

FREEDOM OF EXPRESSION AND SAFETY OF JOURNALISTS IN THE DIGITAL AGE

СВОБОДА СЛОВА И БЕЗОПАСНОСТЬ ЖУРНАЛИСТОВ В ЦИФРОВУЮ ЭПОХУ

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The issue of the safety of journalists has become topical the world over. Journalists and media workers around the world are increasingly being targeted, threatened, assaulted and even killed for performing their duties. This anti-press violence absolutely negates the freedom that journalists are supposed to enjoy as they carry out their functions, one of which is to uphold the

responsibility and accountability of a government to its people. Drawing on some theoretical insights and citing examples from documented cases of threat of arrest, deaths, withdrawal of broadcast licenses, proscription and general impunity against journalists, this paper examined freedom of expression and safety of journalists in the digital age. The paper argues that journalists, because of the peculiar nature of their work, should be at liberty to gather, hold, express and disseminate information and opinions with neither official nor unofficial restrictions. The paper makes recommendations on how journalists in the digital age can be provided with a safe and secure environment for practice.

Key words: *press freedom, mass media, freedom of expression, anti-press violence, digital age.*

В современных условиях остается актуальной проблема безопасности журналистов. Сотрудники СМИ все чаще подвергаются нападкам и угрозам, журналисты могут серьезно пострадать или даже погибнуть, выполняя свои обязанности. Насилие, с которым сталкиваются работники медиа, мешает им свободно выполнять свои функции, одна из которых — обеспечение ответственности властей перед обществом. Опираясь на некоторые теоретические положения, а также приводя примеры документированных случаев угроз арестом или убийством, отзывает лицензий на вещание, других противоправных актов в отношении журналистов, авторы изучают свободу слова и безопасность журналистов в цифровую эпоху. В работе обосновывается тезис о том, что журналисты, ввиду специфики их профессиональной деятельности, должны обладать свободой собирать, хранить и распространять информацию или мнения, не сталкиваясь при этом с какими бы то ни было

формальными или неформальными ограничениями. В работе предлагаются рекомендации в отношении того, как в цифровую эпоху могут быть обеспечены безопасные условия для деятельности журналистов.

Ключевые слова: *свобода прессы, СМИ, свобода слова, насилие в отношении журналистов, цифровая эпоха*

Introduction

Several definitions of press freedom have been postulated over time. Although there seems to be no single, acceptable definition of this concept, scholars (Oso, 1998: 45–74, McQuail, 2005; Oloyode, 2005; Okoye, 2007; Hachten & Scotton, 2007; Garton, 2011) are unified in the belief that freedom of the press presupposes independence of the media to disseminate diverse ideas and to provide citizens with access to, and the opportunity to participate in, an exchange of information and opinions. Alabi (Alabi, 2003), cited in Okoye (Okoye, 2007: 47), defines press freedom as the unrestrained right that the press has to publish or broadcast what it deems fit for the public. Onogurowa (Onogurowa, 1985) cited in Okoye (Okoye, 2007: 47) defines press freedom as the right of the press to publish without being subjected to intimidation, threat, molestation or blackmail. In the same vein, Okoye (Okoye, 2007: 47) defines press freedom as “the liberty to gather, hold, express and disseminate information and opinions without official or unofficial restrictions via written and unwritten laws and actions”. Okoye (Okoye, 2007: 52) further defines press freedom as ‘the liberty of the mass media to do their duty of informing, educating and entertaining the public without prior official censorship’. Oloyode (Oloyode, 2005) adds that freedom of expression is the ability to

openly communicate one's views to other people either through the written word or through non-verbal means such as art, music and fashion. This invariably implies that those who work as journalists, whether for print, broadcast or social media, and those who engage in the now very popular citizen journalism, have the right to, as Aviyar (Aviyar, 1979) cited in Okoye (Okoye, 2007: 47) puts it, "report facts honestly and faithfully, even if they prove inconvenient or embarrassing to someone". Leman (Leman, 2013: 1), on the other hand, conceives of safety as implying freedom from danger and, in the context of our discussion, the safety of journalists thus implies protection from a range of threats that journalists face in the discharge of their duties – such as arrests, legal action, imprisonment, kidnapping, intimidation, bombing, killings and so on. Leman does not discuss political interference in the media, economic concerns emerging from media concentration and various other forms of harassment, including violence against journalists.

As professionals who bring government activities to the people and who, in turn, bring people's attention to government, any violation of journalists' rights also entails violations of the right of citizens to access information and knowledge. Since the fundamental role played by journalist in governance and in the functioning of societies puts them at risk, their safety deserves special attention.

