DIGITAL RIGHTS IN AFRICA

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Report

2019

Violations Reloaded:
Government Overreach Persists Despite Increased Civil Society Advocacy

Doctrine of control of cyberspace is reflected on the state of digital rights in Africa

The importance of Internet connectivity and digital access in an emerging economy

13 in depth reports from across the continent

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Introduction

As the number of people online reached 51.2% (3.9 billion people) at the end of 2018[1], the importance of Internet connectivity and digital access was keenly felt by individuals, communities, organizations and governments. Goal number 9c of the United Nations' Sustainable Development Goals, "significantly increase access to ICT and strive to provide universal and affordable access to the Internet in the least-developed countries by 2020,"[2] points the attention of governments all over the world, and particularly in Africa, to the important work of leveraging Internet connectivity to concretize development targets.

Despite this background, what has been clear over the past decade is the sharp contrast between how the Internet and digital connectivity delivers development in Africa, on the one hand, and how governments have focused more on control and promoting a climate of fear, on the other hand. Over the past decade, there has been an increase in the impact of African organizations championing digital rights - affordable and quality Internet connectivity, privacy, freedom of opinion, expression and association, amongst others. Across Central, East, Southern and West Africa, these organizations have made profound and noticeable changes in the attitudes of citizens and institutions toward digital rights and access. Their vigorous advocacy is forcing digital rights from the fringe to the mainstream of public consciousness. More Africans have become sensitized to the harms digital rights violations, like Internet shutdowns and illegal surveillance and data captures cause to society.

In sharp contrast to this renaissance of digital rights amongst citizens on the continent, the vision of African governments regarding the role of Internet connectivity and digital access

to the continent has largely been about retaining political power and control by all means. The overwhelming instinct has been largely toward subordinating rights and access in order to retain political control over citizens. As reported in our 2018 Digital Rights in Africa Report[3], the export of Chinese and Russian models of so called "rule of law" tactics towards control of the Internet has seen tightening government control and digital rights violations through legislation that is ostensibly written to promote law and order in society in Africa. 2018 was perhaps one of the most intense years for digital rights advocacy in Africa. As civil society joined ranks to confront

some of the pressing digital rights challenges on the continent, some progress seemed to have been made. However, 2019 began almost as if it was on a mission to obliterate the gains of 2018, as evidenced by successive Internet shutdowns in Ethiopia, Sudan and Gabon. As the year continued, mounting digital rights violations across the continent begged the question about the sufficiency of digital rights advocacy in Africa, to keen observers of Africa's digital rights scene in the past decade, however, this would not come as a surprise.

Reiterating the impact of Chinese and Russian models of Information controls exported to Africa, perhaps the most central thesis of these models of information controls - applicable to dictatorships and closed societies - is that control of the information space is synonymous with control of the political space. The information space is therefore perceived as a legitimate theatre of conflict - much the same way as land, air and the sea are established theatres of conflict.

This new doctrine of control of cyberspace is reflected on the state of digital rights on the continent. This new approach to cyberspace influenced by China and Russia is also facilitated by the export of technology and training from these countries, as noted by the influential report[4] by the University of Oxford. The influence of China and Russia on Africa, in this regard, is immense, as demonstrated by the strong-armed information control tactics deployed on the continent to stifle dissent and hunt opposition voices.

> **In Africa today, drawing from Chinese and Russian models of Information Controls, the information space is now perceived as a legitimate theatre of conflict - much the same way as land, air and the sea are established theatres of conflict**

Concentric circles of influence
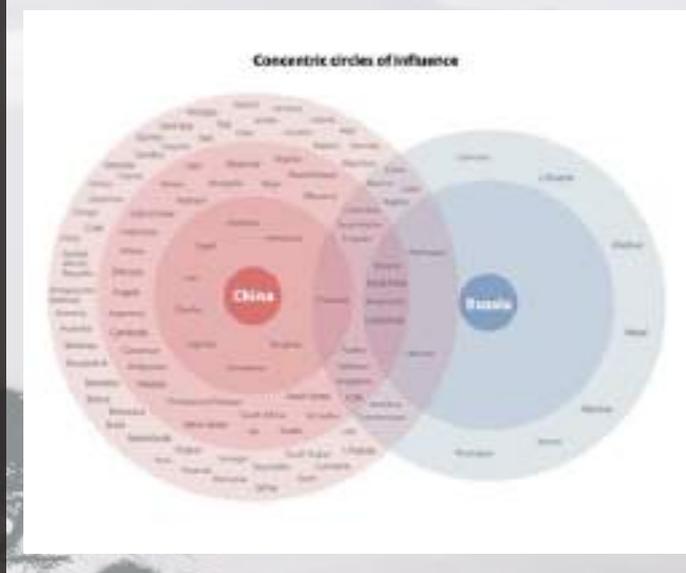
Figure 1: Circle of influence of the spread of Chinese and Russian technology, training and ideology[5]

Although previous editions of the Digital Rights in Africa Report had specified annual trends in digital rights, in 2019 as described above, the overarching dominant trend shaping digital rights in Africa has been the altered perception of governments, who now see the Internet and digital space as theatres of conflict for political control. Significant state resources are now deployed to dominate digital spaces toward entrenching political domination, or deliberately promoting a climate of fear to achieve a similar end.

Through the country profiles featured in this edition, this report gives a snapshot of the African digital rights scene, revealing how countries in four regions violated digital rights, drawing inspiration from some of the world's most repressive countries.

Country
Reports

Benin.

The Republic of Benin, formerly known as Dahomey, is a West African country sandwiched among Togo, Nigeria, Burkina Faso and Niger. Benin covers an area of 114,763 square kilometres (44,310 square miles) and has a 121-kilometre long coastline on the Gulf of Guinea. The population is estimated at 11.5 million. Benin is a stable democracy and the most recent presidential election held in March 2016 was won by the multimillionaire cotton tycoon, Patrice Talon.

According to the International Monetary Fund, Benin experienced a growth rate of 6.5% in 2018 while 46.6% of its population lives below the poverty line[6].

In terms of access to the Internet, the Beninese Ministry of Digital and Digitalization announced in October 2019 that the Internet penetration rate in Benin reached 48%[7]. There are ten Internet Service Providers (ISPs) in the country, the largest in terms of the number of subscribers is Benin Telecom Service, according to data from the Electronic Communications, Postal and Print media distribution regulatory authority, Autorité de Régulation des Communications Électroniques et des Postes (ARCEP). Benin has two GSM operators, MTN and Moov, for mobile Internet.

The prices of mobile Internet data were considerably increased by the Beninese government in November 2018. For instance, with the current tariffs in force, 300MB of data, which cost up to FCFA 200 (USD 0.34), now costs between FCFA 360 and FCFA 810 (i.e. between USD 0.61 and USD 1.38). 1GB Internet data packages which cost FCFA 500 (USD 0.85) now costs between 1 228 FCFA and FCFA 2 048 (i.e. between USD 2.09 and USD 3.49)[8].

The Beninese government had justified these new costs as a need to frame the unfavourable tariff policies for consumers and limit the scope of the price war waged by the two operators (Moov and MTN Benin) in order to attract more consumers. This increase was criticized by consumers and several civil society actors such as Internet Without Borders[9] and Paradigm Initiative who had denounced a possible restriction on freedom of expression of the segment of citizens who may be unable to access telecommunications services as a result of the price hike. Several players in the digital sector, as well as consumer rights organizations, regularly campaign for further significant reduction of data prices.

In legal terms, Benin is among the first African countries to have put in place a set of legal provisions to govern digital activities. For example, the country's Digital Act adopted by the Beninese National Assembly in June 2017 came into force in April 2018. This Code

stipulates, among other things, the responsibility of the various Internet players, protection and use of personal data, a legal framework for online contracts, criminal provisions applicable to online crimes and, provides for the creation of a National Agency for the Security of Computer Systems Information (ANSSI) and a Central Office for the Repression of Cybercrime.

All these provisions fall within the framework of the 2016 - 2021 Sectoral Policy Declaration (DPS 2016 - 2021), the stated objective of which is to "transform Benin into a hub for digital services in Africa"[10]. The new law criminalizes the publication of false information, online press offences and incitement of rebellion using the Internet.

At the international level, Benin has signed several treaties aimed at protecting the exercise of individual's rights and freedoms of Beninese citizens online. The country is a party to the June 20, 2014 United Nations Human Rights Council's Declaration on the Promotion, Protection and Exercise of Human Rights on the Internet. This Declaration commits States, among other things, to "promote and facilitate access to the Internet" or to "address Internet security issues in accordance with international human rights obligations".

As a member country of UNESCO, Benin has also signed the Charter adopted by the General Conference of UNESCO on the preservation of digital heritage. With regard to e-commerce or electronic signatures, Benin has adopted the model law of the United Nations Commission on International Trade Law (2001) and the United Nations Commission on International Trade (UNCITRAL) on Electronic Signatures Act (1996). Benin is party to the Budapest Convention on Cybercrime, signed in 2001, which is the first international treaty dealing with computer crimes and the Internet.

At the continental level, Benin signed the African Declaration of the Rights and Freedoms of the Internet of August 2018, which lays down the principles of access and accessibility to the Internet, freedom of expression online, freedom of assembly and association on the Internet, the right to information and open data. Benin is also party to the African Union Convention on Cybersecurity and Personal Data Protection signed in June 2014 in Malabo. This text covers, among other things, everything related to e-commerce and security online.

Despite the existence of all these legal instruments, restrictions of digital rights and freedoms were noted during the year 2019 in Benin, especially during the legislative elections on 28th April 2019. The day before the poll (on 27th April), citizens reported mobile data instability and disruption of social media networks like Facebook and Twitter, and messaging apps such as WhatsApp and Telegram[11].

These restrictions were confirmed on polling day (28th April) by Internet freedom and governance organization, Netblocks, who reported that Virtual Private Network (VPN) services were also restricted. The Internet shutdown was condemned not only by national and international civil society organizations but also diplomatic representations like the Embassy of the United States in Benin, which qualified the move as a "decline of democracy" in Benin.

Long before the shutdown, the new mobile rate plans introduced by the Beninese government in November 2018 had been denounced by national and international civil society organizations. According to these organizations, the new pricing is a violation of the principle of net neutrality and an obstacle to digital inclusion.
In addition to the cases of Internet disruption, Benin has experienced, in recent years, a decline in freedom of expression in general and freedom of expression online in particular. The country has also descended twelve places in the world rankings of Reporters Without Borders (RSF)[12] on freedom of the press in 2019. The ranking of the country declined from 84th to 96th place.

The Paris-based organization attributed the decline to the adoption of certain regulations that limit freedom of expression, Internet disruptions and the arrest of a prominent newspaper editor. The editor in question is the owner of the newspaper Nouvelle Economie. On 18th April 2019, police arrested Casmir Kpedjo[13] at his home in Cotonou- Benin's economic capital, and held him at a local police station until 23rd April, when the country's special prosecutor for economic crimes and terrorism accused the journalist of violating Article 550 of Benin's digital code by allegedly spreading false information about the Beninese economy on social networks.

