

Perception of Nigerians on Hate Speech Bill (A Study of Akungba-Okoko Residents, Ondo State)

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I. INTRODUCTION

From primordial epoch, man has instinctively displayed a desire to express himself in matters that concern his general welfare and the development of the society he finds himself. Although, as societies develop, this inner most desire has more often been met with repressive tendencies in form of draconian laws, banishment, physical torture, etc. meted out by the ruling class, man, nevertheless has remained dauntless in the quest for free expression of thoughts (Layefa and Johnson, 2016). Oloyede (2008) opined that regardless of the peerless usefulness and unique indispensability of free speech and press freedom to the proper and progressive functioning of society, many repressive and fascist governments and numerous nefarious groups and institutions and diabolical individuals still assault the noble institutions by harassing, maltreating, victimising, terrorising, imprisoning and even murdering journalists, critical writers and social critics the world over for daring to express the dictates of their heart-felt beliefs and conscientious convictions. Indeed, in the face of ominous dangling and the lashing of the sword of repression, torture and death, etc. against free speech and free press, man remains undaunted in the quest for same to the chagrin of opponent of free speech.

Democracy is adjudged as the most popular system of government in the world. It is popularly seen as the government of the people, by the people and for the people. As a concept, according to Obasanjo and Mabgunje (1992) cited in Ogah and Ogeyni (2014), democracy as an ideology is the philosophy of governance which sets a high premium on the basic freedom or fundamental human rights of the citizens, rule of law, the right to property, the free flow of information and the right of choice between alternative political positions. Simply put, democracy is that system of politics in which sovereignty is vested on the people rather than in a small clique or an oligarchy, where the rule of law, majority rule and constitutionalism are basic guiding principles of governance. It is in this context that Ramaswamy (2007) posited that democracy means the rule by the people as contrasted with the rule by one person or a group. He went further to say that it is the people who are both rulers and ruled unlike other systems like monarchy, dictatorship or oligarchy where a distinction between the ruler and the ruled exists.

Nigeria joined the league of democratic nations in 1999. One of the cardinal points of a true democracy is freedom. The ability to be free is most expressed in one's capacity to express himself freely without any physical or psychological threats (by the government or otherwise). The limits of the freedom of expression can be said to have become elastic. This could be attributed to globalization which has physically removed all borders and is principally engineered by the internet. The internet has transformed the freedom of speech and expression which was previously limited to the confines of television, radio and print media etc. Today we have the social media which permits individuals or groups to sit in the comfort of their bedrooms or offices and with a click on the mouse or a tap on a screen express themselves freely to millions of other users who are not restricted by the physically defined borders and boundaries of countries or regions (Joel, 2013).

However, the freedom of expression and the press means the liberty to say what one wishes to say, subject to the consequences under the law as the case maybe; which laws must be fair, and reasonably justiciable in a constitutional democracy. Thus, the liberty or freedom of expression and the press means two broad things. These are - putting on no prior restraint on publication and the liberty of the press; this means putting no prior limit on what to publish or not to publish. There should be no prior censure of publication. Every person has the right to lay what sentiments, facts, information or publication he has before the public. To forbid this right is to destroy the freedom of expression and the press (Joel, 2013).

Recently, Nigerians were faced with the news of a very controversial bill being considered by the Senate. The proposed law, publicly known as the “Hate Speech Bill” is sponsored by Senator AliyuSabiAbdullahi, chairman of the Senate Committee on Media and Public Affairs. The Hate Speech Bill, according to its sponsor at the Senate, seeks to “eliminate” hate speech and discourage harassment on the grounds of ethnicity, religion or race among others. It prescribes stiff penalties for offences such as “ethnic hatred.” “Any person who uses, publishes, presents, produces, plays, provides, distributes and/or directs the performance of any material, written and/or visual, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words, commits an offence,” it states (Punch, 2018).

If this is not scary enough, the penalties are: a jail sentence of not less than five years or a fine of “not less than N10 million” or both for these offences. Capping it all is the prescription of the death penalty where any form of hate speech results in the death of another person (Punch, 2018).

