African Freedom of Expression Exchange (AFEX)

Launch of Internet Freedom in Africa Report

@ the 6th African Internet Governance Forum

December 4, 2017
11:00 am - 13:00
Hyatt Regency Hotel, Sharm EL Sheikh, Egypt

African Freedom of Expression Exchange (AFEX)
Panelists

• Ms Felicia Anthonio, Coordinator, African Freedom of Expression Exchange (AFEX)
• Ms Koliwe Majama, ICTs and Broadcasting Officer, Media Institute of Southern Africa, Zimbabwe
• Dr Mawaki Chango, Founder of DigiLexis
• Ms Tusi Fokane, Executive Director of Freedom of Expression Institute (FXI)
Rationale for Producing Internet Freedom in Africa Report

• Indispensable role of the Internet in Sustainable Development
• Internet as an enabler of other human rights
• Increasing Reports of Network shutdowns
• Report will serve as an advocacy material for press freedom groups in Africa
Methodology

• Monitoring and reporting of Internet related policies and practices in selected countries
• Received country reports from AFEX members in eight countries
• Consolidated report
Country Reports

• Findings of the Internet Freedom in Africa report are presented on a country-by-country basis

• Recommendations are made at the end of each country reports with general recommendations at the end of the report aimed at improving the Internet landscape in Africa
Findings: Ghana

- Ghana’s Internet landscape since 1994
- Currently has six mobile service network operators
Findings: Ghana

• Penetration rate of 76.22% as at April 2017.
• 40.6% of Ghanaians depend on the internet to gather information on products and services.
• Ghana has not experienced network shutdown.
• No reported incidents of government interference in citizens rights online, however citizens tend to abuse the rights of others online – revenge porn.
Findings: Ghana

Challenges

Rural-urban digital gap
Gender digital divide – 20% women have access to internet
Cyber-attacks
Cybercrime
Findings: Liberia

• Connected to the Internet in mid-1990s – Data Technology solutions, a Liberian-owned company
• Adoption of National ICT/Telecommunications Policy in 2010
• 395,063 internet users 83.5% of whom are on Facebook
Findings: Liberia

• Liberia has seven web hosting companies (2012)
• Although Liberia’s Constitution guarantees freedom of expression rights, right to privacy, Sections still criminalises speech
• Has not experienced internet shutdown
• No reported cases of surveillance and lawful interception
Findings: Liberia

Challenges

• High data cost
• Low broadband speeds
• Existence of laws that criminalise speech offline/online
• Few policies in place to guide access, use and online behaviour
Findings: Nigeria

- Obtained internet in 1995
- National Constitution guarantees freedom of expression and access to information offline but silent on online expression

- No Data Protection law however, the Digital rights and Freedoms Bill currently before National Parliament contains significant data protection provisions.

- Cybercrimes Act Section 24 A & B imposes harsh penalties that violate the right to free expression under the guise of ensuring national security – arrest of bloggers and online journalists.
Findings: Nigeria

• Cyber-attacks are not common in Nigeria – one case recorded since 2015
• Internet shutdown not common
Findings: Nigeria

Challenges

• Existence of harsh laws that seeks to stifle online expression
• Use of defamation laws to harass journalists and ordinary citizens online
• Lack of laws to protect citizens’ privacy and rights online
Findings: Uganda

• Connected to the Internet in 1994.
• One of the fastest growing internet space in Africa
• 22 ISPs – MTN, Airtel, Africell, Uganda Telecom and Vodafone
• Has a national fibre-optic backbone
• Communication sector expanded rapidly due to Uganda’s young population (78% of population are below 30 years)
Findings: Uganda

• Several laws: Uganda’s Communications Act (UCA 2013), Computer Misuse Act 2011, Anti-terrorism Act, Anti-Pornographic Act of 2014, some of which are used to harass, arrest and prosecute individuals.

• Internet shutdowns – one in April 2011 and two cases recorded in 2016
Findings: Uganda

Challenges

• Restrictive regulations
• Poor infrastructure
• Prohibitive cost of data and mobile devices
• Poor quality of service
Findings: Somalia

• Internet penetration – 1.9%
• 6.8 mobile subscribers – not all phones are connected to internet
• Absence of a central regulatory authority posing serious challenges of interconnectivity among networks
• Somalia does not have any officially recognized national regulation against cybercrime
Findings: Somalia

Internet shutdown/website blockage

• In February 2016, ISPs in Somalia blocked 29 websites critical of government.