With the adoption of the Digital Act, Benin is among the first African countries to have

a national legal instrument that protects the expression of digital rights and freedoms, and guarantees the safety of online activities. However, the repressive nature of some provisions of this law raises fears in terms of violation of fundamental freedoms online. The Internet shutdown during the parliamentary elections of 2019 and the arrest of a journalist for publications on social networks marked the decline of democracy and the protection of personal liberties online in Benin in 2019.

> **On April 27 2019, a day before legislative elections, citizens reported mobile data instability and disruption of social media networks like Facebook and Twitter, and messaging apps such as WhatsApp and Telegram**

Cameroon

The population of Cameroon is estimated at 23 million with an estimated Gross Domestic Product (GDP) of USD 32.2 billion.

3G mobile coverage is estimated at 69% with an individual Internet usage of 23% in 2018. Internet penetration reached 27% in 2018 compared to 21% in 2016. Cameroon's three main mobile operators include MTN, Orange and Nexttel. Cameroon Telecommunication (Camtel) is the public operator and the main intermediate provider of telephony services. MTN and Orange are the market leaders in terms of mobile subscribers, Internet and the mobile money service. Cameroon has an Internet Exchange Point, called CAMIX[14].

Cameroon had about 19 million telephone subscribers in 2018, with a penetration rate of 72%. In addition to the operators, there are around 50 Internet service providers in the country, with the largest also being the leading mobile operator. Households with access to the Internet increased to 10.5% in 2018, with 25%[15] of citizens using the Internet since 2016.

After decades of the Presidency of Paul Biya, Cameroon[16] organized the presidential election of 7th October 2018, under strong local and international political pressure. The socio-political crisis in the North-western and Southwestern Anglophone regions, who sought separation from Cameroon, has deeply divided the political class, and the crisis has caused several hundred civilian and military casualties[17]. The results of the election were challenged by Maurice Kamto, who was runner up to the incumbent Paul Biya, who has ruled Cameroon since 1982. Contention of the election results by the opposition led to a post-election crisis after the arrest of Maurice Kamto, which lasted 9 months. The Cameroonian government organized a National Dialogue from 30thSeptember to 5th October 2019, to foster peace.

Civil society actors in Cameroon are still working to draft a specific law governing social media and the Internet. In the meantime, the law No. 2010/012 of 21st December 2010 on cybersecurity and cybercrime is used to regulate the cyberspace. In general, this law "governs the security framework of electronic communication networks and information systems, defines and sanctions offenses related to the use of information and communication technologies in Cameroon". This law was used to censor and monitor communications during the periods of severe socio-political crisis in Cameroon in the past 2 years. Although this law is being applied to contain the growing threat of cybercrime, it has also been used to fight against misinformation and hate speech online in Cameroon. In addition, heavy sanctions, including against freedom of expression or

arrests of journalists and activists, have been noted in recent years.

The following regulatory actors are at the centre of digital policy in Cameroon; the Ministry of Posts and Telecommunications coordinates all activities in the sector and is the main government institution responsible for ICTs in the country, the Telecommunications Regulatory Agency[18] (ART) is the regulator of the mobile telephony sector and Internet connections and has the power to sanction operations in case of violations of the regulations, and lastly, the National Agency for Information and Communication Technologies (ANTIC), which is responsible for the promotion of ICTs, the management of domain names (.cm) and the fight against cybercrime on the national front. Sector-specific digital legislation is described in the Electronic Communications Act 2010 and supplemented by the 2015 Act.

Cameroon is still suffering from the consequences of the long Internet cuts of 2017. In 2017, Cameroon recorded a 93-day Internet shutdown[19] in the North-West and South-West, two English-speaking regions of Cameroon in conflict over corporate and separatist claims since 2016. During this period of the Internet shutdown, Cameroon suffered significant financial losses estimated to be over $38.8 million[20].

In October 2018, during the pre-election period, the government considered cutting the Internet but due to growing pressure from civil society and the vigilance of digital rights organizations, the government, through the Minister of Posts and Telecommunications, Minette Libom Lili Keng[21], made a denial by way of a press release. However, evidence by the Internet observatory Netblocks suggests that Facebook and WhatsApp were throttled on the eve of the release of election results[22].

In relation to the crisis in the two regions of Cameroon, Michel Biem Tong[23], a journalist, was arrested on 23rd October 2018 and sentenced, before being pardoned by a decree. After his release, he departed the country and is currently living in exile. Following a complaint, Paul Chouta[24], also a journalist, was arrested on 10th June 2019 for defamation on social media. He had already spent several months behind bars while awaiting his conviction.

Disturbances[25] of MTN and Orange networks were recorded between March and September 2019. No consequences were felt on the country's economy but the populations of the North-west and South-west were worried by these disturbances, qualified as technical problems by the Mobile operators due to the supposed shutdown of the optical fibre provided by CAMTEL.

In 2019, in response to human rights abuses perpetuated in Cameroon, a statement by President Donald Trump was sent to the Cameroonian authorities stating that the country would be removed from participating in the African Growth and Opportunity Act (AGOA), with the sanction expected to come into force in January 2020. "Cameroon has not responded to our concerns about the persistent human rights violations committed by its security forces. These violations include extrajudicial executions, arbitrary and unlawful detentions and torture," stated President Trump[26].

> **Evidence by the Internet observatory Netblocks suggests that Facebook and WhatsApp were throttled on the eve of the release of election results in October 2018**

Democratic Republic of Congo

The Democratic Republic of Congo[27] (DRC) has 83 million inhabitants, making it the fourth most populous country in Africa behind Nigeria, Ethiopia and Egypt. Its Gross Domestic Product (GDP) reached USD 42.4 billion in 2017 compared to USD 36 billion in 2016. The growth rate increased by 4.3% in 2018.

The Internet penetration rate stands at 6.2%, with 5 million subscribers as at 2018, while Internet access in households only reaches 2.8%. The DRC has more than 40.3 million telephone subscribers with a penetration rate of 38.6%. Since the end of 2016, four nationally licensed mobile operators have been active in the country including; Vodacom DRC- a subsidiary of Vodacom, a South African mobile group, Orange DRC- a subsidiary of the French telecommunications group Orange, Airtel DRC- a subsidiary of Bharti Airtel, the Indian mobile phone group and lastly, Africell DRC- a subsidiary of Africell Holding, owned by a Lebanese mobile group.

The Ministry of Posts, Telecommunications and Information is responsible for the communications sector under the 2002 Telecommunications Act. It is complemented by the Regulatory Authority of Posts and Telecommunications of Congo, which is the regulatory body, and by the National Company of Posts and Telecommunications of Congo (SCPT), following the reform of the Office of the Congo Post and Telecommunications by Law No. 08/007 of 8 July 2008.

The Democratic Republic of Congo had 599 political parties as of 2018. The new President, Félix Tshisekedi[28], was in the presidential elections of December 2018 validated by the electoral council, having run with historical opponents such as Moise Katumbi and Jean Pierre Bemba. The candidacy of Joseph Kabila, the former president, was not permitted under the current constitution.

On 1st January 2019, during the elections in the country, the government ordered an internet shutdown for political reasons[29].

In recent years, the Democratic Republic of Congo has acquired a reputation for recurring violations in the area of digital rights. In 2018, DR Congo experienced several network disruptions and an eventual Internet shutdown,[30] with access to online media and social networks such as WhatsApp, Facebook, YouTube and Skype interrupted several times to hinder communication between opposition protesters in several parts of the country.

On 30th December 2017, the Minister of Posts, Telecommunications and Information wrote an official letter to the Director General of Africell Congo to totally suspend Internet and SMS communication in the country. This three-day shutdown took place after the commencement of opposition demonstrations.

On 21st January 2018, as leaders of Catholic churches mobilized for peaceful protests against President Joseph Kabila's 17-year reign, Internet access was cut off. This cut lasted about 48 hours and a spree of deadly violence shook the country. The government found justification for the Internet shutdown by referring to Law No. 013/2002 of 2002, which governs the telecommunications sector and gives the government the power to take over the means of communication in the interest of national security.

On 23rd February 2018, a number of civil society organizations launched a series of push-back actions related to complaints made by victims whose rights of access to the Internet were abused by Vodacom, Orange, Airtel and Africell the four telecommunications operators in the DRC. On Sunday, 25th February 2018, access to the Internet and SMS was blocked. It was the day of the planned march by the Coordinating Committee of Laity[31].

On 14th June 2018, the Minister of Posts, Telecommunications and Information, signed a decree accentuating the control and censorship of online media. Online journalists' and organizations have expressed their dissatisfaction with this decision, which should be rescinded. In these various cases of violations, civil society estimated that the Democratic Republic of Congo lost about USD 2 million dollars a day in the various network disturbances. The DRC represents one of the most repressive states in terms of digital rights in Africa.

> **On 1st January 2019, during the elections in the country, the government ordered an internet shutdown for political reasons**

Egypt

With a population of over 90 million people, Egypt is Africa's third most populous country, only behind Nigeria and Ethiopia. Also, with a GDP of over USD 235billion, Egypt is an economic powerhouse in Africa, with an emerging economy with impact across two regions - Africa and the Middle East.

Egypt has an Internet penetration of 45%, active mobile broadband subscription of 50.1% and fixed broadband subscription of 5.4%. Internet Service Providers (ISPs) in Egypt include Orange, Vodafone Egypt, Etisalat Misr and Telecom Egypt. The Egyptian telecommunications regulator is the National Telecom Regulatory Authority (NTRA).

Egypt has been under a dictatorship since the overthrow of President Mohammed Morsi in 2013 by the military, which brought the country under the de- facto leadership of the head of the military, General Abdel Fattah El-Sisi. In 2014, General Sisi became Egypt's sixth President after democratic elections characterized by low voter turnout. Only 46% of the electorate participated in the elections, with Islamist and other secular groups boycotting the polls[32]. If the democratic election of General Sisi heralded the possibility of an open and inclusive society in the nation, the Egyptian government's record of brutal crackdown on dissent and opposition groups has erased any hope of such a possibility. Egypt has implemented a system of intense crackdown on activists, bloggers and journalists under the guise of fighting terrorism[33].

The legal and policy environment in Egypt has been dominated by President Sisi and his close control of the military. Developments in 2019 attest to the efforts of the Egyptian military, which has become the most dominant institution in the country, to take over the reins of legislative and judicial powers. Constitutional amendments and new laws introduced in 2019 have given the military greater control over the Egyptian Judiciary[34]. Some of the changes made include the military judiciary as a key component of the Council of Judicial Bodies in Egypt. Egyptian civil society is also being attacked, with Parliament approving a new law in July, governing the activities of Non-Governmental Organizations (NGOs)[35] in the country. The new law is perceived as restrictive to the work of civil society in Egypt. In an interesting twist, while restricting civil society within the country, the Egyptian government assumed Chairmanship of the African Union, which includes the institution's human rights organs. Amnesty International, in an editorial, urged African nations not to allow Egypt's Chairmanship of the African Union to affect its commitment to human rights[36].

