

Audience Perception of Hate Speech and Foul Language in the Social Media in Nigeria: Implications for Morality and Law

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Abstract

This paper examined the phenomenon of hate speech and foul language on social media platforms in Nigeria, and assessed their moral and legal consequences in the society and to journalism practice. It used both quantitative and qualitative methodology to investigate the phenomenon. In the first place, the paper employed the survey research methodology to sample 384 respondents using questionnaire and focus group discussion as instruments for data collection. Findings from the research indicate that promoting hate speech and foul language on social media have moral and legal consequences in the society and to journalism practice. Findings also show that although, the respondents understand that hate speech and foul language attract legal consequences, they do not know what obligations are created by law against perpetrators of hate speech and foul language in Nigeria. The paper therefore, adopted the qualitative, doctrinal and analytical methodology to discuss the legal consequences and obligations created against perpetrators of hate speech and foul language in Nigeria. The paper concluded based on the findings that hate speech and foul language is prevalent on social media platforms in Nigeria and that there are adequate legal provisions to curb the phenomenon in Nigeria. It recommends among others things that the Nigerian government and NGOs should sponsor monitoring projects like the UMATI in Kenya to better understand the use of hate speech and that monitoring agencies set up under the legal regime should adopt mechanisms to identify and remove hate speech content on social media platforms in Nigeria.

Keywords: hate speech; foul language; social media; morality; law; Nigeria

Background to the Study

Journalism, which is concerned with news coverage and reporting, has often been seen as a tool for advocating and ensuring peace in the societies. This is one of the many roles journalists play in the society as ascribed by the social responsibility theory. In fact, the media should ordinarily be the conscience of the society; unfortunately,

in Nigeria today, media practitioners tend to be callous concerning their role as peacemakers, rather they serve as the machinery for promoting disunity, igniting crises and triggering hatred among the members of the society (Ali 2013: 1).

The recent trend in journalism malpractice in the country is the dissemination of hate speech and vulgar language. Indeed, the press fell to the trap of reporting hate speech by quoting directly from interviews, press statements, advertorials and sometimes from alleged online sources. A case in point is the 2015 general elections where popular media outlets in Nigeria, like AIT, Channels, Thisday, Vanguard and The Nation *inter alia* were flushed with campaigns by several political parties displaying crass abuse of the right of free speech including hate speech and other types of foul language (Olowojolu 2016:8). Despite the fact that some guiding journalism codes of ethic such as the Nigerian Media Code of Election Coverage and even members of the society rejected the use of such messages, hate speech and foul language filled the media landscape. It is worthy of note that hate speech and foul language in Nigeria are mostly inclined to religion or politics.

In general, description of hate speech tend to be wide, sometimes even extending to embody words that are insulting of those in power or minority groups, or demeaning of individuals who are particularly visible in the society. At critical times such as during election campaigns, hate speech may be prone to manipulation; accusations of promoting hate speech may be traded among political opponents or used by those in power to curb dissent and criticism.

Nonetheless, while still countering hate speeches in the traditional media, the emergence of new media has broadened the battlefield in combating the hate speech saga. The new media offers an ideal platform to adapt and spread hate speech and foul language easily because of its decentralised, anonymous and interactive structure. The prevalence of hate speech and foul language on social media bordering on political and national issues, and even social interaction in Nigeria, especially on Facebook, Twitter, YouTube and LinkedIn is becoming worrisome. This is because apart from undermining the ethics of journalism profession, it is contributing in bringing disaffection among tribes, political class, and religion or even among friends in the society. The Nigerian public is inundated with negative media usage such as character assassination and negative political campaigns at the expense of dissemination of issues that help them make informed choices.

Statement of Problem

In a situation where citizens become content providers and journalists or editors are not just supporters of particular political beliefs but play a fundamental part in setting national agendas leaves much to be desired. In Nigeria, the quest for power

and control, and the desire of politicians to win elections at all cost is overwhelmingly stronger than the will for the common good. These issues converge in shaping societal discourse by ardent users of the media and social media networks. The problem this paper intends to study therefore includes why hate speech and foul language plague the social media in Nigeria and what ramifications this nuisance has in the society and for the journalism profession. Most importantly, the paper investigates the consequences of these practices in the social media, to morality, ethics and law in the society.

