

# **REPORT ON THE FORUM ON INTERNET FREEDOMS IN EAST AFRICA**

**MAY 23, 2014  
GOLF COURSE HOTEL, KAMPALA, UGANDA**

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## **Introduction**

This report presents a summary of the proceedings from the Forum on Internet Freedoms in East Africa held in Kampala, Uganda on May 23, 2014. The event was organised by the Collaboration on International ICT Policy in East and Southern Africa (CIPESA, [www.cipesa.org](http://www.cipesa.org)) under the OpenNet Africa initiative ([www.opennetafrica.org](http://www.opennetafrica.org)).

The Forum discussed the status of online freedoms in East Africa, including legal and extra-legal threats to the enjoyment of internet freedoms in the region. The Forum, which attracted participants from Burundi, Kenya, Ethiopia, Nigeria, Rwanda, Tanzania and Uganda, drew up recommendations for advancing a free, open and secure internet in East Africa. It also served as the launch of the State of Internet Freedoms in East Africa 2014 research report. The report presents the findings of an exploratory study on policy developments and actions related to internet freedoms in Burundi, Kenya, Ethiopia, Rwanda, Tanzania and Uganda over the period 2009 to April 2014.<sup>1</sup>

The Forum attracted 85 participants representing human rights and media activists, law enforcement agencies, policy makers, regulatory bodies, the private sector and academia.

## **Forum Proceedings<sup>2</sup>**

### ***Keynote address***

In his key note address, Vincent Waiswa Bagiiire, the Chairman of the ICT Committee in the Parliament of Uganda, noted that internet use by East African citizens has grown exponentially over the last five years. Considering the increasing importance of the internet to improving livelihoods, the economy, and to security and stability, it had become necessary to make regulations to govern the online space.

“If we have so many citizens going online, and doing a multiplicity of activities related to livelihoods, to the economy, to security and stability, it becomes necessary to make rules and regulations that govern the online space,” said Bagiiire. However, the legislator added that the freedoms and liberties come with responsibilities for both citizens and the government. The issue therefore becomes whether the laws are fair, inclusive, allow the growth of the internet and associated digital technologies, or whether they suppress citizens’ freedoms of expression and association, lock out some sections of society and stifle creativity and innovation.

He recommended that laws should require state organs to carry out their mandated functions while maintaining the highest respect for individuals’ rights to freedom of expression, opinion, speech and privacy. In addition, he spoke about the need for strong legislative and judicial mechanisms to guard against security organs and private companies (which have users’ data, including phone records and the information collected during SIM card registration), from misusing this data or conducting unwarranted surveillance and interception of communications. Similarly, intermediaries such as Internet Service Providers (ISPs), telecom companies, web browsers, and social media companies need to be protected from the responsibility to monitor their systems for objectionable content. Lastly, Hon. Bagiiire called for active engagement of non-state stakeholders in policy making processes.

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<sup>1</sup> See State of Internet Freedoms in East Africa 2014, <http://www.cipesa.org/2014/05/launch-of-the-internet-freedoms-in-east-africa-2014-report/>

<sup>2</sup> Agenda: Forum on Internet Freedoms in East Africa, [http://www.cipesa.org/?wpfb\\_dl=77](http://www.cipesa.org/?wpfb_dl=77)

### **Research Report Presentation**

Presenting the research findings on the State of Internet Freedoms in East Africa was CIPESA's Programmes Officer Ashnah Kalemra.<sup>3</sup> She observed that based on current International Communications Union (ITU) statistics, Africa's internet usage still lags behind other continents: An estimated 19% of Africa's population uses the internet compared to Asia (32%), Arab States (41%), the Americas (65%) and Europe (75%). Nonetheless, steadily rising numbers of people in Africa are accessing ICTs, with mobile phone access standing at 69%. Increasingly, digital platforms and tools are becoming an important domain for citizen participation in democratic processes, increased scrutiny of government actions, and improved management of public affairs. They have also become a key platform for citizens to enjoy their rights to expression and to associate with other citizens as well as with leaders.

