2020

A Year of Agility, Uncertainty and Reset

Annual Report

CIPESA

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About **CIPESA**

Founded in 2005, the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) was one of two centres established under the Catalysing Access to Information and Communications Technologies in Africa (CATIA) initiative, which was funded by the UK's Department for International Development (DfID). CIPESA works to enable policy makers and related actors in the region to understand ICT policy issues, and for various stakeholders to use ICT to improve governance and livelihoods.

Based in Kampala, Uganda, CIPESA works with networks, individuals, governments, regulators, legislators and organisations (private sector, media, technologists, academics, civil society) to promote effective and inclusive ICT policy in Africa.

To accomplish these objectives, CIPESA works to:
- Facilitate dialogue and collaborations among diverse stakeholder groups on roles and responsibilities in protecting and promoting internet rights throughout Africa
- Contribute to the availability of information and research on the policy, legislative and practice environment affecting ICT in Africa.
- Advocate and raise awareness raising on threats to free speech, access to information, privacy and security online, as well as the opportunities for technology to advance democratic participation, transparency and accountability in governance.
- Knowledge and skills development in internet freedoms policy engagement, digital literacy and digital security, social accountability and human rights monitoring.
- Support and promote strategic litigation related to the advancement of digital rights
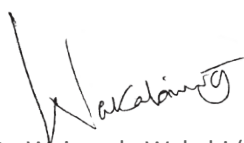
Overview

Times of crisis bring out the best, and the worst of society. For millions across the world, March 2020 marked a turning point - and in particular, for their digital rights. With the onset of the coronavirus disease (Covid-19), quick decisions were made with the aim of containing the spread of the virus, and for a moment, the world almost came to a standstill as national lockdowns took hold. And in the physical void created, the digital space instead enjoyed a new level of engagement.

Online news media and social media platforms became pivotal as sources of information. The proliferation of digital content was accompanied by a rise in misinformation, and it is here that some states found the opportunity to clamp down on state critics, media and civil society. A rush of laws and regulations were released in the wake of the pandemic.

Many states turned to Information and Communications Technology (ICT) to enhance disease surveillance, coordinate response mechanisms, and promote public awareness. The reliance on technology was particularly crucial in sub-Saharan Africa where systemic vulnerabilities such as weak health systems and high levels of illiteracy threatened the response speeds to the pandemic.

Thus many states turned to the use of big data, surveillance technology and many other tech based responses. However, while well intentioned, Covid-19 tech-based tracking interventions were effected in haste, and with limited precedent and oversight mechanisms leaving the digital rights of online users vulnerable and open to abuse by states.

Covid-19 thus wove itself into the fabric of our work over the course of the year. In the following pages, we share our work on promoting effective and inclusive ICT policy in Africa in the shadow of a pandemic. We look at how digital rights were affected by Covid-19 responses through to our agility in adapting to an almost complete human-contactless organisation. We showcase how alongside our network of collaborators, we navigated past uncertainty, demonstrated agility, but also reset alongside the global community.

Dr. Wairagala Wakabi (PhD)

Taking A Stand for Freedom of Expression
and Freedom of Association and Assembly

Globally, press freedom is one of the areas that the pandemic affected in many sub-Saharn states. Coupled with the emergence of Covid-19, was the opportunistic use of the pandemic to stifle freedom of expression and inadvertently, access to information. This was due to the response measures in many countries which saw the release of a flurry of regulations and directives which had negative consequences for valid freedom of expression including by the media.

However, the affronts to press freedom were already in force even before the pandemic such as the July 2019 arrest of Tanzanian investigative journalist Erick Kabendera in what was described as a "transparent retaliation for critical journalism" by the Community to Protect Journalists. He was eventually released seven months later in February. Critics argued that the arrest was just one more case in the government's playbook of media suppression. Just a month earlier, in January 2020, CIPESA joined 27 civil society organisations in submitting a joint letter to the United Nations and African Commission Special Rapporteurs on the arrest and detention of Tanzanian Human Rights Defender Tito Elia Magoti. We noted that human rights defenders and journalists in Tanzania, were repeatedly facing criminal prosecution for simply exercising their fundamental rights.