Research Questions

1. What are the factors that motivate hate speech and foul language on social media networks in Nigeria?
2. What are the moral and ethical consequences of hate speech and foul language in the social media to journalism profession and the society?
3. What are the legal implications of using social media to promote hate speech and foul language in Nigeria?
4. Can hate speech and foul language on social media be constricted to conform to the ethical and moral standards of journalism profession?

Research Assumptions

This paper is based on the following research assumptions:

1. That promoting hate speech and foul language on social media has moral and legal consequences in the Nigerian society.
2. That this new trend of disseminating and publishing information has undermined the ethics of journalism profession and has negative implication on social media networks in Nigeria.

Review of literature

The nature and characteristics of hate speech is still very much uncertain in the literature. Hate speech is considered as any speech, gesture, conduct, writing or display, which could incite people to violence or prejudicial action. The UN Committee on the Elimination of Racial Discrimination (2013:4) notes that hate speech includes:

(a) all dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means; (b) incitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin; (c) threats or incitement to violence against persons or groups on the grounds in (b) above; (d) expression of insults, ridicule or slander of persons or groups or justification of hatred,

contempt or discrimination on the grounds in (b) above, when it clearly amounts to incitement to hatred or discrimination; and (e) participation in organizations and activities, which promote and incite racial discrimination.

According to Neisser (1994:337), hate speech refers to “all communications (whether verbal, written, symbolic) that insults a racial, ethnic and political group, whether by suggesting that they are inferior in some respect or by indicating that they are despised or not welcome for any other reasons”. On the other hand, Kayambazinthu & Moyo (2002) refer to hate speech as “war waged on others by means of words”. This understanding of hate speech is particularly true when it comes to hate speech on social media networks. Online hate speech is mainly characterized by the use of words and symbols.

As regards motivation of hate speech, many scholars have pointed out several factors, such as lack of tolerance, political clashes, discrimination, enmity and the openness of social media as motivating hate speech online. For instance, even before the emergence of social media, Spiegel (1999 p.375) predicted that the internet will be another communication tool for racists and “hate-mongers” to spread their messages, and Nemes (2002 p.193) considered the internet a very important channel for those who want to spread messages of hatred. Witschge (2008 p.75-92) however, presented a more balanced understanding of the Web’s potentials within political communication. On the one hand, he endorses Brant’s (2008) views of a “horizontal, open and user-friendly nature of the internet”, which affords people with opportunities for greater participation in the public sphere, on the other hand however, he subscribes to Dalhberg’s (2001) counter arguments that the Web might facilitate abusive postings and even contribute in silencing some voices. Finally, Witschge argues that whether the Web enables deliberation or not, it depends on how people utilize the opportunities provided online.

Stating the effects of hate speech, Leets (2002, p.223) says it violates the individual’s dignity, resulting in humiliation, distress and psychological or emotional pain. Similarly, Nemes (2002 p.220) avers that hate speech can provoke pain, distress, fear, embarrassment and isolation to individuals. While hate speech towards groups of people can bring inequality problems and isolation, it creates the feeling of fear and discourages them from participating in the community and expressing their opinions. Adding to the argument, Nielsen, (2002 p.265-280) avers that the degradation and humiliation brought by hate speech can silence the ‘victims’ and therefore reinforce existing hierarchies in society; while Parekh, (2006 p.213) says it can also lead victims to become aggressive and dangerous.

Deducing from the above, it is evident that hate speech is harmful and it needs to be curtailed, especially on the social media. However, scholars like Cornwell and Orbe

(1999) have pointed out a disturbing view about any attempt to limit hate speech, arguing that this would result in undue censorship. Brinks (2001) thus, presents this great dilemma in his work. He maintained that the regulation of hate speech might bring equality but it would affect liberty. Similarly, Downs & Cowan (2012 p.1354) have argued that “if speech is restricted, it silences those who may benefit largely from its expression”. Post et al (2009, p.123) observes that hate speech regulation imagines itself as simply enforcing the given and natural norms of a decent society but from a sociological or anthropological point of view, law actually only enforces the mores of the dominant group that controls its content.