Kalemra highlighted the continued growth in the use of ICTs in East Africa, with social media and mobile money (or mobile payments) among the drivers of use. In Kenya, Tanzania, Rwanda and Uganda, mobile access rates have grown to beyond 50%. Internet access is also rising with Kenya currently standing at 50% of the population, Uganda (20%), Rwanda (20%) and Tanzania (11%). Ethiopia and Burundi, where access to ICTs has always been low, are also seeing a swift growth in access rates, with approximately 2% of their population using the internet and more than 25% accessing mobile phones. Furthermore, the popularity of social network sites (SNS), such as Facebook, Youtube and Twitter, in East Africa was helping trigger non-institutionalised democratic participation by providing communication spaces through which individuals articulated "democratic ideas".

However, as more East African citizens get online, governments are evidently taking a keener interest in what citizens are doing on the internet. Governments in these countries are increasingly moving to place often regressive controls over the internet and associated technologies, such as mobile phones. Among the most notable developments highlighted by Kalemra was the influx of laws introduced between 2009 and 2014 that directly affect - mostly negatively - citizens' internet freedoms. Most of these legislations contradict numerous rights provisions in the respective countries' national constitutions. Several affronts were reported, some of them effected in contravention of laid-down legal procedures. Nonetheless, a few notable steps towards progressive laws were also noted.

Still, in all the countries studied, it appeared there was widespread lack of knowledge by both internet users and policy makers of what constituted online freedoms. There were also low levels of knowledge and skills about threats to online safety, including among bloggers, journalists and human rights activists who regularly used the internet. In conclusion, Kalemra called for increased lobbying and advocacy by non-state actors for progressive amendments to laws and regulations, and governments' commitment to full implementation of existing laws that advance internet freedoms. She also called for skills building for online users, increased stakeholder engagement and transparency by state actors to encourage conversations about internet freedoms.

### **Panel Discussions**

Following the keynote address and report presentation was a series of panel discussions. Each panel discussion explored a set of questions which related to internet freedoms. Panellists were individuals with diverse backgrounds in human rights activism, policy development, law enforcement and media. They related their presentations to the work their organisations have done or are currently involved in.

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<sup>3</sup> CIPESA Presentation: Internet Freedoms in East Africa 2014 Research Report Launch, [http://www.cipesa.org/?wpfb\\_dl=79](http://www.cipesa.org/?wpfb_dl=79)

**Panel 1: Security and Privacy on the internet: where do we draw the line?**

| Panelists                                                     | Organisation Represented                                           | Designation                        |
|---------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------|
| Neil Blazevic                                                 | Pan African Human Rights Defenders Network                         | Research and Information Officer   |
| Mangeni R. Arnold                                             | National Information Technology Authority (NITA) Uganda            | Data Centre Manager                |
| Patrick Mutahi                                                | Article 19 Kenya                                                   | Senior Programme Officer           |
| Nabor Assey                                                   | Commission for Human Rights and Good Governance (CHRAGG), Tanzania | Director for Legal Sectoral Reform |
| Lydia Namubiru                                                | African Centre for Media Excellence (ACME) Uganda                  | Programme Officer                  |
| <b>Moderator:</b> Wire James Lunghabo, Independent Consultant |                                                                    |                                    |

The session discussed the following questions:

- What convergences and tensions exist between freedom of expression online, privacy and security?
- How can we ensure a holistic and harmonised approach to human rights both online and offline?
- From the panellists' organisations' perspectives, should government authorities be allowed to undertake monitoring and surveillance of citizens' communications?

Mangeni R. Arnold initiated the discussion by pointing out some of the tensions between balancing freedom of expression, privacy and security online, including offensive content, infringements on the privacy of individuals and hate messages.

In response, Patrick Mutahi, stressed the need for government transparency in balancing security and privacy. He said that in the same spirit that civil society asks governments to be accountable and transparent in governance, state organs should be transparent in handling citizens' data. In addition, he said it was important to know where data collected by government is stored and with whom it is shared, considering the lack of Data Protection laws in East Africa.

Neil Blazevic noted that the use of modern communication technologies like phones and computers was always prone to the possibility of third party intrusion and security breaches. He encouraged citizens to take more active measures to ensure their privacy and security both offline and online. "Privacy is something we rely on in basic existence without which we face an existential crisis," he stressed.

ACME's Lydia Namubiru said privacy and security online, like physical transport infrastructure, were a public service and should be guaranteed by governments. She said government surveillance online was akin to "placing a police officer at someone's bedroom window."