Hate speeches are utterances, typed documents, advertorials, musicals or any form of literature that are used to attack an individual, a group – religious, social, political, business - gender or race. In some countries, hate speech can fall under the law of sedition, incitement to violence, verbal abuse and the likes (Fasakin, Oyero, Oyesomi, and Okorie, 2017). Ezeibe (2015) supported that “Hate speech is any speech, gesture, conduct, writing or display which could incite people to violence or prejudicial action. Essentially, such speeches rob others of their dignity”.

In general, description of hate speech tend to be wide, sometimes even extending to embody words that are insulting of those in power or minority groups, or demeaning of individuals who are particularly visible in the society. At critical times such as during election campaigns, hate speech may be prone to manipulation; accusations of promoting hate speech may be traded among political opponents or used by those in power to curb dissent and criticism (Ezeibe, 2015).

The recent trend in journalism malpractice in the country is the dissemination of hate speech and vulgar language. Indeed, the press fell to the trap of reporting hate speech by quoting directly from interviews, press statements, advertorials and sometimes from alleged online sources. A case in point is the 2015 general elections where popular media outlets in Nigeria, like AIT, Channels, Thisday, Vanguard and The Nation *inter alia* were flushed with campaigns by several political parties displaying crass abuse of the right of free speech including hate speech and other types of foul language (Olowojolu 2016).

While still countering hate speeches in the traditional media, the emergence of new media has broadened the battlefield in combating the hate speech saga. The new media offers an ideal platform to adapt and spread various speeches and foul language easily because of its decentralised, anonymous and interactive structure. The prevalence of negative speech and foul language on social media bordering on political and national issues, and even social interaction in Nigeria, especially on Facebook, Twitter, YouTube and LinkedIn is becoming worrisome. This is because it is contributing to disaffection among tribes, political class, and religion or even among friends in the society(Alakali, Faga and Mbursa, 2017).

While some people are claiming that the intention to classify hate speech as a criminal act infringe on the rights of citizens to freedom of expression as guaranteed in the Constitution, others hold the view that, hate speech is not free speech and its criminalization would not in any way, infringe on citizens right to freedom of expression. Instead, criminalization of hate speech is more like holding citizens accountable to their freely expressed views, thereby encouraging responsibility in expression(Alakali, Faga and Mbursa, 2017). This study therefore examines the perception of Nigerians on the Hate Speech Bill and its effect on freedom of speech in Nigeria, using residents of AkungbaAkoko as study.

1.2 Statement of the Problem

The freedom of the general public, anyone and everyone including the press and civil society organizations to receive and to impart ideas and information by speech, printed word, and other media is guaranteed by the Nigerian Constitution both in sections 22 and 39 of the Constitution. Section 39 of the 1999 Constitution provides as follows: “Every person shall be entitled to freedom of expression; including freedom to hold opinions and to receive and impart ideas and information without interference”.

However, since the introduction of Hate Speech Bill recently, the debate about what constitutes hate speech, particularly on social media has become the new national discuss. Critical sections of the society — the mass media, civil society, pressure groups, the academia, writers and creative/performing artistes — that may bear the main brunt of the obnoxious law have been curiously and dangerously indifferent, as only a few voices have raised the alarm. This study therefore examines the perception of Nigerians on the Hate Speech Bill and its effect on freedom of speech in Nigeria, using residents of AkungbaAkoko as study.

1.3 Objectives of the Study

This study aims to achieve the following objectives:

1. To examine the level of Hate Speech Bill awareness among residents of AkungbaAkoko

2. To determine the notion they have about the Hate Speech Bill
3. To determine their views on the relationship between the Hate Speech Bill and freedom of speech

1.4 Research Questions

1. What is the level of Hate Speech Bill awareness among residents of AkungbaAkoko?
2. What is the notion they have about the Hate Speech Bill?
3. What are their views on the relationship between the Hate Speech Bill and freedom of speech?