According to Gagliardone et al (2015 p.13-15) online hate speech is not essentially different from similar expressions found offline; however, there are some specific characteristics as well as challenges unique to online content and its regulation. They summarized these characteristics as permanence, itinerant, anonymity or pseudonym and transnationality. On permanence, hate speech can remain online for long periods of time and in different formats across different platforms, and can be repeatedly linked. In this sense, the architecture of any particular platform influences how long topics ‘stay alive’. For instance, Twitter is built around the idea of trending topics, which may facilitate quick and wide dissemination of hateful messages, however, if topics are ignored, discussion rapidly fades; Facebook on the other hand, provides the opportunity for longer lasting discussion threads. Notwithstanding, online hate speech content may particularly be itinerant, which means that even when it is removed from one platform it may find expression elsewhere, possibly on the same platform under a different name or on different online spaces. If a website is shut down, it can quickly reopen using a web-hosting service with less stringent regulations or via reallocation to a country with laws imposing higher threshold for hate speech. The itinerant nature of hate speech also means that poorly formulated thoughts that would not have found public expression and support in the past may now arrive on spaces where they can be visible to large audiences.

Regarding anonymity or pseudonymity (false names), the possibility of anonymous posting on online social media networks tend to make perpetrators of hate speech more comfortable to express their feelings, because their hidden identities dissipate their fears of having to deal with any consequences of their action. Anonymity especially on social media may also be an obstacle to prosecution. Citron & Norton (2011) added that the internet itself facilitates anonymous and pseudonymous discourse, which can just as easily accelerate destructive behaviour as it can fuel public discourse. Lastly, the transnational reach of the internet enhances the effect of hate speech and poses complications regarding legal mechanisms for combating online hate speech. In addition, Kind and Sutton (2013) have added that the climate of online hatred is characterised by targeted discrimination, prejudice and violent attacks, which tends to cluster in time and space and drastically increase after so called ‘trigger events’.

Theoretical Framework

The empirical aspect of this paper can be best understood and analyzed from two theoretical perspectives: mediamorphosis theory and public sphere theory. Concerning the former, Fildler (1997) argues that media do not arise spontaneously and independently; rather, they emerge gradually from the metamorphosis of older media. This emergence results from the perceived deficiencies of the older media and denials of opportunities to citizens and their pressing need for participation in the communication process. Thus, the new media become a solace for satisfy of the citizens' need for information and communication. This theory is relevant in this paper in the sense that the inability of the traditional media (print and electronic media) to satisfy the pressing need of Nigerians to participate in the communication process has given rise to the adaption of social media in Nigeria by people of diverse backgrounds to communication nationally and globally. For instance, the anonymous or pseudonymous character of the social media allows participants to assume fictitious personalities and names to enable them communicate freely (including use of hate speech and foul language) without exposure to any social, political and legal consequences.

As regards the latter 'public sphere theory', Jurgen Habermas proposed the theory in response to what he considered as the massification and atomization of the public by the media. Habermas (1989) conceived the public sphere as an arena where citizens have unrestricted access about matters of general interest, based on freedoms of assembly, association, expression and publication of opinions without undue economic and political control. In support of Habermas' concept, Flichy (2010) argues that the Web 2.0 provides amateurs with opportunity to contribute to their themes of interest, confront different opinions and find an audience. In that sense, amateurs acquire an influence that not so long ago, was the exclusive privilege of professionals and experts. According to Flichy (2010), this social recognition of amateurs is particularly significant in the field of arts, popular culture, science and politics. In the case of politics, this democratization of 'debate' affects the fundamental parameters of the 'public sphere', because bloggers and internet users are not subjected to any form of control or gatekeeping. In Nigeria, the social media platform has emerged as the new public sphere having undefined boundaries with respect to freedoms of assembly, association and expression, without adequate regulation.

Methodology

The issues intended to be studied in this paper cannot be adequately treated using a single methodological approach. Thus, in the first place, we adopted the survey research design, which allowed us to investigate empirically the factors that motivate hate speech on social media networks in Nigeria, assess the moral impact of the practice in

the society and examine whether this can be constricted through the enhancement of journalism ethical standards. This method was however, inappropriate to investigate the second aspect of the paper, which borders on the legal consequences of hate speech in Nigeria. The qualitative, doctrinal and analytical approach shall therefore, be adopted to investigate this aspect.

Population of the Study

The study population for this research was the city of Makurdi, Benue State of Nigeria. According to the 2006 population census, Makurdi, the Benue State Capital had a total population of three hundred thousand, three hundred and seventy seven (300,377). However, according to the 2011 population projection by national population commission, the population of Makurdi is three hundred and forty eight thousand, nine hundred and ninety (348,990) (National Bureau of Statistics, 2012, p.27).

