

# LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



CENTRAL AFRICAN  
REPUBLIC

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374 Borno Way, Yaba, Lagos, Nigeria  
Email: [media@paradigmhq.org](mailto:media@paradigmhq.org)  
[www.paradigmhq.org](http://www.paradigmhq.org)

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# CREDITS

**Country Report:**  
Arsene Tungali

**Editorial Team:**  
'Gbenga Sesan  
Dr. Mawaki Chango  
Nnenna Paul-Ugochukwu  
Thobekile Matimbe

**Translators:**  
Paper Bag Africa

**Copy Editor:**  
Sabine Matsheka

**Design & Layout:**  
Kenneth Oyeniya



# Central African Republic

## EXECUTIVE SUMMARY

The Central African Republic (CAR) is one of the least populated countries in Africa, with internet and mobile phone penetration rates among the lowest in the region. This report captures the state of digital rights and inclusion in CAR, focusing on internet access and disruptions, privacy, surveillance and data protection, and the Universal Service Fund as major thematic areas of focus. As early as 2024, the government finally launched operations and commercialisation of its broadband connectivity (optic fiber), which marks the completion of the Central African Backbone (CAB) - RCA project started in 2019, and which has the potential to upgrade the country terms of connectivity. In terms of the development of ICTs and their use in citizen's daily lives, the country is still behind since no public services are delivered using technology, but this could be explained by the lack of broadband connectivity for many years, which is now available and the government's desire to bring digital literacy to universities and schools. The report recommends that the government leverage digital technologies to open new avenues for development in CAR, support poverty reduction, increase economic activity, and expand public service delivery in a country under constant conflict. Data

presented in this report was collected through desk research that explored and analysed the various legal frameworks, other similar studies, and news reports about the specific issues covered by this report.



# Introduction

The Central African Republic (CAR) is a French-speaking country in the central region of Africa with Bangui as its capital. It has a surface area of 622,980 km<sup>2</sup> and a population estimated by the World Bank at 5.45 million in 2021. Independent since December 1958, the country has faced political and security instability for more than two decades despite the remarkable efforts of Central Africans and the international community. The crisis escalated around 2013 and was marked by a coup d'état orchestrated by Michel Djotodia. On September 26, 2020, Faustin-Archange Touadéra, announced his candidacy for the presidential election scheduled for December 27, 2020. According to provisional results, the president was re-elected as Head of the Central African Republic with 53.92% of the vote at the end of a turbulent electoral cycle.

The CAR is party to several international and regional conventions that promote human rights in general as well as the rights to privacy, secrecy of correspondence and free access to information. The most important are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

The national legislation on electronic communications and Internet use is not extensive enough. To date, the country has only one law to regulate electronic communications. This is Law 18.002 of January 17, 2018, governing electronic communications in the Central African Republic,<sup>106</sup> which is referred to as the Electronic Communications Law of 2018. The electronic communications and internet sector are monitored, with the authority to enforce applicable regulations, by the Autorité de Régulation des Communications Électroniques et de la Poste (ARCEP Centrafrique). This body was created by Law 17.020 of May 17, 2017 establishing ARCEP.<sup>107</sup> This body is under the supervision of the Ministry and is in charge of electronic communications. It has the authority to be informed of all violations of laws in this area before the seizure of the courts, according to article 102 of the Electronic Communications Law of 2018.

This report provides a country analysis that first touches on internet freedom issues such as internet access and disruptions, privacy and surveillance practices, and data protection. Further, the country analysis presents the state of CAR's Universal Service Fund. Lastly, the report concludes with a number of recommendations.

<sup>106</sup> Electronic Communications Act of 2018, [https://arcep.cf/images/textes/lois/Loi\\_18\\_002\\_regissant\\_les\\_communications\\_electroniques\\_en\\_RCA.pdf](https://arcep.cf/images/textes/lois/Loi_18_002_regissant_les_communications_electroniques_en_RCA.pdf) (accessed on January 8, 2024).

<sup>107</sup> Law 17.020 of May 17, 2017 establishing ARCEP, [https://arcep.cf/images/textes/lois/Loi\\_17\\_020\\_portant\\_creation\\_ARCEP.PDF](https://arcep.cf/images/textes/lois/Loi_17_020_portant_creation_ARCEP.PDF) (accessed on January 8, 2024).

