

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

This edition of Londa focuses on cross-cutting issues affecting digital rights and Internet freedom in 2024. It also introduces The Score Index ranking African countries according to their compliance with international human rights standards.

2024

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DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024

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About Londa

Paradigm Initiative (PIN) annually monitors the environment, documents violations, and reports on the state of digital rights and inclusion in Africa. The title 'Londa' is of Zulu origin and echoes a call for action to protect and defend the digital rights and inclusion environment in Africa. Londa is an advocacy tool of engagement with different stakeholders in the reported countries, serves as a yardstick for measuring their annual performance and provides critical recommendations to improve the digital space. The report also acknowledges relevant positive developments.

The call is for digital rights protection in Africa.

Londa!

Londa Credits

Acknowledgements

The Londa 2024 report features 27 African country reports authored by African digital rights researchers. Paradigm Initiative appreciates their contributions aimed at positive and lasting change. We are truly grateful for the support of the editorial team, who invested time and knowledge to ensure key aspects of this publication are covered. We celebrate the ability to provide a tool of engagement that diverse stakeholders can leverage to engage duty-bearers and understand the digital rights ecosystem in Africa.

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An Overview of the African Digital Rights Landscape in 2024

By Thobekile Matimbe

Introduction

This consolidated edition of the Londa Report encapsulates the state of digital rights and digital inclusion in 27 countries across Central, East, North, Southern and West Africa. The significance of this annual report is its succinct presentation of the major concerns in the countries reported on and how it guides reformatory actions by stakeholders, led by duty bearers comprising African States and the private sector. The consolidated report is the joint effort of PIN's internal research and editorial teams, as well as external researchers, who dedicate time to monitor, document, and report occurrences that raise or demote the profile of countries regarding their digital rights records. This report introduces PIN's new ranking Index, The Score Index, which demonstrates the application of human rights standards in assessing each country's performance. The Londa report calls for a multi-stakeholder approach to promoting and defending digital rights.

Methodology

The Londa Report addresses various digital rights and digital inclusion themes. Country reports are drafted by digital rights researchers whose approaches are multi-faceted, combining empirical and desk research methods to assess both quantitative and qualitative aspects of digital rights and inclusion in specific countries. The assessment of state performance is benchmarked against human rights standards. TheScore Index is a Londa index developed by Paradigm Initiative as a tool for evaluating country compliance with regard to key human rights elements and is inspired by the African Commission on Human and Peoples' Rights' *Declaration of Principles on Freedom of Expression and Access to Information in Africa* (the Declaration).¹

TheScore Index looks at the principles of the Declaration and assesses if a country has adhered to the prescribed provisions of the soft law. Civil society actors can use The Score Index to inform the ACHPR on the performance of a country concerning compliance with Article 9 of the African Charter on Human and Peoples Rights, benchmarked against the ACHPR Declaration in periodic shadow reports. The Index is applied to ensure an objective assessment of a country's performance and presents areas of growth and strength for each assessed country. Any reference to TheScore Index should reference the tool as a Paradigm Initiative Index.

1 ACHPR Declaration <https://achpr.au.int/en/node/902#:~:text=The%20Declaration%20establishes%20or%20affirms,to%20express%20and%20disseminate%20information>. (accessed on 5 February 2025)

What do you think is great in this Londa Edition?

“At the African Union level, a great commitment towards digital governance in Africa through the African Digital Compact, ACHPR Resolution 580 calling for an end to internet shutdowns during elections, utilisation of Universal Service Funds to bridge the digital divide in some countries and strides towards development of AI strategiothers”

-Paradigm Initiative

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Regional Developments

The African Commission on Human and Peoples’ Rights (ACHPR) passed Resolution 580 on *Internet Shutdowns and Elections in Africa*², calling on African states to refrain from internet shutdowns during elections. The Resolution is a win for internet freedom and electoral integrity. It calls on African governments to refrain from shutting down the Internet, ensure that telecommunications and internet service providers inform users of potential disruptions, and exercise due diligence to resolve any disruptions expeditiously. Resolution 580 reminds states of their oversight duty to ensure transparency from the private sector, a step that will ensure that any government that orders an internet shutdown is held accountable. Paradigm Initiative welcomed the passing of this Resolution following engagements with the Special Rapporteur on Freedom of Expression and Access to Information, demonstrating the organisation’s engagement with policy development at the regional level towards a rights-enabling digital environment.

In November 2024, the ACHPR passed Resolution 620 on *Promoting and harnessing data access as a tool for advancing human rights and sustainable development in the digital age*.³ The Resolution progressively calls on African governments to ensure that data collection, processing, storage and access practices are transparent, accountable and in line with regional and international standards in this era of digitalisation and increasing use of AI. The Resolution also mandates the ACHPR Special Rapporteur on Freedom of Expression and Access to Information in Africa to conduct consultations in Africa in order to examine and develop appropriate normative standards to guide data collection, deployment and access issues concerning data. In the promotion of data access, governments are urged to promote and protect access to data. This necessitates an engaged civil society and academia that is open to engaging on data access in support of the ACHPR’s efforts and to inform policy development at the regional level. In 2024, Ghana’s Ministry for Communications and Digitalisation launched the country’s Digital Economy Policy and Strategy, marking a pivotal step in its journey towards technological advancement.⁴

The African Union (AU) adopted the African Digital Compact in July 2024 as a contribution to the Global Digital Compact process, establishing the AU’s commitment to bridging the digital divide, protecting digital rights, and creating a secure and equitable digital environment for all Africans.⁵ In July 2024, the AU also endorsed the Continental Artificial Intelligence Strategy (AI Strategy), which is a commitment to an ‘Africa-centric, development-focused approach to AI, promoting ethical, responsible, and equitable practices.’⁶ The AI strategy is a positive step towards inspiring the development of national AI policies and strategies in Africa, considering that at least 11 African countries—including Benin, Ghana, Egypt, Kenya, Morocco, Mauritius, Nigeria, Rwanda, Sierra Leone, Senegal and Tunisia—have developed AI policies or strategies.⁷

2 ACHPR Resolution 580 <https://achpr.au.int/en/adopted-resolutions/580-internet-shutdowns-elections-africa-achprres580-lxxvii> (accessed on 5 February 2025)

3 ACHPR Resolution 620 <https://achpr.au.int/en/adopted-resolutions/620-data-access-tool-advancing-human-rights-and-sustainable-development> (accessed 5 February 2025)

4 Ghana Launches Digital Economy Policy to Drive National Transformation (2024) <https://moi.gov.gh/newsroom/2024/11/gha-na-launches-digital-economy-policy-to-drive-national-transformation/> (Accessed on 28 November 2024)

5 African Union <https://au.int/en/documents/20240809/african-digital-compact-adc> and <https://au.int/en/documents/20240809/african-digital-compact-adc> (accessed 7 February 2025).

6 AU <https://au.int/en/documents/20240809/continental-artificial-intelligence-strategy> (accessed 7 February 2025).

7 ECDPM <https://ecdpm.org/work/envisioning-africas-ai-governance-landscape-2024#:~:text=Increase%20in%20the%20number%20of,%2C%20Sierra%20Leone%2C%20and%20Senegal.>

Internet Access

Internet disruptions were a common feature in 2024, occasioned by various factors, including poor infrastructure. The Gambia experienced at least five internet disruptions in 2024 as a result of multiple undersea cable failures.⁸ While the infrastructure was problematic, internet shutdowns deliberately unleashed by the government occurred in countries like Comoros, Kenya, Mauritius and Mozambique. Kenya retrogressed from a previous positive record of not shutting down the Internet and took a downward turn, doing so in the context of protests in June 2024⁹ and in November, blocking access to Telegram. The #KeepItOn Coalition recorded¹⁰ 21 internet shutdowns in 15 countries in Africa while this report covering 27 African countries noted internet shutdowns in 8 of the featured countries, an increase from the five internet shutdowns reported in Londa 2023,¹¹ covering 26 countries. The marked increase in internet shutdowns is a reflection of the reluctance of some African countries to comply with international human rights law and a demonstrated dereliction of duty towards national, regional and international obligations to promote freedom of expression and access to information.

Internet Shutdowns in Countries - 2024

Country	Type of Internet Disruptions	Period	Reason
Kenya ¹²	Throttling	June 25-26, 2024	Government quelling protests,
	Filtering	November 8, 2024	Response to Exams, orders Telegram Blocking.
Kenya ¹³			
Mozambique ¹⁴	Throttling	November 5, 2024	Government quelling protests in elections.
Nigeria ¹⁵	Throttling	August 1, 2024	G o v e r n m e n t response to #EndBadGovernance protests

8 Internet Society 'West Africa Submarine Cable Outage Report' (2024) <https://www.internetsociety.org/resources/doc/2024/2024-west-africa-submarine-cable-outage-report/> (accessed 20 November 2024); Cloudflare 'Undersea Cables Failures cause Internet disruptions for Multiple African Countries' CloudFare 'Undersea cable failures cause internet disruptions across Africa' <https://blog.cloudflare.com/undersea-cable-failures-cause-internet-disruptions-across-africa-march-14-2024/> (accessed 20 November 2024). See also Crisis 24 'West Africa: Internet service disruptions almost certain in parts of West Africa 00:01-10:00 May 31' (2024) <https://crisis24.garda.com/alerts/2024/05/west-africa-internet-service-disruptions-almost-certain-in-parts-of-west-africa-0001-1000-may-31> (accessed 20 November 2024).

9 Netblocks <https://x.com/netblocks/status/1805598808035774970?lang=en> and Paradigm Initiative <https://paradigmhq.org/press-statement-net-rights-coalition-calls-on-kenya-to-stop-shutting-down-the-internet/> (accessed 7 February 2025).

10 Access Now <https://www.accessnow.org/press-release/africa-keepiton-internet-shutdowns-2024/#:~:text=The%20findings%20reveal%20that%2021,single%20year%20for%20the%20region> accessed 6 March 2025.

11 Paradigm Initiative. Londa 2023. <https://paradigmhq.org/londa-23/> accessed 6 March 2025.

12 NetBlocks <https://x.com/netblocks/status/1805598808035774970?lang=en> (accessed 9 March 2025)

13 NetBlocks <https://x.com/netblocks/status/1854835085075267852> (accessed 9 March 2025)

14 NetBlocks <https://x.com/netblocks/status/1853677586942943524> (accessed 9 March 2025)

15 Paradigm Initiative. Press Release-Coalition condemns internet disruptions in Nigeria amidst endbadgovernance protests. <https://paradigmhq.org/press-release-coalition-condemns-internet-disruptions-in-nigeria-amidst-the-endbadgovernance-protests/> (accessed 9 January 2025)

Ethiopia - Amhara region ¹⁶	Throttling	January - July 2024. Since August 2023	Response to ongoing conflict
Senegal ¹⁷	Throttling	February 4, 2024	Response to postponement of elections
Tanzania ¹⁸	Filtering	August 30, 2024	Response to political unrest
Uganda ¹⁹	Filtering	Throughout 2024 since 2021	In response to Elections
Sudan ²⁰	Throttling	Since February 2024	Response to conflict

When looking at the cost of connectivity, Airtel Malawi and Telekom Networks Malawi (TNM) provide cheaper data packages with a monthly 30 gigabytes (GB) data bundle costing almost United States Dollar (USD) 9.²¹ Somalia also boasts low data bundle costs, with 1GB costing as low as USD 0.50.²² However, countries like Togo remained with high data costs, at 1GB, costing USD 1.45. In Uganda, the 12% tax on data occasioned by the Excise Duty (Amendment) Act of 2021 disproportionately affects women and counters any efforts to bridge the digital gender gap. This affects the ability of women to afford data bundles for internet access.

Freedom of Expression

The crackdown on freedom of expression was a concerning feature in 2024. For instance, In Togo, the Law on Cybersecurity and the Fight Against Cybercrime (Loi n°2018-026)²³ was used to curtail freedom of speech online through arrests. Article 17 of this law punishes criminal insults through digital platforms with chilling penalties ranging from USD 800 to USD 3,200. Decree-Law 2022-54

16 Addis Standard. Internet services resume across Amhara region after near year long shutdown. <https://addisstandard.com/internet-services-resume-across-amhara-region-after-near-year-long-shutdown/> (accessed 3 March 2025)

17 Paradigm Initiative. Press Release- Paradigm Initiative condemns internet shutdown in Senegal. <https://paradigmhq.org/press-release-paradigm-initiative-condemns-internet-shut-down-in-senegal/> (accessed 20 March 2025)

18 Paradigm Initiative. Press Release- Net Rights Coalition calls on Tanzania to stop restricting access to X. <https://paradigmhq.org/press-release-net-rights-coalition-calls-on-tanzania-to-stop-restricting-access-to-x-former-twitter/> (accessed 3 March 2025)

19 All Africa. Facebook ban in Uganda continues as government cites security concerns. <https://allafrica.com/stories/202405270409.html>. (accessed 12 March 2025)

20 Amnesty International. Sudan internet shutdown threatens delivery of humanitarian and emergency services. <https://www.amnesty.org/en/latest/news/2024/03/sudan-internet-shutdown-threatens-delivery-of-humanitarian-and-emergency-services/>. (accessed 15 March 2025)

21 TNM Malawi Limited "Monthly Bundles," TNM - Always With You (accessed 21 December 2024)

22 Affordable mobile data pricing <https://www.statista.com/statistics/1272681/price-for-mobile-data-in-somalia/> (accessed 7 February 2025).

23 Assemblée Nationale Togolaise. (2022). Loi portant modification de la loi n°2018-026 du 7 décembre 2018 sur la cybersécurité et la lutte contre la cybercriminalité. Retrieved from https://assemblee-nationale.tg/lois_adoptees/de-loi-portant-modification-de-la-loi-n2018-026-du-7-decembre-2018-sur-la-cybersecurite-et-la-lutte-contre-la-cybercriminalite/

has been used in Togo to silence dissent predominantly affecting the media.²⁴²⁵

The criminalisation of false news is a feature that remained in existence in 2024, contrary to international standards recommending that governments prefer civil sanctions to address false news. In Botswana, sections 59 (1) of the Penal Code and 55 (a) and (b) of the Communications Regulatory Authority Act make it an offence to publish false news.²⁶ The vagueness of these laws is concerning, with provisions usually using loose terms such as offensive, indecent, obscene, lascivious, menacing, causing fear, anxiety, inconvenience, and annoyance, among others. In the Gambia, on September 26, 2024, two journalists from *The Voice Newspaper* were arrested for publishing false news.²⁷ In the Central African Republic (CAR), Article 132²⁸ of the Penal Code²⁹ maintained criminal defamation and seditious speech against international standards, while in Egypt, article 102 (Bis) of the Penal Code criminalises publication of false news.

Most African countries lack legal frameworks that address online gender-based violence. Existing domestic violence legislation in the domestic realm is inadequate as they do not address online harms as in the Zimbabwean context. Online gender-based violence, also cited as technology-facilitated gender-based violence, reared its head through many various forms, including misogynist gendered disinformation. The link between offline and online gender-based violence was clear in Botswana with an example of the Secretary for Political Education of the BCP Women's League, Kagiso Daniel, who was physically assaulted and thereafter faced with different smearing narratives on social media platforms.³⁰

In September 2024, the journalists' union leaders from Southern Africa formed the Federation of Southern African Journalists (FESAJ) to counter disinformation through training and advocacy.³¹ This was a progressive step as disinformation, especially around elections, is a major concern. Journalists from Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe are part of FESAJ. The media are critical to ensuring access to good content.

Data Protection and Privacy

While as of December 31, 2024, at least 40 countries had accessible data protection laws,³² the lawmaking wheels turned slowly in some countries like The Gambia and Namibia, which do not have data protection laws. The Gambia introduced the Cyber Crime Bill 2023, which was tabled in the National Assembly on March 18, 2024. Malawi joined the list of countries with data protection laws on February 1, 2024, when the Data Protection Act of 2024³³ was passed. Botswana's Data Protection Bill was endorsed by the National Assembly on October 29, 2024, and it is awaiting its passing into law. The Central African Republic also enacted Law No 24-001 on the Protection of Personal Data in January 2024, a progressive step in the country.³⁴

24 Hivos, "Freedom of Expression in Tunisia: Legal Mapping", <https://hivos.org/document/freedom-of-expression-in-tunisia-legal-mapping/>

25 Decree-Law No. 2022-54 of September 13, 2022, relating to the fight against offenses relating to information and communication systems <https://legislation-securite.tn/latest-laws/decret-loi-n-2022-54-du-13-septembre-2022-relatif-a-la-lutte-contre-les-infractions-se-rapportant-aux-systemes-d'information-et-de-communication/>

26 BOCRA <https://www.bocra.org.bw/sites/default/files/covid19-docs/BOCRA%20-%20False%20Information%20on%20Online%20Platforms.pdf> (accessed 7 February 2025).

27 Federation of International Journalist 'The Gambia- Two Journalist arrested and charged with 'false publication' against the president' (2024) <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/the-gambia-two-journalists-arrested-and-charged-with-false-publication-against-the-president> (accessed 10 November 2024)

28 Art.132: Any expression whose threatening, defamatory or insulting meaning is likely to diminish the respect due to a public official constitutes an outrage.

29 Republique Centrafricaine: Code penal: <https://www.refworld.org/legal/legislation/natlegbod/2010/fr/104201> (accessed on January 12, 2025)

30 See Facebook post here: <https://www.facebook.com/share/p/18wmnBiSet/>.

31 UNESCO <https://www.unesco.org/en/articles/southern-african-journalists-form-body-combat-disinformation-and-misinformation#:~:text=Unions%20Journalists%20leaders%20from%20Southern,to%20combat%20disinformation%20and%20misinformation.> (accessed 9 February 2025)

32 <https://blog.africadataprotection.org/en/legislation/> (accessed 7 February 2025).

33 Digital Malawi Project <https://digimap.pppc.mw/data-protection-bill-assented/>

34 Law No 24-001 on the Protection of Personal Data, 2024 https://arcep.cf/fr/images/documents/reglementation/lois/Loi_24_001_portant_protection_des_donnes_a_caractere_personnel.PDF

Smart City initiatives were on the rise, with countries like Uganda digitising public services to improve service delivery. Some initiatives included a traffic control centre and traffic lights. In Zimbabwe, closed-circuit television (CCTV) cameras were installed to prevent crime and enhance traffic flows. The efficiency that smart city initiatives bring is undeniable. Still, concerns have been raised about the government's lack of transparency regarding procurement processes and the use of surveillance-enabling features that usually accompany the technologies.

New Data Protection Laws - 2024³⁵

Country	Date of Enactment	Link
Malawi	January 31, 2024	https://www.malawi.gov.mw/index.php/resources/publications/acts?download=153:data-protection-act-2024
Ethiopia	July 24, 2024	https://lawethiopiacomment.wordpress.com/wp-content/uploads/2024/08/personal-data-protection-proclamation-no.-1321-2024_signed-1.pdf
Cameroon	December 23, 2024	https://www.prc.cm/en/multimedia/documents/10271-law-n-2024-017-of-23-12-2024-web
Central African Republic	January 25, 2024	https://arcep.cf/fr/images/documents/reglementation/lois/Loi_24_001_portant_protection_des_donnes_a_caractere_personnel.PDF
Botswana	October 29, 2024	https://itlawco.com/wp-content/uploads/2025/01/1736836435941.pdf

Access to Information

This Londa report echoes the urgent need for African governments to proactively disclose information and use digital platforms to enhance access to information. Most government agencies lag behind, and most websites are missing critical information. A glaring example in the Londa 2024 country reports is missing information concerning the Universal Service Funds, with government websites not including these reports. In some instances, like in The Gambia, the Government does not respond to requests for information within the stipulated timeline of 21 days. The Gambia country report unpacks this concern, making it difficult for digital rights researchers to access information in line with their mandate. Access to information must be operationalised to realise the right to access information. In Sudan, the Right to Access Information Act of 2015,³⁶ is not fully operationalised, posing a concern as information is not readily accessible. The Londa 2024 report bemoans the inability of government agencies to provide up-to-date information on their websites and fully utilise digital platforms.

Digital Inclusion

The year under review boasted several activities steering the African continent towards digital access. In Botswana, the Village Connectivity Programme progressed with a focus on increasing broadband access in rural areas. This was enabled by a deliberate National Broadband Strategy in the country. Tunisia had marked strides toward connectivity of schools through the commitment to the completion of digital connectivity of Tunisian schools to fibre optic networks in November 2024, a demonstration of the government's

³⁵ These numbers are drawn from the reported countries in this report.

³⁶ Ministry of Justice, "The Right to Access information act for the year 2015", <https://moj.gov.sd/sudanlaws/#!/reader/chapter/362>, (accessed on 6 November 2024)

prioritisation of digital inclusion in the education sector.³⁷ The Londa report also covered online safety for children and vulnerable groups. Most African countries do not have specific child online safety policies and are still hanging on to child protection laws that do not cover protection in the digital age. The Gambia developed its *National Child and Vulnerable Groups Online Protection Policy*³⁸ in October 2024, Ghana developed a *National Child Online Protection Framework*,³⁹ Tanzania introduced the Child Protection Laws (Miscellaneous Amendments) Bill, 2024⁴⁰ and Malawi developed a *National Child Online Protection Strategy*,⁴¹ progressive steps that can inspire developments in other African countries. The policies identify various groups as vulnerable online, including children, women and persons with disabilities, promoting their digital inclusion through safe online spaces.

Universal Service Funds

Country	Fund in Existence	A m o u n t Known (Yes or No)	Reports on Funds Accessible
Malawi	Yes	Yes	No
Tanzania	Yes	No	Yes
Ethiopia	No	No	No
Kenya	Yes	No	No
Zambia	Yes	No	No
Rwanda	Yes	No	No
Angola	Yes	No	No
Namibia	Yes	No	No
South Africa	Yes	Yes	Yes
Zimbabwe	Yes	No	No
Tunisia	Yes	No	No
Uganda	Yes	No	Yes
Cameroon	Yes	No	No
Nigeria	Yes	Yes	Yes
Senegal	Yes	No	No
The Gambia	No	No	No
Somalia	No	No	No
Lesotho	Yes	No	No

37 La Presse, “Tunisie : Le raccordement des écoles à la fibre optique achevé d’ici fin novembre”, November 2024, <https://lapresse.tn/2024/11/07/tunisie-le-raccordement-des-ecoles-a-la-fibre-optique-acheve-dici-fin-novembre/>

38 <https://mocde.gov.gm/wp-content/uploads/2024/11/Gambia-CVGOP-Policy.docx>

39 <https://www.csa.gov.gh/resources/National%20COP%20Framework.pdf>

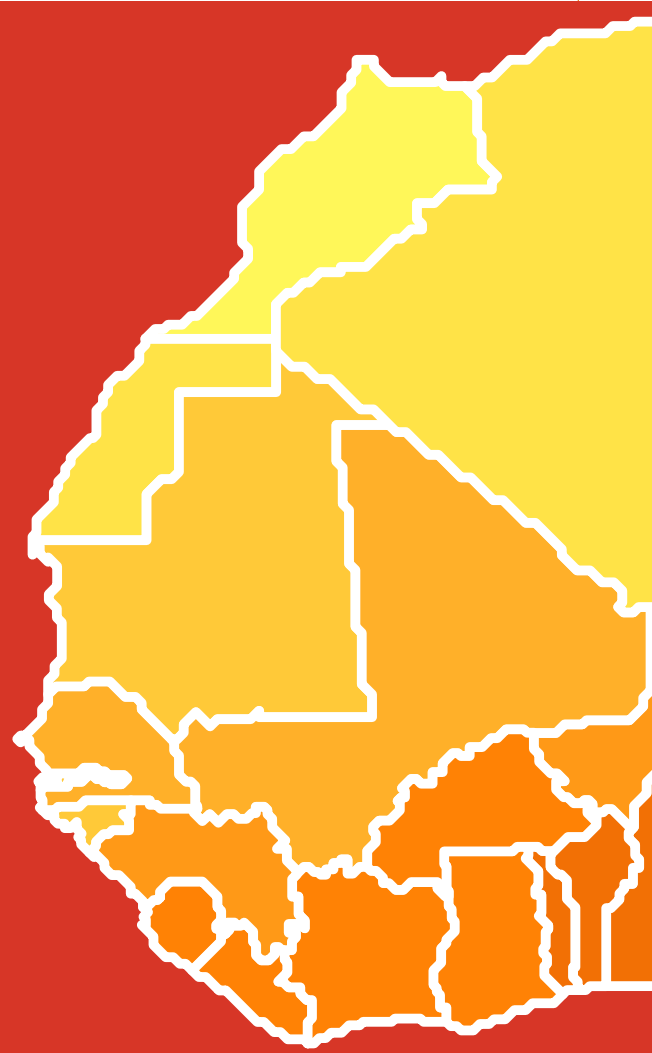
40 https://media.tanzlii.org/media/legislation/326677/source_file/b73b511efbb91f9f/tz-act-2024-10-publication-document.pdf

41 F. Phiri “Macra-Stakeholders Intensify Child Online Protection Efforts” <https://times.mw/macra-stakeholders-intensify-child-on-line-protection-efforts/>

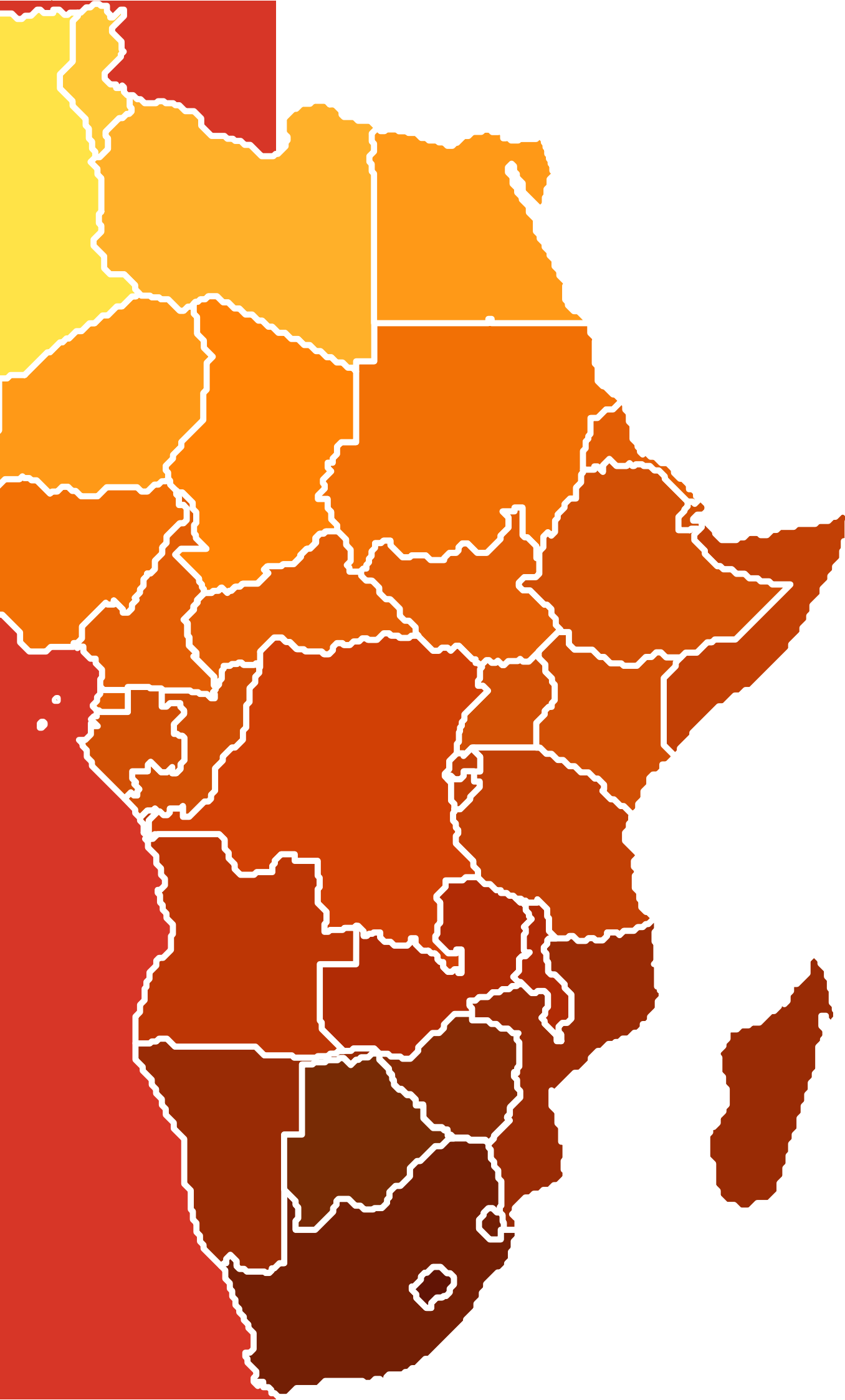
Togo	Yes	No	No
Benin	Yes	No	No
Botswana	Yes	No	No
Ghana	Yes	No	No
DRC	Yes	No	No
CAR	Yes	No	No
Sudan	Yes	No	No
Mozambique	Yes	No	No
Egypt	Yes	No	No

Conclusion

The Londa 2024 Report presents the level of compliance by African countries with human rights obligations, demonstrating how some countries like Kenya have retrogressed regarding promoting internet access and countries like Somalia are taking strides towards affordable internet access. Governments like Malawi are commended for their transparency and utilisation of the Universal Service Fund and the enactment of a data protection law. At the same time, regional frameworks progressed to promote advancement in AI and digital governance. With a multi-stakeholder lens, government stakeholders are urged to take meaningful steps to, among others, enact laws that promote freedom of expression, the right to privacy, access to information and child online safety. Civil society organisations and the media are urged to advocate for repealing repressive laws, enacting digital rights-protecting laws, and raising awareness of digital rights.



COUNTRY REPORTS



Angola



Executive Summary

The 2024 Angola country report was developed through document review, key informant interviews, consultations with different players within the digital rights space, and use of the TheScore Index. The review focussed on seven thematic areas: Internet Access, Freedom of Expression, Data Protection and Privacy, Censorship and Content Moderation, Access to Information, Artificial Intelligence and Emerging Technologies and Digital Inclusion. Findings reveal that during the period under review, Angola made significant strides in expanding internet access, with a 3.1% increase in internet penetration from 2023 to 39.3% in 2024.⁴² However, high data costs, unequal service distribution, and broadband infrastructural challenges in rural areas limit access for lower-income populations. Concerns over censorship, surveillance, and data privacy, particularly affecting marginalised groups such as women and people with disabilities, mark the digital landscape. Despite legal advancements, the enforcement of data protection and freedom of expression laws still needs urgent improvement. Key recommendations include subsidising data costs, expanding public wi-fi, integrating digital literacy into education, strengthening press freedom, improving cybersecurity coordination, enhancing content transparency, and ensuring accessibility for people with disabilities. Addressing these challenges will be essential for achieving broader digital inclusion and protecting citizens' rights.

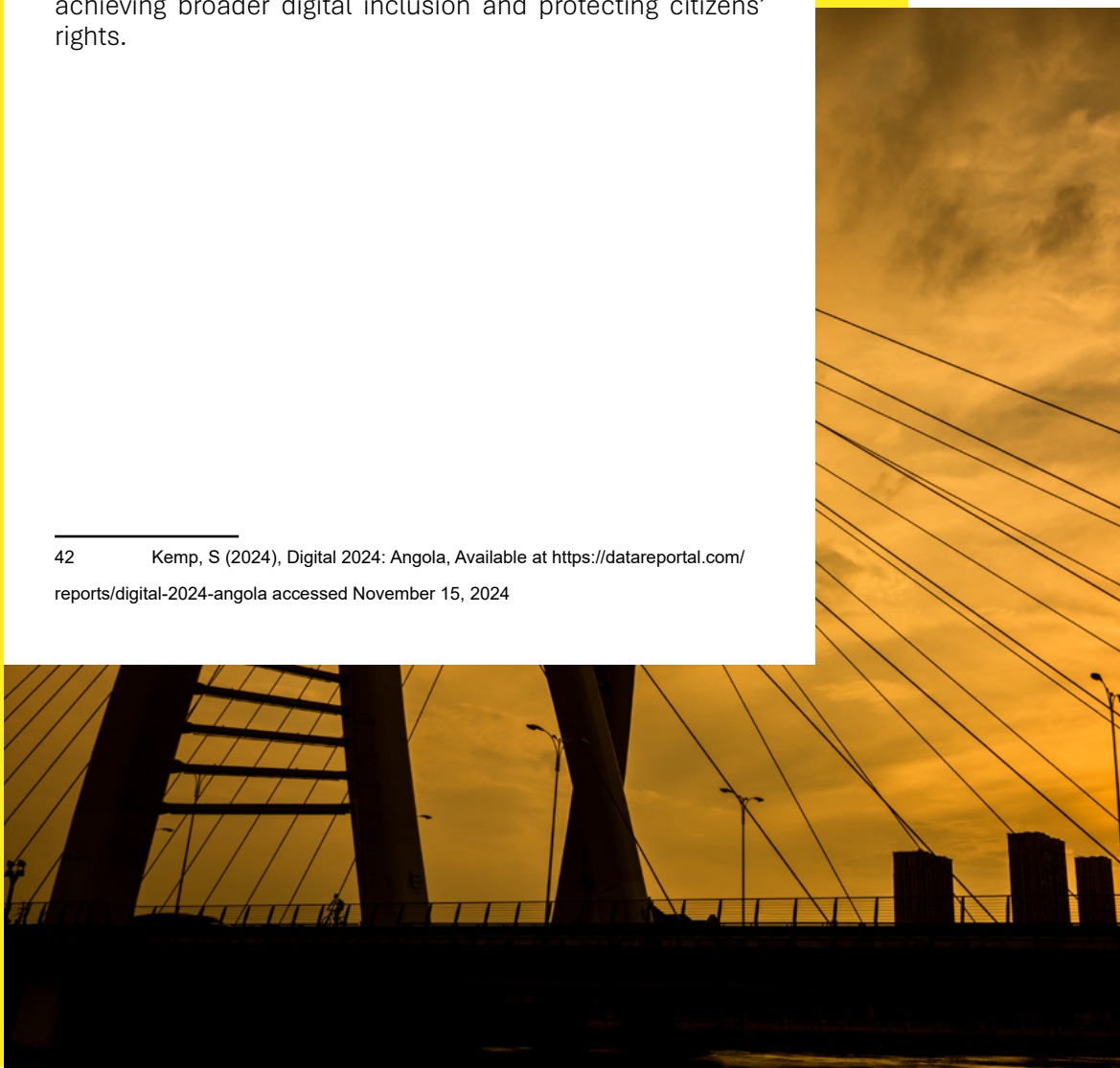
42

Kemp, S (2024), Digital 2024: Angola, Available at <https://datareportal.com/reports/digital-2024-angola> accessed November 15, 2024

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Over the past year, Angola has made notable progress in improving internet access, with the country's internet penetration reaching 39.3% in January 2024, a 3.1% increase from 2023.⁴³ Investments in mobile networks, fiber-optic infrastructure, and the combined efforts of the government and private sector to expand coverage across the nation primarily drive growth. Despite the increase in connectivity, internet service costs remain high, particularly for lower-income communities, limiting widespread access. Moreover, urban areas enjoy better infrastructure than rural regions, where limited investment and power outages further complicate reliable internet access. Additionally, the digital landscape in Angola is marked by challenges related to freedom of expression, censorship, and data privacy as government control over online platforms intensifies and surveillance practices raise privacy concerns. The country is also grappling with the digital divide, with marginalised groups, including women and people with disabilities, facing additional barriers to full participation in the digital realm.

Internet access

Angola has made significant strides in improving internet access over the past year. As of January 2024, internet penetration was approximately 39.3%, a 3.1% increase from January 2023.⁴⁴ This growth is primarily due to investments in mobile networks and fiber-optic infrastructure and efforts by both government and private sector entities to expand coverage nationwide.⁴⁵ Mobile networks are the dominant means of internet access, with more than 95% of internet users relying on mobile phones for online connectivity.⁴⁶ The growing affordability of smartphones has contributed significantly to the increasing mobile internet penetration.⁴⁷

Internet service costs remain considerably high. The average monthly price of data in 2024 was \$47.52⁴⁸ while 1 gigabyte cost an average of \$1.01, as of August 2023.⁴⁹ According to a 2024 report by the International Telecommunication Union (ITU), data costs in Angola consume as much as 9.5% of the average income.⁵⁰ This pricing structure limits individuals’ access to online information, particularly in lower-income communities.⁵¹ In addition, internet services are unevenly distributed, with urban areas enjoying relatively better infrastructure than rural regions. More investment in rural telecom infrastructure and the need for digital skills training among local populations worsen the disparity.⁵²

Coupled with restrictive costs and infrastructural deficits, inconsistent electricity supply remains a significant barrier to universal internet access. Many regions experience frequent power outages, which affect internet service availability and challenge reliable connectivity, particularly in remote areas.⁵³

Freedom of expression

In 2024, there were no reported cases of internet shutdowns, compared to 2023. However, in August 2024, the President signed into law the National Security Bill which, under Article 36, authorises the government to prohibit public or private radio stations from broadcasting and disrupt telecommunications services under ill-defined exceptional circumstances.⁵⁴ The bill will undoubtedly curtail freedom of expression.

There are growing concerns over the expanding potential for mass surveillance by government agencies, especially the National Information Services Agency (SINS), known for its extensive surveillance capabilities. Although no formal laws explicitly mandate surveillance, local and international reports indicate that online activists and journalists are increasingly subjected to harassment and arrest for their digital activities.⁵⁵

The threat of arrest, harassment, or digital surveillance has deterred many people from engaging in online political discussions. As a result, self-censorship becomes a survival strategy, as individuals limit their participation to avoid potential consequences.⁵⁶

44 As above.

45 International Telecommunication Union (ITU). (2023). “Annual Report on Mobile Connectivity in Sub-Saharan Africa.”

46 World Bank. (2024). “Angola Mobile Internet Access Statistics.”

47 Angola Ministry of Telecommunications. (2023). “Internet Access Through Mobile Networks in Angola.”

48 “The price of fixed-line broadband in 219 countries,” Cable, accessed February 13, 2024, <https://www.cable.co.uk/broadband/pricing/worldwide-comparison/>.

49 “Global broadband pricing league table 2024,” accessed May 27, 2024, <https://www.cable.co.uk/broadband/pricing/worldwide-comparison/>.

50 International Telecommunication Union (ITU). (2024). The Cost of Internet Access in Sub-Saharan Africa.

51 International Telecommunication Union (ITU). (2024). The Cost of Internet Access in Sub-Saharan Africa.

52 African Development Bank. (2023). “Energy Access and Internet Connectivity in Africa.”

53 International Energy Agency (IEA). (2023). “Electricity Access in Rural Africa.”

54 Human Rights Watch. “Angola: President signs laws curtailing speech, association,” accessed 9 January 2025, <https://www.hrw.org/news/2024/09/10/angola-president-signs-laws-curtailing-speech-association>

55 Human Rights Watch (HRW). (2023). Angola: Authorities Intensify Internet Censorship During Political Unrest. Retrieved from <https://www.hrw.org/report/2023/angola-internet-censorship>

56 Mueller, M. (2022). The Politics of Online Speech: Self-Censorship in Authoritarian Regimes. Cambridge University Press.

‘You need to be always careful about what you say online. While you might not be attacked online, it might happen in person. Online violence can quickly be taken offline, posing a serious problem to safety and security’

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Social media platforms are rife with derogatory comments and targeted harassment, often sexualising women’s political activism or discrediting their opinions based on gender. A 2024 report by The Global Institute for Gender Equality revealed that women in Angola experience some of the highest rates of gendered online harassment in Southern Africa, with nearly 60% of Angolan women politicians reporting harassment or threats on social media.⁵⁷ These forms of abuse not only deter women from engaging in political discourse but also contribute to a hostile online environment that disproportionately affects women’s digital freedom.

Cyber harassment is often directed at women who speak out on issues related to gender equality, human rights, and social justice. A 2024 study by Digital Rights Africa found that more than 50% of Angolan women who are active on social media report experiencing online harassment. For many, this harassment becomes a significant barrier to their digital freedom of expression, leading them to reconsider their engagement in online spaces.⁵⁸

While there has been some legislative progress on protecting women from online violence, such as the Law on Domestic Violence (Law No 25/11) and the Penal Code (Law No 38/20) revisions (which recognize online harassment), implementation remains inadequate. Law enforcement agencies lack the capacity and resources to effectively track and prosecute online gender-based violence (GBV), leaving many women vulnerable to abuse without recourse.⁵⁹

Data Protection and Privacy

Angola’s data protection and privacy framework has evolved to match the demands of the digital age, although significant challenges remain in its implementation and enforcement. The country has the Protection of Personal Data (Law No 22/21), which aims to safeguard citizens’ data. However, despite this progress, the law is still in the early stages of implementation, and concerns persist regarding its effectiveness, particularly in enforcement and compliance.⁶⁰

Angola also has laws that criminalise the spread of “false news” or “sedition” online. Critics view these laws as tools for controlling dissent and curbing free speech. Article 224 of the Penal Code (Law No 38/20) criminalises the spread of ‘fake news’, particularly by the media. The provision aims to reduce the dissemination of false information on social media platforms and websites.⁶¹ As a result, journalists and media outlets are increasingly cautious about publishing content perceived as politically sensitive, especially regarding government policies, corruption, or human rights violations.⁶² According to Reporters Without Borders (RSF, 2023), Angola ranks 110th out of 180 countries regarding press freedom, with journalists frequently facing threats, harassment, and legal charges for their work.

In addition, Angola is increasingly exploring smart city projects to modernise urban infrastructure and improve service delivery. These projects often incorporate digital technologies like sensors, cameras, and data analytics to optimise traffic management and public safety. In 2024, the capital city, Luanda, is undergoing pilot projects that include surveillance cameras and facial recognition.

The installation of surveillance cameras and facial recognition could increase security. Still, civil society is concerned that this could pose substantial privacy risks if not adequately regulated and monitored.

- Key Informant B

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- 57 Global Institute for Gender Equality. (2024). “Gendered Online Harassment in Southern Africa.” Global Equality Report.
- 58 Digital Rights Africa. (2024). “Barriers to Digital Freedom: Online Harassment of Angolan Women.” Digital Rights Report.
- 59 UN Women. (2023). “Gender Digital Divide in Angola.” UN Women Southern Africa Report.
- 60 Gagliardone, I., & Zeng, L. (2023). Internet Governance and Political Control in Africa. Routledge.
- 61 Santos, A. (2020). Angola’s Law on Fake News: A Threat to Free Speech? African Journalism Review, 11(3), 151-165.
- 62 Puddephatt, A. (2021). The Global Chilling: Self-Censorship in the Digital Age. Open Society Foundations.

A 2024 survey by Deloitte Angola revealed that 48% of respondents reported their online banking accounts had been compromised at some point.⁶³ In 2024, between 200 and 5000 cyber attacks were reported per day⁶⁴, with the National Bank (BNA) receiving 250 per day, 100 fewer than the 2023 average.⁶⁵ This surge in cybercrime highlights the vulnerability of Angola's financial infrastructure to sophisticated digital threats. The country has a National Cybersecurity Strategy (2021-2030) and a Cybercrime Law, which align with some international standards.⁶⁶ However, while these initiatives represent steps forward, there are concerns regarding the effectiveness of enforcement, especially as cybercrime techniques rapidly evolve.

Censorship and Content Moderation

Like many other countries, Angola interacts with global tech companies such as Meta (Facebook), Google (YouTube), and ByteDance (TikTok), which are under pressure to comply with local laws and government requests for content removal. According to Meta's Transparency Report, in 2023 the Angolan government requested the removal of several political posts on Facebook and Instagram, citing violations of local laws, including incitement of violence or defamation. Meta complied with a subset of these requests, adhering to its internal content moderation guidelines. In the first quarter of 2024, Angola made 12 content takedown requests. In addition, TikTok's 2024 transparency report revealed that it received 25 requests from Angola to remove content related to hate speech, harassment, and political misinformation. About 40% of these requests were related to political speech. YouTube's Transparency Report (2024) highlighted that Angola made 15 requests for content removal in 2023. Most of these requests were for videos containing political criticism or allegations of corruption.⁶⁷

More comprehensive public data is needed regarding content takedown requests to the National Communications Institute (INACOM), Angola's regulatory authority for communications. The statistics are not publicly released.

Access to Information

Angola's Constitution guarantees citizens the right to access information, although its implementation must be more consistent. However, while these constitutional guarantees are essential, Angola's legal and institutional frameworks for access to information remain underdeveloped and face numerous challenges.

The 2 laws which govern access to information are the Data Protection Law (Law No 22/11) and Law on Access to Administrative Documents (Law No 11/02). While laws allow citizens to request information from public authorities, application must be more consistent. There are limited penalties for non-compliance, and bureaucratic hurdles often obstruct meaningful access to government-held data.⁶⁸ The absence of robust access to information law exacerbates the situation, as citizens' ability to access essential government information remains limited by vague legal language and weak enforcement mechanisms.

Digital literacy remains another significant challenge to accessing information, particularly in rural and underserved areas. While mobile phone access has increased, many Angolans need more skills to navigate online spaces effectively. According to UNESCO (2024), 27% of the population is digitally illiterate, with older generations and rural communities most affected.⁶⁹ This digital literacy gap further restricts access to digital information and services, hindering public engagement with government resources.

63 Deloitte Angola. (2024). Cybersecurity Survey: Trends in Financial Fraud and Banking.

64 "Ataque cibernético sem danos no BNA [BNA cyber attack without damage]." Jornal de Angola, January 18, 2024, <https://www.jornaldeangola.ao/ao/noticias/ataque-cibernetico-sem-danos-....> Cyberattacks

65 Victória Maviluka, "BNA regista média diária de 250 tentativas de ciberataques [BNA records daily average of 250 attempted cyberattacks]," Economia e Mercado, April 25, 2024, <https://www.economiaemercado.co.ao/artigo/bna-regista-media-dia-ria-de-2-...>; "National Bank of Angola Sees 100 Fewer Cyberattacks Per Day in 2024," 360 Mozambique, April 25, 2024, <https://360mozambique.com/world/angola/national-bank-of-angola-sees-100-...>

66 Council of Europe. (2020). Budapest Convention on Cybercrime.

67 YouTube Transparency Report. (2024). Government Requests for Content Takedowns in Angola.

68 Access Info. (2023). Freedom of Information in Angola: A Status Report.

69 UNESCO. (2024). Digital Literacy in Angola: Challenges and Opportunities.

AI and Emerging Technologies

Artificial Intelligence (AI) and other emerging technologies are beginning to impact Angola, particularly in the banking, agriculture, and healthcare sectors. However, the adoption of these technologies is still in its early stages. Approximately 30% of financial transactions in the country are now AI-assisted, a figure that has been steadily growing since 2021 with AI enhancing the accessibility and efficiency of financial services, particularly for underserved populations (BNA, 2024).⁷⁰

Angola has yet to introduce specific regulations around AI, but discussions are ongoing within government and private sector circles about the ethical use of AI technologies. In 2024, a coalition of Angolan technology firms and universities began collaborating to develop guidelines for the ethical use of AI. These efforts ensure that AI development aligns with human rights principles, avoids perpetuating biases, and contributes to equitable development.⁷¹

Digital Inclusion

In response to connectivity challenges, the Universal Service Fund (USF), known as the Communications Development Support Fund (FADCOM) in Angola, is used to increase universal access to the Internet. The exact amount in the fund remains unknown, highlighting the government's failure to proactively disclose information and share details transparently. According to the Angola Communications Regulatory Authority (IRCA), the USF has supported the construction of mobile network towers and expanding internet services in underserved areas.⁷² However, there are concerns regarding the transparency of the fund.

'The fund has been used to increase access to free internet. We have implemented public wi-fi projects, particularly in urban areas like Luanda, to provide free internet access in key locations. These developments are, however, mostly confined to urban areas.'

Key Informant C

Angola also has the National Broadband Plan (2016-2025), which focuses on expanding fiber-optic networks, increasing mobile internet availability, and boosting broadband access in underserved regions.⁷³ The Digital Transformation Strategy (2020-2025) also seeks to modernise the country's digital infrastructure, enhance e-government services, and promote digital literacy while expanding the rollout of 5G networks.⁷⁴ The implementation of the plan and strategy is yet to be seen.

Traditionally, marginalised groups, including People With Disabilities (PWDs), lack the necessary infrastructure to access digital services. The design of most digital platforms and services needs to account for the needs of PWDs, leaving them at a disadvantage. For instance, websites, mobile applications, and government services often lack accessibility features, such as screen readers, sign language support, or audio instructions for individuals with hearing or visual impairments.⁷⁵

70 BNA (2024). accessed 9 January 2025 <https://www.bna.ao/#/pt/publicacoes-e-media/relatorios/relatorio-anual-contas/detalhe/601>

71 Tech Hub Angola. (2024). Ethical AI Guidelines: Collaborative Efforts in Angola's Tech Sector.

72 Angola Communications Regulatory Authority (IRCA). (2024). The Role of the Universal Service Fund in Angola's Digital Transformation.

73 Angolan Ministry of Education. (2022). "Digital Literacy in Angola."

74 MINTTICS. (2020). "Digital Transformation Strategy (2020-2025)."

75 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). (2024). Promoting Digital Inclusion for Persons with Disabilities in Angola.

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration <i>(P stands for Principle)</i>	Score	Justification
1. Internet Shutdowns	P38(2)	4	There were no confirmed internet shutdowns in 2024.
2. Inexistent laws, policies, and other measures to promote universal, equitable, affordable, and meaningful access to the internet	P37	3	Laws exist, but there needs to be more clarity regarding implementation and effectiveness.
3. False News Criminalisation	P22(2)	2	The law exists but is ill-defined, meaning the government can use it to curtail freedom of expression.
4. Sedition Legislation	P22(2)	2	The law on sedition leaves room for misuse and arrest of content creators
5. Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	2	Neth Nahara (real name Ana da Silva) remains in prison for criticizing the President on TikTok in 2023.
6. Data Protection Legislation.	P42	4	The law exists, but there are areas for improvement particularly in implementation.
7. States interfere and require the removal of online content by internet intermediaries.	P38 and P39(4)	2	Angola has requested removing mostly political online content from social media sites, including TikTok and Facebook.
8. Invasion of Privacy of Communications	P41	3	The facial recognition software implemented in Luanda could lead to state surveillance of citizens.
9. Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	The government does not publicly disclose resources under USF and their allocation. Content takedowns are also not published.
10. AI and Emerging Technologies national strategies	P39(6)	2	Angola has yet to introduce specific regulations around AI.
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	Angola does not have a specific law or policy focussed on children's digital safety. The rights of children are protected under the Law on the Protection and Comprehensive Development of the Child (Law 25/12).

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12. Digital Inclusion	P37(3)	2	The government provides free internet in some parts of the capital city, Luanda. This increases inclusivity, given the restrictive cost of broadband and data bundles. However, the limited market competition continues to make the price of accessing the internet restrictive.
TOTAL (up to 60)		31	

Conclusion

In conclusion, while Angola has made notable progress in expanding internet access and digital infrastructure, significant challenges still need to be addressed, particularly regarding affordability, infrastructure gaps, and unequal access between urban and rural areas. High data costs continue to limit the ability of many Angolans, especially those in lower-income communities, to benefit from online connectivity fully. Issues of censorship, surveillance, and harassment further restrict freedom of expression, with particular risks for women and marginalized groups. Moreover, the country's legal and institutional frameworks for data protection and access to information remain underdeveloped, and inadequate digital literacy and accessibility hinder efforts to close the digital divide. Although initiatives like the Universal Service Fund and the National Broadband Plan aim to address these disparities, the effective implementation of these policies is crucial for ensuring more equitable digital inclusion in the future.

Recommendations

Government

- **Subsidize data costs:** To address the high cost of internet access, particularly in lower-income communities, the government could explore subsidies or tax incentives for internet service providers to reduce broadband and mobile data costs. This would make internet services more accessible to the broader population, especially in rural areas.
- **Promote public wi-fi projects:** Continue expanding free public wi-fi initiatives in key urban locations like Luanda while ensuring these projects are extended to underserved rural areas. Collaboration with local communities could help identify strategic places for these services.
- **Integration of digital skills into education:** The government should incorporate digital literacy into the national curriculum, starting from primary education, through the relevant ministry to support long-term digital inclusion efforts.
- **Strengthen press freedom:** To improve the media landscape, Angola must enhance the legal protection of journalists and media outlets. This includes ensuring that laws against disinformation are not used to stifle free speech and critical reporting. The government should make legal reforms to protect journalists from harassment and legal threats.
- **Improve enforcement of laws:** While Angola has made progress with laws protecting digital rights, including the Protection of Personal Data Law, Domestic Violence law, and the Penal Code, effective enforcement remains a challenge. Strengthening institutional capacity, through training and budget allocations, to monitor and enforce data protection laws is necessary to ensure citizens' rights are safeguarded in the digital age.
- **Strengthen coordination among cybersecurity entities:** Ensure that Angola's various cybersecurity agencies work together to address the evolving cyber threat landscape and share intelligence and best practices.
- **Increase transparency in content takedown requests:** The government's content takedown requests to social media companies and digital platforms should be more transparent. The National Communications Institute (INACOM) should publish periodic reports on content removal requests and their outcomes to foster trust in the digital space.
- **Ensure accessible digital platforms for PWDs:** Digital platforms and services, including government websites and mobile applications, should be designed to meet the needs of people with disabilities (PWDs). This includes ensuring services feature accessibility options such as screen readers, sign language, and audio instructions to enable equitable access to online resources.
- **Develop AI regulation framework:** Angola should expedite the development of specific AI regulations that ensure the ethical use of these technologies. In addition, the government should establish an independent body to oversee AI developments, ensuring they are

fair, unbiased, and aligned with human rights.

- **Ethical AI in government and private sector projects:** Ensure that AI applications, particularly in innovative city projects, are used responsibly and in ways that respect privacy rights. The government should prioritize public consultation and transparency to avoid misuse when rolling out such technologies.
- **Transparency in using the Universal Service Fund:** Information on the USF is minimal. The government should ensure that information relating to its use is shared publicly to ensure greater accountability and transparency.

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Civil Society Organisations

- **Monitor use of the Universal Service Fund:** Civil Society organisations should monitor the use of the USF for greater accountability and transparency.
- **Hold government accountable:** Angola has put in place laws and policies, which, if implemented correctly could improve the digital rights of the populace. Civil Society should continuously hold the government accountable through monitoring and advocating for implementation of these laws and policies.

Benin

Executive Summary

In comparison to the 2023 Londa report, there were less alarming violations recorded against journalists in the digital rights sector in Benin. However, the government continued to use threats of civil defamation to place limits on free expression. Legislation remains repressive with restrictions regarding freedom of expression. For instance, journalists continued to be regular victims of digital rights violations. Benin Republic is one of the first African States to pass a Digital Code. Despite the great strides, the country has been facing challenges resulting in a shrinking civic space. The West African nation should also reconsider its position and amend provisions of the Digital Code that unnecessarily restrict freedom of expression and digital rights. This study adopts eight qualitative indicators to assess issues affecting digital rights and inclusion in Benin.

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Introduction

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For a long time, Benin has been actively pursuing digital transformation initiatives, aiming to harness the power of technology for social and economic development. Under the government's leadership, the digitalisation of public services underlines this ongoing modernisation in the country. Digitalisation has introduced new technologies into government Ministries, allowing government officials to quickly process citizens' requests and provide them with timely and satisfactory service. The introduction of these technologies helped to reduce queues of citizens waiting to consult or request public services. To simplify and facilitate citizens' access to public services and improve the quality of governance, Benin has also developed a national online platform for the provision of public services. This platform helps, on one hand, to inform users about the conditions of access to public services online. On the other hand, the platform gives the possibility to make online requests for digitalised services provided by the public administration.

Significant progress was also made regarding the growth of mobile networks. Between 2022 and 2023, the number of SIM cards connected to the networks of MTN, Celtis, and Moov Africa increased by 12.3%.⁷⁶ This widespread mobile connectivity empowers Benin citizens to access essential services, conduct financial transactions and participate in the digital economy. Despite the actions undertaken in this sector, important challenges remain.

The mobile market is currently characterised by a triopoly, resulting in insufficient competition and low investment levels.⁷⁷ This affects the quality and coverage of mobile services in all the regions of the country. Moreover, current taxation policies are counterproductive, imposing high tax burdens on operators without incentivising investments in infrastructure.

The unintended consequence of such action is that it pushes more people offline and increases barriers to getting online. In addition, it also limits freedom of expression and access to information. A similar result applies to the Digital Code because there are growing fears in Benin over this legislation being used to stifle the spread of dissenting opinions.

Adopted in 2018, the Digital Code is supposed to, amongst other things, fight misinformation and hate speech⁷⁸. However, because of its coercive measures, this legislation poses a danger to the journalism profession, especially to those working online.

⁷⁶ See Ecofin Agency 'Benin's Mobile Landscape' (2023) <https://www.ecofinagency.com/telecom/2304-45434-benins-mobile-landscape-16-3m-sim-cards-8-5m-unique-subscribers-in-2023-arcep> (accessed on 25 November 2024).

⁷⁷ See Idem

⁷⁸ See Lutte contre la désinformation en Afrique : pour une autre approche face à l'inefficacité des lois <https://africacheck.org/fr/fact-checks/medialiteracy/lutte-contre-la-desinformation-en-afrique-pour-une-autre-approche-face> (accessed on 23 November 2024).

Internet access

According to the Resolution on the Right to Freedom of Information and Expression of the African Commission on Human and People's Rights, access to the Internet is increasing rapidly across the African continent⁷⁹. This is also the case in Benin, where connectivity continues to improve. For instance, Benin has deployed about 2,500 km of optic fiber cable, which has contributed to improving the quality and availability of the network.⁸⁰ Regarding mobile internet, the Benin Post and Communications Regulatory Authority (ARCEP-Benin) notes 6,987 million mobile internet subscribers, with a mobile telephony penetration rate of 55.4% in 2023, compared with 42.1% in the previous year⁸¹. Out of a population of 12,915,002, an estimated 10,955,778 people are now potentially able to have internet access through mobile devices⁸² and 24,113 of these have internet access through fixed lines.⁸³ According to the GSMA's Connectivity Index, Benin has made undeniable progress, moving from a score of 29.91 to 40.06 in the period from 2017 to 2024.⁸⁴ Compared with Senegal (45.72), Cape Verde (53.99), Côte d'Ivoire (48.09), Kenya and Mauritius (66.93), which are relatively more advanced in terms of mobile connectivity, Benin needs to invest more in infrastructure to be able to rank among the advanced African countries in terms of internet connectivity⁸⁵.

In Benin, where mobile internet has shown continued growth, providers have had to upgrade from 2G to 3G to 4G, and now, 5G. This constant upgrade calls for investment, which has to be refinanced from time to time. If executed efficiently this mix of investments could contribute to lowering prices in a context where mobile data price remains a challenge. The Broadband Commission for Sustainable Development, a public-private partnership established in 2010 by the International Telecommunications Union (ITU), United Nations Educational, Scientific and Cultural Organization (UNESCO) and the governments of Rwanda and Mexico, recommends that 1GB of data should cost no more than 2% of gross national income percapita⁸⁶.

Source : CableUK research Unit (2024)

Freedom of expression

Freedom of expression is one of the fundamental human rights enunciated in the Constitution of Benin⁸⁷. The right to freedom of expression is protected by Article 23 and Article 24. In Benin, a country long regarded as an emerging model of democracy, public freedoms have deteriorated considerably in recent years, in contrast with the decade 1990-2000. This is mainly due to repressive laws. By law, libel, sedition, slander, or blasphemy are for instance considered as criminal offenses in Benin. Articles 454, 455 and 456 of Law No. 2018-16 of the Benin Penal Code define offenses of provocation and sedition committed through press and audiovisual communications, the penalties

79 See African Declaration on Internet Rights and Freedoms (2024) <https://africaninternetrights.org/sites/default/files/African-Declaration-English-FINAL.pdf> (accessed on 25 November 2024) Crystal News 'Chiffre d'affaires MTN, Moov et Celtis en 2023' (2023). <https://www.crystal-news.net/benin-chiffre-daffaires-mtnmoov-et-celtis-en-2023/#:~:text=Ce%20chiffre%20d'affaires%20est,334%2C894%20milliards%20de%20francs%20CFA> (accessed on 25 November 2024).

80 See Info du Moment 'Rapport sur l'usage d'Internet au Bénin' (2024) https://infodumoment.info/wp-content/uploads/2024/10/01.Rapport_Usage_Internet_Au_Benin_ISOCBJ_SCG-2.pdf (accessed on 25 November 2024).

81 See ARCEP 'Rapport d'activités 2023' <https://arcep.bj/larcep-benin-publie-son-rapport-dactivites-2023/> (accessed on 25 November 2024).

82 See <https://arcep.bj/telephonie-mobile/> (accessed on 25 November 2024).

83 Idem

84 See Global System for Mobile Communications (GSMA)'s Connectivity Index (2023) <https://www.mobileconnectivityindex.com/index.html#year=2023&zonelsocode=BEN> (accessed on 25 November 2024).

85 See Global System for Mobile Communications (GSMA)'s Connectivity Index 11 (2023) <https://www.mobileconnectivityindex.com/index.html#year=2023&zonelsocode=BEN> (accessed on 25 November 2024).

86 See Make broadband affordable [https://www.broadbandcommission.org/advocacy-targets/2-affordability/#:~:text=By%202025%2C%20entry%2Dlevel%20broadband,National%20Income%20\(GNI\)%20per%20capita](https://www.broadbandcommission.org/advocacy-targets/2-affordability/#:~:text=By%202025%2C%20entry%2Dlevel%20broadband,National%20Income%20(GNI)%20per%20capita) (accessed on 23 November 2024).

87 See Benin Constitution https://www.constituteproject.org/constitution/Benin_1990 (accessed on 23 November 2024).

for which range from a fine of 200,000 CFA or six months imprisonment to a fine of 10,000,000 CFA or five years imprisonment⁸⁸. Moreover, Article 553 of the Digital Code stipulates that direct incitement to rebellion by means of, or on an electronic communication network, or computer system is punishable by six months' imprisonment and a fine of 2,000,000 to 10,000,000 CFA Francs. Former Director General of the National Police, Louis Philippe Houndegnon, was arrested on 13 November 2024 and is being prosecuted for incitement to rebellion and harassment by electronic means⁸⁹. This kind of legislation is worrying because freedom of expression and access to information are fundamental rights protected under the African Charter on Human and Peoples' Rights (especially Article 9)⁹⁰. As a State Party to the African Charter, Benin should create an enabling environment for the exercise of freedom of expression and access to information by avoiding acts that curtail the enjoyment of freedom of expression and access to information.

Many journalists and human rights activists continue to be subjected to intimidation in Benin Republic. Pesce Hounyo, a journalist with Reporter Médias Monde, has been summoned by the country's media regulator, the High Authority for Audiovisual and Communication (HAAC).⁹¹ The summons followed the transmission of a show, in which the journalist criticised the merger operation of the Gendarmerie and the police in Benin⁹². Similarly, over the past two years, Elvio Zinzindohoué has received at least a dozen summonses from the police.⁹³ Against all procedures, some of these summons were issued by telephone. He responded to two of the summons, but finally decided to move to France. It is important to underline that these acts are in contradiction to the principles of the ACHPR Declaration.

State parties to the African Charter are compelled to create a thriving independent media environment, which refrains the practice of banning independent media practices. Unfortunately, the intimidations observed in Benin are raising some concerns related to the use of the Digital Code to restrict freedom of the press and freedom of expression. Vague interpretations of this piece of legislation have already led to the arrest of several journalists in the country.

Data Protection and Privacy

The adoption of Law N°2009-09 related to the protection of personal data in Benin makes the country one of the first in West Africa to put in place a coherent legislative framework in this field.⁹⁴ This framework regulates the collection, storage, processing and use of personal data, while at the same time establishing the responsibilities of the players involved in their various functions.⁹⁵ It is within this framework that the West African nation is developing various GovTech initiatives, such as the establishment of a digital platform to manage child care and protection centres. For this to be viewed as a praiseworthy move, authorities should make sure their digital services safeguard children's personal information and comply with data protection laws. The same concerns should be raised regarding the video surveillance policy, which was adopted in 2017 by the government in response to growing insecurity in Cotonou and other cities⁹⁶. These systems

88 See Loi n° 2018-16 portant code pénal

<https://assemblee-nationale.bj/wp-content/uploads/2020/03/le-nouveau-code-penal-2018.pdf> (accessed on 23 November 2024).

89 See Former Benin Police Chief Detained On Rebellion Charge <https://www.barrons.com/news/former-benin-police-chief-detained-on-rebellion-charge-daeb5f30> accessed on 21 November 2024)

90 See African Charter on Human Rights and Peoples' Rights https://www3.weforum.org/docs/WEF_Accelerating_an_Equitable_Transition_A_data_driven_approach_2024.pdf (accessed on 25 November 2024).

91 See Olofoto 'Médias au Bénin – La journaliste Pesce Hounyo convoquée à une instruction à la HAAC' <https://olofofo.info/medias-au-benin-la-journaliste-pesce-hounyo-convoquee-a-une-instruction-a-la-haac/> (accessed on 25 November 2024).

92 See Fusion Police-gendarmerie au Bénin : l'ex-DGPN Philippe Houndegnon relève des limites de la réforme https://www.banouto.bj/societe/article/20240730-fusion-police-gendarmerie-au-benin-l-ex-dgpn-philippe-houndegnon-parle-d-un-echec-cuisant#google_vignette (accessed on 25 November 2024)

93 See Afrique sur 7 'Au Bénin, le journaliste Elvio Zinzindohoué est toujours menacé' <https://www.afrique-sur7.fr/au-benin-le-journaliste-elvio-zinzindohoue-est-toujours-menace> (accessed on 25 November 2024).

94 See DLPiper Data Protection <https://www.dlapiperdataprotection.com/index.html?t=law&c=BJ> (accessed on 25 November 2024).

95 See Case Guard 'Innovative legislative framework for privacy in Benin' <https://caseguard.com/articles/an-innovative-legislative-framework-for-privacy-in-benin/> (accessed on 25 November 2024).

96 See Les équipements de vidéo surveillance en déploiement à Cotonou <https://24haubenin.info/?Demarrage-de-la-video-surveillance-dans-les-villes> (accessed on 25 November 2024)

are designed to reinforce public security measures, in particular, the fight against organised crime through prevention, investigation, recording and prosecution of criminal offences, as well as the enforcement of criminal sentences and security measures.

To ensure the safety of people and property in Benin, the cameras installed in the economic capital, Cotonou, collect data from the public. Currently, these surveillance cameras are installed on strategic roads in the economic capital.⁹⁷ While these surveillance cameras are currently being tested only in Cotonou, the government also plans to install them in public places to ensure the security of all citizens of the country. It is important to highlight that though surveillance cameras are used for their various benefits, they also have potential drawbacks. In the context of security, technocentrism is the tendency to view technology as a central component for addressing complex issues and driving transformative changes. However, a key weakness of this concept is that it manifests an excessive focus on the use of technology through the adoption of technological tools without adequately considering the broader social context. Thus, technological solutionism sees economical, political and other problems as being amenable to being solved through new technologies or new applications of technology. While the government's actions in setting up these video surveillance systems are to be appreciated, care must be taken to avoid new forms of seizure of power. Thus, this could give rise to new forms of power in contravention of the ACHPR Declaration of Principles on Freedom of Expression and Access to Information in Africa.⁹⁸ According to this Declaration of Principles, State parties shall ensure that any law authorising targeted communication surveillance provides adequate safeguards for the right to privacy, including due process safeguards and proactive transparency on the nature and scope of its use.

Censorship and content moderation

Compared with 2023, Benin has made remarkable progress this year, regarding legal control of what can be accessed, published or viewed online⁹⁹. For instance, Benin authorities have stepped up their efforts to put an end to fraudulent online activities. As part of a partnership with various social network operators and the National Centre for Digital Investigations, around 170 Facebook accounts and 400 TikTok accounts linked to fraudulent practices were deactivated in June 2024¹⁰⁰. Despite this encouraging record, the country needs to make more efforts regarding legal control of what can be viewed online. Recently, one cyber criminal who is currently in prison was still able to run a massive organised crime enterprise targeting many victims beyond the borders of the country¹⁰¹.

Artificial Intelligence (AI) and Emerging Technologies

By 2027, Benin is betting on AI to lead in the West Africa region, driving growth in strategic sectors through innovative applications and fostering a skilled workforce¹⁰². To this end, the government has adopted a National Strategy for Artificial Intelligence and Big Data, valid from 2023 to 2027¹⁰³. This strategic decision is part of the Government Action Programme which identifies digital technology as a tool for accelerating the structural transformation of Benin's economy. To achieve the objectives in the AI sector, various initiatives are being implemented by the authorities. One example is the organisation of the Salon de l'Entrepreneuriat Numérique et de l'Intelligence

97 See 24h au Benin 'Demarrage de la videosurveillance dans les villes' <https://24haubenin.info/?Demarrage-de-la-video-surveillance-dans-les-villes> (accessed on 25 November 2024).

98 See African Charter on Human Rights and Peoples' Rights (ACHPR) Declaration on Freedom of Expression and Access to Information (The Declaration) <https://achpr.au.int/en/node/902> (accessed on 25 November 2024).

99 See Londa 2023- Bénin Rapport sur les droits numériques et l'inclusion en Afrique <https://paradigmhq.org/wp-content/uploads/2024/06/Benin-Londa-Report-FR.pdf> (accessed on 25 November 2024).

100 See Bénin: 570 comptes TikTok et Facebook désactivés par le CNIN https://beninwebtv.com/benin-570-comptes-tiktok-et-facebook-desactives-par-le-cnin/#google_vignette (accessed on 20 November 2024).

101 Il continue ses arnaques depuis sa prison, je détruis tout son business https://www.youtube.com/watch?v=C2d_lqFensQ (accessed on 14 November 2024).

102 See Intelligence artificielle : Le Bénin se hisse en 5e place en Afrique subsaharienne <https://accicavie.org/intelligence-artificielle-le-benin-se-hisse-en-5e-place-en-afrique-subsaaharienne/> (accessed on 13 November 2024).

103 See Développement de l'Intelligence artificielle au Bénin: Un fort engagement du gouvernement à tous les niveaux <https://lanation.bj/numerique/developpement-de-lintelligence-artificielle-au-benin-un-fort-engagement-du-gouvernement-a-tous-les-niveaux/> (accessed on 13 November 2024).

Artificielle (Digital Entrepreneurship and Artificial Intelligence Fair). This event aims to promote digital entrepreneurship with a particular focus on the strategic, socio-economic, political and ethical challenges of Artificial Intelligence in Benin. According to the “Global Index on Responsible AI”, Benin is leading in West Africa for Responsible AI¹⁰⁴.

However, regarding Benin’s aspirations in the Artificial Intelligence sector, authorities should adopt an ethical frame regarding the use of AI within the society. It is also important to proceed with an update of the institutional and regulatory framework for AI deployment. It is recommended that Benin balance high-tech innovation with human-centred thinking in order to produce responsible AI technology and ensure that future developments of AI remain under control. In addition, the State should play a decisive role in raising awareness on the potential downsides related to the use of AI among the citizens and explore how to manage its risks.

Digital inclusion

The lack of robust and affordable broadband has pushed the government to explore discussions with satellite network Starlink. As such, the Benin government has approached Starlink’s space technology to improve internet access in areas with poor coverage and boost digital inclusion.¹⁰⁵ Starlink’s network has several advantages over its competitors. It is easier to operate, and the data arrives steadily with low latency and impressive speed even in remote areas to remote locations that were previously unreachable. Because of these competitive advantages, Starlink does not have fixed rates. Instead, the company intermittently raises its prices and on its website it is indicated that Starlink may adjust prices over time to reflect market conditions resulting sometimes in an increase in the monthly service plan cost. For example, Starlink unexpectedly and unilaterally announced that it would double rates for its subscribers in Africa. Following public pressure, the company temporarily reversed the decision. Later, Starlink indicated in a statement that it would implement the price hike once it resolves the regulatory challenges it has to face. According to Starlink, the service will cost 30,000 FCFA (\$48.66) per month, with a one-off hardware cost of 400,000 FCFA (around \$650) and a shipping and handling charge of 15,000 FCFA for individuals¹⁰⁶. However, for the United Nations, affordable internet is where 1GB of mobile broadband data is priced at 2% or less of the average monthly income.

Universal Service Funds

In order to promote investment in territories which are not covered by the Internet, Benin has adopted the universal access principles and is using the Universal Service Fund in marginalised communities. In this context, the Universal Service Fund serves as a tool to close the connectivity gap as authorities plan to connect an additional eighteen municipalities to fibre-optic networks throughout the country. This ambition is a part of the government’s broader goal to expand high-speed internet access to all 77 municipalities nationwide. In these new 18 municipalities, the deployment of fiber optics intends to strengthen the national backbone, which already connects 50 municipalities via approximately 2,550 kilometers of fiber. The government aims to extend this network to a total of 3,300 kilometers. Additionally, nine municipalities will be connected through alternative technologies using the Universal Service Fund. These efforts are part of a larger project to deploy high-speed and ultra-high-speed internet across Benin. This initiative, with an estimated cost of 207 billion CFA francs (\$330.63 million), is a cornerstone of the government’s Action Plan¹⁰⁷.

By using the Universal Service Fund, Benin has the potential to significantly enhance telecommunications coverage, and internet access, nationwide. Despite the country’s progress in using the Universal Service Fund to build public digital infrastructure, there is still a challenge

¹⁰⁴ See Le Bénin : Leader en Afrique de l’Ouest pour l’IA Responsable

<https://acedafrica.org/le-benin-leader-en-afrique-de-louest-pour-lia-responsable-selon-le-global-index-on-responsible-ai-2024/> (accessed on 14 November 2024).

¹⁰⁵ See Niger Grants Starlink License, Seeks to Expand Internet Coverage and Quality

<https://www.ecofinagency.com/telecom/3010-46088-niger-grants-starlink-license-seeks-to-expand-internet-coverage-and-quality/> accessed on 13 November 2024).

¹⁰⁶ STARLINK de Elon MUSK autorisé au Bénin

<https://www.youtube.com/watch?v=g9KLfWM7pE> (accessed on 14 November 2024).

¹⁰⁷ See Transformation numérique des collectivités locales

<https://beninrevele.bj/projet/122/transformation-numerique-collectivites-locales/>(accessed on 12 November 2024).

around accountability, clarity, and transparency on how these funds are used. There is a general lack of public disclosure when it comes to accounting for money collected and disbursed through the Universal Service Fund in Benin.

Access to information using digital platforms

In Benin, access to information is a fundamental right for all citizens, guaranteed by the Constitution. However, the administration has remained fairly opaque despite the adoption of the Constitution, and the first step towards greater transparency was not taken until 2015. Since 2015, freedom of information and access to administrative documents hse been governed by Law No. 2015-07 on Information and Communication¹⁰⁸. In reality, the implementation and enforcement of this law remains an issue. Articles 70-107 are particularly significant in this respect, as they are directly linked to access to information as defined in Chapter IV. This law specifies that all citizens have the right to access administrative documents. Furthermore, this law allows administrative or judicial sanctions to be imposed on public officials or bodies that fail to justify their refusal to disclose the information requested. However, the time limits for responding to requests are not clearly set out in the law; while public bodies only have five days to decide on the request, no time limit is explicitly stated for sending the requested documents. The Government Action Plan emphasises the need to modernise the administration and structure the country’s governance reforms on the basis of the principles of transparency, accountability and efficiency. While the modernisation of the administration using ICT can be observed, more efforts have to be made regarding administrative capacity, as Benin still struggles with a bureaucratic culture of secrecy, lack of training for civil servants, unfamiliarity with new legislation and various obstacles to online administrative openness.

Country	Population	Accounts specified in	Accounts per 100K Region
		requests	population

Report on Benin’s government requests for user’s data to Meta

Source: <https://surfshark.com/>

108 Loi n° 2015-07 du 22 janvier 2015 portant code de l’information et de la communication en République du Bénin.
See <https://sgg.gouv.bj/doc/loi-2015-07/> (accessed on 14 November 2024).

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	4	After 2019, Benin refrained from shutting down the Internet because of pressure from civil society .
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	Benin needs to revise the Bill on freedom of association, freedom of expression and freedom of assembly, submitted in 2012, which was at the time pending review by the Supreme Court, with a view to adopting legislation that will protect the rights of civil society. Also previous calls to bring its domestic law into compliance with international human rights standards persists. Benin is yet to fully reform its defamation legislation and the same goes for the Digital code .
False News Criminalisation	P22(2)	1	The digital code has caused the prosecution of a long list of journalists, bloggers and political dissidents of President Patrice Talon's regime. article 550-paragraph 3 of this code stipulates that anyone who creates or shares false information about a person on social media or any other form of electronic communication shall either be punished by one to six months imprisonment, a fine of 500.000 FCFA (US\$1803) to 1.000000 (US\$1606) or both
Sedition Legislation	P22(2)	1	Articles 454, 455, 456 of Law No. 2018-16 of the Benin Penal Code and article 553 of the Digital code create a chilling effect on media and civil society. The 3 articles are related to offenses of provocation and sedition committed through press and audiovisual communications, with penalties for which range from a fine of 200,000 CFA or six months imprisonment to a fine of 10,000,000 CFA or five years imprisonment.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	3	While the Digital Code is presumably a positive development in Benin, this legislation has contributed to setting Benin on a path to a long list of arbitrary arrests and harassments of the Media, HRDs and Citizens
Data Protection Legislation.	P42	4	The Digital Code's rules on data protection and privacy establish an exception, whereby the Council of Ministers can authorise the transfer of personal data to a third State or an international organisation that does not provide adequate and sufficient protection, which may undermine digital rights in Benin and the goals of other sections of the Code.

States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	3	The government censored online content and there is a concern that the regulator and the Presidency have a lot of discretion over unilateral removal of online content by intermediaries which creates a sense of regulatory uncertainty
Invasion of Privacy of Communications	P41	3	Benin has been caught conducting surveillance and private communications interception thanks to the Pegasus Spyware
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	Public administration is still facing central implementation issues, such as under-trained staff, lack of resources or the dissemination and understanding of information among the population.
AI and Emerging Technologies national strategies	P39(6)	3	Benin adopted a National Strategy for Artificial Intelligence and Megadata for the period 2023-2027. However the country has delayed taking into account all international human rights standards.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	Benin established a digital platform for managing childcare and protection centres. However, it is important that the country introduce a regulatory provision governing the use of children's data on this platform, taking into account the achievements in terms of human rights.
Digital Inclusion	P37(3)	3	Benin has made significant strides in digitalization since 2016, with a vision to position itself as the digital service platform of West Africa. The digital sector is identified as the main area of growth in the Government's Action Program. Several reforms were adopted , including improvement in the digital infrastructure, establishment of specialized institutions, and creation of regulatory instruments. The creation of a dedicated Ministry of Technology and Digitalization underscores the government's commitment to digital inclusion but the digital divide remains very marked in urban areas and especially in rural areas.
TOTAL SCORE (up to 60)		33	

Performance appraisal

The government took some credible steps in promoting the free flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy in accordance with the African Commission on Human and Peoples' Rights *Declaration of Principles on Freedom of Expression and Access to Information* in Africa. However, Benin needs to implement further improvements to align its policies with ACHPR Declaration principles.

Conclusion

This study sheds light on the state of the digital ecosystem in Benin. The study also assessed major developments in the digital sector, the level of collaboration between the public sector and big tech firms, and existing skills in the digital sector. If digital technology continues to be seen as an opportunity to produce and share knowledge, while stimulating the emergence of new social interactions in Benin, more efforts need to be made to reach a better level of digital maturity. In general, the Benin government continued to demonstrate sustained efforts during the reporting period, but barely met the minimum standards as highlighted by TheScore Index.

Recommendations

Government should:

- Adopt a national policy to further enhance access to digital technologies;
- Request social media companies to disclose more information about how they operate and how they amplify, restrict and remove content on their systems;
- Enshrine human rights standards in all the relevant laws;
- Revise the Digital Code to ensure it promotes digital rights;
- Engage all stakeholders in a national programme of training and awareness-raising for citizens regarding the use of the Internet and digital services provided by the government, promoting good use of the internet.
- Proactively disclose information on USF and any other information on government websites.

Private sector should:

- Strengthen commitments to the governance of privacy;
- Commit to resisting shutdowns requests;
- Implement robust human rights governance;

Civil Society Organisations should:

- Carry out periodic surveys on internet use in Benin, to advocate for improved Internet use and quality in the country ;
- Raise awareness on digital rights and advocate for policies and laws that advance digital rights;
- Advocate for digital rights protection in Benin;

Media organisations should:

- Fully integrate human rights principles in their programs, ensuring fact-checking and raising awareness of best practices online;
- Foster a resilient information space with broader civic education initiatives and digital literacy;
- Advocate for media freedoms.

Botswana

Executive Summary

This report provides a foundation for informed discussions and actions to ensure Botswana's digital transformation is inclusive, transparent, and aligned with international human rights standards, positioning the country for a more rights-centric and forward-looking digital future. In this changing environment, the country's digital landscape in Botswana is undergoing substantial upheaval. The report uses a comprehensive analysis combining empirical research, desk studies and a structured evaluation based on TheScore, a digital rights index developed by Paradigm Initiative. TheScore assesses Botswana's adherence to the African Commission on Human and Peoples' Rights' (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information, focusing on key indicators such as privacy, surveillance, access to information, and the use of emerging technologies in Botswana. The findings highlight notable advancements in ICT development and digital access, but also reveal critical challenges related to privacy rights, surveillance practices, and digital inequality.

Noteworthy progress includes the introduction of the Access to Information Bill and the establishment of new initiatives under the Universal Access and Service Fund (UASF), which are important steps towards enhancing transparency and bridging the digital divide. However, concerns persist regarding weak enforcement of cybercrime and privacy laws, the potential for privacy infringements from digital platforms, and freedom of expression risks arising from vague fake news and sedition laws. Strategic recommendations, outlined in the report, call for strengthening cybercrime enforcement, privacy protections, and the regulation of biometric technologies. It also urges the development of a comprehensive AI governance framework and policies to improve digital inclusion for marginalized groups.

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Botswana is entering a new era, defined by profound political and economic changes. As the country adjusts to a changing global technological scene, its digital landscape is also rapidly evolving. The combination of technologies such as artificial intelligence (AI), Internet of Things (IoT), and cloud computing has enormous potential for economic growth and social progress. However, this presents issues of privacy, surveillance, and digital rights because of significant advancements in digital infrastructure and internet access. The passage of the Access to Information Bill and the expansion of new USAF projects are positive moves toward more transparency and digital inclusivity. However, challenges remain in areas such as cybercrime enforcement, data protection, and the ethical application of developing technology. The country's reliance on biometric data, notably for its national ID system and other government services, raises privacy issues and the possibility of misuse. While these technologies can improve service delivery, it is critical to balance their advantages with strong data security safeguards.

The year's major developments include the introduction of the Access to Information Bill (No. 15 of 2024),¹⁰⁹ a watershed moment in enhancing government transparency and access to public information. The Bill, which has sparked significant public debate, aims to codify citizens' rights to request and receive state-held data.¹¹⁰ Botswana also continues its ambitious ICT projects, such as the Safe City Project, which integrates surveillance technology to improve public safety. However, these activities have raised worries about privacy issues and a lack of appropriate legislative frameworks to secure citizens' data. Furthermore, while Botswana has begun to address digital inclusion issues through the UASF, the government continues to confront substantial challenges in ensuring that marginalised groups, such as women, children, and people with disabilities, have equal access to the Internet and digital technologies. This issue is not unique to Botswana; as highlighted in a World Bank report, substantial disparities in connectivity and digital literacy persist globally. In particular, the most pronounced gaps are found in rural areas, low-income communities, and among women, where internet access and digital skills are notably lower than in urban or higher-income groups. Such challenges are especially evident in regions like Sub-Saharan Africa, where the digital gender gap is one of the largest in the world.¹¹¹

This report offers a comprehensive analysis of the significant developments in Botswana's digital rights landscape in 2024, it assesses the nation's adherence to international standards via TheScore Index, and underscores both the achievements and obstacles encountered in its quest for a rights-respecting digital future. The findings and recommendations offered in this study are intended to educate policy discussions and guide future efforts to improve Botswana's digital governance while protecting its citizens' rights.

109 See Botswana's new Access to Information Bill tabled with Botswana National Assembly https://www.parliament.gov.bw/documents/ORDER-PAPER-13-08-24-3RD-MEETING-OF-THE-5TH-SESSION-OF-THE-12TH-PARLIAMENT-WINTER-MEETING_01_21_23_13_08_2024.pdf (01 August 2024)

110 For a detailed analysis, see "Botswana's Transparency Leap: A Closer Look at the Access to Information Bill" <https://freexpression.org.za/wp-content/uploads/2024/08/FOI-Laws-in-Botswana-3.pdf> (August 2024)

111 World Bank "Digital Transformation Drives Development in Africa" (2024) <https://www.worldbank.org/en/results/2024/01/18/digital-transformation-drives-development-in-afe-afw-africa> (accessed on 10 February 2025)

Internet Access in Botswana: Availability, Affordability, and Accessibility

Internet access is critical for Botswana's economic development, social inclusion, and access to information. While the government has made tremendous progress in increasing internet infrastructure through network and technology investments, there are still hurdles to guaranteeing equitable, affordable, and universal access across all segments of society. These constraints persist despite improved coverage and rising demand for digital access, particularly in urban areas.

One of the most significant barriers to universal internet access is a lack of digital literacy, especially in distant areas. Many residents in rural areas lack the essential skills to effectively utilise accessible internet connections. In response to this challenge, the government has established digital literacy projects to improve these abilities; nevertheless, these efforts have not been as extensive or comprehensive as needed to bridge the digital gap. This issue is underscored by a recent report from the Botswana Communications Regulatory Authority (BOCRA) highlighting the substantial difference in digital access and infrastructure between urban and rural locations.¹¹²

Botswana has considerable broadband connectivity in metropolitan areas, with coverage rates of 92% in Gaborone, 87% in Francistown, and 85% in Maun.¹¹³ However, this impressive coverage sharply contrasts with rural areas, such as the Kalahari Desert, where broadband availability significantly drops, with broadband availability decreasing as low as 35%.¹¹⁴ Despite this stark gap, mobile network coverage has extended to increasingly remote locations, making mobile internet the primary form of access for many rural residents.¹¹⁵ In addition, the recent deployment of Starlink in Botswana is expected to enhance internet access, particularly in underdeveloped areas, improving connection nationwide.¹¹⁶

Affordability and Initiatives to Improve Access

Affordable internet access remains a substantial obstacle in Botswana, particularly for low-income and marginalised communities, in addition to coverage challenges. To further illustrate this issue, the most recent data from Research ICT Africa underscores the exorbitant cost of mobile data, with the price of 1GB varying from \$4.52 to \$5.20, contingent upon the mobile network operator.¹¹⁷ These high prices are particularly prohibitive for a large portion of the population, particularly those in low-income and youth groups, given the country's relatively low average income. As a result, the mobile data tariffs in Botswana rank among the most expensive in Southern Africa, significantly limiting regular and reliable internet access for many individuals.

In 2019, Botswana implemented the SmartBots initiative to resolve the issue of affordable internet access, which involves the provision of complimentary Wi-Fi terminals in public areas. As a result, by the end of 2024, the program was serving more than 1.6 million users, significantly contributing to the country's digital development. This success is reflected in the increase in internet penetration, which increased from 42% in 2019 to 77% in 2024.¹¹⁸ The initiative has played a crucial role in improving affordable internet access for low-income communities, exemplified by the installation of SmartBots routers offering speeds of up to 10Mbps in over 1,100 public facilities. With over 130,000 daily users across clinics, schools, and "dikgotla" (traditional courtyards), the impact of the program is already substantial. Building on this success, the government plans to expand

112 Botswana Communications Regulatory Authority (BOCRA) 'Closing the Digital gap in remote schools' (2024) https://www.bocra.org.bw/sites/default/files/documents/BOCRA_E-COMMUNICATOR_FILE_v2_compressed.pdf (accessed on 02 November 2024)

113 I Selathwa "Educationist calls for digital equity in schools" (2024) <https://www.mmegi.bw/news/educationist-calls-for-digital-equity-in-schools/news> (accessed on 11 November 2024).

114 N Masendu "Botswana's digital divide: Unveiling disparities in Internet access" (2024).<https://www.mmegi.bw/opinion-amp-analysis/botswanas-digital-divide-unveiling-disparities-in-internet-access/news> (accessed on 15 November 2024).

115 Xinhua "Botswana launches digital project for village connectivity" (2023) <https://english.news.cn/20231018/fd436da7f9c44cd-69ceea8395e91a5fa/c.html> (accessed on 10 February 2025)

116 A Ranjan "Starlink Launches in Botswana, Expanding Satellite Internet Access Across the Nation" (2024) <https://techafricanews.com/2024/08/28/starlink-launches-in-botswana-expanding-satellite-internet-access-across-the-nation/> (accessed on 16 November 2024).

117 See Research ICT Africa's (RIA) Africa Mobile Pricing (RAMP) Index here: <https://researchictafrica.net/data/mobile-pricing-ramp/>.

118 E Modise "As data costs bite, Botswana's free WiFi program is blowing up in popularity" (2024) <https://techcabal.com/2024/08/16/botswanas-wifi-smartbots-is-blowing-up-in-popularity/> (accessed on 14 November 2024).

connectivity to over 500 villages, further bridging the digital divide.¹¹⁹ Additionally, a recent report from Botswana Statistics indicates a consistent rise in mobile subscriptions, further highlighting the growing demand for internet services. Notably, mobile subscriptions increased by 1.1% between Q1 and Q2 of 2023, while internet subscriptions saw a larger increase of 3.3%.¹²⁰

The government has also been a driving force in the advancement of internet infrastructure through initiatives such as the National Broadband Strategy, which aims to achieve universal broadband access by 2025.¹²¹ As part of this strategy, the development of regulatory frameworks that foster innovation and competition, along with partnerships with telecommunications providers is key. One significant step in this direction is Botswana's partnership with Liquid Intelligent Technologies, which is actively expanding the country's fiber-optic network.¹²² This collaboration is crucial in bridging the digital divide between urban and rural areas. Furthermore, by integrating IoT technology with 4G LTE, Botswana is unlocking new opportunities in sectors such as agriculture, healthcare, and transportation. Through these efforts, the country is positioning itself as a leader in technology-driven transformation within Southern Africa.¹²³

As part of its ongoing efforts, Botswana has been progressing with the Village Connectivity Programme, which aims to expand broadband access to remote areas. Phases two and three of the program are in various stages of completion, with Phase four targeting 301 villages and has since begun in April 2024.¹²⁴ This initiative is a key component of the National Broadband Strategy, anticipated to substantially improve internet connectivity in rural communities.

Transitioning from infrastructure to digital services, Botswana has also made strides in e-government, integrating over 170 online services to streamline public administration and improve access to government services.¹²⁵ These services include applications for licenses and permits, social services, youth services, police services, and more. By the end of 2025, the government plans to add another 230 online services, making it easier for citizens and businesses to interact with public institutions.¹²⁶

The Role of the Universal Service Fund (USF)

While these initiatives have contributed significantly to improving digital access, their success is closely tied to the Universal Service Fund (USF), a critical mechanism designed to promote digital inclusion, particularly in underserved areas. The USF has funded various initiatives to develop telecommunications infrastructure and improve internet access across the country. Notably, the Southern District Digital Empowerment Project, managed by Mascom Wireless in partnership with the Universal Access and Service Fund (UASF),¹²⁷ has been instrumental in improving connection in rural towns, villages, and cities.

119 G Ashiru "Surging Demand: Botswana's Free WiFi Program Gains Massive Traction Amid Rising Data Costs" (2024)

<https://www.techinafrica.com/surging-demand-botswanas-free-wifi-program-gains-massive-traction-amid-rising-data-costs/> (accessed on 20 November 2024).

120 Statistics Botswana "Botswana Information & Communication Technology Stats Brief Q2, 2023" (2023) <https://statsbots.org/bw/sites/default/files/publications/Botswana%20Information%20and%20Communication%20Technology%20Stats%20Brief%20Q2%2C%202023.pdf> (accessed on 22 November 2024).

121 Botswana Communications Regulatory Authority (BOCRA) "National Broadband Strategy Botswana" (2018) <https://www.bocra.org.bw/sites/default/files/documents/National-Broadband-Strategy-FINAL%28June2018%29.pdf> (accessed on 25 November 2024).

122 Liquid Intelligent Technologies "Liquid Intelligent Technologies collaborates with Botswana ISPs to expand the fibre network and bridge digital divide" (2024) <https://liquid.tech/liquid-intelligent-technologies-collaborates-with-botswana-isps-to-expand-the-fibre-network/> (accessed on 25 November 2024).

123 Telecom Review Africa "The Integration of 4G LTE and IoT Technologies in Botswana" (2024) <https://www.telecomreviewafrica.com/articles/features/4444-the-integration-of-4g-lte-and-iot-technologies-in-botswana/> (accessed on 28 November 2024).

124 National Planning Commission Office of the President "Second Transitional National Development Plan" (2023) <https://www.npc.gov.bw/sites/default/files/resources/Second%20Transitional%20National%20Development%20Plan%20-%20FINAL.pdf> (accessed on 28 November 2024)

125 T Lewanika "Botswana plans to complete public sector digitalisation project" (2024) <https://itweb.africa/content/RgeVDvPREKAMKJN3> (accessed on 28 November 2024)

126 Bank of Botswana "2024-2025 Budget in Brief" (2024) <https://www.bankofbotswana.bw/sites/default/files/publications/2024-2025%20Budget-In-Brief%20FINAL.pdf> (accessed on 26 November 2024).

127 K Ramono "Taking internet to the people" (2024) <https://thevoicebw.com/taking-internet-to-the-people/> (accessed on 22 November 2024).

By ensuring standardised connectivity in schools located in remote areas, the initiative has directly benefited over 1.6 million Botswana citizens, with more than 120,000 daily users accessing free internet at public facilities.¹²⁸ These efforts have empowered communities to engage with the digital economy and create new employment opportunities, particularly for young people who can now compete in the global digital landscape.

Despite these promising developments, concerns remain regarding the management and distribution of USF resources. The lack of transparency in the fund's allocation particularly on private-partnerships raises questions about its sustainability, efficiency and effectiveness in addressing the digital inclusion goals versus corporate return on investments. This even raises concern about whether the USF is sufficiently targeting marginalised groups, particularly persons with disabilities.

Inclusivity and Accessibility Challenges

Despite progress in expanding internet access, significant disparities remain in ensuring equitable access for marginalized groups, particularly persons with disabilities (PWDs) and women. A key concern is the dearth of policies expressly addressing internet accessibility for individuals with impairments. This issue is highlighted by the 2020 Collaboration on International ICT Policy for East and Southern Africa (CIPESA) report, which points out the inadequate services provided by telecom carriers across Africa, including Botswana, that fail to meet the specific needs of PWDs, thereby exacerbating the digital divide.¹²⁹

Moreover, a 2021 Global System for Mobile Communications Association (GSMA) report underscores that even in areas where mobile broadband networks are available, barriers such as limited access to devices, data, electricity, and formal identification remain. The impact of these barriers is particularly severe for PWDs, who face challenges with both the inaccessibility of infrastructure and digital content.¹³⁰ Furthermore, the 2022 International Telecommunication Union (ITU) Global Connectivity Report reinforces these concerns, revealing that one billion people globally live with a disability, yet comprehensive data on their connectivity status remains scarce.¹³¹ In addition, GSMA data from middle-income countries shows significant gaps in smartphone ownership and internet use between PWDs and the general population, with disparities as high as 63% in smartphone ownership in Algeria.

According to evidence in the CIPESA report, officials from the Botswana Council of the Disabled believe that many individuals with impairments are either unaware of the availability of digital assistive devices or are unable to access them due to cost, lack of infrastructure, or other barriers, further intensifying the digital divide.¹³² To address these challenges, there is an urgent need for disaggregated data on disability and connectivity to inform more inclusive policies and solutions. While innovation in technology, such as accessibility features in smartphones, offers promising solutions, bridging the digital divide for PWDs requires a coordinated effort to improve infrastructure, enhance accessibility, and implement inclusive policies and regulations.

Gender disparities in internet accessibility remain a significant issue, with women, particularly in rural regions, experiencing lower internet usage rates compared to men. For instance, data from the World Bank indicates that in 2022, 27.5% of men in Botswana utilised mobile phones or the internet for bill payments, while only 15.5% of women did so.¹³³ This gender digital divide

128 S Madondo "Feature: Access to free internet empowers youth in Botswana" (2024) <https://www.thestar.com.my/news/world/2024/04/25/feature-access-to-free-internet-empowers-youth-in-botswana> (Accessed on 10 December 2024).

129 CIPESA "Advancing Digital Inclusion for Persons with Disabilities in Africa" (2021) <https://cipesa.org/wp-content/files/briefs/Advancing-Digital-Inclusion-for-Persons-with-Disabilities-in-Africa.pdf> (Accessed on 10 February 2025)

130 GSMA "Assistive Tech: Driving the Digital Inclusion of Persons with Disabilities" (2022) https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2022/04/GSMA_Assistive-Tech_Driving-the-Digital-Inclusion-of-Persons-with-Disabilities-2022_ACCESSIBLE.pdf (accessed on 3 February 2025).

131 ITU "Global Connectivity Report 2022" (2022) https://www.itu.int/dms_pub/itu-d/opb/ind/d-ind-global.01-2022-pdf-e.pdf (accessed on 10 January 2025).

132 CIPESA "Access Denied: How Telecom Operators in Africa Are Failing Persons with Disabilities" (2022) <https://cipesa.org/wp-content/files/documents/Access-Denied-How-Telecom-Operators-in-Africa-Are-Failing-Persons-With-Disabilities.pdf> (accessed on 3 February 2025).

133 See World Bank statistics portal here: <https://genderdata.worldbank.org/en/economies/botswana>

is propelled by various social, economic, and cultural barriers that restrict women's access to technology. To address these challenges, programs like the Women Digital Centre, initiated by Orange Botswana,¹³⁴ and the Africa RISE (Reform for Investment and Sustainable Economies) programmes are designed to enhance women's access to technology.¹³⁵ However, while these private sector programmes are complementary and play a crucial role in advancing gender equality, they remain nascent and are not sufficient on their own to bring about the widespread change needed. The government must rise to the occasion by implementing comprehensive policies and support frameworks to ensure significant and sustainable progress in closing the gender digital divide and advancing digital inclusion for women.

Freedom of Expression and the Digital Landscape in Botswana

Freedom of expression is fundamental to democracy, allowing individuals to access information, express their views, and participate in public discourse without fear of retribution. The Constitution of Botswana enshrines the right to freedom of expression, ensuring freedom of speech and the press in Section 12. However, in practice, digital platforms in Botswana have seen an increase in online harassment and gendered disinformation. For instance, in a 2019 case, a 19-year-old teenager was charged with the use of offensive electronic communication after likening the former First Lady to a male local comedian.¹³⁶ This case, which falls under Section 18 of the Cyber Crime and Computer Related Crime Act No. 18 of Botswana, highlights how digital platforms can be used to spread disinformation and, in some cases, harm people, often with gendered implications.

In light of these developments, the Botswana Police do not release data on online gender-based violence (OGBV) cases; instead, they only provide statistics on offline gender-based crimes as outlined in the Domestic Violence Act,¹³⁷ such as rape and assault. This reporting gap is compounded by the fact that existing laws and official reports do not specifically categorise or address OGBV crimes. Consequently, it is unsurprising that police statistics fail to reflect these incidents. Beyond obscuring the true scale of the problem, this gap presents an opportunity for law enforcement to modernise crime reporting by disaggregating statistics—offering a more comprehensive picture of gender-based violence that includes both offline and online forms.

This ambiguity extends beyond data collection. At the time of this research, the government had not yet issued rulings or formal pronouncements explicitly addressing OGBV. However, broader (albeit limited) efforts to confront online violence have emerged. For instance, Sections 16 to 20 of the Cybercrime and Computer-Related Crimes Act (amended in 2018) provide a legal framework to prosecute offenses such as cyberbullying, cyberharassment, image-based sexual abuse, and child sexual abuse material.¹³⁸ While these provisions could theoretically be leveraged to combat OGBV, they lack explicit references to gendered dimensions of online abuse. This omission underscores a critical disconnect between Botswana's evolving digital landscape and its legislative safeguards for marginalised groups.

Media Landscape and Press Freedom in Botswana

Despite constitutional guarantees, Botswana's media environment is significantly lacking in independence. The government exerts significant control over the media landscape in Botswana. Both government-owned and quasi-public media entities operate under the direct purview of the Office of the President. This control is reinforced by the Broadcasting Act 6, 1999, which mandates that the Minister appoint members to the Botswana Television (BTV) Board, including an officer from the Office of the President,¹³⁹ thereby directly linking the highest levels of government to media governance. Furthermore, the Media Practitioners Act, 2022 (Act No. 36 of 2022) also

134 Read more about the program here: <https://engageforchange.orange.com/en/country/bw/programs/2192a414-da04-48d6-ad30-52fb8bcfc734>

135 EU-Africa RISE "Botswana Embracing Digital Transformation: Not Just Technology" (n.d.) <https://www.eu-africa-rise.com/article/botswana-embracing-digital-transformation-not-just-technology> (accessed on 3 December 2025)

136 M Mokwape 'Kasane teen charged for likening First Lady to local comedian' (2019) <https://www.mmegi.bw/news/kasane-teen-charged-for-likening-first-lady-to-local-comedian/news> (accessed 10 February 2025)

137 Domestic Violence Act, No. 10 2008 <https://botswanalaws.com/StatutesActpdf/2008Actpdf/DOMESTIC%20VIOLENCE%20ACT,%2010%20OF%202008.pdf>

138 See Sections 16 to 20 of the Cybercrime and Computer-Related Crimes Act (amended in 2018)

139 Section 5 mandates the Minister <https://www.bocra.org.bw/sites/default/files/documents/BROADCASTING%20ACT.pdf>

The Role of Social Media and Legal Gaps in Addressing Gendered Disinformation

Despite these challenges, Botswana has yet to enact specific regulations to prevent gendered disinformation. While media and civil society organisations have made progress in fostering media literacy and raising awareness of disinformation, stronger legislative frameworks are needed. The Federation of Southern African Journalists (FESAJ) is a new initiative aimed at combating disinformation through training and advocacy. For instance, a recent collaboration between the Botswana government, UNESCO, and several journalistic organisations equipped journalists with critical media and information literacy (MIL) skills to help them navigate the challenges of verifying sources and countering fake news.¹⁴⁸

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While combating disinformation is critical, the question of criminalising false news has sparked debates in Botswana's digital rights discourse. Laws aimed at combating fake news are often used by the government as tools for safeguarding public order, there is a delicate balance between safeguarding national security and protecting freedom of expression, a right enshrined in international human rights law. Currently, under Section 59 of the Penal Code, publishing false statements can be penalised, but Botswana lacks a specific law addressing fake news or disinformation in a manner that distinguishes between harmful falsehoods and legitimate public discourse. This legal ambiguity leaves room for the potential misuse of existing laws to restrict the right to free expression.

In terms of proposed legislative changes, such as the Criminal Procedure and Evidence (Controlled Investigation) Bill,¹⁴⁹ concerns are that these laws could be used to disproportionately target journalists, civil society activists, and government critics—particularly in the absence of adequate safeguards.

From an international human rights perspective, international standards, particularly those outlined by the United Nations Human Rights Committee (UNHRC) in the International Covenant on Civil and Political Rights (ICCPR), emphasise that freedom of expression may only be limited in very specific circumstances, and that any such restrictions must be necessary, proportionate, and non-discriminatory. The UNHRC stated that laws aimed at combating disinformation must not be so broad that they result in government overreach or repression of legitimate opinions. As a result, Botswana experiences a challenge in ensuring that any laws addressing fake news are explicit, focused, and consistent with the country's international law commitments to preserve both freedom of expression and the right to engage in public discourse.

Given these principles, there is a growing consensus—both locally and globally—that laws aimed at combating disinformation should be specifically tailored and focus on specific instances of harmful disinformation that cause real-world damage, such as slander or incitement to violence, while ensuring adequate safeguards to prevent excessive authority. Without these safeguards, such laws risk jeopardising public trust, press freedom, and civil society's critical role in promoting democratic discussion.

Botswana has made efforts to protect a free press, but the lack of clear distinction between disinformation and legitimate criticism of the government creates an unsafe environment for journalists and human rights activists.¹⁵⁰ Botswana, known for having one of Africa's most lively media landscapes, achieved a 72% overall freedom score from Freedom House in 2023, indicating a generally favorable but cautious environment for media freedom.¹⁵¹ Conversely, Reporters Without Borders (RSF) reported a reduction in press freedom violations in Botswana in 2024, with the country scoring 59.78% for press freedom, a slight improvement from 64.6% under the previous administration (the government led by President Mokgweetsi Masisi). This decrease in press freedom breaches under the previous Masisi administration suggests that while challenges remain, there has been a notable shift towards a less restrictive environment for the press compared to the prior leadership.¹⁵²

148 UNESCO "Southern African Journalists Form Body to Combat Disinformation and Misinformation" (2022) <https://www.unesco.org/en/articles/southern-african-journalists-form-body-combat-disinformation-and-misinformation> (accessed on 02 January 2025).

149 Criminal Procedure and Evidence (Controlled Investigations) Act 14 of 2022 <https://botswanalaws.com/consolidated-statutes/principle-legislation/criminal-procedure-and-evidence-controlled-investigations-act>

150 Boikanyo Mathonsi "Challenges Plague Botswana's Media Ahead of 2024 Polls" (2024) <https://www.mmegi.bw/news/challenges-plague-botswanas-media-ahead-of-2024-polls/news> (accessed on 22 December 2024).

151 See Freedom House 'Botswana report: Freedom in the World 2024' here <https://freedomhouse.org/country/botswana/freedom-world/2024>

152 See Reporters Without Borders (RSF) 'Botswana's report here: <https://rsf.org/en/country/botswana>

Addressing Cybersecurity Gaps and Online Gender-Based Violence

Botswana has implemented legal frameworks, such as the Domestic Violence Act of 2008, to address the issue of gender-based violence (OGBV).¹⁵³ Nevertheless, the country still lacks comprehensive laws and protections specifically targeting online harassment and gender-based violence in the digital space. The Ministry of Communications, Knowledge and Technology is working on a Cybersecurity Bill aimed at addressing these gaps. The proposed bill seeks to strengthen protections against cybercrimes, including cyber-extortion and the creation of harmful fake social media profiles, by expanding the existing Cybercrime and computer related Crimes Act 2018 and imposing stricter penalties on offenders.¹⁵⁴ However, there are still reservations regarding its potential to overreach or violate digital freedoms.¹⁵⁵

Data Protection and Privacy: Cybercrimes, Data Protection Laws, and Surveillance

Data protection and privacy are fundamental rights in the digital age. While legal and regulatory frameworks exist in Botswana to address data privacy and cybercrime, their effective implementation and enforcement continue to be challenging.

Botswana's new Data Protection Act 18 of 2024 (the 'new DPA') came into effect after being published in the government gazette,¹⁵⁶ replacing the earlier, less stringent Data Protection Act 32 of 2018 (the 'old DPA').¹⁵⁷ The new DPA was enacted to address the various shortcomings and inadequacies of the old DPA, marking a significant shift towards stronger data protection standards. One of the notable provisions of the new Act is the requirement for data controllers to notify the Commission of any personal data breach within 72 hours,¹⁵⁸ a key step in improving transparency and accountability. While the Act mandates timely breach notifications, there is uncertainty regarding the consistency and effectiveness of enforcement mechanisms.

However, the appointment of the Commissioner by the President, upon the advice of a Minister, raises concerns about the potential for conflicts of interest.¹⁵⁹ This system could undermine the perceived operational independence of the Commission, which is crucial for its credibility and effectiveness in enforcing data protection laws. To enhance public trust and ensure impartiality, a merit-based appointment process should be introduced, one that involves parliamentary oversight and allows for public scrutiny. Such a process would not only promote transparency but also reinforce the Commission's ability to act autonomously, free from political influence, as it seeks to uphold citizens' data privacy rights.

Cybercrime Laws and Enforcement Challenges

While the Data Protection Act (DPA) addresses various aspects of personal data privacy, Botswana's legal framework for combating cybercrime is also essential to ensuring the security of digital spaces. Alongside the DPA, the Cybercrime and Computer-Related Crimes Act, 2018, and the Electronic Communications and Transactions Act (ECTA), 2014, aim to offer protection,¹⁶⁰ particularly concerning privacy particularly for online transactions and electronic data.¹⁶¹

Yet these regulations lack the comprehensiveness required to adequately tackle concerns like privacy rights, informed consent, or the extensive utilization of personal data by private businesses. The legislation addresses cyber crimes such as identity theft, internet fraud, and cyberbullying; nonetheless, its scope and enforcement are constrained. Recent disclosures from the Botswana Communications Regulatory Authority (BOCRA) indicated that BOCRA significantly failed to meet

153 Domestic Violence Act No. 10 of 2008

<https://botswanalaws.com/StatutesActpdf/2008Actpdf/DOMESTIC%20VIOLENCE%20ACT,%2010%20OF%202008.pdf>

154 Cybercrime and computer related Crimes Act No. 18 of 2018 <https://www.bocra.org.bw/cybercrime-and-computer-related-crimes-act-2018>

155 O Kgweetsi and M Mguni "Govt Fine-Tunes Tough New Cybersecurity Law" (2024) <https://www.mmegi.bw/news/govt-fine-tunes-tough-new-cybersecurity-law/news> (accessed on 18 January 2025).

156 Data Protection Act No. 32 of 2024 <https://www.dataguidance.com/news/botswana-data-protection-act-2024-published-official>

157 Data Protection Act No. 32 of 2018 <https://www.bocra.org.bw/sites/default/files/documents/DataProtectionAct.pdf>

158 See notification of data breach: Section 64

159 See the data protection authority: Section 6, 8, 12 & 13

160 <https://www.bocra.org.bw/sites/default/files/documents/Electronic-Communications-and-Transactions-Act-2014.pdf>

161 <https://www.bocra.org.bw/cybercrime-and-computer-related-crimes-act-2018>

its cybercrime combating objective, achieving merely 0.63% of its stated aim of 70%.¹⁶² Recent findings from Recorded Future's Insikt Group have uncovered new infrastructure linked to the operators of Predator, a sophisticated mobile spyware developed by Cytrox and now under the control of the Intellexa Alliance.¹⁶³ Significantly, this marks the first time that Predator's deployment has been traced in Botswana, raising serious concerns about the reach and implications of such surveillance technologies in the country. These revelations have elicited widespread apprehension over digital surveillance, especially as the Botswana Communications Regulatory Authority (BOCRA) has refuted these claims.¹⁶⁴ This is despite BOCRA's role in managing a Computer Security Incident Response Team (C-SIRT), tasked with overseeing and addressing cybercrimes, which adds further complexity given its responsibility for cybercrime oversight.

Emerging Threats: Identity Theft and Online Scams

The proliferation of internet scams has intensified the problem of data security in Botswana, with identity theft becoming increasingly prevalent. In fact, digital fraud attempts originating from Botswana have reached alarming levels. According to a recent analysis by TransUnion, 3.0% of all attempted digital transactions in the first half of 2024, where the consumer was located in Botswana, were flagged as suspected digital fraud.¹⁶⁵ Despite these troubling statistics, enforcement against such fraudulent activities remains inconsistent. While legislation targeting cybercrime exists, its enforcement is impeded by rapidly advancing technologies and the dynamic nature of online fraud, leaving individuals increasingly vulnerable.

Technological Advancements and the Smart City Initiative

Building on its commitment to technological innovation, Botswana is leveraging new advancements to drive economic growth and improve public services. The ICT sector, which contributed 2.9% to the country's GDP in Q4 2023, plays a pivotal role in this development.¹⁶⁶ As digital infrastructure continues to grow, the Smart Cities market in Botswana is predicted to expand significantly in the coming years. According to projections, revenue in this sector will reach \$10.33 million by 2025, indicating the possibility for continued economic growth. Furthermore, the Smart Cities market is anticipated to grow at a 12.40% annual rate from 2025 to 2029, with a total revenue of US\$16.49 million by 2029.¹⁶⁷

The integration of smart technologies, including advanced public safety systems with surveillance cameras and sensors, is already revolutionising Botswana's major cities like Gaborone and Francistown by creating safer, more efficient urban spaces. A prime example contributing to this growth is the Safe City Project, a partnership between the Botswana government and Chinese tech giant Huawei. Specifically, the data collected through these surveillance systems—ranging from video footage to real-time analytics—requires careful oversight. However, there has been limited information on how this data will be managed, stored, and protected, raising concerns about potential misuse or unauthorized access.

In addition to privacy risks, these concerns also extend to human rights. Principles 40 to 42 of the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa highlight the importance of protecting citizens' rights to privacy and free expression,¹⁶⁸ especially in the digital age. Without appropriate safeguards in place, such as clear data protection protocols and public oversight, the country's surveillance

¹⁶² <https://www.mmegi.bw/business/bocra-misses-target-of-combating-cyber-crime/news>

¹⁶³ Insikt Group 'Predator Spyware Operators Rebuild Multi-Tier Infrastructure to Target Mobile Devices' (2024) <https://www.recorded-future.com/research/predator-spyware-operators-rebuild-multi-tier-infrastructure-target-mobile-devices> (accessed in 21 January 2025)

¹⁶⁴ The Patriot "BOCRA on allegations of Presence of Predator Spyware in Botswana" (2024) <https://thepatriot.co.bw/bocra-on-allegations-of-presence-of-predator-spyware-in-botswana/> (accessed in 20 January 2025).

¹⁶⁵ N Badenhorst "Digital Fraud Attempts Coming from Botswana the Highest in Gaming" (2024) <https://newsroom.transunionafrica.com/digital-fraud-attempts-coming-from-botswana-the-highest-in-gaming/> (accessed on 25 January 2025).

¹⁶⁶ Statistics Botswana "Botswana Information & Communication Technology Stats Brief Q4, 2023" (2025) <https://www.statsbots.org.bw/sites/default/files/Botswana%20Information%20%26%20Communication%20Technology%20Stats%20Brief%20Q4%20%2C2023.pdf> (accessed on 29 January 2025)

¹⁶⁷ Statista "Smart Cities -Botswana" (2024) <https://www.statista.com/outlook/tmo/internet-of-things/smart-cities/botswana> (accessed on 20 January 2025)

¹⁶⁸ See the Declaration of Principles of Freedom of Expression and Access to Information in Africa (the Declaration) <https://achpr.au.int/en/node/902>

initiatives could undermine citizens' digital rights and contribute to growing privacy concerns.

Furthermore, the implementation of such a significant surveillance system should ideally involve consultations with citizens to ensure transparency and gain public support. It remains unclear whether Botswana's government sought formal input from the public before the installation of these cameras, or if citizens were adequately informed about the reasons for the surveillance and how their data would be used. Equally important is the transparency of the procurement process. Given the involvement of an international company like Huawei, questions about the fairness, accountability, and security of the bidding process, as well as the potential for external influence or data breaches, should be addressed. A clear and publicly accessible framework for how data is handled, as well as clear guidelines on public participation and procurement, would help mitigate concerns and build trust in the project.

Censorship and Content Moderation: Government Intervention in Online Content

As Botswana embraces technological advancements, it also faces growing challenges in balancing innovation with the protection of fundamental rights, such as freedom of expression, which is enshrined in both the Botswana Constitution and international law. The right to freedom of expression is codified in Section 12(1) of the Botswana Constitution and is acknowledged regionally in Article 9 of the African Charter on Human and Peoples' Rights¹⁶⁹ and internationally in Article 19 of the International Covenant on Civil and Political Rights (ICCPR).¹⁷⁰ While Botswana is generally regarded as a champion of democratic governance and freedom of expression, there have been instances of government intervention in online content.

Botswana, although predominantly recognised for its democratic governance and adherence to freedom of expression, has had instances of government intervention in online content. For instance, the Botswana Communications Regulatory Authority (BOCRA) has in the past issued warnings urging consumers to refrain from publishing, forwarding, or creating false, alarming information—this type of intervention, which aligns with Section 59 of the Penal Code, underscores the government's active role in regulating online content.¹⁷¹ As part of its broader regulatory efforts, the government's intervention in online content is further illustrated by how social media platforms respond to requests for data. Evidence indicates that between January and June 2024, Meta formerly known as Facebook, Inc., a social media conglomerate that owns and operates some of the world's largest social networking and messaging platforms (Facebook, Instagram, WhatsApp, and Facebook Messenger) had received three total requests from the Botswana government, two of which were legal process requests and one was for emergency disclosure. In total, three user/accounts were requested, and Meta complied with some or all of the government's requests, depending on the legal sufficiency of the requests.¹⁷² These interventions highlight the tension between safeguarding freedom of expression and ensuring compliance with government requirements, raising important questions about the limits of content regulation in a democratic society. In contrast to countries like Mozambique¹⁷³ and Zimbabwe¹⁷⁴ in the Southern African Development Community (SADC), which enforces stricter internet rules, Botswana has not enacted extensive filtering or implemented internet shutdowns.

Balancing Freedom of Expression with Content Moderation

As the government takes an active role in moderating online content, its efforts to combat

169 African Commission on Human and People's Rights (ACHPR) Declaration on Freedom of Expression and Access to Information (the Declaration) <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (accessed on 11 January 2025).

170 International Covenant on Civil and Political Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed on 11 January 2025).

171 Read BOCRA's statement on 'Publishing, Forwarding or Creating False Information using Online Platforms is an Offence' <https://www.bocra.org.bw/sites/default/files/covid19-docs/BOCRA%20-%20False%20Information%20on%20Online%20Platforms.pdf>

172 See Meta's transparency report on Botswana Government's Requests for User Data here: <https://transparency.meta.com/reports/government-data-requests/country/BW/>

173 Human Rights Watch "Mozambique: Post-Election Internet Restrictions Hinder Rights" (2024) <https://www.hrw.org/news/2024/11/06/mozambique-post-election-internet-restrictions-hinder-rights> (accessed on 10 December 2024).

174 Columbus Mavhunga "Zimbabwe Army Accused of Forcing Investigative Outlet to Self-Censor" (2024) <https://www.voanews.com/a/zimbabwe-army-accused-of-forcing-investigative-outlet-to-self-censor-/7500127.html> (accessed on 20 December 2024).

misinformation are often framed within legal frameworks such as Section 59(1) of the Botswana Penal Code, which criminalises the dissemination of false or misleading information on the Internet. While intended to curb harmful content, the provision's broad and vague language raises concerns about its potential to restrict free expression.¹⁷⁵ The absence of explicit definitions for "false news" establishes possibilities for subjective interpretation, bringing concerns regarding the law's potential to violate rights protected by international human rights instruments, as elaborated by the Declaration.¹⁷⁶ This vagueness also creates challenges in ensuring consistent enforcement, potentially leading to the suppression of legitimate speech.

Moreover, although the Cybercrime and Computer Related Crimes Act, establishes a legal framework for tackling online offenses like defamation and incitement to violence, it does not explicitly mandate content takedowns. Consequently, online platforms and service providers predominantly depend on their own community standards and terms of service for content moderation.¹⁷⁷ These platforms frequently delete content that contravenes their regulations or moderation policies. While the government does not directly enforce these moderation policies, it can still exert influence on companies through formal requests as in the case of Botswana Government's request for user data from Meta.¹⁷⁸

This scenario could potentially establish a nuanced future balance between upholding the right to freedom of expression and addressing concerns related to public order and national security. A pertinent examples is the case of Tshepo Junior Sethibe vs. the State, in which individuals are charged under the Penal Code for publishing "alarming statements",¹⁷⁹ Such cases underscore the risk of Strategic Litigation Against Public Participation (SLAPP) suits, which can inhibit dissent and stifle critical discourse. To prevent the misuse of legal action to suppress free speech, it is crucial to safeguard against such practices and ensure that the legal framework promotes a balance between free expression and public order. While Botswana's seditious laws theoretically cover criticism of the president or government, there have been no cases of this sort in recent years. Nonetheless, the presence of these laws creates a legal environment where individuals must remain cautious, particularly when engaging in political discourse that challenges government authority, as even mild criticisms can sometimes attract scrutiny.

Access to Information: Availability of Laws, Government Transparency, and Proactive Disclosure of Information

The debate on freedom of expression and content moderation naturally extends to the issue of access to information. In this regard, the Botswana government introduced the long-awaited Access to Information Bill (No. 15 of 2024).¹⁸⁰ This proposed bill is grounded in the principle of presumption of disclosure, which requires public authorities to release information unless it falls under specific legal exemptions. However, questions remain about the government's current practices regarding proactive disclosures. For instance, while the Bill may require such measures, it is important to assess whether government information is consistently updated and accessible on official websites. One example of this is the lack of transparency regarding the **Universal Service Fund (USF)** allocation and the disclosure of government requests to telecommunications companies and the general public. Without robust systems for public access to this type of information, the bill's effectiveness in promoting transparency may be compromised. Nevertheless, the introduction of this bill marks a significant step forward in guaranteeing that citizens obtain essential information regarding government activities.

Challenges to Effective Implementation of Transparency Measures

The Access to Information Bill signifies considerable advancement; nonetheless, apprehensions

¹⁷⁵ Southern Africa Litigation Centre "Challenging Criminal Code on Alarming Publications in Botswana" (2023) <https://www.southernaficalitigationcentre.org/challenging-criminal-code-on-alarming-publications-in-botswana> (accessed on 11 February 2024)

¹⁷⁶ See Principles 40 and 42 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa <https://achpr.au.int/en/node/902>

¹⁷⁷ <https://www.isdglobal.org/wp-content/uploads/2024/08/Online-Gendered-Abuse-and-Disinformation-During-the-2024-South-African-Elections.pdf>

¹⁷⁸ ibis

¹⁷⁹ <https://cpj.org/2022/07/botswana-journalist-tshepo-sethibe-criminally-charged-over-alarming-publications/>

¹⁸⁰ See notice of motion tabled in the Parliament of Botswana regarding the Access to Information Bill, 2024 (Bill No. 15 of 2024) https://www.parliament.gov.bw/documents/ORDER-PAPER-08-08-24_05_54_24_08_08_2024.pdf

regarding its execution persist. The legislation has various extensive exemptions, including those related to national security (clause 30), classified information, the Presidency and the Cabinet (clause 34), law enforcement, (clause 39), legally privileged documents (clause 41) or information that infringes on the privacy of a third party. These exemptions are extensively specified, permitting considerable latitude in identifying what qualifies as “sensitive” information. This may result in the denial of information requests based on ambiguous exceptions, compromising the bill’s effectiveness.

Moreover, the Information and Data Protection Commission, tasked with monitoring compliance and overseeing the implementation of the Access to Information Bill, faces uncertainty regarding its capacity to enforce freedom of information (FOI) laws effectively. Although similar responsibilities are carried out by established bodies like the Botswana Government Communication Information System (BGCIS), the Commission’s independence is questionable. Both the Commissioner and Deputy Commissioner are appointed by the President, raising concerns about potential conflicts of interest.

In addition to the Access to Information Bill, Botswana has made significant strides in improving financial transparency, particularly through the Companies (Amendment) Act of 2018. A key aspect of this legislation is the requirement for corporations to disclose information about their beneficial ownership under Section 21 and Section 345.¹⁸¹ This regulatory change, overseen by the Companies and Intellectual Property Authority (CIPA), seeks to diminish unlawful financial practices, enhance accountability, and fortify Botswana’s stance in international anti-corruption initiatives.

AI and Emerging Technologies: National Strategies and Governance of AI, Privacy Concerns Linked to New Technologies

Botswana is actively positioning itself for the Fourth Industrial Revolution (4IR) by exploring the potential of artificial intelligence (AI) and emerging technologies. A key element of this strategy is the Pula 1.83 billion r(USD 133.59 million) allocation in the 2024/2025 budget to advance the Digital Transformation Strategy, under the SmartBots initiative, which aims to foster innovation and drive digital transformation.¹⁸² Despite recognising the transformative potential of AI, Botswana currently lacks a cohesive national AI policy and governance structure, which has led to a fragmented approach in AI development and application.