Sample Size

The sample size was statistically determined using the formula provided by Aroaye (2004). According to Araoye (2004, p.118) "this formula can be used where the population size is greater than 10,000

Therefore:

$$\text{Formula: } N = \frac{Z^2 P_2}{d^2}$$

Where:

N = desired sampled size (where population is greater than 10,000)

Z = the standard deviation usually set at 1.96 since a significant level of 95% is desired

P = the proportion in the target population estimated to have a particular characteristics under study. If there is no reasonable estimate, then 50% (i.e. 0.50) is used.

Q = 1.0-P (that is the proportion of the population that do not share the characteristics under-study)

D = degree of accuracy desired

Z = 1.96 level of significance set at 0.5

P = estimate set at 50%

$$P = 0.5 \text{ (i.e. } 50\% = \frac{50}{100}\text{)}$$

$$Q = (1-P) = 1-0.5 = 0.5$$

$$N = \frac{Z^2 P_2}{d^2}$$

$$N = \frac{(1.96)^2 (0.5) (0.5)}{(0.5)^2}$$

$$N = \frac{(3.8416) (0.25)}{0.0025}$$

$$N = \frac{0.9604}{0.0025}$$

$$N=384$$

Research Instrument and Administration

Questionnaire and focus group discussion were employed as the research instruments for the empirical aspect this study.

Data Presentation

A total of 285 respondents from a sample size of 384 were studied, this means that out of the 384 questionnaires administered, 285 representing a high response rate of 75% were successfully returned and studied while 99 representing the mortality of 25% were lost therefore nullified,

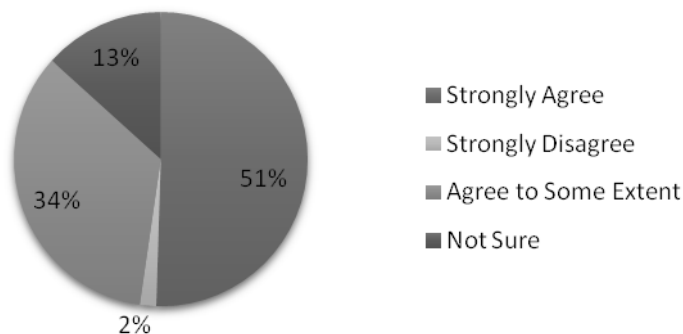


Figure 1: Frequency of the Prevalence of Hate Speech and Foul Language on social media in Nigeria

The pie chart above sought to know if the respondents agree that hate speech and foul language is prevalent on social media. From the chart, data distribution shows that 51% of the respondents strongly agree that hate speech and foul language is

prevalent on social media, 2% strongly disagree, while 34% agree to some extent and 13% are not sure. This implies that majority of respondents agree that hate speech and foul language is prevalent on social media.

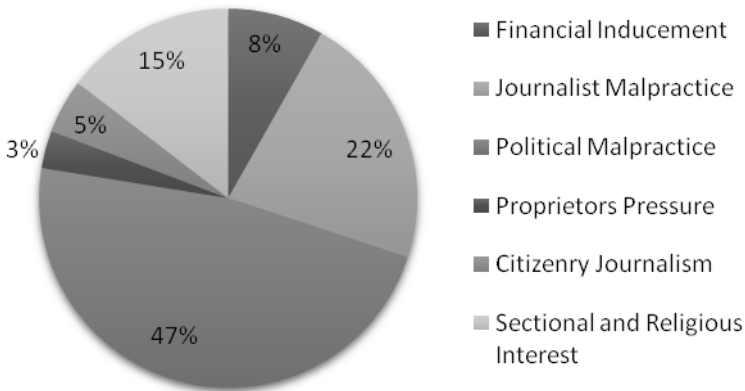


Figure 2: Factors Motivating the Publication of Hate Speech and Foul Language on social Media in Nigeria

The pie chart above shows the distribution of the respondents’ response on the factors motivating the publication of hate speech and foul language on social media in Nigeria. Data from the chart shows that 8% responded to Financial Inducement, 22% responded to Journalist Malpractice, 47% responded to Political Interest, 3% responded to Proprietors Pressure, 5% responded to Citizenry Journalism and 15% responded to Sectional and Religious Interest. Based on the data presented above more than one factor motivates the publication of hate speech and foul language on social media, however, majority of respondents were of the opinion that political motivation contributes more to the publication of hate speech and foul language on social media in Nigeria.