It is pertinent to clarify that the term "press" is used in this paper interchangeably with the word media. Opubor (Opubor, 1985) cited in Ojete (Ojete, 2008: 61) defines the mass media, including television, radio, newspapers, magazine and the internet, as "social institutions for generating and transmitting standardized messages to large, wide, dispersed and heterogeneous audiences, of who are not necessarily known to the source". On the other hand, Momoh

(Momoh, 2008) cited in Akinfeleye (Akinfeleye, 2008: 148) defines a journalist as any person who is wholly, solely and exclusively involved in the collection, collation and dissemination of information, and has been accredited for the purpose of producing materials for use in the media/mass communications. Similarly, “digital age” is used in this paper to describe a shift from the traditional press industry originating in the Industrial Revolution to an economy based on Internet-enabled information computerization. It is that shift that has birthed social media, and quite clearly this innovation, which has created a participatory online media where news, photos, videos and podcasts are made public via submission to websites, has widened the scope of freedom of expression. Amobi and McAdams (Amobi, McAdams, 2014) describe social media as highly interactive Internet-based platforms or channels that use readily accessible techniques to facilitate the exchange and sharing of information, and to engage in other forms of social interaction. They view social media as supporting the democratization of knowledge and information access, and as a phenomenon, that converts people from content consumers to content producers.

No doubt, social media has given news organizations additional channels to receive and disseminate information quickly (Jewitt, Dahlberg, 2009: 233–246). The emergence of new technologies that allow for expression has reshaped the landscape of the wider debate on freedom of expression. According to Stassen (Stassen, 2010: 1–16), it has provided a line of communication between the reporter and ordinary citizens. Indeed the emergence of social media has dramatically reshaped the ways in which we are able to express ideas. Outside the traditional media, people now set up blogs and news websites and by just a click of the send button, they engage in communication with millions of people. Stassen

(Stassen, 2010: 1–16) observes that in earlier decades, the ability to communicate ideas to a large audience was dependent upon being able to publish and getting what is to be published moderated through an established system with rules and guidelines. But Hachten and Scotton (Hachten, Scotton, 2007) averred that, all that has changed now with the internet enabled social media, which has made it possible for a vast amount of original and unique work that has not gone through a rigorous editing process to be shared, thus creating room for a previously unthinkable amount of freedom of expression.

Indeed, with social media, which has undoubtedly transformed freedom of expression from a largely private phenomenon into a predominantly public one, and which, has made sharing of information online possible, the specter of the danger against journalists and journalism practice has been raised. As Vinton (Vinton, 2012) alludes, the intimidation and harassment which journalists working in the traditional media face have now been transferred to journalists working online in the face of growing portions of journalistic activity taking place on the internet.

While it is philosophically desirable to have complete freedom of expression, the problem that has risen in this digital age is how to draw the line between what is offensive and what is not, since there are instances in which one person's right to free expression leads to another person's safety and integrity being jeopardized. Although the current debate regarding the limits of freedom of expression is beyond the scope of this paper, the point that is worth restating is that, the effect of the rapid rise of information technology now means that new points have emerged in a short space of time and old points must once again be reformulated to take account of the changing world (Hachten, Scotton, 2007). While social networking sites like "Twitter" and "Facebook" facilitate expression to a wide

audience, web administrators, bloggers, reporting citizens and others working online (whose sites have been deemed abusive or offensive) have joined traditional journalists in the ranks of those who, according to Muiznieks (Muiznieks, 2016), are at risk of retaliation by state authorities or interest groups. More than ever before, freedom of speech and of expression for journalists working online and offline has remained constantly under threat. Globally, journalists often subject their lives to significant peril in their bid to convey their stories unreservedly. Concurring, Muiznieks (Muiznieks, 2016) states that there exist new limitations on the exercise of fundamental rights, including the right to receive and impart information for those working online. Muiznieks is also of the opinion that there is an artificial distinction between the exercise of freedom of expression online and offline.

This paper examines freedom of expression and safety of journalists in the digital age. The next section was devoted to a brief examination of press freedom in the digital age and in the developing world. That discussion would lead to an examination of the Constitutional and Legislative Framework of press freedom and freedom of expression globally, and in Nigeria. The other sections were devoted to a brief examination of current trends in freedom of expression globally and in Nigeria and recommendations for safeguarding journalists in the digital age.

Press freedom in the digital age and in the developing world

Currently a growing portion of journalistic activities takes place on the Internet. Journalists and even citizen-journalists, most of whom express critical opinions, find the platforms that are

available in the digital age convenient to reach out faster and to a broader audience than was previously the case. With the Internet, free information about corruption, maladministration, unethical behavior by public officials and businesses, as well as, serious human rights violations are reported in the public interest to people around the world. However, as these bloggers, citizen journalists and others join traditional journalists in news dissemination, they are faced with old and new threats daily. Emenalo (Emenalo, 2015) affirms that the threats, which include violence, intimidation, prosecution for lawful speech, judicial harassment and surveillance of those reporting, are real and have continued unabated all over the world. And this is despite the fact that most countries have expressed in legal terms an obligation to create an appropriate regulatory framework to ensure the effective protection of freedom of expression for journalists, irrespective of the media platform. Emenalo (Emenalo, 2015) submits that in fact, the relatively recent arrival of the Internet and the rapid evolution of technology appear to have created a space where freedom of expression can, in practice, be limited even further than is mandated by international standards. Emenalo points to threats such as prosecution for legitimate online news broadcasts, arbitrary filtering, blocking and unjustified surveillance as typical illustrations of how the status of the Internet as an open space has been jeopardized. Thus, in his view, in the digital age bloggers, online journalists and citizen journalists have joined traditional journalists in the ranks of those who are at risk of retaliation by state authorities or interest groups.