Literature Review

Overview of Hate Speech

The nature and characteristics of hate speech is still very much uncertain in the literature. Hate speech is considered as any speech, gesture, conduct, writing or display, which could incite people to violence or prejudicial action (Alakali, Faga and Mbursa, 2017). The UN Committee on the Elimination of Racial Discrimination (2013) notes that hate speech includes: (a) all dissemination of ideas based on racial or ethnic superiority or hatred, by whatever means; (b) incitement to hatred, contempt or discrimination against members of a group on grounds of their race, colour, descent, or national or ethnic origin; (c) threats or incitement to violence against persons or groups on the grounds in (b) above; (d) expression of insults, ridicule or slander of persons or groups or justification of hatred, contempt or discrimination on the grounds in (b) above, when it clearly amounts to incitement to hatred or discrimination; and (e) participation in organizations and activities, which promote and incite racial discrimination.

According to Neisser (1994), hate speech refers to “all communications (whether verbal, written, symbolic) that insults a racial, ethnic and political group, whether by suggesting that they are inferior in some respect or by indicating that they are despised or not welcome for any other reasons”. On the other hand, Kayambazinthu and Moyo (2002) refer to hate speech as “war waged on others by means of words”. This understanding of hate speech is particularly true when it comes to hate speech on social media networks. Online hate speech is mainly characterized by the use of words and symbols.

As regards motivation of hate speech, many scholars have pointed out several factors, such as lack of tolerance, political clashes, discrimination, enmity and the openness of social media as motivating hate speech online. For instance, even before the emergence of social media, Spiegel (1999) predicted that the internet will be another communication tool for racists and “hate-mongers” to spread their messages, and Nemes (2002) considered the internet a very important channel for those who want to spread messages of hatred. Witschge (2008) however, presented a more balanced understanding of the Web’s potentials within political communication. On the one hand, he endorses Brant’s (2008) views of a “horizontal, open and userfriendly nature of the internet”, which affords people with opportunities for greater participation in the public sphere, on the other hand however, he subscribes to Dalhberg’s (2001) counter arguments that the Web might facilitate abusive postings and even contribute in silencing some voices. Finally, Witschge argues that whether the Web enables deliberation or not, it depends on how people utilize the opportunities provided online.

Stating the effects of hate speech, Leets (2002) says it violates the individual’s dignity, resulting in humiliation, distress and psychological or emotional pain. Similarly, Nemes (2002) avers that hate speech can provoke pain, distress, fear, embarrassment and isolation to individuals. While hate speech towards groups of people can bring inequality problems and isolation, it creates the feeling of fear and discourages them from participating in the community and expressing their opinions. Adding to the argument, Nielsen (2002) avers that the degradation and humiliation brought by hate speech can silence the ‘victims’ and therefore reinforce existing hierarchies in society; while Parekh, (2006) says it can also lead victims to become aggressive and dangerous.

According toGagliardone, Danit, Thiago&Gabriela (2015) online hate speech is not essentially different from similar expressions found offline; however, there are some specific characteristics as well as challenges unique to online content and its regulation. They summarized these characteristics as permanence, itinerant, anonymity or pseudonym and transnationality. On permanence, hate speech can remain online for long periods of time and in different formats across different platforms, and can be repeatedly linked. In this sense, the architecture of any particular platform influences how long topics ‘stay alive’. For instance, Twitter is built around the idea of trending topics, which may facilitate quick and wide dissemination of hateful messages, however, if topics are ignored, discussion rapidly fades; Facebook on the other hand, provides the opportunity for longer lasting discussion threads.

Notwithstanding, online hate speech content may particularly be itinerant, which means that even when it is removed from one platform it may find expression elsewhere, possibly on the same platform under a different name or on different online spaces. If a website is shut down, it can quickly reopen using a web-hosting service with less stringent regulations or via reallocation to a country with laws imposing higher threshold for hate speech. The itinerant nature of hate speech also means that poorly formulated thoughts that

would not have found public expression and support in the past may now arrive on spaces where they can be visible to large audiences (Alakali, Faga and Mbursa, 2017).