• Most recent: In January 2017, Telesom blocked access to news website called Aftahan.com. for publishing a poetic work by a local artist who criticised the company’s mobile banking system.
Findings: Somalia

- Challenges
- Weak authority
- Fragmented society
- Lack of regulation in the country’s cyberspace
Findings: South Sudan

• 20.5% Internet Penetration
• Constitution guarantees FOE but restrictive clause in ARTICLE 24 is worded vaguely which usually allows authorities to interpret them subjectively.
• Adopted an ICT Policy in 2012
• Internet landscape is relative – mobile networks remain the source of Internet connection, the country does not have any internet specific laws.
• No internet regulatory body – free environment but threats
• Relatively free environment
• No reported cases of arrests for online expression
Findings: South Sudan

Internet Shutdowns

• President Salva Kiir threatened to shut down the net in 2016 following circulation of rumours that he had died.

• Has experienced two shutdowns 2013/2014

• Reports of website blockage-2017
Findings: South Sudan

Challenges:

• Urban-rural digital divide
• High cost of data and devices
• Cybercrime and fake news - publication of false information
• Low civil society engagements in advocating for online rights due to limited funding
Findings: South Africa

• 59.3% of South Africans households access or use the Internet
• Like most countries, Internet access is highest in urban and larger cities in South Africa
• Free and open digital environment
Findings: South Africa

• Electronic Communications and Transactions Act
• Cybercrimes and Cyber Security Bill (2017) remains problematic
• Surveillance and lawful interception
• Hate Speech Bill
• No known internet shutdown in South Africa but reports of arbitrary filtering, blocking and content control, including parental control of what information children can access
Findings: South Africa

Challenges:

• Access
• Repressive laws
Findings: Zimbabwe

- Experienced the internet in 1991
- Now Zimbabwe has 15 ISPs
- No cyber laws in place
- Government continues to use alternative laws to limit the use of the Internet – Criminal Law (codification and reform) Act and the Postal and Telecommunications Act
- Existing laws targeting traditional media are being extended online
- Active CSOs engagement in Zimbabwe’s internet landscape
Findings: Zimbabwe

Incidents of online violations recorded-
Two hour disruption of WhatsApp during nationwide “shutdown” in July 2016
Arbitrary blocking and filtering
Findings: Zimbabwe

Challenges:

• Poor or no internet access in rural areas
• High cost of internet services
• Widespread poverty making it difficult for ordinary citizens to purchase mobile devices and services — urban-rural digital divide
• Lack of relevant content
• Regulatory challenges
• Lack of digital literacy
Recommendations

African Governments should:

• Amend and repeal laws that are inimical to freedom of expression

• Adopt Internet laws/legislations that are progressive and rights-respecting to ensure/guarantee online freedom, safety and security of all citizens.

• Collaborate with Internet Service Providers (ISPs), Telecommunications, electricity power suppliers and other stakeholders to explore ways of driving down the cost of data and expand internet connectivity

• Invest more in the ICTs sector to help make internet connectivity more accessible and affordable throughout their respective countries to ensure an all inclusive cyberspace.
Recommendations

African Governments should:

• Refrain from coercing service providers to monitor, filter, block and shut down the internet and other communications networks.
• Recognise that Internet shutdowns are inimical to freedom of expression, access to information and enjoyment
• Governments across the region should collaborate to tackle the threats of cybercrime
Recommendations

Service Providers should:

• Resist/defy unjustified orders from governments to shut down the Internet.
• Endeavour to invest more in the ICTs sector and expand services across the respective countries they operate in to help bridge the rural-urban digital gap.
• Provide fast, reliable and affordable internet services at all times.
• Insist and demand court orders or warrants before disclosing user information or communications or taking down content.
• Proactively engage CSOs and join in advocacy against governments’ abuse of users rights such as network shutdowns.
Recommendations

Civil Society (including academia and media) should:

• Conduct regular monitoring and evaluation of the ICTs sectors in their respective countries to highlight developments (positive and negative) for proactive and timely interventions to be rolled out.

• Proactively engage governments, service providers and other stakeholders to ensure that rights-respecting issues are factored into formulation of policy and other interventions
Recommendations

Civil Society (including academia and media) should:

• Vigorously advocate for the repeal of penal codes and sections of legislation that criminalise speech as well as advocate for the withdrawal and/or review of Bills which have repressive provisions

• Vigorously advocate against all forms of network shutdowns.

• Educate, sensitise and build capacity of people on their rights, responsible use of the internet, online safety and other internet-related issues.
Recommendations

The Judiciary should:

• Consider the supreme interest and of the public in countries where court orders are required for government to shut down the internet.

• Protect the rights of citizens at all times
Recommendations

Internet Users should:

• Use the internet responsibly and respect the rights of other internet users at all times

• Actively participate in rights-based campaigns and speak out against threats to internet freedoms
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