Generally, the media – whether traditional or Internet enabled – do not operate in a vacuum. Their content, reach, freedom and their audiences are usually determined by the context, in this case the socio-political system, of the nation in which they operate.

Therefore, function and character differ according to the socio-political, economic and cultural structures wherein they operate. Essentially, the press and the freedom it enjoys always take on the form and coloration of the social and political structures in which it is embedded. Sielbert, Peterson and Schramm, cited in Akinfeleye (Akinfeleye, 2008: 124), agree but they add that to see the difference between press systems in full perspective, one must look at the social system in which the press functions. Conversely, the press in any society reflects the system of social control whereby the relations between individuals and institutions are adjusted. In discussing the true nature of press freedom as a major part of the mass media system, Omwanda (Omwanda, 1991: 23) posits that it is the social system that structures the mass media system, which in turn informs the nature of journalistic practice. Omwanda (Omwanda, 1991: 23) submits that the structure of a news media system (including its freedom) is dictated by politics and economics, and to a certain extent shaped by geographical, linguistic and cultural forces. Deductively, the concept of press freedom prevailing in the developing world is that of development media/development journalism theory, a term which first cropped up in the 60's to define a notion of journalism according to which the reporting of events of national and international significance should be constructive, in the sense that it contributes positively to the development of the country concerned.

One of the leading proponents of the development journalism theory, McQuail (1987) states that the theory canvasses media support for an existing government and its efforts to bring about socio-economic development. The theory argues that until a nation is well established and its economic development well underway, media must be supportive rather than critical of government, but assist them in implementing their policies. According to McQuail

(1987), development media theory seeks to accentuate the positive and it nurtures the autonomy of developing nations and gives special emphasis to indigenous cultures. McQuail adds that it is both a theory of state support and one of resistance to the norms of competing nations and competing theories of media. And as the name implies, the theory relates to media in third world nations. It favours journalism that seeks out good news, requires that bad news stories be treated with caution, for such stories could be economically damaging to a nation in the delicate throes of growth and change.

In addition, the media is seen to fulfil particular social and political duties; hence media freedom, while desirable, should be subordinated to national integration, socio-economic modernization, promotion of literacy and cultural creativity. Omwanda (Omwanda, 1991: 32) captures this sentiment succinctly when he opine that to the extent that development is the main agendum of the “Third World”, journalists are supposed to subordinate their freedoms to the pursuit of development goals.

Essentially, the theory focuses on long-term development processes and advocates positive functions for the news media to further national development promote political and cultural autonomy and allow for participatory communication structures, which enable grassroots involvement in media production and management (Omwanda, 1991: 36). According to McQuail (McQuail, 1987), the main principle of development media theory is that the media should accept and carry out positive development tasks in line with nationally established policy. The theory emphasizes that freedom of the media should be accepting of restrictions in line with the economic priorities and development needs of a given society, and also that media should give priority in their content to national culture and language. Similarly,

the theory stresses that media should give priority to news and information linked with other developing countries which are close geographically, culturally or politically; journalists and other media workers have rights/freedoms as well as responsibilities; and in the event that the interests of development are not honored, the state has a right to intervene in, or restrict, media operations and devices of censorship; subsidy and direct control can be justified.

Deductively, a conclusion can be reached to the effect that press freedom in the developing world is conceived and defined in accordance with the collective developmental purpose of society. The individual's right to publish his or her sentiments in or through the news media is recognized and protected as in the western tradition provided such sentiments do not run counter to developmental goals of society as perceived by sometimes elected but mostly self-appointed political leaders. Also, as Omwanda (Omwanda, 1991: 36) argues further, the right to own and operate, majorly, the print news media is also guaranteed within the same bounds. Similarly, censorship, prior, post, and direct control by government are considered legitimate where the government feels that the press is about to or has transgressed.

However, advocates of a free press have contended that curbing press freedom is not the panacea for socio-political stability and national development. They argue that in spite of the prevalence of the lofty explanations for developmental journalism or the theory of press freedom in developing countries, the political leadership of developing societies have mainly restricted the freedom of the press because of the fear that a free press will readily unearth the staggering proportions of graft, ineptitude and mismanagement inherent in the ruling class (Ogbondah, 1994: 25). The advocates for a free press canvass a situation where the expression of principles of development journalism need some fine-tuning, to make them

more useful and acceptable to all conscientious journalist, as working guidelines.

Although they subscribe to the normative truism that the press always takes on the form and coloration of social and political structures within which it operates, they argue that prior to the advent of development journalism, there exist certain journalistic values and conventions (some of which are promoted by the libertarian and social responsibility theories) which are cherished by media professionals in most parts of the world, and which therefore impinge on their manner of operation and on their self-perception. On that basis, the theory is both a theory of state support and one of resistance to the norms of competing nations and competing theories of media that we find the development media theory appropriate for this discussion.