An example of the country’s technological ambition is its Automated Fingerprint Identification System (AFIS), one of the most sophisticated national identification systems in the region.¹⁸³ While these systems have the potential to improve service delivery, they also prompt significant concerns around data privacy, security, and the ethical collection and use of personal information.

The growing integration of AI-driven technologies and biometric data, particularly with the development of smart cities and Internet of Things (IoT) technologies,¹⁸⁴ brings heightened risks related to data privacy and mass surveillance. Botswana currently lacks a comprehensive national framework to govern the convergence of AI, privacy, and data protection. Without such a framework in place, the country faces considerable challenges in ensuring the responsible use of AI and protecting personal data, especially as these technologies become more embedded in public services and governance systems.

181 <https://www.cipa.co.bw/wp-content/uploads/2019/06/22-Act-29-06-2018-COMPANIES.pdf>

182 <https://www.bankofbotswana.bw/sites/default/files/publications/2024%20Budget%20Speech%20Final%20-%20February%205%202024.pdf>

183 UNCTAD ‘National ICT Policy Review and E-commerce Strategy for Botswana’ (2021) https://unctad.org/system/files/official-document/dtlstict2021d4_en.pdf (accessed on 21 January 2025)

184 Telecom Review ‘The Integration of 4G LTE and IoT Technologies in Botswana’ (2024) <https://www.telecomreviewafrica.com/articles/features/4444-the-integration-of-4g-lte-and-iot-technologies-in-botswana/> (accessed on 15 January 2024)

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
<i>(P stands for Principle)</i>			
Internet Shutdowns	P38(2)	5	Botswana has not experienced internet shutdown.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	While there are some policies aimed at improving internet access, particularly through initiatives like the Universal Access and Service Fund (UASF), challenges remain in implementation.
False News Criminalisation	P22(2)	1	Botswana continues to criminalise the spread of false news, with existing laws that limit freedom of expression. This represents total non-compliance with international standards.
Sedition Legislation	P22(2)	1	Sedition laws remain in force, despite occasional use of the law in politically sensitive cases. While there is growing recognition of the need for reform, there is still a legal framework in place (sections 50 to 53 of the Penal Code).
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	2	While there have been no widespread arbitrary arrests in 2023, there have been instances of harassment and intimidation of journalists, human rights defenders, and activists, indicating mild compliance.
Data Protection Legislation.	P42	3	Botswana has updated its data protection laws with the new Data Protection Act 18 of 2024 (the “new DPA”). Despite these improvements, Botswana is still considered only “mildly compliant” with broader data protection standards. This suggests that while the new law is a positive step, there may still be gaps or areas needing further development to achieve full compliance.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	BOCRA has issued advisories warning against publishing false information about COVID-19, citing Section 59 of the Penal Code, which makes it an offence. However, there are concerns about the lack of due process in these interventions. This reflects mild compliance, with gaps in ensuring transparency and accountability.

Invasion of Privacy of Communications	P41	2	Although Botswana's legal framework includes provisions for privacy in communications, the recent discovery of Predator spyware in the country raises concerns about surveillance practices. These developments highlight gaps in compliance with international privacy standards, revealing that Botswana's legal framework is not fully aligned with global privacy norms.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	The government has made some strides toward digital transparency by increasing the use of social media and websites for disseminating information, but improvements are needed in accessibility and consistency.
AI and Emerging Technologies national strategies	P39(6)	2	There is no comprehensive national strategy on AI, though there are isolated attempts to regulate emerging technologies. This suggests moderate compliance.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	1	The report indicates that there is no specific child protection law or policy regarding children's online safety. The absence of such a law means that Botswana has not made sufficient efforts to protect children in the digital space, justifying a score of 1.
Digital Inclusion	P37(3)	3	Progress has been made through initiatives such as the UASF, but there are still gaps in addressing affordability, access for marginalized groups, and full digital inclusion.
TOTAL (up to 60)		28	

Recommendations:

The Government should:

- This includes expanding broadband connectivity to rural areas and upgrading existing networks to support emerging technologies.
- Collaborate with the private sector to accelerate infrastructure development and reduce costs.
- Ensure clearer, narrowly defined exemptions to prevent overuse of exceptions and guarantee public access to information.
- Prioritise robust data protection legislation aligned with global standards, like GDPR.
- Improve the enforcement of the Cybercrime and Computer-related Crimes Act, ensuring stronger legal frameworks and resources to combat internet fraud, identity theft, and

online scams. Enhanced coordination with law enforcement agencies is crucial to tackle the rising cybercrime threat effectively.

Civil Society Organisations should:

- Push for well-defined exemptions in the Access to Information Bill to balance transparency and national security.
- Campaign for the swift passage of the Data Privacy Bill and educate the public on data protection.
- Hold the government accountable for the effective implementation of data protection and transparency laws.

The Private Sector should:

- Align business practices with data protection regulations and ensure transparency in data collection.
- Implement clear, accessible policies on how consumer data is collected and used.



Executive Summary

Digital rights and digital inclusion are an integral part of human rights. These rights deserve to be respected and monitored considering the recurring violations, such as internet shutdowns, arrest of journalists and activists, website censorship, website blocking, social media blocking, internet network disruptions, communications controls, mass surveillance and theft of personal data. This report discusses five main legal texts that cover Cameroon's digital landscape: The 2010 law on cybersecurity and cybercrime,¹⁸⁵ the Electronic Communications Act 2010,¹⁸⁶ the 2011 framework law on consumer protection,¹⁸⁷ the 2023 Child Online Protection Act¹⁸⁸ and the 2012 decree establishing the management procedures for the Special Telecommunications Fund.¹⁸⁹ In 2024, Cameroon did not experience any major government-led internet outages, but all electronic communications were seriously disrupted. Approximately 20 micro-internet outages (lasting 30 minutes to 2 hours) were

¹⁸⁵ Telecommunications Regulatory Agency.

"Law No. 2010/012 of December 21, 2010, relating to cybersecurity and cybercrime in Cameroon."

https://www.art.cm/sites/default/files/documents/loi_2010-012_cybersecurite_cybercriminalite.pdf (accessed November 28, 2024).

¹⁸⁶ Telecommunications Regulatory Agency. "Law No. 2010/021 of December 21, 2010 governing electronic commerce in Cameroon" https://www.art.cm/sites/default/files/documents/Loi_2010-013_communications_electroniques.pdf (accessed November 28, 2024).

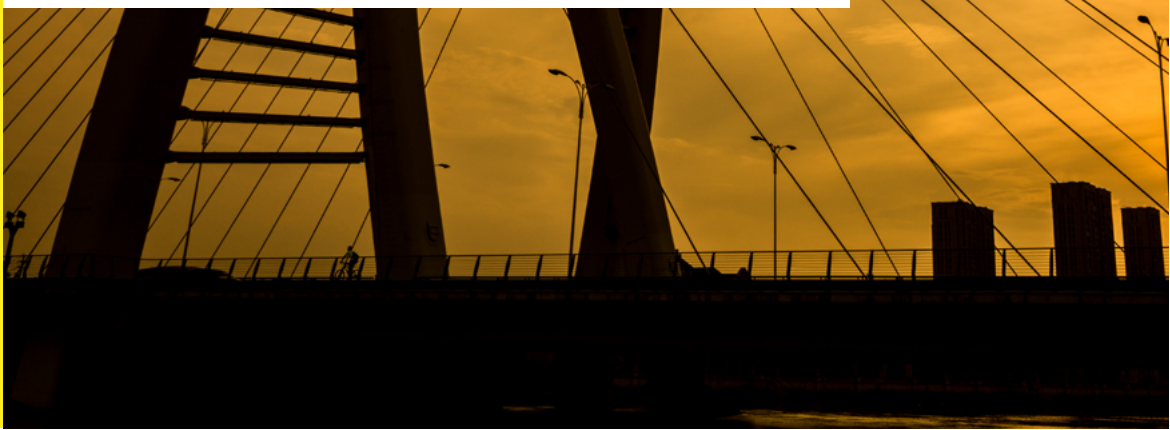
¹⁸⁷ Ministry of Commerce. "Framework Law No. 2011/012 of May 6, 2011 on consumer protection in Cameroon" <https://www.mincommerce.gov.cm/sites/default/files/documents/loi-cadre-n-2011-012-du-06-mai-2011-portant-protection-du-consommateur-au-cameroun.pdf> (accessed November 28, 2024).

¹⁸⁸ Presidency of the Republic of Cameroon. "Law No. 2023/009 of July 25, 2023 establishing a charter for the protection of children online in Cameroon" <https://www.prc.cm/fr/multimedia/documents/9701-loi-n-2023-009-du-25-07-2023> (accessed November 28, 2024).

¹⁸⁹ National Agency for Information and Communication Technologies.

"Decree No. 2012/308 of June 26, 2012, establishing the management procedures for the Special Telecommunications Fund."

https://www.antic.cm/images/stories/data/IMG/pdf/decrets/Modalites_de%20gestion_FST-26-06-2012.pdf (accessed November 28, 2024).



Introduction

recorded among telecommunications operators due to fiber optic cable outages, electrical incidents and other network outages. Cameroon has two funds for telecommunications sovereignty. Regarding the limited exercise of civil rights, freedom of expression online has been threatened, especially key subjects such as corruption, governance, the economy and the health of the President of the Republic.

This 2024 report presents some progress in comparison to the 2020 Londa report on Cameroon,¹⁹⁰ in which the country had recorded serious online human rights violations following the October 2018 presidential election won by Biya.¹⁹¹ The data presented in this report were collected through desk research that involved exploring and analysing various legal frameworks, reports and similar documents, as well as testimonies on the specific issues covered in this report.

Introduction

Cameroon is a lower middle-income country with a population of 27.9 million, as of 2023.¹⁹² The mobile phone penetration rate reached 87%, with an internet penetration rate of 45.6%. The 4G/5G coverage rate in the country was 64.72% (4G). Cameroon has over 25 million connected devices and 12.87 million internet users.¹⁹³

Over the past five years, Cameroon has been developing strategies for the development of its internet ecosystem. Since 2020, the country has implemented a strategic plan, the National Development Strategy 2020-2030 (NDS30)¹⁹⁴ which highlights the main characteristics of technological growth in key sectors. In 2021, Cameroon began reforming its information and communications technology (ICT) laws. Several draft laws are currently being reviewed by the Ministry of Posts and Telecommunications (Minpostel), including a bill on personal data management.¹⁹⁵

190 Paradigm Initiative 'Londa Cameroon Digital Rights and Inclusion' (2020) <https://paradigmhq.org/report/londa-cameroon-digital-rights-inclusion-2020-report/> (accessed November 28, 2024).

191 Presidency of the Republic of Cameroon 'The President – Biography' <https://www.prc.cm/fr/le-president/biographie> (accessed November 28, 2024).

192 Banque Mondiale 'Country Overview – Cameroon' <https://www.banquemondiale.org/fr/country/cameroon/overview> (accessed November 28, 2024).

193 Team France 'Market Sheet – Telecoms, Internet and Broadcast' <https://www.teamfrance-export.fr/fiche-marche/tech/telecom-internet-et-broadcast/CM> (accessed November 28, 2024).

194 Ministry of Economy, Planning and Regional Development 'SND30' <https://minepat.gov.cm/fr/snd30/>

195 Ministry of Posts and Telecommunications 'APD Decree' 230518 Décret APD FIN _CLEAN.pdf (accessed November 28, 2024).

Internet Access

In 2024, Cameroon recorded approximately twenty disruptions of the Internet and telecommunications networks.¹⁹⁶

Network quality and exorbitant communication prices pushed several million users to launch the “Aeroplane Mode” Movement in 2023.¹⁹⁷ The movement involved denouncing and boycotting the telecommunications services of all the country’s service providers. After several weeks of boycotts, the Ministry of Post and Telecommunications initiated consultations that involved the service providers. The boycott ended after a few months, and recommendations¹⁹⁸ were formulated during the consultations, however, these operators are facing challenges in implementing them.

The Internet penetration rate has increased by 2% during the past 5 years, reaching 45.6% in 2024 with around 50 Internet service providers nationwide. Network disruptions between 2023 and 2024 caused users to lose millions of CFA francs. Even though Framework Law No. 2011/012 requires operators to provide a service that meets the minimum requirements of durability, usability, reliability and ensures legitimate satisfaction, operators have not yet committed to reimbursing the losses.¹⁹⁹ These disturbances violate principle 38 of the African Charter on Human and People’s Rights.²⁰⁰

Freedom of Expression

Freedom of expression in Cameroon is often under severe threat due to the regularly tense sociopolitical context. In recent years, journalists, activists and bloggers have been intimidated due to their opinions online. The political crisis²⁰¹ in the two English-speaking regions continues to impact social life, as well as the level of freedom of expression in Cameroon.

Hate speech generally puts activists of the ruling party²⁰² and the main opposition party against members of certain tribes (Bulu, Beti, Bamileké) and “Anglophones” on the other. Law No. 2019/020 demonstrates against hate speech.²⁰³ Since 2019, no specific convictions for hate speech have been recorded in Cameroon. In October 2024, the Minister of Territorial Administration issued a statement banning any debate on the Head of State’s health on social media and in traditional media. These acts contribute to threats to freedom of expression.²⁰⁴

Certain provisions of the law of 12 December 2010 relating to cybersecurity and cybercrime stifle freedom of expression,²⁰⁵ as well as communications from LGBTQ+ communities.²⁰⁶

Access to Information

Barriers to freedom of expression are often heightened by the lack of a legal framework to promote

196 Investing in Cameroon: ‘Internet disrupted in Cameroon due to submarine cable outage’ <https://www.investiraucameroun.com/telecom/1503-20447-internet-perturbe-au-cameroun-a-cause-d-une-panne-sur-des-cables-sous-marins> (accessed November 28, 2024).

197 Radio France International. Cameroon: Consumers put phones in “airplane mode” to protest operator rates <https://www.rfi.fr/fr/afrique/20230428-cameroun-des-t%C3%A9l%C3%A9phones-de-consommateurs-en-mode-avion-pour-d%C3%A9noncer-les-tarifs-des-op%C3%A9rateurs> (accessed November 28, 2024).

198 Digital Business Africa ‘Cameroon / Airplane mode – Of the five recommendations made by Minpostel, Orange has already fulfilled three and MTN four’ <https://www.digitalbusiness.africa/cameroun-sur-les-cinq-recommandations-formulees-par-le-minpostel-orange-a-deja-execute-trois-et-mtn-quatre/> (accessed November 28, 2024).

199 Article 10(1), Framework Law No. 2011/012 of May 6, 2011 on consumer protection in Cameroon

200 ACHPR. Principle 38 (3), Declaration of Principles on Freedom of Expression and Access to Information in Africa

201 Amnesty International ‘Cameroon rampant atrocities amid anglophone regions must be stopped’ <https://www.amnesty.org/fr/latest/news/2023/07/cameroon-rampant-atrocities-amid-anglophone-regions-must-be-stopped/> (accessed November 28, 2024).

202 Cameroon People’s Democratic Rally <https://www.rdpdpdm.cm/> (accessed November 28, 2024).

203 Article 241(2), Law No. 2019/020 of 24 December 2019, supplementing certain provisions of Law No. 2016/007 of 12 July 2016 on the Penal Code

204 Radio France International ‘Cameroon – Minister of Territorial Administration bans any debate on Paul Biya’s health’ <https://www.rfi.fr/fr/afrique/20241011-cameroun-le-minist%C3%A8re-de-l-administration-territoriale-interdit-tout-d%C3%A9bat-sur-la-sant%C3%A9-de-paul-biya> (accessed November 28, 2024).

205 Article 78(1), Law No. 2010/012 of December 21, 2010 relating to cybersecurity and cybercrime in Cameroon.

206 Article 83(1), Law No. 2010/012 of December 21, 2010 relating to cybersecurity and cybercrime in Cameroon.

access to information. Cameroon does not have a law on access to information. Cameroon has also been accused of using Law No. 2014/028 of 23 December 2014 against terrorism to restrict freedom of expression. Some Cameroonian journalists have been forced to leave the country when their safety was under threat.²⁰⁷

Data protection and confidentiality

Cameroonian cyberspace was the field of several types of attacks in 2024, including account hacks, phishing, identity theft and data loss, the most significant of which was the theft of 10 gigabytes of data during a hack at the National Social Security Fund (CNPS), which was later dismissed²⁰⁸ before being resolved.

Nevertheless, the Cameroonian authorities, through Minpostel and ANTIC, launched a major cybersecurity campaign among young people in 2023.

Cybersecurity benefits from a legal framework, through the 2010 law on cybersecurity and cybercrime which condemns “anyone who processes or causes to be processed, even through negligence, personal data in violation of the prerequisites for their implementation.”²⁰⁹

Censorship and content moderation

Between 2023 and 2024, the Cameroonian government made 7 data access requests to Meta.²¹⁰ All the requested data related to legal proceedings. A total of 38 content restrictions²¹¹ were implemented by Meta based on Cameroonian law during the same period. Meta responds to government data access requests following applicable law and the terms of service. The government has not made any requests to remove user data from TikTok in the past two years.²¹² On December 31, 2023, Google received a content removal request from the government for defamation.²¹³ The content was not removed. Some communication controls violate Principle 41 of the Charter.²¹⁴

AI and Emerging Technologies

Cameroon is committed to the development of artificial intelligence and technological innovation. In June 2024, institutions began consultations aimed at developing a strategic plan for artificial intelligence.²¹⁵ However, the lack of legislation on personal data management does not promote the regulation of emerging technologies and innovation. However, the Charter encourages States in “the development, use, and application of artificial intelligence.”²¹⁶

207 Jeune Afrique: ‘Paul Biya orchestrated the failure of independent media in Cameroon,’ explains Haman Mana. <https://www.jeuneafrique.com/1564338/politique/paul-biya-a-orchestre-la-faillite-des-medias-independants-au-cameroun-explique-haman-mana/> (accessed November 28, 2024).

208 Cybersecurity Mag. <https://cybersecuritymag.africa/tag/cnps> (accessed November 28, 2024).

209 Article 74, Law No. 2010/012 of December 21, 2010 relating to cybersecurity and cybercrime in Cameroon.

210 Meta ‘Reports – Government data requests – Cameroon’ <https://transparency.meta.com/reports/government-data-requests/country/CM/> (accessed November 28, 2024).

211 Meta ‘Reports – Government data requests – Cameroon’ <https://transparency.meta.com/reports/government-data-requests/country/CM/> (accessed November 28, 2024).

212 TikTok Reports – Government removal requests – Cameroon’ (2023) <https://www.tiktok.com/transparency/fr-fr/government-removal-requests-2023-2> (accessed November 28, 2024).

213 Google ‘Transparency Report – Government requests to remove content – Cameroon’ Government requests to remove content – Google Transparency Report (accessed November 28, 2024).

214 ACHPR. Principle 41, Declaration of Principles on Freedom of Expression and Access to Information in Africa

215 Ministry of Posts and Telecommunications <https://www.minpostel.gov.cm/index.php/en/actualites/485-conia> (accessed November 28, 2024).

216 ACHPR. Principle 39 (6), Declaration of Principles on Freedom of Expression and Access to Information in Africa

Digital inclusion

As part of the development of the country's technological facilities, the Special Telecommunications Fund requires telecommunications operators to contribute 3% of their annual revenue. The ICT sector has a second source of telecommunications funding. "Network operators and service providers are subject to the payment of an annual fee of 1.5% of their revenue, excluding taxes."²¹⁷ The management of telecommunications funds does not appear to be transparent, as no public management reports have been available for several years.

Cameroon has stepped up the development of its digital infrastructure over the past five years, through the construction of database centers, data centers, the improvement of the fiber optic internet connection between Cameroon and Brazil via submarine cables, and the deployment of two Internet Exchange Points (IXPs)²¹⁸ in Douala and Yaoundé.

²¹⁷ Article 34 (3), Law No. 2010/013 of December 21, 2010 Governing electronic communications in Cameroon

²¹⁸ Internet Society. https://pulse.internetsociety.org/en/ixp-tracker/details/?country_code=CM&ixp_id=2541#members-list (accessed November 28, 2024).

Conclusion

Cameroon has experienced multiple disruptions to its internet network that were not directly attributable to the government. Principles of freedom of expression, access to information, and the protection of personal data have been violated, negatively impacting human rights online. While the government has demonstrated a commitment to improving digital rights and inclusion through the reforms it has initiated, several shortcomings are evident: respect for digital rights and internet freedoms.

In 2025, Cameroon will hold a presidential election amid a complex context of violations of internet freedoms. Digital ecosystem stakeholders fear a resurgence of these violations on the eve of this election. Year 2017, Cameroon had already recorded 93 days²¹⁹ of internet shutdowns aimed at stifling political demands and limiting hate speech in the two regions of the northwest and southwest.

Recommendations

Government

- Prepare a management report on the Special Telecommunications Fund for the past 10 years;
- The Telecommunications Regulatory Agency (ART) and the National Agency for Information and Communication Technologies (ANTIC) must enforce laws promoting the rights of Internet users;
- Accelerate the implementation of the National Artificial Intelligence Strategy;
- The government must implement fair laws, following international human rights standards.

Parliament

- Provide the country with appropriate new laws and regulations that take into account the evolution of ICT.

Civil society organisations and individuals

- Develop advocacy initiatives, increase awareness-raising activities, and participate in multi-stakeholder forums and meetings on Internet governance;
- ICT users must limit cyberattacks, hate speech and online disinformation.

Telecommunications companies

- Comply with international laws and standards governing their activities countrywide ;
- Limit data access in response to illegal requests from government institutions.

Evolution of recommendations between 2020 and 2024

Based on the recommendations of the 2020 Londa Report on Cameroon²²⁰, the country has made some progress in improving its technological infrastructure:

- The Government of Cameroon is in the consultation stage to develop a National Artificial Intelligence Strategy.
- The government has begun drafting several bills, including the law on personal data management.

219 British Broadcasting Corporation (BBC) <https://www.bbc.com/afrique/region-41449099> (accessed 28 November 2024).

220 PIN. <https://paradigmhq.org/report/londa-cameroon-digital-rights-inclusion-2020-report/> (accessed 28 November 2024).

The Score Index

Key Indicators of Londa 2025	Declaration of the ACHPR (P for Principle)	Score	Justification
1. Internet Outages	P38(2)	3	In 2024, internet outages were caused by telecommunications operators. Operators regularly report incidents on the state of the network.
2. Lack of laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the Internet	P37	3	The Cybersecurity and Cybercrime Act 2010 provides provisions for universal and equitable internet access.
3. Criminalisation of fake news	P22(2)	3	Certain provisions of the Penal Code punish false news.
4. Sedition Legislation	P22(2)	3	The Penal Code punishes seditious shouts or chants.
5. Arbitrary arrests and harassment of media, human rights defenders and citizens	P20(1) & (2)	2	Media practitioners are often harassed and arrested in connection with their opinions.
6. Data protection legislation.	P42	2	There is a draft law.
7. States intervene and demand the removal of online content by internet intermediaries	P38 & P39(4)	3	Requests for removal of content are made as part of legal proceedings.
8. Breach of confidentiality of communications	P41	3	Privacy invasions are small-scale.
9. The government's failure to proactively disclose and disseminate information about digital technologies.	P29(3)	2	Disclosure efforts are limited.

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10. National strategies on AI and emerging technologies	P39(6)	2	In the process of being adopted.
11. Adoption of child-specific laws, policies and measures promoting children's digital safety and privacy online.	P8 P40(1)	4	Cameroon has a law on children's digital safety.
12. Digital inclusion	P37(3)	2	The government has set up a national program on digital technologies.
TOTAL (up to 60)		32	

Central African Republic



Executive Summary

This report assesses thematic areas including internet access and inclusion, freedom of expression, privacy and data protection, AI and other emerging technologies as well access to information in the Central African Republic (CAR) for 2024. On the legislative front, the state has passed and adopted two legislations, one on the protection of personal data and the other on cybersecurity and the fight against cybercrime. This same year, the state completed the project that connected the country to optic fiber which is a milestone to help the country improve internet connectivity. In addition to desk research and interviews conducted, this report assessed the country's compliance with the African Charter on Human and People's Rights *Declaration of Principles on Freedom of Expression and Access to Information (the Declaration)* in the covered areas, using *TheScore* Index rate of 31 out of 60. The report ends with a set of recommendations on ways to improve the state of digital rights and inclusion in the country, drawing on some of last year's report recommendations that had not been implemented.

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Introduction

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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 km² and a population estimated by the World Bank at 5.74 million in 2023. Independent since 1960, the country is currently led by Faustin Archange Touadéra, re-elected president at the end of 2020. The country has experienced several authoritarian regimes and a civil war. Since 2013, despite various agreements, the country has been plagued by violence from numerous armed groups.²²¹

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 International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In general, on the ground and based on international reports, freedom of expression and of the media is guaranteed but journalists report that they are not free enough to exercise their duty due to some forms of harassment and intimidation from pro-government militia operating across the country and mainly in the capital city, as this will be further presented in this report.

The national legislation on electronic communications and Internet governance is not extensive enough but some positive progress has been noted in 2024, which this report will cover. It is related to the adoption and enactment of two important pieces of legislation, the first one on protection of personal data and the second one on cybersecurity and the fight against cybercrime. These came in to supplement Law No 18.002 of January 17, 2018, governing electronic communications in the Central African Republic²²². 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.²²³

In terms of methodology, a multifaceted approach will be considered consisting of combining empirical and desk-research methods to assess both quantitative and qualitative aspects of digital rights and inclusion in the Central African Republic. This report provides a country analysis with an assessment of specific thematic areas including internet access and digital inclusion, privacy and data protection, the exercise of freedom of expression, AI and other emerging technologies as well as access to information legislations. Compliance with the African Charter on Human and People's Rights' *Declaration of Principles on Freedom of Expression and Access to Information*²²⁴ has been assessed for every issue presented, using all the key indicators of *TheScore Index*²²⁵, that determined the scope of the report.

221 Centrafrique, les dernières actus : <https://www.la-croix.com/Actualite/Monde/Centrafrique> (accessed on November 14, 2024)

222 Electronic Communications Act of 2018, https://arcep.cf/images/textes/lois/Loi_18_002_regissant_les_communications_electroniques_en_RCA.pdf (accessed on November 14, 2024)

223 Law 17.020 of May 17, 2017 establishing ARCEP, https://arcep.cf/images/textes/lois/Loi_17_020_portant_creation_ARCEP.PDF (accessed on November 14, 2024)

224 The ACHPR's Declaration: <https://achpr.au.int/en/node/902> (accessed on November 14, 2024)

225 TheScore Index: TheScore is a digital rights index developed by Paradigm Initiative that evaluates compliance of the country with regard to key human rights elements and is inspired by the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information.

Internet Access and Digital Inclusion

In terms of connectivity, Data Reportal²²⁶ shares that in early 2024, there were 616,600 internet users in CAR, when internet penetration stood at 10.6% and that a total of 1.86 million cellular mobile connections were active, with this figure equivalent to 32% of the total population. These figures are from February 2024, just at the time the fiber optic was inaugurated, too soon to appreciate its impact on the subsequent growth of internet users. Unfortunately, there is no up to date data from the Regulatory Agency's online platforms.

The year 2024 was the “year of connectivity” for the CAR citizens as they witnessed the deployment and start of the operationalisation of the optic fiber cable, linking the country to its neighbours, the Republic of Congo and Cameroon, and to the Atlantic Ocean, providing affordable and high-speed connectivity for the region. This is part of a project jointly funded by the African Development Bank and the European Union with an objective to **“put a definitive end to the CAR’s digital isolation by linking it to international submarine cables that have landing points in neighbouring coastal countries”** as highlighted by the Bank’s representative in CAR.²²⁷

However, by the end of October 2024, citizens were not yet satisfied with the services provided in terms of cost and quality of service, deepening the digital gap. This situation led the Regulator to launch a call for a consultant. The selected consultant’s mission would be to **“audit the costs of the fixed and mobile telephony networks, as well as those of the fibre optic infrastructure operator (MTN Bahobab) and propose a model for regulating the wholesale markets, while taking into account the purchasing power of consumers and the interests of operators”**²²⁸. According to various comments through social media in the country, this came as a response to the “passivity” which citizens thought the Regulator was in by staying powerless towards operators at the expense of consumers. As of the time of writing of this report, there was no public data on the outcome of this audit, which at least could be considered as a positive sign towards promoting universal, equitable, affordable and meaningful access to the internet for all.

The fiber adopted management model²²⁹ is that Baobab, an MTN subsidiary, would buy wholesale and distribute in retail to the telecommunications companies for wider distribution, who conducted all technical trial phases paving the way for a groundbreaking era of connectivity. This model led to new requirements, including that all operators needed to acquire new licenses (4G and 5G), which was yet another sign that the CAR government is working at making sure the country enters a new phase of technological innovation for the benefit of citizens.²³⁰

The country has three main operators (offering both internet and voice), which are Telecel Centrafrique, Orange Centrafrique and Moov Africa Centrafrique. There is no up-to-date data on the market share from the Regulator’s public platform (its website). However, Moov Africa claims 8% of the market²³¹ while Orange, the French operator in CAR, claims to have **“the best 3G+ network coverage in the Central African Republic, with 109 cities covered”**²³². From their Facebook posts, all telecom operators in CAR are still advertising and claiming their leadership in deploying a minimum of 3G and a max of 3G+ for their mobile internet customers.

In terms of network disruptions, there are no reports of state-imposed disruptions in the year 2024. However, many news outlets reported the low quality of internet connectivity or some network disruptions caused by technical failures such as those related to the widely reported cable cuts²³³

226 Digital 2024 : The Central African Republic: <https://datareportal.com/reports/digital-2024-central-african-republic> (accessed on January 9, 2025)

227 Centrafrique : installer la fibre optique pour un réseau internet fiable et rapide : https://international-partnerships.ec.europa.eu/news-and-events/stories/centrafrique-installer-la-fibre-optique-pour-un-reseau-internet-fiable-et-rapide_en (accessed on November 14, 2024)

228 Centrafrique : le gouvernement va auditer les couts des services de télécommunications : <https://ecomatin.net/centrafrique-le-gouvernement-va-auditer-les-couts-des-services-de-telecommunications> (accessed on January 9, 2025)

229 Londa 2023 on CAR: <https://paradigmhq.org/wp-content/uploads/2024/06/CAR-Londa-Report.pdf> (accessed on November 14, 2024)

230 L'ère de la Fibre Optique en Centrafrique est arrivée : bientôt, un pas vers la connectivité totale : <https://corbeaunews-centrafrique.org/lere-de-la-fibre-optique-en-centrafrique-est-arrivee-bientot-un-pas-vers-la-connectivite-totale/> (accessed on November 14, 2024)

231 Centrafrique : <https://www.iam.ma/groupe-maroc-telecom/nous-connaître/gouvernance-et-dates-cles/filiales-participations/Centrafrique.aspx> (accessed on November 14, 2024)

232 L'internet haut débit 3G+ d'Orange : <https://www.orangerca.com/fr/3g-orange.html> (accessed on November 14, 2024)

233 Plusieurs pays africains privés d'Internet en raison de câbles sous-marins défectueux : https://www.lemonde.fr/afrrique/article/2024/03/15/plusieurs-pays-africains-privés-d-internet-en-raison-de-cables-sous-marins-defectueux_6222161_3212.html (accessed on November 14, 2024)

affecting more than 10 countries in West Africa, in March 2024. The CAR's fibre optic cable comes through Cameroon, one of the affected countries. Other disruptions were reported in September 2024 affecting calls as well as internet connectivity. It was reported that Telecel²³⁴ sent apologies to its customers explaining that it was due to an issue with the cable from Cameroon, which is a positive example of tech accountability.

The 2023 CAR Londa country report²³⁵ described the Universal Service Fund (USF) as an initiative under the Electronic Communications Law of 2018 on 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). Similar to 2023, high-level sources from the Regulator's office interviewed as part of this study confirmed that this Committee hasn't been formed but the process is still ongoing. This demonstrates the unwillingness of the CAR government to ensure this provision of the law is put into practice in order to respond to the needs of thousands of citizens who don't have access to the Internet simply because they live in regions not served by traditional operators.

Freedom of expression

Freedom of expression is recognised and guaranteed by the Central African Republic's 2023 Constitution²³⁶ under Article 23²³⁷ and access to information as well as freedom of the press are guaranteed under Article 24²³⁸. The country also has Law No 20-027 of December 21, 2020 related to freedom of communication in Central African Republic²³⁹ that is progressive in the sense that it depenalises press offences, making sure journalists are technically not prosecuted for what they say while doing their job.

Freedom House's score for 2024²⁴⁰ is 5/100 presenting the country as "not free" due to widespread insecurity justified by the fact that state authority is not felt in a large part of the country. The country is further presented as a state with acute risk in many areas due to "violent attacks against civilians, including sexual violence". It is also said about the country that journalists are not receiving enough support from the government in the exercise of their work, especially in those regions controlled by rebel groups where they feel unsafe. However, when comparing data from Freedom House, although the country is labeled all through as "not free", it is worth noting that CAR has considerably improved its score going from 10/100 in 2020 to 5/100 in 2024.

For 2024, Reporters Sans Frontières (RSF) ranks²⁴¹ the country at 76/180 on freedom of expression which is an improvement compared to 2023 which was 98/180. This is notable and celebrated by CAR's authorities, such as the President of the High Council for Communication who proudly shared "*The diverse and critical headlines in the Central African media bear witness to this freedom*".²⁴² He insists that no journalist is detained for his or her journalistic activities. However, journalists interviewed as part of this study confess they still face hardships in the exercise of their work in the country.

234 Centrafrique : des usagers déplorent une mauvaise qualité de connexion internet : https://www.lemonde.fr/afrique/article/2024/03/15/plusieurs-pays-africains-privés-d-internet-en-raison-de-cables-sous-marins-defectueux_6222161_3212.html (accessed on November 14, 2024)

235 Londa 2023 on Centrafrican Republic: <https://paradigmhq.org/wp-content/uploads/2024/06/CAR-Londa-Report.pdf> (accessed on January 10, 2024)

236 The Constitution de la 7e République (enacted on August 30, 2023) : <https://mjp.univ-perp.fr/constit/cf2023.htm> (accessed on November 12, 2024)

237 Article 23 of the 2023 Constitution: "Everyone has the right to freedom of expression. This right implies the freedom to express one's opinions or beliefs, in particular through speech, writing and images, subject to respect for the law, public order and morality."

238 Article 24 of the 2023 Constitution: "Everyone has the right to information. Freedom of the press, of information and of broadcasting by radio and television, the written press or any other means of communication shall be guaranteed, subject to respect for the law, public order and morality..."

239 Law on Freedom of Communication: https://drive.google.com/file/d/19UeGtAbU00TQ9UWN_rs-hsypa-6xRLzq/view (accessed on January 10, 2025)

240 Central African Republic: <https://freedomhouse.org/country/central-african-republic/freedom-world/2024> (accessed on November 13, 2024)

241 République centrafricaine : <https://rsf.org/fr/pays-r%C3%A9publique-centrafricaine> (accessed on November 13, 2024)

242 Liberté de la presse en Centrafrique, selon José Richard Pouambi, vision ou illusion ? : <https://corbeaunews-centrafrique.org/liberte-de-la-presse-en-centrafrique-selon-jose-richard-pouambi-vision-ou-illusion/> (accessed on November 14, 2024)

“We work with fear in our stomachs”, says the President of the Union of Central African Journalists, during an interview with the American media, VOA²⁴³.

Conversations with local journalists as part of this study revealed that there is little support for independent media in Bangui. For their survival, some of them are obliged to have good relationships with politicians who give them little money in exchange for positive commentary in their productions and who can also protect them in the event they face some troubles based on opinions they expressed in their productions.

Since January 1, 2024, RSF’s barometer²⁴⁴ has recorded that no journalist media collaborator was killed nor detained in the Central African Republic. Yet, journalists and opposition leaders are being harassed, such as journalist²⁴⁵ Jefferson Cyrille Yapendé and his cameraman Jospin Bissi briefly detained and harassed while doing their work or Crépin Mboli Goumba, a prominent political opponent²⁴⁶ who was briefly arrested and jailed after a press conference.

The country has recently witnessed a rise of disinformation campaigns, with thousands of fake profiles spreading disinformation. Victims suffer invasion of their privacy, damage to their reputation and even emotional harm according to a group of fact-checkers²⁴⁷ who are working at raising awareness of this phenomenon and working with stakeholders to mitigate the various disinformation campaigns. These fact-checkers comprise civil society leaders, journalists and researchers “who verify information, identify fake accounts and false information”.

The Law of Freedom of communication has provisions on “fake news” but like similar laws in other African states, there is no clear definition of what’s “fake” information or what type of content could be considered as disturbing the public peace or “likely to undermine the discipline or morale of the armed forces or hinder the nation’s war effort”, considered as an offence under this law (Article 123). The law speaks of a fine of between 50.000 to 250.000 FCFA on anyone who is found guilty as the author of fake news, according to Article 144.

Article 132²⁴⁸ of the Central African Republic’s Penal Code²⁴⁹ has provisions on defamation or any insulting speech against a public authority which constitutes an outrageous action and therefore punishable under the law. According to Article 133, this action is punishable by “imprisonment for a term of three to 10 years and a fine of 100,002 to 500,000 francs, or both”. On this note in 2021, an opposition leader, Jean Serge Wafio, was sentenced to four years imprisonment for allegations of defamation, insult and public outrage against the then Prime Minister Firmin Ngrébada²⁵⁰.

The Cambridge Dictionary defines²⁵¹ sedition as “language or behavior that is intended to persuade other people to oppose their government”. Sedition practices and their criminalisation in the African context are most often linked to those of defamation which is one of the ways citizens express their disaffection on a public service authority. When this is publicly stated through a speech, it leads the authority to feel threatened and therefore will call it a form of rebellion against the authority of the state, which is a clear violation of freedom of expression guaranteed by the laws. The Central African Republic’s Penal Code, in Article 289, has provisions on this practice and punishes authors with either imprisonment sentence of between five to 10 years or forced labor depending on whether the person adheres, participates in any such action or whether they were

243 Liberté de la presse en RCA : <https://www.voaafrique.com/a/liberte%20de-la-presse-nous-travaillons-avec-la-peur-au-ventre-%20de-l-union-des-journalistes-centrafricains-/7605010.html> (accessed on November 14, 2024)

244 Barometre RSF: https://rsf.org/fr/barometre?exaction_pays_pays=83&exaction_pays_annee=2024&exaction_pays_statut=pris-on#exaction-pays (accessed on November 13, 2024)

245 Bangui : consternation de la presse après l’agression de deux journalistes par le ministre de la Sécurité publique: <https://www.radiondekeluka.org/71900-bangui-consternation-de-la-presse-apres-lagression-de-deux-journalistes-par-le-ministre-de-la-securite-publique> (accessed on March 10, 2025)

246 Opposition Leader in Court in Central African Republic: <https://www.hrw.org/news/2024/03/18/opposition-leader-court-central-african-republic> (accessed on March 10, 2025)

247 Centrafrique : l’essor des fake news et la riposte des fact-checkeurs : <https://www.rfi.fr/fr/podcasts/la-fabrique-des-fake-news/20240808-centrafrique-l-essor-des-fake-news-et-la-riposte-des-fact-checkeurs> (accessed on November 14, 2024)

248 Art.132: Any expression whose threatening, defamatory or insulting meaning is likely to diminish the respect due to a public official constitutes an outrage.

249 Republique Centrafricaine: Code penal: <https://www.refworld.org/legal/legislation/natlegbod/2010/fr/104201> (accessed on January 12, 2025)

250 Rapport 2021 sur les droits de la personne – RCA (US Embassy, Page 20) : https://cf.usembassy.gov/wp-content/uploads/sites/255/2021-HRR-CAR_French.pdf (accessed on January 12, 2025)

251 Cambridge Dictionary: <https://dictionary.cambridge.org/fr/dictionnaire/anglais/sedition> (accessed on February 6, 2025)

part of the preparation of such movements leading to rebellion against the state authority. Sedition is therefore criminalized in CAR.

Data Protection and Privacy

The Central African Republic's supreme law, the 2023 Constitution speaks about the necessity of citizen's data protection, under Article 31²⁵². On 27th of December 2023 by acclamation, members of CAR's Parliament adopted the *Law on the protection of personal data*, an initiative of the government through the Ministry of digital affairs, with the objective, "*on one hand, to protect people's personal data in the use of new products linked to the development of new technologies and, on the other, to provide state bodies with an essential legal instrument to prevent the use of other people's personal data for illicit purposes.*"²⁵³ The *Law No 24-001 on the Protection of personal data* was enacted by the President of the Republic on January 25, 2024²⁵⁴.

A few weeks later, on January 25, 2024, CAR's Parliament adopted, by acclamation, the *Law on cybersecurity and the fight against cybercrime*, in order to respond to the long existing vacuum. An initiative of the government through the Ministry of digital affairs, whose minister pointed out, after an interview with RFI, the French media, that "*This law is of the utmost importance. You must be aware of the rate of defamation and extortion! It's easy for people to hack into the entire economy of a corporate body or individual... to destabilize even a country through information.*"²⁵⁵ The *Law No 24-002 on Cybersecurity and the fight against cybercrime* was enacted by the President of the Republic on February 21, 2024.²⁵⁶

The law on cybersecurity and the fight against cybercrime paves the way for the creation of the National Agency on Cybersecurity (ANCy), an entity to be placed under the authority of the Ministry of Public Safety as well as the one of Digital affairs, with as mission as "ensuring the security of information systems, handling alerts and regulating the sector, among other things". As of the time of writing of this report, no public data suggests this agency has been created.

Article 14 of the Law institutes a mandatory security audit, conducted by the ANCy, on all electronic communication networks as well as information systems of all operators, certification authorities as well as all electronic communication providers. In our opinion, this is a positive move to ensure they operate according to the best security practices but the said security audit will need to be well designed and well organised according to the best and international industry practices and standards as this practice has the potential to lead to security breach as well as violating privacy rights and abuse of users' personal data that these audited agencies are in charge of. The law on the protection of personal data should be put to use when such time arrives.

It is safe to mention that although the country has enacted both laws, it hasn't adopted the African Union's Convention on Cybersecurity and Personal Data Protection, known as the Malabo Convention, which would probably have been the next step after the enactment of these laws. At the time of writing of this report, there are no readily accessible reports on whether the State has used any sections under both laws to undermine citizen's privacy. However, it is clear, from reading both laws, that a lot of care needs to be taken with regard to user's personal data or their manipulation, such as by the judiciary.

The law on Cybersecurity, for example, grants the right to disclose "connexion and traffic data" during "judiciary investigations" (Article 17) or that the judiciary authority can request to communicate personal data such as those "enabling the identification of any person who has contributed to the creation of the content" from electronic communications providers (Article 28, d). The law does not clearly specify how this is to be conducted or what security measures and safeguards are put in place to protect the judiciary from the misuse of user's personal data they can have access to,

252 Article 31 of the 2023 Constitution: « Everyone has the right to respect for his or her private life and to secrecy of correspondence or any other form of communication. This right may only be infringed in the cases provided for by law. »

253 La RCA dotée désormais d'une Loi portant protection des données à caractère personnel : <https://mondeafricain24.com/tpost/p6puf2tth1-la-rca-dote-dsormais-dune-loi-portant-pr> (accessed on November 14, 2024)

254 Loi No 24-001 portant protection des données personnelles : https://arcep.cf/fr/images/documents/reglementation/lois/Loi_24_001_portant_protection_des_donnes_a_caractere_personnel.PDF (accessed on November 14, 2024)

255 Face à l'explosion des crimes, la Centrafrique approuve une loi sur la cybersécurité : <https://www.rfi.fr/fr/afrique/20240126-face-%C3%A0-l-explosion-des-crimes-la-centrafrique-approuve-une-loi-sur-la-cybers%C3%A9curit%C3%A9> (accessed on November 14, 2024)

256 Loi No 24-002 sur la cybersécurité et la lutte contre la cybercriminalité : https://arcep.cf/fr/images/documents/reglementation/lois/Loi_24_002_relative_a_la_cyber_securite.pdf (accessed on November 14, 2024)

as per the law.

On government requests for content take down sent to intermediaries, our research shows that CAR did not make any such request to Meta or to Google. Meta's Transparency Center²⁵⁷ shares that they do respond to government requests for data in accordance with applicable law and their terms of service. It is a good sign that the state seems to be fully compliant with this requirement of the Declaration in a sense that unlike countries like neighbor Cameroon or Kenya that have respectively requested two and 23 users/accounts information to Meta for the first semester of 2024.

Access to information

The Central African Republic has no law on access to information that obliges the government to be open and transparent in its processes nor to be open to journalists' requests for information. Freedom House's 2024 report says that, "Government operations are largely nontransparent, and civil society groups and others have limited opportunity to influence impending policy decisions. Citizens outside of Bangui have limited access to their legislators. President Touadéra and his inner circle pursued constitutional reform without consulting legislators or the wider public."

Such practice ensures citizens are unable to follow governmental actions and therefore not able to hold it accountable, suggestive of an authoritarian government. Being able to publicly access governmental information, enforced through the existence of such a law, is an essential practice of good governance which shows openness of the government towards citizen's participation. It is even worse if citizens from other regions (outside of Bangui) don't have easy access to their legislators and that the government does not care about involving the legislators in some of their constitutional reforms, let alone the general public.

This depicts the situation in the country in terms of openness. During a meet-up with the press²⁵⁸ organised by CAR's President, Faustin-Archange Touadéra in Bangui, some journalists were disappointed that he did not address many of the questions related to their activities including access to official sources information in public service entities which clearly does not make their work easy.

At the time of writing, official websites such as that of the government had outdated data such as on ongoing projects and it provides links to various ministries' online portals but many of these show "website under construction" while others have expired domain names. This is a similar situation for the Regulatory body's website which has outdated data not allowing readers or researchers to have access to real and accurate data on the development of the sector.

It is however worth noting that it is a practice by the Ministry of Information and Communication to conduct a press briefing every week in order to update citizens on major updates on the government policies and activities. This briefing is done on the national TV, the footage published on their dedicated Facebook page²⁵⁹, including a summary as bullet points. This practice is in line with Principle 29 of the Declaration on Proactive disclosure, especially on Section 3.²⁶⁰ But more needs to be done on that front in order to be fully compliant and the country should use sustainable channels such as websites rather than social media platforms to disclose information.

AI and Emerging Technologies national strategies

Despite the lack of specific legislation on artificial intelligence (AI) nor any such national strategy, Franck (name changed) shared: "We, as young people in the country, have started recognising the importance of this technology and we have therefore started learning and getting training on its applications such as in robotics". We spoke with Franck, 26, as part of conversations with local experts as part of this research.

257 Central African Republic: <https://transparency.meta.com/reports/government-data-requests/country/CF/> (accessed on January 13, 2025)

258 RCA : le président Touadéra fait face à la presse : <https://www.dw.com/fr/rca-pr%C3%A9sident-faustin-archange-touad%C3%A9r-face-presse/a-69843533> (accessed on January 13, 2025)

259 Conférence hebdomadaire du 11 novembre 2024 (Ministère de la Communication et des Médias – RCA) : <https://web.facebook.com/mincomrca/videos/1068003828248149/> (accessed on November 14, 2024)

260 ACHPR's Declaration, P29(3): "Information required to be proactively disclosed shall be disseminated through all available mediums, including digital technologies. In particular, States shall proactively publish information in accordance with internationally accepted open data principles."

The Central African Republic passed the Law no 22.004 of April 22, 2022 on Cryptocurrency²⁶¹ designed “to govern all transactions in cryptocurrencies and makes bitcoin a reference currency alongside the CFA Francs”²⁶², at the general surprise of everyone, being the first country in Africa to make such a move. Although this can be considered as a positive sign, the country is yet to leverage on that piece of legislation to bring positive development in the country.

Franck, 25, a student at a university in Bangui shared that they do not understand the plan their President has by bringing in conversations and legislations on technologies such as bitcoin rather than investing in more positive and progressive emerging technologies such as artificial intelligence which have many applications in their daily lives and have potential to help them compete in international contests, as developers.

Adoption of specific child laws, policies and measures promoting children’s digital safety and privacy online

There are a number of initiatives dealing with the protection of children in CAR from various issues such as against conflict-related consequences or any other abuses and violence but there is no readily available data that speaks about child online protection. In fact, the country adopted a Children’s Code²⁶³ in 2020 as well as the national strategy to end child’s marriage (2024-2027)²⁶⁴ but these speak more about other rights but nothing on their online presence such as ensuring their online presence is protected and regulated.

261 Loi sur la Cryptomonnaie en Centrafrique : <http://www.droit-afrique.com/uploads/RCA-Loi-2022-04-cryptomonnaie.pdf> (accessed on January 13, 2025)

262 Londa 2022 on CAR: <https://paradigmhq.org/wp-content/uploads/2023/06/CAR-Londa-2022.pdf> (accessed on January 13, 2025)

263 Declaration (MINUSCA): https://minusca.unmissions.org/sites/default/files/declaration_de_la_representante_de_lunicef_en_rca_et_du_representant_special_du_secretaire_general_pour_la_rca_et_chef_de_la_minusca_-15_juin_2.pdf (accessed on March 10, 2025)

264 La RCA adopte une stratégie nationale pour mettre fin au mariage des enfants (2024-2027) : <https://www.fillespasepouses.org/articles/la-r%C3%A9publique-centrafricaine-adopte-une-strat%C3%A9gie-nationale-pour-mettre-fin-au-mariage-des-enfants-2024-2027>

Conclusion and Recommendations

The Central African Republic has improved especially on the legislative front as well on freedom of expression compared to last year, but there is still a lot that needs to be done in order to better cater for the digital rights of CAR citizens. The following recommendations are therefore presented to the various stakeholders for action:

The Government and Regulator :

- The government should leverage the availability of the optic fiber and work with telecom operators to provide competitive connectivity offers to customers;
- The regulator (Arcep Centrafrique) should ensure the interests of end-users prevail against commercial interests of operators when deploying their services;
- The government should work at establishing the necessary entities to operationalize the Universal Service Fund, an important mechanism as per national laws, to support the deployment of technology infrastructures and connectivity to remote areas;
- The regulator should consider updating its public sources of information (such as its website) in order to allow researchers to access data on the evolution of the telecommunications market as it used to be the practice. The available data is outdated;
- With the laws on data protection and cybersecurity in place, the government should consider adopting implementing measures and join the Malabo Convention;

Civil society:

- Civil society groups should play the role of watchdog, ensuring the various government-led or announced projects in the digital area are implemented, especially those directed by available national laws and regulations;
- Civil society entities should consider funding opportunities such as through international donors and partnering with the government to develop digital literacy programs that will increase technology uptake in the country and therefore digital inclusion.

Private sector:

- Telecommunications companies should support the government in its efforts to develop and operationalise the Universal Service Fund to help deploy connectivity to underserved and unserved areas;
- 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;
- Telecommunications operators should leverage on the deployed optic fiber to increase capacity and provide broadband connectivity to citizens by considering tariffs that are affordable for the low-income users.

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
Internet Shutdowns	P38 (2)	5	The state has not condoned any network disruptions (such as internet shutdowns)
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	The state has shown efforts and good practices to ensure the availability of meaningful access to the internet for marginalised groups (such as the operationalisation of the fiber as well as the fact that the Regulator called for an audit in order to understand why access is high despite the presence of the fiber). But efforts need to be done, especially by making sure there are laws to back government efforts in support for meaningful connectivity.
False News Criminalisation	P22 (2)	2	On sanctions, the law on Freedom of communication refers to the Penal Code and speaks of a fine and jail for anyone who is found guilty of having authored or spread fake news and defamation. But there are no reports of this being applied in 2024. The state needs to look at this, stop criminalisation of fake news in order to be fully compliant.
Sedition Legislation	P22 (2)	2	Sedition (or similar actions such as defamation or rebellion) is somehow mentioned in CAR's legislation, specifically, authors are sentenced under the Penal Code. But there are no reports of this being applied in 2024. Yet, such provisions in the law should be repealed to ensure it is not hanging as a threat to freedom of expression.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20 (1) & (2)	3	RSF's barometer has recorded no journalist jailed or killed for 2024. There are at least a few reported cases of harassment and brief detention so the state can do better in ensuring HRDs and citizens across the country are free from harassments from other parties such as rebels and mercenaries. The country should also work at dealing with the insecurity that puts HRDs and citizens into fear of exactions from the military and mercenaries.
Data Protection Legislation.	P42	4	The state has adopted and enacted a law on the protection of personal data early in the year. However, the state should take action to adopt relevant regulations such as appointing and installing the Data Protection Authority in order to demonstrate independence in the management of cases.
States interfere and require the removal of online content by internet intermediaries	P38 and P39 (4)	3	Data on this indicator is not readily accessible on the government side but according to Meta Transparency Centre, CAR has made no such request for the last few years. It is however important that the government be proactive in disclosing compliance with due process in order to be fully compliant.

Invasion of Privacy of Communications	P41	4	The 2018 Electronic Communication law provides for judicial oversight with provisions on how best practices should be enforced. No readily available data present evidence of acts of invasion on people's communication privacy.
AI and Emerging Technologies national strategies	P39 (6)	2	There is no national strategy on AI but there is a law governing cryptocurrency that was adopted in 2022, the first in Africa.
Failure by the government to disclose or proactively disclose and disseminate information through digital technologies.	P29 (3)	1	There is no law on access to information in CAR, there is no up-to-date data on government-related websites platforms that disclose information, other than the mentioned Facebook page of the Ministry of communication and media for which this score is given as a starting point. But there is a lot that needs to be done for CAR to be fully compliant.
Digital Inclusion	P37 (3)	2	The USF is in the 2018 law but it is yet to be implemented to serve for its purpose. The government has also introduced optic fiber early this year in order to increase connectivity. But there are no direct government-led efforts such as impactful programs or measures to bridge the digital divide among various groups including vulnerable ones.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	1	There is no clear child online policy or law in CAR, other than the general provisions that cater for children's other broad rights.
TOTAL (up to 60)		31	

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**LONDA
2024**

Democratic Republic of Congo



Executive Summary

This report gives an overview of how digital rights and inclusion are being implemented in the Democratic Republic of the Congo, based on both quantitative and qualitative research.

Internet access, online freedom of speech, personal data protection, information access, artificial intelligence and new technologies, digital inclusion, and the Universal Service Fund were among the topics covered in the evaluation of laws and governmental policies.

In order to build administrative regulatory structures and harmonise legislation, as stipulated in the Digital Code, the institutional and regulatory frameworks pertaining to digital technology were examined. The National Digital Plan “Horizon 2025,” for example, is one of the government programs with a comparatively low implementation rate.

Concerning abuses of digital rights, especially with regard to online freedom of speech, internet access, and privacy protection, contrast with the little advancements that have been accomplished.

The paper offers suggestions to help improve the protection of digital rights, given the finding that these rights are not adequately protected or included in society.

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Introduction

On June 11, 2024, the National Assembly swore in the first government of Felix Tshisekedi's second term, which was led by a woman for the first time in the recent political history of the Democratic Republic of the Congo. The government's agenda included plans, projects, and actions aimed at advancing digital rights and inclusion.²⁶⁵

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²⁶⁵ In the Congolese government's Action Program 2024-2028, presented to the National Assembly in preparation for the inauguration of Prime Minister Judith Suminwa's government on June 11, 2024, Pillar III.2 is entitled: Digitization of Congolese society. In this pillar, Strategic Axis III.2.1 is devoted to the development of communications networks and Internet access. Programme-du-gouvernement-congolais-.pdf (accessed November 2, 2024).

Internet Access

The DRC has a low mobile phone subscription rate of 44.8%, in comparison to a sub-Saharan African average of 92%. The mobile internet penetration rate is 22% compared to an average of 43%.²⁶⁶

There has been a significant increase in the number of mobile subscriptions, with approximately 56.26 million subscribers and a penetration rate of 60%. However, the sector's revenue experienced a slight decrease of 3.73% compared to the previous quarter.²⁶⁷

The DRC is one of the countries targeted by the new Global Coalition to work towards mobile phone accessibility.

Launched in July by the Global Association of Telephone Operators (GSMA), this initiative aims to facilitate mobile phone acquisition for populations in low- and middle-income countries (LMICs) located in sub-Saharan Africa and South Asia, to promote internet consumption.

According to the GSMA, mobiles are the primary means of accessing the internet in Africa. As indicated by ARPTIC, in the DRC, 29.98 million people access mobile internet compared to 16 000 who use fixed connection, thus, representing a penetration rate of 31.5% and 0.017%, respectively. In such a country, promoting mobile access can increase internet consumption and generate revenue growth for access providers.²⁶⁸

Digitisation of the judicial system

The DRC's Supreme Council of the Judiciary issued a decision dated August 24, 2024, regarding the use of digital tools and computer equipment within civil and military courts and offices.²⁶⁹ Two software programs, developed with technical support from the UNDP, will be deployed in 14 cities, covering a total of 86 courts and prosecutors' offices.²⁷⁰ However, it is necessary to await their actual use to assess the impact of these two software programs on improving the functioning of the judicial system.

Freedom of Expression

The Constitution is one of the texts that govern freedom of expression. However, it is the 2023 Press Law that presides over issues of content and freedom of expression online.²⁷¹ The Digital Code strengthens these by adding sanctions against misinformation and sexist comments online.²⁷²

Despite this guarantee, freedom of expression, information and opinion are subject to some violations.

266 DRC: disadvantaged areas awaiting state investment in telecoms (accessed November 2, 2024)

267 ARPTC, Mobile Telephony Market Observatory, 1st Quarter 2024 Report (accessed November 2, 2024)

268 Muriel EDJO, Mobile Internet in the DRC: a global coalition to change the game <https://www.agenceecofin.com/inter-net/1307-120283> (accessed November 2, 2024)

269 csm-rdc.cd <https://csm-rdc.cd> (accessed November 3, 2024)

270 These are the Judicial Activities Management Information System (SIGAJ) and the Magistrates' Management Information System (SIGM).

271 Articles 4 and 5 of Ordinance-Law No. 23/009 of March 13, 2023 establishing the modalities for exercising freedom of the press, freedom of information and broadcasting by radio and television, the written press or any other means of communication in the Democratic Republic of Congo, See also Scott MAYEMBA, New press law in the DRC: Progress and status quo of the reform of the law on the exercise of freedom of the press Policy-brief-1.pdf (accessed November 16, 2024)

272 Articles 368 and 369 of Ordinance Law No. 23/010 of March 13, 2023 relating to the Digital Code ISIG-Library: ORDER LAW 23-010 OF MARCH 13 RELATING TO THE DIGITAL CODE (consulted on November 28, 2024)

Restricting the freedom of the press to report on the DRC's armed conflict

The Higher Council for Audiovisual and Communication (CSAC) issued a directive²⁷³ requiring media outlets not to broadcast debates on Congolese army operations without the presence of at least one “expert on the subject.” It also asked journalists to avoid “phone-in programs on military operations” and to refrain from interviewing “negative forces,” a vague and imprecise term that can justify arbitrary bans.²⁷⁴ This CSAC directive constitutes a serious violation of press freedom.²⁷⁵

Similarly, the CSAC recommended that media outlets no longer “broadcast information related to the rebellion in the east of the country without complying with the official government sources.”²⁷⁶ The state’s intention to limit press freedom is shown in this recommendation.

Suspension of a journalist from a public media outlet

For failing to reframe his guest’s (a musician’s) remarks regarding the armed conflict in the Democratic Republic of the Congo (DRC), a journalist from Congolese National Radio and Television (RTNC) was suspended, along with his program.²⁷⁷

Suspension of broadcasts

A political program, Bosolo na Politik, and its host were also suspended from broadcasting for 30 days.²⁷⁸

A plan to regulate traditional and social media

Given the negative consequences of social media use, the CSAC proposed a strategy for social and conventional media regulation to the Head of State.²⁷⁹

Digital identity and the Digital Counter

The law provides that the State shall carry out, employing electronic identification, the general identification of the population and issue a national identity card with a unique identifier to nationals.²⁸⁰

To operationalise this identification, the Prime Minister must issue a decree that outlines the components, technical requirements, methods, and schemes of electronic identification, as well as the interoperability framework and the degree of assurance required to certify the identification.²⁸¹

The Prime Minister’s decree on the operationalisation of electronic identity and the establishment of the Digital Counter in compliance with the law are not being signed quickly enough for the DRC’s Digital Counter (GN-RDC).²⁸² This regrettable situation hinders regulatory development towards an effective digital identity system.

Implementation of the National Digital Plan “Horizon 2025”

The National Digital Plan “Horizon 2025” is a strategic planning document that covers the country’s

273 Press release No. CSAC/002/B/02/2024 of February 23, 2024 Security crisis in the east, DRC: CSAC calls on Congolese media to show patriotism (accessed November 3, 2024)

274 Idem

275 Media Freedom Should Not Be Targeted in DR Congo | Human Rights Watch (accessed November 18, 2024)

276 Recommendation of the CSAC Plenary of April 4, 2024

277 Public media journalist suspended after broadcast with musician - ACP (accessed November 4, 2024)

278 Media: The popular show “Bosolo na politik officielle” suspended for 30 days (accessed November 4, 2024)

279 DRC: a plan to regulate traditional and social media presented to Tshisekedi - ACP (accessed November 4, 2024)

280 Article 172, paragraph 1, Ordinance-Law No. 23/010 of March 13, 2023 relating to the Digital Code

281 Articles 173, Ordinance-Law No. 23/010 of March 13, 2023 on the Digital Code, Congolese Digital Code | <https://droitnumerique.cd/code-du-numerique-congolais-rdc-pdf/>

282 Article 41 of Articles 173, Ordinance-Law No. 23/010 of March 13, 2023 on the Digital Code, Congolese Digital Code | Droit-Numérique.cd

digital development strategy by 2025.²⁸³ Although its level of execution is not satisfactory, it is due to expire on December 31, 2025.²⁸⁴

In the absence of updated evaluation reports, it can be assumed that the “remaining” projects are being implemented so that by 2025, all assigned objectives will be achieved.

Data protection

The Digital Code devotes its Title III to the protection of personal data and data related to private life.

The ideal approach would have been to provide for a special law devoted exclusively to data protection, as elsewhere,²⁸⁵ instead of inserting the relevant provisions into a “Digital Code”.

Even then, the Data Protection Authority provided for in the Digital Code²⁸⁶ has not yet been established. Curiously, the authority to carry out all the missions assigned to it has been assigned to ARPTIC.²⁸⁷

This leads to regulatory chaos, which may make it more difficult to put in place a reliable data protection strategy.

Regulatory Authority

Although the Digital Code calls for the establishment of multiple autonomous administrative bodies tasked with overseeing the digital industry,²⁸⁸ the Prime Minister’s directive.²⁸⁹ The supervisory minister has given ARPTIC the duties previously assigned to three of these organisations.²⁹⁰ These are the Digital Regulatory Authority, the National Electronic Certification Authority and the Data Protection Authority.²⁹¹

This decision may give rise to a conflict of jurisdiction. It is also questionable whether ARPTIC has the resources and expertise necessary to fully assume all these responsibilities.²⁹²

In light of this regulatory clamour, we must push for the revocation of this order and the creation of legally mandated regulatory bodies.

283 PRESIDENCY OF THE REPUBLIC, National Digital Plan, Horizon 2025, for a connected and efficient DR Congo, Kinshasa, September 2019, pp. 1-126. DRC Presidency (accessed November 28, 2024)

284 The only official evaluation report on the implementation of this plan that is available indicates that of the 69 projects included in the PNN, 33 have been initiated, 15 of which are fully completed and 18 are in the operational phase. See Agence pour le Développement du Numérique, RAPPORT-EVALUATION-DE-LA-MISE-EN-IMPRE-DU-PNN-HORIZON-2025-_VF03.pdf, (accessed November 6, 2024)

285 The example of South Africa, Protection of Personal Information Act (POPI Act) - POPIA, of Cameroon Law No. 2024/017 of December 23, 2024 relating to the protection of personal data in Cameroon of Côte d'Ivoire, Law No. 2013-450 relating to the protection of personal data, of Senegal Law No. 2008 – 12 on the Protection of personal data, and of Zimbabwe Cyber and Data Protection Act, 2021 - ZimLII (consulted on February 9, 2025)

286 Based on the provisions of Article 186 Articles 173, Ordinance-Law No. 23/010 of March 13, 2023 relating to the digital code, Congolese digital code | Droit-Numérique.cd

287 Article 1 of Ministerial Decree No. CAB/MIN/PT&N/AKIM/KL/KBS/051/ 2024 of August 17, 2024 harmonizing the methods of implementing the regimes of Ordinance-Law No. 023/010 of March 13, 2023 Official Journal – Special Issue – September 18, 2024,

288 The National Digital Council, the Digital Regulatory Authority, the National Electronic Certification Authority, the Data Protection Authority, the National Cybersecurity Agency, and the Digital Counter of the DRC

289 Articles 7 and 9 of the Congolese Digital Code

290 Brozeck KANDOLO, Digital regulation in the DRC: ARPTIC invested as single authority for digital regulation, electronic certification and data protection Droit-numérique.cd - file n° 4 – October 2024, Regulation-du-numérique-en-RDC-IARPTIC-Brozeck-Kandolo-3 (3).pdf (accessed November 4, 2024)

291 Article 1 of Ministerial Decree No. CAB/MIN/PT&N/AKIM/KL/KBS/051/2024 of August 17, 2024 harmonizing the implementation procedures of the regimes of Ordinance-Law No. 023/010 of March 13, 2023 on the Digital Code and Law No. 20/017 of November 25, 2020 relating to telecommunications and information and communication technologies in the Democratic Republic of Congo, Official Journal – Special Issue – September 18, 2024, Op.cit.

292 Idem

Lastly, there is currently little sign that the independence of these administrative regulatory authorities will be effective. To evaluate their level of autonomy in overseeing the nation's digital industry, we must wait for their actual establishment.

Access to information

On October 30, 2024, a measure was presented to the National Assembly to ensure “access to information and transparency in public life” in the DRC.²⁹³ Article 24 of the Constitution, which guarantees respect for public order and the rights of others while enshrining the freedom of the press and expression, is materialised in this law, which has 75 provisions.

It is anticipated that this bill will close the legal gap on information access in the Democratic Republic of the Congo once it is adopted and enacted, which may happen in 2025.

Artificial Intelligence

Given the underdeveloped nature of legislation and considering the benefits, it is time for the Congolese authorities to legislate on artificial intelligence. At the regional level, however, the continental strategy and the African Digital Compact²⁹⁴ lay the foundations for the future.

Digital Inclusion

In the DRC, the Universal Service Fund (FSU) is not implemented effectively. It is not being managed at its best by the Universal Service Development Fund (FDSU). On the one hand, telecom firms have not made their complete 2024 mandatory contributions.²⁹⁵ Neither the FDSU nor the Congolese government have released a report on the precise amount that telecom companies have paid. Given that the Decree creating, structuring and running the FDSU does not outline the penalties to which these businesses are subject in the event that their contributions are not paid, this lack of transparency is all the more concerning. Additionally, Gigabytes, the most popular mobile internet bundles in the nation, are still thought to be expensive.

293 Bill transmitted to the President of the National Assembly by MP Jacques NDJOLI ENSEG'EKELI by his correspondence referenced No. 081/AN/RAPP/DEJ/SECAB/ELG/2024 on October 30, 2024

294 44005-doc-FR_The_African_Digital_Pact.pdf | African Union (accessed November 16, 2024)

295 Article 33. 2 Decree No. 22/51 of December 30, 2022 establishing, organizing and operating a public establishment called the Universal Service Development Fund, FDSU in acronym, stipulates that The financial resources of the FDSU consist in particular of a levy of 3% of the turnover of operators in the telecommunications and information and communication technologies sector Decree No. 22/51 of December 30, 2022 establishing, organizing and operating a public establishment called the Universal Service Development Fund, FDSU in acronym

Conclusion:

An institutional structure that is lacking and a regulatory framework that could be enhanced

Due to statutory loopholes, an unfinished institutional framework and dysfunctions that erode the protective framework, the DRC's digital rights guarantee is often inadequate.

Legislation must therefore be harmonised, and implementing measures for the digital code must be developed. To finish the reforms in the fields of cybersecurity, data protection, electronic certification and digital identification, different regulatory bodies will be set up.

Given the pervasive ignorance and frequent infractions, it is highly recommended that people receive legal knowledge and digital training.

Moreover, it is the government's responsibility to promote inclusion by taking the necessary measures to facilitate access to the Internet for populations living in rural areas.

Recommendations

Government

- Accelerate the implementation of measures implementing the Digital Code
- Publish the implementation report of the National Digital Plan “Horizon 2025”
- Promote digital training
- Invest in the expansion of telecommunications infrastructure to improve internet access
- Adhere to the African Union (AU) Convention on Cybersecurity and the Protection of Personal Data

Parliament

- Accelerate the adoption of the Access to Information Act.
- Legislate on artificial intelligence.

Civil Society Organizations

- Advocate for each telecommunications company to make 3% of its turnover available to the FDSU
- Working with the media, raise awareness against hate speech in the digital public space
- Investigate digital rights violations

Media

- Strengthen digital capabilities
- Respect professional ethics
- Avoid spreading misinformation and hate speech

The Score Index

Key Indicators of Londa 2025	ACHPR Statement	Score	Justification
Internet Outages	P38(2)	3	Since 2019, there have been no internet shutdowns during elections or protests
Lack of laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the Internet	P37	3	There are some policies and initiatives, but more implementation measures and political will are needed.
Criminalisation of fake news	P22(2)	1	The Criminal Code (Art. 199) and the Digital Code (Art. 360) criminalize fake news and false rumors, including those committed through social networks, computer systems, electronic communication networks or any form of electronic media.
Sedition Legislation	P22(2)	1	Laws that are unclear and noncompliant. Article 68 of the penal code refers to the detention of individuals to sell them as slaves, while Article 68 of the military penal code refers to rebellion and insurrection.
Arbitrary arrests and harassment of media, human rights defenders and citizens	P20(1) & (2)	1	In 2024, several arbitrary arrests and detentions of HRDs, journalists and pro-democracy activists were reported by the United Nations and human rights NGOs.
Data protection legislation.	P42	3	The legislation exists. Not its implementing measures.
States intervene and demand the removal of online content by internet intermediaries	P38 and P39(4)	3	Lack of clear policy and illustrative cases
Invasion of communications privacy	P41	2	Intelligence services and police violated the confidentiality of communications to justify prosecutions of journalists, HRDs and opponents
Failure of the government to proactively disclose and disseminate information about digital technologies.	P29(3)	2	Lack of a national digital awareness policy

National strategies on artificial intelligence and emerging technologies	P39(6)	2	Absence of specific national legislation.
Adoption of laws, regulations, and policies tailored to children that support their online privacy and safety	P37 (5)	3	Legislation exists. Lack of specific measures promoting digital security and children’s privacy online.
Digital inclusion	P37(3)	2	Some initiatives and policies, but are deficient
TOTAL (up to 60)		26	



Executive Summary

This report is an evaluation of the state of digital rights in Egypt in 2024 and serves as complementary to the Londa Egypt report published in 2023.⁸⁴³ Although, there is no significant change or progress in the state of digital rights in Egypt during the covered period, this report reflects the continuous practices that present the closing of digital civic space in Egypt. The Londa report 2024 highlights the use of different legal tools as justification to abuse the digital rights and affirms the inefficiency of adopted safeguards. The focal points of this assessment encompass themes such as internet accessibility and interruptions, freedom of expression in online spaces, privacy and surveillance issues, data protection, cybersecurity, the Universal Service Fund, and advancements in Information and Communication Technologies (ICTs), along with emerging technologies. The findings of this report highlight that while some of the current legal frameworks safeguard the digital rights of internet users, paradoxically, some provisions enable digital rights abuses and are a means to restrict the digital civic space.

The report employed both analytical and qualitative research methodologies. Secondary data was gathered through an extensive literature review, delving into the primary themes discussed within. The proposed recommendations advocate for the implementation of dedicated legislation governing the creation and utilisation of artificial intelligence (AI) systems, focusing on adopting approaches that prioritise human rights in the digital age. It is also imperative to formulate executive regulations (bylaws) to streamline the enforcement of data protection laws. Additionally, introducing access to information law is essential to foster governance that is both transparent and accountable. The report uses a digital rights index to evaluate compliance of Egypt with regard to key human rights elements and is inspired by the African Commission on Human and Peoples' Rights' *Declaration of Principles on Freedom of Expression and Access to Information*.⁸⁴⁴

⁸⁴³ Mohamed Farahat, Egypt Digital Rights And Inclusion 2023 Report, Londa, Paradigm Initiative

<https://paradigmhq.org/wp-content/uploads/2024/06/Egypt-Londa-Report.pdf>

⁸⁴⁴ <https://achpr.au.int/en/node/902>



Introduction

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Egypt is a North African country with an estimated population of 117,406,765 by December 2024⁸⁴⁵. In 2024, 41% of the total population lived in urban areas and 59% of the total population reside in rural areas⁸⁴⁶. The country is party to several international human rights binding treaties that emphasise and guarantee internet freedoms and digital rights, such as the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, and the Arab Convention of Anti-Information Technology Crimes (Cybercrimes). Egypt is yet to ratify the 2014 African Union Convention on Cyber Security and Personal Data Protection (the Malabo Convention). It is therefore envisaged that Egyptian domestic laws need to be aligned with existing international human rights laws and standards.

Since 2018, Egypt has been enacting legislation that significantly shapes the landscape of digital rights. Laws that govern internet freedoms include the Personal Data Protection Law No. 151 of 2020 and the Law no. 175 of 2018 combating information technology crimes.⁸⁴⁷ Egypt also enacted national security and anti-terrorism laws. However, rather than primarily safeguarding digital rights, these legislative frameworks have often been utilised to restrict the civic space. Regrettably, the implementation of these measures has also had adverse consequences on media freedoms.⁸⁴⁸

Moreover, in the aftermath of the COVID-19 pandemic, Egypt continues to grapple with the dissemination of false information in its various manifestations, such as misinformation and disinformation.⁸⁴⁹ It is, therefore, evidently imperative to adopt access to information legislation to guarantee the proactive dissemination of credible information to the public by relevant stakeholders and to prevent spreading false information. Generally, there was no significant improvement in the digital rights situation in Egypt in 2024, juxtaposed with the developments observed over the preceding five years. According to Freedom House, Egypt's score for internet freedom was 26 out of 100 in 2019, 27 out of 100 in 2020, and 28 out of 100 in 2023 and 2024.⁸⁵⁰ Throughout the five-year period, Egypt was classified as "not free" in the category of internet freedom. The subsequent sections of this report explore the reasons behind the low rate of internet freedoms, examining whether the root cause lies in legislation or its execution.

This report examines the state of digital rights and digital inclusion in Egypt in 2024. It covers the dynamics of internet freedom, the right to privacy, surveillance, online expression, data protection, the universal service fund and AI regulation.

845 Worldometers, Egypt , <https://www.worldometers.info/world-population/egypt-population/>

846 . Worldometers, Egypt, <https://www.worldometers.info/demographics/egypt-demographics/#urb>

847 Mohamed Farahat, (2021). Egypt Digital Rights And Inclusion, LONDA, Paradigm Initiative,. <https://paradigmhq.org/wp-content/uploads/2021/05/Ir-Egypt-Digital-Rights-Inclusion-2020-Report.pdf> , Mohamed Farahat (2021) , Egypt Digital Rights Landscape Report, in T. Roberts (ed.), Digital Rights in Closing Civic Space: Lessons from Ten African Countries, Brighton: Institute of Development Studies, DOI: 10.19088/IDS.2021.014. AND, Miral Sabry AlAshry, op.cit.,

848 Miral Sabry AlAshry (2022) A critical assessment of the impact of Egyptian laws on information access and dissemination by journalists, Cogent Arts & Humanities. P. 1. DOI: 10.1080/23311983.2022.2115

849 Mohamed Farahat, Coronavirus Trials in Egypt: Blurring the Lines Between Fake News and Freedom of Expression, SMEX.

850 Freedom House, "Freedom On The Net 2024, Egypt", <https://freedomhouse.org/country/egypt/freedom-net/2024#B>
Accessed 20/12/2024.

Internet Access

As reported by the Egyptian Ministry of Communication and Information Technology (MCIT), in the period from April to June 2024, the mobile subscriptions was 110.41 million⁸⁵¹ which constitutes 94% of the total population. According to the International Telecommunication Union (ITU), in 2022, mobile telephone subscriptions reached 93%.⁸⁵² In November 2023, the percentage soared to 96.73%.⁸⁵³ Subscribers numbered 102.77 million in March 2023⁸⁵⁴, and this figure increased to 103.74 million by November 2024.⁸⁵⁵ From April to June 2024, the fixed line subscriptions stood at 12.84 million, with 10 million in urban areas and 2.84 million in rural areas⁸⁵⁶

At the beginning of 2024, there were 82.01 million internet users in Egypt, when internet penetration was 72.2%⁸⁵⁷. According to the Speedtest Global Index, the speed of fixed broadband in Egypt in November 2024 was 76.67 Mbps, ranking 81 globally out of 154 country⁸⁵⁸, while in October 2023 it was 61.22 Mbps, ranking 83rd globally.⁸⁵⁹ In terms of mobile speed, it was 24.7 Mbps, ranking 92 globally out of 110 countries⁸⁶⁰. Regarding internet connectivity, the year 2024 witnessed an increase in the percentage of internet penetration, as 83.02 % of the population was connected⁸⁶¹, compared to 71.9% in 2022⁸⁶². In the start of 2023, only 72.2% of the population was connected⁸⁶³, This percentage was the same by January 2024⁸⁶⁴. It is worth mentioning that there is some analysis indicating an increase in the number of internet users in Egypt. According to “Kepios analysis indicates that internet users in Egypt **increased** by **1.3 million** (+1.6 percent) between January 2023 and January 2024.”⁸⁶⁵ in terms of mobile network coverage, in 2024,⁸⁶⁶ 99.89 % of the population was covered by 3G mobile network, while 99.62% was covered by 4G mobile network.⁸⁶⁷ Egypt is one of 14 countries in Africa where 5G networks are being tested or widely deployed.⁸⁶⁸ Other African countries, including North African countries, still invest in 4G networks.⁸⁶⁹ Egypt has achieved remarkable strides in connectivity and is among the leading countries on the continent in this regard.

In the context of social media users, there were 45.40 million social media users in Egypt

851 Ministry of Communications and Information Technology, ICT Indicators in Brief June 2024 | Quarterly Issue. P.2. https://mcit.gov.eg/Upcont/Documents/Publications_992024000_ICT_Indicators_Quarterly_Bulletin_Q2_2024.pdf

852 International Telecommunication Union (ITU), (2022), The Digital Development Dashboard, Egypt. P1. https://www.itu.int/en/ITU-D/Statistics/Documents/DDD/ddd_EGY.pdf

853 Ministry of Communications and Information Technology, ICT Indicators in Brief December 2023 | Monthly Issue. P.2. https://mcit.gov.eg/Upcont/Documents/Publications_1512024000_ICT_Indicators_in_Brief_December_2023_15012024.pdf

854 Ministry of Communications and Information Technology. (2021-2022). Survey of ICT usage in household and individuals. Retrieved from https://mcit.gov.eg/Upcont/Documents/Publications_1272023000_ICT_Indicators_Quarterly_Bulletin_Q1_2023.pdf

855 Ministry of Communications and Information Technology, ICT Indicators in Brief December 2023 | Monthly Issue. P.2. https://mcit.gov.eg/Upcont/Documents/Publications_1512024000_ICT_Indicators_in_Brief_December_2023_15012024.pdf

856 Ministry of Communications and Information Technology, ICT Indicators in Brief June 2024 | Quarterly Issue. P.2. https://mcit.gov.eg/Upcont/Documents/Publications_992024000_ICT_Indicators_Quarterly_Bulletin_Q2_2024.pdf

857 Data Reportal , Egypt 2024, <https://datareportal.com/reports/digital-2024-egypt?rq=egypt>

858 . Speedtest Global Index. Egypt's Mobile and Broadband Internet Speeds - Speedtest Global Index

859 Speedtest Global Index. <https://www.speedtest.net/global-index/egypt#mobile>

860 Speedtest Global Index. Egypt's Mobile and Broadband Internet Speeds - Speedtest Global Index

861 Stasista, Digital & Connectivity Indicators – Egypt. <https://www.statista.com/outlook/co/digital-connectivity-indicators/egypt#:~:text=The%204G%20network%20coverage%20in,to%20amount%2099.89%25%20in%202024>

862 Data Reportal , Egypt 2022, <https://datareportal.com/reports/digital-2022-egypt>

863 Data Reportal , Egypt 2023, <https://datareportal.com/reports/digital-2023-egypt>

864 . Data Reportal , Egypt 2024, <https://datareportal.com/reports/digital-2024-egypt>

865 Data Reportal , Egypt 2024, <https://datareportal.com/reports/digital-2024-egypt>

866 Figures of 2023 were not available during the time of writing this report.

867 Stasista, Digital & Connectivity Indicators – Egypt. <https://www.statista.com/outlook/co/digital-connectivity-indicators/egypt#:~:text=The%204G%20network%20coverage%20in,to%20amount%2099.89%25%20in%202024>.

868 Diplo Foundation , Status of internet access and connectivity in Africa, <https://www.diplomacy.edu/resource/report-stronger-digital-voices-from-africa/internet-access-connectivity-africa/>

869 Diplo Foundation , Status of internet access and connectivity in Africa, <https://www.diplomacy.edu/resource/report-stronger-digital-voices-from-africa/internet-access-connectivity-africa/>

in January 2024, equating to 40% of the total population⁸⁷⁰. According to statcounter, in the period from November 2023 through November 2024, 63.96% of the population was using Facebook, 18.57% using Instagram, 9.7% using YouTube, 4.17% using Twitter, and 0.68% using LinkedIn.⁸⁷¹

Privacy and Surveillance

As mentioned earlier, Egypt is a party to most of the international human rights binding treaties which emphasise and guarantee the rights to privacy and prohibit unlawful surveillance practices. Principle 40 of the African Commission on Human and Peoples' Rights' (ACHPR) 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration) states that "everyone has the right to privacy, including the confidentiality of their communications and the protection of their personal information and everyone has the right to communicate anonymously or use pseudonyms on the internet and to secure the confidentiality of their communications and personal information from access by third parties through the aid of digital technologies".⁸⁷²

Article 57 of the Constitution provides the protection to the right to privacy and this provision aligns with principle 40 of the ACHPR 2019 Declaration and other international human rights treaties and standards. Article 57 states that "the right to privacy may not be violated, shall be protected and may not be infringed upon. Postal, telegraphic, and electronic correspondence, telephone conversations, and other means of communication are inviolable, their confidentiality is guaranteed, and they may not be confiscated, viewed, or monitored except by a reasoned judicial order for a specific period and in the circumstances specified by law."⁸⁷³ The State is also committed to protecting citizens' right to use public means of communication in all its forms. It is not permissible to disrupt, stop, or deprive citizens of them arbitrarily. While this is regulated by law, other laws have provisions that undermine the right to privacy, as expounded later in this report. In terms of promoting children's digital safety and privacy online, Egypt adopted different laws seeking to protect children in general including in digital sphere such as children law no 12 of year 1996, Penal Code, cybercrimes law, data protection law, and law no 64 of year 2010 in concern of combat trafficking in persons.

In addition, Article 99 of the Constitution establishes the right to remedies and compensation for damage resulting from abuse of privacy. Article 99 stipulates that "any violation of personal freedom, or the sanctity of the private life of citizens, or any other public rights and freedoms which are guaranteed by the Constitution and the Law is a crime. The criminal and civil lawsuit arising from such crime shall not abate by prescription. The affected party shall have the right to bring a direct criminal action."⁸⁷⁴ The right to remedy and compensation are guaranteed by the Constitution and also guaranteed under article 163 of civil law; In particular, there are many compensation claims submitted to Egyptian courts for breach of privacy with final judgement in favour of affected persons

Article 25 of Law No. 175 of 2018 on Combating Information Technology Crimes criminalises the breach of the family's principles and values of Egyptian society and the violation of the inviolability of private life. It is punished by imprisonment for a period of not less than six months and a fine of not less than 50,000 Egyptian pounds (USD 1600) and not exceeding 100,000 pounds (USD 3200). The same Article includes some actions that constitute a breach of privacy, such as sending a large number of messages electronically to a specific person without his consent, granting data to a system or website to promote goods or services without their consent, or publishing, via the information network or by any means of information technology, information, news, pictures, and the like, that violate the privacy of any person without his consent, whether the published information is correct or incorrect. Article 26 of the same law added that "anyone who intentionally uses an information program or information technology to process personal data of others in order to link it to content that is contrary to public morals or to display it in a way that would infringe on his character or honour. In the same context, Article 20 of Law No. 180 of 2018 regarding Regulating the Press, Media, and the Supreme Council for Media Regulation stipulated that "It is prohibited in any means of publication or broadcast to breach the private lives of citizens".

870 Data portal <https://datareportal.com/reports/digital-2024-egypt?rq=egypt>

871 StateCounter, Global State, Social Media Stats Egypt , Nov 2023 - Nov 2024 <https://gs.statcounter.com/social-media-stats/all/egypt>

872 African Commission on Human and Peoples' Rights ,the Declaration of Principles on Freedom of Expression and Access to Information in Africa, 2019.

873 Egypt , Constitution 2014 article 57.

874 Constitution article 99.

In terms of surveillance practices in Egypt⁸⁷⁵ according to principle 41 of the ACHPR 2019 Declaration, states shall rely on it if it is “authorised by law, that conforms with international human rights law and standards, and that is premised on specific and reasonable suspicion that a serious crime has been or is being carried out or for any other legitimate aim”.⁸⁷⁶ In the Egyptian context, community standards and ensuring national security are always used as justification for undertaking surveillance.⁸⁷⁷ Under the regime of Hosni Mubarak surveillance practices were primarily focused on monitoring terrorist activities. However, the dynamics have transformed significantly in the aftermath of the 2011 revolution and subsequent political events, emanating from the pivotal role that social media played. Surveillance measures have expanded beyond tracking terrorist activities. Rigorous steps were implemented to regulate internet access and scrutinise online content. Legislation is used to ban websites, obtain personal data, abuse citizens’ right to privacy and criminalise the right to freedom of expression through allegations of disseminating false news.⁸⁷⁸

As already stated, Article 57 of the Constitution prohibits surveillance except when authorised by a judicial order, strictly for a defined duration, and in cases specified by the law. Article 71 of the Constitution stipulates that “it is prohibited to censor, confiscate, suspend or shut down Egyptian newspapers and media in any way. In exceptional circumstances, they may be subject to limited censorship in times of war or general mobilisation”.⁸⁷⁹ However, the same laws contain specific provisions that grant powers to the authorities to block websites that are deemed a threat to national security. Article 1 of the Cybercrimes Law No. 175 of 2018 defines national security as everything related to the independence, stability, and security of the homeland and anything linked to affairs of the Presidency, the Ministry of Defense and General Intelligence. The term ‘national security’ is vague and shrouded in ambiguity. The lack of clarity in defining national security bestows unfettered discretionary powers upon the authorities, allowing them to decide which actions may pose a threat to national security. Although the Constitution prohibits surveillance practices without a judicial order, the different laws provide the legal basis for surveillance, such as Telecommunications Regulation Law No. 10 of 2003, Personal Data Protection Law No. 151 of 2020, Anti-Terrorism Law No. 94 of 2015, Anti-Cyber and Information Technology Crimes no. 175 of 2018, and Emergency Law no. 162 of 1958.⁸⁸⁰ On the basis of the information already provided, it can be asserted that the existing laws exhibit a partial alignment with international human rights standards at a superficial level. However, the same laws contain provisions that undermine digital rights.

Irrespective of the Egyptian legal framework which to some extent protects the right to privacy, the actual practice witnessed served as abuse to this fundamental right, and demonstrates that the existing legal framework was used to justify the digital surveillance. For instance, according to Thomson Reuters Foundation, the new administrative capital was deployed by 6000 surveillance camera⁸⁸¹. According to People in Need, “Digital censorship was evident, in the period between May 2023 and 1 May 2024, there were five instances where digital platforms were blocked, further restricting access to information and limiting journalistic freedom⁸⁸²” In the same context and according to Freedom House, “Egyptian governments use Sandvine devices to block websites

875 For detailed information about surveillance practices and related framework refer to Mohamed Farahat (2021), Egypt country report, in *Surveillance Law in Africa: a Review of Six Countries*, Brighton: Institute of Development Studies, pp.48-70. DOI: 10.19088/IDS.2021.059

876 African Commission on Human and Peoples’ Rights, *The Declaration of Principles of Freedom of Expression and Access to Information in Africa 2019*.

877 OpenNet Initiative (September 2004). *A Starting Point: Legal Implications Of Internet Filtering*.

878 Mohamed Farahat (2021), Egypt country report, in *Surveillance Law in Africa: a Review of Six Countries*, Brighton: Institute of Development Studies, p.48. DOI: 10.19088/IDS.2021.059

879 Constitution article 71

880 Mohamed Farahat (2021), Egypt country report, in *Surveillance Law in Africa: a Review of Six Countries*, Brighton: Institute of Development Studies, pp.53-56. DOI: 10.19088/IDS.2021.059

And , Mohamed Farahat ,Mohamed Farahat, Egypt Digital Rights and Inclusion 2020 report, LONDA, Paradigm Initiative <https://paradigmhq.org/wp-content/uploads/2021/05/Ir-Egypt-Digital-Rights-Inclusion-2020-Report.pdf>

881 . Thomson Reuters Foundation, CCTV cameras will watch over Egyptians in new high-tech capital,4 January 2023.

882 People in Need, Report: Violations of journalist and media rights in Egypt (May 2023 - May 2024), Published: Sep 20, 2024. <https://www.>

and monitor, prevent, or tamper with connections”⁸⁸³. The flagship product of Sandvine “is deep packet inspection (DPI) which is a common tool used by ISPs and telecom companies to monitor traffic and prioritize certain types of content, however it is also used to divert traffic away from sites or social media platforms and into dead ends, effectively censoring them.”⁸⁸⁴ According to WIRED website, “In February 2024, the US Department of Commerce added Sandvine to its Entity List, effectively blacklisting it from doing business with American partners due to the fact that the company’s technology was used in mass-web monitoring and censorship in Egypt contrary to the national security and foreign policy interests of the United States.”⁸⁸⁵

Online Freedom of Expression

The ACHPR 2019 Declaration stresses the importance of both rights and states that “[t]he respect, protection and fulfilment of these rights is crucial and indispensable for the free development of the human person, the creation and nurturing of democratic societies and for enabling the exercise of other rights”.⁸⁸⁶ This segment of the report underscores the correlation between freedom of expression and the right to access information. When both rights are guaranteed without undue restrictions, it contributes to combating the spreading of false news while promoting freedom of expression, including the right to engage in constructive criticism of government policies.

Despite the surveillance practices outlined earlier, it is essential to underscore the constitutional assurance of freedom of expression. Article 65 guarantees freedom of thought and opinion and all individuals have the right to express their opinions through various means of expression and publication, including digital platforms. However, Article 102 (Bis) of the Penal Code criminalises broadcasting false news, statements, or rumours, particularly if such actions are considered to potentially disturb public security, spread terror among people, or jeopardise public interest. While the legitimacy of criminalising the publication of false news is acknowledged, the existing legal framework does not define the parameters of what constitutes harm to public security and interest. Moreover, article 19 of Law No. 180 of 2018, Regulating the Press, Media, and the Supreme Council for Media Regulation, prohibits the publication of false news, incitements of violations of the law, promotion of violence or hatred, and discrimination between citizens. It also forbids publication of content that endorses racism or includes an abuse of the honour of individuals, cursing or slandering them, or insulting religions. Article 4 of this law also restricts the publication of content that contradicts the Constitution. In this regard, it explicitly prohibits the promotion of activities that encourage legal violations, contravene the professional code of honour, disrupt public order, or undermine public morals. The Article also prohibits the propagation of content that fosters discrimination, violence, racism, or hatred.

Evidently, the aforementioned provision exhibits legal deficiencies characterised by the utilisation of ambiguous terms like “public order” and “public morality.” It also fails to specify actions deemed as detrimental to the honour of individuals. The lack of precision raises concerns regarding the clarity and enforceability of the provision, warranting a careful reassessment to enhance its legal robustness and effectiveness. Also, the absence of a well-defined legal framework that distinguishes between misinformation and the lawful dissemination and unrestricted flow of information poses a significant challenge to the preservation of freedom of expression that is constitutionally guaranteed. The country’s 2021 National Human Rights strategy that was developed by the government acknowledges “the lack of a legal framework regulating access to and circulation of official information, data, and statistics, albeit being a constitutional right”.⁸⁸⁷

Egypt is yet to enact an access to information law, a situation which is contrary to the aspiration enshrined under principle 26 of the ACHPR 2019 Declaration which stipulates that the law shall guarantee the right of access to information. Therefore, dissemination of information that deviates from official government publications is consistently deemed a violation, constituting the offence of disseminating false information.

883 Freedom House, Key Developments, June 1, 2023 - May 31, 2024. https://freedomhouse.org/country/egypt/freedomnet/2024#footnoteref15_SkyY8W4xsgQfWO6slCXHW5-YXwAktvCYGYMgBYfXwANI_nhebWdJe4puP

884 WIRED, Dictators Used Sandvine Tech to Censor the Internet. The US Finally Did Something About It, Feb, 2024. <https://www.wired.com/story/sandvine-us-sanctions-egypt-internet-censorship/>

885 WIRED, Dictators Used Sandvine Tech to Censor the Internet. The US Finally Did Something About It, Feb, 2024. <https://www.wired.com/story/sandvine-us-sanctions-egypt-internet-censorship/>

886 African Commission on Human and Peoples’ Rights, The Declaration of Principles of Freedom of Expression and Access to Information in Africa 2019 Principle 1

887 Egypt, Supreme Standing Committee for Human Rights, National Human Rights Strategy (2021) p31 <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>

The laws above serve as mechanisms to restrict freedom of expression. According to Association for Freedom of Thoughts and Expression (AFTE) “Egyptian authorities is continuing within the first quarter of 2024 by targeting content creators and publishers on various digital platforms, especially Facebook and TikTok”⁸⁸⁸. During the covered period first quarter of 2024, “AFTE recorded six cases, including the arrest of citizens for posting content on Facebook that criticized the political authorities, expressed solidarity with the Palestinian cause, or criticized religious institutions. Additionally, TikTok content creators were arrested for allegedly threatening Egyptian family values”.⁸⁸⁹

The first quarter of 2024 witnessed several arrest and court trial cases based on the above-mentioned laws which target content creators and ‘Online Opinion Expressers- OOE’. For instance, “on January 18th, 2024, the Nasr City Second Misdemeanors Court sentenced engineer Yahya Hussein Abdel Hadi, a former spokesperson and co-founder of the Civil Democratic Movement, to one year in prison with a suspended sentence for “spreading false news due to his several opinion articles published on his Facebook account”.⁸⁹⁰ Furthermore, “On February 13th, 2024, Mohamed Ali Ahmed was arrested from his home in Kafr Saqr, Sharqia Governorate, due to Facebook posts mocking President El-Sisi and on February 16th, 2024, Mohamed Atef Eid Farhat was arrested due to social media posts supporting Palestine and calling for the regime’s departure; In both cases, the prosecution brought charges that included joining a terrorist group, spreading false news and misusing social media.”⁸⁹¹

These practices have continued during the second quarter of 2024, as “on 26 May 2024, the Ismailia Misdemeanor Court sentenced Sherif Gaber Abdel-Azim in absentia to five years in prison in Case No. 3391 of 2024 (Ismailia Misdemeanors), over online videos and posts that incited atheism and disdained Islam”⁸⁹². TikTok cases which are known in the media as TikTok’ girls cases appeared again during the second quarter of 2024. These trials and prosecution are based mainly on Article 25 of the Cybercrimes law.

On 26 May 2024, “ blogger Hadeer Abdel-Razek was arrested on charges of publishing indecent videos that incite debauchery and immorality. On 1 June 2024, blogger Somaya Neston was arrested for sharing indecent videos on social media, and on charges of publishing indecent videos and inciting debauchery and immorality, and on 23 April 2024, blogger Nadine Tarek was arrested for sharing a video of herself which the security services said was suggestive and incited debauchery and immorality. The prosecution charged her with violating the family values of Egyptian society, publishing indecent videos, promoting prostitution and misusing social media”⁸⁹³. The cases shown above illustrate how the existing legal framework is used to close the digital civic space.

Data Protection

The Data Protection Law (DPL) No 151 of 2020 was enacted in 2020. Despite its enactment, the executive regulation of the data protection law is yet to be adopted. The undue delay in promulgating the regulation poses a significant obstacle to law enforcement, notably impeding the establishment of essential guidelines necessary for the proper execution and compliance with the provisions outlined in the legislation. According to Articles 2 and 6(1) of the DPL, consent from the data subject for processing and gathering personal data is required in processing data. In addition, Article 2 gives the data subjects control over their data and allows them to delete it. The data subject has the following rights:

1. Knowing, accessing, or obtaining personal data held by any holder, controller, or processor.
2. Changing the prior consent to retain or process his personal data.

888 . AFTE, The First Quarterly Report on the State of Freedom of Expression in Egypt (From January 1 to March 30, 2024). https://afteegypt.org/en/research-en/2024/06/04/37481-afteegypt.html#_heading=h.35nkun2

889 AFTE, The First Quarterly Report on the State of Freedom of Expression in Egypt (From January 1 to March 30, 2024). https://afteegypt.org/en/research-en/2024/06/04/37481-afteegypt.html#_heading=h.35nkun2

890 . AFTE, The First Quarterly Report on the State of Freedom of Expression in Egypt (From January 1 to March 30, 2024). https://afteegypt.org/en/research-en/2024/06/04/37481-afteegypt.html#_heading=h.35nkun2

891 . AFTE, The First Quarterly Report on the State of Freedom of Expression in Egypt (From January 1 to March 30, 2024). https://afteegypt.org/en/research-en/2024/06/04/37481-afteegypt.html#_heading=h.35nkun2

892 . AFTE, The second quarterly report on the state of freedom of expression in Egypt (1 April – 30 June 2024) <https://afteegypt.org/en/research-en/monitoring-reports-en/2024/07/24/37845-afteegypt.html>

893 AFTE, The second quarterly report on the state of freedom of expression in Egypt (1 April – 30 June 2024) <https://afteegypt.org/en/research-en/monitoring-reports-en/2024/07/24/37845-afteegypt.html>

3. Correction, modification, erasure, addition or updating of personal data.
4. Allocate treatment within a specific scope.
5. Knowing of any breach or violation of his personal data.
6. Objecting to the processing of personal data or its results if they conflict with the basic rights and freedoms of the person concerned with the data.

In terms of transparency, the DPL is aligned with international standards in this regard, particularly Article 13 of the Malabo Convention includes provisions regarding transparency requirements on data usage.⁸⁹⁴ According to Article 2 of the law, a person has a right to know, access, or obtain their personal data. In addition, the data subject has a right to be informed of any breach or violation of their personal data. According to Article 7 of personal data protection law, the data breach incident shall be reported to the data protection centre within 72 hours and in case that data is related to national security should be reported immediately. The data subject should be notified of the data breach within the next three days after reporting the breach to the centre. Furthermore, Article 3 emphasises the principle of legitimacy in collecting and processing personal data. Article 3 stipulates conditions that should be met in the collection, processing and retention of personal data. These are:

1. Personal data is collected for legitimate, specific and declared purposes for the person concerned.
2. It must be correct, sound and secure.
3. To be processed in a lawful and appropriate manner for the purposes for which it was collected.

Data minimisation is one of the data protection principles guaranteed by Article 3 of the data protection law. Article 3 emphasises that the collected data should not be kept longer than necessary to fulfil its specified purpose. The executive regulations of this law specify the policies, procedures, controls and standards for collecting, processing, preserving and securing this data. Data minimisation regulation in the law ensures that organisations collect, process, and retain only the personal data that is strictly necessary for the purpose for which it was collected. This provision is aligned with Article 22 of the African Union, African Convention on Cybersecurity and Personal Data Protection 2014 (Malabo Convention), which permits the retention of personal data until the fulfilment of the intended purpose for which the data were originally collected and processed.⁸⁹⁵ However, Article 2 of the Cybercrimes Law No 175 of 2018 grants permission to service providers to retain and store user data for 180 days. This provision for data retention contradicts the Data Protection Law. The Cybercrime Law does not include a provision that justifies personal data retention for that timeframe. The law should be amended to enhance transparency and incorporate a clear justification for data retention.

The Data Protection Law has provisions that regulate the processing of sensitive personal data. Article 12 prohibits the collection, transfer, storage, retention, processing, or disclosure of sensitive personal data except with authorisation from the “personal data protection centre”.⁸⁹⁶ Except in cases authorised by law, written and explicit consent is required from the person concerned. Additionally, when processing children’s personal data, the consent of the guardian must be secured for the aforementioned operations. Participation of a child in activities such as games, competitions, or any other engagements should not be contingent upon the provision of personal data beyond what is strictly essential for their involvement in the said activity. Article 1 of the law defines sensitive data as data that discloses psychological, mental, physical or genetic health, biometric data, financial data, religious beliefs, political opinions, or security status. In all cases, children’s data is considered sensitive personal data. Article 41 of the law states that “Any holder, controller, or processor who collects, makes available, circulates, processes, discloses, stores, transmits or saves sensitive personal data shall be punished by imprisonment for a period of not less than three months and a fine of not less than 500,000 pounds and not exceeding five million pounds, or by one of these two penalties, Without the consent of the data subject or in cases other than those legally authorized”.

⁸⁹⁴ African Union, African convention on Cybersecurity and personal data protection 2104.

⁸⁹⁵ African Union, African convention on Cybersecurity and personal data protection 2014.

⁸⁹⁶ According to article 1 of personal data protection law No 151 of 2020, centre refers to the personal data protection centre.

Universal Service Fund (USF)

According to GSMA Intelligence,⁸⁹⁷ Universal Service Fund (USF) is based on three principles: availability, affordability, and accessibility.⁸⁹⁸ Egypt allocated a specific fund for accessing universal services, regulated by the Telecom Regulation Law no.10 of 200. Article 2 of that law stipulates that Telecommunication Services shall comply with the following rules:

1. Publicity of information;
2. Protection of free competition;
3. Provision of Universal Service; and
4. Protection of Users' rights".

Article 9 stipulates that the National Telecommunications Regulatory Authority (NTRA) is entitled to maintain an autonomous budget, adhering to the guidelines outlined in its internal regulations and in conformity with the Unified Accounting System. This autonomy extends without any restrictions imposed by governmental rules or regulations. In 2005, the National Telecom Regulatory Authority (NTRA) established the USF.⁸⁹⁹ The USF strives for the provision of essential telecommunication services to every citizen at reasonable rates.⁹⁰⁰ There is no publicly available official record about the value of the USF. According to some media reports, the USF started with an initial budget of 50 million Egyptian Pounds.⁹⁰¹ Moreover, the National Telecommunications Regulatory Authority (NTRA) has proposed and financed projects to establish, operate, and provide mobile phone services to 54 urban areas and 22 strategic roads throughout the Republic, with a total length of 3,100 km, and a total cost of one billion and 668 million Egyptian pounds (USD 54 million).⁹⁰² Furthermore, the National Telecommunications Regulatory Authority (NTRA) has initiated measures to enhance the efficacy of fundamental communication services within the Sinai Peninsula. The initiative involves the funding, construction, and operation of mobile phone stations across 30 urban areas and along four critical roads of a total distance of 112 kilometres. The investment in this initiative amounts to 513 million Egyptian Pounds (USD 16,000,000), reflecting NTRA's commitment to advancing connectivity and infrastructure.⁹⁰³

Available media reports indicate that in a meeting held in January 2023, with the Parliamentary committee responsible for telecommunication and information technology, the Chairperson of NTRA said that "[t]he Universal Service Fund bears three billion pounds to provide telecommunications services in deprived areas and new roads at a cost of 1.8 billion pounds, in addition to 1.2 billion to establish 592 stations in the first phase for a decent life Project (????? ???? ????/ Decent life).⁹⁰⁴ The aforementioned initiatives and allocated funds, aimed at addressing telecommunication and connectivity challenges illustrate that the USF in Egypt is used to narrow the digital divide between urban and rural areas. Concurrently, these initiatives are focused on enhancing the affordability, accessibility, universality and availability of internet and telecommunication services. This is what is envisaged under principle 41 of the ACHPR 2019 Declaration which requires States, in collaboration with other stakeholders, to adopt measures to ensure universal, equitable, affordable, and meaningful access to the internet without discrimination.⁹⁰⁵

897 GSMA Intelligence is the global home of mobile market information, driven by our team of expert analysts and is the definitive source of mobile industry insights, forecasts, and research, used around the world. <https://www.gsmainelligence.com>.

898 GSMA, (2023). Universal service funds in Africa Policy reforms to enhance effectiveness, p.14. <https://www.gsma.com/subsaharanafrica/wp-content/uploads/2023/10/USF-Africa.pdf>.

899 National Telecom Regulatory Authority (NTRA), Universal Service Policy, P.3. <https://www.tra.gov.eg/wp-content/uploads/2020/11/Universal-Service-Policy.pdf>

900 National Telecom Regulatory Authority (NTRA), Universal Service Policy, P.8. <https://www.tra.gov.eg/wp-content/uploads/2020/11/Universal-Service-Policy.pdf>

901 <https://muhtwaplus.com/49705/2020/07/25/الاقدمدخل-امدق-ي-ت-ال-اصت-ال-ي-م-و-ق-ل-ا-ز-ا-ه-ج-ل/>

902 El Youm El Sabaa, accessed 13 /2/2024. <https://www.youm7.com/story/2021/12/8/خ-ل-م-ا-ش-ل-ا-ق-و-د-ن-ص-ن-ع-م-د-ي-ر-ت-ا-م-ل-ك/>
ع-ف-ر-ل-ر-ي-و-ط-ن-ل- /5571579

903 El Youm El Sabaa, accessed 13 /2/2024. <https://www.youm7.com/story/2021/12/8/خ-ل-م-ا-ش-ل-ا-ق-و-د-ن-ص-ن-ع-م-د-ي-ر-ت-ا-م-ل-ك/>
ع-ف-ر-ل-ر-ي-و-ط-ن-ل- /5571579

904 Sada El-Balad news , <https://www.elbalad.news/5594448>

905 ACHPR 2019 Declaration principle 41

USF Initiatives

Roads Infrastructure National Project: It is linked to providing telecommunication services. This project aims to enhance the existing road networks. Additionally, under this project, the basic telecommunications services must be available on these roads, and the Universal Service Fund shall be responsible for the financing of this project for the benefit of the national economy and the Egyptian citizen.⁹⁰⁶

El Million Fadan Project: This project aims to expand the agricultural sector. According to the Egyptian universal service policy, “the availability of telecommunication services in these areas is one of the attractive factors for the success of this project and the universal service is responsible for funding the mobile coverage for these areas”.⁹⁰⁷

National Telecom and Information Plan Projects: These projects include:

- a) **Public educational institutions and libraries** with an annual budget of 50 million Egyptian pounds to fund universal service for the eligible educational institutions and libraries;
- b) **Funding Health Care Centers** accredited by ministry of health and located in rural areas;
- c) **Services Provided to the Disabled**, according to USF’s policy Universal service department targets the persons with disabilities (in Egypt and all citizens are entitled to access basic telecommunications services regardless of any type of disability);
- d) **Infrastructure of Digital Society and Digital Architecture**, to construct a robust telecom infrastructure of Digital Society and Digital Architecture with high speeds and capabilities similar to those of the developed countries;
- e) **Broadband Project:** this project aims to increase the deployment of high-speed internet in Egypt and support the development of the digital community for the purpose of creating jobs, encouraging the utilisation of information and communication technologies in various governmental sectors, thus improving the quality of life for citizens and reducing the digital divide between urban and rural communities”.⁹⁰⁸

While acknowledging that the USF regulations focus on digital transformation to a considerable extent, it is imperative to propose recommendations to amend the existing framework so that it explicitly provides for regulating funds for digital literacy and awareness. The abovementioned initiatives contribute to filling the digital gap in Egypt, promoting economic development, and ensuring connectivity in urban and rural areas. As ICT is one of the core services of the government, it is always keen to allocate financial sources to improve.

Developments in ICT and Emerging Technologies

In November 2019, the Egyptian Cabinet approved the establishment of the National Council for Artificial Intelligence (NCAI).⁹⁰⁹ At its inception, the primary task of the NCAI was the adoption of a national AI strategy. Subsequently, in July 2021, the NCAI adopted the Egypt AI strategy.⁹¹⁰ At the point of adoption, it was envisaged that the strategy would be implemented in a phased approach until the end of 2022. In 2024, the strategy’s execution remained in its initial stage, primarily attributable to the postponed launch. The goal of the initial phase is “to prove the value of

906 National Telecom Regulatory Authority (NTRA), Universal Service Policy, P.17. <https://www.tra.gov.eg/wp-content/uploads/2020/11/Universal-Service-Policy.pdf>

907 National Telecom Regulatory Authority (NTRA), Universal Service Policy, P.17. <https://www.tra.gov.eg/wp-content/uploads/2020/11/Universal-Service-Policy.pdf>.

908 National Telecom Regulatory Authority (NTRA), Universal Service Policy, pp.17-19.. <https://www.tra.gov.eg/wp-content/uploads/2020/11/Universal-Service-Policy.pdf>, pp. 17-19.

909 <https://ai.gov.eg>

910 Egypt , AI strategy, [https://ai.gov.eg/Egypt National AI Strategy \(6-4-2021\)4.pdf](https://ai.gov.eg/Egypt%20National%20AI%20Strategy%20(6-4-2021)4.pdf)

AI in the different domains and build the foundations upon which to build AI at scale”.⁹¹¹ Although the Egyptian government adopted the national AI strategy⁹¹² and established the NCAI, binding legislation on AI is yet to be enacted.

Regarding the influence of AI on privacy, Egypt enacted the previously stated cybercrimes and data protection laws in 2018 and 2022 respectively, providing a framework that could be utilised, to some degree, for AI regulation, particularly in terms of privacy and combat arbitrary and unlawful surveillance and personal data protection. However, both laws are inadequate to completely regulate AI in Egypt as both laws tackle human acts and do not expose actions committed by AI systems.

In 2023, the NCAI adopted the Egyptian Charter for responsible AI (the Charter).⁹¹³ The main aim of the Charter is to ensure the ethical use, deployment and management of AI systems in Egypt.⁹¹⁴ The Charter also incorporates overarching principles such as fairness, transparency, a focus on human-centeredness, accountability, and the assurance of security and safety.⁹¹⁵ In addition, the strategy acknowledges that “the existence of policies, regulations, and legislation to mitigate potential misuse, whether ethical, legal, or socio-economic, can promote and enable the widespread adoption of AI solutions”.⁹¹⁶ This is not the case yet. Egypt’s ethical use and deployment of AI systems is undermined by the lack of a national legal framework on AI.

One of the recommendations proposed in the strategy is to “communicate and coordinate with appropriate government bodies to issue laws and regulations when and where needed.”⁹¹⁷ This recommendation may be considered a call for the adoption of a regulation where the need arises. The question of adopting independent and specific AI laws and regulations may need more time because Egypt has recently commenced regulating AI by adopting a national strategy and Charter for responsible AI. In this stage, AI may be regulated by adding specific provisions to existing laws. In the same vein, as per media reports, the Parliamentary Committee on Communication and Technology has commenced deliberations on the adoption of AI-related regulations. The Committee Chairperson indicated that the proposed regulation will not be a separate law. Instead, the plan is to introduce AI-specific provisions to the Cybercrimes Law No. 175 for 2018. This approach is the first step towards the establishment of precise regulations governing various facets of AI within the Cybercrimes Law. The imperative to regulate the utilisation of AI systems is strongly advocated for, whether achieved through the enactment of an independent law or the incorporation of targeted provisions into existing legal frameworks.

911 Egypt AI strategy , p. 60.

912 Egypt , Egypt Artificial Intelligence Strategy. [https://ai.gov.eg/Egypt National AI Strategy \(6-4-2021\)4.pdf](https://ai.gov.eg/Egypt%20National%20AI%20Strategy%20(6-4-2021)4.pdf)

913 Egypt ,Egyptian Charter For Responsible AI <https://aicm.ai.gov.eg/en/Resources/EgyptianCharterForResponsibleAIEnglish-v1.0.pdf>

914 Egypt ,Egyptian Charter For Responsible AI. p.1. <https://aicm.ai.gov.eg/en/Resources/EgyptianCharterForResponsibleAIEnglish-v1.0.pdf>

915 Egypt ,Egyptian Charter For Responsible AI. pp..2-3. <https://aicm.ai.gov.eg/en/Resources/EgyptianCharterForResponsibleAIEnglish-v1.0.pdf>

916 Egypt , AI strategy, p.47. [https://ai.gov.eg/Egypt National AI Strategy \(6-4-2021\)4.pdf](https://ai.gov.eg/Egypt%20National%20AI%20Strategy%20(6-4-2021)4.pdf)

917 Egypt , AI strategy, p.47. [https://ai.gov.eg/Egypt National AI Strategy \(6-4-2021\)4.pdf](https://ai.gov.eg/Egypt%20National%20AI%20Strategy%20(6-4-2021)4.pdf)

Conclusion and Recommendations

While Egypt's current legal frameworks contain provisions aimed at safeguarding digital rights, their efficacy in upholding citizens' right to privacy is questionable. The absence of a precise definition outlining legitimate aims and reasonable grounds for surveillance poses a significant threat to digital rights. Moreover, the lack of clear criteria for identifying false news not only undermines freedom of expression but also opens the door to potential abuse. Addressing these gaps is crucial to fortifying the protection of digital rights and privacy for the citizens of Egypt. Therefore, in light of the identified gaps, stakeholders must consider the recommendations proposed in this report.

Recommendations for Parliament:

- Enact an access to information law and adopt human rights-based approaches to combating the publication of false information.
- Amend the Telecommunications Regulation Law and ensure the legitimacy of surveillance practices.
- Amend Article 2 of Cybercrimes Law No. 175 of 2018, requiring service providers to retain and store data for 180 days by including justifications for the six-month data retention period.
- Enact laws regulating the use of AI systems and their deployment in alignment with the AI strategy.
- Introduce explicit regulations through a standalone law or as an integral component within existing legislation to strengthen the legal framework on privacy rights and their protection. A proposed adjustment involves amending the title of the personal data protection law to: "Privacy and personal data protection". Additionally, emphasis should be placed on including a dedicated and comprehensive chapter solely focused on delineating the rights to privacy and the corresponding safeguards within the legal framework. This nuanced approach ensures a more robust and distinct coverage of privacy concerns, enhancing the overall efficacy of the regulatory measures.

Recommendations for the Government:

- Incorporate digital rights explicitly into the national human rights strategy.
- Refrain from infringing on digital rights like privacy and cease engaging in unauthorised surveillance.
- Enact legislation that promotes the ethical utilisation of artificial intelligence.
- Ratify the Malabo Convention.
- Facilitate access to Universal Service Fund information through official government websites.
- Enhance transparency and accountability by annually publishing comprehensive reports on the Universal Fund's activities and funded projects.
- Craft the USF reports to vividly highlight the significant progress achieved by the USF in narrowing the digital gap and addressing the digital divide. Illustrate the impactful strides made in fostering digital inclusion and reducing disparities.

Recommendations for the National Human Rights Council:

- Engage in continuous monitoring of digital rights violations, document and propose policies and practices that uphold human rights.
- Aligning with their mandate, investigate all digital rights violations and, where necessary, refer violations for further investigation and judicial oversight.

Recommendations for Civil Society Organisations:

- Enhance the skills of various stakeholders through comprehensive training programs.
- Strengthen the capability of legal professionals, with a particular focus on strategic litigation and the utilisation of international human rights standards in national court proceedings.
- Report any privacy breaches to the National Human Rights Council and other relevant judicial entities.

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration (<i>P stands for Principle</i>)	Score	Justification
Internet Shutdowns	P38(2)	4	Although Egyptian authorities resort to block some media websites, the Egyptian government did not disrupt access to the internet and other digital technologies for segments of the public or an entire population.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	All laws , measures, and polices did not exclude some groups
False News Criminalisation	P22(2)	1	False news is criminalised by different laws without clear criteria of what to consider as false news
Sedition Legislation	P22(2)	1	Sedition is criminalised by different laws, without criteria of what to consider sedition. N.B. criminalisation of sedition is not a disliked matter in laws as long it is associated by specific criteria and clear definition. Neither declaration or other international instrument including a clear criteria.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	The report documented several cases of arbitrary arrests.
Data Protection Legislation.	P42	3	There is data protection law, however the executive regulation of the law is not yet in existence. In addition the data protection authority is not yet established
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	Different legislation give the rights to government to ask the regulatory authority to remove online content or entirely or block the website
Invasion of Privacy of Communications	P41	1	Although surveillance is prohibited by the Constitution and other laws, there are laws allowing to surveil the communication and in practice there is evidence on using surveillance to close civic space as articulated in the report.

Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	The Egyptian government established several platforms to disclose information, however these platforms either do not contain all data and should be open and up to date.
AI and Emerging Technologies national strategies	P39(6)	5	Egypt has an AI national strategy since 2021 and issued the Egyptian charter for responsible AI in 2023. Data protection law, cybercrimes law and other laws include some safeguards in case of misuse of AI
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	Egypt adopted different laws to protect children in general including in digital sphere such as Children Law no 12 of 1996, penal code, cybercrimes law, data protection law, and law no 64 of 2010 in concern of combat trafficking in persons.
Digital Inclusion	P37(3)	4	The Universal Service Funds are addressing the digital divide and there are different government initiatives to address this gap.
TOTAL (up to 60)		32	

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Executive Summary

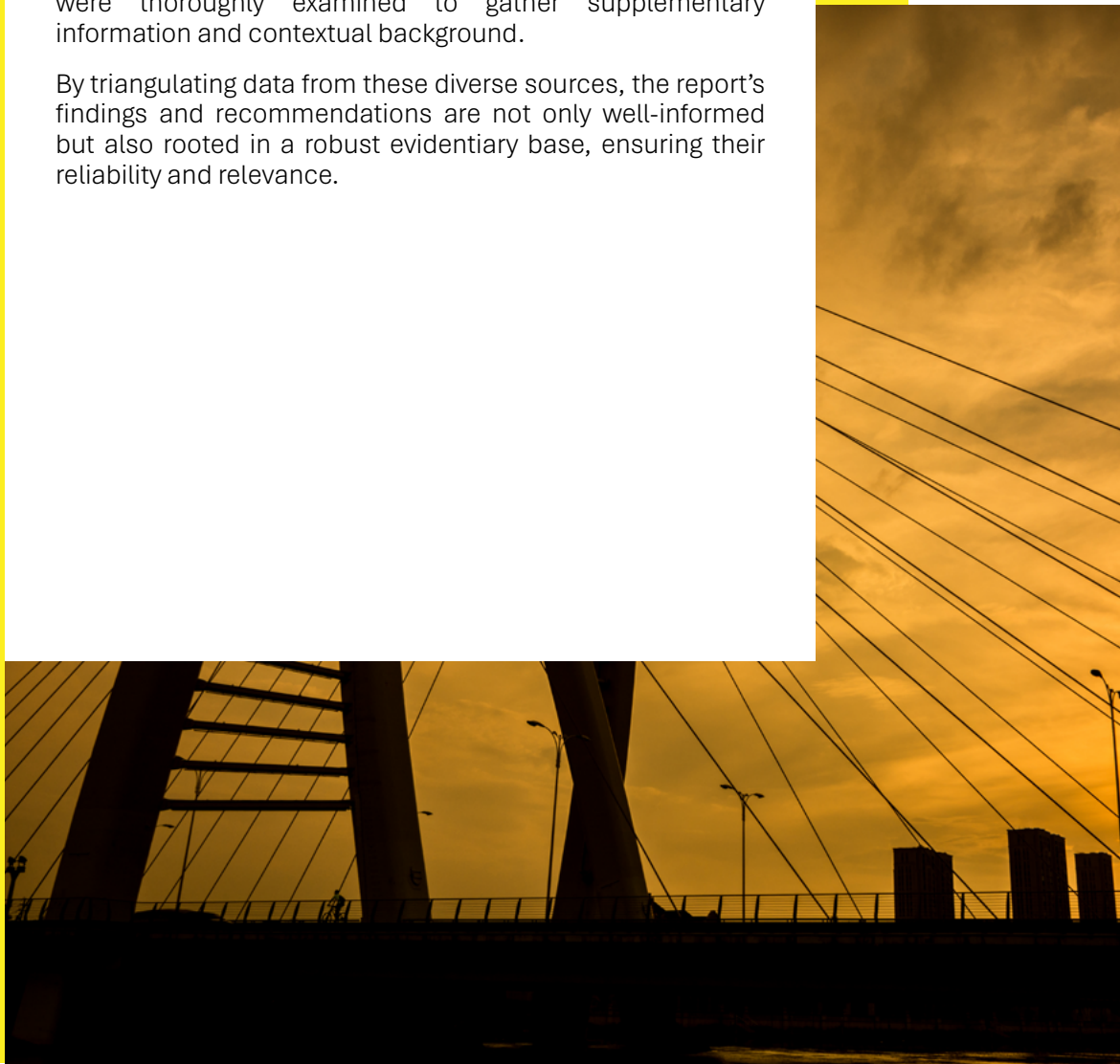
This report highlights recurring internet shutdowns causing economic and social disruptions, and the enactment of Ethiopia's Personal Data Protection Proclamation amid enforcement concerns. Recommendations stress the need for robust enforcement of digital rights laws, targeted interventions to bridge the digital gender gap, and alignment with international human rights standards to foster a more inclusive and equitable digital landscape. Thematic areas include internet access and affordability, freedom of expression, gender-based digital violence, data protection, and regulatory frameworks. The report employs a desk research methodology, synthesising data from government, civil society, media, and topic-specific sources to provide a comprehensive analysis of the digital rights landscape in Ethiopia in 2024. In addition, this report uses PIN's TheScore Index to assess digital rights in Ethiopia. Key sources of information include government websites, which provide official data and policy documents essential for understanding the regulatory and institutional framework. Different reports from civil society organisations offer insights into this report showing ground-level realities and challenges. Additionally, media articles serve as a rich repository of events, trends, and public opinion, further enriching the report's analysis. Finally, websites relevant to the specific topics under investigation were thoroughly examined to gather supplementary information and contextual background.

By triangulating data from these diverse sources, the report's findings and recommendations are not only well-informed but also rooted in a robust evidentiary base, ensuring their reliability and relevance.

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Introduction

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Ethiopia is located in the Horn of Africa and as of 2024, the country's population is estimated to be approximately 129.7 million.²⁹⁶ In recent years, Ethiopia has faced a turbulent political and social landscape marked by conflict in different parts of the country. These challenges have impacted digital rights, including internet shutdowns, issues of freedom of expression, access to information, and online censorship. On December 25 2024, the Authority for Civil Society Organizations (ACSO), the government agency responsible for regulating Civil Society Organizations (CSOs) in Ethiopia, suspended two human rights organisations: Ethiopian Human Rights Council (EHRCo) and Ethiopian Human Rights Defenders Center (EHRDC), accusing them of engaging in activities deemed “not politically neutral” and “acting against national interests.”²⁹⁷ Earlier in November of the same year, ACSO suspended the Center for Advancement of Rights and Democracy (CARD), the Association for Human Rights in Ethiopia (AHRE), and Lawyers for Human Rights (LHR).²⁹⁸ Although these organisations received letters on December 12 2024, indicating that their bans had been lifted, CARD and LHR were notified on December 18 2024, that their suspensions were reinstated due to alleged non-compliance with ACSO's regulations.²⁹⁹³⁰⁰ This decision by ACSO can be legally challenged as no evidence was presented by the Authority in the letter they sent to the suspended CSOs and the CSOs were suspended with no warning. CARD has formally requested a written explanation from ACSO and is prepared to appeal the decision to the Authority's Governance Board, in accordance with the law³⁰¹. This has raised concerns about the shrinking civic space and its implications for human rights advocacy.

In 2024, Ethiopia's digital rights environment was characterised by both advancements and challenges. Despite increasing internet penetration and mobile coverage, systemic barriers such as affordability, gender disparity, and recurrent internet shutdowns persist. Meanwhile, legislation like the Personal Data Protection Proclamation³⁰² 2024 marks progress, though gaps in enforcement and government overreach remain concerns. According to TheScore Index, Ethiopia exhibits a “mildly compliant” status, underscoring critical areas for improvement to uphold digital rights effectively.