## ► Country Analysis

### Internet access and disruptions

The country's landscape of information and communication technologies (ICTs) is a bit unusual. For one, the cell phone and internet sectors are not that developed and official up-to-date data is not available. "Due to the inaccuracy of data collected from telecom operators and the fact that we don't have the appropriate equipment to double-check, we decided not to publish an updated report. The 2020 report<sup>108</sup> is the last one we have made public", said Mr. Bertrand Alain Yonso, Head of Information Systems and Statistics at the Regulator (ARCEP Centrafrique).

Fridolin Ngoulou, a local digital technology expert provides<sup>109</sup> a comprehensive report on the state of connectivity in the country, sharing, "In the Central African Republic, internet users have reached 557,000 and the internet penetration rate is 11.4%. Internet users are growing rapidly in the Central African Republic. Internet users on cell phones account for 97.8% of the total number of users."

According to the third quarter 2020 report from ARCEP Centrafrique, the cell phone and internet market was dominated by four main operators (by the time of writing this report, one had ceased operating in CAR). These operators are also internet service providers (ISPs). These are Telecel (48% of the market), Orange France (37% of the market), Moov Africa (15% of the market) and Azur Nationlink Télécoms (which did not report their figures for that quarter and the operator that ceased operations in 2021, according to data from the Regulator).

In July 2023, it was reported<sup>110</sup> that "MTN, the South African telecom group, has been awarded the contract to manage and operate the national fiber optic infrastructure in the Central African Republic. This public-private partnership contract aims to improve connectivity in the country and provide wholesale internet services to telecommunications operators such as Orange, Télécel and Moov. Bayobab, an MTN subsidiary specialising in the operation of telecom infrastructure, will be responsible for the maintenance of this strategic infrastructure."

On January 15, 2024, the broadband connectivity, as well as the newly built digital training center and startup incubator, were officially opened by CAR President and partners involved in the optic fiber deployment project (CAB-RCA, with funding from the World Bank and the European Union), whose works were respectively launched on October 4, 2019 and June 29, 2023. "This launch also sees the commissioning of the rehabilitated and equipped laboratory at the Institut Supérieur des Technologies, located at the Ecole Normale Supérieure, and the one at the Lycée Technique, which will serve as a reference center to support the rapid rise of digital technology in the Central African Republic (CAR), with the transition to broadband, which will stimulate the national economy and accelerate the country's emergence", as reported<sup>111</sup> by Oubangui Medias, CAR's main online media agency. On the same day, telecoms operators also had the opportunity to sign the agreement with

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108 ARCEP Centrafrique, L'évolution des Indicateurs des marchés de télécommunications en Centrafrique, [https://arcep.cf/images/documents\\_divers/observatoires/2020/TABLEAU\\_DE\\_BORD\\_MARCHES\\_TELECOM\\_RCA\\_Q3\\_2020.pdf](https://arcep.cf/images/documents_divers/observatoires/2020/TABLEAU_DE_BORD_MARCHES_TELECOM_RCA_Q3_2020.pdf) (accessed on January 22, 2024).

109 Que représente le numérique en Centrafrique en 2021 : <https://oubanguimedias.com/2021/04/08/que-represente-le-numerique-en-centrafrique-en-2021/> (accessed on January 22, 2023)

110 La Centrafrique confie à MTN la gestion de son infrastructure de fibre optique : <https://afriqueitnews.com/tech-media/centrafrique-confie-mtn-gestion-infrastructure-fibre-optique/> (accessed on January 22, 2024)

111 Centrafrique : Lancement de la connexion haut débit en Centrafrique : <https://oubanguimedias.com/2024/01/17/centrafrique-lancement-de-la-connexion-haut-debit-en-centrafrique/> (accessed on January 22, 2024)

Bayobab (MTN) in order to launch commercialisation of the optic fiber capabilities.

According to another report by ARCEP Centrafrique on the evolution of indicators of telecom markets by the first quarter of 2020, these telecom companies cover only 51% of the national territory.<sup>112</sup> Alongside other factors, such as illiteracy (eight out of 10 adults are illiterate according to a UNICEF official and low purchasing power, this would justify the low penetration rate of mobile telephony and internet.<sup>113</sup> Another reason could be the fact that only 3% of the CAR population has access to electricity, according to Fridolin Ngoulou quoted above.

In terms of connectivity disruptions (including internet shutdowns) in the country, a local news agency reported<sup>114</sup> a case on October 15, 2022, at around 19h30 that affected the 3<sup>rd</sup> largest city of the country, Bambari. The news agency reported that “Syrian and Libyan mercenaries from the Wagner company have demanded the disconnection of telephone and internet networks throughout the town and its outskirts. Local radio stations no longer work... An hour later, people in the city are beginning to wonder about the origin of this gigantic blackout. It became even more worrying when some people in other towns, even abroad, tried in vain to reach their families and colleagues in Bambari.” The same news agency reports that no communiqué was issued by the Regulator explaining the reason, but local sources reported that it was to reduce communication due to a military operation in villages on the outskirts of Bambari by mercenaries in collaboration with national armed forces.

