



## DIGITAL INEQUALITY AND SOCIAL JUSTICE: ASSESSING INTERNET ACCESS AND DIGITAL RIGHTS IN NIGERIA

By:

\* Josephine Omi Obasohan

\*\* Okpako Omudhowo

### ABSTRACT

*This study examines digital inequality in Nigeria through a social justice and human rights perspective with particular focus on internet access and the protection of digital rights within the existing legal framework. It adopts the doctrinal legal analysis through the evaluation of constitutional provisions, statutory instruments and policies that are relevant to digital access and digital rights in Nigeria. This includes the constitutional rights to freedom of expression and privacy as well as the relevant legislation governing telecommunications and information technology. Also, the study focuses on the distributive justice theory to assess the normative foundations of digital inclusion. The analysis reveals that though Nigeria has made progress in expanding internet connectivity, there are significant disparities which are traceable to the absence of a comprehensive legal framework that recognises internet access as a right and the weak policy enforcement which limits the ability of existing measures in addressing digital inequality effectively. The consequence of these disparities is the exclusion of a large amount or significant portion of the population from participation in the digital economy and public sphere. The study concludes that digital inequality in Nigeria is a challenge to social justice with direct implications on the enjoyment of fundamental rights. It recommends the adoption of a coherent legal framework, strengthening of the process of implementation of policies and enhancement of judicial engagements to ensure equitable and inclusive digital access.*

**Keywords:** Digital, Inequality, Internet, Social Justice, Technology, Nigeria

### 1. Introduction

The internet is not only a tool of convenience but also a fundamental medium for accessing education, healthcare, employment opportunities, governance mechanisms and public services.<sup>1</sup>This is because the gap between individuals, households, businesses or geographical

---

\*Josephine Omi Obasohan, Lecturer, Faculty of Law, Benson Idahosa University, Benin City, Edo State, Nigeria.  
GSM: 0803 840 9537; <https://orcid.org/0009-0002-7749-1082>; Email: [jobasohan@biu.edu.ng](mailto:jobasohan@biu.edu.ng)

areas regarding their access to information and communication technology and their ability to use the internet effectively otherwise known as digital divide is not just an infrastructure problem but a critical human rights and social justice issue since it exacerbates inequalities in education, healthcare and economic opportunities.<sup>2</sup>Currently, several nations are pursuing complete digital change or transformation which can be facilitated by equitable access to the internet service. As remarked by Yadav and Tyagi, the current tension on fundamental rights resulting from rapid shift towards digital technology and governance requires the strengthening of the existing legal frameworks for data protection.<sup>3</sup>

In Nigeria, Africa's most populous nation, the expansion of internet infrastructure and the proliferation of mobile broadband have driven significant growth in online connectivity.<sup>4</sup> Recent data released by the Nigerian Communication Commission indicate that as at August 2025, Nigeria has hundreds of millions of internet users, with broadband penetration approaching half of the population and over 140 million persons are reported to have subscribed.<sup>5</sup> Notwithstanding these headline figures, there is a digital divide attributable to socio-economic, geographic, and demographic inequalities.<sup>6</sup> For example, rural communities often lag far behind urban centres in internet usage thereby creating a significant digital divide that affects education, economic opportunities and access to essential services.<sup>7</sup>

---

\*\*Okpako Omudhowo, Lecturer, Faculty of Law, Benson Idahosa University, Benin City, Edo State, Nigeria. GSM: 08163040404; <https://orcid.org/0009-0009-7304-6097>; Email: [ookpako@biu.edu.ng](mailto:ookpako@biu.edu.ng)

<sup>1</sup>Yu, J., Bekerian, D. A., & Osback, C., "Navigating the Digital Landscape: Challenges and Barriers to Effective Information Use on the Internet", *Scholarly Community Encyclopedia*, 2024, vol. 4, issue 4, p. 1665. Available @ [Encyclopedia.pub](https://encyclopedia.pub) <<https://encyclopedia.pub>> accessed on 27<sup>th</sup> March, 2026.

<sup>2</sup>Sander, C. K., & Scanlon, E., "The Digital Divide Is a Human Right Issue: Advancing Social Inclusion Through Social Work Advocacy", *Semantic Scholar* < available @ <https://www.semanticscholar.org>> accessed on 27<sup>th</sup> March, 2026.

<sup>3</sup>Yadav, G., and Tyagi, D., "Constitutional Rights in Digital Age: Privacy, Freedom of Speech, and Data Protection", *International Journal of Law*, 2026, vol. 12, number 1, p. 35.

<sup>4</sup>Njoku, N. A., Musa, I., & Magaji, S., "Opportunities Presented by Digital Infrastructure and Internet Access for Nigeria's Economic Growth", *International Journal of Innovation Information Systems & Technology Research*, 2025, vol. 13, number 4, p. 64. Available @ [www.seahipublications.org](http://www.seahipublications.org)> accessed on 27<sup>th</sup> March, 2026.

<sup>5</sup>Okonji, E., "With 140 Internet Subscribers, Nigeria's Broadband Penetration Hits 48.8%, Less than 70% Target", *Thisdaylive*, <available @ <https://www.thisdaylive.com>> accessed on 27<sup>th</sup> March, 2026.

<sup>6</sup>Okocha, D. O., & Dogo, J. S., "Digital Inclusion in Rural Areas: Qualitative Exploration of Challenges Faced by People from Isolated Communities in Southern Kaduna", *African Scientific Research Innovation Council Journal on Social Sciences and Humanities*, 2023, vol. 4, number 2, p. 86. Available online @ <https://asric.africa/social-sciences>> accessed on 27<sup>th</sup> March, 2026.

<sup>7</sup>Okocha, D. O., & Dogo, J. S., "Digital Inclusion in Rural Areas: Qualitative Exploration of Challenges Faced by People from Isolated Communities in Southern Kaduna", *African Scientific Research Innovation Council Journal on Social Sciences and Humanities*, 2023, vol. 4, number 2, p. 86. Available online @ <https://asric.africa/social-sciences>> accessed on 27<sup>th</sup> March, 2026.

It is worthy of note that digital inequality is not limited to physical connectivity as it encompasses access to digital skills.<sup>8</sup> According to Raihan, Subroto, Chowdhury, Koch, Ruttan and Turin, digital inequality covers the access to digital skills, the affordability of devices and data plans as well as the capacity to participate meaningfully in online civic and economic life.<sup>9</sup> These dimensions of inequality have manifested in Nigeria in the form of limited digital infrastructure, high costs, poor electricity supply and gaps in digital literacy. This has constrained the ability of a large segment of the population especially women, youths and rural dwellers from accessing and benefitting from the digital ecosystem.