Constitutional and legislative framework for freedom of expression in the digital age

While there is no specific global legal instrument that deals exclusively with protecting the personal security of journalists, there exist sufficient international, regional and national legal instruments to provide journalists with the necessary guarantees against abuse and violation of their rights. According to Daramola (Daramola, 2003), the right to freedom of speech and expression has been variously formulated and incorporated in different international instruments and covenants. He observes that nations and international organisations adopt the principle of freedom of thought and opinion in their constitutions, or as a part of international instruments, or by covenant. In fact, the right to freedom of speech as one of the basic human rights is enshrined

in major international human rights documents. The International Human Right Law is replete with specific provisions, such as those featured in the Universal Declaration of Human Rights (UDHR) and the International Convention on Civil and Political Rights (ICCPR), which provide for protections such as the right to life, freedom of expression and the right to personal liberty and integrity.

Thus, the safety of journalists has become topical worldwide. In spite of the fact that the safety of journalists is globally and ideally guaranteed by Article 19 of the Universal Declaration of Human Rights and enshrined in the constitution of almost all countries, journalists and media workers around the world are increasingly being targeted, threatened, assaulted and even killed for performing their duties. Specifically, Article 19 stipulates:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers”.

Similarly, the Nigerian constitution expressly provides that the press shall at all times be free to uphold fundamental objectives spelt out in the basic law, especially the responsibility of holding government accountable and responsible to the people. In Section 22 of the 1999 Constitution, even as amended, the Nigerian Constitution stipulates as follows:

“The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objective contained in this chapter and uphold the responsibility and accountability of the government of the people”.

However, despite the enshrinement of the freedom of expression in Article 19 and in the constitution of several nations of the world, its applicability, especially in developing societies or developing countries, has often been ignored (Duh, 2014). Duh observes, that

the provision on press freedom as articulated in Article 19 has so far not brought about the level of freedom of the press that might be expected internationally, because there are no legally binding mechanisms that guarantee its implementation. He notes that many transition countries (developing societies) that are signatories to the declaration have often neglected to implement the requirements of press freedom.

Clearly, anti-press violence absolutely negates the freedom that journalists are supposed to enjoy as they carry out their functions. It is perhaps for that reason that Okoye (Okoye, 2007) and Okunna (Okunna, 1990) advocate that those who work in the media should enjoy the liberty to discharge their duties without hindrance, as the freedom they enjoy will enable them to monitor those in authority who are capable of making decisions and spearheading actions that are detrimental to society. Okoye argues that press freedom is an essential ingredient of a democratic culture. In agreement, Nam (Nam, 1983: 319) observes that throughout political, scientific, and philosophical history it has been the ability to freely express ideas that has led to progress. Besides, he argues that the ability to have a voice for people's own ideas, as well as access to the ideas of others, provides society with the ability to operate freely and move forward. Bussiek (Bussiek, 1995: 271) asserts that the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation and for economic development.

Interestingly, the essential stature of press freedom and freedom of expression to any society has even been underscored by several world leaders. UN Secretary General Ban Ki-Moon in a message on the occasion of the commemoration of the 2016 edition of the World Press Freedom Day in Geneva, Switzerland reiterated the need for traditional or digital journalists to speak freely and securely

when he said: “Everyone has a voice and must be able to speak freely and in safety”.

Similarly, the centrality of freedom of expression to democracy was underscored by Nigeria’s Minister of Information, Alhaji Lai Mohammed at the 3rd Forum on China-Africa Media Cooperation in Beijing, China on June 10, 2016. In a remark at the occasion, the Minister had said:

“Under this dispensation, we have never even contemplated stifling the freedom of the media not to talk of hounding them to death... Not a single journalist is in detention in Nigeria today. The government of the day is not a threat to the media, and it is not about to stifle press freedom or deny anyone his or her constitutionally guaranteed rights”.

There appears to be an increasing global acceptance that freedom of expression is necessary to provide self-fulfillment and to understand diversity and differing perspectives, as the expression of thoughts and feelings is part of humanity. Akinfeleye (Akinfeleye, 2015) views freedom of speech as constituting one of the essential foundations of any democratic society. For Akinfeleye, freedom of expression and press freedom are components of good governance and sustainable development. He asserts that it is one of the basic conditions for the progress and for the development of society.

However, despite the awareness that freedom of expression is a sine qua non for the progress and development of a democratic society freedom of expression and of the press has remained one of the main challenges facing most developed and developing societies. Journalists and media workers around the world are continuously under attack, nearly every day. They are increasingly being targeted, threatened, assaulted and even killed in the course of their official duties. There are reported cases of intimidation, bullying, violence, physical attack and more recently cyber-attack from governmental

and non-governmental organisations and individuals whose ultimate goal is to gag or censor them. Various international, regional and national bodies, including UNESCO and Media Rights Agenda, have documented cases of threat of arrest, deaths, withdrawal of broadcast licenses, proscription and general impunity. Donedo, cited in Madueke (Madueke, 2013), captures the violence that hovers over the practice of journalism in Nigeria and around the world succinctly when he opined that “Death threats to lives and beatings have become recurring decimals in journalism while fear is not too far away more from the newsroom”. Clear infringements of provisions of statutes that guarantee the safety of journalists have made the issue become topical, the world over.

Suffice it to add that, besides Article 19 of the Universal Declaration of Human Rights (UDHR), cited earlier, there is Article 10 of the European Convention on Human Rights (ECHR), which provides as follows:

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises”.

