

# COMMUNIQUE ON THE ROUNDTABLE ON SOCIAL MEDIA AND PUBLIC SECURITY

15<sup>th</sup> October, 2012

## INTRODUCTION

In today's modern world, Information Communication Technology (ICT) plays a central role in bridging the digital divide and reducing the whole world into a global village. Communication is a process whereby information is enclosed, packaged and communicated or disseminated. The importance of information in our modern world cannot be overemphasised. Today, with the existence of social media such as "Facebook", "Twitter", "Google Blog", "Whats App" and so on, the convergence of ideas has become very easy. Social media are web-based and mobile technologies that turn communications into active dialogue. Unfortunately, the problem that policy makers and parents in every jurisdiction are facing is the simultaneous existence of social vices or negative consequences perpetrated by some users of social media. We are aware of the activities of "hackers" "Wiki leaks phenomenon" "yahoo yahoo phenomenon" and quite recently, the Cynthia Osokogu's case amongst many others. These indeed have posed serious security threats and challenges to the international community, including Nigeria.

In order to adopt strategic measures that will enable all the stakeholders, including the Federal Government of Nigeria, to harness the benefits of social media as well as address the security threats posed by users of same; the Nigerian Institute of Advanced Legal Studies on the 15<sup>th</sup> of October 2012 organised a round table on Social Media and Public Security. The following were the themes of discussion:

- Online Social Networking: Dangers and Benefits
- Social Media and Criminal acts
- Publications on the Internet: Legal Implications
- Privacy and Public Security Issues in Social Networks
- An Overview of the Public Security Implications of Social Media
- The Social Media Phenomenon
- Social Media and Legal Regime
- Jurisdiction of Social Media Interface
- Regulating Social Media Interface

## OBSERVATIONS

1. The internet has made the world a global village by providing among others, a platform for the operation of social media. Social media is only a fraction of the internet hence both terms cannot be used interchangeably.
2. As at October 2011, Google+ had more than 40 million users, twitter had 200 million registered users, with 600 million searches on twitter every day. One video is uploaded per second on Youtube. As of 2011, Youtube had one trillion views, with 140 views per person. 57% of people talk to more people online than in real life. As at October 2012, Facebook had 1 billion users. 48% of 18 - 34 year olds

check Facebook when they wake up while 28% check Facebook before going to bed. More than 72% of teenagers make their personal information available and viewable online without adult supervision.

3. Research shows that between 2001 and now, at least, 75-85% of world population makes use of social networking and 90% makes use of instant messaging. In June 2012, Nigeria recorded 4,630,920 Facebook users.
4. Privacy is a major concern for social media users. User's information is shared with third parties while privacy settings revert to a less safe default mode after each redesign. Facebook has recently become publicly traded company. Information posted on Facebook can be used without recourse to the owner.
5. Normative and ethical issues become problematic with regards to privacy and data protection. Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR) forbid unnecessary interference with peoples' privacy, family, home or correspondence nor attacks on his person and reputation.
6. The right to privacy is an internationally recognised right which is respected in most jurisdictions through the enactment of various legislations such as the Data Protection Acts, Children's Online Privacy Acts and Video Privacy Acts.
7. Presently, Nigeria has no law on data protection. However, Section 37 of our Constitution guarantees privacy even while using social media.
8. Under the proposed Data Protection Regulation, users have the right to request companies to delete any information that they hold on them, this enables people delete their social media accounts.
9. The right to freedom of expression through social media is recognised as human right and protected under Section 39 of the 1999 Constitution of the Federal Republic of Nigeria (1999 Constitution) as well as under Article 19 of UDHR, Article of 19 ICCPR and Article 10 of African Charter on Human and Peoples Rights.
10. The social media tools give a false sense of anonymity providing an avenue for users to speak without inhibition.
11. In Nigeria, the right to freedom of expression and privacy are not absolute. Section 45 of the 1999 Constitution however provides that in the interest of defence, public safety, public order and public morality laws can be enacted to restrict freedom of expression and privacy.
12. In journalism, ethical standards of fairness and balance are still required as against individual users of the social media who are not subject to the same standards.
13. The difference between these two hyperlinks: "https://www" and "http://www" should be noted. The former is a secured site while the latter is unsecured. Security of websites is not absolute but measured by how easily a site can be hacked into, how promptly the intrusion to a site is noticed and rectified, and how quickly a collapsed site can be restored.