The legal context described above has underlined the brutal crackdown on dissenting voices and civil society in Egypt. The actions of the Egyptian military have impacted digital rights in the country since 2015, progressing into 2019. Egypt has one of the most extensive surveillance networks targeted at opposition groups, activists, human rights organizations, bloggers and journalists. On social media and other communication platforms, this reality has further promoted a climate of fear within the country's activist community[37]. In 2019, a series of sophisticated cyber-attacks targeting the nation's journalists, academics, lawyers, opposition politicians and human rights activists[38] had been traced to Egyptian government offices, revealing that the surveillance activity of government has only deepened and not ceased. A number of the targets of surveillance were then arrested by Egyptian authorities.

In March 2019, the media regulator released a gazette announcing stricter restrictions on online content. The new regulations allow the Supreme Media Regulatory Council to block websites and accounts for 'fake news', and impose stiff penalties of up to 250,000 Egyptian pounds (USD 14,400), without having to obtain a court order[39].

Egypt also has a history of Internet network disruptions. More recently, since May 2017, the government has authorized the blocking of at least 496 websites of news outlets, blogs, human rights organizations, and circumvention tools used to bypass the blocks. On 9th February 2018, the Egyptian military announced an operation to flush out ''terrorists and criminal elements and organizations'' in North and Central Sinai Peninsula, West Nile Valley and the Nile Delta; a move which accompanied the total disruption of telecommunications services in the Peninsula. This trend of network interruptions continued in 2019 following protests triggered by allegations of corruption against the regime of General Sisi. It was reported that the websites of the British Broadcasting Corporation (BBC) and Alhurra news service were among websites blocked in the country[40].

Similarly and in relation to the protests, there have been a number of arrests and detentions of dissenting voices on digital platforms. Among the most popular was the detention of Alaa Abd El Fattah, the prominent writer and activist, for ''spreading false news'' and ''misusing social media[41]''.

Digital rights in Egypt, in the past 4 years, has been shaped by the brutal repression by the Sisi regime, and the prospects for the future of digital rights under the regime is not exactly bright. Egypt thus presents an opportunity for spirited advocacy for civil society coalitions.

> **In March 2019, the media regulator released a gazette announcing stricter restrictions on online content**

Ethiopia

Ethiopia is a country in North-eastern Africa, with a population of over 102 million making it the second most populous nation in Africa. The capital city of Ethiopia is Addis Ababa, where the African Union and United Nations Economic Commission for Africa house their headquarters. Ethiopia has an Internet penetration of about 15%, as reported by Ethiopia's Ministry of Communication and Information Technology (MCIT), with about 16 million users on the Internet[42]. MCIT is responsible for coordinating, and supervising the planning and implementation of Communication and Information Technology development initiatives and ICT policies in the country.

Ethiopia has two major government telecoms regulatory agencies, the Ethiopian Telecommunication Agency and the Information Network Security Agency (INSA), which have repeatedly been thought to be the agencies that order Internet shutdowns. Ethiopia has only one government owned telecommunications service provider, Ethio Telecom. Ethio Telecom provides fixed, mobile, Internet (dial up Internet, CDMA 2000 wireless Internet, ADSL and wireless Internet) and other Value Added Services (VAS) such as Domain Name registration and management of the .et country code top-level domain (ccTLD), the Domain Name System (DNS), web hosting, and Internet Protocol (IP) Address service.[43]

Ethiopia first had a multi-party election in May 1995, which was won by the Ethiopian People's Revolutionary Democratic Front (EPRDF). Since 2015, the country has undergone some major uprisings and challenges marred by violations of human rights. For example, protests broke out across the country on 5th August 2016 and dozens of protesters were shot and killed by police. These protests by citizens were to demand an end to human rights abuses, the release of political prisoners and a fairer redistribution of the country's wealth.

These events marked the most violent crackdown against protesters, since the Ethiopian regime killed at least 75 people during protests, in the Oromia Region in November and December 2015. Following these protests, Ethiopia declared a state of emergency on 6th October 2016. The state of emergency was lifted in August 2017. On 16th February 2018, the government of Ethiopia declared a six-month nationwide state of emergency following the resignation of Prime Minister Hailemariam Desalegn. Hailemariam Desalegn was the first ruler in modern Ethiopian history to step down. Previous leaders had either died in office or overthrown.

The Computer Crime Proclamation of 2016 supplements other proclamations in Ethiopia that restrict Internet's freedom by criminalizing legitimate speech as defamation and giving intelligence and law enforcement agencies untamed power to conduct surveillance and

searches. In line with this proclamation are other laws such as the Telecom Fraud Offences Proclamation No. 761/2012, the Freedom of Mass Media and Access to Information Proclamation No. 590/2008 and the Anti-Terrorism Proclamation No. 652/2009. All these laws, along with other complementary laws such as the Broadcasting Service Proclamation No. 533/2007 and the Charities and Societies Proclamation No. 621/2009, are part of legislations used to exercise control over the human rights landscape, both offline and online. Internet shutdowns are very common to Ethiopia. Having a single government owned telecom company makes it very easy for the Internet to be shut at any time. The Internet was shut down in 2016 and 2017 to curb the leaking of examination papers amid popular anti-government protests. On 11th June 2019, NetBlocks, an independent civil society group that tracks Internet shutdowns around the globe, identified Internet outages in Ethiopia and has recorded episodic starts and stops since then[44].

June 2019 recorded a number of shutdowns with 13th June 2019 being only the start of a disruptive run of three major shutdowns that included a disruption due to national examinations that lasted three days, an unexplained Internet blackout, which lasted at least 100 hours and finally a shutdown due to political violence in Amhara State, Ethiopia's second-largest region. The longest of all shutdowns came, on 23rd June 2019, in the aftermath of high-profile[45] political assassinations of top military officials in Addis Ababa and the President of Amhara region, along with his two top advisers in Bahir Dar, Amhara region's capital. The Internet service was intermittently available in the days following the killings although the network shutdown was only lifted after 10 days.[46] It is estimated that for every day Ethiopia shuts down the internet, it loses over USD 4.4million.

Another common mechanism of Internet censorship in Ethiopia is content moderation, hundreds of websites remained blocked during the periods of state of emergency. In 2018, these websites ranged from those of human rights organizations, political groups, and websites of censorship circumvention tools. However, in 2019, many of these websites were unblocked under Prime Minister Aby's sweeping reforms. The Prime Minister was quoted after the attempted coup d'état in Oromo state as saying that "For the sake of national security, Internet and social media will be blocked any time it becomes] necessary"[47].

On 12th March 2019, the Ethiopian Parliament passed into law the new Organization of Civil Societies Proclamation (CSO Proclamation). The new proclamation, though acclaimed to be more open than the previous one, still has provisions of concern for Civil Society Organizations (CSOs).This includes Article 57, which enables the government to refuse registration to CSOs whose aims or activities are contrary to public morals, which sets a barrier for activities as it also appears in (Article 59(1)(b)[48]. The proclamation gives government the power to supervise CSOs and impose rules that interfere with organizations' functions, including a 48-hour advance notification by CSOs, as requirement for lawful assembly.

On 13th June 2019, the Ethiopian Parliament approved the Law for the formation of the Telecom Regulatory Authority,[49] which also included issuing bids from two GSM operators for its over 100 million-population market. In light of the new reforms, Ethio Telecom is to be partially privatized. This is a huge step towards liberalizing the telecommunications[50] sector, which will greatly help in transparency and accountability for Ethiopia's telecoms sector, given that Internet shutdowns in Ethiopia have been largely facilitated by the state-owned monopoly, Ethio Telecom. The law, dubbed the Communication Regulatory Proclamation, repealed several pre-existing legislations, and will now empower the telecoms regulator to issue licenses to private investors[51].

On the weekend of 9th November 2019, the Cabinet of Ethiopia approved a Bill drafted by the Attorney General to combat fake news and hate speech, the state-run Fana Broadcasting Corporate reported[52]. While hate speech is a concern for Ethiopia, it has been greatly associated with online activities such as social media, therefore, although the Bill has not been published, it certainly will contain elements on regulation of online speech. This development comes just in time for the upcoming elections in 2020, as is often common that what African governments call 'hate speech' is more prevalent during such times. There are concerns among civil society on how the law will be interpreted and implemented during elections.

Despite great progress made since Prime Minister Abiy became Ethiopia's Prime Minister in 2018 there is still a long way to go for realization of rights, including digital rights,

especially because of existing laws. These rights are often seen as an avenue for citizens to hold governments accountable. However, the general climate of human rights reforms in the country, including liberalization in the telecoms sector, holds some hope that Ethiopia is transitioning into an open and more inclusive society.

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June 2019 recorded a number of Internet shutdowns with 13th June 2019 being only the start of a disruptive run of three major shutdowns

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Malawi

Malawi's population estimate stands at 17.6million[53] with majority of the population living in rural areas. With a GDP of USD 7.07billion[54] and over 20% of its surface area covered by water, Malawi's economy is predominantly agriculture based, followed by commercial fishing and tourism industries. In spite of economic and structural reforms, Malawi continues to rank as a least developed country constantly ravaged by climatic shocks such as excessive rain and flooding.

Malawi's Internet penetration stands at 14%[55], which is rather low in contrast to neighbouring countries. Similar to most countries, the majority of Malawians access the Internet using mobile broadband with penetration standing at 26%, while fixed line subscription stands at 0.06%[56]. Malawi has four mobile network operators; Airtel, Telkom Networks Malawi, Access and Malawi Telecommunications Limited, which is also the only fixed line service provider. The country has over 21 active Internet Service Providers (ISPs)[57] making the country's internet sector competitive, although high costs and limited broadband access have hindered the sectors growth and kept access prices steep. The introduction of fibre optic cables and connectivity through neighbouring countries promises to reduce the cost of international

bandwidth and boost broadband access. In April 2018, the government of Malawi, in partnership with the Chinese government, completed the first phase of the National Fibre Backbone project, which was implemented by Huawei Technologies[58].

The Malawi Communications Regulatory Authority (MACRA) is the nation's sole ICT regulator deriving its mandate from the Ministry of Information and Communications Technology.

Malawi is a multi-party state and has been a relatively peaceful country with strife-free power transitions. The May 2019 general elections were, however, marred with allegations of voter rigging leading to violent countrywide protests[59] and vandalism by opposition supporters. Although the courts ordered, a partial voter recount after receiving over 140 complaints of irregularities, President Peter Mutharika narrowly emerged as winner and was inaugurated[60]. Subsequently, opposition political party leaders have challenged the legitimacy of the election results through a court suit. As of October 2019, human rights defenders had continued mobilizing protests, calling for the resignation of Malawi Electoral Commission's Chairperson, Jane Ansah, for allegedly mismanaging the polls[61]. The impasse, which continued for months, saw the death of several protesters and police officers, as well as caused damage to property and loss of revenue.