Similarly, another international instrument – the International Covenant on Civil and Political Rights (ICCPR) – reads as follows:

“Everyone shall have the right to hold opinions without interference; everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

In the same vein, Articles 4, 5, 6 and 9 of the African Charter on Human and People’s Right guarantee the right of the

individual against arbitrary deprivation of the right to life (Article 4), prohibition of inhuman and degrading treatment (Article 5) and the right to freedom of expression (Article 9), among other provisions. Furthermore, other regional instruments, including the Arab Charter on Human Rights and the American Convention of Human Rights, guarantee the right to freedom of expression and the right to liberty for individuals including journalists. All these and many other international documents clearly guarantee the right to freedom of speech and expression. Koch, cited in Akinfeleye (Akinfeleye, 2008: 171) observes that freedom of speech is grounded in the First Amendment to the constitution in the United States. As he puts it:

“It finds its form in the ongoing process of constitutional adjudication as rulings by the supreme court evolve general principles out of particular judgments, responding pragmatically and provisionary to such problems as radical dissent, illegal conduct, libels... to mention only some”.

Therefore, the legal framework internationally and regionally seems comprehensive in scope. However, in spite of the existence of these laws, several countries of the world including Nigeria still feature prominently on the list of nations that are notorious for unpunished, deadly, violence against representatives of the press.

Nigeria also has a legal framework that protects journalists and guarantees freedom of the press. Journalists are protected in Nigeria through a number of legal instruments including the constitution of the Federal Republic of Nigeria and the 2011 Freedom of Information Act (FOI Act). For instance, there are specific provisions in chapter II (Section 14, 2b; section 17, 2b; section 17, 3c) and in chapter iv (section 33, i; section 34, i; section 35, i) and section 38, i, which provide “that every person shall be entitled to

freedom of expression including freedom to hold opinion and to receive and impart ideas and information without interference”.

Similarly, the FOI Act makes public records and information more freely available, provides for public access to public records and information, protects public records and information to the extent consistent with the public interest and the protection of personal privacy, protects serving public officers from adverse consequences for disclosing certain kinds of official information without authorisation and establishes procedures for the achievement of those purposes. The existence of legal frameworks should protect journalists and guarantee freedom of expression and the press. The only caveat is that because there is no freedom that is absolute and unlimited, these international documents also provide for restrictions and respect for these rights.

Current trends in freedom of expression and press freedom: globally and in Nigeria

Globally, press freedom has become increasingly worrisome. The dangers facing journalists have remained unchanged over several decades. From New York to Cairo and from Cairo to Australia, the list of journalists who are either murdered, detained, restricted and indiscriminately attacked while performing their invaluable roles has continued to grow. Indeed the broad range of attacks, violence, prosecution, intimidation, restriction, judicial harassment and surveillance of journalists performing their duties has continued unabated in the digital era, including in Nigeria. Although sections in the Nigeria Constitution, like section 39 (1) and section 39 (2) of the 1999 constitution as amended, provide the legal basis for journalism practices, journalists both those in

the traditional medium and those working in the digital divide like bloggers and citizen reporters have continued to be at the receiving end of unwarranted attacks. In fact, recent research conducted by the Committee to Protect Journalists (CPJ) shows that about half of the journalists behind bars at any given time work primarily online, and a majority of them work without institutional support, with neither insurance nor legal backing.

Abundant evidence indicates that journalists have been abused and, in worst cases, killed while performing their duties. In 2014, UNESCO released a report on world trends in freedom of expression and media development with a special focus on digital communication and the safety of journalists. The report, which UNESCO released to mark the International Day to End Impunity against Journalists, celebrated every November 2 since 2014, also focused on protecting sources in the digital age and the role of internet intermediaries in fostering freedom online. The report revealed the continuation of very high impunity rates against journalists globally. Specifically, the report revealed that in 2013, killings amounted to 91 deaths, which UNESCO described as a decrease by a quarter compared to 2012 (123 killings globally). In addition, the UNESCO report revealed that, overall, the Arab states region registered the highest number of killings of journalist at 190 deaths (32%) of the total recorded killings globally. Asia and the Pacific accounted for 179 deaths (30%), Latin America and Caribbean region 123 deaths (21 percent), Europe and North America region accounted for 25 deaths (4%) while the African region recorded 76 deaths representing 13%. With the increase in violent armed conflicts and terrorist activities, UNESCO envisages that journalists stand the risk of being more exposed to danger over time. It explains why the over 100 participants who recently met in Brazil under the auspices of UNESCO to assess major challenges facing journalists in the digital age concluded that media workers,

including bloggers, should be protected as they face many challenges including licensing issues, protection of sources, accreditation and ethical responsibility.

