#WorkInProgress: Internet Freedom Declaration for Nigeria

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
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Abstract

The purpose of the Internet Freedom Declaration for Nigeria is to articulate public expectations on internet freedom in Nigeria that is subscribed to by stakeholders, and most importantly, the citizens of the country.

Document

PREAMBLEThe purpose of this declaration is to articulate public expectations on internet freedom in Nigeria that is subscribed to by stakeholders, and most importantly, the citizens of the country.

GENERAL PRINCIPLES
The exercise of human rights on the Internet is an issue of increasing interest and importance as the rapid pace of technological advancement and the constant evolution of pervasive digital mediums give rise to novel legal rights, obligations and scenarios.

We believe that the same rights that citizens have offline, in accordance with the Constitution of the Federal Republic of Nigeria 1999 (as amended), must also be protected online, and should not be held to different standards.

INTERNET SURVEILLANCE AND LAWFUL INTERCEPTION
Citizens and lawful residents of Nigeria should be able to send electronic communications to one another free from the fear of surveillance, monitoring, interception or any other

violation of privacy. Where interference is unavoidable for the purpose of security, such interference must follow clearly defined processes as laid down by law.

DATA AND INFORMATION PRIVACY

1. We believe that there should be clarity on the means by which the private data of individuals, stored by intermediaries can be accessed. Requests for private data should follow legally stipulated procedures and court warrants should be necessary in order for an intermediary to honour a request for private data. This data request must be reported to the concerned individual.
2. Every private entity in Nigeria holding citizen data - personal details of private individuals - should release periodic reports detailing the nature and frequency of government requests.
3. All entities that collect, store and/or process personal data in the course of their activities should have data privacy policies that are readily and easily accessible to the public.
4. The National Assembly should pass a Data and Information Privacy Law to codify the rights of citizens in connection with data gathered about them.

ACCESS AND CONTENT

1. The right of citizens to access the Internet for the purposes of information gathering or sharing, conducting business and/or expressing personal opinion must be guaranteed. It should be illegal for government or any entity to deny or censor access to the internet without providing adequate and acceptable reasons.
2. Individuals and institutions have the right to create and access content on the Internet, and such content should not be subject to censorship. Notwithstanding the provisions of this paragraph, the relevant laws shall apply in cases where the content infringes on the rights of another citizen.

FREEDOM OF EXPRESSION

1. Pursuant to the foregoing general principles, we believe that freedom of expression and association as guaranteed by section 39 of the constitution also apply to the internet activities of Nigerian citizens and are thus sacrosanct, to the extent that they do not infringe on the rights of other citizens or constitute offences as stipulated by the constitution.

2. The forms of speech protected shall extend to novel forms of conversation introduced by digital mediums which include but are not restricted to "retweets", "likes", "favourites", "shares", online comments, joining groups on social networking sites and so on. All of these constitute speech and should enjoy the protected status of fundamental human rights.