296 UNFPA World Population Dashboard, 2024: <https://www.unfpa.org/data/world-population/ET>; Date accessed January 9, 2025

297 Addis Standard; EHRCo, EHRDC latest rights groups suspended by Civil Society Authority, citing 'deviation' and alleged 'lack of independence'; <https://addisstandard.com/ehrc-co-ehrdc-latest-rights-groups-suspended-by-civil-society-authority-citing-deviation-and-alleged-lack-of-independence/>; Date accessed January 9, 2025

298 Capital; CSO Authority responds to ban on three organizations <https://capitalethiopia.com/2024/12/02/cso-authority-responds-to-ban-on-three-organizations/> ; Date accessed January 9, 2025

299 Center for Advancement of Rights and Democracy (CARD) Press Release: <https://www.cardeth.org/CARD-Reimposition-Suspension> ; Date accessed January 9, 2025

300 Lawyers for Human Rights Press Release: <https://lhrethiopia.org/press-release-amharic/> ; Date accessed January 9, 2025

301 A Brief Statement on the Reimposition of Suspension on the Center for Advancement of Rights and Democracy (CARD): <https://www.cardeth.org/CARD-Reimposition-Suspension> ; date accessed Feb 7, 2025

302 Personal Data Protection Proclamation; Proclamation No. 1321 /2024 https://eca.et/wp-content/uploads/2024/10/personal_data_protection_proclamation_No_1321_2024.pdf ; Date accessed January 3, 2025

Internet access

In 2023, state-owned telecom operator, Ethio-Telecom, reported a significant number of data and internet users, reaching 33.9 million. Additionally, fixed services subscribers numbered 853,600, while fixed broadband subscribers totaled 618,300³⁰³. Over the past decade, mobile internet access has seen considerable improvements, with 3G networks covering 98% of the population and 4G coverage at 33%³⁰⁴. However, this data by the state-owned telecommunications operator is higher than the report by DataReportal, which stated that there were 24.83 million internet users in Ethiopia in January 2024, with the internet penetration rate standing at 19.4% of the total population at the start of the year³⁰⁵.

Regarding internet accessibility, the total number of accessible 4G cities increased from 300 to 424, and the number of 5G stations to 189.³⁰⁶ Of all internet usage mechanisms, cellular/mobile networks are the most preferred type of internet connection, followed by Wi-Fi hotspots and fixed broadband internet³⁰⁷. The number of internet users, defined as Subscriber Identity Module (SIM) cards connected to mobile internet, grew to over 40 million users with at least a 3G+ connection. However, removing barriers and stimulating additional demand could result in 7.9 million new mobile internet users by 2028³⁰⁸.

The gender gap in smartphone usage was also assessed, revealing that 20% of men and 15% of women use smartphones in Ethiopia³⁰⁹. This disparity indicates the need for targeted interventions to close the gender gap in digital access. Despite this, a portion of both men (30%) and women (26%) who use mobile internet identified handset affordability as a significant barrier, according to the Global System for Mobile Communications Association (GSMA) mobile gender gap report³¹⁰. Additionally, a local study suggested that the higher usage among males compared to females could be attributed to factors such as socio-cultural norms, where female access restrictions to public spaces are a factor or disparities in digital literacy³¹¹. Though there is an affordability challenge, Ethio-Telecom adjusted its prices for data packages, which have risen by an average of 18% following macroeconomic adjustments.³¹²

Internet accessibility is also important for upholding the principles outlined in the Universal Declaration of Human Rights (UDHR)³¹³, especially Article 19, which guarantees freedom of opinion and expression, and Article 27, which ensures cultural rights. The Internet provides a critical platform for exercising these rights by enabling the free exchange of information and participation in cultural activities. Furthermore, the Sustainable Development Goals (SDGs)³¹⁴

303 Ethio telecom 2022/23 Annual Business Performance, July 2023: <https://www.ethiotelecom.et/ethio-telecom-2022-23-annual-business-performance/>; Date accessed October 28, 2024

304 Ethio telecom 2023/2024 Annual Business Performance Report, July 2024: <https://www.ethiotelecom.et/ethio-telecom-2023-2024-annual-business-performance-report/>; Date accessed October 27, 2024

305 "Digital 2024: Ethiopia," DataReportal, February 23, 2024, [https://datareportal.com/reports/digital-2024-ethiopia.](https://datareportal.com/reports/digital-2024-ethiopia/); Date accessed October 2, 2024

306 Ethio telecom 2023/2024 Annual Business Performance Report, July 2024: <https://www.ethiotelecom.et/ethio-telecom-2023-2024-annual-business-performance-report/>; Date accessed October 28, 2024

307 Asrat Seyoum, Asmerate Hailesilasse, Menychle Meseret. (2024). Equitability of Access to the Internet in Ethiopia. Research Report, The Center for the Advancement of Rights and Democracy/ CARD: [https://www.cardeth.org/equitable-access-to-the-internet-in-ethiopia:](https://www.cardeth.org/equitable-access-to-the-internet-in-ethiopia/) Date accessed October 28, 2024

308 GSMA; Driving Digital Transformation of the Economy in Ethiopia, October 2024, [https://www.gsma.com/about-us/regions/sub-saharan-africa/gsma_resources/digital-economy-ethiopia-report;](https://www.gsma.com/about-us/regions/sub-saharan-africa/gsma_resources/digital-economy-ethiopia-report/) Date accessed November 5, 2024

309 GSMA; The Mobile Gender Gap Report 2024, May 2024, <https://www.gsma.com/r/wp-content/uploads/2024/05/The-Mobile-Gender-Gap-Report-2024.pdf>; Date accessed November 5, 2024

310 GSMA; The Mobile Gender Gap Report 2024, May 2024, <https://www.gsma.com/r/wp-content/uploads/2024/05/The-Mobile-Gender-Gap-Report-2024.pdf>; Date accessed November 5, 2024

311 Asrat Seyoum, Asmerate Hailesilasse, Menychle Meseret. (2024). Equitability of Access to the Internet in Ethiopia. Research Report, The Center for the Advancement of Rights and Democracy/ CARD: <https://www.cardeth.org/equitable-access-to-the-internet-in-ethiopia;> Date accessed October 28, 2024

312 Shega News, October 2024, shega.co; Date accessed November 10, 2024

313 Universal Declaration of Human Rights: https://www.ohchr.org/en/UDHR/Documents/UDHR_Translations/eng.pdf; Date accessed October 20, 2024

314 Sustainable Development Goals: <https://sdgs.un.org/goals>

emphasise the importance of internet access, particularly SDG 5 on gender equality, SDG 9 on industry, innovation, and infrastructure, and SDG 10 on reducing inequalities, highlighting the internet's openness role in achieving these global goals.

No country in Sub-Saharan Africa has experienced as severe internet shutdowns as Ethiopia over the years³¹⁵. Since 2016, there have been at least 26 incidents of shutdowns in response to conflict, communal violence, and political turmoil³¹⁶. These shutdowns have resulted in significant economic losses, totaling \$1.59 billion, and have impacted 29 million internet users. The most recent internet shutdown was enacted in the Amhara regional state on August 3rd 2023, due to clashes between federal military forces and Fano fighters, which led to the declaration of a state of emergency. Internet services resumed across the Amhara region nearly a year later, on July 14th 2024³¹⁷. This shutdown resulted in the loss of USD 130 million³¹⁸.

Internet shutdowns in Ethiopia violate the African Charter on Human and Peoples' Rights (African Charter). Article 9 guarantees the right to receive information and freedom of expression, which are directly infringed upon by these shutdowns. Additionally, Article 24 emphasises the right to a satisfactory environment conducive to development, which is hindered by the economic and social disruptions caused by prolonged internet blackouts and conflicts. These rights are fundamental to ensuring citizens can access information and participate in societal activities.

Similarly, these shutdowns contravene the International Covenant on Civil and Political Rights (ICCPR)³¹⁹. Article 19 of the ICCPR guarantees the right to freedom of expression and access to information, which includes the freedom to seek, receive, and impart information through any media. The shutdowns prevent individuals from exercising this right, restricting their ability to communicate and access information. Furthermore, Article 21 of the ICCPR ensures the right to peaceful assembly, which is severely affected by the state of emergency that was enacted in August 2023 and expired on June 3 2024³²⁰.

Freedom of expression

The Ethiopian Constitution³²¹, under Article 29, asserts the Right of Thought, Opinion, and Expression, and Article 30 guarantees the Right of Assembly, Demonstration, and Petition as democratic rights. These rights align with Article 19 of both the International Covenant on Civil and Political Rights (ICCPR)³²² and the African Charter³²³, which focus on freedom of expression.

Beyond the Londa 2023 Ethiopia report³²⁴, the detention of journalists and activists continued

315 Addis Standard news: <https://addisstandard.com/ethiopia-tops-sub-saharan-africa-in-economic-losses-from-internet-shutdowns-new-study/> ; Date accessed Feb 6, 2025

316 Access Now: Shrinking Democracy, Growing Violence, May 2024, 2023-KIO-Report.pdf; Date accessed October 26, 2024

317 Addis Standard News: Internet services resume across Amhara region after near year-long shutdown, July 2024, <https://addisstandard.com/internet-services-resume-across-amhara-region-after-near-year-long-shutdown/> ; Date accessed October 26, 2024

318 Top10VPN, Government Internet Shutdowns Have Cost \$53 Billion Since 2019, May 2024, <https://www.top10vpn.com/research/cost-of-internet-shutdowns/> ; Date accessed October 28, 2024

319 International Covenant on Civil and Political Rights, Adopted in December 1966; accessed on Jan 6, 2025: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

320 Ethiopia: UN Human Rights Chief calls for sustained efforts to halt violations and abuses, Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/press-releases/2024/06/ethiopia-un-human-rights-chief-calls-sustained-efforts-halt-violations-and>; Date accessed on January 8, 2025

321 Constitution of Federal Democratic Republic of Ethiopia, 1995, <https://www.fsc.gov.et/Digital-Law-Library/Federal-Laws/Art-MID/1179/ArticleID/152/Constitution-of-the-Federal-Democratic-Republic-of-Ethiopia-Proclamation-no-11995-%E1%8B%A8%E1%8A%A2%E1%89%B5%E1%8B%AE%E1%8C%B5%E1%8B%AB-%E1%8D%8C%E1%8B%B4%E1%88%AB%E1%88%8B%E1%8B%8A-%E1%8B%B2%E1%88%9E%E1%8A%AD%E1%88%AB%E1%88%B2%E1%8B%AB%E1%8B%8A-%E1%88%AA%E1%8D%90%E1%89%A5%E1%88%8A%E1%8A%AD-%E1%88%95%E1%8C%88-%E1%88%98%E1%8A%95%E1%8C%8D%E1%88%A5%E1%89%B5-%E1%8A%A0%E1%8B%8B%E1%8C%85-%E1%89%81-11987>; Date accessed October 28, 2024

322 International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; Date accessed October 28, 2024

323 African Charter on Human and Peoples' Rights, 1981, <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights/>; Date accessed October 28, 2024

324 Londa report, 2023: <https://paradigmhq.org/wp-content/uploads/2024/04/Londa-2023-1-1.pdf>; Date accessed on January 6 2025

into 2024. Since the declaration of the state of emergency in Amhara in August 2023, at least nine journalists have been detained, with five still in custody³²⁵. In addition to journalists, former government officials and members of parliament have also been detained in light of the state of emergency. Several civil society actors, human rights defenders and journalists were forced into exile because of intimidation and threats. For instance, on September 17, Belay Manaye, a journalist and founder of Ethionews online media, and Beqalu Alamirew, a journalist and founder of Alpha media, reportedly fled the country illegally but safely after being released from detention in June 2024 because they were threatened to life by security forces³²⁶. In addition, security forces have increased intimidation, harassment, and threats against prominent Ethiopian human rights organisations, further stifling civil liberties^{327,328}.

Ethiopia enacted the Hate Speech and Disinformation Prevention and Suppression Proclamation in March 2020. Since the Londa 2023 report two people have now been charged using the proclamation. Muhiyadin Mohamed Abdullahi was detained from February 13 and sentenced to two years imprisonment on May 2 2024, for spreading false news and hate speech.³²⁹ Somali Region Journalists Association later announced that Muhiyadin was released from jail on June 10 2024³³⁰. Another individual, Tadios Tantu, was sentenced to six years' imprisonment under the same law with specific charges of "disseminating hate speech", "inciting violence" and "obstructing the movement of the Defense Force" in October 2024³³¹.

Technology Facilitated Gender Based Violence (TFGBV) remains a significant issue in Ethiopia, forcing women to withdraw from public spaces and limiting their participation in public life, both online and offline. Numerous women have recounted experiences of physical assaults, detention, and having to flee the country following threats of TFGBV.^{332, 333} Women and girls are subjected to more hate speech, including gendered stereotypes and mockery, than men and boys³³⁴. Femicide is on the rise in Ethiopia, with various cases documented across the country. The case of Heaven Awot, a seven-year-old girl who was repeatedly raped and murdered by her landlord, garnered widespread attention with over 325,000 people signing a petition issued by [Article 35](#). Women's Rights Organisations (WROs) organised a press release and candlelight vigil on August 23 2024, at Elilly Hotel, which was interrupted by security forces and was forced to stop³³⁵. In Ethiopia, the LGBTQIA+ community endures significant challenges, including institutionalised persecution and societal violence. Even minor nonconformities, such as wearing skinny jeans or having colored hair, can lead to false perceptions of being gay, resulting in social ostracisation and physical violence. Many individuals face doxxing, where their identities are exposed online through disinformation

325 Human Rights Watch, Ethiopia: Halt Crackdown Against Human Rights Groups, June 2024, <https://www.hrw.org/news/2024/06/18/ethiopia-halt-crackdown-against-human-rights-groups>; Date accessed October 28, 2024

326 Committee to Protect Journalists (CPJ), Fleeing prolonged media crackdown, Ethiopian journalists struggle in exile, June 18, 2024, <https://cpj.org/2024/06/fleeing-prolonged-media-crackdown-ethiopian-journalists-struggle-in-exile/> ; Date accessed October 28, 2024

327 Human Rights Watch, Ethiopia: Halt Crackdown Against Human Rights Groups, June 2024, <https://www.hrw.org/news/2024/06/18/ethiopia-halt-crackdown-against-human-rights-groups>; Date accessed October 28, 2024

328 Ethiopian Human Rights Council, Urgent Press Release, May 25, 2024

329 Committee to Protect Journalists (CPJ), Ethiopian journalist Muhiyadin Mohamed Abdullahi faces up to 5 years in prison on false news charges, March 12, 2024, <https://cpj.org/2024/03/ethiopian-journalist-muhiyadin-mohamed-abdullahi-faces-up-to-5-years-in-prison-on-false-news-charges/>; Date accessed October 30, 2024

330 Somali Region Journalists Association (SRJA): <https://web.facebook.com/SRJAethiopia/posts/pfbid0vFNBXZ9PXa5zmGVpWx-DukuR8qznNxxkECYfPqRA7uyicTbfvNqLiMPQANxxaHVaxl>; Date accessed October 30, 2024

331 Borkena, Court sentenced Tadios Tantu to over six years in jail without parole, October 25, 2024, <https://borkena.com/2024/10/25/court-sentenced-tadios-tantu-to-over-six-years-in-jail-without-parole/>; Date accessed October 30, 2024

332 France 24, 'Normalised and invisible': online abuse targets Ethiopian women: <https://www.france24.com/en/live-news/20240529-normalised-and-invisible-online-abuse-targets-ethiopian-women>; Date accessed January 19, 2025

333 GenderIT, Technology Facilitate Violence: The Fourth Battlefield Amid the Escalation in Ethiopia, <https://genderit.org/feminist-talk/technology-facilitate-violence-fourth-battlefield-amid-escalation-ethiopia/> ; Date accessed January 9, 2025

334 The Centre for Information Resilience (CIR), Research on Technology-Facilitated Gender-Based Violence in Ethiopia Summary Document, May 2024, https://www.info-res.org/_files/ugd/587f01_849a90c2a17d4526b0fc69b049b8946a.pdf ; Date accessed October 30, 2024

335 Ethiopia Insider, , August 23, 2024, <https://ethiopiainsider.com/2024/14112/?> Date accessed October 30, 2024

rumors, leading to home invasions and assaults, forcing some to flee for their safety³³⁶³³⁷.

In April 2024, a report from the Amharic-language service of the British Broadcasting Corporation (BBC) revealed that the ruling Prosperity Party (PP) was using an extensive “media army” to manipulate public opinion online. The media army network has been directed by the PP leaders via WhatsApp and Telegram groups often employing fake accounts to like and comment positively on the government’s Facebook posts and attack government critics and media outlets, aiming to boost the government’s and ruling party’s online public image. Though the PP denied using of fake and paid accounts, Meta reported that it had removed a network of accounts and pages violating the company’s fraudulent behavior policy by mass-producing comments to artificially increase the reach of Ethiopian government posts³³⁸.

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Data Protection and Privacy

In April 2024, the House of Peoples’ Representatives (HoPR) of the Federal Democratic Republic of Ethiopia ratified the Personal Data Protection Proclamation, 2024.³³⁹ Despite this legislative milestone, several human rights and media institutions raised concerns regarding the appointment of the Ethiopian Communications Authority as the regulatory body responsible for overseeing data protection because it might lack the necessary independence and expertise to effectively enforce the new regulations³⁴⁰. This concern was highlighted during the Commercial Bank of Ethiopia (CBE)’s naming and shaming incident, where it posted pictures and names of people who had refused to return money transferred or withdrawn during a system glitch in March 2024.

In the same month, the CBE, the largest state-owned financial institution, posted pictures and names of individuals who had withdrawn or transferred large sums of money during the system upgrade glitch in its branch and website. This action, intended as a form of “naming and shaming,” directly contravened the newly ratified Personal Data Protection Proclamation³⁴¹. However, the CBE faced no repercussions for its actions, raising questions about the enforcement of data protection laws.

In response to this incident, rights groups Access Now and the Center for Rights and Democracy issued an official letter in May 2024 to the president of CBE, the governor of the National Bank of Ethiopia, the regulatory body overseeing commercial banks, and the Director General of the Ethiopian Communications Authority. The letter highlighted how the public disclosure of personal details violated the right to privacy as enshrined in the Federal Democratic Republic of Ethiopia’s (FDRE’s) constitution, Article 17 of the International Covenant on Civil and Political Rights (ICCPR), the African Union Convention on Cyber Security and Personal Data Protection 2014, and the UN Guiding Principles on Business and Human Rights³⁴². Despite the seriousness of the situation, the CBE did not respond to the letter from the rights groups. However, in June 2024, the bank removed the photos and names of the individuals involved, citing that 99.13% of the money had been returned³⁴³. While this action was remedial, it did not address the underlying issues of accountability and the enforcement of data protection laws.

The Corridor Development Project in major cities of Ethiopia, such as Addis Ababa, is part of

336 Sifter Newsletter: <https://sifter.substack.com/p/how-many-salaries-can-you-afford?r=38rapq&triedRedirect=true> November, 12, 2024; Date accessed November 14, 2024

337 African Feminism: <https://africanfeminism.com/ethiopian-lgbtqia-activists-remain-bold-amidst-heightened-violence/> February 2024; Date accessed November 10, 2024

338 BBC News Amharic, , May 2024, <https://www.bbc.com/amharic/articles/cp6gnd20675o>; Date accessed October 30, 2024

339 Fana Broadcasting Corporate, House endorses personal data protection bill, April 4, 2024, <https://www.fanabc.com/english/amp/house-endorses-personal-data-protection-bill/> ; Date accessed October 27, 2024

340 The Reporter, Critics fear Comms Authority personal data dominion, impartiality in legislative wrangle, Jan 13, 2024, <https://thereporterethiopia.com/38279/> ; Date accessed November 03, 2024

341 BBC, Commercial Bank of Ethiopia names and shames customers over bank glitch money, April 5, 2024, <https://www.bbc.com/news/world-africa-68740796> ; Date accessed November 03, 2024

342 Access Now, Access Now and CARD letter to Commercial Bank of Ethiopia on the publication of customers personal data, June 2024, <https://www.accessnow.org/press-release/open-letter-cbe-ethiopia/> ; Date accessed November 03, 2024

343 Commercial Bank of Ethiopia Facebook Page, https://web.facebook.com/combanketh/posts/pfbid02NedmCQxdKe8CUrzDA7LoaF-HWmiqqhe4Z77CpRU3rdWvwXQ1JfPcMdY9jZ4KuvhAI?rdid=dRr18Gu5CF6czqKC&_rdc=1&_rdr; Date accessed November 03, 2024

the country's smart city initiative. This project aims to modernise urban services, improve living standards, and drive urban development forward. As part of this initiative, the government is installing cameras to enhance security; where according to Addis Ababa Mayor these cameras will help monitor public spaces, reduce crime, and ensure the safety of residents³⁴⁴. Though security is important, it is crucial to ensure transparency in the procurement of the technologies by publicly disclosing contracts and establishing independent oversight. Engaging citizens through inclusive consultations and participatory decision-making to build trust ensures that smart city initiatives align with a human rights based approach.

Digital Inclusion

Ethiotelecom has announced a comprehensive strategy for the 2024/25 fiscal year, focusing on significantly enhancing telecom coverage and capacity. The plan includes constructing 1,298 new mobile sites, expanding 4G service to 500 additional cities, and introducing 5G service to 15 more cities. To bridge the digital divide, 331 rural connectivity solutions and 165 mobile network sites will be established, totaling 496 sites, to improve network coverage in 1,000 rural kebeles. Ethio Telecom aims to increase its subscriber base by six percent, targeting 83 million customers, and boost revenue by 74.7% to 163.7 billion birr by the end of the fiscal year³⁴⁵.

In 2023, Ethiopia enacted the Ethiopian Digital Identification Proclamation No. 1284/2023³⁴⁶. The National Identity (ID) Program (NIDP) is responsible for implementing this foundational legal ID. The program issues a 12-digit unique identifier, known as the Fayda ID, to all residents of Ethiopia. This ID serves as a tool for service delivery and Know Your Customer (KYC) processes in both the public and private sectors. The NIDP ensures the quality of its enrollment through biometrics and authentication services, aiming to register 90 million residents by 2028.³⁴⁷ Exclusion of service for people with no national ID is announced by different service providers. For instance; Ethio Djibouti Railway SC has announced the launch of its online booking platform for public passenger transport services, starting in February 2025 where all travel bookings will now require Fayda, the national ID³⁴⁸. Additionally, beginning January 1, Ethiopians must present a Fayda national digital ID to open a bank account at branches in the capital and banks nationwide must comply with Fayda standards by January 2026, while those in major cities face an earlier deadline of July 1, 2025.³⁴⁹

The Universal Service Fund (USF) is under establishment³⁵⁰, yet, the Ethiopian Communications Authority enacted the universal access and service framework in 2022.

344 Ethiopian News Agency Generations Would be Proud of City's Corridor Dev't, Says Mayor - ENA English, 2024; Date accessed November 01, 2024

345 Ethiotelecom press statement: <https://www.ethiotelecom.et/%E1%8B%A8%E1%8A%A2%E1%89%B5%E1%8B%AE-%E1%89%B4%E1%88%8C%E1%8A%AE%E1%88%9D-%E1%8B%A82017-%E1%89%A0%E1%8C%80%E1%89%B5-%E1%8B%93%E1%88%98%E1%89%B5-%E1%8A%A0%E1%88%98%E1%89%B3%E1%8B%8A-%E1%8B%A8%E1%89%A2/?lang=am> ; Date accessed February 6, 2025

346 Ethiopian Digital Identification Proclamation (2023) https://ethiodata.et/wp-content/uploads/2023/09/Ethiopian-Digital-Identification-Proclamation-No.-1284_2023-1.pdf, Date accessed November 03, 2024

347 <https://id.gov.et/worldbank>

348 Birrmetrics News: <https://birrmetrics.com/ethio-djibouti-railway-launches-passenger-service-requires-national-id/>

349 Capital Market Ethiopia, National Bank of Ethiopia Mandates National ID for Banking, <https://www.capitalmarketethiopia.com/national-id-must-for-banking-ethiopia/> ; Date accessed January 10, 2025

350 Universal Service Funds in Africa, GSMA, October 2023 <https://www.gsma.com/about-us/regions/sub-saharan-africa/wp-content/uploads/2023/10/USF-Africa.pdf>; date accessed on January 8, 2025

Conclusion

This report provides a comprehensive assessment of the digital rights and inclusion landscape in the country. It highlights both progress and persistent challenges. Key findings indicate improvements in internet coverage and the enactment of critical legislation such as the Personal Data Protection Proclamation, 2024. However, systemic issues like internet shutdowns, technology facilitated gender based violation, and limited enforcement of regulatory frameworks undermine these advancements. Ethiopia's classification as "mildly compliant" in the Londa Score Index underscores the need for targeted reforms to align national practices with international human rights standards and foster a more inclusive digital environment.

Recommendations

The Government:

- Prioritise the protection of digital rights by ceasing the use of internet shutdowns during conflicts, which undermine freedoms of expression and access to information. It should adopt transparent policies regarding internet governance.
- Though Ethio-Telecom is implementing different initiatives to curtail internet accessibility of rural and women communities, authorities should implement subsidy programs for smart phones and internet access targeting women and marginalised groups. This should be coupled with digital literacy campaigns to empower women and address socio-cultural barriers.
- Review and amend laws like the Hate Speech and Disinformation Prevention Proclamation of 2020 to ensure they align with international human rights standards.
- End arbitrary detentions of journalists and activists and provide robust protections for free speech.
- Establish an independent and adequately resourced data protection authority to oversee compliance with the Personal Data Protection Proclamation of 2024, investigate violations, and hold perpetrators accountable.
- Expedite the operationalisation of the USF through policy to expand connectivity in underserved areas, ensuring equitable access to digital services for all.
- Proactively disclose information on policies affecting digital rights and technologies, fostering public understanding and participation in digital governance.

Civil Society Organisations should:

- Civil society organisations should focus on litigation and advocacy to challenge internet shutdowns, freedom of expression violations, and weak data protection measures.
- Produce evidence-based research to support their campaigns.
- Form coalitions at local level and join regional and international coalitions to amplify advocacy efforts, access resources, and promote accountability for digital rights violations.
- Civil society should push for the establishment of an independent Personal Data Protection Commission to ensure impartial enforcement of the data protection law.

The Private Sector should:

- Telecommunications and social media companies should partner with stakeholders to enhance digital literacy, particularly in underserved regions, while ensuring safe online spaces through effective content moderation in local languages.
- Telecommunications operators should actively contribute to the USF and work towards

expanding coverage to unconnected regions.

- Telecommunications companies should let service seekers know the reason for internet shutdowns.

Londa 2025 Key Indicators	ACHPR Declaration (<i>P stands for Principle</i>)	Score	Justification
Internet Shutdowns	P38(2)	1	Internet shutdowns have been used in Amhara region during 2024
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	The country still hasn't passed the law around USF though there is a strategic framework
False News Criminalisation	P22(2)	1	Journalist Muhiyadin Mohamed Abdullahi was arrested on February 2024, and charged under Ethiopia's hate speech and disinformation law. Authorities accused him of spreading false news and hate speech via his Facebook page
Sedition Legislation	P22(2)	2	Criminal code states criminalization of false accusation of government officials
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	Because of the imposition of state of emergency different media personnel, HRDs, and citizens who identify as a specific ethnic group were imprisoned
Data Protection Legislation.	P42	3	The proclamation was enacted in 2024 though there are limitations in the proclamation
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	Though the government didn't recently ask for removal of content from many social media platforms, TikTok received 86 requests from Jan-June 2024 and YouTube was also asked to take down contents in 2021.
Invasion of Privacy of Communications	P41	1	HRDs and HROs staff were targeted and their office and devices were confiscated .
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	1	Citizens were unaware of internet shutdowns in Amhara regional state and who imposed it.

AI and Emerging Technologies national strategies	P39(6)	2	The state is using emerging technologies minimally and is not yet included in national strategies
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	Though there is no specific laws to promote children's digital safety, the data protection proclamation gives greater emphasis to children's data privacy
Digital Inclusion	P37(3)	2	State-owned telecom company, Ethio telecom, is trying to expand to unconnected regions to promote digital inclusion
TOTAL SCORE (up to 60)		21	

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Gambia

Executive Summary

This report gathered evidence from diverse sources, including newspaper articles, court decisions, press statements and reports from media rights organisations. The country report is assessed on the basis of TheScore Index by Paradigm Initiative, which assesses compliance with the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information. It covers thematic areas such as internet access and digital inclusion; freedom of expression and press freedom; privacy, surveillance, data protection and cybersecurity; proactive disclosure of information; censorship and content moderation; and AI and emerging technologies. Key highlights include the introduction of the Data Privacy and Protection Bill 2024 and the Cyber Crime Bill 2023, which make provision for the protection of digital rights as well as the establishment of the Access to Information Commission. It is recommended that The Gambia must invest and develop the ICT infrastructure to address poor internet connectivity, internet disruptions and the exorbitant cost of internet data. It must establish the Universal Service Fund (USF) to ensure accessibility and affordability of internet services. It must also repeal all regressive laws that threaten digital rights and internet freedom.

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Introduction

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The 2023 Londa Report highlights that The Gambia has made considerable progress in the areas of digital rights and internet freedom since 2017, even though it has faced persistent challenges.³⁵¹ This 2024 Report shows that the digital rights landscape continues to reflect both progress and persistent challenges. While there has been an increase in the number of internet users and the introduction of bills to protect digital rights, The Gambia continues to experience slow and poor internet connection, internet disruptions and high cost of internet data due to poor ICT infrastructure. The Gambia also maintains laws that threaten digital rights and internet freedom. These challenges, which remain unsolved, caused the country to score moderately compliant for the year 2024 under TheScore Index.

351 Paradigm Initiative 'Londa 2023 Digital Rights and Inclusion in Africa Report-The Gambia' (2024) <https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf> (accessed 5 November 2024).

Internet Access and Disruptions

DataReportal's Digital 2024 Report shows that The Gambia's internet penetration rate stood at 54.2% of the population (1.52 million people) at the start of 2024.³⁵² This is an increase of 2.5% from January 2023 to January 2024. The report also shows that there are 3.02 million cellular mobile internet connections representing 107.5% of the total population, with an increase of 4.3% compared to 2023. Also, the number of social media users in The Gambia at the start of 2024 stood at 404,000 active users.³⁵³ This reflects an increase of 32% compared to the year 2023. Despite the increase in internet users in 2024, internet connection speeds in the Gambia are fixed at 6.06 Mbps, decreased by 0.38 Mbps (-5.9%) compared to the year 2023.³⁵⁴ The Gambia has been ranked among the 10 lowest countries globally with the slowest broadband connection and network qualities for citizens.³⁵⁵ This is associated with the country's lack of investment in ICT infrastructure and technology which ensures faster internet speed.

A local survey shows that many regions in The Gambia suffer from unstable and slow internet connection coupled with exorbitantly high cost of mobile data, making the Internet unaffordable for many Gambians.³⁵⁶ To address these challenges, the Government has begun engaging Starlink Services for the provision of satellite internet services to diversify internet access options in the country.³⁵⁷ As of 31 December 2024, there were no new developments regarding the operational station of Starlink Services in The Gambia. Starlink services are still not available.

The Gambia experienced five internet disruptions in 2024. Netblocks and Cloudflare data show that disruptions occurred on March 14³⁵⁸ and May 31 2024.³⁵⁹ These disruptions were due to multiple undersea cable failures in the region, including the Africa Coast to Europe (ACE) submarine cable which The Gambia relies on. The disruption during this period caused an internet outage in The Gambia. From January to September 2024, Gambia's national telecom provider, Gamtel, also reported three internet disruptions to its fibre optic networks due to fibre cable cuts.³⁶⁰ Gamtel's fibre cable cut remains a major source of internet disruptions in The Gambia. Despite these challenges, there appears to be no deliberate internet shutdowns occasioned by the State during the reporting period, a sign of compliance with international standards.

352 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

353 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

354 DataReportal 'Digital 2024: The Gambia' (2024) <https://datareportal.com/reports/digital-2024-gambia> (accessed 20 November 2024).

355 The Point Newspaper 'Gambia among lowest internet ranking globally – Survey' (2024) https://thepoint.gm/africa/gambia/headlines/gambia-among-lowest-internet-ranking-globally-survey#google_vignette (accessed 20 November 2024).

356 Gambia Journal 'The Gambia Ranks Among Lowest for Internet Speed and Quality Globally' (2024) <https://gambiaj.com/the-gambia-ranks-among-lowest-for-internet-speed-and-quality-globally/> (accessed 20 November 2024).

357 Foroyaa Newspaper 'Gambia Explores Possible Launch of Starlink Services' (2024) <https://foroyaa.net/gambia-explores-possible-launch-of-starlink-services/> (accessed 20 November 2024).

358 Internet Society 'West Africa Submarine Cable Outage Report' (2024) <https://www.internetsociety.org/resources/doc/2024/2024-west-africa-submarine-cable-outage-report/> (accessed 20 November 2024); Cloudflare 'Undersea Cables Failures cause Internet disruptions for Multiple African Countries' (2024) <https://blog.cloudflare.com/undersea-cable-failures-cause-internet-disruptions-across-africa-march-14-2024/> (accessed 20 November 2024).

359 Crisis 24 'West Africa: Internet service disruptions almost certain in parts of West Africa 00:01-10:00 May 31' (2024) <https://crisis24.garda.com/alerts/2024/05/west-africa-internet-service-disruptions-almost-certain-in-parts-of-west-africa-0001-1000-may-31> (accessed 20 November 2024).

360 Ecofin Agency 'Gambia: New Fiber Cut Disrupts Gamtel's Internet Service' (2024) <https://www.ecofinagency.com/telecom/1309-45887-gambia-new-fiber-cut-disrupts-gamtel-s-internet-service> (accessed 20 November 2024).

Digital inclusion of Persons with disabilities (PWDs), women and children

As stated in the 2023 Report, PWDs continue to be marginalised in the decision-making process, including in the use of ICTs for development.³⁶¹ Despite the adoption of several ICT policies and strategies, 2024 has not witnessed any progress in terms of the inclusion of PWDs, women and children in the development of the ICT sector. This situation yet again presents the need for the inclusion of vulnerable groups in ICT development in The Gambia.

In October 2024, the Ministry of Communications and Digital Economy (MoCDE) developed The Gambia's National Child and Vulnerable Groups Online Protection Policy.³⁶² On the 4th December 2024, stakeholders including the Ministry of Gender, Children and Social Welfare, and civil society organisations validated the Policy.³⁶³ The Policy was made as part of the Western Africa Regional Digital Integration Program. The purpose of the Policy is to ensure a safe, secure and supportive digital environment for all children and vulnerable groups, including women, persons with disabilities and older persons in The Gambia. Accordingly, the Policy aims to create a digital environment for children, women, persons with disabilities and older persons where their rights are protected, their well-being is prioritised, and they are empowered to leverage the full potential of digital technology for sustainable growth and development. It also aims at inclusion of children, women, persons with disabilities and older persons in the digital landscape of The Gambia.

One of the key policy pillars of The Gambia's National Child and Vulnerable Groups Online Protection Policy is the review of the legal and regulatory frameworks. The aim of the review is to enact legislation for child online protection in accordance with regional and global standards. The legislation will address: (1) the prohibition of all forms of violence, exploitation and abuse against children and vulnerable groups in the digital environment; (2) higher levels of protection for the collection and processing of children and vulnerable groups' data; (3) the obligations of digital service providers in ensuring the online safety of children and vulnerable groups; (4) the facilitation of investigation, prosecution and sentencing of online offences that violate children's and human rights; (5) preventive measures to protect children and vulnerable groups online; and (6) provision of effective response, recovery and rehabilitation that are in the best interest of children and vulnerable groups. Furthermore, the Policy seeks to engage digital service providers including internet service providers, GSM operators and content developers to develop effective measures to prevent, detect, take down and report online risks and harms affecting children and vulnerable groups. Thus, the government will develop codes of conduct, protocols and/or guidelines for internet service providers, GSM operators and content developers on the protection of children and vulnerable groups online.

The Budget of the Government of The Gambia for 2024 shows that the MoCDE was allocated only 0.31% of the entire national budget.³⁶⁴ The National Budget for 2024 also shows that nothing has been allocated for Information Communication Technology (ICT) research and development, compared to the year 2023 when the sum of GMD5, 000, 000 (USD 74, 272) was allocated for ICT research and development.³⁶⁵ This is evidence of the lack of prioritisation of ICT development in order to enhance access and inclusion of all people, including children and vulnerable groups. There is no mention in the budget of an allocation specifically for vulnerable groups. This shows the lack of commitment of the Government of The Gambia to develop the ICT sector with a view to ensuring accessibility and affordability to the people, including vulnerable groups. The allocation of less than 1% of the total national budget to the ICT sector explains the reason for the poor telecommunication infrastructure in The Gambia.

361 Paradigm Initiative 'Londa 2023 Digital Rights and Inclusion in Africa Report-The Gambia' (2024) <https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf> (accessed 5 November 2024).

362 Ministry of Communications and Digital Economy 'The Gambia's National Child and Vulnerable Groups Online Protection Policy' (2024) <https://mocde.gov.gm/wp-content/uploads/2024/11/Gambia-CVGOP-Policy.docx#:~:text=Introduction%20and%20Background-,The%20Gambia's%20National%20Child%20and%20Vulnerable%20Groups%20Online%20Protection%20Policy,vulnerable%20groups%20as%20a%20strategic> (accessed 27 December 2024)

363 The Point Newspaper 'Gov't validates policy to protect child & vulnerable groups online' (2024) <https://thepoint.gm/africa/gambia/headlines/govt-validates-policy-to-protect-child-and-vulnerable-groups-online> (accessed 27 December 2024).

364 Ministry of Finance and Economic Affairs 'Citizen's Budget: Budget of The Government of The Gambia' (2024) <https://mofea.gov.gm/wp-content/uploads/2024/05/Citizens-Budget-2024.pdf> (accessed 27 December 2024).

365 See page 33 of the approved Estimates of Revenue and Expenditures. Available at: <https://mofea.gov.gm/wp-content/uploads/2024/06/ESTIMATES-OF-REVENUE-AND-EXPENDITURE-2024-1.pdf> (Accessed 27 December 2024).

Universal Service Fund

As at 1 November 2024, The Gambia has not established the Universal Service Fund (USF). While the Information and Communications Act 2009 (the ICA) and the Universal Access and Service Policy 2020³⁶⁶ envisage the establishment of the USF, the same has not been achieved for 15 years since it was introduced in the ICA. The absence of the USF continues to increase the mobile broadband connectivity gap in The Gambia, like many other African countries.³⁶⁷ To close the gap in connectivity in The Gambia, it is important to prioritise the establishment of the USF.

The Gambia's Digital ID System

The Gambia is part of the ECOWAS National Biometric ID Card scheme for cross-border use meant to promote inter-regional trade and integration.³⁶⁸ The biometric system in The Gambia extends to passports, alien cards, non-Gambian IDs, residence permits and driving licences. In October 2018, The Gambia initiated the issuance of biometric ID Cards.³⁶⁹ As a result, the Government has adopted a policy to stop producing and issuing non-biometric ID cards and other documents. On 15th July 2024, Semlex Group, the company contracted by The Gambia to issue ID and other national documents, announced that it had stopped the production of the national documents upon the expiration of the agreement with the Government.³⁷⁰ Since 15th July 2024, the Government has failed to produce National ID cards and Driving Licenses despite several assurances by the Minister of Interior that production will resume in August 2024.³⁷¹ In September 2024, the Minister informed the National Assembly that his Ministry was in the process of procuring a company to produce National ID cards.³⁷² On December 26 2024, The Gambia Immigration Department (GID) issued a press release on their Facebook page that the issuance of ID cards and Resident Permits had resumed. The press release further stated that the applications that were made since March 2024 have been printed and ready to be collected by the applicants on the 30th December 2024.

In regard to international passports, on the 13th of December 2024 GID announced that the production of Machine Readable Passports (MRPs) is affected by undisclosed technical challenges. From that period, MRPs were not issued until January 30 2025 when GID announced the resumption of its production and issuance. MRPs are issued to Gambians living abroad who cannot access biometric passports.

The failure of the Government to produce ID Cards and MRPs for more than eight months and a month, respectively, has caused difficulties for thousands of Gambians and non-Gambians who are without ID cards, driving licenses and resident permits.³⁷³ The lack of ID Cards and other documents constitutes a violation of digital rights. This is because it has a negative impact on people's access to digital and non-digital services and fulfilment of rights, thus depriving them of inclusion.

Given the situation, the Government could have resorted to issuing non-biometric ID cards as a temporary measure or an alternative. While it is noted that it is a government policy to only issue biometric ID cards, the protection and issuance of non-biometric ID cards will be within the law. The provisions of the National Identity Cards Regulations 1993 anticipate the production and issuance of non-biometric ID cards. Additionally, the said Regulation has not been amended to make provision for the issuance of only biometric ID cards by The Gambia Immigration Department.

366 Ministry of Communications and Digital Economy 'Universal Access and Service Policy 2020' <https://mocde.gov.gm/wp-content/uploads/2023/10/Universal-Access-Service-Policy-2020.pdf> (accessed 20 November 2024).

367 GSMA Intelligence 'Universal service funds in Africa Policy reforms to enhance effectiveness' (2023) <https://www.gsma.com/about-us/regions/sub-saharan-africa/wp-content/uploads/2023/10/USF-Africa.pdf> (accessed 20 November 2024).

368 Paradigm Initiative 'Londa 2023 Digital Rights and Include Report in Africa: The Gambia (2023) <https://paradigmhq.org/wp-content/uploads/2024/06/The-Gambia-Country-Report.pdf> (accessed 12 November 2024)

369 United Nations Economic Commission for Africa 'Gambia National Digital Identity Strategy: Strategy Report' (2023) https://www.uneca.org/sites/default/files/TCND/Digital%20ID%20Transformation%20Strategy%20_Gambia%20V_9.pdf (accessed 27 December 2024).

370 The Standard Newspaper 'Press Release' (2024) <https://standard.gm/press-release-2/> (accessed 12 November 2024).

371 The Standard Newspaper 'ID Card issuance to resume next month – Interior Minister' (2024) <https://standard.gm/id-card-issuance-to-resume-next-month-interior-minister/> (accessed 12 November 2024);

372 The Point Newspaper 'Interior Minister gives update on state of nation ID card production' (2024) <https://thepoint.gm/africa/gambia/headlines/interior-minister-gives-update-on-state-of-nation-id-card-production> (accessed 12 November 2024)

373 The Voice Newspaper 'National ID and Driver's License Printing Remain Uncertain' (2024) <https://www.voicegambia.com/2024/09/18/national-id-and-drivers-license-printing-remain-uncertain/> (accessed 12 November)

Freedom of Expression and Press Freedom

Section 25(1) of the Constitution of The Gambia, 1997 guarantees the right to freedom of speech and expression, which includes freedom of the media. Since January 2017, The Gambia has registered significant progress in freedom of expression and of the media.³⁷⁴ The period between 2017 and 2023 witnessed a decrease in attacks on journalists, the criminalisation of defamation has been declared unconstitutional, and there has been an increase in media houses.³⁷⁵ In the recent **2024 Reporters Without Borders** survey, The Gambia has experienced a decline of 12 positions, dropping from 46th in 2023 to 58th position out of 180 countries in the global press freedom index.³⁷⁶ Similarly, The Gambia's position in Africa dropped from 5th in 2023 to 10th position out of 54 countries in the regional press freedom index.³⁷⁷ The **Reporters Without Borders** survey rankings consider cumulative scores from five key indicators: media landscape, political context, legal framework, economic context, and safety of journalists. The Gambia's drop in ranking for the year 2024 is linked to persistent attacks on journalists, repressive media laws, lack of protection for journalists and the lack of implementation of the ATI law.

The Gambia still maintains laws that criminalise sedition and false publication. Sections 51 and 52 of the Criminal Code of 1993 (the CC) deal with the crime of sedition while section 181A of the CC criminalises false publication and broadcasting. While the Criminal Offences Bill 2020 (COB), which is still before the National Assembly, seeks to repeal the offence of sedition, it has maintained false publication and broadcasting.³⁷⁸ This is notwithstanding the decision of the Community Court of Justice of ECOWAS in 2018 that The Gambia's criminalisation of sedition and false publication and broadcasting is not in line with international human rights.³⁷⁹

In June 2024, Ebrima Dibba, Deputy National Organizing Secretary of the opposition United Democratic Party (UDP), was arrested and charged by the Gambia Police Force with sedition.³⁸⁰ This charge came following allegedly a WhatsApp audio made by Mr Dibba in response to President Adama Barrow whom he referred to as someone who “knows nothing” urging him to respect Mr Ousainou Darboe, the leader of the UDP.

On 26 September 2024, two journalists of The Voice Newspaper, Musa Sherriff and Momodou Justice Darboe, were arrested and charged by the police with false publication and broadcasting over a story that President Adama Barrow had chosen a local businessman as his successor.³⁸¹ In October 2024, President Adama Barrow filed a civil claim of defamation against The Voice Newspaper and the two journalists.³⁸² Even though the President has promised to withdraw the civil suit and instruct the police to drop the criminal charges following a meeting with media

374 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

375 Reporters Without Borders 'Gambia' (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

376 Reporters Without Borders 'Gambia' (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

377 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

378 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

379 Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18 http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUD_04_18.pdf (accessed 10 November 2024).

380 The Fatu Network 'Dibba appears in court on charges of seditious intention, granted' <https://fatunetwork.net/dibba-appears-in-court-on-charges-of-seditious-intention-granted-bail/> (accessed 7 November 2024).

381 Federation of International Journalist 'The Gambia- Two Journalist arrested and charged with 'false publication' against the president' (2024) <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/the-gambia-two-journalists-arrested-and-charged-with-false-publication-against-the-president> (accessed 10 November 2024)

382 The Point Newspaper 'President Barrow sues the Voice Newspaper, Editor Musa Sheriff' (2024) <https://thepoint.gm/africa/gambia/headlines/president-barrow-sues-the-voice-newspaper-editor-musa-sheriff> (accessed 10 November 2024).

stakeholders.³⁸³ Neither of the two cases has been formally withdrawn from the courts. Also, in October 2024, the Minister of Environment sued Kebba Ansu Manneh, a journalist for The Alkamba Times, for defamation.³⁸⁴ This follows an investigative report published in The Alkamba Times that the Minister of Environment as former Governor of Lower River Region was involved in illegal transactions of seized logs.

The Constitution of the Republic of the Gambia (Promulgation) Bill 2024 (the Draft Constitution) recognises the freedom of the media. Unlike the Constitution of 1997, the Draft Constitution seeks to limit the right of ownership and operating media to Gambians only.³⁸⁵ According to the Explanatory Note made by the Ministry of Justice, the rationale for restricting media ownership to Gambians is to help “promote national security, preserve cultural integrity, ensure economic gains for locals, build public trust, and enhance regulatory efficiency”.³⁸⁶

These incidents present a lack of commitment and good faith by The Gambia to repeal repressive media laws. Despite the direction of the ECOWAS Community Court six years ago, The Gambia has failed to repeal the laws on sedition and false news. Even though the COB seeks to repeal sedition, the police still continue to charge people for sedition. This is a clear indication of lack of good faith on the part of the Government to do away with the criminalization of sedition. As noted by The Gambia Press Union (GPU)³⁸⁷, the criminal and civil suits against The Voice Newspaper and The Alkamba Times undermine freedom of expression and of the media in The Gambia. Furthermore, the proposal by the Government in the Draft Constitution to limit media ownership to Gambians contradicts best practices and international standards. With regards to content moderation, there have been no reports of blocking or filtering of websites or apps by the Government of The Gambia from 2017 to 2024.³⁸⁸

Privacy, Surveillance, Data Protection and Cybersecurity

The Constitution under section 23 guarantees the right to privacy. This provision states that one’s right to privacy can only be interfered with in accordance with the law. Under the Draft Constitution of 2024, the same provision is maintained in section 35. Furthermore, there has not been any reported incident of government surveillance on private communications.

Even though The Gambia is yet to adopt any legislative framework on data protection and cybersecurity, it has taken considerable steps in 2024 to introduce bills to the National Assembly on the areas. On March 18 2024, the Cyber Crime Bill 2023 was tabled in the National Assembly.³⁸⁹ The Bill has been committed to the Assembly Business Committee for consideration by the relevant committees. On the May 14 2024, the Ministry of Communications and Digital Economy organised a two-day retreat on the Cybercrime Bill for members of the National Assembly Select Committee

383 Kerr Fatou “Breaking News- President Barrow To Withdraw Lawsuit Against Voice Newspaper” (2024) <https://www.kerrfatou.com/breaking-news-president-barrow-to-withdraw-lawsuit-against-voice-newspaper/> (accessed 10 November 2024); Gambia Press Union ‘Media Stakeholders Meet President Barrow on Press Freedom Concerns’ (2024) <https://gpu.gm/media-stakeholders-meet-president-barrow-on-press-freedom-concerns/> (accessed 7 November 2024); Committee to Protect Journalist ‘Gambian President withdraws defamation lawsuit against The Voice, editor’ (2024) <https://cpj.org/2024/11/gambian-president-withdraws-defamation-lawsuit-against-the-voice-editor/> (accessed 10 November 2024).

384 The Alkamba Times ‘ENVIRONMENT MINISTER FILED A D50 MILLION LAWSUIT AGAINST JOURNALIST KEBBA ANSU MANNEH OF THE ALKAMBA TIMES’ (2024) [HTTPS://ALKAMBATIMES.COM/ENVIRONMENT-MINISTER-FILED-A-D50-MILLION-LAWSUIT-AGAINST-JOURNALIST-KEBBA-ANSU-MANNEH-OF-THE-ALKAMBA-TIMES/](https://alkambatimes.com/environment-minister-filed-a-d50-million-lawsuit-against-journalist-kebba-ansu-manneh-of-the-alkamba-times/) (accessed 10 November 2024)

385 Constitution of the Republic of The Gambia (Promulgation) Bill 2024 <https://moin.gov.gm/wp-content/uploads/2024/08/LATEST-AND-FINAL-Draft-Constitution.2024-FOR-FIRST-GAZETTING-14-AUGUST-2024.pdf> (accessed 10 November 2024)

386 Explanatory Notes on some of the main clauses of the Gazatted 2024 Draft Constitution <https://moin.gov.gm/wp-content/uploads/2024/08/EXPLANATORY-NOTE-TO-THE-DRAFT-CONSTITUTION-FINAL.pdf> (accessed 10 November 2024).

387 Gambia Press Union ‘GPU Raises Concerns Over Defamation Suits Against The Voice & The Alkamba Times’ (2024) <https://gpu.gm/gpu-raises-concerns-over-defamation-suits-against-the-voice-the-alkamba-times/> (accessed 7 November 2024).

388 Freedom House ‘The Gambia- Freedom on the Net 2024’ (2024) <https://freedomhouse.org/country/gambia/freedom-net/2024#B> (accessed 7 November 2024).

389 Foroyaa Newspaper ‘National Assembly Commits Bill That Seeks to Punish Cyber Crime’ (2024) <https://foroyaa.net/national-assembly-commits-bill-that-seeks-to-punish-cyber-crime/> (accessed 10 November 2024).

on ICT and Education.³⁹⁰ However, media rights groups, including GPU and Article 19, have raised concerns about some of the provisions of the Bill that impede freedom of expression and of the media and digital rights.³⁹¹ The GPU also holds the same position as stated in its Position Paper on the Cyber Crime Bill 2023.³⁹²

As noted by Article 19 and GPU, the Cyber Crime Bill 2023 contains provisions which violate freedom of expression and digital rights. For example, section 5(1)(a) criminalises the use of a computer system to “spread false news or information”. Protecting people from false news and information is not a legitimate basis for limitation of freedom of expression under international human rights standards. The Community Court of Justice of ECOWAS in 2018 held that criminalising false news in the Criminal Code of The Gambia contravened international standards and the Court urged The Gambia to repeal the law.³⁹³ Repeating false news and information offences in the Cyber Crime Bill 2023 is evidence of The Gambia’s flagrant refusal to comply with the said judgment. Furthermore, section 5(1)(b) and (c) criminalises the use of a computer to incite violence, bully, abuse or make derogatory remarks against a person. Not only are these terms vague and not defined in the Bill, they have the potential to be used against investigative journalists whose reports about a public official may be considered abusive or derogatory remarks. Additionally, section 19 of the Bill allows law enforcement to issue a written notice to a person or entity to preserve a specified data stored in a computer for the purpose of investigation. The provision fails to provide an independent review mechanism, such as a judicial oversight, to ensure compliance and respect for the privacy rights of the subject. This creates a potential for law enforcement officers to arbitrarily intrude the privacy of persons including digital rights.

The Gambia has no data protection law and currently, the Personal Data Protection and Privacy Bill 2024 was published in Gazette No. 48 of October 7 2024 Vol 141. Following the First and Second Reading of the Bill, on December 6 2024 the National Assembly referred the Bill for consideration by the National Assembly Select Committee on Education, Training, and ICT.³⁹⁴

Access to Information and Proactive Disclosure of Information

Since the enactment of the Access to Information Act, 2021 (the ATI), it is yet to be fully implemented.³⁹⁵ The following key elements of the ATI are yet to be fully implemented:

(a) While the ATI requires the head of every public body, in consultation with the Minister of Information, to designate a suitable officer as information officer to receive requests for information, this has not been complied with. While most of the Government ministries have “information officers”, such officers have not been designated for the purpose of receiving and processing requests for information. Their main duties are limited to attending to media requests and managing the social media handles of the ministries. Thus, requests for information continue to be submitted through the normal records offices of public bodies without any officer being designated for the purpose of the ATI.

(b) Section 12 of the ATI provides that a request for information shall be accompanied by such a reproduction fee as prescribed in a Regulation made by the Minister of Information. No such Regulation has been made by the Minister so as to prescribe the reproduction fees. Furthermore, while the ATI infers that a request for information should be made in a form, there is no Regulation that prescribes the form to be used to request information. The absence of a Regulation stalls the effective and full implementation of the law.

(c) Public bodies do not respond to requests for information within the prescribed time frame of 21 days for response. For example, the author of this report on November 12 2024 made a request for

390 Ministry of Communications and Digital Economy ‘Ministry of Communications and Digital Economy embarked on a two-day retreat to discuss the Cyber Crime Bill 2023’(2024) <https://mocde.gov.gm/ministry-of-communications-and-digital-economy-of-the-gambia-embarked-on-a-two-day-retreat-to-discuss-the-cybercrime-bill-2023/> (accessed 10 November 2024).

391 Article 19 ‘The Gambia: Cybercrime Bill 2023’(2024) <https://www.article19.org/wp-content/uploads/2024/03/Analysis-the-Gambia-Cybercrime-Bill-2023-26-March-2024.pdf> (accessed 10 November 2024).

392 Kerr Fatu ‘Gambia Press Union Position Paper on the Cyber Crime Bill 2023 (2024)’ <https://www.kerrfatou.com/gambia-press-union-position-paper-on-the-cybercrime-bill-2023/> (accessed 10 November 2024).

393 Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18 http://www.courtecawas.org/wp-content/uploads/2019/02/ECW_CCJ_JUD_04_18.pdf (accessed 10 November 2024).

394 The Point Newspaper ‘NA Commits Data Protection, Privacy Bill to Committee’ (2024) <https://thepoint.gm/africa/gambia/national-news/na-commits-data-protection-privacy-bill-to-committee> (accessed 27 December 2024).

395 Reporters Without Borders ‘Gambia’ (2024) <https://rsf.org/en/country/gambia> (accessed 10 November 2024).

information to the Public Utilities Regulatory Authority (PURA) as regards data on state of internet access in The Gambia in 2024; the number of reported internet disruptions from January 2024 to date (and possibly the causes); the state of Implementation of the Universal Service Fund in The Gambia in 2024; and the state of digital inclusion of persons with disabilities in 2024. Even though PURA acknowledged receipt of the request, it failed to respond to the request for 46 days as at December 28 2024.

(d) The majority of public bodies fail to proactively disclose information as required by section 7 of the ATI. The type of information to be proactively disclosed include manuals, policies, procedures, rules used by the public body; names, designation and contact details of staff; contracts, licenses, permits, authorizations and public private partnerships granted to beneficiaries. Many public bodies do not have functional websites. Even those with functional websites fail to proactively disclose such information.

(e) Section 61 of the ATI requires public bodies and relevant private bodies to submit implementation plans to the ATI Commission within 6 months of the establishment of the Commission. The implementation plan should outline the institution's operational plan to implement its obligations under the ATI and information publication plan in respect of its proactive disclosure responsibilities under the Act. It has been five months since the establishment of the ATI Commission and none of the public bodies and relevant private bodies has submitted their implementation plan to the ATI Commission.

According to the GPU, the lack of implementation of the ATI is the reason why the Gambia dropped 12 points in global ranking on press freedom as stated in the 2024 Reporters Without Borders.³⁹⁶ Notwithstanding the above, the Gambia has taken some commendable steps in 2024 in the implementation of the ATI.

On July 8 2024, the National Assembly confirmed the appointment of five commissioners of the ATI Commission.³⁹⁷ The ATI Commission was officially inaugurated by the Vice-President following the swearing-in of the Commissioners on September 5 2024.³⁹⁸ The establishment of the ATI Commission is a fundamental milestone as the Commission is the oversight body for the implementation of the ATI.

In January 2024, the Ministry of Information announced that it had developed an implementation plan for ATI.³⁹⁹ In May 2024, the Ministry of Information launched a Ministerial Town Hall meeting called "Mansa Kunda". This program brings Ministers face-to-face with citizens to discuss government projects and milestones.⁴⁰⁰ In July 2024, GPU and the Department of Information Services have organized trainings for Information Officers,⁴⁰¹ Ministries, Department and Agencies of the Government on the implementation of the ATI and document management processes.⁴⁰² On July 31 2024, GPU also organised a policy dialogue with stakeholders including the ATI Commission, civil society and the Government on the implementation of the ATI.⁴⁰³ Furthermore, the government has proposed to recognise the right to access information as a constitutional right in section 40 of

396 Gambia Press Union 'Statement by the Gambia Press Union (GPU) Delivered at the 81st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Banjul from 17 October – 6 November, 2024' (2024) <https://gpu.gm/statement-by-the-gambia-press-union-gpu-delivered-at-the-81st-ordinary-session-of-the-african-commission-on-human-and-peoples-rights-achpr-held-in-banjul-from-17-october-6-november-20/> (accessed 7 November 2024).

397 The Point Newspaper 'Assembly Confirms of 5 ATI Commissioners' (2024) <https://thepoint.gm/africa/gambia/headlines/assembly-confirm-appointment-of-5-ati-commissioners> (accessed 11 November 2024).

398 Gambia Journal 'Access to Information Commission Officially Inaugurated, Neneh Macdouall and Team Sworn In' (2024) <https://gambij.com/gambias-access-to-information-commission-officially-inaugurated-members-sworn-in/> (accessed 11 November 2024).

399 The Gambia News Agency 'Implementation of Access to Information Law, a Step towards Transparency, Accountability' (2024) <https://www.gamna.gov.gm/implementation-access-information-law-step-towards-transparency-accountability> (accessed 11 November 2024).

400 Ministry of Information X account https://x.com/Info_Ministry_/status/1793201449431625937 (2024) (accessed 11 November 2024).

401 Gambia Press Union 'GPU Engages Government Information Officers on ATI, Document Management Practices' (2024) <https://gpu.gm/gpu-engages-government-information-officers-on-ati-document-management-practices/> (accessed 11 November 2024).

402 Gambia Press Union 'GPU Engages Ministerial Departments & Agencies on ATI Law Implementation, Good Document Management Practices' (2024) <https://gpu.gm/gpu-engages-ministerial-departments-agencies-on-ati-law-implementation-good-document-management-practices/> (accessed 11 November 2024).

403 Gambia Press Union 'GPU Holds Policy Dialogue with Stakeholders on ATI Law Implementation' (2024) <https://gpu.gm/gpu-holds-policy-dialogue-with-stakeholders-on-ati-law-implementation/> (accessed 11 November 2024).

the Draft Constitution since it is not provided for in the current Constitution of 1997.⁴⁰⁴

Despite the developments registered in 2024, there is failure by the government to proactively disclose and disseminate information digital technologies. During the course research, it was noted that most government institutions do not have functional websites. This includes the government printing house, Gambia Printing Publishing Corporation. Even those institutions that have functional websites do not proactively disclose and disseminate the information required to be published under section 7 of the ATI. This defect highlights the need for a comprehensive implementation of the ATI. It also requires the government to put in place the necessary structure and infrastructure to facilitate timely disclosure and dissemination of information to the public.

Artificial Intelligence (AI) and Emerging Technologies

The Gambia has no legislation on AI and emerging technologies such as blockchain and quantum computing. However, for the first time, the National Digital Economy Master Plan 2023-2033 recognises the need to develop a policy and strategy for promoting AI research, development, adoption, and application.⁴⁰⁵ There have not been any developments in the area of AI for 2024. There is also no data protection law providing for any use of data collected through automated systems.

404 Constitution of the Republic of The Gambia (Promulgation) Bill 2024 <https://moin.gov.gm/wp-content/uploads/2024/08/LATEST-AND-FINAL-Draft-Constitution.2024-FOR-FIRST-GAZETTING-14-AUGUST-2024.pdf> (accessed 10 November 2024).

405 Ministry of Communications and Digital Economy 'National Digital Economy Master Plan 2023-2033' (2023) <https://mocde.gov.gm/wp-content/uploads/2023/10/Final-The-Gambia-Digital-Economy-Master-Plan-2023-20233.pdf> (accessed 11 November 2024)

TheScore Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	Since January 2017, the Government of The Gambia has not shut down any social media platforms.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Laws in The Gambia such as Persons with Disabilities Act 2021 that promotes the inclusion of vulnerable groups such as persons with disabilities in national development initiatives including ICT development. Similarly, The Gambia has adopted several policies including the Digital Transformation Strategy for The Gambia 2023-2028 and the National Digital Economy Master Plan 2023-2032 that speak to the promotion of affordability and accessible internet to marginalised and vulnerable groups. Notwithstanding the law and policies, the period under review has not shown any progress in the promotion and inclusion of marginalised groups to affordable internet access.
False News Criminalisation	P22(2)	1	Section 181A of the Criminal Code of The Gambia criminalises false publication and broadcasting. This provision has been used to charge journalists for false news publication. In September 2024, two journalists, Musa Sheriff and Muhammed Justice Darboe, of The Voice Newspaper were charged under this provision.
Sedition Legislation	P22(2)	1	The Criminal Code of The Gambia under section 51 and 52 provide for the offence of sedition. In June 2024, Ebrima Dibba of the opposition United Democratic Party was charged with sedition over a WhatsApp audio made in response to President Adama Barrow.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	In September 2024, two journalist, Musa Sheriff and Muhammed Justice Darboe, of The Voice Newspaper, were arrested and charged with false publication and broadcasting following a report about President Barrow's mandate. President Barrow subsequently filed a civil claim for defamation in the High Court. In October 2024, the Minister of Environment filed a civil claim for defamation against journalist Kebba Ansu Manneh of the Alkamba Times over reports of the Minister's involvement as Governor in illegal transactions of seized logs.
Data Protection Legislation.	P42	2	The Gambia has developed the Data Protection and Privacy Bill 2024. The Bill has been published in the Gazette on October 7 2024 in preparation for its introduction to the National Assembly as required by the Constitution.

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States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	5	There is no reported incident in 2024 where the Gambian government interfered and required the removal of online content by internet intermediaries
Invasion of Privacy of Communications	P41	4	There is no reported incident in 2024 where there was invasion of privacy of communications.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	The websites of most government institutions do not comply with the Access to Information Act 2021 by proactively disclosing and disseminating information.
AI and Emerging Technologies national strategies	P39(6)	1	National Digital Economy Master Plan 2023-2033 recognises the need to develop a policy and strategy for promoting AI research, development, adoption, and application
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	4	The Gambia has in October 2024 developed The Gambia's National Child and Vulnerable Groups Online Protection Policy. The aim of this policy is to promote and ensure a safe, secure and supportive digital environment for all children and vulnerable groups including women, persons with disabilities and older persons in The Gambia.
Digital Inclusion	P37(3)	1	The Gambia has not established the Universal Service Fund. However, it has developed the Universal Access and Service Policy 2020 to guide the process of establishing the Universal Service Fund. Notwithstanding this policy, The Gambia has not made any tangible progress or steps in 2024 to establish the said fund.
TOTAL (up to 60)		31	

Conclusion

In 2024, The Gambia has made some mild efforts in its digital landscape. The period witnessed considerable increase in the number of internet users by population compared to 2023. The Government has also taken steps to introduce bills in order to provide the legal framework for data protection and cyber security. Despite these efforts, the report highlights the challenges that still exist. The Gambia continues to suffer from internet disruptions occasioned by vandalism, poor speed connectivity and exorbitantly high cost of mobile data due to poor telecommunication infrastructure and technology. Also, The Gambia still maintains laws on sedition and false publication criminalisation despite directions from the ECOWAS Community Court for these laws to be repealed on the basis that they are a violation of freedom of expression, media freedom and digital rights.

Recommendations

Government should:

- To invest and develop telecommunication infrastructure so as to enable internet accessibility and limit the cause of internet disruptions and slow internet connection.
- Increase National Budget allocation in ICT research and development in order to meet the need to improve and develop the telecommunication infrastructure.
- Address the high cost of mobile data by establishing the Universal Service Fund to ensure accessibility and affordability.
- Prioritise the repealing of all laws that impede freedom of expression and the media as directed by the ECOWAS Community Court of Justice in the case of Federation of African Journalist & 4 Ords v The Gambia ECW/CCJ/JUD/04/18.
- Fully implement the Access to Information Act 2021 so as to ensure proactive disclosure and dissemination of information to the public.
- Promote and ensure the inclusion and participation of vulnerable groups in the formulation of policies and ICT developments.
- To resort to issuing non-biometric ID cards as a temporary measure or an alternative in the event of a breakdown in the issuance of biometric ID cards.

The Media should:

- Work with civil society organizations (CSOs) to raise public awareness on digital rights in The Gambia.
- Engage the Government and the National Assembly to repeal all the laws that affect freedom of expression and of the media.

The National Assembly should:

- Engage and consider views of members of the media and CSOs on the Cyber Crime Bill 2023 and the Data Privacy and Protection Bill 2024 so as to remove provisions that threaten digital rights and freedom of expression.
- Prioritise passing the Cyber Crime Bill 2023 and the Data Privacy and Protection Bill 2024.

Civil Society Organisations should:

- To engage and provide support to members of the National Assembly Select Committee on Education, Training, and ICT during the review and considerations of the Personal Data Protection and Privacy Bill 2024 and the Cyber Crime Bill 2023 in order to incorporate provisions that meet international standards.
- Undertake public awareness programs on freedom of expression and of the media as well as digital rights.
- Continue to advocate for the independence of the media, freedom of expression and digital rights.
- Engage members of the National Assembly and the Ministry of Justice for the repealing of laws on sedition and all other laws that hinder freedom of expression and digital rights in the Gambia.

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Executive Summary

This report examines developments within Ghana's communication and mass media subsector, focusing on themes that can be broadly classified under digital rights, human rights, and press freedom. Employing a multi-faceted approach, the report evaluates Ghana's performance in digital inclusion, internet access, freedom of expression, data protection and privacy, access to information, censorship and content moderation, and artificial intelligence and emerging technologies. It aims to assess Ghana's compliance with international standards by utilising TheScore Index, a digital rights index created by Paradigm Initiative, which evaluates state adherence to key human rights principles as outlined in the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information. Effective laws and targeted projects bolster Ghana's ICT progress, but challenges remain with press freedom, digital divide, data protection, and cybersecurity. Strong regulatory frameworks and collaboration between the government, civic society organisations, and the private sector are crucial for protecting investments, fostering innovation, ensuring compliance, protecting consumers, and expanding technology access for a more equitable digital future.

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Riding on the back of perceived peace and democratic high standing⁹¹⁸, Ghana attracts considerable investment into critical sectors, including the ICT sector. As of 2023, the industry was valued at about 1.5 billion Ghanaian cedis annually, with steady growth expectations.⁹¹⁹ The Ministry of Communication and Digitalisation is the supervising ministry for the independent regulator for the communication subsector, the National Communications Authority. Through the Ghana Investment Fund for Electronic Communications, the Ministry funds projects that ensure universal access to basic telephony, internet, broadband multimedia, and broadcasting services for communities.

The government liberalised the ICT sector in 1994 to attract foreign investment. Since then, the industry has experienced steady growth through progressive regulatory frameworks and guidelines that have enhanced competition, fostered innovation, and established clear parameters for responsible market participation. Projects like the [Ghana Rural Telephony Project and Digital Inclusion](#), the [National Fibre Communications Backbone Infrastructure Network](#), and the [Ghana Digital Accelerate Project](#) have also contributed to the growth. Ghana scored 66.2 out of 100 on the 2024 ICT Development Index, surpassing its sub-regional counterparts—Nigeria and Ivory Coast, which scored 46.9 and 65.3, respectively.⁹²⁰ The country is connected to five international submarine cables. Its cumulative bandwidth capacity is about 7.16 terabytes, positioning it as a potential ICT-enabled Services hub in West Africa.⁹²¹

The advancement of the ICT sector has significantly influenced the growth of the mass media landscape. As of 2022, 707 FM stations and 156 TV stations held operating licenses. However, the number of FM and TV stations currently broadcasting is 513 and 117, respectively.⁹²² Article 12 of the Constitution guarantees press freedom and provides guidelines for responsible journalism by stipulating a right to rejoinders and by establishing the National Media Commission.⁹²³ The Commission is tasked with establishing and upholding journalistic standards in the mass media. A significant milestone for freedom was reached in 2001 when the Criminal Libel Law, which had restricted press freedom and criminalised free speech for over a century, was repealed.⁹²⁴ Since then, the media landscape has experienced greater participation, leading to more media outlets capitalising on the high penetration of smartphones and internet access to reach and distribute content to a broader audience. However, two laws impede press freedom: Section 208 of the Criminal Offences Act (Act 29) and the Electronic Communications Act (Act 775).

918 Promoting a culture of peace in Ghana (2024) <https://www.undp.org/ghana/blog/promoting-culture-peace-ghana> (Accessed on 12 November 2024)

919 Ghana - Information and Communications Technology (2023) <https://www.trade.gov/country-commercial-guides/ghana-information-and-communications-technology-ict> (Accessed on 12 November 2024).

920 Measuring digital development - The ICT Development Index (2024) https://www.itu.int/dms_pub/itu-d/opb/ind/d-ind-ict_mdd-2024-3-pdf-e.pdf (Accessed on 12 November 2024)

921 Ghana's Information Communication Technology Sector (2019) <https://www.ecexportsymposium.co.za/wp-content/uploads/2020/06/ICT-SECTOR-PROFILE-2019.pdf> (Accessed on 13 November 2024)

922 Communication Industry Report (2022) https://nca.org.gh/wp-content/uploads/2023/12/CIR-2022-for-Publication_12.pdf (Accessed on 13 November 2024)

923 Regulatory Framework of the Media in Ghana (2017) <https://philipatawura.wordpress.com/2017/05/02/regulatory-framework-of-the-media-in-ghana/> (Accessed on 14 November 2024)

924 The Ghanaian Media Landscape: How unethical practices of journalists undermine progress (2012) https://ghana.mom-gmr.org/uploads/tx_ifrogmom/documents/18-476_import.pdf (Accessed on 14 November 2024)

Internet access

As at the end of 2024, mobile phone penetration stood at 113%, and internet penetration was 69.8%. The country has 7.40 million social media users, representing 21.5% of the total population.⁹²⁵ This group spends an average of three hours and 23 minutes on social media daily, making Ghana the sixth country globally with the highest social media usage and third in Africa.⁹²⁶ There are three mobile network operators, three fixed network operators, and one broadband wireless access provider.

Ghana's achievements in the ICT space are driven by policies that have created market conditions for increased investment and cost reduction. In 2014, for example, the government eliminated 20% of the import duty on mobile phones. Traditionally, taxes make up 35% of the cost component of mobile phones.⁹²⁷ However, in 2015, the government reintroduced the import duty.⁹²⁸ The government reduced the tariff on imported handsets from 20% to 10% and removed the VAT on imported handsets.⁹²⁹ As of 2024, the import tax on smartphones remains in effect. This has become a campaign issue as the ruling party's presidential candidate pledges to abolish it.⁹³⁰

Smartphones are essential for providing meaningful connectivity, so the government must work to make them more affordable. According to the Alliance for Affordable Internet, the cost of a smartphone as a percentage of people's average monthly income in Sub-Saharan Africa is 39%.⁹³¹ A low-end smartphone in Ghana costs GH¢ 766 (US\$ 49.90), while higher-end phones can cost over GH¢ 5,000 (US\$ 325.73). WIEGO estimates Ghana's average monthly wage in 2023 to be GH¢2,922, with informal sector workers earning less. Within this group, female head porters earn GHS 500; street vendors make GH¢1,250; waste pickers earn GH¢1,300; and market traders receive GH¢2,200.⁹³² Thus, a low-end smartphone in Ghana costs 27% of the average monthly wage. Additionally, the average cost of a gigabyte of data per month is GH¢ 6.30,⁹³³ making Ghana the second and third cheapest country for mobile internet data in West Africa and Africa.⁹³⁴

Internet shutdowns and outages are uncommon in Ghana. There are currently no government restrictions on internet access and no reported cases of governmental censorship and monitoring of emails or Internet chat rooms without judicial oversight. This can be attributed to several factors, including available laws, political will, and efforts by Civil Society Organisations. Access Now's #KeepItOn Coalition is one such effort by civil society organisations. In their letter to the government this year, they asked the government to assure Ghanaians that it won't shut down the Internet throughout the 2024

925 Digital 2024: Ghana (2024a) <https://datareportal.com/reports/digital-2024-ghana> (Accessed on 17 November 2024)

926 Internet Usage in Ghana (2024) <https://genderanddigital.org/internet-social-media-usage/> (Accessed on 17 November 2024)

927 Ghana drops import tax on smartphones following advocacy by A4AI-Ghana Coalition (2014) <https://a4ai.org/news/ghana-drops-import-tax-on-smartphones-following-advocacy-by-a4ai-ghana-coalition/> (Accessed on 17 November 2024)

928 Ghana brings back smartphone import duty (2016) <https://www.telecompaper.com/news/ghana-brings-back-smartphone-import-duty--1126716> (Accessed on 17 November 2024)

929 Ghana cuts tariff, VAT on handsets by 10% (2016) <https://www.telecompaper.com/news/ghana-cuts-tariff-vat-on-handsets-by-10--1166840> (Accessed on 17 November 2024)

930 I'll abolish import duties on mobile phones, abolish E-Levy – Bawumia (2024) <https://citinewsroom.com/2024/11/ill-abolish-import-duties-on-mobile-phones-abolish-e-levy-bawumia/> (Access 27 November 2024)

931 The cost of smartphones falls, but they remain unaffordable for billions around the world (2022) <https://a4ai.org/news/the-cost-of-smartphones-falls-but-they-remain-unaffordable-for-billions-around-the-world> (Accessed on 17 November 2024)

932 Navigating Inflation: Impacts of the Cost-of-Living Crisis on Workers in Informal Employment in Accra, Ghana (2024) <https://www.wiego.org/resources/navigating-inflation-impacts-cost-living-crisis-workers-informal-employment-accra-ghana> (Accessed on 17 November 2024)

933 The Cost of 1GB of Mobile Data In Ghana (2024) <https://nca.org.gh/wp-content/uploads/2024/07/The-Cost-of-1GB-of-Data-in-Ghana.pdf> (Accessed on 17 November 2024)

934 Mobile data price in Ghana third cheapest in Africa, second in West Africa (2024) <https://www.modernghana.com/news/1328926/mobile-data-price-in-ghana-third-cheapest-in-afric.html> (Accessed on 17 November 2024)

electioneering period.⁹³⁵

According to the 2024 Freedom on the Net index published by Freedom House, Ghana's internet freedom is classified as "partly free," receiving a score of 65 out of 100.⁹³⁶ This indicates a moderate level of digital rights and online accessibility, reflecting the positive aspects and challenges in the country's digital landscape. In 2024, the country faced a major internet outage due to damage to undersea cables.

Quality of service is a concern for the segment of the population with access to the Internet. The median mobile internet speed is approximately 13.17 Mbps, whereas fixed connections provide a comparatively better speed of 33.60 Mbps.⁹³⁷ As of 2023, market share data indicates that MTN is a significant market player among mobile network operators in Ghana, with a 75% market share. Telecel is a significant market player for fixed network operators, with a 73% market share.⁹³⁸ This has raised concerns about preserving fair competition, encouraging innovation, and protecting consumer rights. Consequently, by introducing technology neutrality policy, the National Communications Authority has taken crucial steps to address the market imbalances and enhance consumer choice in the telecommunications sector.⁹³⁹ This step involves granting Vodafone and AT the authorisation to re-farm their spectrum assignment in the 900MHz, 1800MHz, and 2100MHz bands to provide 4G services. Schedule 2 of the National Communications (Quality of Service) Regulations, 2016 establishes the benchmark parameters that every cellular mobile service provider must meet.⁹⁴⁰ The National Communication Authority regularly monitors the quality of service to ensure Mobile Network Operators comply with license conditions and provide consumers with the quality service they have paid for.⁹⁴¹ Telecommunication Network Operators are also obliged to file a report with the National Communication Authority on the quality of their service as measured against the quality of service performance indicators set by the Authority and publish other reports that the Authority may authorise.⁹⁴² In cases of non-compliance with the service quality indicators, the regulator penalises the industry player in breach. For example, in 2018, four mobile network operators were fined GHC 34,065,000 for failing to comply with various quality of service requirements. At the time of this report, no cases of sanctions were reported for 2024.

Freedom of expression

Ghana's Constitution guarantees freedom of speech and the freedom and independence of the media, as outlined in Chapters 5 and 12. Nonetheless, there are still laws being used to harass, arrest, and incarcerate journalists in Ghana. These are Section 208 of the amended [Criminal And Offences Act \(Act 29\)](#) and the [Electronic Communications Act \(Act 775\)](#).⁹⁴³ These two laws cover the dissemination of misinformation and disinformation, respectively. They are vague and can

935 Election 2024: Assure Ghanaians you won't shutdown internet throughout the election period (2024) <https://www.modernghana.com/news/1360638/election-2024-assure-ghanaians-you-wont-shutdown.html> (Accessed on 23 November 2024)

936 Freedom on the Net (2024) <https://freedomhouse.org/country/ghana/freedom-net/2024> (Accessed on 17 November 2024)

937 Digital 2024: Ghana (2024c) <https://datareportal.com/reports/digital-2024-ghana> (Accessed on 17 November 2024)

938 Industry Market Statistics (2023) <https://nca.org.gh/wp-content/uploads/2023/04/Mobile-Data-Year-ended-2022-Jan-2023.pdf> (Accessed on 20 November 2024)

939 NCA Introduces Technology Neutrality in Ghana (2023) <https://nca.org.gh/2023/07/18/nca-introduces-technology-neutrality-in-ghana/> (Accessed on 20 November 2024)

940 The National Communications (Quality Of Service) Regulations, (2016) <https://nca.org.gh/wp-content/uploads/2021/11/Draft-QoS-Regulations-April-2016.pdf> (Accessed on 17 November 2024)

941 Telcos Sanctioned GHC34m for Failing Quality of Service Tests (2018) <https://nca.org.gh/2018/08/21/telcos-sanctioned-ghc34m-for-failing-quality-of-service-tests/> (Accessed on 17 November 2024)

942 Electronic Communications Act (2008) <https://nita.gov.gh/theevooc/2017/12/Electronic-Communications-Act-775.pdf> (Accessed on 20 November 2024)

943 The two laws surviving the repealed criminal libel law in Ghana (2022) <https://mfwa.org/issues-in-focus/the-two-laws-surviving-the-repealed-criminal-libel-law-in-ghana> (Accessed on 19 November 2024)

be used to criminalise nearly any speech that may be interpreted as inducing fear or alarm.⁹⁴⁴ Arguments have also been advanced about the draconian nature and outdatedness of these laws as they violate international and national human rights laws concerning freedom of speech.⁹⁴⁵ In responding to a criticism of how the Ghana Police applies these laws, the Inspector General of Police, Dr George Akuffo Dampare, opined that the police do not “just” arrest anyone for fake news, arguing that they only come in when what is being peddled has national security implications.⁹⁴⁶ The Ghana Police have previously detained journalists for spreading false information that could affect national security. In 2024, the police in the Ashanti regional capital arrested Oheneba Nana Asiedu, a presenter at Wontumi FM, a radio station owned by Bernard Antwi Boasiako, the Ashanti Regional chairman of the New Patriotic Party (NPP), regarding a video that has been circulating on social media. According to a police statement, the video shows the presenter in the studios of Wontumi FM in Kumasi, where he encouraged voters to cast their ballots for presidential candidates on separate days.⁹⁴⁷ Recognising that disinformation is a major challenge in today’s media landscape is essential. Thus, establishing mechanisms to promote ethical reporting and responsible communication is crucial. This helps ensure that the media maintains its integrity and protects the public from the harmful effects of misleading or intentionally deceptive information.

From 2019 to 2024, at least 30 Ghanaian journalists and media workers have faced abuses, arrests, and threats in connection with their work. 14 of these cases, representing 47%, were perpetrated by the police and military.⁹⁴⁸ To improve police-media relations and enhance journalist safety, the police and the media fraternity created a framework to end impunity for crimes against journalists and ultimately promote their safety.⁹⁴⁹ The Police must carefully navigate the delicate balance between upholding social order and safeguarding the right to free speech while adhering to the boundaries established by law. This requires a nuanced approach that considers the implications of both individual expression and the community’s collective well-being, ensuring that all discourse remains within the limits of what is legally acceptable. During a recent visit to the police high command, the Minister of Interior encouraged the Inspector General of Police to act against individuals who comment negatively on social media as the country approaches the 2024 general elections.⁹⁵⁰ The Constitution gives the president the powers to appoint and remove the Inspector General of Police, making the argument of political interference and lack of police independence highly plausible. Ahead of the 2024 general elections, the National Media Commission launched a monitoring tool aimed at combating disinformation, tracking media performance, ensuring the safety of journalists, and promoting transparent election coverage.⁹⁵¹

Harassment and attacks on journalists by citizens are also prevalent. The Ghana Journalist Association reported that between January and October 2024, 13 journalists, media workers, and media houses in Ghana were attacked.⁹⁵² Reports indicate that sympathisers of the New Patriotic Party (NPP) were involved in three of the nine reported attacks, making them the most frequent perpetrators.⁹⁵³ An incident involving NPP supporters occurred in the year under review in Tamale when Dakurugu Abubakar Ndeeya, a journalist with Zaa Multimedia, was filming a confrontation

944 Ghana’s law on publication of false news is vague and easily abused (2022) <https://blogs.lse.ac.uk/africaatlse/2022/02/25/ghana-law-publication-of-fake-news-vague-easily-abused-free-speech> (Accessed on 19 November 2024)

945 Ghana’s law on publication of false news is vague and easily abused – it should go (2022) <https://theconversation.com/ghanas-law-on-publication-of-false-news-is-vague-and-easily-abused-it-should-go-177470> (Accessed on 19 November 2024)

946 Police do not ‘just’ arrest anyone for fake news – IGP (2024) <https://www.myjoyonline.com/police-do-not-just-arrest-anyone-for-fake-news-igp/> (Accessed on 19 November 2024)

947 Police invite Wontumi FM/TV presenter over publication of false news (2024) <https://www.myjoyonline.com/police-invite-wontumi-fm-tv-presenter-over-publication-of-false-news/>

948 Four years since murder of Ahmed Hussein-Suale Divela, Ghana’s journalists still attacked with impunity (2023) <https://cpj.org/2023/01/four-years-since-murder-of-ahmed-hussein-suale-divela-ghanas-journalists-still-attacked-with-impunity/> (Accessed on 19 November 2024)

949 Framework on Police-Media Relations and Safety of Journalists in Ghana (2019) <https://www.mfwa.org/wp-content/uploads/2020/11/Framework-on-Police-Media-Relations-and-Safety-of-Journalists-in-Ghana-July-1.pdf> (Accessed on 19 November 2024)

950 National Security, a top priority of the Government – Interior Minister assures (2024) <https://www.mint.gov.gh/national-security-a-top-priority-of-the-government-interior-minister-assures/> (Accessed on 22 November 2024)

951 National Media Commission launches media watch app (2024) <https://gna.org.gh/2024/11/national-media-commission-launches-ghana-media-watch-app/> (Accessed on 22 November 2024)

952 GJA Reports Surge in Attacks on Ghanaian Journalists (2024) <https://thevaultznews.com/news/general-news/gja-reports-surge-in-attacks-on-ghanaian-journalists/> (Accessed on 20 November 2024)

953 Greater Commitment needed to end impunity for crimes against Journalists (2024) <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Greater-commitment-needed-to-end-impunity-for-crimes-against-journalists-195834> (Accessed on 11 November 2024)

between some NPP supporters and a police officer. He was attacked and brutally assaulted by four individuals believed to be supporters of the NPP.⁹⁵⁴ Under the New Patriotic Party (NPP) and Akufo-Addo's regime, Ghana has recorded the most brazen attacks on press freedom.⁹⁵⁵ Another notable incident involving attacks on journalists is the case of Erastus Asare Donkor, Majid Alidu, and Nicholas Suantah. These journalists, who work for Multimedia Group Limited, were violently assaulted by a group of armed men while they were reporting at a mining site in the southern region of the country.⁹⁵⁶ Following the incident, the Committee to Protect Journalists called on the Ghanaian authorities to investigate and hold accountable the security guards who attacked these four journalists.⁹⁵⁷ As of the time of this report, no outcomes have been reported regarding the judicial prosecution of the perpetrators. Without proper safety measures, the neutrality of news is jeopardised, especially in regimes where the security apparatus and pro-government journalists work together to surveil and intimidate impartial journalists.⁹⁵⁸ Ghana's press freedom ranking has been dropping since 2018, when it was ranked 1st in Africa and 23rd in the World. As of 2023, Ghana ranks 9th and 62nd in Africa and the world, respectively.⁹⁵⁹

Data Protection and Privacy

As the internet and technology continue to become more accessible to Ghanaians, the importance of data protection and privacy cannot be overstated. With every action taken online—from browsing websites and making purchases to sharing personal information on social media—people leave digital footprints that can be tracked and analysed. This accumulation of data raises significant concerns regarding how information is collected, used, and potentially exploited by various entities, including corporations and cyber criminals. The [Data Protection and Privacy Act, 2012](#) (Act 843) provides the necessary guardrails as Ghana's primary legislation governing privacy and data protection. There are other legal instruments with privacy and data protection provisions.⁹⁶⁰ For example, the Constitution, the Electronic Communications Act 2008 (Act 775), and the Cybersecurity Act (2020) (Act 1038). Article 18(2) of the 1992 Constitution enshrines citizens' fundamental privacy rights. Clauses 8 (1) and 8 (2) of the Electronic Communications Act, 2008 (Act 775) preserve the data privacy of the service users. A violation of this provision is considered an offence. The offender may face a summary conviction, resulting in a fine of up to one thousand five hundred penalty units, a prison term of up to four years, or both. Clauses 69 (1) and 69 (2) of the Cybersecurity Act 2020 (Act 1038) outlines the procedures and conditions under which subscriber information may be obtained. Unauthorised retrieval of subscriber information or interception of traffic or content data is punishable by a fine of 2,500 to 15,000 penalty units, imprisonment for two to five years, or both.

While these laws safeguard citizens' data and privacy, there are exceptions. The right to privacy may be restricted by the law when necessary for the safety and economic well-being of the country, the protection of health or morals, the prevention of disorder or crime, or the protection of the rights and freedoms of others. In 2016, the Parliament of Ghana's Committee on Defence and the Interior introduced the Interception of Postal Packets and Telecommunication Messages Bill to give the Ghanaian government sweeping power to spy on its people.⁹⁶¹ Following agitations and petitions from Civil Society Organisations, the government withdrew the bill and replaced it with an updated

954 Ghana: Journalist assaulted by political activists (2024) <https://shorturl.at/ivvj9> (Accessed on 23 November 2024)

955 President Akufo-Addo's claim about freedom of expression condition in Ghana not entirely true (2023) <https://mfwa.org/president-akufo-addos-claim-about-freedom-of-expression-condition-in-ghana-not-entirely-true> (Accessed on 20 November 2024)

956 RSF condemns the assault of three environmental journalists reporting on a mining site (2024) <https://rsf.org/en/ghana-rsf-condemns-assault-three-environmental-journalists-reporting-mining-site> (Accessed on 20 November 2024)

957 Mine security guards attack media crew covering environmental degradation in Ghana (2024) <https://cpj.org/2024/10/mine-security-guards-attack-media-crew-covering-environmental-degradation-in-ghana/> (Accessed on 22 November 2024)

958 Re-Conceptualizing Safety of Journalists in Bangladesh (2020) <https://www.cogitatiopress.com/mediaandcommunication/article/view/2494> (Accessed on 22 November 2024)

959 Ghana drops on Press Freedom index again, worst record in 18 years (2023) <https://thefourthstategh.com/2023/05/ghana-drops-on-press-freedom-index-again-worst-record-in-18-years/> (Accessed on 20 November 2024)

960 Data Protection Laws of the World: Ghana 2024) (<https://www.dlapiperdataprotection.com/index.html?t=law&c=GH>) (Accessed on November 2024)

961 Ghana's New Domestic Spying Bill (2016) <https://medium.com/@ShaunRaviv/ghana-s-new-domestic-spying-bill-938b2c2b8e08> (Accessed on 21 November 2024)

one.⁹⁶² This updated bill is still under review. In 2020, the government issued [Executive Instrument \(E.I.\) 63](#), authorised by the President under Section 100 of the Electronic Communication Act 2008. This action aimed to achieve the same objectives as those sought by the Interception of Postal Packets and Telecommunication Messages Bill (2015).⁹⁶³ The legality of the Executive Instrument 63 was challenged in court.⁹⁶⁴ The court struck the instrument out because it violated people's privacy rights. The government was instructed to delete any data collected within fourteen days of the court's judgment.⁹⁶⁵ As of 2024, no reports indicate that the Executive Instrument is still in force, nor are there any new instruments with a similar purpose.

There are no new agreements for installing street surveillance technologies apart from those signed in 2012 and 2019 between the government of Ghana and Huawei Technologies. These initiatives involve installing 10,000 CCTV cameras in regional and district capitals, implementing facial recognition for enhanced video analysis, and real-time crime monitoring at command-and-control centres.⁹⁶⁶ The last status report published in 2021 indicates that the installation of about 6,500 cameras has been completed, with a little over 4,000 cameras powered and online, mainly in Accra, Kumasi and other regional capitals.⁹⁶⁷ This project cost USD 411 million and is still ongoing as of 2024.

Ghana, Nigeria, Morocco, Malawi, and Zambia collectively spend at least US\$ 1 billion annually on digital surveillance technology contracts with US, UK, Chinese, EU, and Israeli companies.⁹⁶⁸ There are indications that the Ghana government acquired five different types of spyware with varying capabilities from overseas companies, and there are reports that these technologies are being used within the country to surveil citizens.⁹⁶⁹ One of the spyware tools, Pegasus, was sold to the government by the Israeli firm NSO Group in 2016.⁹⁷⁰ The acquisition of this tool raised many concerns, particularly among the journalism fraternity. Reports indicate that the supplier reclaimed the software for the Pegasus machine due to non-payment.⁹⁷¹ It is currently unclear whether the machine is still used in the country.⁹⁷² Ghana's supply chain for surveillance technology includes six mobile interceptors supplied by NSO Group (Israel), Cellebrite (Israel), Quaddream (Israel), Decision Group (Taiwan), Tactical Device (Switzerland), and Intellexa (Greece).⁹⁷³ The total budget allocation for the Ministry of National Security in 2024 is GH¢ 1,636,239,088. This includes employee compensation of GH¢ 1,280,208,961, goods and services totalling GH¢

962 Govt withdraws "Spy Bill" from Parliament (2016) <https://www.graphic.com.gh/news/general-news/govt-withdraws-spy-bill-from-parliament.html> (Accessed on 21 November 2024)

963 Mahama's Spy Bill, Nana Addo's EI 63 (2020) <https://www.ghanaweb.com/GhanaHomePage/features/Sammy-Darko-writes-Mahama-s-Spy-Bill-Nana-Addo-s-EI-63-918916> (Accessed on November 21 2024)

964 Lawyer challenges Akufo-Addo's attempt to secure 'private information of mobile subscribers' (2020) <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Lawyer-challenges-Akufo-Addo-s-attempt-to-secure-private-information-of-mobile-subscribers-917080> (Accessed on 21 November 2024)

965 Ghana: MFWA welcomes high court ruling ordering government to stop collecting personal data (2021) <https://mfwa.org/ghana-mf-was-welcome-high-court-ruling-ordering-government-to-stop-collecting-personal-data/> (Accessed on 22 November 2024)

966 Huawei video surveillance network deployed by Ghana Ministry of National Security (2024) https://www.securityvision.io/wiki/index.php/Huawei_video_surveillance_network_deployed_by_Ghana_Ministry_of_National_Security (Accessed on 21 November 2024)

967 10,000 CCTV cameras to be installed in regional, district capitals — Minister (2021) <https://www.graphic.com.gh/news/general-news/10-000-cctv-cameras-to-be-installed-in-regional-district-capitals-minister.html> (Accessed on 21 November 2024)

968 African nations spending \$1bn a year on harmful surveillance (2023) <https://www.ids.ac.uk/news/african-nations-spending-1bn-a-year-on-harmful-surveillance-of-citizens/> (Accessed on 23 November 2024)

969 How Ghana acquired five kinds of spyware under cloak of secrecy (2024) https://www.ghanabusinessnews.com/2024/05/07/how-ghana-acquired-five-kinds-of-spyware-under-cloak-of-secrecy/#google_vignette (Accessed on 22 November 2024)

970 Targeting of dissidents and opposition political candidates in Ghana (2022) <https://www.cfr.org/cyber-operations/targeting-dissidents-and-opposition-political-candidates-ghana> (Accessed on 22 November 2024)

971 Software of Pegasus machine was taken away for non-payment (2019) <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Software-of-Pegasus-machine-was-taken-away-for-non-payment-Investigator-739729> (Accessed on 22 November 2024)

972 Is Ghana's government using Israeli kit to spy on activists and dissidents? (2022) <https://www.theafricareport.com/224982/is-ghanas-government-using-israeli-kit-to-spy-on-activists-and-dissidents/> (Accessed on November 27 2023)

973 Mapping the supply of surveillance technologies to Africa: Ghana country report (2023) https://opendocs.ids.ac.uk/articles/online_resource/Mapping_the_Supply_of_Surveillance_Technologies_to_Africa_Case_Studies_from_Nigeria_Ghana_Morocco_Malawi_and_Zambia/26431414?file=48182845 (Accessed on 22 November 2024)

264,030,127.00, and capital expenditure of GH¢ 92,000,000.⁹⁷⁴ Government spending on national security accounts for 0.71% of the total budget expenditure for this year.

Monitoring and surveillance of journalists is pervasive across West Africa.⁹⁷⁵ Ghana is not an exception. Journalists, activists, and ordinary citizens have been tracked, arrested, and detained simply for posting critical messages on social media. Under the guise of national security, governments have exceeded their legal surveillance powers.⁹⁷⁶

Data breaches are also a significant issue in Ghana. As of the third quarter of 2024, the country recorded an average of 12 data breaches for every 100 Ghanaians, ranking Ghana ninth among countries in Africa with the most data breaches.⁹⁷⁷ A data breach was reported at Ghana Reinsurance Company on August 28, 2024, allegedly resulting in the infiltration of the company's system and access to sensitive data.⁹⁷⁸ As of June 2024, the Cyber Security Authority has reported 226 blackmail cases, resulting in the loss of GH¢ 112,209.⁹⁷⁹ By August 2024, the total reported investment scam cases had reached 146, with a total value of GH¢ 1,986,057, compared to 63 cases with a reported total of GH¢ 421,620 in 2023.⁹⁸⁰ Cyber fraud incidents in the country resulted in significant financial losses of \$4.33 million. These losses only account for those reported to officials between January and June 2023, with possibly higher amounts from unreported cases.⁹⁸¹ This highlights the necessity for robust national cybersecurity measures and reporting mechanisms.

Cyberbullying has become increasingly common, especially on social media platforms. The anonymity of online interactions largely contributes to this trend. This facelessness allows individuals to engage in harmful behaviour without facing immediate consequences, often giving them the courage to say things they would never express in person. By integrating the Cybersecurity Act of 2020 (Act 1038) with the Data Protection Act of 2012 (Act 843), the Cyber Security Authority is establishing a framework that includes awareness campaigns, educational programs, and guidelines for responsible online behaviour.⁹⁸²

Censorship and content moderation

Internet users in Ghana enjoy an information space free from technical censorship. Nonetheless, individuals risk arrest for posts related to the President or other powerful individuals, and online journalists face an increasing threat of harassment and assault for their critical reporting. This has created a perceived culture of silence in the public space.⁹⁸³ **Although the Constitution guarantees free speech and an independent press, it also provides a basis for derogation from these rights, which enables content moderation. Article 164 permits restrictions on free speech in the interests of public order, morality, or national security.⁹⁸⁴ The Electronic Communications Act, 2008 (Act 775), is a key statute that governs content moderation in Ghana. It establishes the legal framework for**

974 Programme Based Budget Estimates (2024) https://mofep.gov.gh/sites/default/files/pbb-estimates/2024/2024-PBB-MNS_.pdf (Accessed on 23 November 2024)

975 How Digital Surveillance Threatens Press Freedom In West Africa (2023) <https://humanglemedia.com/how-digital-surveillance-threatens-press-freedom-in-west-africa/> (Accessed on 22 November 2024)

976 African Governments Spend Too Much On Surveillance Tech for the Wrong Reasons (2023) <https://www.africanliberty.org/2023/11/07/african-governments-spend-so-much-on-surveillance-tech-for-the-wrong-reasons/> (Accessed on 22 November 2024)

977 Global data breach statistics - Ghana (2024) <https://surfshark.com/research/data-breach-monitoring> (Accessed on 23 November 2024)

978 BrainCipher Ransomware Attack on Ghana Reinsurance PLC (2024) <https://www.halcyon.ai/attacks/braincipher-ransomware-hits-ghana-reinsurance-plc-a-cybersecurity-wake-up-call> (Accessed on 23 November 2024)

979 Online Blackmail/Sextortion Cases on the Rise (2024) <https://www.csa.gov.gh/cert-gh-alert32.php#:~:text=Background,loss%20of%20GH%C2%A2%20112%2C209.> (Accessed on 23 November 2024)

980 Investment Scams on the Rise (2024) <https://www.csa.gov.gh/cert-gh-alert33.php#:~:text=Background,421%2C621%20for%20the%20year%202023.> (Accessed on 23 November 2024)

981 51 cybersecurity players get licences in Ghana amid a surge in data breaches (2024) <https://techpoint.africa/2024/07/15/51-cybersecurity-players-licensed-ghana/> (Accessed on 28 November 2024)

982 Ghana: Cybersecurity Authority develops a framework to combat cyberbullying among students (2024) <https://publicsectormag.net/2024/06/10/ghana-cybersecurity-authority-develops-framework-to-combat-cyberbullying-among-students/> (Accessed on 23 November 2024)

983 Sam Jonah decries culture of silence under Akufo-Addo's presidency (2021) <https://www.modernghana.com/news/1076873/sam-jonah-decries-culture-of-silence-under-akufo.html> (Accessed on 23 November 2024)

984 Constitution of Ghana (1992) <https://www.ghanalegal.com> (Accessed on 23 November 2024)

electronic communications and online platforms. False signaling and False communication are captured respectively as offences under Sections 75 and 76 of the Law.

The rising prevalence of fake news has become a major concern for the government, especially in its efforts to maintain social cohesion among citizens. Some political actors disseminate misinformation using automated tools and paid social media commentators. False information, content manipulation, and plain lies are becoming more prevalent as the 2024 elections in Ghana draw near to influence voters and distort the truth.⁹⁸⁵

This issue undermines public trust and the integrity of information, which can lead to social division and the spread of misinformation. A study has revealed that about 64.4% of Ghanaians “ignore” and do nothing to protest or caution others when they see fake news or false information in the media.⁹⁸⁶ The Electoral Commission of Ghana has supported calls for a framework to guide the use of social media during elections, reducing misinformation and preserving the integrity of the electoral process and national security.⁹⁸⁷ There have been no officially reported online censorship and content moderation cases in 2024. However, TikTok reports that the government made a total of three requests for content removal, but none were taken down.⁹⁸⁸ Some individuals have suggested that the government should create laws enabling relevant authorities to determine, under specific conditions, when internet censorship may be warranted and the appropriate timing for these measures.⁹⁸⁹ Any censorship must not violate human rights or target vulnerable groups, such as journalists and human rights defenders.

In the lead-up to the 2024 elections, concerns were raised about the Electoral Commission’s plan to allow only three radio stations and five television stations to collation centres across the regions. This limitation amounted to media censorship.⁹⁹⁰ Organisations like Paradigm Initiative have also urged the Electoral Commission to release information promptly to combat misinformation and build public trust in the electoral process.⁹⁹¹

Reports suggest that the ruling party is perceived to censor radio stations critical of the government through the National Communication Authority.⁹⁹² In 2024, Salt FM was closed under circumstances alleged to be politically motivated.⁹⁹³ Four other radio stations in Bawku were also closed following recommendations from the Upper East Regional Security Council and the Ministry of National Security guidance over inflammatory remarks that escalated an ongoing conflict.⁹⁹⁴ Many organisations, including the Media Foundation for West Africa, have welcomed the closure of these four radio stations in Bawku, viewing it as a positive step because the owners neglected their gatekeeping responsibilities. However, the Media Foundation for West Africa noted that this action should have been executed by the National Media Commission rather than the National Communication Authority.⁹⁹⁵

Ghana ranked 38 out of 180 countries on the legal context component of the 2024 Word Press Freedom Index, which measures “the degree to which journalists and media are free to work without

985 Election Disinformation Trends in Ghana: Tips for Combating Them (2024) <https://en.hive-mind.community/blog/1013,election-disinformation-trends-in-ghana-tips-for-combating-them> (Accessed on 23 November 2024)

986 About 64.4% of Ghanaians encourage spreading of fake news – Study (2024) <https://www.myjoyonline.com/about-64-4-of-ghaians-encourage-spreading-of-fake-news-study/> (Accessed on 23 November 2024)

987 EC calls for a framework to regulate social media use during the election (2023) <https://gna.org.gh/2023/10/ec-calls-for-framework-to-regulate-social-media-use-during-election/> (Accessed on 23 November 2024)

988 Government Removal Requests Report (2024) <https://www.tiktok.com/transparency/en-us/government-removal-requests-2024-1> (Accessed on 28 November 2024)

989 Internet Censorship (2024) <https://iipgh.org/internet-censorship/> (Accessed on 28 November 2024)

990 Let’s resist EC’s attempt to censor media coverage of election 2024 (2024) <https://www.modernghana.com/news/1360496/lets-resist-ecs-attempt-to-censor-media-coverage.html> (Accessed on 28 November 2024)

991 Ensure timely release of information to combat misinformation- Paradigm Initiative tells EC (2024) <https://www.gbcghanaonline.com/news/politics/paradigm-initiative-tells-ec/2024/> (Accessed on 23 November 2024)

992 Ghana 2024 Elections: A Risk Assessment of the Online Information Space (2024) <https://www.iri.org/resources/ghana-2024-elections-a-risk-assessment-of-the-online-information-space/> (Accessed on 23 November 2024)

993 Shutdown of Salt FM raises transparency issues (2024) <https://mfwa.org/country-highlights/shutdown-of-salt-fm-raises-transparency-issues/> (Accessed on 23 November 2024)

994 NCA Shuts Down Four (4) FM Radio Stations in Bawku on Grounds of National Security (2024) <https://nca.org.gh/2024/02/24/nca-shuts-down-four-4-fm-radio-stations-in-bawku-on-grounds-of-national-security/> (Accessed on 23 November 2024)

995 Closure of 4 radio stations in Bawku: The wrong approach to doing the right thing (2024) <https://mfwa.org/closure-of-4-radio-stations-in-bawku-the-wrong-approach-to-doing-the-right-thing/> (Accessed on 23 November 2024)

censorship or judicial sanctions, or excessive restrictions on their freedom of expression; the ability to access information without discrimination between journalists, and the ability to protect sources; the presence or absence of impunity for those responsible for acts of violence against journalists”. It had previously ranked 31 out of 180 in 2023.⁹⁹⁶ This highlights a major limitation on journalistic practices, which restricts journalists’ ability to deliver accurate and comprehensive coverage of significant events, ultimately impacting the quality of information available to the public.

Censorship and content moderation in Ghana are complex and ongoing challenges. It involves finding a balance between protecting free expression and preventing potential harm. As digital platforms continue to grow, the Ghanaian government and various stakeholders face the difficult task of creating regulations that safeguard individuals from harmful content—such as hate speech, misinformation, and online harassment—while upholding the fundamental right to free speech. This delicate tension reflects broader global discussions about the government’s role in regulating digital spaces, the consequences of unchecked expressions, and the need for a framework that promotes open dialogue and ensures the safety and well-being of all citizens.

Access to information

In 2019, the [Right to Information Act](#) (RTI) was enacted to solidify citizens’ right to access information and facilitate an open, inclusive environment that promotes greater accountability and public debate. The RTI law allows citizens to request and obtain information from public and select private institutions. To date, 1,000 requests have been made under the RTI Act. Of these requests, 838 have been granted, 47 have been rejected, and 45 have been transferred.⁹⁹⁷ The rejected cases in 2024 included JoyNews’ request for SSNIT to provide information on the sale of hotels⁹⁹⁸ and the Fourth Estates’ request for KPMG to provide information on its government contract.⁹⁹⁹ As of 2023, fourteen public institutions have been fined GH¢1,310,000 for failing to comply with the Right to Information Commission’s orders to provide applicants with the requested information.¹⁰⁰⁰

Journalists play an essential role in informing society and ensuring government accountability. Hence, they make the most requests under the Right to Information Act. To strengthen transparency and accountability, the Ministry of Information runs the Media Capacity Enhancement Programme with the Right to Information Commission to equip journalists with the knowledge and tools necessary to fulfil their journalistic responsibilities effectively under the Right to Information Act.¹⁰⁰¹ Civil society organisations play a significant role in educating the public about this law. For example, the Media Foundation for West Africa implemented workshops educating citizens about the Right To Information law to enable them to request information independently.¹⁰⁰²

Despite the constitutional and legal guarantees and the digital measures implemented by the government and civil society actors, there are still significant barriers to access to information. These barriers include an uneven digital divide, gender inequality, infrastructural gaps, and the cost of accessing information. Substantial work is needed to enhance the proactive disclosure of information on government websites. This involves making relevant documents, data sets, and reports available and ensuring they are easy for the public to access and understand. Furthermore, the information should be updated regularly and organised user-friendly to promote transparency and encourage citizen engagement with government activities.

996 The 2024 World Press Freedom Index – Ghana’s Performance (2024) <https://cddgh.org/2024/05/the-2024-world-press-freedom-index-ghanas-performance/> (Accessed on 23 November 2024)

997 Over 1000 Requests Made Since Passage of RTI Law – Oppong Nkrumah (2023) <https://moi.gov.gh/newsroom/2023/05/over-1000-requests-made-since-passage-of-rti-law-oppoing-nkrumah/> (Accessed on 28 November 2024)

998 JoyNews drags SSNIT to RTI Commission over refusal to provide information on hotels sale (2024) <https://www.myjoyonline.com/joynews-drags-ssnit-to-rti-commission-over-refusal-to-provide-information-on-hotels-sale/> (Accessed on 28 November 2024)

999 The Fourth Estate petitions RTI Commission over KPMG’s refusal to provide information on contracts with govt (2024) <https://thefourthstategh.com/2024/03/the-fourth-estate-petitions-rti-commission-over-kpmgs-refusal-to-provide-information-on-contracts-with-govt/> (Accessed on 28 November 2024)

1000 14 Institutions fined GH¢1.3m for non-compliance with RTI Law (2023) <https://www.graphic.com.gh/news/general-news/14-institutions-fined-gh-1-3m-for-non-compliance-with-rti-law.html> (Accessed on 28 November 2024)

1001 Enhancing Media Capacity: Empowering Journalists with The Right To Information Act (2023) <https://rtic.gov.gh/2023/12/> (Accessed on 28 November 2024)

1002 MFWA enhances capacities of more than 600 citizens on Ghana’s Right to Information Law (2023) <https://mfwa.org/issues-in-focus/mfwa-enhance-capacities-of-more-than-400-citizens-on-ghanas-right-to-information-law/> (Accessed on 28 November 2024)

AI and Emerging Technologies

The digital revolution is witnessing the application of artificial intelligence (AI) and other emerging technologies to enhance social and economic service delivery. In 2024, the Ministry for Communications and Digitalisation launched Ghana's Digital Economy Policy and Strategy, marking a pivotal step in the country's journey towards technological advancement.¹⁰⁰³ The National Communications Authority also launched a [5-year strategic plan](#) (2024 – 2028) that will position the Regulator to stay ahead of industry demands, creating an enabling and well-protected digital ecosystem. As advanced technology becomes more prevalent in data management, prioritising data governance is essential for the success of Ghana's digitisation efforts.¹⁰⁰⁴ A national data strategy is being developed in this regard. Ghana's startup ecosystem drives the adoption of AI and emerging technologies. On the 2023 Global Innovation Index, Ghana ranked 99th out of 123 countries surveyed globally and 7th in Sub-Saharan Africa.¹⁰⁰⁵ In its [National Artificial Intelligence Strategy](#), the country aims to transform its society using AI to advance the potential of people, government, businesses and systems to achieve inclusive social and economic transformation and quality of life by 2033. Following the increasing adoption of Artificial Intelligence (AI), UNESCO launched a tool to assess its ethical use in 2024.¹⁰⁰⁶ Some lawmakers have raised concerns about the potential misuse of Artificial Intelligence and have called for legislation to regulate it in the country.¹⁰⁰⁷ The youths have not been left out of the discussion as they urged lawmakers to focus on leveraging the potential of Artificial Intelligence rather than worrying about its shortcomings and trying to develop regulations.¹⁰⁰⁸ Others have also called for AI regulation to be balanced as it is essential to foster innovation and creativity.¹⁰⁰⁹

As of 2024, the Ministry of Communications and Digitalisation has developed a comprehensive policy document to regulate the use of Artificial Intelligence in the country. A draft of this document is currently before the Cabinet for consideration and suggestions.¹⁰¹⁰ Ghana needs investment to develop infrastructure that supports artificial intelligence and emerging technologies. The government has been urged to consider setting aside a percentage of the national budget for artificial intelligence development.¹⁰¹¹ In 2023, the Development Finance Corporation earmarked USD 300 million to set up a data centre in Ghana for Africa, which will benefit AI development.¹⁰¹² In 2024, the government launched the Next-Gen InfraCo (NGIC) to deliver affordable 5G mobile broadband services. By 2028, NGIC aims to deploy 4,400 sites, reaching 37 million end customers. The goal is to achieve 100% digital coverage by 2030. The project's success will depend on increasing 4G penetration from the current 15% to over 80% while also rolling out 5G services.¹⁰¹³ Ghana has made significant progress in adopting AI and emerging technologies, but the sector remains in its early stages. To fully harness the potential of AI and emerging technologies, the government must prioritise investments in research and development, establish clear governance frameworks, and

1003 Ghana Launches Digital Economy Policy to Drive National Transformation (2024) <https://moi.gov.gh/newsroom/2024/11/ghana-launches-digital-economy-policy-to-drive-national-transformation/> (Accessed on 28 November 2024)

1004 Ghana develops its national data strategy in collaboration with Smart Africa and Team Europe (2024) <https://smartafrica.org/ghana-develops-its-national-data-strategy-in-collaboration-with-smart-africa-and-team-europe/> (Accessed on 8 December 2024)

1005 Global Innovation Index (2023) <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023-en-main-report-global-innovation-index-2023-16th-edition.pdf> (Accessed on 28 November 2024)

1006 UNESCO AI Ethical Tool Launched (2024) <https://unesco-ghana.gov.gh/unesco-ai-ethics-tool-launched/> (Accessed on 9 December 2024)

1007 MPs propose legislation to regulate Artificial Intelligence (2023) <https://citinewsroom.com/2023/06/mps-propose-legislation-to-regulate-artificial-intelligence/> (Accessed 9 December 2024)

1008 Ghana debates regulating artificial intelligence (2023) <https://www.dw.com/en/ghana-debates-regulating-artificial-intelligence/a-66025595> (Accessed 9 December 2024)

1009 Balanced AI regulation essential to foster innovation and creativity (2024) <https://www.ghanaweb.com/GhanaHomePage/business/Balanced-AI-regulation-essential-to-foster-innovation-and-creativity-Valentine-Obi-1930934> (Accessed on 9 December 2024)

1010 Govt develops policy to regulate Artificial Intelligence (2024) <https://www.graphic.com.gh/news/general-news/ghana-news-govt-develops-policy-to-regulate-artificial-intelligence.html> (Accessed on 9 December 2024)

1011 Government urged to invest in AI to enhance healthcare (2024) <https://gna.org.gh/2024/06/government-urged-to-invest-in-ai-to-enhance-healthcare/> (Accessed on 9 December 2024)

1012 The impact of Ghana's new \$300 million data center on AI development in the region (2023) <https://www.ghanaweb.com/GhanaHomePage/features/The-impact-of-Ghana-s-new-300-million-data-center-on-AI-development-in-the-region-1771544> (Accessed on 9 December 2024)

1013 Government Launches Next-Gen Infraco For 5G Deployment In Ghana (2024) <https://moc.gov.gh/2024/06/03/government-launches-next-gen-infraco-for-5g-deployment-in-ghana/> (Accessed on 10 December 2024)

ensure their inclusive and equitable application.

Digital Inclusion

Gender gaps exist in the ownership of digital devices in Ghana. Smartphone ownership and overall mobile phone ownership are lower for women, limiting their access to internet-based services and opportunities. As of November 2024, female ownership of smartphones was 46%, compared to 63% for males.¹⁰¹⁴ This phenomenon is primarily influenced by two main factors: the high costs of acquiring these devices and the lack of adequate skills to utilise these technologies effectively. These factors originate from underlying social structures that contribute to gender disparities. As a result, women often have limited access to education compared to men, affecting their earning potential. While mobile device ownership is lower among women, 75% of them access the internet exclusively via mobile, compared to 58% of men.¹⁰¹⁵

Access to smartphones and the Internet is still beyond the reach of a segment of the population, especially those in the informal sector. A 2024 report on multidimensional poverty in Ghana revealed that 7,317,555 people, representing 24% of the population, are considered multidimensionally poor.¹⁰¹⁶ As of January 2024, approximately 30.2% of Ghana's population, or 10.39 million people, lack internet access.¹⁰¹⁷ With a robust digital payment ecosystem and identification system, a market opportunity exists for buy-now-pay-later schemes. In response, mobile phone retailers, financial institutions, and fintech companies have partnered to provide market solutions that deepen mobile phone ownership. Although several schemes are on the market, the partnership between M-KOPA and MTN is worth mentioning. M-KOPA has leveraged its strategic partnerships with Samsung and Nokia to finance over 100,000 individuals and has unlocked more than USD 10 million in digital credit for customers in Ghana, enabling them to own mobile phones.¹⁰¹⁸ The issue of access to smartphones has also become a political topic, as highlighted by the ruling NPP government's campaign promise during the 2024 elections.¹⁰¹⁹

Through the Ghana Investment Fund for Electronic Communications, the government is implementing several projects, including the Ghana Rural Telephony and Digital Inclusion Project, which aims to provide mobile telephony services to underserved communities and thus bridge the digital divide.¹⁰²⁰ Data from the Ministry of Communication and Digitalisation's programme-based budget estimates for 2024 indicates that 1,421 roaming sites have been constructed to serve 2.5 million Ghanaians as part of the Digitalisation Agenda. These sites enable citizens to connect to their preferred mobile networks within the framework of the National Roaming Policy. It is also projected to help reduce the cost of telecom companies' network services by about 60%.¹⁰²¹ The Ministry plans to deploy an additional 1,008 sites by the end of 2024, aiming to cover 95% of Ghana's land area. The Fund also established 281 vibrant Community Information ICT Centres and continuously supports the existing centres.¹⁰²² As of 2024, the Fund has organised and sponsored 1,546 training sessions on digital transformation and coding and trained 12,113 girls in basic computer literacy.¹⁰²³ With the support of partners, the Fund also offered basic computer training to

1014 After Access 2022-2023 Measuring digital inequality (2024) <https://www.afrisig.org/sites/default/files/pdf/Access-After-Access-Afrisig-2024.pdf> (Accessed on 29 November 2024)

1015 Inclusive E-Government Services in Ghana: Enhancing Women's Access and Usage (2023) https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2023/07/FINAL_GSMA_Inclusive-E-Government-Services-in-Ghana-Enhancing-Womens-Access_56pp_v5.pdf (Accessed on 29 November 2024)

1016 Election 2024: Reimagining the fight against multidimensional poverty (2024) <https://cddgh.org/2024/06/election-2024-reimagining-the-fight-against-multidimensional-poverty/> (Accessed on 17 November 2024)

1017 Digital 2024: Ghana (2024b) <https://datareportal.com/reports/digital-2024-ghana> (Accessed on 17 November 2024)

1018 M-Kopa expands to Ghana, unlocking \$10m in credit for customers (2023) <https://www.myjoyonline.com/m-kopa-expands-to-ghana-unlocking-10m-in-credit-for-customers/> (Accessed on 18 November 2024)

1019 A new NPP gov't will launch 'Buy Now, Pay Later' so Ghanaians will buy phones and pay in instalments of GHC1 or GHC2 (2023) <https://rainbowradioonline.com/2024/07/22/127027/> (Accessed on 18 November 2024)

1020 Government Is Determined to Bridge Digital Divide (2024) <https://moi.gov.gh/newsroom/2024/02/govt-is-determined-to-bridge-digital-divide-ursula-owusu/> (Accessed on 11 December 2024)

1021 GIFEC reduces the cost of providing network connection to rural areas (2024) <https://www.telecomschamber.org/industry-news/gifec-reduces-cost-of-providing-network-connection-to-rural-areas/> (Accessed on 11 December 2024)

1022 Ministry of Communications and Digitalisation Budget Estimates (2023) https://mofep.gov.gh/sites/default/files/pbb-estimates/2024/2024-PBB-MOCD_.pdf (Accessed on 11 December 2024)

1023 Digital Inclusion (2024) <https://performancetracker.gov.gh/category/160> (Accessed on 11 December 2024)

450 visually impaired individuals.¹⁰²⁴ GIFEC was created out of the Electronic Communication Act (Act 775) and is funded by a 1% regulatory fee levied on the net annual revenue of communication service providers and operators, contributions from government, and grants from development partners. At the time of writing this report, there were no comprehensive annual financial reports available online to ascertain the total funds accessible to GIFEC for projects and operations in 2024.

Online child protection and safety are crucial for digital inclusion, particularly as smartphone penetration increases. Recent data indicates that 90.5% of children aged 8 to 17 have used the Internet at some point. Of those who use the Internet, 45.7% access it via smartphones. Furthermore, 56.7% of children who access the Internet through smartphones receive little or no supervision. This lack of oversight could lead to involvement in fraudulent activities, exposure to sexual and violent content online, and other risks, such as addiction.¹⁰²⁵ While there is no recent data, a 2020 report by the National Center for Missing and Exploited Children revealed that over 13,000 images and videos of child sexual abuse were accessed or uploaded to the internet from Ghana.¹⁰²⁶ The Cybersecurity Act (Act 1038) criminalises online child abuse, including the production, viewing, and distribution of child sexual abuse materials, online grooming, cyberstalking, and sextortion under Sections 62-67. The Children Act of 1998 does not adequately cover the nuances of the current technological advancements and the associated exposure of children to harm. The government seeks to bridge the gaps with the National Child Online Protection Framework¹⁰²⁷. Ghana has ratified several international legal frameworks, conventions, and protocols in the past that address child sexual exploitation and abuse both online and offline. Some of the frameworks include the Council of Europe Convention on Cybercrime, the African Union Convention on Cyber Security and Personal Data Protection, and the United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography.

1024 GIFEC aims to revitalise operations to extend internet connectivity to rural areas without data access (2024) <https://www.myjoy-online.com/gifec-aims-to-revitalise-operations-to-extend-internet-connectivity-to-rural-areas-without-data-access/> (Accessed on 11 December 2024)

1025 Internet usage, access, and supervision among Ghanaian children: a cross-sectional study (2024) <https://doi.org/10.1057/s41599-024-03482-8> (Accessed on 27 March 2025)

1026 President of FIDA-Ghana leads child online protection in Ghana (2022) https://www.csa.gov.gh/president_of_fida_leads_cop.php (Accessed on 27 March 2025)

1027 Cyber Security Authority <https://www.csa.gov.gh/resources/National%20COP%20Framework.pdf> (Accessed 20 March 2025)

Conclusion

Liberalising the ICT sector has been key in developing infrastructure and boosting the country's competitiveness among its regional peers. A clear set of laws, policies, and targeted projects focused on specific goals has helped drive this progress. Despite good rankings in related global indices, Ghana still faces some challenges. One major issue is the decrease in press freedom and online expression. There is also an existing digital divide, shown by differences in service quality, access to digital technologies, and digital skills among various population groups. Data protection, privacy, and cybersecurity concerns need careful consideration and proactive solutions to keep up with the changing technology landscape. Developing strong regulatory frameworks and fostering collaboration between government and private sectors are essential steps toward addressing these challenges. To ensure a more equitable and secure digital future for all citizens, the government can implement policies that focus on protecting and promoting investments in the digital sector, fostering innovation, and expanding access to technology.

Additionally, fostering a culture of strict compliance with regulations will help maintain the integrity of the digital ecosystem, ensuring that all stakeholders adhere to high standards of practice. Finally, consumer protection policies must be strengthened to safeguard individuals from exploitation and data breaches, creating a safer online environment for everyone. Ghana can achieve a more inclusive digital landscape that benefits all citizens through these.

Recommendations

Recommendations to improve digital inclusion and protect digital rights are based on an analysis of reported events and the country's overall score on TheScore Index. These recommendations are presented in relation to the interactions among stakeholders in the digital space.

Government should:

- Elevate the National Media Commission to an Authority status to enhance its power in overseeing and regulating media operations. This would establish ethical reporting and responsible behaviour guidelines, fostering a more transparent and trustworthy media environment for journalists and the public.
- Establish a specialised court to swiftly address assaults on journalists, ensuring timely justice and enhancing press freedom protections. By prioritising these cases, the country can deter violence against media professionals and safeguard their rights. Additionally, resources and support for journalists affected by such attacks during legal proceedings should be provided.
- Expand GIFEC's resources to support AI and emerging technologies by increasing funding, enhancing infrastructure, and fostering collaborations with tech innovators. This will drive economic growth and improve nationwide services.
- Implementation of a temporary tax discrimination policy aimed at smartphones. This policy would eliminate taxes on low-end smartphones, making them more accessible to a broader population. While taxing high-end smartphones, typically purchased by consumers with greater financial means.
- Implement comprehensive policies to ensure fair competition among all participants in the digital ecosystem. These policies should remove barriers that disadvantage certain market players, promote transparency in operations, encourage innovation, and protect consumer interests. By focusing on fair practices, the country can create an environment where large and small entities can thrive. This, in turn, will benefit the overall economy and foster a diverse and vibrant digital marketplace.
- Implement regulatory framework, guidelines, and standards for mobile phone operators and other telecommunication companies to protect children online.
- Develop a regulatory framework with guidelines for mobile phone operators and telecommunication companies to protect children online. This should include measures for safeguarding personal information, implementing age verification protocols, promoting digital literacy, and enhancing reporting mechanisms for online threats.
- Work with civic society organisations to develop data-driven policies to achieve safe and equitable digital ecosystems.