Instructively, freedom of expression and opinion, which is the fulcrum around which the press revolves, is a universal human right. As the 99th member of the United Nations Organization (UNO), the Universal Declaration of Human Rights is binding on Nigeria. Moreover, by its membership in the UNO, Nigeria assumed an obligation towards the realization of the principles enunciated in the declaration. However, it does not appear that Nigeria has been faithful to that obligation as evidenced by the fact that the country, like most countries in Africa, has its fair share of cases of death and abuse of journalists while performing their duties. According to Okpara (Okpara, 2015), the danger faced by journalists, the nature of the violations of their rights, the institutions and persons responsible for such violations and the actions taken or not taken to promote the safety of journalists, have been sources of serious concern in Nigeria. Findings have revealed many documented violations of the rights of journalists through assault, abduction, killing and destruction of their working equipment. A cursory look at the CPJ index of journalists who were killed in Nigeria between 1996 and 2013 reveals that 19 journalists were killed, with the most recent being the reported assassination of Ikechukwu Udendu of Anambra News on January 12, 2013. As Madueke (Madueke, 2013) observes, the figure of the 19 slain journalists is small when compared to the number of deaths recorded in Nigeria in 2012. According to Madueke (Madueke, 2013), 13 Nigerian journalists were killed in 2012 alone in active service, a figures which the CPJ considered the highest in the history of Nigeria since independence. Similarly, Azuakala (Azuakala, 2013) in a report published on www.thescoopng.com indicates that Nigeria in the decade after 2009 was

ranked as the 11th worst in the world in combating deadly anti-press crime. The website listed some of the known cases of threats, abuse and death involving journalists in Nigeria, including the killing of Zakariya Isa, a reporter with the NTA in October 2011. Unknown gunmen in his home in Maiduguri shot the journalist. In addition, on 19 January 2012, a radio journalist with Highland FM, Jos, Nansok Sallah was killed. His body was found 200 metres from a military checkpoint. It was believed to be a targeted murder because nothing of value was taken from him.

Similarly, Enenche Akogwu, a reporter with Channels Television, was murdered in Kano while covering a terrorist attack. In the same vein, four reporters of Leadership newspapers were on April 8, 2013 detained without charge (Azuakala, 2013). The police said the reporters were detained for investigation into stories they published about a plan by the Presidency (then controlled by the ruling People's Democratic Party – PDP) to sabotage opposition political parties that merged as the All Progressive Congress (APC) to challenge the then ruling party. Also, last year (2015), the CPJ in a petition to the Inspector General of Police published on their website www.cpj.org, complained of how Yomi Olomoye, publisher of Prime Magazine, a monthly community magazine was beaten into a coma at the Seme border allegedly on the orders of men of the Nigerian Customs and Excise. There is also the reported case of a journalist with the Vanguard Newspaper Emmanuel Elebeke who was reportedly beaten by officers of the Nigerian Prison Service after he allegedly took pictures of three suspects accused of murder. There are many more cases of abuse and threats, which are sobering reminders of just how little press freedom exists in Nigeria and many parts of the world. What is common in all of the cases is that there has been no justice: no arrest or charges in connection with the arrest and killings.

Even, structures like the Nigerian Press council (NPC) and the Nigerian Union of Journalists (NUJ), charged with protecting the rights and privileges of Nigerian journalists, have not been able to adequately provide cover and protection for journalists in the country. Clearly, neither organs seems to be effective, nor even sensitive to the plight of journalists in this country. Akpan (Akpan, 2015) observes that both journalists and the public do not feel their impact even on significant issues of public interest involving journalists. Ebele (Ebele, 2013) notes that even though protection of the rights and privileges of journalists is an integral part of the function of the NPC and the NUJ, both organs – the first government established, and the latter privately driven, have been casual in taking up matters that border on infringement of the rights of journalists. Although Akpan (Akpan, 2015) acknowledged that the NUJ has been consistent in their determination to institute a welfare and insurance package for Nigerian journalists, he reasoned that what should be of utmost priority to the NUJ is ensuring that the government respects its own commitment to press freedom and freedom of expression, and should guarantee a normalized commitment to shun interference and media harassment. In agreement, Ebele (Ebele, 2015) thinks that in addition to the planned insurance and welfare scheme for journalists, the NUJ should as a matter of urgency undertake all necessary measures to ensure effective protection of journalists against violence, threats and harassment from both state and non-state actors.

Conclusion and recommendations

This paper examines freedom of expression and the safety of journalists in the digital age. It examines current trends in

freedom of expression globally and in Nigeria, and examines the Constitutional and Legislative Framework of press freedom and freedom of expression globally and in Nigeria. The paper confirms that more than ever before, freedom of speech and of expression for journalists working online and offline has remained constantly under threat. It also analyzes new limitations on the exercise of fundamental rights and freedoms, including the right to receive and impart information for those working online. We note the artificial distinction between the exercise of freedom of expression online and offline. This finding is consistent with Muizniek's (Muizniek, 2016) view that journalists, whether online or traditional journalists, are at the risk of retaliation by state authorities or interest groups, and his observation that there exist new limitations to the exercise of fundamental rights and freedoms. Clearly, these limitations and anti-press violence absolutely negate the freedom that journalists are supposed to enjoy as they carry out their functions, one of which is to uphold the responsibility and accountability of the government to the people. Because of the peculiar nature of their work, journalists should be at liberty to gather, hold, express and disseminate information and opinions without official or unofficial censure, or fear of retaliation by state authorities or interest groups. Besides, there should be no artificial distinctions between the exercise of freedom of expression online and offline. The new and diffuse nature of the internet should never be taken as pretext for introducing new limitations on the exercise of fundamental rights and freedoms, including the right to receive and impart information. In light of the above, we make the following recommendations:

- Beyond appeals to media owners for improved working conditions for journalists, safe and secure environments for the practice of journalism must be created through collective effort. Present and future realities demand this. Stakeholders

involved in the protection and safety of journalists have an obligation to create an appropriate regulatory framework to ensure the effective protection of freedom of expression on the Internet. Free speech should not be limited on the Internet. Measures restricting access, arbitrary filtering, blocking of Internet content and unjustified surveillance must if at all, be based on a law that is precise and that offers sufficient opportunities for judicial review.