With existing affronts to press freedom, countries such as Kenya, South Africa and Zimbabwe made it criminal to spread alleged misinformation on Covid-19. Scores of journalists and bloggers in Kenya, Guinea, Uganda, Egypt, among others, were beaten, detained, or arraigned in court over their reporting on Covid-19. For some, this served as yet another avenue to curtail state critics and limit freedom of expression.

In response to these affronts to press freedom and other human and digital rights, the United Nations Special Rapporteur on Freedom of Association and Assembly issued detailed ten key principles which governments and law enforcement agencies should follow to avoid human rights abuses. During consultations to inform the guidelines, we made submissions to the Special Rapporteur, highlighting the major rights concerns in various African countries' Covid-19 response. We also called for the repeal of all laws, decrees, declarations and guidelines that could have intended to limit freedoms in the wake of Covid-19.

CIPESA submissions to the United Nations Special Rapporteur on Freedom of Association and Assembly
- Dismantle the surveillance apparatus constituted as part of combating the spread of the coronavirus and destroy all the data collected during the tracking exercise as it would have served the purpose for which it was collected.
- Make public announcements specifying the end of the restrictions and the reinstatement of all freedoms. This should specifically aim to assure citizens of confidence to enjoy their rights.
- Issue transparency reports detailing the Corona virus-linked surveillance activity, including tools and technologies used, state agencies and private entities involved, number of persons whose phones and data were tracked, the types of data that was collected, which entities accessed the data, and what safeguards were instituted to guard against misuse of the data and the surveillance apparatus.
- Repeal all laws, decrees, declarations and guidelines that could have intended to limit freedoms in the wake of Covid-19. There should be express declarations and statements that such interim or temporal measures were not aimed at limiting assembly and association but at containing Covid-19 and should not be applied in the aftermath of Covid-19.

JOURNALISM
WITHOUT
FEAR OR FAVOUR

WORLD PRESS FREEDOM DAY
3 MAY 2020

#WorldPressFreedomDay

We continued supporting efforts for the rights of the fourth estate when in May, to mark World Press Freedom Day 2020, we joined the Global Forum for Media Development (GFMD), numerous GFMD members, the International Civil Society Organization on the Safety of Journalists Coalition (ICSO SoJ Coalition), partners, and affiliate networks in launching an emergency appeal for journalism and media support in response to the Covid-19 crisis.

The statement served as a call to action to governments; journalism and media development donors and funders; journalism and media organisations; technology, telecommunication companies, and Internet intermediaries; advertisers, and all those who rely on journalism and news media to stay informed during the unprecedentedly challenging time.

Data Protection and The Digital Rights
Response Amidst the Pandemic

As Covid-19 spread globally, various African governments imposed sweeping measures such as travel bans, curfews, prohibition of mass gatherings, mandatory quarantines, closure of learning institutions, entertainment spots and borders to curb the pandemic. While some of these boosted the use of digital technologies, some of the responses were marred by pre-existing regressive measures, poorly crafted laws, and efficiently implemented frameworks, which could have implications for the enjoyment of digital rights and in particular their personal data, during and post-coronavirus.

It was only in 2019 that Senegal introduced its Personal Data Protection Bill of 2019 which is part of the government's goal of upgrading the legal and institutional framework of the technology and telecommunications sector by 2025. It came 12 years after being among the first African countries to enact data protection legislation, Senegal published a bill to replace the 2008 Personal Data Protection Law.

In January, we published some insights (French) on the proposed Senegalese bill in which we recognised that the bill is a significant step towards establishing a modernised data protection framework for the country that is rights respecting, and provides a conducive environment to support innovation amidst an increasingly digitised environment. However, the bill remained with some gaps similar to those in other countries - and which became evident in the Covid-19 response measures.