Thus, despite notable progress and expansion in internet access, Nigeria remains challenged by deep and persistent digital inequalities that affect millions of people.<sup>10</sup> The unequal distribution of digital resources and opportunities raise issues about social justice, digital inclusion and the realisation of digital rights. This is because when certain population is excluded from meaningful internet access, the result is not just a “digital gap” but increasing barrier to education, economic participation, political engagement and fundamental freedoms due to the extent to which internet has become valuable in recent time.<sup>11</sup>

In Nigeria, although, there are government policies such as the Nation Digital Economy Policy and the National Broadband Plan (2020-2025) and Constitutional<sup>12</sup> provisions such as the right to privacy<sup>13</sup> which constitutes the basis for confidentiality of communications and freedom of expression which guarantees the right to receive and impart ideas through any medium including the internet,<sup>14</sup> there is no single comprehensive “Digital Rights Act” at the moment that covers the problems of digital inequality, internet access which can ensure social justice in Nigeria. The consequence of the absence of a comprehensive Digital Rights Act is the widening digital divide among the population and the denial of the full benefits of digital and communication technologies which can accelerate the development of the Nigerian society.

---

<sup>8</sup>Ibid.

<sup>9</sup>Raihan, M. H., Subroto, S., Chowdhury, N., Koch, N., Ruttan, E., Turin, T. C., “Dimensions and Barriers for Digital (in) Equity and Digital Divide: A Systematic Integrative Review”, *Digital Transformation and Society*, 2025, vol. 4, issue 2, p. 111. Available @ emerald.com <<https://www.emerald.com>> accessed on 27<sup>th</sup> March, 2026.

<sup>10</sup>Vitalis, P. O., Aondover, E. M., Ogunbola, O., Onyejelem, T. E., & Ridwan, M., “Accessing Digital Divide and Implications in Nigeria: The Media Dimension”, *Budapest International Research and Critics Institute (BIRCI-Journal), Humanities and Social Sciences* 2025, vol. 8, issue 1, p. 1. Available @ ResearchGate <<https://www.researchgate.net>> accessed on 27<sup>th</sup> March, 2026.

<sup>11</sup>Ibid.

<sup>12</sup>The Constitution of the Federal Republic of Nigeria, 1999 as amended.

<sup>13</sup>Ibid. See section 37.

<sup>14</sup>Ibid. See section 39.

This research is conducted in seven sections. While section one deals with introduction, section two handles the clarification of some relevant concepts. In section three, the legal framework governing digital rights and internet access in Nigeria was considered while section four examines digital rights and internet access as human rights. In section five, the policy and regulatory response to the problems of digital inequality was examined while sections six and seven were respectively devoted to recommendations and conclusion.

## 2. Conceptual Clarifications

It is considered necessary to clarify some fundamental concepts in this study. Consequently, the concepts of digital inequality, digital rights and social justice in the digital context are hereby analysed hereunder.

**2.1 Digital Inequality:** This is the digital manifestation of social inequality. It refers to the gaps in knowledge and skills of using information and communications technology (ICT) among individuals with socioeconomic backgrounds, information technology experiences and different demographics.<sup>15</sup> It goes beyond the simple idea of a digital divide (those who have internet access versus those who do not). It is a concept that captures differences in access, affordability, digital skills, quality of use, and outcome inequality.

Digital inequality limits individuals' ability to access and benefit from digital technologies and is closely linked to broader social inequalities. Research by Liu<sup>16</sup> shows that internet users generally have higher levels of education and income than non-users, indicating that disadvantaged social classes are also excluded from digital opportunities. A study conducted in China, Croatia and South Africa<sup>17</sup> has demonstrated that digital inequality reinforces unemployment and intensifies social inequality. For instance, young people need digital skills to secure employment but lack access to the tools required to develop those skills. Similarly, limited access to digital resources restricts their ability to improve their educational attainment. As a result, digital inequality and social inequality interact in a self-reinforcing cycle. Research

---

<sup>15</sup>Islam, M. N., & Inan, T. T., "Exploring the Fundamental Factors of Digital Inequality in Bangladesh", *Sage Open Journals*, available @ <https://journals.sagepub.com>> accessed on 27<sup>th</sup> March, 2026.

<sup>16</sup> H. Liu, C. Fang, & S. Sun, "Digital inequality in provincial China", *Environment, Planning, Economy and Space Journal*, 2017, vol. 49, issue 10. Available @ Sage online publication <<https://journals.sagepub.com>> accessed 28<sup>th</sup> March, 2026.

<sup>17</sup>Oyedemi, T. D., & Choung, M., "Digital Inequality and Youth Employment", *Communicatio: South African Journal for Communication Theory & Research*, 2020, vol. 46, issue 3, p. 68. Available @ EBSCO <<https://openurl.ebsco.com>> accessed on 28<sup>th</sup> March, 2026.

on Ukrainian society<sup>18</sup> emphasises the need for continuous monitoring of digital differentiation by examining its relationship with socioeconomic development. Likewise, a study on Bangladesh<sup>19</sup> highlights educational, infrastructural, social, and economic factors as key contributors to digital inequality.

Although significant improvements have been made over time in expanding access to digital tools in Turkey, disparities persist, particularly between urban and rural areas and between men and women. Numerous studies have examined the educational consequences of digital inequality, especially during the COVID-19 pandemic.<sup>20</sup> These studies suggest that the existing literature still insufficiently addresses digital inequality and that crisis periods such as pandemics exacerbate existing disparities.

Digital inequality has also been widely studied in relation to political participation and access to bureaucratic processes.<sup>21</sup> These studies indicate that effective engagement with political discourse increasingly depends on digital competence. However, findings from Morris and Morris challenge the notion of a “digital reproduction of inequality”, arguing that the internet can function as an equalising force by enhancing citizen participation rather than increasing inequality.<sup>22</sup> When interpreting these findings, particularly in the context of the United States, it is important to consider the specific political and economic conditions of the society and time period studied. As Acilar notes,<sup>23</sup> substantial differences exist between developed and developing countries in terms of access to and use of information and communication technologies. For this reason, digital inequality must be examined within a broader sociological framework.

---

<sup>18</sup>Sichkarenko, H., Zlenko, A., Stoian, T., Kuchera, T., & Yevtushenko, N., “Digital Inequality as a Prerequisite of Socio-Economic Differentiation of Society”, *Financial and Credit Activity-Problems of Theory and Practice*, 2021, vol. 5, issue 40, p. 446. Available @ ResearchGate<<https://www.researchgate.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>19</sup>Islam, M. N., & Inan, T. T., “Exploring the Fundamental Factors of Digital Inequality in Bangladesh”, *Sage Journals*, 2021, vol. 11, issue 2, p. 1. Visit: <https://journals.sagepub.com> accessed on 28<sup>th</sup> March, 2026.

<sup>20</sup> Watts, G., “Covid-19 and the Digital Divide in the UK”, *The Lancet Digital Health*, 2020, vol. 2, issue 8, p. 395. Available @ ResearchGate<<https://www.researchgate.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>21</sup> Morris, D. S., and Morris, J. S., “Digital Inequality and Participation in the Political Process: Real or Imagined?”, *Social Science Computer Review*, 2013, vol. 31, issue 5, p. 589. Visit: ACM Digital Library <<https://dl.acm.org>> accessed on 28<sup>th</sup> March, 2026.

<sup>22</sup>Ibid.

<sup>23</sup>Acilar, A., “Exploring the Aspects of Digital Divide in a Developing Country”, *Issues in Informing Science and Information Technology*, 2011, vol. 8, p. 231. Available @ SSRN eLibrary<<https://papers.ssrn.com>> accessed on 28<sup>th</sup> March, 2026.

