

Statement from the inaugural meeting of the Digital Rights Hub of African Civil Society Organisations.

Protect Digital Civic Space for the Enjoyment of Civil Rights, Liberties and Freedoms in Africa

We, representatives of seventeen civil society organisations from ten countries on the African continent, who met at the pre-event of the Forum on Internet Freedom in Africa (FiFAfrica2023) in Dar es Salaam, Tanzania:

1. **Guided** by the need to promote and protect a favourable digital civic space for civil society organisations, human rights defenders, lawyers, the media, and private sector players;
2. **Aware that** States have regional and international legal obligations to respect, protect and fulfil human rights and fundamental freedoms, specifically freedom of expression, access to information, privacy and assembly and association rights online guaranteed under the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR);
3. **Reaffirming** the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression in Africa, 2019 (*Principle 37(3)*), which requires States, in cooperation with all relevant stakeholders, to adopt laws, policies and other measures to provide universal, equitable, affordable and meaningful access to the internet without discrimination;
4. **Further reaffirming** the African Commission Guidelines on Freedom of Association and Assembly in Africa, which requires State parties to respect the right to privacy of associations and not subject them to undue surveillance;
5. **Recognizing** that the United Nations Human Rights Committee's [General Comment No. 34](#) on article 19 of the ICCPR elaborates freedom of expression as including internet-based modes of communication;
6. **Aware** that the [UN Human Rights Council Resolution of 2016](#) affirms that the rights held by people offline must also be protected online, and calls upon all States to respect and protect the right to privacy in digital communication;
7. **Acknowledging** that the internet requires coordinated efforts for proper and effective governance by governments, intergovernmental organisations, international organisations, civil society organisations, telecommunication companies, internet service providers and other sector players for representation of specific interests;
8. **Fully aware** that the UN Guiding Principles on Business and Human Rights provide benchmarks for corporate responsibility for companies, including telecommunication companies, internet service providers and other private

sector entities to ensure respect and protection of human rights and remedy for human rights abuses in the course of their business operations;

9. **Noting** that international law, including hard and soft law, creates obligations which can improve civic space for digital rights and freedoms including expression, access to information, assembly and association and data protection and privacy rights;
10. **Further noting** that any restrictions placed on the enjoyment of digital rights must be provided by law, legitimate and necessary and proportionate in accordance with international human rights standards;
11. **Mindful** that disinformation, misinformation, and mal-information as well as hate speech are widespread online and have led to a pervasive information disorder and have also been weaponised by states and non-state malicious actors to curtail the digital civic space;
12. **Recognizing** that data and internet infrastructure presents pertinent issues for immediate action which are evidenced by repressive government controls including through the enactment of laws that limit and curtail the space for the enjoyment of rights and freedoms online and offline;
13. **Concerned** that internet restrictions and disruptions including shutdowns, internet throttling, and the blanket blockage of social media platforms and instant messaging services undermine, disrupt, curtail and violate fundamental rights and freedoms of citizens, human rights defenders, activists, media practitioners and civil society organisations and actors;
14. **Disturbed by** the extensive use of laws and policies by states to collect mass personal data and carry out mass and invasive surveillance of individuals and their activities, using spyware and communication interception without appropriate due process safeguards, which interferes with their privacy and adversely affects the enjoyment of the rights to freedom of expression, access to information, assembly and association;
15. **Concerned** that not all African States have enacted or enforced data protection laws which puts the privacy of personal data at risk of wanton breaches despite the existence of the [African Union Convention on Cybersecurity and Personal Data Protection](#) (Malabo Convention) adopted in June 2014 as a regional model instrument on data protection and cyber security;
16. **Considering** that artificial intelligence (AI) is increasing in development, adoption and usage in high impact sectors, such as government service delivery as well as in the finance, health, justice, and law enforcement sectors; and considering that the nature of AI poses particular obstacles to transparency, fairness, and accountability, whereas the impact on the exercise of digital rights and freedoms and operations of civil society organisations has yet to be adequately evaluated or addressed in Africa;

We, the participants, have agreed on the following strategic actions to foster a favourable digital civic space for the exercise of rights and freedoms for civil society organisations in Africa:

- a) Inaugurate the Digital Rights Hub for African civil society organisations as a means to strengthen expertise and action for practitioners on the African continent in defending digital civic space;
- b) Develop a collaborative litigation strategy at national, regional and international levels as a means to challenge draconian and repressive laws and policies that adversely affect the digital civic space.
- c) Engage in proactive advocacy to ensure that all laws, bills and policies that impact digital rights and fundamental freedoms adhere to States' regional and international obligations, including through analysis of bills and laws with a view of advancing enabling legal reforms.
- d) Make use of the existing regional and international human rights mechanisms such as the African Commission on Human and Peoples Rights and its special mechanisms and the United Nations Human Rights Special Mechanisms, including the Universal Periodic Review, to hold States accountable for harms committed against individuals and civil society organizations. This will be realised through research, monitoring and documentation of digital civic space trends and engagement with the mechanisms to influence and ensure continental representation in norm and standard-setting.
- e) Work with policy makers, legal drafters and legislators through specifically tailored trainings in the law making processes to ensure progressive laws that secure an enabling digital civic space.
- f) Organise specialised continuing professional education and specialization of lawyers, judges and magistrates and other judicial officers at local, regional and international levels on legal frameworks and protections of digital civic space to contribute to progressive jurisprudence on digital rights issues.
- g) Advocate for countries without data protection and privacy laws to enact them to guarantee individuals data privacy rights and minimise data privacy breaches and abuse especially by governments and other data controllers and processors.
- h) Deliberately carry out public awareness campaigns through workshops and use of mass media to educate individuals about the digital civic space, and their rights, duties and obligations to ensure the protection and respect for digital rights and freedoms.
- i) Take specific advocacy actions against internet disruptions including shutdowns and throttling especially during elections and protests, so as to promote and enhance electoral democracy, transparency and accountability of states.

Participating Organizations

1. Bingwa Civic Tech Lab (Democratic Republic of Congo)
2. Center for Strategic Litigation (Tanzania)
3. Change Lead Agency Social Support (CLASS) (Uganda)
4. Collaboration on International ICT Policy for East and Southern Africa (CIPESA) (Uganda)
5. East African Civil Society Organizations Forum (EACSOF) (Kenya chapter)
6. Ethiopian Human Rights Council (Ethiopia)
7. Feminists in Kenya (Kenya)
8. Health Equity and Policy Initiative (HEAPI) (Uganda)
9. International Center for Not-for-Profit Law (ICNL) (US)
10. Jamii Forums (Tanzania)
11. Jeunes Verts (Togo)
12. Libra Law Office (Cameroon)
13. Media Monitoring Africa (South Africa)
14. Pan African Lawyers Union (Tanzania)
15. Simma Africa Creative Arts Foundation (SAF) (Uganda)
16. Youth and Society (Malawi)
17. Zimbabwe Lawyers for Human Rights (Zimbabwe)