Another reported case of an internet disruption is due to non-payment by the CAR Presidency for Internet services commissioned by Orange-Centrafrique. “According to our investigations, the French cell phone company Orange-Centrafrique provides the internet connection via VSAT to the Presidency of the Republic. For more than five months, its bills have not been paid, and the debt amounts to tens of thousands of CFA francs. Orange-Centrafrique, which had failed to mention that the line had been allocated to the Presidency of the Republic, decided to cut the connection for unpaid bills.”<sup>115</sup> However, this did not affect the rest of the citizens.

Citizens in CAR started using Starkink technology as a way to access the Internet. However, the Regulator (ARCEP) was against that plan and announced that it was illegal to “import, sell, install and operate Starlink equipment” through a post on their Facebook page<sup>116</sup> on December 23, 2023. CAR citizens were against such a decision and called on the Regulator to provide better and alternative connectivity options rather than refusing the use of this innovative technology.

A similar initiative was taken by the French Regulator (Arcep, a similar name with CAR’s) but they had to reverse their decision after public consultation that showed how important increased connectivity was for users. The French news agency Le Figaro noted<sup>117</sup> that “Starlink gives people in areas poorly served by telecom operators’ fixed and mobile networks access to high-speed Internet, via thousands of small satellites circulating in low orbit (mainly 550 kilometers) around the Earth. It requires special equipment costing around 600 Euros and a monthly subscription fee of around

112 IFRI, Les réseaux sociaux centrafricains à l’aube des élections : symptôme avancé d’une crise politique à venir, <https://www.ifri.org/fr/publications/etudes-de-lifri/reseaux-sociaux-centrafricains-laube-elections-symptome-avance-dune>, (accessed on January 22, 2024).

113 IFRI, Les réseaux sociaux centrafricains à l’aube des élections : symptôme avancé d’une crise politique à venir, <https://www.ifri.org/fr/publications/etudes-de-lifri/reseaux-sociaux-centrafricains-laube-elections-symptome-avance-dune>, (accessed on January 22, 2024).

114 Centrafrique : les hommes de Wagner coupent les réseaux téléphoniques à Bambari : <https://corbeaunews-centrafrique.org/centrafrique-les-hommes-de-wagner-coupent-les-reseaux-telephoniques-a-bambari/> (accessed on January 22, 2024)

115 Centrafrique : la connexion internet de la présidence de la république coupée pour des factures impayées : <https://corbeaunews-centrafrique.org/centrafrique-la-connexion-internet-de-la-presidence-de-la-republique-coupee-pour-des-factures-impayees/> (accessed on January 22, 2024)

116 ARCEP – Against STARLINK equipment: <https://web.facebook.com/photo?fbid=685857503658737&set=a.419024563675367> (accessed on January 8, 2024)

117 Telecoms : l’Arcep attribue une nouvelle autorisation pour Starlink : <https://www.lefigaro.fr/secteur/high-tech/telecoms-l-arcep-attribue-une-nouvelle-autorisation-pour-starlink-20220602> (accessed on January 8, 2024)

100 Euros.”

In February 2021, both Regulatory Agencies, in CAR and Gabon, entered into a “free-roaming” agreement, posted<sup>118</sup> on CAR’s side, but this hasn’t been effective at the time of writing this report. A similar agreement was signed on November 9, 2021 among member states of the Central African Economic and Monetary Community (CEMAC) zone, where CAR and Gabon are members. But a year later, the agreement was not yet effective.<sup>119</sup>

A post<sup>120</sup> on ARCEP’s Facebook page reads the following: “On November 16, 2023, ARCEP gave formal notice to #TelecelCentrafrique, #MoovAfricaCentrafrique and #OrangeCentrafrique to remedy the poor quality of services provided on their networks within 30 days, or face sanctions.” Sources inside the Communications Regulatory Authority confirm that the formal notice expired on December 15, 2023. A team from CAR’s Communications Regulator went to visit the telecommunications companies to check whether they had taken steps to improve their services, and a report is underway to inform the next steps. If they did not improve their services, sanctions as per the law would be imposed on them.