Civic Society should:

- Launch a civic engagement campaign to educate citizens about their rights and responsibilities regarding freedom of speech, data protection, and data privacy. The campaign should provide clear information on these rights, emphasising respectful expression and the importance of recognising boundaries to prevent harm and misinformation.
- Work with government stakeholders to develop research-based and data-driven policies that promote digital inclusion for underrepresented communities while protecting citizens' rights.
- Develop a legal aid initiative to support journalists facing trials and legal challenges due to their reporting. This initiative should provide legal representation, financial support for legal fees, and resources to navigate the legal system. It should also include education on journalists' rights and foster partnerships with legal professionals dedicated to press freedom, ensuring journalists can perform their duties without fear of legal repercussions.

Private Sector should:

- Comply with regulatory industry guidelines including conducting regular audits and assessments to evaluate compliance status.
- Provide training and resources to enhance understanding of regulations and promote a culture of accountability and continuous improvement.
- Work with civic society organisations to create and implement initiatives to educate citizens about their responsibilities when using digital solutions and consuming information.

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration <i>(P stands for Principle)</i>	Score	Justification
Internet Shutdowns	P38(2)	5	There have been no reported cases of internet shutdown. The government works with stakeholders to keep the Internet on.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	The government has several policies and initiatives to achieve the desired outcome on this indicator. The majority of the initiatives are spearheaded by GIFEC.
False News Criminalisation	P22(2)	1	A law prohibiting the publication of false news exists. The Criminal Code and Electronic Communication Act (Act 775) are the applicable laws. The police and journalists also have a structured framework for engagement.
Sedition Legislation	P22(2)	3	There are laws that forbid inciting public disorder or insurrection. The Criminal Code and Electronic Communication Act are the applicable laws.
Arbitrary Arrests and Harassment of the Media, HRDs and Citizens	P20(1) & (2)	2	Laws are being abused to arrest and harass journalists, and the government does not appear to be protecting them. The Criminal Code and Electronic Communication Act are the applicable laws.
Data Protection Legislation.	P42	5	A law exists to safeguard citizens' personal information and data and ensure privacy. The Data Protection Act, Cyber Security Act, Electronic Communication Act, and the Constitution are applicable laws.

States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	There is a law that allows content moderation, but the provisions have rarely been utilised. Electronic Communication Act is the applicable law. In 2024, Tittok reported receiving two content and two account removal requests from the government.
Invasion of Privacy of Communications	P41	5	There are laws protecting privacy, but there are also provisions within these laws that allow for exceptions to this protection. The applicable laws include the Constitution, Data Protection, Electronic Communication Act, and Cyber Security Act.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	The right to information is protected by a law, but its implementation is fraught with challenges. The Right to Information Act is the applicable law.
AI and Emerging Technologies National Strategies	P39(6)	3	There is a national strategy, tools for ethical use, and policies to build the required infrastructure. There are currently no applicable laws.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	There is a policy and legislation to protect children online. Nonetheless, some gaps remain, such as a lack of regulatory framework, guidelines, and standards for mobile phone operators and other telecommunication companies. The Cyber Security Act is the applicable law. The Children Act of 1998 does not account for current technological advancements and the associated exposure of children to harm.
12. Digital Inclusion	P37(3)	4	Institutions, policies, initiatives, and strategies exist to ensure inclusive access to digital technology. The majority of initiatives are driven by GIFEC.
TOTAL (up to 60)		42	The overall country performance rating indicates that Ghana is moderately compliant.

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DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024

Kenya



Executive Summary

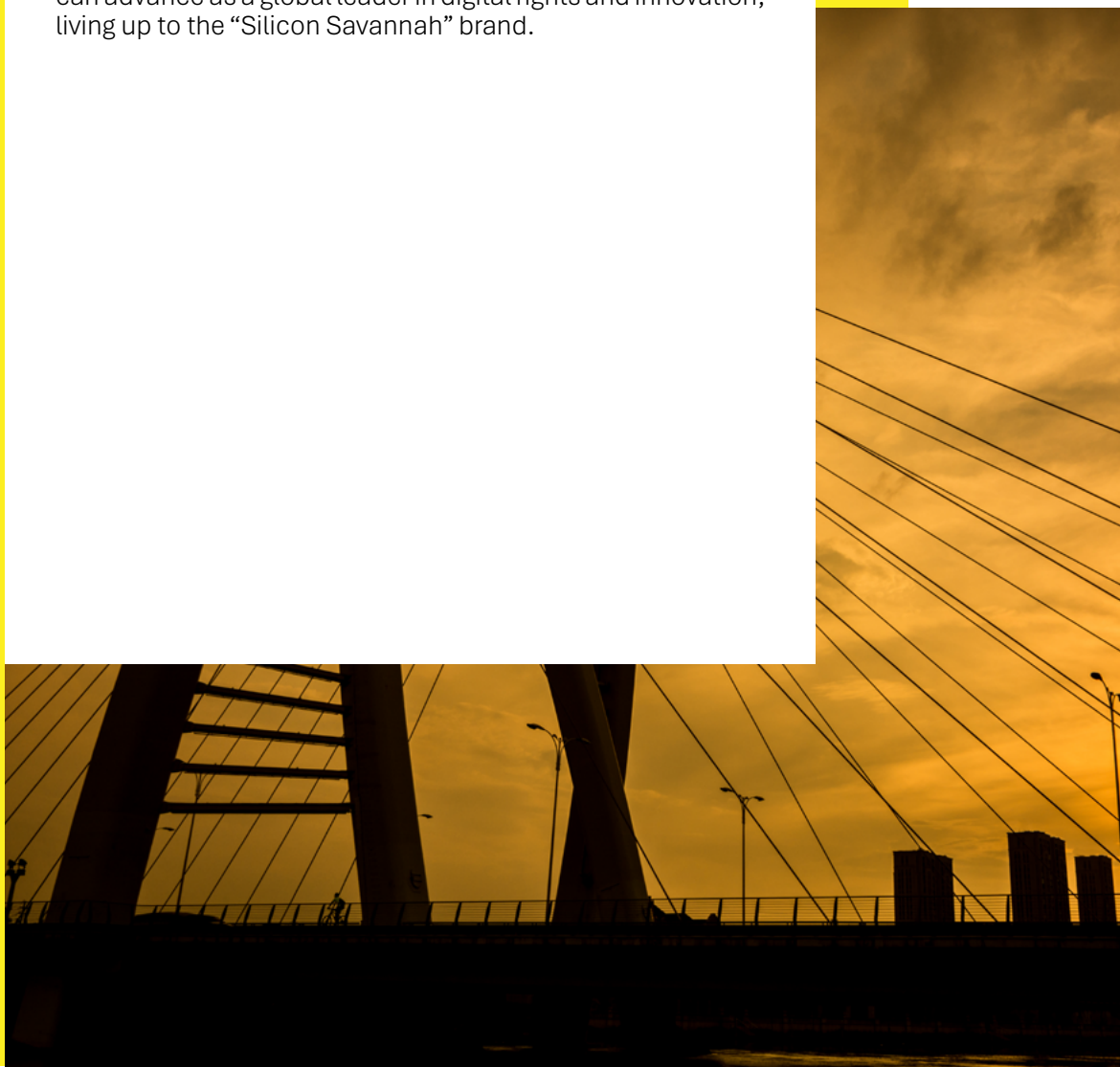
This report examines Kenya's digital rights and inclusion landscape, highlighting achievements and challenges across key areas such as internet access, freedom of expression, data protection, and access to information. It discusses significant issues like internet shutdowns, privacy violations, and censorship while acknowledging the country's rapid technological growth and increasing digital connectivity. The research adopts a qualitative analysis approach, including case studies, policy reviews, and in-depth analysis of journals and publications. The author of this report analyses Kenya's performance using TheScore Index, which measures country compliance against the African Commission on Human and People's Rights (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information in Africa, with Kenya scoring 34 out of 60, in the year 2024 indicating mild compliance.

The report recommends urgent actions to uphold constitutional freedoms, enhance digital inclusion, and strengthen governance frameworks. Key proposals include leveraging digital infrastructure to expand affordable internet access, revising restrictive laws, and promoting inclusive policymaking to support marginalised groups. By addressing these gaps and embracing its technological potential, Kenya can advance as a global leader in digital rights and innovation, living up to the "Silicon Savannah" brand.

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Located in East Africa, with an estimated population of 55.1 million as of December 2024, Kenya holds immense economic and social potential. Given its strategic location and technology prowess with inventions like M-pesa, Kenya has been dubbed the “Silicon Savannah” of Africa.⁴⁰⁶ In recent years, the country has experienced a demographic shift, with an increased number of educated, tech-savvy, and connected young people.⁴⁰⁷ Kenyans rank highest globally⁴⁰⁸ in average daily time spent online, with social media platforms like Facebook, TikTok, and WhatsApp serving as vital tools for communication, commerce, and activism.

This is partly a result of the growing internet landscape in recent years. Fixed and wireless internet subscriptions increased by 7.3% to 52 million in 2023, while the number of licensed Application Service Providers (ASPs) grew by 13.2% to 533.⁴⁰⁹ At the same time, the ongoing expansion and enhancement of broadband infrastructure has facilitated significant data flow per person, as evidenced by the rise in bits per second (bps) per capita from 144,400 in 2022 to 241,000 in 2023.³

In 2024, there were several human rights violation cases recorded in Kenya that bruised the country’s democratic integrity and progress. Top on the list is the Internet disruption that took place on June 25th, 2024 despite prior assurances from the Communications Authority of Kenya (CA) that there were no plans to interfere with internet connectivity.⁴¹⁰ Internet disruption is the intentional restriction of connectivity that limits people’s ability to access the Internet or specific websites and applications. This can involve various tactics, such as bandwidth throttling or blocking access to certain services, which may not completely cut off internet access but significantly impair its usability.⁴¹¹

In Kenya, the disruption was recorded by platforms such as OONI and NetBlocks, indicating a sharp drop in internet connectivity from 100% to 42%.⁴¹² Further, privacy and surveillance concerns also came up with different local and international entities such as the International Commission of Jurists (ICJ)⁴¹³ and Amnesty International⁴¹⁴ documenting the use of surveillance technology to trace and abduct digital activists and protestors who participated in the GenZ-led protests in 2024. Further, the Kenyan government threatened the closure of

406 CBS News ‘How Kenya became the “Silicon Savannah” (2024) <https://www.cbsnews.com/news/how-kenya-became-the-silicon-savannah-60-minutes/> (accessed on 29 November 2024).

407 Emissary ‘Kenya Is at an Inflection Point. It Needs a New Path to Progress’ (2024) <https://carnegieendowment.org/emissary/2024/08/kenya-genz-protests-progress-tech-corruption?lang=en> (accessed on 29 November 2024).

408 The Star ‘Countries that spend most time on social networks’ (2024) <https://www.the-star.co.ke/news/infographics/2024-11-06-countries-that-spend-most-time-on-social-networks> (accessed on 10 February 2025).

409 Kenya National Bureau of Statistics ‘Economic survey 2024’ (2024) <https://www.knbs.or.ke/wp-content/uploads/2024/05/2024-Economic-Survey.pdf> (accessed on 29 November 2024).

410 Citizen Digital ‘No internet shutdown,’ Communication Authority of Kenya says amid Finance Bill demos’ (2024) <https://www.citizen.digital/news/no-internet-shutdown-communication-authority-of-kenya-says-amid-finance-bill-demos-n344620> (accessed on 14 January 2024)

411 AccessNow Website (2024) <https://www.accessnow.org/no-internet-shutdowns-lets-keepit-on/> (accessed on 15 January 2025)

412 Business Daily ‘Internet services disrupted as Kenyans stage anti-tax protests’ (2024) <https://www.business-dailyafrica.com/bd/corporate/technology/internet-services-disrupted-as-kenyans-stage-anti-tax-protests-4669422> (accessed on 06 November 2024).

413 ICJ ‘Joint statement by the human rights community in Kenya on the state of the nation following protests on the 2024 Finance Bill’ (2022) <https://icj-kenya.org/news/a-call-for-accountability-return-to-constitutionalism-and-cessation-of-violations/> (Accessed on 14 January 2025).

414 Amnesty International ‘Joint Statement on Nationwide Demonstrations’ (2024) <https://www.amnesty.org/en/latest/news/2024/06/joint-statement-on-nationwide-demonstrations/> (accessed on 14 November 2025)

top media outlets, such as KTN News, for airing anti-government demonstrations⁴¹⁵.

Digital inclusion seems to be lagging behind with limited infrastructure to provide affordable internet services in marginalised areas. In light of these developments, Kenya's overall compliance based on this research report is **28 out of 60** in accordance with *TheScore Index* by Paradigm Initiative. This rating means Kenya is mildly compliant with the African Commission on Human and People's Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa.⁴¹⁶

Internet Access

Internet access facilitates interaction through online platforms for information, communication, entertainment, and commercial purposes. In 2024, Kenya faced unprecedented internet disruptions contrary to Kenyan laws. During the mass demonstrations against the Finance Bill (2024/2025) that culminated in youth storming parliament buildings in Nairobi, various parts of the country reported slow internet and interruptions on Kenya's major networks.⁴¹⁷ Data from NetBlocks revealed that on Tuesday evening, June 25, 2024, internet connectivity strength dropped sharply from 100% to 42%, severely straining internet access in the country.⁴

Any form of internet disruption directly violates Articles 33, 35, and 37 of Kenya's 2010 Constitution on access to information and freedom of expression. This interruption equally eroded trust in the government's commitment to uphold fundamental rights and respect digital rights.⁴¹⁸ The Internet is an indispensable tool for digital civic engagement in Kenya and has repeatedly been used for organising social movements and demanding government accountability. By disrupting internet access, the government makes it impossible for protesters to organise and express their views both online and offline. The Internet is also a critical conduit for Kenya's e-commerce and digital economy. As such, for every hour of total internet shutdown, the country lost about Shillings (Shs) 1.8 billion of its GDP (equivalent to 10% of GDP).⁴

The government, through the Communication Authority of Kenya (CA), in a letter dated October 31st, 2024, directed the Internet Service Providers (ISPs) to suspend the operation of Telegram in the country during Kenya Certificate of Secondary Education (KCSE) examination hours until November 22nd, 2024.⁴¹⁹ The reason given for this suspension was to curb the alleged examination cheating through the application. Telegram is used by at most 13% of the Kenyan population and has become an essential tool.⁴²⁰ Individuals, businesses, civil society, journalists, and the general public rely on the platform for business and communication, as one can reach a broad audience with ease and access information freely. By limiting access to Telegram, the government directly violated provisions postulated in the Constitution, 2010.

Furthermore, there are notable gaps in laws, policies, and frameworks on affordable access to the Internet, specifically for marginalised groups. As it stands, Kenya lacks specific regulations that mandate internet service providers to offer affordable pricing structures for marginalised groups. While the Universal Service Fund aims to promote access, there is no enforceable policy that ensures reduced rates for low-income users.⁴²¹ The nation equally lacks policies promoting the development and distribution of affordable assistive technologies that enable persons with disabilities to access the Internet effectively.⁹

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415 KTN News 'Reject finance bill: Government threatens to shut down KTN' (2024) <https://www.youtube.com/watch?v=i-HVOPIGTty0> (accessed on 07 November 2024).

416 African Commission on Human and Peoples' Rights 'Declaration of Principles on Freedom of Expression and Access to Information in Africa' (2019) https://www.chr.up.ac.za/images/researchunits/dgdr/documents/ati/Declaration_of_Principles_on_Freedom_of_Expression_ENG_2019.pdf (Accessed on 14 January 2025)

417 Nation Africa 'Kenyans experience interrupted and slow internet connections' (2024) <https://nation.africa/kenya/news/kenyans-experience-interrupted-and-slow-internet-connections--4669366>(accessed on 12 November 2024).

418 International Commission on Jurists 'Digital rights: Internet access crucial to a vibrant democracy' (2024) <https://icj-kenya.org/news/digital-rights-internet-access-crucial-to-vibrant-democracy/> (accessed on 06 November 2024).

419 KICTANet 'Telegram Access Blocked in Kenya' (2024) <https://www.kictanet.or.ke/telegram-access-blocked-in-kenya/> (accessed on 11 November 2024).

420 Nation 'Gen Z protests raise social media use to record levels' (2024) <https://nation.africa/kenya/business/technology/gen-z-protests-raise-social-media-use-to-record-levels-4706970> (accessed on 10 February 2025).

421 A. Wang'ang'a 'Social Economic Barriers to Information Communication Technology (ICT) Access for Persons with Disabilities in Africa: Literature Review' (2024) <https://doi.org/10.37284/eajit.7.1.2235> (accessed on 06 November 2024).

Freedom of Expression

Freedom of expression is a fundamental constitutional right in Kenya, as enshrined in Article 33.⁴²² However, Kenya's Computer Misuse and Cybercrimes Act, 2018 in sections 22, 23, and 27 criminalises the publication of false or misleading information. This Act remains a significant regression for online speech since these provisions effectively revive criminal defamation by penalising reputational harm as a result of vague terms like "apprehension or fear of violence" which leaves room for subjective interpretation by authorities.⁴²³ Notwithstanding, defamation should be addressed through civil law, as outlined in the Defamation Act,⁴²⁴ rather than criminal sanctions.

Subsequent to this, the Penal Code of Kenya addresses sedition primarily under sections 47 and 77, stating that any act, speech, publication, or expression that incites disaffection against the government, promotes hostility among communities, or undermines public order and authority is considered seditious.⁴²⁵ Sedition laws are controversial as they may be used as tools for suppressing free speech, silencing political opposition, or stifling legitimate criticism of the government. In Justice Muhochi's ruling on the 18th of March 2024, he noted that Section 77(1) and (3) of the Penal Code is a colonial legacy that limits freedom of expression through the vague provision of the offence of subversion.⁴²⁶ The provisions of Section 77 were overly broad and vague, limiting the right to freedom of expression. Besides, the Kenyan government often leverages such statutes to facilitate communication interception and surveillance of targeted people. Other problematic and vague laws include the National Intelligence Service Act 2012 and the Prevention of Terrorism Act 2012.⁴²⁷

The cybercrime law also positions the state as the arbiter of truth by criminalising what it defines as "false news," raising concerns about potential abuse in curbing free expression. The spread of fake news, particularly during the Anti-Finance Bill 2024 protests, involved the dissemination of false reports of violence or criminal activity attributed to protesters.⁴²⁸ This trend is concerning, and stakeholders, including government, should proactively disclose information during times of unrest using social media platforms to counter false narratives and also invest in capacity building on fact-checking as strategies to address information disorders. Criminal penalties for disseminating false news are currently excessive and do not seem to have any positive impact.

In terms of arbitrary arrests, assaults, intimidation, harassment, and abductions, the cumulative data in Kenya throughout 2024 reveals a troubling situation. At least 65 individuals were confirmed dead due to police violence during protests⁴²⁹, while over 361 people were reported injured⁴³⁰. Additionally, approximately 1,574 individuals were unlawfully arrested, including protesters and Human Rights Defenders (HRDs). There were also reports of at least 60 cases of enforced or involuntary disappearances, with many individuals still unaccounted for.⁴³¹ The cases were a result of a strong response from security forces aimed at suppressing dissent. By the same token, different media houses were issued with threats from the government. For instance, on June 25,

422 Kenya Law Reform Commission 'Constitution of Kenya: Article 33 Freedom of expression' (2024) <https://www.klrc.go.ke/index.php/constitution-of-kenya/112-chapter-four-the-bill-of-rights/part-2-rights-and-fundamental-freedoms/199-33-freedom-of-expression>

(accessed on 07 November 2024).

423 International Commission of Jurists 'Kenya's Growing Digital Landscape and the Boundaries of Free Expression' (2024)

<https://icj-kenya.org/news/kenyas-growing-digital-landscape-and-the-boundaries-of-free-expression/> (accessed on 07 November 2024).

424 Kenya Law 'Defamation Act' (2012) http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/DefamationAct__Cap36.pdf

(accessed on 07 November 2024).

425 Kenya Law 'Penal Code' (2012) https://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/PenalCode_Cap63.pdf

(accessed on 07 November 2024).

426 Kenya Law 'Petition E016 of 2023' (2024)

<https://kenyalaw.org/caselaw/cases/view/284070/> (accessed on 07 November 2024).

427 KICTANet 'Surveillance Laws and Technologies Used in Countering Terrorism and their Potential Impact on Civic Space' (2024) <https://www.kictanet.or.ke/?mdocs-file=49126> (accessed on 07 November 2024).

428 The Elephant 'Journaling a revolution' (2024) <https://www.theelephant.info/opinion/2024/07/07/elephant-series-journaling-a-revolution/> (accessed on 07 November 2024).

429 Lethal in Disguise 'Kenya: deadly repression at anti-finance bill protests' (2024) <https://lethalindisguise.org/case-studies/kenya-anti-finance-bill/> (accessed on 15 January 2025)

430 Aljazeera 'Tax hike protests in Kenya killed at least 39 people, says rights watchdog' (2024) <https://www.aljazeera.com/news/2024/7/1/tax-hike-protests-in-kenya-killed-at-least-39-people-says-rights-watchdog> (Accessed on 15 January 2025)

431 Lethal in Disguise 'Kenya: deadly repression at anti-finance bill protests' (2024) <https://lethalindisguise.org/case-studies/kenya-anti-finance-bill/> (accessed on 15 January 2025)

2024, KTN News decried threats of being shut down for airing anti-government demonstrations.⁶ This is despite Article 34 of the Kenyan Constitution, which guarantees media freedom.

Data Protection and Privacy

Data protection in Kenya is regulated by the Data Protection Act, 2019 (the DPA).⁴³² Sections 25, 26, and 32 of the DPA provide for the principles of data protection, the rights of a data subject, and the conditions of consent for processing data. In the now-defunct Finance Bill 2024/2025, Clause 63 sought to exempt the Kenya Revenue Authority (KRA) from the provisions of the Data Protection Act.⁴³³ Although the bill was withdrawn, KRA issued new directives that allow the state authority to monitor all locally-made and imported mobile phones sold in Kenya to ensure tax compliance from January 1, 2025, which grants the state access to a phone user's activities, including location patterns, transactions, and communication history.⁴³⁴ The KRA also announced an ambitious plan to integrate its system with banks, money remittance firms, and payment service providers, aiming to boost revenue collections and foster tax compliance by January 2025. Part of KRA's strategy includes using AI to detect tax evasion which is problematic as it provides the taxman unfettered access to personal data, including bank accounts, cash transfers, and property owned.⁴³⁵ Such an approach at the expense of the DPA 2019, erodes public trust and can lead to tax evasion or reluctance to comply.

The KRA would not be the first government agency to have access to citizen's personal data. In October 2024, one of Kenya's leading newspapers, the Daily Nation, reported that the country's security agencies had virtually unfettered access for years to mobile phone customers' sensitive call data records, along with location data, helping them to track and capture suspected criminals.⁴³⁶ This raises concerns of potential misuse of call data records by the government which might aid in abductions and extrajudicial killings - both of which have become prominent in Kenya. Even so, and despite the DPA 2019 being in place, several members of parliament complained of their phones being spammed by messages and calls from their constituents demanding their opposition to the Finance Bill 2024.⁴³⁷

In terms of laws and standards to protect workers in the digital economy, Kenya currently lacks a clear and comprehensive framework for protecting digital and platform workers' rights. Even though digital platforms, such as TikTok, Facebook, and X, are a source of livelihood for a great percentage of Kenyan youths, the country lacks a clear and comprehensive framework for fair pay and humane treatment.⁴³⁸ In 2023, over 180 online content moderators working for Facebook and Sama, its subcontractor in Kenya, sued the two companies for unlawful and unfair dismissal. Fast forward to September 20, 2024, Kenya's Court of Appeal ruled that Meta could be taken to trial in Kenya, with the former moderators seeking USD1.6 billion as compensation. This ruling has set a precedent for how international labor disputes involving tech companies may be handled in local jurisdictions.⁴³⁹

432 Kenya Law 'Data Protection Act of 2019' (2019) http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2019/TheDataProtectionAct__No24of2019.pdf (accessed on November 2024).

433 Amnesty International 'Data Protection Act Amendment in the Finance Bill is classic "big brother", illegal and must be rejected by the National Assembly and Kenyans' (2024) <https://www.amnestykenya.org/data-protection-act-amendment-in-the-finance-bill-is-classic-big-brother-illegal-and-must-be-rejected-by-the-national-assembly-and-kenyans/> (accessed on 07 November 2024).

434 Kenya Revenue Authority Website (2024) <https://kra.go.ke/helping-tax-payers/facts-about-kra/category/8> (accessed on 07 November 2024)

435 The Business Daily 'KRA starts integrating tax system with banks, telcos' (2024) <https://www.businessdailyafrica.com/bd/economy/kra-starts-integrating-tax-system-with-banks-telcos-4804430> (Accessed on 14 January 2025)

436 Nation 'Exclusive: How Kenyan police use mobile phones to track, capture suspects' (2024) <https://nation.africa/kenya/news/exclusive-how-kenyan-police-use-mobile-phones-to-track-capture-suspects-4804416#story> (accessed on 07 November 2024).

437 Business Daily 'Digital activism: Delicate balance in public officials' right to privacy' (2024) <https://www.businessdailyafrica.com/bd/corporate/technology/digital-activism-delicate-balance-in-public-officials-privacy-4667266> (accessed on 07 November 2024).

438 Kenya Human Rights Commission 'Taptengelei: Why government must do more to protect dignity and human rights of digital platform workers' (2024) <https://khrc.or.ke/press-release/taptengelei-why-government-must-do-more-to-protect-dignity-and-human-rights-of-digital-platform-workers/> (accessed on 07 November 2024).

439 Reuters 'Kenya court finds Meta can be sued over moderator layoffs' (2024) <https://www.reuters.com/world/africa/kenya-court-rules-meta-can-be-sued-over-layoffs-by-contractor-2024-09-20/#:~:text=Last%20year%20the%20content%20moderators,trying%20to%20organise%20a%20union.> (accessed on 07 November 2024).

Censorship and Content Moderation

Kenyans are reported to spend the most time on social media than any other country, on average, 3 hours 43 minutes a day.⁴⁴⁰ In the third quarter specifically, the use of social media platforms in Kenya grew exponentially. Facebook, for instance, rose to 52% of the population, with TikTok, WhatsApp, and X at 28.1%, 48.5%, and 12.8%, respectively.⁴⁴¹ Internet use by Kenyans aged between 18 and 24 also increased by a percentage point to 78%, while those aged 25 to 34 went to 77% from 76% the previous quarter. Access to the Internet by smartphones increased to 98.6% from previously 87.2% in the second quarter.

Kenya's online scene is regulated by several principles and laws in the Constitution of Kenya (CoK), 2010, particularly in Articles 33 and 35. These articles emphasize the importance of freedom of expression and access to information, which are crucial for a democratic society. However, there have been attempts to curtail the use of these platforms in the country, citing the promotion of violence, vulgar language, explicit content, and offensive behavior. In August 2024, a Kenyan citizen presented an appeal to the Parliament requesting the ban of TikTok in Kenya.⁴⁴² TikTok senior officials in charge of its operation in Sub-Saharan Africa then represented the platform in the Kenyan Parliament to defend the platform of the pending ban and the parliamentary committee ultimately rejected the petition on September 28, 2024.³² On the other hand, a Kenyan senator challenged the operations of Elon Musk's X (formerly Twitter) in the country on October 2024. In her submissions, Senator Gloria Orwoba made reference to the suspension of X in Brazil, indirectly comparing it to Kenya.⁴⁴³ This would however infringe on the citizens' rights to use the platform as provided in the CoK, 2010.

Access to Information

Kenya's Constitution, under Article 35, guarantees every citizen the right to access information held by the state and obligates the government to publish and publicize any critical information affecting the nation. Kenya's Access to Information Act provides a legal framework for operationalizing this constitutional right.⁴⁴⁴ However, in practice, the government frequently falls short of meeting the standards outlined in the law, particularly in proactively disclosing information related to procurement and public deals.

Instances of inadequate disclosure, such as the government's plan to lease Jomo Kenyatta International Airport (JKIA) and grant control of transmission lines from the Kenya Electricity Transmission Company (KETRACO) to the Indian firm Adani Group for 30 years, have raised significant concerns about transparency and adherence to legal requirements for public participation.⁴⁴⁵ While the ATI law establishes a strong foundation for transparency, its effectiveness is undermined by inconsistent implementation and limited proactive disclosure of critical government agreements. On both occasions, the then Cabinet Secretary Mr. David Chirchir, admitted the government's failure to disclose the details of the lease agreement to the public.⁴⁴⁶

Artificial Intelligence (AI) and Emerging Technologies

Artificial intelligence (AI) uses computer systems and machines to perform human tasks and

440 We Are Social 'Digital 2024: 5 Billion Social Media Users' (2024)

<https://wearesocial.com/uk/blog/2024/01/digital-2024/> (accessed on 7 November 2024).

441 Nation 'Gen Z Protests Raise Social Media use to Record Levels' (2024)

<https://nation.africa/kenya/business/technology/gen-z-protests-raise-social-media-use-to-record-levels-4706970> (accessed on 7 November 2024).

442 The Standard 'TikTok Takes Fight to Block Kenya Ban to Parliament' (2024)

<https://www.standardmedia.co.ke/business/business/article/2001492965/tiktok-takes-fight-to-block-kenya-ban-to-parliament> (accessed on 7 November 2024).

443 Citizen Digital 'Senator Gloria Orwoba Questions Elon Musk's X Operations in Kenya' (2024)

<https://www.citizen.digital/news/senator-gloria-orwoba-questions-elon-musks-x-operations-in-kenya-n350689> (accessed on 7 November 2024).

444 Kenya Law Reform Commission (KLRC) '35. Access to information - Kenya Law Reform Commission (KLRC)' (2024)

445 Nelson Amenity (2024)

https://x.com/amenya_nelson/status/1811458518861644006 (accessed on 11 November 2024).

446 Citizen Digital 'Adani-JKIA Deal: CS Chirchir Admits Gov't Failure, Insists No Agreement Signed' (2024)

<https://www.citizen.digital/news/adani-jkia-deal-cs-chirchir-admits-govt-failure-insists-no-agreement-signed-n349348> (accessed on 11 November 2024).

emulate their intelligence through simulation, self-learning, and correction. AI use has steadily risen in Kenya, including healthcare, education, transport, and other government services. While relatively novel, AI is progressively being understood and accepted in the country despite gaps in laws governing its use. Through its legislative arm, the government of Kenya (GoK) introduced a bill in August 2024 aimed to control the use of AI and robotics in the country. However, many experts in the AI and robotics space did not support the bill, citing a lack of stakeholder involvement in the drafting of the bill and, thus, ignorance of the needs and requirements of the consumers of the developing technology.⁴⁴⁷ As a result of this backlash, the bill was ultimately rejected by Parliament.

Kenya has always been among the top countries in Africa in terms of infrastructure and technological development.⁴⁴⁸ However, six African countries, including South Africa, Tunisia, Rwanda, Morocco, Senegal, and Benin, are ranked more prepared than Kenya regarding AI readiness.⁴⁴⁹ Additionally, a report by Huawei dubbed Global Digitalization Index (GDI) 2024 ranked Kenya 65th out of 77 countries in ICT infrastructure growth. The study, which used over 42 indicators, placed the country in the third category of three.⁴⁵⁰ The categories included Frontrunners, Adopters, and Starters, respectively. The ranking shows the country's formative stage of understanding and learning how to coexist with AI. The experts on AI technology argued that the country is still in the budding stages of AI and that a bill like the one proposed would be a big blow to the sector, potentially scuttling AI growth.

A key concern regarding the AI and Robotics Bill is over-regulation which has the potential to stifle innovation and hinder technological progress rather than promote it as it would have imposed overly stringent requirements that could create barriers for startups and other entities involved in AI and robotics, potentially limiting Kenya's competitiveness in the global technology landscape. It is also worth noting that limited inclusion in policy-making processes such as the unclear space and position of women and persons with disabilities in AI frameworks in the country need to be looked into.⁴¹

In terms of adopting new technology, Kenyans have welcomed the new satellite internet provider, Starlink, which is reported to have a market share of 0.5% as of November 2024⁴⁵¹. Safaricom remains with the highest market share at 36.4%.⁴⁵² Other technologies like blockchain are on an upward curve as more Kenyans, especially the youth, venture into emerging digital markets and try new technologies. The Central Bank of Kenya (CBK) announced in February 2024 that it would be working on new regulations to guard cryptocurrencies such as Bitcoin due to money laundering risks and potential terrorism funding.⁴⁵³ The number of Kenyans that use cryptocurrency exchanges like Binance, Paxful, and BingX, among others, is continuously rising.

Child Online Protection

Child online safety is a growing concern globally especially in the wake of emerging technology. Kenya currently builds on existing frameworks such as The Data Protection Act of 2019 which plays a crucial role by requiring parental consent for processing children's personal data and mandating age verification mechanisms. Additionally, the Computer Misuse and Cybercrimes Act of 2018 criminalizes activities like child pornography and online child grooming, providing legal recourse

447 Business Daily 'Why IT experts want State to reject the new robotics bill' (2024)

<https://www.businessdailyafrica.com/bd/economy/why-it-experts-want-state-to-reject-the-new-robotics-bill-4516274> (Accessed on 6 November 2024).

448 International Trade Administration 'Kenya - Information Communication Technology' (2024) <https://www.trade.gov/country-commercial-guides/kenya-information-communications-and-technology-ict> (accessed on 10 February 2025).

449 Citizen Digital 'Kenya's National AI strategy in the pipeline' (2024) <https://www.citizen.digital/tech/kenyas-national-ai-strategy-in-the-pipeline-n341385> (accessed on 6 November 2024).

450 Huawei 'Global Digitalization Index (GDI) 2024' (2024) <https://www.huawei.com/en/gdi#:~:text=The%20GDI%20measures%20the%20maturity,%2C%20cloud%2C%20and%20green%20energy> (accessed on 6 November 2024).

451 Business Daily 'Starlink gains 0.5pc of Kenya's internet market in first year' (2024) https://www.businessdailyafrica.com/bd/corporate/technology/starlink-gains-0-5pc-of-kenya-s-internet-market-in-first-year-4793878#google_vignette (accessed on 15 January 2025).

452 Business Daily 'Starlink gains 0.5pc of Kenya's internet market in first year' (2024) <https://www.businessdailyafrica.com/bd/corporate/technology/starlink-gains-0-5pc-of-kenya-s-internet-market-in-first-year-4793878> (accessed on 12 November 2024).

453 Business Daily 'Kenya moves to regulate Bitcoin trade on grey listing risk' (2024) <https://www.businessdailyafrica.com/bd/economy/kenya-moves-to-regulate-bitcoin-trade-on-grey-listing-risk-4529684> (accessed on 12 November 2024).

against offenders.⁴⁵⁴

Kenya is also part of broader regional initiatives, such as the African Union Child Online Safety and Empowerment Policy, adopted in February 2024. This policy aims to provide a framework for protecting children's rights in the digital environment across Africa, emphasizing the need for strong legal frameworks, public awareness, and international cooperation⁴⁵⁵. Furthermore, Kenya's National Strategy on Justice for Children 2023-2028 focuses on safeguarding children's rights, including those related to digital safety, by leveraging laws like the Children Act 2024.⁴⁵⁶

Digital Inclusion

Digital inclusion entails equitable, accessible, and meaningful use of digital services and technologies and their attendant opportunities. A digital divide isolates a key component of society from opportunities the global economy offers, like information, education, and services.⁴⁵⁷ Digital illiteracy in Kenya poses a significant hurdle in narrowing the digital gap, with limited accessibility of digital tools across various settings contributing to this divide.⁴⁵⁸ While urban areas have seen faster adoption, with Nairobi County reporting over 80% internet penetration, some rural counties still lag below 20%.⁴⁵⁹ Thus, urban dwellers in Kenya have utilised the increased connectivity to work, socialize, and access information compared to many rural areas with limited or nonexistent internet infrastructure.

It is not lost that the Kenyan government has adopted a digitalisation agenda to enhance public service delivery by establishing a robust digital infrastructure that facilitates high-speed internet connectivity and digital access for its citizens.⁴⁶⁰ Despite that, the absence of publicly available data on the Universal Service Fund which is dedicated to digital inclusion poses a significant challenge to tracking the utilisation of the funds. In light of this, various shortcomings arise in fostering digital inclusion in Kenya.

On a positive note, Kenya's digital space and telecommunications sector has been making good strides towards innovation and overall contribution to the country's economy.⁴⁶¹ However, women are still underrepresented in the digital job market, particularly in leadership roles.⁴⁶² Additionally, the barriers that deny people living with disabilities access to the digital world in Kenya include misconceptions about disability needs, outdated traditions, stereotyping, and digital illiteracy.⁴⁶³

454 Igeria & Ngugi Advocates 'Regulation And Protection Of Children's Data On Social Media Platforms' <https://www.attorneysafrica.com/2023/09/01/regulation-and-protection-of-childrens-data-on-social-mediaplatforms/> (accessed on 26 January 2025)

455 African Union 'The African Union Child Online Safety And Empowerment Policy' (2024) https://au.int/sites/default/files/documents/43798-doc-African_Union_Child_Online_Safety_and_Empowerment_Policy_Feb_2024.pdf (accessed on 26 January 2025)

456 National Council on the Administration of Justice 'National Strategy On Justice For Children 2023 - 2028' <https://ncj.go.ke/wp-content/uploads/download-manager-files/FINAL-NATIONAL-STRATEGY-ON-JUSTICE-FOR-CHILDREN-21st-feb-2024.pdf> (accessed on 26 January 2025)

457 Association for Progressive Communications 'My journey to Kenya for the advisory committee on bridging Africa's digital divide' (2024) <https://www.apc.org/en/blog/my-journey-kenya-advisory-committee-bridging-africas-digital-divide> (accessed on 08 November 2024).

458 F. Okello 'Bridging Kenya's Digital Divide: Context, Barriers and Strategies' (2024) <https://www.cigionline.org/static/documents/DPH-Paper-Okello.pdf> (accessed on 08 November 2024).

459 The Standard 'The Digital Divide: Who is Being Left Behind in Kenya?' (2024) <https://www.standardmedia.co.ke/business/opinion/article/2001501022/the-digital-divide-who-is-being-left-behind-in-kenya> (accessed on 08 November 2024).

460 KIPPRA 'Leveraging on Digitalization to Promote Public Service Delivery in Kenya' (2024) <https://kippra.or.ke/leveraging-on-digitalization-to-promote-public-service-delivery-in-kenya/> (accessed on 08 November 2024).

461 Communications Authority of Kenya 'Kenya's Digital Economy to Contribute Over KSh. 600 Billion to GDP by 2028, GSMA Report Shows' (2024)

462 Business Daily 'Bridging the gender gap in tech space' (2024) <https://www.businessdailyafrica.com/bd/opinion-analysis/columnists/bridging-the-gender-gap-in-tech-space--4552884> (accessed on 08 November 2024).

463 KICTANET 'Study Report: Digital Inclusion of Persons with Disabilities in Kenyan Community Networks' (2024) <https://www.kictanet.or.ke/study-report-digital-inclusion-of-persons-with-disabilities-in-kenyan-community-networks/> (accessed on 08 November 2024).

Conclusion

Kenya's progress in digital connectivity and innovation contrasts sharply with its struggles in safeguarding digital rights and inclusivity. The documented internet disruption, inadequate policy frameworks, and persistent digital divides hinder the nation's democratic and socio-economic potential. As such, the government, media, and civil society must collaborate to protect constitutional freedoms, promote digital inclusion, and address gaps in legislation governing digital spaces. Policies prioritizing affordability, accessibility, and transparency will not only bridge the digital divide but also foster a resilient and rights-respecting digital ecosystem.

With proper intervention and adherence to global and regional human rights standards, Kenya can harness its "Silicon Savannah" identity to become a model for equitable and inclusive digital development.

Recommendations

Government should:

-
- Uphold, respect, and protect constitutional provisions on access to information and freedom of expression that advance democratic values.
- Leverage the digital infrastructure initiative and the national broadband strategy to provide affordable internet access, including to marginalised populations.
- The Communications Authority of Kenya should make available annual reports on the usage of universal service funds.
- Offer incentives and subsidies to telecommunication companies to provide affordable internet in underserved areas.
- Revise sections 22, 23, and 27 of the cybercrime law—the Computer Misuse and Cybercrimes Act 2018 by decriminalising defamation and addressing reputational harm through civil law.
- The Independent Policing Oversight Authority (IPOA), the Commission on Administration of Justice, the National Committee on the Administration of Justice, and the National Police Service Commission (NPSC) should impartially and objectively entrench policing oversight and accountability as demanded by their distinct constitutional provisions.
- Establish a digitization fund to drive the attainment of digitisation as per the government's 2022-2032 Digital Master Plan.
- Develop and expand internet infrastructure in underserved rural areas to increase connectivity and access to information.
- Implement policies that bridge the digital divide gap, make digital technologies affordable, and provide digital literacy skills training to underserved and unserved communities.
- Pursue and implement alternative tax compliance methods that do not infringe on user privacy or ascend to surveillance, like IMEI and financial services monitoring.
- Formulate a clear and comprehensive policy framework for digital workers who work for social media platforms to ensure fair and humane treatment by digital platforms.
- Promote stakeholder and expert involvement in formulating policies that govern AI and emerging technology use and frameworks on associated risks and crimes.
- Collaborate with social media platform companies to ensure that content posted is not harmful without flouting fundamental freedom of expression.
- Prioritise public participation, regularly update and publish on issues of national interest, and ensure information access restriction adheres to limitations under Article 24 of the Constitution.

The Media should:

- Set the agenda for public debate and policymakers' action on issues such as internet access, Internet shutdowns, and AI and emerging technologies.
- Advocate for press freedom and raise awareness of the trampling of fundamental rights and freedoms of the citizens.
- Discard stereotyping, and include channels that are inclusive, especially by people with different disabilities.
- Remain steadfast as a trusted public interest watchdog that unravels truths that impact society, promoting accountability and transparency.

Civil Society Organisations should:

- Foster the essence of a more inclusive digital and democratic landscape that enriches socio-economic and political development.
- Raise awareness among the public about the dangers of repressive laws on democratization and good governance.
- Embolden citizens to demand accountability, transparency, and rule of law from the government.
- Actively lobby and advocate for digital inclusivity through targeted policies and technologies for marginalized groups.
- Develop and implement capacity-building programs that enhance equitable, accessible, and meaningful use of digital services and technologies.
- Provide legal assistance to individuals whose digital rights have been violated, including censorship and unlawful surveillance.

The Private Sector should:

- Implement an internal transparency framework requiring ISPs to disclose any government shutdown requests.
- Develop and fund programs aimed at enhancing the digital skills of youth and marginalized groups, empowering them for the digital economy.
- Implement stringent data privacy policies and practices that foster client trust and respect user rights.
- Allocate resources to bridge the digital divide and advance inclusivity by expanding internet connectivity in underserved areas.
- Create products and services that are affordable and accessible, especially to marginalized groups.

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	2	Various parts of the country reported slow internet and interruptions on June 25th, 2024, from youth mass demonstrations against the Finance Bill (2024/2025). Data showed a sharp drop in internet connectivity from 100% to 42%. Additionally, Telegram was restricted during the national exams following orders by the Communications Authority of Kenya.
Inexistent laws, policies and other measures to promote affordable access to the internet for marginalised groups such as children, women, and persons with disabilities.	P37	4	In Kenya, the Universal Service Fund (USF) was set up to finance connectivity in underserved areas and for vulnerable groups.
False News Criminalisation	P22(2)	1	Computer Misuse and Cybercrimes Act 2018 criminalizes the publication of false or misleading information. This Act is a significant regression in freedom of speech.
Sedition Legislation	P22(2)	3	The High Court of Kenya outlawed Section 77(1) and (3) of the penal code on the basis that it limited freedom of expression through its broadly and vaguely worded offense of subversion.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P6 and P20	1	Several digital activists, journalists, HRDs, bloggers and citizens were arbitrarily arrested at the height of anti-government demonstrations. Hundreds of activists and citizens are still missing.
Data Protection Legislation.	P42	5	Kenya has a comprehensive Data Protection Act 2019, which entails data protection principles, data subject rights, and consent conditions for processing data.
States interfere and require the removal of online content by internet intermediaries.	P38 and P39(4)	3	During the Anti-finance bill protests, content on some user's accounts especially on X was taken down under the guise of protecting national security.
Invasion of Privacy of Communications	P41	2	The government's effort to attain tax compliance has led to privacy and surveillance infringement through the International Mobile Equipment Identity (IMEI number) and monitoring of financial services.

Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	4	Kenya has an existing Access to Information law that allows stakeholders to seek information from different public and private entities including those in the digital ecosystem.
AI and Emerging Technologies National Strategies	P39(6)	3	Parliament rejected passing of the proposed Robotics and Artificial Intelligence Society Bill 2023. The Central Bank of Kenya is working on regulations to protect cryptocurrencies from criminal activities.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online		3	Kenya's legal framework for child protection is grounded in the Constitution of Kenya (2010). While there is no stand-alone policy on child online safety, the Children Act is the primary statute that operationalizes child rights. Additional frameworks such as the Data Protection Act of 2019, and Kenya's National Strategy on Justice for Children 2023-2028 mention the safety of children online though not distinctively.
Digital Inclusion	P37(3)	3	While internet penetration and mobile device usage continue to rise, efforts to track digital inclusion remain ineffective, particularly through the Universal Service Fund (USF). Notably, there is no available data on how the funds were utilized in 2024, raising concerns about transparency and accountability in promoting equitable access.
TOTAL (up to 60)		34	

Lesotho



Executive Summary

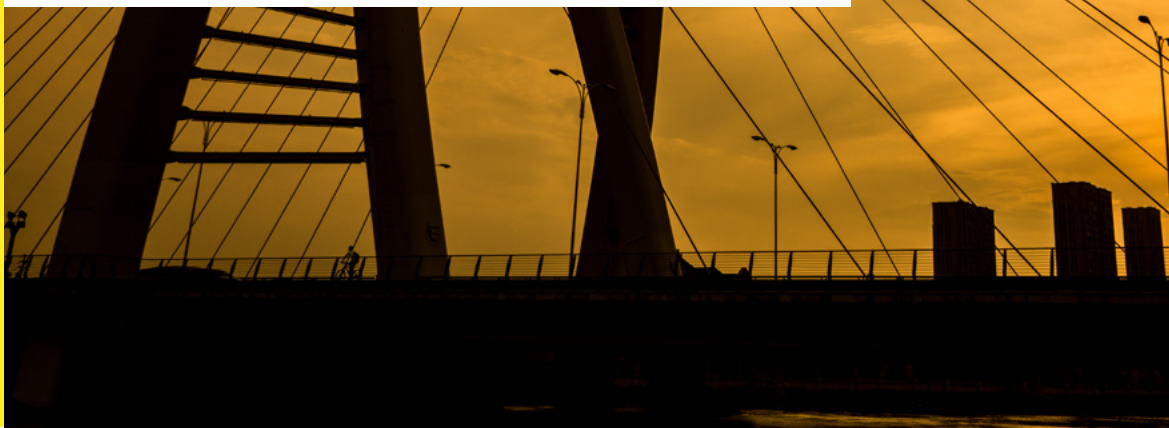
This report analyses Lesotho's digital rights landscape through a combination of research methods. A desk-based study was used to explore existing qualitative data, while questionnaires were also used to collect primary data. A tailored index, TheScore, developed by Paradigm Initiative, is used to score Lesotho's compliance with the Declaration of Principles on Freedom of Expression and Access to Information, 2019. The research discusses the state of internet access and network coverage, legal and institutional frameworks on data protection, cybersecurity, access to information, censorship and content moderation, and the compliance of Lesotho with its obligations to respect and promote the right to freedom of expression. This report highlights that there has not been much progress with such compliance since the Londa Lesotho 2023 Report and that critical gaps need to be addressed regarding all frameworks through repealing punitive laws, amending the Cybersecurity and Computer Crimes Bill, 2023, passing the Receipt and Access to Information Bill, 2021, and operationalising the Data Protection Authority. The digital rights landscape has not seen much progress since the 2023 Londa report. Internet access and network coverage seem to be the only thematic areas where there has been much progress, although the cost of broadband access is a concern. The lack of a Data Protection Authority has contributed to this stagnation. Additionally, there is a regression in respect to media freedom by security agencies. The lack of a legislative framework to access public information has been a challenge, and draft laws pose further threats to stifle these fundamental rights and freedom. As a result, Lesotho has scored 31.

3 on TheScore Index as it complies slightly with the set international human rights standards, in particular the African Commission on Human and Peoples' Rights (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration), 2019. There has not been much development to ensure these rights online, except the draft National Digital Policy, 2024 which has not yet been adopted.

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DIGITAL
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IN AFRICA
REPORT

LONDA
2024



Internet access

Principle 37 of the Declaration affirms that the Internet is integral in exercising the right to freedom of expression and access to information and that such access has to be equitable, universal and affordable.⁴⁶⁴ African states are therefore obligated to adopt various measures to achieve such meaningful connectivity by establishing oversight mechanisms, improving Information and Communication Technologies (ICT) infrastructure, promoting local internet access for underserved communities, and promoting basic digital literacy skills whilst refraining from intentional interference of internet access.⁴⁶⁵

As of August 2024, internet penetration in Lesotho is estimated to be 49.84% of the population.⁴⁶⁶ Lesotho has two leading Mobile Network Operators, Vodacom Lesotho and Econet Telecom Lesotho which also offer internet service. Additionally, Leo and Comnet are other local Internet Service Providers (ISPs) in Lesotho.⁴⁶⁷ These corporations are regulated by the Lesotho Communications Authority (LCA), an independent authority that grants licences to all telecommunication companies and develops principles of governance for the industry such as ISPs.⁴⁶⁸

The LCA in 2024 adopted the Lesotho Communications Authority Quality of Service Rule, 2023. The objective of the rules is to set minimum standards for the quality of services provided by telecommunications entities such as Internet Service Providers (ISPs), in particular the standards for network coverage and web browsing parameters. It prescribes that establishing an Internet Protocol (IP) connection to a web server should be less than 8 seconds, while the average data transfer for downloading to be a minimum of 5Mb per second and 25 Mb per second for 3G and 4G connections, respectively. The Rules further make provisions for monitoring compliance from licensees and have the power to impose sanctions of at most 2 million LSL.⁴⁶⁹

Freedom of Expression

The right to freedom of expression is interrelated and interconnected with access to information. This tenet is affirmed by Principle 10 of the African Commission Declaration of Principles on Freedom of Expression and Access to Information, 2019, which provides that freedom of expression includes seeking, receiving and disseminating information through various mediums and platforms.⁴⁷⁰ The right facilitates the tenets of media freedoms such as the protection of journalists and publishing houses, their diversity, independence, and balanced governance by the state or independent authority.⁴⁷¹ The limitations and threats to the right to freedom are often brought to light in discourses around information disorders, sedition and subversion.

Although the right to freedom of expression is provided for under section 14 of the Constitution, 1993, section 14(2) limits the right on the grounds of public health, order, safety, morality, and reputation of others, and restricts public officers.⁴⁷² There are

464 Principle 37(2) of the Declaration of Principles on Freedom of Expression and Access to Information, 2019.

465 Principle 37(3) (n1).

466 Statistica, 2024. "Digital & Connectivity Indicators – Lesotho" <https://www.statista.com/outlook/co/digital-connectivity-indicators/lesotho>.

467 Paradigm Initiative, 2024. "Londa 2023: Lesotho" at p 6.

468 Established by section 3 of the Communications Act, 2012.

469 Rule 7 and of the Lesotho Communications Authority Quality of Service Rules, 2023.

470 Part II Principle 10 (n1).

471 Part II Principle 11 to 16 (n1).

472 Section 14(2) of the Constitution of Lesotho 1993. https://www.constituteproject.org/constitution/Lesotho_2018 [accessed 14/11/2024].

other subsequent statutes in effect, enacted pre-independence and during military rule, that have limited and/or threatened the freedom of expression of individuals and free press alike. The Sedition Proclamation No.44, 1938 has not been repealed to date and makes seditious intent and being in possession of a seditious publication an offence under section 4. The essence of the Proclamation is to criminalise all conduct that has an effect of inciting hatred or discontent about government leadership and the administration of justice. This has the effect of censoring both the public and media in holding the government accountable for its policies and decisions or requesting transparency on the same. Section 10(1) of the Printing and Publications Act, 1967 makes it an offence to produce and disseminate information that has the potential to disturb public order or safety. The Internal Security Act, 1984 makes subversion an offence regardless of whether such statements were communicated within or outside of Lesotho's borders.⁴⁷³ Section 8 of the same Act makes abetting subversion through monetary and/or property contribution an offence. Similarly, section 34 also makes it an offence to utter or publish statements that could incite public violence.

These laws have a chilling effect on freedom of expression and fail to pursue legitimate purposes in some instances. Relying on the provisions of the Internal Security Act, 1984, on the 10th May 2024 the Minister of Local Government, Chieftainship, Home Affairs and Police passed a gazette criminalising 12 *famo* (Sesotho music genre) groups, their music and apparel.⁴⁷⁴ The gazette was met with much criticism from civil society and the media alike as it grossly affected freedom of expression of the artists and listeners. This decision came as a result of staggering numbers of homicides in Lesotho, which have spilt into the neighbouring country of South Africa, allegedly linked to the gun war and gang violence between the music groups.⁴⁷⁵ Interestingly, on the 21st of May 2024 the Lesotho Mounted Police Service (LMPS) held a media briefing where the Acting Commissioner of Police announced that the media is prohibited from broadcasting or publishing articles about the groups, the artists and/or music, and as a consequence, would be criminally charged.⁴⁷⁶ Not only did the passing of this gazette fail to meet human rights standards in limiting the artists' freedom of expression, both offline and online, but extended to media freedom by imposing generalised punitive legal measures.

The Cybersecurity and Computer Crimes Bill, 2023, although still in the pipeline, is another framework being criticised for its potential threats to the right to freedom of expression should it be passed into law.⁴⁷⁷ This issue was raised in the Londa Lesotho 2023 Report, particularly regarding some offences in Part IV of the Bill as broad and vague. For instance, section 24 (2) (a) and (c) makes it an offence to access, receive and disseminate digital information without "authority". Offences such as data espionage, unsolicited messages and disinformation carry harsh penalties such as a minimum of 1 million LSL as a fine and/or conviction.⁴⁷⁸ Since 2021, the Bill has not been amended to address these concerns. The passing of this Bill in its current form will be one step forward two steps back for Lesotho's democracy. However, it has positive aspects such as penalising other online misconduct promoting xenophobia, racism, image-based abuse, online fraud, and hacking. Other prescribed offences pose a danger to the democratic dispensation unduly limiting free media and access to vital information.

473 Section 7 of the Internal Security Act, 1984. https://www.vertic.org/media/National%20Legislation/Lesotho/LS_Internal_Security_General_Act.pdf [accessed 10/10/2024].

474 Legal Notice No. 40 of 2024 of the Internal Security (Declaration of Unlawful Organisations).

475 News24, "The Accordion Wars: Famo music and gang violence in Lesotho" (21st March 2023) WATCH | The Accordion Wars: Famo music and gang violence in Lesotho | News24 [accessed 24/10/2024].

476 AllAfrica, "Lesotho: Media Barred From Reporting On Famo Issues" (21st May 2024) <https://allafrica.com/stories/202406180367.html#:~:text=MEDIA%20practitioners%20will%20now%20be%20charged%20criminally%20should,Police%20Services%20%28LMPS%29%27s%20weekly%20press%20briefing%20on%20Tuesday.> [accessed 01/11/2024]

477 MNN Center of Investigative Journalism, 2023. "Unpacking Potential Threats to Investigative Journalism in the era of Cybersecurity Laws: Lesotho Journalists demand the deletion of six specific clauses in the Computer

Crime and Cybersecurity Bill, 2023" https://drive.google.com/file/d/1gR_zL6vhyBYriKtqVcBkN8T_OME9jHSj/view [accessed 14/11/2024].

478 Part IV of the Cybersecurity and Computer Crimes Bill, 2023.

Data Protection and Privacy

The African Union Convention on Cybersecurity and Personal Data Protection, 2014 (Malabo Convention) is the primary treaty regionally that sets guidelines on data protection and Lesotho only deposited its signature to this Convention in November of 2023. Locally, the Data Protection Act, 2011 regulates and governs processing of personal information. The Act is compliant with the prescribed principles such as consent of the data subjects, transparency of information held by processors, and the right to update and have personal information erased.⁴⁷⁹ The Act establishes a data protection authority, the Data Protection Commission, mandated to regulate the processing of personal data in Lesotho, and to develop guiding principles on collecting, processing, storage and discarding of such data⁴⁸⁰ The Act also makes provision for data breaches and steps to be taken by data controllers in such instances.⁴⁸¹ To date, this is the only legislation on data protection and privacy.

However, 14 years after the Act was passed, the authority is still not operational and the lack of an oversight authority has rendered the Act ineffective in protecting the privacy of individuals. In previous years, civil cases have been lodged with the High court Lesotho regarding the use of personal images of individuals for advertisement by companies. The case of *Bokang Mohajane v FNB – Lesotho & Another* is one of the recent cases where a court had to make a ruling, amongst others, on the use of personal images for advertisement, and had reiterated that consent is an integral element.⁴⁸² However, the court did not discuss other specifics such as the duration of use or reuse of such images after compensation has been made and the contract concluded. Therefore, questions regarding copyrights over personal images in the context of privacy and protection is one to be reconsidered, especially when the Data Protection Act exempts the use of such images in journalistic or literary use to fall beyond its scope.⁴⁸³ Additionally, certain provisions of the Act need to be updated to meet international standards on data protection and privacy. This includes section 23 which provides that a breach should be reported within a reasonable time and not within a precise timeline between 24 -72 hours.⁴⁸⁴

There are no existing laws on cybercrimes in Lesotho. The Cybersecurity and Computer Crimes Bill, 2023 initially drafted in 2021, categorises and penalises specific conduct as computer crimes under Part IV of the Bill. These include illegal access, interception and data interference, cyber extortion and terrorism, image-based sexual abuse of children, hate speech, cyberbullying and harassment. With the bill still not being law, there is a high risk of online violations perpetrated and victims having little to no recourse of redress.

Censorship and content moderation

Principle 38 of the Declaration of Principles on Freedom of Expression and Access to Information prescribes that states should refrain from blocking, removing or filtering online content as it hampers accessing information as a fundamental right. Lesotho has no existing laws on content moderation and censorship online. As of December 2023, there have only been two requests for legal processes for user accounts from Meta and no requests from Tiktok or Google.⁴⁸⁵ However, these requests were not legitimate as they were not sanctioned by any existing local law and no data was submitted by Meta. Further, there are no reports of websites taken down or content removed from social media platforms.

Access to information

The Declaration of Principles on Freedom of Expression and Access to Information, 2019 under Part III affirms that access to information is a right to seek information from both public and parastatal

479 Principle 42 (1), (2), (3),(4) and (5) of the Data Protection Act, 2011.

480 Preamble of the Data Protection Act, 2011. https://www.centralbank.org.ls/images/Legislation/Principal/Data_Protection_Act_2011.pdf [04/11/2024].

481 Section 23 of the Data Protection Act, 2011. (n19).

482 *Bokang Mohajane v FNB – Lesotho & Another* [2022] LSHC 137 CIV(18 August2022) <https://lesotholii.org/akn/ls/judgment/lshc/2022/61/eng@2022-08-18> [accessed 25/10/2024].

483 Section 4 (d) of the Data Protection Act,2011.

484 GDPR Advisor, (2023) <https://www.gdpr-advisor.com/gdpr-data-breach-reporting-obligations-and-timelines/> [accessed 10/11/2024]

485 Meta, 2023. <https://transparency.meta.com/reports/government-data-requests/country/LS/>, <https://www.tiktok.com/transparency/en-us/government-removal-requests-2023-2>, and <https://transparencyreport.google.com/government-removals/government-requests?hl=en> [accessed 05/11/2024].

entities in a timeous and affordable manner, especially where such information is vital in protecting other rights.⁴⁸⁶ The Declaration prescribes that any enacted laws on access to information should take preference over other Acts that seek to prohibit such access, and any attempt to limit the right should be based on exhaustive exemptions.⁴⁸⁷ Additionally, state entities should create, manage, and avail comprehensive information that is of public interest.⁴⁸⁸ In practice, there are no existing laws to facilitate access to public information in Lesotho. There are, however, laws that are restrictive in that regard. These include the Official Secrets Act, 1967 and the Public Service Act, 2005. These provisions restrict and make it an offence for public servants to grant access to “confidential” state information without authorisation.⁴⁸⁹ As a result, requests for information from government entities have been a challenge to individuals and professionals as there are no set guidelines for requests for information and justification for denying such a request.⁴⁹⁰

In 2000, Lesotho’s legislature developed the Receipt and Access to Information Bill which had been shelved until 2021 when the National Reforms Authority revived it.⁴⁹¹ The enactment of this Bill will be a progressive step to accessing information from the government, its agencies and departments which are of public interest. The Bill is applauded for its intention to install information officers for government departments and for contact details for such officers to be made public to expedite information requests within departments.⁴⁹² Section 20 of the Bill prescribes 30 days for an Information Officer to make a decision on a request and to notify the requester. Failure to make such notification is deemed to be a denial of a request and entitles the requester to an appeal.⁴⁹³ Interestingly, the legal officer has the power of discretion to deny a request if they view such information as frivolous or vexatious. These wide discretionary powers pose a threat to timeous access and subjects the requester to stringent processes of appealing the denial. Other grounds for denial include for privacy of individuals, if the requestor is a minor, to protect third-party trade secrets, confidential state information, public safety and/or national security.⁴⁹⁴ The lack of existing frameworks or systems to access information from government bodies is still a pervasive challenge that requires immediate intervention.

AI and Emerging Technologies

The declaration prescribes that states should ensure the development, innovation and use of emerging technologies such as Artificial Intelligence (AI) are compliant with set human rights standards and do not violate other rights, in particular freedom of expression and access to information. There are no existing laws that regulate emerging technologies and their use in Lesotho. The government only recently developed a National Digital Policy, 2024 Draft which will be imperative and foundational for setting priorities for digital transformation. The policy’s priorities include improving the legal and institutional frameworks of digital transformation necessary to regulate the use of AI, and to invest in research and development projects that hone on AI, Blockchain, Biotechnology and Internet of Things (IoT).⁴⁹⁵ The policy sets its implementation to 2035 and sets aspirations for institutional frameworks and a collaborative approach for various stakeholders.

Its aspiration to establish regulatory bodies such as the Chief Digital Office, the National Digital Council and the National Digital Agency is commended as these institutions will ensure the implementation of the digital policy and strategies. The policy also mentions other entities to be established by the Cybersecurity and Computer Crimes Bill, 2023 such as the National Cybersecurity Advisory Council and the National Cybersecurity Incident Response Team (CSIRT) which will be responsible for coordinating cybersecurity measures and safeguarding any digital infrastructure and improve their resilience.

486 Principle 26 (1) (a) and (b) of the Declaration of Principles on Freedom of Expression and Access to Information, 2019.

487 Principles 27 and 28 of the Declaration of Principles on Freedom of Expression and Access to Information, 2019

488 Principle 29 and 30 of the Declaration

489 Section 3 (a)(i) of the Public Service Act, 2005 and the Official Secrets Act, 1967.

490 MISA, “Access to Information” (2024) <https://lesotho.misa.org/issues-we-address/access-to-information/> [accessed 11/11/2024].

491 MISA, “Media Statement on Commemoration of the International Day for Universal Access to Information (IDUAI) in Lesotho”

492 Section 4 and 7 of the Receipt and Access to Information Bill, 2021 <https://www.osall.org.za/docs/2011/03/Lesotho-Access-and-Receipt-of-Information-Bill-2000.pdf> [accessed 11/11/2024].

493 Section 23 of the Receipt and Access of Information Bill, 2000 (n32).

494 Section 34,35(a), 36,37 and 38 of the Receipt and Access to Information Bill, 2021 (n32).

495 Priority 8 and 11 of the national Digital Policy, 2024 Draft [unpublished].

Children's Online Safety and Privacy

Trust and safety are key pillars for meaningful engagement online. Children's online safety and privacy are equally imperative, and States have an obligation to develop policy and legal measures that consider children in the digital space, in particular internet access and digital skills for their education, and protection from harms online.⁴⁹⁶ Cyberbullying and harassment, exposure to inappropriate content, as well as unauthorised use of their personal data are some of the major concerns regarding children's online activities.⁴⁹⁷

The Children's Protection and Welfare Act, 2011 is the main legislation on children's rights in Lesotho and the Sexual Offences Act, 2003 have specific provisions that speak to sexual harms against children. However, both legislations do not have express provisions that speak on children's safety online. The Cybersecurity and Computer Crime Bill, 2023 under Part IV does criminalise child sexual abuse content in image or video format. Section 29 of the Data Protection Act, 2011 makes provision to the effect that a child's personal information shall only be subject to process with parental consent

Digital Inclusion

With 3G and 4G networks coverage being between 90% and 96% respectively, the average broadband connection speed is 13.08 thousand kilobits per second (Mbps).⁴⁹⁸ Fixed broadband packages are offered on a contract basis by ISPs and are more affordable compared to prepaid data packages. Vodacom Lesotho offers 200GB of data at 15Mbps for 999 LSL (approximately 50 USD), with an option of uncapped data at a faster speed of 45Mbps for the same price. In comparison, Econet Telecom Lesotho provides 200GB at 15Mbps for 999 LSL as well, but charges only 649 LSL (approximately 35 USD) for unlimited data at the same 15 Megabits per second (Mbps) speed.⁴⁹⁹ Vodacom offers higher speed for unlimited data at a premium price point, while Econet Telecom Lesotho provides a more affordable unlimited option at a lower speed. Interestingly, in terms of prepaid mobile data to be utilised within the same 30-day period, Econet Telecom Lesotho offers 18GB for 600 LSL (approximately USD 33), while Vodacom Lesotho offers 20GB for 660 LSL (approximately USD 37).⁵⁰⁰ Despite this, fixed mobile broadband only consists of 0.58% of all subscriptions. The previous report highlighted the issue of broadband affordability as one of the challenges to getting Basotho meaningfully connected.⁵⁰¹

The Universal Service Fund partners with local corporations on connectivity initiatives. With a financial contribution from Vodacom Telecom Lesotho, the State Library in Lesotho has a newly opened Insight Centre for visually impaired persons.⁵⁰² The centre has a braille translator and printer, and assistive reading devices. United Nations Children's Fund (UNICEF) also partnered with Vodacom Lesotho on the #Codelikeagirl initiative intended to inspire adolescent girls to pursue careers in STEM and ICT, as well as develop coding skills. However, the LCA has not been willing to disclose the USF funding or project activities, and does not have any public reports of the same. The 2024 USF funding is therefore unknown.

496 Principle 37 (5) of the Declaration of Principle on Freedom of Expression and Access to Information, 2019. (n1).

497 United Nations Lesotho. (2021). Protecting Children from exploitation on the Internet. <https://lesotho.un.org/en/114094-protecting-children-exploitation-internet> [accessed 03/01/2025].

498 Statistica, 2024. (n3).

499 <https://www.vodacom.co.ls/business/fixed-solutions/>, <https://www.etl.co.ls/personal-data-packages/?package=ADSL&plan=Unlimited>, [accessed 10/10/2024].

500 <https://www.etl.co.ls/mobile-data/>, <https://www.vodacom.co.ls/personal/offers/prepaid/data-bundles/>. [10/10/2024].

501 Paradigm Initiative, 2023. "Londa 2023: Lesotho" pp 6-7 <https://paradigmhq.org/wp-content/uploads/2024/06/Lesotho-Country-Report.pdf>.

502 Vodacom Lesotho Impact Booklet. (October 2024) https://www.vodacom.co.ls/assets/uploads/docs/Vodacom_Lesotho_Impact_Booklet_Oct_2024.pdf [accessed 14/11/2024].

TheScore Index

Londa 2025 Key Indicators	A C H P R Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	4	Although there have been no reported internet shutdowns in Lesotho, the lack of existing legal frameworks that align with human rights standards to limit the right to freedom of expression online makes it a concern for future potential shutdowns.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	There are existent policies that intend to promote internet access. However, broadband affordability is one of the current hurdles to meaningful connectivity in Lesotho.
False News Criminalisation	P22(2)	3	Although there is no specific legislation criminalising false news. The proposed penalty for disinformation by the Cybersecurity and Computer crimes Bill, 2023 may not be proportional to the threat or harm caused by such misconduct.
Sedition Legislation	P22(2)	1	There is a Sedition law in existence which has not been repealed. Although it has not been applied for some time, its existence it still a threat and limits the right to freedom of expression.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	The May incident where the media was threatened with criminal prosecution by the Acting Commissioner of Police to not publish stories or statements on Music groups which were declared as terrorist organisation was in violation of media freedom and the right to information of the citizenry on the matter.
Data Protection Legislation.	P42	4	There has been a law in place since 2011 but no Data Protection Authority to enforce it. There is also a need to revise a few provisions to align with current international standards on data Protection and Privacy.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	3	As of June 2024 only two requests had been made to Meta by the government for legal purposes but there is no further information available.
Invasion of Privacy of Communications	P41	3	There is no law on surveillance regulation, particularly for private communication. MNOs have adopted internal policies to only issue out information requested if ordered by a court of law.

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Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	There are several websites and social media accounts for some government departments. However, the greatest challenge is the lack of updated information and relevant information of public interest on these platforms.
AI and Emerging Technologies national strategies	P39(6)	2	The National Digital Policy Draft, 2024 is the only existing primary framework on ICT development, in particular emerging technologies such as AI.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	1	No policies or legal frameworks on Children's safety and privacy online.
Digital Inclusion	P37(3)	3	The USF within the LCA has played a vital role in improving network coverage in Lesotho and supports and fosters collaborations with private sector initiatives on digital inclusion.
TOTAL (up to 60)		31	

Conclusion

The digital rights landscape in Lesotho has the potential to guarantee meaningful and safe participation online. Accessibility to the Internet is one of the categories that the country has made significant strides with about 65% coverage across the country. With the USF, digital inclusion is another low-hanging fruit both the public and private sectors could leverage to ensure no one is left behind both in ICT development and discourse as stakeholders. The government has taken strides to prepare for emerging technologies by developing a National Digital Policy draft which will set a foundation for primary frameworks for governance of such innovations.

However, the lack and insufficiency of existing legal and institutional frameworks to ensure digital rights is of great concern, in particular on protecting personal data and privacy and a data protection authority to regulate. The respect of freedom of expression of citizens and free media is of great concern, as they are undermined by the police. The right is not only unjustifiably limited by existing laws but is facing a potential threat and stifling by the bill of laws to be passed. The shelving of draft bills such as the Receipt and Access of Information bill is also another issue that seeks urgent address, as it is fundamental in exercising the right to information in the public interest. The lack of appropriate policy and legislative frameworks that address children's online safety and privacy is equally an issue that needs to be addressed with urgency. Lesotho's overall score is 27 as its compliance is mild and has critical gaps to be addressed in terms of its systems, institutions and legal measures.

Recommendations

A holistic and multi-sectoral approach is necessary to ensure both the protection and promotion of the right to freedom of expression and access to information to safeguard digital rights and inclusion. These are the recommendations for respective stakeholders.

The government should:

- Pass the Receipt and Access of Information Bill 2021;
- Amend the wording of the offences in Part IV and their penalties of the Cybersecurity and Computer Crimes Bill, 2023.
- Ensure the operationalisation of the Data Protection Commission by allocating a budget to fund the Data Protection Secretariat.

- Repeal the Sedition Proclamation No. 44, 1938 entirely; section 10(1) of the Printing and Publications Act, 1967.
- Adopt the National Digital Policy.
- Develop laws and policies on content moderation, children's online safety and meaningful connectivity for education.

Development Partners should:

- Provide financial and technical support to initiatives and projects that seek to advance digital rights and inclusion in Lesotho.

Regulators should: (Lesotho Communications Authority and Data Protection Commission)

- Develop regulatory principles and guidelines on equitable approach to broadband affordability, and ensure intermediaries, MNOs and data processors' policies and standards align with international human rights standards.

Private Sector should:

- Partner with other relevant stakeholders and contribute technical skills, fiscal contribution and/or platform for discourse on emerging tech development.
- Develop internal policies/codes of conduct that align with international human rights standards and report on content moderation and user data requests.

Academia should:

- Conduct relevant research to inform government policies and strategies on AI and emerging technologies, their governance and their potential social impact.

Civil Society and the Media should:

- Create awareness of emerging issues on technological developments and governance, and facilitate public platforms for discourse.

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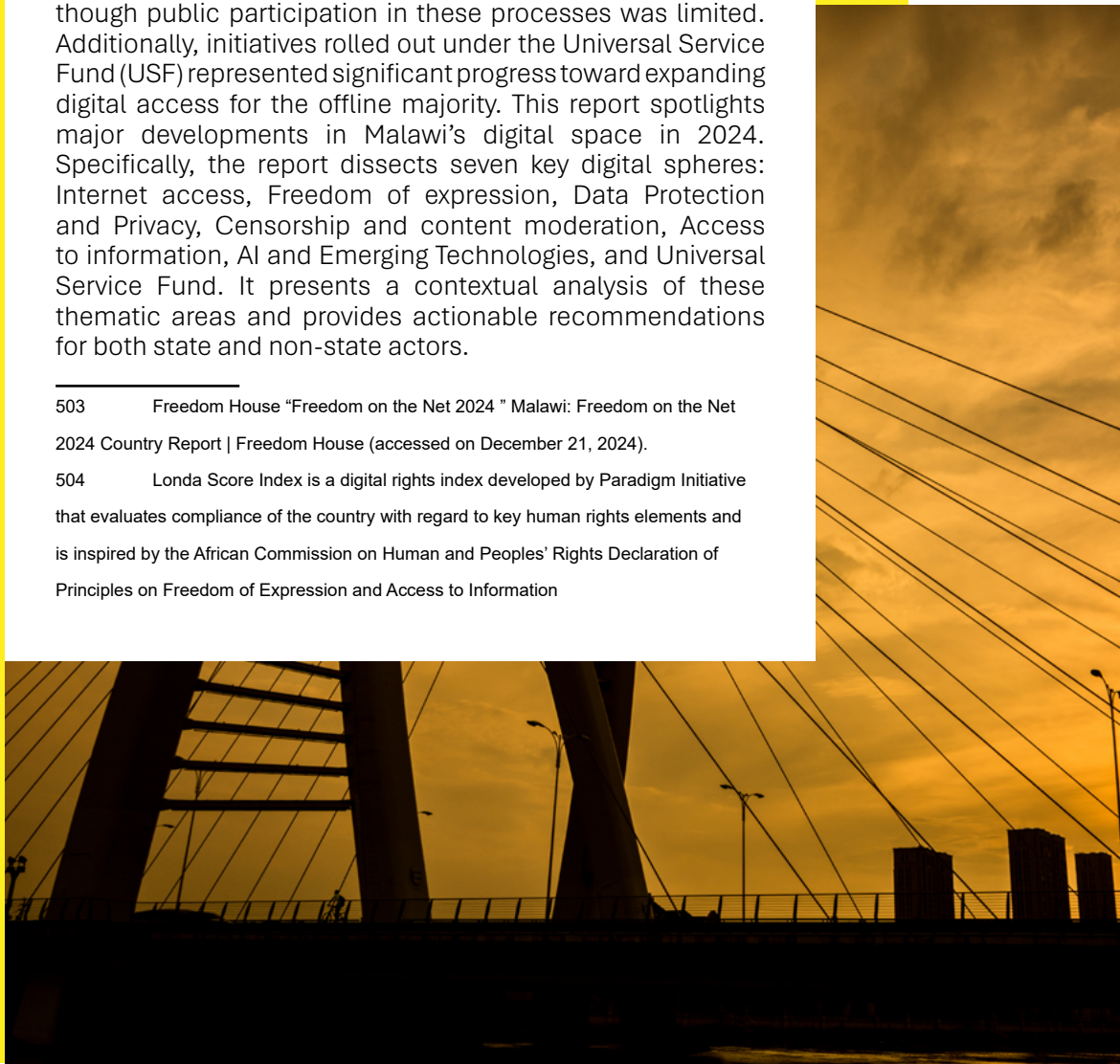
Executive Summary

This report examines the state of digital rights in Malawi, focusing on key achievements and concerning regressions observed in 2024. It provides actionable recommendations for both government and non-state actors, grounded in empirical evidence and desk research. The analysis evaluates quantitative and qualitative aspects of digital rights and governance, offering a comprehensive view of the country's digital landscape. TheScore Index, developed by Paradigm Initiative, was deployed to assess Malawi's compliance with the ACHPR Declaration. The period under review witnessed a decline in internet freedom as authorities intensified crackdowns on online journalists and internet users for critical expression. Strong suspicions of government surveillance of ICT activities further eroded trust in digital platforms.⁵⁰³ The criminalisation of speech remained a significant concern. Malawi's performance on the TheScore *Index*, which assesses country compliance with the African Commission on Human and Peoples' Rights (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration), was rated as "moderately compliant," with a score of 32 out of 60.⁵⁰⁴

Despite these challenges, there were notable achievements. The enactment of the Data Protection Act, 2024, the launch of the National Digitalisation Policy, and the drafting of four new legislative bills on cybersecurity marked positive strides, though public participation in these processes was limited. Additionally, initiatives rolled out under the Universal Service Fund (USF) represented significant progress toward expanding digital access for the offline majority. This report spotlights major developments in Malawi's digital space in 2024. Specifically, the report dissects seven key digital spheres: Internet access, Freedom of expression, Data Protection and Privacy, Censorship and content moderation, Access to information, AI and Emerging Technologies, and Universal Service Fund. It presents a contextual analysis of these thematic areas and provides actionable recommendations for both state and non-state actors.

⁵⁰³ Freedom House "Freedom on the Net 2024 " Malawi: Freedom on the Net 2024 Country Report | Freedom House (accessed on December 21, 2024).

⁵⁰⁴ Londa Score Index is a digital rights index developed by Paradigm Initiative that evaluates compliance of the country with regard to key human rights elements and is inspired by the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information



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With an estimated population of 21.2 million people in 2024⁵⁰⁵, Malawi shares its borders with Mozambique, Zambia and Tanzania. Ranked as one of the poorest countries in the world, 81.8% of the population live in rural areas. In 2021, the government launched the Malawi 2063 Vision (MW2063) that aims to transform Malawi into a wealthy, self-reliant, industrialised upper-middle-income country, through a focus on agriculture commercialisation, industrialisation, and urbanisation. To accelerate short and medium term results, the first 10-year implementation plan (MIP-1)⁵⁰⁶ was rolled out to drive the implementation and realisation of the MW2063.

Despite notable strides in ICT, Malawi faces multifaceted challenges, including weak ICT infrastructure and digital exclusion⁵⁰⁷ and a restrictive internet legislative regime. In November 2024, the Malawi government promulgated the National Digitalisation Policy⁵⁰⁸ to provide a roadmap for Malawi's digital transformation. Moreover, in 2021, the government rolled out an ambitious five-year Digital Economy Strategy (2021-2026) which sets new targets for different aspects of the digital economy. Among other areas, such as network access, the government intends to expand internet access from 14.6% to 80% of the population and broadband coverage to 95% by 2026. It also seeks to review internet taxes by, among others, cutting out the 10% excise duty on purchasing data and SMS tariffs, and scrapping the 3.5% revenue tax for telecom providers which are significant drivers of high costs of internet and mobile services in Malawi. Various laws have also been promulgated regulating the digital space including the Data Protection Act, 2024, Electronic Transactions and Cyber Security Act, 2016, and Communications Act, 2016.

505 DataReportal "Digital 2024:Malawi" (23 February 2024) Digital 2024: Malawi — DataReportal – Global Digital Insights(accessed 20 December y 2024)

506 National Planning Commission <https://npc.mw/wp-content/uploads/2021/11/MIP-1-WEb-Version-8-November-2021-Fast-view.pdf> (accessed 20 December y 2024)

507 DataReportal "Digital 2024:Malawi" (23 February 2024) Digital 2024: Malawi — DataReportal – Global Digital Insights(accessed 20 December y 2024)

508 "National Digitisation Strategy 2024" <https://ict.gov.mw/index.php/blog/downloads/policies-and-laws?download=25:national-digitalization-policy-final-11-01-2024> (accessed 23 December 2024)

INTERNET ACCESS

Section 157 of the Communications Act of 2016 provides for Universal Services and Access to Telecommunication. MACRA, as a regulator, is mandated *“to ensure that the provision of universal services is made on affordable tariffs that are accessible to all”*.⁵⁰⁹ Moreover, in 2021 the government rolled out an ambitious five-year Digital Economy Strategy (2021-2026) which sets new targets including expanding internet access from 14.6% to 80% of the population and broadband coverage to 95% by 2026.⁵¹⁰

According to the 2024 DataReportal report, internet penetration rate in Malawi stood at 27.7% of the total population, representing a 3.3% increase from 2023.⁵¹¹ There were 5.9 million internet users in early 2024. Thus, about 72.3% of the total population of 21.2 million people remained offline. Further, there were only 1.3 million social media users, aged 18 and above, representing 6.1% of the total population. According to Kepios, social media users in Malawi increased by 550,000 between early 2023 and the beginning of 2024.⁵¹² Notably, 35.8% of Malawi’s social media users were women, while 64.2 percent were men. According to Meta, Facebook penetration in Malawi was at 6.1%, and Instagram’s reach was only 130,400 people, equivalent to 0.6% of the total population. There were only 290,000 LinkedIn users in Malawi 32.7% of which were women, , while 67.3% were men. It is worth noting that LinkedIn membership increased by 60,000 (26.1%) between the start of 2023 and the beginning of 2024.⁵¹³

Cellular mobile penetration was at 55.5% of the total population. Thus, the overall picture of Malawi’s digital inclusion remains dim, despite the country’s ambitious Digital Economy Strategy.⁵¹⁴ A low literacy rate of 62% also remains a barrier to accessing ICTs.⁵¹⁵ High digital illiteracy also remains a major setback, with a recent survey by the Malawi Communications Regulatory Authority (MACRA) establishing that 46% of Malawians indicate that they did not use the Internet because they “don’t know what it is”, and 2.4% saying they didn’t use it because it is too expensive.

Despite efforts to expand digital inclusion in the year, the government remained reluctant to revise its tax policy, which increases the cost of accessing the Internet. In Malawi, the telecommunications regulator, Malawi Telecommunications Regulatory Authority (MACRA), requires internet service providers (ISPs) to pay a 3.5% tax on annual sales and turnover, annual license and spectrum fees, and a 0.5% tax on all ICT equipment entering the country⁵¹⁶. Further, in the year, the government has maintained prohibitive taxes on ICT services including 17.5% Value Added Tax (VAT) on mobile phones, 16.5% on internet services and 10% excise duty on messages and internet data transfers. Despite the government’s commitment in the Digital Economy Strategy committed to review these taxes which are significant drivers of high costs of internet and mobile services, there was no action in the reporting period. These taxes continue to make costs of ICT prohibitive, impacting the country’s poor the most as they are effectively shut off essential digital communication platforms and important services, such as mobile banking and money services, education, and commercial markets, which could help graduate them out of poverty. In 2023, Malawi launched “diplomatic data corridor” agreements with Tanzania and Zambia to reduce internet landing costs, which should result in more affordable internet for Malawians.⁵¹⁷

In a bid to reduce cost of data, the two leading mobile operators, Airtel Malawi and Telekom Networks Malawi (TNM), introduced cheaper promotional internet data packages that offer a wider variety of choice. As of December, 2024, a monthly 30 GB data bundle from Airtel Malawi⁵¹⁸ and TNM⁵¹⁹ cost 15,000 kwacha (USD8.82). The country’s minimum monthly wage is still 90,000

509 Communications Act of the Republic of Malawi, 2016

510 Malawi Digital Economy Strategy 2021

511 DataReportal 2024

512 Kepios “Digital 2024:Malawi” (23 February 2024) Digital 2024: Malawi — DataReportal – Global Digital Insights (accessed 23 December 2024)

513 DataReportal 2024

514 Malawi Digital Economy Strategy, 2021

515 “The Economist Group, 2022 “The Inclusive Internet Index 2022” <https://theinclusiveinternet.eiu.com/explore/countries/performance/read....> (accessed 20 December 2024)

516 M Malakata, “Business, Tech Lobbies Malawi’s Govt to Relax Tax,” ITWeb, January 13, 2022, <https://itweb.africa/content/o1Jr5Mx-9n8VqKdWL>. (accessed 23 December 2024)

517 P Kapulula, “Malawi, Zambia for Lucrative Digital Market” Malawi Voice, August 25, 2023 <https://www.malawivoice.com/2023/08/25/malawi-zambia-for-lucrative-digi...> (accessed 24 December 2024)

518 Airtel Malawi “Monthly Bundles,” airtel: Prepaid | Postpaid | 4G (accessed December 2024)

519 TNM Malawi Limited “Monthly Bundles,” TNM - Always With You (accessed December 2024)

kwacha (USD 53), although most Malawians are employed outside of the formal sector.

Despite SpaceX launching Starlink in Malawi promising more reliable and faster internet, there are concerns about the cost of accessing the service. For example, users of Starlink require to initially purchase hardware that costs 577,726 kwacha (USD 340.55) and then to pay a monthly subscription.

During the coverage period, there were no connectivity restrictions imposed by authorities. Moreover, the government of Malawi does not have centralised control over the international gateway.⁵²⁰ The country's internet exchange point (IXP) in Blantyre is operated by the nonprofit Malawi ISP Association (MISPA).⁵²¹

Additionally, there were no incidents of blocking or filtering protected content. Social media platforms are widely available including those critical of authorities.

DIGITAL INCLUSION

In November 2024, the Malawi Government promulgated the National Digitalisation Policy⁵²². This policy provides a roadmap for Malawi's digital transformation. It focuses on expanding digital infrastructure, enhancing digital literacy, improving service delivery, and leveraging ICT for socio-economic development, addressing gaps in education, healthcare, and governance.

Further, in April 2024, the Malawi Government launched the Inclusive Digital Transformation for Malawi (IDT4M) Project.⁵²³ The IDT4M Project seeks to ensure that the digital transformation process is inclusive. It works to improve digital identity systems, reduce the digital gender gap, and enhance governance through technology. This initiative collaborates with partners such as the United Nations Development Programme (UNDP) to ensure marginalised communities, particularly in rural areas, have access to digital services.

Additionally, the Government continued to implement the Digital Malawi Project⁵²⁴, a flagship government initiative in improving broadband connectivity, digital literacy, and public service accessibility. In collaboration with the World Bank, significant progress has been made in expanding the country's communication infrastructure, including the completion of a new primary data centre in Lilongwe and the installation of communication towers in rural areas. This project aims to integrate ICT across all sectors and drive economic growth through technology.

In April 2024, the government introduced the Digital Innovation and Entrepreneurship Bill (2024) which seeks to foster a thriving environment for local ICT startups by establishing a Digital Innovation and Entrepreneurship Fund to support digital solutions, research, and innovation. This legislation promotes a competitive tech ecosystem in Malawi and drives local technological advancements.⁵²⁵

Further, in the year, the government introduced a Bill to revise the Communications Act of 2016. This revision aims to update the legal framework, ensuring that it supports digital rights, protects citizens, and encourages technological growth in Malawi.⁵²⁶

The latest (2023) Global Gender Gap Index ranks Malawi on position 110 out of 146 countries, an improvement from 132 in 2022. However, the assessment of Malawi's digital landscape also reveals a significant gender divide in ICT access and usage. According to the World Bank, 44.9% of men own mobile phones as compared to 37.7% of women. In terms of usage, 68% of men use a mobile phone, compared to just 56.2% of women. Similarly, internet use also remains higher among men at 15.4% relative to 12.4% among women. In 2024 alone, only 35.8% of Malawi's

520 International Telecommunication Union (ITU) "Malawi Profile" (28 March 2019) <https://web.archive.org/web/20191222160905/http://www.itu.int:80/net4/l...> (accessed 21 December 2024)

521 Malawi Internet Service Providers' Association "Malawi Internet Exchange" <http://www.mispa.org.mw/mix.html> (accessed 24 December 2024)

522 "National Digitisation Strategy 2024" <https://ict.gov.mw/index.php/blog/downloads/policies-and-laws?download=25:national-digitalization-policy-final-11-01-2024> (accessed 23 December 2024)

523 UNDP "Breaking Barriers: Malawi's IDT4M Project Paves the Way to Inclusive Digital Futures" (4 April 2024) <https://www.undp.org/malawi/press-releases/breaking-barriers-malawis-idt4m-project-paves-way-inclusive-digital-futures> (accessed 24 December 2024)

524 Digital Malawi Project <https://digimap.pppc.mw/>

525 V Kumwenda, Key Informant Interview (23 December 2024)

526 Ibid

social media users were women, while 64.2% percent were men.⁵²⁷ Specifically, out of 290,000 LinkedIn users, only 32.7% were female, while 67.3% were male.⁵²⁸ Thus, it is critical for the government to implement interventions to increase ICT access and use among women.

There is also a geographic gulf in internet access between the rural and urban. In 2024, 18.5% of Malawi's population lived in urban centres, while 81.5% lived in rural areas. Telecommunication companies are unwilling to invest in Malawi's remote regions due to the high cost of infrastructure development.⁵²⁹ According to a 2023 National Statistical Office (NSO) report, 40.7% of people in urban areas had access to the Internet, as opposed to 13.5% of those in rural areas.⁵³⁰ It is also worth noting that Malawi's electric grid is urban-based, standing at 62% of urban households, compared with a mere 5% of rural households.⁵³¹

There are also gaps regarding limited access to ICT services by persons with disabilities. In 2024, the Government, through the Universal Service Fund (USF), rolled out two interventions "Disability Project for Digital Inclusion" and "Sign Language" aimed at advancing digital inclusion in institutions with people with disabilities.⁵³² The Disability Project for Digital Inclusion" is promoting ICT access and use by people with disabilities (PWDs) living in different areas of the country.

The Universal Service Fund (USF)

Globally, the USF model plays a critical role in narrowing the digital divide, guided by three core principles: the availability, affordability, and accessibility of telecommunication services to all people. These principles underscore the responsibility of telecommunication regulators and government ministries at the state level to ensure universal access to telecommunication services at affordable rates.

While USF models vary across countries, their common objective is to deploy communication infrastructure and promote the adoption of ICT services in rural and underserved areas, even when not economically viable. This reflects a commitment to connecting everyone, regardless of the associated costs. Principle 37(2) of the African Commission on Human and Peoples Rights Declaration on Freedom of Expression and Access to Information (African Commission Declaration) emphasises the necessity of universal, equitable, affordable, and meaningful internet access for the realisation of various human rights. It is by no coincidence that the 32nd Session of the Human Rights Council (2016) affirmed that rights enjoyed offline should also be protected online, necessitating the availability, affordability, and accessibility of telecommunication services.⁵³³

In Malawi, the USF is established under section 157 of the Communications Act of 2016, with the aim of promoting universal access and services in underserved areas. Section 158 outlines the specific purposes of the USF, including offering subsidies on a competitive basis, providing financial incentives and assistance, covering administrative expenses, and conducting research related to universal access⁵³⁴. This aligns with MACRA's statutory obligation to ensure every citizen in Malawi has access to reliable and affordable communication services.⁵³⁵

The Communication Act prioritises areas managed by the USF, including access to telecommunications networks, the internet, public payphones, directory services, emergency services, essential postal services, basic financial services, and broadcasting services.

The Malawi USF is currently valued at USD 5.9 million (10 billion Malawi Kwacha).⁵³⁶ In 2024, the USF continued to roll out 16 projects estimated at a total of USD 7.1 million, with the hope to mobilise the

⁵²⁷ DataReportal Digital 2024: Malawi — DataReportal – Global Digital Insights

⁵²⁸ Ibid

⁵²⁹ Freedom House "Freedom on the Net 2024 " Malawi: Freedom on the Net 2024 Country Report | Freedom House (accessed on December 21, 2024).

⁵³⁰ National Statistical Office, "National Survey on Access and use of Information and Communication Technologies by Households and Individuals in Malawi 2023" "http://www.nsomalawi.mw/images/stories/data_on_line/economics/ICT/Natio.... accessed 22 December 2024

⁵³¹ The Economist Group, 2022 "The Inclusive Internet Index 2022,"<https://impact.economist.com/projects/inclusive-internet-in-dex/2022>. (accessed December 2024)

⁵³² USF Key Informant Interview

⁵³³ UN Human Rights Council 'Report of the Human Rights Council on its thirty second session' <https://documents-ddsny.un.org/doc/UNDOC/GEN/G20/008/73/PDF/G2000873.pdf?OpenElement> (accessed on 25 December 2024).

⁵³⁴ Section 158 of the Communications Act

⁵³⁵ Section 6 of the Communications Act

⁵³⁶ USF Key Informant Interview (15 December 2024)

variance. For example, the Connect a School (CAS) initiative targets rural and peri-urban schools with construction of ICT Labs and provision of internet and ICT Equipment to facilitate access to modern ICTs and internet by learners and communities. Valued at a total of USD 5.5 million, as of December 2024 alone, 75 out of 229 ICT School Labs were constructed under CAS, with 80% completion rate.⁵³⁷ The CAS model which is built on partnering with community actors has also “provided business to rural business persons, job opportunities, and collaboration opportunities to workers from rural communities”⁵³⁸. Other USF-funded initiatives include Community Networks (Yathu Yathu Data),⁵³⁹ expected to diversify the mobile operator market and provide a lower-cost alternative to Airtel and TNM for mobile data, particularly in rural areas,⁵⁴⁰ Radio Access Network (Rural Telephony),⁵⁴¹ Connect Teachers Training College⁵⁴²; Grants for Local Digital Content Production; Sign Language Project; E-Health Project; and E-commerce project. USF projects also include Connect a Post Office;⁵⁴³ National Addressing System Project⁵⁴⁴; Persons with Disability Project for Digital Inclusion; Last Mile; Virtual Postal App; Curriculum Review; SMEs Digital Skills Training; and Digital Ambassadors⁵⁴⁵.

While USF has begun to register notable strides through projects, after inordinate inactivity, it still faces significant operational and institutional challenges, undermining its full potential. According to the USF Management, USF-funded projects were significantly affected by a precarious macro-economic environment including high levels of inflation, pushing up the costs of the projects. The researcher also noted unrealistic ambitions in USF projects. For example, there were over 16 projects running concurrently but, with limited budgets and lean USF management staff, risking underperformance of the projects. Inordinate delays and long procedures in public procurement also affected the timely completion of some projects.⁵⁴⁶ The limited funding for USF is another area of concern. Section 160 outlines diverse funding sources for the USF, including operators’ levies, parliamentary appropriations, grants, subsidies, auctions, public access projects, and funds from MACRA⁵⁴⁷. This assessment, however, established Parliament’s failure to appropriate funds to the USF despite Section 160(b) of the Communications Act, 2016, placing an obligation on Parliament to appropriate funds to the USF. This has increased the financial burden on USF.

Additionally, Malawi’s USF operates with a robust governance structure led by MACRA, which establishes a Universal Service Fund Committee (USFC). The USFC oversees the management of the USF, reviewing and approving annual plans and budgets.⁵⁴⁸ While the USFC has some oversight powers, such powers are limited to recommendations. MACRA Board retains the decision-making powers over USF. As such, delays in decision making by MACRA Board may exert significant impact on the operations of USF. For example, meetings of the USFC only take place after MACRA Board meetings.

There are also transparency and accountability concerns arising from MACRA’s failure to comply with Section 194(c) of the Communications Act, 2016, regarding publication of fund details and reporting to Parliament on USF. Since the establishment and operationalization of USF, MACRA has not published USF reports. There is need for proactive disclosure of information by USF in line with Principle 29 of the African Commission on Human and People’s Rights Declaration on Freedom of Expression and Access to Information in Africa.⁵⁴⁹

537 USF Key Informant Interview (15 December 2024)

538 USF Key Informant Interview (15 December 2024)

539 USF is piloting the Community Broadband Network Project in 8 district councils including the identification of cooperatives that will run broadband network deployments in rural areas. USF has also trained the Cooperatives and facilitated their licensing.

540 “MACRA to roll out Yathu Yathu data network,” Nthanda Times, <https://nthandatimes.com/macra-to-roll-out-yathu-yathu-data-network/>. (accessed 24 December 2024)

541 USF is procuring 26 mobile network towers to connect 22 mobile network infrastructures unserved/underserved areas to ensure adequate broadband coverage.

542 USF Key Informant Interview (15 December 2024)

543 USF Key Informant Interview (15 December 2024)

544 USF-funded digitization of land parcels in all districts

545 USF Key Informant Interview (15 December 2024)

546 Ibid

547 USF Strategic Plan

548 Section 163 of Communications Act

549 African Commission on Human and People’s Rights (ACHPR) Declaration on Freedom of Expression and Access to Information (the Declaration) <https://www.achpr.org/legalinstruments/detail?id=69> (accessed on December 20, 2024).

Data Protection:

On February 1, 2024, the Malawi President, Lazarus Chakwera signed the eagerly anticipated Personal Data Protection Bill into law, the Data Protection Act, 2024.⁵⁵⁰ This brings Malawi to the international data protection standards including the General Data Protection Regulation (GDPR).⁵⁵¹ The new legislation aims to establish a comprehensive legal framework for regulating the processing and transfer of personal data, aligning with internationally accepted principles of data protection. The Data Protection Office, operationalised in June 2024, enforces this law, addressing gaps in data security and privacy.⁵⁵² This is a pivotal move toward protecting Malawians' personal information, ensuring that it is handled responsibly and securely.

Notably, the law designates the Malawi Communications Regulatory Authority (MACRA) as the Data Protection Authority responsible for overseeing the implementation of the Bill. It outlines key principles governing the processing of personal data, establishes a robust framework for the rights of data subjects, and defines the duties of data controllers and processors in relation to personal data processing.

Furthermore, the law addresses cross-border transfer of personal data, regulates data controllers and processors of significant importance, establishes mechanisms for enforcing data subject rights, and grants the Authority the power to issue compliance orders to those contravening the Act.

*According to Key informant A from MACRA, the new law will “build trust and confidence – the fact that individuals will have confidence that their personal information will not be abused by the organisation will build trust and confidence between the parties and this will facilitate e-commerce and other digital transactions”.*⁵⁵³

Reacting to the enactment of the Bill by Parliament, MISA Malawi commended the data protection law, emphasizing its potential to “promote responsible handling of personal data by government agencies, private institutions, and individuals”.⁵⁵⁴ MISA expressed hope that the law would safeguard Malawians and the general public from cyber threats, cybercrimes, and unwarranted surveillance.

However, the new law is not without flaws. Firstly, Section 4 designates MACRA as the Data Protection Authority (DPA), potentially compromising the financial, decision-making, and institutional independence of the DPA.⁵⁵⁵ The Ministry of Information and Digitalisation assured Members of Parliament that this arrangement is temporary until the DPA becomes self-sustaining.⁵⁵⁶ According to MACRA, to allay the fears, the regulator intends to put structural and functional arrangements that would ensure the financial, decision, and institutional independence of the DPA. MACRA seeks to set up an autonomous unit within MACRA that will carry out the functions of the DPA.⁵⁵⁷

Additionally, Section 8 (b)(vi)(vii) allows the lawful processing of personal data for “public interest” or “legitimate interests,” terms that are vague and undefined. This could grant excessive discretion to data controllers and processors in determining the lawful processing of individuals' personal data.

Concerns also arise regarding the processing of sensitive personal data. The Act allows for the processing of sensitive personal data under specific circumstances, including “archiving for public

550 Digital Malawi Project <https://digmap.pppc.mw/data-protection-bill-assented/> (accessed on 23 December 2024)

551 GDPR <https://gdpr.eu/what-is-gdpr/> (accessed on 18 February 2025)

552 V Kumwenda, Key Informant Interview (accessed on 23 December 2024)

553 Interview with Zadziko Mankhambo, Director of Broadcasting at Malawi Communications Regulatory Authority (15 January 2024)

554 MISA Malawi, 'MISA Malawi welcomes passing of Data Protection Bill' 8 December 2023

<https://malawi.misa.org/2023/12/08/misa-malawi-welcomes-passing-of-data-protection-bill/>. Accessed on 15 December 2023

555 CIPESA 'Analysis of the Malawi Draft Data Protection Bill, 2021' (May 2021) file:///C:/Users/User/Downloads/Analysis-of-the-Malawi-Draft-Data-Protection-Bill-2021.pdf (accessed 20 December, 2024)

556 MISA Malawi, 'MISA Malawi welcomes passing of Data Protection Bill' 8 December 2023

<https://malawi.misa.org/2023/12/08/misa-malawi-welcomes-passing-of-data-protection-bill/>. Accessed on 15 December 2024

557 Interview with Zadziko Mankhambo, Director of Broadcasting at Malawi Communications Regulatory Authority (15 January 2024)

interest, research, or statistical purposes”⁵⁵⁸ or if the data subject intentionally made the data public.⁵⁵⁹ Such provisions may provide unwarranted discretion to data controllers and processors in processing sensitive personal data.

Moreover, Section 26 includes broad exemptions allowing data controllers and processors to disregard data subject rights for reasons of “national security,” national economic or financial interests, social security, and regulatory functions. These exemptions could grant excessive discretion to determine when rights may be disregarded.

Further, the gap exists regarding the suspension or cancellation of registration of a data controller or data processor of significant importance. Section 42 grants MACRA the authority to suspend or cancel the registration of a data controller or processor “of significant importance” based on vague and broad grounds including not complying “with any provision” of the Act or any term or condition imposed on the registration; or if “there is any other reasonable ground to suspend or cancel the registration”.⁵⁶⁰ These broad provisions would potentially lead to undue restrictions. Notably, the Act lacks a clear procedure for suspension and cancellation, failing to mandate MACRA to provide notice to affected entities. However, Section 42(2) provides that the “Authority shall not suspend or cancel the registration of a data controller of significant importance or data processor of significant importance under subsection 42(1), unless the data controller of significant importance or data processor of significant importance has been given an opportunity to show cause why the registration should not be suspended or cancelled.”

In addition, Milanzi observes that the Act is insufficient in connecting with institutional review boards (IRBs) that oversee the ethical aspects of research involving human data in contexts where data protection intersects with research, given that IRBs play a critical role in evaluating the ethical implications of data use in research projects.⁵⁶¹ She recommends “Establishing a formal connection between the data protection authority and IRBs could enhance the ethical management of research data, ensuring that protections are consistently applied both in commercial and academic settings”.⁵⁶²

While the Act is a shift in the right direction, significant attention should be given to the gaps in the law to prevent abuse of concerning provisions of the law by authorities. To ensure the law is applied effectively, it is also essential to invest in training and public awareness interventions for stakeholders, data controllers, researchers and processors.

In the year, the Malawi government has been registering voters for the General Elections slated for September 2025. While the use of National IDs in the voter registration process is a significant step forward, the integration of National IDs with voter registration systems raises concerns about data integrity. Inaccuracies, such as mismatched data between the ID and voter rolls, can create complications. Moreover, there are concerns about the security of voter data, with stakeholders questioning how well the system can protect sensitive information.⁵⁶³

Surveillance and Cyber-Security

Freedom House reported Malawi’s decline in surveillance score from four to three in 2024 due to new reports that authorities had acquired a surveillance tool, Cellebrite’s UFED system, and concerns that police used extraction tools to search journalists’ devices.⁵⁶⁴ There were strong suspicions of government surveillance of ICT activities, although Section 21 of the Constitution guarantees the right to personal privacy including protection from interference with private telecommunications.⁵⁶⁵

Investigative reports in 2024 revealed that in 2019 MACRA procured UFED system, a powerful technology designed to access and extract information from electronic devices such as phones and laptops sold by the Israel-based company Cellebrite.⁵⁶⁶ MwCERT, MACRA’s cybersecurity

558 Section 16(g) of the Data Protection Act

559 Section 16(g) of the Data Protection Act

560 Section 42(1) of the Data Protection Act of 2023

561 E Milanzi

562 E Milanzi

563 V Kumwenda

564 Freedom House, “Freedom on the Net 2024”. Malawi: Freedom on the Net 2024 Country Report | Freedom House

565 “Malawi’s Constitution of 1994 with Amendments through 2017,” Constitute Project, February 4, 2020, https://www.constituteproject.org/constitution/Malawi_2017.pdf?lang=en.

566 Freedom House, “Freedom on the Net 2024”. Malawi: Freedom on the Net 2024 Country Report | Freedom House

unit, confirmed that it had access to the tool as of January 2023. MACRA also confirmed that it offers its services to the police, military, and intelligence services when conducting cyber crimes investigations, though the regulator stated that they follow a search warrant and approval process, which requires a court order. However, some sources reported that Cellebrite has since ceased issuing license renewals to several countries, including Malawi.⁵⁶⁷ This assessment by Paradigm Initiative also uncovered several cases of privacy breaches by authorities including confiscation and inspection of journalists' devices, raising concerns that authorities could be using extraction or surveillance tools without sufficient oversight.

During the year under review, MACRA presented three cybersecurity-related bills to the Ministry of Justice. According to the regulator, the Cybersecurity Bill, Cybercrimes Bill, and Electronic Evidence Bill aim to strengthen Malawi's legal framework in response to growing cybersecurity challenges. The Cybersecurity Bill outlines national cybersecurity measures, the Cybercrimes Bill addresses cybercrime prevention and prosecution, while the Electronic Evidence Bill provides guidelines for the use of electronic evidence in courts. According to Kumwenda, "Together, these bills form a critical part of creating a secure digital environment and tackling emerging threats".⁵⁶⁸ Despite some significant progress in developing a domestic legal framework on data protection and cybersecurity, Malawi has not adopted the African Union (AU) Convention on Cyber Security and Personal Data Protection (also known as Malabo Convention), a legal framework for addressing cybercrime and data protection on the continent.

In a bid to protect children online, in 2024 MACRA in partnership with the International Telecommunications Union (ITU), developed a National Child Online Protection Strategy.⁵⁶⁹ The strategy seeks to safeguard children from online threats and harms and empower them to optimally benefit from the internet opportunities.

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FREEDOM OF EXPRESSION & ACCESS TO INFORMATION

Freedom of Expression:

According to Freedom House's "Freedom on the Net 2024" report, Malawi's score for online activities in the year declined from four to three as authorities continued to crackdown on internet users including arrests and convictions.⁵⁷⁰ Those targeted are usually internet users critical of the government. It remains unclear which officials are responsible for ordering arrests for online expression, raising concerns that such arrests seek to create an environment of intimidation and fear among citizens who are critical of authorities.

In May 2024, Sainani Joshua, a resident of Mponela, was arrested for insulting Malawi president, Lazarus Chakwera, in a WhatsApp group called 'Mponela Hotspot'. He was convicted on May 16, 2024 by a Magistrate court on charges of cyber spamming contrary to Section 91 of the Electronic Transactions and Cybersecurity Act.⁵⁷¹ The sentence was a fine of 200,000 kwacha (USD120) or six months imprisonment.⁵⁷² However, the Act does not clearly make insulting the President or any other individual an offence. In 2022, the Parliament amended the Protected Flag, Emblems and Names Act to remove 'President' as a protected name. Thus, it is not clear which law other than the Electronic Transactions and Cyber Security Act was used to criminalise insulting the President. The spamming provision may be seen as the reincarnation of the insulting of the President's seditious law targeting online speech. Such broad and vague provisions of the law are prone to abuse by authorities.

567 E Chimoyo "Unveiling MACRA's sophisticated phone, PC data extracting tool: balancing privacy and security," Platform for Investigative Journalism, January 26, 2024, <https://www.investigativeplatform-mw.org/show-story/unveiling-macras-so....> (accessed 15 December 2024)

568 V Kumwenda

569 F. Phiri "Macra-Stakeholders Intensify Child Online Protection Efforts" <https://times.mw/macra-stakeholders-intensify-child-online-protection-efforts/>

570 Freedom House Malawi: Freedom on the Net 2024 Country Report | Freedom House

571 Section 91 of the Act reads: "Any person who transmits any unsolicited electronic information to another person for the purposes of illegal trade or commerce, or other illegal activity, commits an offence and shall, upon conviction, be liable to a fine of K2, 000,000 and to imprisonment for five years".

572 CPJ "Malawian journalist Macmillan Mhone facing false news, extortion charges" (15 April 2024) <https://cpj.org/2024/04/malawian-journalist-macmillan-mhone-facing-fals...> (accessed 20 December 2024)

In April 2024, the Police summoned Macmillan Mhone, a journalist working for the online publication Malawi 24 for questioning. Months earlier, he had published two stories alleging police involvement in corruption connected to a businessman facing charges of fraud. Mhone was arrested and transferred from Blantyre to the police headquarters in Lilongwe. It was not clear who ordered Mhone's arrest. He was later granted unconditional bail and charged with "publication of news likely to cause fear and public alarm, cyber spamming, and extortion." It is not known whether the Police will pursue Mhone further as the case is yet to be taken to court eight months after his release on bail. If convicted, Mhone could face a fine and up to two years in prison for the charge of publishing false news, a fine of two million kwacha (USD1200) and five years in prison for cyber spamming, and up to 14 years in prison for the extortion charge. The Electronic Transactions and Cybersecurity Act is increasingly being deployed as a weapon to criminalise freedom of expression and media freedom in Malawi.

On February 13, 2024, police seized phones and laptops from 14 journalists working for the state broadcaster, Malawi Broadcasting Corporation (MBC).⁵⁷³ Police stated that they had received a warrant to search the devices as part of their investigations into a suspected "fake" Facebook page account following a complaint by MBC's management about the creation of the said account bearing the corporation's name and logo. Police obtained court search warrants to search the 14 journalists who were accused of "spamming," an offence under Section 91 of Malawi's Electronic Transactions and Cybersecurity Act⁵⁷⁴ which carries a maximum penalty of two million Malawian kwacha (about USD 1,190) and imprisonment for five years. Some of the journalists reported to have received email notifications about attempts to access their social media accounts while the devices were in police custody. The police reported to have used a "forensics laboratory" to search the devices.⁵⁷⁵ In the same case, on February 15, 2024, police also searched the laptop of Greyson Chapita, MBC's suspended controller of news and programs. They manually looked through his Facebook account in his presence. These acts represent serious breaches of private communications with significant potential of instilling self-censorship among journalists.

In February 2024, investigative online journalist Gregory Gondwe fled Malawi, fearing for his life after he published an investigation into the Malawi Defence Force's connections to a businessman, Zunneth Sattar, accused of grand corruption in Malawi linked to senior government authorities and state institutions including the security agencies.⁵⁷⁶ There were reports that the military planned to arrest him over a story. In 2022, Gondwe was interrogated by police and his devices confiscated for publishing a story exposing corruption. Police demanded that he reveal his sources of the story.

In the recent past, several journalists have been arrested and their communication gadgets confiscated by police. This pattern of criminalisation of online speech and climate of intimidation has significant potential of prompting a degree of self-censorship, especially among media practitioners and social media users. Moreover, Section 36 of the Malawi Constitution guarantees freedom of the press. In addition, Principle 20(1) of the ACHPR Declaration calls on states to guarantee the safety of journalists and media practitioners including freedom from intimidation.⁵⁷⁷ Further, Principle 22(2) of the ACHPR Declaration provides that states must repeal laws that criminalise sedition, insult and publication of false news.

Access to Information:

The right to information is guaranteed under Section 37 of the Constitution, as well as the Access to Information Act (ATI Act) of 2016. To operationalise the ATI Act, regulations were developed in 2021, and the ATI Unit was established under the Malawi Human Rights Commission (MHRC), to oversee overall operationalization of the Act.

In the coverage year, there was notable progress in the implementation of the ATIA. Malawi Human Rights Commission conducted compliance monitoring of 48 public institutions with over 60%

573 CPJ "Malawi police seize equipment from journalists amid fake Facebook page investigation," (8 March 2024) <https://cpj.org/2024/03/malawi-police-seize-equipment-from-journalists-....> (accessed 20 December 2024)

574 <https://media.malawilii.org/files/legislation/akn-mw-act-2016-33-eng-2017-12-31.pdf>

575 Ibid.

576 Lameck Masina, "Malawi Journalist in Hiding After Exposing Government Corruption", (2 February 2024) <https://www.voanews.com/a/malawi-journalist-in-hiding-after-exposing-go...>; accessed 20 December 2024)

577 African Commission on Human and People's Rights (ACHPR) Declaration on Freedom of Expression and Access to Information <https://www.achpr.org/legalinstruments/detail?id=69> (accessed 21 December 2024).

of the assessed institutions found non-compliant with the ATI Act and regulations.⁵⁷⁸ In addition, MHRC trained 34 public institutions on the ATI Act and Regulations, reaching 970 officers (665 men, 304 women). As required by the ATI Act, 16 public institutions developed an information manual. In the year, MHRC also reviewed complaints against denial of access to information, with two determinations falling in favour of the complainants, while the other in favour of the information holder.

Lack of proactive disclosure of information by public institutions remained a major setback. For example, the Malawi government did not make a report on Public Sector Reforms public, arguing that the report was only meant for the President. Underfunding and delayed funding of the MHRC which is responsible for oversight implementation of the Act continued to undermine its oversight mandate on the ATIA Act. There was also a low level of awareness among public institutions and the general public on ATIA and ATI regulations.

CENSORSHIP AND CONTENT MODERATION

AI AND EMERGING TECHNOLOGIES

Malawi has no policy and regulatory framework on artificial intelligence (AI). ACHPR Resolution 473 calls on state parties to develop a comprehensive legal and ethical governance framework for AI technologies so as to ensure compliance with human rights standards. In addition, AI literacy levels among Malawians and various stakeholders remain low.

However, AI conversation and innovation are on the rise in various sectors including academia. On August 23 and 24 2024, for example, the Malawi University of Business and Applied Sciences (MUBAS) organized a symposium on the application of AI in solving practical problems in various sectors including agriculture, finance, health, and communication in Malawi.⁵⁷⁹ The symposium brought together a diverse group of participants including academicians, students, researchers, and industry professionals. “AI has a lot of potential, and we can benefit significantly from it. Malawi is a very fertile ground for its application,” stated Dr. Anthony Ziba, the Head of ICT at MUBAS.⁵⁸⁰ Additionally, in May 2024, the Malawi University of Science and Technology developed a range of innovative AI solutions, including a car tracking system and an automated employee attendance system which are currently being implemented at the Malawi Revenue Authority (MRA).⁵⁸¹ The automated employee attendance system, which uses fingerprint scanning technology, aims to replace manual log books and enhance employee efficiency and accountability. At the same University, a team of Biomedical Engineering students developed a deep learning system to diagnose measles, boasting a rapid response time of 0.25 seconds compared to the conventional PCR method, which takes four hours. In 2023, with support of various USA Universities⁵⁸² Malawi launched its first-ever Centre for Artificial Intelligence and STEAM — Science, Technology, Engineering, Arts and Mathematics at the Malawi University of Science and Technology.⁵⁸³ The center seeks to promote the study and use of artificial intelligence, or AI, and STEAM for socioeconomic development. The rapid emergence of AI technologies in Malawi calls for swift policy and regulatory framework.

CONCLUSION

While Malawi has made notable strides on digital rights including the enactment of the Data Protection Act, the internet freedom in the coverage period declined slightly as authorities

578 C Kalolokeska, Malawi Human Rights Commission (MHRC) key informant interview (19 December 2024)

579 L Isaac “MUBAS strides in Artificial Intelligence application” (16 December 2024) <https://www.mubas.ac.mw/news/mubas-strides-in-artificial-intelligence-application-16-12-2024> (accessed 28 December 2024).

580 Ibid.

581 J Mpphande “MUST leads AI revolution with groundbreaking innovations” (20 May 2024) <https://www.must.ac.mw/posts/must-leads-ai-revolution-with-groundbreaking-innovations/details> (accessed 28 December 2024).

582 The US Universities include Baylor College of Medicine, Texas Tech University, Morehouse College, Colorado University, Georgia Southern University, Clemson University, New York University and Mercer University <https://www.must.ac.mw/posts/must-leads-ai-revolution-with-groundbreaking-innovations/details>

583 L Masina “US Universities Help Malawi Establish First AI Center” 13 October 2023 <https://www.voanews.com/a/us-universities-help-malawi-establish-first-ai-center-/7310638.html> (accessed 28 December 2024).

continued to clampdown on online journalists and other internet users for their critical expression. Criminalisation of speech is of great concern. The initiation of four new legislative bills on Cyber security is commendable, although there is need for strong public participation in the legislative processes. The rolling out of various digital inclusion initiatives under the Universal Service Fund will go a long way in expanding access to digital services particularly for the majority of the population currently offline. The current low digital penetration requires robust response by government including the review of taxation regime on ICT services and products.

Given the existing gaps, opportunities and recent developments in the digital space in Malawi, the following recommendations are made:

RECOMMENDATIONS

To the Government:

- Review the Electronic Transactions and Cybersecurity Act of 2016 to remove broad and vague provisions and offenses including sections 24(1) (e) and (f); and repealing defamation and sedition laws in the Penal Code
- Address strong suspicions of government surveillance of ICT activities using UFED system, a powerful technology designed to access and extract information from electronic devices such as phones and laptops sold by the Israel-based company Cellebrite
- Guarantee Freedom of Expression and Media freedoms
- Malawi Human Rights Commission to step up investigations of digital rights violations in accordance with its Constitutional human rights mandate
- Intensify implementation of the Malawi Digital Economy Strategy to ensure accelerated universal access to Internet and mobile services.
- Raising public and stakeholder awareness on the Data Protection Act
- Ratifying the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention).
- The Malawi Parliament should allocate funds to the Universal Service Fund (USF) in compliance with section 160(b) of the Communications Act.
- Facilitate consultations with stakeholders regarding the new Bills on Cyber security, and the review of the Communications Act
- Develop policy and regulatory frameworks for Artificial Intelligence (AI)

To Civil Society and the Media:

- Advocating for the review of the Electronic Transactions and Cybersecurity Act of 2016; and repealing of defamation and sedition laws in the Penal Code through engagement with authorities, public awareness, and litigation.
- Demand accountability on the procurement and deployment of UFED system for surveillance.
- Challenge criminalisation of freedom of expression by the State through litigation and law reform advocacy.
- Strengthen digital rights coalitions and networks to bolster civil society agency in digital rights advocacy.
- Demand accountability from the government on implementation of the Malawi Digital Economy Strategy to ensure accelerated universal access to Internet and mobile services.

- Raising public and stakeholder awareness on the Data Protection Act
- Advocate for Malawi's ratification of the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention)
- Monitoring the operations of the USF to ensure proactive disclosure of USF information every year, transparency, accountability, and effectiveness, while also advocating for the appropriation of funding by Parliament.
- Scrutinise the new Bills and the review of the Communications Act; to ensure alignment with acceptable international standards.

To Mobile Network Operators:

- Collaborate with non-state actors in advocating for conducive policy and legislative environment for digital rights and ICT actors.
- Proactively partner with the government in bridging the digital divide including joint investment in ICT infrastructure targeting rural communities and provision of affordable data tariffs and mobile services.

To Academia:

- Provide intellectual leadership and guidance on issues of digital rights and inclusion.
- Conduct research on issues of digital rights and inclusion and emerging technologies such as Artificial Intelligence.

TheScore Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	No incident of internet shutdown
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Policies and laws are there but limited compliance. For example, Malawi has Communications Act, Digital Economy Strategy, Universal Service Fund, ICT Policy – but implementation is insufficient
False News Criminalisation	P22(2)	1	Section 60 of Penal Code, 87, 91, Electronic Transactions and Cyber Security Act, and Penal Code
Sedition Legislation	P22(2)	3	Sections 87, 91, Electronic Transactions and Cyber Security Act

Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	2	Arrests of journalists and social media users
Data Protection Legislation.	P42	3	The Data Protection Act is in place. Regulations and Data Protection Authority not yet in place
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	No incident recorded
Invasion of Privacy of Communications	P41	2	Police confiscation and search of journalist gadgets. The Court search warrant was obtained by Police.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	4	Most government agencies have online presence including websites and social media platforms. However, proactive disclosure of information is limited
AI and Emerging Technologies national strategies	P39(6)	1	No AI Policy and regulatory framework despite emergence of AI Technologies
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P29(3)	3	Adoption of National Child Online Protection Strategy in 2024
Digital Inclusion	P37(3)	3	USF institutional establishment in place with active projects
TOTAL (up to 60)		35	

Namibia



Executive Summary

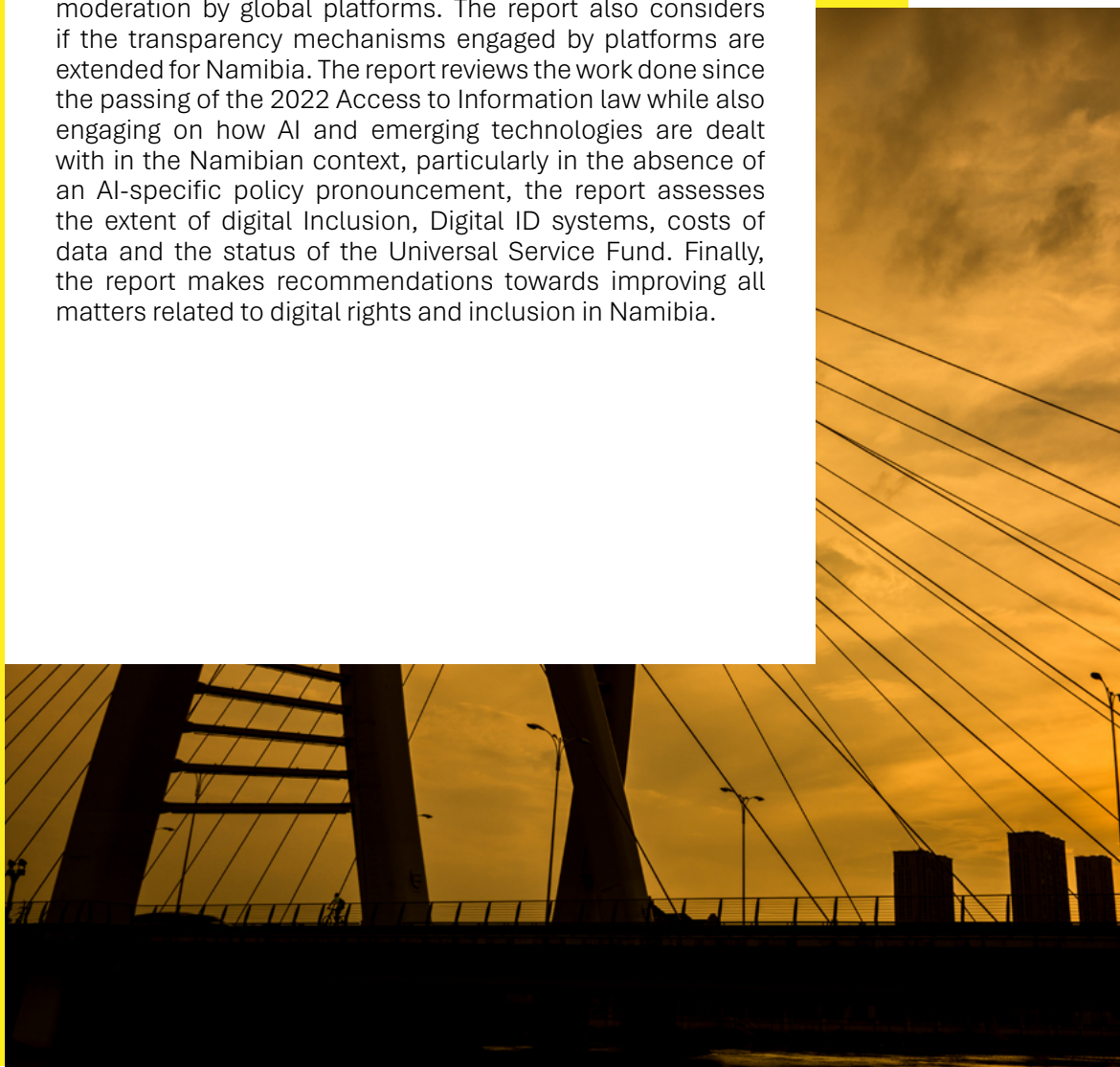
This report presents an overview of digital rights and digital inclusion in Namibia for 2024. It provides this overview by reviewing developments in the country as well as publicly available information and data. The report reviews academic research, news coverage, parliamentary engagement and political pronouncements on matters of interest. This study further assesses compliance with the African Charter on Human and Peoples' Rights and notes any decline or progress from 2023 as reported in the Londa 2023 Report. The report demonstrates the level of State compliance with key international standards and assesses the state of digital rights and inclusion ensuring all the 12 key indicators in *TheScore Index by Paradigm Initiative*. The report presents internet access in the country and addresses accessibility as a matter of public interest. It also reviews cases of media freedoms in the digital era while considering issues of gendered disinformation and criminalisation of false news.