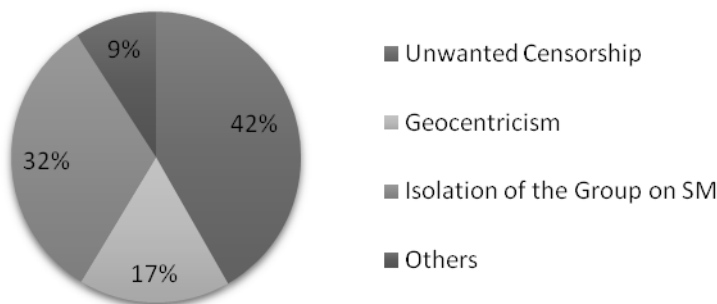


Figure 3: The implications of Hate Speech and Foul Language on social Media

The pie chart above shows the respondents' response on the implication of hate speech and foul language on social media networks in Nigeria. The data distribution shows that 41.6% of the respondents were of the opinion that hate speech and foul language on social media leads to Unwanted Censorship of social media platforms, 16.8% of respondents were of the opinion that it leads to Geocentricism, while 32.5% were of the opinion that it leads to Isolation of the Minority Group on Social Media. 9.1% of the respondents constitute others. Therefore, this implies that hate speech and foul language has several implications on social media however, majority of the respondents agree that it leads to Unwanted Censorship of the social media platform.

Focus Group Discussion

Data was generated from a focus group discussion. Issues were raised for discussion and pre-arranged questions were prepared by the researchers to guide the participants to focus on those issues. The first issue was the moral and ethical consequence of hate speech and foul language to journalism practice. The respondents (participants) agreed that hate speech and foul language have moral consequences to journalism practice. According to them, since journalists are supposed to set agenda for discussion, hate speech and foul languages may mislead the public into accepting or rejecting a person or group of individuals targeted by the speech. Also, it will surely lead journalists to lose their credibility in the eyes of the public and it also diverts the media from fulfilling their primary role which is serving the public interest.

The participants agreed that the Press affects morality in the society through their presentation of news stories, feature, programmes and pictures. To this end, the respondents contend that hate speech and foul language online can ignite crisis and discrimination in the society. In like manner, all the respondents agreed that hate speech and foul language online increase moral decadence in the society and prejudice and cultivate loss of morals among children especially at their formative stage. All the participants also agreed that there is need to take legal measures to regulate hate speech and foul language online in Nigeria; they however, denied having knowledge of any existing legal measure already in place to curb the menace of hate speech in Nigeria. On the other hand, all the participants agreed that the social media cannot be constricted to conform to the moral and ethical standards of journalism practice. Thus, responding to ways hate speech and foul language can be curb on social media, the participants suggested that the operators of each social media platform should device means of identifying and blocking or removing hate and foul language on their platforms. They also suggested that since perpetrators of hate speech and foul language are the minority, the majority in the society must respond by raising awareness on the need to maintain civility and tolerance, and avoid hate and foul language on social media.

Findings

The major findings of this study indicate that promoting hate speech and foul language on social media have moral consequences in the society and to journalism practice. These consequences include loss of credibility, diverting media from fulfilling their primary role of serving the public interest and increasing moral decadence in the society. Further findings indicate that freedom of speech on social media and political interest are the major factors that motivate the posting of hate speech and foul language on social media platforms in Nigeria and that majority of hate speech prevalent on social media platforms in Nigeria is politically motivated hate speech. Findings also reveal that hate speech and foul language has negative implications on social media as it leads to unwanted censorship of social media platforms among others. The study also found that although, most people in Nigeria are aware that there need to enact law to regulate the increasing spate of hate speech and foul language on the social media, however, they are unaware if there are already any existing legal measures against the practice in Nigeria. Finally, findings of the study established that hate speech and foul language on social media platforms cannot be constricted to conform to the ethical standards of journalism practice in Nigeria because most perpetrators of this practice are not journalist.

Legal Consequences of Hate Speech and Foul Language in Nigeria

As we stated earlier, this section of the paper is based on qualitative analysis using doctrinal methodology rather than the quantitative and empirical methods used above. The main question we intend to answer in this part is whether there are any consequences, in terms enforceable duties against perpetrators of hate speech and foul language on the social media in Nigeria. It is noteworthy that Nigeria, like most nations suffer from the difficulty of achieving a balance between the right of free speech and speech that is inimical to national harmony, unity and peace (OHCHR, 2011). Thus, section 45 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), provides for the suspension or restriction of the right of freedom of expression in appropriate situations:

“(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.”

