

# Surveillance In Africa



# About CIPESA

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The Collaboration on International ICT Policy for East and Southern Africa (CIPESA) was established in 2004 in response to the findings of the Louder Voices Report for the UK's then Department for International Development (DFID), which cited the lack of easy, affordable and timely access to information about ICT-related issues and processes as a key barrier to effective and inclusive ICT policy-making in Africa.

Our work responds to a shortage of information, resources and actors consistently working at the nexus of technology, human rights and society. Initially set up with a focus on research in East and Southern African countries, we have since expanded our work to include advocacy, capacity development and movement building across the African continent.

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# Our Work On Surveillance Concerns In Africa

CIPESA research has found that the expansion in state surveillance in various African countries is denying citizens their rights to freedom of expression, association and assembly, and undermining their participation in democratic processes.

In November 2023, CIPESA welcomed the decision by the African Commission on Human and Peoples' Rights (ACHPR) to adopt a resolution which urges African governments to cease undertaking unlawful communications surveillance. The Resolution on the deployment of mass and unlawful targeted communication surveillance and its impact on human rights in Africa, expresses concern about the unrestrained acquisition of communication surveillance technologies by states without adequate regulation. It also notes the lack of adequate national frameworks on privacy, communication surveillance, and personal data protection.



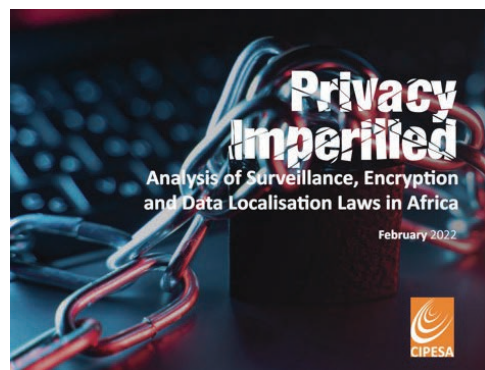
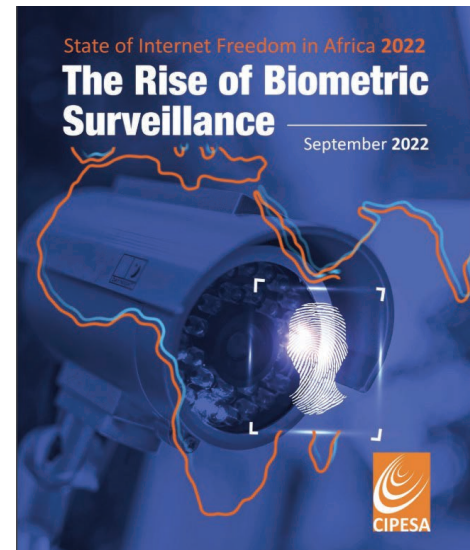
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Digital biometric data collection programmes are becoming increasingly popular across the continent. Governments have invested in diverse digital programmes to enable the capture of biometric information of their citizens for various purposes. These programmes have gained momentum and have been hailed as key enablers of development. They are also expected to fast-track the recognition and registration of 494 million people in Sub-Saharan Africa who form 45 per cent of people worldwide without any form of official proof of legal identity.

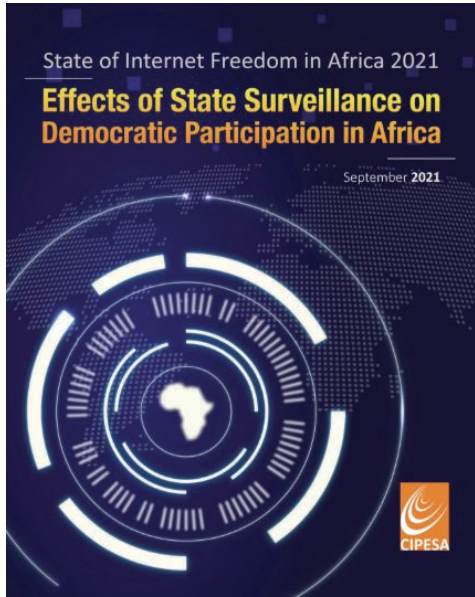
This report documents the emerging and current trends in biometric data collection and processing in Africa. It was produced as the anchor publication of the annual Forum on Internet Freedom in Africa in 2022 and focuses on the deployment of national biometric technology-based programmes on the continent, and the associated challenges, gaps and risks that are posed to data protection and privacy.