Furthermore, the report covers matters related to data protection and privacy, presenting cases on cybercrimes and how they are dealt with in the country. The report looks at surveillance and smart city developments in Windhoek in particular and discusses how this is linked to privacy amongst citizens. Other thematic areas include censorship and content moderation by global platforms. The report also considers if the transparency mechanisms engaged by platforms are extended for Namibia. The report reviews the work done since the passing of the 2022 Access to Information law while also engaging on how AI and emerging technologies are dealt with in the Namibian context, particularly in the absence of an AI-specific policy pronouncement, the report assesses the extent of digital inclusion, Digital ID systems, costs of data and the status of the Universal Service Fund. Finally, the report makes recommendations towards improving all matters related to digital rights and inclusion in Namibia.

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Introduction

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The Southern African country, dubbed a large country with a small population, Namibia, continues to deal with inclusion issues related to digital matters. With a now-confirmed population of 3 million citizens,⁵⁸⁴ Namibia, like many African countries, is experiencing increasing urbanisation and digitization.⁵⁸⁵

The year 2024 began while Namibia was busy with the implementation of mandatory SIM registration as carried out by the mobile network operators (MNO). Enforced and supported by the government and the regulator, SIM registration has seen one of the MNOs carrying out mandatory biometric collection⁵⁸⁶ as part of this exercise. With a deadline set for December 2023, only 65% of the population had complied with the mandatory SIM registration, forcing a deadline extension⁵⁸⁷ to March 31, 2024. The lack of uptake could be interpreted as public defiance to biometric collection in addition to other challenges that come with SIM registration. While Namibia has never experienced internet shutdowns, consistent infrastructure wear and lack of public investment in telecommunications infrastructure have seen the country constantly suffering network outages, including throughout the year 2024.⁵⁸⁸

584 Population surges to over 3 million: Census Report, Namibia Economists, March 2024, <https://economist.com.na/86639/headlines/population-surges-to-over-3-million-census-report/>

585 https://www.wesgro.co.za/uploads/files/Research/Wesgro-IQ_Namibia_2021.05.pdf

586 MTC defies Cran on biometrics directive, The Namibian, May 2023, available at <https://www.namibian.com.na/mtc-defies-cran-on-biometrics-directive/>

587 Namibia extends SIM registration deadline to March, Connecting Africa, January 2024, available at <https://www.connectin-gafrica.com/regulation/namibia-extends-sim-registration-deadline-to-march>

588 Power outages leave Namibians without telecom network, IT Web, July 2024, available at <https://itweb.africa/content/lwrKx73YoQbqmg1o>

Internet access

ITU data⁵⁸⁹ indicates that 64.3% of individuals use the Internet. In aiming to mitigate digital inclusion challenges faced in the country's major urban area, the city of Windhoek has reportedly installed 10 km of fibre⁵⁹⁰ in a country that has an 18,790-kilometre network. This adds to the broader expansion of terrestrial fiber networks seen to enable widespread access to cyberspace.

As reported in the Londa Report for 2023⁵⁹¹, the rollout of Google's Equiano subsea cable⁵⁹² had the potential to connect South Africa and Europe, adding to the impetus of heightened digital connectivity between Namibia, the rest of Southern Africa, and the rest of the world. The Google Equiano cable was activated in July 2024⁵⁹³, signifying a "quantum leap forward in Namibia's digital transformation journey, paving the way for an era of unprecedented connectivity and boundless opportunities," according to Telecom Namibia, the implementing partner. Expectations for a higher bandwidth capacity, better latency, and faster speeds at a much lower cost, are in place as a result of this activation and Namibia is expected to be on course for more rapid digitisation and an inclusive digital economy.

In 2024, the Communications Regulatory Authority of Namibia (CRAN) announced a public auction of spectrum in the 3500-megahertz band to be used for the rollout of fifth-generation (5G) wireless technology⁵⁹⁴. Expectations are that 5G will pave the way for full implementation of smart cities as it allows the efficient deployment of Internet of Things (IoT) devices. Nonetheless, the World Bank had reported that Namibia lags behind peer countries in the adoption of digital technologies despite having a mature telecommunications market⁵⁹⁵.

To date, the country continues to battle with digital divides countrywide due to low population and wider geographic areas. The ITU ICT Development Index 2023⁵⁹⁶ places Namibia at a 68.1 IDI score and a 60.4 Universal Score. Furthermore, the Index provides key indicators for Namibia's digital space as follows:

- 64.3% of individuals use the internet
- 82.7% of Individuals own a mobile phone
- 66.3% of households with internet access at home
- 76% mobile broadband subscription
- 89% of the population is covered by at least a 3G network
- 79% of the population is covered by 4G or LTE network
- has a progress score of 38.3% mobile internet traffic subscription per GigaByte

The report further shows no data for fixed broadband subscription. However, it indicates that Namibia has a 92.2% mobile data as well as voice high consumption basket price in the percentage of GNI per capita of 75.9% on fixed broadband.

The general lack of internet access limits access to technology and disempowers citizens,

589 CT Development Index 2023, ITU, https://trc.gov.jo/EchoBusV3.0/SystemAssets/التركيبة%202023_compressed.pdf accessed 19 December 2024

590 Scramble for city's fibre market, Namibian Sun, July 2024, available at <https://www.namibiansun.com/infrastructure/scramble-for-citys-fibre-market2024-07-05#:~:text=Research%20from%20We%20Are%20Social,-for%20growth%20in%20internet%20services>.

591 Londa Report, Namibia 2023 Paradigm Initiative, available at <https://paradigmhq.org/wp-content/uploads/2024/06/Namibia-Country-Report.pdf>

592 Google's Equiano subsea cable: Namibia economic impact assessment, Africa Practice, 2022, available at <https://africappractice.com/equiano-namibia-eia/> accessed 19 December 2024

593 Telecom activates Equiano Cable connection, The Brief, July 2024, <https://thebrief.com.na/2024/07/namibia-activates-equiano-cable-connection/> accessed 19 December 2024

594 Namibia to Auction 5G Spectrum, Connecting Africa, May 29, 2023, https://www.connectingafrica.com/author.asp?section_id=816&doc_id=785095. accessed 19 December 2024

595 "Creating Markets in Namibia," World Bank Group, July 2022, <https://documents1.worldbank.org/curated/en/099850311112236455/pdf/IDU0ff2db1400403c046b2099a300571336f9a6d.pdf>. accessed 19 December 2024

596 ICT Development Index 2023, ITU, https://trc.gov.jo/EchoBusV3.0/SystemAssets/التركيبة%202023_compressed.pdf accessed 19 December 2024

discourages fostering innovation and stifles economic prosperity. Furthermore, digital literacy⁵⁹⁷ is raised as a concern with possible implications responsible for lower internet accessibility.

Freedom of expression

Namibia is known to have a generally favourable environment for the enjoyment of the freedom of expression. While in 2023, Namibia was ranked 22 in the World Press Freedom Index⁵⁹⁸, the year 2024 has seen the country's global ranking falling to 34.⁵⁹⁹ This 12-point drop has been linked to what is termed editorial interference⁶⁰⁰ cited as a sociocultural aspect, where "journalists are under pressure to not question certain bastions of power or influence or not cover issues challenging the status quo" the report indicates. Furthermore, a challenging economic landscape in the media has further been ascribed to this situation by political and industry experts, who termed it disappointing⁶⁰¹. Furthermore, civil society⁶⁰² maintained that self-censorship continued to be a reality for those working in State media but, this has not been confirmed by monitoring bodies. Nonetheless, private media continues to remain critical of the government.

The 2024 Presidential and National Assembly elections catapulted misinformation in general⁶⁰³ where amongst others various manipulated videos were visible across various WhatsApp groups but also highlighted with concern by the media. The number of women potential candidates for the presidency potentially triggered gendered disinformation towards the candidates in particular. From an AI-generated image of a falling Netumbo Nandi Ndaitwah, then-candidate of the ruling party and President-elect, to a fake prophecy for independent candidate Ally Angula, of "God asking her to withdraw" from the elections⁶⁰⁴, these are some of the gendered disinformation in the peak of elections. These and other matters, such as the increased news of the health of the founding president, Sam Nujoma⁶⁰⁵, had the Minister of ICT calling for responsible use of social media.⁶⁰⁶ Meanwhile, further civil defamation cases have been seen in courts particularly brought and won by the more affluent such as a businessman who sued a citizen to the tune of N\$773 000 (USD 41 300) for questioning, via a social media audio clip, the expenses on his wedding against public hospitals being left without medicine. The businessman supplies state hospitals with medicines as well as other medical supplies.⁶⁰⁷ Another notable case is that of an academic and politician who has taken legal action against a fellow political member and is suing them for N\$370,000. The lawsuit stems from a series of allegations made by a citizen through a widely circulated WhatsApp

597 Embracing the Digital Future: The Crucial Role of Digital Literacy in Namibia, CRAN, July 2024, available at <https://www.cran.na/embracing-the-digital-future-the-crucial-role-of-digital-literacy-in-namibia/>

598 Press Freedom Index: Namibia Ranks Four Places Higher than the UK, Namibian Org, May 2023, <https://namibian.org/news/tourism/press-freedom-index-namibia-ranks-four-places-higher-than-the-uk>

599 Disappointment as Namibia loses top position on press freedom, The Namibian, May 2024, available at <https://www.namibian.com.na/disappointment-as-namibia-loses-top-position-on-press-freedom/>

600 Namibia's press freedom rankings decline amid growing political interference, The Namibian, December 2024, <https://www.namibian.com.na/namibias-press-freedom-rankings-decline-amid-growing-political-interference/#:~:text=Groenewald%20says%20Namibia%20dropped%20in%20global%20rankings%20in%20terms%20of%20political%20reporting.&text=%E2%80%9CPolitical%3A%20Respect%20for%20media%20autonomy,to%2045th%20worldwide%20in%202024>. accessed January 2025

601 Messy year for Namibian Media, The Sun, December 2024, <https://www.namibiansun.com/society/%E2%80%98messy%E2%80%99-year-for-namibian-media2024-12-13143529> accessed January 2024

602 In Dialogue with Namibia, Experts of the Human Rights Committee Praise the State's World Press Freedom Index Ranking, Raise Issues Concerning Corrupt Public Procurement Practices and Implementation of Environmental Legislation, UNHCR, March 2024, available at <https://www.ohchr.org/en/news/2024/03/dialogue-namibia-experts-human-rights-committee-praise-states-world-press-freedom>

603 Elections run by insults, fake news, influencers, paid propaganda, Namibian, November 2024, available at <https://www.namibian.com.na/elections-run-by-insults-fake-news-influencers-paid-propaganda/>

604 Election fake news surge in October 2024, Namibia Fact Checker, November 2024, <https://namibiafactcheck.org.na/news-item/election-fake-news-surge-in-october-2024/>

605 Sam Nujoma Foundation Condemns Fake News on Social Media, Observer, November 2024, <https://www.observer24.com.na/sam-nujoma-foundation-condemns-fake-news-on-social-media/> accessed November 2024,

606 Theofelus urges responsible social media use, Namibian Economist, August 2024, available at <https://economist.com.na/90062/technology/theofelus-urges-responsible-social-media-use/> accessed November 2024

607 Shapwa Kanyama donates N\$773 000 defamation award to cyberbullying victims, Namibian December 2024, <https://www.namibian.com.na/shapwa-kanyama-donates-n773-000-defamation-award-to-cyberbullying-victims/> accessed in November 2024

audio clip, which the plaintiff claims is entirely false and defamatory.⁶⁰⁸

Data Protection and Privacy

Namibia has not adopted policies and laws on cybercrime, data protection, or protection of personal identifiable information. However, the country now has a National Cybersecurity Strategy in place since March 2022⁶⁰⁹. Despite this, the country's critical infrastructure, economic growth, digital inclusion, and governance are under attack from a wide range of cyber actors. In July of 2024, local media reported that Namibia experiences over two million cyber-attacks⁶¹⁰ per year.

This situation is pinned against policy implementation shortfalls. In particular, Namibia still does not have any official national or sector-specific cybersecurity framework for supporting and implementing international cybersecurity best practices. The Cybercrime Bill⁶¹¹ remains under draft since 2014. The main objectives of the bill in combating cybercrime are to protect critical data, address data privacy, enable the Minister of Information and Communication Technology to appoint a computer security inspector and establish a team with clearly defined powers and responsibilities to investigate offences. The Bill is reportedly being refined as part of a comprehensive strategy to overhaul the legislative and policy frameworks governing the information and communication technology (ICT) sector.⁶¹²

Furthermore, the Ministry of Information and Communication Technology is reportedly improving the draft Data Protection Bill of 2013 while also rectifying the Communications Act of 2009 that led to the draft Data Protection Bill of 2022, which includes 10 principles of data protection and the creation of a Data Protection Authority.⁶¹³ At the continental level, the country has made full commitment as part of the few countries in the Southern African Development Community (SADC)—Angola, Mauritius, Mozambique and Zambia being others—that have ratified the African Union Convention on Cybersecurity and Personal Data Protection (the Malabo Convention)⁶¹⁴ which entered into force in June 2023. It would have been expected that as a signatory, added pressure would apply to Namibia to pass those bills and establish the necessary authorities in charge of protecting personal data and to have domestic laws in place to guard personal data.

While the country has a Child Online Protection Task Force,⁶¹⁵ Namibia has no child online protection policy.

Censorship and content moderation

Namibia has no domestic laws enforcing content moderation. Data from the Meta Transparency report⁶¹⁶, covering January to June 2024 as part of Meta's processes to respond to government requests for data in accordance with applicable law and terms of service, indicates there were no requests, legal process requests, emergency disclosure requests, users/accounts requested and finally no requests where some data was produced. The content moderation report by Google⁶¹⁷

608 Swapo School Lecturer Mubita sues Shipwikeneni for defamation, Observer, February 2024, available at <https://www.observer24.com.na/swapo-school-lecturer-mubita-sues-shipwikeneni-for-defamation/>

609 Cybersecurity Strategy well on track, Ministry says, Namibian Sun, October 2024, available at <https://www.namibiansun.com/focus-tel-and-tech/cybersecurity-strategy-well-on-track-ministry-says2024-10-29135112>

610 Namibia experiences over two million cyber attacks per year, The Namibian, July 2024, available at <https://www.namibian.com.na/namibia-experiences-over-two-million-cyber-attacks-per-year/>

611 Namibia to finalise data and cybercrime bills soon, Tech Point Africa, September 2024, available at <https://techpoint.africa/2024/09/10/namibia-finalise-data-cybercrime-bills/>

612 Hertta-Maria Amutenja, "Namibia's Cybercrime Bill Undergoes Redrafting," Windhoek Observer, September 2023, <https://www.observer24.com.na/namibias-cybercrime-bill-undergoes-redrafting>.

613 "Draft Data Protection Bill 2021," Government Gazette of the Republic of Namibia, 2022, <https://action-namibia.org/>.

614 Southern African Development Community Cybersecurity Maturity Report 2021," C3SA, 2022, <https://open.uct.ac.za/server/api/core/bitstreams/308c9128-87a8-4a84-83cf-f811f2e7c39e/content>.

615 Namibians encouraged to protect rights of children in the Digital Realm, NBC, January 2024, <https://nbcnews.na/node/101414> accessed January 2025

616 Namibia, Government Requests for User Data, Meta, 2024 <https://transparency.meta.com/reports/government-data-requests/country/NA/> accessed December 2024

617 Government removal requests by the numbers: Namibia, Google, <https://transparencyreport.google.com/government-removals/government-requests/NA> last accessed December 2024

indicates that there have been 44 total items named for removal by the Government between 2011 and 2022, while there have been three total removal requests received since 2011. Furthermore, no report has been published by TikTok on content takedown⁶¹⁸. However, content shadow banning on specific Namibian content, critical discourses are often hidden from viewership on social media and take-downs as part of content moderation, continue particularly for indigenous communities such as the Ovahimba people. A case in this regard has been brought to the attention of the Meta Oversight Board for review.⁶¹⁹

Access to information

Namibia passed the Access to Information law in 2022⁶²⁰ after being drafted in 2016 and tabled in Parliament in June 2020. However, the law had delays in operationalisation due to capacity and skilling as well as budget provisions. In August 2024, the National Assembly⁶²¹ endorsed regulations for the implementation of the Act. The new regulations are expected to contribute to Namibia's more open and accountable governance framework. Previously training with Government Public Relations arms, the police as well as other public entities have been preparing for the implementation of the Access to Information Act and related regulations. However, amongst others, the government through the Ministry of Information and Communication Technology actively publishes Cabinet Resolutions on its social media groups.

AI and Emerging Technologies

The use of artificial intelligence (AI) is prevalent in various sectors such as education, health, agriculture and labour as reported by a UNESCO report of 2022 that discusses the benefit of AI towards the country's economy and the potential to bridge the digital divide between Namibia and other developing countries⁶²². To date, several AI developments have been noted in the country, including the launch of the AI and Robotics Lab⁶²³ at the Namibia University of Science and Technology (NUST) in partnership with the Bank of Namibia. This partnership is expected to herald a transformative step towards modernising Namibia's educational and technological landscape, placing the nation on the map for artificial intelligence (AI) and robotics innovation.

This and other conversations on AI stem from the 2022 Windhoek Statement on Artificial Intelligence in Southern Africa⁶²⁴ by UNESCO that sets recommendations on AI and Data Governance, Capacity-Building and Awareness-Raising, Investment and Infrastructure, Education, Research, Development and Innovation, Environment and Disaster Risk Reduction, Gender, Collaboration and Partnerships. Several other conversations on regulating AI in Namibia have emerged, ranging from recommendations on setting up an AI Institute by the Fourth Industrial Revolution Presidential Task Force.⁶²⁵ Namibia has become one of UNESCO's 22 African Member States participating in the Readiness Assessment Methodology for Artificial Intelligence⁶²⁶, along with over 50 countries worldwide. A validation of the AI assessment was held in September 2024. With all these developments, the country is still without an AI Policy in place. Given the backlog of data-related laws such as data protection and cybersecurity laws, timelines are not clear when an AI policy would be completed.

618 Transparency Center, Tik Tok, <https://www.tiktok.com/transparency/en-us/government-removal-requests-2024-1> accessed December 2024

619 New Cases for Review, Ovahimba Women Namibia, Oversight Board, December 2024, https://www.linkedin.com/posts/oversight-board-administration_new-case-announcement-activity-7283077689152794625-WNW4?utm_source=share&utm_medium=member_ios

620 Access to Information Act, no 8 of 2022, available at <http://www.lac.org.na/laws/2022/7986.pdf>

621 Namibia endorses Access to Information Act, Observer, 2024 available at <https://www.observer24.com.na/namibia-endorses-access-to-information-act/>

622 AI could bridge Namibia's Digital Gap if challenges are tackled. Namibian Sun, November 2024, available at <https://www.namibiansun.com/technology/ai-could-bridge-namibias-digital-gap-if-challenges-tackled2024-11-11>

623 NUST, Bank of Namibia Partner Launch AI and Robotics Accelerator, NUST, November 2024 available at <https://www.nust.na/nust-bank-namibia-partner-launch-ai-and-robotics-accelerator>

624 Windhoek Statement on Artificial Intelligence in Southern Africa, Windhoek (Namibia), 9 September 2022, UNESCO available at <https://unesdoc.unesco.org/ark:/48223/pf0000383197>

625 Task Force on the Fourth Industrial Revolution Final Report, 2022, The Presidency available at <https://www.ncrst.na/wp-content/uploads/2024/06/4IRTF-Final-Report.pdf>

626 UNESCO AI Readiness Assessment underway in Namibia, Future Media, April 2024, available at <https://futuremedianews.com.na/2024/04/22/unesco-ai-readiness-assessment-underway-in-namibia/>

Digital Inclusion

Namibia introduced Digital Identity (ID) systems, and the country also started issuing digital IDs to refugees in June 2024.⁶²⁷ Biometric IDs will be issued to facilitate access to vital services for thousands of forcibly displaced persons living within the country's territorial borders. Even with this ambition, the likelihood of exclusion is high for the stateless and indigenous groups where documentation could be hard to obtain. The Civil Registration and Identification Act was gazetted in December 2024 while awaiting operationalisation. The Act has been praised for containing essential elements of data protection. However, the lack of personal data protection law has placed worry among many calling for legislation for data privacy⁶²⁸. The digital divide⁶²⁹ between urban and rural Namibia continues to exist, driven by digital literacy rates, prices of data devices as well as access to electricity, despite ambitious plans such as the National Broadband Policy⁶³⁰ that seek to provide affordable 100% broadband coverage.

The financial status of the Universal Service Fund (USF) in Namibia is not known. However, efforts have started to indicate progress in the administration of the USF as of September 2024. Regulations prescribing the Universal Service levy were finally gazetted⁶³¹ with the aim of imposing the levy on every licensee at a rate not exceeding 0.5% of the annual turnover of the licensee concerned. This follows a report⁶³² in June 2024 that the Communication Regulatory Authority (CRAN) was preparing for the operationalisation of the USF in 2024. The implementation of the USF in Namibia is expected to ensure that all citizens have meaningful connectivity. Quoted by the media, CRAN CEO iterated that “the anticipated operationalisation of the Universal Service Fund, in 2024 thus remains a key enabler for digital transformation in Namibia” and its launch is complemented by the government's commitment to make over N\$100 million available for deployment of ICT infrastructure.”⁶³³

627 Namibia begins issuance of much-anticipated biometric ID cards to refugees, Biometric Update, June 2024, available at <https://www.biometricupdate.com/202406/namibia-begins-issuance-of-much-anticipated-biometric-id-cards-to-refugees>

628 Namibia's new CRVS, national ID system reflects key data protection aspects, Biometric Update, September 2024, available at <https://www.biometricupdate.com/202409/namibias-new-crvs-national-id-system-reflects-key-data-protection-aspects>

629 Digital Divide Hinders Growth - Theofelus, Namibian Sun, June 2024, <https://www.namibiansun.com/local-news/digital-divide-hinders-growth-theofelus2024-06-12> accessed January 2025

630 National Broadband Policy, 2017, <https://www.npc.gov.na/wp-content/uploads/2022/06/NamibiaBroadband-Policy-2018.pdf> last accessed January 2025

631 Regulations prescribing the universal service levy, 2024 General Notice 559 of 2024 <https://namibii.org/akn/na/act/genn/2024/559/eng@2024-09-27>

632 CRAN prepares for Universal Service Fund, Observer, June 2024, available at <https://www.observer24.com.na/cran-prepares-for-universal-service-fund/>

633 <https://www.observer24.com.na/cran-prepares-for-universal-service-fund/>

Conclusion

As a moderately compliant country with the ACHPR Declaration, Namibia has a lot to do to ensure digital inclusion and rights. Digitally enabled threats and a significantly expanding threat surface, especially in a consumer market with low levels of security awareness. This remains a challenge for Namibians at an economic level. The lack of sector-related laws has enabled a wide range of cyber threats, with social engineering and phishing attacks topping the list.

The country's provisions of telecommunications surveillance in the current Communications Act, the lack of transparency on the usage of biometrics collected during SIM regulations, and other potential means of surveillance are key concerns for human rights in the digital era. Furthermore, the lack of accountability for Internet intermediaries and the lack of mechanisms to promote digital inclusion for children and people with disabilities through the USF remains an inclusion concern. This is in addition to the need for support and sustainability of independent media. Finally, considerable steps need to be enforced by Namibia to ensure the policy for Artificial Intelligence use, amongst others.

Recommendations

To the Government

- To pass the Data Protection legislation which must ensure that necessary oversight mechanisms are in place in addition to ensuring personal data protection recourse for individuals.
- To recognise universal, equitable, affordable and meaningful access to the internet as necessary for the realisation of freedom of expression, access to information and the exercise of other human rights by facilitating digital literacy skills for inclusive and autonomous use and take specific measures to ensure that marginalised groups have effective exercise of their rights online.
- To adopt specific child laws, policies and measures promoting children's digital safety and privacy online. Namibia should pass and enforce the Cybercrime Bill and make provision for the protection of Children online, no other existing laws are in place to ensure safety of children. An actual law will ensure the necessary regulatory support for the Child Online Protection Taskforce.
- Develop an AI national policy to address the design, use and deployment of AI in Namibia.
- Require internet intermediaries to ensure that in moderating or filtering online content, they mainstream human rights safeguards into their processes, adopt mitigation strategies to address all restrictions on freedom of expression and access to information online
- Offer effective remedies where digital rights violations occur.

To the Private Sector

- To ensure transparency on all requests for removal of content, and incorporate appeal mechanisms.
- To collaborate towards improving digital literacy in the country
- To collaborate towards narrowing data and device access gaps

To Civil Society Organisations and the Media

- To provide education on Digital Rights and Inclusion
- To continue shedding light on issues of infringements of Digital Rights and Inclusion in the country

The Score Index.

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	No internet shutdowns.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	While the state ensures the internet space is available online and citizens are engaging in the rights to freedom of expression and access to information online, the means to exercise these rights is limited due to excessive data prices. Furthermore, the lack of adoption of relevant laws, policies and other measures to provide universal, equitable, affordable and meaningful access to the internet without discrimination also contributes to this rating.
False News Criminalisation	P22(2)	4	Namibia has no laws that criminalise publication of false news.
Sedition Legislation	P22(2)	5	Namibia has no laws that criminalise sedition, insult and publication of false news.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	4	While the state has guaranteed the safety of journalists and other media practitioners. The state has not taken measures to prevent attacks on journalists and other media practitioners, including various forms of ill-treatment, such as, intimidation, threats and unlawful surveillance undertaken by State and non-State actors.
Data Protection Legislation.	P42	2	The state has not adopted laws for the protection of personal information of individuals in accordance with international human rights law and standards and individuals have no legal recourse to effective remedies in relation to the violation of their privacy and the unlawful processing of their personal information.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	There is no evidence that the state required internet intermediaries to proactively monitor content which they have not authored or otherwise modified.

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Invasion of Privacy of Communications	P41	4	<p>Part 6 of the Communication Act 8 of 2009, institutes interceptions of telecommunications.</p> <p>This provision gives indication that states engage in targeted communication surveillance that is authorised by law, that conforms with international human rights law and standards, and that is premised on specific and reasonable suspicion that a serious crime has been or is being carried out or for any other legitimate aim.</p>
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	<p>While there has been proactive disclosure by public institutions even in the absence of a specific request, to proactively publish information of public interest, including information about their decisions such as regular Cabinet Decisions announcements and budgets, expenditure and other information relating to their activities more can be done for full disclosure on public spending.</p>
AI and Emerging Technologies national strategies	P39(6)	2	<p>Namibia has not yet completed the development of the framework on the development, use and application of artificial intelligence, algorithms and other similar technologies. The use of such by internet intermediaries is governed and compelled to be compatible with international human rights law and standards, not is there a requirement for such not to infringe on the rights to freedom of expression, access to information and other human rights.</p>
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	<p>While the Draft Cybercrime bill makes provision for the protection of Children online, no other existing laws are in place to ensure the safety of children. A Child Online Protection Task Force however is in place overseeing serious cases, working without cases.</p>
Digital Inclusion	P37(3)	2	<p>The state has not adopted any laws, to promote affordable access to the internet for children that equips them with digital literacy skills for online education and safety, protects them from online harm and safeguards their privacy and identity.</p> <p>The Universal Service Fund has not become fully operationalised over the years and hence its impact cannot be measured yet.</p> <p>There is no law in place providing access to the internet, and the state has not taken specific measures to ensure that marginalised groups have effective exercise of their rights online.</p>
TOTAL SCORE (up to 60)		39	



Executive Summary

In 2024, South Africa held its national elections, the outcome of which resulted in a coalition government known as the Government of National Unity (GNU). The GNU comprises 10 political parties, led by President Cyril Ramaphosa of the African National Congress. The GNU presents an opportunity for the government to engage across party lines and be more broadly representative. However, the effectiveness of the GNU given underlying technical and bureaucratic tensions remains to be seen.⁶³⁴

From a digital rights perspective, there have been several events which highlight specific challenges preventing their full realisation in South Africa. Although the internet penetration rate is estimated to be 74 percent,⁶³⁵ the digital divide persists across various socio-economic factors. Further, there are concerns around the increase in online gender-based violence (OGBV), particularly against women journalists and human rights defenders. There is also a notable gap in legislation that regulates government surveillance. While South Africa has strong data protection and access to information legal frameworks, the implementation and enforcement thereof may be problematic given personnel and financial constraints in the Information Regulator.

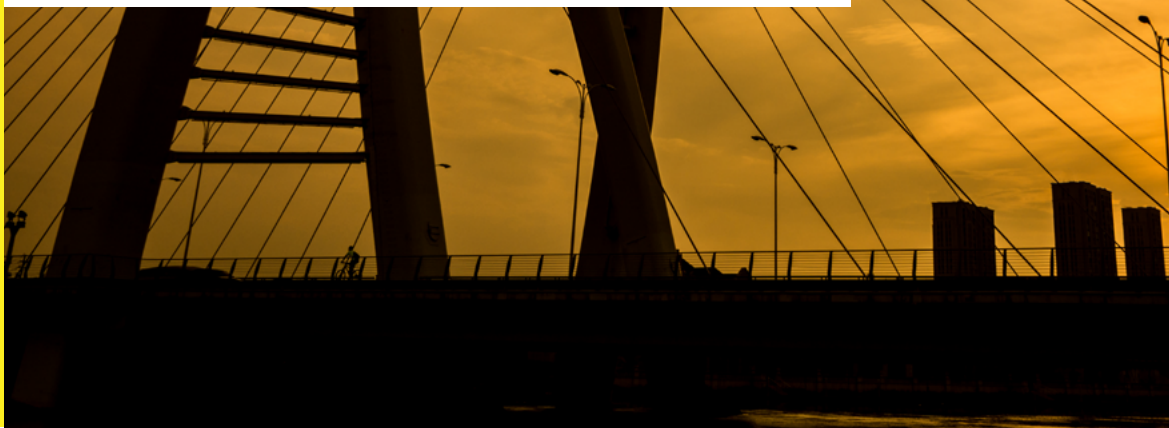
There has also been a number of positive judicial developments, particularly in the intersection between freedom of expression and other rights, such as the right to freedom of religion and privacy. New legislation was adopted in 2024 which criminalises conduct that constitutes hate speech or hate crimes. However, this legislation is not yet operational.

This report was formulated through extensive desktop research. The findings of such research were then compared to key indicators, as are outlined in the ACHPR Declaration. The Score Index, developed by Paradigm Initiative and set out below, was then used to allocate South Africa a score per key indicator. Each indicator score makes up the total score, which is reflective of the overall position of digital rights in

⁶³⁴ N Adams, 'The Impact of the GNU on Governance in South Africa' (2024)

<https://www.uwc.ac.za/news-and-announcements/news/the-impact-of-the-gnu-on-governance-in-south-africa> (accessed on 11 November 2024).

⁶³⁵ S Kemp 'Digital 2024: South Africa' (2024) <https://datareportal.com/reports/digital-2024-south-africa#:~:text=South%20Africa's%20internet%20penetration%20rate,-January%202023%20and%20January%202024> (accessed on 15 November 2024).



Introduction

South Africa.

Based on the aforementioned developments and the findings of the Score Index, the report concludes with recommendations for the government, the private sector, civil society and the media to further protect digital rights. The main takeaway is that all actors need to play a role in developing ICT infrastructure in rural areas, strengthening digital literacy, and urgently addressing OGBV.

INTRODUCTION

In 2024, there were notable events in South Africa which shed light on the state of digital rights in the country. As one of Africa's more powerful economies,⁶³⁶ with a comparatively high internet penetration rate, key decisions by government and industry may influence other African states. However, various barriers to the full realisation of digital rights for all remain. Concerns around the implementation of surveillance legislation, discussed below, as well as the persisting digital divide in terms of access to the internet and digital literacy remain. As such, South Africa has been rated a score of 41 out of 60 as per TheScore Index.⁶³⁷

636 Statista, 'Countries with the highest Gross Domestic Product (GDP) per capita in Africa in 2024' (2024) <https://www.statista.com/statistics/1121014/gdp-per-capita-of-african-countries/> (accessed on 10 December 2024).

637 See below page 10.

Internet access

South Africa has a population of 63.02 million people,⁶³⁸ 74.7% of which have access to the internet. This constitutes a 0.9% increase from 2023.⁶³⁹ The majority of users access the internet through mobile devices.⁶⁴⁰ Concerns persist regarding the affordability of data, with 1GB of data consuming over 2% of the average monthly income for many.⁶⁴¹ Internet access is almost 20% higher in urban provinces, such as Gauteng, compared to more rural provinces such as Limpopo.⁶⁴² It is evident that while a large segment of the population is online, the rural-urban divide and income equality continue to exacerbate unequal access to the internet.⁶⁴³ This leads to educational and social inequality, and stifles the development of skills needed to compete equally in workplaces and participate in online spaces more generally.⁶⁴⁴

In response, the South African government has rolled out SA Connect, a broadband connectivity project aimed at bringing internet accessibility to more South Africans.⁶⁴⁵ Phase 2 of SA Connect was launched in 2024, which aims to connect more than 42 000 government facilities, including schools and health facilities, with broadband services across 8 rural district municipalities.⁶⁴⁶

Freedom of expression

South Africa's Constitution grants everyone, including the media, the right to freedom of expression.⁶⁴⁷ However, section 16(2) limits this right by stating that freedom of expression does not extend to propaganda for war; incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm. The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("PEPUDA") gives effect to these rights through its prohibition of hate speech.⁶⁴⁸

Emergent concerns

During the 2024 election period, there was an increase in misinformation and disinformation on social media regarding the electoral process, parties and candidates, election results, and information intended to undermine the credibility of the Electoral Commission of South Africa, and its commissioners.⁶⁴⁹ Further, the elections highlighted an existing trend of online violence against women journalists and human rights defenders. A 2024 study which examined social media activity

638 StatsSA, '2024 Mid-year population estimates' (2024) <https://www.statssa.gov.za/?p=17440#:~:text=South%20Africa's%20mid%20year%20population,by%20Statistics%20South%20Africa%20today> (accessed on 28 October 2024).

639 Datareportal, 'Digital 2024: South Africa' (2024) <https://datareportal.com/reports/digital-2024-south-africa#:~:text=South%20Africa's%20internet%20penetration%20rate,January%202023%20and%20January%202024> (accessed on 28 October 2024).

640 Id.

641 M Dittlake, 'Digital divide deepens: South Africa struggles with high broadband cost' (2024) <https://www.engineerit.co.za/article/digital-divide-deepens-south-africa-struggles-high-broadband-cost> (accessed on 11 November 2024).

642 South African Government, 'Communications: Department of Communications and Digital Technologies' <https://www.gov.za/about-sa/communications-1> (accessed on 11 November 2024).

643 Regent Business School, 'Bridging the Digital Divide in South Africa: Pathways to Inclusive Educational Technology' (2024) <https://regent.ac.za/blog/bridging-the-digital-divide-in-south-africa-pathways-to-inclusive-educational-technology> (accessed on 1 November 2024).

644 Id.

645 L Masia, 'South Africa Connect' (2024) South African Government <https://www.gov.za/blog/south-africa-connect> (accessed 1 November 2024).

646 South African Government News Agency, 'Mashatile to launch second phase of wifi connectivity project in Limpopo' (2024) <https://www.sanews.gov.za/south-africa/mashatile-launch-second-phase-wi-fi-connectivity-project-limpopo> (accessed on 1 November 2024).

647 Section 16(1) Constitution of the Republic of South Africa, 1996 <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf> (accessed on 11 November 2024).

648 Section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 <https://www.justice.gov.za/legislation/acts/2000-004.pdf> (accessed on 11 November 2024).

649 Media Monitoring Africa 'Tracking Trends from Real411: Impact of Mis- and Disinformation in the 2024 National and Provincial Elections in South Africa' (2024) https://www.mediamonitoringafrica.org/wp-content/uploads/2024/06/240531-MMA-Real411-interim-elections-report-AS_edits-clean.pdf (accessed on 28 October 2024).

directed towards female journalists showed that social media users and bot accounts abuse, harass and threaten them with a clear intent to silence and suppress their crucial reporting.⁶⁵⁰

Judicial developments

There have been several judicial developments regarding freedom of expression and online privacy in South Africa. In 2024, the Constitutional Court brought finality to the matter of *Botha v Smuts* [2024] ZACC 2. In this matter, Smuts posted Botha's personal information – such as the location of his farm, contact details, and home address – on Facebook in an effort to expose animal trapping practices which were being used on his farm. The Court ordered that the information relevant to Botha's home address must be deleted from the Facebook post, but that Botha did not enjoy a reasonable expectation of privacy in respect of the information regarding his ownership and control of the farm.⁶⁵¹ The court decided that the right to privacy prevailed over freedom of expression, promoting the protection of personal data.

South African courts have also been grappling with the distinction between public and private spaces in the context of social media, and specifically on WhatsApp groups. In *South African Human Rights Commission v Lagardien* (2023/2391), the Equality Court is tasked with deciding whether speech made on a WhatsApp group amounts to hate speech in terms of PEPUDA. In assessing this, the Court will need to consider the realms of public and private communications.⁶⁵² The judgment in this case is still pending.

Legislative developments

In May of 2024, the President assented to the Preventing and Combating of Hate Crimes and Hate Speech Act ("the Hate Speech Act"),⁶⁵³ which criminalises certain conduct that constitutes hate speech or hate crimes.⁶⁵⁴ PEPUDA and the Hate Speech Act substantially prohibit the same conduct. Therefore, one could face a civil sanction in terms of PEPUDA and criminal sanction in terms of the Hate Speech Act for the same conduct. Some civil society actors regard this as unnecessary and disproportionate.⁶⁵⁵ At this stage, the Hate Speech Act has not yet commenced and is not yet operational as the necessary regulations, guidelines, and administrative structures have not yet been put in place.

Content moderation and censorship

The Films and Publication Board ("FPB") is responsible, in terms of the Films and Publications Act 65 of 1996, for classifying and licensing films, games and other publications in order to enable informed viewing choices.⁶⁵⁶ However, in 2024, the FPB attempted to overstep its legal mandate and act as a content moderator. Ahead of the elections, a group of civil society actors instituted an urgent application against the FPB for an order declaring a notice published by the FPB unconstitutional and having it set aside. This notice sought to widen the definition of prohibited content in the Films and Publications Act to include misinformation and disinformation, criminalise the distribution of misinformation and disinformation, and extend the obligations of internet service providers to report misinformation and disinformation. The Applicants argued that while there is a

650 International Center for Journalists 'The women journalists of South Africa's Daily Maverick: Sexualised, silenced and labelled Satan' (2024) https://www.icfj.org/sites/default/files/2024-05/ICFJ_BigData_SouthAfrica_DailyMaverick.pdf (accessed on 28 October 2024).

651 *Botha v Smuts and Another* [2024] ZACC 22 <https://www.saflii.org/za/cases/ZACC/2024/22.html> (accessed on 28 October 2024).

652 *Power and Associates Inc. 'South African Human Rights Commission v Lagardien'* (2024) <https://powerlaw.africa/2024/04/15/south-african-human-rights-commission-v-lagardien/> (accessed on 28 October 2024).

653 The Presidency Republic of South Africa 'President Ramaphosa Assents to Law on the Prevention and Combatting of Hate Crimes and Hate Speech' (2024) <https://www.thepresidency.gov.za/president-ramaphosa-assents-law-prevention-and-combating-hate-crimes-and-hate-speech#:~:text=President%20Cyril%20Ramaphosa%20has%20assented,persons%20who%20commit%20those%20offences> (accessed on 28 October 2024).

654 Prevention and Combatting of Hate Crime and Hate Speech Act 16 of 2023.

655 Media Monitoring Africa 'Submission by Media Monitoring Africa: Prevention and Combatting of Hate Crimes and Hate Speech Bill [B9B-2018]' (2023) <https://www.mediamonitoringafrica.org/wp-content/uploads/2023/06/230523-Media-Monitoring-Africa-Submission-Hate-Speech-Bill-B9B-2018.pdf> (accessed on 28 October 2024).

656 Films and Publications Act 65 of 1996 <https://www.gov.za/documents/films-and-publications-act#:~:text=The%20Films%20and%20Publications%20Act,to%20repeal%20certain%20laws%3B%20and> (accessed on 11 November 2024).

need to lawfully curb misinformation and disinformation, doing so incorrectly would stifle public and political discourse, and have a chilling effect on the free flow of information and ideas. The FPB withdrew the notice following the initiation of the application.⁶⁵⁷ While this matter ultimately did not proceed to a Court hearing, it may be viewed as a positive outcome for the nuance that is necessary to effectively regulate misinformation and disinformation.

Data protection and privacy

The Protection of Personal Information Act 4 of 2013 (POPIA)⁶⁵⁸ is South Africa's primary data protection law. It promotes the protection of personal information that is processed by both public and private bodies.⁶⁵⁹ It aims to protect individuals' rights to privacy by establishing minimum requirements for the processing of personal information, and by providing certain rights to persons whose personal information is being processed.

The Information Regulator is the body responsible for monitoring and enforcing POPIA.⁶⁶⁰ While the Information Regulator is on a positive development trajectory in terms of encouraging compliance, its financial and human resource capacity is limited.⁶⁶¹ The Information Regulator does not have the capacity to effectively monitor POPIA compliance across the country. Accordingly, POPIA is not comprehensively enforced, resulting in many public and private bodies not being POPIA compliant.

Judicial developments

In October 2024, the Constitutional Court issued directions in the matter brought by Corruption Watch, a non-profit company that works to advance principles of transparency and accountability. Corruption Watch filed its application in November 2023 for an order declaring that Parliament failed to fulfill its constitutional obligation to facilitate reasonable public involvement in its recommendation process to appoint members of the Commission for Gender Equality. One of the drivers of this application is that the public could not give meaningful feedback on the candidates as Parliament did not publish their curricula vitae. In response, Parliament argued that they could not do so as they had to protect the candidate's personal information and privacy in terms of POPIA. The Court, in this pending case, is tasked with clarifying the balance to be struck between protecting personal information and providing enough information to the public in order to enable them to participate meaningfully.⁶⁶²

Online gender-based violence

One of the forms of online gender-based violence (OGBV) is the non-consensual distribution of intimate images (NCDII). While this form of OGBV is criminalised in South Africa by the Cybercrimes Act 19 of 2020, it was not until 2024 that a survivor of NCDII was able to obtain civil damages for the harm that she suffered. In *KS v AM and Another* [2024] ZAGPJHC 1187, the Johannesburg High Court ordered the Respondents to pay the Plaintiff, KS, R3.5 million in damages for the harm that she suffered as a result of NCDII, which they perpetuated through Facebook.⁶⁶³ This judgment is the first of its kind in South Africa, and is a notable victory for victims and survivors of NCDII in South Africa. Hopefully, this judgment will pave the way for increased accountability for this form

⁶⁵⁷ Power and Associates Inc. 'Media Monitoring Africa and Others v Film and Publication Board and Others' (2024) <https://powerlaw.africa/2024/04/12/media-monitoring-africa-and-others-v-film-and-publication-board-and-others/> (accessed on 28 October 2024).

⁶⁵⁸ Protection of Personal Information Act 4 of 2013 https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of-2013popi.pdf (accessed on 1 November 2024).

⁶⁵⁹ Id at preamble.

⁶⁶⁰ See the 'About page' of the Information Regulator of South Africa's site here <https://infoeregulator.org.za/> (accessed on 1 November 2024).

⁶⁶¹ The Information Regulator of South Africa, 'Annual Report 2023/24' (2024) https://infoeregulator.org.za/wp-content/uploads/2020/07/Information-Regulator-Annual-Report-2023_25_Approved-by-Members_Final90.pdf (accessed on 4 November 2024).

⁶⁶² Power and Associates Inc., 'Corruption Watch (RF) NPC v Speaker of the National Assembly and Others' (2024) <https://powerlaw.africa/2024/10/09/corruption-watch-rf-npc-v-speaker-of-the-national-assembly-and-others/> (accessed on 1 November 2024).

⁶⁶³ *KS v AM and Another* [2024] ZAGPJHC 1187 <https://www.saflii.org/za/cases/ZAGPJHC/2024/1187.html> (accessed on 10 December 2024).

Surveillance

The General Intelligence Laws Amendment Bill (GILAB) was passed by the National Council of Provinces in early 2024 and is awaiting the President's signature.⁶⁶⁴ GILAB seeks to amend several of South Africa's existing intelligence laws to modernise and strengthen the country's intelligence framework, ensuring that it is effective in handling contemporary security challenges. Despite substantial amendments following the public consultation process, commentators remain concerned about numerous aspects of the Bill. For example, there are concerns that it may be used to threaten journalistic independence and source confidentiality; it does not provide adequate detail on how mass interception will be conducted; and fails to address mismanagement of secret expenditures.⁶⁶⁵

Access to information

South Africa has a robust access to information legal framework. The right to access information is enshrined in section 32 of the Constitution, and is given effect by the Promotion of Access to Information Act 2 of 2000 ("PAIA"). PAIA provides mechanisms for people to request access to information from state and private bodies.⁶⁶⁶ The Information Regulator of South Africa is empowered to monitor and enforce compliance by public and private bodies with PAIA,⁶⁶⁷ and in terms of the PAIA Regulations,⁶⁶⁸ is mandated to investigate complaints made.⁶⁶⁹

Concerns

As mentioned in this report, the Information Regulator currently has limited capacity,⁶⁷⁰ resulting in a workload that is time-constraining.⁶⁷¹ Consequently, complaint processes have been protracted and there is uncertainty regarding the measures taken in response to non-compliance with PAIA. PAIA sets out certain grounds of refusal which public bodies may rely on to refuse information requests.⁶⁷² There appears to be a concerning trend of public bodies incorrectly relying on grounds of refusal, thus undermining the principle that disclosure of information should be the rule, and refusal should be the exception.⁶⁷³ This frustrates the objectives of PAIA.⁶⁷⁴ Further, it demonstrates that there may be poor recordkeeping by public bodies and a lack of accountability.⁶⁷⁵

AI and emerging technologies

South Africa's Department of Communications and Digital Technologies ("DCDT") published

664 General Intelligence Laws Amendment Bill, 2023 <https://pmg.org.za/bill/1197/> (accessed on 4 November 2024).

665 H Swart and A Harber, 'Despite important gains the new General Intelligence Laws Amendment Bill fails to safeguard against a second state capture' (2024) <https://intelwatch.org.za/2024/04/08/despite-important-gains-the-new-general-intelligence-laws-amendment-bill-fails-to-safeguard-against-a-second-state-capture/> (accessed on 4 November 2024).

666 See sections 18 and 53 of PAIA respectively.

667 Information Regulator of South Africa 'About the Regulator' <https://infoeregulator.org.za/> (accessed on 28 October 2024).

668 Promotion of Access to Information Act, 2000: Regulations Relating to the Promotion of Access to Information, 2021 (2021) <https://www.justice.gov.za/legislation/notices/2021/20210827-gg45057gon757-PAIAREgulations.pdf> (accessed on 28 October 2024).

669 Id at chapter 4.

670 Information Regulator of South Africa '2023/2024 Annual Report' (2024) at page 91 https://static.pmg.org.za/Information_Regulator_Annual_Report_2023_24_Approved_by_Members_Final_.pdf (accessed on 28 October 2024).

671 Id at page 103.

672 See sections 33 and 62 of PAIA respectively.

673 Timothy Lloyd, 'The Just Energy Transition (JET) in South Africa: Approaches to accessing information and knowledge for transition-affected communities' (2024) https://climateresilience.africa/wp-content/uploads/2024/06/JET_in-south_africa_v8.pdf (accessed on 1 November 2024) at page 72.

674 Id.

675 Id.

a National Artificial Intelligence Policy Framework in August 2024 (“the Framework”).⁶⁷⁶ The Framework constitutes the first step in developing a national AI policy, and aims to “promote the integration of AI technologies to drive economic growth, enhance societal well-being, and position South Africa as a leader in AI innovation”.⁶⁷⁷ The Framework seeks to ensure that AI systems are developed and implemented with considerations for fairness, accountability, transparency, and inclusivity. It outlines key pillars to enable AI to thrive and contribute meaningfully to sectors such as healthcare, education, and public administration. Such pillars include robust data governance frameworks, infrastructure enhancement, and investments in research and innovation.⁶⁷⁸ The DCDT accepted public comments on the Framework until the end of November 2024.

AI and the media

The Competition Commission is expected to soon complete its Media and Digital Platforms Market Inquiry (“MDPMI”), which was initiated in late 2023.⁶⁷⁹ The MDPI looks into how AI impacts the distribution of media content and the operations of news media outlets in South Africa. Organisations representing independent and community media argued that transparency of algorithms and the sharing of data related to news content and related advertising on platforms should be promoted. They also argued for the promotion of informed negotiations with corporate social media and search interlocutors in order to ensure media sustainability.⁶⁸⁰

Once the provisional report is released, stakeholders will be given an opportunity to provide feedback. Following the finalisation of the report, the Competition Commission may refer their findings to the Competition Tribunal for enforcement.

Digital inclusion

The digital divide between urban and rural areas in South Africa has persisted in 2024. The Independent Communications Authority of South Africa has reported that a mere 1% of people in rural areas have access to the internet in their homes, compared to 17% of people in urban areas.⁶⁸¹ Rural areas have remained underdeveloped in terms of broadband availability, mobile coverage, and internet speed when compared to urban areas in the country.⁶⁸² The digital divide manifests in multiple ways. One example of where it is particularly evident is the use of and access to technology in the education system. Schools in affluent areas are able to make use of state-of-the-art technology, while others struggle to have access to any technology at all. The disparity extends to internet connectivity, digital literacy, and the quality of digital content.⁶⁸³ The government has recently implemented initiatives to try to combat this inequality.

676 Department of Communications and Digital Technologies, ‘South Africa National Artificial Intelligence Policy Framework’ (2024) <https://www.dcdt.gov.za/sa-national-ai-policy-framework/file/338-sa-national-ai-policy-framework.html> (accessed on 1 November 2024).

677 Id at page 1.

678 Id at page 12.

679 Competition Commission, ‘Media and Digital Platforms Market Inquiry’ (2024) <https://www.compcom.co.za/media-and-digital-platforms-market-inquiry/> (accessed on 1 November 2024). At the time of writing this report, the Competition Commission is set to release its provisional report with initial findings, remedies and recommendations in November 2024 (see <https://presscouncil.org.za/2024/10/11/media-and-digital-platforms-market-inquiry-report-to-be-released-in-november/>).

680 Joint Presentation for Oral Hearings by the South African National Editors’ Forum (SANEF), The Press Council of South Africa (Press Council), The Association of Independent Publishers (AIP) and the Forum of Community Journalists (FCJ) (2024) <https://www.compcom.co.za/wp-content/uploads/2024/03/240301-SANEF-and-3-Others-Oral-Presentation-to-the-MDPMI-FINAL-1.pdf> (accessed on 1 November 2024) at page 29.

681 Independent Communications Authority of South Africa, ‘A Step Closer to Achieving a Connected South Africa Where No One is Left Behind’ (2023) <https://www.icasa.org.za/news/2023/a-step-closer-to-achieving-a-connected-south-africa-where-no-one-is-left-behind#:~:text=For%20example%2C%20access%20to%20the,at%20an%20appalling%20low%20%25> (accessed on 8 January 2025).

682 United States International Trade Administration, ‘Digital Economy Overview’ (2024) <https://www.trade.gov/country-commercial-guides/south-africa-digital-economy> (accessed on 10 December 2024).

683 B Govender, ‘Bridging the Digital Divide in South Africa: Pathways to Inclusive Educational Technology’ (2024) <https://regent.ac.za/blog/bridging-digital-divide-south-africa> (accessed on 1 November 2024).

Government initiatives

The Department of Public Services and Administration published the Draft Digital Government Policy Framework (“the Draft Framework”) in 2024.⁶⁸⁴ The Draft Framework is aimed at providing a comprehensive approach to leveraging digital technologies for the provision of public services and improving the efficiency and effectiveness of government operations.⁶⁸⁵ One of the 6 pillars within the Draft Framework is to enhance access to digital services for citizens through developing and implementing digital services that are accessible to all, regardless of location or socio-economic status.⁶⁸⁶

In September 2024, the DCDT launched the Broadband and Digital Skills for Municipalities program, which seeks to empower municipal managers and councillors with the skills to be able to deploy broadband infrastructure inclusively. This is a broad program, including areas such as smart city development, policy and regulatory frameworks, rapid deployment strategies, and broadband infrastructure financing.⁶⁸⁷

The Universal Service and Access Fund

The Universal Service and Access Fund, which is administered by the Universal Service and Access Agency of South Africa, was established under the Electronic Communications Act⁶⁸⁸ in order to fund projects and programmes that aim to achieve universal service and access to information and communication technology.⁶⁸⁹ In 2023 it was announced that the Agency was to be disestablished by the end of 2024 due to a duplication of roles.⁶⁹⁰

However, in apparent contradiction of this disestablishment process, in 2024 three new board members – Ms Makobe, Mr Sadiki and Mr Mnisi – were appointed in order to strengthen the Agency’s capacity.⁶⁹¹ The Minister of Communications and Digital Technologies noted, in a parliamentary question and answer session in October 2024, that the delay in the disestablishment is due to the process being dependent on legislative amendments to the Electronic Communications Act.⁶⁹² Further, the Minister noted that the balance of the fund stood just below R3 billion.⁶⁹³ The USAASA published their 2023/2024 Annual Report, which noted that the disestablishment was imminent.⁶⁹⁴ At the time of writing this report, the 2024/2025 Annual Report has not yet been published.

684 Department of Public Services and Administration, ‘Draft Digital Government Policy Framework’ (2024) <https://www.dpsa.gov.za/dpsa2g/documents/egov/2024/DRAFT%20DIGITAL%20GOVERNMENT%20POLICY%20FRAMEWORK.pdf> (accessed on 1 November 2024).

685 Id.

686 Parliamentary Monitoring Group, ‘Presentation outline of Digital Government Policy Framework’ (2024) https://pmg.org.za/files/240313_Digital_Government_Policy_Framework.pptx (accessed on 1 November 2024).

687 Department of Communications and Digital Technologies, ‘Minister Solly Malatsi to launch the Broadband and Digital Skills for Municipalities in Polokwane, Limpopo Province on 3 September 2024’ (2024) <https://www.dcdt.gov.za/media-statements-releases/515-minister-solly-malatsi-to-launch-the-broadband-and-digital-skills-for-municipalities-in-polokwane-limpopo-province-on-3-september-2024.html?highlight=WzlwMjAsJlWmJlAncyJd&form=MG0AV3> (accessed on 1 November 2024).

688 Electronic Communications Act 36 of 2005 <https://www.gov.za/documents/electronic-communications-act> (accessed on 11 November 2024).

689 Universal Service and Access Agency of South Africa, ‘About USAF’ <http://www.usaasa.org.za/usaif/index.html> (accessed on 1 November 2024).

690 S Mzekandaba ‘USAASA to be ‘disestablished’ ITWeb (2023) <https://www.itweb.co.za/content/raYAyMorbVg7J38N> (accessed on 1 November 2024).

691 South African Government, ‘Minister Solly Malatsi announces appointment of additional board members for Universal Service and Access Agency of South Africa’ (2024) <https://www.gov.za/news/media-statements/minister-solly-malatsi-announces-appointment-additional-board-members#:~:text=Speech%20Date,-Minister%20Solly%20Malatsi%20announces%20appointment%20of%20additional%20board%20members%20for,Access%20Agency%20of%20South%20Africa&text=Minister%20of%20Communications%20and%20Digital,Mr%20M%20Mnisi> (accessed on 1 November 2024).

692 Parliamentary Monitoring Group, ‘Question NW1068 to the Minister of Communications and Digital Technologies’ (2024) <https://pmg.org.za/committee-question/26489/> (accessed on 25 February 2025).

693 Id.

694 USAASA, ‘Annual report: 2023/2024’ (2024) https://static.pmg.org.za/Minister_of_DCDT_USAF_Annual_Report_Report_2023-2024_V10_FINAL.pdf (accessed on 25 February 2025) at page 67.

Digital ID system

In 2022, the National Identification and Registration Bill was published, which seeks to introduce a single and integrated biometric national identification system.⁶⁹⁵ Despite the public participation process by the National Assembly having concluded in 2023, the Bill has still not been passed into law. However, in a presentation to ID4Africa in 2024, the Department of Home Affairs stated that the Bill had been revised and that it would be submitted to Cabinet for approval during the 2024/25 financial year.⁶⁹⁶ While some are in favour of the Bill, as it will contain a non-binary gender marker,⁶⁹⁷ others have expressed concerns about the Bill's exclusion of non-national births.⁶⁹⁸ Further, the introduction of a biometric identification system may lead to the exclusion of certain marginalised groups. Individuals with disabilities or others who are unable to register their biometric information may be excluded from accessing services dependent on biometric identification, such as healthcare or social benefits. The Bill does address these potential exclusions, which may lead to equality and accessibility concerns. Across the Department of Home Affairs, the Minister has committed to driving digital transformation of the department in order to mitigate ID fraud, as well as address systemic corruption.⁶⁹⁹

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695 South African Government, 'National Identification and Registration Bill, 2022' (2023) https://www.gov.za/sites/default/files/gcis_document/202304/48435gon3311.pdf (accessed on 1 November 2024).

Department of Home Affairs, 'Presentation to ID4Africa' (2024) <https://id4africa.com/2024/ps2/PS2-1-South-Africa-Final.pdf> (accessed on 1 November 2024).

696 Department of Home Affairs, 'Presentation to ID4Africa' (2024) <https://id4africa.com/2024/ps2/PS2-1-South-Africa-Final.pdf> (accessed on 1 November 2024).

697 UDM, 'UDM Supports Zade De Kock's Petition Calling on President Cyril Ramaphosa to Pass the National Identification and Registration Bill' (2023) <https://udm.org.za/udm-supports-zade-de-kocks-petition-calling-on-president-cyril-ramaphosa-to-pass-the-national-identification-and-registration-bill/> (accessed on 1 November 2024).

698 Lawyers for Human Rights, 'Submissions the National Identification and Registration Bill (2022)' (2023) <https://centreforchildlaw.co.za/wordpress21/wp-content/uploads/2023/07/Submission-on-the-National-Identification-and-Registration-Bill-30-June-2023-LHR-CCL.pdf> (accessed on 1 November 2024).

699 A Opiah, 'Home affairs plans digitization, cracks down on identity fraud in South Africa' (2024) <https://www.biometricupdate.com/202408/home-affairs-plans-digitization-cracks-down-on-identity-fraud-in-south-africa> (accessed on 1 November 2024).

CONCLUSION AND RECOMMENDATIONS

There have been key judicial and legislative developments concerning various aspects of digital rights in 2024. However, concerns around OGBV, access to the internet, digital literacy, the capacity of the Information Regulator, the state of surveillance regulation, and policies regarding the use of AI remain. It is clear that there is a need for continued collaboration between government, the private sector, civil society and the media in order to holistically address the digital divide and promote digital inclusion. The following recommendations are therefore proposed.

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Recommendations

Government

- Improve access to the internet and digital literacy. Government should consider collaborating with existing civil society led programmes in this respect.
- Urgently address all forms of OGBV, including through awareness-raising campaigns about this type of harm and existing legal mechanisms to respond to it.
- Further, the government should develop strategies to prevent the silencing of women journalists and human rights defenders through online harassment.
- Develop clear and accessible training programmes for the judiciary and other legal professionals on digital rights litigation. Such training programmes should be cognisant of the nuances of digital rights and the spaces on which infringements may take place, such as social media platforms.
- Refrain from arbitrarily criminalising speech. The regulation of misinformation and disinformation must be carefully considered in order to prevent stifling public and political discourse.
- Surveillance legislation, such as the Regulation of Interception of Communications and Provision of Communication Related Information Amendment Bill and the General Intelligence Laws Amendment Bill, must be implemented after extensive consultations to ensure provisions are rights-respecting. The Information Regulator's financial and personnel capacity should be expanded in order to enable them to properly fulfil their role.
- Be cautious not to blindly rely on grounds of refusal when considering information requests. The purpose of PAIA, which is to enable the right to access to information, must be upheld.
- The continuation or disestablishment of the Universal Service and Access Agency must be confirmed in order to provide clarity. If the disestablishment process is halted, clearer public reporting on the Agency's priorities becomes important.

The Private Sector

- Consider investing in infrastructure to enable government initiatives in addressing the digital divide, including offering affordable data plans to address access to the internet disparities.
- Protect peoples' data rights by complying with POPIA, PAIA, and by investing in cybersecurity prevention measures.

Civil society and the media

- Continue to collaborate with the government to promote digital literacy and access to the internet for all, and continue to participate robustly in legislative and other government processes.
- The media must investigate government conduct and hold them accountable to their obligations regarding digital rights.

The Score Index

Londa 2024 Key Indicators	ACHPR Declaration	Score	Justification
Internet shutdowns	P38(2)	5	There are no records of internet shutdowns in South Africa in the past year.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	While there are laws or policies in place to ensure access to the internet, inequality in this regard remains. Government is engaged in remedying this.
3. False news criminalisation	P22(2)	4	There are some concerns about the FPB attempting to criminalise mis- and disinformation in an overly broad manner that would unduly chill freedom of expression.
4. Sedition legislation	P22(2)	5	There are no laws that criminalise sedition in South Africa, and the government is not acting against instances of sedition.
5. Arbitrary arrests and harassments of the media, HRDs and citizens	P20(1) & (2)	3	There are concerns over an increased trend in the online harassment of the media and HRDs, particularly for women.
6. Data protection legislation.	P42	4	There is strong data protection legislation in place. However, there are concerns about the enforcement thereof.
7. States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	5	No records of the state unjustifiably interfering with internet intermediaries in this respect.
8. Invasion of privacy of communications	P41	3	Currently, South Africa has not yet signed the recent Bills concerning surveillance into law. Concerns on their scope and functionality also persist.

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9. Failure by the government to proactively disclose and disseminate information digital technologies	P29(3)	3	While the government is implementing some programmes to address the digital divide, the use of digital technologies remains concentrated in urban areas.
10. AI and emerging technologies national strategies	P39(6)	2	Policy development in this regard is still nascent.
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	While South Africa does not have laws which exclusively deal with children's digital rights, the existing laws contain provisions which arguably extend to children's safety and privacy online.
12. Digital inclusion	P37(3)	3	While the government is in the process of addressing this, issues of digital exclusion due to digital literacy and a lack of a digital ID system persist.
TOTAL (up to 60)		43	

Tanzania

Executive Summary

This report identifies the state of digital rights and inclusion in Tanzania. Throughout the years, Tanzania has made numerous efforts to bridge the digital gap. Furthermore, the nation has adopted Information Communication Technology (ICT) policies and supportive legal frameworks to build a robust digital ecosystem. Despite the efforts made through the various pieces of legislation, including the Constitution of the United Republic of Tanzania, there are still areas of grave concern that impact disproportionately on different demographics of the country.⁷⁰⁰ The report employed a combination of qualitative research methods including literature review, policy and legal analysis, and monitoring and observations of digital rights trends through the year via different outlets. The report also gained insights from The Score Index, developed by Paradigm Initiative, to assess compliance with the ACHPR Declaration, evaluating the state of digital rights under the score index. Tanzania seems to be moderately compliant as there are areas of improvement such as revision of specific laws as well as development of laws where there is lack. The penalties that have been placed on information holders who go against the Access to Information Act for releasing information are extreme.

Access to information has been tampered with by government actions such as the reduction of internet speed and also blocking specific websites and applications such as X-formerly, Twitter earlier this year.⁷⁰¹ Following Tanzania's Virtual Private Network (VPN) policy introduced last year has left vulnerable communities exposed, where previously, VPN gave these communities free space online to express their identities under anonymous names. They are now under obligation to get permission to use VPN. The extra layer of security that was being offered by VPN has been ripped off from those most in need. This report aims to shed light on what currently exists, identify the gaps, and make recommendations to help Tanzania's digital space thrive. This report gained insights from desktop research on existing laws,

700

CIPESA, State of Internet Freedom in Africa 2024 Africa's Electoral democracy and

technology: pitfalls and promises (accessed on September 2024) https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_Report_2024.pdf

701

Minority Africa 'My privacy matters': Tanzania's new VPN policy leaves

LGBTQ+ individuals exposed' (2024)

<https://minorityafrica.org/my-privacy-matters-tanzanias-new-vpn-policy-leaves-lgbtq-individuals-exposed/> (accessed on November 2024)

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Introduction

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policies, policy briefs, news, other reports and commentaries from different stakeholders.

INTRODUCTION:

Tanzania is an East African country that came about as a union between Tanganyika Mainland and the Islands of Zanzibar in 1964. According to the 2022 census, the population of Tanzania stood at 61 million with a majority of the people residing in rural areas.⁷⁰² The Tanzania Communications Regulatory Authority (TCRA) reported that in the quarter ending September 2024, the number of internet users in Tanzania grew from 39.3 million in June 2024 to 41.4 million showing a significant growth in a short period of time.⁷⁰³

Against this backdrop of growth in internet usage across the country, the regulatory space has also been trying to keep up with evolving technologies, in some cases leading to multiple taxation in digitalisation, lack of promotion of cyber security and lack of proper use of data by both private and public entities. It is worth noting that strides have also been made by the government to deliberately position the country as a digital thinking nation or hub in the eastern part of Africa. Notably among these was the launch of the Tanzania Digital Economy Strategy 2024-2034 that will spearhead the government's effort to harness the digital economy opportunities in the next decade.⁷⁰⁴ This new strategy has six key pillars ranging from enabling digital infrastructure which is critical for any development in the digital space, governance and enabling environment, digital literacy and skills, digital innovation culture, digital inclusion and digital financial services. It outlines how Tanzania harnesses the power of digital technologies to boost economic growth, create jobs, and improve the livelihoods of its citizens and residents.

Tanzania has taken great strides in setting up a data protection authority and its inauguration by the president on April 3, 2024. The country has also enacted laws on cyber security and cybercrime, as well as laws to govern electronic transactions, thus covering three thematic areas of the Malabo Convention⁷⁰⁵.

The Personal Data Protection Act (2022) has been challenged on the grounds that it does not specify the timeline for registration, rejection and issuance of any notification to applicants who have applied for registration as data controllers and data processors.

702 National Sensus 2022. <https://sensa.nbs.go.tz/> (accessed on 10 November, 2024)

703 TCRA, Communications Statistics quarter ending 30th September, 2024. https://www.tcra.go.tz/uploads/text-editor/files/Communication%20Statistics%20Report%20for%20the%20Quarter%20Ending%20September%202024_1729286237.pdf (accessed on 10 November 2024)

704 Ministry of Information, communication and information technology 'Tanzania Digital Economy Strategy 2024-2034' (2024) https://www.ictc.go.tz/public/documents/tanzania_digital_economy_strategy.pdf (accessed on 10 November 2024)

705 Dentons' Legal challenges and Constitutional Issues on the personal and data protection Acti 2022: analysis of the Tito Magoti Vs The attorney General' (June, 2024) <https://www.dentons.com/en/insights/articles/2024/june/27/legal-challenges-and-constitutional-issues-on-the-personal-data-protection-act> (accessed on 8 November, 2024)

Internet Access

While internet usage has grown widely in Tanzania to reach a total of 40 million users as of September 2024 according to TCRA, throttling and limiting of internet access still happens when regulatory bodies deem fit. According to Netblocks, Tanzania authorities restricted X (formerly Twitter) on August 30, 2024 for major mobile broadband users (Airtel, Vodacom and Tigo).⁷⁰⁶ It is noted that this ban was incited by ongoing political conflict between security forces and the main opposition political party-Democratic and Development Party commonly known as CHADEMA. They believed that CHADEMA was utilising social platforms such as X to mobilise young people to attack all police stations in Dar es Salaam. This was due to the abductions of CHADEMA youth leaders Deusdedit Soka, who disappeared on 18th August 2024, and two youth representatives from CHADEMA. The Barrons reported that “On August 30, 2024 at 11:35 East African Time, the police force released a public statement warning CHADEMA to stop organising protests and attacks on police stations in Dar es salaam. X was blocked from 11:50 AM on 30th August, 2024 and restored on 31st August, 2024 early in the morning. Telegram was blocked as of the end of August 2024 and was inaccessible without circumvention software.”⁷⁰⁷ This growing trend of government-imposed internet disruptions and banning of key platforms impacts transparency, credibility, and public trust. This kind of action has become a tool for stifling political dissent and controlling the flow of information, especially during politically sensitive periods such as elections and protests⁷⁰⁸.

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Data Protection and Privacy

On September 25th 2024, Tigo Tanzania, a telecommunications firm, was accused by a former employee of assisting the government in tracking the location of an opponent who was later targeted in a failed assassination attempt. The company denied allegations in a lawsuit filed by the former employee.⁷⁰⁹ This brought to light the fact that the Government did have access to information, including the location of key political figures. In this instance, Milicome, the parent company of Tigo, did not deny the issues but claimed that they had been addressed internally.⁷¹⁰ The question of protecting the personal information of users when the government is the one seeking information has always been one that is defended by the government on the basis of “national security”, among other coined terminologies, leaving no room for trust. The Access to Information Act was amended slightly to allow exemption in access to certain information in cases where another law governs the handling of information, and also the procedure to appeal against information holders’ decisions which automatically brings about conflict of interest.⁷¹¹

In May 2024, the High Court of Tanzania ruled in favor of human rights advocate, Tito Magoti, in a case challenging the Personal Data Protection Act (2022). In the landmark case, Magoti, the petitioner, petitioned the court to examine the constitutionality of the PDPA for the first time. He had arguments that identified parts that were unconstitutional claiming that overall these provisions were, in some respects, broad, ambiguous, and egregious in how they disaffected various rights. These parts include the presence of ambiguous definitions of key terminologies, the President’s broad powers to appoint the Director General of the PDPC without interviews, transparency, competition, or security of tenure violated the rights to equality, non-discrimination, and privacy.⁷¹² The court’s decision in *Tito Magoti vs. The Attorney General* largely validated the PDPA despite the

706 Techpoint ,Tanzania reportedly blocks access to X amid political tension,30th August,2024 <https://techpoint.africa/2024/08/30/tanzania-reportedly-blocks-x/> (accessed 11 January,2024)

707 The barrons,Tanzania Police Ban Opposition Protest,13,September 2024 <https://www.barrons.com/news/tanzania-police-ban-opposition-protest-11883ef6> (accessed 11 January,2025)

708 CIPESA,State of Internet Freedom in Africa 2024 Africa’s Electoral democracy and technology:pitfalls and promises(September 2024)https://cipesa.org/wp-content/files/reports/State_of_Internet_Freedom_in_Africa_Report_2024.pdf (accessed 10 November 2024)

709 Reuters ‘ Tanzania Opposition asks Telecom Firm To respond to data sharing accusation’(September 2024)<https://www.reuters.com/world/africa/tanzania-opposition-asks-telecoms-firm-respond-data-sharing-accusation-2024-09-25/> (accessed 8 November 2024)

710 The Guardian ‘ Firm disclosed Phone data of shot Tanzanian politician, UK tribunal hears’(September,2024)<https://www.theguardian.com/world/2024/sep/24/firm-disclosed-phone-data-of-shot-tanzanian-politician-tundu-lissu-uk-tribunal> (accessed february 8,2025)
(September 2024)<https://www.reuters.com/world/africa/tanzania-opposition-asks-telecoms-firm-respond-data-sharing-accusation-2024-09-25/> (accessed 8 February,2025)

711 Twaweza ‘Draft Analysis of the Access to Information Bill (2016)’(January 2017) <https://twaweza.org/wp-content/uploads/2021/05/Twaweza-ATI-Act-Analysis-BT130217.pdf> (accessed by 8 November,2024)

712 CIPIT ‘Challenging the Constitutionality of the Personal Data Protection Act:Tito Magoti Vs.Attorney general’(August,2024) <https://cipit.org/challenging-the-constitutionality-of-the-personal-data-protection-act-tito-magoti-v-attorney-general/> (accessed on 8 November 2024)

petitioner's extensive concerns, showing once again the lack of complete anatomy of the three arms of the government. The Court dismissed most of the claims as speculative and unsupported by concrete evidence, underscoring the need for actual proof of constitutional violations. However, the Court found Sections 22(3) and 23(3)(c) and (e) unconstitutional due to their vague and ambiguous language. Section 22 (3) was found unconstitutional due to its ambiguous definition of the term "unlawful means," which was not clearly described hence could violate privacy rights.

Tanzanian Journalist Erik Kabendera sued Tanzania Telecom Vodacom where he stated that the company aided the government to arrest him for economic sabotage charges in 2019. He described the incident as an abduction and wanted the court to order Vodacom to pay him USD 10 million as compensation for their role. However, the court dismissed his case on September 10, 2024 following an objection raised by Vodacom that the case was filed beyond the statutory limitation period.⁷¹³ Opposition leader Tundu Lissu also made claims that Tigo had aided his attack in 2017 by sharing his mobile data with the Tanzanian Government.⁷¹⁴ These incidents show that there is a worrying trend of the government gaining access to the personal information of critical voices with the aid of Telecommunications companies. These claims of Lissu were heard at a London court in 2024 and since then Tigo has changed its name to Yas Tanzania.

Freedom of Expression

Tanzania has had regular multiparty elections since the 1990s though the opposition has remained weak and under a lot of strain. The opposition, media and civil society have increased under the leadership of Samia Suluhu Hassan's presidency⁷¹⁵. President Samia has lifted the Magufuli ban on political parties but on the other hand authorities have forcibly dispersed and prevented numerous opposition rallies and anti government protests throughout 2023 and 2024. The demonstrators were subjected to arbitrary arrests. On October 17, 2024, the United Nations Human Rights Council called on Tanzania to end the increasing violations of human rights against opposition parties, civil society organisations, journalists, indigenous peoples, and human rights defenders.⁷¹⁶ As the local elections in November approached, opposition parties faced deprivation of liberty, disappearances, torture, unlawful killings and restrictions on freedom of expression.⁷¹⁷ The government of Tanzania has reportedly utilised the Non- Governmental Organisations Act to deregister and restrict activities of civil society organisations.⁷¹⁸

In August 2024, the government ordered the delisting of several villages within Ngorongoro Conservation Area from voter registers which many claim is due to their opposition to the evictions from their ancestral lands and livelihoods. The government has continued evicting indigenous members of the Maasai community living in Ngorongoro throughout the year. Various reports show human rights abuse inflicted on the pastoralist communities. The government also went on to further approve DP World, a global logistics company, partial control of Dar es salaam port despite widespread opposition of the deal from opposition and the citizens.⁷¹⁹

These two instances show that the Government is not in support of the citizens exercising their right to freedom of expression, and when citizens aired their concerns, they were further oppressed through acts such as deregistration from local elections.

⁷¹³ The Citizen. (2025, March 11). High court dismisses Kabendera 10 million lawsuit against Vodacom Tanzania. The Citizen. <https://www.thecitizen.co.tz/tanzania/news/court-news/high-court-dismisses-kabendera-10-million-lawsuit-against-vodacom-tanzania--4756646>

⁷¹⁴ The Citizen. (2025, March 12). Another telco linked to allegations of tracking prominent Tanzanians. The Citizen. <https://www.thecitizen.co.tz/tanzania/news/national/another-telco-linked-to-allegations-of-tracking-prominent-tanzanians-4774318>

⁷¹⁵ Zaina Foundation 'Internet Shutdown Report in Tanzania, August 2024' <https://zainafoundationtz.org/internet-shutdown-report-in-tanzania-august-2024/> (accessed 10 November, 2024)

⁷¹⁶ OHCHR 'Tanzania: Experts Call for Urgent action amid crackdown on civil society ahead of elections' (October 2024) <https://www.ohchr.org/en/press-releases/2024/10/tanzania-experts-call-urgent-action-amid-crackdown-civil-society-ahead> (accessed 6 November 2024)

⁷¹⁷ OHCHR 'Tanzania: Experts Call for Urgent action amid crackdown on civil society ahead of elections' (October 2024) <https://www.ohchr.org/en/press-releases/2024/10/tanzania-experts-call-urgent-action-amid-crackdown-civil-society-ahead> (accessed 6 November 2024)

⁷¹⁸ OHCHR 'Tanzania: Experts call for urgent action amid crackdown on civil society ahead of elections' October, 2024 <https://www.ohchr.org/en/press-releases/2024/10/tanzania-experts-call-urgent-action-amid-crackdown-civil-society-ahead> (February, 2025)

⁷¹⁹ Human Rights Watch 'Tanzania's Eviction of Maasai pastoralist continues' (February 2023) <https://www.hrw.org/news/2023/02/02/tanzanias-eviction-maasai-pastoralists-continues> (accessed 5 November, 2024)

Access to Information

Access to information in Tanzania is limited by a number of factors such as the imposing prison term for officials for improperly releasing information but not for improperly withholding it hence allowing information that should be made public to be withheld from the public. The government does not accurately or proactively report official data.⁷²⁰ The Statistics Act was amended in 2019 to remove criminal liability for publishing information that conflicts with the national bureau of statistics but the government has continued to resist transparency efforts and punished journalists and civil society groups seeking transparency.⁷²¹ The Newspapers Act of 1976, the National Security Act of 1970, the Public Service Act of 2002, and the Public Leadership Code of Ethics Act of 1995 are some of the laws that impede access to information by not publicising certain key information to the public. The government has resisted transparency efforts and denied journalists and civil society groups information on key issues as they arise such as questioning disappearances, abductions and killings of activists and opposition leaders.

Digital Inclusion

As of January 2024, Tanzania had an internet penetration of 40.96% with the number of internet users being more than 40 million and an average broadband speed of 13.62 Mbpts in 2024. 3G network coverage is estimated to be 85.47%, 4G network coverage is estimated to be 39.88%.⁷²² Tanzania's internet landscape is rapidly expanding, primarily driven by mobile networks. The total number of internet subscriptions rose by 5% from 39.3 million in June 2024 to 41.4 million in September 2024. Mobile internet remains dominant, with 22.9 million high-speed mobile lines.⁷²³ The national ICT Policy 2024 aims to develop safe and reliable ICT infrastructure and promote digital skills and talents⁷²⁴. Tanzania's acquisition of an orbit slot for its first communications satellite and the proposed programme of Tanzania Communications Regulatory Authority and Universal Communications Service Access Fund (UCSAF) to build broadcasting infrastructure in hard to reach locations by acquiring additional frequencies has far reaching implications in the communication space. These achievements extend from advancing fifth-generation (5G) internet services to strengthening air and maritime communications safety.⁷²⁵

The country had 72.5 million telecom subscriptions by March 2024 for point-to-point connection and machine-to-machine communications from operators. Mobile money subscriptions have increased from 52.9 million in December 2023 to 53 million by March 2024.⁷²⁶ On September 18, 2024, Cecil Francis, an engineer with Tanzania Telecommunications Company Limited stated that 106 out of 139 districts are connected to the National ICT Broadband Backbone cable and the remaining 33 districts will be linked in 2025 with construction ongoing at the time of writing this report. He also stated NICTBB cable is connected to international submarine cables including SEACOM company, and EASSY company, and will soon be connected to Africa. The government has launched the digital Tanzania project supported by the World bank and in partnership with mobile network operators (MNOs) to achieve 80% broadband penetration by 2025. The project is worth a total of USD 112M and implemented under UCSAF. The MNOs will need to deploy 728 new towers while existing 2G sites will be upgraded to 3G and 4G. The 636 new sites to be built will be in addition to 758 towers that have already been planned for underserved areas.⁷²⁷ According to UCSAF as of October 2024, about 295 towers have been built out of the planned 758 with Airtel

720 Freedom House 'Tanzania: Freedom in the World 2024' (2024) <https://freedomhouse.org/country/tanzania/freedom-world/2024> (accessed 4 November 2024)

721 Freedom House 'Tanzania: Freedom in the World 2023' (2023) <https://freedomhouse.org/country/tanzania/freedom-world/2023> (accessed 4 November 2024)

722 Statista 'Digital and Connectivity Indicators: Tanzania' (2024) <https://www.statista.com/outlook/co/digital-connectivity-indicators/tanzania> (accessed 10 November 2024)

723 Statista 'Digital and Connectivity Indicators: Tanzania' (2024) <https://www.statista.com/outlook/co/digital-connectivity-indicators/tanzania> (accessed 10 November 2024)

724 Ministry of education, Science and Technology 'National Digital Education Strategy' (June 2024) https://www.moe.go.tz/sites/default/files/Draft_National_Digital_Education_Strategy%202024-2030-2.pdf (accessed 10 November 2024)

725 TCRA The Regulator; Quarterly magazine of the Tanzania Communications Regulatory Authority' (March 2024) <https://www.tcra.go.tz/uploads/documents/en-1715423692-The%20Regulator%20JAN-MAR%202024%20ENGLISH.pdf> (accessed 6 November 2024)

726 TCRA 'Communications Statistics (June, 2024)' https://www.tcra.go.tz/uploads/text-editor/files/Communication%20Statistics%20report%20for%20end%20of%20June%202024_EN_1721315046.pdf (accessed 10 November 2024)

727 TCRA 'Communications Statistics (June, 2024)' https://www.tcra.go.tz/uploads/text-editor/files/Communication%20Statistics%20report%20for%20end%20of%20June%202024_EN_1721315046.pdf (accessed 10 November 2024)

having the largest number at 111 followed by Vodacom at 93 towers, a total budget of 126 Billion Tanzanian Shillings has been set apart for the whole project.⁷²⁸ Internet connectivity is still beyond the reach of most citizens living in rural areas and mobile data is particularly expensive with users in Tanzania paying more compared to other countries in East Africa.

Tanzania has a Law of the Child Act that aims to provide for reform and consolidation of laws relating to children, to stipulate the rights of the child and to, promote, protect and maintain the welfare of a child with a view to giving effect to the international and regional convention on the rights of the child.⁷²⁹ However gaps have been identified in terms of addressing harms to children on digital platforms. Stakeholders such as civil society organisations and regional entities such as the United Nations International Children's Emergency Fund (UNICEF) have been working with partners to address the gaps. C-sema, an NGO in Tanzania has developed in partnership with the government a 116 National Child Helpline, which is toll-free.⁷³⁰ In June 2024 the minister of Community Development, Gender, Women and Special Groups introduced the Child Protection Laws (Miscellaneous Amendments) Bill, 2024, which was presented for its second reading in parliament on August 30 2024. This bill aims to address and criminalise pornography and child sexual abuse/exploitation material and the offence of online grooming.⁷³¹

Censorship and Content Moderation

The media industry continues to face oppression and censorship over the content they publish. This is mostly facilitated by enabling laws and regulations that have given more power to the government to determine what is ethical, legal and moral without critically considering the freedoms of the people. The Tanzania Communications Regulatory Authority (TCRA) banned Mwananchi Communications Ltd for 30 days, saying it had published content on October 1, 2024 that "damaged the country's image".⁷³² The regulator stated that the audio-visual content on the magazine's social media platform is prohibited by the Online Content Regulations 2020.⁷³³ In similar circumstances, the same media outlet had previously posted content on its social media channels regarding ongoing forced disappearances of critical figures and violent acts and later issued a public apology saying the content had been misinterpreted. As the country is approaching elections, online content is now a critical space that is highly monitored due to its influence on public opinion and the fear of many stakeholders such as political parties and human rights defenders is that if this is not addressed now, the elections will be greatly swayed towards enabling those in power rather than being an empowering tool for the people.⁷³⁴ Between January and June 2024, the government of Tanzania made five requests to TikTok including a request for content removal due to violation of local laws. This is according to TikTok's transparency reports as of December 2024.⁷³⁵

Artificial Intelligence and Emerging Technologies

As of February 2024, some courts in Tanzania had incorporated artificial intelligence (AI) in their court transcriptions and translations system. It is expected that the use of AI technology in courts

728 UCSAF 'DPT Project report October ,2024, [https://www.ucsaf.go.tz/uploads/documents/en-1730207890-UCSAF%20Taarifa%20REVISED%20VERSION%203%20-%202024102024%20\(3\).pdf](https://www.ucsaf.go.tz/uploads/documents/en-1730207890-UCSAF%20Taarifa%20REVISED%20VERSION%203%20-%202024102024%20(3).pdf) accessed by 22 January,2024

729 The United Republic of Tanzania. (2009). The Law of the Child Act, 2009. Government Printer. <https://www.mcdgc.go.tz/>

730 WeProtect Global Alliance. (n.d.). C-Sema's multi-faceted approach to addressing online child sexual exploitation and abuse in Tanzania. WeProtect Global Alliance. <https://www.weprotect.org/resources/case-study/c-semas-multi-faceted-approach-to-addressing-online-child-sexual-exploitation-and-abuse-in-tanzania/#:~:text=C%2DSema%20operates%20the%20National,service%20providers%20in%20safeguarding%20children>

731 Victory Attorneys. (2024, December 23). Tanzania amends Cybercrime Act to boost child online safety. Victory Attorneys. <https://victoryattorneys.co.tz/2024/12/23/tanzania-amends-cybercrime-act-to-boost-child-online-safety/#:~:text=INTRODUCTION,children%20face%20in%20the%20country>

732 Reuters 'Tanzania suspends Median Company's online platform for 30 days'(October 2024) <https://www.reuters.com/world/africa/tanzania-suspends-media-companys-online-platforms-30-days-2024-10-03/> (accessed 15 November 2024)

733 Reuters 'Tanzania suspends Median Company's online platform for 30 days'(October 2024) <https://www.reuters.com/world/africa/tanzania-suspends-media-companys-online-platforms-30-days-2024-10-03/> (accessed 15 November 2024)

734 Human rights watch 'Tanzania: Address Rights Ahead of Local Elections October,2024 <https://www.hrw.org/news/2024/10/16/tanzania-address-rights-ahead-local-elections> (accessed by February 8,2025)

735 Tiktok,Government Removal request report ,december 18,2024, <https://www.tiktok.com/transparency/en-us/government-removal-requests-2024-1> (accessed January 13,2025)

will allow them to record and translate the court proceedings to either Kiswahili or English, reducing the time spent by judicial officers to transcribe court proceedings.⁷³⁶ It has been mentioned that Tanzania is in the early process of developing a national AI strategy, however, this has not been made public which has not allowed meaningful participation of the public and diverse stakeholders.⁷³⁷ Tanzania's national Vision 2050 mentions a focus on digital transformation and science and technology with the intention of embracing among other things emerging technologies such as artificial intelligence, block chain technology and Internet of Things.⁷³⁸

736 Kilindu Gatus and Partners 'Impacts of Artificial Intelligence in Tanzania's legal system'(2024)<https://kgpartners.co.tz/impacts-of-artificial-intelligence-in-tanzanias-legal-system/> (accessed 13 November 2024)

737 TechWeez, Tanzania is Drafting a National AI Strategy and Guidelines, June, 4, 2024 <https://techweez.com/2024/06/04/tanzania-developing-a-national-ai-strategy/> (accessed 13th January, 2025)

738 Draft Tanzania Development Vision 2050, https://www.planning.go.tz/uploads/documents/en-1734078009-SUMMARY%20OF%20DRAFT%20VISION%202050_.pdf (accessed January 13, 2025)

CONCLUSION AND RECOMMENDATIONS

Tanzania has taken great strides in setting up a Data Protection Authority inaugurated by the President Of Tanzania, Samia Suluhu Hassan, on April 3, 2024.⁷³⁹ However, the Personal Data Protection Act has been challenged on different occasions on the grounds that it does not specify the timeline for registration, rejection and issuance of any notification to applicants who have applied for registration as data controllers and data processors.⁷⁴⁰ Access to information and the need for a free and equitable digital space are critical for a thriving digital ecosystem for the country. Issues such as disinformation, which pose a severe threat to democratic elections will be critical to address as Tanzania heads to the polls in 2025. Addressing the disinformation challenge requires a comprehensive strategy focused on fostering media literacy, enhancing tech accountability, and promoting collaborative action among stakeholders in Tanzania. Below are some recommendations made for the government, private sector and civil society ahead of 2025 elections.

Government should:

- Stop arbitrary media disruptions and allow the media to run as a free source of information.
- Strengthen internet infrastructure to foster digital inclusion.
- Review and amend oppressive laws such as the Media Services Act 2016 and the Personal Data Protection law 2022.
- Recognise specifically digital rights for vulnerable groups and increase the online protection of the rights of marginalized groups such as women and children in the digital space
- Develop a national AI strategy and laws through public participation and engagement with different stakeholders
- Commit to keeping the internet free and open before, during and after elections by lifting VPN restrictions and keeping social media platforms accessible

Private sector should

- Work with the government to increase broadband access.
- Come up with community projects to fit in the digital economy.
- Uphold human rights such as data protection and embrace principles of transparency.

Civil Society should:

- Advocate amendment of laws, cybersecurity and inclusion of digital rights.
- Conduct awareness programs and training on digital rights.
- Conduct strategic utilisation on cases of digital rights violation

739 Rive&co, The Personal Data Protection Commission (PDPC) has launched in Tanzania on the 3rd of April 2024, <https://www.rive.co.tz/project/the-personal-data-protection-commission-pdpc-has-launched-in-tanzania/> (accessed on 13th January, 2025)

740 Dentons' Legal challenges and Constitutional Issues on the personal and data protection Acti 2022: analysis of the Tito Magoti Vs The attorney General' (June, 2024) <https://www.dentons.com/en/insights/articles/2024/june/27/legal-challenges-and-constitutional-issues-on-the-personal-data-protection-act> (accessed on 8 November, 2024)

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration <i>(P stands for Principle)</i>	Score	Justification
Internet Shutdowns	P38(2)	2	X was restricted and reports of Telegram too being restricted
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	There are some parts in existing laws that try to push for equity and affordable internet such as the Access to Information Act however there is not much mention of equity and meaningful access.
False News Criminalisation	P22(2)	1	The Media Service Act and the Cybercrime Act criminalises “false news”
Sedition Legislation	P22(2)	1	The Media Service Act and the Cybercrime Act criminalises “sedition” with items in cybercrime that have been used previously to silence critics such as comedians and activists
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	Ongoing arrests,forced disappearance of key HRD's and political figures
Data Protection Legislation.	P42	3	The Data Protection Act is in place and a data protection Commissioner however the operation of the commission is gradual and not yet fully operational.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	Media houses have been banned arbitrarily for content they share.
Invasion of Privacy of Communications	P41	2	Laws such as PDPA exists but little compliance,there has been no public information on this however journalists and opposition leaders have claimed that they were surveilled through Telco providers i,e Kabendera sued Vodacom for realising his personal information leading to his arrest while Lisu in 2024 threatened to sue Tigo on surveillance leading to his attack in 2017
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	4	Government uses online media to communicate with citizens such as social media and websites which are often updated in both languages.UCSAF website shares regular updates as well as TCRA quarterly updates available in Kiswahili language making it more accessible to the public
AI and Emerging Technologies national strategies	P39(6)	2	A strategy is being drafted

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Children rights online		3	The Law of the Child Act enforces general protection of children while Cybercrime act,electronics and postal communication address areas around child pornography and cyberbullying
12. Digital Inclusion	P37(3)	4	UCSAF ongoing efforts for connectivity such as having connected 295 towers by October, 2024 out of the expected 758.
TOTAL (up to 60)		27	Mildly compliant



Executive Summary

This report examines Togo's evolving digital landscape, highlighting both its advancements and the challenges that persist. Under the *Stratégie Togo Digital 2025*, Togo has made significant progress in expanding internet infrastructure, promoting digital identity through the e-ID Togo biometric system, and forming strategic partnerships, such as the connection to Google's Equiano undersea cable⁷⁴¹. These efforts aim to enhance connectivity, drive economic growth, and promote social inclusion, especially in underserved rural regions. Notable achievements include increased internet penetration rates and a growing commitment to digital public services and digital identity management.

However, significant challenges remain. The period surrounding the 2024 parliamentary elections saw intensified government control over digital expression, with arrests of social media influencers, activists, and journalists whose critical views gained viral attention. Freedom of expression online remains restricted, as laws governing dissent on digital platforms often lead to legal repercussions for those who voice opposition. The monitoring and penalization of online content highlight the need for reforms to align Togo's laws with international standards on freedom of expression.

In terms of data protection and privacy, Togo has taken important steps by enacting Law No. 2019-014 on personal data protection and establishing the *Instance de Protection des Données à Caractère Personnel (IPDCP)*⁷⁴² to oversee compliance.

The report also highlights limitations in access to information, as Togo's Freedom of Information law does not mandate disclosure of government handling of information requests, impacting transparency. Journalists, particularly those investigating government activities, encounter frequent

741 Voa (2022) Togo : Les Promesses d'Equiano, Le Câble sous-marin de google, Voice of America. <https://www.voaafrrique.com/a/togo-les-promesses-d-equiano-le-c%C3%A2ble-sous-marin-de-google/6502601.html> (Accessed: 13 November 2024).

742 Republique Togolaise (2024) Numérique : l'Instance de protection des données à caractère personnel entame son opérationnalisation <https://www.republiquetogolaise.com/gestion-publique/2310-9870-numerique-l-instance-de-protection-des-donnees-a-caractere-personnel-entame-son-operationnalisation> (Accessed: 13 December 2024).

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Introduction

access barriers. The case of Ferdinand Ayité⁷⁴³, a prominent journalist in exile who continues to expose government misconduct via social media, underscores the risks journalists face in Togo, where surveillance and legal action against critics are not uncommon.

In terms of emerging technologies, Togo has shown commitment to fostering innovation, particularly through initiatives like “Autour de l’IA,” which aims to position Togo as a leader in artificial intelligence (AI). However, regulatory frameworks to address the ethical and privacy implications of AI are still under development. A recent public call for input on the national AI strategy marks a positive step towards inclusive policy making.

While Togo has laid a foundation for digital transformation, the report identifies areas requiring immediate action to create a balanced, rights-respecting digital environment. The report provides an in-depth evaluation of Togo’s digital rights landscape across seven critical thematic areas, using The Score Index, developed by Paradigm Initiative, as a comprehensive measurement tool. The findings reflect extensive data collection from government publications, human rights organizations, online sources, and interviews with local stakeholders directly affected by these digital transformations. Each thematic area is benchmarked against the African Commission on Human and Peoples’ Rights’ Declaration of Principles on Freedom of Expression and Access to Information in Africa, revealing both Togo’s progress and the obstacles to achieving a fully inclusive digital society.

In tracking Togo’s trajectory toward its 2025 goals, this report highlights whether digitization efforts are equitably advancing the freedoms and opportunities essential to an inclusive digital society.

Introduction

Togo stands at a transformative juncture in its digital journey, led by the ambitious “Togo Digital 2025” strategy⁷⁴⁴, which seeks to usher in an era of connectivity, digital public services, and economic modernization. This framework, championed by the government, aims to expand digital access across the nation, enhance e-governance, and cultivate a digitally savvy workforce. Central to the strategy are initiatives focused on improving internet infrastructure, facilitating digital literacy, and ensuring that public services are increasingly accessible online. Through these actions, Togo aspires to establish itself as a regional leader in digital transformation, positioning digitalization as a critical tool for economic growth and societal inclusion.

Despite these bold goals, Togo’s digital ambitions face considerable hurdles. Approximately 30% of Togolese communities remain disconnected from the national electricity grid as of 2024⁷⁴⁵, presenting a significant barrier to achieving universal internet access and integrating rural areas into the digital economy. The lack of basic infrastructure, including reliable power and internet connectivity, particularly in rural and remote areas, creates challenges in fulfilling the national goal of inclusive digital access by 2025. These infrastructural gaps contribute to an ongoing urban-rural digital divide, leaving rural citizens unable to access the benefits of digital public services and online opportunities.

The cost of mobile data is another major barrier to internet adoption. In 2024, the average price for 1GB of mobile data in Togo was USD 1.45, with prices ranging from USD 0.27 to USD

743 CPJ (2024) Ferdinand Ayité, Togo International Press Freedom Awards <https://cpj.org/awards/ferdinand-ayite-togo/> (Accessed: 13 December 2024).

744 Gouvernement Togolais (2023) Stratégie Togo Digital 2025 <https://numerique.gouv.tg/wp-content/uploads/2024/05/FR-Strategie-Togo-Digital-2025.pdf> (Accessed: 13 December 2024)

745 Tigossou, M. (2024, May 11). Au Togo, le taux d'accès à l'électricité devrait atteindre 70% à fin 2024. *L'Economiste du Togo*. Retrieved December 27, 2024, from <https://leconomistedutogo.tg/au-togo-le-taux-daccès-a-lelectricite-devrait-atteindre-70-a-fin-2024>

3.63, depending on the plan.⁷⁴⁶ These costs are among the highest in West Africa, making internet access less affordable for many, especially in rural regions.

However, the “Togo Digital 2025” plan has yielded several notable achievements. For instance, the country’s internet penetration rate reached 37.6% in 2024, up from just 28% in 2021, representing a substantial increase in access over a short period.⁷⁴⁷

This growth has been partly driven by Togo’s strategic partnership with Google’s Equiano undersea cable, which, upon full implementation, is expected to double the nation’s internet speed and contribute approximately USD193 million to its GDP by 2025.⁷⁴⁸ Additionally, Togo was among the first countries in West Africa to launch a 5G network in 2020,⁷⁴⁹ a move intended to accelerate high-speed connectivity, especially for urban enterprises and digital services. By 2023, mobile broadband subscriptions had risen to 52% of the population, marking a significant increase in mobile internet availability.⁷⁵⁰

Despite these challenges, there have been some improvements in user satisfaction. A survey by the Autorité de Régulation des Communications Électroniques et des Postes (ARCEP) published on September 30, 2024, reported that overall consumer satisfaction with mobile services increased from 44% in 2023 to 51% in 2024. However, a significant portion of consumers still perceive tariffs as high, with 79% of Togo Cellulaire customers and 65% of Moov Africa Togo customers expressing this concern⁷⁵¹.

Strategic alliances and investments for a digital future

Togo’s diversified cable infrastructure proved particularly valuable in March 2024, when multiple subsea cables along the West African coast sustained damage⁷⁵². While nations like Côte d’Ivoire, Ghana, and Benin experienced severe connectivity disruptions, Togo managed to maintain comparatively stable internet access, aided by its multiple cable connections, including the Equiano. This resilience in the face of regional outages underscores the strategic impact of the Equiano project, strengthening Togo’s network stability and positioning the country as a digital hub in the region.

To extend the Equiano cable’s benefits, the Togolese government partnered with CSquared to form the joint venture CSquared Woezon. Through this entity, state-owned Société d’Infrastructures Numériques (SIN) and CSquared are tasked with deploying broadband infrastructure across the nation⁷⁵³. CSquared Woezon supports the country’s “Togo Digital 2025” strategy, which aims for

746 Sasu, D. D. (2024, December 10). Togo: price for 1GB mobile data 2024. Statista. Retrieved December 27, 2024, from <https://www.statista.com/statistics/1272957/price-for-mobile-data-in-togo/>

747 Kemp, S. (2024) Digital 2024: Togo - DataReportal – global digital insights, DataReportal. Available at: <https://datareportal.com/reports/digital-2024-togo> (Accessed: 13 November 2024).

748 Africa Practice & Genesis Analytics. (2022). Economic impact assessment of the Equiano undersea cable in Togo. Retrieved December 27, 2024, from <https://africapractice.com/wp-content/uploads/2022/03/Togo-EIA-15-March-2022.pdf>

749 Nokia. (2020, November 30). Nokia and Togocom deploy first 5G network in West Africa. Available at: <https://www.nokia.com/about-us/news/releases/2020/11/30/nokia-and-togocom-deploy-first-5g-network-in-west-africa/>

750 L’observatoire des marchés des communications électroniques 3e Trimestre 2023 (2023) Arcep Togo . Available at: https://arcep.tg/wp-content/uploads/2023/09/Obs-marches_T3-2023.pdf (Accessed: 13 November 2024).

751 ARCEP. (2024, September 30). Enquête de satisfaction client 2024 : les consommateurs sont globalement plus satisfaits des opérateurs par rapport à 2023, mais dénoncent des tarifs toujours élevés. Retrieved December 27, 2024, from <https://arcep.tg/enquete-de-satisfaction-client-2024-les-consommateurs-sont-globalement-plus-satisfaits-des-operateurs-par-rapport-a-2023-mais-denoncent-des-tarifs-toujours-eleves/>

752 Aduloju, B. (2024) Internet disruption: Undersea cable repair might take two weeks, says mainone, TheCable. <https://www.thecable.ng/internet-disruption-undersea-cable-repair-might-take-two-weeks-says-mainone/> (Accessed: 13 November 2024).

753 Dossavi, A. R. (2023, November 10). Togocom et Csquared Woezon signent un accord pour renforcer la connectivité Internet au Togo. Togo First. Retrieved December 27, 2024, from <https://www.togofirst.com/fr/telecoms/1011-12878-togocom-et-csquared-woezon-signent-un-accord-pour-renforcer-la-connectivite-internet-au-togo>

95% internet coverage, 75% digitalisation of public services, and universal digital identity access by 2025. This strategy, which prioritises high-speed connectivity in underserved regions, aims to bridge the digital divide and ensure more inclusive access to essential digital services.

Despite these efforts, challenges persist in achieving universal digital inclusion. While urban centers benefit from improved infrastructure, rural regions continue to face limited access and high data costs, exacerbated by infrastructural limitations such as unreliable electricity. Roughly 32% of Togolese communities remain unconnected to the national electricity grid, hindering consistent internet access in remote areas and complicating efforts to bring connectivity to all.⁷⁵⁴

To address these gaps, Togo established the Universal Service Fund (USF) under Decree 2018-070 to allocate resources for expanding internet access in underserved regions. However, during the period reviewed for this report, no impact assessment report was published regarding the fund, even though it remains operational under the leadership of the telecom regulator, ARCEP. Concerns also persist about the fund's transparency, as there is limited public disclosure on how resources are being allocated to effectively reach the most underserved populations.

Togo is also exploring new avenues to further expand connectivity, recently initiating discussions with Elon Musk's Starlink. Starlink's satellite-based internet service could extend high-speed connectivity to even the most remote parts of the country, bypassing the limitations of terrestrial infrastructure. While the talks remain preliminary, this potential partnership has generated significant interest. Digital rights advocates, including Internet Society Togo, have urged the government to prioritise affordability and transparency in these negotiations to ensure that any future agreement with Starlink truly advances digital inclusion across all demographics⁷⁵⁵.

Digital crackdown intensifies

In 2024, the Togolese government's control over digital expression intensified, especially during the lead-up to the parliamentary elections. Multiple arrests of social media influencers, activists, and educators highlighted the risks faced by citizens who share critical views online, where any content that gains significant attention can lead to legal repercussions.

In 2024, Togolese authorities increasingly leveraged the 2018 Law on Cybersecurity and the Fight Against Cybercrime (Loi n°2018-026)⁷⁵⁶ to curtail freedom of speech online. Articles 17 and 25 have become a primary tool in prosecuting individuals whose digital expressions are seen as critical or controversial.⁷⁵⁷

Article 17 criminalises any insult made through digital channels, with offenders facing six months to two years in prison and fines ranging from 500,000 to 2,000,000 CFA francs (approximately USD800 to 3,200). Similarly, Article 25 targets the spread of information deemed false, imposing penalties of one to three years in prison and fines from 1,000,000 to 3,000,000 CFA francs (about USD 1,600 to 4,800).

Throughout 2024, these provisions have been systematically applied against social media influencers, activists, and educators, especially in cases where their posts or opinions gain viral traction. By using this legal framework, authorities have intensified their crackdown on digital dissent, creating a climate of fear and self-censorship that discourages open and critical discourse online. This trend reflects a growing intolerance for public criticism in Togo, where expressing opposition or dissatisfaction on digital platforms can lead to severe legal consequences.

One notable case involved Togolese blogger Aristo le Bledard, who was sentenced to three months

⁷⁵⁴ Edoh, E. (2024) Togo : Le taux d'accès à l'électricité est porté à 68% en 2023, Togo First - Actualité économique au Togo. Available at: <https://www.togofirst.com/fr/energies/0807-14401-togo-le-taux-d-acces-a-l-electricite-est-porte-a-68-en-2023> (Accessed: 14 November 2024).

⁷⁵⁵ Début des négociations avec Starlink (2024) République Togolaise. Available at: <https://www.republicoftogo.com/toutes-les-rubriques/high-tech/debut-des-negociations-avec-starlink> (Accessed: 14 November 2024).

⁷⁵⁶ Assemblée Nationale Togolaise. (2022). Loi portant modification de la loi n°2018-026 du 7 décembre 2018 sur la cybersécurité et la lutte contre la cybercriminalité. Retrieved from https://assemblee-nationale.tg/lois_adoptees/de-loi-portant-modification-de-la-loi-n2018-026-du-7-decembre-2018-sur-la-cybersecurite-et-la-lutte-contre-la-cybercriminalite/

⁷⁵⁷ Kaglan, E. (2024) Authorities in Togo are cracking down on media and the opposition, report says ahead of election, AP News. Available at: <https://apnews.com/article/togo-election-constitution-protests-arrests-freedom-1816c11e1562c630f05daf800c850354> (Accessed: 14 November 2024).

in prison following a defamation lawsuit filed by former national footballer Emmanuel Sheyi Adebayor. The blogger's comments, which criticised Adebayor and were widely shared online, led to charges of defamation and disrespect toward a public figure.⁷⁵⁸ At trial, Aristo partially admitted fault, yet the severity of the punishment - a custodial sentence - reflects the broader intolerance for public critique. Initially, the prosecutor had recommended a suspended sentence and a fine, but Aristo has remained in Lomé's civil prison since his arrest in late March because of the high-profile nature of the case⁷⁵⁹.

A similar incident involved two young men, Koffi Waze and Abiou Fousseni, aged 21 and 24, who were arrested after posting a TikTok video that criticized President Faure Gnassingbé and the recent adoption of constitutional changes⁷⁶⁰. The video, viewed over 500,000 times, expressed frustration with Togo's political direction, including issues like youth unemployment and economic governance. The two men were sentenced to six months in prison with suspended sentences, a ruling that drew widespread attention and concern from civil society groups. Many, including the NGO Tournons la Page, argued that the men's comments merely reflected the frustrations of a large portion of the population, and that their sentencing was an unnecessary punitive response to what was fundamentally an exercise in free expression.⁷⁶¹

Additionally, school headmaster Kokou Séka Agbenane found himself targeted after an interview with TV5 Monde in which he highlighted the challenges faced by his school, such as inadequate facilities and insufficient teaching staff. The interview, which came at a politically sensitive time, went viral online and quickly drew the attention of authorities. Shortly thereafter, Agbenane was dismissed from his role by the Ministry of Primary and Secondary Education, which cited "service necessities" in its termination order⁷⁶². His removal has been interpreted by many as a direct response to his public criticism of government education policies⁷⁶³.

Togo's application of the 2018 Law on Cybersecurity and the Fight Against Cybercrime reveals an increasingly restrictive approach to digital expression. While prominent cases have sparked public concern, numerous lesser-known incidents expose a broader suppression of online speech that impacts everyday citizens. Despite persistent calls for reform from civil society organizations like Amnesty International, Tournons la Page, and others, the Togolese government has shown no meaningful commitment to safeguarding digital freedoms. Instead, it continues to silence critical voices and stifle open dialogue within its digital space.

Commitment to privacy and international data protection standard

Togo has made notable advances in establishing a robust framework for data protection and privacy, reflecting an increased emphasis on digital security and citizen rights. The enactment of Law No. 2019-014 in October 2019 introduced a comprehensive set of regulations governing personal data handling, including its collection, processing, storage, and transmission. To enforce this legislation, the Togolese government created the Instance de Protection des Données à Caractère Personnel (IPDCP) in December 2020, a dedicated authority responsible for monitoring compliance across various sectors and ensuring that personal data is managed in alignment with national standards. However, the IPDCP's establishment has been gradual, resulting in delays in full oversight capabilities.

758 Actualité , T. (2024) Togo/dernières minutes : Aristo le bledard condamné à 3 mois de prison ferme , Togo Actualite - Premier site d'information du Togo. Available at: <https://togoactualite.com/togo-demieres-minutes-aristo-le-bledard-condamne-a-3-mois-de-prison-ferme/> (Accessed: 14 November 2024).

759 Kpogla-Anago, J. (2024, April 16). Togo : Aristo le Blédard condamné à trois mois de prison ferme. Togo Web TV. Retrieved December 27, 2024, from <https://togowebtv.tg/2024/04/togo-aristo-le-bledard-condamne-a-trois-mois-de-prison-ferme/>

760 Reuters. (2024, May 28). Togo's President Gnassingbé is set to switch job to stay in power. Retrieved December 27, 2024, from <https://www.reuters.com/world/africa/togos-president-gnassingbe-set-switch-job-stay-power-2024-05-28/>

761 RFI (2024) Togo: Deux élèves condamnés à la prison pour outrage au président en raison d'une vidéo tiktok, RFI. Available at: <https://www.rfi.fr/fr/afrique/20240530-togo-deux-élèves-condamnés-à-la-prison-pour-outrage-au-président-en-raison-d-une-vidéo-tiktok> (Accessed: 14 November 2024).

762 24 Heure Info. (2024, May 4). Délabrement des bâtiments du Lycée d'Alokoègbé : Kokoroko met fin aux fonctions du proviseur Agbenane après une interview à TV5 Monde. Retrieved from <https://24heureinfo.com/education/batiments-du-lycee-dalokoegbe-kokoroko-met-fin-aux-fonctions-du-proviseur-agbenane-une-interview-a-tv5-monde/>

763 Togo Web. (2024, May 4). Scandale: un reportage de TV5Monde fait démettre de ses fonctions le proviseur du Lycée Alokoègbé? [Vidéos]. Retrieved from <https://togoweb.net/scandale-un-reportage-de-tv5monde-fait-demettre-de-ses-fonctions-le-proviseur-du-lycee-alokoeg-bevideos/>

A major step forward for Togo's data protection landscape came with the recent appointment of Lieutenant-Colonel Bédiani Belei as head of the IPDCP in September 2024⁷⁶⁴. Belei's leadership is anticipated to strengthen the agency's ability to oversee and enforce compliance with the nation's data protection laws, as well as to educate both the public and private sectors on their obligations under the legislation.

However, according to a civil society representative (Key Informant A), the appointment of a military officer as the head of the IPDCP, while justified by his technical expertise, is part of a government strategy to secure a sector considered sensitive, particularly in relation to digital sovereignty and national defense. However, this decision raises concerns about governance and public trust in the institution.

The case of the National Cybersecurity Agency (ANCy), also led by a military officer, highlights a broader trend of militarizing the management of strategic digital institutions. Such an approach could foster the perception of increasing military control over civilian sectors, potentially eroding trust among citizens and non-state actors.

In a country where civil-military relations have often been marked by tensions, this appointment risks reinforcing the perception of a lack of independence at the IPDCP. Yet, personal data protection relies on neutrality and public confidence in the institutions tasked with its regulation.

In addition to these internal developments, Togo has bolstered its commitment to international data protection standards by ratifying the African Union's Malabo Convention on Cyber Security and Personal Data Protection⁷⁶⁵. This ratification aligns Togo with continental frameworks for cybersecurity and personal data management, ensuring that its policies are consistent with broader African standards and highlights the country's commitment to addressing digital security challenges and sets the stage for enhanced regulatory practices to protect data at both national and international levels.

Togo's progress is further illustrated by the recent inauguration of the Lomé Data Centre, a state-of-the-art facility designed to support data localisation and reinforce cybersecurity⁷⁶⁶. The Lomé Data Centre provides a secure infrastructure for storing data within the country, a move that aligns with the national goal of data sovereignty. According to the authorities, Togo aims to control the data generated within its borders, reduce reliance on foreign storage facilities, and enhance the security of its information systems. The center serves as a key component of Togo's strategy to build a more resilient digital infrastructure, reflecting its focus on data security and privacy.

Another critical development is the launch of the "e-ID Togo" project, a biometric identification program aimed at providing each citizen with a unique identification number tied to biometric data⁷⁶⁷. This initiative facilitates streamlined access to public services and strengthens governance by centralizing identity management within a secure, digital framework. The biometric e-ID program is expected to support the government's broader digital transformation agenda, ensuring that personal identification aligns with modern data protection standards and offering citizens enhanced security and ease of access to services.

These measures collectively indicate a proactive approach by Togo in safeguarding personal data and building trust in digital systems. With the strengthened mandate of the IPDCP under new leadership, alongside advancements in data localization and biometric identification, Togo is positioned to create a secure environment that respects the privacy rights of its citizens and meets international data protection expectations.

⁷⁶⁴ Ministère de l'Économie Numérique et de la Transformation Digitale. (2024, October 1). Communiqué de presse - Nomination du Président de l'Instance de Protection des Données à Caractère Personnel (IPDCP) : Début de l'opérationnalisation de l'Instance. Retrieved from <https://numerique.gouv.tg/communique-de-presse-nomination-du-president-de-linstance-de-protection-des-donnees-a-caractere-personnel-ipdcp-debut-de-loperationnalisation-de-linstance/>

⁷⁶⁵ DataGuidance. (2021, July 2). Togo: National Assembly authorises ratification of Malabo Convention and updates functioning of CNDH. Retrieved from <https://legacy.dataguidance.com/news/togo-national-assembly-authorises-ratification-malabo>

⁷⁶⁶ Ministère de l'Économie Numérique et de la Transformation Digitale. (2021, June 4). Inauguration de Lomé Data Centre. Retrieved from <https://numerique.gouv.tg/inauguration-lome-data-centre/>

⁷⁶⁷ Ministère de l'Économie Numérique et de la Transformation Digitale. (n.d.). e-ID Togo. Retrieved December 27, 2024, from <https://numerique.gouv.tg/projet/e-id-togo/>

“In Togo, when data protection is placed under military command, the challenge goes beyond securing information - it becomes about preserving trust, transparency, and civilian oversight. The militarization of digital governance risks transforming institutions meant to protect citizens into instruments of state control, further deepening public skepticism in a country where civil-military relations have long been a sensitive issue.”

- Key Informant A (Civil Society Leader)

Freedom of Information Law

In 2016, Togo passed the Freedom of Access to Information and Public Documentation Act (Law No. 2016-006), aiming to enhance transparency by giving citizens the legal right to request and access public information from government institutions. The law was approved by the National Assembly on March 10, 2016, and promulgated by the President on March 30, 2016. . While the law initially signaled a positive move towards open governance, its full implementation has remained stalled, as the required implementing decree has yet to be signed, leaving the law largely ineffective in practice. While it exists on paper, the lack of enforcement mechanisms and clear procedures makes it difficult, if not impossible, for citizens to exercise this right meaningfully.

Also, the legislation does not require the government to publish any formal reports or statistics regarding the number of information requests made, nor does it detail how many requests are granted or denied. This lack of mandatory disclosure has resulted in a significant transparency gap, leaving the public with little insight into how the government handles access to information requests. Consequently, the effectiveness of the law remains difficult to assess, as there is no way to gauge compliance or understand trends in information accessibility across public institutions.

For two journalists and a lawyer interviewed for this report, Togo’s freedom of information law has become a significant obstacle to investigative journalism. These restrictions, they argued, compromise their ability to hold authorities accountable.

“Access to reliable information is essential for our work, yet we are constantly met with refusals or silence,”

- Key Informant B (Journalist)

“Without transparency, it’s impossible to inform the public accurately. We are left to piece together stories without the necessary facts.”

- Key Informant C (Journalist)

As a lawyer, I must emphasise that these restrictions severely compromise our ability - and that of our clients - to effectively hold authorities accountable and shed light on issues of public importance. Access to evidence is fundamental for legal proceedings, as it forms the foundation upon which cases are built and justice is pursued. By limiting the availability of critical information, these measures not only hinder transparency but also impede our ability to substantiate claims and present compelling arguments in court. Without unrestricted access to the necessary evidence, our ability to ensure accountability and uphold the rule of law is significantly undermined, leaving many critical issues unresolved and justice delayed.

- Key Informant D (Lawyer)

The withholding of information has made it difficult for journalists to report accurately on governmental activities and provide the public with critical insights into issues like budget allocations, development projects, and public procurement. The opaque implementation of the freedom of information law has, in effect, created an environment that stifles investigative journalism and impedes public discourse on key matters of governance.

The struggle for freedom of expression in Togo is exemplified by the experiences of prominent journalists who face severe repercussions for exposing government misconduct and holding authorities accountable. One of the most high-profile cases is that of Ferdinand Ayité, an influential Togolese journalist and publisher of “L’Alternative”, known for his bold critiques of government corruption and public sector misconduct.

In August 2024, Togolese authorities accused investigative journalist Ferdinand Ayité of financing terrorism and conspiring against state security due to his publications and widely followed Sunday live broadcasts on social media ⁷⁶⁸.

Ayité's case is not isolated. In late 2023, two other journalists, Loïc Lawson and Anani Sossou, were jailed after posting allegations on platforms like X (formerly Twitter) that a government minister had been robbed of a substantial sum. Though they later clarified their claims, they were still charged with defamation. After 18 days in detention, they were released but face ongoing legal battles in 2024. An investigation by Reporters Without Borders (RSF) revealed that both journalists had previously been targeted by Pegasus spyware ⁷⁶⁹. Lawson experienced over 23 intrusions within five months, and Sossou's phone was similarly compromised. RSF labeled this as the first confirmed use of Pegasus against journalists in Togo and called for government accountability—though no response was provided.

These cases reveal an environment where restricted access to information, pervasive surveillance, and harsh legal penalties combine to severely limit freedom of expression.

Laying the ground for responsible AI

Togo has recently advanced its ambitions to establish itself as a leading technological hub in Africa through its comprehensive Togo Digital Strategy. Built on three foundational pillars - promoting digital inclusion, digitizing public services, and driving economic transformation through technology—this strategy envisions a competitive and inclusive digital ecosystem that leverages artificial intelligence (AI) and other emerging technologies to address both immediate and future challenges. The government's approach is centered on using technological innovation to enhance governance, economic productivity, and overall societal well-being. ⁷⁷⁰

A significant initiative under this digital strategy was the “Autour de l'IA” event, a collaborative platform held in November 2024 that gathered leaders from the public sector, private industry, and civil society to discuss Togo's AI ambitions ⁷⁷¹. Organized alongside the second edition of the Grand Atelier du Digital (GAD) and the fifth edition of IndabaX, this event served as a forum for sharing insights into Togo's emerging AI strategy, spotlighting innovative AI research, and exploring practical solutions that could drive sustainable development. Through this gathering, Togo underscored its ambition to leverage AI to improve digital governance, enhance public services, and support environmental stewardship.

The “Autour de l'IA” event featured informative sessions on AI strategies from other nations—including Singapore, Rwanda, and Ghana—exploring how these approaches could inform Togo's own framework. Organized in collaboration with the Ministry of Digital Economy and Digital Transformation (MENTD) and the Agence Togo Digital (ATD), the event was designed to provide Togolese leaders and other stakeholders with a foundation in AI best practices. These insights helped lay the groundwork for integrating AI into sectors critical to Togo's national development, such as healthcare, agriculture, and education.

To further shape its AI policy, the government opened a public call for comments on the national AI strategy in 2024 ⁷⁷², inviting contributions from experts, industry professionals, civil society, and the public. This initiative aims to gather a range of perspectives to inform a well-rounded, inclusive AI strategy that balances innovation with ethical considerations and social impact. The call for public input reflects the government's commitment to a collaborative approach, ensuring that Togo's AI policies align with the needs and values of its people.

⁷⁶⁸ Icilome. (2024, August 10). Togo – Accusé de financer des terroristes, Ferdinand Ayité répond au régime. Retrieved from <https://icilome.com/2024/08/togo-accuse-de-financer-des-terroristes-ferdinand-ayite-repond-au-regime/>

⁷⁶⁹ Le Monde. (2024, January 23). Au Togo, deux journalistes ciblés par le logiciel espion Pegasus, selon Reporters Sans Frontières. Retrieved November 14, 2024, from https://www.lemonde.fr/afrique/article/2024/01/23/au-togo-deux-journalistes-cibles-par-le-logiciel-espi-on-pegasus-selon-reporters-sans-frontieres_6212482_3212.html

⁷⁷⁰ Togo Presidency (2024). Stratégie Togo Digital: Building a Competitive Digital Ecosystem through Innovation. Retrieved November 14, 2024, from <https://togo.gouv.tg>.

⁷⁷¹ République Togolaise. (2024, November 8). Intelligence artificielle : une série d'activités immersives annoncée à Lomé. Retrieved from <https://www.republiquetogolaise.com/tic/0811-9937-intelligence-artificielle-une-serie-d-activites-immersives-annoncee-a-lome>

⁷⁷² Gneni, T. (2024, October 6). Togo/Intelligence artificielle : vers l'élaboration d'une stratégie nationale. TIC Infos. Retrieved December 27, 2024, from <https://ticinfos.com/2024/10/06/togo-intelligence-artificielle-vers-lelaboration-dune-strategie-nationale/>

The event also included hands-on workshops on MOSAIKS, an AI tool developed by the University of California, Berkeley's Center for Effective Global Action (CEGA), which uses satellite data for environmental and resource management. This practical demonstration underscored Togo's commitment to deploying AI solutions that address urgent challenges, like sustainable agriculture and environmental monitoring, aligning with the nation's broader sustainability goals.

In line with this focus on AI and emerging technologies, the National Internet Governance Forum 2024 also centered its discussions on technological innovation and policy implications for emerging digital tools. The forum gathered experts, policymakers, and stakeholders from across the region to explore the opportunities and challenges associated with AI, data governance, and cybersecurity.⁷⁷³

Despite these advancements, Togo faces challenges in achieving full digital transformation. Building the necessary infrastructure, fostering public trust, and developing comprehensive AI governance frameworks remain key obstacles. To address these issues, the government launched a call for contributions in 2024 to involve experts, industry leaders, and the public in shaping a collaborative national AI strategy. This initiative reflects Togo's commitment to balancing innovation with ethical and social responsibilities, aiming to ensure that AI adoption aligns with national priorities and is governed responsibly.

Through the Stratégie Togo Digital and initiatives like "Autour de l'IA," Togo has laid a strong foundation for integrating AI and emerging technologies into its national development agenda. While challenges persist, the government's forward-thinking approach positions Togo as a pioneering force in Africa's digital landscape, committed to building a resilient, inclusive, and ethically responsible digital economy.

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Digital Identity for all

Togo has launched a nationwide enrollment initiative for its digital identity system, e-ID Togo, led by the Agence Nationale d'Identification (ANID)⁷⁷⁴. This program provides each resident with a unique identification number linked to biometric data, such as fingerprints and facial recognition, to enhance secure and efficient access to public services. The e-ID Togo project is a cornerstone of the government's "Stratégie Togo Digital", aimed at modernising public administration and fostering social inclusion by providing reliable identification to all citizens.

As of December 2024, Togo's digital identity initiative, e-ID Togo, has made significant progress toward nationwide implementation⁷⁷⁵.

The e-ID Togo system streamlines identity verification processes, reduces fraud, and strengthens the government's capacity to deliver social services. The system's design facilitates interoperability across various sectors, enabling institutions such as banks and healthcare providers to verify identities more efficiently and expand services to underserved populations according to the government⁷⁷⁶.

ANID remains responsible for overseeing the continued rollout and integration of e-ID Togo, ensuring that the digital ID aligns with international standards for data protection and privacy. The agency's efforts also include integrating the digital ID system with a range of public and private sector services, expanding its utility and impact in everyday life for Togolese citizens.