In ensuring a holistic and harmonised approach to human rights both online and offline, Assey Nabor called for clearly defined justice systems. He questioned whether judicial authorities are competent enough to stand up to other organs of the state and whether they provide for due process in cases of interception of individuals' communications. Nabor stressed the need for more public engagement on policies related to human rights online as well as increased public demand for the respect and protection of rights offline and online. He concluded that online users should adopt measures such as encryption technology to secure their communications.

## Panel 2: Online Safety, whose responsibility?

| Panelists                                                                  | Organisation Represented                           | Designation                                                 |
|----------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------|
| Vincent Waiswa Bagiire                                                     | Parliament of Uganda                               | Chairman ICT Committee                                      |
| Ronald Bakakimpa                                                           | Uganda Computer Emergency Response Team (UG-CERT), | Manager                                                     |
| Sarah Kiden                                                                | Internet Society (ISOC) Uganda Chapter             | Secretary General                                           |
| Jimmy Haguma                                                               | Uganda Police Force                                | Acting Commissioner for Electronic and Counterfeit Measures |
| Joseph Kasozi                                                              | Human Rights Center Uganda                         | Programme Officer                                           |
| <b>Moderator:</b> Paul Kimumwe, Inspirator, Action Aid International Kenya |                                                    |                                                             |

The questions raised during this session were:

- What measures can we adopt to ensure child online protection?
- What is the role of governments in introducing, applying standards and safeguards for citizens' online safety?
- How can we strengthen the existing legislative frameworks in promoting internet freedoms and safety?
- How do you see parliaments working with other stakeholders in promoting online freedoms and online safety?
- What is the role of the police in promoting online freedoms?
- Where do we draw the line when fighting cybercrime and promoting online freedoms?
- What are the legitimate causes that would warrant online monitoring and control?
- What is the nature of the current monitoring in East Africa?
- How can police engage with human rights defenders in the fight against online criminal activity?

Jimmy Haguma said the role of police is to protect citizens online on a day-to-day basis and deal with complaints arising from cybercrime like e-fraud. He explained that increased use of ICTs has led to the emergence of new challenges such as protecting intellectual property and the technology tools that grant access to online communication. He also noted that first responsibility for protecting online freedoms should come from the internet users themselves. He suggested various measures, such building firewalls and other physical ones to guard against data theft and other online infringements. He added that the police alone cannot protect users online; it requires combined efforts from the private sector and other institutions.

For his part, legislator Bagiire stressed that it was the government's responsibility to ensure citizens' security and that the police was a key organ in this regard. However, he appreciated the complexity of online safety and citizens' privacy. He posed the question: "How do we [government] ensure online safety when the user does not mind sharing intimate details online?" He argued that whereas the Uganda Government had put in place laws such as the Computer Misuse Act and the Electronic Signatures Act, the responsibility remained on individuals to be careful online. Furthermore, he emphasised that government did not control the technology space and that user information was often dealt with by private service providers. Therefore governments needed to collaborate with private players in promoting online privacy and security.

Sarah Kiden, representing the Internet Society Uganda, spoke on the issue of child online protection. Based on the outreach work conducted by ISOC in selected Ugandan primary and secondary schools, she reported that more

children than parents were using the internet and in most cases, parents were not aware that their children were using the internet. As a result, children were at even more risk when they went online. She said parents should take keen interest in technology and what their children are doing online. She also stressed the need for parents to talk to their children about safety and security in the digital space. She recommended that internet service providers (ISPs) should offer internet safety security strategies for children.

Ronald Bakakimpa pointed out that UG-CERT was a one stop centre for information sharing that will help address emerging threats on the internet as use of ICTs continues to grow in the country. The Uganda Communications Commission hosts UG-CERT.

User responsibility was re-iterated during this session. One participant commented: “We need to secure ourselves first before we think the responsibility belongs to someone else.” Meanwhile, civil society was urged to re-enforce advocacy and engagement with governments to pass data protection laws.

Participants also debated online child safety in relation to content such as violent video games. They noted that parents and teachers need to sensitise children on the matter. On unlawful government access to individuals’ information, it was suggested that governments should make public the reasons and number of instances when they intrude into users’ communications. On unsolicited SMS and spam, participants emphasised the need for telecommunications regulatory authorities in the region to enforce regulations to control the vice.

