

**INTELLECTUAL FREEDOM AND
CENSORSHIP IN THE EYES OF
NIGERIAN LAW**

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ABSTRACT

- Intellectual freedom according to Article 19 of United Nations Universal Declaration of Human Rights is the right to freedom of thought and of expression of thought. Intellectual freedom guarantees everyone the right to freedom of opinion and expression. This right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Thus intellectual freedom encompasses the freedom to hold, receive and disseminate ideas. Whereas censorship is the suppression of ideas and information that individuals, groups or government officials find objectionable or dangerous. Censors usually achieve this through state powers via public institutions such as schools, libraries, information centres among others. Through the instrumentality of the law, such public institutions are prohibited from making censored materials easily accessible to the public or to targeted audience. This paper x-rayed those international and Nigerian laws that encourage or impinge access to information for one and all in Nigeria. It also made recommendations that will enhance easy flow of information to all information seekers in Nigeria.

INTELLECTUAL FREEDOM AND CENSORSHIP

- Intellectual freedom according to Article 19 of United Nations Universal Declaration of Human Rights is the right to freedom of thought and of expression of thought.
- The concept of intellectual freedom involves protecting the rights of all individuals to pursue the types of information they want and to read anything that interests them (Yaya, Achonna & Osisonwo, 2013).
- Intellectual freedom not only guarantees individuals the right to hold opinion on any subject but also the right to communicate such ideas in any media of one's choice without any restriction.
- Thus intellectual freedom deals with the right to say, do and think without restriction.
- The ALA, IFLA, Kampala Declaration and several other organisations are all involved in the struggle to promote intellectual freedom.

BENEFITS OF INTELLECTUAL FREEDOM IN NIGERIA

- Intellectual freedom is the bedrock for other freedoms—speech, expression, and the press.
- In a democratic system of government as practiced in Nigeria, the citizenry should form part of the government; for it is believed that power to change any government lies with the electorate. The citizenry should be well informed not only to elect their leaders but to also make meaningful input in governance, join in public debates and criticize the policies of the government where necessary.
- Access to the right information at the right time will produce the necessary result.

MAJOR CONSTRAINTS WHY NIGERIAN CITIZENS DO NOT ENJOY INTELLECTUAL FREEDOM

- Illiteracy
- Ignorance
- Poverty
- Fear of Intimidation
- Poor ICT skill and infrastructure and
- Lack of political will

CENSORSHIP

- Censorship is the direct opposite of intellectual freedom.
- According to Harshrustic (2007), censorship is the act or practice of suppressing the speech or public communication which is considered objectionable, harmful and sensitive, by a government, media outlet or other controlling bodies.
- Reichman (1988) defines censorship as the removal, suppression or restricted circulation of literary, artistic or educational materials on the grounds that they are morally or otherwise objectionable in the light of standards applied by the censor.
- Dafiaghor (2011) summed it thus:
- Censorship is based on the fact that every society has customs, taboos or laws by which speech, dress, religious observance and sexual expressions are regulated in order to protect the family, the church and the state.

TYPES OF CENSORSHIP IN NIGERIA

- In Nigeria, reasons for censoring an information material may be for the protection of the State or for the protection of the family. Dafiaghor (2011) identified the following types of censorship usually carried out in Nigeria as:
 - Moral Censorship
 - Military Censorship
 - Political Censorship
 - Religious Censorship
 - Corporate Censorship
- These are the major social institutions in Nigeria that censorship is meant to protect.

CENSORSHIP CAN BE BENEFICIAL

- Hastings (1990) believes that censorship which promotes good, virtuous character and condemns pervasive thoughts, words and conduct is good and desperately needed in our nation.
- Those acts which impact negatively on people's behaviour should be censored. For instance, pornography encourages violent sexual acts such as rape, child molestation, incest etc.
- Without censorship children and teens would be able to see disgusting things on the television and on the Internet.
- without censorship, people would be able to see body parts and things like that on the television. Hence censorship exists to protect large masses of people from damaging content in public media. Public content is censored to control obscenities, protect young people from pornography, promote or restrict political or religious views and national security.

PROTECTION OF INTELLECTUAL FREEDOM IN NIGERIAN LAWS

Protection of fundamental rights of Nigerian citizens is protected and guaranteed in Chapter 4 of the 1999 Constitution. Eg:

- Section 34 – Right to Dignity of Human Person
- Section 35- Right to Personal Liberty
- Section 37- Right to Private and Family Life
- Section 38 Right to Freedom of Thoughts, Conscience and Religion
- Section 39- Right to Freedom of Expression and the Press
- Section 40- Right to Peaceful Assembly and Association
- Section 42- Right to Freedom from Discrimination

Freedom of Information Act:

- An Act to make public records and information more freely available
- Protect serving public officers from adverse consequences for disclosing such information
- Establish procedure for achievement of these processes

NIGERIAN LAWS THAT ENCOURAGE CENSORSHIP

A plethora of Nigerian laws which favour censorship include:

- Criminal Code
- Penal Code
- Official Secret Act
- Same Sex Prohibition Act
- Draft Bill on Prohibition of Frivolous Petition and other matters

RECOMMENDATION

- Review of Nigerians laws on censorship
- Public enlightenment on the benefit of intellectual freedom
- Free and Compulsory Education up to JSS lecture
- Provision of ICT infrastructure and Skills
- Public libraries to be better resourced
- Appoinment of Regulatory Body to Supervise the Implementation of FOI Act
- Information Materials that impact negatively on people's behaviour should be censored.
- All bills to suppress freedom of expression and opinion before the National Assembly should be suspended.

CONCLUSION

Intellectual freedom deals with the right to say, do, and think without restriction while censorship is the direct opposite. Most laws that encourage censorship in Nigeria are anchored on religious beliefs, morality and ethics. When freedom of expression in one country is affected, it may inhibit access to information in other countries. Thus the defence of intellectual freedom requires a universal effort from various nations of the world through the instrumentality of their local legislation.