Consequences of Hate speech

Electoral violence is the greatest consequence of hate speech. Fischer (2002) identified different manifestations of election violence as follows:

1. Pre- election day violence (it occur during registration period and can lead to massive disenfranchisement of voters due to psychological fear);
2. Campaign violence (it is during this period that major political meeting and rallies are held. This period is a prominent stage with high tendency for electoral violence);
3. Election day violence (it manifests in the forms of burning of election offices and material including ballot boxes and papers, intimidation of voters, snatching of ballot boxes, rigging and diversion of election materials);
4. Post-election day violence (violence can also occur hours and days after elections. This can emanate from dispute over election results and the inability of judiciary system to handle election dispute fairly. The manner in which election result are announced might also lead to electoral violence

Straus and Taylor (2012) examined African national elections from 1990 to 2008 and observed that 10 percent of the elections involved the highest level of violence and a further 10 percent involved substantial, though lower violence. Another 38 percent had limited violence and 42 percent had no substantial violence.

Notably, the Nigerian political history has been very unstable. Electoral violence in Nigeria dates back to the pre-colonial era, through the First, Second, and Third Republics to the Fourth Republic in 1999. In fact, violence has become a regular character of election such that the democratic process, values and institutions are prevented from developing because power is gained and retained through violence. Like the proliferation of small arms, peddling of hate speeches sustains the culture of intolerance and electoral violence in Nigeria. It is observed that electoral violence in Nigeria manifests in forms of killings; looting, destruction and damage of property; assault and death threats; bombings; forceful dispersion of political rallies; destruction of campaign billboards; fighting among political parties; violent street protests and hooliganism; arbitrary detentions and arrests without warrant and abduction. These manifestations threaten democratization in Nigeria (Ezeibe, 2015).

In 2003, at least one hundred people were killed and many more injured during the elections in Nigeria (Human Right Watch, 2004). The majority of the violence was perpetrated by supporters of the then ruling People's Democratic Party (PDP). The highest level of violence was recorded in the South West and South East, where PDP governors and supporters desperately resisted opposition. Environmental Right Action (2003) observed in parts of Rivers and Bayelsa states that the elections were characterized by armed struggle between the leaders of the Niger Delta militants- AsariDokubo and Ateke Tom.

Despite that the two major candidates during the 2007 presidential election were both Northern Muslims from the same state (Kastina), HRW (2007) reported that there were about 967 incidents of electoral violence in which at least 300 people were killed. High level of violence was not unrelated to the level of electoral fraud. Ahead of the 2007 elections, former President OlusegunObasanjo reportedly declared the election was going to be "a do-or-die affair for PDP". Thus, the election was going to be a matter of „life and death for the PDP and Nigeria (Tenuche, 2009). This explains why the 2007 electoral rigging was direct, brazen and daring.

Notably, the 2011 presidential election was the first genuine political contest between the predominantly Christian south and the Muslim north since Nigeria was swept into the „third wave“ of democratization. The presidential election divided the country along ethnic and religious lines. Violence during the party primaries, campaigns and the Election Day killed at least 165 people. Although the April 2011 elections were heralded as among the fairest in Nigeria's history, they were also among the bloodiest. Post election violence began with widespread protests by supporters of the main opposition candidate, MuhammaduBuhari, a northern Muslim and the presidential candidate of the Congress for Progressive Change. They protested the re-election of incumbent Goodluck Jonathan, a southern Christian. The protests degenerated into violent riots or sectarian killings (targeted mainly against the Christian and southerners) in the northern states and reprisal attacks in southern Nigeria (Human Right Watch, 2011).

Like in 2011, the major candidates for 2015 presidential elections were General MuhammaduBuhari (an indigene of Kastina state in North West zone) and President Goodluck Jonathan (Bayelsa state in South-South zone). Again, Nigerians voted along ethnic and or zonal (regional) lines. The final INEC result shows that each candidate received block votes from their respective ethnic/regional groups. For instance, General Buhari received 81.34 percent of total votes cast in North West while President Jonathan received 89.66 percent of votes cast in South South (INEC, 2015).