The following ICT policies are in place; National ICT Master Plan 2014- 2023, National ICT Policy 2013 and Access to Information Policy while the following ICT laws guide the usage of technology services; Communications Act 2016, Electronic Transactions and Cyber Security Act 2016[62].

On Safer Internet Day celebrations, a MACRA spokesperson warned of severe punishment for social media 'abusers'[63]. The Minister of ICT equally expressed government's concern over social media abuse ahead of the May 2019 general elections[64].

May 21, 2019, saw Malawi's first ever Internet disruption, during vote counting, which lasted up to 6 hours. Television and radio networks were also reported to have been down in some parts of the country[65]. Prior to the elections, the regulator MACRA, had intensified efforts to discourage election disinformation. The regulator issued cautionary statements, warning Malawians about their conduct on social media platforms[66]. Two months later, the regulator went on to ban radio phone-in programs[67] in an effort to discourage radio discussions about the general elections, which MACRA claimed were inciting violence in the country.

One digital rights-related arrest was recorded in 2019, of a man who was jailed for likening the first lady, Gertrude Mutharika, to a cartoon character on social media[68].

> ❝
> **May 21, 2019, saw Malawi's first ever Internet disruption, during vote counting, which lasted up to 6 hours** ❞
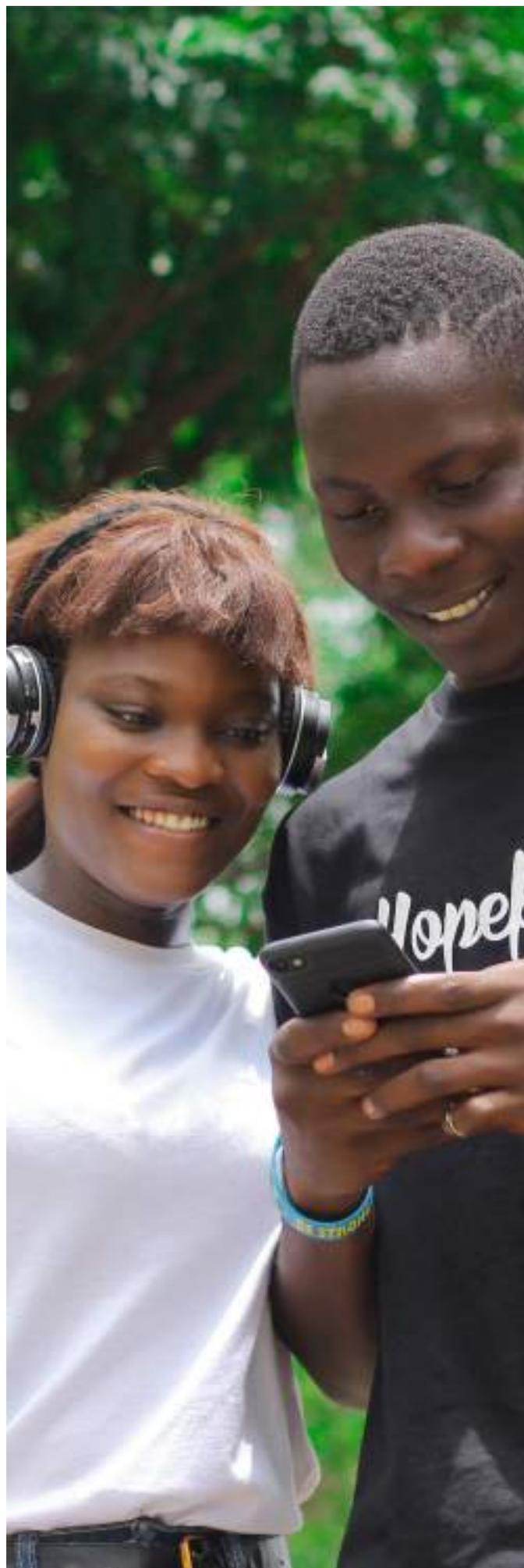
Morocco

With a population of over 36 million people and a GDP of USD 118billion, the Kingdom of Morocco is an Arabic self-governing territory of the Western Sahara. The Kingdom operates a version of a monarchy described as a Parliamentary Constitutional Monarchy, which includes a bicameral legislature, a constitution and provision for a non-partisan and independent judiciary.

Morocco has an Internet penetration of 61%, active mobile broadband subscription of 58% and fixed broadband subscription of 3.9%. Internet Service Providers (ISPs) in include Maroc Telecom, Medi Telecom and Wana Corporate. The telecommunications regulator is the National Telecommunication Regulatory Agency.

The King of Morocco is the top national authority. He is in charge of appointing the Prime Minister, after parliamentary elections by Moroccans. The King, though in charge of appointing the Prime Minister, is obliged to choose from within the party which wins the most seats.

Morocco is generally known to have a mixture of attitudes toward human rights. In September 2018, the Parliament criminalized violence against women and sexual harassment, domestic abuse and rape; hence making a move which has generally been referred to as long-awaited. The law passed imposes stricter penalties on perpetrators of said violations committed both in the private and public spheres. The country is also notorious for its rampant disregard for human rights, offline and online.

Article 25 of Morocco's 2011 Constitution guarantees the freedom of thought, opinion and expression in all their forms. It also guarantees the freedom of creation, publication and presentation in literary and artistic maters, and of scientific and technical research.

In reality, however, as is the case in many African countries, where freedom of the press and expression are guaranteed in theory, there are overt suggestions that this right is not entirely granted. In the past one year in particular, digital rights in Morocco have been partly shaped by the massive protests in Morocco's Rif region, in the city of Al-Hoceima. Protests erupted in 2016 and 2017 after the death of a fishmonger in Al-Hoceima, a town in Rif. Fishmonger Mohcine Fikri was crushed to death by a rubbish lorry whilst trying to recover his fish, which had been confiscated by local police[69]. The Moroccan government's response to the huge protests included an Internet disruption[70] and attempts to muzzle media coverage of the protests. Much of the ensuing media blackout involved the arrest and detention of bloggers and journalists, with several cases of arrests documented in our 2018 Digital Rights in Africa

Report. In 2019, many of those cases were again heard in court. For instance, a court in Casablanca upheld sentences of up to 20 years against 43 men for various roles in the protests held a year earlier[71]. Also sentenced in April 2019 were Mohamed El Asrihi, the director of the news website, Rif 24, who was sentenced to five years in imprisonment, and Fouad Essaidi, the director of Facebook-based Awar TV, who was sentenced to three years[72].

On 11th February 2019, an appeal of Soufian al-Nguad's conviction continued. Soufian, who was a co-owner of a real estate agency, was sentenced by a court in Tetouan Northern Morocco to a prison term of two years and a fine of 20,000 Dirhams (USD 2,000). This sentence was for inciting people to participate in an unauthorized protest through his comments on Facebook which encouraged them to protest the killing of a would-be Moroccan emigrant by the Morocco's Coast Guard[73]. On 25th September 2018, the Moroccan Coast Guard fired at a boat in the Mediterranean Sea, killing 20 year-old student Hayat Belkacem and wounding three other passengers, as they attempted to immigrate to Europe.

In a similar case, Nezha Khalidi, of the activist group Equipe Media in El-Ayoun in Western Sahara, was on 9th July 2019 fined 4000 Dirhams (USD 400) by the Court of First Instance Laayoune, accused of not meeting the requirements to call herself a journalist. She was arrested on 4th December 2018 as she was livestreaming on Facebook, a street scene in the Western Sahara region and denouncing what she termed 'Moroccan repression'[74].

In a demonstration of the general digital rights climate in Morocco, ongoing-targeted spyware attacks against human rights defenders have been discovered in the country, beginning from 2017 to date. These attacks, reported by Amnesty International, have been implemented using NSO Group's Pegasus spyware. These attacks were carried out through SMS messages carrying malicious links that if clicked, would attempt to exploit the mobile device of the victim and install NSO Group's Pegasus spyware[75].

The NSO group, already famous for supplying their technology in the death of the Washington Post reporter, Jamal Kashoggi, have become noted as an exporter of surveillance technology to regimes with some of the worst human rights records[76]. In Morocco and across the Middle East,

NSO group's products have enabled regimes to suppress citizens' rights to freedom of expression, association and peaceful assembly.

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'Ongoing-targeted spyware attacks against human rights defenders have been discovered in the country, beginning from 2017 to date
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Nigeria

With a population of 198 million, Nigeria is Africa's most populated country, with over 250 ethnic groups and cultures. With a GDP of USD 397 billion, Nigeria is also Africa's largest economy, with oil and gas, telecommunications, and entertainment as pivotal sectors driving growth and productivity. Nigeria's economy however, masks deep entrenched poverty and underdevelopment due to inequality and systemic corruption in the public sector. Poverty rate is 62.6%[77] and recently, Nigeria was announced as having overtaken India as the country with the largest number of people (87million) living in extreme poverty (less than USD 1.90 a day)[78]. Research by the Brookings Institution suggests that if Nigeria is unable to change its current trajectory, it will be home to 110 million people living in extreme poverty by the year 2030[79].

According to statistics by the International Telecommunications Union (ITU)[80], Internet penetration in Nigeria is 27%, percentage of households with Internet access is 17%, fixed broadband subscription is 0.04% and active mobile subscription is 19.9%. Some of Nigeria's major Internet Service Providers (ISPs) are also the biggest mobile telecommunications providers – MTN, Glo and Airtel. There are 121 licensed ISPs operating in the country,

according to the telecommunications regulator, the Nigerian Communications Commission[81].

Nigeria has had a stable democracy since the transfer of political power from the military to civilians in 1999. In 2015, the All Progressives Congress (APC) defeated the incumbent Peoples' Democratic Party (PDP) in presidential elections. Nigeria also conducted national elections in February 2019. In the Presidential elections, the incumbent, General Muhammadu Buhari, won a second term in office on the platform of the All Progressive Congress (APC). Over the past four years, there has been a sense that the situation of human rights in Nigeria has worsened. Freedom of expression and association by dissenting voices have come under extreme strain, a situation that has caused disillusionment for many Nigerians who had hoped for a better life following the return of democracy.

In the 2018 edition of this report, we noted that the most obvious manifestation of the worsening human rights situation in Nigeria could be discerned in the numerous arrests of citizens, bloggers and journalists since the political transition in May 2015. Tracking by Paradigm Initiative has revealed a continued spike in arrests of dissenting and critical voices in Nigeria, with an initial peak observed in 2017. The year 2019, however, was much worse.