This constitutional provision allows for the enactment of any law in Nigeria to restrict certain expressions for the above stated purposes. The obligation is also contained in Article 20 of the International Covenant on Civil and Political Rights (ICCPR), which Nigeria has ratified (by accession 1993). The provision of Article 20 specifically requires member states to enact laws to prohibit hate speech (Leo et al. 2011; Callamard, 2008: 8-9):

any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

In line with the above, Nigeria has enacted two legislations that have direct bearing on expressions of hate and foul language. Because of the phenomenon of politically motivated hate speech and foul language bordering on elections and party politics in Nigeria, the 2010 Electoral Act (as amended) in section 95 criminalizes the use of certain language or expressions during electioneering campaign:

“(1) No political campaign or slogan shall be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings.

(2) Abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political campaigns.”

Individual offenders of this section are liable on conviction to imprisonment for a term of 12 months or a fine of not more than one million naira (\$2300), while political party offenders are liable to a fine of two million naira (\$4600). Although, this provision may hardly pass as prohibition of hate speech even by the simplest definition of the term, and especially going by the rationale for inclusion of the provision in the Act, it nonetheless, prohibits foul language which is rife in Nigeria during electioneering campaigns. There is no doubt that such prohibition may forestall the use of certain political expressions that would lead to violence as the example of the 2007 Kenyan election so clearly shows. In this sense, the use of foul or abusive language has dire legal consequences for perpetrators during election periods in Nigeria. One obvious drawback of this provision however, is that it prohibits such offensive political conduct only during election campaigns, but evidence of political rivalry in Nigeria and indeed, the entire African continent shows a tradition of continuous violence between political parties that set the stage for power grab using all necessary means (Cohen 2015; Elischer 2008).

Apart from the Electoral Act, the Political Party Code of Conduct (2013) contain provisions that prohibit foul or abusive language and expressions of hate by political parties in Nigeria. Paragraph 7 of the instrument specifically provides that:

“No political Party or candidate shall during campaign resort to the use of inflammatory language, provocative actions, images or manifestation that incite violence, hatred, contempt or intimidation against another party or candidate or any person or group of persons on grounds of ethnicity or gender or for any other reason. Accordingly, no Political Party or candidate shall issue any poster, pamphlet, leaflet or other publication that contains any such incitement.”

Like the Electoral Act, this provision relates only to conduct of political parties during elections, and while it purports to regulate such conduct, it lacks any enforceable

mechanism and does not specifically prohibit hate speech. Thus, the Political Party Code of Conduct (2013) is a document that holds political parties and organizations in Nigeria morally accountable for political peace and stability, rather than impose legal duties and consequences.

On the other hand, the Cybercrime (Prohibition, Prevention etc) Act 2015 is a very different legislation that is very germane to our discussion in this paper. The Act is a national legislation that criminalizes various harmful conducts in the cyber space within Nigeria including hate speech on social media platforms. Unlike the Electoral Act, the Cybercrime Act clearly conceptualizes and criminalizes hate speech in its different forms in the cyber space in Nigeria. Section 26(1) of the Act makes it an offence to threaten or insult a person or group of persons through a computer system or network “for the reason that they belong to group distinguished by race, colour, descent, national, or ethnic origin, as well as, religion”. The section also criminalizes the distribution of “any racist or xenophobic material”, or material that “denies, or approves, or justifies acts constituting genocide or crimes against humanity” to the public through a computer system or network. Sub-section (2) of the section defines ‘racist or xenophobic material’ to mean:

“...any written or printed material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual, group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion.”

It also defines ‘crime against humanity’ to include:

“...any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murders, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds, enforced disappearance of persons, the crime of apartheid, other inhumane acts of similar character intentionally causing great suffering or serious bodily or mental injury.”