In *Privacy Imperilled: An Analysis of Surveillance, Encryption and Data Localisation Laws in Africa*, we map and analyse the laws and policies that impact on privacy, notably those that regulate surveillance, limitations on encryption, data localisation, and biometric databases. This analysis aims to inform remedial and mitigatory steps to protect the right to privacy, which may include strategic litigation and advocacy for legislative and policy reforms. Moreover, the results of this analysis are also crucial for monitoring developments and trends on privacy regulation and practice in the region.

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In the report *Effects of State Surveillance on Democratic Participation in Africa* produced as the anchor publication of the annual Forum on Internet Freedom in Africa in 2021, we document how surveillance practices are becoming more pervasive in Africa, with governments using advanced technologies to monitor citizens' online activities and infringing on their right to privacy. These practices have had a chilling effect on freedom of expression, association, and assembly, and limited opportunities for civic participation and engagement. More reports *documenting the State of internet freedom in Africa* since 2014 can be found [here](#).

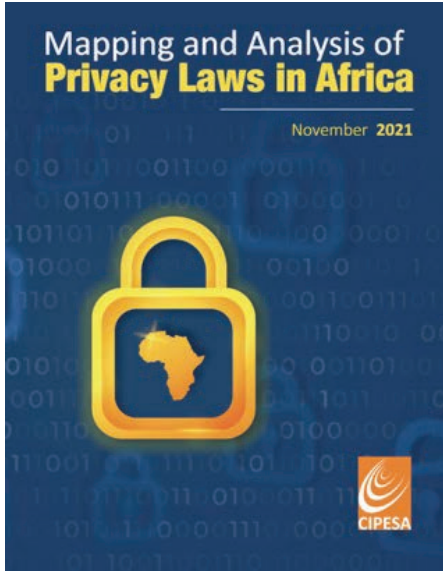


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The policy brief studies the laws on surveillance and the interception of communications across the continent, including in Benin, Cameroon, Chad, Ivory Coast, Malawi, Mali, Niger, Nigeria, Rwanda, Senegal, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe which mirror each other and require communication service providers to put in place mechanisms, including the installation of software, to facilitate access and interception of communications by state agencies. However, many of the laws do not provide for sufficient judicial oversight or accountability mechanisms yet they place undue requirements on intermediaries, such as compelling them to facilitate communication interception by state authorities, including in instances where there are no court-issued warrants authorising surveillance. The brief makes several recommendations for desired changes!





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Over the years, many African countries have enacted laws and adopted policies that impact on privacy, including those that facilitate surveillance and the collection of biometric data and limit the use of encryption. As a result, increased state surveillance across the continent is accelerating interference with various rights and freedoms. Moreover, surveillance is increasingly being used to entrench political control including through spying on activists, journalists, and dissidents. Related phenomena such as the limitation or prohibition of encryption, building of biometric databases, and data localisation requirements, also have a bearing on citizens' rights to privacy and other digital rights.

This report maps and analyses the laws and policies that impact on privacy, notably those that regulate surveillance, limitations on encryption, data localisation, and biometric databases. This analysis can inform remedial and mitigatory steps to protect the right to privacy, which may include strategic litigation and advocacy for legislative and policy reforms. The results of this analysis are also crucial for monitoring developments and trends on privacy regulation and practice in the region.



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Several countries on the continent have weaponised technology against critics, opposition groups, journalists, and human rights defenders by deploying mass surveillance and interception of communications schemes that have undermined free speech and the rights to association and assembly. This brief highlights trends in state surveillance in select African countries and how it is hurting rights online.

# Networks and Collaborations

CIPESA is a member of various initiatives involved in the interrogation of surveillance in Africa including the



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Join us at the 11th edition of the Annual Forum on Internet Freedom in Africa (FIFAfrica) which will be hosted in Dakar, Senegal on September 25-27, 2024. This marks the first time that the largest gathering on digital rights on the continent will be hosted in Francophone Africa.

Forum on Internet Freedom in Africa (FIFAfrica) is a landmark event convenes a spectrum of stakeholders from across the internet governance and online rights arenas in Africa and beyond to deliberate on gaps, concerns and opportunities for advancing privacy, free expression, non-discrimination and the free flow of information online. Over the years, surveillance concerns have also emerged as a key theme in the agenda.

Hosting FIFAfrica in Senegal will help to shine the light on the situation of digital democracy in French-speaking countries in Africa, which is not regularly or adequately captured in research and public discourse. Now more than ever, Francophone African countries face pivotal choices in building a cyberspace that respects citizens' rights and meets their needs.

Do you want to support FIFAfrica24? Showcase your work? Host a workshop?

Reach out to us: [internetfreedom#cipesa.org](https://internetfreedom#cipesa.org)



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