In March, while countries like Austria, Iran, Israel, Italy, Singapore, South Korea, Taiwan, and the USA turned to geo-location technology reliant on data from tech platforms and telecom companies in order to contain the spread of the Covid-19, the extent to which African countries were conducting technology-based disease surveillance was not fully known.

It ultimately led to concerns about state mass surveillance capacities and data protection loopholes - which often have been used against human rights - and when these capabilities are necessary and proportionate.

While well intentioned, Covid-19 surveillance and data-based tracking interventions have been effected in haste, and with limited precedent and oversight mechanisms.

We noted that it is important that African governments commit to transparently deal with the use of technology-enabled disease surveillance, with robust legal safeguards and privacy standards. Accordingly, specific data protection principles must be adhered to. We noted that data should be processed for lawful and specific purposes and there must be strict accountability. Similarly, the justifications of the public good should not be misused whatsoever, especially in the post-coronavirus era.
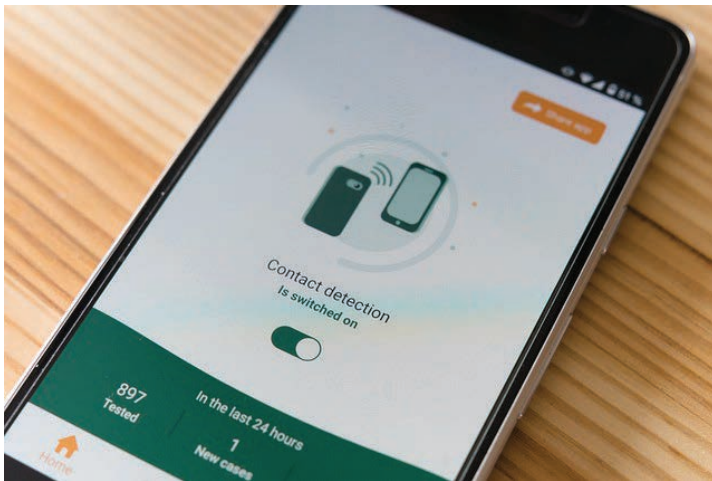
Indeed, as mentioned earlier, the limited transparency on surveillance mechanisms (eg for contact tracing) was accompanied by arrests, clampdowns on press freedom, and the introduction of regulations that limited freedom of expression and access to information. As such, among the April 2020 recommendations made to the United Nations Special Rapporteur on Freedom of Association and Assembly we included a call for states to "Dismantle the surveillance apparatus constituted as part of combating the spread of the coronavirus and destroy all the data collected during the tracking exercise as it would have served the purpose for which it was collected."

In order to stem the spread of the coronavirus, several countries across the world deployed the use of big data, mobile apps and other digital technologies. A number of African civic tech initiatives that support efforts to help citizens, governments, businesses and communities respond to the global health crisis were also introduced and also illustrated that personal data need not be exploited to address the pandemic.

Civic tech enabled government, citizens and companies to track and slow the spread of Covid-19 across different African countries. The pandemic provided an unprecedented opportunity to reimagine how technology can shape society. We looked at how eight African civic tech initiatives are responding and helping during the Covid-19 crisis. See how civic technologies are stepping up to aid against Covid-19 in Africa.

Growing the Practice of Digital Security
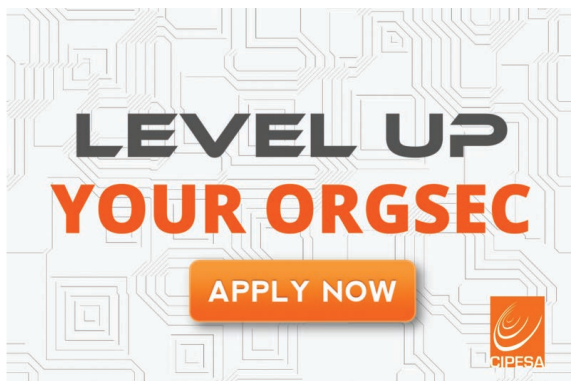
Digital security is a fundamental part of digital rights, and by extension an enabler of data privacy. However, there still remains a gap in the knowledge and use of practical digital security skills and solutions. As part of our Level Up program we started worked with activists and human rights defenders in Ethiopia, Uganda, South Sudan, Kenya, and Tanzania in enhancing their organisational and information systems security capacity.

