

A Tech-Law Webinar

# Digital Rights and Accountability

Interrogating and Implementing the Nitda Code of Conduct




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 03:00 pm - 05:00 pm

 Online

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## WEBINAR SUMMARY

Title: **Digital Rights and Accountability: Implementing the NITDA Code of Practice**

Date: 30<sup>th</sup> of September 2025

Speakers: Adeyemi Owode, Saheed Apampa, Iliya-Ezekiel Ndatse

Moderator: Maureen Itah, Equibridge Attorneys (EBA).

**Format: Expert panel discussion**

**Audience: Legal practitioners, privacy professionals, technology experts**

HOST: **LawDigits**

# Opening Reflections

The discussion opened with a reflection on why the **NITDA Code of Practice for Interactive Computer Service Platforms and Internet Intermediaries (CoP for ICSPs/IIs)** arrived at such a critical time in Nigeria's digital journey. With businesses moving online and Instagram itself turning into a bustling marketplace, it was noted that the traditional boundaries between offline and online life have almost disappeared. Today, there is very little you can do offline that is not mirrored online.

This shift means that children, teenagers, and young people spend much of their time in digital spaces, and the Code was introduced to safeguard everyone; users, platforms, and the country itself.

The Code was explained as applying to two main categories. The first are interactive computer service platforms like Twitter, Facebook, TikTok, and YouTube, where users create and share information. The second are internet intermediaries such as Google Play Store, Amazon, PayPal, and Quickteller, which provide services and enable online interaction. Though distinct, the Code regulates both together, recognising the overlap in their roles.

What makes this important is that the internet has no borders. Someone in another country can make statements online that directly affect Nigerians. The case of Simon Ekpa was highlighted as an example, showing how messages posted from abroad can stir unrest locally. Sowore's post on X about the President of Nigeria, Bola Ahmed Tinubu is also a case in point.

A further point of discussion was the difference between misinformation and disinformation. Misinformation arises when falsehood spreads out of ignorance, while disinformation is a calculated effort to deceive, cause harm, or pursue personal gain. An example given was how someone could ignorantly call LawDigits incompetent without evidence that would be misinformation. But if the same statement were made deliberately to damage LawDigits while promoting a rival, that would be disinformation. The Code of Practice is designed to help draw this line and create mechanisms to regulate both.



## Duties of Platforms and Intermediaries

The conversation then shifted to the responsibilities the Code places on platforms and intermediaries. It was emphasised that these obligations are clear and detailed. Platforms are expected to cooperate fully with law enforcement during investigations rather than obstructing them.

When it comes to unlawful content, the Code requires swift action. Once a platform is notified whether by a user, a government agency, or through a court order, it must first acknowledge receipt of the complaint and then take down the flagged content within 24 hours. This requirement applies especially in cases involving harmful material such as non-consensual intimate images or content meant to harass or intimidate.

Transparency is also a central principle. Platforms cannot simply ignore requests; if they decide not to remove content, they are obliged to provide reasons. In more serious cases, platforms may even be compelled by a court order to disclose the identity of the person behind unlawful posts.

Larger platforms, defined as those with more than one hundred thousand users, face additional responsibilities. **They must establish a presence in Nigeria, appoint a contact person, and file annual compliance reports with NITDA detailing the measures they have taken to follow the Code.** These extra requirements reflect the wider impact of their services and their greater capacity to influence public discourse.

## Responsibilities of Content Creators

Attention then turned to the role of content creators. It was made clear that they are not exempt from responsibility under the Code. **Creators are expected to avoid sharing unlawful or harmful content, to flag content that violates standards when they encounter it, and to make use of their platforms to promote safe digital practices.**

At the same time, creators are not left without protection. If their content is wrongfully removed, they have the right to appeal, to demand a justification, and to contest the decision. The Code therefore tries to strike a balance: while creators must take responsibility for their content, they are also empowered to challenge unfair treatment by platforms.

## User-Generated Content and Accountability

The discussion moved into the space of user-generated content and how liability is shared between platforms and the individuals who create content. It was stressed that platforms are required to design their terms of service and community guidelines in line with Nigerian law, not just their internal policies. This means their rules must reflect the NITDA Code of Practice, the Cybercrime Act, the Communications Act, the Broadcasting Code, and even the Copyright Act.

The point was made that while both the creator and the platform can be held accountable when unlawful content appears, the platform bears the greater duty because it has the tools to moderate and enforce compliance.