14. Through social media, social networking and exchanging information has become easy and convenient for both personal and business purposes.
15. Social media tools can be explored in search of information about education, jobs, schools, news, entertainment, shopping and many more fields. New interests and hobbies can also be found by the use of social media.
16. Employers now browse social media sites to screen potential employers as well as look for negative feedback about them.
17. Social networking can reduce loneliness and improve well-being. People who have difficulties with conventional socialisation process, such as those with Asperger's syndrome, experience great benefits using social media tools to socialise.
18. By virtue of Section 84(5)(c) of the Evidence Act 2011 every information uploaded on the internet is a potential evidence in court.
19. The increasing use of social media tools will contribute to loss of credibility of expert witnesses due to false information provided by them on the social media.
20. The suppression of free press even in so called democratic nations like the US has largely hindered the minority or oppressed groups having their say until the advent of the internet and explosion in the number social media tools.
21. The introduction of evolutionary and revolutionary ways to communicate and connect to the world using social media tools has contributed to building blocks in democracies and enabling oppressed voices to be heard.
22. In the Nigeria Elections in 2011, social media played a major role especially in appealing to the younger electorates and in the conduct of the elections.
23. Social media can be a dangerous tool if not used safely and cautiously.
24. Social media is a distraction to students in universities. Students spend well over 700 billion minutes on Facebook a month.
25. The risks associated with use of social media include cyber crime: fraud, murder, impersonation, malware, human rights violations, harassments, copyrights and intellectual property laws violations. A considerable number of youngsters now face cyber-bullying, internet threats, and child pornography.
26. Existing Nigerian Criminal Law is not proactive and comprehensive enough to address the emerging challenges of social media activities. Conducts, however heinous on social media, may not be criminal or punishable except specifically prohibited in a written law in which punishment is also prescribed.
27. Nigeria's national security is seriously threatened where undesirable conducts are neither criminalised nor punished.
28. Technology poses unique challenges to law, especially Criminal Law, in the sense of the electronic nature of social media content, identity of individual actors which is the core of criminal investigation, liability which must arise from specific laws enacted for that purpose, legal process and jurisdiction.

29. Nigeria is lacking in the area of capacity building in electronic evidence and forensic investigation.
30. Advance Fee Fraud and other Fraud Related Offences Act 2006, is currently the only law in Nigeria that deals with internet crime issues. The Act only covers the regulation of internet service providers and cybercafés, but does not deal with the broad spectrum of computer misuse and cyber crimes.
31. The absence of a comprehensive cyber crime law in Nigeria is detrimental to the country's criminal justice system.
32. The enactment of the Harmonised Cyber Security Bill into law has been delayed as result of lack of cooperation between the offices of the National Security Officer (NSO), National Communication Commission (NCC) and other stakeholders in the media industry.
33. The Nigerian courts are yet to have an effective electronic data management system compare to their traditional hard copy documents management system.
34. Young people who have no experience of a world without internet put less value on their real world identities. This constitutes a risk in their real lives.
35. Infidelity and divorce cases are increasingly being attributed to the use of social media.
36. The abusers of social media are mostly the unemployed and younger generations.
37. The vulnerability or exposure of users of social media tools to risk is more of a behavioural factor such as addiction and self-discipline to stay focus on constructive discourse.
38. The prevalence of copyright and trademarks infringements has increased with the ease at which social media users are able to distribute information that ought to be copyrighted.
39. Copyright and trademark laws in Nigeria will definitely be stretched to its limit in order to determine how best to protect copyright holders as well as the website operators and media providers that merely host information.
40. The effect of using social media tools spans multiple jurisdictions. This raises fundamental jurisdictional issues particularly in the area criminal justice administration.