## Privacy, surveillance and data protection

The rights to privacy, access to information as well as the right to inform are protected by the Constitution of the Central African Republic. Important references can be found on article 16<sup>121</sup> of the Constitution<sup>122</sup> on March 30, 2016. Freedom of the press is recognised and guaranteed, as per paragraph 2 of article 15. Freedom House score for 2021 is 9/100. It is exercised under the conditions set by the law according to article 15 of the same Constitution.

Information is not conclusive on the exact number of television or radio stations in CAR. However, sources, including PKSOL’s CAR profile<sup>123</sup>, mention that “the country has one government-controlled television station and about two dozen privately-owned radio stations. Many of them are run by religious organisations”. It is worth noting that the television broadcasting services are owned by the government and operated by Radio - Télévision Centrafrique and citizens also have access to cable TV via the French media company Canal +. Radio Ndeke Luka, supported by Fondation Hirondelle, is the number one in the country and is recognised as one of the few media outlets to broadcast information that respects facts and sources by entities such as the Network of Journalists for Human Rights (RJDH) and a few associations of bloggers and journalists doing fact-checking, is regularly subjected to pressure.

As in most African countries, there are vague provisions in the laws that set limits on the secrecy of correspondence by authorising forms of surveillance in specific cases. In the Central African Republic, these are in the Electronic Communications Law of 2018 (The Law of 2018). The Londa Report 2022 for CAR speaks<sup>124</sup> more about specific articles as well as elements likely to facilitate

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118 Téléphonie mobile : la RCA et le Gabon signent un Protocole d’Accord, pour la mise en place de l’itinérance à moindre coût entre les deux pays : <https://www.arcep.cf/index.php/actualites/dernieres-informations> (accessed on January 9, 2024)

119 Free roaming: le Gabon se désolé du retard en zone cemar : <https://www.gabonreview.com/free-roaming-le-gabon-se-desole-du-retard-en-zone-cemar/> (accessed on January 9, 2024)

120 Mise en demeure de l’ARCEP (publication Facebook) : <https://web.facebook.com/ArcepCentrafrique/posts/pfbid02an-J8vQCijzdToKAx2TZpH9T8nj6jQE4aQTrUArtTqKjcJvuYwPvMV4fvB28KUCXGI> (Accessed on January 10, 2024)

121 Article 16: The secrecy of correspondence as well as that of electronic postal, telegraphic and telephone communications are inviolable. Restrictions to the above provisions can only be ordered by law.

122 Constitution of 30 March 2016, [https://www.constituteproject.org/constitution/Central\\_African\\_Republic\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Central_African_Republic_2016.pdf?lang=en) (accessed on January 10, 2024).

123 CAR Profile: <https://pksoi.armywarcollege.edu/index.php/central-african-republic-country-profile-information/#:~:text=The%20country%20has%20one%20government,dozen%20privately%20Downed%20radio%20stations> (accessed on February 26, 2024)

124 Londa 2022 Reports. Download CAR’s report via this link: <https://paradigmhq.org/londa-22/> (accessed on January 22,



surveillance in CAR.

CAR does not have <sup>125</sup> specific legislation on cybercrime. The CAR does not have an officially recognised national or sector-specific cybersecurity strategy or an officially approved national or sector-specific cybersecurity framework for implementing internationally recognised cybersecurity standards. There is no cybersecurity framework for the certification and accreditation of national agencies and public sector professionals in the Central African Republic. This would be important to ensure that cyber crimes are addressed with human rights safeguards. Further, the country hasn't adopted the AU Convention on Cybersecurity and Personal Data Protection, known as the Malabo Convention; doing so would benefit and inspire the development of cyber legislation.

The country has no stand-alone law or regulations on data protection nor one that specifically deals with issues related to biometric databases and data localisation.<sup>126</sup> Because there is no data protection law, no data protection authority has been appointed.<sup>127</sup>

However, the Law of 2018 insists on the respect of privacy and the protection of customers' personal data, except for the cases provided for by the law in article 112.<sup>128</sup> This law briefly covers important points such as the collection of data, the processing of data, the duration of their storage and their anonymisation and deletion except for cases provided for by the law. These provisions on anonymisation and deletion are introduced by article 116.<sup>129</sup> There are no readily accessible reports on whether the state has used sections such as article 112, to undermine citizen's privacy but vague mentions such as "national defense and public security and the prerogatives of public authority" have the potential to lead to vague interpretation, therefore leading the state to violate citizen's right to privacy.