Thus, the physical availability of internet infrastructure (broadband, mobile networks, electricity); ability to pay for devices, data and connectivity services; capacity to use digital tools effectively for education, employment and civic participation; speed, reliability and freedom from restrictions or censorship; and differences in the benefits people derive from internet use (income, knowledge, political voice) are all part of digital inequality.

**2.2 Digital Rights:** Digital rights refer to the application of fundamental human rights in digital spaces.<sup>24</sup> They include freedom of expression online; right to privacy and data protection; right of access to information; non-discrimination in digital access; and participation in digital governance. It is important to state that despite the fact that Nigeria is yet have a single codified “Digital Rights Act”, digital rights are derivable from regulatory instruments and constitutional provisions in Nigeria.<sup>25</sup>

For the purpose of clarity, it is not everything digital that is connected to the internet. This is because biometric data, such as facial recognition and fingerprint checking also form part of digital technologies and they are non-internet enabled or related.<sup>26</sup> Thus, digital right is particularly related to the protection and realisation of existing rights, such as the rights to privacy and freedom of expression, in the context of digital technologies. It is the right to know and seek information, blog, share, access the internet, online privacy, online security and also the fundamental right to access online information and all other forms of digital technologies.<sup>27</sup> Besides, while internet technology is dependent on digital technology because it cannot function without it, digital technology is not dependent on internet because there are digital infrastructures that can work without the internet service.

**2.3 Social Justice in the Digital Context:** Social justice refers to the equitable treatment and equal standing of all individuals and social groups within a society or state.<sup>28</sup> It is an important standard for the evaluation of political ideologies, systems and leaders such that political authorities have an obligation to establish, maintain and defend social and economic structures

---

<sup>24</sup>Adeboye, A., “Digital Rights and Privacy in Nigeria”, *Paradigm Initiative Publication*, 2020, p. 4; Airat, O. S., “An Overview of Online Expression as a Digital Right”, 2020, visit: <<https://digitalrightslawyers.org/publications>> accessed 12 January 2026.

<sup>25</sup>Kasali, F. O., “Unravelling the Concept of Digital Rights Law in Nigeria”, 2020, available @ <<https://www.digitalrightslawyers.org/publications>> accessed 12 January 2026.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

<sup>28</sup>Sabbagh, C., & Schmitt, M., *Handbook of Social Justice Research and Theory*, (Springer, 2016), p. 7. Visit: Amazon.com <<https://www.amazon.com>> accessed on 28<sup>th</sup> March, 2026.

that ensure justice.<sup>29</sup> Thus, the concept encompasses social, political and economic institutions, laws, and policies that promote fairness as well as the movements that advocate for equity, inclusion, self-determination and related goals for marginalised or oppressed populations.

Across history, humanity has continually struggled for justice, equity and equal treatment but it is often confronted by significant resistance. The development of social hierarchies and institutional systems has enabled remarkable advances in technology and human creativity. At the same time, these structures have produced power imbalances that allow a limited segment of society to benefit disproportionately from collective achievements thereby fostering conditions in which social injustice can arise.<sup>30</sup>

Although social justice has long been a subject of scholarly and public concern, it has become increasingly prominent in recent years due to growing income and wealth disparities in many parts of the world. Current levels of inequality are approaching those seen at the beginning of the twentieth century.<sup>31</sup> In response, widespread protests have emerged addressing racial, gender-based, economic and resource-related inequalities. Notable examples include the Black Lives Matter movement in the United States which gained global visibility after the 2020 killing of George Floyd by a police officer and the Arab Spring uprisings against authoritarian governance and escalating inequality in several Arab nations.<sup>32</sup> In addition, ongoing conflicts in regions such as Ukraine and the Middle East have highlighted the suffering of civilian populations deprived of fundamental rights. Consequently, social justice continues to be a central issue in public discourse and policy making.

At the global level, the United Nations has identified social justice as a critical concern, defining it as a condition characterised by fairness, balance, and equality in the allocation of rights and resources. The United Nations' instrument<sup>33</sup> emphasises freedom, equality, and tolerance as core values, asserting that global challenges should be addressed in ways that equitably distribute

---

<sup>29</sup>Ibid.

<sup>30</sup>Killen, M., Yee, K. M., & Ruck, M. D., "Social and Racial Justice as Fundamental Goals for the Field of Human Development", *Human Development*, 2021, vol. 65, issue 6, p. 257. Available @ APA PsycNET <<https://psycnet.apa.org>> accessed on 28<sup>th</sup> March, 2026.

<sup>31</sup>Qureshi, Z., "Rising Inequality: A Major Issue of Our Time", *Brookings Institute* <<https://www.brookings.edu/articles/rising-inequality-a-major-issue-of-our-time/>> accessed 14 January 2026.

<sup>32</sup>Inlakesh, R., "Are we seeing a New Arab Spring? TRT World" <<https://www.trtworld.com/opinion/are-we-seeing-a-new-arab-spring-30904>> accessed 8 January 2026.

<sup>33</sup>United Nations Universal Declaration of Human Rights (1948).

responsibilities and burdens regardless of race, gender and status.<sup>34</sup> It further states that those who benefit the least deserve support from those who benefit the most. Overall, social justice can be understood as a multidimensional concept grounded in equity, emphasising both the fair distribution of resources, opportunities and advantages and the processes and practices through which such fairness is achieved.

Digital technologies are frequently regarded as tools that can reduce inequalities by expanding access to opportunities for diverse populations.<sup>35</sup> These technologies tend to fulfill this promise by improving access to information and facilitating social, political, and economic participation. However, closer examination reveals a more nuanced reality.<sup>36</sup> Social media illustrates the duality of supporting the organisation and mobilisation of social movements; and being used to monitor, control, and marginalise certain groups through data-driven surveillance, thereby reinforcing existing inequities.<sup>37</sup> Moreover, the design and application of digital technologies are often influenced by social justice considerations as seen in initiatives such as computer training programmes developed to support refugees.<sup>38</sup> These dynamics demonstrate that the relationship between digital technologies and social justice is complex and globally significant, with far-reaching implications that demand deeper theoretical analysis. This provides the foundation for the present special issue which aims to explore and clarify the varied ways in which digital technologies and social justice intersect.

Digital technologies play an important role in making social injustices against marginalised groups visible to the wider public. Activists and advocates can use digital tools to record evidence of oppression, discrimination, and unequal treatment. For example, the police brutality and EndSARS protests in Nigeria could not have been documented as effectively without digital

---

<sup>34</sup>Ibid. See Articles 1, 2 & 22.

<sup>35</sup>Schradié, J., “The Great Equalizer Reproduces Inequality: How the Digital Divide is a Class Power Divide” *Rethinking Class and Social Difference*, 2020, vol. 37, p. 81. Available @ HAL Sciences Po <<https://sciencespo.hal.science>> accessed on 28<sup>th</sup> March, 2026.

<sup>36</sup>Ranchordas, S., “Connected but Still Excluded? Digital Exclusion beyond Internet Access”, available @ Tilburg University Research Portal <<https://research.tilburguniversity.edu>> accessed on 28<sup>th</sup> March, 2026.

