1.0 INTRODUCTION

Hate Speech presents a profound challenge to the Nigerian democratic landscape. This is because in this country like many others around the world, hate speech often precedes outbreaks of violence. No doubt, politicians who engage in hate speech during election campaigns depart from issue-based electioneering. This report attempts a definition of hate speech as well as issue based campaigning. It also examines the existing legal framework for regulating hate speech. Examples of hate speech currently pervading the country are given. Finally, recommendations for intervention by Civil Society and other relevant groups are detailed and explained.

1.1 HATE SPEECH

Hate speech is universally used to describe any communication that denigrates a particular person or a group on the basis of race, color, ethnicity, gender, disability, sexual orientation, nationality, religion, or other characteristic. It can be in the form of speech, gesture, conduct, writing, or display.

Politically motivated hate speech is historically a precursor to election related harassment and violence in Nigeria. As dates for the rescheduled elections draw nearer, the danger hate speech portends becomes more apparent.

In a report issued recently by the Chairman of the National Human Rights Commission, Prof. Chidi Odinkalu, The National Human Rights Commission reports that the run-up to Nigeria’s 2015 Presidential election has seen a rise in hate speech as well as a worrisome increase in election-related violence. The link between a rise in hate speech and violence is therefore easy to make.

1.2. ISSUE BASED CAMPAIGNS

Issue based campaigns on the other hand presents the perfect antithesis of hate speech. Instead of mudslinging, bigotry and insults, politicians are expected to campaign around various questions of public policy. Issue based campaigns require politicians to center their conversations around their views and plans on matters which are or have been a matter of controversy in the country.

Issue based campaigns should lead to issue based voting, where voters compare the candidates’ respective principles against their own personal belief systems in order to decide for whom to vote.

2.0 ELECTORAL LAW AND HATE SPEECH

The Electoral Act 2010 contains detailed provisions specifically prohibiting politically motivated hateful speech.
Section 95 of the Act provides:
No political campaign or slogan shall be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings. 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.

Section 102 of the same Electoral Act further provides:
Any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional reason for the purpose of promoting or opposing a particular political party or the election of a particular candidate, is guilty of an offence under this Act and on conviction shall be liable to a maximum fine of N1,000,000 or imprisonment for twelve months or to both.

Similarly, Para 10 (c) of the Guidelines for Political Rallies issued by INEC also prohibits the use of hate speech and discriminatory rhetoric during campaigns.

In addition to these homegrown laws, there are several international statutes containing related provisions. The International Covenant on Civil and Political Rights (ICCPR), acceded to by the Nigerian Government in July 1993, states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. The United Nations, Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Article 4 also provides for states to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin.

The dearth of legislation specifically mandating Issue based campaigns in Nigeria is a likely result of the rights to free speech and expression guaranteed by the Section 39 of the 1999 Constitution (as amended). Constitutionally protected freedom of expression connotes the liberty of every person to openly discuss issues, hold opinions and impart ideas without restrictions, restraint or fear of punishment.

The Guidelines on Political Rallies and Campaigns issued by INEC offers the only attempt at mandating right speech
Para 25(b) of the guidelines provide that campaigns shall be in compliance with all extant laws, regulations and codes including the Code of conduct for political parties, as well as codes issued by media regulators like the National Broadcasting Commission and shall be based on issues as contained in the manifesto and constitution of the party.

There are several considerations to examine before abusive language or innuendo can be considered hate speech. Any list of such considerations should include the following:

- Severity- Hate speech can be identified by the severity of what is said, the severity of the harm advocated and the intensity of the communication.
- Intent- Another way is to look at the intention of the author of the statement. Was the statement intended to spread racist or intolerant ideas through the use of hate speech or was it an attempt to inform the public about an issue of general interest?
• Content- Specifics of the speech including its tone and if it requires listeners to respond with certain actions or inactions are important. The inciter themselves should be considered, specifically their standing in the context of the audience to whom the speech is directed. The level of their authority or influence over the audience is relevant as is the degree to which the audience is already primed or conditioned, to take their lead from the inciter.

• Extent- this refers to the public nature of the speech. For speech to qualify as hate speech, it must have occurred in public. This also means that communication has to be directed at a non-specific audience (general public) or to a number of individuals in a public space.

4.1. INSTANCES OF HATE SPEECH
Some instances of hate speech recorded during campaigns for the 2015 general elections may be identified to include the following:

i. Katsina State Gov. Shema reportedly urged his supporters to attack opponents and referred to his political opponents as cockroaches urging his supporters to kill them as they kill cockroaches.

ii. The Ekiti State Governor, Peter Ayodele Fayose in January repeatedly took out front page newspaper advertorials warning voters not to vote for the APC presidential candidate Muhammad Buhari. These adverts, now widely known as “death wish advertorials” insinuated that the presidential candidate was likely to die in office if elected, like the late President, Yaradua.

iii. Speaking during the PDP women presidential campaign rally in Kogi State, the Nation's First Lady, reportedly described Gen. Buhari as unfit to be the country's president, calling him old and brain dead.

iv. Nigerian First Lady, Patience Jonathan is also recorded has having urged the members of the Peoples Democratic Party (PDP) to stone anyone that promises them change. “Change” is the slogan of the All Progressives Congress (APC). In the same campaign speech given at a rally which held on Monday, March 2, in Calabar, the capital of Cross River state, Mrs Jonathan is quoted as saying “Our people no dey born shildren wey dem no dey fit count. Our men no dey born shildren throway for street. We no dey like the people for that side.” Thus making a derogatory statement obviously referring to the Northern parts of the country where the awful practice of child abandonment known as ‘Almajiri’ still occurs.

v. After emerging unscathed after the plethora of criticism that followed the documentary on General Muhammadu Buhari, presidential candidate of the APC earlier in the year, A popular television Network , AIT, on March 1st aired a documentary titled ‘Lion of Bourdillon’. The hour-long documentary, aired at 11 p.m. showcased various properties and companies across Lagos purportedly owned by Mr. Tinubu, a top leader of the APC describing him as “Nigeria's biggest landlord”. It also alleged that the APC chieftain was “charged for narcotics” in 1993.
for media professionals on election reporting as well as taking proactive measures to defend the right of the media to work freely without harassment.

It also includes partnering with relevant organisations like the National Broadcast Commission (NBC) and the Advertising Practitioners Council of Nigeria (APCON) to intervene and hold advertisers, their agents and media organisations, hold politicians and the general Nigerian populace accountable for any hate speeches that could incite people to violence before, during and after the 2015 general elections.

A proper legal framework that holds political actors responsible for hate speech and its consequences is necessary. There also needs to be a greater level of enforcement of the already existing laws. There is an equal need to increase investment in media development and training of media practitioners.

In addition to these measures, it is important that political actors who flout the already existing laws are brought to book, publicly and swiftly. Public condemnation and denouncing of hate speech by the citizenry should also be greatly encouraged.

According to guidelines issued by INEC, the role of civil society groups include helping with the conduct of voter and civic education, support capacity building for media professionals on election reporting as well as taking proactive measures to defend the right of the media to work freely without harassment.

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