The organsations have been supported in assessing the information security standing of their offices, networks, devices, and assets such as accounts, databases, and websites. Further, the establishment of more robust information systems with strong security safeguards is fused into the project in addition to developing IT Security policies and building internal capacity to maintain security in the long-term. This builds on past research such as this from 2017 Assessing Internet Freedom and the Digital Resilience of Civil Society in East Africa

The Africa Digital Rights Fund (ADRF) Grows,
And Also Responds To Covid-19

Our expanding sub-granting program, the Africa Digital Rights Fund (ADRF), which responds to rising digital rights violations such as arrests and intimidation of internet users, network shutdowns, and a proliferation of laws and regulations that hamper internet access and affordability grew dramatically. A total of 33 initiatives have been supported to the tune of a total sum of USD 355,000 since the Fund's launch in April 2019.

The inaugural round of ADRF awarded USD 65,000 to 10 initiatives advancing digital rights in Algeria, Burundi, Egypt, Ethiopia, Gambia, Mozambique, Namibia, Nigeria, Sierra Leone, Senegal, South Sudan, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.

To date, three rounds of grants have been held with two of the rounds taking place in 2020 wherein the ADRF sought Covid-19 responsive proposals. The agility of the Fund was necessary to address the digital rights challenges that were emerging across the continent resulting in the need to document and encourage states to respect rights and not abuse emergency powers. Moreover, many actors needed access to credible information and research to inform their own work on awareness-raising and holding authorities to account during and in the aftermath of Covid-19.

The Africa Digital Rights Fund (ADRF)