## **RECOMMENDATIONS**

1. The Federal Government should expedite action in the process of enactment of the Harmonised Cyber Security Bill. A proactive approach should be adopted in regulating social media/internet interface.

2. There should be a balance between national security and safeguarding the human rights in the Harmonised Cyber Security Bill.
3. Anti-circumvention laws that prohibit circumvention of technological barriers for using social media websites should be enacted.
4. Nigeria should follow the lead of countries like Germany and the United States, which have constitutional provisions that guarantee free speech, but restrict some forms of expression, like obscenity.
5. Nigeria should borrow a leaf from the European Union and perhaps adopt the EU Data Protection Regulation to regulate social media in Nigeria.
6. Law enforcement agencies should develop their skills, technologies, and procedures to tackle the negative effects of social media.
7. There is need for capacity building in the criminal justice administration to meet new challenges posed by social media users. Judges should be trained in the light of the new Evidence Act, while the police, the States and Federal Government Counsel should undergo forensic investigation training.
8. Parents should use filtering and monitoring tools to provide effective layer of protection on their children.
9. Counseling, sensitisation and education on the negative effects of social media should be embarked upon at the family and institutional levels.
10. All institutions and organisations should adopt guidelines or policy standards in the use of social media.
11. It is recommended that some precautionary measures should be taken when using the social media. They measures are as follows:
  - Genuine Log in sites will never ask anyone to send them their password. So, if you get a message/email asking you to send your password, never reply, instead forward the message/email to the network's support or privacy department.
  - Profiles should be set to private and complex password should be used for online personal account.
  - Read safety tips on ALL Social Network websites.
  - Read privacy policies of websites before accessing them.
  - Do not disclose your addresses, phone numbers, or other identifiable information when using the social media.
  - Do not add people you do not know to your social network.
  - Scam websites can mask the image of a familiar website and phish passwords; always enter the web address directly.
  - Create domain name with special tags and tracking system capable to tracking devious social media users.
  - General permissions and restrictions within the boundaries of law must be created. The Federal Government should encourage the use of the age restriction and parental control options which are already being resorted to in the US.
12. Since the unemployed people are the major abusers of social media, it is highly recommended that jobs should be provided for them to keep them occupied.

13. The courts as a last resort of the common man should be ready to step in to protect the freedom of expression and privacy of citizens.
14. Websites should restrict access to users from jurisdictions that do not recognize certain activities (cyber crimes) as actionable offences.
15. There should be collaboration among government agencies such as Central Bank of Nigeria (CBN), Nigerian Communications Commission (NCC) and other stakeholders in the telecommunication industry for effective regulation of social media activities.
16. Social media users should timely report interactions that are considered inappropriate or offensive to law enforcement authorities.
17. It is necessary that new communication technologies be regulated to avoid endangering the media industry.
18. There is need for investment in technology to address cyber terrorism in sensitive areas like power stations and aviation.
19. There is also need for investment in research that will shape government policies and law on cyber crime. Nigeria should develop telecommunication and cyber law as a core academic subject to be taught in tertiary institutions in Nigeria either alone or as part of Criminal Law.
20. The control mechanism of the Internet Service Providers (ISP) should be strengthened.
21. The rate of cyber crime will be reduce if minimal fees is introduced that aims at reducing the number of social media users or accessibility to social media.
22. There should be a special regime for infrastructures that are critical to Nigeria's cyber security. For example, The CBN should mandate commercial banks and other financial institutions to replicate their financial data.
23. The Federal Government should engage in cooperative arrangements with other countries for the purpose addressing the jurisdictional issues involved in social media interface.

**Signed**

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**Director General**