An appeal was made to government to promote open data by frequently updating their websites with relevant and reliable data. It was also proposed that governments should come up with an innovation fund that could be used to develop applications relevant to local online safety and security needs.

***Panel 3: Need for a regional internet freedoms strategy – sharing experiences from the East African region.***

| Panelists                                                          | Organisation Represented                    | Designation       |
|--------------------------------------------------------------------|---------------------------------------------|-------------------|
| Beryl Aidi                                                         | Kenya Human Rights Commission (KHRC)        | Programme Officer |
| Olufemi Abikoye                                                    | Paradigm Initiative Nigeria                 | Policy Officer    |
| Abubakar Karsan                                                    | Union of Tanzania Press Clubs (UTPC)        | President         |
| Jean Paul Nkurunziza                                               | Internet Society (ISOC) Burundi             | Deputy Chair      |
| Gilbert Sendugwa                                                   | Africa Freedom of Information Center (AFIC) | Coordinator       |
| <b>Moderator:</b> Ali Hussein, Kenya ICT Action Network (KICTANet) |                                             |                   |

Issues discussion included:

- What are the existing internet rights concerns in your country? How have these been addressed?
- How have recent global events such as the Wikileaks Saga, NSA & Snowden, the Arab Spring affected use of technology in your country?
- Are there sufficient conversations on these issues in your countries? If so, who is leading them, who is involved and who are missing? If no, who should lead and who should be involved?
- What role should Internet providers, social networks, and other third party service providers play in promoting internet freedoms?

Panelists in this session observed a mismatch between the policy and regulatory frameworks and the practice at national, regional, and continental level. As such, they observed that internet freedoms advocacy, research and awareness efforts in the region and Africa as a whole faced significant challenges. The political environments and

contexts within which the right of access to information, privacy and security could be exercised was challenging. For instance, Olufemi Abikoye, stated that the Nigerian Government had contracted a private firm to build a surveillance system at a cost to the tax payer of US\$50 million. He stated that government efforts to monitor citizens' communications have been reinforced by the recent instability caused by militant groups in the country's northern regions. Abikoye wondered whether the #BringBackOurGirls online campaign which gained worldwide popularity in calling for the release of up to 200 girls abducted by militants would cause the government to re-think their strategy and recognise the power of social media as a tool for mobilisation and promoting unity.

Beryl Aidi said that given its high accomplishments in ICT use and penetration, Kenya, compared to its regional counterparts had some conversations going on around the issue of internet freedoms. Indeed, the government had taken strides in driving the issue by hosting the Global Internet Governance Forum (IGF) in 2012. Civil society was also very much involved, with organisations such as the Kenya ICT Action Network being active players in the East African IGF and Africa IGF. However, Aidi pointed out that there was a lack of coordination between government and civil society lead efforts.

Abubakar Karsan noted that conversations on internet freedoms in Tanzania were very few. However, building from local internet governance forum experiences in Kenya and Uganda, UTPC had made efforts to drive similar conversations in Tanzania. However, a lack of funds to drive the initiative had been a stumbling block. Going forward, Karsan said they have resolved to form a loose organisation called the Internet Governance Network to push for the concerns of the Tanzania media in terms of internet freedoms.

In Burundi, Jean Paul Nkurunziza noted that media restrictions had been broadened by the country's Press Law of 2013. Whereas no sanctions or charges had yet been brought against anyone under the new law, there was no doubt that it could incriminate anyone who uses social media to criticise the government, or post information perceived to be a threat to national security and the economy.

Panelists were firm on the recognition that technology, including social media platforms, were important tools in promoting good governance and democracy in their respective countries. They also pointed out that citizens' use of technology should be extended to all including rural and marginalised communities. As such, the debate should not only be focused on online freedoms, but extension of infrastructure to drive down barriers to access.

In terms of who is missing from the conversation, Aidi said the traditional human rights organisations that have shaped democracy in Kenya and indeed East Africa for a long time and have expertise in advocacy, policy research and bringing change are missing and so they need to be brought on board. She said traditional human rights organisations have no clue about what is going on online yet they have wide-ranging expertise.