<sup>37</sup>Cinnamon, J., “Social Injustice in Surveillance Capitalism” *Surveillance & Society*, 2017, vol. 15, issue 5, p. 609. Available @ Queen’s University <<https://ojs.library.queensu.ca>> accessed on 28<sup>th</sup> March, 2026.

<sup>38</sup>Diaz Andrade, A., and Doolin, B., “Information and Communication Technology and the Social Inclusion of Refugees”, *MIS Quarterly*, 2016, vol. 40, issue 2, p. 406. Available @ ACM Digital Library <<https://dl.acm.org>> accessed on 28<sup>th</sup> March, 2026.

technologies like mobile phones.<sup>39</sup> Journalists and human rights organisations have also used satellite images and image-processing tools to expose the oppression of minority groups by authoritarian governments.<sup>40</sup>

In addition to documenting injustice, digital platforms such as social media and messaging applications allow marginalised voices to reach a broader audience and potential supporters.<sup>41</sup> These platforms help raise public awareness of social injustice and make oppression more visible. They also allow advocates to draw attention to ongoing inequality. A well-known example is the #MeToo movement, which spread globally through social media when public figures shared their experiences.<sup>42</sup> Social media can therefore help different voices be heard in an inclusive and empowering way.<sup>43</sup>

This role of digital technologies is especially important in situations where those in power control traditional media and limit public discussion.<sup>44</sup> This is against the backdrop that social media is widely accessible and therefore harder for powerful actors to fully control public narratives. This is possible because although some governments censor digital platforms, there are tools that can help people bypass these restrictions. Thus, in democratic societies, digital technologies provide alternative ways for advocates to ensure that the voices of oppressed groups are heard. By exposing social injustice to a large audience, digital tools can encourage public engagement and calls for change.

However, digital technologies can also be used by powerful actors to monitor and suppress movements for social justice. Surveillance technologies supported by algorithms allow

---

<sup>39</sup>Inobemhe, K., & Santas, T., “EndSars Protest: A Discourse on Impact of Digital Media on 21<sup>st</sup> Century Activism in Nigeria”, *Galactica Media: Journal of Media Studies*, 2022, vol. 4, number 4, p. 100. Available @ Galactica Media: Journal of Media Studies <<https://galacticamedia.com>> accessed on 28<sup>th</sup> March, 2026.

<sup>40</sup>Buckley, C., & Ramzy, A., “Night Images reveal many New Detention Sites in China’s Xinjiang Region”, *The New York Times*, visit: <<https://www.nytimes.com/2020/09/24/world/asia/china-muslims-xinjiang-detention.html>> accessed 14 January 2026.

<sup>41</sup>Venkatesan, S., Valecha, R., Yaraghi, N., Oh, O., & Rao, R. H., “Influence in Social Media: An Investigation of Tweets Spanning the 2011 Egyptian Revolution”, *MIS Quarterly*, 2021, vol. 45, issue 4, p. 1679. Available @ ResearchGate <<https://www.researchgate.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>42</sup>Burton-Jones, A., & Sarker, S., “Editor’s Comments: Creating our Editorial Board Position Statement on Diversity, Equity and Inclusion (DEI)”, *MIS Quarterly*, 2021, vol. 45, issue 4, p. 1. Available @ The University of Queensland <<https://espace.library.uq.edu.au>> accessed on 28<sup>th</sup> March, 2026.

<sup>43</sup>Miranda, S. M., Young, A., & Yetgin, E., “Are Social Media Emancipatory or Hegemonic? Societal Effects of Mass Media Digitization in the Case of SOPA Discourse”, *MIS Quarterly*, 2016, vol. 40, issue 2, p. 303. Available @ Slideshare <<https://www.slideshare.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>44</sup>Szostek, J., “News Media Repertoires and Strategic Narrative Reception: A Paradox of Dis/Belief in Authoritarian Russia”, *New Media & Society*, 2018, vol. 20, number 1, p. 68. Available @ Royal Holloway Research Portal <<https://pure.royalholloway.ac.uk>> accessed on 28<sup>th</sup> March, 2026.

authorities to quickly identify and punish those who challenge their power.<sup>45</sup> In addition, many algorithms have been criticised for producing biased outcomes, either intentionally or unintentionally.<sup>46</sup>

Finally, the same digital platforms that support social justice efforts can also be misused by hate groups and extremist organisations to spread discrimination and injustice.<sup>47</sup> Social media makes it easy for these groups to connect with others who share similar views and to organise large-scale actions based on prejudice.<sup>48</sup> They can also slow down or block social reform by spreading false information about marginalised groups.<sup>49</sup>

Thus, in all social justice in this study refers to the fair distribution of digital opportunities and protection across society. It requires that access to the internet is not determined solely by wealth or location; vulnerable groups are not excluded from digital participation; and legal and policy frameworks actively change any structural disadvantages. Digital exclusion can deepen poverty, limit educational mobility and silence opposing political voices. Therefore, digital inequality directly affects social justice goals negatively.

### **3. Legal Frameworks Governing Digital Access and Rights in Nigeria**

In this section of this study, the various legal instruments from which digital rights are derived are briefly discussed.

#### **3.1 Constitution of the Federal Republic of Nigeria 1999**

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) forms the legal foundation for the protection of rights relevant to digital access and digital participation in Nigeria. The Constitution provides as follows:

---

<sup>45</sup>Strittmatter, K., *We have been Harmonized: Life in China's Surveillance State*, (HarperCollins, 2020), 14.

<sup>46</sup>Athey, S., "Beyond Prediction: Using Big Data for Policy Problems", *Science* (2017) (355) (6324), p. 483. Available @ Google Scholar <<https://scholar.google.com>> accessed on 27<sup>th</sup> March, 2026.

<sup>47</sup>Chan, J., Ghose, A., &Seamans, R., "The Internet and Racial Hate Crimes: Offline Spillovers from Online Access", *MIS Quarterly*, 2016, vol. 40,issue 2, p. 381. Available @ ACM Digital Library <<https://dl.acm.org>> accessed on 25<sup>th</sup> March, 2026.

<sup>48</sup>Lowry, P. B., Zhang, J., Wang, C., &Siponen, M., "Why do Adults Engage in Cyberbullying on Social Media? An Integration of Online Distribution and De-individualisation Effects with the Social Structure and Social Learning Model", *Information Systems Research*, 2016, vol. 27, issue 4, p. 962. Visit: justor<<https://www.jstor.org>> accessed on 24<sup>th</sup> March, 2026.

<sup>49</sup> Wang, S. A., Pang, M. S., &Pavlou, P. A., "Seeing is Believing? How including a Video in Fake News Influences Users' Reporting of Fake News to Social Media Platforms", *MIS Quarterly*, 2022,vol. 46, issue 3, p. 1323. Available @ AIS eLibrary<<https://aisel.aisnet.org>> accessed on 23<sup>rd</sup> March, 2026.

Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.<sup>50</sup>

Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions: provided that no person other than the Government of the Federation or of a State or any person or body authorised by the president on the fulfillment of conditions laid down by an Act of the National Assembly shall own, establish or operate a television or wireless broadcasting station for any purpose or whatsoever.<sup>51</sup>

While observing that this provision is technologically neutral, it is important to state that there is no restriction as to the medium of dissemination of information which can firmly be deduced from the phrase “operate any medium”<sup>52</sup> indicating that the right extends beyond the traditional media to include digital platforms such as social media, websites, blogs, and online news services. However, where the medium involves, television or wireless broadcasting station, there are restrictions because authorisation is required based on the fulfillment of some conditions.<sup>53</sup>

Thus, besides the fact that part of Nigeria’s population lacks internet access due to poverty, rural location or infrastructural neglect, people are effectively restricted from exercising freedom of expression in modern public discourse which has largely changed online. This digital exclusion limits the ability of sharing opinions; reduces access to diverse information sources; and weakens democratic participation. From a social justice perspective therefore, internet access can produce indirect inequality in the enjoyment of constitutional freedoms.

Similarly, the right to private and family life is constitutionally guaranteed in the following words, “the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.”<sup>54</sup>

It is germane to remark that although the above provision was drafted before the digital age, it has been widely interpreted to include electronic communication, emails, online messaging and digital data. This section forms the constitutional foundation for “protection of personal data”; confidentiality of online communications; and safeguards against unlawful digital surveillance. In a digital unequal society, however, privacy protection may be uneven in practice. Individuals

---

<sup>50</sup>The Constitution of the Federal Republic of Nigeria, 1999 as amended. See section 39(1).

<sup>51</sup>Ibid. See section 39(2).

<sup>52</sup>Ibid.

<sup>53</sup>Ibid.

<sup>54</sup>Ibid. See section 37.

with limited digital literacy may be more vulnerable to data exploitation, cyber fraud, and privacy violations. Thus, digital inequality can also create unequal exposure to digital harms, undermining the effective enjoyment of constitutional privacy rights.

Furthermore, although the Constitution does not explicitly create a board “right to information”, section 39 supports the right to receive information which underpins transparency and accountability. In modern governance, government services are increasingly digitised making public information to be disseminated online and civic engagements often occur through digital platforms. This is essentially so because in the case of *Anthony Olubumi Okogie v Lagos State Government*,<sup>55</sup> the word “medium” in section 39 of the Nigerian Constitution<sup>56</sup> was interpreted to include digital media. The implication is that digital media include social media platforms, like Facebook, X (Twitter), Instagram, TikTok, or any other digital technology capable of disseminating information. Thus, when citizens lack internet access, they may be excluded from e-government services, online public consultations, and access to official information.

In the same vein, in *Kalda v Estonia*,<sup>57</sup> the European Court held that the fundamental right of expression of the Applicant was violated through the refusal to grant him access to the internet. Again, in the case of *Valdeloma and Sibaja v Costa Rican Superintendence of Telecommunication*,<sup>58</sup> the Supreme Court of Costa Rica stated that a restriction on internet access could infringe the right to freedom of expression. Similar decision was reached in the case of *Shreya Singhal v Union of India*,<sup>59</sup> where India’s Supreme Court ruled in favour of freedom of expression on internet as a fundamental right.

Flowing from the above judicial decisions and statutory provisions, it is submitted here that any infringement on digital rights violate the fundamental right to freedom of expression guaranteed under the Nigerian Constitution. Therefore, it is enforceable in the Nigerian courts as the fundamental right to freedom of expression in the Nigerian Constitution.

Additionally, it is pertinent to mention that section 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), prohibits discrimination based on ethnic group, place of origin,

---

<sup>55</sup> (1981) 2 NCLR.

<sup>56</sup>Section 39(2) of the Constitution of the Federal Republic of Nigeria, 1999.

<sup>57</sup> (2016) ECHR 92. See also Solomon Okedara, “Digital Right” <<https://www.mediadefence.org/news/interview-with-solomon-okadara-from-digital-rights-lawyers-initiative-drli>> accessed 14 January 2026.

<sup>58</sup> Costa Rica Exp., 17-000191-0007-CO.

<sup>59</sup>(2013) 12 S.C. 73.

sex, religion or political opinion. Although, the provision did not clearly address digital access, systemic patterns of digital inequality that disproportionately affect rural populations, women and economically disadvantaged groups can raise indirect discrimination concerns. Thus, if State policies fail to address disparities in digital access, question could arise regarding whether the State is fulfilling its obligation to ensure equal protection and benefit of the law in a digital era.

The above constitutional foundations notwithstanding, some key limitations can be identified to include: no explicit recognition of internet access as a right; no constitutional obligation to provide universal digital infrastructure; and there is no judicial precedent directly addressing digital inequality. The constitutional protections therefore, operate indirectly leaving significant reliance on statutory and policy frameworks. This gap shows the importance of examining specific regulatory regimes which the next subsection addresses.

### **3.2 National Information Technology Development Agency (NITDA) Act, 2007**

The National Information Technology Development Agency Act, 2007 establishes the principal government body responsible for planning, regulating and promoting information technology development in Nigeria. Although the Act<sup>60</sup> does not expressly frame its objectives in terms of “digital rights” or “digital justice,” its provisions are central to the institutional and policy architecture aimed at reducing digital inequality.

The Act establishes the National Information Technology Development Agency (NITDA) as the national agency charged with developing information technology in Nigeria; coordinating IT policies and standards; encouraging local IT capacity and infrastructure; and promoting digital literacy and skills.<sup>61</sup> This institutional mandate positions NITDA as a key actor, in digital inclusion, even though its founding law predates contemporary debates on digital rights.

From a social justice perspective, these responsibilities align with distributive justice principles as they imply State involvement in broadening access beyond market-driven urban concentration. However, the Act does not impose a clear, enforceable obligation to ensure

---

<sup>60</sup>National Information Technology Development Agency Act, 2007.

<sup>61</sup>Ibid. See sections 1 & 6.

universal or equitable access, leaving implementation largely dependent on policy direction and funding priorities.<sup>62</sup>

The Act empowers NITDA to promote IT education, skill acquisition programmes, and public awareness of digital technologies. This is critical because digital inequality is not only about infrastructure but also about capability gaps. By targeting digital skills, the Act indirectly supports the expansion of citizens' capacity to participate in the digital economy and civic life. Nevertheless, the Act provides broad discretionary powers rather than rights-based guarantees. Citizens cannot directly claim digital training or access as a legal entitlement under the statute.

The NITDA plays a central role in implementing Nigeria's digital economy policies and strategies. Through this function, it acts as a bridge between law, policy and practice in expanding digital participation. Its involvement in national digital strategies makes it a critical institution in addressing digital inequality even though the Act itself does not frame its mandate in social justice language.<sup>63</sup>

Despite its importance, the NITDA Act has notable shortcomings in addressing digital inequality and digital rights. It does not recognise internet access as a right. It lacks explicit obligations to prioritise underserved populations; it provides limited accountability mechanisms for failures in digital inclusion; its language reflects a developmental approach rather than a rights-based approach. Thus, while the Act establishes the institutional machinery for digital growth, it does not fully translate digital access into a matter of legal entitlement or social justice.