Digital rights in Nigeria are under threat by

a number of legislations and policies, which have been in development over the past few years. Our 2017 and 2018 reports documented the progress of draft legislations such as the Terrorism Amendment Bill (the amendment to Terrorism Prevention Act of 2011), the draft Executive Hate Speech Bill- which was submitted to the Ministry of Justice in 2017 and the Independent National Commission for Hate Speeches Bill, 2018. As at June 2019, when the tenure of Nigeria's 8th National Assembly elapsed, these Bills remained draft legislations and failed to make required legislative progress that could have made them law. It should also be recalled that Nigerians fought to compel the Nigerian Senate to withdraw an anti-social media Bill in May 2016[82]. However, at least two of these repressive legislations have now been resurrected, less than 6 months into the 9th National Assembly in 2019. Within the space of one week, the Nigerian senate introduced two draft legislation that are poised to negatively affect how Nigerians use online platforms for expressing opinions and views. The Protection from Internet Falsehood & Manipulations Bill 2019, proposes a 10 million Naira fine and 3 years jail term for offences[83] while the National Commission for the Prohibition of Hate Speeches Bill, proposes death by hanging for offenders[84].

Reversing some of the gains of 2018, Nigeria's President, Muhammadu Buhari declined assent to the Digital Rights and Freedom Bill (HB 490)[85]. The Bill was drafted to protect the rights of Nigerians online[86], and was passed by both houses of Nigeria's bicameral legislature. After initial delay in transmitting the Bill to the President[87], it was eventually transmitted to the President on 5th February 2019[88]. However, President Buhari declined assent to the Bill, stating that it covers too many technical subjects, a remark that was viewed by Civil Society Organizations working on the Bill as an excuse to avoid committing to protecting the rights of Nigerians[89]. The Digital Rights and Freedom Bill has been reintroduced in the 9th National Assembly, and after a first reading in July, it was referred to the Committee of Whole, following a "motion to reconsider Outstanding Bills from the Preceding Assembly, pursuant to Order Twelve Rule 16 of the Standing Orders of the House of Representatives raised by Rep. Abubakar Hassan Fulata and seconded by Rep. Ossai Nicholas Ossai."[90]

The Nigerian government is not in any way slowing down on building its surveillance capacity, as it has continued with government spending on surveillance equipment reported in our 2017 and 2018 reports. In the proposed 2020 executive budget documents, the office of the National Security Adviser (NSA) and the Department of State Services (DSS) have a combined budget of about 5billion Naira (USD 13.8million) aimed at purchasing surveillance related equipment[91]. Some of the equipment being proposed include the 'Stranvisky Project 2', which has now become a permanent feature in Nigeria's national budget over the past five years[92]. The Counter Terrorism Centre ("All Eye Project") alone is estimated to cost about 3.1billion Naira (USD 8.6million). It must be noted that the government's stated reason for proposing to purchase these equipment is for its counter terrorism objectives. This, however, continues to lack judicial oversight and the prospect for abuse is even greater as the Nigerian government has increasingly demonstrated intolerance for dissent in the year under review.

The digital rights community has not stopped pushing back by deploying various advocacy strategies to demand accountability from the Nigerian government. In December 2018, a Federal High Court sitting in Abuja, Nigeria's Federal capital territory, ruled in favour of Paradigm Initiative[93] in a suit filed in April 2017, that asked the court to compel the National Space Development and Research Agency (NASRDA), an agency under the Ministry of Science and Technology, to provide requested information via a Freedom of Information request on the proposed launch of two Nigerian satellites with surveillance capabilities[94]. In addition, in June 2019, a Federal High Court affirmed the data privacy rights of Nigerian citizens and directed the National Identity Management Commission (NIMC) to improve on its data privacy and security systems in order to avoid a breach of citizens' rights to privacy. This decision was reached in the case between Incorporated Trustees of Paradigm Initiative for Information Technology (PIIT) & Sarah Solomon-Eseh (Applicants) v National Identity Management Commission (NIMC) & Anor[95]. Also, despite the refusal of President Buhari to sign the Digital Rights and Freedom Bill in is first tenure as Nigerian President, Civil Society Organizations working with other key stakeholders have revised the bill and sent it back to the legislature towards ensuring that the Bill becomes law before the end of the current

National Assembly in June 2023. The revised Bill was read on the floor of Nigeria's House of Representatives in July 2019.[96]

The year 2019 has seen students in tertiary institutions expelled or jailed for online comments[97,98,99]. State governments in Nigeria have also increasingly begun to replicate the trend of clamping down on online speech. Nigerian journalist and publisher, Agba Jalingo, was charged for treason for criticizing Governor Ayade of Cross River State[100]. The journalist is facing four counts bordering on "acts of treason, treasonable felony, and threatening through various publications on crossriverwatch.com and social media. He is also facing charges for using malicious publications and instigating the people of Nigeria to stage protest for the removal of the Governor of Cross River State of Nigeria from office without due process of law and thereby committed an offence punishable under Section 41 of the Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004." [101] Cross River is one of Nigeria's 36 sub-national units. Another journalist, Obinna Don Norman, was charged under the Cybercrimes Act of 2015 for criticism of the Abia State Government. Norman is owner and editor-in-chief of online news outlet, The Realm News. He was arrested by police in Umuahia, the capital of Nigeria's South-eastern Abia State[102]. A blogger and human rights activist, Steven Kefas, spent 150 days in custody on the order of Kaduna State Governor, Nasir El-Rufai[103], for alleged incitement and defamatory comments against Cafra Caino, the Council Chairman of Kajuru Local Government Area of Kaduna State. However, his case is still pending in court after it was adjourned to 4th February 2020[104].

Anti- corruption activist and National Convener of the Citizens Action to Tack Nigeria (CATBAN), Ibrahim Garba Wala, commonly known as IG Wala, was arrested by security operatives for sharing details of corruption allegations against the chairman of the Nigerian Hajj Commission on Facebook. Mr. Wala was arraigned before an Abuja High Court on a three-count charge of criminal defamation of character, public incitement and operating illegal organization (CATBAN)[105]. In April 2019, the Abuja court sentenced him to 12 years imprisonment[106].

The developments of the past 12 months suggest that Nigeria seems to be at a critical moment as threats to digital rights and freedoms are on the increase. In November, the Nigeria Immigration Service started a biometric verification pilot at the Murtala Mohammed International Airport in Lagos, with plans to roll out across the country and have all international travellers at Nigeria's airports submit biometric information before boarding their flights. In the present crackdown on dissenting voices in a country without data protection legislation, analysts have linked this development to government's moves to institute a lock-down and to further raise the cost for dissenting voices.

" **Nigeria's President, Muhammadu Buhari declined assent to the Digital Rights and Freedom Bill (HB 490) in February 2019** "

Rwanda

Rwanda is a small landlocked country in East Africa with a population of approximately 12.4 million people, according to the National Institute of Statistics of Rwanda.[107] The capital city is Kigali, a city that is fast altering the face of technological advancement in Africa. Rwanda has an Internet penetration rate of 51.6%, according to the Rwanda Utilities and Regulatory Authorities (RURA).[108]

Rwanda's Ministry of ICT and Innovation is responsible for all ICT related matters followed by a regulatory authority, the Rwanda Utilities Regulatory Authority (RURA). RURA was created by the Law n° 39/2001 of 13th September 2001 with the mission to regulate certain public utilities including telecommunications networks and/or telecommunications services, among others. This law was further reviewed and replaced by Law N° 09/2013 of 01/03/2013,[109] giving RURA the mandate to regulate telecommunications, information technology, broadcasting and converging electronic technologies, including the Internet and any other audio-visual information and communication technology.

The Rwandan telecommunications industry is composed of two main telecom operators, six Internet Service Providers (ISPs), one Wholesale Network Service provider, two network facility providers and fourteen Retailer Internet Service Providers, as of June 2017. The two major operators in mobile telephony are MTN Rwanda and Airtel-TIGO Rwanda, and the fixed telephony provider Rwandatel[110].

Rwanda has for the past 25 years worked bravely towards recovering from the 1994 tribal genocide that saw the deaths of over 800,000 people during the clash between the majority Hutus and minority Tutsis. During this 20-year period, the country has been under the leadership of President Paul Kagame who officially became President in 2000 and has since then gone on to win consecutive elections in 2000, 2003, 2010 and 2017[111].

The country adopted the National Information Communications Infrastructure (NICI) policy in 2000 to create a long-term plan to achieve full digitization in four five-year stages. The NICI plan was further integrated into Vision 2020, which plans to transform Rwanda into a middle-income country by 2020[112]. However, despite this progress in the ICT sector, Internet freedom has declined due to legal restrictions placed on online speech, manipulation of online content, violence against online journalists and human rights defenders.

This has led to an information environment that projects a single narrative and shuns criticism. During the 2017 elections, online content manipulation became prevalent with proliferation of government trolls that attacked opposition candidates and

critics on social media. In August 2018, the President signed the Penal Code, which is geared towards increasing penalties for criminal defamation against the President, among other new penalties. Different stakeholders have argued that the Penal Code aims at silencing critics and limiting freedom of speech, among other digital rights violations. In the onset of the arguments between Rwanda and Uganda, the government has also been reported to have blocked some Ugandan websites.

The law relating to the Interception of Communications allows the government to monitor communications if seen as potential threats to 'public security'. This law also requires communications service providers to ensure that their systems have the technical capability to intercept communications upon demand, though security officials also have the power to "intercept communications using equipment that is not facilitated by communication service providers". This implies that with or without providers' consent, authorities can hack into a telecommunications network[113].

The ICT Law N° 24/2016 of 18/06/2016, Law N° 60/2013 regulating the Interception of Communications, Criminal Procedure Code Law N° 30/2013 of 24/05/2013 and the regulation of SIM card registration of 2013, collectively contain provisions that undermine freedom of expression online and privacy rights, and contravene Article 38 of Rwanda's Constitution, international standards and best practices on freedom of expression, access to information and privacy rights.

Rwanda's Non-Governmental Organizations (NGO) laws were first enacted in 2008 and revised in 2012. All NGOs in Rwanda need to register with the Rwanda Governance Board (RGB), which also has the power to refuse registration or de-register an NGO on broad grounds. According to this law, NGOs have a 12-month probation period after which they should apply for legal personality. This should be nine months after getting their temporary certificate registration, which also needs to be renewed every five years. These restrictive laws make the work of NGOs and human rights defenders difficult, making it a challenge to run effective advocacy campaigns especially on human rights including digital rights[114].

Rwanda's Media Law is oppressive as it states, in Article 83, penalties for crimes committed through the press such as vague language and any publication that is considered to be in "contempt to the Head of State" or "endangers public decency." Other oppressive laws include the Rwandan Penal Code, which has provisions on defamation and privacy offenses meaning that that journalists are also threatened with possible imprisonment for doing their job.