Ali Hussein said service providers should desist from succumbing to the will and whims of government, nor should they only focus on profitability. Instead, they should be supportive of internet freedoms as well as efforts to extend their services coverage and pursue ethical competitive practices aimed at lowering costs for citizens.



#### Panel 4: Digital rights and online safety for citizen journalists – strategies for safe navigation of the internet

| Panelists                                 | Organisation Represented                                    | Designation               |
|-------------------------------------------|-------------------------------------------------------------|---------------------------|
| Wokulira Ssebbagala                       | Unwanted Witness<br>Uganda                                  | Executive Director        |
| Paul Kimumwe                              | ActionAid International<br>Kenya                            | Inspirator                |
| Daniel Kigonya                            | iFreedom Uganda                                             | Executive Director        |
| Moses Magoola                             | Human Rights Network for<br>Journalists-Uganda (HRNJ-<br>U) | Capacity Building Officer |
| Robert Mugabe                             | Great Lakes Voices,<br>Rwanda                               | Editor                    |
| <b>Moderator:</b> Juliet Nanfuka – CIPESA |                                                             |                           |

This panel focused on developing strategies for safe navigation of the internet while addressing digital rights and online safety for professional and citizen journalists. Among others, the session addressed the following questions:

- Besides the fight against terror and cybercrime, numerous violations and legislation appear to be targeted at journalists and in Uganda's case sexual minorities. How can the users be safe on the internet without falling on the wrong side of the law?
- What steps are media/ civil society organisations in East Africa taking to promote online safety and ethics?

Robert Mugabe, the Rwanda-based editor of online publication Great Lakes Voices, said that country's legal system did not adequately protect professional journalists and citizen journalists. This had forced some online newspapers and bloggers to either publish intermittently or to stop publishing altogether. He said there was little effort in Rwanda to improve internet freedoms for online publishers and citizen journalists.

Paul Kimumwe proposed measures that civil society organisations can adopt to promote internet freedoms. Among them: empower users to be smart online and use secure online communications while challenging laws that prohibit access to information. In countries where access to information laws did not exist, CSOs needed to demand their enactment. In those countries where access to information laws existed, citizens needed to actively lodge requests for information. He encouraged CSOs to actively seek participation in policy making processes.

During this session, media bodies were encouraged to undertake thorough investigations and abide by journalistic ethics and codes of conduct to ensure accurate reporting and avoid falling on the wrong side of the law. Lastly, there were calls for a multi-stakeholder approach to promoting digital rights for online citizens through civil society and media collaborating with law enforcement agencies, legislators and other actors.

One of the key contributions from the floor was by David Kaiza, an independent writer who queried the role non-state actors such as militant groups are increasingly playing in undermining internet freedoms. He pointed out that little is known about the potential threat that such groups have in the long run yet in some countries such non-state actors were playing a crucial role and had an impact on internet freedoms.



### **Way Forward for Internet Freedoms in East Africa**

The last session, moderated by Lillian Nalwoga, Policy Officer at CIPESA, discussed main themes that had emerged during the panel discussions and elicited suggestions on how to promote internet freedoms in East Africa.

Suggestions included:

- The need for civil society to engage governments by creating platforms where government officials can participate in discussions on protecting and promoting internet freedoms.
- States should conduct wide consultations on legislation before passing them in order to incorporate the concerns of various stakeholders and avoid ambiguous provisions. Currently there are conflicts and unclear provisions in different legislation relevant to internet freedom in various countries.
- Civil society should spearhead initiatives aimed at providing safety measures, moral and legal support and evacuation means for citizen and professional journalists faced with harassment and intimidation from state and non-state agencies.
- Build capacity of digital defenders to engage with governments in discussing internet freedom issues.
- Address internet freedom issues arising from a regional and sometimes global perspective by engaging with governments at all levels and through regional bodies such as the East African Community (EAC) and the Common Market for eastern and Southern Africa (COMESA).
- Civil Society Organisations (CSOs) need to work with law enforcement agencies like the police and judicial bodies by sensitising them to appreciate internet freedom and why it has to be protected.
- Dedicated efforts toward digital security skills development and online ethics training for users including citizens, journalists and human rights defenders.

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