Conclusion

The 2024 Londa Digital Rights and Inclusion Report for Togo captures a country at a pivotal point in its digital transformation journey. Under "Stratégie Togo Digital 2025", initiatives such as expanded internet infrastructure, the e-ID Togo biometric identity system, and the Equiano undersea cable

773 Togo First. (2024, October 28). Togo: L'intelligence artificielle au cœur du 10ème Forum sur la Gouvernance de l'Internet. Retrieved November 14, 2024, from <https://www.togofirst.com/fr/tic/2810-15078-togo-lintelligence-artificielle-au-c-ur-du-10eme-forum-sur-la-gouvernance-de-linternet>

774 Zambo, J. M. (2024, December 12). Identification biométrique : La carte « e-ID Togo » gratuite est opérationnelle. 225 Tech. Retrieved December 27, 2024, from <https://www.225tech.info/identification-biometrique-la-carte-e-id-togo-gratuite-est-operationnelle/>

775 Elephantech Afrique. (2024, December 12). e-ID : le Togo modernise son système d'identification. Retrieved December 27, 2024, from <https://elephantech.ci/e-id-le-togo-modernise-son-systeme-didentification/>

776 Ministère de l'Économie Numérique et de la Transformation Digitale. (n.d.). e-ID Togo. Retrieved December 27, 2024, from <https://numerique.gouv.tg/projet/e-id-togo/>

partnership illustrate the tiny West African nation's commitment to advancing connectivity, economic growth, and digital inclusion. These projects represent tangible progress toward bridging digital divides and modernizing public services.

However, significant challenges persist. The report highlights ongoing issues surrounding freedom of expression, where restrictive regulations and arrests during the 2024 elections period raised concerns about limitations on online dissent. Additionally, while progress has been made in data protection with the establishment of the Instance de Protection des Données à Caractère Personnel (IPDCP), gaps in enforcement hinder comprehensive privacy safeguards. Journalists and citizens continue to face barriers to accessing public information, underscoring a need for transparency in government operations.

Achieving a rights-respecting digital environment will require focused efforts to strengthen regulatory frameworks, support data protection initiatives, and promote equitable access to digital infrastructure across all regions.

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Recommendations

Government

- The government should invest in extending the national electricity grid and broadband infrastructure to improve internet access and address the urban-rural digital divide.
- Legal frameworks for freedom of expression need alignment with international standards to safeguard freedom of speech, particularly online, and provide clear legal protections for dissent.
- Additional resources should be allocated to the Instance de Protection des Données à Caractère Personnel (IPDCP) to enforce data protection laws effectively.
- Amendments to the freedom of information law should be considered to require public reporting on government response rates to information requests, enhancing transparency.
- A clear regulatory framework addressing ethical considerations, privacy, and security within AI applications is essential for managing emerging technologies responsibly.

Civil Society

- Civil society should partner with international bodies to monitor and respond to infringements on digital rights, particularly around elections and public dissent.
- Outreach programs to increase digital literacy should be prioritized, focusing on safe internet practices and data privacy rights in rural areas.
- Civil society can collaborate with the IPDCP to educate citizens on their data rights and the protections offered under current laws.
- Active engagement in shaping ethical AI frameworks is necessary to ensure public interest remains a priority in the development of emerging technologies.

Technical Community

- The technical community should work with platforms to develop culturally relevant moderation tools, especially for content in local languages.
- Support for tools that align with Togo's data protection laws can assist organizations in maintaining secure data handling practices.
- Collaborate on projects to provide affordable access to the internet in underserved areas, potentially partnering with satellite providers like Starlink to improve connectivity.
- Focus on deploying AI tools to address local challenges

Academia

- Academic institutions should prioritize studies on the impact of digital rights restrictions on economic and social development, providing data-driven recommendations to policymakers.
- Digital literacy education should be integrated into curricula in schools to prepare students for a digitally connected world.
- Programs in data protection compliance and cybersecurity should be developed to help fill skill gaps within the government and private sectors.
- Engage in research on AI and ethics to develop frameworks that are contextually relevant and ethically grounded for the responsible governance of AI.

Private Sector

- The private sector should collaborate with the government on extending connectivity to rural areas and offer affordable internet services to improve digital inclusion.
- Businesses need to strengthen data protection and privacy practices in line with national law, leading by example in compliance and transparency.
- Support civil society's digital literacy initiatives through funding and resources, focusing particularly on disadvantaged communities as part of corporate social responsibility.
- Develop AI solutions that address local needs, such as agriculture or healthcare, while ensuring ethical deployment and adherence to regulatory standards.

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The Score Index

Thematic Area	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	4	No internet shutdowns reported; considerable compliance with no significant restrictions.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	Efforts like the Equiano cable and Universal Service Fund, but gaps remain in rural coverage.
False News Criminalisation	P22(2)	2	Criminal laws (e.g., Article 25) still penalize dissent; reforms are needed.
Sedition Legislation	P22(2)	3	Provisions criminalising dissent (e.g., cybercrime laws) remain active.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	Arrests of bloggers and activists (including minors) highlight ongoing repression.
Data Protection Legislation	P42	4	Frameworks exist (e.g., IPDCP), but enforcement and transparency remain weak.
Online Content Removal Without Process	P38 and P39(4)	2	Politically motivated takedowns lack clear, justifiable processes.
Invasion of Privacy of Communications	P41	1	Reports of surveillance (e.g., Pegasus spyware) on journalists indicate privacy violations.
Failure by the government to proactively disclose and disseminate information digital technologies	P29(3)	3	Weak implementation of the Freedom of Information law; lack of transparency.
AI and Emerging Technologies national strategies	P39(6)	2	AI strategy consultation ongoing, but frameworks are still under development.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	Togo has child protection policies like the 2007 Child Code, but lacks comprehensive digital safety measures and provisions
Digital Inclusion	P37(3)	2	Efforts like e-ID Togo and digital services exist, but rural inclusion remains a challenge.
TOTAL SCORE (Up to 60)		29	

Note:

Togo's 'Moderately Compliant' rating (31/60) reflects progress across several areas of digital rights and inclusion. This score comprises improvements such as the development of internet infrastructure (3/5) and efforts toward a national AI strategy (3/5). However, challenges remain

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in critical areas like freedom of expression, where arbitrary arrests and restrictive laws result in lower scores (2/5) for Sedition Legislation, False News Criminalization, and Arbitrary Arrests). Data protection legislation is moderately compliant (3/5), but enforcement and transparency require significant strengthening. Similarly, access to information and proactive disclosure received low ratings (2/5), highlighting the need for greater transparency and accountability.

The government's efforts in children's digital safety (3/5) and digital inclusion (3/5) indicate moderate progress, yet these areas still face barriers, especially in underserved rural communities. Togo's overall compliance is hindered by its approach to online content removal (2/5) and privacy protections (2/5), reflecting weaknesses in adhering to international human rights standards.

To advance from Moderately Compliant (31/60) to a Considerably Compliant rating (45+), Togo must reform restrictive laws to safeguard freedom of expression, improve data protection enforcement, enhance transparency in public information access, and address the digital divide with affordable internet access for all. These reforms will position Togo as a leader in digital rights and inclusion while aligning with the ACHPR Declaration of Principles.

Tunisia



Executive Summary

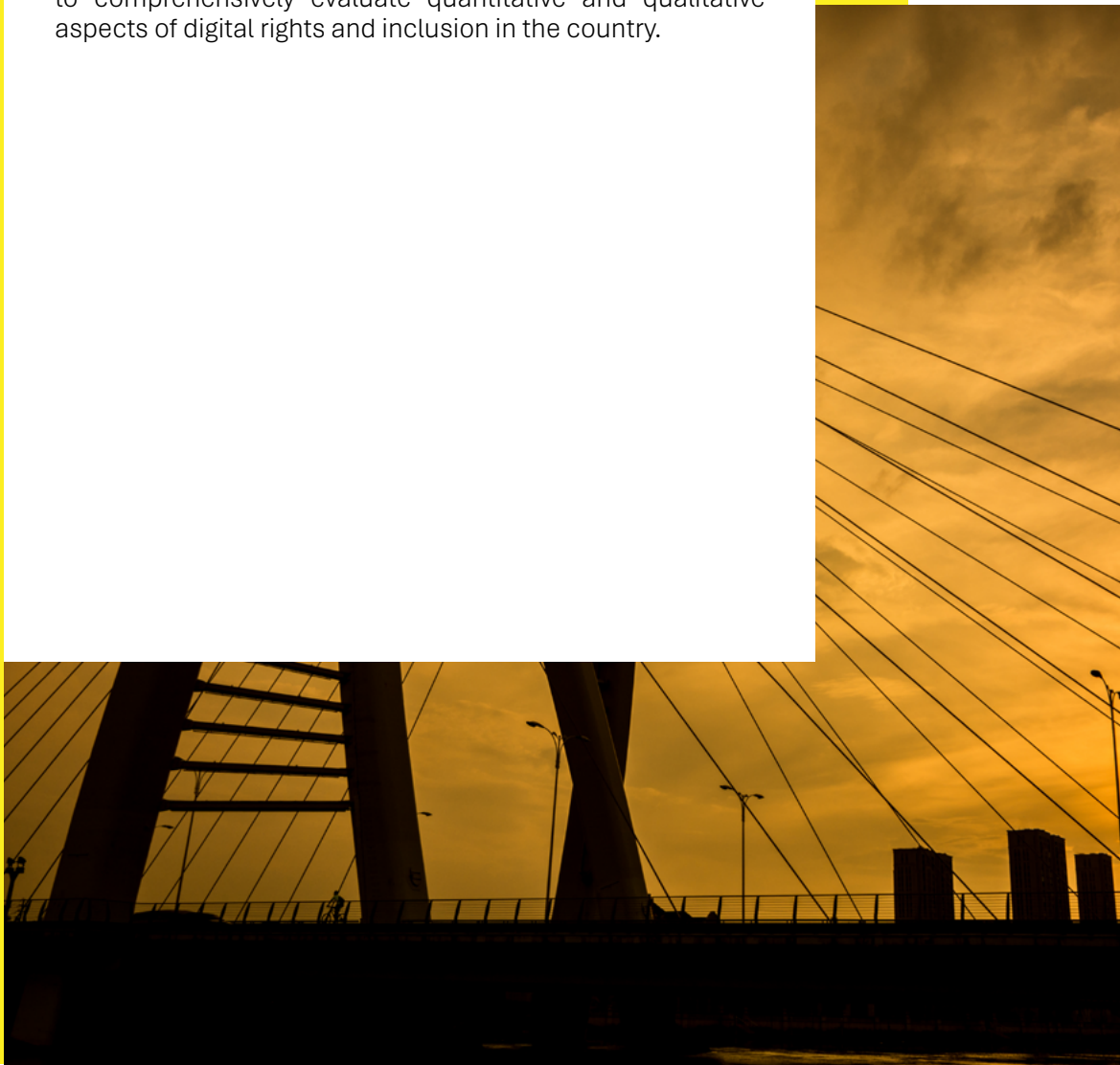
Tunisia's digital landscape presents a complex interplay of progress and repression. On one hand, the country has made progress in internet access, with significant investments in digital infrastructure. However, these advancements are overshadowed by a growing crackdown on digital rights and freedoms. The Government's increasing surveillance of online activities, coupled with the arbitrary arrest of journalists and activists, has created a climate of fear and self-censorship. The misuse of laws to target critical voices and the erosion of privacy rights are major concerns.

This report aims to capture the evolving achievements and challenges that define Tunisia's digital landscape in 2024. It covers the dynamics of internet freedom, the right to privacy, data protection, access to information and digital inclusion. Additionally, the report assesses the country's score based on the TheScore Index developed by Paradigm Initiative to assess countries' compliance with the African Commission on Human and Peoples' Rights *Declaration of Principles on Freedom of Expression and Access to Information*. The employed methodology involved a multi-faceted approach, which included a thorough review of government reports, media sources, existing literature, and analysis. This approach combined empirical and desk research methods to comprehensively evaluate quantitative and qualitative aspects of digital rights and inclusion in the country.

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Introduction

Tunisia, a North African nation of approximately 12 million people, embarked on a democratic transition following the 2011 revolution.⁷⁷⁷ However, since 2021, President Saïed's consolidation of power has led to a significant repression of human rights and freedoms as evidenced by the imprisonment of numerous political dissidents, the crackdown on peaceful protests and the growing number of prosecutions against social media users⁷⁷⁸

Tunisia is a signatory to several international human rights treaties, including the International Covenant on Civil and Political Rights⁷⁷⁹ and the African Charter on Human and Peoples' Rights.⁷⁸⁰ On a regional level, in 1983, Tunisia ratified the African Charter on Human and Peoples' Rights, which guarantees individuals the right to receive information as well as the right to express and disseminate information. While these commitments underscore the country's obligations to protect fundamental rights, recent developments have raised concerns about their implementation.

Despite constitutional provisions for the primacy of international treaties, the current political climate has created challenges in upholding these commitments. The tension between democratic principles and authoritarian tendencies has significant implications for Tunisia's digital rights landscape.

Tunisia's score suggests that it is moderately compliant with the Declaration of Principles of Freedom of Expression and Access to Information in Africa.

777 Al Jazeera, "Timeline: Tunisia's uprising", Jan 23, 2011, <https://www.aljazeera.com/news/2011/1/23/timeline-tunisias-uprising>.

778 Inkyda, "Kais Saïed: jeopardizing rights and freedom", July 2023, <https://inkyfada.com/en/2023/07/27/threats-rights-freedom-kais-saied-tunisia/>

779 United Nations Treaties Collection, "International Covenant on Civil and Political Rights", https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf.

780 African Union, "African Charter on Human and Peoples' Rights", <https://au.int/en/treaties/african-charter-human-and-peoples-rights>.

Internet access and disruptions:

According to the International Telecommunication Union's ICT Development Index 2024, 73.8% of the Tunisian population uses the Internet, while 57.0% of households have internet access at home. In 2024,⁷⁸¹ the country had a robust mobile network infrastructure, with 99% of the population covered by at least a 3G network and 95% covered by 4G/LTE. This extensive coverage has contributed to a high mobile broadband subscription rate of 85.8 per 100 inhabitants.⁷⁸²

Overall, Tunisia's internet penetration continued to grow, reaching 51.2% for broadband internet and 95.8% for mobile data⁷⁸³, up from 51.5% and 90.7% in 2023, respectively.⁷⁸⁴ International bandwidth capacity has also increased from 1780 Gbps in 2023 to 2050 Gbps in 2024.⁷⁸⁵ Data traffic reached a significant milestone of 97,807 TB in July 2024, with smartphones accounting for a substantial 87.4% of total traffic.⁷⁸⁶ While ADSL technology still dominates the fixed data market, with 70.8% of data traffic in the first quarter of 2024, fibre optic technology is gaining traction, increasing from 12.8% to 13.9% of data traffic during the same period.⁷⁸⁷

According to Ookla's Speedtest Global Index released in September 2024, Tunisia's average mobile download speed increased from 25.06 Mbps in 2023 to 26.17 Mbps in 2024. However, the average upload speed decreased slightly from 15.50 Mbps to 14.60 Mbps. For fixed broadband, both download and upload speeds saw significant improvements. Download speeds increased from 8.65 Mbps to 10.90 Mbps, while upload speeds jumped from 2.02 Mbps to 3.86 Mbps, ranking 149th globally.⁷⁸⁸

A notable development in 2024 was the completion of the connection of all Tunisian schools to fibre optic networks, as announced by the Minister of Communication Technologies in November.⁷⁸⁹ The national education network, "Edunet 10," was launched in 2023 to connect 3,307 educational institutions and 1.5 million students to high-speed fibre optic internet, backed by a budget exceeding 132 million Tunisian dinars (over 43 million US dollars). This project contributes to developing the national digital infrastructure, expanding the high-flow fibre optic network, thus enhancing service quality and meeting the Ministry of Education's digital service requirements.⁷⁹⁰

As part of implementing the national plan for adopting 5G technologies and IoT systems, Tunisia transitioned to the sixth version of the Internet Protocol. The adoption of IPv6 addresses surpassed 17% by November 2024, marking the highest percentage in the North African region and the third in Africa.⁷⁹¹ The Ministry of Communication Technologies granted permission for the three main telecommunications companies to conduct tests preceding the official commercial launch of 5G service, now postponed until 2025.⁷⁹² In September 2024, the three operators officially submitted their applications for obtaining a 5G license.⁷⁹³

781 International Telecommunication Union (ITU), "ICT Development Index 2024", https://www.itu.int/hub/publication/D-IND-ICT_MDD-2024-3/ (Accessed on 15 November 2024)

782 International Telecommunication Union (ITU), "ICT Development Index 2024", https://www.itu.int/hub/publication/D-IND-ICT_MDD-2024-3/ (Accessed on 15 November 2024)

783 INTT, "Tableau de bord trimestriel TR1- 2024", <https://www.intt.tn/upload/files/Rapport-TR1-2024.pdf> (Accessed on 15 November 2024)

784 INTT, "Tableau de bord trimestriel TR1- 2023", <https://www.intt.tn/upload/files/Rapport-TR1-2023.pdf> (Accessed on 15 November 2024)

785 INTT, "Tableau de bord trimestriel TR1- 2024", <https://www.intt.tn/upload/files/Rapport-TR1-2024.pdf> (Accessed on 15 November 2024)

786 INTT, "Tableau de Bord Mensuel Data Mobile", July 2024, https://www.intt.tn/upload/files/TB4_Data-Mobile -07-2024.pdf (Accessed on 15 November 2024)

787 INTT, "Tableau de Bord Mensuel Data Fixe", July 2024, https://www.intt.tn/.../files/TB3_Data-Fixe%20-07-2024.pdf (Accessed on 15 November 2024)

788 Speedtest Global, "Tunisia," <https://www.speedtest.net/global-index/tunisia> (Accessed on 15 November 2024)

789 La Presse, "Tunisie : Le raccordement des écoles à la fibre optique achevé d'ici fin novembre", November 2024, <https://lapresse.tn/2024/11/07/tunisie-le-raccordement-des-ecoles-a-la-fibre-optique-acheve-dici-fin-novembre/>

790 Mosaïque FM, "Internet haut débit: Lancement du projet Edunet 10", March 11, 2023 <https://www.mosaiquefm.net/amp/fr/actualite-high-tech-tunisie-monde/1143299/internet-haut-debit-lancement-du-projet-edunet-10>

791 APNIC, "Use of IPv6 for Tunisia (TN)", <https://stats.labs.apnic.net/ipv6/TN?o=cXBw30x1r1>

792 Mosaïque FM, "Nizar Ben Neji : La 5G déployée en 2024", Mosaïque FM, November 28, 2023, <https://www.mosaiquefm.net/amp/fr/actualite-high-tech-tunisie-monde/1215096/nizar-ben-neji-la-5g-deployee-en-2024>

793 African Manager, «5G : Les 3 opérateurs déposent officiellement leurs dossiers», September 23, 2024, <https://africanmanager.com/5g-les-3-operateurs-deposent-officiellement-leurs-dossiers/>

Freedom of Expression

In 2024, Tunisia witnessed a notable decline in freedom of expression online. The year began with the arrest of prominent political figures but soon expanded to include journalists, activists, and even social media influencers. This broadening crackdown has been accompanied by the strategic use of various legal instruments, including the counterterrorism law, the penal code, the military justice code and specific decrees like Decree Law 2022-54.⁷⁹⁴⁷⁹⁵

The National Syndicate of Tunisian Journalists (the Syndicate) documented a surge in attacks, with 224 incidents reported between October 15, 2023, and October 15, 2024. The monitoring unit of the syndicate recorded 37 cases of judicial prosecution outside the framework of Decree 115 which regulates the freedom of the press, printing and publishing.⁷⁹⁶

In particular, Decree Law 2022-54 has been used in silencing dissent, with several journalists and activists facing prosecution and imprisonment for their online activities. The decree restricts freedom of opinion and expression and prescribes prison terms of up to 10 years for disseminating false news, among other speech-related offences. National human rights groups have urged the Tunisian Parliament to reject Decree-Law 2022-54 and have called for a national campaign to suspend its application.⁷⁹⁷

In July 2024, journalist Mourad Zeghidi was sentenced by the appeal court of Tunis to eight months in prison for defamation and spreading false news charges under Decree-Law 2022-54 after he expressed solidarity with an imprisoned journalist on social media.⁷⁹⁸ A military court sentenced blogger Nasreddine El-Halimi to seven years in prison – five as a suspended sentence – under Decree Law 2022-54 and the code of military justice for three social media posts, one of which called for protests.⁷⁹⁹

Social media users, including those living abroad, were also prosecuted under the counterterrorism law and penal code. The judicial counter-terrorism pole issued arrest warrants against Tunisians residing abroad, including blogger Anis Ben Daou, after examining posts and video clips they published, which the Public Prosecution considered to be aimed at spreading chaos and terror among citizens and disrupting the electoral process. Ben Daou was sentenced in October 2024 to 10 years imprisonment for defamation charges.⁸⁰⁰ The investigating judges presiding over this case have issued international arrest warrants for all parties involved including Ben Daou.⁸⁰¹

The latter part of 2024 witnessed a concerning trend of arrests and prosecutions targeting non-political content creators and social media influencers, often based on charges of “public indecency” and “breach of morality.” This crackdown was intensified following a statement by the Minister of Justice on October 27, 2024, which singled out TikTok and Instagram as platforms promoting content deemed morally corrupt or contrary to societal values.⁸⁰²

794 Hivos, “Freedom of Expression in Tunisia: Legal Mapping”, <https://hivos.org/document/freedom-of-expression-in-tunisia-legal-mapping/>

795 Decree-Law No. 2022-54 of September 13, 2022, relating to the fight against offenses relating to information and communication systems <https://legislation-securite.tn/latest-laws/decret-loi-n-2022-54-du-13-septembre-2022-relatif-a-la-lutte-contre-les-infractions-se-rapportant-aux-systemes-dinformation-et-de-communication/>

796 SNJT, “8th Annual Report on the Safety of Journalists”, November 2024, <https://protection.snjt.org/المجلس الوطني لحقوق الإنسان - التقرير السنوي لسلامة الصحفيين 2024>

797 Article 19, “Tunisia: Government must drop policy of undermining press freedom”, Article 19, April 11, 2023, <https://www.article19.org/resources/tunisia-government-drop-policy-of-undermining-press-freedom/>

798 Mosaïque FM, “Affaire Mourad Zghidi: La peine réduite à huit mois...”, July 30, 2024, <https://www.mosaïquefm.net/fr/actualite-national-tunisie/1297073/affaire-mourad-zghidi-la-peine-reduite-a-huit-mois>

799 Business News, “La peine prononcée contre le blogueur Nasreddine Halimi allégée en appel”, June 6, 2024, <https://www.businessnews.com.tn/la-peine-prononcee-contre-le-blogueur-nasreddine-halimi-allegee-en-appel.520,138477,3>

800 Tunisie Numerique, “Tunisia – 10 years in prison for admin of Facebook page”, October 3, 2024, <https://news-tunisia.tunisienumerique.com/tunisia-10-years-in-prison-for-admin-of-facebook-page/>

801 Mosaïque FM, “International arrest warrants against Zenaidi, Bouchlaka, Ben Daou and Badida”, October 2024, <https://www.mosaïquefm.net/ar/%D8%AA%D9%88%D9%86%D8%B3-%D9%88%D8%B7%D9%86%D9%8A%D8%A9/1322447/%D8%A8%D8%B7%D8%A7%D9%82%D8%A7%D8%AA-%D8%AC%D9%84%D8%A8-%D8%AF%D9%88%D9%84%D9%8A%D8%A9-%D9%81%D9%8A-%D8%AD%D9%82-%D8%A7%D9%84%D8%B2%D9%86%D8%A7%D9%8A%D8%AF%D9%8A-%D9%88%D8%A8%D9%88%D8%B4%D9%84%D8%A7%D9%83%D8%A9-%D9%88%D8%A8%D9%86-%D8%B6%D9%88-%D9%88%D8%A8%D8%AF%D9%8A%D8%AF%D8%A9>

802 Facebook page, Statement, Ministère De La Justice-Tunisie, October 27, 2024, <https://www.facebook.com/photo/?fbid=944622251031799&set=a.252244646936233>

Individuals with significant followings on social media platforms, particularly women and members of the LGBTQIA+ community, became targets of online harassment, defamation, and incitement campaigns.⁸⁰³ Many were subsequently arrested and sentenced to up to 5 years of imprisonment under Articles 226 and 226 bis of the penal code, which criminalise “public indecency” and “breach of morality”.^{804 805}

Data Protection and Privacy

Tunisia’s legal framework includes provisions for privacy and data protection enshrined in the 2022 Constitution⁸⁰⁶ and the 2004 Personal Data Protection Law.⁸⁰⁷ Despite these legal safeguards, Tunisians’ privacy rights continue to face vulnerabilities.

The 2004 Personal Data Protection Law is outdated and does not effectively address the technological advancements and new challenges related to personal data, including the specificity of biometric data. Its numerous shortcomings, particularly in safeguarding privacy, grant the public authorities undue power over personal data, undermining citizens’ fundamental rights.⁸⁰⁸

The prolonged state of emergency, renewed in January 2024,⁸⁰⁹ grants government agencies extensive powers to access electronic devices without judicial oversight. This has led to concerns about the surveillance of individuals, particularly those perceived as critical of the government.⁸¹⁰ Additionally, Decree-Law 2022-54, enacted in late 2022, further eroded privacy rights. Notably, it allows law enforcement agencies to access extensive personal data without a judicial warrant and mandates telecommunications providers to retain user data for extended periods.⁸¹¹

Civil society organisations have documented instances where the mobile phones of opposition politicians and activists have been seized and their communications monitored without proper legal authorisation.^{812,813} This has raised concerns about the extent of government surveillance to target individuals and suppress dissent. In March 2024, the defense team of Meriem Sassi, a political activist, accused authorities of monitoring Sassi’s social media conversations with her

803 Fédération internationale pour les droits humains, “Tunisie : nouvelles attaques et actes d’intimidation contre DAMJ et ses membres”, October 10, 2024, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/tunisie-nouvelles-attaques-et-actes-d-intimidation-contre-damj-et-ses>.

804 Tunisie Numerique, “Tunisie : cinq ans de prison pour quatre créatrices de contenu et influenceuses Instagram”, November 8, 2024, <https://www.tunisienumerique.com/tunisie-cinq-ans-de-prison-pour-quatre-creatrices-de-contenu-et-influenceuses-instagram/>

805 Le Figaro, “Tunisie : accusée d’avoir publié des contenus obscènes, une instagrameuse condamnée à quatre ans et demi de prison”, Octobre 31, 2024, <https://www.lefigaro.fr/flash-actu/tunisie-accusee-d-avoir-publie-des-contenus-obscenes-une-instagrameuse-condamnee-a-quatre-ans-et-demi-de-prison-20241031>.

806 The Constitution of the Tunisian Republic of July 25, 2022, <https://legislation-securite.tn/latest-laws/decret-presidentiel-n-2022-691-du-17-aout-2022-portant-promulgation-de-la-constitution-de-la-republique-tunisienne/>

807 Law No. 2004-63 of July 27, 2004, relating to the protection of personal data, <https://legislation-securite.tn/latest-laws/loi-organique-n-2004-63-du-27-juillet-2004-portant-sur-la-protection-des-donnees-a-caractere-personnel/>.

808 Nawaat, 3Journée internationale de protection des données personnelles : En Tunisie, c’est toujours l’inertie!, Jan 2015, <https://nawaat.org/2015/01/29/journee-internationale-de-protection-des-donnees-personnelles-en-tunisie-cest-toujours-linertie/>.

809 Al Sharq al awsat, “Tunisia Extends State of Emergency until Dec. 31”, January 30, 2024, <https://english.aawsat.com/ar-ab-world/4823346-tunisia-extends-state-emergency-until-dec-31>

810 Amnesty International, “Tunisia Repressive state of emergency bill a threat to human rights,”, March 15, 2019, <https://www.amnesty.org/en/latest/news/2019/03/tunisia-repressive-state-of-emergency-bill-a-threat-to-human-rights/>.

811 “Decree n° 2022-54 relating to the fight against crimes related to information and communication systems,” , <https://legislation-securite.tn/latest-laws/decret-loi-n-2022-54-du-13-septembre-2022-relatif-a-la-lutte-contre-les-infractions-se-rapportant-aux-systemes-dinformation-et-de-communication/>

812 Kapitalis, “Tunisie : Qui a utilisé le smartphone de Chaima Issa”, April 2023, <https://kapitalis.com/tunisie/2023/04/24/tunisie-qui-a-utilise-le-smartphone-de-chaima-issa-apres-sa-saisie/> and Webso, “Ennahda met en garde contre l’utilisation du téléphone de Rached Ghannouchi”, May 2023, <https://www.webdo.tn/fr/actualite/national/ennahda-met-en-garde-contre-l-utilisation-du-telephone-de-rached-ghan-nouchi/205704>.

813 Women Journalists without chains, “Statement of Condemnation by Women Journalists Without Chains”, December 12, 2024, <https://www.wjwc.org/news-en/statement-of-condemnation-by-women-journalists-without-chains/>.

lawyer, infringing upon her legal and privacy rights.⁸¹⁴ Subsequently, she was sentenced to eight months imprisonment under Article 20 of Decree 2022-54 on the grounds that she had changed her Facebook password after receiving a security alert from Meta, an action interpreted as impeding information systems.⁸¹⁵⁸¹⁶

The arbitrary arrest and prosecution of activists based on the content found on their phones underscores the deterioration of digital rights. The cases of Dhia Hamdi and Adam Hammami exemplify how digital evidence can be used to silence critical voices. In September 2024, Dhia Hamdi and Adam Hammami, two Tunisian students and activists, were arrested and their phones confiscated. The authorities subsequently charged them with committing an obscene act against the President of the Republic, citing graffiti images found on their phones and on the basis of Article 67 of the Penal Code, which criminalizes obscene offences against the President of the Republic, with a penalty of three years imprisonment or a fine of 240 dinars.⁸¹⁷

In March 2024, the Tunisian Parliament passed two controversial bills that would introduce biometric national identification cards and passports. Civil society organisations expressed concerns regarding the potential misuse of personal data, especially in light of the proposed centralised database of biometric data, which would be under the control of the Ministry of the Interior.⁸¹⁸ They cite concerns about the possibility of data breaches exposing sensitive personal information, the potential for public authorities to misuse the data for surveillance or repression, and the lack of sufficient legal and regulatory frameworks to prevent these harms and provide redress for individuals.⁸¹⁹

Tunisia's accession to the Council of Europe's Convention on Cybercrime in March 2024 could have implications for international cooperation in cybercrime investigations.⁸²⁰ However, it is crucial to ensure that such cooperation respects human rights and privacy.

Censorship and content moderation

In the lead-up to and during the 2024 presidential elections, government institutions, including the Independent High Authority for Elections (ISIE), pressured media outlets to conform to a specific narrative and avoid critical reporting.

Independent news outlets like Nawaat have been targeted for critical reporting. In February 2024, Nawaat received a notice from the ISIE to remove an article discussing the judiciary's role in politicised arrests. The ISIE claimed the article violated electoral rules and could influence voters.⁸²¹ The journalists' syndicate denounced the ISIE's interference and announced the suspension of its

814 Business News, "Meriem Sassi laissée en liberté", October 5, 2024, <https://www.businessnews.com.tn/meriem-sassi-laissee-en-liberte,520,132528,3> and <https://www.cfjustice.org/tunisia-lawyer-alleges-state-surveillance-of-defense-discussions-in-human-rights-defender-mariam-sassis-case/>

815 Interview With Meriam Sassi's lawyer Nafaa Ghribi, Panorama Tunisie Facebook page, May 2, 2024, <https://www.facebook.com/61555419999964/videos/1664545704084534/>

816 Business News, "PDL - Le comité de défense fera appel de la condamnation de Meriem Sassi", June 20204, <https://www.business-news.com.tn/article,544,138365,3>.

817 Committee for Justice, "Tunisia: CFJ observes trial of 2 Tunisian activists due to anti-normalization activities ", November 8, 2024, <https://www.cfjustice.org/tunisia-cfj-observes-trial-of-2-tunisian-activists-due-to-anti-normalization-activities/>

818 Access Now, "Eight years in the making: Tunisia's controversial Biometric ID and Passport Bills risk rights", Access Now, March 7, 2024, <https://www.accessnow.org/press-release/tunisia-biometric-id-passport-bills-passed/>

819 Access Now, "Tunisia: Statement on Proposed National ID Card", January 2023, <https://www.accessnow.org/press-release/tunisia-statement-proposed-national-id-card/>.

820 "Tunisia becomes the 70th Party to Convention on Cybercrime", Council of Europe, March 8, 2024, https://www.coe.int/en/web/cybercrime/-/tunisia-becomes-the-70th-party-to-convention-on-cybercrime?fbclid=IwAR3QD_v4JqkzJkDk6V04f8hQd6FaNG77IlgPw698Y5xTVTH2dEZQ0ecYWslW

821 "تقديم الال تاسسؤملا ىلع قىيىضتلا او نييفحصلا طسره يف ريظخ جرعنم", Nawaat, February 7, 2024, <https://nawaat.org/2024/02/07/%d9%85%d9%86%d8%b9%d8%b1%d8%ac-%d8%ae%d8%b7%d9%8a%d8%b1-%d9%81%d9%8a-%d9%87%d8%b1%d8%b3%d9%84%d8%a9-%d8%a7%d9%84%d8%b5%d8%ad%d9%81%d9%8a%d9%8a%d9%86-%d9%88%d8%a7%d9%84%d8%aa%d8%b6%d9%8a%d9%8a%d9%82/>

partnership with the elections authority due to recurrent interference in media outlets.⁸²²

Journalists have faced pressured editorial censorship, with news items being withheld or removed from publication. For instance, the Tunis Afrique Presse Agency censored a news item about a former minister's presidential candidacy.⁸²³ Additionally, journalist Khawla Boukrim of the "Tunis Media" website had her accreditation for the 2024 presidential elections revoked.⁸²⁴

The increasing pressure and threats faced by journalists and internet users have led to a rise in self-censorship. Media outlets and journalists may avoid covering sensitive topics or adopt a more cautious approach to reporting, fearing repercussions from the authorities. A survey conducted by "Hope Makers", a civil society organisation, to assess freedom of expression online following the adoption of Decree Law 2022-54 found that only 8% of the 410 respondents felt free to express their opinions on social media.⁸²⁵

The combination of editorial censorship and the chilling effect of self-censorship has created a challenging environment for online freedoms in Tunisia. These trends undermine media freedom and hinder the public's ability to access accurate and unbiased information.

Access to information

Tunisia has taken steps to establish a legal framework for access to information. The 2022 Constitution enshrines the right to access information, and Organic Law No. 22 of 2016 provides a detailed legal framework for implementing this right. The law mandates government bodies to publish information online and respond to information requests.⁸²⁶

However, the practical implementation of these legal provisions remains challenging. Many government agencies lack the necessary resources to comply with the law's requirements, particularly in terms of website maintenance and information dissemination. Additionally, the National Authority for Access to Information, established in 2017, faces resource constraints and challenges in enforcing the law effectively.⁸²⁷

In recent years, media access to government information has declined. The authorities have limited their interactions with the press, making it difficult for journalists to verify information from official sources.⁸²⁸ Journalists have been barred from covering significant events, including regional elections, protests, and parliamentary sessions. These restrictions hinder the public's ability to access accurate and timely information.⁸²⁹

While Tunisia has made progress in establishing the legal foundations for access to information, challenges in implementation and the decline of media freedom continue to hinder the realisation of this right.

AI and Emerging Technologies

While Tunisia has demonstrated an interest in emerging technologies like artificial intelligence (AI), its progress in this area has been relatively modest. Despite initiating discussions on AI governance

822

"ادعم اعتكافارش قلعتو مال علال لئاسوو نييفحصلال ىلع تاباختنال ائيه تاطوغض ضفرت نييفحصلال قباقر", SNJT, February 9, 2024, <https://snjt.org/2024/02/09/تنال-ائيه-تاطوغض-ضفرت-نييفحصلال-قباقر/>

823 SNJT, "Report August 2024", <https://protection.snjt.org/توأارش-ريقت-2024-حصن-تل-المال>

824 Middle East Monitor, "Tunisia: Union rejects withdrawal of accreditation for journalist covering election", August 22, 2024, <https://www.middleeastmonitor.com/20240822-tunisia-union-rejects-withdrawal-of-accreditation-for-journalist-covering-election/>

825 "54 مؤسرمل رثا قنارد", Hope Makers association, February 13, 2024, <https://www.hopemakers.tn/details-article.php?id=29>

826 Organic Law No. 2016-22 of March 24, 2016, relating to the right of access to information <https://legislation-securite.tn/latest-laws/loi-organique-n-2016-22-du-24-mars-2016-relative-au-droit-dacces-a-linformation/>

827 The Tahrir Institute for Middle East Policy, "Access to Information in Tunisia", June 25, 2021, <https://timep.org/2021/06/25/access-to-information-in-tunisia/>

828 Mosaique FM, "Zied Dabbar: Les journalistes pris pour cibles par la magistrature", March 2024, <https://www.mosaiquefm.net/fr/national-tunisie/1254101/zied-dabbar-les-journalistes-pris-pour-cibles-par-la-magistrature>

829 SNJT, "8th Annual Report on the Safety of Journalists", November 2024, <https://protection.snjt.org/ملوح-نمائل-ايونس-لاريقتل/>

in 2018, concrete policy advancements have been limited.⁸³⁰ The 2004 Personal Data Protection Law⁸³¹ applies to the automated processing, as well as the non-automated processing of personal data.

Tunisia's position in the Global Innovation Index slipped from 79th in 2023 to 81st in 2024, indicating a slight decline in its innovation performance.⁸³² However, there were some positive developments, particularly in the field of AI education and research. The Minister of Higher Education and Scientific Research announced, in April 2024, the establishment of the first Tunisian Institute dedicated to artificial intelligence at the University of Tunis. This initiative aims to cultivate a skilled workforce and foster innovation in AI.⁸³³

Tunisia still faces challenges in fully harnessing the potential of emerging technologies. To accelerate its technological advancement, the country needs to invest in research and development, and create a favourable regulatory environment for innovation.

Digital inclusion

Tunisia's Universal Service Fund (USF), established in 2001 and subsequently amended, mandates telecom operators to contribute a portion of their revenue to support universal service initiatives, including internet access.⁸³⁴ While the fund aims to bridge the digital divide, its implementation has faced challenges.

Despite efforts to develop a comprehensive universal service policy, progress has been limited.⁸³⁵ The government has collected a 1% telecoms fee for 'universal service development' since 2001, but has failed to provide consistent and transparent information on how these funds are utilised.⁸³⁶ To address the digital divide, the government has pursued alternative strategies, such as the "white zones" initiative to extend internet coverage to remote areas and the "Edunet 10" project to connect educational institutions.

Regarding affordability, Tunisia ranked 10th cheapest in Africa for mobile data in Q3 2024, with average monthly costs of USD 1.47 per GB.⁸³⁷

This year also marks the second year since the introduction of the mobile ID project, the national digital identity project.⁸³⁸ This project enables citizens to access documents and administrative services remotely such as the acquisition of birth certificates and the enrollment in public universities. In February 2024, a new service was introduced to facilitate the issuance of mobile IDs for Tunisians residing abroad.⁸³⁹ As of December 2024, the Ministry of Communication Technologies reported that over 120,000 mobile IDs were issued.⁸⁴⁰ Although current enrollment

830 Agence Nationale de la Promotion de la Recherche Scientifique, "National AI Strategy: Unlocking Tunisia's Capabilities Potential," September 2018, <https://www.anpr.tn/national-ai-strategy-unlocking-tunisia-capabilities-potential/>

831 Law No. 2004-63 of July 27, 2004, relating to the protection of personal data, <https://legislation-securite.tn/latest-laws/loi-organique-n-2004-63-du-27-juillet-2004-portant-sur-la-protection-des-donnees-a-caractere-personnel/>.

832 Global Innovation Index, "Tunisia ranking in the Global Innovation Index 2024", <https://www.wipo.int/gii-ranking/en/tunisia>

833 Entreprise Magazine, "Le premier Institut d'intelligence artificielle verra le jour dans quelques mois en Tunisie", April 2024, <https://www.entreprises-magazine.com/le-premier-institut-dintelligence-artificielle-verra-le-jour-dans-quelques-mois-en-tunisie/>

834 Arrêté du ministre des technologies de l'information et de la communication du 30 décembre 2013, fixant la liste des services universels des télécommunications. https://www.intt.tn/upload/bts/fr/arr%C3%AAt%C3%A9_du_ministre_des_techologies_du_30_d%C3%A8cembre_2013_fixant_la_liste_des_services_universels.pdf (accessed on December 17, 2024).

835 INT 'workshop «pour l'élaboration d'une politique de service universel des télécommunications en tunisie»' <http://www.intt.tn/fr/index.php?typeactu=89&actu=538> (accessed on December 17, 2024).

836 THD, "GSMA issues critical opinion on draft Digital Code", October 2018, <https://www.thd.tn/la-gsma-donne-un-avis-critique-sur-le-projet-du-code-du-numerique/> (accessed on December 17, 2024).

837 Research ICT Africa, "RAMP index insights: Quarter 3, 2024", November 12, 2024, <https://researchictafrica.net/2024/11/12/2024-q3-ramp-index-insights/> (accessed on December 17, 2024).

838 MTC, "MTC circular," June 2022, https://www.mtc.gov.tn/fileadmin/user_upload/circulaire_mobile_id.pdf. (accessed on December 17, 2024).

839 RTCI, "Les Tunisiens à l'étranger commencent à obtenir leurs identités numériques", February 10, 2024, <http://www.rtc.tn/les-tunisiens-letranger-commencent-obtenir-leurs-identites-numeriques/#:~:text=Les%20Tunisiens%20%C3%A0%20l'%C3%A9tranger%20ont%20commenc%C3%A9%20vendre%20des%20documents%20de%20v%C3%A9hicule%20et> (accessed on December 17, 2024).

840 MTC, "Mobile ID", <https://www.mobile-id.tn/accueil#chiffres> (accessed on December 17, 2024).

figures for digital IDs remain limited, the Ministry of Communication Technologies is increasingly introducing additional services, such as those provided by the National Health Insurance Fund⁸⁴¹, the Ministry of Education, and Universities⁸⁴², that could increase their uptake in the future.

Conclusion

The findings presented in this report point to Tunisia's commendable progress in enhancing internet connectivity, strengthening cybersecurity, and implementing innovative digital services. However, concerns raised by civil society regarding transparency, online freedoms and privacy underscore the need for a careful and balanced approach. While advancements in digital inclusion showcase Tunisia's commitment to progress, challenges related to declining freedom of expression highlight the importance of safeguarding individual rights.

Recommendations

Government should:

- **Strengthen Digital Rights Protection:** Prioritise legislative initiatives that uphold human rights principles and safeguard the freedoms enshrined in the Tunisian Constitution.
- **Enhance Transparency and Accountability:** Implement an open communication plan that guarantees transparency and upholds citizens' right to access information. Publish comprehensive reports on the Universal Fund's activities and funded projects.
- **Cease Unjustified Prosecutions:** Refrain from referring journalists on state security charges outside the legal framework governing the profession.
- **Accountability for Assaults:** Conduct thorough investigations into incidents involving assaults on journalists by public agents and ensure accountability.
- **Reform Data Protection Laws:** Prioritise human rights in all digital reforms and modernise existing data protection laws.
- **Review Restrictive Laws:** Revise legal measures like Decree-Law No. 2022-54 to align with international standards for freedom of expression. Implement safeguards to protect journalists and internet users from unwarranted prosecutions.
- **Establish robust governance frameworks:** Develop and implement clear regulations and guidelines for the development and use of AI, addressing potential risks and ensuring responsible innovation.

Civil Society Organisations should:

- **Advocate for Digital Rights:** Continue advocating against laws and decrees that threaten digital rights.
- **Promote Privacy Awareness:** Conduct public awareness campaigns to educate citizens about their right to privacy.
- **Demand Transparency:** Advocate for transparency in digital policies and project implementation.
- **Foster Digital Literacy:** Contribute to promoting digital literacy and cybersecurity awareness among the public.

841 Managers, "E-CNAM est désormais disponible", June 1, 2024, <https://managers.tn/2024/06/01/e-cnam-est-desormais-disponible/> (accessed on December 17, 2024).

842 L'economiste Maghrébin, "Les étudiants ont la possibilité d'utiliser E-Houwiya pour s'inscrire en ligne à partir de l'année universitaire 2024-2025", August 23, 2024, <https://www.leconomistemaghrebin.com/2024/08/23/etudiants-ont-possibilite-dutiliser-e-houwiya-pour-sinscrire-en-ligne-a-partir-de-annee-universitaire-2024-2025/> (accessed on December 17, 2024).

Private sector should:

- Uphold Ethical Standards: Adhere to data protection principles and human rights in all operations.
- Ensure Data Privacy: Implement robust data protection measures to safeguard user information.
- Promote Digital Inclusion: Contribute to initiatives that promote digital literacy and access for marginalised groups.

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Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	5	No recorded disruption of access to the internet and other digital technologies
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	While the promotion of universal, equitable, affordable and meaningful access to the internet is stated in some laws such as the telecommunication code and policies such as the National Strategic Plan for the ICT sector, there are still gaps such as the non-existence of a comprehensive universal service policy.
False News Criminalisation	P22(2)	1	Several legal texts including penal code and Decree 2022-54 do criminalise publication of false news with prison sentences and fines. Examples: Article 24 of Decree 2022-54 mandates up to ten-year prison terms to punish the use of communications networks to “produce, spread, disseminate... false news” or to “slander others, tarnish their reputation, financially or morally harm them”.
Sedition Legislation	P22(2)	1	Several legal texts including penal code and Decree 54 do criminalise sedition with prison sentences and fines
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	In 2024, Tunisia witnessed a growing number of prosecutions and prison sentences against journalists, HRDs and citizens for online activity. Media outlets faced increasing pressure in the lead-up to the presidential election, including revocation of accreditation and restrictions on journalist access.
Data Protection Legislation.	P42	3	The 2004 data protection law is considerably outdated.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	Formal cases of content removal and blocking are mostly transparent, and the decisions can be appealed through the courts.
Invasion of Privacy of Communications	P41	2	Current legal texts, such as Decree 54 and the state of emergency law, fail to comply with international human rights standards. Concerns include the absence of adequate procedural safeguards, such as notification of surveillance and the right to appeal.

Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	While most governmental agencies have websites and social media accounts, some of them don't update or disclose information regularly. see access to information section
AI and Emerging Technologies national strategies	P39(6)	3	While Tunisia has a data protection law, it is considered outdated and no specific policies have been communicated regarding emerging tech
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	4	Tunisia's laws, including the Personal Data Protection law and the Child Protection Code, aim to protect children online, but face implementation gaps.
Digital Inclusion	P37(3)	4	see digital inclusion section.
TOTAL (up to 60)		34	Moderately compliant

Mozambique



Executive Summary

This report examines the evolving state of freedoms and access to information in Mozambique, focusing on the critical periods surrounding the 2024 Presidential elections. It is based on a qualitative methodology, primarily involving a desk review and similar reports related to the topic under research. This electoral cycle highlighted the fragility of press freedom and the challenges to digital rights, as political forces leveraged their power to suppress dissent and control narratives. For the first time since the country's inaugural elections in 1994, Mozambique experienced unprecedented internet restrictions during the electoral periods, significantly curtailing online freedoms. State influence over media outlets further undermined independent reporting, as government-aligned institutions produced favourable coverage, often under pressure. The legal framework for press freedom and access to information, though enshrined in the constitution and supported by relevant laws, is poorly enforced. Rising authoritarianism and restricted access to information have been exacerbated by incidents such as internet blackouts, assaults on journalists, and the targeting of media during political unrest. These events culminated in severe tensions following the general elections held on October 9, 2024. This report employs an index to assess the state of digital rights in Mozambique. It is a qualitative evaluation designed to highlight the various challenges the country faces in both offline and online spaces. With an index score of 21 points, this report underscores the urgent need for reforms to safeguard press freedom, ensure equitable access to information, and promote accountability. In the Mozambican context, this low rating reflects persistent challenges, including media restrictions, government interference, and limited transparency. The score also signals growing concerns over journalists' safety, digital surveillance, and the concentration of media ownership, all of which hinder a truly free and independent press. It underscores the importance of addressing systemic challenges within Mozambique's media landscape, advocating for stronger protections for journalists and a free, open, and resilient digital space.

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Introduction

The overall state of freedom and access to information, both offline and online, in Mozambique was significantly influenced by the elections held in 2023 (municipal) and 2024 (presidential).¹⁰²⁸ Electoral periods have consistently demonstrated how freedoms are tested or undermined by political power. Mozambique's context was particularly challenging, not so much due to the persecution of journalists, but primarily because of the unprecedented internet restrictions which occurred for the first time in the country's history since the inaugural elections in 1994.¹⁰²⁹

State-run media outlets dominate the Mozambican media industry often producing favourable coverage of the government. However, some smaller independent publications provide valuable coverage. Journalists routinely face government pressure, harassment, and intimidation, which encourages self-censorship. The government has been known to retaliate against critical journalists, including cancelling public advertising contracts.¹⁰³⁰ In recent years, journalists and political pundits who appear on television programs have been attacked and kidnapped. Police regularly harass, assault, and detain journalists.¹⁰³¹

In general, journalistic freedom and independence are supposed to be guaranteed by the Constitution and by the law on the press and the right to information. However, the legislation is rarely applied, in an environment marked by growing authoritarianism and increasingly difficult to access information. Between stoned press vehicles, internet blackouts, and the journalists sprayed with tear gas, arrested, and threatened online, press freedom was gravely attacked alongside rising tensions in the aftermath of the general elections held on October 9, 2024.¹⁰³²

On November 15, 2024, the Centre for Democracy and Development (CDD), a prominent Mozambican NGO, reported that the authorities on Wednesday detained two South African journalists that entered Mozambique to cover the demonstrations called by presidential candidate Venâncio Mondlane against alleged fraudulent election results.¹⁰³³

1028 CSIS, Mozambique General Elections Point to Changing Political Dynamics <https://www.csis.org/analysis/mozambique-general-elections-point-changing-political-dynamics>, accessed on 14 January 2025.

1029 Human Rights Watch – Mozambique's Ruling Party Wins Elections Amid Nationwide Protests <https://www.hrw.org/news/2024/10/24/mozambiques-ruling-party-wins-elections-amid-nationwide-protests>, accessed on 14 November 2024.

1030 Reporters Without Borders – Mozambique <https://rsf.org/en/country/mozambique>, accessed on 17 November 2024.

1031 Freedom House – Freedom in Mozambique <https://freedomhouse.org/country/mozambique/freedom-world/2024>, accessed on 17 November 2024.

1032 Reporters Without Borders - Mozambique's journalists are trapped in post-election violence <https://rsf.org/en/mozambique-s-journalists-are-trapped-post-election-violence>, accessed on 17 November 2024.

1033 AIM – South African journalists detained for covering demonstrations – CDD <https://aimnews.org/2024/11/15/south-african-journalists-detained-for-covering-demonstrations-cdd/>, accessed on 17 November 2024.

Internet access

In 2024, Mozambique had 7.96 million internet users.¹⁰³⁴ Mozambique's internet penetration rate stands at 23.2% of the overall population at the beginning of 2024. According to Kepios study, the number of internet users in Mozambique increased by 842,000 (+11.8%). For context, these user numbers show that 26.41 million individuals in Mozambique did not access the Internet at the start of 2024, implying that 76.8% of the population was offline at the start of the year.

The median mobile internet connection speed over cellular networks is 19.78 Mbps. In addition, the median fixed internet connection speed is 13.05 Mbps. According to Ookla's data, the median mobile internet connection speed in Mozambique improved by 0.65 Mbps (+3.4%) in the year leading up to the beginning of 2024. Meanwhile, Ookla's findings show that fixed internet connection speeds in Mozambique climbed by 6.76 Mbps (+107%) during the same period.¹⁰³⁵ According to DataReportal¹⁰³⁶ data, Mozambique has 3.20 million active social media user identities.

According to data revealed in Meta's advertising resources, Facebook had 3.20 million users in Mozambique in 2024. For more recent context, the same data shows that the number of Mozambican users that advertisers could target with Facebook advertising fell by 400,000 (-11.1%) in 2024. According to X (Twitter)'s advertising resources, the platform had 68.700 subscribers in Mozambique as of early 2024. This figure indicates that X's ad reach in Mozambique amounted to 0.2% of the total population at the time.¹⁰³⁷

However, in response to growing protests against the Election Commission's disputed election results, Mozambican authorities have imposed at least five curfew-style mobile internet shutdowns, the most recent in October 2024.¹⁰³⁸ The shutdowns in the country are part of a dangerous pattern that began in October 2023, when Mozambican authorities imposed a total internet blackout for at least three hours for the first time during municipal elections. PIN sent a letter to the Mozambique government with no response.¹⁰³⁹

Mobile data providers including Vodacom, Movitel, and TMcel acknowledged in a text message sent to customers on October 31 that "access to some social networks is temporarily restricted for reasons beyond our control." Cloudflare, a widely used US company that provides web security services and publishes data on internet disruptions, showed that four mobile and internet shutdowns have occurred between October and November 2024 in Mozambique. It said that mobile and internet connectivity was shut down beginning at approximately noon local time on October 25, and occurred on at least three other instances, on November 3, 4, and 5.¹⁰⁴⁰ In response, civil society organisations in Mozambique filed a complaint seeking redress for internet shutdown.¹⁰⁴¹

Freedom of expression

The Constitution of the Republic¹⁰⁴² and legislation guarantees freedom of expression, especially to the media. The 1991 Press Act governs the mass media, which covers print, broadcasting, and cinema. This law requires the mass media to register with the Information Office – GABINFO before commencing operations. Registration is not discretionary as it may be refused only if the applicant has not complied with the legal requirements and conditions. With respect to print media, the

1034 DataReportal – Digital in Mozambique <https://datareportal.com/reports/digital-2024-mozambique>, accessed on 17 November 2024.

1035 Idem (n. 7)

1036 Idem (n. 2)

1037 As above.

1038 Paradigm Initiative – Press release: Net Rights Coalition Calls on Mozambique to Stop Restricting Mobile Internet Traffic <https://paradigmhq.org/press-release-net-rights-coalition-calls-on-mozambique-to-stop-restricting-mobile-internet-traffic/>, accessed on 9 November 2024.

1039 Idem (n. 23)

1040 Relief Web – Post-Election Internet Restrictions Hinder Rights <https://reliefweb.int/report/mozambique/mozambique-post-election-internet-restrictions-hinder-rights>, accessed on 10 November 2024

1041 Pulse, Mozambican Civil Society files complaint seeking redress for Internet shutdown <https://pulse.internetsociety.org/blog/mozambican-civil-society-files-complaint-seeking-redress-for-internet-shutdown>, accessed on 10 January 2024

1042 Constitution of the Republic of Mozambique (English) https://cdn.accf-francophonie.org/2019/03/mozambique_const-en.pdf, accessed on 17 November 2024.

Press Act requires periodical publications to display a significant amount of information in every publication that is printed, including details about the identity of the owner, editor, directors, and printer as well as information about the publication's circulation.

Article 48 of the Constitution of the Republic guarantees freedom of expression only to citizens, not to all persons, which is unique amongst SADC states.¹⁰⁴³ A more positive attribute of the provision is that it specifically discusses freedom of the press, with an unusual degree of detail about what freedom of the press entails, including “freedom of journalistic expression and creativity, access to sources of information, protection of independence and professional secrecy, and the right to establish newspapers, publications and other means of dissemination”.

According to Article 43, the Constitutional principles in respect of fundamental rights – which includes the right to freedom of expression – “shall be interpreted and integrated in harmony with the Universal Declaration of Human Rights and with the African Charter of Human and Peoples Rights”.¹⁰⁴⁴ However, despite all these innovations, IPI recently concluded that independent journalism in Mozambique was facing considerable legal, political, and economic pressures as the country's hard-fought democratic gains of the past three decades come under increasing strain.¹⁰⁴⁵

On October 21, 2024, around 15 journalists covering a statement by Venancio Mondlane, the main presidential candidate opposing the ruling party, were targeted with tear gas.¹⁰⁴⁶ Five journalists, including Bruno Marrengula, a cameraman for the privately-owned television channel TV Gloria, were injured and transported to the central hospital in Maputo, the capital. Hit in the leg, the reporter suffered a fractured tibia. Ten days later, a journalist from Radio Mozambique was injured during a protest in Maputo after stones were thrown at his press vehicle.¹⁰⁴⁷ Journalists are also being targeted online: Ernesto Martinho, a reporter working for the privately-owned television channel TV Sucesso, has been threatened on social media, notably by state agents and employees.¹⁰⁴⁸

Data Protection and Privacy

In Mozambique, there is no specific legislation on data protection or privacy.¹⁰⁴⁹ However, there are other sources of law that impose some privacy obligations, including:

- The Civil Code (Decree-Law no. 47344, of November 25, 1966, in force in Mozambique through Edict no. 22869, dated September 4, 1967)
- The Penal Code (Law no. 24/2019, of December 24, as amended by Law no. 17/2020 of 23 December)
- The Labour Law (Law no. 23/2007, of August 1) and the new Labour Law (Law no. 13/2023, of 25 August)
- The Electronic Transactions Law (Law no. 3/2017, of January 9)
- The Regulations on Registration and Licensing of Intermediary Electronic Service Providers and Operators of Digital Platforms (Decree no. 59/2023, of 27 October); and Resolution no. 5/2019, of June 20, ratifies the African Union Convention on Cybersecurity and Personal Data Protection (Malabo Convention))

In addition, the Constitution of the Republic of Mozambique provides that all citizens are entitled to the protection of their private life and have the right to honor, good name, reputation, protection

1043 Internews 'Chapter 12 – Mozambique' <https://internews.org/wp-content/uploads/2023/11/ARISA-IEA-CHAPTER-12-Mozambique.pdf>, accessed on 17 November 2024.

1044 Mozambique's 2004 Constitution (revised 2007), Article 43.

1045 IPI – Press Freedom in Mozambique <https://ipi.media/wp-content/uploads/2022/12/IPI-PRESS-FREEDOM-MISSION-MOZAMBIQUE-1.pdf>, accessed on 15 November 2024.

1046 Club of Mozambique – Venâncio Mondlane press briefing tear-gassed <https://clubofmozambique.com/news/cip-mozambique-elections-venancio-mondlane-press-briefing-tear-gassed-269216/>, accessed on 17 November 2024.

1047 Reporters Without Borders - Mozambique's journalists are trapped in post-election violence <https://rsf.org/en/mozambique-s-journalists-are-trapped-post-election-violence>, accessed on 17 November 2024.

1048 As above.

1049 DLA Piper – Data protection laws of the world Mozambique <https://www.dlapiperdataprotection.com/index.html?t=law&c=MZ>, accessed on 10 November 2024

of their public image and privacy.¹⁰⁵⁰ Further, Article 71 of the Constitution identifies the need to legislate on access, generation, protection, and use of computerized personal data (either by public or private entities); however, implementing legislation has not yet been approved.

The Electronic Transactions Law¹⁰⁵¹ defines personal data as being any information in relation to a natural person which can be directly or indirectly identified by reference to an identification number or one or more factors. The Malabo Convention contains an indication of these factors: physical, physiological, mental, economic, cultural, or social identity. Decree 59/2023 requires the registration of Intermediate Electronic Services Providers and Operators of Digital Platforms. The Electronic Transactions Law defines the intermediate service provider as any person who, in representation of another, sends, receives, and stores data messages, and who provides network access services or provides services through a network.¹⁰⁵²

Any entity that performs such acts will qualify as an intermediate service provider and must be registered and licensed with Information and Communications Technology (INTIC). The registration requirement is applicable to Intermediate Electronic Services Providers and Operators of Digital Platforms that offer services to receivers based or located in Mozambique, regardless of where the providers are based. The Electronic Transactions Law requires the data processor to appoint someone responsible for compliance of the provisions related to electronic personal data protection.

The law does not generally restrict cross-border transfers of personal information. The Constitution of the Republic of Mozambique imposes restrictions on disclosures of personal information to third parties unless prior consent from the data subject is obtained. Although there is a prohibition against the transfer of personal data to a non-member state under the AU Convention, this prohibition does not apply if said state ensures adequate level of protection of the privacy freedoms and fundamental rights of the data subject.

The AU Convention also requires that consent be sought from the national protection authority before the data controller may transfer the data to a third country. Currently, INTIC does not have such powers so the principle of consent of the data subject and the transfer of data to a country with an adequate data protection framework would apply. Notwithstanding, parties may approach INTIC for further guidance on this matter.

Censorship and content moderation

There are no requests for content takedowns. There is no evidence of transparency reports¹⁰⁵³ indicating that Mozambique has such practice.

From October 29 onward, OONI Explorer, a project that monitors internet censorship, recorded a potential blocking of social media platforms and messaging apps such as Facebook Messenger, Telegram, and WhatsApp¹⁰⁵⁴. Mozambique's communications regulatory body, the National Communications Institute of Mozambique (INCM), vaguely addressed the issue, without providing any detailed information, including the legal framework to justify the restrictions.¹⁰⁵⁵

Access to information

Mozambique introduced the Right to Information Law (LEDI) in 2014 (Act No. 34/2014)¹⁰⁵⁶ – a sign of government commitment to the opening of organisations holding information of public

1050 ALT Advisory – Factsheet Mozambique <https://dataprotection.africa/wp-content/uploads/2019/10/Mozambique-Factsheet.pdf>, accessed on 11 November 2024.

1051 Electronic Transactions Law <https://www.cga.co.mz/en/moz/publication/electronic-transactions-in-the-mozambican-legal-system>, accessed on 11 November 2024.

1052 CIPESA – Digital Rights in Mozambique <https://cipesa.org/wp-content/files/Submission-to-the-38th-session-of-the-Universal-Periodic-Review-Mozambique.pdf>, accessed on 9 November 2024.

1053 See Meta, Tik tok and Google

1054 Access Now #KeepItOn: authorities in Mozambique must stop normalizing internet shutdowns during protests <https://www.accessnow.org/press-release/keepit-on-authorities-in-mozambique/>, accessed on 10 November 2024

1055 AfricTivistes calls on the government to restore access to social networks ! <https://africtivistes.com/en/mozambique-africtivistes-calls-on-the-government-to-restore-access-to-social-networks/>, accessed on 5 November 2024.

1056 Article 19 – Mozambique: Draft Right to Information Law <https://www.article19.org/resources/mozambique-draft-right-information-law/>, accessed on 5 November 2024.

interest. It goes without saying that making information available is an important indicator of the consolidation of democracy and good governance. The commitment of public authorities to the implementation of LEDI therefore entails the need to strengthen democratic principles.

The law is intended to make it easier for citizens to access information held by public bodies. However, there are some limitations to the law, including exemptions for state secrets and the private affairs of citizens. The right to freedom of information is part of the right to freedom of expression in the Mozambican Constitution. The right to information includes the right to access information of public interest from a variety of sources. The right to information grants whistleblowers the right to share information that is critical to the public interest. The Constitution restricts the recording and handling of information that is individually identifiable, such as political, philosophical, or religious beliefs.

AI and Emerging Technologies

There are no specific projects or government initiatives related to artificial intelligence (AI) and emerging technologies in Mozambique. Some sources¹⁰⁵⁷ indicated that such technologies have been applied in different sectors in the case of Mozambique. The recent contemporary advances in computational power, along with ‘big data’ has allowed for a widespread and pervasive use of these digital technologies in every sphere of human life – notably also in humanitarian contexts. AI, quite rapidly, is reshaping the humanitarian sector with projects such as Project Jetson by UNHCR, AI supported mapping for an emergency response in Mozambique, AI chatbots for displaced populations, and others.

Mozambique faces several barriers to the full adoption and implementation of AI. One of the most significant obstacles is the lack of information and communication technology infrastructure, especially in sectors that depend intensively on advanced technology. In parallel, there is a pressing need to train qualified human resources in data science, programming, and other AI-related disciplines in order to fully exploit its potential. In addition to these weaknesses, recognised by the Ministry of Science, Technology and Higher Education, there is a lack of regulation that responds to contemporary challenges.¹⁰⁵⁸ Recent research has shown how AI could assist in forecasting cyclones and addressing climate change-related challenges affecting Mozambique, potentially providing predictive capabilities for cyclones and reducing human rights impacts.¹⁰⁵⁹

Recently, the Mozambican Fintech Association, raised concerns¹⁰⁶⁰, particularly in the financial sector, about restrictions on the use of cloud technologies for data processing, due to regulations that require data to be localised within the country. This limits access to and efficient use of cloud infrastructures. The Association argued that more open policies could facilitate integration with cloud databases, preventing companies from having to develop complex and expensive architectures individually. There is no known national project promoting AI or emerging technologies at government level – the field is still minimally explored in Mozambique.

Digital Inclusion

On September 18, 2024, Mozambique’s National Communications Institute (INCM) called for a greater contribution to the Universal Service Fund (USF), to extend the provision of telecommunications infrastructure and services to rural areas and disadvantaged social strata.¹⁰⁶¹ The amount of USF funding is not available, and there are no consolidated reports on the country. ‘As a rule, telecoms service operators must contribute 1% of their gross revenue to the FSAU to be eligible for resources from this account intended to finance telecoms projects and infrastructure in rural, peri-urban, remote and underserved areas,’ Euclides dos Santos, from the INCM’s Regulatory Division.¹⁰⁶²

1057 Relief Web – AI and Emerging Tech for Humanitarian Action: Opportunities and Challenges <https://reliefweb.int/report/world/ai-and-emerging-tech-humanitarian-action-opportunities-and-challenges>, accessed on 10 November 2024

1058 360 – AI in Mozambique <https://360mozambique.com/innovation/ai/artificial-intelligence-are-we-ready-to-grow/>, accessed on 5 November 2024.

1059 Idem above (n. 31)

1060 Idem. (n. 13)

1061 Agence Ecofin – Le Mozambique veut réformer le fonctionnement de son fonds d’accès universel <https://www.agenceecofin.com/telecom/2009-121726-le-mozambique-veut-reformer-le-fonctionnement-de-son-fonds-d-acces-universel>, accessed on 5 November 2024.

1062 Club of Mozambique – More operators to pay for access to telecom infrastructure-266651/, accessed on 5 November 2024.

In Mozambique, people with disabilities (PWD) are routinely marginalised and discriminated against, particularly in rural areas. They often lack full access to education, health care, information, and employment. In addition to practical barriers, prejudice and stigmatization make it even more difficult for Mozambicans with disabilities to maximize their contribution to society. TV Surdo, a local NGO promoting the inclusion of PWD and advocating for their rights, focuses on using inclusive media content to accomplish this.¹⁰⁶³

In a pioneering data-driven investigation¹⁰⁶⁴, the Mozambican Disabled Person's Organisation Forum (FAMOD) has teamed up with UK-based non-profit Data4Change to run automated accessibility testing on 90 of the most important and useful websites in Mozambique. The result is a publicly available dataset of 722,053 instances of accessibility 'violations'. Each violation represents a barrier preventing someone with a visual, hearing, physical or cognitive impairment from fully engaging with the web page.

The investigation revealed that just five types of accessibility violations accounted for nearly 90% of all the violations found. These top five violations were low colour contrast (37%), lack of landmarks to identify regions of a page (33%), links that aren't made apparent (11%), no descriptive text for interactive elements (3%) and no 'alt text' for images (2%). The violations were defined according to international standards for web accessibility as described under the Web Content Accessibility Guidelines 2.0 and 2.1 (WCAG 2.0 and 2.1).

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1063 USAID – TV SURDO: Improving Inclusive Information and Advocacy <https://www.usaid.gov/mozambique/documents/tv-surdo-improving-inclusive-information-and-advocacy>, accessed on 5 November 2024.

1064 CIPESA – Investigation Finds More than 700,000 Barriers Limiting Website Accessibility in Mozambique <https://cipesa.org/2021/03/investigation-finds-more-than-700000-barriers-limiting-website-accessibility-in-mozambique/>, accessed on 5 November 2024.

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
Internet Shutdowns	P38(2)	1	The Internet was recently (2024) shut down in Mozambique. This was the first time the government officially acknowledged the act.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	Mozambique has an access to information law that is primarily applied to offline access. The Constitution of the Republic also includes provisions, but with less emphasis on Internet access.
False News Criminalisation	P22(2)	2	In 2023 the government passed an unclear law criminalising false information about terrorism. This law is generally applied to prevent the spread of fake news related to the conflict, but media outlets fear it could be used to restrict access to information about the conflict entirely.
Sedition Legislation	P22(2)	2	The penal code includes provisions that criminalize individuals who use traditional or digital means to insult authorities, including the President of the Republic. There are no recorded cases in 2024, but during COVID-19, the penal code was used to arrest internet users.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	During the 2024 elections, there were several cases of citizens being detained for protesting or organising mobilisations virtually.
Data Protection Legislation	P42(1)	1	Mozambique does not have any data protection law. The first draft has been under discussion since then, but there is no clear timeline for its final approval.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	There are no reported cases related to such incidents.
Invasion of Privacy of Communications	P41	1	The government of Mozambique delegated the regulatory authority to supervise all communications. During the 2024 elections, some journalists were asked by politicians to provide their materials or delete images related to the elections.

Failure by the government to proactively disclose and disseminate information through digital technologies	P29(3)	2	The government of Mozambique passed an Access to Information law in 2014. However, the law is not clearly applied to the digital space, failing to address how information can be easily accessed through digital technologies.
AI and Emerging Technologies national strategies	P39(6)	1	Mozambique is still at a very early stage in terms of discussions or initiatives in this area.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	The general law applies only to child pornography, but there are clear provisions related to children's digital safety.
Digital Inclusion	P37(3)	2	Little has been done in this area, except for some civil society initiatives
TOTAL		21	

Conclusion

The 2024 elections revealed just how fragile freedoms and access to information are in Mozambique. The first ever election related restrictions, along with the government's tight grip on the media and intimidation of journalists, showed how easily these freedoms can be undermined. While the Constitution and laws promise press freedom and the right to information, these rights are rarely upheld. The combination of rising authoritarianism and the targeting of journalists during a time when reliable information was crucial has damaged trust in the media and weakened democracy. To move forward, Mozambique needs to take real steps to protect press freedom and ensure everyone has fair access to information, both online and offline. This means less government interference in the media, stronger protection for journalists, and clear rules for the government to prevent internet blackouts during key events like elections. These changes are not just about protecting rights but also about rebuilding trust, allowing open debates, and ensuring that citizens can participate fully in the country's political and social life.

Recommendations

Government should:

- Strengthen Legal Protections for Press and Digital Rights.
- Ensure the enforcement of constitutional guarantees for press freedom and access to information and introduce
- Stop actions such as harassment or intimidation of journalists and internet shutdowns especially during protests and election times.
- Promote Media Pluralism and Independence by halting state partisan influence over media outlets, fostering fair competition.
- Provide equal access to public advertising funds, and supporting the development of independent journalism.
- Enact a data protection law in line with children online safety policies on indicator 11 under the index.

Academia should:

- Research and monitor media freedom: Conduct in-depth studies on the state of press freedom and digital rights, highlighting challenges and providing evidence-based recommendations for reform.
- Educate future journalists and advocates: Develop training programs and curricula that prepare students to navigate and uphold ethical journalism and digital rights in restrictive environments.

Civil Society and Media should:

- Advocate for press freedom and internet access: Organise campaigns and partnerships to pressure the government to respect media independence and prevent internet shutdowns, especially during elections.
- Strengthen journalistic solidarity and safety measures: Establish support networks, legal aid services, and training programs to protect journalists from harassment and ensure their safety, both online and offline.

Private Sector should:

- Promote reliable internet infrastructure and accessibility: Encourage investment in resilient and affordable Internet services to prevent disruptions during critical periods, such as elections, and ensure equitable access to digital platforms in Mozambique.
- Support independent media through funding and advertising: Establish partnerships or advertising initiatives that prioritise independent media outlets, providing them with financial stability and reducing their reliance on government-aligned funding sources.
- Combat misinformation through ethical practices: Develop corporate policies to address misinformation by collaborating with fact-checkers and civil society organisations, while promoting transparency, data protection, and accountability in digital platforms.

Nigeria

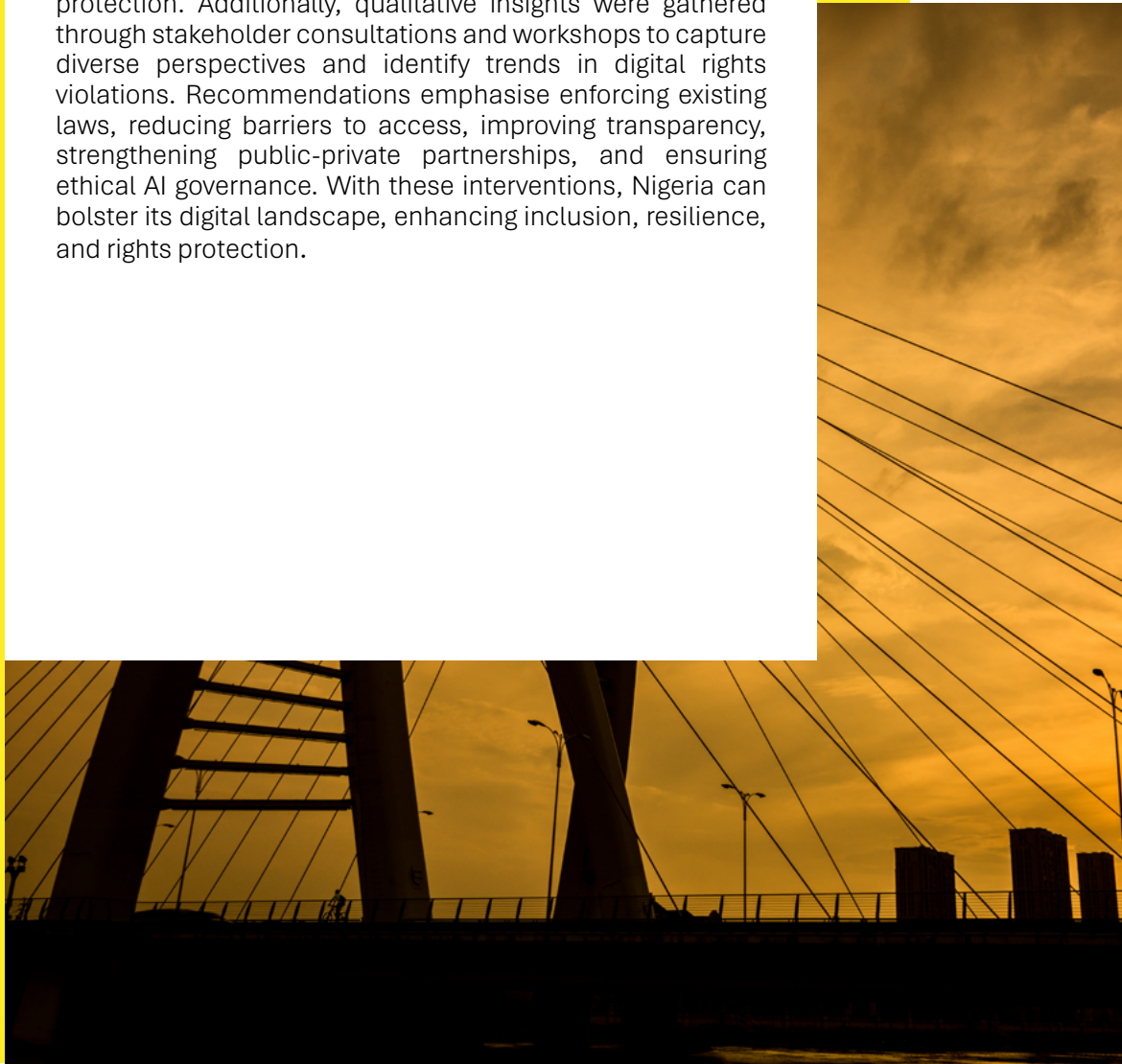
Executive Summary

This report evaluates Nigeria's digital rights and inclusion ecosystem in 2024, covering internet access, disruptions, freedom of expression, data protection, artificial intelligence (AI), digital inclusion, and content moderation. Key advancements include the development of a national AI strategy. Obstacles such as SIM card disconnections, unaffordable internet tariffs, internet throttling during protests, and ambiguous laws stifling freedom of expression counter these advancements. Data breaches remain a pervasive issue despite the establishment of the Data Protection Commission, and digital inclusion for marginalised groups remains insufficient. The methodology employed for this research is a mixed-methods approach that combines desk research, policy analysis, and case studies to evaluate the digital rights and inclusion landscape. It involved reviewing secondary sources, such as laws, government policies, and public documents, to assess their impact and implementation. Specific incidents, including internet disruptions, journalist arrests, and data breaches, were documented as case studies to illustrate challenges. A scoring framework aligned with the ACHPR Declaration of Principles, The Score Index, developed by Paradigm Initiative, was used to benchmark compliance in key areas like internet access, freedom of expression, and data protection. Additionally, qualitative insights were gathered through stakeholder consultations and workshops to capture diverse perspectives and identify trends in digital rights violations. Recommendations emphasise enforcing existing laws, reducing barriers to access, improving transparency, strengthening public-private partnerships, and ensuring ethical AI governance. With these interventions, Nigeria can bolster its digital landscape, enhancing inclusion, resilience, and rights protection.

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Introduction

Nigeria's rich diversity encompasses over 250 ethnic groups and a multitude of languages, contributing to its vibrant cultural landscape. Factors such as urbanisation and economic status influence the country's demographic distribution and literacy rates, reflecting this diversity. The Nigeria Londa 2024 report presents a comprehensive assessment of the state of digital rights and inclusion in Nigeria. Building on previous editions, this report examines key themes such as internet access, disruptions, freedom of expression, data protection, artificial intelligence (AI), digital inclusion, and content moderation. The African Commission on Human and Peoples' Rights declaration determines key indicators to score these thematic areas.

Internet access

In 2023, Londa reported the ambitious plan of the government to expand broadband penetration to 70% by 2025.¹⁰⁶⁵ In 2024, this ambition is yet to be achieved, but the year had both strides and setbacks. In strides, 2024 saw 5G penetration at 2.19% from 0.83% that was reported in August 2023. In setbacks, Nigeria has seen a significant fall in internet usage due to the mass disconnection of telecommunications subscribers. The Federal Government of Nigeria in the year 2020 first announced that Nigerians were mandated to connect their phone numbers through their SIM cards to their National Identity numbers with an initial deadline of 2 weeks.¹⁰⁶⁶ For four years the deadlines were extended up until a final deadline of September 14, 2024¹⁰⁶⁷ and this has meant unconnected phone numbers have been disconnected from their service providers in their millions.¹⁰⁶⁸ The result has been a reduction in Nigerian Communications Commission subscriber and teledensity¹⁰⁶⁹ numbers. In November 2023, mobile subscriptions were at 223,220,009 and teledensity percentage at 102.97%, while in September 2024, the subscription numbers were 154,904,827 and teledensity at 71.46%.

Further barriers to access in the country include smartphones being too expensive¹⁰⁷⁰ and internet tariffs being unaffordable for up to 71% of the population.¹⁰⁷¹ Despite the affordability challenges, Starlink announced a 97%¹⁰⁷² hike in tariffs for Nigerian subscribers; this was met with sanctions from NCC, the regulator.¹⁰⁷³ Regardless of the stance by NCC, it is clear that tariff hikes are looming in the country, as industry players have also sought permission from NCC to increase tariffs in the country.¹⁰⁷⁴ These affordability challenges will deepen the digital divide.

Disruptions

Many Nigerians experienced internet throttling during the #EndBadGovernance (in Nigeria) protests held from August 1-10 2024. NetBlocks reported on 'X'¹⁰⁷⁵ a disruption to leading internet provider MTN in Nigeria, noting it could limit visibility for the #EndBadGovernanceInNigeria protests. Since the protests began on August 1, MTN subscribers have faced difficulties accessing social media, with connectivity dropping to 40% on the day of the protests, compared to over 80% prior. This raised concerns about the impact of internet disruptions on the global reach of the demonstrations,

1065 Nigerian National Broadband Plan 2020-2025. Available at: <https://ngfrepository.org.ng:8443/bitstream/123456789/3349/1/NIGERIA%20NATIONAL%20BROADBAND%20PLAN%202020-2025.pdf> (Accessed January 4, 2024)

1066 Emma Okonji, "FG Directs SIM Card be Linked to National Identity Number" <https://www.thisdaylive.com/index.php/2020/12/16/fg-directs-sim-card-be-linked-to-national-identity-number/>, (Accessed November 13, 2024)

1067 Vaughan O'Grady "Nigeria's NCC sets one last deadline for SIM registration" <https://developingtelecoms.com/telecom-business/telecom-regulation/17233-nigeria-s-ncc-sets-one-last-deadline-for-sim-registration.html>, (Accessed November 13, 2024)

1068 Justice Okamgba, "Telcos begin disconnection of phone lines not linked to NIN" <https://punchng.com/telcos-begin-disconnection-of-phone-lines-not-linked-to-nin/>, (Accessed November 13, 2024)

1069 Number of fixed (landline) telephone connections per 100 people in a specified geographic area. Teledensity is often used to compare the level of access to voice and data communications services between metropolitan and rural areas, or between one country and another.

1070 Royal Ibeh, "High Smartphone Prices Undermine Nigeria's 2025 Broadband Goals" <https://nationaleconomy.com/high-smart-phone-prices-undermine-nigerias-2025-broadband-goals/> (Accessed November 12, 2024)

1071 Small Business Insights, "High internet costs hinder digital access for 71% of Nigerians, conference reveals" <https://smallbusinessinsights.ng/high-internet-costs-hinder-digital-access-for-71-of-nigerians-conference-reveals/> (Accessed November 12, 2024)

1072 Justice Okamgba, "Elon Musk's Starlink hikes internet subscription fee by 97% for Nigerian users" <https://punchng.com/elon-musks-starlink-hikes-internet-subscription-fee-by-97-for-nigerian-users/> (Accessed November 13, 2024)

1073 Justice Okamgba, "Elon Musk's Starlink hikes internet subscription fee by 97% for Nigerian users" <https://punchng.com/elon-musks-starlink-hikes-internet-subscription-fee-by-97-for-nigerian-users/> (Accessed November 13, 2024)

1074 David Whitehouse, "MTN Nigeria demands tariff increase as weak currency, high inflation drive losses" <https://www.theafricareport.com/346578/mtn-nigeria-demands-tariff-increase-as-weak-currency-high-inflation-drive-losses/> (Accessed November 13, 2024)

1075 Victor Olorunfemi "Internet services on MTN face severe disruption amid hunger protests: Report" <https://gazettengr.com/internet-services-on-mtn-face-severe-disruption-amid-hunger-protests-report/> (Accessed November 12, 2024)

with MTN maintaining a 50.50% market share of network service providers in Nigeria.¹⁰⁷⁶

Freedom of expression

A number of previous Londa reports on Nigeria noted the clampdown on online freedom of expression through the Cybercrimes Act of 2015, which included arrests of skitmakers¹⁰⁷⁷ and journalists.¹⁰⁷⁸ In 2024, this law was amended,¹⁰⁷⁹ an amendment that came with positive changes but was shrouded in controversy, such as the secrecy and lack of public participation in the passage.¹⁰⁸⁰ This amendment included the infamous Section 24, which now limits cyberstalking to cases involving pornographic content or false information intended to cause a breakdown of law and order or pose a threat to life. However, the ambiguous phrase “to cause a breakdown of law and order” continues to raise concerns about potential abuse by security agencies, as evidenced by past incidents where vague laws targeted journalists and dissenting voices.¹⁰⁸¹

The National Broadcasting Commission (NBC) has in the past imposed fines and sanctioned broadcast media institutions for the views or comments of guests that were perceived to have violated regulations. However, on January 17, 2024, a Federal High Court in Abuja declared the provisions of the Nigeria Broadcasting Code that allowed the NBC to impose fines on broadcast stations for alleged violations of the code to be null and void. The court ruled that administrative and regulatory bodies are not permitted to exercise judicial powers. These fines had been used to censor broadcast houses from reporting on protests, banditry and various issues deemed unfavourable to the government.¹⁰⁸²

In 2023, Londa reported a new administration in Nigeria following the general elections with the opportunity to frame a rights-respecting agenda for itself, and the President himself promised to respect media freedoms during his administration.¹⁰⁸³ So far, 2024 has seen various journalist arrests, such as in February, when journalist Kasarachi Aniagolu of The Whistler Newspaper was arrested and detained by the Nigerian Police while covering a raid on Bureau de Change operators in Abuja. In March, Segun Olatunji, editor of FirstNews, was abducted by armed men from his home in Lagos and later found in the custody of the Defence Intelligence Agency (DIA).¹⁰⁸⁴ Other journalist arrests, such as those of Ebule Anthony Metsese and Sufuyan Ojeifo, highlight the increasing dangers to media professionals in Nigeria.

One of the most arguably high-profile cases was that of a renowned investigative journalist – known by his name on X, PIDOM, and for exposing government corruption – who disappeared online ahead of the #EndBadGovernance (In Nigeria) protest. Before his disappearance, he announced plans to release confidential documents revealing government corruption. On August 5, 2024, he

1076 National Communications Commission, “Industry Statistics” <https://www.ncc.gov.ng/statistics-reports/industry-overview> (Accessed November 14, 2024)

1077 Olakunle Olafioye, “Cybercrime laws: Tough time for pranksters, skit makers” <https://thesun.ng/cybercrime-laws-tough-time-for-pranksters-skit-makers/> (Accessed November 14, 2024)

1078 Committee to Protect Journalists, “Journalist arrested, charged under cybercrime law in Nigeria” <https://cpj.org/2019/03/journalist-arrested-charged-under-cybercrime-law-i/> (Accessed November 14, 2024)

1079 S.P.A Ajibade & Co, “The National Assembly Amends The Cybercrimes (Prohibition, Prevention, Etc.) Act” <https://www.mondaq.com/nigeria/security/1466724/the-national-assembly-amends-the-cybercrimes-prohibition-prevention-etc-act> (Accessed November 14, 2024)

1080 Policy and Legal Advocacy Centre, “Cybercrimes Amendment Act Exposes Lapses in Legislative Process” <https://placng.org/Legist/cybercrimes-amendment-act-exposes-lapses-in-legislative-process/> (Accessed November 13, 2024)

1081 Imoleayo Adedeji, “Amended Cybercrime Act dangerous, may influence police clampdown on journalists, others – Lawyer” <https://punchng.com/amended-cybercrime-act-dangerous-may-influence-police-clampdown-on-journalists-others-lawyer/> (Accessed November 14, 2024)

1082 Dania, Onozure. “Judgment stopping NBC from imposing fines constitutional, say stakeholders.” Punch Newspapers, January 24, 2024. https://punchng.com/judgment-stopping-nbc-from-imposing-fines-constitutional-say-stakeholders/#google_vignette. Accessed November 14, 2024)

1083 Deji Elumoye, “Tinubu Vows to Uphold Media Freedom, Respect Divergent Views” <https://www.thisdaylive.com/index.php/2023/12/19/tinubu-vows-to-uphold-media-freedom-respect-divergent-views/?amp=1> (Accessed November 12, 2024)

1084 Adejumo Kabir, “Attacks On Press Freedom Still Common Under Nigeria’s New President” <https://humanglemedia.com/attacks-on-press-freedom-still-common-under-nigerias-new-president/> (Accessed November 15, 2024)

was confirmed¹⁰⁸⁵ to have been arrested in a hotel in Port Harcourt by the Nigeria Police Force's Cybercrime Unit under the directive of the National Security Adviser, charged with leaking classified documents and cyber-related offences. His arrest has drawn widespread criticism, with reports of physical and psychological abuse during detention and allegations of police misconduct, including theft of his belongings. The police imposed unrealistic bail conditions,¹⁰⁸⁶ including a requirement for a civil servant with a N500 million property as a surety. All these events spotlight dangers to media freedoms in the country.

Data Protection and Privacy

Journalists are not only disproportionately arrested under the Cybercrimes Act, they are also endangered through arbitrary State surveillance, as well as other groups like protesters, activists, opposition politicians and civil society organisations being targeted.¹⁰⁸⁷ The Nigerian government has been reported to have widespread use of spyware¹⁰⁸⁸ and heavy investments in surveillance technologies to the tune of USD 40 million in intercept technology and USD 583 million on public surveillance.¹⁰⁸⁹ The case of PIDOM referenced above, who was tracked and arrested in a hotel room, suggests the surveillance capacity of the government.

In June 2024, Nigeria marked one year of the Nigeria Data Protection Act (NDPA) and the Establishment of the Nigeria Data Protection Commission (NDPC). The NDPA strengthens the constitutionally assured right to privacy.¹⁰⁹⁰ In this time, it has released the draft NDPA General Application and Implementation Directive (GAID).¹⁰⁹¹ The GAID marks a significant step towards strengthening data protection in Nigeria. It also provides essential guidance and clarification on the provisions of the NDPA, the principal legislation on data protection in Nigeria. It further hosted a few validation workshops inviting stakeholders to contribute to the document.¹⁰⁹²

Despite the existence of the NDPC, the NDPA and GAID, there have been a myriad of data breaches from the private and public sectors. In 2024, numerous disputes regarding data breaches are currently being litigated in Nigerian courts, which may be attributed to the increasing awareness and prominence of the issue.¹⁰⁹³

Globacom, a prominent Nigerian telecommunications company, was the victim of a substantial cyberattack that disrupted its operations and exposed sensitive customer data, according to a recent exposé.¹⁰⁹⁴ The internal systems, customer service channels, and administrative functions were reportedly crippled by the attack, which reportedly escalated on July 13, 2023. According to reports, hackers gained access to Globacom's Domain Name System (DNS), redirecting traffic

1085 "Bankole Abe, "Police confirm arrest of whistleblower PIDOM" <https://www.icirnigeria.org/police-confirm-arrest-of-whistleblower-pidom/> (Accessed November 14, 2024)

1086 Deborah Musa, "Court grants PIDOM N5m bail in cybercrime case" <https://punchng.com/court-grants-pidom-n5m-bail-in-cyber-crime-case/> (Accessed November 14, 2024)

1087 Spaces for change, The Proliferation of Dual-Use Surveillance Technologies in Nigeria: Deployment, Risks & Accountability <https://spacesforchange.org/download/report-the-proliferation-of-dual-use-surveillance-technologies-in-nigeria-deployment-risks-accountability/> (Accessed November 14, 2024)

1088 Human Rights Watch. "Human Rights Watch Among Pegasus Spyware Targets," July 15, 2022. <https://www.hrw.org/news/2022/01/26/human-rights-watch-among-pegasus-spyware-targets#:~:text=Lama%20Fakih%2C%20Crisis%20and%20Conflict%20director%20and%20head%20of%20the,introduced%20on%20people's%20mobile%20phones.> (Accessed November 12, 2024)

1089 Daniel Adaji, Nigeria invests \$40m in intercept technology, \$583m in surveillance- Report, <https://punchng.com/nigeria-invests-40m-in-intercept-technology-583m-in-surveillance-report/> (Accessed November 12, 2024)

1090 section 37 CFRN

1091 Data Guidance, "Draft Nigerian Data Protection Act General Application and Implementation Directive 2024 " <https://www.dataguidance.com/legal-research/draft-nigerian-data-protection-act-general> (Accessed December 30th 2024)

1092 Ifeoma Peters, "NDPC Holds Second Validation Workshop on NDP Act GAID, Seeks Stakeholder Input" <https://dnlegalandstyle.com/dnl/ndpc-holds-second-validation-workshop-on-ndp-act-gaid-seeks-stakeholder-input/> (Accessed November 15, 2024)

1093 Zakariyyah Adaramola, "Disputes over data breach, banks' tech glitches increasing in courts – CJN" <https://dailytrust.com/disputes-over-data-breach-banks-tech-glitches-increasing-in-courts-cjn/> (Accessed November 13, 2024)

1094 Olumuyiwa Olowogboyega, "The Globacom breach: How hackers held Nigeria's telco giant hostage" <https://techcabal.com/2024/10/21/how-hackers-held-globacom-hostage/> (Accessed November 14, 2024)

and acquiring control over critical systems.

Globacom purportedly neglected to notify regulators, despite the legal obligation to disclose breaches within 72 hours under Nigeria's Data Protection Act. Globacom has been silent on the details of the breach, recovery efforts, or preventive measures for more than a year, which has raised concerns about the security of consumer data and accountability.

In March, 2024 XpressVerify, a website, was exposed for selling Nigerians' identification data by the Foundation for Investigative Journalism (FIJ)¹⁰⁹⁵. Three months later, another private website, AnyVerify, was found trading sensitive citizen data, including Bank Verification Numbers (BVNs), International Passport information, National Identity Numbers, Tax identification numbers, and more, for as little as ₦100 per request following an investigation by Paradigm Initiative (PIN), a digital rights social enterprise that proceeded to initiate legal action against multiple government agencies.¹⁰⁹⁶

This incident highlights the growing sophistication of cyberattacks and data breaches in Nigeria even though the NDPC has been noted to investigate various incidents and impose fines.¹⁰⁹⁷ It is unclear whether any specific action has been taken against Globacom, NIMC and its fellow government agencies.

Content Moderation and Censorship

The digital space in Nigeria has been the subject of discussion regarding some form of content moderation, particularly since the introduction of the social media and hate speech bills in 2019 which were met with significant opposition. In 2022, National Information Technology Development Agency (NITDA) introduced its draft Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries (Online Platforms).¹⁰⁹⁸ NITDA used this code to notify all Interactive Computer Service Platforms/Internet Intermediaries operating in Nigeria that the federal government has set out conditions for operating in the country. These conditions address issues around legal registration of operations, taxation, and managing prohibited publication in line with Nigerian laws.¹⁰⁹⁹ The code of practice also outlines what government requests for information, takedowns and judicial oversight looks like to Computer Service Platforms/Internet Intermediaries that include but are not limited to social media platforms and other major technology companies.¹¹⁰⁰

The government has not disclosed any information regarding the quantity of content moderation requests it has submitted to "big tech" companies. However, Meta, TikTok, and Google have disclosed the number of requests they have received.

Meta reports¹¹⁰¹ that the Nigerian government made a total of 48 requests in 2023, including 250 user accounts, 43 legal process requests, and five emergency disclosure requests. Some data was generated for 31.03% of these requests from July to December 2023. The Nigerian government

1095 Joseph Adeyi "ALERT: XpressVerify, a Private Website, Has Access to Registered Nigerians' Data and Is Making Money From It" <https://fij.ng/article/alert-xpressverify-a-private-website-has-access-to-details-of-registered-nigerians-and-is-making-money-off-it/> (Accessed December 30th 2024)

1096 Paradigm Initiative, "Major Data Breach: Sensitive Government Data of Nigerian Citizens Available Online for Just 100 Naira", <https://paradigmhq.org/major-data-breach-sensitive-government-data-of-nigerian-citizens-available-online-for-just-100-naira/> (Accessed December 30, 2024)

1097 Osamu Ekhaton, "NDPC gets ₦400 million in fines from 7 companies for data breaches" <https://techpoint.africa/2024/06/13/nd-pc-gets-fines-companies-data-breaches/> (Accessed November 15, 2024)

1098 National Information Technology Development Agency, "CODE OF PRACTICE FOR INTERACTIVE COMPUTER SERVICE PLATFORMS/ INTERNET INTERMEDIARIES" <https://nitda.gov.ng/wp-content/uploads/2022/06/Code-of-Practice.pdf> (Accessed November 15, 2024)

1099 Aragba-Akpore, "NITDA'S NEW CODE AND ONLINE PRIVACY" https://www.thisdaylive.com/index.php/2022/06/22/nitdas-new-code-and-online-privacy/#google_vignette (Accessed November 17, 2024)

1100 Davidson Otoru & Agboola Dosunmu, "Exploring the NITDA Code of Practice and Its Potential Impact on Social Media and Online Platforms" <https://www.aelex.com/exploring-the-nitda-code-of-practice-and-its-potential-impact-on-social-media-and-online-platforms/> (Accessed November 17, 2024)

1101 Meta "Transparency Center" <https://transparency.meta.com/reports/government-data-requests/country/NG/> (Accessed November 12, 2024)

submitted 10 requests to TikTok¹¹⁰², of which eight were implemented. Google¹¹⁰³ reports a total of 42 requests from 2013 to 2024, with copyright, privacy, and security serving as recurring reasons for requests, as well as defamation. In general, the volume of requests is comparatively low in comparison to global trends and the average of 36.75 million social media users¹¹⁰⁴ in the country. This suggests that entities in Nigeria are not using internet intermediaries to censor online content. Additionally, it has been reported that the intricate character of Nigeria's internet infrastructure further complicates the implementation of systematic filtering or censorship.¹¹⁰⁵ While censorship might not go through these companies, journalists have been compelled to remove online content as a condition of release from detention or as a result of intimidation.¹¹⁰⁶ It is important to note that the reports from Google¹¹⁰⁷ and TikTok¹¹⁰⁸ were challenging to comprehend and analyse due to the format and volume of the requests, that of Tiktok specifically was in an Excel zipped file.

Access to information

The Freedom of Information Act (FOI Act), enacted in Nigeria in 2011 after years of advocacy by civil society groups and journalists, aimed to enhance public access to government records, promote transparency, and uphold press freedom. It allows individuals to request public information¹¹⁰⁹ without the need to show special interest, mandates public institutions to maintain and publish records, and protects whistle-blowers exposing misconduct.

Under the FOI Act, a denial of an information request is actionable.¹¹¹⁰ If a government or public institution refuses access to information, it is required to provide the applicant with a written notice outlining the reasons for the refusal. This notice must specify the relevant provisions of the FOI Act supporting the denial and inform the applicant of their right to challenge the decision in court. Additionally, the notice must include the names, designations, and signatures of the individuals responsible for the denial. Importantly, section 7(3) of the Act mandates that the institution must also confirm whether the requested information or record exists, ensuring that denial is not issued without proper justification. However, the Act's implementation has faced challenges, including poor record-keeping practices by public institutions, limited compliance with its provisions, and its exclusion of the private sector.¹¹¹¹

Court rulings have thankfully upheld the Act in many cases and led to landmark advocacy-inspired cases, such as ordering the disclosure of public officials' salaries and recovered funds, but its practical impact remains limited. Many Nigerians report difficulties in accessing public information, and the law has not fully realised its potential to guarantee transparency or support freer press freedom. A 2023 report¹¹¹² disclosed that over 170 Nigerian Ministries, Departments and Agencies (MDAs) violated the FOIA in that year showing the generally low level of compliance.

1102 Tiktok, "Government Removal Requests Report " <https://www.tiktok.com/transparency/en-us/government-removal-requests-2023-2> (Accessed November 12, 2024)

1103 Google, Government requests to remove content, <https://transparencyreport.google.com/government-removals/overview?hl=en> (Accessed November 12, 2024)

1104 "What Is The Number Of Social Media Users In Nigeria?," <https://www.verivafrica.com/articles/what-is-the-number-of-social-media-users-in-nigeria?id=what-is-the-number-of-social-media-users-in-nigeria>. (Accessed November 12, 2024)

1105 Freedom House, "Nigeria," Freedom House, <https://freedomhouse.org/country/nigeria/freedom-net/2024>. (Accessed November 12, 2024)

1106 See n37

1107 See n39

1108 See n38

1109 Section 1(1) of the FOI Act

1110 MADUBUIKE-EKWE, N.J., and Joseph N. MBADUGHA. "Obstacles to the Implementation of the Freedom of Information Act, 2011 in Nigeria." NAUJILJ, 2018. <https://www.ajol.info/index.php/naujilj/article/view/168833/158299>

1111 San, O. M. Atoyebi, and O. M. Atoyebi San. "Freedom of Information Act 2011: The Journey So Far - Omaplex Law Firm." Omaplex Law Firm - Round-The-Clock Legal Assistance Just For You (blog), July 23, 2024. <https://omaplex.com.ng/freedom-of-information-act-2011-the-journey-so-far/>. (Accessed November 19, 2024)

1112 Ibrahim Adeyemi, "The MDAs Violating Nigeria's Freedom Of Information Act," Humangle,, <https://humanglemedia.com/the-mdas-violating-nigerias-freedom-of-information-act/> (Accessed November 19, 2024)

AI and Emerging Technologies

The National Centre for Artificial Intelligence and Robotics (NCAIR) was established by NITDA in 2020 to promote research and development on emerging technologies and their practical application in areas of Nigerian national interest.¹¹¹³ Artificial intelligence has seen an accelerated momentum in the digital space in 2024 in Nigeria. On August 1st 2024, the country launched its new AI strategy¹¹¹⁴ It has the following strategic pillars :

- Building Foundational AI Infrastructure,
- Building and Sustaining a World-class AI Ecosystem,
- Accelerating AI Adoption and Sector Transformation,
- Ensuring Responsible and Ethical AI Development,
- Developing a Robust AI Governance Framework.

Among these pillars Pillar four aims to guide Nigeria's AI development within a responsible and ethical framework, emphasizing fairness, transparency, accountability, privacy, and human well-being. The strategy mentions creating an AI Ethics Expert Group (AIEEG) to establish ethical principles aligned with Nigerian values and developing an AI ethics assessment tool. The pillar also focuses on a human-centered AI transition by addressing potential societal disruptions like job displacement and inequality, through foresight studies and legislative reforms. These reforms will protect human rights, privacy, and ensure equitable access to technology through initiatives such as digital literacy programs and community hubs. This pillar attempts to put in safeguards with the growing interest in AI and proper focus and implementation will make it fit for purpose.

Shortly after the strategy was launched, the Federal Ministry of Communications, Innovation & Digital Economy (FMCIDE) announced that it secured a ₦2.8 billion grant from Google to support AI talent development in Nigeria. The fund aims to enhance AI-focused education and skill development for youth and underemployed individuals.¹¹¹⁵ The fund has already selected 10 start-ups. Similarly, the National Assembly is currently drafting a bill to establish a legal framework on artificial intelligence in the country. This development coincides with the announcement by UNESCO and Infinix mobile phones that they aim to train 10,000 people in AI and robotics in Nigeria, with a first cohort of 30 individuals having already been selected.¹¹¹⁶ The private sector is also showing some readiness to deploy the use of artificial intelligence such as a Nigerian radio station announcing the use of an AI virtual host.¹¹¹⁷

Digital Inclusion and Protections

In 2023, Nigeria adopted a Child Online Protection Policy and Strategy¹¹¹⁸, developed to safeguard children in the digital space and promote safer online experiences. The policy, which is publicly accessible along with various supporting resources on the Nigerian Communications Commission (NCC) website, offers guidance on best practices for child online safety. However, it does not carry the force of law and remains a non-binding framework, serving primarily as a reference tool. As such, it lacks enforcement mechanisms, limiting its effectiveness in holding violators accountable or mandating compliance across sectors.

1113 National Centre for Artificial Intelligence – Nigeria), "About Us" <https://ncair.nitda.gov.ng/about-us/> (Accessed November 19, 2024)

1114 National Centre for Artificial Intelligence – Nigeria), "National AI Strategy", https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AI-Strategy_01082024-copy.pdf

1115 <https://fmcide.gov.ng/ministry-announce-n2-8billion-google-support-to-advance-ai-talent-development-in-nigeria/> (Accessed November 19, 2024)

1116 Adebayo Waheed, "UNESCO, Infinix Target 10,000 Students For AI Robotic Training In Nigeria," Leadership News, November 18, 2024, <https://leadership.ng/unesco-infinix-target-10000-students-for-ai-robotic-training-in-nigeria/>. (Accessed November 20, 2024)

1117 Popoola Yaqoub, "Women Radio 91.7FM Unveils Nigeria's First AI Virtual Host, Nimi," Independent Newspaper Nigeria (blog), November 19, 2024, <https://independent.ng/women-radio-91-7fm-unveils-nigerias-first-ai-virtual-host-nimi/>. (Accessed November 20, 2024)

1118 Gloria Ume-EzeOKE, FEC Approves National Child Online Protection Policy And Strategy, <https://www.channelstv.com/2023/01/25/fec-approves-national-child-online-protection-policy-and-strategy/#:~:text=So%2C%20they%20switch%20only%20to,affect%20them%20morally%20and%20otherwise.%E2%80%9D&text=He%20said%20it%20is%20against,approved%20as%20the%20National%20Commissioner.> (Accessed January 30, 2025)

The Universal Service Provision Fund (USPF) was established by the Federal Government of Nigeria to facilitate the achievement of national policy goals for universal access. The fund held two workshops focused on adoption, utilisation, and sustainability of Information Communication Technology (ICT) in the rural, unserved and underserved areas of the country. These were hosted in June and July in Oyo and Kano states respectively.¹¹¹⁹ Universal service to information and communication technologies (ICTs) in rural, un-served and underserved areas in Nigeria. Londa, 2023 reported that the Universal Service Provision Fund published its annual report for the year 2021 and there is no new report.¹¹²⁰ However, the National Assembly approved USD 10,148,248¹¹²¹ as the Universal Service Provision Fund's (USPF) 2024 budgetary estimate. The USPF is also consistent with publishing its call for service providers in the first week of the year ¹¹²² signalling that consistent work is ongoing. However, how much work, where and how it is being used remains unclear due to a lack of consistent, visible reporting by the fund.

In 2018, Nigeria enacted the Discrimination Against Persons with Disabilities (Prohibition) Act to protect PWDs from exclusion and ensure accessibility. The Discrimination Against Persons with Disabilities (Prohibition) Act was a necessary bill, as the 2023 WHO report¹¹²³ highlighted a striking reality that one in six people globally live with a disability, facing accessibility challenges that are 15 times greater than those experienced by people without disabilities. In Nigeria, a country of over 218 million people, approximately 29 million individuals have disabilities. In spite of this law, people with disabilities are faced daily with many barriers such as inaccessible public spaces and transportation.¹¹²⁴ The most widespread assistive devices in Nigeria are glasses, braille and clutches, which makes it clear that there is a lack in the country for more complex devices in global standards for accessibility.¹¹²⁵ People with disabilities have also documented struggles with the National Identity enrollment exercise that requires biometric registration with some having attempted the process for years on end without progress.¹¹²⁶ The private sector also seemingly leaves this group out in service delivery, for instance, in financial services and design of relevant applications.¹¹²⁷

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- 1119 USPF, "News", <https://www.uspf.gov.ng/media-centre/news> (Accessed November 20,2024)
- 1120 USPF, "Publications" <https://www.uspf.gov.ng/media-centre/publications> (Accessed November 20,2024)
- 1121 17 billion Naira using Central bank rates as at November 19th 2024 available at: <https://www.cbn.gov.ng/rates/exchratedbycurrency.asp>
- 1122 <https://www.publicprocurement.ng/tag/23-01-2024/> (Accessed November 20,2024)
- 1123 World Health Organization: WHO. "Disability," March 7, 2023. <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>. (Accessed November 20,2024)
- 1124 Chisom Udora "A Case for Disability Access to Public Infrastructure in Nigeria," n.d. <https://www.verivafrika.com/insights/a-case-for-disability-access-to-public-infrastructure-in-nigeria>. (Accessed November 20,2024)
- 1125 Cdinclusion, "Assistive technology for PWDs in Nigeria, Where are we? – Centre for Disability and Inclusion Africa," November 2, 2023, <https://cdinclusionafrica.org/2023/11/02/assistive-technology-for-pwds-in-nigeria-where-are-we/>. (Accessed November 20,2024)
- 1126 Sodiq Ojuroingbe, "Lepers, others living with disabilities struggle for digital identity enrolment," Healthwise, February 4, 2024, <https://healthwise.punchng.com/lepers-others-living-with-disabilities-struggle-for-digital-identity-enrolment/>. (Accessed November 20,2024)
- 1127 Juliet Umeh, "Trapped in digital dark: How Nigeria's financial system fails persons with disabilities " <https://www.vanguardngr.com/2024/09/trapped-in-digital-dark-how-nigerias-financial-system-fails-persons-with-disabilities/> (Accessed November 20,2024)

The score index

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
Internet Shutdowns	P38(2)	3	There was documented internet throttling
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Nigeria has a robust broadband plan and the Universal Access and Universal Service Regulations 2007
False News Criminalisation	P22(2)	3	Disinformation is not criminal in Nigeria however the Criminal Code Act prohibits “publication of false news with intent to cause fear and alarm to the public” (Section 59)
Sedition Legislation	P22(2)	1	The legislation exists and has been used against protesters in 2024
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	There have been various documented arrests of journalists
Data Protection Legislation.	P42	4	There is an existence of a legislation and an accompanying regulatory agency, however it could be more independent with the way it receives funding and appointment process of the commissioner
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	The requests for content removal are relatively low as such state international through internet intermediaries are not alot
Invasion of Privacy of Communications	P41	3	Demonstrated pattern of surveillance
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	Reports of Government not adhering to the legal requests under the Freedom of Information Act

AI and Emerging Technologies national strategies	P39(6)	4	There is a National AI strategy that includes a pillar with human rights and ethical considerations as well as a National Center for Artificial Intelligence and Robotics
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	A non-binding child online protection policy and strategy exists
Digital Inclusion	P37(3)	4	There is a law focused on PWDs that however needs better compliance alongside the USPF initiatives
TOTAL (up to 60)		36	Moderately compliant.

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DIGITAL
RIGHTS
AND
INCLUSION
IN AFRICA
REPORT

LONDA
2024

Conclusion

The Nigeria Londa 2024 report reflects a digital rights and inclusion landscape marked by both progress and challenges. With a compliance score of 34 out of 60, Nigeria is moderately aligned with the Declaration of Principles of Freedom of Expression and Access to Information in Africa. Advancements like AI strategy development and 5G deployment highlight the potential for growth, but systemic barriers such as unaffordable internet tariffs, internet disruptions, and weak enforcement of FOI laws hinder progress. Strengthening policy implementation, fostering transparency, and ensuring inclusivity will be essential to enhancing Nigeria's digital ecosystem and setting a benchmark for progress in future assessments.

Recommendations

Government should:

- Ensure the implementation of the Nigeria Data Protection Act (NDPA) with rigorous oversight and accountability mechanisms.
- Build trust through consistent reports of progress and activities undertaken under various initiatives, from fines to enforcing sanctions and how funds are used to serve disadvantaged communities; these include but are not limited to the NDPC and USPF.
- Promote affordable internet access by regulating tariffs and subsidising access for underserved populations.
- Strengthen enforcement to ensure public institutions adhere to Freedom of Information (FOI) provisions.
- Refrain from unjustified internet throttling and shutdowns, particularly during protests and critical events.
- Accelerate the development and implementation of ethical AI frameworks and related legislation, allowing room for reviews as the landscape matures

Private Sector should:

- Redesign digital and physical infrastructure to better serve persons with disabilities (PWDs).
- Consult all relevant stakeholders at the design stage of products to allow for products promoting human rights..
- Publish detailed and timely transparency reports on content moderation and data protection efforts that are easily readable and accessible.
- Enhance protection against data breaches through investments in advanced rights-respecting security protocols.
- Adhere to legal requirements on data breach disclosures

Civil Society should:

- Advocate for reforms to ambiguous legislation that stifles free expression and leads to arbitrary arrests.
- Run campaigns to educate citizens about their digital rights and available legal recourse.
- Track compliance with data protection and digital inclusion policies of governments as a baseline for advocacy.



Executive Summary

Information Communication Technology (ICT) and digital transformation have been central to Rwanda's development agenda. It is firstly articulated in the national Vision 2020 strategy and then subsequently, the Vision 2050 strategy identified technology and innovation as core tenets of Rwanda's digital transformation vision. For the last three decades, digital transformation has been a key pillar for the economic growth of the country. Rwanda has achieved significant strides in terms of digital infrastructure which is almost near universal mobile coverage¹¹²⁸. Amongst the many examples of the materialisation of this ambitious vision is the implementation of "Irembo" which is Rwanda's e-government services portal, where Rwandan citizens can easily access services ranging from birth registration, death certificates, land title transfers and "Sophia," the notorious smart traffic cameras.

In addition, Rwanda is home to prestigious and flagship academic institutions that promote advanced and emerging technology engineering such as Smart Africa Digital Academy, the African Institute of Mathematics and Sciences (AIMS) and Carnegie Mellon University-Africa.

However, despite all these milestone achievements and the progressive thoughtfulness of the country's digital policies, President Paul Kagame's administration has been in the spotlight and criticised¹¹²⁹ for the use of technology regarding surveillance, especially in a context where telecommunications operators have been making user location available to state security services as well as reported cases of serious restrictions on free speech and censorship against journalists, political dissidents and civil society actors in the country.

This report was compiled through desk research analysing international legal instruments ratified by Rwanda, as well as decoding principal and subsidiary legislations, policy papers, human rights reports and newspaper articles.

This report is also based on face-to-face interviews which were conducted with different stakeholders, including members of civil society organisations and leaders of indigenous and

1128 Historically, the average for Rwanda from 2012 to 2016 is 98.18 percent, available at https://www.theglobaleconomy.com/Rwanda/Mobile_network_coverage/

1129 <https://www.amnesty.org/en/latest/press-release/2021/07/rwandan-authorities-chose-thousands-of-activists-journalists-and-politicians-to-target-with-nso-spyware/>



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grassroots communities selected based on their knowledge and professional experience.

In addition, the author also conducted a comprehensive assessment of Rwanda's compliance with regional and international legal instruments such as the African Charter of Human and Peoples' Rights (ACHPR) using The Score Index by Paradigm Initiative.

Rwanda, also known as the land of a thousand hills, is a landlocked country in east and central Africa, estimated to occupy 26,338 Sq Km. It is a landlocked country with a population of 13.2 million in 2022¹¹³⁰, bordered by Uganda, Tanzania, Burundi and the far larger Democratic Republic of Congo (DRC). Kinyarwanda is the principal and national language, with English, French and Swahili serving as additional official languages.

Rwanda is a country with few natural resources in spite of this the country has achieved sustained Gross Domestic Product (GDP) growth over the last three decades¹¹³¹. The country's GDP growth is projected to average 7.6% in the 2024-2025 fiscal year¹¹³². The growth is mostly driven by private investments, tourism and improved agricultural conditions. Besides challenges from inflation and a weakening currency, Rwanda's economy demonstrated resilience in 2024. The service sector grew by 11%, especially the ICT sector¹¹³³ which saw a 35% growth. According to the 2024 World Bank report, mobile and digital services grew by 34.9% in 2023, supported by an increase in affordable calling packs and internet sales. By the end of 2023, there were more than 12.7 million mobile phone subscribers, translating to 94.2 subscriptions for every 100 people in Rwanda, with a 16% increase from the end of 2023 in terms of mobile phone penetration and telecommunications subscribers.

The country also has pioneering strategies and policies related to emerging technologies and Artificial Intelligence (AI). On March 31, 2023, the Centre for the Fourth Industrial Revolution (C4IR) was launched in Kigali. More recently a follow-up announcement came in May 2024 that Kigali would be the host of the headquarters of "Timbuktoo," the new United Nations Development Programme (UNDP) innovation financing facility. Even though Rwanda aims to position itself as a forward-thinking nation with regard to ICT and access to the internet, the government's repression of the media¹¹³⁴ greatly limits the diversity and reliability of the media landscape, both online and offline. Digital activism on political and social issues is still inexistent and it is clear that the rampant surveillance¹¹³⁵, regulatory and Subscriber Identity Module (SIM)¹¹³⁶ registration requirements have deterred citizens from using social media and digital platforms for social and political activism.

1130 Key Figures: 5th Rwanda Population and Housing Census; available at <https://www.statistics.gov.rw/publication/key-figures-5th-rwanda-population-and-housing-census-phc>

1131 <https://www.afdb.org/en/countries/east-africa/rwanda/rwanda-economic-outlook>

1132 <https://www.worldbank.org/en/country/rwanda/publication/rwanda-economic-update-september-2024>

1133 <https://www.worldbank.org/en/news/press-release/2024/09/17/rwandas-afe-economy-registers-strong-growth-in-early-2024-despite-persistent-challenges>

1134 <https://forbiddenstories.org/collision-course-an-investigation-into-the-death-of-a-journalist-hated-by-rwandan-authorities/>

1135 <https://www.mediadefence.org/news/authoritarianism-and-digital-surveillance-rwanda/>

1136 <https://www.topafricanews.com/2019/01/21/rura-clarifies-new-simcard-regulations/>

Internet Penetration and Digitalisation

Despite its small size, Rwanda has distinguished itself as a leader on the continent, especially in digitalisation, one of the ways to accelerate economic growth and reduce poverty. The country's expansion in terms of digital infrastructure has been impressive, especially with the rollout of the national fiber optic backbone network. The 3G network coverage is now at 93.5% compared with a regional average of 76%¹¹³⁷. However, Rwanda's internet penetration rate is still low as it stood at 34.4% of the total population at the start of 2024¹¹³⁸. Furthermore, by leveraging a public-private partnership, the Rwandan government managed to deliver nationwide 4G network. Today, Rwanda's 4G coverage officially stands at 96.6%¹¹³⁹ which is one of the highest rates on the continent.¹¹⁴⁰ In addition, in February 2023, Starlink, a satellite-based broadband service owned by SpaceX, a company based in the United States of America (USA), was issued a license to operate in Rwanda and it began providing services in November 2024¹¹⁴¹ with 756 schools¹¹⁴², consisting of primary, secondary, training and vocational schools have been connected to reliable internet through a public-private partnership between the Rwandan government and Starlink as part of Rwanda's ongoing efforts to connect all schools with broadband internet.

Rwanda has made progress in terms of digitalising public records, by expanding the use of management information systems and rolling out shared cloud-based infrastructure, for instance, "Irembo" which is an e-government platform¹¹⁴³. Irembo, which means gateway in Kinyarwanda, is an e-citizen portal designed for the provision of various government services to the public. The portal is managed by Rwanda Online Company Limited, a local public and private partnership technology company. The Irembo portal has enabled most state agencies to digitalise their services by drastically eliminating paperwork and improving the government's public service delivery. The platform is used by public service sectors such as family and social affairs, immigration, identification and civil registration, land, health and education. Since its launch, the platform has processed over 25 million applications worth USD 300 million.¹¹⁴⁴ In 2018, Information and Communication Technology (ICT) was the fastest-growing service sub-sector. In 2024, ICT represents about 1.4% of Rwanda's Gross Domestic Product.¹¹⁴⁵ This dynamism was mainly driven by mobile phone penetration and it is estimated that 74.3 % of the Rwandan population has access to a mobile device.

While the national expansion in terms of digital infrastructure has been impressive, the actual use of the Internet is estimated to be much lower¹¹⁴⁶. According to figures published by the World Bank Group, internet subscriptions increased in 2023 to 12.2% which represents 9.4 million, or 68.9 subscriptions for every 100 people in Rwanda¹¹⁴⁷. In addition, mobile phone penetration is supporting digital financial services and payments. As of the end 2023, active mobile money transactions were about 2.263 million (48,8% more than in 2022) with their value estimated to be USD 148,26 million¹¹⁴⁸. Furthermore, these developments have also had a great impact in terms of financial access as the banking system has also been expanding its mobile banking services. In 2024, the number of mobile banking transactions amounted to US Dollars (USD) 23,918.417 (approx. 29.8% higher than in 2023) representing 30.8% of the national GDP.

1137 P, Behuria: between Party Capitalism and Market reforms; Understanding sector differences in Rwanda, p.12, available at <https://research.manchester.ac.uk/en/publications/between-party-capitalism-and-market-reforms-understanding-sector->

1138 <https://datareportal.com/reports/digital-2024-rwanda>

1139 Rwanda Digital Acceleration Project ; available at <https://documents1.worldbank.org/curated/en>

1140 Rwanda Economic Update: Regional Integration in Post Covid-19 era available at <https://www.worldbank.org/en/news/pressrelease/2022/02/rwanda-economic-update-regional-integration-in-post-covid-era>. (accessed on 12 December, 2023)

1141 <https://stories.starlink.com/stories/internet-from-space-for-remote-schools-in-rwanda>

1142 <https://www.ktpress.rw/2024/02/elon-musks-starlink-officially-begins-operations-in-rwanda/>

1143 https://irembo.gov.rw/home/citizen/all_services

1144 Cipesa: Patient Data Privacy in the age of telemedicine : case studies from Ghana, Rwanda, and Uganda available at <https://cipe-sa.org/fr/2023/12/patient-data-privacy-in-the-age-of-telemedicine-case-studies-from-ghana-rwanda-and-uganda/>

1145 Op Cit Rwanda Economic Update: regional Integration in Post-covid era.;

1146 Digital Report 2023: Rwanda available at <https://datareportal.com/reports/digital-2023-rwanda>

1147 Rwanda Economic Update: Investing in skills development can spur Rwanda's private sector growth and economic transformation available at <https://www.worldbank.org/en/country/rwanda/publication/rwanda-economic-update-september-2024>

1148 Idem

Free Speech and Media Freedoms in 2024

Ahead of the July 2024 general elections, the pressure to report positively on the government increased and the fear of reprisals for those who criticise the authorities.

Although the Constitution of Rwanda provides for the Bill of Rights¹¹⁴⁹, nominally protects freedom of the press and provides for freedom of expression in Article 38, the government continues to clamp down on real and perceived opponents of the State. Several critics, including internet bloggers and journalists, were arrested, killed, or put on trial¹¹⁵⁰. In many cases, they were prosecuted or convicted on spurious grounds. For instance, in January 2024, a Rwandan journalist, John Williams Ntwali,¹¹⁵¹ famously known for his relentless criticism¹¹⁵² of the Rwandan government died under suspicious circumstances¹¹⁵³. In March 2024, the High Court of Rwamagana sentenced¹¹⁵⁴ Theophile Ntirutwa to seven years in prison for spreading false information with the intent to cause hostile international opinion against the Rwandan government. Before his arrest, Ntirutwa Theophile was the spokesperson of Development and Liberty for All (DALFA- Umurinzi), an unregistered opposition party in Rwanda¹¹⁵⁵. Since March 2024, there has been an ongoing trial of blogger and political commentator, Aimable Karasira¹¹⁵⁶. Aimable Karasira, a former lecturer at the University of Rwanda, has been detained since his arrest in 2022¹¹⁵⁷ on charges of genocide denial and divisionism after he made a public statement where he spoke about losing family members and alleged that they were executed by Rwanda Patriotic Army elements¹¹⁵⁸ during the 1994 liberation campaign. In March 2024, Ndahiro Valens Pappy, a journalist affiliated with Big Ten Network (BTN) TV, a private TV station was assaulted and his press materials destroyed by two local administration security officers while he was covering the demolition of homes¹¹⁵⁹.

In addition, during the tense campaigns preceding the polls in July 2024, there were observations of the use of AI-manipulated content¹¹⁶⁰ to portray the then Rwanda Patriotic Front¹¹⁶¹(RPF) candidate President Kagame in a positive light, showing him taking part in popular dance trends on Tik Tok. There were further observations of systematic and coordinated attacks on social media against political dissidents and opponents. For instance, the case of Diane Rwigara, who was harassed with hateful comments on X¹¹⁶² (formerly Twitter) by pro-government accounts known as #TeamPaulKagame (Team PK). The virulent attacks against her continued until she was barred from competing in the elections by the National Electoral Commission.

Notably, the government did not filter internet content, restrict internet connectivity, or shut down the internet in Rwanda during the electioneering year.

However, given the longstanding challenges against the political opposition¹¹⁶³, this had a domino effect on the media in the country¹¹⁶⁴, as it greatly hampered the diversity and the reliability of the media landscape, both online and offline. The case of Theoneste Nsengimana is emblematic of the reprisals faced by journalists¹¹⁶⁵ who are currently standing a trial; he is accused of forming a

1149 The Constitution of the Republic of Rwanda of 2003 as revised in 2015 available at <https://www.constitutionproject.org/constitution/Rwanda-2015.pdf?lang=en> (accessed on 12 December, 2023).

1150 <https://www.hrw.org/world-report/2024/country-chapters/rwanda>

1151 <https://www.hrw.org/world-report/2024/country-chapters/rwanda>

1152 <https://www.youtube.com/watch?v=6TQypKKKugA&pp=ygUNl2phbm1hcnVtdXJ0dQ%3D%3D>

1153 <https://www.hrw.org/news/2023/07/18/questions-remain-over-rwandan-journalists-suspicious-death>

1154 <https://www.jurist.org/news/2024/01/hrw-rwandas-conviction-of-opposition-politician-stifles-free-speech/>

1155 <https://x.com/dalfaumurinzi?lang=fr>

1156 <https://www.radiyoyacuvoa.com/a/7934984.html>

1157 <https://cpj.org/data/people/aimable-karasira-uzaramba/>

1158 the former military wing of the Rwanda Patriotic Front, the current ruling party

1159 <https://umuseke.rw/2024/03/kigali-dasso-iravugwaho-gukomeretsa-umunyamakuru/>

1160 <https://thraets.org/synthetic-media-in-rwandas-2024-elections/>

1161 Rwanda Patriotic Front is the current Ruling Party in Rwanda.

1162 <https://x.com/ShimaRwigara/status/1798027840186945864>: You should find a husband start from there manage your family first we know how old are you to be single" ... Or "Be smart in mind old girl, don't be foolish for your own mistakes and madness, please respect his excellency Paul Kagame".