Meanwhile, the report of the National Human Rights Commission (NHRC) in 2015 shows that hate speech preceded the 2015 presidential election and this accounted for the high level of pre election violence (Ezeibe, 2015).

Theoretical Framework

This study is anchored on Social Responsibility Media Theory.

Social Responsibility Media Theory

The Social Responsibility Theory originated from Robert Hutchins Commission on the freedom of press of 1947. “The press propagates the right of the press to criticize any institutions and even government, but it must be responsible enough to maintain the stability of the society”. The Commission talks about a “free and responsible press” as being the corner- stone of any society. The guiding principle of the press at all times must and should be “In Public Interest”.

It is gratifying to note that the Social Responsibility Theory of the press came about as a result of the gross abuse observed in the libertarian era. The theory assumed rather erroneously that all human beings are necessarily responsible and could be trusted to use good judgment in carrying out their task and responsibility of keeping the public informed. Giving the press unbridled freedom is dangerous. “No nation will indefinitely tolerate a freedom of the press that serves to divide the country and to open up the floodgates of criticism against the freely chosen government that leads it” (Okunna,1994).

According to Ajibefun and Daramola (2003), among the obligations of the media enunciated by the Social Responsibility Theory are the following:

- The media should accept and fulfill certain obligations to the society.
- The obligations are mainly to be met by setting high professional standards of informativeness, truth, accuracy, objectivity and balance.
- In accepting and applying these obligations, media should be self-regulating within the frame of laws of the land.
- The media must avoid whatever could lead to crime, violence, or civil disorder or give offence to minority groups.
- The media should be pluralistic and reflect the diversity of the society, giving access to various points of view and to right of reply.
- Journalists and media professionals should be accountable to the society as a whole.

II. METHOD

The survey research design was used in the gathering, analysis and interpretation of data with questionnaire as the instrument. The population of this study are the residents of Akoko South West Local Government, Ondo State with a population figure of 229,486 at the 2006 National Population Census (NPC). The sampling procedure adopted for this study is purposive sampling. The purposive sampling technique was used because it allowed the researchers to select those that would serve as respondents of the study base on their knowledge of the population. Questionnaire was used as instrument of data collection. Taro Yamane model is used to determine the sample size:

$$n = \frac{N}{1 + N(e)^2}$$

n = Sample

N = Population size under study

I = Unit in value (always constant)

e = Estimated standard error margin of 0.05

$$\begin{aligned} n &= \frac{229,486}{1 + 229,486 (0.05)^2} \\ &= \frac{229,486}{1 + 229,486 (0.0025)} \\ &= \frac{229,486}{1 + 573.72} \\ &= \frac{229,486}{574.72} \end{aligned}$$

n = 399.30

Therefore, n = 399

III. DATA PRESENTATION AND ANALYSIS

Four hundred(400) copies of questionnaire were administered to the respondents and all were returned representing 100% rate.

Table 1: Are you aware of Hate Speech Bill?

Responses	No. of Respondents	Percentage (%)
Yes	348	87.2%
No	51	12.8%
Total	399	100%

Source: Field Survey, 2018

Table 1 shows 348 respondents (87.2%) were aware of Hate Speech Bill while 51 respondents (12.8%) were not aware of Hate Speech Bill.

Table 2: Do you agree that the hate speech bill is relevant in the present democratic dispensation?

Response	No of Respondents	Percentages
Strongly agree	198	42.6%
Agree	95	28.8%
Strongly Disagree	-	-
Disagree	52	13.3%
Neutral	54	13.5%
Total	399	100%

Source: Field Survey, 2018

In table 2, 198 respondents (42.6%) strongly agree, 95 respondents (28.8%) agreed, 52 respondents (13.3%) disagree while 54 respondents (13.5%).

Table 3: How would you describe the hate speech bill?

Response	No of Respondents	Percentages
It is a bad bill	208	52.1%
It is a good bill	115	28.8%
I can't say	76	19%
Total	399	100%

Source: Field Survey, 2018

In table 3, 208 respondents (52.1%) describe the hate speech bill as a bad bill, 115 respondents (28.8%) describe the hate speech bill as a good bill while 76 respondents (19%) could not say.