USD 355,000
Total Ammount Awarded

33
initiatives supported

34
Countries Covered

Morocco
Tunisia
Algeria
Libya
Egypt
Mauritania
Mali
Niger
Sudan
Senegal
The Gambia
Somaliland
Burkina Faso
Nigeria
Ethiopia
Sierra Leone
South Sudan
Somalia
Ivory Coast
Cameroon
Uganda
Ghana
Benin
Democratic Republic of Congo
Kenya
Togo
Rwanda
Burundi
Tanzania
Malawi
Zambia
Mozambique
Zimbabwe
Namibia
Botswana
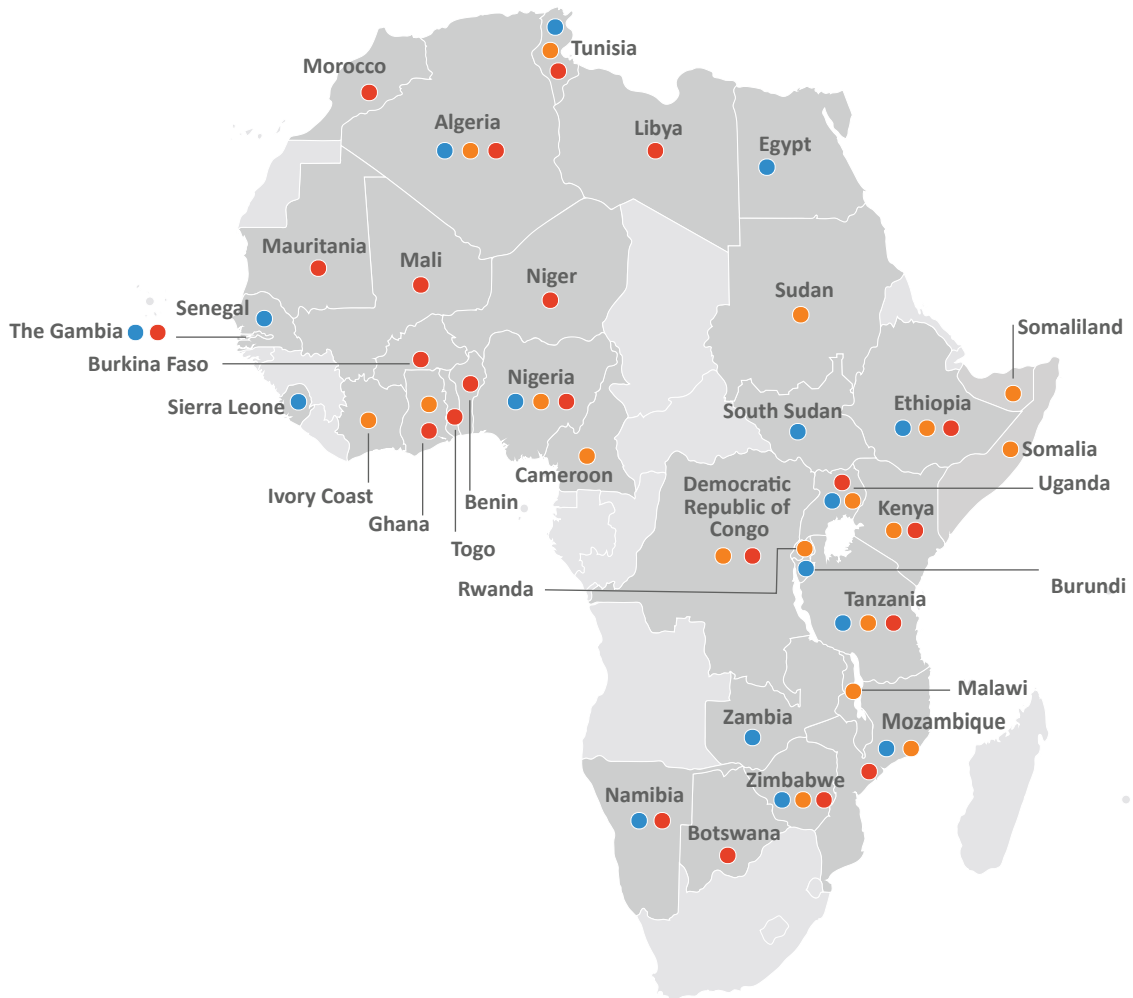
🔵 Round One **65,000**

🟠 Round Two **152,000**

🔴 Round Three **138,000**

Activities were varied and diverse over the year with entities such as Somalia based Digital Shelter hosting a series of panel discussions on the shrinking online civic space in Somalia and the growing digital threats faced by media professionals, bloggers and human rights defenders in the digital space as part of the grant themed "Protect our Online Space"; through to Global Voices who continued work on a project titled, "The Identity Matrix: Platform regulation of online threats to expression in Africa". It included a five week run where five language activists from four African countries shared their perspectives on the intersection of African languages and digital rights in the continent.

This was an extension of their initial project Writing toward freedom: Politics and digital rights in Africa for which they received a grant in the first round of the ADRF.

The ADRF is an initiative of the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) with support from the Ford Foundation, the Swedish International Development Cooperation Agency (Sida), the German Society for International Cooperation Agency (GIZ) and the Omidyar Network.

Disruptions,
Protests and Elections

As has been the trend in recent years, the tensions between citizens and their governments remain due to poor governance, poor service delivery, limited transparency and accountability by the state in its actions and decision making processes. In some countries, the tensions erupted ahead of and during elections, in others, various incidents sparked public protests. However in all instances, the threat of disruptions to digital communications was always heightened.

In February, Togo went to the polls for its first presidential election since the amendment to the Constitution on term limits. The amendment capped the presidential mandate to two five-year terms. However, it would not apply retrospectively meaning that President Faure Gnassingbe, who succeeded his late father in 2005, could stand for the upcoming election, and again in 2025. In 2017, internet access was disrupted during protests against the family's 50-year rule of the country.