According to Jean Claude, a Rwandan Journalist, "these vague provisions mean that journalists in

Rwanda are restricted from articulating critical views of the government, which are meant to advance the country's social, legal, economic and political life. As a result, both ordinary people and journalist cannot exercise their freedom of speech or expression in the country"[115]. In an article by The Rwandan, titled "In Rwanda there's No Freedom of Expression, The People are Frozen with Terror," the writer delves into explaining how journalists cannot report any case of injustice.[116]

Arrests over content posted on social media is not uncommon. On 17th September 2019, Irénè Mulindahabi, co-presenter of Sunday Night Live show on Isango TV and Radio was arrested by the Rwanda Investigations Bureau (RIB) over alleged obscene social media posts[117]. Earlier in May, ICT and Innovation Minister Paula Ingabire announced in Parliament that the government was devising strategy to keep a lid on social media in a bid to counter "misinformation" and "lies". Some media occasionally broadcast programs on 'sensitive' issues, however, most are heavily dominated by pro-government views.

Earlier in 2019, Rwanda proposed a country- wide DNA database, a project that will involve collecting samples from all 12 million citizens, in an effort to address crime.[118] This has prompted concerns among human rights campaigners who believe the database could be misused by the government to violate international human rights laws[119]. Although further clarification and steps have not been made towards the implementation of this proposal, it is essential to note that Rwanda's Data Protection and Privacy Policy is not comprehensive enough to handle such a sensitive databank.

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Sudan

Sudan is a North-eastern African country with a population of 39.5 million people. Its capital city is Khartoum[120]. The country has an Internet penetration of 27.8% as at June 2019[121]. The key telecommunications service providers are Sudatel, Zain, MTN and Canar. The Ministry of Information, Communications and Information Technology of Sudan is responsible for all matters relating to ICTs and the country's sector regulator, the Telecommunications and Post Regulatory Authority, is in charge of the regulation of the telecommunications industry. The regulator issues new licenses, sets Internet fees and oversees content blocking.

Sudan was on the list of countries that supported terrorism since 1993 when they hosted Osama Bin laden and the Al-Qaida group. The deteriorating economic conditions of the country, following international economic sanctions and authoritarian leadership, led to what was known as 'the bread protests', which were complimented by social media platforms. The government's response to protests was through the pro-government Cyber-Jihadist Unit that watered down the online protests by spreading government propaganda. The Cyber-Jihadists Unit was formed in 2011 to act as a special Internet and social media surveillance unit to spy on government critics, human rights activists, journalists and opposition parties. Sudan's Internet speeds have been reported to regularly slow down during periods of political unrest and most have been seen as government's efforts to shrink the democratic space[122]. Over the years, independent online news outlets have been hacked, sites blocked, and critical journalists and activists arrested. It is also common for the Sudanese government to clamp down on websites that it deems 'violating Muslim norm' and 'threatening ethics and culture.

This country context has made riots and uprisings against the government common. Protests have been met with stiff government responses accompanied by violations of several fundamental rights such as freedom of expression and press freedom, among others. Towards the end of 2018, a citizen uproar was growing in Sudan as citizens protested the dwindling economic fortunes of the nation mostly in the capital city of Khartoum. In addition to a brutal crackdown, the government's response also led to an Internet disruption.

Following the trend of African governments who legislate restrictions, the government of Sudan followed suit by tightening restrictions on online activities through legal means. This was done by introducing a new cybercrime law and making amendments to the media law, both of which were passed in June 2018.The new cybercrime law announced criminal penalties for the spread of fake news online, while amendments to the media law required online journalists to register with the Journalism Council[123]. These new laws further gave the government the power to define fake news in their own broad terms hence aiding them to crackdown on online activities. The Cybercrime Law states that online publishing

on different platforms can fall under the category of "spreading fake news". It also uses vaguely defined terms that help regulate the content produced and consumed online. Cyber cafe owners in Sudan are required by law to download filtering apps. The government, through its Internet service control unit, has been blocking content.

Coupled with a number of laws that further suppress the rights of the people of Sudan to exercise their rights to freedom of expression, among others, are laws such as the Media and Publication Law of 2009[124], the Cybercrime Act of 2007, the National Security Act of 2010, the Criminal Act of 1991, as well as the Access to Information Law of 2015. During recent uproars in the country, the government figured the biggest outlet for expressing citizens' discontent to be social media platforms hence targeted the platforms with throttling.

In recent protests, Reporters Without Borders (RSF)[125] condemned the Sudanese government's abuses of media and journalists in attempts to deter them from publishing ongoing protests. The RSF reported that during protests, there had been more than 100 press freedom violations including arrests, seizures of newspapers and throttling of the Internet. The National Intelligence and Security Service (NISS) also banned all coverage of the protests.

The constitutional law of Sudan prohibits interference with privacy and communication, however, the Sudanese government regularly violates their own laws, with the National Intelligence and Security Services (NISS) reading the emails of citizens, and the National Telecommunications Corporation blocking web sites and proxies. Alongside monitoring all communication between citizens, security forces regularly target people suspected of political crimes for warrantless searches.[126]

These protests eventually led to the fall of President Omar al-Bashir on 11th April 2019 at the hands of the military council[127]. However, the protests continued as the Transitional Military Council (TMC) refused to hand over power to civilians under the pretext of deteriorating security in the country, with the Internet repeatedly shut down.

The longest disruption of social media was for 68 consecutive days, with access to Facebook, Twitter, Instagram and WhatsApp cut off from 21stDecember 2018, to 26th February 2019, according to Netblocks[128]. Local communities, civil society and international bodies urged the government of Sudan to restore Internet access but their cry fell on deaf ears. On 3rd June 2019, protesters staged a mass sit-in in Khartoum,

which spanned from the military headquarters to the Nile river. This was broken up by the TMC, who killed over 100 protesters and dumped more than 40 bodies in the Nile. Subsequently, the Internet was shut down again for a period of 36 days only to be restored on Tuesday 9th July 2019[129].

The Sudanese Professionals Association are Sudan's main protest group who often use their Facebook page of about 800,000 followers to announce details of protests. With the Internet almost entirely inaccessible, the group was unable to communicate hence limiting their plans[130]. Subsequently, Sudan's court-ordered telecoms operator Zain Sudan to restore Internet access for the populace. This was the direct consequence of a case brought to court by the lawyer Abdel-Abdeem Hassan[131], coupled with pressure from the international community.

The Committee to Protect Journalists (CPJ) along with 22 other civil societies wrote a joint letter[132] to executives at South African telecommunications company MTN Group, calling on them to end their role in Sudan's Internet shutdowns[133]. The letter urged them to reveal any demands from the government that led to the disruption of Internet access and to jointly pushback against government censorship demands, through all tools at their disposal to deter future shutdown orders.

On 4th August 2019, the TMC and the opposition coalition Forces for Freedom of Change (FFC) signed a constitutional charter for a transitional period. The charter governs a 39-month transitional period with a power-sharing agreement incorporating both the political and constitutional agreements[134]. The power-sharing agreement has so far resulted in the return of some normalcy to the country, although civil society are constantly monitoring the country's situation for shifts in the state of human rights.

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Tanzania

Tanzania is a country in East Africa with a population of over 55 million, according to the Tanzania Bureau of Statistics[135]. It gains most of its income from agriculture and tourism, with Dar-es-Salaam serving as the commercial city and Dodoma, the capital city. All matters regarding technology are supervised by the Ministry of Works, Transport and Communication. However, an independent Tanzania Communication Regulatory Authority (TCRA) handles regulation in this sector.

TCRA was established under the TCRA Act no. 12 of 2003, to regulate electronic communications, postal services and manage the national frequency spectrum. Related institutions and ministries include the Ministry of Science and Technology and the Tanzania Commission for Science and Technology (COSTECH), which handles research on science and technology, including innovation[136]. A recent quarterly report shows an Internet penetration of 43% with 23.1 million Internet users as of June 2019[137]. The key telecommunications service providers in Tanzania include Tigo, Vodacom, Airtel, Zantel and Halotel, with Zantel being the dominant operator in Zanzibar.

When Tanzania got its independence in 1961, it was run as a single party state for many years under Chama Cha Mapinduzi (CCM), which is Swahili for "the revolutionary party". In 1992, the country adopted multi-party democracy to foster transparency and accountability[138]. However, since the advent of multi-party politics the ruling party has still retained power. Many have claimed that this makes the country a de-facto one-party state, despite the presence of multiple political parties.

In recent years, the international perception of Tanzania has shifted from being well regarded to international umbrage due to the rapid shutdown of its civic space. In 2016, Tanzania passed the Cybercrime Act that has been acclaimed as a tool to stifle freedom of expression. Over the succeeding years, the country under the regime of Hon. Magufuli, made additional strides towards the closing of civic spaces, mostly through the use of so-called 'rule of law' tactics. In March 2018, the government introduced the Electronics and Postal Communications Act (EPOCA). This law required registration and licensing of all online service providers and included a licensing fee of up to about USD 920 per year. Despite pushback from civil society and human rights defenders, violations have persisted.

In January 2019, the parliament tabled proposed amendments to the "Political Parties Act" which resulted in a lot of uproar from the opposition political parties as well as from human rights defenders who saw this as another attempt to

further entrench the authority of the current regime. According to the new law, political parties are required not to work as pressure groups, and the registration of political parties is now supervised by the office of a Registrar who has the right to deregister, require information and decide which individual political parties field for public office. These regulations act to further restrict the civic space and shackle opposition voices.

At the high court, a coalition of CSOs and political parties who filed a case to dismiss the tabling of the amendments in Parliament were not granted their hearing, and as a result, the Bill was passed into law. However, this case moved to the East African Court of Justice. While civil society and human rights defenders have built great advocacy efforts and coalitions, pushback from the government has been amplified, making it nearly impossible for civil society to be able to operate in a free space.

In June 2019, the Parliament also passed, into law, amendments to the written laws Miscellaneous Amendments No.4[139], which affected a total of five other policies within the country. Among the laws affected was the Non-Governmental Organizations (NGO) Act, which has resulted in re-registration of a number of NGOs to fit the new requirements. This amendment has made registration of NGOs renewable every 10 years, with quarterly monitoring and evaluation by the registrar of NGOs[140].