### **3.3 Nigerian Communications Act, 2003**

The Nigerian Communications Act, 2003 is the principal legislation governing telecommunications and internet service provision in Nigeria. The Act was enacted to liberalise the communications sector. It establishes the regulatory framework for licensing, competition, infrastructure development and consumer protection within Nigeria's rapidly expanding digital

---

<sup>62</sup>Okeke, I. C., Agu, E. E., Onyinye, G. E., and Chikezie, P. E., "A Comparative Model for Financial Advisory Standardisation in Nigeria and Sub-Saharan Africa", *International Journal of Frontline Research and Reviews*, 2024, vol. 2, number 2, p. 45. Available @ ResearchGate <<https://www.researchgate.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>63</sup>Oladipupo, O. B., Abdulazeez, O. A., "Digital Literacy and Skills Development in Nigeria: Policies, Barriers and Recommendations", *Journal of African Innovation & Advanced Studies*, 2024, vol. 5, issue 2, p. 262. Visit: African Scholars Publications <<https://africanscholarpub.com>> accessed on 28<sup>th</sup> March, 2026.

environment. The Act does not expressly recognise digital rights but plays a central role in shaping access to internet services and by extension, digital inclusion.<sup>64</sup>

The Act establishes the Nigerian Communications Commission (NCC) as the independent regulatory authority responsible for overseeing the communications sector. The NCC is empowered to licence telecommunications operators, promote fair competition, ensure efficient service delivery, protect consumer interests and facilitate universal access to communications services.<sup>65</sup> Through these functions, the Act situates the State as both a market regulator and a facilitator of nationwide connectivity. By section 1(b) of the Act,<sup>66</sup> provision was made for a key objective of the NCA which is the promotion of universal access to communications services. Specifically, it says, “to promote the provision of modern, efficient, reliable, affordable and adequate communications services throughout Nigeria.” Thus, the Act recognises that market forces alone may not ensure equitable access, particularly for rural and underserved communities.

Similarly, the Act gives the Commission the authority to determine "Universal Service Obligations"<sup>67</sup> and also mandates the creation of the Universal Service Provision Fund (USPF).<sup>68</sup> This fund is used specifically to subsidise the expansion of infrastructure into "un-served and underserved areas" where it would not normally be profitable for companies to go. The fund is to be maintained through contributions from licensees (usually a percentage of their annual turnover), ensuring that those profiting from the industry are used to fund its expansion to the edges of the country.<sup>69</sup> The Act ensures that "national coverage" is not just a suggestion but a coordinated effort between the Commission and the Government.

While the Commission prepares a "Universal Service Provision Plan" which defines what constitutes "universal access" and sets the roadmap for achieving total national coverage,<sup>70</sup> the Act, in section 114 establishes the Universal Service Provision Board, with membership from the Ministry and the Commission to align regulatory actions with national digital policy.

---

<sup>64</sup>Mantu, J. I., “The Legal Framework for Licensing Telecommunications Services in Nigeria”, (2019) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3411906](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3411906)> accessed 19 January 2026.

<sup>65</sup>Ibid.

<sup>66</sup>The Nigerian Communications Act, 2003 (Act No. 19 of 2003).

<sup>67</sup>Ibid.

<sup>68</sup>Ibid.

<sup>69</sup>Ibid. See section 115.

<sup>70</sup>Ibid. See section 113.

Though the term "digital inequality" is not used verbatim in the 2003 text (as it was written before the modern "digital divide" lexicon became standard), the Act addresses the concept through Equity and Non-Discrimination in section 1 which states the objective of "ensuring that the needs of the poor, disabled, and elderly persons are taken into consideration."<sup>71</sup> Also, the Act tasks the Commission with ensuring that "the entire body of consumers" has access to services, preventing a "digital elite" from being the only beneficiaries of the law.<sup>72</sup>

These provisions show a distributive justice orientation, acknowledging that access to communication services is essential for national development. However, the Act does not define universal access as a legal right enforceable by citizens. Instead, it frames access as a regulatory objective, leaving implementation largely dependent on policy priorities, regulatory discretion, and private sector cooperation.

Despite its regulatory significance, the Nigerian Communications Act has several limitations when assessed through a digital rights and social justice lens including, treating internet access primarily as a commercial service and not as a fundamental right; no explicit safeguards against exclusion of marginalised groups; provision of limited avenues for rights-based litigations which are related to digital access; and failing to address emerging issues such as digital affordability as a justice concern. Sequel to the above, while the Act facilitated sectorial growth, it has not fully resolved structural digital inequalities.

### **3.4 Cybercrimes (Prohibition, Prevention, etc.) Act, 2015**

The Cybercrimes (Prohibition, Prevention, etc) Act, 2015 was amended,<sup>73</sup> in 2024 to strengthen Nigeria's cyber-security framework. Although it was enacted to address rising cybercrime and threats to national security, the Act deals with conducts within the Nigeria's digital space with implications extending beyond crime prevention. The Act imposes obligations on service providers to retain user traffic data, disclose information to law enforcement agencies, and cooperate with surveillance and investigation requests.<sup>74</sup> While these measures are framed as security tools, they raise serious concerns regarding the right to privacy guaranteed under section 37 of the Nigerian Constitution. The absence of strong judicial oversight mechanisms may

---

<sup>71</sup>Ibid. See section 1(h).

<sup>72</sup>Ibid. See section 4(1) (b).

<sup>73</sup>Cybercrimes (Prohibition, Prevention, etc) (Amendment) Act, 2024.

<sup>74</sup>Ibid. See sections 38.40.

expose users to arbitrary or disproportionate surveillance. These risks are heightened with potentials of deepening inequality and serious exposure to digital harms especially among digitally marginalised populations with low awareness of data protection rights.

On the other hand, the Act places significant compliance burdens on internet service providers in addition to the technical and financial requirements that are connected to monitoring and reporting. These obligations tend to increase operational costs which may be passed to consumers through higher data prices at the same time discouraging smaller service providers from entering into the market. These outcomes have indirect consequences for affordability and access particularly for low-income users and rural communities. Thus, the law tends to exacerbate digital inequality.

#### **4. Digital Rights and Internet Access as Human Rights**

The recognition of digital rights as an extension of fundamental human rights has increasingly gained global acceptance especially as internet access has become indispensable in modern life. In recent times, the ability to connect to the internet directly affects how individuals exercise freedom of expression, access information, participate in governance, pursue education and engage in economic activity.<sup>75</sup> In this sense, digital access is no longer a luxury but a prerequisite for the meaningful enjoyment of many established human rights. In Nigeria, where social and economic inequalities already shape access to opportunities, digital exclusion further compounds marginalisation and raises serious social justice concerns.

Freedom of expression occupies a central position within digital rights discourse. As public debate, journalism and political engagement increasingly take place online; the internet has become a dominant platform for the exchange of ideas.<sup>76</sup> When individuals or communities lack reliable internet access, their capacity to express opinions, access diverse viewpoints, and contribute to national discourse is significantly reduced. This creates a situation where constitutional guarantee of freedom of expression exist formally, but their practical enjoyment is

---

<sup>75</sup> Italian Institute for International Political Studies, “The Digital Divide: A Barrier to Social, Economic and Political Equity” (2025) <<https://www.ispionline.it/en/publication/the-digital-divide-a-barrier-to-social-economic-and-political-equity-204564#:~:text=Geographical%20disparities%20within%20countries%20are,and%20lower%2Dmiddle%20income%20ones.>> accessed 16 January 2026.