Despite a public call against disrupting internet access by civil society, which CIPESA also supported, the Togolese authorities cut access to messaging services on election day, and election officials prevented an independent civil society group of observers from monitoring the elections. Gnassingbe won the election thus extending the family's dynasty rule for another five year term. The disruption to digital communications lasted two days. Meanwhile, in 2017, Togo shutdown the internet following public protest against the dynasty's rule and only in June 2020 did the Court of Justice for the Economic Community of West African States (ECOWAS) rule against the Togolese government's disruption to digital communications arguing that it violated human rights.

In May, we joined 30 international human rights advocacy groups of the #KeepItOn coalition in urging authorities in Burundi to ensure that the May 20, 2020 elections would be void of any network disruption of digital communications and to enable voters to freely elect their leaders. However, on election day, which did not take a digital approach, the government blocked access to social media. The block was lifted a day later.

On July 14, two works after disrupting digital communications on June 30, 2020 following protests demanding justice for the fatal shooting of Oromo musician, Haacaaluu Hundeessaa, internet access was restored. inaccessible in the country. After 16 days of blackout, most Ethiopians remain offline.

These disruptions went against the grain of digital rights, access to information and freedom of expression as they fundamentally undermined the Covid-19 fight.


How Technology is Aiding the Covid-19 Fight in Africa

Advancing
Digital Inclusion

Women In Search of Safer Spaces Online

The gender digital divide remains starkly present, particularly in sub-Saharan Africa. While addressing the gender dynamics of policy processes and internet governance is woven into our programming, we also have dedicated efforts aimed and addressing gender related concerns pertaining to the access, use and perceptions of the internet.

Despite a large gender disparity in digital access, more women face various forms of online violence than their male counterparts, which has continuously undermined their participation online. The absence of laws designed to specifically address the various forms of digital violence (such as revenge pornography, trolling, and threats) and the lack of sufficient in-country reporting mechanisms, exacerbate these challenges and often result in many women being forced to go offline or resorting to self-censorship. Additional consequences of cyber VAW mentioned included psychological, emotional and the physical abuse.

Efforts to improve digital rights and digital literacy among more women in Africa should be supported by a thorough understanding of the online and offline social structures that influence the extent to which women can be active participants in the digital arena. This is key to realising Goal five of the Sustainable Development Goals which aims to achieve gender equality and empower all women and girls, who have historically been in a position of disadvantage for various reasons including cultural norms, lack of economic opportunity, and low literacy.
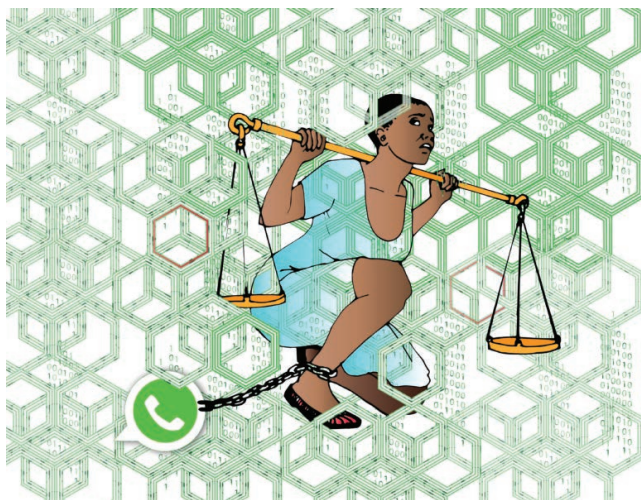
To this end, we participated in and held a series of workshops aimed at understanding how best to promote safer online spaces for women and in querying issues such as data privacy through to the nonconsenual sharing of intimate images. This contributed to the production of a document highlighting the dynamics faced by women in Uganda (which echo those of women in many other countries) who are searching for safe spaces online.

These insights and experiences were shared as part of a weeklong multi-country campaign for the Women At Web project which saw organisations from Kenya, Rwanda, Tanzania and Uganda participate in the #SAfeSpacesEA online initiative. In addition to supporting the online campaign, we hosted an online discussion on the dynamics of advancing digital rights for women in Africa.