Under this amendment, the Companies Act had several sections that were also made null and void. These include the section that affects the registration of social enterprises. Tanzania does not have a social enterprise model hence most of NGOs registered in early years where registered under the Companies Act as companies limited by guarantee, which allowed them to operate as social enterprises[141]. NGOs that were operating under this license were also given a short time frame of only two months to re-register. This has displaced intended social enterprises who do not fit as neither companies nor NGOs. Renowned human rights organizations such as Change Tanzania have been forced to change names due to the new process of registration. This year has seen the arrest of several people for violation of said new laws. In June 2019, opposition leader Zitto Kabwe was arrested at the airport, as he was about to leave the country and eventually banned from traveling outside the country by immigration officers. He

was accused of violating section 50 (1) (a) of Media Services Act, which states in part that "any person who makes use by any means of a media service for the purposes of publishing information which is intentionally or recklessly falsified in a manner which threatens the interest of defence, public safety, public order, the economic interests of the United Republic, public morality or public health…"

Enforcement of said regulations under the EPOCA include arrests of Tanzania's famous comedian, Emmanuel Mathias, commonly known as 'MC Pilipili' who was arrested on 2nd May 2019 for operating a YouTube channel dubbed "Pilipili TV" without a license as recommended by the new regulations[142]. Similarly, MC Luvanda, Soudy Brown, Shaffih Dauda, Maua Sama and photographer Mx Carter have also been arrested since the implementation of the new regulations started.

On 7th September 2019, police in the Central Iringa region arrested Atilio, a former reporter for Radio Maria Tanzania and Key FM Tanzania, over his posts in the Mufindi Media Group, a WhatsApp chat group. According to his attorney, Atilio is one of three administrators of the WhatsApp group, which has at least 170 members, including government officials, and features commentary on politics and social issues. Atilio was brought to the Mufindi district court and charged with disseminating false news and working as a journalist without accreditation.

On 20th September 2019, the High Court of Tanzania temporarily suspended Ms. Fatma Karume from practicing law in Tanzania mainland based on a remark she made in a court case while objecting the appointment of the current Attorney General. Ms. Fatma had been quoted as saying that the suspension is a way to ensure she does not challenge them at the Constitutional Court, hence it was deliberately done[143].

Erick Kabendera, a Tanzanian investigative journalist was also charged with organized crime and money laundering. However, many believe it was directly linked to his critical work, which has appeared in the Guardian[144] and many other publications about political infighting and an alleged plot to stop the re-election of the Tanzanian President[145]. On 30th October, Idris Sultan, a famous comedian and one-time winner of Big Brother Africa was arrested for

'impersonation" of President Magufuli, which is a crime under the Cybercrime Act which forbids using a computer system to "impersonate" someone else[146]. Mr. Sultan had shared two photos on his social media accounts, which have more than five million followers. One of the pictures showed him posing on a Presidential chair with the national seal, while the other showed the President's face on the comedian's body. The caption was in Swahili and read: "We swapped roles for a day so that he could enjoy his birthday in peace.[147]

The state of privacy has also been an issue of great concern in the country as various politicians have succumbed to private phone calls being exposed on WhatsApp and YouTube channels. A recent phone call that was leaked and made available on radio is alleged to have been between recently sacked Minister, Hon. January Makamba and William Ngeleja. However, the TCRA has not made any comments regarding the matter. The President did acknowledge to have heard about that call conversation, stating that both parties had asked for forgiveness and hence he has forgiven them[148]. Tanzania's Constitution under Article 16 guarantees the "right to privacy," however, there is no data protection and privacy policy in place.

Although the government did not take any measures to respond to the issues of communications interception, various stakeholders have made comments. The Human Rights Defenders Coalition (THRDC)[149] released a paper regarding the state of personal data and privacy in the country, urging the Government to pass a comprehensive data protection and privacy policy, which will help to ensure that such cases are properly handled. There has also been some concerns on transparency of the data the government requests from Telecom service providers. However, so far, only Vodacom publishes transparency reports. The country is now preparing for elections to be held in October 2020 and the implications of these laws are becoming more apparent as elections draw near.

In recent years, the international perception of Tanzania has shifted from being well regarded to international umbrage due to the rapid shutdown of its civic space'

Zambia

According to the nation's central statistics office, Zambia's population estimate stands at 17.4 million[150], largely comprising of the youth who account for over half of the total population. Ranked as one of Africa's fastest growing economies, Zambia has a GDP of over USD 25.8 billion[151], although the country's inflation rate jumped into double digits from 9.3 in August 2019 to 10.5 in September 2019[152]. The nation continues to face a high debt crisis and low water levels at hydroelectric power plants, due to a looming drought condition that has caused power outages across the country.

In 2019, Zambia's Internet penetration stood at 59%, accounting for over 10 million users, most of whom access the Internet using mobile devices. Mobile broadband connectivity in the country stands at 58.9% while fixed line penetration stands at 0.25%. Zambia's telecommunications infrastructure has undergone moderate transformation, the government rolled out a three-year plan to erect 1009 communication towers, which would bring the universal access coverage of both internet and communications services to 96%[153]. So far, 600 towers have been erected while 400 more were projected to be erected in 2019. Majority of the nation's unconnected lie in the rural areas.

The Zambia Information and Communications Technology Authority (ZICTA) regulates the country's ICT sector and was established through the Information and Communication Technologies Act of 2009. Zambia has three mobile operators, Airtel, Zamtel and MTN. Zamtel is the only fixed-line operator. As at 2019, the country had about 16 registered ISPs.

The early 1990's marked Zambia's transition into a multi-party state after the late President, Fredrick Chiluba, challenged the first republican President, Dr Kenneth Kaunda, in a historic election. Largely, Zambia has been described as a peaceful nation and a shining example of democracy owing to the peaceful power transitions that have occurred in the past. The current President, Edgar Lungu, succeeded his predecessor, Michael Sata, in January 2015. His succession saw many heated debates and divided opinions within the country between two factions - one which believed that the late President Sata had named his successor before his demise, while the other believed that the then Vice President, Dr Guy Scott, should take over the reins. Subsequently, President Lungu emerged as the ruling party's preferred candidate who went on to win the highly contested 2015 by-election.

The Information and Communication Technologies Act of 2009[154] and the Electronic Communications Technology Act of 2009[155] govern the usage of telecommunication technology in Zambia, while the National ICT Policy of 2006, which is still under review, sets a roadmap for the development and expansion of the ICT sector in the country. No policy that specifically speaks to cybersecurity

and cybercrimes exists.

There has been widespread debate, particularly from civil society actors and the technical community, calling for improved and updated legal and regulatory frameworks that take into account the advanced nature of technology, reflect prevailing global standards and local realities. The Electronic Communications and Transaction Act of 2009 is set to be repealed to facilitate the introduction of three standalone Bills: the Cybersecurity and Cybercrimes Bill of 2017[156], Data Protection Bill and Electronic Commerce and Transactions Bill. The secrecy with which these Bills were drafted has been highly criticized by many stakeholders, especially civil society actors and media practitioners, who expressed fears that the government may be concealing rights-repressing clauses contained within these Bills[157]. Zambian media, bloggers, journalists and civil society entities came together to launch the #OpenSpaceZM campaign, which seeks to promote openness and participation of relevant stakeholders in the cyber law drafting process.

There has been a notable trend in prioritizing the review and enactment of other Bills over the more pressing cyber-related bills, which would bring sanity to the telecommunications sector. However, of the three draft cyber-bills, the Cybersecurity and Cybercrimes Bill appears to have been fast tracked, indicating government's will to criminalize the cyberspace, especially in the wake of misinformation, disinformation, and impersonation of politicians and high profile individuals using fake social media accounts. Despite the lack of Data Protection laws, institutions continue to collect citizen's personal data for various purposes, including SIM card registration conducted by network providers. Zambia has had an Access to Information Bill since 2002, which has been under review for the last 17 years. Stakeholders have for long called for the enactment[158] of the law in order to promote citizen participation in governance processes. In March 2019, Cabinet finally approved the Access to Information Bill,[159] but as at November 2019, the country still lacked an Access to Information law.

In January 2019, the government announced the establishment of the Cyber Security Task Force[160], also dubbed 'Cybersecurity Crack Squad', to tackle cybercrime and abuse of digital platforms. The squad was established before the cyber law that provides for its operations came into effect. The task force is comprised of the country's top security agencies including the Security Intelligence Service.

Following the announcement of plans to introduce a 'WhatsApp tax' in 2018[161], which was planned as a move to help raise revenue for fast tracking the country's ICT infrastructure, government is yet to implement this proposed tax as it caused an uproar because of its potential to infringe on digital rights and impact costs of data negatively. Furthermore, in October 2019, the government made an announcement regarding taxing Netflix video streaming service[162], in an effort to share in the company's profits and promote local content. One digital rights-related arrest was recorded in March 2019. A teacher was jailed and sentenced to two years imprisonment for defaming the President using his social media account[163].

In a twist of events, the government of Zambia was embroiled in the case involving the Ugandan government, Bobbi Wine and Huawei Technologies[164]. The Ugandan opposition Member of Parliament and musician, Bobi Wine, together with dozens of supporters, were arrested after the government of Uganda, with the help of technicians from Huawei Technologies, intercepted communications in a WhatsApp group where plans were being made for street rallies. Similarly, technicians from Huawei Technologies allegedly helped the government of Zambia to spy and locate opposition bloggers in charge of a pro-opposition news site. The technicians gained access to the bloggers' phones and Facebook accounts, leading to the bloggers arrest. The technology company has a high presence in African countries where it has sold digital security tools, which governments use for surveillance and censorship activities. According to investigations, no evidence indicates that the Huawei office in China was aware of these spying activities in either countries or that any aspects of their network made such activities possible.

> **Technicians from Huawei Technologies allegedly helped the government of Zambia to spy and locate opposition bloggers in charge of a pro-opposition news site**

Zimbabwe

Zimbabwe has a population of about 15.8 million[165]. Although projected to increase to 21 million by 2032[166], the country has experienced a steady population size over the last few years, which can be attributed to erratic emigration since the early 2000's. Zimbabwe has a GDP of about USD 31 billion[167] while the International Monetary Fund (IMF) predicts a GDP decline of 7.1%[168] by the end of 2019, due to low production rates and deteriorating economic conditions.

Prior to the year 2000, all Information and Communication Technologies (ICTs) and postal services were anchored in the Ministry of Transport and Communication (now Ministry of Information Communication Technology and Courier Services). The Ministry was also instrumental in the establishment of the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) in 2001. POTRAZ regulates Zimbabwe's telecommunications sector and was established in terms of the country's Postal and Telecommunications Act Chapter 12[169]. Zimbabwe has three mobile operators while Tel One is the public fixed line operator and more than eight Internet service providers are in operation[170].

In the fourth quarter of 2018, Zimbabwe's Internet penetration stood at 62.9%[171] with over 50% of people accessing Internet services using mobile devices. The increase in Internet subscriptions is partly attributed to the increase in ADSL and fibre uptake. In March 2019, a national broadband optic fibre link (TelOne Beitbridge-Masvingo-Harare Optic Fibre Link)[172] was commissioned under the National Broadband Project, which was funded through a partnership with China, while the facility was implemented by Huawei Technologies. The project promised to increase Internet speeds and lower costs. High inflation continues to affect the cost of commodities including data prices, which were adjusted upwards twice in 2019[173], making Zimbabwe the most expensive in the region. Power blackouts continue to cause turmoil to the telecoms industry, whenever there is insufficient electricity to power base stations, thereby posing challenges in the use of mobile money transactions, point of sale systems, SMS, voice and data services[174].