1163 <https://trtafrika.com/africa/court-bars-rwanda-opposition-figure-from-seeking-election-18161682>

1164 Human Rights Watch, "Rwanda: End Abuses Against Journalists," 18 January 2024, [hrw.org/news/2024/01/18/rwanda-end-abuses-against-journalists](https://www.hrw.org/news/2024/01/18/rwanda-end-abuses-against-journalists).

1165 Post on Theoneste Nsengimana's account on X, 4 June 2024, x.com/theoneste_/status/1798044006494150789 Post on Theoneste Nsengimana's account on X, 23 June 2024, x.com/theoneste_/status/1804947935127359778.

PRIVACY AND SURVEILLANCE

Digital technologies have ushered in an era of unprecedented targeted mass and individualised surveillance. Further, the lines between the state and telecommunications corporations' surveillance are increasingly blurred as often their operation frameworks and infrastructure interact, especially as they differ on the aspirations and motives behind this surveillance policy, and corporate surveillance is mostly based on making profits.

The Rwandan government is known¹¹⁶⁷ to collect and analyse private communication data, legally or covertly, and it is often justified by reasons and concerns of national security. However, given the country's political context, this is based on political and socio-economic factors for digital surveillance. Human rights activists and political dissidents are often targeted for surveillance¹¹⁶⁸ for reasons including the control of public dissent and political discourse, as well as monitoring online civic space and their actors.

Article 23 of the Constitution¹¹⁶⁹ guarantees privacy protections to Rwandan citizens in their homes, correspondence and telephone conversations. However public surveillance in Rwanda is still enabled based on the provisions of Article 7 of Law no 60/2013¹¹⁷⁰ regulating the interception of communications. Telecommunications service providers are not only required to grant access to national security agencies in the interception of communications, but must ensure that systems are technically capable of supporting interceptions at all times upon request by the competent organ, in accordance with the provisions of the law. Additionally, under the provisions of Law no 73/2013 determining the powers, mission, organisation and functioning of the National Intelligence and Security Services (NISS), the NISS is authorised to receive and collect information for the purpose of carrying out its missions, including the protection of state security. Therefore, based on the mandate given by the law, the NISS has sweeping access to all communications in Rwanda, without even needing to seek written approval from the public prosecutor which opens room for arbitrary use of the law based on a lack of proper accountability mechanism.¹¹⁷¹

Rwanda is a signatory to the African Union Malabo Convention on cyber security and personal data protection, and it also domesticated the Convention as the country passed a new data protection legislation in October 2021. Law no 058/2021 relating to the protection of personal data and privacy allows individuals and institutions to emplace processes that ensure personal data is handled in a trusted and secure way. In addition, this legal framework also lays out the guidelines for notification of personal data breaches within 48 hours and cross-border data transfers. Moreover, the law also provides exemptions where personal data is processed for the purposes of national security, but the personal data and privacy law also establishes the office of the data supervisory authority in order to oversee the enforcement of the data protection legal framework in the country. The recent proliferation of biometrics and other data collection in everyday life for accessing essentials such as banking services, access to workplaces, or cell phones, may also have a corrosive effect on privacy. This is especially due to the sensitivity of data collected without proper control or oversight, especially in this era of disruptive technologies and in a context where we witnessed a significant shrinking of civic rights and public freedoms as well as the incessant violations of human rights.

While the right to privacy is not absolute, it may be interfered with in order to advance legitimate state and public interests such as national security or to combat terrorism. However, this interference must be lawful, necessary and proportionate. Nevertheless, there is a critical need for legal reform as the current Rwandan legal framework regulating the NISS surveillance activities fails to satisfy the proportionality standards established under the international law

1166 <https://www.newtimes.co.rw/article/22697/news/crime/youtuber-theoneste-nsengimana-co-accused-trial-adjourned-as-new-evidence-surfaces>

1167 US Department of State Rwanda Human Rights Report: https://www.state.gov/wp-content/uploads/2023/03/415610_RWANDA-2022-HUMAN-RIGHTS-REPORT.pdf

1168 <https://edition.cnn.com/2021/07/22/africa/daughter-hotel-rwanda-hero-pegasus-intl/index.html>

1169 Constitution of the Republic of Rwanda of 2003, amended in 2015 available at <https://www.minecofin.gov.rw/index.php?eID=dumpFile&t=f&f=85852&token=bbf2750a8f262658fba1c14f006285a36818abdc>

1170 <https://www.rlrc.gov.rw/index.php?eID=dumpFile&t=f&f=83847&token=5f4c3ae9f5c8ed66419e4a062e0d9c6524635b3a>

1171 Article 09 of the law no60/2013 provides: if required by "urgent public security interests" the interception warrant can be issued by the national prosecutor verbally but this must be followed by a written warrant within 24 hours or the interception will be presumed illegal.

ONLINE GENDERED DISINFORMATION:

Rwanda has made significant progress in governance, particularly in the promotion of gender equality and the fight against gender-based violence. The country has scored highly in terms of representation of women in Parliament and labour force participation within the global gender equality ranking¹¹⁷²

In addition, Rwanda is also one of a few countries in East Africa that does not criminalise consensual same-sex relations. However, the Rwandan society is still very conservative and LGBTQIA+ community are exposed to stigma as a result of their sexual orientation seen through attacks on social media platforms in the form of online gender-based violence. For instance, the famous Rwandan Designer, Moses Turahirwa, who was the target of homophobic comments after sharing a post on Instagram where he claimed that his passport was changed to reflect his new gender¹¹⁷³.

In Rwanda, gendered disinformation has been mostly used as a deterring factor for young women who consider having a political career. For instance, in June 2024, a few days after Diane Rwigara made a public announcement that she will contest for the highest office of the land, photo-shopped nudes of her became viral on social media in a bid to discredit her¹¹⁷⁴.

Women politicians are targets of image-based disinformation, as these images are used to sexualise them and to create false narratives in order to shift the public focus from the main political discourse. More recently in June 2024, Ingabire Victoire Umuhoza¹¹⁷⁵, a Rwandan opposition politician faced an aggressive online harassment campaign following a public statement she made where she disclosed her intent to run for the highest position of the land in the general elections of July 2025¹¹⁷⁶. The smear campaign included messages accusing her of being a witch and others made of sexual slurs and memes. The ultimate aim was to destroy her reputation as a woman and politician.

The same tactic has been often used to demonise feminism and feminist activists such as the case of Rwandan feminist activist, Sylvie Nsanga, who has been regularly exposed and targeted online by vile and sexist content marred with insults and obscene threats. The constant bullying and character assassination sought to diminish her credibility,¹¹⁷⁷ by online users claiming that Sylvie Nsanga and other feminist activists are pushing for a “feminist agenda” and “witch-hunt” against Rwandan prominent men.

DATA PROTECTION AND PRIVACY

The Constitution of Rwanda reaffirms the respect for privacy in Article 23 and states that every person has the right to privacy, which includes the right not to have information relating to their family unnecessarily acquired or revealed. Besides the Constitution, other relevant laws like Law no 04/2013 relating to Access to Information, the [Organic Law Instituting the Penal Code of Rwanda \(14 June 2012\)](#) and [Law No. 18/2010 of 12/05/2010 relating to Electronic Messages, Electronic Signatures and Electronic Transactions](#) (‘the Telecommunications Law’) recognise and provide for guidelines regarding the protection of privacy and personal data information.

On October 15, 2021, President Kagame assented the [Law No. 058/2021 of 13 October 2021 Relating to the Protection of Personal Data and Privacy](#)¹¹⁷⁸ (‘the Data Protection law’). Before the enactment of the Law, there was no legislation in Rwanda to give effect to the right to privacy enshrined in Article 23 of the Constitution. The Law is modelled after the EU [General Data Protection Regulation \(Regulation \(EU\) 2016/679\)](#) (‘GDPR’)¹¹⁷⁹, and it aims to protect the fundamental rights and liberties of natural persons that may be jeopardized during the processing of personal data by both the public and private bodies, and it is applicable to both manual and electronic processing of personal data. The Law applies to data handlers and processors residing inside or outside of the Republic of Rwanda.

1172 World Economic Forum: Global Gender Gap Report 2023, available at <https://www.weforum.org/publications/global-gender-gap-report-2023/>

1173 <https://x.com/NewTimesRwanda/status/1651651921726283794>

1174 <https://x.com/LeilliMimi22074/status/1802820464550854809>

1175 <https://www.theguardian.com/uk-news/2023/dec/14/rwanda-politician-criticised-sunak-bill-fears-for-her-safety>

1176 <https://foreignpolicy.com/2024/05/22/rwanda-kagame-undemocratic-election-victoire-ingabire/>

1177 <https://www.africa-press.net/rwanda/all-news/safer-internet-day-is-it-possible-to-make-the-internet-safe-for-all>

1178 <https://dpo.gov.rw/dpp-law.html#:~:text=This%20law%20protects%20personal%20data,which%20is%20a%20fundamental%20right.>

1179 <https://gdpr-info.eu/>

Today, the Data Protection law provides Rwandans with the strongest safeguards of their right to privacy as provided for in Article 23 of the Constitution as the law sets out the norms and the standards by which the State and private actors must provide for the protection and sovereignty of the personal data of persons. More importantly, the Data Protection law placed a positive obligation on the State to set up adequate safeguards for the right to privacy, including where justifiable targeted surveillance has been undertaken in crime prevention and the investigation and enforcement of laws for a legitimate aim.

In addition, the Data Protection law provides certainty to the rights of the data subject, their duties and obligations and also highlights the duties and obligations of data collectors, controllers, and processors and this will help to ensure that all decisions and actions taken in relation to personal data are done within the confines of the Law.

The Law buttresses privacy as a fundamental human right for Rwandans; it is very instructive on data protection principles, as it spells out the various rights of the data subject and provides certainty on the enforcement of the data and privacy rights by providing for the duties and obligations of the respective parties. Nevertheless, it should be noted that the law falls short in certain aspects such as individual autonomy over personal data as it is more concerned with regulation than the rights and their enforcement by the data subject.

Article 27 of law no 058/2021 relating to the protection of personal data and privacy provides for a supervisory authority with the power:

- to monitor compliance and sanction data protection law violations,
- to create further regulations for implementation
- to receive complaints and claims relating to the processing of personal data of citizens
- to authorise processing operations that involve high risk to rights and freedoms of individuals.

However, the law doesn't make elaborate provisions for the organization and the operational structure of the supervisory authority. Nevertheless, in October 2021, the Ministry of Information Communication and Innovation announced¹¹⁸⁰ and designated the National Cyber Security Authority (NCSA) as the supervisory authority in charge of the enforcement of the law. More recently, on March 31, 2022 the Government of Rwanda through the National Cyber Security Agency¹¹⁸¹ officially launched the data protection supervisory office, an implementation move aiming for an effective personal data governance.

Is The Data Protection Supervisory Authority Independent and Impartial ?¹¹⁸²

On March 31, 2022, the Cabinet through the National Cyber Security Authority officially launched the data protection office, as an implementation move aiming for effective data governance¹¹⁸³.

So far, there has been no data protection case litigation or public interest petition initiated under Article 23 of the Constitution before domestic jurisdictions in Rwanda.

CENSORSHIP AND CONTENT MODERATION

The legacy of Radio Television Libre des Mille collines¹¹⁸⁴ and Kangura will always cast a long shadow over the current debate on freedom of the press in Rwanda, while freedom of the press and access to information are guaranteed by the Constitution, and the law explicitly prohibits censorship of information, many analysts and observers have pointed out that State Security Services' 'systematic harassment, suspicious disappearances, and the fear of prosecution has pushed many journalists to engage in self-censorship and mostly avoid the media coverage of political sensitive topics. Over the years, some journalists have fled the country, while others have been arrested. Consequently, a systematic practice of self-censorship becomes a constant rule

1180 MICT Press Release : "Rwanda Passes new law Protecting personal data", October 21,2021 available at <https://www.minict.gov.rw/index.php?elD=dumpFile&t-f=30553&token=d44bb5a417c65872b4b0ece892e5d8ba34c8c91> (accessed on 12 December,2023).

1181 <https://www.cyber.gov.rw/about/>

1182 <https://dpo.gov.rw/>

1183 <https://cyber.gov.rw/updates/article/nlsa-officially-launches-its-data-protection-office/>

1184 Radio Television Libre des Milles collines.

among media practitioners¹¹⁸⁵. Further, recently the Media High Council refused¹¹⁸⁶ to recognise as journalists unaccredited persons who conducted interviews and posted them on personal YouTube channels, denying them legal protections afforded by the accredited journalists.

Although the government does not filter internet content, some foreign radio stations have been facing restrictions due to their editorial independence for broadcasting content that strays from the State's official narrative. Furthermore, specific patterns of government-run social media accounts are being used to intimidate anyone who dares to post critical comments about the government. In some cases, these proxies' trolls threaten critic's physical safety and integrity.¹¹⁸⁷ For instance the case of Etienne Gatanazi, who has been harassed because of his content that strays from the state's official narrative by criticising the State's policies and governance¹¹⁸⁸.

Rwanda Utilities Regulatory Authority (RURA)¹¹⁸⁹ continued to block access within the country to several websites, especially the websites affiliated to the political opposition such as the Rwandan, Rugali, Umuvugizi, but also some Ugandan online media outlets such as the Nile Post, the Daily Monitor, Chimps Reports¹¹⁹⁰ are still inaccessible in Rwanda.

DIGITAL IDENTITY

Since 2008, the Rwanda National Identification Agency (NIDA) has been collecting citizen's biometric data as any person who applies for a national Identity Card (ID) card is requested to submit his biometric data, such as two fingerprints and a photograph. This practice has been done for over a decade now with a total absence of legal framework providing for personal data collection¹¹⁹¹ However, this mistake was corrected under the current legal framework (law no 029/2023 governing registration of the population in the national single digital identity system) which provides for or defines clearly the nature of data to be collected.

However, it's important to note that in May 2024,¹¹⁹² the Cabinet pushed for legislative amendments in order to formally and legally "implement a digital ID ecosystem in Rwanda¹¹⁹³." These reforms seek primarily to adjust NIDA's operations under the scope of the law and secondly, expand the scope of persons eligible under the 2008 law governing registration of the population in order to include stateless persons and children. While defending the Bill that will bring the amendments before the members of Parliament, the Rwanda Cabinet Minister in charge of innovation and ICT explained that the digital ID card will come in two versions, a physical card fitted with a machine-readable QR code¹¹⁹⁴ containing biometric data and an online version that will use biometrics to access the ID. The system will issue digital IDs to stateless, asylum seekers and refugees living in Rwanda¹¹⁹⁵.

Additionally, one of the innovative features brought by this project is the ID number assigned to children during their birth registration data which can also be used when the child attains the legal age to carry a national ID. However, it is important to keep in mind the Rwanda Digital ID project is still at its nascent phase, and there are still no clear indications from the Ministry of ICT regarding the timetable and modalities of its implementation in the near future.

Furthermore, Rwanda's development partners, specifically the World Bank, will fund the project with USD 40 million.

1185 Rwanda Media Commission: The state of Media freedom in Rwanda, May 2015, available at https://rsf.org/sites/default/files/6_5_2015_ib_-_final_report_on_state_of_the_media_freedom_in_rwanda_00.00.pdf

1186 <https://www.chronicles.rw/2020/04/it-was-a-threat-now-its-policy-rwanda-government-comes-down-hard-on-social-media-lies/>

1187 https://x.com/gat_steeve/status/1867914908001792030

1188 <https://www.youtube.com/watch?v=-fztBI9YnNM>

1189 Rwanda Utilities Regulatory Authority.

1190 <https://www.aljazeera.com/news/2022/4/24/rwandas-kagame-in-uganda-on-rare-visit-as-ties-warm>

1191 Law no 14/2008 governing registration of the population and Issuance of the national Identity Card.

1192 <https://www.biometricupdate.com/202405/rwanda-receiving-bids-for-digital-id-core-software-development>

1193 <https://www.ktpress.rw/2024/05/ministry-of-ict-gives-roadmap-for-issuance-of-digital-id/>

1194 Sabiti, D :Stateless Persons and Newborns to get Rwandan Digital ID, KT Press,2023 available at <https://www.ktpress.rw/2023/04/stateless-persons-newborns-to-get-rwandan-digital-id/>

1195 <https://www.ktpress.rw/2023/04/stateless-persons-newborns-to-get-rwandan-digital-id/>

DIGITAL INCLUSION AND THE UNIVERSAL SERVICE FUND

The national universal service and access funds are a funding mechanism to incentivise the expansion of internet services in remote and underserved locations of Rwanda. The National Universal Service Fund was established in 2004¹¹⁹⁶ as an independent and autonomous administrative body which was previously managed by the Rwanda Utilities Regulatory Authority (RURA) before the recent legislative amendments made to the law governing the fund¹¹⁹⁷. The National Universal Service and Access Fund is financed through mandatory contributions from telecommunications. In fact, the law provides that all telecommunication services providers operating in Rwanda should deduct a 2.5%¹¹⁹⁸ levy from their gross annual revenues, and from the interconnection fee between licensed telecommunications operators. In addition, the legislation enables the USAF to raise funds through donations and grants from international donors and development partners, and the funds are allocated through a competitive bidding process.

The priorities of the universal funds include providing internet connectivity to all districts in the country, especially those located in rural areas, police stations and army barracks, immigration and border posts, public and private universities, primary and secondary schools, etc.

With support from the United States of America, the government has been able to invest in a number of projects to support connectivity in rural areas, amongst the realizations made:

- The funding and the implementation in rural areas of the government flagship one laptop per child program.
- The connectivity of 45 secondary schools located in remote and rural areas.

In 2024, 68 mobile sites¹¹⁹⁹ were built under the USAF, which contributed Rwandan Francs (RWF) 2,698 billion, approximately USD 3,6 Millions to the initiative.

ARTIFICIAL INTELLIGENCE & EMERGING TECHNOLOGIES

The future of artificial intelligence (AI) in Rwanda looks very promising. The country has succeeded in attracting world-class universities such as Carnegie-Mellon University-Africa and the African Institute of Mathematical Studies, which have campuses in Kigali, and at the same time attracting a substantive number of regional and global talents, positioning the country as the number one destination for IT and AI education.

Further, in collaboration with the Rwanda Space Agency and the German Aerospace Agency, the Rwanda AI Hub launched training programs for earth observations¹²⁰⁰. So far, 40 young Rwandan professionals had the opportunity to be trained at the intersection of machine learning and earth observation¹²⁰¹.

In addition, the government of Rwanda, in partnership with key stakeholders, launched the National AI Policy which defined six priority areas for effective AI policy in Rwanda.¹²⁰² The national AI policy framework has identified priority sectors:

- Creating an open data ecosystem as an enabler of the AI revolution, by increasing storage infrastructure and high-performance computer resources.
- Driving Public sector transformation to fuel AI adoption

1196 Presidential Order no 05/01/ of 15/03/2004 determining the functioning of the universal access fund and public operator's contributions available at <https://www.rura.rw/fileadmin/documents/docs/pl05.pdf> (accessed on 24 December, 2023).

1197 Presidential order no 025/01 of 12/05/2023 governing universal funds available at <https://www.minijust.gov.rw/index.php?elD=dumpFile&t=f&f=68425&token=81ce3dba53d7971109768f42004ca74470789f9d>

1198 Article 7: Every licensee referred to in Article 3 of this Order pays to the Fund an annual contribution which must not exceed 2.5% of the turnover of each category of regulated service.

1199 <https://www.businesswire.com/news/home/20220624005218/en/Rwanda-Telecoms-Mobile-and-Broadband-Market-Analyses-Report-2024---Rwanda-Making-Progress-with-Universal-Access-Scheme---ResearchAndMarkets.com>

1200 <https://digicenter.rw/artificial-intelligence-hub-ai-hub-and-data/>

1201 Ibid.

1202 How Rwanda AI Policy helps to shape the evolving AI ecosystem available at <https://www.digicenter.rw> (accessed on 17/12/2023).

- Accelerating responsible AI adoption in the private sector in order to accelerate the application of AI to boost productivity and efficiency in key sectors of the economy.
- Building AI literacy and 21st century skills with the objective to position Rwanda as the number 1 destination for AI higher education and research in Africa.

In addition, the policy advocates for the creation of open public sector data to reduce entry barriers. Furthermore, recently officials of the Ministry of Education disclosed that they are actively working to incorporate artificial intelligence and digital literacy into the national curriculum¹²⁰³.

Besides that, in June 2024, a delegation¹²⁰⁴ composed of members from the Ministry of Communications, Telecommunications and Digital Economy of Senegal held talks with the Rwandan Ministry of ICT, and the Senegalese delegation made up of members of the private sector and the academia embarked on a study tour of Rwanda. The rationale behind this tour was to understand the complexities of Artificial Intelligence in an African context.

1203 <https://www.newtimes.co.rw/article/20802/news/technology/rwanda-to-integrate-artificial-intelligence-in-school-curriculum>

1204 <https://d4dhub.eu/fr/news/implementing-a-national-ai-policy-key-lessons-from-rwanda>

RWANDA SCORE INDEX

The Score Indicators 2025	ACHPR Declaration	Score	Justification
Internet Shutdown	P38(2)	5	The country has so far not yet experienced an internet shutdown.
Inexistent laws, Policies and other Measures to promote Universal, Equitable, Affordable, and Meaningful access to the Internet	P37	4	The country has consistently made great achievements in order to reduce the gender or the rural-cities gap in providing inclusivity to all the stakeholders to get internet access in the country with the implementation policies and measures such as the nationwide fiber backbone and the sustainable budget allocated to the Universal Internet Service Fund
False News Criminalization	P22(2)	3	Rwanda has not passed neither has been using a specific false news law against bloggers, civil society activists or member of the political opposition in order to crackdown on public dissent, the attempts which have been made by the state to censor public dissent is mostly through genocide denial law or provisions of conspiracy and sedition against the national security.
Sedition Legislation	P22(2)	2	We observe that during the past decade, State security and the public prosecution office has been using often penal code provision on sedition to charge political dissidents in courts of law because of their political activities as a way to shut down public and political dissent in the country.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) &(2)	1	Rwanda has a poor record in terms of arbitrary arrests and harassments of the media, Human rights Defenders or citizens mostly for having expressing a divergent opinion or for public critics of state policies and actions.
Data Protection.	P42	4	In October 2021, Rwanda enact the Data Protection and Privacy and later on the Data Protection regulatory office, however the ability of the office to independently conduct its mandate is not guaranteed. There's still a lot of work to do in order to make the data protection supervisory office truly impartial and independent.

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States Interfere and require the removal of online content by internet intermediaries	P 38 and P39(4)	2	Although Rwanda does not hold liable internet intermediaries or made formal request to remove online contents published on their websites, the state has tendency of using censorship through blocking access to those websites , especially websites affiliated to the political opposition operating outside of the country
Invasion of Privacy of communications	P41	1	There have been many established cases where the state security services have been tapping phone communications of citizens illegally or without a court 's warrant. Allegation of use of Spyware such as Pegasus
Failure by the government to proactively disclose and disseminate information digital technologies	P29(3)	3	Although Rwanda has established itself as frontrunner in Africa in leveraging and disseminating digital technologies for the welfare of its citizens, However, there is lack of accountability and transparency by the state on policy implementation, and failure to disclose on the policy shortcomings especially regarding taxpayer's value for money or cost of implementation on the taxpayers. , Non-disclosure of data, report or figures regarding evaluation and monitoring of public IT and ICT major projects
AI and Emerging Technologies national strategies	P39(6)	5	Rwanda is consider amongst the few African pioneers of AI, as the country has been one of the first to enact a national AI Policy framework, besides that the country is actively attracting international corporations through investment-friendly policies, but also by nurturing talent by attracting world class universities, positioning the country as Africa's AI Lab
Digital Inclusion	P37(5)	3	The country has so far made some good achievements in terms of implementing policies promoting digital inclusion, however Rwanda is still lagging behind in terms of funding the same policies,
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(3)	3	The country has not yet enacted a comprehensive policy and legislation with regard to children's digital safety , there have been some discussions led by the MYCT(the ministry in charge of ICT docket) but so far these discussions haven't yet produced anything concrete. However, it's important to note that there have been different legal provisions here and there providing some kind of legal protections for children's digital safety.
TOTAL (up to 60)		36	

CONCLUSION AND RECOMMENDATIONS

Rwanda positions itself as a market that fosters innovation especially in terms of embracing digital transformation. Meanwhile, some of the actions of the government such as the use of cyber surveillance are clearly in contradiction with the progressive thoughtfulness of the digital policies promoted by the same public officials. The government is still rightly criticised for online censorship and creating self-censorship in the media. During the period preceding the general elections of 2024, we observed that the state security apparatus and law enforcement entities have aggressively harassed journalists, dissidents or bloggers and their media outlets in order to control the public narrative¹²⁰⁵.

This situation coupled with use of mass surveillance of telephone metadata and through acquisition of spyware has substantially enhanced the climate of fear and self-censorship among the public.

Government should:

- Create a conducive environment for the free flow of information in the country where the media are safe to report independently and without interference.
- Quash the convictions of journalists and bloggers that have been convicted on vague charges such as “inciting public disorder or spreading rumours to cause unrest among the population”, “disposing of or degrading evidence or information relating to genocide” and “publication of rumours” under sections 194 and 204 of the law no 68/2018 of 30/08/2018 determining offences and penalties in general
- Conduct the training of Rwanda Investigation Bureau staff and public prosecutors on how to investigate cases affecting freedom of expression
- Refrain from targeted mass surveillance which constitutes a violation of the principle of legality, necessity and proportionality under the international law infringing on privacy and freedom of expression.
- Review and amend the law no 60/2013 regulating the interception of communications and regulations to ensure that they do not impose requirements of blanket, indiscriminate retention of communications data on telecommunications and Internet services provider’s companies operating in Rwanda.
- Leverage the USAF to invest at least 50% of funds in projects targeting gender inclusion and women’s internet use.
- Increase transparency of the USAF, especially with regard to disbursements and operations.
- Ensure independent authorisation and oversight of the state surveillance in order to ensure that surveillance is backed by law and judicial oversight.

Civil society organisations) should:

- Coordinate their actions in order to create awareness and the monitoring of the violations of human rights both online and offline.
- Streamline the flow of information between the different community grassroots organizations and CSOs in order to build an effective CSO network addressing digital rights.
- Build the capacity of vulnerable groups in the detection of, and policy advocacy against digital rights violations.
- Hold the Rwandan state accountable through the United Nation Human Rights periodic review and Regional Human Rights mechanisms such as the African Commission of Human and People’s rights.
- Leverage open sourced technologies that provides strong encryption protocols for vulnerable and the targeted members of the civil society (journalists, public dissidents and Human rights workers)

- Raise public awareness and sensitization against the issue of online gender disinformation.

Private sector should:

- Internet Service Providers and Telecommunications companies should be transparent and need to publish the quantity of the state security services surveillance requests and types of devices and tools being used in monitoring citizens to advance transparency and public confidence
- Tackle the key issue of gender digital divide through corporate social responsibility initiatives, enhancing access to broadband for the gender minorities and underserved communities .
- Enhance digital inclusion through corporate social responsibility by providing financial assistance in establishing e-learning and e-services centres in rural areas, providing access to affordable ICT services to rural communities.

Support people with disabilities to have equal opportunities and access to digital technologies, including the ownership of smartphones, tablets, laptops and the internet through subsidized costs

Senegal



Executive Summary

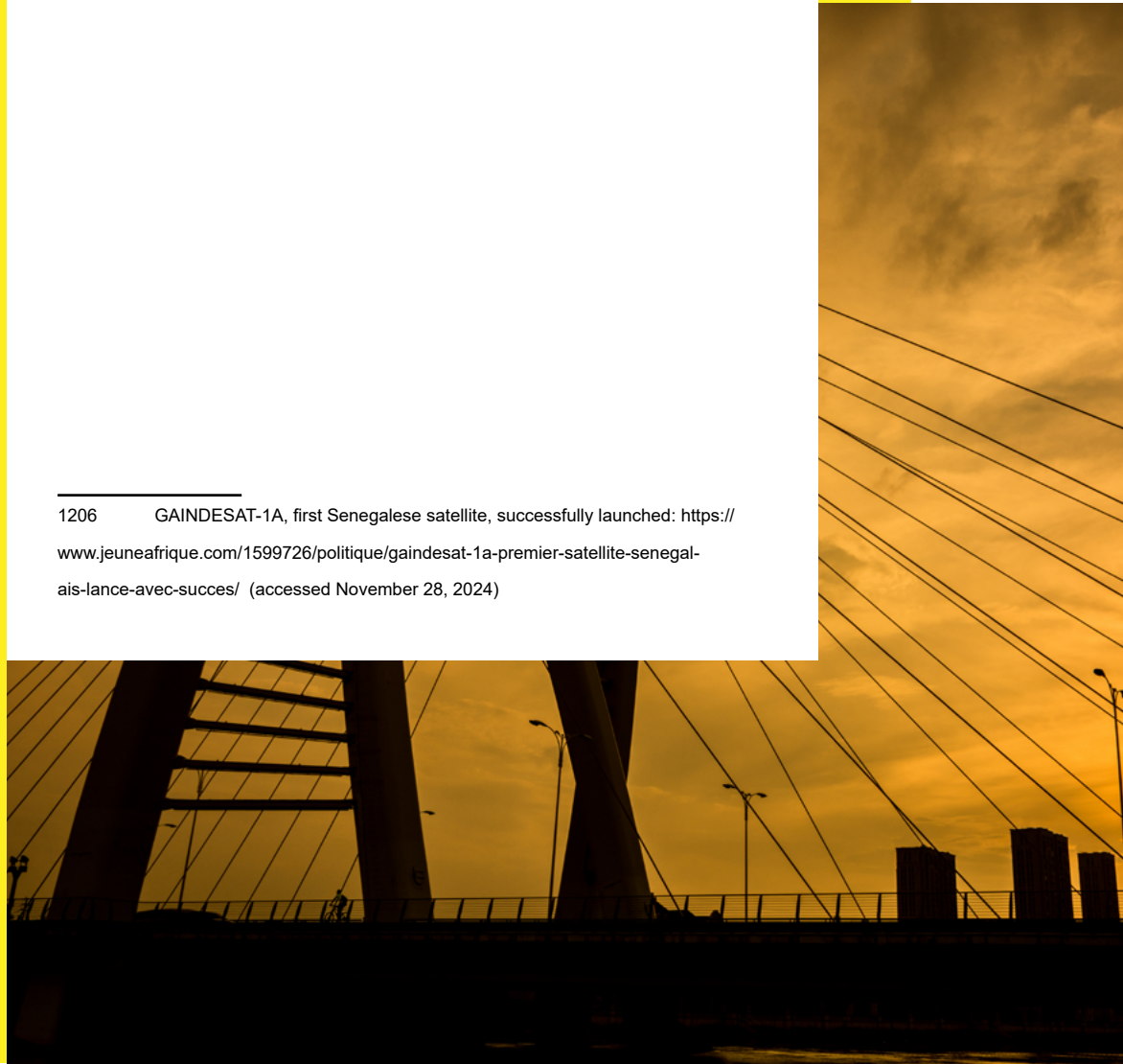
Senegal joined 17 African countries that have put at least one satellite into orbit in 2024. The country joined countries such as South Africa and Egypt, which each have 13 satellites, and Nigeria, which ranks third with 7 satellites. President Bassirou Diomaye Diakhary Faye declared this initiative an important step towards Senegal's "technological sovereignty."¹²⁰⁶ This Senegal report on digital rights and inclusion was written in this post-presidential and parliamentary election context. The research underlying this report examined internet access, freedom of expression, data protection and confidentiality, censorship and content moderation, access to information, artificial intelligence and emerging technologies, digital inclusion, and the Universal Service Fund. This report has demonstrated that significant efforts remain to be made in terms of press freedom.

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1206 GAINDSAT-1A, first Senegalese satellite, successfully launched: <https://www.jeuneafrique.com/1599726/politique/gaindesat-1a-premier-satellite-senegal-ais-lance-avec-succes/> (accessed November 28, 2024)



Introduction

To boost economic growth and encourage long-term development, Senegal has started several strategic initiatives. These include the Accelerated Growth Strategy (AGS)¹²⁰⁷ and plans to diversify the economy, improve infrastructure, and encourage entrepreneurship and industrialisation. In Senegal, the idea of electronic administration, or e-government, has emerged as a result of the development of information and communication technologies (ICT). The Emerging Senegal Plan (ESP)¹²⁰⁸, which was created in 2016, includes the “Digital Senegal (2016-2025)”¹²⁰⁹ strategy, which serves as the foundation for this key program.

Under the direction of the President of the Republic, Senegal has launched a bold digital transformation program known as the “New Technology Deal”¹²¹⁰ to expand the digital industry. The goal of this strategy is to establish the nation as an African leader and driving force behind digital innovation.

About the digital economy, the value-added tax (VAT) on digital services offered by overseas online providers and foreign digital platforms has come into effect, according to the Senegalese Directorate General of Taxes and Estates (DGID).¹²¹¹ A key milestone in its digital tax policy is the introduction of a new 18% VAT on services offered by digital platforms. The goal of this project is to govern Senegal’s digital services industry.¹²¹²

1207 Orientation Law No. 2008-03 of January 8, 2008 on the Accelerated Growth Strategy.

1208 In 2016, Senegal launched its “Digital Senegal 2025” strategy.

1209 The PSE is supported by a Priority Action Plan (PAP): phase 1 (2014-2018) and phase 2 (2019-2023).

1210 New technological deal: Senegal aims to become a leader in digital innovation in Africa, <https://www.rts.sn/actualite/detail/a-la-une/new-deal-technologique-le-senegal-ambitionne-de-devenir-leader-de-linnovation-numerique-en-afrique> (accessed November 28, 2024).

1211 Arrêté-n°-10698-du-27-juin-2024-portant-application-de-l'article-355-bis du CGI.

1212 Dgid | VAT on digital services will be effective from July 1, 2024: <https://www.rts.sn/actualite/detail/a-la-une/dgid-la-tva-sur-les-services-numeriques-sera-effective-a-partir-du-1er-juillet-2024> (accessed November 28, 2024).

Internet access

The Telecommunications and Postal Regulatory Authority (ARTP) and the Senegalese Electronic Communications Market Observatory have released their quarterly reports for January and March 2024.¹²¹³ This data states that during this quarter, there were 20,779,260 internet lines, a 4.66% increase. The majority of internet line customers (96.48%) are 2G, 3G, and 4G mobile internet users. In the first quarter of 2024, there were 999 lines of Internet Service Providers (ISPs).

“DataReportal” estimates that 60% of Senegal’s population will have internet access by 2024.¹²¹⁴ The percentage of people using fixed broadband internet is 24.39%. According to the survey, the mobile Internet penetration rate is expected to have increased by 3.27 percentage points to 112.52% quarterly. 99.06% of people have access to broadband (3G/4G). However, it should be mentioned that the high cost of an Internet connection is a major factor in the challenges that citizens face when trying to use ICT services.

Freedom of Expression

The Senegalese Constitution¹²¹⁵ guarantees freedom of expression. Freedom of expression is valued under Senegalese law. Refer to the 2017 Press Code, Law No. 2018-28 of December 12 on the Electronic Communications Code, and Law No. 2008-10 of January 25, 2008, on the Orientation Law on the Information Society (LOSI).¹²¹⁶ The government has proposed a measure for the Promotion and Protection of Human Rights Defenders to fortify human rights.

However, given the events that took place during the 2023–2024 pre-election period, it is evident that Senegal’s freedom of expression is not completely guaranteed. In Senegal, journalists, activists, and politicians have been arrested, intimidated, and convicted.

Bah Diakhaté, an activist, was charged and found guilty under the new government for disseminating misleading information and disparaging someone who was using all or some of the President of the Republic’s powers. Preacher Cheikh Tidiane Ndao was also charged with the same offenses.¹²¹⁷

Furthermore, the 2024 Reporters Without Borders (RSF) World Press Freedom Index shows that while Senegal offers a favourable environment for the press, with media pluralism, a rise in verbal, physical, and judicial threats against journalists in recent years is creating the conditions for a decline in the right to information. Out of a total of 180 countries, Senegal is ranked 94th, with a score of 55.44 in 2024.¹²¹⁸

Access to information

To assist member states in creating national laws about this issue, the African Union established a Model Law for Africa on Access to Information in 2013.¹²¹⁹ A statute granting access to information makes state officials more transparent and accountable, while bolstering public institutions’ credibility. A law of access to information enables citizens to engage more fully in public life.

Although there has been progress in recent years, particularly with Senegal’s 2018 entrance to the Open Government Partnership, the lack of access to information law is impeding the development of a true culture of transparency in Senegal. To do this, the National Steering Committee of the OGP was established and organised on June 20, 2024, when Minister of Justice Ousmane Diagne

1213 Quarterly Report on the Electronic Communications Market, January-March 2024, available at:

https://artp.sn/sites/default/files/202407/Rapport_marche%20des%20communications%20electroniques%20T1%202024.pdf (accessed November 28, 2024).

1214 <https://datareportal.com/reports/digital-2024-senegal>

1215 JORS, No. 5963 of January 22, 2001.

1216 JORS, No. 6406 of May 3, 2008, p. 419 et seq.

1217 Justice: Activist Bah Diakhaté faces the prosecutor this Wednesday: https://www.dakaractu.com/Justice-L-activiste-Bah-Diakhate-face-au-procureur-ce-mercredi_a248781.html (accessed November 28, 2024).

1218 Reporters Without Borders (FSF) 2024 World Press Freedom Index.

1219 Model Law for Africa on Access to Information 2013: <https://achpr.au.int/fr/node/873> (accessed 28 November 2024).

issued Order No. 009751 MJ/DPBG.¹²²⁰ A major step towards the government's commitments is this decision.

Data protection and confidentiality

The 2019 bill reforming¹²²¹ Law No. 2008-12 of January 25, 2008 on the protection of personal data¹²²² brought major innovations including the creation and operation of a Personal Data Protection Authority (APDP), the development of specific regimes for the processing of medical data, employee data, biometric data, the Internet of Things and artificial intelligence. These innovations aim to modernize the personal data protection system by adapting it to Supplementary Act A/SA.1/01/10 relating to the protection of personal data in the ECOWAS region and the African Union Convention on Cybersecurity and the Protection of Personal Data. Added to this is the National Data Strategy project, which has the vision of "Making data a driver of socio-economic growth, inclusiveness, innovation and international openness, by 2028 in Senegal."

Censorship and content moderation

For the year 2024, Senegal has experienced two cases of internet shutdowns. These are the restrictions on access to mobile data internet on February 4 and February 13, 2024. In its press release, the Ministry of Communication, Telecommunications and Digital Economy maintains that: "Due to the dissemination on social networks of several hateful and subversive messages which have already provoked violent demonstrations with deaths and significant material damage, mobile data internet is suspended this Tuesday according to certain time slots."

Additionally, the TikTok app was suspended by the Senegalese government on August 2, 2023, citing the fact that "the TikTok application is the social network favoured by malicious individuals to spread hateful and subversive messages threatening the stability of the country."¹²²³ By requiring TikTok to sign an agreement to develop an account deletion mechanism, the government aimed to strengthen the platform's regulation, including algorithm functionality and data protection, during negotiations with the company.¹²²⁴

AI and emerging technologies

A national strategy on artificial intelligence (AI) is presently being developed in Senegal.¹²²⁵ Its goal is "For an ethical and trustworthy AI, a catalyst for the Emerging Senegal Plan, youth employment, economic performance, public transformation, sovereignty, and the attractiveness of Senegal." Senegal wants to lead subregional technological collaboration and turn AI into a model national collective project that advances economic performance, anticipates climatic dangers, and serves the common good.

A supercomputer with 8,064 computing nodes, a distributed memory capacity of 1.2 PB, and a peak power of 537.6 TFlops has been purchased by the government.¹²²⁶ Thanks to this infrastructure, Senegal has a strong tool that can aid in advancing artificial intelligence.

Digital inclusion

Senegal's digital inclusion is further enhanced through its digital identification policy. The National Digital Identity project has a consensual vision: "the existence in Senegal by 2024 of an operational, reliable, secure, and accessible digital identity for the benefit of users."¹²²⁷

1220 <https://www.article19.org/fr/resources/senegal-la-creation-du-comite-de-pilotage-du-partenariat-pour-un-gouvernement-ouvert-fe-ra-avancer-la-transparence-et-lengagement-civique/> (accessed February 20, 2025).

1221 Draft law to overhaul the personal data protection system by repealing and replacing Law No. 2008-12 of January 25, 2008.

1222 <https://www.cdp.sn/sites/default/files/protection.pdf> (accessed November 28, 2024).

1223 Press release from the Minister of Communication, Telecommunications and the Digital Economy, August 2, 2023.

1224 Senegal maintains its ban on TikTok: <https://fr.africanews.com/2023/10/06/le-senegal-maintient-linterdiction-de-tiktok/> (accessed November 28, 2024).

1225 <https://www.numerique.gouv.sn/mediatheque/documentation/la-strat%C3%A9gie-ia> (accessed November 28, 2024).

1226 Artificial Intelligence, Challenges for Senegal and Africa, National Academy of Sciences and Technology of Senegal (ANSTS), January 8, 2024.

1227 Senegal will have a digital identity in 2024.

The main objectives¹²²⁸ of this project are:

1. Facilitate administrative procedures and rapid access to government information;
2. Facilitate the interoperability of government information systems;
3. Facilitate the exchange of data on individuals and businesses;
4. Facilitate the inclusion of all citizens to achieve the Sustainable Development Goals and wealth creation.

Universal Service Fund

To eliminate social disparities and establish equitable conditions, the Universal Telecommunications Service Development Fund (FDSUT),¹²²⁹ whose administration, missions, and goals are established by decree no. 2019-593 of February 14, 2019, seeks to expand the presence of community telecommunications networks.

Senegal has implemented co-construction models amongst operators, represented by the sharing of digital land use planning and infrastructure, as part of the program to address inequalities between urban regions and underserved community areas.

To do this, the FDSUT opened the Living Lab for the benefit of local communities.¹²³⁰ It is now operating at full capacity.¹²³¹ Through an innovation technique built on the collaboration of corporations, associations, and individual actors, as well as public and private actors, its goal is to incorporate digital technology into the primary sector (agriculture, livestock, and fisheries).¹²³²

1228 Feasibility study of the national digital identity (INN) project: <https://identitenumerique.sn/wp-content/uploads/2022/08/INN-Rapport-Final-inputs-MENT.pdf> (accessed November 28, 2024).

1229 <https://fdsut.sn/salles-multimedias/> (accessed November 28, 2024).

1230 Socioeconomic development of the regions: the FDSUT inaugurates the Living Lab: <https://fdsut.sn/category/livinglab/> (accessed November 28, 2024).

1231 Implementation of the operational phase of the living lab, August 22, 2024.

1232 Living Lab FDSUT or Living Lab: <https://fdsut.s/living-lab-fdsut-innovation-numerique-secteur-primaire/> (accessed November 28, 2024).

Senegal Score Index

Key Indicators of Londa 2025	Declaration of the ACHPR (P for Principle)	Score	Justification
Internet Outages	P38(2)	1	Two internet shutdowns in 2024: Restrictions on mobile data access to the internet on February 4 and February 13, 2024. Based on Principle 38 of the Declaration, Senegal has violated international law and standards.
2. Lack of laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the Internet	P37	3	Senegal does not have a law on access to information, but rather a draft law. Existence of policies and measures aimed at promoting universal, equitable, affordable, and meaningful access to the Internet. Actions carried out by the Universal Telecommunications Service Development Fund (FDSUT).
3. Criminalisation of fake news	P22(2)	1	The dissemination of false news is considered an offence Article 255 of Law No. 77-87 of August 10, 1977, amending the Penal Code of 1965.
4. Sedition Legislation	P22(2)	3	Articles 181 and 183 of the Penal Code refer to sedition, while according to Principle 22 (2), States shall repeal laws that criminalise sedition, insults and the publication of false news.
5, Arbitrary arrests and harassment of media, human rights defenders and citizens	P20(1) & (2)	3	In 2024, there were cases of arrests and convictions of journalists and activists. Activist Bah Diakhaté was prosecuted and convicted for spreading false news and insulting a person exercising all or part of the prerogatives of the President of the Republic. Preacher Cheikh Tidiane Ndao was also prosecuted on the same charges.
6. Data protection legislation.	P42	4	Data protection legislation has existed since 2008. A draft law has existed since 2019, which introduced major innovations, including the creation of a Personal Data Protection Authority (PDPA). Draft data strategy.

7. States intervene and demand the removal of online content by internet intermediaries	P38 and P39(4)	2	The Senegalese government had suspended the TikTok app to require content removals and to regulate the platform, including algorithm functionality and data protection, by requiring TikTok to sign an agreement to create an account deletion mechanism.
8. Breach of confidentiality of communications	P41	4	Senegal protects the privacy and confidentiality of communications through the Constitution and the Personal Data Protection Act.
9. The government's failure to proactively disclose and disseminate information about digital technologies.	P29(3)	4	The new government proactively discloses and disseminates information of public interest including functions, powers, structure, officials, decisions, budgets and expenditures as a form of transparency.
10. National strategies on AI and emerging technologies	P39(6)	3	Senegal has a draft National Strategy on Artificial Intelligence (AI) that complies with international human rights standards and law.
11. Lack of disclosure or proactive disclosure and dissemination of information on digital technologies by the government.	P29(3)	4	There is compliance with the proactive disclosure of information on digital technologies by the government.
12. Digital inclusion	P37(3)	4	The State of Senegal has adopted laws, policies and other measures to guarantee universal, equitable and affordable access to the Internet, without discrimination.
TOTAL (up to 60)		34	

Conclusion

In summary, Senegal's report on digital rights and inclusion concludes with a plea to strengthen digital rights, including the right to access the internet, and the right to information and freedom of expression. The report revealed that internet shutdowns can have negative consequences for users.

The report urges the further promotion of freedom of expression and the press by removing the offence of insulting the Head of State. The report calls on the media, social media platforms, activists, influencers and citizens to demonstrate greater ethics to avoid disseminating misinformation and spreading hate speech in public spaces.

Recommendations

Government

- Respect fundamental rights and freedoms following international norms and standards, to better guarantee freedom of expression, information, internet access, and participation in public affairs in the digital civic space through OpenGov and OpenData;
- Pass the 2019 Personal Data Protection Bill and the Access to Information Bill;
- Develop a specific law on artificial intelligence, under international standards;
- Involve digital ecosystem stakeholders more fully in the process of developing laws, regulations, and digital-focused strategies.

To the private sector

- Ensure that all citizens can benefit from free, high-quality, and high-speed internet, per the specifications.
- Based on the United Nations Standards on Corporate Responsibility concerning Human Rights, companies are required to “promote, respect, ensure respect, and protect human rights recognized under both international and domestic law.”

To civil society

- Strengthen their advocacy for the defence and protection of digital rights by ensuring the digital inclusion of all citizens and combating internet shutdowns.
- Partner with all stakeholders to promote citizen action in advocating against internet shutdowns.



Executive Summary

This report examines Somalia's digital rights landscape through a comprehensive, multi-methodological approach. The analysis integrates desk reviews and a human rights-based assessment using The Score Index, a framework developed by Paradigm Initiative and guided by the African Charter on Human and Peoples' Rights (ACHPR) principles.¹²³³ Somalia's total on the score index is at 25 out of 60, which reflects the significant gaps in digital rights protection, highlighting areas for urgent attention and improvement, particularly in internet access and data protection. This score provides a clear indication of the challenges Somalia faces in ensuring equitable digital rights for its citizens. The methodology evaluates Somalia's performance across critical areas such as internet access, freedom of expression, data protection, censorship, and digital inclusion while referencing verifiable incidents and trends supported by relevant sources.

Emerging from decades of political instability, Somalia is undergoing a digital transformation mainly driven by private-sector innovation, particularly in mobile telecommunications. Mobile money services have expanded financial inclusion, making Somalia heavily reliant on mobile-based payment systems for daily economic activities. As of January 2024, the internet penetration rate in Somalia stood at 27.6%, with approximately 5.08 million internet users.¹²³⁴ However, this digital growth is uneven, with significant disparities between urban and rural populations due to limited infrastructure and affordability challenges.¹²³⁵

While Somalia has introduced a data protection law, the lack of effective implementation leaves personal information at risk, with no enforcement mechanisms to address growing privacy concerns. Cybersecurity vulnerabilities are a pressing issue as the digital ecosystem faces increasing cyberattacks. Women and persons with disabilities (PWDs) remain marginalized in the digital space due to systemic barriers, inaccessible infrastructure, and a lack of targeted policies.

¹²³³ African Charter on Human and Peoples' Rights (ACHPR) principles: <https://achpr.au.int/>

¹²³⁴ Internet penetration and user statistics: <https://datareportal.com/reports/digital-2024-somalia>

¹²³⁵ Infrastructure and affordability challenges: <https://kcl.co.ug/somalia-digital-inclusion-is-a-rights-issue/>

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Introduction

Furthermore, gender disparities and literacy gaps hinder meaningful participation in the digital economy.

The report examines Somalia's opportunity to harness its youthful population to drive digital inclusion and innovation. Addressing infrastructure gaps, enforcing existing laws, and ensuring equitable access to technology are critical steps toward creating a resilient, rights-respecting digital landscape in Somalia.

This report examines Somalia's digital rights and inclusion landscape, highlighting critical issues and offering actionable solutions. Key areas explored include data protection, where ineffective implementation leaves personal data vulnerable. Cybersecurity, with the country's digital ecosystem exposed to increasing threats and gender disparities, where systemic barriers hinder equitable participation in the digital economy. Additionally, the report addresses the gap in connectivity, digital access, infrastructure, and civil society's role.

In the Horn of Africa, Somalia has an estimated population of 19 million.¹²³⁶ With over 75% of the population under 30 years old, the country boasts one of the youngest demographics in Africa, making it fertile ground for digital innovation.¹²³⁷ However, Somalia is classified as one of the least developed countries (LDCs) by the United Nations,¹²³⁸ and a Heavily Indebted Poor Country (HIPC), grappling with significant challenges such as conflict, limited infrastructure, and poverty. The economy relies heavily on agriculture, livestock, and remittances, while international support is crucial for its recovery. Despite these obstacles, there are signs of growth.¹²³⁹

The country has shown remarkable resilience, rebuilding from decades of civil war and institutional collapse. The telecommunications sector has been a critical pillar of this recovery, with companies like Hormuud, Golis, and Somtel spearheading connectivity and financial inclusion initiatives. Yet, infrastructure, affordability, and digital literacy disparities impede widespread digital adoption.

1236 Population estimate: <https://worldpopulationreview.com/countries/somalia>

1237 UNDP Article on International Youth Day 2024: <https://www.undp.org/somalia/news/celebrating-international-youth-day-2024-empowering-somali-youth-through-digital-innovation>

1238 Somalia is classified as a Least Developed Country (LDC) by the United Nations: <https://www.un.org/development/desa/dpad/least-developed-country-category-somalia.html>

1239 Somalia's economic outlook: <https://www.worldbank.org/en/country/somalia/overview>

Internet Access

Somalia's internet landscape is defined by a mix of rapid growth and considerable challenges. The country enjoys some of the most affordable internet in Africa, with 1GB of mobile data priced as low as USD 0.50.¹²⁴⁰ This affordability has fostered a digital revolution in urban areas, where more people can access mobile internet and digital services. For instance, in early 2024, social media platforms like Facebook, Instagram, and TikTok have seen growing engagement, with Facebook's reach touching 13% of the total population and TikTok reaching 57% of local internet users in 2024.¹²⁴¹ This has allowed Somali citizens to engage in political discourse, express opinions, and participate in the global economy, mainly through digital entrepreneurship and e-commerce.¹²⁴²

However, these advancements are offset by disruptions that affect internet access, particularly during political unrest and technical failures. Submarine cable damage also led to weeks of internet outages, which severely disrupted business operations and daily communication.¹²⁴³ Internet disruptions in Somalia are often politically motivated, with several instances occurring during politically sensitive periods. For example, in August 2023, the Ministry of Communications and Technology ordered the shutdown of social media platforms like TikTok and Telegram, citing security concerns and the fight against terrorism.¹²⁴⁴ Later, in December 2024, clashes between federal troops and regional forces over a local election dispute in Raskamboni were accompanied by a telecommunications blackout, further illustrating the government's use of internet shutdowns to control the flow of information during politically sensitive events.¹²⁴⁵ These actions demonstrate how internet disruptions are employed as a tool to manage security and political tensions in the country.

Freedom of Expression in Somalia

Somalia's media landscape is fraught with challenges that impede freedom of expression, including gendered disinformation, criminalisation of false news, sedition laws, restrictions on media freedoms, and online gender-based violence. These issues are exacerbated by political instability, weak legal frameworks, and societal norms that disproportionately affect women.¹²⁴⁶

The Penal Code, enacted in 1964, includes numerous articles restricting freedom of expression and media freedom.¹²⁴⁷ One provision, Article 164, grants judges discretionary powers to impose security measures on individuals deemed a "danger to society." This provision has been used to arrest and detain journalists and activists, leading to widespread self-censorship and threatening independent journalism.

In 2024, the media environment in Somalia remained perilous, with journalists facing significant risks, including arbitrary arrests, harassment, and threats to their digital security. One notable incident involved the abduction of journalist Abduqadir Mohamed Nur, a reporter for Risaala Media, by Somali security agents.¹²⁴⁸ He was detained on October 19, 2024, after his phone and laptop were seized, heightening concerns about the vulnerability of journalists and their digital devices in the country. This act put his personal and professional data at risk, particularly regarding the sensitive information on his devices. The arrest raised serious questions about press freedom and the safety of journalists in the digital age, especially as they rely on digital tools for their work.

Additionally, the criminalisation of "false news" continues to be a significant challenge for journalists

1240 Affordable mobile data pricing: <https://www.statista.com/statistics/1272681/price-for-mobile-data-in-somalia/>

1241 Social media engagement statistics: <https://datareportal.com/reports/digital-2024-somalia>

1242 Economic transformation: https://hiiraan.com/news4/2023/Apr/190629/internet_in_somalia_how_internet_access_is_transforming_somalia_s_economy.aspx

1243 Submarine cable damage and outages: <https://som-isoc.org/internet-access-disruptions-and-what-to-do-about-it/>

1244 TikTok and Telegram shutdown: <https://www.voanews.com/a/somalia-orders-tiktok-telegram-shut-down/7233001.html>

1245 Telecommunications blackout during clashes: <https://apnews.com/article/somalia-federal-forces-jubbaland-fighting-ee-77a6fa38e4acdf281a26c28e74570a>

1246 "The Somali Penal Code neither includes a definition of torture, nor criminalises" (Reliefweb, November 2022) <https://reliefweb.int/report/somalia/somalia-patterns-unlawful-killings-torture-and-other-ill-treatment>

1247 Penal code provisions: <https://www.refworld.org/legal/legislation/natlegbod/1964/en/72335>

1248 Abduction of journalist Abduqadir Mohamed Nur: <https://www.theguardian.com/global-development/2024/oct/19/somali-security-agents-abduct-journalist-abduqadir-mohamed-nur-press-freedom-risaala-media->

in Somalia. On the same note, journalist Alinur Salaad was detained in July 2024 for criticising the military in his reporting, which generated considerable public and media attention.¹²⁴⁹ His detention was a clear indication of the government's increasing pressure on journalists, particularly those who challenge the state or report on sensitive issues. These incidents reflect the broader trend of increasing threats to journalists in Somalia, where digital tools and online platforms have become both a powerful resource for reporting and a potential vulnerability when those devices are confiscated or misused by state actors.

Women in Somalia are particularly vulnerable to online gender-based violence, including harassment, threats, and non-consensual sharing of intimate images. These acts are intended to silence women and discourage them from participating in online spaces. The lack of specific legal protections against online gender-based violence makes the issue worse, leaving victims without adequate recourse. The federal Parliament failed to pass the sexual offenses and female genital mutilation bills.¹²⁵⁰ Despite these challenges, there are initiatives aimed at improving the situation. Somalia's only all-women news team, Bilan, has been recognised for its courageous reporting, winning the 2024 One World Media Press Freedom Award.¹²⁵¹ This highlights the potential for positive change when women's voices are amplified in the media

Data Protection and Privacy

Somalia's data protection and privacy landscape is still in its infancy, with significant gaps in legislation, enforcement, and infrastructure, leaving individuals vulnerable to data misuse. In March 2023, Somalia enacted the Data Protection Act, establishing a comprehensive legal framework for personal data processing.¹²⁵² The Data Protection Act aims to protect data subjects from risks arising from data processing, promote secure data handling practices, and ensure fair and lawful processing of personal data. The Data Protection Act led to the creation of the Data Protection Authority (DPA), an independent body responsible for overseeing compliance with data protection laws.¹²⁵³ The Authority has the mandate to conduct investigations, handle complaints, and enforce regulations to safeguard individuals' privacy rights. The introduction of the Data Protection Act was a positive step, as it established legal principles around consent, accountability, and data security.

However, without a strong enforcement mechanism, the DPA's ability to regulate private and public sector data handlers is significantly curtailed. Additionally, public awareness of the law remains low, with many Somali citizens unaware of their rights and responsibilities regarding personal data.

Cybercrime is another growing concern in Somalia. The lack of comprehensive cybercrime laws leaves sectors like mobile banking and e-commerce vulnerable to fraud and hacking. To address this, the National Communications Authority (NCA) established a Cybersecurity department to guide critical infrastructure providers, businesses, and citizens on current threats.¹²⁵⁴ In 2024, Somalia also blocked websites used by Al-Shabab for propaganda and fundraising, aiming to limit the group's online influence.¹²⁵⁵ These steps highlight the urgent need for stronger legal frameworks to combat cybercrime effectively.

Somalia's anti-terrorism laws and surveillance practices highlight the challenge of balancing national security with protecting individual privacy rights.¹²⁵⁶ In Mogadishu, thousands of surveillance cameras are deployed to enhance security and counterterrorism. While these efforts are critical for public safety, they have raised concerns about privacy due to limited transparency regarding how surveillance data is collected, stored, and used.

The lack of clear oversight mechanisms and data protection measures has sparked fears of potential misuse, creating a chilling effect on freedom of expression and public trust. Moreover, businesses

- 1249 Detention of journalist Alinur Salaad: <https://www.ifj.org/media-centre/news/detail/article/somalia-journalist-alinur-salaad-detained-over-military-criticism#:~:text=Journalist%20Alinur%20Salaad%20was%20detained,significant%20public%20and%20media%20attention>
- 1250 Sexual and gender-based violence in Somalia: <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>
- 1251 Recognition of Bilan for press freedom: <https://www.undp.org/somalia/press-releases/somalias-only-all-women-media-team-wins-global-freedom-expression-award>
- 1252 Somalia Data Protection Act, 2023: <https://moca.gov.so/en/wp-content/uploads/2023/07/Somalia-Data-Protection-Act-2.pdf>
- 1253 Data Protection Authority: <https://dpa.gov.so/>
- 1254 National Communications Authority: <https://nca.gov.so/>
- 1255 Blocking websites used by Al-Shabab: <https://www.voanews.com/a/somalia-says-it-has-blocked-websites-used-by-al-shabab-7467122.html>
- 1256 Anti-terrorism law passage: <https://www.voanews.com/a/somalia-s-lower-house-passes-historic-anti-terrorism-law/6996295.html>

installing these cameras have reportedly faced threats and attacks, further complicating the implementation of such security measures.¹²⁵⁷

Censorship and Content Moderation

Censorship and content moderation in Somalia have become increasingly contentious, with significant government actions to control digital platforms. In August 2023, the Somali government banned TikTok and Telegram, citing concerns over “horrific” content and misinformation. However, the lack of judicial oversight and transparency raised questions about these measures’ proportionality and alignment with international human rights standards.¹²⁵⁸ This approach, combined with cyberattacks targeting journalists and public figures, as reported by Somali media organizations, highlights broader governance and digital security challenges.¹²⁵⁹

Major technology platforms such as TikTok, Meta (Facebook), and Google have global content moderation policies, but their transparency reports reveal limited data specific to Somalia. This lack of information makes it difficult to assess how much the Somali government engages with these companies for content takedowns. TikTok’s transparency reports indicate global removal requests from various governments, but Somalia is not explicitly mentioned, even in the context of the 2023 ban. This highlights a lack of clarity regarding the platform’s engagement with Somali authorities. These actions disproportionately affect youth, activists, and journalists who rely on these platforms for communication and livelihood while fostering self-censorship due to fear of reprisal. Concerns about arbitrary restrictions on online freedoms persist.

As of December 2024, the Somali government’s August 2023 ban on TikTok and Telegram remains officially in place. However, enforcement has been inconsistent, and both platforms remain accessible within the country. Regarding internet shutdowns, no nationwide disruptions were reported in Somalia during 2024. Nonetheless, the National Intelligence and Security Agency (NISA) conducted targeted digital operations, closing over 12,000 online accounts linked to extremist activities.¹²⁶⁰

Access to Information

Access to information in Somalia remains a fundamental issue for its citizens, with constitutional provisions granting the right to access information but lacking a fully operational legal framework to enforce this right. While Somalia has made some progress in areas of governance, the country still faces barriers regarding the effective implementation of laws ensuring transparency and public access to government-held information.

Somalia’s Provisional Constitution, adopted in 2012, provides some protections for the right to access information, notably under Article 18, which guarantees the freedom of expression.¹²⁶¹ This includes the right to seek, receive, and impart information. The Constitution also enshrines the rights of citizens to access information from public authorities, particularly about matters of public interest. However, the absence of a specific Access to Information Act means that the right to information, as outlined in the Constitution, lacks the detailed legal framework required to enforce it effectively.

In August 2024, the International Federation of Journalists (IFJ) raised significant concerns regarding Somalia’s Official Information Bill (OIB), passed by the Council of Ministers in March 2024. The bill, intended to regulate information flow within public institutions, has been criticised for containing vague and overly broad provisions that risk enabling government censorship and undermining transparency. According to the IFJ, the OIB could severely limit press freedom, restrict access to

1257 Security camera installations and associated challenges: <https://www.reuters.com/world/africa/somalia-security-cameras-aim-cut-al-shabaab-attacks-militants-fight-back-2024-10-24/>

1258 Ban on TikTok raises human rights concerns: <https://www.bbc.com/news/world-africa-66587786.amp>

1259 Cyberattacks on journalists and public figures: <https://hornobserver.com/articles/3046/Somali-Media-Organizations-Condemn-Coordinated-Cyberattacks-Against-Facebook-Accounts-of-Journalists-Public-Figures-and-Government-Officials>

1260 Shutdown of extremist-affiliated online accounts: https://hiiraan.com/news4/2024/Dec/199386/nisa_shuts_down_over_12_000_al_shabaab_online_accounts_in_latest_digital_crackdown.aspx

1261 Provisional Constitution of Somalia (2012): <https://constitutionnet.org/vl/item/federal-republic-somalia-provisional-constitution-adopted-august-1-2012-sep-19-2012>

vital information, and criminalise legitimate journalistic practices.¹²⁶² The core issues are the Bill's lack of clarity and failure to incorporate safeguards against misuse. Additionally, the absence of robust protections for journalists and citizens seeking information risks increasing self-censorship and further eroding public trust in governance.

AI and Emerging Technologies

Somalia is exploring the potential of artificial intelligence and emerging technologies across various sectors. These technologies are seen as critical tools for addressing long-standing challenges in agriculture, healthcare, education, and disaster management. However, while progress is being made, significant barriers remain to full-scale artificial intelligence (AI) adoption, including infrastructure issues and the lack of technical expertise.

The integration of AI in Somalia remains limited by the absence of a comprehensive national strategy, which is critical for addressing the opportunities and challenges associated with AI adoption. While the 2024 Somali AI Summit showcased promising developments, such as commitments to fostering innovation and capacity-building, it fell short of outlining a cohesive framework to guide the development and implementation of AI across the country.¹²⁶³ Without such a strategy, progress is fragmented and lacks the coordination necessary to address key systemic barriers. Moreover, low digital literacy hampers the creation of local AI talent and expertise. Without foundational knowledge of basic digital tools, there is little room for Somalis to advance to higher-level skills and AI development. This skill gap forces Somalia to rely heavily on external expertise for implementing and maintaining AI systems, which increases costs and limits local ownership of these technologies.

Digital Inclusion

An advancement in Somalia's digital landscape is the establishment of the National Identification and Registration Authority (NIRA).¹²⁶⁴ NIRA is responsible for implementing foundational identification cards that provide proof of legal identity. This system aims to issue over one million IDs, facilitating access to various services and promoting social inclusion.¹²⁶⁵ However, the implementation of this system has faced significant setbacks, the lack of adequate infrastructure has hindered the system's full rollout. Furthermore, despite the ambition of NIRA's goals, the slow pace of registration and the limited capacity of the authority has delayed its ability to achieve nationwide coverage, leaving many individuals without legal identification.

The absence of a functional Universal Service Fund (USF) raises concerns about the government's commitment to achieving universal connectivity. Without a USF, efforts to address infrastructure gaps, support digital inclusion, and ensure that underserved communities are not left behind in Somalia's digital advancement may be significantly hindered.

1262 Official Information Bill and its impact on press freedom: <https://www.ifj.org/media-centre/news/detail/article/somalia-official-information-bill-endangers-the-right-to-access-information>

1263 Somali AI Summit conclusions: <https://sonna.so/en/somali-ai-summit-concludes-with-promises-of-progress/>

1264 National Identification and Registration Authority (NIRA): <https://nira.gov.so/>

1265 Somalia's reinstatement of national ID registration: <https://identityweek.net/somalia-reinstates-national-id-registration-after-30-years/>

Somalia Score Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	3	There have been no nationwide disruptions reported in Somalia during 2024 other than the National Intelligence and Security Agency (NISA) conducted targeted digital operations, resulting in the closure of over 12,000 online accounts linked to extremist activities
Laws and Policies for Universal Internet Access	P37	2	There has been minimal progress in creating comprehensive national policies to ensure affordable, equitable, and meaningful access to the internet for all. This lack of well defined strategies hinders efforts to bridge the digital divide and promote universal internet connectivity.
False News Criminalization	P22(2)	2	The criminalisation of false news continues to be a significant challenge for journalists in Somalia, an indication of the government's increasing pressure on journalists, particularly those who challenge the state or report on sensitive issues. Additionally existing laws criminalize false news, often leading to the suppression of free speech, especially for journalists and activists.
Sedition Legislation	P22(2)	2	The Penal Code includes provisions that criminalize sedition, imposing significant restrictions on freedom of expression. While these laws are intended to address threats to public order, their vague wording often leads to misuse. Furthermore, enforcement of these provisions is inconsistent, leading to arbitrary applications that undermine legal certainty and disproportionately affect individuals expressing critical or dissenting views.
Arbitrary Arrests and Harassment of Media/HRDs/ Citizens	P20(1)& (2)	2	Journalists and human rights defenders frequently face harassment, intimidation, and arrests, creating a hostile environment for those advocating for transparency and accountability. These actions undermine freedom of expression and press freedom, silencing critical voices and discouraging efforts to highlight societal injustices and human rights violations.
Data Protection Legislation	P42	4	A Data Protection Act has been introduced, signaling a step toward addressing privacy concerns. However, its implementation remains weak, with limited enforcement mechanisms in place to ensure compliance. The lack of robust oversight and accountability measures undermines the Act's effectiveness, leaving data privacy protections inadequate and raising concerns about its ability to safeguard individuals' rights in practice.

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Online Content Removal by Government	P38 & P39(4)	2	The government has been actively involved in enforcing content takedowns, particularly in politically sensitive situations. This often involves targeting the individual who posted the content and pressuring them to delete it. Concerns have been raised regarding the adequacy of judicial oversight in these cases, raising questions about the balance between national security and freedom of expression.
Invasion of Privacy of Communications	P41	2	The lack of comprehensive data protection and surveillance laws raises concerns about the invasion of privacy, with no strong legal safeguards in place. Additionally, the closure and takedown of websites suggest active surveillance practices, further exacerbating fears of unchecked monitoring and the erosion of privacy rights.
Failure to Disclose Information on Digital Technologies	P29(3)	3	Government transparency is inconsistent, as there is a noticeable lack of systematic and proactive sharing of information. Rather than openly providing important updates or details, the government often refrains from disclosure. Article 32 of Somalia's Provisional Constitution guarantees every individual the right to access information held by the state and directs the Federal Parliament to pass a law to uphold this right. However, there is currently no legislation or policy in place to implement this provision.
AI and Emerging Technologies National Strategies	P39(6)	2	While there are emerging efforts to explore AI applications in sectors such as agriculture, Somalia has yet to develop a cohesive national strategy to guide the implementation, adoption, and regulation of AI technologies. This absence of a structured approach leaves a significant gap in ensuring the responsible and effective use of AI, addressing ethical considerations, and fostering innovation across industries. Without such a strategy, opportunities to harness AI for economic growth, public service improvement, and societal benefits may remain underutilized, and potential risks could go unmanaged.
Digital Inclusion	P37(5)	2	While they are rolling out initiatives like the National Digital ID program to enhance digital inclusion, challenges persist for persons with disabilities (PWDs), rural communities, and marginalized groups. Barriers include limited infrastructure, low internet penetration, and inaccessibility to services.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(3)	1	There is a critical gap in government-led efforts to establish child-specific digital safety laws and policies, leaving children exposed to risks like cyberbullying, exploitation, and harmful content. While some awareness of children's digital safety exists within civil society, it has not yet been translated into concrete government action or a national framework to address these pressing issues.
Total score		27	Somalia's total score is 27 out of 60, which reflects the significant gaps in digital rights protection, highlighting areas for urgent attention and improvement, particularly in internet access and data protection. This score provides a clear indication of the challenges Somalia faces in ensuring equitable digital rights for its citizens.

Conclusion

Somalia's journey toward advancing digital rights and inclusion is one of significant promise but persistent challenges. While notable strides have been made in areas such as affordable internet access, the adoption of mobile money, and the introduction of a national digital ID system, these developments are often overshadowed by systemic issues, including weak regulatory frameworks, limited digital literacy, and the digital divide between urban and rural areas. Furthermore, concerns about freedom of expression, data privacy, and gender-based barriers continue to undermine the potential of Somalia's digital transformation.

This report highlights the urgent need for Somalia to strengthen its legal and institutional frameworks to safeguard digital rights and ensure equitable access to technology. Investments in digital infrastructure, literacy programs, and policy reforms are critical to addressing existing gaps and ensuring that digitalization benefits all segments of society, particularly marginalized groups.

By embracing a human rights-based approach to digital governance, Somalia can build an inclusive and resilient digital ecosystem that fosters innovation, protects individual freedoms, and empowers its citizens to participate fully in the digital economy. Achieving this vision will require concerted efforts from the government, private sector, civil society, and international partners to create a future where technology is a tool for progress and equality.

Recommendations

Government should:

- Promote Infrastructure Investments by partnering with private entities to expand broadband infrastructure, focusing on rural and underserved areas.
- Amend the Penal Code by revising section 164, which grants judges excessive discretionary powers and defines clear boundaries to prevent the misuse of vague terminologies, such as “false news,” under Article 18 of the Provisional Constitution.
- Introduce comprehensive laws to combat online harassment, exploitation, and disinformation.
- Establish a national AI strategy to address societal challenges such as healthcare, agriculture, and disaster preparedness, ensuring inclusivity and ethical implementation.
- Implement child-specific digital safety policies to combat online risks like cyberbullying, exploitation, and harmful content.
- Ensure the Universal Service Fund is active, transparent, and effectively utilized to address connectivity gaps and promote equitable internet access.
- Design ICT tools and platforms that are inclusive, catering to persons with disabilities and marginalized groups.

Private Sector should

- Technology companies like Meta, TikTok, and Google should provide Somalia-specific transparency reports and adopt fair content moderation practices that align with local cultural contexts.
- Invest in local ICT projects, particularly those related to education, digital literacy, and small business support.
- Work with civil society to monitor online censorship, promote ethical content moderation, and hold authorities accountable for misuse of digital platforms.
- Facilitate local innovation by supporting hackathons, AI incubators, and partnerships with Somali professionals to foster technological advancements.

Civil Society Organizations (CSOs) and the Media should:

- Conduct targeted digital literacy programs for women, youth, and marginalized groups,

focusing on safe and ethical internet use.

- Raise awareness about online risks and foster responsible internet use, particularly in rural and underserved areas.
- Monitor government and private sector practices related to digital inclusion and report publicly on gaps or misuse to drive accountability.
- Collaborate with private companies to develop affordable and inclusive digital tools, ensuring accessibility for persons with disabilities.

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Executive Summary

This report discusses the state of digital rights and digital inclusion in Sudan in the year 2024. The report's methodology relies on desk research focusing on specific thematic areas for incidents in Sudan, in line with TheScore Index, which is a scoring methodology developed by the Paradigm Initiative team, aiming to assess the state of digital rights in the focusing countries, as well as insights from the practical experience of working on digital rights in Sudan. The report explores diverse digital rights thematic areas, including internet access, freedom of expression, data protection and privacy, censorship and content moderation, access to information, AI and emerging technologies, and digital inclusion.

It provides recommendations to the Government, including the Sudanese Armed Forces (SAF), Rapid Support Forces (RSF), civil society, and the media. The year 2024 is considered one of the worst years for digital rights in Sudan. SAF and RSF violated the citizens' privacy and disrupted the Internet. The RSF's taking over telecommunication infrastructure represents a retrogression in the digital landscape in the country. The report ends with critical recommendations that are pertinent to improving the digital rights landscape in Sudan.

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Introduction

Sudan lies in northeastern Africa, bounded on the north by Egypt, on the east by the Red Sea, Eritrea, and Ethiopia, on the south by South Sudan, on the west by the Central African Republic and Chad, and on the northwest by Libya.¹²⁶⁶ Since the ousting of the authoritarian regime of Al-Basheir in 2019, which ruled Sudan for 30 years, the Sudanese people gained hope to build a democratic country after the last revolution.¹²⁶⁷ However, the military took over as Sudan is now ruled by a military regime that has been in charge since October 25, 2021, when Lieutenant General Burhan led a military coup against his partners in the transitional government, just after the Sudan uprising. In 2024, the Sudanese people were living in a bad situation where a fierce war between the SAF and RSF was ongoing.¹²⁶⁸

As of January 2024, Sudan's total population was 48.73 million. However, 13.99 million citizens use the Internet, with internet penetration at a rate of 28.7%.¹²⁶⁹ There were 29.15 million cellular mobile connections in Sudan at the start of 2024.¹²⁷⁰ There are four main Internet Service Providers (ISPs) in Sudan, three of which are foreign-owned (Zain, MTN, and Canar), and the fourth is Sudatel, whose board of directors includes a member of the Transitional Sovereign Council, which represents the Head of State, and the Minister of Finance.¹²⁷¹

1266 Britannica, "Sudan", <https://www.britannica.com/place/Sudan>, (accessed on 15 November 2024).

1267 BBC, "Omar al-Bashir: Sudan's ousted president", <https://www.bbc.com/news/world-africa-16010445>, (accessed on 12 November 2024).

1268 Reuters, "Sudan war deaths are likely much higher than recorded, researchers say", <https://www.reuters.com/world/africa/sudan-war-deaths-are-likely-much-higher-than-recorded-researchers-say-2024-11-14/>, (accessed 15 November 2024).

1269 Data Portal, "DIGITAL 2024: SUDAN", <https://datareportal.com/reports/digital-2024-sudan>, (accessed on 15 November 2024).

1270 Data Portal, "DIGITAL 2024: SUDAN", <https://datareportal.com/reports/digital-2024-sudan>, (accessed on 15 November 2024).

1271 Sudatel, Board of directors, <https://www.sudatel.sd/investor-relations/governance/board-of-directors/>, (accessed on 15 November 2024).

Before February 2024, the internet space in Sudan was under the State's control, but the conflict in Sudan created a new era where other parties had an impact on internet infrastructure. However, this update worsened the state of internet freedom, weaponising internet shutdowns as a military tool. However, according to the Freedom On The Net 2024 report, Sudan's score for internet freedom is 28 out of 100, which is classified as "not free."¹²⁷² This ranking covers the second half of 2023 and the first half of 2024. The first half of 2024 witnessed numerous events that limited internet freedom and violated the citizens' digital rights, including network disruptions, censorship, and state-based disinformation.

Sudanese people had to live with internet shutdown occurrences, as the authorities were using these during political or civil unrest and again during national exams prior to 2024.¹²⁷³ The year 2024 represents another challenge in the history of internet shutdowns in Sudan because armed groups were involved in the decision to shutdown, apart from government decisions which, according to them, was based on laws and regulations, such as the announcement of the Ministry of Information to shut down the Internet during the national secondary school exams in December 2024.¹²⁷⁴ However, the government has withdrawn the decision. As the conflict escalated between the Sudanese Armed Forces (SAF), the official army of Sudan, and the paramilitary Rapid Support Forces (RSF), the RSF decided to use the Internet infrastructure as a weapon in its war against the SAF when RSF soldiers occupied the Internet Service Providers' (ISPs) data centers and main switchboards of telecommunications companies and shut them down completely, causing a nationwide communications shutdown in the country on February 4, 2024.¹²⁷⁵

Sudatel was the first ISP that partially restored service after only eight days from the shutdown.¹²⁷⁶ Zain followed in March,¹²⁷⁷ while MTN restored their services in May.¹²⁷⁸ These ISPs established a new telecom core in Port Sudan, the interim capital city of Sudan.

However, despite service restoration, this shutdown established a new era of internet access in Sudan, where numerous regions witnessed severe service instability, and others were in the dark for months, especially the Darfur region, Western Sudan, and major parts of Khartoum and Aljazira states. This event led people in disconnected areas to rely on Starlink as an alternative means of communication.¹²⁷⁹ Starlink became one of the main sources of internet in many areas in Sudan, directing the government to initiate talks with SpaceX, the owners of Starlink, to regulate its work in the country.¹²⁸⁰ However, RSF used to offer a paid Starlink connection for citizens in its control

1272 Freedom House, "Freedom On The Net 2024, Sudan", <https://freedomhouse.org/country/sudan/freedom-net/2024>, (accessed on 1 November 2024).

1273 CIPESA, "Sudan Conflict Affects Digital Communications and Critical Services Delivery", <https://cipesa.org/2023/06/sudan-conflict-affects-digital-communications-and-critical-services-delivery/>, (accessed on 1 November 2024)

1274 Twitter, Gov_moci, https://x.com/gov_moci/status/1872894493499719776?t=J3lh4KMyL5C6X2GdBORn7w&s=19, (accessed on 7 February 2025)

1275 Reuters, "Sudanese RSF brings down telecoms networks across Sudan - sources", <https://www.reuters.com/world/africa/sudanese-rsf-brings-down-telecoms-networks-across-sudan-sources-2024-02-05/>, (accessed on 1 November 2024)

1276 Ultra Sudan, "شبكة السودان تعود للخدمة في كثير من المناطق [Sudani Network restores service in many states]", <https://ultrasudan.ultrasawt.com/%D8%B4%D8%A8%D9%83%D8%A9-%D8%B3%D9%88%D8%AF%D8%A7%D9%86%D9%8A-%D8%AA%D8%B9%D9%88%D8%AF-%D9%84%D9%84%D8%AA%D8%BA%D8%B7%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%AF%D9%8A%D8%AF-%D9%85%D9%86-%D8%A7%D9%84%D9%88%D9%84%D8%A7%D9%8A%D8%A7%D8%AA/%D8%B9%D8%A7%D9%85%D8%B1-%D8%B5%D8%A7%D9%84%D8%AD/%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1>, (accessed on 1 November 2024)

1277 Twitter, ZainSudan, <https://x.com/ZainSudan/status/1764217865530376300>, (accessed on 1 November 2024)

1278 Facebook, MTN Sudan, [https://www.facebook.com/mtnsudan1/posts/pfbid0JQN7GSjW5kAv32wmKbuAgQ8DRjKHraFmxRPo6Y-htYF1YtD2BYmw8TXus24TFGzzxl?__cft__\[0\]=AZXlyDgCvlfv-Yj7EH8rBVQfZ08zAQIM4WqRAQ2h_DMqOaVmVNjHKEu7id1ZZ_CLIQGW-eVtOgmQELhq-KaDGJufCihPJReEmIwZk2VO8bhqgN0ld-3nG_X8CsxqPL5bES2faQwQMgyxlp5XmER0Enpbmfpv9fg-ma8IQNmVN-AR-q8xR9UvjSV5jobhPiyllyUtr750-juvyjBtwxt8t62u&__tn__=%2CO%2CP-R](https://www.facebook.com/mtnsudan1/posts/pfbid0JQN7GSjW5kAv32wmKbuAgQ8DRjKHraFmxRPo6Y-htYF1YtD2BYmw8TXus24TFGzzxl?__cft__[0]=AZXlyDgCvlfv-Yj7EH8rBVQfZ08zAQIM4WqRAQ2h_DMqOaVmVNjHKEu7id1ZZ_CLIQGW-eVtOgmQELhq-KaDGJufCihPJReEmIwZk2VO8bhqgN0ld-3nG_X8CsxqPL5bES2faQwQMgyxlp5XmER0Enpbmfpv9fg-ma8IQNmVN-AR-q8xR9UvjSV5jobhPiyllyUtr750-juvyjBtwxt8t62u&__tn__=%2CO%2CP-R), (accessed on 1 November 2024)

1279 Global Voices, , <https://advox.globalvoices.org/2024/08/20/starlink-in-sudan-a-lifeline-or-war-facilitator/>, (accessed on 1 November 2024).

1280 WSJ, "The Black Market That Delivers Elon Musk's Starlink to U.S. Foes", <https://www.wsj.com/business/telecom/starlink-musk-ukraine-russia-sudan-satellite-communications-technology-f4fc79d9?st=mkk6ee0qeyq5y6q>, (accessed on 2 November 2024)

areas.¹²⁸¹

Moreover, the State, represented by the Telecommunication and Post Regulation Authority (TPRA), continued its control over telecommunications infrastructure by disrupting telecommunication shutdowns during specific military operations, such as the shutdown in the Omdurman area in September 2024.¹²⁸² This response also affected Starlink which occasionally cut off in SAF-controlled areas.¹²⁸³

The cost of internet access in Sudan can be considered expensive compared to the workers' situation. The internet price was 1861.67 Sudanese Pounds (SDG), equivalent to USD 0.72 per gigabyte (GB), including 40% VAT.¹²⁸⁴ However, some ISPs offer zero-rating access to Facebook.

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REPORT

LONDA
2024

Freedom of Expression

In 2024, no cases of website blockage were recorded. However, numerous arrests related to freedom of expression were noted in 2024. On May 6, the SAF military intelligence department arrested four activists due to their activity on Facebook when they posted calls to stop the conflict.¹²⁸⁵ On October 29, police arrested the journalist, Abdelmaged Abdelhameid, after he wrote a post on Facebook about corruption allegations in the Central Bank of Sudan.¹²⁸⁶

The arrests expanded beyond the borders of Sudan when Egyptian authorities arrested Sudanese team members from Sudan Bukra TV.¹²⁸⁷ The Egyptian authorities have a security collaboration protocol with the Sudanese authorities. In addition, the Sudanese online activist, Hisham Ali, was arrested in Ethiopia by Ethiopian security personnel and two Sudanese security personnel related to the Sudan Embassy in Addis Ababa.¹²⁸⁸ Hisham is known for his investigative Facebook posts against military corruption.

Data Protection and Privacy

Sudan currently lacks a comprehensive data protection law.¹²⁸⁹ Despite this absence, Article

1281 Global Voices, "Starlink in Sudan: A lifeline or war facilitator?", <https://advox.globalvoices.org/2024/08/20/starlink-in-sudan-a-life-line-or-war-facilitator/>, (accessed on 14 November 2024)

1282 Aljazeera, "انبارد مآب تالاصتال عاطقن او رشافل او موخرخل يف تالابتشال ددجت" [Renewed clashes in Khartoum and El Fasher, and communications cut off in Omdurman], <https://www.ajnet.me/news/2024/9/27/%D8%AA%D8%AC%D8%AF%D8%AF-%D8%A7%D9%84%D8%A7%D8%B4%D8%AA%D8%A8%D8%A7%D9%83%D8%A7%D8%AA-%D9%81%D9%8A-%D8%A7%D9%84%D8%AE%D8%B1%D8%B7-%D9%88%D9%85-%D9%88%D8%A7%D9%84%D9%81%D8%A7%D8%B4%D8%B1>, (accessed on 1 November 2024)

1283 Darfur 24, "رشافل اب يئاضفل تنرتنل لمع فوقي ين اوسل شيجل" [Sudanese army stops satellite internet in El Fasher], <https://www.darfur24.com/2024/10/17/%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D8%B3%D9%88%D8%AF%D8%A7%D9%86%D9%8A-%D9%8A%D9%88%D9%82%D9%81-%D8%B9%D9%85%D9%84-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D8%B1%D9%86%D8%AA-%D8%A7%D9%84%D9%81%D8%B6/>, (accessed on 1 November 2024)

1284 Zain Sudan, "Internet Packages", <https://www.sd.zain.com/Arabic/Pages/InternetOffers.aspx>, (accessed on 14 November 2024)

1285 Radio Dabanga, "فراضقلا فيالوب فتاوجل يف نيسايس نيطشان عبرا لقتعت تارابختسال" [Intelligence arrests four political activists in Al-Hawata, Gedaref State], <https://www.dabangasudan.org/ar/all-news/article/%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%AE%D8%A8%D8%A7%D8%B1%D8%A7%D8%AA-%D8%AA%D8%B9%D8%AA%D9%82%D9%84-%D8%A3%D8%B1%D8%A8%D8%B9%D8%A9-%D9%86%D8%A7%D8%B4%D8%B7%D9%8A%D9%86-%D8%B3%D9%8A%D8%A7%D8%B3%D9%8A#:~:text=%D9%88%D9%82%D8%A7%D9%84%20%D9%86%D8%A7%D8%B4%D8%B7%20%D9%85%D9%86%20%D8%A7%D9%84%D8%AD%D9%88%D8%A7%D8%AA%D8%A9%20%D9%84%D8%B1%D8%A7%D8%AF%D9%8A%D9%88,%D8%A5%D9%84%D9%89%20%D9%85%D9%82%D8%B1%20%D8%A7%D9%84%D8%AC%D9%8A%D8%B4%20%D9%81%D9%8A%20%D8%A7%D9%84%D9%81%D8%A7%D9%88>, (accessed on 2 November 2024)

1286 Nabd Alsudan, "أيدودح فيالوب ين ادوس يف حص ىلع ضبقلا" [Arresting a Sudanese journalist in a bordering state], <https://nabdsudan.net/?p=146131>, (accessed on 2 November 2024)

1287 Facebook, Husam Osman Mahjoub, <https://www.facebook.com/644873635/posts/10164679019563636/?mibextid=oFDknk&-did=BGRmAJSDajCZlg1#>, (accessed on 2 November 2024)

1288 Alrakoba, "ااباب سيدا يف (ابلقندو ماشه) لاققتح" [(Hisham wd Daglba) arrested in Addis Ababa], <https://www.alrakoba.net/31970390/%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84-%D9%87%D8%B4%D8%A7%D9%85-%D9%88%D8%AF%D9%82%D9%84%D8%A8%D8%A7-%D9%81%D9%8A-%D8%A3%D8%AF%D9%8A%D8%B3-%D8%A3%D8%A8%D8%A7%D8%A8%D8%A7/>, (accessed on 2 November 2024)

1289 Data protection Africa, "Sudan", <https://dataprotection.africa/sudan/>, (accessed on 3 November 2024)

20-1 of the 2013 Regulation for Organizing Payment Systems mentioned that payment service providers must take necessary measures to protect and preserve user data.¹²⁹⁰ Moreover, in the earlier-mentioned case when RSF took over telecommunications infrastructure and data centers, the telecommunications companies lost their users' data, which led to them later, after restoring service, \bypass the regulation of registering the users' data. In addition, as both ISPs and authorities do not have the users' Personal Identifiable Information (PII), this might impact the government's ability to trace the users' activities via their SIM cards, which has been reported many times.¹²⁹¹ On November 9, it was reported that the TPRA did not disrupt the service from the RSF soldiers' SIM cards "for security reasons," indicating SIM card activity tracing.¹²⁹² It is important to know that the TPRA Director is a military officer.

The Cybercrimes Law, 2018 criminalises fake news in Article 24. The vague provision states that a perpetrator intending to threaten public peace or undermine the prestige of the state, which opens the door to misuse of the law, will be liable. Article 24 of the same law stipulates that "Anyone who prepares or uses the information or communications network or any means of information, communications, or applications to publish any news, rumor, or report, knowing it to be false, with the intention of causing fear or panic among the public, or threatening public peace or tranquility, or detracting from the prestige of the state, shall be punished by imprisonment for a term not exceeding one year, or by flogging, or by both."¹²⁹³

The State-based practice of surveillance and privacy violations in Sudan is problematic, as the authorities used different technologies from several vendors during various eras.

Several privacy violation cases were reported during 2024. In January, Radio Dabanga reported that the security authorities in Port Sudan and other cities launched campaigns for electronic device inspection.¹²⁹⁴ On the other side, RSF continued inspecting the civilians' phones this year too. It has been reported that RSF hired women to inspect other women, including their phones.¹²⁹⁵ The RSF uses "suspicion" as a pretext to violate citizens' privacy by searching their conversations.

Osman Kibir, the former Vice President of Sudan, declared that his WhatsApp account was compromised in October 2024.¹²⁹⁶ Also, in March 2024, the account of the Sudanese politician Yasir Arman on the X platform was hacked.¹²⁹⁷ Arman accused the remnants of the 'Cyber Jihad' group of the National Congress Party (NCP), the party that ruled Sudan for 30 years and was ousted in 2019, of hacking his account.¹²⁹⁸ Media houses have not been spared from hacking attempts against their websites. The website of SudaNile, the famous news and commentary platform, has been compromised. The attacker deleted the last three months worth of website archives.¹²⁹⁹ Furthermore, the Facebook page of the Sudanese Popular Resistance, a pro-SAF initiative,

1290 Central Bank of Sudan, "Regulation for Organizing Payment Systems", https://web.archive.org/web/20230501153605/https://cbos.gov.sd/sites/default/files/ps_business_organization.pdf, (accessed on 1 November 2024)

1291 Freedom House, Freedom on The Net Sudan 2024, https://freedomhouse.org/country/sudan/freedom-net/2024#footnote4_1VYAL-JRVMI-v2bKZaU6-xzra4wao5XzY5O3plWNWQ_n4i6olu76vrE, (accessed on 3 November 2024)

1292 Nabd Alsudan, "Nabdsudan: [Revealing the fate of the SIM cards used by the Rapid Support Forces leaders]", <https://nabdsudan.net/?p=148011>, (accessed on 3 November 2024)

1293 TPRA, "Informatics Crimes Law of the year 2018", <https://tpa.gov.sd/wp-content/uploads/2024/01/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%85%D9%83%D8%A7%D9%81%D8%AD%D8%A9-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D9%85%D8%B9%D9%84%D9%88%D9%85%D8%A7%D8%AA%D9%8A%D8%A9-%D9%84%D8%B3%D9%86%D8%A9-2018%D9%85.PDF.pdf>, (accessed on 12 November 2024)

1294 Akhbar Alsudan, "Akhbar: [Extensive inspection campaigns in Port Sudan include checking phones]", <https://www.sudanakhbar.com/1479507>, (accessed on 3 november 2024)

1295 Sudan Tribune, "Sudan Tribune: [Inspection girls at Rapid Support Forces checkpoints...violations that anger female travelers]", <https://sudantribune.net/article281058/>, (accessed on 4 November 2024)

1296 Alzawia, "Alzawia: [Hackers seize WhatsApp of former Sudanese Vice President]", <https://alzaawia.net/87219>, (accessed on 4 November 2024)

1297 Nabd Alsudan, "Nabdsudan: [Hacking Yasser Arman's page on X]", <https://ar.nabdsudan.net/?p=115467>, (accessed on 4 November 2024)

1298 Nabd Alsudan, "Nabdsudan: [Hacking Yasser Arman's page on X]", <https://ar.nabdsudan.net/?p=115467>, (accessed on 4 November 2024)

1299 AllAfrica, "Sudan: Online Newspaper Sudanile Back Online After 'Serious Hack'", <https://allafrica.com/stories/202410240329.html>, (accessed on 4 November 2024)

announced that the page was hacked temporarily by an “unknown entity” until they restored it.¹³⁰⁰ The page did not mention how they restored the page. These events illustrate the clear weakness in digital security among political and public actors and activists. In addition, despite the harsh penalties in the Cybercrime Law, they have not deterred perpetrators from using the Internet for their crimes.

Censorship and content moderation

The year 2024 witnessed major changes in terms of content moderation efforts in Sudan. In October 2024, X followed Meta in suspending some RSF accounts, including the official account of the RSF, in addition to the account of the RSF commander, Mohamed Hamdan Daglo.¹³⁰¹ This step came after a public relations campaign led by a pro-SAF activist called Mohamed Kambal.¹³⁰²

However, the transparency centers of TikTok and Meta have not issued updates on the data of content removal requests this year. Also, Google’s transparency report does not include Sudan on the list of countries, representing a gap in the sources of information related to Sudan.¹³⁰³

In addition, this year, the government issued a decision banning “negative publishing.”¹³⁰⁴ Almonzir Elhag, a weather forecaster who runs a Facebook page that has more than a million followers, added a post mentioning that he received notification from SAF military intelligence banning him from publishing information about sandstorms for “security reasons.”¹³⁰⁵ However, Almonzir removed the notification post.¹³⁰⁶ A military expert interviewed by the researcher mentioned that this decision was issued due to its implications on public security because the RSF might use the weather circumstances to perform an attack.¹³⁰⁷

Access to information

Sudan has the Right to Access Information Act, 2015,¹³⁰⁸ which is concerningly restrictive of access to information instead of facilitating access. The law is not yet fully operational since it was passed, making the right to access information out of reach. In addition, even though it was enacted, the law classified some information that is banned from access by citizens, using “national security”

1300 Facebook, “عين ادوسلا فيب عثلا فمواقملا، [https://www.facebook.com/SudanPopularResistance/posts/pfbid0fKlhmH67YiXSnSTB5x-tyqoyLojzLsvNNdAQUiWyYqmZGCcLbie1FEDy5pADowsnsl?__cft__\[0\]=AZUJyFf63auvjeM8xVR4RZ_rPj7chwnPcs9vDafWRHnEw8PzfUOx-cakyZ-5ynDUSjpl1BKBZji4GPziY5jW-waLE11BUg8Ke4NRrbXxFiO8cQyAbHWMuP6JhFggsxk7J0weimxm3jY-V3z3mxRviib1ZzRntreLdP26sR-IOUnzp-IQ&__tn__=%2CO%2CP-R](https://www.facebook.com/SudanPopularResistance/posts/pfbid0fKlhmH67YiXSnSTB5x-tyqoyLojzLsvNNdAQUiWyYqmZGCcLbie1FEDy5pADowsnsl?__cft__[0]=AZUJyFf63auvjeM8xVR4RZ_rPj7chwnPcs9vDafWRHnEw8PzfUOx-cakyZ-5ynDUSjpl1BKBZji4GPziY5jW-waLE11BUg8Ke4NRrbXxFiO8cQyAbHWMuP6JhFggsxk7J0weimxm3jY-V3z3mxRviib1ZzRntreLdP26sR-IOUnzp-IQ&__tn__=%2CO%2CP-R), (accessed on 5 November 2024)

1301 Business & Human Rights Resource Centre, “Sudan: X has suspended the accounts of Hemedti and RSF”, <https://www.business-humanrights.org/en/latest-news/sudan-x-suspends-accounts-of-hemedti-and-rsf/>, (accessed on 6 November 2024)

1302 Aljazeera, “الجزيرة: «Controversy in Sudan after suspending Rapid Support Forces accounts»”, <https://www.ajnet.me/news/2024/10/22/%D8%AC%D8%AF%D9%84-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D9%88%D8%AF%D8%A7%D9%86-%D8%A8%D8%B9%D8%AF-%D8%A5%D9%8A%D9%82%D8%A7%D9%81-%D9%-85%D9%86%D8%B5%D8%A7%D8%AA-%D8%AD%D8%B3%D8%A7%D8%A8%D8%A7%D8%AA>, (accessed on 6 November 2024)

1303 Google transparency report, “Government requests to remove content”, <https://transparencyreport.google.com/government-removals/government-requests?hl=en>, (accessed on 6 November 2024)

1304 Ultra Sudan, “بلال اسلا يمال عال رشنلا رظحي يراوط رما رخصت موطرخل ائالو” [Khartoum State issues emergency order banning negative media publication], <https://ultrasudan.ultrasawt.com/%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D8%AE%D8%B1%D8%B7%D9%88%D9%85-%D8%AA%D8%B5%D8%AF%D8%B1-%D8%A3%D9%85%D8%B1-%D8%B7%D9%88%D8%A7%D8%B-1%D8%A6-%D9%8A%D8%AD%D8%B8%D8%B1-%D8%A7%D9%84%D9%86%D8%B4%D8%B1-%D8%A7%D9%84%D8%A5%D8%B9%D9%84%D8%A7%D9%85%D9%8A-%D8%A7%D9%84%D8%B3%D8%A7%D9%84%D8%A8/%D8%AA%D8%B3%D9%86%D9%8A%D9%85-%D8%AE%D9%88%D8%AC%D9%84%D9%8A/%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1>, (accessed on 2 November 2024)

1305 Facebook, ربح، <https://www.facebook.com/photo.php?fbid=494038379813194&id=100076211091902&set=a.266474325902935>, (accessed on 2 November 2024)

1306 Facebook, جاحل دمحا رذنملا يوج دصار، <https://www.facebook.com/monzir123/posts/pfbid0VXpK6GHHCxGxGXjLHyCtYwNwtaBWRv-jxHRNSVfZUFgRbyQfjwgvPjJgq5D3EbM9CI>, (accessed on 2 November 2024)

1307 Interview with X (31 December 2024)

1308 Ministry of Justice, “The Right to Access information act for the year 2015”, <https://moj.gov.sd/sudanlaws/#!/reader/chapter/362>, (accessed on 6 November 2024)

as a broad term that can potentially be abused and used to stifle access to information. Even though the law affirmed the rights of people with disabilities, it did not specify the accessible communication means that is required to ensure the inclusion of PWDs.¹³⁰⁹

Other laws that are used by authorities include the Telecommunication and Post Regulation Authority Law of 2018, the Law of the Sudanese Armed Forces of 2007 Amendment of 2019, and the Emergency and Public Safety Law of 1997.

The 2020 bylaw on Content Filtering and Website Blockage on the internet created a list containing 13 categories that must be filtered and blocked in Sudan.¹³¹⁰ These categories include child pornography, weapons, gambling, and betting. In addition to some vague categories, such as “calling for atheism” in article 16-E of the bylaw, opening a wide door for the bylaw abuse against religious freedom. Also, the same list stipulates in article 16-I that Virtual Private Networks (VPN) must be blocked, indicating an intention of blocking the circumvention tools.¹³¹¹

Digital Inclusion

Sudan does not have any artificial intelligence (AI) strategy or law related to it. By May 2024, the online passports portal, which arranges the passport appointment process inside and outside Sudan, had successfully completed 350,000 online requests for passports since its launch in September 2023.¹³¹² Moreover, the Embassy of Sudan in Egypt created a platform to facilitate citizens' needs, such as documenting certificates, marriage and divorce procedures, birth certificates, etc.¹³¹³ In February 2024, the Ministry of Education approved the project of the first online Sudanese school. The certified electronic school is affiliated with the Sudanese Working Abroad Regulatory Authority under the supervision of the Federal Ministry of Education.¹³¹⁴

This school represents hope for displaced Sudanese abroad to continue their education which stopped due to the conflict, especially in Egypt, where Egypt hosts 3.8 million Sudanese.¹³¹⁵ It is important to mention that the Egyptian authorities shut down Sudanese schools in its land,

1309 Global Voices, “The case for reforming the Sudanese Access to Information Act”, <https://globalvoices.org/2019/08/28/the-case-for-reforming-the-sudanese-access-to-information-act/>, (accessed on 7 November 2024)

1310 TPRA, “List of filtering and blocking pages and websites on the Internet for the year 2020”, <https://tpa.gov.sd/wp-content/uploads/2023/12/%D9%84%D8%A7%D8%A6%D8%AD%D8%A9-%D8%AA%D8%B1%D8%B4%D9%8A%D8%AD-%D9%88%D8%AD%D8%AC%D8%A8-%D8%A7%D9%84%D9%85%D9%88%D8%A7%D9%82%D8%B9-%D9%88%D8%A7%D9%84%D8%B5%D9%81%D8%AD%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86%D9%8A%D8%A9-%D8%B9%D9%84%D9%89-%D8%B4%D8%A8%D9%83%D8%A9-%D8%A7%D9%84%D8%A5%D9%86%D8%AA%D8%B1%D9%86%D8%AA-%D9%84%D8%B3%D9%86%D8%A9-2020%D9%85.pdf>, (accessed on 9 January 2024)

1311 Global Voices, “How the government in Sudan legalized internet categorizing and content filtering”, <https://advoc.globalvoices.org/2022/08/02/how-the-government-in-sudan-legalized-internet-categorizing-and-content-filtering/>, (accessed on 8 November 2024)

1312 Facebook, Abobaker Altaif, https://www.facebook.com/story.php?story_fbid=10223810626645366&id=1585667229&mibextid=oFDknk&rdid=gL8988gCdT00bcOd#, (accessed on 8 November 2024)

1313 Sudan Embassy in Egypt, “Digital Gate”, <https://portal.sudanembassyeg.gov.sd/home>, (accessed on 8 November 2024)

1314 Nabd Al Sudan, “نادوسلأ يف قينورتكلأ قسردم لوأ قييصت” [Certification of the first electronic school in Sudan], <https://nabdsudan.net/?p=112534>, (accessed on 9 November 2024)

1315 IOM, “150 Sudanese Sudan Migrants Return Home with the Assistance of IOM Egypt”, <https://egypt.iom.int/news/150-sudanese-sudan-migrants-return-home-assistance-iom-egypt#:~:text=Egypt%20is%20a%20country%20of,8m%20nationals%20living%20in%20Egypt.>, (accessed on 8 January 2025)

indicating a positive impact of the online school.¹³¹⁶ However, the school does not offer offline features for those who are out of coverage, representing the digital divide in the community.

In August 2024, the National Information Center (NIC), which is a government agency that is described as “the government’s consultant in ICT”, established a committee for digital transformation in the health sector.¹³¹⁷ In addition, NIC announced connecting six governmental institutions to its network.¹³¹⁸ Despite this effort, it reflects the real digital gap in the government’s operation after the conflict.

The 2023 Londa report,¹³¹⁹ mentioned that the websites of the TPRA and NIC were not running since RSF shut down the government data center in Khartoum. However, both TPRA and NIC restored their websites, and they are currently running.

The government established the Universal Service Fund (USF) Project in Sudan three times, starting in 2003 after forming the Information Technology Development Council. Then, in 2005, the council was changed to be a ‘Fund’ instead of a ‘Council’, and finally, the current Universal Service Fund was established under the new name in the year 2018, according to the Telecommunication and Post Regulation Act (TPRA).¹³²⁰

The regulator, TPRA, conducts annual surveys for the comprehensive service project. The last publicly available information was in 2018, when a survey was conducted targeting 55 areas that were not covered by communication networks in the first phase to collect correct data and then classify them in terms of economic feasibility for profit and loss feasibility for operators and ISPs. The survey team found that there are 17 feasible areas and 38 non-feasible areas. Starting in 2018, the TPRA specified that the USF mission is to be responsible for supporting the economically unfeasible areas, while the telecommunications companies should include the economically feasible areas in their annual plan for implementation.¹³²¹

However, our research did not reveal any information about any projects that the USF supported in 2024. In 2023, the TPRA Director, Dr. Alsadig Gamal, mentioned that they do not have any plans or resources allocated to the USF due to the ongoing conflict in the country.¹³²²

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- 1316 Asharq Alawsat, “إقبال غرام روموش 3 دعب عجارفنا راضطناب رصم يف عيادوسال سرامدل”, <https://aawsat.com/%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A/%D8%B4%D9%85%D8%A7%D9%84-%D8%A7%D9%81%D8%B1%D9%8A%D9%82%D9%8A%D8%A7/5085220-%D8%A7%D9%84%D9%85%D8%AF%D8%A7%D8%B1%D8%B3-%D8%A7%D9%84%D8%B3%D9%88%D8%AF%D8%A7%D9%86%D9%8A%D8%A9-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1-%D8%A8%D8%A7%D9%86%D8%AA%D8%B8%D8%A7%D8%B1-%D8%A7%D9%86%D9%81%D8%B1%D8%A7%D8%AC%D8%A9-%D8%A8%D8%B9%D8%AF-3-%D8%B4%D9%87%D9%88%D8%B1-%D9%85%D9%86-%D8%A5%D8%BA%D9%84%D8%A7%D9%82%D9%87%D8%A7>, (accessed on 8 January 2025)
- 1317 NIC, “يحصل ماظنل يمحورل لوجنل عورشم يل ع فارشل قميادل نجلل لامع قالطن”, [Launch of the Permanent Committee for Supervising the Digital Transformation Project of the Health System], <https://www.nic.gov.sd/public/news>, (accessed on 9 November 2024)
- 1318 NIC, “يتموكح تاسيسوم تسيل يكبشيل طبرل لامتكاف”, [Networking of six government institutions completed], <https://www.nic.gov.sd/news/details/9>, (accessed on 9 November 2024)
- 1319 PARADIGM INITIATIVE, “Londa 23 Sudan”, https://paradigmhq.org/sdm_downloads/londa-23-sudan-en/, (accessed 9 January 2025)
- 1320 TPRA, “Universal Service Fund”, <https://web.archive.org/web/20190422055334/https://tpa.gov.sd/wp-content/uploads/2018/06/Universal-Service-Fund.pdf>, (accessed on 10 November 2024).
- 1321 TPRA, “Universal Service Fund”, <https://web.archive.org/web/20220625164326/https://tpa.gov.sd/regulation-issues/%d8%a7%d9%84%d9%85%d8%b4%d8%a7%d8%b1%d9%8a%d8%b9/universal-service/>, (accessed on 10 November 2023).
- 1322 Paradigm Initiative, “Londa Sudan 2023”, https://paradigmhq.org/sdm_downloads/londa-23-sudan-en/, (accessed on 10 November 2024)

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration (<i>P stands for Principle</i>)	Score	Justification
Internet Shutdowns	P38(2)	2	The government shut down the internet in specific areas during some military operations.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	There is a Universal Service Fund but the government did not support it this year.
False News Criminalisation	P22(2)	2	The Cybercrimes law criminalised false news.
Sedition Legislation	P22(2)	2	The Cybercrimes law criminalised Sedition.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	Several arrests and media harassment cases by the authorities have been reported.
Data Protection Legislation.	P42	2	While some laws have articles related to data protection, there is no data protection legislation
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	While there is no information for this year, last year witnessed numerous cases of governmental interference.
Invasion of Privacy of Communications	P41	1	The government, represented in SAF, performed electronic devices inspection campaigns. Also, there are indicators of surveillance using telecommunication infrastructure.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	2	While the government used to announce information using the official news agency and the Spokesperson platform, there is missing information that it couldn't be found without media reports. Sudan passed the 'Right to Access Act' in 2015. The law contains a list of 12 types of classified information that are restricted from citizens, using vague terms in describing these categories which are used as a justification for non-disclosure.

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AI and Emerging Technologies national strategies	P39(6)	1	No strategy related to AI and emerging technologies
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	Article 35 of the Cybercrimes Law punished the criminals who threaten or deceit a child. However, there is no on-ground pro-active application.
Digital Inclusion	P37(3)	2	There is no public information about the USF. However, there are some reports on governmental efforts for digital inclusion and e-government.
TOTAL (up to 60)		21	Mildly Compliant

Conclusion

Internet freedom in Sudan has declined significantly in 2024 due to the ongoing conflict. The RSF taking over ISPs' infrastructure and imposing a nationwide internet shutdown was a turning point in the country's digital landscape. While the ISPs restored service, large parts of the country, especially conflict zones such as Darfur, are still out of coverage. The appearance of alternative means of access such as Starlink shows the need for reliable communication channels in Sudan, but the government's attempt to regulate these services shows the conflict between internet freedom and state control. Moreover, the high cost of internet access makes life harder for the Sudanese people.

Furthermore, internet-related laws are still in need of reform, and this year saw a continuation in censorship, arrests, and surveillance. Journalists and activists were repressed for expressing political views or challenging state narratives. The absence of data protection laws reflects the vulnerability of the digital nature in Sudan. The government's effort around digital transformation in sectors like health and education offers some hope, but it is restricted by instability and a lack of resources. However, the ongoing conflict complicates the future of the digital landscape in Sudan.

Recommendations

To the government:

- The government should stop issuing network disruption orders, even during military operations.
- The Sudanese government should amend the laws of Combating Cybercrimes, Press and Press Publications of 2009, Telecommunication and Post Regulation Authority, 2018 and National Security of 2010, which contain vague terms and impose harsh and disproportionate punishments on the state workers to discard vague provisions and criminalisation of false news and sedition.
- The government should enact a data protection law.
- The government should establish a committee to prepare a national strategy for AI and emerging technologies.
- The government should implement the Access to Information Act to increase access to information, which will reduce the spread and impact of disinformation and empower citizens to access the right information from their sources.
- The government should reduce the telecommunications tax to ensure affordable internet access.
- The government should support the operationalisation of the Universal Service Fund and proactively disclose the use of the funds.
- The government should not target citizens, journalists, and activists based on their online activities.
- The government should stop arbitrarily seizing and inspecting citizens' phones and other electronic devices, violating encryption, and breaching the right to privacy.
- The government should activate the Sudan Computer Emergency Response Team (CERT) and offer communication channels with the citizens to reduce the impact of the cyber attacks.

To the Rapid Support Forces (RSF):

- RSF should stop targeting telecommunications infrastructure in conflict times.
- RSF should not target citizens, journalists, and activists based on their online activities.
- RSF should not use the citizens' need for the Internet to finance armed conflict by stopping offering satellite connectivity in the out-of-coverage areas for an expensive

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cost.

- RSF should stop illegally seizing and inspecting or stealing citizens' phones and other electronic devices.

To the Civil Society:

- Civil society in Sudan should establish advocacy campaigns toward legal reforms, focusing on enacting data protection laws.
- Civil society should fight against internet shutdowns in conflict zones.
- Civil society must raise the digital rights awareness of the Sudanese people through training and media campaigns.
- Civil society should provide digital safety training to the targeted people with spyware or other forms of digital surveillance.

To the Media:

- The media houses should enhance their capacity in fact-checking and anti-disinformation skills.
- The Syndicate of Journalists should provide digital safety training to its members.

To the private sector:

- Meta, X, and TikTok should update their transparency reports periodically, and Google should add Sudan to their report.



Executive Summary

This report comprehensively examines Uganda's digital rights and inclusion landscape, highlighting progress and ongoing challenges. The report employs a mixed-methods approach, incorporating quantitative data and case studies to analyse key thematic areas such as Internet access, freedom of expression, media freedoms, online gender-based violence, data protection and privacy, surveillance, censorship, content moderation, and the role of emerging technologies with reliance on the TheScore Index by Paradigm Initiative to measure compliance with the African Commission on Human and Peoples' Rights (ACHPR) Declaration. Notable findings indicate that while there have been slight improvements in internet freedom and partnerships with civil society, significant barriers persist, particularly for marginalised groups. Issues such as gendered disinformation, low digital literacy, and limited internet access in rural areas are critical concerns that impede the realisation of digital inclusivity. The report also underscores the government's ongoing quest to stifle free speech, mainly through the persecution of critics and the regulation of online platforms. Recommendations include enhancing accountability frameworks, more significant investment in digital literacy initiatives, and strategies to bridge the gender digital divide to ensure compliance with international human rights standards. Ultimately, the report calls for a concerted effort to foster an equitable digital environment that empowers all individuals, particularly women and marginalised communities, to participate fully in the digital sphere.

The Republic of Uganda is a landlocked country in East Africa bordered to the east by Kenya, to the north by South Sudan, to the west by the Democratic Republic of the Congo, to the south-west by Rwanda, and the south by Tanzania.¹³²³ Currently, based on Worldometers elaboration of the latest United Nations data, Uganda's population is 50,015,092.¹³²⁴ However, 29.3% of Uganda's population is urban (14,635,755 people in 2024), while 72.9% lived in rural areas at the start of

¹³²³ Uganda <https://en.wikipedia.org/wiki/Uganda> (accessed on November 15, 2024 at 16:00 EAT)

¹³²⁴ Uganda Population <https://www.worldometers.info/world-population/uganda-population/> (accessed on December 31, 2024)

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2024¹³²⁵ with a median age of 16.7 years.¹³²⁶ 50.4% of the population is female, while 49.6% is male¹³²⁷ and its population increased by 1.3 million, or 2.8%, between early 2023 and the start of 2024.¹³²⁸ Since 1986, Uganda's president has remained Yoweri Museveni under the National Resistance Movement (NRM) political party.¹³²⁹

The 2024 Uganda Londa report analyses digital rights and inclusion in Uganda, offering critical recommendations for improvement and compliance with the African Commission on Human and People's Rights' *Declaration on Freedom of Expression and Access to Information* using The Score Index developed by Paradigm Initiative. It notes progress in internet freedom and civil society partnerships. Still, it highlights issues like restricted access to information, government repression of free speech, and increased gender-based disinformation and violence online. Limitations on platforms like Facebook impede freedom of expression. While the report acknowledges gender-specific challenges, government actions against critics breach free expression principles. Recommendations include enhanced accountability, more investment in digital literacy, and efforts to close the gender digital divide, highlighting significant gaps in compliance with the African Commission on Human and Peoples' Rights (ACHPR) principles.

Overall, internet freedom in Uganda has seen a slight improvement due to better connectivity and the increased use of social media for advocating government accountability. However, the government continues to limit free expression online by manipulating information on social media, targeting digital activists, and trying to implement registration requirements for online media.¹³³⁰ 2024 saw an improvement in the implementation and documentation of success stories, increased partnership with civil society and the private sector, and increased awareness of the Universal Service and Access Fund by the Uganda Communications Commission (UCC) compared to 2023. This shows a slight improvement by UCC regarding its accountability mechanism to bridge the gender digital divide in the country.

1325 Simon Kemp. (23 February 2024). Digital 2024: Uganda <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 16, 2024)

1326 Uganda Population <https://www.worldometers.info/world-population/uganda-population/> (accessed on November 16, 2024)

1327 DIGITAL 2024: UGANDA <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 16, 2024)

1328 DIGITAL 2023: UGANDA <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 16, 2024)

1329 Uganda <https://en.wikipedia.org/wiki/Uganda> (accessed on November 15, 2024 at 16:00 EAT)

1330 Freedom House. (2024). Uganda: Freedom on the Net 2024 <https://freedomhouse.org/country/uganda/freedom-net/2024> (Accessed on November 16, 2024)

Internet access

Internet access remains a fundamental human right in Uganda, according to Uganda's 1995 constitution specifically Article 29(1)(a), which guarantees the right to freedom of expression, including the freedom to receive and impart information and ideas through any media of one's choice.¹³³¹ Uganda has seen various efforts, including advocacy by civil society organisations promoting digital rights and legislation aimed at improving access to internet services.¹³³² However, challenges remain, including restrictions during social disturbances and issues related to internet censorship. In January 2024, there were 13.30 million internet users in Uganda, with an internet penetration rate of 27% of the total population.¹³³³ According to the Digital 2024 Uganda report, internet users in Uganda increased by 1.2 million (+10.3%) between January 2023 and January 2024.¹³³⁴ This also unveils that 35.95 million people in Uganda did not use the Internet at the start of 2024, suggesting that 73% of the population remained offline at the beginning of the year.¹³³⁵ Factors such as limited access to electricity in rural areas, low digital literacy levels, and the high cost of internet-enabled devices such as computers and smartphones are some of the obstacles affecting internet usage.¹³³⁶ According to the Inclusive Internet Index, only 31% of the population has access to 4G services.¹³³⁷ There was a brief decline in connectivity in February 2024 after significant telecommunications networks were targeted by a cyberattack from the hacking group Anonymous Sudan, as indicated by traffic data.¹³³⁸ In August 2023, Uganda reached an ICT infrastructure-sharing agreement with Tanzania, which officials stated would help reduce connectivity costs.¹³³⁹ Additionally, Airtel Uganda and MTN Uganda launched 5G networks in July 2023 to enhance internet connectivity.¹³⁴⁰ But connectivity remains a challenge. In the same month, the government announced a reduction in internet costs for government entities connected to the National Backbone Infrastructure (NBI), dropping the price from USD 70 to USD 35 per Mbps per month.¹³⁴¹ As of April 2024, 28 Internet Service Providers (ISPs) were connected to the Uganda Internet Exchange Point (UIXP).¹³⁴²

While internet access has become more affordable, especially on mobile devices, costs remain high for many Ugandans.¹³⁴³ The average price of one gigabyte (GB) of prepaid mobile data is USD 1.11, about Uganda shillings 5,000 per GB. However, Uganda ranked undefined in the world for

1331 Constitution of the Republic of Uganda <https://ulii.org/akn/ug/act/statute/1995/constitution/eng@2018-01-05> (accessed on February 06, 2025 at 2:28 pm South African time)

1332 <https://www.ucc.co.ug/download-category/performance-reports/> (accessed on February 09, 2025)

1333 Simon Kemp. (23 February 2024). Digital 2024: Uganda <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

1334 Simon Kemp. (23 February 2024). Digital 2024: Uganda <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

1335 Simon Kemp. (23 February 2024). Digital 2024: Uganda <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

1336 Gillwald, A., Mothobi, O., Tusubira, F., & Ndiwalana, A. (2019). The State of ICT in Uganda (Policy Paper No. 8; Series 5: After Access – Assessing Digital Inequality in Africa). Research ICT Africa. https://researchictafrica.net/wp-content/uploads/2019/05/2019_After-Access-The-State-of-ICT-in-Uganda.pdf (accessed on November 15, 2024)

1337 Economist Impact. (2022). Inclusive Internet Index Uganda <https://impact.economist.com/projects/inclusive-internet-index/2022/country/Uganda> (accessed on November 16, 2024)

1338 Cloudflare Radar. (02 January .2024- 02 October 2024). Traffic in Uganda- <https://radar.cloudflare.com/traffic/ug?date-Start=2024-02-01&dateEnd=2024-02-10> (accessed on November 16, 2024)

1339 Telecom Paper. (21 August 2023.) Uganda and Tanzania reach deal to share ict backbone infrastructure <https://www.telecompaper.com/news/uganda-and-tanzania-reach-deal-to-share-ict-backbone-infrastructure--1473418> (accessed on November 16, 2024)

1340 Abdullah Rabiiba Karim. (Monday, July 31, 2023). 5G network goes live as technology continues to redefine telecom sector <https://www.monitor.co.ug/uganda/business/technology/5g-network-goes-live-as-technology-continues-to-redefine-telecom-sector-4322538> (accessed on November 16, 2024)

1341 <https://www.telecompaper.com/news/uganda-and-tanzania-reach-deal-to-share-ict-backbone-infrastructure--1473418> (accessed on November 16, 2024)

1342 The Uganda Internet eXchange Point <https://www.uixp.co.ug/networks> (accessed on November 16, 2024)

1343 SautiTech Editor. (February 14, 2019). Monthly internet bundles: A look at what Africell, MTN & Airtel offer [UPDATED] <https://www.sautitech.com/telecom/africell-monthly-internet-bundles/> (accessed on on November 16, 2024)

mobile speeds and 127th for fixed broadband speeds during November 2024.¹³⁴⁴ As of 2024, the 5% digital services tax introduced in July 2023 by the Uganda Revenue Authority (URA) still impacts the digital ecosystem because it targets non-resident companies that earn income from providing digital services in Uganda. This continues to raise concerns about its potential effects on affordability and accessibility, hence creating barriers to online publishing.¹³⁴⁵ Civil society groups expressed worries about increased prices for digital services, the impact of the digital divide, and barriers to online publishing and content creation. If digital service providers pass this tax on to consumers, it could hinder access to digital services for persons with disabilities and those in rural communities.¹³⁴⁶

The government has also continued to enforce a 12% tax on internet data as part of a tax package adopted under the Excise Duty (Amendment) Act 2021.¹³⁴⁷ However, this tax exempts data used for medical and educational services.¹³⁴⁸ Research on the 12% tax found that it disproportionately affected women's access to the Internet.¹³⁴⁹ In 2023, several civil society organisations began lobbying the government to reduce this tax in the 2024 fiscal year. Despite advocacy efforts, the tax was not repealed in the 2024 fiscal year. However, the government budget projection for 2024/2025 continues to include revenue from this tax, indicating ongoing implementation. By early 2024, 37.8% of Uganda's social media users were women, while 62.2% were men.¹³⁵⁰

Despite these challenges, there were no reported connectivity restrictions or new government-imposed limitations on social media platforms in 2024, although access to Facebook remained restricted, hence partial social media restrictions.¹³⁵¹ However, some users can still access Facebook using virtual private networks (VPNs) and selected Wi-Fi networks.

As of early 2024, 33.34 million cellular mobile connections were active in Uganda, accounting for 67.7% of the total population. Fixed internet connection speeds in Uganda increased by 2.26 Mbps (+21.1%),¹³⁵² with a median download speed of 13.08 Mbps and a median upload speed of 14.80 Mbps.¹³⁵³ These speeds exceed the minimum of 4 Mbps nationwide prescribed by Uganda's National Broadband Policy, adopted in 2018.¹³⁵⁴ Additionally, the median mobile internet connection speed in February 2024 was 32.11 Mbps for downloads and 13.07 Mbps for uploads.¹³⁵⁵

The Digital 2024 Uganda report indicates that the number of social media users in Uganda rose by 750,000, an increase of 40.5%, between early 2023 and the beginning of 2024. At the start of 2024, social media users made up 5.3% of Uganda's total population.¹³⁵⁶ Additionally, 19.5% of Uganda's internet user base (irrespective of age) utilised at least one social media platform in January 2024.

1344 <https://www.speedtest.net/global-index/uganda> (accessed on January 7, 2025)

1345 Freedom House. (2024). Uganda: Freedom on the Net 2024 <https://freedomhouse.org/country/uganda/freedom-net/2024> (accessed on November 16, 2024)

1346 Brian Oduti. (17 October 2023 4:01 GMT). A look into Uganda's digital services tax <https://advox.globalvoices.org/2023/10/17/a-look-into-ugandas-digital-services-tax/>

1347 Posted at 7:07 PM · Apr 29, 2021 via user: Nemz @AmanyaNemz https://twitter.com/Parliament_Ug/status/1387800653356060672 (accessed on November 16, 2024)

1348 Chimp Reports. (April 2, 2021). Cars, Internet Data, Beer, Minerals Targeted in New Tax Laws <https://chimpreports.com/cars-internet-data-beer-minerals-targeted-in-new-tax-laws/> (accessed on November 16, 2024)

1349 Rehema Kahunde. (February 2, 2023). Taxation, gender, and internet access: lessons from Uganda <https://globaldev.blog/taxation-gender-and-internet-access-lessons-uganda/> (accessed on November 16, 2024)

1350 Michael Malakata. (27 Feb 2023). Civil society lobbies Uganda gov't to reduce internet taxes <https://itweb.africa/content/8OKdWM-DX4nWMbznQ> (accessed on November 17, 2024)

1351 Arthur Arnold Wadero. (Friday, August 12, 2022). Facebook to remain shut as govt talks with tech giant stall <https://www.monitor.co.ug/uganda/news/national/facebook-to-remain-shut-as-govt-talks-with-tech-giant-stall-3912172> (accessed on November 16, 2024)

1352 Simon Kemp. (23 February 2024). Digital 2024: Uganda <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

1353 <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 16, 2024)

1354 Ministry of Information, Communications Technology and National Guidance. (September 2018). THE NATIONAL BROADBAND POLICY <https://ict.go.ug/wp-content/uploads/2019/05/National-Broadband-Policy-Booklet.pdf> (accessed on November 17, 2024)

1355 <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

1356 <https://datareportal.com/reports/digital-2024-uganda> (accessed on November 15, 2024)

Social media has become a vital platform for demanding social and political justice in Uganda.¹³⁵⁷ Particularly on X (formerly Twitter), Ugandans mobilise against injustices despite government efforts to limit online activism. A significant campaign is the #UgandaParliamentExhibition, aimed at exposing abuse and mismanagement in Parliament, drawing attention to accountability and transparency in governance.¹³⁵⁸ This represents a collective effort by Ugandans to use social media as a tool for activism, showcasing how digital platforms can amplify voices and organise movements against perceived injustices. This movement gained substantial support, leading many to call for an audit of Parliamentary expenditures.¹³⁵⁹ In response, the Ministry of Finance proposed halving Parliament's budget.¹³⁶⁰ However, organisers faced repression, with one activist going into hiding for fear of arrest.¹³⁶¹ Other recent hashtag movements include #UgandaPotholeExhibition, highlighting poor road conditions,¹³⁶² and #UgandaHealthExhibition, #UgandaNGOExhibition, #UgandaLabourExhibition, and #UgandaSecurityExhibition.¹³⁶³ Ugandans are increasingly using online platforms for governance engagement and digital activism. Social media campaigns like #UgandaPotholeExhibition hold officials accountable, while online petitions and discussions with local leaders promote advocacy for change. Blogs and independent news sources educate citizens about their rights, and online tools facilitate public service monitoring. As elections approach, there is a focus on voter education and integrity discussions, fostering a more informed and active citizenry. Therefore, limitations in internet access and blocking platforms like Facebook restrict access to information. This is contrary to the principles encouraging unimpeded access to information. Uganda has made progress in internet access and digital engagement to align with ACHPR Principle 38's stipulations regarding non-interference in the context of media and freedom of expression as part of the Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019). Still, it must address government restrictions and economic barriers to align with international human rights standards. Ensuring free access for marginalised groups is essential for a more inclusive digital environment.

