechanisms to protect judges from external pressures. Ensuring that social media enhances transparency and accountability without compromising judicial neutrality is a delicate balance that requires continuous attention. As the landscape of social media continues to evolve, so too must the strategies to preserve the integrity and independence of the judiciary.¹²⁷

8.0 SUMMARY OF FINDINGS

It is clear from the foregoing that Human rights are the cornerstones upon which all democracies and states with the rule of law are built. Balancing freedom of expression, accountability, and social media regulation in Nigeria remains a delicate and evolving legal task. Social media has become an indispensable space for democratic participation, public debate, and government accountability, and this central role demands strong constitutional protection under section 39 of the 1999 Constitution. At the same time, the realities of the digital environment such as misinformation, hate speech, cyber-harassment, fraud, and incitement to

¹²⁵ Matsa, K. E., & Mitchell, A. (2014). 8 Key Takeaways about Social Media and News. Pew Research Center

¹²⁶ Ibid

¹²⁷ McGeorge, C. (2013). The Social Media Challenge to Judicial Independence. The Yale Law Journal, 123(4), 1349-1372.

violence make some level of regulation both legitimate and necessary in the public interest. The identifiable practical applicable legal regime towards human rights regulation of social media in Nigeria and Judicial Attitude towards regulation of Human Rights were also examined.

9.0 CONCLUSION AND RECOMMENDATIONS

Freedom of expression and accountability in the digital age remain central to Nigeria's ongoing struggle to regulate social media in a manner that reflects democratic values and social realities. Social media platforms have significantly expanded the space for public participation, political engagement, and the exchange of ideas, making them vital tools for modern communication. As social media platforms continue to serve as integral communication channels and avenues for expression and sources of information, it is imperative to address the legal implications associated with their use.

At the same time, attempts to curb harmful content such as misinformation, hate speech, and cybercrime risk encroaching on constitutionally protected freedoms if not carefully designed and implemented. This tension between preserving freedom of expression and ensuring accountability highlights the broader difficulty of regulating social media in Nigeria's democratic and social context. As digital communication continues to evolve, Nigeria's central challenge is not only crafting appropriate laws but also building the technical capacity and legal clarity needed to regulate social media in a way that protects fundamental rights while responding realistically to the demands of the digital age.

To achieve a balance between freedom of expression and accountability in

Nigeria's social media regulation, the government should first strengthen and clarify existing laws, ensuring they are flexible enough to keep pace with rapidly evolving digital platforms. Enhancing digital literacy and building technical and regulatory capacity among both officials and citizens is essential to promote responsible online engagement and a clearer understanding of regulatory limits. Finally, transparent and fair processes for content moderation and enforcement should be established, designed to protect fundamental rights while effectively addressing harmful online activities, thereby fostering public trust and legitimacy in the regulatory framework.