Table 4: Who tends to benefit more if the hate speech bill is passed into law?

Response	No of Respondents	Percentages
The government	176	44.1%
Minority group	56	14%
Majority group	98	24.6%
The masses	69	17.3%
Total	399	100%

Source: Field Survey, 2018

In table 4, 176 respondents (44.1%) said the government tends to benefit more, 56 respondents (14%) said minority group, 98 respondents (24.6%) said majority group while 69 respondents (17.3%) said the masses.

Table 5: How beneficial would the hate speech bill to Nigeria as a nation?

Variables	No. of Respondents	Percentage (%)
Very beneficial	23	5.8%
Beneficial	159	39.8%
Not beneficial	217	54.4%
Total	399	100%

Source: Field Survey, 2018

From table 5, 23 respondents (5.8%) said the bill would be very beneficial, 159 respondents (39.8%) said beneficial while 217 respondents (54.4%) said not beneficial.

Table 6: Would the freedom of expression be tampered with if the hate speech bill is passed into law?

Variables	No. of Respondents	Percentage (%)
Yes	294	73.7%
No	78	19.5%
I can't say	27	6.8%
Total	399	100%

Source: Field Survey, 2018

In table 6, 294 respondents (73.7%) said freedom of information would be tampered with if the hate speech bill is passed into law, 78 respondents (19.5%) while 27 respondents (6.8%).

Table 7: Do you agree that hate speech bill would gag the press?

Variables	No. of Respondents	Percentage (%)
Strongly agree	124	31.1%
Agree	102	25.6%
Strongly Disagree	23	5.8%
Disagree	56	14%
Neutral	94	23.6%
Total	399	100%

Source: Field Survey, 2018

In table 7, 124 respondents (31.1%) Strongly agree, 102 respondents (25.6%) agreed 23 respondents (5.8%), 56 respondents (14%) said disagreed while 94 respondents (23.6%) were neutral.

Table 8: Do you agree that minority group would be silenced if the hate speech bill is passed into law?

Responses	No. of Respondents	Percentage (%)
Strongly agree	156	39.1%
Agree	99	24.8%
Strongly Disagree	44	11%
Disagree	43	10.8%
Neutral	57	14.3%
Total	399	100%

Source: Field Survey, 2018

Tables 8, shows that 156 respondents (39.1%) said strongly agree, 99 respondents (24.8%) agreed, 44 respondents (11%) strongly disagreed, 43 respondents (10.8%) disagree while 57 respondents (14.3%) were neutral.

IV. DISCUSSION OF FINDINGS

The analyzed data revealed that majority of the respondents (87.2%) were aware of the Hate speech Bill and majority of them were aware of the bill not just of recent. Finding out about the relevance of the bill in the present democratic dispensation, most of the respondents said the bill is irrelevant. In fact, 42.6% of the respondents strongly agreed that it is irrelevant.

Describing the bill, 52.1% of the respondents said the it is a bad bill, that the government tends to benefit more if passed into law, and that the bill would not be beneficial to Nigeria as a nation. The respondents justify this claim as 73.7% of the respondents were of the opinion that the freedom of expression would be tampered with if such bill is passed into law.

Furthermore, the average respondents said the press would be gag if the bill becomes a law in Nigeria. They said the press would not have the freedom to criticize the government while others said the press would not be able to challenge government policies. The average respondents also believed that the minority would be silenced if such bill becomes law in Nigeria.

V. CONCLUSION

Base on the revelation of the data analysed, it can be concluded that majority of the respondents are not favourably disposed to the passage of the Hate Speech Bill into law. They believe it would jeopardize freedom of expression in the country. This simply means that the bill is anti-people.

VI. RECOMMENDATIONS

This study recommends the following:

- i. That the National Assembly should shelve the idea of passing the Hate Speech Bill in the interest of Nigerians
- ii. That the government should look for other legitimate means to punish those who indulge in the use of foul language against others.
- iii. That the laws of defamation and sedition should be reviewed to take care of some of the provisions of the Hate speech Bill

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