Freedom of Expression

The Ugandan government has increasingly restricted free speech online, targeting those criticising Ugandan President Museveni and his family. In July 2024, TikTok user Edward Awebwa was sentenced to six years in prison for hate speech against the president.¹³⁶⁴ Earlier, in February 2024, Ibrahim Musana, known as Pressure 24/7, was arrested under the Computer Misuse Act for defamation and incitement to violence related to his social media posts about public figures.¹³⁶⁵ Although he was granted bail in April 2024, he faces conditions prohibiting him from discussing certain officials.¹³⁶⁶ The Ugandan government's crackdown on free speech and the safety of journalists starkly contrasts with the ACHPR Declaration, which highlights systemic challenges

1357 Guest Columnists. (Monday, May 01, 2023). Hashtag activism is the future of citizen advocacy <https://www.monitor.co.ug/uganda/oped/letters/hashtag-activism-is-the-future-of-citizen-advocacy-4218838> (accessed on November 17, 2024)

1358 Peter G. Mwesige. (March 28, 2024). Online Activism is Moving the Dial on Social Accountability in Uganda <https://cipesa.org/2024/03/online-activism-is-moving-the-dial-on-social-accountability-in-uganda/> (accessed on November 17, 2024)

1359 Ronald Odongo. March 6, 2024. Gov't Commends Ugandans Behind Parliamentary Exhibition Social Media Campaign <https://nexusmedia.ug/govt-commends-ugandans-behind-parliamentary-exhibition-social-media-campaign/> (accessed on November 17, 2024)

1360 Christopher Kiiza. (March 28, 2024). Govt moves to Cut Parliament budget by Half <https://chimpanreports.com/govt-moves-to-cut-parliament-budget-by-half/> (accessed on November 16, 2024)

1361 HICGI News Agency. (February 27, 2024) . Activist Jeje Forced to Flee: Police Pursuit Over Uganda Parliament Exhibition Advocacy. <https://hicginewsagency.com/2024/02/27/activist-jeje-forced-to-flee-police-pursuit-over-uganda-parliament-exhibition-advocacy/> (accessed on November 17, 2024)

1362 CIVIC SPACE TV, 'The state of roads in Uganda. #CommunityVoicesUG #KampalaPotholeExhibition' <https://www.youtube.com/watch?v=XtX1fC5EHYo> (accessed on November 17, 2024)

1363 #UgandaPotholeExhibition https://twitter.com/search?q=%23UgandaPotholeExhibition&src=typed_query&f=top (accessed on November 28, 2024)

1364 The Independent. (July 10, 2024). Tiktoker Awebwa jailed for six years for abusing Museveni and family <https://www.independent.co.ug/tiktok-awebwa-jailed-for-six-years-for-abusing-museveni-and-family/> (accessed on November 17, 2024)

1365 Priscilla Maloba. (Monday, February 19, 2024). TikToker detained over trolling Kabaka faces several criminal charges <https://www.monitor.co.ug/uganda/news/national/tiktok-awebwa-jailed-for-six-years-for-abusing-museveni-and-family/> (accessed on November 17, 2024)

1366 Samson Waswa. (11 April 2024 at 20:00). Tiktoker "Pressure" remanded back to jail as prosecution stalls <https://www.pulse.ug/entertainment/tiktok-awebwa-jailed-for-six-years-for-abusing-museveni-and-family/> (accessed on November 17, 2024)

for media rights. A thorough reevaluation of laws and practices is urgently needed to protect the fundamental freedoms of expression and ensure journalist safety in Uganda.

Additionally, in January 2024, the BBC uncovered fake social media accounts linked to the Government Citizen Interaction Centre, which spread pro-government propaganda and threatened those who spoke out against the administration.¹³⁶⁷ The Uganda Communications Commission (UCC) has also mandated that online media outlets register or face closure. However, social justice campaigns like the #UgandaParliamentExhibition continue to thrive despite these challenges.¹³⁶⁸ Documented action to stifle free speech infringes on the right to freedom of expression. The persecution of digital activists and the criminalisation of dissenting voices violate this freedom of speech.

In April 2024, the Constitutional Court upheld parts of the 2023 Anti-Homosexuality Act, which criminalises the promotion of homosexuality, consequently jeopardising online expression.¹³⁶⁹ This decision has led to increased violence against LGBTQIA+ individuals online, including a troubling incident in January 2024 when a transgender woman was violently attacked in front of her home by an angry mob that gathered following false social media rumours accusing her of forcing hormones on young men.¹³⁷⁰ Concerns remain about the accessibility of information related to the ACHPR's operations and its independence from government influence.¹³⁷¹

The COVID-19 pandemic has led to increased online engagement, contributing to a rise in technology-facilitated gender-based violence (TFGBV).¹³⁷² Many individuals lack awareness of TFGBV, particularly concerning the link between online and offline violence, which disproportionately affects vulnerable groups.¹³⁷³ In Uganda, approximately one in three women have encountered online violence, with female journalists facing additional risks such as stalking and cyberbullying.¹³⁷⁴ Frequently, media coverage sensationalises this violence, shifting focus from the perpetrators to the victims.¹³⁷⁵ As digital technologies evolve and internet access expands, the risks of misuse grow.¹³⁷⁶ Almost half of Ugandan women (49%) report experiencing online harassment.¹³⁷⁷ Technology is increasingly employed to intimidate women and marginalised groups, infiltrating various aspects of daily life. Despite the escalating threat, this violence often goes unnoticed by policymakers and society, leading to severe repercussions that hinder the participation of women and girls in civic and political affairs. Existing legislation, such as the Anti-Pornography Act of 2014, can unintentionally criminalise victims, while the 2023 Anti-Homosexuality Act may deter LGBTQIA+ individuals from pursuing legal action against TFGBV.¹³⁷⁸ The poor reporting trends on this issue are compounded by fear, inadequate understanding of reporting mechanisms, and weak

1367 Freedom on the Net 2024 Uganda

<https://freedomhouse.org/country/uganda/freedom-net/2024> (accessed on November 16, 2024)

1368 <https://freedomhouse.org/country/uganda/freedom-net/2024> (accessed on November 16, 2024)

1369 Uganda: Court Upholds Anti-Homosexuality Act

Entrenches Discrimination, Enhances Risk of Anti-LGBT Violence, (April 4, 2024 1:15PM EDT)

<https://www.hrw.org/news/2024/04/04/uganda-court-upholds-anti-homosexuality-act> (accessed on November 17, 2024)

1370 Sophie Perry, 'Beatings, arrests, fear and broken dreams: Uganda's draconian Anti-Homosexuality Act one year on.. (May 30)

<https://www.thepinknews.com/2024/05/30/uganda-gay-law-anti-homosexuality-bill/> (accessed on November 17, 2024)

1371 Ronald Musoke, 'Uganda: Is UCC Going Rogue?' (5 December 2017) The Independent (Kampala)

<https://allafrica.com/stories/201712050069.html> (accessed on November 18, 2024)

1372 Irene Abalo Otto, 'Digital battlefield: The rise of online violence against Uganda's activists' (Thursday, October 10, 2024) <https://www.monitor.co.ug/uganda/special-reports/digital-battlefield-the-rise-of-online-violence-against-uganda-s-activists-4787918#story> (accessed on November 18, 2024)

1373 Decoding technology-facilitated gender-based violence: a reality check from seven countries <https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/> (Accessed on November 18, 2024)

1374 Irene Alenga., Collins Otieno., Natalie Apar., 'Addressing Technology-Facilitated Gender-Based Violence' (September 5, 2024) <https://knowledgesuccess.org/2024/09/05/addressing-technology-facilitated-gender-based-violence/> (accessed on November 18, 2024)

1375 Akademie DW, 'Media reporting on online violence against women in East Africa harms victims' (12.09.2023) <https://akademie.dw.com/en/study-east-africa-gender-based-violence-online/a-65625078> (Accessed on November 18, 2024)

1376 Decoding technology-facilitated gender-based violence: a reality check from seven countries <https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/> (accessed on November 18, 2024)

1377 <https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/> (accessed on November 18, 2024)

1378 <https://rutgers.international/resources/decoding-technology-facilitated-gender-based-violence-a-reality-check-from-seven-countries/> (accessed on November 18, 2024)

legal frameworks.

Addressing gendered disinformation is crucial for ensuring a fair electoral landscape and combating gender inequality in Uganda.¹³⁷⁹ Disinformation often manifests through the manipulation of information, demonisation of gender equality ideals, and various forms of abuse, including trolling and body shaming. Women, specifically women in leadership, journalists and human rights defenders, are frequently the primary targets of gendered disinformation, which marginalises their decision-making participation. The impact of gendered disinformation extends beyond individual harm; it undermines public discourse and diminishes women's credibility, discouraging their political engagement. Many women withdraw from political processes due to intimidation tactics, while those with multiple identities often face heightened discrimination and hate speech. The civic space for women journalists is shrinking due to gender-based violence, affecting their well-being and press freedom.¹³⁸⁰ In Uganda, fear of attacks often prevents critical reporting.

Misinformation also politicises gender equality efforts, silencing women and perpetuating negative perceptions of their roles. Gender stereotypes and hypersexualisation in politics aim to discredit women, causing many to withdraw from public life. Women candidates encounter more negative and sexist messaging than men, focusing on character rather than policies. Although laws like the Computer Misuse Act exist, there is a lack of specific policies addressing gendered disinformation in Uganda.¹³⁸¹ The issue of the gender digital divide and TFGBV indicates the need for awareness and recognition of gender-specific challenges, which aligns with the declaration's emphasis on inclusive access to information. There is a need for significant reforms to align digital rights practices with the ACHPR principle on privacy and personal information protection. The government must enhance accountability, secure privacy rights, uphold protections against surveillance, and create a legal framework for personal information in the digital space. Compliance with these principles is essential for promoting an inclusive digital environment that safeguards the rights of all individuals, especially those in marginalised communities.

Data Protection and Privacy

Activists are concerned that the government has recently intensified its surveillance of social media and online platforms. While Article 27 of the Constitution protects individuals' privacy,¹³⁸² The Data Protection and Privacy Act of 2019, effective April 2021, faces challenges in enforcement.¹³⁸³ Critics have pointed out that NITA-U, under the ICT Ministry, did not issue guidelines for the collection and processing of COVID-19 data.¹³⁸⁴ Additionally, a July 2018 raid by the Internal Security Organization on MTN Uganda raised alarms about user data security.¹³⁸⁵

Concerns about rising cyberattacks have increased, affecting both private entities and service providers in Uganda. In the 2023/2024 financial year, police reported 245 cybercrime cases, a 14.3% decrease from 286 cases in 2022.¹³⁸⁶ However, these crimes resulted in significant

1379 Muhamadi Matovu, 'How gender focused misinformation impacts women in Ugandan politics' (WED 10 JUL, 2024 12:35) <https://nilepost.co.ug/politics/206987/how-gender-focused-misinformation-impacts-women-in-ugandan-politics> (accessed on November 18, 2024)

1380 Examining the gendered dimensions of Journalists safety based on Unesco's JSI on IN Kenya, Tanzania and Uganda <https://www.africafoicentre.org/examining-the-gendered-dimensions-of-journalists-safety-based-on-unescos-jsi-on-in-kenya-tanzania-and-uganda/> (accessed on November 18, 2024)

1381 <https://nilepost.co.ug/politics/206987/how-gender-focused-misinformation-impacts-women-in-ugandan-politics> (accessed on November 18, 2024)

1382 CONSTITUTION OF THE REPUBLIC OF UGANDA, 1995. https://www.ngobureau.go.ug/sites/default/files/laws_regulations/2020/12/Uganda%20Constitution%201995.pdf (accessed on November 28, 2024)

1383 Privacy Scorecard Report 2021 <https://www.unwantedwitness.org/wp-content/uploads/2021/11/Privacy-Scorecard-Report-2021.pdf> (accessed on November 18, 2024)

1384 ARTICLE 19 Eastern Africa, the Kenya ICT Action Network and Pollicy, 'Unseen Eyes, Unheard Stories' (2021) <https://www.article19.org/wp-content/uploads/2021/04/ADRF-Surveillance-Report-1.pdf> (accessed on November 18, 2024)

1385 Elias Biryabarema, 'MTN Uganda says government security personnel raided its data center' (July 6, 2018:21 PM GMT+3) <https://www.reuters.com/article/us-uganda-mtn-group/mtn-uganda-says-government-security-personnel-raided-its-data-center-idUSKBN1JW1Q5> (accessed on November 19, 2024)

1386 Financial Intelligence Authority (FIA), 'Strengthening Cyber Safety and Ransomware Response' (July 19, 2024) <https://www.fia.go.ug/strengthening-cyber-safety-and-ransomware-response> (accessed on November 19, 2024)

economic losses amounting to UGX 1,543,292,161, with only UGX 377,441,465 recovered.¹³⁸⁷

On February 6, 2024, the hacking group Anonymous Sudan claimed responsibility for a cyberattack on major Ugandan telecommunications networks—MTN, Airtel, and Uganda Telecom—shortly after the head of Sudan's Rapid Support Forces visited Uganda.¹³⁸⁸ The attack was allegedly described as retaliation for Uganda “hosting” an alleged war criminal, Hemedti.¹³⁸⁹

Telecommunications companies experienced a brief dip in connectivity during the attack but returned to normal afterwards.¹³⁹⁰ Marginalised communities, particularly the LGBTQIA+ community, have faced targeted cyberattacks. The government's 2019 requirement for “data communicators” to register with the UCC has also been criticised for promoting online self-censorship. This mandatory SIM card registration using national identification cards still poses significant concerns regarding anonymous communication, especially since government surveillance disproportionately targets vulnerable groups. The implications of this policy continue to be felt, impacting privacy and freedom of expression today.

As Smart City initiatives emerge as a critical focus of urban development, their cybersecurity challenges warrant careful attention. The interconnectedness of devices and systems creates a vast attack surface, making them vulnerable to various cyber threats. A cyber-attack on one component can disrupt essential services across multiple interdependent systems.¹³⁹¹ These cities collect extensive sensitive data, raising privacy concerns and necessitating public trust in data security and service resilience. Without this trust, the success of Smart Cities and confidence in digital governance is at risk. Uganda has been focusing on several initiatives, such as urban planning, transportation and digital services, to advance its smart city goals in 2024. However, it faces challenges such as inadequate digital infrastructure, integration issues with legacy systems, data privacy risks, a lack of community engagement, and difficulties securing consistent funding. Despite these challenges, the initiatives significantly advance the country in 2024.

Kampala is harnessing the Fourth Industrial Revolution (4IR) technologies to enhance efficiency and digitise public services, improving citizens' lives. Key initiatives include a new traffic control centre, upgraded traffic signals, and the installation of smart poles with LED lights and telecommunications infrastructure to boost connectivity.¹³⁹² However, minimal attention is given to the privacy and security of data.¹³⁹³ These reveal serious violations. There is a worrying trend toward increasing surveillance, inadequate legal frameworks to protect privacy, and insufficient safeguards against arbitrary actions by the state. Upholding these measures is essential for protecting individual rights, fostering trust in digital communications, and ensuring the responsible development of Smart Cities prioritising personal data privacy and security.

Censorship and Content Moderation

In 2024, Uganda's regulatory environment concerning online content has raised concerns about its alignment with the principles outlined in the ACHPR, particularly the rights to freedom of expression and access to information. In recent years, the Ugandan government has implemented stringent measures to control online discourse, often justifying these actions under the guise of national security and public order. This has included regulations of social media usage, along

1387 Financial Intelligence Authority (FIA), ‘Strengthening Cyber Safety and Ransomware Response’ (July 19, 2024)

<https://www.fia.go.ug/strengthening-cyber-safety-and-ransomware-response> (accessed on November 19, 2024)

1388 Mat Nashed, ‘Sudan's Hemedti embraced abroad as he terrorises civilians at home’ (24 Jan 2024|Updated: 25 Jan 2024 07:23 AM (GMT)) <https://www.aljazeera.com/features/2024/1/24/sudans-hemedti-embraced-abroad-as-he-terrorises-civilians-back-home> (accessed on November 19, 2024)

1389 Savious Parker Kwinika, ‘Anonymous Sudan attacks again, this time in Uganda’ (09 Feb 2024) <https://itweb.africa/content/Wnx-pEv4YRKE7V8XL> Leonard Sengere, ‘Sudan hacker group cyber attacks Djibouti, Kenya and Uganda telecoms companies over politics’ (8 February 2024) <https://www.techzim.co.zw/2024/02/sudan-hacker-group-cyber-attacks-djibouti-kenya-uganda-telecoms-companies-over-politics/> (accessed on November 19, 2024)

1390 <https://radar.cloudflare.com/traffic/ug?dateStart=2024-02-01&dateEnd=2024-02-10> (Accessed on November 16, 2024)

1391 Islam Ahmad Ibrahim Ahmad., Anthony Anyanwu., Shedrack Onwusinkwue., ‘CYBERSECURITY CHALLENGES IN SMART CITIES: A CASE REVIEW OF AFRICAN METROPOLISES (February 2024) https://www.researchgate.net/publication/377963080_CYBERSECURITY_CHALLENGES_IN_SMART_CITIES_A_CASE_REVIEW_OF_AFRICAN_METROPOLISES (accessible on November 28, 2024)

1392 Watchdog Uganda, ‘PATRICK NDEGWA: Uganda's first smart city: Using digital services to make Kampala smarter’ (2023) <https://www.watchdoguganda.com/op-ed/20230709/156431/patrick-ndegwa-ugandas-first-smart-city-using-digital-services-to-make-kampala-smarter.html> (accessed on November 18, 2024)

1393 Ayang Macdonald, ‘Uganda suspends over 1.4M SIM cards not linked to users' biometrics’ (Nov 29, 2023, 8:02 am EST) <https://www.biometricupdate.com/202311/uganda-suspends-over-1-4m-sim-cards-not-linked-to-users-biometrics> (accessed on November 18, 2024)

with the monitoring and potential removal of content deemed inappropriate by authorities. For instance, on December 13, 2024, the Uganda Communications Commission (UCC) directed all broadcasters and online service providers in Uganda to immediately stop airing and discussing specific songs deemed vulgar.¹³⁹⁴ This included banning “Enkudi” and “Okwepiicha” by artists Gravity Omutujju and Lil Pazo as part of efforts to protect Ugandan society’s moral and cultural fabric. The UCC cited the Uganda Communications Act and 2019 Content Regulations, raising concerns about the impact on artistic freedom and expression.¹³⁹⁵ On November 18, 2024, a 21-year-old TikTok creator was sentenced to 32 months in jail for insulting Uganda’s president, Yoweri Museveni, through comedic content shared with his 20,000 followers. He faced charges of hate speech and spreading malicious information after staging a mock trial that called for Museveni’s public flogging.

The court, led by Chief Magistrate Stellah Maris Amabilis, deemed him unremorseful, stating the sentence would deter social media attacks. This conviction stemmed from a controversial 2022 amendment to the Computer Misuse Act, which the US State Department linked to government intimidation of critics. Rights groups have repeatedly condemned Uganda for human rights violations and restrictions on freedom of expression.¹³⁹⁶ Additionally, Ibrahim Musana, a 27-year-old Ugandan TikTok creator known for his Pressure Pressure pages, was arrested on November 16, 2024. He faced charges of defamation, hate speech, and incitement to violence for allegedly attacking the Kabaka and other Buganda officials in his videos.¹³⁹⁷ Authorities claim he misused social media platforms like TikTok and Facebook, prompting local outrage over his disrespectful remarks.¹³⁹⁸ Such practices have led to accusations of censorship aimed at stifling dissent and suppressing critical voices, which are crucial for a healthy democratic society. The ACHPR emphasises the importance of freedom of expression inherent to democratic governance. Article 9 of the charter states explicitly that every individual shall have the right to express and disseminate their opinions within the law. Uganda’s current approach to content moderation and censorship could be evaluated as inconsistent with these commitments, as it significantly limits citizens’ ability to engage freely in public discourse. Moreover, enforcing content moderation policies often lacks transparency and due process, further complicating the situation. Reports of arbitrary arrests and harassment of journalists, bloggers, and activists have highlighted the risks faced by those who seek to express dissenting opinions or share information that counters government narratives.¹³⁹⁹ Uganda’s censorship and content moderation practices will likely continue to be assessed against the principles of the ACHPR. Advocacy groups and human rights organisations will likely keep pressuring the government to uphold its obligations to protect freedom of expression and ensure that all citizens can participate fully in the digital public sphere without fear of reprisal. Such efforts are vital in promoting a more open and accountable governance framework in an increasingly connected world.

Access to Information

Uganda was one of the first African countries to establish a right-to-information law with the Access to Information Act (ATIA) in 2005, followed by the Access to Information Regulations in 2011, which aligns with the principle of guaranteeing legal rights to access information held by public bodies.¹⁴⁰⁰ This legislation aims to promote access to information, foster government transparency, and encourage citizen participation in decision-making. Since the enactment of ATIA, the Ugandan government has initiated several programs to enhance access to information, including the Ministry of ICT and National Guidance, which is responsible for formulating ICT

1394 Josh Ruby, ‘UCC Officially Suspends Gravity Omutujju, Lil Pazo’s Songs’ (December 17, 2024) <https://mbu.ug/2024/12/17/uganda-communications-commission-suspends-gravity-omutujju-songs/> (accessed on January 15, 2025)

1395 Jackie Namatovu, ‘UCC Bans ‘Enkudi’, ‘Okwepiicha’ in New Crackdown on ‘Vulgar’ Music’ (December 13, 2024) <https://chimpreports.com/ucc-bans-enkudi-okwepiicha-in-new-crackdown-on-vulgar-music/> (accessed on January 15, 2025)

1396 Swaibu Ibrahim, ‘TikToker jailed for 32 months for insulting Uganda’s president’ (18 November 2024) <https://www.bbc.com/news/articles/cd7njyyvwn5o.amp> (accessed on January 15, 2025)

1397 Dennis Musau, ‘TikToker arrested for trolling Uganda’s King Kabaka’ (February 19, 2024 05:53 (EAT)) <https://www.citizen.digital/news/tiktok-arrested-for-trolling-ugandas-king-kabaka-n337002> (accessed on January 15, 2025)

1398 Dennis Musau, ‘TikToker arrested for trolling Uganda’s King Kabaka’ (February 19, 2024 05:53 (EAT)) <https://www.citizen.digital/news/tiktok-arrested-for-trolling-ugandas-king-kabaka-n337002> (accessed on January 15, 2025)

1399 Brian Byaruhanga, ‘Navigating the Threats To Journalism in Uganda’ (June 30, 2023) <https://cipesa.org/2023/06/navigating-the-threats-to-journalism-in-uganda/> (accessed on January 14, 2025)

1400 CIPESA, ‘The State of Access to Information in Uganda’ <https://cipesa.org/wp-content/files/briefs/report/Position-Paper-The-State-of-Access-to-Information-in-Uganda.pdf> (accessed on November 19, 2024)

policies and managing national infrastructure; Government Communication Strategy whose aims are to create a coordinated communication system between the government and the public, Public Education Airtime provided on local radio stations to inform citizens about service delivery and development issues, and Government Citizens Interaction Centre (GCIC) to enhance monitoring of service delivery and facilitates citizen feedback.¹⁴⁰¹ These efforts are positive but insufficient when considered against the legal rights guaranteed. Increased efforts in public education are necessary to bridge the gap between legislation and practical application.

Additionally, Uganda's 1995 Constitution guarantees citizens the right to access information held by the state, with some limitations for security and privacy.¹⁴⁰² This right is also recognised by international frameworks, including Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights.¹⁴⁰³ Furthermore, the United Nations has emphasised the importance of internet access as a critical element in promoting the right to information, with UNESCO designating September 28 as the International Day for Universal Access to Information. This legislative structure advances the right to access information held by public bodies, but its effectiveness relies on implementation and practice.

The Access to Information Act of 2005 grants citizens the right to access information, but in practice, many face challenges.¹⁴⁰⁴ Numerous Ugandans, including information officers and government officials, often must be made aware of the law, hindering its implementation. Section 3(d) of the Act mandates that citizens access information easily and within 21 days. However, delays caused by fear and bureaucracy often make this right challenging to exercise, especially for journalists and human rights enforcement; these barriers hinder residents' access to information, contradicting the principle of expeditious access outlined in ACPHR. While the Act should allow public access to information affecting citizens, Article 41 of the Constitution and other sections limit this right to information held by public bodies, excluding private companies and civil society, because it is the duty of state actors to provide information necessary for protecting human rights.

In contrast, non-state actors do not have the same obligations. However, this exclusion of other entities raises concerns regarding the practicality and efficiency of accessing information, which is critical for compliance with Principle 26(a) of ACPHR. The ATIA mainly covers information from public bodies, excluding private entities and limiting access to crucial information for rights protection. However, despite these obstacles, radio is still the primary information source, though its usage has dropped from 79% in 2017 to 56% in 2024. Television usage rose from 9% to 17% but decreased to 16% in 2024. Internet use increased from 0.3% to 4%, while social media use declined from 4% to 3%. Word of mouth as a source of information rose significantly from 4% to 16%, highlighting concerns about misinformation.¹⁴⁰⁵

Artificial Intelligence and Emerging Technologies

Concerns about artificial intelligence (AI) are growing as computer scientists predict that intelligent systems will increasingly take over decision-making tasks from humans.¹⁴⁰⁶ A notable 78% of Ugandans, according to the 2022 global survey published on December 8 2024, by a UK-based digital safety charity, Lloyd's Register Foundation, noted feeling unsafe in cars driven without a human driver.¹⁴⁰⁷ According to the 2024 Government AI Readiness Index report by Oxford Insights, Uganda ranks 132 out of 193 countries in AI development based on government, technology, and infrastructure.¹⁴⁰⁸ Despite this low ranking, local AI experts and organisations have trained 2,567 individuals to train one million Ugandans by 2030 to improve perceptions of generative AI.¹⁴⁰⁹ The

1401 <https://cipesa.org/wp-content/files/briefs/report/Position-Paper-The-State-of-Access-to-Information-in-Uganda.pdf> (accessed on November 11, 2024)

1402 <https://cipesa.org/wp-content/files/briefs/report/Position-Paper-The-State-of-Access-to-Information-in-Uganda.pdf> (accessed on November 11, 2024)

1403 <https://cipesa.org/wp-content/files/briefs/report/Position-Paper-The-State-of-Access-to-Information-in-Uganda.pdf> (accessed on November 11, 2024)

1404 <https://chapterfouruganda.org/sites/default/files/downloads/The-Access-to-Information-Act-2005.pdf> (accessed on November 11, 2024)

1405 <https://www.independent.co.ug/radio-still-most-popular-media-in-uganda/> (accessed on November 11, 2024)

1406 <https://www.independent.co.ug/ugandans-fear-artificial-intelligence/> (accessed on November 9, 2024)

1407 <https://www.independent.co.ug/ugandans-fear-artificial-intelligence/> (accessed on November 9, 2024)

1408 Government AI Readiness Index 2024 <https://oxfordinsights.com/ai-readiness/ai-readiness-index/> (accessed on January 8, 2024)

1409 https://www.ntv.co.ug/news/business/uganda-ranks-low-on-global-ai-index-as-experts-aim-to-train-1-million-4824128#google_vignette (accessed on November 16, 2024)

Ugandan government is also deploying AI technologies in various agencies to enhance efficiency, improve accuracy, address environmental challenges, bolster security, and provide personalised services to citizens.¹⁴¹⁰

In Uganda, the government partnered with Chinese firm Huawei in 2019 to create an AI-powered facial recognition surveillance system supposedly for crime prevention. However, AI trained on biased data can reinforce gender stereotypes, making it crucial to document threats against marginalised groups.¹⁴¹¹ This partnership raises essential questions about compatibility with international human rights laws. The transparency issues surrounding the partnership make evaluating its adherence to international human rights laws challenging, raising concerns about possible ethical conflicts. Understanding the partnership's motivations and details is essential for ensuring compliance with human rights principles. Using AI for surveillance may violate individuals' rights to privacy and freedom of expression under the ACPHR, making it essential to ensure these technologies uphold fundamental rights. Deepfake technology, which produces realistic but false audio and video content, is increasingly used to undermine journalists.¹⁴¹² For example, the deepfake audio of Denník N journalist offers a worrying example of AI abuse.¹⁴¹³ While creating deepfakes is relatively easy, detecting them remains challenging, as reliable detection tools still need improvement. Advanced AI surveillance tools, including facial recognition, are also being deployed to monitor citizens under the guise of enhancing security.¹⁴¹⁴ This raises concerns, especially about the harassment of Ugandan climate activists in 2024 by fake social media accounts.¹⁴¹⁵ A BBC investigation in January 2024 uncovered a network of such accounts in Uganda, utilising low-tech methods similar to traditional photoshopping.¹⁴¹⁶ As the use of large language models like ChatGPT grows, there's an urgent need to reassess data collection laws to protect citizens' rights. Policymakers fear deepfakes could mislead and divide society, making them a powerful tool for disinformation.

The technological development raises questions about the applicability of Article 27 of the 1995 Constitution, which guarantees the 'right to privacy.' Following the Regulation of Interception of Communications Act (RICA) of 2010, this right must be adequately addressed due to technological advancements. Therefore, there is a need to outline the government's efforts in drafting an AI Act and policy to regulate AI use, particularly to combat misinformation on digital platforms.¹⁴¹⁷ Collaboration with the legal community, academia, and the United Nations aims to establish necessary regulations. It is also essential to consider AI adoption's ethical concerns and social implications, including data privacy, security risks, the digital divide, and job displacement. Addressing these issues is vital for achieving sustainable outcomes in Uganda. The integration of AI technologies in Uganda offers the potential for improved efficiency and security, but it must align with the principles of the ACPHR, such as principle 39. Ongoing efforts are essential to ensure these technologies respect fundamental rights, fostering a safe and just digital environment for all Ugandans.

Digital Inclusion

Inclusive Digital ID systems

The Uganda National ID system is a crucial component of governance and identification in the country, facilitating millions' access to public services and financial inclusion. In 2024, a mass enrollment and ID renewal exercise will update expired IDs and register unlisted citizens. A

1410 <https://apsdpr.org/index.php/apsdpr/article/view/770>

1411 Artificial Intelligence and Emerging Technologies and Their Impact on Civic Space in Africa <https://wougnet.org/artificial-intelligence-and-emerging-technologies-and-their-impact-on-civic-space-in-africa/> (accessed on November 18, 2024)

1412 <https://cipesa.org/2023/06/navigating-the-threats-to-journalism-in-uganda/> (accessed on November 10, 2024)

1413 <https://ipi.media/slovakia-deepfake-audio-of-dennik-n-journalist-offers-worrying-example-of-ai-abuse/> (accessed on January 8, 2025)

1414 Misinformation woes could multiply with 'deepfake' videos (Monday, January 28, 2019 — updated on September 28, 2020) <https://www.monitor.co.ug/uganda/news/national/misinformation-woes-could-multiply-with-deepfake-videos-1803256> (accessed on November 18, 2024)

1415 Crude fakes in Uganda Trending: A BBC Trending investigation exposes a sprawling network of fake social media accounts operating in Uganda. <https://www.bbc.co.uk/programmes/w3ct5d9f> (accessed on November 18, 2024)

1416 <https://www.bbc.co.uk/programmes/w3ct5d9f> (accessed on November 18, 2024)

1417 Atuhaire, Edna, 'Artificial intelligence and the right to privacy in Uganda' (2021-12) <https://dissertations.mak.ac.ug/handle/20.500.12281/11955> (accessed on November 18, 2024)

significant update will be the introduction of iris biometrics, which will address the issue of approximately one million unreadable fingerprint records due to ageing or injury. Iris patterns, unique to each individual and permanent over time, will enhance security and accuracy in identity verification.

The National Identification and Registration Authority (NIRA) aims to register 17.2 million unregistered Ugandans while renewing many expiring IDs. However, concerns arise over the tight timeframe for this initiative, especially with the upcoming 2026 general election requiring IDs for voters. A rushed enrollment could disenfranchise many, particularly first-time and remote voters, impacting their access to essential services and participation in democracy. However, this delay also presents an opportunity to gather stakeholder input to improve the process, ensuring a more inclusive, equitable, and privacy-respecting digital ID system. By doing so, the Government can align its efforts with international best practices for digital public infrastructure. However, while the Uganda National ID system aims to improve governance and inclusion through innovations like iris biometrics, the implementation must protect privacy, data security, informed consent, transparency, accountability and oversight, and purpose limitation. This adherence to principle 42 of ACHPR on privacy and protection of personal data will ultimately reinforce democratic participation and public trust.

Universal Service Fund

As of 2023, only 27% of Ugandans lived in urban areas, resulting in limited access to electricity and internet in rural areas.¹⁴¹⁸ There is a significant gender gap in internet access, with the 2022 Inclusive Internet Index reporting a 23.5% disparity, up ten percentage points from 2021.¹⁴¹⁹ The Universal Service Fund, known as the Uganda Communications Universal Service and Access Fund (UCUSAF), aims to expand telecommunications access in unserved and underserved areas that are not commercially viable for licensed operators. This initiative supports several Sustainable Development Goals (SDGs), including SDG 9, which promotes resilient infrastructure, and SDG 10, which seeks to reduce inequalities in access to resources. By extending telecommunications access, UCUSAF helps bridge the digital divide and improve equity while supporting SDG 11 for sustainable cities.¹⁴²⁰ UCUSAF receives annual contributions from licensed telecom operators, who pay a 2% levy on their gross revenues, ensuring that underserved populations gain access to essential communication services.¹⁴²¹

In May 2024, MTN Uganda announced a contribution of UGX 42.5 billion to the UCC's Universal Service and Access Fund, up from UGX 36 billion the previous year.¹⁴²² This investment underscores MTN Uganda's commitment to bridging the digital divide and aligns with its 2025 strategy for digital solutions in Africa.¹⁴²³ Similarly, Airtel Uganda contributed UGX 34.8 billion to the rural communications development fund, which has funded ICT training centres in schools and internet towers in underserved communities over the past five years.¹⁴²⁴

In 2024, notable advancements were made in telecommunications, particularly with a solar-powered telecom site inaugurated in Lapono, Agago district, led by the Uganda Communications Commission's Universal Service and Access Fund (UCUSAF). This project aims to enhance network access in underserved areas while promoting sustainability. UCC plans to establish 63 additional sites with Towerco Africa, with seven already constructed and four operational in

1418 World Bank, 'Urban population (% of total population) - Uganda' <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=UG> (accessed on November 17, 2024)

1419 Economist Impact, 'Inclusive Internet Index 2022 Uganda' <https://impact.economist.com/projects/inclusive-internet-index/2022/country/Uganda> (accessed on November 17, 2024)

1420 UCUSAF -Access Infrastructure Program <https://www.ucc.co.ug/ucusaf/access-infrastructure-program/> (accessed on November 18, 2024)

1421 JAVIRA SSEBWAMI, 'Airtel pays UGX 34.8Billion to rural telecom fund' (April 4, 2024) <https://www.pmldaily.com/business/2024/04/airtel-pays-ugx-34-8billion-to-rural-telecom-fund.html> (accessed on November 18, 2024)

1422 Mtn Uganda (24 May 2024). MTN Uganda announces UGX 42.5 billion contribution to UCC's Universal Service and Access Fund <https://www.mtn.co.ug/mtn-uganda-announces-ugx-42-5-billion-contribution-to-uccs-universal-service-and-access-fund/> (accessed on November 19, 2024)

1423 MTN Uganda, 'MTN Uganda announces UGX 42.5 billion contribution to UCC's Universal Service and Access Fund' (24 May 2024) <https://www.mtn.co.ug/mtn-uganda-announces-ugx-42-5-billion-contribution-to-uccs-universal-service-and-access-fund/> (accessed on November 19, 2024)

1424 <https://www.pmldaily.com/business/2024/04/airtel-pays-ugx-34-8billion-to-rural-telecom-fund.html> (accessed on November 18, 2024)

locations like Kasimbi, Nyambigha, and Kyazirimu. The estimated subsidy for these initiatives is 12 billion Ugandan shillings.¹⁴²⁵ Additionally, 1,400 underserved households in eight sub-counties received solar-powered tablets pre-loaded with data, aiding connectivity.¹⁴²⁶ UCUSAF aims to complete 200 sites over the next five years, targeting 42% coverage in 117 identified sub-counties to empower communities and foster economic development.¹⁴²⁷

In late 2023, GDIP conducted an impact assessment of the Rural Household Devices Project, initiated by the Uganda Communications Commission (UCC) under the Uganda Communications Universal Service Access Fund (UCUSAF). This project aims to provide information and communication technology (ICT) to underserved communities in Uganda. UCC distributes grid and solar-powered tablets, preloaded with six months of data bundles, to low-income households in villages. The main goals are to enhance connectivity, digital literacy, and access to information, ultimately bridging the digital divide. By December 2023, the project had completed two pilot phases and implemented a third phase, reaching 54 districts and benefiting 10,706 households. The project has significantly improved the socioeconomic landscape by addressing challenges like low literacy, affordability issues, and limited network coverage. The distributed devices are primarily used for education, income generation, and communication. Two-thirds of participants reported increased income from using the devices for business activities and time and money savings.¹⁴²⁸

UCUSAF has partnered with NUDIPU and Eight Tech Consults to improve digital skills for persons with disabilities (PWDs) in Uganda. They recently completed a needs assessment to address the digital divide for PWDs as part of a three-year program focused on enhancing ICT skills and access to e-services.¹⁴²⁹ Studies show that over 60% of PWDs need more basic ICT skills, and ownership of internet-enabled devices is low. Only 24.7% of PWDs have smartphones, 4.7% own laptops, and even fewer possess tablets or desktops. Most use these devices primarily for entertainment rather than education or accessing critical information, highlighting the need for tailored digital literacy training.¹⁴³⁰ NUDIPU, in collaboration with UCC, Eight Tech Consults, and other stakeholders, is also working to enhance ICT adoption and access to e-services for PWDs. By 2024, over 54,339 individuals have joined the program.¹⁴³¹

The UCC-funded e-booster program aims to enhance financial inclusion in Uganda's underserved fishing communities by digitising Savings and Credit Cooperative Organizations (SACCOs).¹⁴³² An assessment revealed that while 90% of respondents own a phone (38% have smartphones), only 10% have reliable internet access, and 62.4% have yet to experience the Internet. Over 80% of those surveyed earn less than 500,000 Ugandan shillings monthly. Despite this, 77% are members of savings groups, primarily relying on paper-based ledgers for record-keeping, which poses challenges like fraud and delays—only 3% use automated systems, signalling a need for improvement.

On a positive note, the Uganda Communications Commission is expanding mobile networks, with 600,000 new mobile subscriptions in Q2 2023, resulting in a penetration rate of 77 active mobile

1425 Mary Gorret Nakiganda, 'UCC unveils solar telecom site in Agago District' (February 13, 2024) <https://ideashouse.news/ucc-unveils-solar-telecom-site-in-agago-district/> (accessed on November 19, 2024)

1426 1,400 households in Uganda get solar-powered tablets <https://sun-connect.org/1400-households-in-uganda-get-solar-powered-tablets/> (accessed on November 19, 2024)

1427 Roger Bambino, 'UCUSAF: Why is UCC rolling out own telecom network?' (February 6, 2024) <https://techjaja.com/ucsaf-why-is-ucc-still-rolling-out-own-telecom-network/> (accessed on November 19, 2024)

1428 Global Digital Inclusion Partnership, 'Connecting the underserved and unserved: What can we learn from Uganda' (January 24, 2024) <https://globaldigitalinclusion.org/2024/01/24/connecting-the-underserved-and-unserved-what-can-we-learn-from-uganda/> (accessed on November 19, 2024)

1429 <https://guru8.net/2024/06/ucc-ucsaf-partner-with-nudipu-and-eight-tech-consults-to-boost-digital-skills-for-persons-with-disabilities-in-uganda/> (accessed on November 20, 2024)

1430 Davis Kawalya, 'UCC, UCUSAF Partner With NUDIPU and Eight Tech Consults to Boost Digital Skills for Persons with Disabilities in Uganda' (Jun 14, 2024) <https://guru8.net/2024/06/ucc-ucsaf-partner-with-nudipu-and-eight-tech-consults-to-boost-digital-skills-for-persons-with-disabilities-in-uganda/> (accessed on November 19, 2024)

1431 ICT for Persons With Disabilities App <https://app.ict4personswithdisabilities.org/> (accessed on November 19, 2024)

1432 Cinnamon News, 'UCC funded e-booster program moves to bring financial inclusion through digitization of SACCOS amongst Uganda's underserved fishing communities' (July 15, 2024) <https://cinnamonclubs.com/ucc-funded-e-booster-program-moves-to-bring-financial-inclusion-through-digitization-of-saccos-amongst-ugandas-underserved-fishing-communities/> (accessed on November 19, 2024)

phone subscriptions per 100 Ugandans.¹⁴³³¹⁴³⁴ The number of active mobile internet users reached 12.5 million, driven by smartphone usage. In education, 85% of government secondary schools have computer labs with internet access.¹⁴³⁵ To address the lack of technology at the primary level, UCC will provide internet services to 50 primary schools and having held a pre-bid meeting on December 19, 2023, to discuss the initiative. The subsequent stages of the procurement process are ongoing.¹⁴³⁶ In the coming months, an update will be provided regarding the section of service providers and timelines for distributing internet services to 50 primary schools.

In March 2024, TowerCo of Africa Uganda, partnering with the European Investment Bank, announced plans to install 506 new telecom towers to improve rural connectivity.¹⁴³⁷ Meanwhile, the Ministry of Information and Communications Technology launched a five-year National Digital Transformation Roadmap in 2023 to expand the National Backbone Infrastructure (NBI) to 73 additional districts and 20 towns by 2028, aiming for connectivity in 3,000 government units at speeds of 20 Gbps.¹⁴³⁸ As of August 2023, 1,466 government sites were connected.¹⁴³⁹ In 2024, the government's roadmap was to extend an additional 800 Wi-Fi hotspots in underserved areas.¹⁴⁴⁰ However, it may extend beyond 2024 because the government plans to connect at least 90 percent of households to internet access by 2040.¹⁴⁴¹

UCUSAF runs various programs to bridge the digital divide and promote inclusive growth. These initiatives include Information and Communication Technology (ICT) in Education, ICT for Persons with Disabilities, Digital Skilling, and Internet Connectivity. The Access Infrastructure Program focuses on improving connectivity in economically challenging areas by constructing strategically located sites.¹⁴⁴² With a comprehensive approach and ambitious plans, UCUSAF aims to enhance access to ICTs in Uganda's unserved and underserved communities.

1433 <https://cinnamonclubs.com/ucc-funded-e-booster-program-moves-to-bring-financial-inclusion-through-digitization-of-sac-cos-amongst-ugandas-underserved-fishing-communities/> (accessed on November 19, 2024)

1434 MTN Uganda announces UGX 42.5 billion contribution to UCC's Universal Service and Access Fund <https://www.mtn.co.ug/mtn-uganda-announces-ugx-42-5-billion-contribution-to-uccs-universal-service-and-access-fund/> (accessed on November 18, 2024)

1435 <https://www.mtn.co.ug/mtn-uganda-announces-ugx-42-5-billion-contribution-to-uccs-universal-service-and-access-fund/> (accessed on November 19, 2024)

1436 <https://www.newvision.co.ug/opportunities/tenders-1208> (accessed on January 7, 2025)

1437 EIB Publications, 'Uganda: US\$40 million European backing for Uganda rural telecom expansion' (7 March 2024) <https://www.eib.org/en/press/all/2024-097-usd40-million-european-backing-for-uganda-rural-telecom-expansion> (accessed on November 19, 2024)

1438 DIGITAL TRANSFORMATION ROADMAP 2023/2024 - 2027/2028 <https://ict.go.ug/wp-content/uploads/2023/08/Digital-Transformation-Roadmap.pdf> (accessed on November 19, 2024)

1439 National Backbone Infrastructure Project (NBI/EGI) <https://www.nita.go.ug/projects-service-portfolio/national-backbone-infrastructure-project-nbiegi> (accessed on November 28, 2024)

1440 MYUG WiFi <https://www.nita.go.ug/MYUG%20WiFi> (accessed on November 28, 2024)

1441 <https://tnnuganda.com/2023/08/17/govt-to-connect-90-of-ugandan-households-to-internet/> (accessed on January 7, 2025)

1442 <https://techjaja.com/ucusaf-why-is-ucc-still-rolling-out-own-telecom-network/> (accessed on November 18, 2024)

Uganda Score Index

The scorecard below reflects significant challenges in ensuring rights related to freedom of expression, access to information, and data protection. Many areas require urgent attention and reform.

TheScore Indicator	ACHPR Declaration <i>(P stands for Principle)</i>	Score	Justisification
Internet Shutdowns	P38(2)	3	Internet shutdowns significantly hinder access to information and limit communication, demonstrating a serious breach of rights.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	2	The absence of adequate laws to ensure internet access highlights a critical gap that impedes equity and inclusivity.
False News Criminalisation	P22(2)	1	While there are regulations that might address misinformation, they often fail and undermine the protection of freedom of expression. They can be misused against dissent, especially given the reference to arrests related to false news.
Sedition Legislation	P22(2)	1	Sedition laws restrict free expression and are used to silence criticism, posing a serious threat to democratic norms.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	1	The prevalence of arbitrary arrests creates an atmosphere of fear and inhibits free speech and civil liberties.
Data Protection Legislation.	P42	4	While some data protection measures and regulations exist, there is a lack of an independent Data Protection Authority; their implementation remains inconsistent and insufficient to safeguard personal privacy effectively.
States interfere and require the removal of online content by internet intermediaries.	P38 and P39(4)	2	State interference in online content removal undermines free expression and indicates censorship practices that severely restrict access to information and limit the diversity of online viewpoints.
Invasion of Privacy of Communications	P41	2	Continuous invasion of privacy represents a significant violation of personal rights and undercuts trust in digital communications

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Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	Limited proactive information dissemination limits public awareness and engagement, contravening principles of transparency and accountability.
AI and Emerging Technologies National strategies	P39(6)	3	While some strategies may exist, their effectiveness and alignment with international standards require further evaluation and enhancement.
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	The current status of child digital safety and privacy in Uganda remains insufficient. While there are some existing frameworks, they lack specific provisions targeting the online safety of children. More comprehensive policies and laws are needed to adequately address the unique risks children face in the digital environment, including online harassment and exploitation. Additionally, efforts to raise awareness and educate parents, guardians, and children about digital privacy are still limited. There's a pressing need for collaborative initiatives involving government, civil society, and tech companies to create a safer online experience for children. The African Union's recent establishment of a Child Online Safety and Empowerment Policy may have an impact on upcoming initiatives in Uganda regarding this issue.
12. Digital Inclusion	P37(3)	3	There are efforts to improve digital inclusion, but disparities in access and utilisation indicate a need for more extensive initiatives.
TOTAL SCORE (up to 60)		28	

What does the above score of 28 mean for Uganda? A total score of 28 highlights significant challenges in Uganda regarding rights such as freedom of expression, access to information, and data protection, which shows that Uganda is mildly compliant. Although some positive aspects exist, such as existing data protection measures and AI strategies, the overall performance remains poor. Key issues include freedom of expression, with low scores related to sedition laws and arbitrary arrests indicating a repressive environment for media and dissent; access to information, which illustrates how internet shutdowns and inadequate disclosure practices hinder public access to essential information, undermining democratic values; data protection, where existing measures are inconsistent and inadequate, suggesting a need for stronger frameworks to protect personal data and privacy; and digital inclusion, which indicates that efforts are necessary to improve internet access across different demographics. In a nutshell, the score of 28 underscores the urgent need for reform in Uganda to address these systemic issues, promote human rights, and create an inclusive digital environment for all citizens.

Conclusion

The Uganda Digital Rights and Inclusion 2024 report underscores the need for a multi-stakeholder approach to address the country's complex digital rights challenges. While progress has been made, particularly in internet access and civic engagement, significant barriers to freedom of expression and access to information still exist, particularly concerning government restrictions and the protection of marginalised groups. Moving forward, coordinated efforts among media, civil society, government, and the private sector are essential to ensure that Uganda's digital landscape becomes a space that champions freedom of expression, safeguards privacy, and promotes inclusivity. Therefore, while the report acknowledges the principles articulated in the ACHPR Declaration, it also reveals gaps in their implementation that must be addressed for full compliance. By implementing these recommendations, stakeholders can work together to bridge the digital divide and uphold the rights and dignity of all Ugandans in the digital era.

Recommendations

The government should:

- Develop and implement comprehensive policies that align with international human rights standards and protect freedom of expression and the rights of individuals in the digital space.
- Establish clear guidelines for regulating online content that respects citizens' rights while addressing misinformation and hate speech.
- Increase investment in digital infrastructure to expand internet access in rural areas and ensure equitable connectivity for all citizens.

The Media should:

- Foster a culture of responsible reporting that prioritises accuracy and context, particularly regarding gender-related issues, to combat gendered disinformation.
- Enhance collaborative efforts among media organisations to share resources and best practices in combating online gender-based violence and harassment.
- Train journalists on data protection, privacy rights, and the ethical use of technology to safeguard sources and sensitive information.

The Civil Society should:

- Strengthen sensitisation efforts to raise awareness about digital rights and inclusion, especially in rural communities and marginalised groups.
- Promote digital literacy programs that empower individuals, particularly women, to navigate online spaces safely and effectively.
- Collaborate with grassroots organisations to address the unique challenges women and other vulnerable populations face in the digital landscape.
- Strengthen advocacy efforts for specific policies, such as the in-country Artificial Intelligence policy, and repeal problematic laws, such as the Regulatory Framework for Online Platforms, Public Order Management Act (2013), Telecommunications Act, and Media Council Act, among others, to enhance freedom of expression and online rights.
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The Private Sector should:

- Promote corporate social responsibility initiatives that enhance internet accessibility and digital literacy in underserved communities.
- Collaborate with civil society and government to create safer online environments by

enhancing content moderation practices and protecting user privacy.

- Invest in technologies and platforms that prioritise user rights and facilitate greater engagement in online spaces, especially for marginalised groups.
- Develop community standards for content moderation that promote rights and address technology-facilitated gender-based violence (TFGBV).

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Executive Summary

The Londa Zambia report assesses key developments which have taken place in Zambia's Information and Communications Technology and human rights space in 2024. The report covers thematic areas including, but not limited to, online freedom of expression, data protection, cybersecurity, and digital inclusion. It also reviews the implementation of the Universal Access and Service Fund. The report was compiled through a combination of desktop research, quantitative research, as well as discussions with experts. This year's edition is also bolstered by the introduction of Paradigm Initiative's proprietary *TheScore Index*, which assesses Zambia's compliance with human rights considerations guided by the African Commission on Human and Peoples' Rights' *Declaration of Principles on Freedom of Expression and Access to Information*.

In 2024, the period under review, the ICT sector witnessed some key developments. These include the launch of a fourth mobile phone operator, Zed Mobile, which committed to an investment of US\$400 into its operations. The Ministry of Technology and Science launched the long-awaited National Artificial Intelligence Policy and the sector also continued to attract attention from global sources, with Google Cloud committing to establish a Centre of Excellence in Zambia, for example. Overall, the use of mobile and internet services continued a positive trajectory in the period under review, with more individuals gaining access to services.

However, concerns also abounded in the period under review, with the increasing arrests of opposition leaders, journalists, and civil rights activists on charges ranging from sedition to hate speech. The government also advanced its attempts to pass Cybersecurity and Cyber Crimes Bills which have been cautioned by civil society and human rights defenders, to contain human rights violating provisions

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Introduction

Zambia is a land-locked Southern African country, sharing its borders with eight countries comprising Angola, Tanzania, Zimbabwe, Namibia, the Democratic Republic of Congo, Mozambique, Malawi, and Botswana.¹⁴⁴³ The country's economy is heavily reliant on mining, a significant contributor to its gross domestic product (GDP) which stood at \$27.6 billion in 2023, tax revenues and export earnings.¹⁴⁴⁴ The Agriculture sector is also a mainstay, employing over 70% of Zambia's population.¹⁴⁴⁵ Zambia is a stable democracy, characterised by relatively peaceful elections and power handovers. The current president, Hakainde Hichilema, and his United Party for National Development (UPND) entered into power in August 2021 after a sixth attempt at the presidency.¹⁴⁴⁶ This win was largely driven by support from the country's youths as Hakainde gained popularity from a pledge to improve the country's socio-economic growth trajectory impacted by years of economic decline and political mismanagement.

However, the economic turnaround has been slow to materialise with many of the country's population living in poverty as heightened inflation and weakened consumer spending power contribute to growing citizen dissatisfaction. Against this backdrop, the country is also approaching presidential elections in August 2026, which has seen tensions ratchet up between the incumbent and opposition parties.¹⁴⁴⁷

Zambia scores 45 out of 60 on Paradigm Initiative's *TheScore Index*. This is a digital rights index which evaluates the compliance of the country with key human rights elements and is guided by the African Commission on Human and Peoples' Rights' *Declaration of Principles on Freedom of Expression and Access to Information*.

Zambia's eighth National Development Plan identifies Information and Communication Technologies (ICTs) as a vital part of driving the country's economic transformation. However it also concedes that factors such as limited infrastructure, low digital skills, and restricted access to ICT devices¹⁴⁴⁸ have contributed to the challenges facing the sector.

A number of institutions and actors play a role in Zambia's ICT sector. Chief of these is the Ministry of Technology and Science which oversees ICT policy development and implementation while the Zambia Information and Communications Authority (ZICTA) is the sector regulator. The Electronic Government (e-Gov) Division also known as the Smart Zambia Institute was established by Hichilema's signing of the Commencement Order for the Electronic Government Act No. 41 of 2021. The Institute is responsible for the management and promotion of electronic Government services and processes for the improvement of public service delivery.¹⁴⁴⁹ It is guided by the National Electronic Government Plan 2023 - 2026 which sets out a foundation for enhanced service delivery, accessibility, transparency, and efficiency between the government and citizens and the private sector.

Zambia's ICT landscape is also shaped by a number of laws as well as critical policies such as the National ICT Policy 2023, the National Digital Transformation Strategy 2023 - 2027, the National ICT Policy Implementation Strategy 2022 - 2026 and Strategic Plan 2022- 2026.¹⁴⁵⁰

1443 World Atlas 'Which Countries Border Zambia' (2025) <https://www.worldatlas.com/articles/what-countries-border-zambia.html> (accessed on 13 October 2024).

1444 PwC 'Zambia 2024 Mining Report' (2024) <https://www.pwc.com/zm/en/publications/zambia-mining-report.html#:~:text=The%20min-ing%20sector%20continues%20to%20be%20a%20cornerstone,domestic%20product%20%28GDP%29%2C%20tax%20revenues%20and%20export%20earnings> (accessed on 30 October 2024).

1445 International Monetary Fund 'Boosting Productivity and Enhancing Climate Resilience in Zambia's Agriculture Sector' (2023) <https://www.elibrary.imf.org/view/journals/002/2023/257/article-A003-en.xml> (accessed on 3 November 2024).

1446 BBC 'Zambia election: Hakainde Hichilema beats President Edgar Lungu' (2021) <https://www.bbc.com/news/world-africa-58226695> (accessed on 30 October 2024).

1447 Bulawayo 24 News 'Edgar Lungu, the Tonse Coalition, and Zambia's political landscape: A clash of visions ahead of the 2026 elections' (2024), (accessed 27 November 2024).

1448 Ministry of Finance and National Planning '8NDP (2022-2026)' <https://www.mofnp.gov.zm/?wpdmpo=8ndp-2022-2026>

1449 Smart Zambia Institute <https://www.szi.gov.zm/> (accessed on 21 November 2024)

1450 Kalembe 'Mutati launches ICT policy, digital transformation strategic plan' (2023) <https://kalembe.news/busi ness/2023/10/14/muta-ti-launches-ict-policy-digital-transformation-strategic-plan/> (accessed 11 November 2024).

Internet access

As of mid-2024, Zambia had 21.9 million mobile SIM cards representing year-on-year growth of 8.9% and a penetration rate of 109.2%, according to official data from ZICTA. The number of internet subscriptions also grew by 10.2% from 2023, to 12.6 million, representing 64.1% of the country's population. By the end of June 2024, there were 93 valid licenses in the ICT sector, an increase from 89 the previous year.¹⁴⁵¹ In terms of affordability of connectivity services, Zambia's cost of data services can be considered relatively prohibitive, especially when considering the high cost of living in the country. Living cost estimates Zambia's average monthly cost of living for one person to stand at \$852,¹⁴⁵² in comparison to an average monthly salary of ZMW6000 (\$212) per month.¹⁴⁵³ According to the latest available data, Cable.co.uk's Worldwide Mobile Data Pricing 2022 report found that the average price of one gigabyte of data costs \$8.01.¹⁴⁵⁴ Data from the same firm also found that the average cost of monthly broadband in the country stood at USD 44.63 compared to Sub-Saharan Africa's USD 62.66 for the year 2024.

Freedom of expression

The National Constitution 2016¹⁴⁵⁵, affirms the right to freedom of expression¹⁴⁵⁶, assembly and association¹⁴⁵⁷, access to information¹⁴⁵⁸, and privacy.¹⁴⁵⁹ Zambia is also a signatory of regional and global human rights instruments that affirm freedom of expression online and offline, including cybersecurity and data protection. These include the African Charter on Human and Peoples Rights (ACHPR)¹⁴⁶⁰, the International Convention on Civil and Political Rights (ICCPR)¹⁴⁶¹, the Windhoek Declaration for the Development of a Free, Independent and Pluralistic Press¹⁴⁶², the African Platform on Access to Information Declaration (APAI)¹⁴⁶³ and the African Union Convention on Cybersecurity and Personal Data Protection (Malabo Convention)¹⁴⁶⁴, amongst others. Empowered by the Independent Broadcasting Authority (IBA) Act 2010, the Independent Broadcasting Authority is the regulator for the country's radio and television services.¹⁴⁶⁵

In relation to online freedoms, for 2024, Zambia ranked "partly free", with a score of 62, on the Freedom on the Net 2024 scorecard. This is a slight decline from the country's score of 59 in 2023.¹⁴⁶⁶ The country has not experienced an internet shutdown since an August 2021 partial internet shutdown which lasted 48 hours. During this time, social media platforms such as WhatsApp, Facebook, Messenger and Twitter were inaccessible. This coincided with the presidential elections which saw the change in power from the then

1451 ZICTA '2023 mid-year market report' (2023) https://www.zicta.zm/market-reports/2023_mid_year_market_report.pdf (accessed on 5 November 2024)

1452 Living Cost 'Cost of Living in Zambia' (2024) <https://livingcost.org/cost/zambia> (accessed on 9 January 2024).

1453 Average Salary Survey 'Average Salary in Zambia' <https://www.averagesalarysurvey.com/zambia> (accessed on 9 January 2024)

1454 Cable.co.uk 'Worldwide Mobile Data Pricing 2022' (2023) <https://www.cable.co.uk/mobiles/worldwide-data-pricing/> (accessed on 12 January 2024)

1455 Constitution of Zambia Act 18 of 2016.

1456 Constitution of Zambia Act 18 of 2016 art 20 n13 above.

1457 n 13 above above, art 29.

1458 n 13 art 21.

1459 n 13, art 17.

1460 African Commission on Human and People's Rights (ACHPR) Declaration on Freedom of Expression and Access to Information, <https://www.achpr.org/legalinstruments/detail?id=69> (accessed 9 November 2024).

1461 Universal Declaration of Human Rights (UDHR), <https://www.un.org/en/aboutus/universal-declaration-of-human-rights> (accessed 9 November 2024).

1462 Windhoek Declaration.

1463 African Platform on Access to Information <https://www.africanplatform.org/> (accessed 9 November 2024).

1464 African Union Convention on Cyber Security and Personal Data Protection <https://au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection> (accessed 12 December 2023).

1465 Independent Broadcasting Authority Act (amended in 2010)

1466 Zambia, Freedom House available at <https://freedomhouse.org/country/zambia/freedom-net/2024> (accessed on 19 October 2024)

ruling party Patriotic Front (PF), headed by Edgar Lungu, to Hakainde Hichilema's United Party for National Development.¹⁴⁶⁷

Concerningly, incidences of arrests of opposition leaders have been heightened during the period under review. In August 2024 the Zambia Police Service arrested PF Secretary General Raphael Nakacinda on sedition charges, where he is accused of violation of section 57 (1)(b) and section 60 (1)(b) of the Penal Code Act, Chapter 87 of the Laws of Zambia.¹⁴⁶⁸ Media outlet News Diggers reported that the arrest followed comments made by Nakacinda encouraging Edgar Lungu supporters to go to the former president's residence where, he alleged, law enforcement agencies were conducting a raid, ordered by President Hakainde Hichilema.¹⁴⁶⁹

In the same month, Dr. Fred M'membe, the leader of the Socialist Party, was also arrested and charged with seditious practices after he published an article on his X (formerly Twitter) and Facebook accounts titled, "Tshisekedi tells DRC Catholic Bishops about the USD 20 Million Payout to buy Zambia's silence." According to MISA Zambia, Rae Hamonga, the Zambia police Public Relations Officer alleged that this article intended to "bring into hatred or contempt or to incite disaffection against the government as established by law."¹⁴⁷⁰

Other actors who have faced sedition as well as espionage charges in the period under review include Edith Nawakwi, the opposition Forum for Democracy and Development leader, civil rights activist, Brebner Changala, and Members of Parliament, Munir Zulu and Maureen Mubongo.¹⁴⁷¹ In November 2024, Zambia's Catholic Bishops released a statement expressing their concern at the number of arrests of opposition leaders. The statement made the distinction between arrests on corruption charges and those of a "political nature that fall within the realm of the exercise of democratic rights."¹⁴⁷²

In October 2024, the Zambia Police Service arrested investigative journalist and chief consultant of the Zambian Whistleblower Thomas Allan Zgambo. Although the reasons were not disclosed, The Mast Newspaper reported that a police officer who spoke on condition of anonymity disclosed that Zgambo has been arrested on allegations of criminal libel.¹⁴⁷³ In response, the Committee to Protect Journalists (CPJ) released a statement condemning Zambian authorities for Zgambo's detention without charge and called for his immediate and unconditional release. CPJ noted that this was the third time Zgambo had been arrested, with prior arrests in November 2023 on a charge of seditious practices relating to an article he wrote criticizing the government over food imports, and in August 2023, again on a sedition charge for him calling on the government to reveal any links between a property it leased and Zambian president Hakainde Hichilema. CPJ also noted that Zgambo's latest arrest was on the same day that Hichilema committed to upholding

¹⁴⁶⁷ The Verge 'WhatsApp, Twitter, and Facebook are reportedly blocked in Zambia during its presidential election' (2021) <https://www.theverge.com/2021/8/12/22621875/whatsapp-twitter-facebook-blocked-zambia-presidential-election> (accessed on 22 November 2024)

¹⁴⁶⁸ Zambia Monitor 'Party chief, Nakacinda, arrested for alleged seditious practices' (2024) https://www.zambiamonitor.com/party-chief-nakacinda-arrested-for-alleged-seditious-practices/#google_vignette (accessed on 19 November 2024).

¹⁴⁶⁹ News Diggers 'Police Nap Nakacinda For Sedition' (2024) <https://diggers.news/local/2024/10/03/police-nab-nakacinda-for-sedition/> (accessed on 19 November 2024).

¹⁴⁷⁰ MISA Zambia 'Socialist President Fred M'membe arrested for seditious practices' (2024). <https://register.misa.org/2024/08/12/socialist-party-president-fred-mmembe-arrested-for-seditious-practices/#:~:text=On%20August%208%2C%202024%2C%20the%20Zambia%20Police%20Service,aged%2065%2C%20for%20the%20offence%20of%20seditious%20practices> (accessed on 19 November 2024).

¹⁴⁷¹ Zambian Monitor 'Nawakwi, Changala, Zulu, Mubungo risk 25 years jail term as state slams espionage charges on them' (2024) <https://www.zambiamonitor.com/nawakwi-changala-zulu-mubungo-risk-25-years-jail-term-as-state-slams-espionage-charges-on-them/> (accessed on 20 November 2024)

¹⁴⁷² The International Catholic News Weekly, "Zambian bishops condemn threats to 'democratic rights'", (2024), <https://www.thetablet.co.uk/news/zambian-bishops-condemn-threats-to-democratic-rights/> (accessed on 22 November 2024)

¹⁴⁷³ The Mast, "Police Arrest Journalist Thomas Zgambo", (2024), https://www.facebook.com/story.php?story_fbid=848840817448532&id=100069678643839&rdid=trBK2sQNpIXsBH7 , (accessed on 20 November 2024)

press freedom.¹⁴⁷⁴

These incidences have also caused concern globally, with United Nations (UN) experts, in August 2024, condemning allegations of arbitrary arrests and detentions on charges of unlawful assembly, espionage, hate speech and seditious practices against opposition political party leaders and members, parliamentarians, human rights defenders and activists, as well as restrictions on gatherings, meetings, peaceful protests and rallies in Zambia.¹⁴⁷⁵ The UN experts noted 26 reports of such cases since January 2022 further noting that in some cases individuals faced reprisals for expressing diverging, and critical views whilst in others, the cases were intended to “curtail participation in political and public life”.¹⁴⁷⁶ Concern has been raised by Zambia’s Conference of Catholic Bishops noting their “alarm” at the rise in the number of arrests as well as the length of detention of opposition leaders.¹⁴⁷⁷

Recent developments in the country have raised questions about the ruling party’s commitment to upholding the principles of freedom of speech and expression, particularly as they relate to citizens’ use of digital tools and social media platforms to express their opinions about socio-economic issues in the country. In October 2024, the UPND party’s Deputy Media Director, Cheelo Katambo, strongly criticised ZICTA for what he termed “the continued embarrassment of our president as if we are a nation without laws and institutions”, which were taking place online.¹⁴⁷⁸ In the same month, ZICTA’s Director General Choolwe Nalubamba resigned from his role, with no reason provided for this.¹⁴⁷⁹

According to data from Meta, the social media platform received legal requests from the government of Zambia, one was an emergency disclosure request, and five user/account requests from the government between July and December 2023. The social media platform did not comply with any of these requests.

Zambia has long been a signatory of the African Platform on Access to Information.¹⁴⁸⁰ In December 2023, President Hakainde Hichilema enacted the historical Access to Information law which was pending for over 20 years, and a source of great controversy. The Act is intended to eliminate bottlenecks associated with accessing vital state and public interest information, build trust between government and citizens and in turn promote accountability, transparency and human rights in the country. However, some civil society and human rights organisations have indicated that while the current law meets acceptable international standards it still needs more work. For example, although the majority of government Ministries endeavour to provide critical information such as budget speeches and ministerial declarations they call for more proactive and detailed disclosure of information by the government. One example is through the placing of responsibility of monitoring compliance with the Act on the government through the Information Ministry instead of an oversight body like the Human Rights Commission as prescribed by the African Union Model Law on Access to Information for Africa.¹⁴⁸¹

1474 ZANIS TV ‘Promise of a new dawn for press freedom here to stay – HH’ (2022) <https://www.facebook.com/watch/?mibextid=W-C7FNe&v=858448373122944&rdid=98tZClvdsrlskU5E> (accessed on 13 November 2024)

1475 United Nations Human Rights Office of the High Commissioner, ‘Zambia must immediately halt downward spiral of infringements on fundamental freedoms: UN experts’ (2024) <https://www.ohchr.org/en/press-releases/2024/08/zambia-must-immediately-halt-downward-spiral-infringements-fundamental> (accessed on 14 November 2024)

1476 As above

1477 Voice of America ‘Zambia’s Catholic Bishops Raise Concern Over Rights Violations’ (2024) Zambia’s Catholic Bishops Raise Concern Over Rights Violations - allAfrica.com (accessed on 25 November 2024)

1478 CAJ News Africa, ‘Heads roll at Zambia telecoms regulator’ (2024) <https://www.cajnewsafrica.com/2024/10/15/heads-roll-at-zambia-telecoms-regulator/> (accessed on 25 November 2024)

1479 News Diggers ‘ZICTA DG resigns’ (2024) <https://diggers.news/local/2024/10/11/zicta-dg-resigns/> (accessed on 10 November 2024)

1480 African Platform on Access to Information available at <https://www.africanplatform.org/> (accessed 20 November 2024).

1481 News Diggers ‘Access to Information A Pandora’s Box’ (2023) <https://diggers.news/guest-diggers/2023/12/19/access-to-information-bill-a-pandoras-box/> (accessed 20 November 2024).

Data Protection and Privacy

In regards to data protection, the government enacted the Data Protection Act in 2021, and established a Data Protection Office with Mr Likando Lyuwa appointed as the Commissioner.¹⁴⁸² However, adequate cyber regulation has been slower to materialise. In August Zambia's Cabinet repealed the Cyber Security and Cyber Crimes Act No. 2 of 2021, and instead divided it into two separate bills: the Cyber Security Bill, 2024, and the Cyber Crimes Bill, 2024. The government noted the primary goals of the Cyber Security Bill, 2024, including the establishment of the Zambia Cyber Security Agency and the safeguarding of critical information and its infrastructure, among other objectives.

In contrast, the Cyber Crimes Bill, 2024, aims to criminalise unlawful activities associated with computer systems and information communication technologies, while also ensuring the protection of individuals from cyber crimes and enhancing online safety for children.¹⁴⁸³ In November 2024, the government of Zambia attempted to pass the two bills through Parliament, leading to outcry from stakeholders including the public and civil society. A coalition of over 15 civil society organisations (including PIN) quickly mobilised against the planned passage of the bills. The coalition noted concerns that elements of the bills gave the president and the government inordinate and undemocratic power over citizens utilisation of the internet; unjustified and barely fettered access to the private communication of citizens, political parties and all entities that use the internet in the country; extensive surveillance powers of citizens, citizen groups and enterprises without clear accountability or justification; vaguely defined crimes that carry highly punitive consequences; and power to suppress freedom of expression and dissent. On December 5, the government of Zambia deferred the reading of the bills in Parliament, citing the need for further consultation.¹⁴⁸⁴

The development of a rights-respecting, robust cybercrime regulatory environment comes as cybercrime poses a rapidly growing threat to Zambia's security, economy, and population. ZICTA's 2022 National Cyber Risk Assessment Report revealed that the highest level of sector vulnerabilities are in the government, healthcare and water and sanitation institutions. On the other hand, financial and banking institutions have a potential worst-case impact of up to 3% of the country's GDP.¹⁴⁸⁵ In November 2024, Milner Makuni, the government's Director of Communication and Digital Technologies, divulged that Zambia registered 100,000 cybercrime cases, primarily on social media platforms, in 2022, according to the last available data.¹⁴⁸⁶

In April 2024, combined efforts from the Drug Enforcement Agency police, the immigration department and the anti-terrorism unit led to the arrest of 77 people on cyber crimes-related charges. The authorities confiscated over 13,000 local and foreign mobile phone SIM cards, two firearms and 78 rounds of ammunition during the raid. While the majority of those arrested were Zambian, in June 2024 22 Chinese nationals from the syndicate and one Cameroonian national were among those sentenced to terms ranging from 7 to 11 years and fined between \$1500 and \$3000 after pleading guilty to charges of computer-related misrepresentation, identity fraud and illegally operating a network or service.¹⁴⁸⁷

In February 2024 the Zambia Police Service announced the arrests and charges against four suspects, Alick Sakala, Chimango Luhanga, Samuel Mweene, and Albert Chikumbi, for a range of cybercrime offences including identity theft, hate speech, and the use of Insulting language.¹⁴⁸⁸

¹⁴⁸² Zambia National Broadcasting Corporation (ZNBC) "Office of the data protection Commissioner coming" (2023) [https:// www.znbc.co.zm/news/office-of-the-data-protection-commissioner-coming/](https://www.znbc.co.zm/news/office-of-the-data-protection-commissioner-coming/) (accessed 15 November 2023).

¹⁴⁸³ Zambian Monitor, "Zambia's cabinet endorses new cyber security, cyber crimes legislation", (2024), https://www.zambiamonitor.com/zambias-cabinet-endorses-new-cyber-security-cyber-crimes-legislation/#google_vignette, (accessed on 20 November 2024)

¹⁴⁸⁴ News Diggers 'Govt Defers Cyber Security and Cyber Crime Bills' 2024 <https://diggers.news/local/2024/12/06/laz-media-owners-other-csos-reject-enactment-of-cyber-laws/> (accessed on 13 January 2024)

¹⁴⁸⁵ Zambia Information and Communication Technology Authority (ZICTA) 'National Cyber Risk Assessment Report (2022) .

¹⁴⁸⁶ ITweb Africa 'ITU, Zambia form cyber security alliance' (2024), <https://itweb.africa/content/o1Jr5qxPGgeqKdWL> (accessed on 21 November 2024)

¹⁴⁸⁷ AP '22 Chinese nationals sentenced to long prison terms in Zambia for multinational cybercrimes' (2024), <https://apnews.com/article/zambia-chinese-nationals-jailed-cybercrimes-f0e1dec5c4a08a23c270c469f70f8557> (accessed on 20 November 2024)

¹⁴⁸⁸ Zambian Day 'Police Bust Cyber Criminals' (2024), <https://www.facebook.com/zambianday/posts/police-bust-cyber-criminals-police-statement-four-suspects-officially-charged-an/1196494231565261/> (accessed on 21 November 2024)

AI and Emerging Technologies

In November 2024 the government of Zambia launched its artificial intelligence (AI) strategy, which was developed in conjunction with Zambian experts and supported by the government of Finland and the Tony Blair Institute for Global Change.¹⁴⁸⁹ Through this launch, the country joins a small group of African countries, identified by Musoni, which have a dedicated AI strategy, including Rwanda, Benin, Egypt, Morocco, Mauritius, Tunisia, Sierra Leone, and Senegal.¹⁴⁹⁰ The AI strategy comprises five focus areas: (i) Digital Trees to enhance connectivity, (ii) Reliable Data for efficiency and sustainability, (iii) Trust and Confidence to safeguard cyberspace, (iv) fostering innovation and entrepreneurship, and (v) creating partnerships.¹⁴⁹¹

The adoption of a dedicated AI strategy is well timed as the government is already adopting the use of artificial intelligence technologies. For example, in April 2024, the Minister of Finance announced that the government is operationalising the country's national Ground Receiving Station satellite data which can be used to enable the use of artificial intelligence in the areas of precision agriculture, mineral exploration, and natural resource management.¹⁴⁹²

Digital Inclusion

The August 2024 launch of Zed Mobile, the country's fourth mobile network operator, though positive for consumer choice, is unlikely to move the needle significantly in terms of improving access to mobile and internet services unless the investment focuses outside of the country's urban centres which are already saturated with network accessibility. The operator's technical strategy is focused on rolling out 4G coverage for data and voice as well as a 5G deployment. However, at present its services are only available in parts of the capital city Lusaka.¹⁴⁹³

In the Minister of Finance, Situmbeko Musokotwane's Budget Speech for 2025, presented in October 2024, he noted that the launch of Starlink in the country, which took place in March 2023 is supporting the connectivity of unserved and underserved areas. In a bid to improve public service delivery, the government has also procured 525 Starlink kits, with 288 of these to be installed in 109 post offices, 23 youth resource centres, and the country's 156 constituency offices by end-2024. The minister also committed that the kits would be installed in areas including agriculture camps, selected local authorities, and border facilities, by end-2024.¹⁴⁹⁴ This is part of the government's plan to establish Digital Transformation Centres. These centres aim to provide Internet access, as well as training programs for digital literacy and skills such as digital entrepreneurship and innovation.¹⁴⁹⁵ The government established 48 Digital Transformation Centres out of which 23 are located in youth resource centres and 25 in rural post offices. By December 2024, it also set the goal of repurposing 75 Post Offices into Digital Transformation Centres with full internet connectivity by the end of the year. In 2025, an additional 50 post offices will be repurposed into Digital Transformation Centres.¹⁴⁹⁶

The government also announced that it will construct 202 new towers by the end of 2024 as an investment in the country's communication and technology infrastructure. The private sector has pledged to construct 31 of these, while the government will construct 171 of the towers through ZICTA, at a cost of ZMW409 million.¹⁴⁹⁷

1489 Government of Zambia, 'Artificial Intelligence strategy launched, a stepping stone to wealth and job creation' <https://www.mots.gov.zm/?p=4492>

1490 M Musoni, "Envisioning Africa's AI governance landscape in 2024" (2024) <https://ecdpm.org/work/envisioning-africas-ai-governance-landscape-2024#:~:text=Currently%2C%20less%20than%2010%20African%20countries%20have%20national,Egypt%2C%20Morocco%2C%20Mauritius%2C%20Tunisia%2C%20Sierra%20Leone%2C%20and%20Senegal>. (accessed on 4 November 2024)

1491 Zambia Monitor 'Zambia launches artificial intelligence strategy to boost digital economy' (2024) https://www.zambiamonitor.com/zambia-launches-artificial-intelligence-strategy-to-boost-digital-economy/#google_vignette (accessed on 22 November 2024)

1492 Government of Zambia '2025 Budget Speech' (2024) https://www.parliament.gov.zm/sites/default/files/images/publication_docs/2025%20BUDGET%20SPEECH%20%20FINAL.pdf (accessed on 29 October 2024)

1493 Zed Mobile, <https://zedmobile.co.zm/about/> (accessed on 19 November 2024)

1494 Government of Zambia, '2025 Budget Speech' (2024) https://www.parliament.gov.zm/sites/default/files/images/publication_docs/2025%20BUDGET%20SPEECH%20%20FINAL.pdf (accessed on 29 October 2024).

1495 The Punch, Zambia to build nationwide digital hubs for free internet (2024) <https://www.msn.com/en-xl/africa/other/zambia-to-build-nationwide-digital-hubs-for-free-internet/ar-AA1IKItU?ocid=BingNewsVerp> (accessed on 21 November 2024).

1496 Government of Zambia, '2025 Budget Speech' (2024) https://www.parliament.gov.zm/sites/default/files/images/publication_docs/2025%20BUDGET%20SPEECH%20%20FINAL.pdf (accessed on 29 October 2024).

1497 As above.

Electricity challenges which have plagued the country for the better part of 2024 have also had a negative impact on bridging the digital divide. The government attributed this to record low water levels in the country which is highly reliant on hydroelectric power.¹⁴⁹⁸ Mobile network operators have lamented the high costs of rolling out network infrastructure as well as maintaining services owing to the marked decline in electricity access with blackouts lasting up to 16 hours per day. As such, consumers have also borne the brunt and struggled to remain connected to communications services in the country.

However, in an upside for connectivity in the country, the Zambian government has focused strongly on driving up investments into the country's ICT infrastructure. In July 2024, the World Bank pledged US\$100 million to invest in Zambia's digital infrastructure to increase access to the internet and digital services for the population.¹⁴⁹⁹ In November 2024 the global connectivity provider Angola Cables also announced that it plans to enter into the Zambian market to provide internet connectivity.¹⁵⁰⁰ In June, Google, through its subsidiary, Google Cloud, and the Ministry of Technology and Science, signed a Memorandum of Understanding for the creation of a Centre of Excellence in digital transformation and innovation to promote skills development and knowledge sharing.¹⁵⁰¹ In October 2024 the governments of Zambia and Burundi signed a memorandum of understanding to connect the two countries via an underwater fibre optic cable submerged in Lake Tanganyika. This would make it the ninth country to be connected to Zambia by cable, behind Angola, Botswana, the Democratic Republic of Congo, Malawi, Mozambique, Namibia, Tanzania and Zimbabwe.¹⁵⁰²

Digital IDs

By the end of 2023, over 1 million Zambians had registered for digital identity cards.¹⁵⁰³ This follows the introduction of the Integrated National Registration Information System (INRIS) project in 2022, a digital biometric national identity management system that will replace the traditional paper and manual national registration system. The Presidential Delivery Unit pledged a goal of registering 100% of the population over 16-years-old for digital ID cards within six months of rollout.¹⁵⁰⁴ While no further information, regarding adoption, was available in this regard, in January 2025, the SMART Zambia Division issued a general procurement notice for digital ID and trust services under the Digital Zambia Acceleration Project. As part of the project, the government aims to develop a digital ID and trust services framework to create a "secure and reliable" platform for the identification of citizens to enable their access to public and private sector services. The project has a total value of \$100 million, and the government divulged that it had received \$6 million from the World Bank as a project advance for the procurement of goods, works, and services under the project.¹⁵⁰⁵

1498 International Growth Center 'Lights out: Zambia's electricity crisis' (2024) <https://www.theigc.org/blogs/lights-out-zambias-electricity-crisis#:~:text=Low%20water-levels%20at%20the%20main%20reservoirs%20for%20hydroelectric,businesses%20unprepared%20and%20without%20back-up%20sources%20of%20energy.> (accessed on 16 January 2024)

1499 Developing Telecoms 'World Bank pledges US\$100m for Zambia digital acceleration project' <https://developingtelecoms.com/telecom-business/telecom-investment-mergers/17043-world-bank-pledges-us-100m-for-zambia-digital-acceleration-project.html> (accessed on 19 November 2024).

1500 Developing Telecoms 'Angola Cables looks to expand into Malawi, Zambia, and Zimbabwe' (2024), <https://developingtelecoms.com/telecom-technology/optical-fixed-networks/17625-angola-cables-looks-to-expand-into-malawi-zambia-and-zimbabwe.html> (accessed on November 21 2024).

1501 ITWeb Africa 'Google to open AI centre of excellence in Zambia' (2024) <https://itweb.africa/content/nWJad7bNdrQ7bjO1> (accessed on November 23 2024)

1502 Developing Telecoms 'Burundi and Zambia plan cable connection' (2024) <https://developingtelecoms.com/telecom-technology/optical-fixed-networks/17421-burundi-and-zambia-plan-cable-connection.html> (accessed on November 21 2024).

1503 African Wireless Communications 'Zambia's first million digital ID cards registered' (2023) <https://www.africanwirelesscomms.com/news-details?itemid=7069>

1504 IT Web Africa: Zambia 'Zambia transitions to a digital IDs' (2023) <https://itweb.africa/content/P3gQ2qGAWYN7nRD1/ap6Gx-RKqYaqb3Wjr> (accessed 15 December 2023).

1505 Biometric Update 'Zambia issues general procurement notice for digital ID, trust services project' (2025) <https://www.biometricupdate.com/202501/zambia-issues-general-procurement-notice-for-digital-id-trust-services-project>

Review of Universal Access and Service Fund

ZICTA is responsible for administering the country's Universal Access and Service Fund (UASF) which is established under the ICT (Universal Access) Regulations Act 2012.^[47] The regulator has been consistent in the collection of the UASF, which stands at 1.5% of operator revenues, and the governance and administration of the Fund have improved over the years through institutional reforms and clear implementation plans. While the Fund alone may not be sufficient to meet the country's ICT deficits, the overall impact can be seen.

The regulator's annual report for 2023, which is the latest available annual issue, notes that in 2023 the Universal Access Service Fund (UASF) utilised the fund for activities such as the provision of 845 computers, 25 printers, five smartboards, and 21 projectors to 25 institutions nationwide.

In collaboration with Fibrecom, the regulator began a project to connect 15 tertiary institutions to the internet. The project was part of the regulator's aim to provide low-cost broadband services to education institutions in the country. It aimed for completion in 2024, connecting 63 learning institutions to the Government Wide Area Network (GWAN), with the project set for completion in 2024. In the same period, the UASF also enabled the provision of customised ICT equipment to institutions, specifically for use by persons with disabilities; introduction of connectivity and provision of ICT equipment (60 laptops, 15 tablets, 17 printers, and one projector) to the Kalulushi General Hospital and New Gwembe District Hospital, as well as the development of an e-learning platform. The grade 10 and 11 syllabi were validated by end-2023; and the initiation of the construction of 31 communication towers, under the Communication Towers Program. As at the end of 2023, 213 towers had been constructed under the program.

In its mid-year market report for 2024, the regulator announced that under its Universal Access and Service Fund it had begun the construction of 51 telecommunication towers and the relocation of 40 towers in the first half of 2024.¹⁵⁰⁶

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Zambia Score Index

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
1. Internet Shutdowns	P38(2)	5	Internet shutdowns have generally not been the norm in Zambia's technology journey. There have been no internet shutdowns in 2024. The last one was in 2021, and was generally seen as an outlier, during the country's last presidential elections which saw a change of government.
2. Laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	The Universal Access and Service Fund law exists and is a mandate of the regulator ZICTA with targets every year. The challenge here is really around the transparency regarding the total funds allocated and spent each year, how well the targets are being met, as well as regular and traceable reporting. Greater disclosure and transparency required around efficient and adequate use of UASF is needed.
3. False News Criminalisation	P22(2)	3	Increasing incidences reported of arrests and charging of ordinary citizens based on posts they make on social media deemed to be false news.
4. Sedition Legislation	P22(2)	2	Increasing reliance on sedition charges, particularly targeting opposition leaders.
5. Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	2	Increasing incidences reported mainly of arrests of journalists who report on the government and alleged corruption and governance issues.
6. Data Protection Legislation.	P42	4	Data protection legislation has been enacted. Implementation and enforcement has been very slow, also the independence of the data protection commissioner from the president's office is in question as they are appointed by the president's office. Also the Data Commissioners office is notoriously under resourced funds and personnel wise.
7. States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	4	This has not been reported in 2024.

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8. Invasion of Privacy of Communications	P41	3	Not reported in 2024. The last notable instance was in 2023 when the regulator required live facial photographs for individuals requiring SIM cards. The matter was taken to court by Chapter One Foundation and Bloggers of Zambia. However the planned cybersecurity legislation is concerning because it includes a provision for ex parte applications for access to, confiscation, and surveillance of citizens' communications.
9. Failure by the government to proactively disclose and disseminate information on digital technologies.	P29(3)	4	Just before the year under review, the Access to Information Act was passed. The government is relatively proactive in this regard. Particularly through digital inclusion exercises and roadshows.
10. AI and Emerging Technologies national strategies	P39(6)	4	Launched after wide stakeholder engagement. This joins the Also has a National Digital Transformation Strategy running from 2023-2027.
11. Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	2	Inadequate online child safety laws. The proposed cyber bills include a focus on child protection, however, there are no standalone policies or laws in place.
12. Digital Inclusion	P37(3)	3	Progressive rise in mobile and internet usage in the country. Active investments in expanding access from the government through building of towers, increased investment in the state-owned operator as well as private sector players investments. However a combination of economic decline, power challenges have contributed to Quality of Service issues in 2024, with the regulator struggling to encourage compliance from operators.
TOTAL (up to 60)		40	

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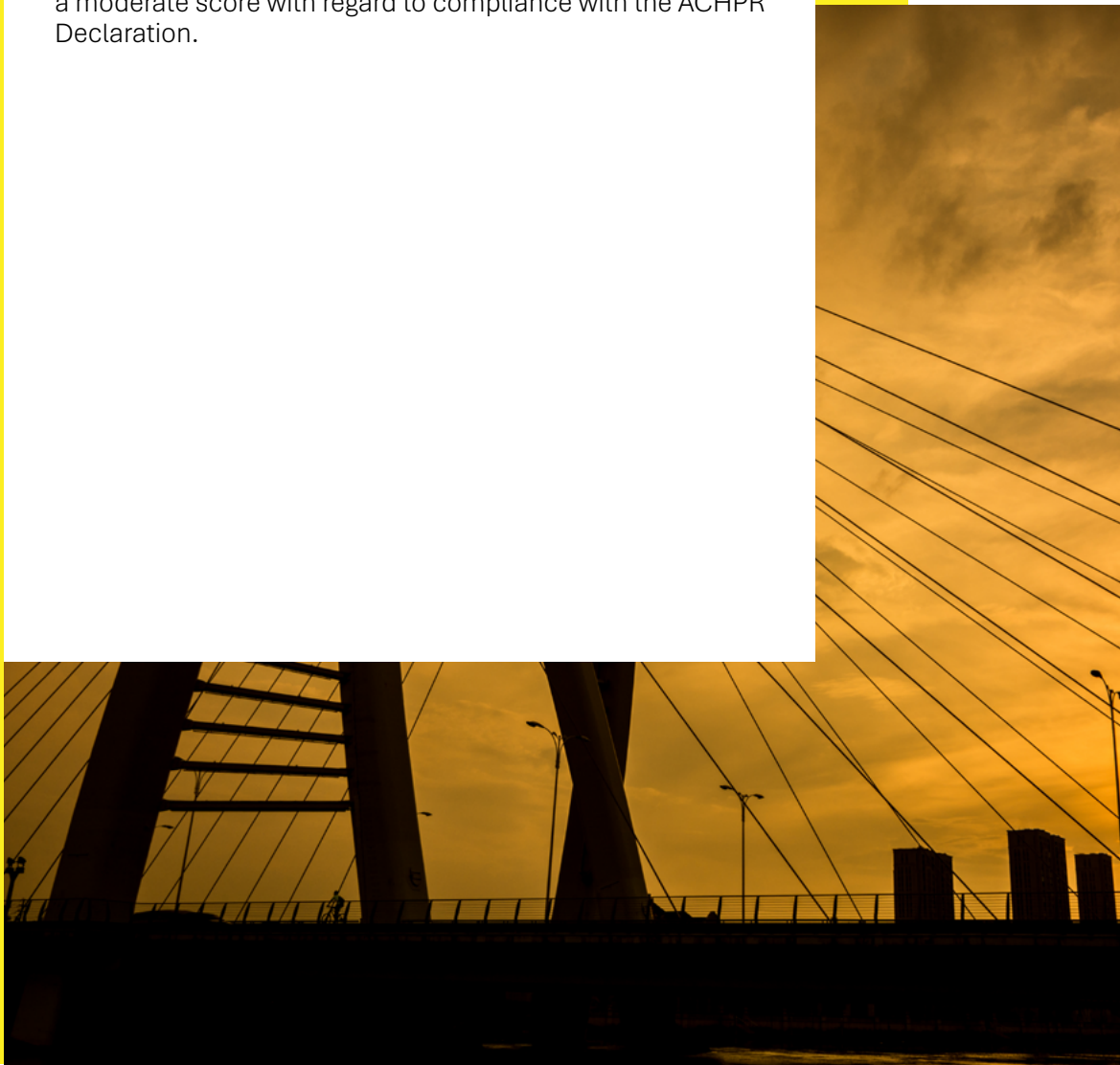
Executive Summary

This report highlights internet accessibility in Zimbabwe and assesses the regulatory landscape providing information on available legislation of internet access, data protection, freedom of expression, access to information, privacy and digital inclusion. The report highlights smart city initiatives that have been undertaken during the reporting period and provides recommendations for the improvement of policies and practices. The country assessment involved a comprehensive desk review examining relevant documents such as country reports, legislation and media reports. The report relied on Paradigm Initiative's TheScore Index to assess the country's compliance with the African Commission on Human and People's Rights' Declaration on Freedom of Expression and Access to Information (The Declaration). While the government has taken steps to protect digital rights, the report asserts that challenges remain in areas such as freedom of expression, digital inclusion, and combating online gender-based violence. The report notes that the Universal Service Fund (USF) is existent but more needs to be done to ensure inclusive access for marginalised groups, including persons with disabilities. This year, there was no internet shutdown in Zimbabwe compared to 2023 when the internet was shut down on the eve of the elections. Zimbabwe's overall score on TheScore Index is 34. The country recorded a moderate score with regard to compliance with the ACHPR Declaration.

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Zimbabwe is situated in the Southern African region and has a population of 15,178,957.¹⁵⁰⁷ Human rights are guaranteed by the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 (the Constitution) but Zimbabwe is classified as repressed by the Civicus Monitor¹⁵⁰⁸ and in September 2024, Zimbabwe joined three other countries on the Civicus watchlist,¹⁵⁰⁹ meaning that the country has a declining civic space. This came after human rights watchdogs such as Amnesty International reported¹⁵¹⁰ that at least 160 people were arrested since mid-June a few months before the country hosted the Southern African Development Community (SADC) Summit.

1507 Zimbabwe National Statistics Agency (ZIMSTAT) 'Zimbabwe 2022 Housing and Census Report' https://www.zimstat.co.zw/wp-content/uploads/Demography/Census/2022_PHC_Report_27012023_Final.pdf (Accessed 27 October 2024).

1508 Civicus Monitor 'Zimbabwe' <https://monitor.civicus.org/country/zimbabwe/> (Accessed 8 January 2024)

1509 Civicus, Civicus Watchlist September 2024. <https://monitor.civicus.org/watchlist-september-2024/zimbabwe/> (Accessed 28 October 2024).

1510 Amnesty International 'Zimbabwean Authorities Must End their crackdown against civil society members ahead of the Southern African Development Community Summit scheduled for 17 August 2024 in Harare' <https://www.amnesty.org/en/latest/news/2024/08/zimbabwean-authorities-must-end-their-crackdown-against-opposition-and-civil-society-members-ahead-of-the-southern-african-development-community-sadc-summit-scheduled-for-17-august-2024-in-harare/> (Accessed 8 January 2024)

Internet Access

Guiding Policy

Zimbabwe adopted a National Development Strategy (NDS1) in 2021, which sought to use ICT to improve the country's digital economy. The government sought to entrench ICTs across all national development strategies to achieve universal access by 2030. The government set targets to increase the internet penetration rate from 59.1% in 2020 to 75.4% by 2025 and increase the mobile penetration rate from 94.2% to 100% by 2025. NDS1 lapses in 2025. Government data shows that in 2023, the Internet penetration rate stood at 70.1% and has increased to 83.52%¹⁵¹¹ in 2024. However, independent data shows that in 2023, the internet penetration rate stood at 34.8%¹⁵¹² in 2023 and dropped to 32.6 %¹⁵¹³ in 2024. Independent research data shows that Zimbabwe is far from reaching the goals set out in the NDS1.

In March 2024, the Zimbabwean President, Dr. Emmerson Mnangagwa, launched the National ICT Policy (2022-2027),¹⁵¹⁴ National Broadband Plan (2023-2030)¹⁵¹⁵ and the Smart Zimbabwe 2030 Master Plan¹⁵¹⁶ to accelerate digital transformation. The President also commissioned a 1500-kilometre-long Bandwidth and Cloud Services (BCS) Group Limited Zimbabwe Optic Fibre Network,¹⁵¹⁷ to improve internet connectivity speed, reliability, and accessibility.

From January 2024, using Starlink was illegal¹⁵¹⁸ due to the lack of an operating licence in Zimbabwe. Neighbouring countries like Zambia have already adopted Starlink to enhance efficient internet access. In April 2024, Starlink imposed roaming restrictions on users who were using Starlink outside their registered service country for more than 60 days. Starlink advised users that they were accessing Starlink services in an unauthorised territory, and services would be turned off as they work with POTRAZ to obtain the necessary regulatory approvals.¹⁵¹⁹ In April 2024, a Zimbabwean politician's son, Neville Mutsvangwa, was arrested¹⁵²⁰ on charges of illegally possessing a Starlink terminal and violating the Postal and Telecommunications Act. In May 2024, the President of Zimbabwe, Emmerson Mnangagwa, announced¹⁵²¹ on X, the approval of Starlink's licence, citing that it would "...result in the deployment of high speed, low-cost Low Earth Orbit internet infrastructure throughout Zimbabwe, particularly in all rural areas." On September 6, 2024, POTRAZ confirmed¹⁵²² issuing two licences to Starlink, heralding potential opportunities for

1511 TechZim 'Second Quarter Abridged Sector Performance Report' (2024) <https://www.potraz.gov.zw/wp-content/uploads/2025/02/Third-Quarter-2024-Abridged-Sector-Performance-Report-Hmed-final.pdf> (Accessed 10 February 2025).

1512 Paradigm Initiative 'Zimbabwe Country Report' (2023) <https://paradigmhq.org/wp-content/uploads/2024/06/Zimbabwe-Country-Report.pdf> (Accessed 30 October 2024).

1513 Data Reportal 'Digital 2024-Zimbabwe' (2024) <https://datareportal.com/reports/digital-2024-zimbabwe?rq=zimbabwe> (Accessed 30 October 2024).

1514 Ministry of ICT, Postal and Courier Services 'National ICT Policy' (2024) <http://www.ictministry.gov.zw/wp-content/uploads/2024/01/National%20ICT%20Policy%202022-2027.pdf> (Accessed 27 October 2024).

1515 Ministry of ICT, Postal and Courier Services 'National ICT Policy' (2024) <http://www.ictministry.gov.zw/wp-content/uploads/2024/01/National%20Broadband%20Plan.pdf> (Accessed 27 October 2024).

1516 <http://www.ictministry.gov.zw/wp-content/uploads/2024/01/Smart%20Zimbabwe%202030%20Master%20Plan.pdf> (Accessed 27 October 2024).

1517 Ministry of Information, Broadcasting Services 'President Mnangagwa Commissioned the 1500 kilometre long BCS Zimbabwe Optic Fibre Network Project' (2024) <https://www.infomin.org.zw/he-president-mnangagwa-commissioned-the-1500-kilometre-long-bcs-zimbabwe-optic-fibre-network-project/> (Accessed 29 October 2024).

1518 Tech Central 'Zimbabwe Starlink cut off services' (2024) <https://techcentral.co.za/zimbabwe-starlink-cut-off-services/242892/> (Accessed 27 October 2024).

1519 Techpoint Africa 'Potraz cutoff Starlink Zimbabwe' (2024) <https://techpoint.africa/2024/04/15/potraz-cutoff-starlink-zimbabwe/> (Accessed 26 October 2024).

1520 My Broadband 'Zimbabwe arrests minister's son for using Starlink' (2024) <https://mybroadband.co.za/news/broadband/536301-zimbabwe-arrests-ministers-son-for-using-starlink.html> (Accessed 16 October 2024).

1521 X 'ED Mnangagwa' (2024) <https://x.com/edmnangagwa/status/1794345897221902640?t=rSF3UICrcDn7eA2gdcatsA&s=19>

1522 Postal and Telecommunications Regulatory Authority of Zimbabwe 'Press Statement on the Licensing of Starlink' (2024) <https://www.potraz.gov.zw/?p=2810> (Accessed 15 October 2024).

increased access to the Internet for communities in remote areas. However, despite the promise of increased accessibility, there are concerns over unfair competition¹⁵²³ and about the affordability of Starlink as initial hardware costs of at least \$170 and monthly subscriptions of \$30,¹⁵²⁴ which can be prohibitive for at least 4.4 million people who live on less than \$1.90 per day.¹⁵²⁵ The costs are relatively cheaper than that of local service providers whose highest family package costs \$292 a month.¹⁵²⁶ Starlink's entry has intensified competition among local internet providers, pushing them to adapt their services. In September 2024, POTRAZ authorised reselling of Starlink by internet service providers such as Telone¹⁵²⁷ and subscribers on roaming were officially cut off from the service.¹⁵²⁸

Overall, the existence of laws, policies, and other measures to promote universal, equitable, affordable, and meaningful access to the Internet demonstrates Zimbabwe's steps towards improved internet access.

Internet restrictions

In the year under review, Zimbabwe did not experience a government-imposed internet shutdown. This demonstrates progress compared to 2023, when Zimbabwe experienced an internet disruption on the eve of the August 2023 harmonised elections. However, on June 3, 2024, Zimbabwe experienced internet disruptions that caused slow to no connectivity for internet users across networks, due to cable infrastructure challenges that affected countries in Sub-Saharan Africa.¹⁵²⁹

Freedom of Expression

The criminalisation of false news/sedition and media freedoms

Contrary to principle 22 (2) of the Declaration, which calls on states to repeal laws that criminalise sedition, insult and publication of false news, under Section 31(a)(iii) of the Criminal Law (Codification and Reform) Act, it is an offence to publish or communicate a statement that is wholly or materially false with the intention of undermining public confidence in law enforcement agencies or the state. Violators can face penalties of up to 20 years in prison for such offences. On July 22, 2024, the High Court of Zimbabwe acquitted former member of parliament Job Sikhala on charges of 'publishing or communicating false statements prejudicial to the State' and 'incitement to commit violence.' On January

1523 Centre for Innovation and Technology 'Starlink tax exemptions raise concerns of unfair competition in Zimbabwe' (2024) <https://cite.org.zw/starlinks-tax-exemptions-raise-concerns-of-unfair-competition-in-zims-telecom-sector/#:~:text=Starlink's%20tax%20exemptions%20raise%20concerns%20of%20unfair%20competition%20in%20Zim's%20telecom%20sector,-Staff%20Reporter&text=The%20entry%20of%20Starlink%20into,Econet%2C%20NetOne%2C%20and%20Telecel> (Accessed 13 November 2024).

1524 Starlink 'Residential' (2024) <https://www.starlink.com/zw/residential> (Accessed 15 November 2024).

1525 Futures ISS Africa 'Zimbabwe' (2024) <https://futures.issafrica.org/geographic/countries/zimbabwe/> (Accessed 7 November 2024).

1526 Zim Price Check 'New Starlink roaming prices is it still worth it for Zimbabwean users' (2024) <https://zimpricecheck.com/market-intelligence/new-starlink-roaming-prices-is-it-still-worth-it-for-zimbabwean-users/?srsltid=AfmBOoplPancHdzRchYvuC-flJpEZwxRn9BeHuUVj-tA3F-UG3AON-GZ> (Accessed 7 November 2024)

1527 Herald 'Telone gets nod to resell Starlink services' (2024) <https://www.herald.co.zw/telone-gets-nod-to-resell-starlink-services/> (Accessed 27 October 2024).

1528 Tech Zim 'Starlink shuts down roam customers in Zimbabwe-Harare forced to use resellers charging much more' (2024) <https://www.techzim.co.zw/2024/10/starlink-shuts-down-roam-customers-in-zimbabwe-harare-forced-to-use-resellers-charging-much-more/> (Accessed 12 November 2024).

1529 Media Institute for Southern Africa 'Zimbabwe experiences internet degradation due to infrastructure issues' (2024) <https://zimbabwe.misa.org/2024/06/05/zimbabwe-experiences-internet-degradation-due-to-infrastructure-issues/> (Accessed 13 November 2024).

30, 2024, Sikhala was released, after spending 595 days in pre-trial detention.¹⁵³⁰

Arbitrary Arrests and Harassments of the Media, HRDs and Citizens

The landscape in Zimbabwe is characterised by a tension between constitutional protections for free speech and the crackdown on dissent. Media freedom protected in section 61 of the Constitution was under attack in the period under review, often leading to self-censorship. The NewsHawks, a privately owned investigative online newspaper, announced on X that the news site was halting investigations and shelving the story of the dismissal of three army generals on allegations of corruption, citing fears for the safety of its journalists, after being accused of attempting to “peddle falsehoods about the army and individuals taking advantage of the alleged corruption.”¹⁵³¹

Online Gender-Based Violence

Zimbabwe is a signatory to the Beijing Declaration and Platform for Action 1995, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1991, Protocol to the African Charter on Human and People’s Rights on the Rights of Women in 2007 and the SADC Protocol on Gender and Development 2009, all of which call on states to eliminate gender-based violence. The Cyber and Data Protection Act (2021) complements the mentioned laws as it is the country’s first law with provisions criminalising online violence. Zimbabwe has existing laws such as the Domestic Violence Act,¹⁵³² whose scope is more focused on “domestic” violence, with limited mentions of addressing harassment that happens through sending and delivering messages through electronic mail. In 2024, cyberbullying emerged as a cause for concern, often unchecked and without mechanisms for safeguarding women and girls against it. A recent study¹⁵³³ titled “*An examination of cyberbullying among Zimbabwean female social media influencers*” uncovered cyberbullying that is experienced by social media influencers.

Given the above, Zimbabwe is making considerable progress in developing policies that guard against gender-based violence. However some of the laws require reform as they have a limited scope of addressing OGBV.

Data Protection and Privacy

Data protection and governance

Zimbabwe enacted the Cyber and Data Protection Act, 2021(CDPA)¹⁵³⁴ but has not ratified the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention). The CPDA establishes baseline protections for personal information. In Part II, Section 6(2) the CDPA asserts the independence of the Postal and Telecommunications Regulatory Authority (POTRAZ) from “control by government or by political means.” The Data Protection Authority is the Postal and Telecommunications Regulatory Authority of Zimbabwe established in terms of section 5 of the Postal and Telecommunications Act [Chapter 12:05]. Under Part III, Section 6 of the Postal and Telecommunications Act, Chapter 12:05, the President of Zimbabwe has the authority to appoint the Board which governs POTRAZ, adding to the challenges on the independence of the DPA.

In a move that operationalises the CDPA, Zimbabwe gazetted the Cyber and Data Protection (Licensing of Data Controllers and Appointment of Data Protection Officers) Regulations (the Regulations), which came into effect on September 13, 2024. The regulations impose a mandatory registration requirement for entities processing personal information and the appointment of a

¹⁵³⁰ Amnesty International ‘Zimbabwe: Further information: Former opposition leader’s convictions quashed: Job Sikhala’ <https://www.amnesty.org/en/documents/afr46/8374/2024/en/> (Accessed 11 November 2024).

¹⁵³¹ The News Hawks ‘Top army generals fired over housing corruption’ <https://thenewshawks.com/top-army-generals-fired-over-housing-corruption/> (Accessed 8 November 2024).

¹⁵³² Veritas ‘<https://www.veritaszim.net/node/146>’ (Accessed 12 November 2024).

¹⁵³³ An examination of cyberbullying among Zimbabwean female social media influencers’ (2024) <https://www.ojcm.net/download/an-examination-of-cyberbullying-among-zimbabwean-female-social-media-influencers-15016.pdf> (Accessed 8 November 2024).

¹⁵³⁴ Postal and Telecommunications Regulatory Authority of Zimbabwe ‘Data Protection Act’ <https://www.potraz.gov.zw/wp-content/uploads/2022/02/Data-Protection-Act-5-of-2021.pdf> (Accessed 11 November 2024).

Data Protection Officer to oversee Data Controllers' compliance with the Data Protection Act. The regulations outline breach notification expectations, compelling data controllers to notify the Data Protection Authority of any data breaches within 24 hours and making it only necessary to inform affected individuals within 72 hours if there is a high risk to their rights. The gazetting of the regulations is a huge leap for Zimbabwe's implementation of the CDPA. However, a month after gazetting the regulations, there were concerns over enforcement following alleged remarks¹⁵³⁵ by the Minister of Information Communication Technologies, Postal and Courier Services that users of WhatsApp Business would be required to pay licences, raising fears of surveillance and invasion of privacy of communications which is prohibited in paragraph 41 of the Declaration. Two days after these remarks, the Minister distanced herself¹⁵³⁶ from the statement citing false claims, malicious fake news and emphasising that "the claim is not applicable especially to players who do not collect and process personally identifiable information for commercial or business use."

In alignment with the CDPA, which mandates Zimbabwe conduct training for DPOs, the Harare Institute of Technology (HIT) launched¹⁵³⁷ a Data Protection Officer Training programme in collaboration with the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) and began offering courses. The course is a prerequisite for certification and registration as a DPO in Zimbabwe, targeting professionals who are interested in becoming DPOs. In the period under review, the DPA made positive strides by conducting a series of public sensitisation meetings¹⁵³⁸ to educate data subjects about their rights and data controllers about their obligations as enshrined in the CPDA.

The CDPA establishes the Cyber Security and Monitoring of Interceptions of Communications Centre as a unit in the Office of the President. The guiding policy absolves the centre of its independence.

Smart City Developments

Zimbabwe has introduced an advanced biometric border control system that utilises fingerprint and iris recognition technology. The Department of Immigration secured equipment to set up an Online Border Management System (OBMS), which is expected to facilitate automated self-service immigration clearance, enhance security and efficiency by verifying travellers' identities against a national immigration database.¹⁵³⁹ So far, 14 electronic gates have been installed¹⁵⁴⁰ at the Robert Gabriel Mugabe International Airport as part of the first phase.

In the City of Bulawayo, Closed-Circuit Television (CCTV) cameras were installed¹⁵⁴¹ in August 2024, to curb crime and enhance the easy flow of traffic. The installation of CCTV cameras, while it can enhance security, may also be abused to intrude into the lives of ordinary people, posing threats to rights guaranteed in Article 17 of the International Covenant on Civil and Political Rights (ICCPR). Given the above, Zimbabwe is moderately compliant with the Declaration as there is an existing CDPA, regulations and a vibrant DPA.

Access to information

Zimbabwe enacted the Freedom of Information Act in 2020 to repeal the Access to Information

1535 LinkedIn Hon Tatenda Mavetera https://www.linkedin.com/posts/hon-tatenda-mavetera-7821b96b_potraz-breakfast-meeting-i-would-like-to-activity-7260191912416956416-wsy4?utm_source=share&utm_medium=member_ios (Accessed 13 January 2025)

1536 X Tate Mavetera https://x.com/TateMavetera/status/1855254130597494840?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1855254130597494840%7Ctwgr%5E5e159bf7a1cbd05c86584d2c7477338cc8d60aab%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fbulawayo24.com%2Findex-id-news-sc-national-byo-247709.html (Accessed 13 January 2025)

1537 Harare Institute of Technology 'HIT enters into agreement with POTRAZ' <https://www.hit.ac.zw/2023/11/09/hit-enters-into-agreement-with-potraz/> (Accessed 10 November 2024).

1538 Facebook POTRAZ <https://www.facebook.com/Potraz.Zw/photos/masvingo-and-mutare-public-sensitisation-awareness-workshops-on-the-cyber-and-da/746879650966953/> (Accessed on 13 January 2024)

1539 Sunday Mail 'Zim rolls out unmanned borders' (2024) <https://www.sundaymail.co.zw/zim-rolls-out-unmanned-borders> (Accessed 2 November 2024).

1540 Sunday Mail 'Zim rolls out online border management system' <https://www.sundaymail.co.zw/zim-rolls-out-online-border-management-system> (Accessed 1 November 2024).

1541 Centre for Innovation and Technology 'Bi brother is watching TTI installs street cameras on cbd roads' <https://cite.org.zw/big-brother-is-watching-tti-installs-street-cameras-on-cbd-roads/> (Accessed 4 November 2024).

and Protection of Privacy Act (AIPPA) and empower interested stakeholders to have full and justified access to information. Under Article 5 of the Act, public and public commercial entities should have information disclosure policies and disclose information in the interests of public accountability or information that is required for the exercise or protection of a right. However, some entities are not compliant with the Act.¹⁵⁴² Entities such as POTRAZ do not have up-to-date information on their website to reflect work done in the year. The section on the Universal Service Fund has information for the first, second and third phases of the USF, dating as far back as May 2013. In this section, no other information is available. In addition, in the fourth quarter of the year, the only sector performance report that was available on the website was the first quarter report. POTRAZ shares some updates on social media platforms. While this is not a representative sample, there is a general trend amongst government websites to not display full information. For example, the Ministry of ICT, Postal and Courier Services' website is not secure.

In this regard, Zimbabwe is mildly compliant with principle 29 (3) as government websites often carry outdated information.

AI and Emerging Technologies

The Zimbabwean government is reportedly developing a national artificial intelligence (AI) policy to regulate the use of AI and related technologies across various sectors. The Minister of Information Communication Technology, Postal and Courier Services, Tatenda Mavetera¹⁵⁴³ highlighted this initiative. The policy is intended to create a governance framework that ensures ethical use, security, and the promotion of IoT and AI technologies in the country. However, there have been limited public consultations in the development of the policy. As of the time of writing, the policy was not yet available for scrutiny by the public.

On November 5, 2024, Zimbabwe voted in favour of the draft resolution L.77 on Lethal and Autonomous Weapon Systems (LAWS)¹⁵⁴⁴ adopted by the First Committee of the United Nations General Assembly (UNGA). The resolution reflects states' apprehensions about the potential negative implications of LAWS on global security, ethical considerations and regional stability. The Resolution asserts that algorithms should not have full control over decisions that can result in killing or harming humans, underscoring the need for accountability in military operations. The resolution was adopted with 161 states voting in favour, 3 against, and 13 abstentions, demonstrating broad support for addressing the challenges posed by autonomous weapons.

Despite the vote on resolution L.77 on LAWS, Zimbabwe is mildly-compliant with the Declaration as it currently provides for automated decision making in the CPDA and has voted on resolution L.77 on LAWS. However, Zimbabwe has no publicly available national AI Policy despite public announcements that the policy is now in its final stages. In addition, the lack of public calls for stakeholders' participation is concerning and exclusive.

Digital Inclusion

In 2024, Zimbabwe utilised the USF to improve telecommunications infrastructure and digital literacy. However, challenges remain in enhancing transparency and addressing the digital divide. This section will highlight key developments and challenges related to the USF in Zimbabwe and spotlight capacity-building efforts undertaken by the POTRAZ for purposes of addressing digital skills gaps among persons with disabilities. The section will also highlight existing legal and regulatory frameworks for the protection of children in the digital environment.

Universal Service Fund

Zimbabwe has existing legislation on the Universal Service Fund (USF) which was established by section 73 of the Postal and Telecommunications Act, 2000(Chapter 12:05)] of 2000. The purpose of the USF is stipulated in Section 74(c) of the Postal Telecommunications Act (PTA). Holders of licences in terms of the Act, including telecommunications operators pay licence fees that finance

1542 Newsday 'Government institutions violating freedom of information act' (2024) <https://www.newsday.co.zw/thestandard/news/article/200031734/govt-institutions-violating-freedom-of-information-act> (Accessed 2 November 2024).

1543 Zimbabwe Broadcasting Corporation 'Government to launch AI Policy' (2024) <https://www.zbcnews.co.zw/government-to-launch-ai-policy/> (Accessed 6 November 2024).

1544 United Nations 'Resolution L.77 Lethal autonomous weapons systems' <https://documents.un.org/doc/undoc/ltd/n24/305/45/pdf/n2430545.pdf> (Accessed 10 November 2024).

or assist in financing the extension of postal and telecommunication services to under-served areas and community centres within or outside such areas. These funds are meant to promote affordable access to the internet for marginalised groups.

In January 2024, the government deployed new base stations in addition to 6896 base stations in the country, to support mobile services in rural and urban areas under the Universal Services Fund (USF).¹⁵⁴⁵ However, the specific number of new base stations is not specified. By 31 March 2024, POTRAZ had established at least 202 Community Information Centres (CICs) across the country with a total of 146 of these located at ZIMPOST Offices, 24 in containerised units deployed across 24 rural sites and 32 existing in brick-and-mortar structures built in rural areas. A total of 182 CICs are operational and twenty of the brick-and-mortar sites are not yet complete and are at various stages of completion.¹⁵⁴⁶ There is currently no publicly accessible information on the completion date of the 20 unfinished CICs.

Building capacity of persons with disabilities

In July 2024, POTRAZ trained at least 30 individuals from Manicaland province with hearing impairment in a week-long ICT skills training funded through the Universal Service Fund.¹⁵⁴⁷ Zimbabwe gazetted the Persons with Disabilities Bill (The Bill)¹⁵⁴⁸ on February 9 2024, with the aim of replacing the Disabled Persons Act of 1992. The Bill seeks to establish a Commission for Persons with Disabilities whose role in Section 5j will be “to promote research, development of, availability and use of new technologies, including information and communications technologies, mobility aids, devices, *assistive technology and languages suitable for persons with disabilities.*”

Improving digital access for children

Zimbabwe has an existing Cyber and Data Protection Act (2021) which protects personal information, including that of children, in the digital environment. This legislation safeguards children’s online activities and ensures that their rights are respected in digital spaces. The Government of Zimbabwe is a State party to the United Convention on the Rights of the Child (UNCRC), the United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography OPSC) and the African Charter on the Rights and Welfare of the Child (ACRWC). At the national level, Zimbabwe’s section 81 of the Constitution provides for children’s rights. Zimbabwe also has in place the Children’s Act Chapter 5: 06. However this Act has not been updated to address digital developments and cannot offer redress for online violence. Zimbabwe has existing child online protection guidelines,¹⁵⁴⁹ to safeguard children against online harms.

On digital inclusion, Zimbabwe is moderately compliant with the declaration principle 37 (3). However, the lack of official public information on the projects implemented under the fund and the annual allocation of the fund reduces the country’s score, as available information is often through news reports and not official public reports shared on government websites.

1545 Ministry of ICT, Postal and Courier Services ‘Various base stations deployed in Zimbabwe’ <https://www.ictministry.gov.zw/various-base-stations-deployed-in-zimbabwe/> (Accessed 6 November 2024).

1546 Sunday News ‘Over 200 community information centres established nationwide’ <https://www.sundaynews.co.zw/over-200-community-information-centres-established-nationwide/> (Accessed 11 November 2025)

1547 The Chronicle ‘ICT Minister reiterates commitment to digital inclusion’ https://www.chronicle.co.zw/ict-minister-reiterates-commitment-to-digital-inclusion/#google_vignette (Accessed 6 November 2024).

1548 Persons with Disabilities Bill https://www.veritaszim.net/sites/veritas_d/files/Persons%20with%20Disabilities%20Bill%20H.B.%202%2C%202023%20.pdf (Accessed 10 March 2025)

1549 POTRAZ https://www.potraz.gov.zw/wp-content/uploads/2015/05/POTRAZ_COP.pdf (Accessed 7 November 2024).

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Internet Shutdowns	P38(2)	4	No internet shutdown was recorded.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	4	Policies such as the National Broadband Plan, National ICT Policy and NDS1 among others exist, however, universal, affordable, meaningful access for all including children and persons with disabilities to the internet is still work in progress.
False News Criminalisation	P22(2)	1	Under Section 31(a)(iii) of the Criminal Law (Codification and Reform) Act, it is an offense to publish or communicate a statement that is wholly or materially false with the intention of undermining public confidence in law enforcement agencies or the state. Violators can face penalties of up to 20 years in prison for such offenses.
Sedition Legislation	P22(2)	1	Under Section 33 of the Criminal Law (Codification and Reform) Act, it is an offense to undermine the authority of or insult the President. Violators can face penalties of up to 20 years in prison.
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	3	In the reporting period, no journalists and human rights defenders were arrested in line with freedom of expression and access to information online. However, online journalists self-censored themselves in response to threats.
Data Protection Legislation.	P42	3	Zimbabwe adopted the CDPA; however, the regulations do not provide a general requirement for data breach notification of data subjects. Despite the work being undertaken, there are lingering concerns that the Data Protection Authority may not allocate adequate time and resources for data protection as the data protection mandate is an add-on to its primary mandate of regulating the telecommunications sector.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	5	No cases were recorded. Meta and Tiktok transparency reports for 2024 reflect that Zimbabwe did not make any content takedown requests. Google's transparency report has no information on Zimbabwe.

Londa 2025 Key Indicators	ACHPR Declaration (P stands for Principle)	Score	Justification
Invasion of Privacy of Communications	P41	2	The Cyber Security and Monitoring of Interceptions of Communications Centre is housed in the Office of the President and suggests the potential to target vulnerable groups through targeted surveillance. Section 6 of the Interception of Communication Act Section 6 (a,b and c) mandates the Minister to issue a warrant to authorised persons if there are reasonable grounds for the Minister to believe that the gathering of information concerning an actual threat to national security or to any compelling national economic interest is necessary or the gathering of information concerning a potential threat to public safety or national security is necessary. The above provisions expose individuals to invasion of their private communications.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	Government websites often carry outdated information. Zimbabwe has an existing Freedom of Information Act.
AI and Emerging Technologies national strategies	P39(6)	2	Despite being announced as complete, Zimbabwe's AI Policy is not yet publicly available. However, the CPDA in section 4 (1) provides for automated decision-making.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	3	Zimbabwe adopted the CPDA, which has provisions protecting children's rights online.
Digital Inclusion	P37(3)	3	There are laws in place to support digital inclusion through the Universal Service Fund. However, the lack of official public information on the projects implemented under the fund and the annual allocation of the fund culminates in a lower score. Zimbabwe gazetted the Persons with Disabilities Bill which will seek to ensure access to technology for person's with disabilities.
TOTAL (up to 60)		34	

Conclusion

Zimbabwe's 2024 Londa report highlights both positive and negative developments. Zimbabwe's score of 33 demonstrates that the country is moderately compliant with the African Commission's Declaration. During the period under review, Zimbabwe developed new policies and regulations and made progress in digital inclusion and data protection. However, the existence of sedition laws and false news criminalisation is a major stumbling block that requires policy reform. Policy implementation challenges also inhibit the country's progress. Despite existing challenges, Zimbabwe has opportunities to improve its digital landscape.

Recommendations

Government should:

- Amend GBV-related laws such as the Domestic Violence Act to make them more effective in preventing and combating Online GBV
- Sign and ratify the African Union Convention on Cyber Security and Personal Data Protection
- Conduct public consultations human rights impact assessments before implementing surveillance initiatives.
- Create public participation opportunities for stakeholders to influence policy making processes.
- Repeal clauses in the Criminal Law (Codification and Reform) Act that criminalise false news
- Proactively disclose information by making it up-to-date and readily available on government websites.
- Disclose implementation of frameworks such as the African Union's Data Policy Framework.¹⁵⁵⁰
- Update the Children's Act Chapter 5: 06 to address digital developments and offer redress for online violence.
- POTRAZ should promote regular proactive disclosures of information through official channels and publish regular reports.
- The Ministry of ICT, Postal and Courier services should improve the accessibility of its website and provide up-to-date information.
- The Ministry should also make deliberate efforts to gather public views during policy design processes.

Civil Society Organisations should:

- Advocate for the implementation of the CPDA
- Conduct awareness campaigns on digital rights and inclusion
- Advocate for policy reform in instances where policies are not compliant with human rights

Media should:

- Investigate developments in the ICT sector to ensure the development and implementation of policies is human rights respecting
- Educate the public on digital rights and inclusion

Private Sector should:

- Conduct human rights impact assessment and due diligence measures before deploying surveillance technologies
- Conduct public consultations to engage citizens on the deployment of new technologies to ensure products are human rights compliant
- Implement the recently gazetted Cyber and Data Protection Regulations
- Publish transparency reports on the use of surveillance technologies to ensure transparency and accountability

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Overall Country Performance Rating

Country	Score Index	Rank
South Africa	43	# 1
Ghana	42	# 2
Zambia	40	# 3
Namibia	39	# 4
Rwanda	36	# 5
Nigeria	36	# 5
Senegal	36	# 5
Malawi	35	# 8
Tunisia	34	# 9
Kenya	34	# 9
Zimbabwe	34	# 9
Benin	33	# 12
Egypt	32	# 13
Cameroon	32	# 13
Angola	31	# 15
CAR	31	# 15
The Gambia	31	# 15
Lesotho	31	# 15
Togo	29	# 19
Uganda	28	# 20
Botswana	28	# 20
Somalia	27	# 22
Tanzania	27	# 22
DRC	26	# 24
Mozambique	23	# 25
Sudan	21	# 26
Ethiopia	21	# 26

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