

April 9, 2018

Office of the High Commissioner,  
United Nations Human Rights,

Dear Sir,

## **Nigeria: Increased Government Surveillance Activity in the Absence of Adequate Privacy Safeguards**

### **Introduction**

Paradigm Initiative makes this contribution in response to your call for inputs to “a report to a right to privacy in the digital age”. In our last submission to the office of The High Commissioner for Human Rights, we noted the persistent presence in Nigeria of Internet surveillance equipment supplied by foreign contractors. The trend of increasing government capacity for mass surveillance has only increased given the large allocations for surveillance in the 2018 budget for key federal security agencies such as the Department of State Security Service (DSS) and Office of the National Security Adviser. On page 445 of the budget proposal, an example of such troubling budgetary item is called “Social media mining suite”. As an indication that these budgetary allocations are part of active government policy can be deduced from recent pronouncements that the Nigerian government will now commence active social media monitoring of Nigerians.

News reports have also emerged in Nigeria of a government surveillance program on mobile phones in Nigeria’s capital city, Abuja. This is important from the standpoint of this call because it might suggest collusion between the government and local telecommunications companies.

### **Data Protection Legislation gaps**

Despite these intrusive surveillance practices of the state in Nigeria, Nigeria has no adequate data protection legislation, to the standards of the European Union’s General Data Protection Regulation (GDPR), which comes into force May 2018. However, the Data Protection and Privacy bill currently before the Nigerian House of Representatives and the Digital Rights and Freedom Bill that was passed by the National Assembly last month, offer some hope of data privacy for Nigerians. The Digital Rights and Freedom bill in particular, which was drafted by a coalition of civil society, private sector and government actors, offers relatively comprehensive data protection cover for Nigerians, in line with standards seen in the GDPR.

**Lagos (HQ):** 2nd Floor, 385 Herbert Macaulay Way,  
Yaba, Lagos  
+234 1 342 62 45

2nd Floor, 39 Baale Street, Ajegunle, Lagos.  
+234 1 291 39 26

**Aba:** 3rd Floor, 17B Ngwa Road, Aba.  
+234 82 291 047

**Abuja:** 2nd Floor (Rock & Rule Suite), Discovery  
Mall, 215 Ademola Adetokunbo Crescent, Wuse II,  
Abuja.  
+234 9 291 63 01

**Kano:** 547 Warhu Hospital Road, Dakota Kawaji,  
Kano.  
+234 64 433 430

On the other hand, a number of legislations, such as the Terrorism Amendment Act and Hate Speech Bill, have been rapidly advanced through the legislative process by the federal government. Although these legislations were introduced to curb legitimate concerns relating to terrorism and hate speech in the country, there are serious concerns amongst civil society in Nigeria they might be used to stifle freedom of expression in the country, just as the Cybercrime Act has been used to harass journalists and bloggers.

## Conclusion

In May 2018, the European Union's General Data Protection Regulation (GDPR), which has become a global standard for data protection, comes into force. All over the world, in light of recurrent data breaches, the most recent of which is the Cambridge Analytica incident, enacting comprehensive data legislation which provide adequate protection for citizens' data has become a priority. Nigeria cannot be an exemption. We hope that authorities in Nigeria take the privacy of citizens as an urgent concern, and demonstrate this by accelerating Presidential assent for the Digital Rights and Freedom Bill, and by creating more transparency around surveillance programs, in line with international law and best practices, and as recommended in the Digital Rights and Freedom Bill.

Best Regards,

B.O.

Babatunde Okunoye

Research Officer

**Lagos (HQ):** 2nd Floor, 385 Herbert Macaulay Way,  
Yaba, Lagos  
+234 1 342 62 45

2nd Floor, 39 Baale Street, Ajegunle, Lagos.  
+234 1 291 39 26

**Aba:** 3rd Floor, 17B Ngwa Road, Aba.  
+234 82 291 047

**Abuja:** 2nd Floor (Rock & Rule Suite), Discovery  
Mall, 215 Ademola Adetokunbo Crescent, Wuse II,  
Abuja.  
+234 9 291 63 01

**Kano:** 547 Warhu Hospital Road, Dakota Kawaji,  
Kano.  
+234 64 433 430