The penalty for conviction of a person under this section is imprisonment for a term of not more than 5 years or fine of not more than ten million naira or both. The section is broad enough to cover a wide spectrum of conduct and expressions of persons in the cyber space within Nigerian jurisdiction, including activities of persons on social media networks that may originate from offline sources. It not only criminalizes individual beliefs and utterances in form of words, images or symbols on any platform in the cyber space, but also forestalls any belief system credited to any group of persons in Nigeria. In this way, the section lies at the intersection of the major fault lines and

contradictions within the Nigerian polity that have the potential to ignite a system of hatred among the different ethnicities, political divisions and religions. This is already seen in the mindless atrocities committed by the Boko Haram sect against civilians mainly, Christians in the northern parts of the country, as a form of widespread and systematic attacks to enforce Islamic doctrines and values, which they publicly distribute in the cyber space through computer systems (Chiluwa & Adegoke 2013).

Apart from this section of the Cybercrime Act, the recent introduction of the “Digital Rights and Freedom Bill 2016” in the national parliament (national assembly) is another attempt to regulate the balance between free speech and expressions of hatred on online platforms in Nigeria. The proposed bill seek to restrict the right of free expression where an expression posted on any digital platform (defined as including “any internet-based mode of expression, s.13(3)) unduly contravenes the human rights of others, such as the right against discrimination and right to life (s.14(11)). Section 12(13) & (14) and section 16(3) of the bill clearly prohibits and penalizes hate speech. It defines hate speech as “any speech, gesture or conduct, writing or display capable of inciting violence or prejudicial action against, or by a protected individual or group, by disparaging or intimidating a protected individual or group on the basis of attributions such gender, ethnic origin, religion, race, disability or sexual orientation”. Section 16(3) specifically criminalizes hate speech online. It provides for a term of imprisonment of not more than one year or fine of not less than one million naira (about \$2300). In the event that any publication of hate speech online resulted in loss of lives and destruction of property, the publisher of such speech is liable on conviction to imprisonment of not less than seven years, or to a fine not less than five million naira (\$11,500) or both fine and imprisonment including compensation to the victims. In the case of a body corporate, upon conviction, a fine of not less than one million naira shall apply in addition to compensation to the family of the victims as the court may decide.

The above provisions of the proposed Act are very impressive both as deterrence and as remedial legal measures (compensation for victims) against the phenomenon of hate speech in Nigeria. However, the bill is yet to be enacted as binding law, therefore, perpetrators of hate speech and foul language in Nigeria may presently, only be accountable under the offences created in section 95 of the Electoral Act 2010 and section 26 of the Cybercrime (Prohibition, Prevention etc) Act 2015. Notwithstanding, an ancillary cause of action may arise in civil jurisdiction against any perpetrator of hate speech relating to the constitutional prohibition against discrimination and abuse of dignity under sections 34 and 42 of the 1999 constitution (as amended). This is because hate speech is essentially a form of discrimination (Morsink 1999) and indignity of the person (Pillay and Azriel, 2012).

Conclusion

Based on the findings of the empirical investigations in this paper, we conclude that hate speech and foul language is prevalent on social media platforms in Nigeria, and that it has both moral and legal consequences in the society and the journalism profession. We also conclude that although, hate speech has negative implications on the social media in Nigeria, perpetrators cannot be constricted to conform to ethical standards of journalism because of the wide spread usage of the social media by the citizenry who are not members of the journalism profession. It is therefore, the general duty of the law to prohibit hate speech in Nigeria, especially on the emerging new media. The paper thus, discussed the law applicable to hate speech and foul language in Nigeria particularly, on the social media, and examined the legal consequences of perpetrating the practice on the social media in Nigeria.

Recommendation

Based on the findings above, we recommend that the Nigerian government and NGOs should sponsor monitoring projects like the UMATI in Kenya to better understand the use of hate speech and foul language online by monitoring particular social media networking sites, blogs and online newspapers. We also recommend that media organizations and journalist who are morally inclined to ethical journalism should mobilize and conscientize the public through citizenship education to shun and confront hate speech and foul language online as part of their civic responsibility. On the other hand, we recommend a purposeful enforcement of the crime of hate speech by law enforcement agencies in Nigeria, to implement the provisions of the Electoral Act and the Cybercrime (Prohibition, Prevention etc) Act discussed above. Finally, in order to effectively regulate the use of social media to propagate hate speech and foul language, we recommend that both internet providers and the various social media management teams develop a program of moderation and censorship of content on their platforms to remove unwanted content relating to hate speech. We also recommend that the various specialized government agencies for censorship created under the Cybercrime Act begin to collaborate with internet providers and managers of social media platforms to censor content relating to hate speech, and considered inimical to national security in Nigeria.

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