<sup>76</sup>Teguh, S., “The Influence of Social Media on Political Participation in the Digital Era” *International Journal of Social and Political Sciences*, 2024, vol. 1, issue 1, p. 42. Available @ ResearchGate<<https://www.researchgate.net>> accessed on 29<sup>th</sup> March, 2026.

uneven. Digital inequality therefore, produces a form of indirect rights deprivation where access to the medium necessary for exercising the right is absent.

Access to information is also connected to freedom of expression as the right to access information. Government transparency, public accountability, and civic participation now rely heavily on digital platforms. Public notices, policy documents, social welfare programmes and electoral information are frequently disseminated online. Citizens without internet access may be excluded from these processes, limiting their ability to make informed decisions or hold public institutions accountable.<sup>77</sup> In this way, digital exclusion undermines democratic participation and weakens the relationship between the state and its citizens.

The right to privacy has also acquired new dimensions in the digital age. Online communication, data storage, and digital identity systems expose individuals to risks of surveillance, data misuse, and cyber exploitation. While constitutional protections for privacy extend to digital communications, unequal levels of digital literacy and awareness mean that some groups are more vulnerable than others.<sup>78</sup> Individuals who lack knowledge of data protection practices or digital security tools are disproportionately exposed to privacy violations. As a result, digital inequality does not only concern access but also unequal protection from digital harms.

Economic and social rights are similarly affected by digital access. Employment opportunities, financial services, entrepreneurship, and skills development are increasingly mediated through digital platforms.<sup>79</sup> For many Nigerians, especially young people, the internet provides pathways to remote work, digital entrepreneurship and global markets. Conversely, those without access are excluded from these opportunities, reinforcing cycles of poverty and unemployment.<sup>80</sup> Educational inequality is also deepened where students lack internet access required for online learning, research and digital collaboration. In this respect, digital inequality directly interferes with the realisation of socio-economic rights.

---

<sup>77</sup> Temitope, L., Kunle, O., and Chuma-Okoro, H., "Towards the Recognition of Internet Access as a Human Right in Nigeria: A Theoretical and Legal Perspective" *International Review of Law, Computers & Technology*, (2025) <<https://doi.org/10.1080/13600869.2025.2500798>> accessed on 17<sup>th</sup> February, 2026.

<sup>78</sup> Patrick A., "Data Protection and Privacy Challenges in Nigeria: Lessons from other Jurisdictions" *UCC Law Journal*, 2023, 3, issue 1, p. 281. Visit: [ucc.edu.gh](http://ucc.edu.gh) <<https://journal.ucc.edu.gh>> accessed on 28<sup>th</sup> March, 2026.

<sup>79</sup> Amal, D., Karine, A. B., and Sascha, K., "The Impact of Digitisation on Entrepreneurial Activity and Sustainable Competitiveness: A Panel Data Analysis" *Technology in Society*, 2023, vol. 73, issue 2, p. 1. Available @ ResearchGate <<https://www.researchgate.net>> accessed on 28<sup>th</sup> March, 2026.

<sup>80</sup> Ibid.

The human rights implications of digital access are further highlighted in situations where the state imposes restrictions on internet use, such as network disruptions, content regulation or surveillance measures. Despite the fact that states may justify such actions on grounds of security or public order, international human rights standards require that any restriction on rights be lawful, necessary and proportionate.<sup>81</sup> In contexts where digital access is already limited, additional restrictions can have disproportionate effects on marginalised populations thereby further narrowing their space for participation and expression.

In Nigeria, the absence of an explicit legal recognition of internet access as a right means that digital inclusion remains largely framed as a policy objective rather than a legal entitlement. Although constitutional rights to expression, privacy and information provide a foundation for digital rights, their indirect application leaves significant gaps in protection. This weakens accountability and limits the ability of citizens to challenge digital exclusion through legal mechanisms.

### **5. Policy and Regulatory Response to the Problems of Digital Inequality**

In response to the growing importance of digital connectivity and the challenges of digital inequality, Nigeria has adopted various policies and regulatory initiatives that seek to expand internet access, promote digital inclusion and support the digital economy. Unlike the legal frameworks, these responses are mainly policy-driven and developmental in nature. This shows an attempt to address gaps in infrastructure, skills, and affordability. However, while these initiatives demonstrate political and institutional awareness of digital inequality, their effectiveness in advancing social justice and protecting digital rights remain uneven and limited. A central policy instrument in this regard is the National Broadband Plan (2020–2025), which sought to expand broadband penetration, improve speed and quality of service and reduce the cost of internet access across the country.<sup>82</sup> The Plan identifies broadband connectivity as a catalyst for economic growth, innovation and social development and sets ambitious targets for nationwide coverage. It places particular emphasis on extending infrastructure to underserved and rural areas, recognising that market forces alone have failed to deliver equitable access. From a social justice perspective, the Broadband Plan shows distributive justice principles by

---

<sup>81</sup> Evan, J. C., & Evan, F., “Human Rights, Emergencies and the Rule of Law”, *Human Rights Quarterly*, 2012, vol. 34, p. 39. Available @ William & Mary <<https://scholarship.law.wm.edu>> accessed on 29<sup>th</sup> March, 2026.

<sup>82</sup>Nigerian Communications Commission, “New Nigerian National Broadband Plan” <<https://ncc.gov.ng/media-center/public-notice/new-nigerian-national-broadband-plan-2020-2025>> accessed 17 January 2026.

acknowledging the need for state intervention to correct structural inequalities in digital access.<sup>83</sup> However, its impact has been constrained by funding limitations, infrastructural deficits and persistent rural–urban disparities, leaving significant sections of the population without meaningful connectivity.

In Nigeria, the National Digital Economy Policy and Strategy are linked to the Broadband Plan and it is coordinated by the National Information Technology Development Agency (NITDA). This policy framework envisions a digitally driven economy supported by skills development, innovation, digital literacy and supportive regulation.<sup>84</sup> It recognises the importance of human capital and seeks to equip citizens with digital competencies necessary for participation in the modern economy. While the strategy has contributed to increased awareness and skills development initiatives, its benefits are not evenly distributed.<sup>85</sup> Individuals and communities without basic internet access or reliable electricity remain excluded from these opportunities thereby highlighting the limits of skills-focused policies in the absence of universal connectivity. The National Broadband Plan and the National Digital Economy Policy articulate ambitious goals for nationwide connectivity and digital participation yet, they lack strong enforcement and accountability mechanisms. Their success depends heavily on political will, budgetary allocations and administrative capacity. Where implementation falls short, there are limited legal consequences or remedies available to affected communities. This gap between policy ambition and practical enforcement perpetuates uneven access, particularly in rural and economically disadvantaged areas.