Currently, the country has the following laws and policies in place: National ICT Policy 2016, National Cybersecurity Policy, National Policy for Information Communication Technology, Post and Telecommunications Act 2000, and Interception of Communications Act 2007. The following Bills are in progress: Cybercrime and Cybersecurity Bill 2017, Access to Information Protection of Privacy Act, Electronic Transactions and Electronic Commerce Bill.

The Cybercrime Bill was fast-tracked in January 2019, although it is yet to be debated in Parliament. The President however, approved it in November 2019 and it is set to become law once all due process is completed[175]. The Bill has been criticised as having repressive elements that promote surveillance and snooping. In May 2019, government approved a bill to reform the country's Media and Freedom of Information Law[176].

Zimbabwe has witnessed turbulent political and financial times in the past decade. President Emmerson Mnangagwa officially came into power[177] in August 2018, after narrowly beating the opposition candidate, Nelson Chamisa, in general elections. Prior to this, President Mnangagwa served as the country's Vice President before going into exile after his dismissal by the late President Robert Mugabe in 2017. President Mnangagwa had succeeded President Mugabe after a military coup d'état[178], staged by the Zimbabwe Defence Forces, which saw the resignation of President Mugabe who had been in office for 37 years. Although this came as a relief to many, the new President was left with the heavy task of unifying the nation and fixing its many economic woes.

The country has the highest inflation in the world with a rate hike of 300%[179] recorded in August 2019, which has affected the cost of doing business and living. The country, now downgraded to a lower middle-income country, faces economic sanctions, high inflation rates, energy crises, rising fuel and commodity prices, and has slowly slipped into being a cashless society due to limited availability of bank notes.

In 2009, Zimbabwe abandoned the use of the Zimbabwean dollar after the currency went into hyperinflation and adopted several foreign currencies before settling for the use of bond notes. In June 2019, the Reserve Bank announced the reintroduction[180] of the 'Zim dollar' yet in November of the same year, the Central Bank failed[181] to deliver the new bank notes to financial institutions.

Several protests have erupted over the years over the rising cost of living, economic sanctions and disregard for human rights by Zimbabwean authorities. For instance, the government declared Friday 25th October 2019 as a public holiday to mark a day of protest[182] against economic sanctions imposed on the country, which President Mnangagwa described as a cancer eating away at the economy[183].

Several other protests have erupted with civil servants[184] and citizens demanding better conditions of living. On 14th January 2019, Zimbabweans took to the streets to protest[185] against a 130% increase in fuel prices. This day also ushered in the country's second government ordered Internet shutdown[186] since 2016 that lasted about 28 hours. Zimbabweans woke up to a throttled Internet, mostly affecting social media sites. Despite the Internet being restored[187] briefly, the network disruption later progressed to a complete blackout, with one of the mobile network operators, Econet Wireless[188], confirming receipt of a directive to shut down Internet services from

the Minister of State in the Office of the President and Cabinet, acting in terms of Section 6 of the Interception of Communications Act.

Zimbabwe Lawyers for Human Rights (ZLHR)[189] and the Media Institute of Southern Africa (MISA) Zimbabwe Chapter challenged the legality of the Internet shutdown. The network block was later deemed illegal by the High Court, leading to a full restoration of Internet services. During the blackout, mobile money and online payment systems[190] were down leaving people unable to complete transactions for basic household needs, let alone communicate with loved ones.
In the aftermath of the January 2019 Internet shutdown, a government spokesperson was quoted stating that the government would not hesitate to shut down the Internet again[191] because citizens "behave primitive and have no understanding of their constitutional rights".

Leading activist and #ThisFlag movement leader, Evan Mawarire[192], was detained for 13 days and slapped with subversion charges, for allegedly encouraging Zimbabweans to take to the streets to protest against the government in a social media video that went viral, during the January 14th 2019 demonstrations. He was eventually granted bail after two failed hearings resulting in his release on 30th January 2019. A Harare Magistrate Court dismissed an application by Mawarire for refusal of further remand[193] after he approached the Court seeking to be freed on grounds that the State was taking too long to prosecute him.

In March 2019, a leading opposition Member of Parliament, Charlton Hwende, was slapped with a social media ban as one of his bail conditions[194].
August 2019 saw a heightened interest by the government of Zimbabwe to train the country's law enforcement[195] and security personnel, including the Anti-Corruption Commission[196], in 'cybersecurity understanding'. This trend signalled government's intention to patrol the cyberspace, especially in the wake of the purchase of Cloud Walk facial recognition software that was acquired from China in 2018[197].

14 January 2019 ushered in the country's second government ordered Internet shutdown since 2016. It lasted about 28 hours
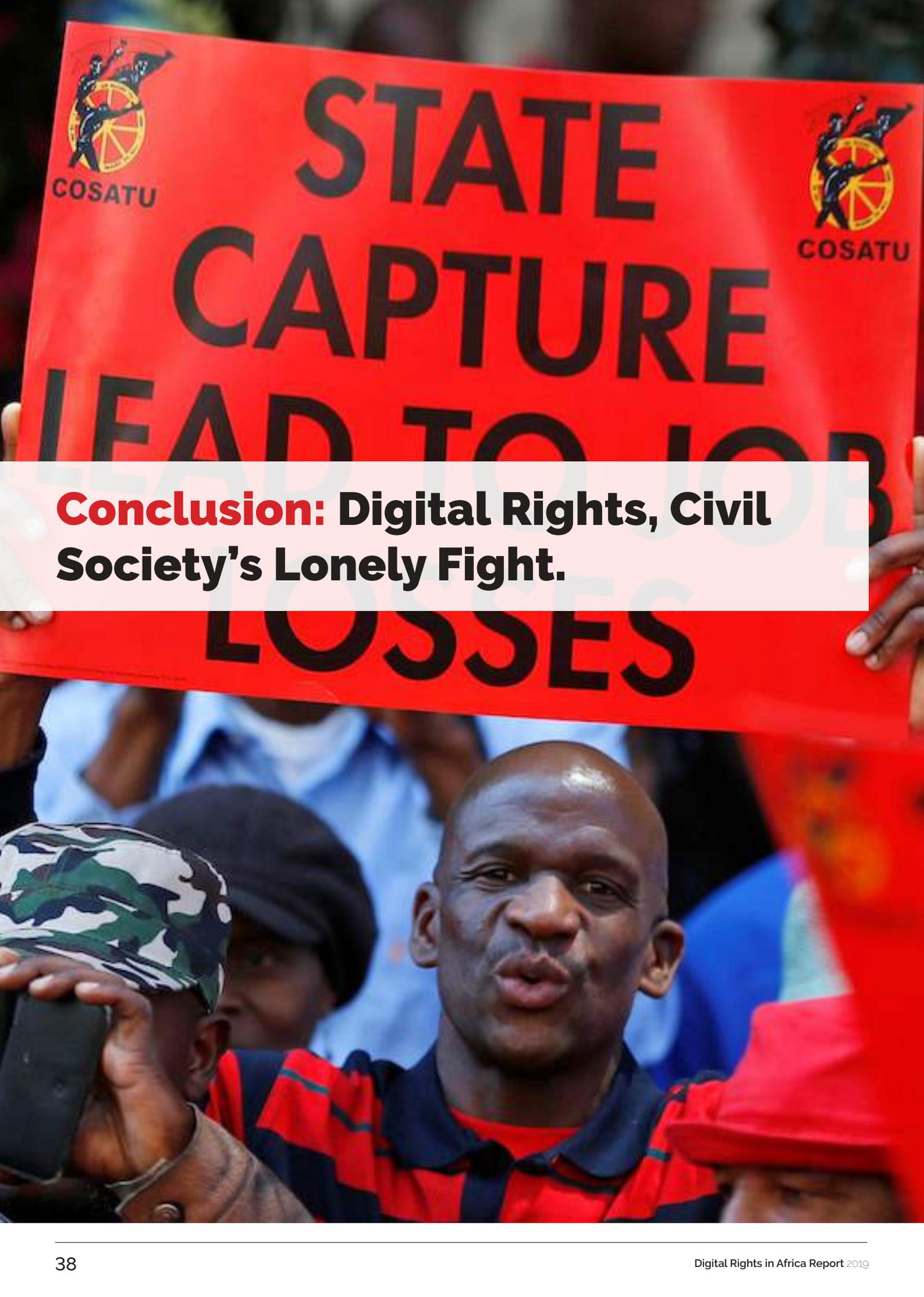
Conclusion: Digital Rights, Civil Society's Lonely Fight.

Much has been said about the multi-stakeholder model of Internet Governance, where governments, the private sector and civil society participate in policy making to jointly decide the future of the Internet. An important admission in Internet Governance is that although these three important stakeholders have similar opportunities for engagement in these multi-stakeholder processes, they do not have equal powers or resources. Clearly, nation states and private sector organizations wield more power and influence on decisions and actions in the Internet Governance space.

Similarly, a clear pattern, which has emerged in the global advocacy for digital rights is the growing power of states and private sector organizations, relative to civil society. As described in this report's introduction, a greater push by nations for the sovereignty of cyberspace within their borders is becoming more apparent. Inspired by the Russian and Chinese models, many more countries are openly violating digital rights, under the guise of the rule of law in many instances. As we have also seen in many cases, states use their licensing and regulatory power over telecommunications and technology companies to order violations of digital rights[198].

Moreover, it would seem that many technology companies only seem to pay attention to digital rights when it affects their financial bottom line. This is set against the reality that the business models of many technology companies are in fact dependent on violations of user privacy and the sale of user data to advertisers[199].

In light of this, civil society organizations working to advance digital rights have the odds stacked against them. This Digital Rights in Africa Report for 2019 aptly captures the enormous strain civil society organizations face with the theme "Violations Reloaded: Government Overreach Persists Despite Increased Civil Society Advocacy". In the past few years, digital rights violations in Africa have been on the increase because civil society have borne a disproportionate burden of the required work in the context of what ought to be a multi-stakeholder effort. Until governments and private sector organizations assume greater responsibility for digital rights, the status quo will largely remain.

Nevertheless, even this challenging context presents an opportunity as it highlights the need for collaboration among civil society actors across various countries and regions. There is no doubt that the impact of civil society's work in the defence of digital rights can be vastly improved if there is more collaboration and coordination. However, where civil society organizations are isolated during displays of state and corporate power, civil society can mitigate these constraining effects on their work by harmonizing strategies – and efforts – for greater impact. In the past, many civil society organizations focused on Africa worked in silos, largely because they were burdened by the immediacy of the urgent needs in their areas of focus, but we cannot continue to do so, given the opportunity to do much more in the face of limited resources and unlimited challenges. Africa's digital rights organizations, collaborators in legacy human rights institutions and other civil society actors must join ranks to advance digital rights in the face of grave threats on the continent.

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