## The Universal Service Fund

The Universal Service Fund (USF) in CAR is established by the Electronic Communications Law of 2018 under articles 77 to 81. It is defined as "a minimum set of defined services of specified quality that is accessible to the whole population under affordable tariff conditions throughout the territory" (Article 77). It is established with contributions from each operator at a rate of "2% of the previous year's turnover of each operator" (Article 79).

The law provides that "particular modalities for the provision of universal service are defined by decree taken in the council of ministers". Decree No 19 043 defining the terms and conditions for the provision and financing of the USF of electronic communications was signed by the President on February 20, 2019,<sup>130</sup> announcing the formation of the Electronic Communications Development

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2024)

125 Cyberwellness profile for Central African Republic: [https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country\\_Profiles/Central\\_African\\_Rep.pdf](https://www.itu.int/en/ITU-D/Cybersecurity/Documents/Country_Profiles/Central_African_Rep.pdf) (accessed on January 22, 2024)

126 CIPESA: Privacy Imperiled: Analysis of Surveillance, Encryption and Data Localisation Laws in Africa: [https://cipesa.org/?w-pfb\\_dt=492](https://cipesa.org/?w-pfb_dt=492) (accessed on January 10, 2024)

127 CAR Data Protection Factsheet: <https://dataprotection.africa/central-african-republic/> (accessed on January 22, 2024)

128 Article 112 of the Electronic Telecommunications Act of 2018 calls on Operators and their employees to respect the secrecy of correspondence by electronic means, to protect the privacy and personal data of their users. Except for the requirements required by national defense and public security and the prerogatives of public authority.

129 Article 116: This chapter applies to the processing of personal data in the context of the provision of electronic communications services to the public. It applies in particular to networks that support data collection and identification devices. Operators, in particular those whose activity is to provide access to online public communication services, shall erase or render anonymous any data relating to: traffic, subject to the provisions relating to persons; the need to investigate, establish and prosecute criminal offences; and the need for billing.

130 Decree No 19 043 defining the terms and conditions for the provision and financing of the FSU of electronic communications: [https://arcep.cf/images/textes/decrets/decret\\_19\\_043\\_FSU.pdf](https://arcep.cf/images/textes/decrets/decret_19_043_FSU.pdf) (accessed on January 10, 2024).

Committee (under Section 2).

That Committee is designed to function as an autonomous and multistakeholder body to exercise governance and management decision-making authority over the Fund while the day-to-day operations and technical functions will be directly carried out by the Regulator. To that end, the latter has already set up an office named “Service Chargé de la Protection des Consommateurs et de la Gestion du Service Universel” (in English: Service in charge of consumer protection and management of the universal service). At the time of the writing of this section, high-level sources in the Regulator’s office confirmed that this Committee hasn’t been formed but the process is ongoing.

Due to that delay, the Fund is not yet in a position to collect the telecommunications operators’ contributions (2% of their turnover). It is confirmed that the three mobile operators have been informed and they are working at making the deposit once an invoice is issued.

# ► Conclusion & Recommendations

## Conclusion

Digital technology can open up new avenues for development in CAR, support poverty reduction, increase economic activity, and expand public service delivery. In particular, digital transformation starts with improving digital connectivity, given the current gaps in the digital infrastructure network. The CAR is still behind and is, therefore, not ready to embark on its digital transformation to reap all the benefits that come with it. To improve its readiness, key transformational steps have to be put in place.

## Recommendations

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### Government & Parliament

- » The government should consider private investments as well as leverage the universal service fund to support the deployment of technology infrastructure, which could help expand communication and connectivity opportunities across the country;
- » The government should consider updating its legal framework by enacting laws such as those on privacy and data protection, cybersecurity (adopting the Malabo Convention would be a very good starting point), in order to reflect the current development across Africa and leverage these laws to support the development of a more open civic space;
- » The government should work with stakeholders to increase digital literacy programs through partnerships with civil society and electricity services (through partnership with private sector), the lack of which has been identified as one of the reasons for the low internet penetration rate in the country. Civil Society

### Civil society organisations and individual users

- » Civil society groups should play the role of watchdog, ensuring the various government-led or announced projects are implemented;
  - » Initiatives such as the universal service funds and their management need to have civil society representatives giving oversight to make sure there is implementation;
  - » Civil society entities should consider funding options such as through international donors and partnering with the government to develop digital literacy programs that will increase technology uptake in the country.
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**Private sector**

- » Telecommunications companies should support the government in their efforts to develop and operationalise the universal service fund to help deploy connectivity to areas they find less interesting for their businesses;
  - » Private entities operating in the technology space should comply with the law and international standards to protect the private communications and personal data of their users.
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