Another significant regulatory mechanism is the Universal Service Provision Fund (USPF), administered under the supervision of the Nigerian Communications Commission (NCC). The USPF is designed to support the extension of telecommunications services to un-served and underserved areas by subsidising infrastructure deployment where commercial incentives are weak.<sup>86</sup> In theory, the Fund represents a concrete policy response to digital inequality by

---

<sup>83</sup> Perpetua, O. V., Aondover, E. M., Omotola, O., Onyejelem, T. E., Muhammad, R., “Accessing Digital Divide and Implications in Nigeria: The Media Dimension” *Budapest International Research and Critics Institute-Journal*, 2025, vol. 8, issue 1, p. 1. Available @ ResearchGate<<https://www.researchgate.net>> accessed on 29<sup>th</sup> March, 2026.

<sup>84</sup>Federal Ministry of Communications and Digital Economy, “National Digital Economy Policy and Strategy (2020 – 2030)” <<https://nitda.gov.ng/wp-content/uploads/2020/06/National-Digital-Economy-Policy-and-Strategy.pdf>> accessed 31 January 2026.

<sup>85</sup>*Ibid.*

<sup>86</sup> Universal Service Provision Fund, “About” <<https://www.uspf.gov.ng/>> accessed 2 February 2026.

redistributing resources to promote universal access. In practice, however, implementation challenges, administrative inefficiencies and limited transparency have reduced its transformative impact.<sup>87</sup> As a result, many rural communities continue to experience inadequate or unreliable internet access despite the existence of this mechanism.

Public–private partnerships have also played a role in Nigeria’s digital expansion with telecommunications companies, technology firms and development partners collaborating on infrastructure rollout and innovation initiatives.<sup>88</sup> These partnerships have contributed to increased mobile internet penetration and service availability, particularly in urban centres. Nevertheless, profit-driven investment models tend to prioritise commercially viable areas, reinforcing geographic inequalities. Without strong regulatory incentives or obligations tied to social justice objectives, private sector participation alone has proven insufficient to achieve inclusive digital access.

The study shows that though Nigeria has made measurable progress in expanding internet connectivity, access remains uneven across geographic, socio-economic and demographic lines. A lot of rural communities, low-income populations and other vulnerable groups continue to experience limited and unreliable connectivity, high costs and insufficient digital skills. These disparities undermine the practical enjoyment of rights such as freedom of expression, access to information, privacy, education and economic participation, thus, rendering formal constitutional guarantees ineffective for large segments of the population.

## **6. Conclusion**

From a legal perspective, the study provided the legal framework governing digital access and digital rights in Nigeria. Although the Nigerian Constitution provides important foundations through rights to expression and privacy, these protections apply only indirectly to the digital sphere. This is because sector-specific statutes such as the Nigerian Communications Act, 2003, the National Information Technology Development Agency Act, 2007 and the Cybercrimes (Prohibition, Prevention etc.) Act, 2024 prioritise regulation, development and security, but do not establish or see internet access as a legal entitlement or address digital inequality in a

---

<sup>87</sup>The Universal Service Provision Fund (USPF) “Access Programme”. Available @Universal Service Provision Fund <<https://www.uspf.gov.ng/programmes/access>> accessed 4 February 2026.

<sup>88</sup>Salinger, J. D., Walker, A., Bradbury, R., & Dickinson, E., “Public-Private Partnership (PPPs) for Digital Infrastructure”. Available @ ResearchGate <[https://www.researchgate.net/publication/397885840\\_Public-Private\\_Partnerships\\_PPPs\\_for\\_Digital\\_Infrastructure\\_Development](https://www.researchgate.net/publication/397885840_Public-Private_Partnerships_PPPs_for_Digital_Infrastructure_Development)> accessed 17 January 2026.

comprehensive manner. Policy initiatives including the National Broadband Plan and the Digital Economy Strategy reflect awareness of the problem but lack enforceable guarantees and robust accountability mechanisms. The absence of a coherent legal framework leaves digital inclusion largely dependent on policy discretion and market dynamics which have proven insufficient to ensure equitable access. Consequently, digital inequality persists despite extensive regulatory and policy activity.

This gap underscores the need for a paradigm shift in Nigeria's approach to digital governance, one that recognises meaningful internet access as integral to human dignity, equality and democratic participation. Achieving and ensuring digital equality in Nigeria require more than infrastructure expansion or economic growth. It demands commitment to social justice, supported by effective policy implementation and reinforced by judicial engagement and civic participation as contained in the recommendations whose implementation would reinforce digital rights into Nigeria's legal frameworks that would enable the country move towards a digital future that empowers all citizens, reduce inequalities and strengthen socio-economic inclusion in the digital age. In view of the foregoing discourse, the following recommendations are pertinent:

1. Due to the central role of the internet in the enjoyment of fundamental rights and socio-economic opportunities, digital access should be treated as core governance and justice issue rather than a purely technical or economic concern. A critical first step is the development of a comprehensive legal framework on digital rights and digital inclusion. Nigeria would benefit from enacting a dedicated Digital Rights and Inclusion Act that explicitly recognises meaningful internet access as essential to the exercise of constitutional rights such as freedom of expression, access to information, privacy and participation in public life. Such legislation should consolidate existing protections scattered across multiple statutes and policies and which will clearly define state obligations and establish enforceable standards for access, affordability and non-discrimination.
2. Similarly, constitutional interpretation and judicial engagement should be strengthened through judicial activism so as to reflect the realities of the digital age. Nigerian courts can play a transformative role by interpreting existing fundamental rights provisions in a manner that recognises digital access as integral to their effective enjoyment. Strategic

litigation and judicial pronouncements that link internet access to freedom of expression, education, and democratic participation would help to bridge the gap between formal rights and lived realities. Over time, such digital jurisprudence could influence legislative reform and promote a rights-based approach to digital governance.

3. Again, policy reforms must place greater emphasis on equity and implementation. While existing strategies such as the National Broadband Plan and the Digital Economy Policy demonstrate commitment to digital development, their success depends on effective execution. Clear timelines, measurable indicators and transparent reporting mechanisms should be embedded within these policies to ensure accountability. Particular attention should be given to rural areas, low-income communities, women and persons with disabilities and other marginalised groups who are disproportionately affected by digital exclusion. Targeted subsidies, community-based connectivity projects and inclusive design standards can help correct structural inequalities.
4. In the same vein, affordability should be treated as a core component of meaningful access. Legal and regulatory frameworks should move beyond coverage metrics to address the cost and quality of internet services. This may include reviewing data pricing structures, strengthening consumer protection regulations and setting minimum quality-of-service standards that ensure reliable connectivity. Without affordable and stable access, the mere presence of infrastructure does not translate into genuine digital inclusion.
5. Furthermore, institutional coordination and capacity building are equally important. The overlapping roles of regulatory and policy-making bodies require clearer delineation and stronger collaboration to avoid duplication and unhealthy rivalry which can create regulatory gaps. Strengthening institutional capacity through adequate funding, technical expertise and oversight mechanisms will enhance the effectiveness of digital inclusion initiatives. In addition, greater transparency in the administration of funds dedicated to universal service provision can help ensure that resources reach underserved communities.
6. Finally, civil society participation and public engagement should be actively encouraged in digital governance processes. Inclusive consultation mechanisms allow affected communities to contribute to policy design and evaluation thus, ensuring that reforms

reflect lived experiences of digital exclusion. Empowering civil society organisations and rights advocates to monitor implementation and challenge rights-restrictive practices will strengthen democratic accountability and foster a culture of digital justice.