



# **Using the Internet in Africa Freedom of Expression and Privacy Challenges**

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# Principles of Internet Governance

- African Declaration on Internet Rights and Freedoms – Civil Society (2014). Focus:
  - Internet Access and Affordability, Freedom of Expression
  - Right to Information, Privacy and Data Protection
  - Security, Stability and Resilience of the Internet
  - Democratic Multi-stakeholder Internet Governance
- AU Declaration of Internet Governance and Development of Africa’s Digital Economy (2018)
  - While it does recognize that Member States must promote freedom of expression and access to information, online and offline, it has heavily technocratic principles on: Internet Governance, Development of Africa’s Digital Economy and Management of Domain Names

# Types of Controls Exercised over the Internet – Shut Downs

- Internet Shut Downs:
  - Shut downs are common in a number of West African and Central African states including: Cameroon (Anglophone) Ethiopia, DRC, Gabon, ROC, Togo, The Gambia, Niger, Mali, and Chad.
  - Variations:
    - Only particular social media platforms are shut down eg Twitter, Facebook etc – Ethiopia
    - The Internet is never made available in the first place. This is essentially the case in Eritrea where the Internet is all but unavailable ie 1% of the population (65k people) has access to the Internet through Internet Cafes as govt. abandoned plans to allow for mobile data rollout in 2011.

# Types of Controls Exercised over the Internet – Laws and regulations

- Registration Requirements
  - Eritrea:
    - Requires the licensing of press products ie including blogs, social media eg Facebook etc and only Eritreans may own press products, minimum capital thresholds are required- determined by the Minister.
  - Rwanda:
    - a19 of the Regulating Media Law gives every person the right to create a website but a20 says all provisions regarding print/broadcast media also apply to the Internet ie registration too.
  - Tanzania: Bloggers must be certified – pay an annual licence fee of US\$930. Annual income is US\$900.

# Types of Controls Exercised over the Internet – Laws and regulations

- Using Other Laws to Criminalise Online Activity:
  - Ethiopia – the Zone 9 Bloggers (2014-2018)
    - All charges: terrorism, and inciting violence, were eventually dropped. Charges, arrests, detentions, trials were clearly designed to be intimidatory, to inflict self-censorship, to ensure the blogosphere does not become a platform for political dissent.
  - Uganda: Taxing internet use.
    - Effect: daily tax levied on every citizen who accesses social media platforms. Effective annual charge: USD 19.34 which is 14.5% of the annual average income of USD 133.50 per person. Social media access is unaffordable as 50% of income goes to food.

# Privacy Concerns – Cambridge Analytica in Africa

- Cambridge Analytica:
  - Consulting firm: Used apps on Facebook to harvest data on 10s of millions of Facebook users ie friends of app users.
  - Then created content (memes, video, blogs, websites etc) for targeted groups/individuals – knowing what kind of messaging the person would be susceptible to ie a full service propaganda machine.
  - Aim: change behaviours, change culture, change politics eg Trump election.

# Privacy Concerns – Cambridge Analytica in Africa

- Facebook's hold in Africa:
  - Mobile telcos have begun to zero rate certain data services eg Facebook and a number of mobile operators in Africa have hooked up to make Facebook free provided you stay on Facebook ie do not access websites on the general Internet.
  - Makes Facebook, the *de facto* Internet for millions of African users – undermines principle of net neutrality.
  - Also provides a ready pool of info about millions of users – a win for online advertisers who pay Facebook for data to be able to buy advertisements targeted at particular users

# Privacy Concerns – Cambridge Analytica in Africa

- Cambridge Analytica:
  - What is less known is how Cambridge Analytica worked for the Kenyatta campaigns to sway tightly fought Kenyan elections (at least the last two) using fake news and targeted misinformation.
- Another, less sophisticated campaign, was that of Bell Pottinger for the Guptas on WMC, RET.
- These obviously pose risks to African democracies.



# Privacy Concerns – Cambridge Analytica in Africa

- Data Protection Laws: No ratifications of the AU Declaration on Personal Data Protection
  - Some African countries have enacted these eg SA's POPI and PAIA
  - Problem they are weak or unenforced.
  - Useful precedent is EU's General Data Protection Regulation – have you noticed? Request to agree to updated terms re: privacy and data collection
    - requires explicit and informed consent and there has to be a mechanism to revoke consent
    - opportunities to review info a company has on you
    - Fines: 4% of global turnover or US\$20m, whichever is the larger. But unclear what penalties for eg data breaches by contracting parties eg advertisers will be.

# Privacy Concerns – When the state watches

- Rise of terrorism in Eastern and Western Africa has forced governments to improve online surveillance. But, clear evidence that this is being abused to observe not just terrorist activity but civil society and the media too.
- INCLO's Surveillance and Democracy Report
  - Snowden leaks on the scale of surveillance of US, UK citizens.
  - Clear this is happening in a number of African countries: eg
    - SA: state spied on Green Peace and LHR
    - Kenya: used surveillance to plan extra judicial killings.



**Thank you  
Questions?**