- With a changing and increasingly dangerous work climate, it has become imperative for journalists to be guided by some basic principles. We see the need for rapport between government and media to be strengthened. Lack of communication and mutual suspicion constitute part of the reason for regular friction between the government and the media in Nigeria. We recommend that there should be a free flow of communications to eliminate suspicions.
- Government and its relevant agencies must ensure the protection of the premises of vulnerable media establishments when required to do so. However, this hand of fellowship should not affect the independence of such media organizations. In addition, all governmental and non-governmental institutions, including regulatory bodies like the Nigerian Press Council, should be further strengthened in order to perform their statutory duties, which should include standing up for journalists when they are deprived of their freedom.
- Security agencies and the media need to engage with one another by cultivating partnerships. They must view their roles as complementary and not see each other as adversaries. Similarly, security agencies must discharge their duty of preventing, investigating and punishing crimes

against journalists and remedying their consequences. A lot of the violence against journalists, including the murder of Dele Giwa on October 19, 1986, is still being investigated.

- We submit that there should be regular training and re-training opportunities for journalists to meet expectations of the changing roles and needs of the profession. To this end, periodic national seminar should occur in order to foster the safety of journalists and to reinforce the consciousness of journalists to operate safely in the line of duty.
- Professional associations, such as the Nigerian Union of Journalists (NUJ) and the Nigerian Guild of Editors (NGE), must intervene and condemn attacks on journalists. They must fulfill their roles as visible advocates and lobby groups, placing the issue of press freedom, safety and insurance for journalists at the top of their agendas. They must also collaborate with media owners to develop safety training for journalists on how to enhance their safety in the face of the hazards looming before them as they report news and views. Working condition for journalists must be improved. Journalists should enjoy health and safety protection and should be covered by insurance.
- The NUJ and the NGE must insist on speedy, effective and independent investigation into harassment or killings of journalists, taking steps to bring instigators and perpetrators to justice. Priority should be rendered to providing access to justice and legal remedies to victims of all human rights violations, including the right to freedom of expression.
- Importantly, journalists themselves must be conscious of personal safety. Safety should be a primary consideration and they must not be flippant with information. They must take a range of personal precautions: in certain situations

they should not identify with their by-line; they must avoid areas designated as ‘flash points’ and limit how much they disclose about an investigative piece in progress; they must endeavor to prepare themselves thoroughly for each assignment by acquiring equipment that can help them in dangerous situations; they must have a map or mental map of surrounding areas in order to ensure an exit route in case of complications; they must understand the culture and be aware of the dynamics of their surrounding. Besides, they should always keep their editors informed about current stories; possible complication should be discussed with editors, colleagues and spouses.

- Finally, we recommend that journalists should enlist reliable security contacts and should develop a network of professional and family contacts that can be mobilized in an emergency. They must have a clear understanding of the potential risk of an assignment they are asked to cover. Importantly, journalists working online and offline are advised not to hesitate to turn down a risky assignment.

References

AKINFELEYE, R. A. (2008). Journalistic Integrity in Political and Economic Reporting. *Contemporary Issues in Mass Media for Development and National Security*. Lagos: Malthouse Press Limited.

AKINFELEYE, R. A. (2015). Reflections on Press Freedom and Safety of Journalist. *Keynote Remarks at the May 3rd Commemoration of the World Press Freedom Day*. [Online]. Accessed from www.independentnig.com/2015/05/11-world-press-freedom-day-re-assessing-role-of-the-media

AMOBİ, T. I., MCADAMS, M. (2014). *Issues and Techniques in Multimedia and Online Journalism*. Lagos: Concept Publications Limited.

AZUAKOLA, S. (2013). *It's Dangerous to Be a Journalist in these 12 Countries and Nigeria is on the List*. [Online]. Accessed from <http://www.thescoopng.com/its-dangerous-to-be-a-journalists-in-these-12-countries-nigeria-is-ranked-number-11/>

BUSSIEK, H. (1995). Media and Sustainable Democracy. *Media and Sustainable Development*. Nairobi: ACCE. pp. 261-283.

DARAMOLA, I. (2003). Press Freedom: the Legal Basis and Constraints. In: Akinfeleye and Okoye (eds.). *Issues in Nigeria Media History: 1900-2000 AD*. Lagos: Malthouse Press Limited.

DUH, E. (2014). Exploring the Impracticability of Press Freedom During a Political Transition. *Online Journal of Communication and Media Technologies*. 4 (1). [Online]. Accessed from <http://www.ojcmt.net/articles/41/411.pdf>

GARTON, T.A. (2011). *The Basic Principle. Free Speech Debate*. [Online]. Accessed from <http://freespeechdebate.idebate.org/principle/principle-1/basic-principle>

HACHTEN, W. A., SCOTTON, J. F. (2007). *The World News Prism: Global Information in a Satellite Age*. 7th ed. Malden: Blackwell.