A clear example was given from the Copyright Act of 2023. If someone uploads infringing material, the rightsholder can notify the platform. Once that notice is received, the platform must act quickly to remove the material. The platform also has to inform the uploader that their content has been flagged. If the uploader disputes the claim, the issue can then be taken to court for resolution. This process demonstrates how the Code of Practice works hand in hand with other Nigerian laws to create an ecosystem of accountability.

The conversation also touched on how to reduce conflicts between platforms and creators. **The suggestion was that community standards should be written in clear, simple language and made easily accessible to users. In addition, grievance processes must be straightforward, giving creators a way to challenge takedowns without unnecessary complexity.** By doing so, platforms avoid liability, creators understand their boundaries, and users are protected from harm.

Finally, the question of freedom of expression was raised. There was concern that regulation might be used to silence people. In response, it was emphasised that the Code is not designed as a tool for censorship but as a framework to ensure order. The fact that creators have the right to appeal and contest wrongful takedowns was seen as proof that the Code seeks to protect, not restrict, expression.

## Concerns About Enforcement

The discussion then opened up to participants, and one of the strongest concerns raised was about enforcement. **While platforms are required to file annual compliance reports under the Code, those reports are self-prepared. This raised the question: how can we be sure the figures are accurate? Platforms sometimes claim to have taken down millions of pieces of content in Nigeria, but without independent oversight, those numbers cannot easily be trusted.** The suggestion was made that independent audits would be more effective than relying on platforms to mark their own work.

Another point raised by participants was that Nigeria often finds itself on the receiving end of technologies built abroad. These platforms were not designed with Nigeria's realities in mind, so cultural and enforcement gaps will always exist. Until homegrown platforms and technologies are developed, the country may continue to struggle with tools that don't fully reflect its context.

In response, it was acknowledged that this is true, but there has been some progress. Global platforms are beginning to consult Nigerians directly. Some have engaged local advertising agencies and civil society groups, while associations of digital moderators, including Nigerians, now provide input on how local context should shape moderation decisions. Platforms like Meta and Twitter have shown signs of adapting their policies to better fit Nigeria's environment, though more needs to be done.



Even with this progress, participants pointed out that grievance systems remain inconsistent. Platforms like YouTube provide clear avenues for users to appeal decisions, while others, such as Telegram, have no real grievance redress mechanism at all. This leaves many Nigerians without access to fair complaint processes, despite what the Code requires.

## Grievance Redress Mechanisms

Grievance redress became a central theme of the conversation. For the Code to be meaningful, users must be able to challenge takedowns and platform decisions easily. It was stressed that effective grievance mechanisms for Nigeria must be simple and swift, without complicated steps or expensive procedures.

They should also be accessible through multiple channels, such as toll-free phone lines, email, and online forms. Importantly, they should be localised, managed by Nigerians who understand the culture, language, and realities of the environment. Transparency was also highlighted as crucial, users deserve to know why their content was removed, not just receive vague or automated responses.

Finally, grievance systems should provide a clear path for escalation: first handled by the platform, then referred to NITDA if unresolved, and ultimately to the courts if necessary. This layered approach ensures that users are not left stranded when disputes arise.

## Practical Challenges

As the webinar drew to a close, the speakers reflected on the practical challenges of making the Code work in reality. One challenge highlighted was trust. With platforms largely left to self-report, independent audits are needed to build confidence in compliance data.

Another was capacity: regulators like NITDA need the technical expertise and resources to monitor global platforms effectively.

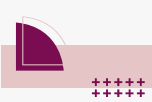
Accessibility was also mentioned, if grievance systems are not user-friendly, ordinary Nigerians will not be able to use them. Finally, collaboration was stressed. Since these are global platforms, Nigeria cannot regulate them in isolation. International engagement, while insisting on local realities, remains essential.



### About Us

**LawDigits** is an initiative of **Equibridge Attorneys (EBA)**. It is a research, consultancy, and training hub designed to meet the urgent needs of Nigeria's legal and regulatory landscape, especially in the area of Data Protection, Digital Rights, Artificial Intelligence and Cybersecurity.

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## Conclusion

The session closed with a consensus that the NITDA Code of Practice for Interactive Computer Service Platforms and Internet Intermediaries (CoP for ICSPs/IIs) is an important step towards accountability in Nigeria's digital space. It sets out clear obligations for platforms, content creators, and regulators, and it provides a framework for handling unlawful content and protecting user rights.

However, challenges remain; reliance on self-reporting, limited regulatory capacity, the inaccessibility of grievance systems, and the cultural gaps between global platforms and local realities.

The hopeful note was that with stronger transparency, increased capacity, and collaboration between platforms, regulators, and civil society, Nigeria can move towards a digital environment that is safe, accountable, and respectful of freedom of expression.

