

Digital rights organisations rebuke restrictions on rights and freedoms during COVID-19 using cyber crimes legislation in Kenya and Nigeria

On Wednesday 27 May, 2020, nine (9) civil society organisations coming together as the African Internet Rights Alliance (or AIRA), submitted two (2) joint letters to the Special Rapporteur's - African Commission on Human and Peoples' Rights and the United Nations - focused on freedom of opinion and expression and access to information. These two letters expressed deep concern about the use of Kenya's Computer Misuse and Cybercrimes Act (or CMCA, 2018) and Nigeria's Cybercrimes (Prohibition, Prevention, etc) Act, (or CA, 2015).

The partner organisations of AIRA - ARTICLE 19 Eastern Africa, the Centre for Intellectual Property and Information Technology Law (CIPIT), Paradigm Initiative (PIN), BudgIT, Co Creation Hub (CcHub), Legal Resources Centre (LRC), the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), Kenya ICT Action Network (KICTANet) and Amnesty International - strongly urged the two Special Rapporteur's to call on the Kenyan and Nigerian governments to: -

1. Place a moratorium on the use of cybercrimes legislation in both Kenya and Nigeria. Specifically, the partner organisations called for a moratorium to be placed on the 'fake news' and *cyber-harassment* provisions in Kenya and the *cyber-harassment* and *records-retention* provisions in Nigeria;
2. Drop all charges imposed on any individuals under the CMCA, 2018 and the CA, 2015;
3. Review any current civil and/or criminal cases where persons have been fined and/or imprisoned using the provisions in the CA, 2015 and the CMCA, 2018; and
4. Initiate participatory and transparent processes to reform the CMCA, 2018 in Kenya and the CA, 2015 in Nigeria, whilst ensuring their strict compliance with regional and international standards relating to freedom of expression, privacy and media freedom.

The partner organisations insisted that the situation in Kenya and Nigeria is dire, especially during the COVID-19 period where freedoms, particularly movement, access to courts, as well as economic and social rights are being curtailed owing to the Kenyan and Nigerian governments' possession of extraordinary powers.

The partner organisations of AIRA urged the two Special Rapporteur's to publicly call on the governments of Kenya and Nigeria to ensure that their cyber crimes frameworks do not restrict fundamental rights and freedoms during the COVID-19 pandemic.

About AIRA: *The work of the African Internet Rights Alliance is rooted in four values: accountability, transparency, integrity and good governance. Using these values as a guide, AIRA undertakes collective interventions and executes strategic campaigns that engage the government, private sector, media and civil society to institute and safeguard digital rights. The alliance is made up of nine civil society organizations based in countries across Sub-Saharan Africa.*

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Media Contact
Ashanut Okille
T: +256 772 463 077
E: ashokille@akijul.org