International Covenant on Civil and Political Rights, December 16, 1966.

JEWITT, R., DAHLBERG, L. (2009). Commentaries. *International Journal of Media & Cultural Politics*. 5(3). pp. 233–246.

LEMAN, S. U. (2013). *The Role of Ethics in Combating Impunity and Promoting the Safety of Journalists*. National Workshop on Safety of Journalists. Abuja, May 2.

MADUEKE, B. (2013). *Anti-press Violence: How Safe are Journalists?* [Online]. Accessed from <http://www.vanguardngr.com/2013/05/anti-press-violence-how-safe-are-journalists/>

MCQUAIL, D. (1987). *Mass Communication Theory: An Introduction*. London: Sage Publications.

MCQUAIL, D. (2005). *Mass Communication Theory*. 5th ed. Thousand Oaks: Sage Publications.

MOMOH, T. (2012). *Freedom of Speech and Freedom of Mass Media*. An Unpublished Keynote Speech Presented at a Workshop on Press Freedom Organized by the Nigerian Union of Journalist, Abuja.

MUIZNIEKS, N. (2016). *Press Freedom in the Digital Age: New Threats, New Challenges*. [Online]. Accessed from http://www.coe.int/en/web/commissioner/blog/-/asset_publisher/xz

NAM, S. (1983). Press Freedom in the Third World. In: Martin, L., Chaudhary, A. (eds.). *Comparative Mass Media Systems*. New York: Longman. p. 311–321.

NIGERIA. *Freedom of Information Act* (2011).

NIGERIA. *The Constitution of the Federal Republic of Nigeria* (1999).

OCHONOGOR, C. I. (2008). Mass Media Ethics and the Sustenance of Democracy in Nigeria. In: Omu and Oboh (eds.) *Mass Media in Nigeria Democracy*. Ibadan: Stirlin-Horden Publishers.

OGBONDAH, C. W. (1994). Press Freedom and Political Development in Africa. *Africa Media Review*. 8(3). pp. 20–31.

OJETE, E. N. (2008). Social Mobilization Role of the Nigerian Mass Media: A Study of the 2006 National Population Census. In: Omu and Oboh (eds.). *Mass Media in Nigeria Democracy*. Ibadan: Stirlin-Horden Publishers.

OKPARA, S. (2016). *Nigeria and Safety of Journalists*. [Online]. Accessed from <http://www.thetidenewsonline.com/2016/04/27/nigeria-and-safety-of-journalists/>

OKUNNA, C. S. (1990). Freedom of the Press in the Third World: Freedom For Whom? *Nigerian Journal of Mass Communication*. 1(1). pp. 140–149.

OLOYODE, B. I. (2005). *Press Freedom: A Conceptual Analysis*. [Online]. Accessed from <http://krepublishers.com/02-Journals/JSS/JSS-11-0-000-000-2005-Web/JSS-11-2-097-172-2005-Abst-PDF/JSS-11-2-101-109-2005-233-Oloyede-I-B/JSS-11-2-101-109-2005-233-Oloyede-I-B-Full-Text.pdf>

OMWANDA, L. O. (1991). Sources of Authoritarianism in the African News Media. *Caejac Journal*. 3. pp. 23–40.

OSO, L. (1988). Press Freedom: Limits of a Constitutional Provision. *Constitution Making and National Development*. Abeokuta: Ogun State MAMSER. pp. 45–74.

RAZDAN, A. (2008). *New Media Techniques and Trends: A Comprehensive Guide for Students and Young Marketing and Sales Executives*. New Delhi: Vitasta Publishing Limited.

STASSEN, W. (2012). Your News in 140 Characters: Exploring the Role of Social Media in Journalism. *Global Media Journal: African Edition*. 4(1). pp. 1–16. [Online]. Accessed from https://auth-lib-uncedu.libproxy.lib.unc.edu/ezproxy_auth.php?url=http://search.ebscohost.com.libproxy.lib.unc.edu/login.aspx?direct=true&db=ufh&AN=49832000&site=ehost-live&scope=site

Terminology and Confirmed and Unconfirmed Murder Cases. [Online]. Accessed from <http://cpj.org/killed/terminology.php>

The European Convention on Human Rights (1950).

The Universal Declaration of Human Rights (1948).

UGBOAJAH, F. (1987). Four Options for Press Regulation. *Africa Media Monograph Series*. 3. p. 129–157.

VINTON, C. (2012). “*Father of the Internet*”: *Why We Must Fight for its Freedom*. [Online]. Accessed from lagos.sites.unicnetwork.org/2013/06/018/WORLD=PRESS-FREEDOM-DAY-2013-2

World Press Freedom Day 2013 Report. [Online]. Accessed from <http://lagos.sites.unicnetwork.org/2013/06/018/WORLD=PRESS-FREEDOM-DAY-2013-2>

World Trend in Freedom of Expression Report Launched to Mark International Day to End Impunity for Crimes Against Journalists. [Online]. Accessed from <http://en.unesco.org/news/world-trends-freedom-expression-report-launched-mark-international-day-end-impunity-crimes>