Meanwhile, based on our research, the role of the media in perpetuating the challenges faced by women online, we hosted a Media Masterclass with mid to experienced journalists in Uganda. The Masterclass resulted in a selection of xxx journalists who received a grant to purse stories related to women and digital rights.

Persons With Disabilities Excluded From Accessing to Information on Covid-19

While millions turned to technology and traditional media for information in the wake of the pandemic, critical messages about the disease that are disseminated by health authorities, telecom companies, and broadcasters were and still are not reaching persons with visual and hearing impairments.

Although various telecommunication companies, such as MTN Uganda, Safaricom in Kenya, MTN Ghana, removed service charges on mobile money transactions and discounted internet data prices so as to increase accessibility and affordability of the internet. While in South Africa, Vodacom and MTN offered zero-rated information portals run by the country's Department of Health which allow users to access vital information about the disease even when they do not have data bundles.

However, despite these efforts, a large section of persons with disabilities continue to face digital exclusion due to lack of access and affordability of the requisite ICT tools and equipment, as well as failure by broadcasters and telecom operators to provide information and services in disability friendly formats.

African governments are obligated under both the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (ACHPER PD) to provide equal opportunities, accessibility and inclusion of persons with disabilities. And despite the International Disability Alliance (IDA) issuing key recommendations towards a disability-inclusive Covid-19 response, including the requirement that persons with disabilities must receive information about infection mitigating tips, public restriction plans, and the services offered, in a diversity of accessible formats with use of accessible technologies, access to information gaps remain present.

As such our work emphasised Why Access to Information on Covid-19 is Crucial to Persons with Disabilities in Africa and was showcased at RightsCon and the Internet Governance Forum.

Further to these, we also conducted research into Removing Barriers to ICT Accessibility for Persons with Disabilities in Kenya, Tanzania and Uganda

CIPESA
Fellows 2020

In 2017, we introduced our fellowship program with the goal of increasing the quality, diversity and regularity of research and media reporting on ICT, democracy, and human rights in Sub-Saharan Africa.

This year, we have hosted ten fellows from across the continent and the USA. Nine fellows joined in the wake of Covid-19 and focussed on researching Covid-19 related censorship and surveillance practices and policy/regulatory responses by governments and private actors in addition to documenting trends and developments in technology for public good policy and practice. An initial fellow focussed on digital expression and China-Africa relations.

Some of their work listed below:

Burundi, Chad, Ethiopia and Sudan Revoke YouTube Access Throughout 2010s
Covid-19: How Civic Techies Are Stepping Up To Aid The Fight In Africa
Niger Passes New Law on Interception of Communications

The Forum on Internet Freedom
in Africa Goes Digital

The 2020 edition of the Forum on Internet Freedom in Africa (#FIFAfrica20) came alive through the assembly of a global community committed to advancing digital rights and digital inclusion and internet freedom in Africa. Through workshops, insights sharing, report launches, demonstrations and skills-building sessions, over three days (September 28-30) a diversity of organisations and individuals convened online and offline to create connections and to advocate for effective and inclusive digital policy.
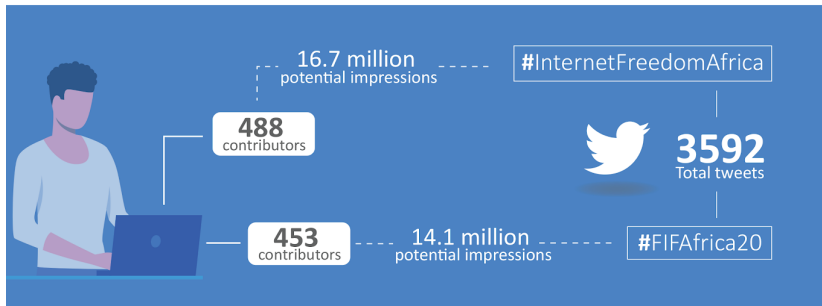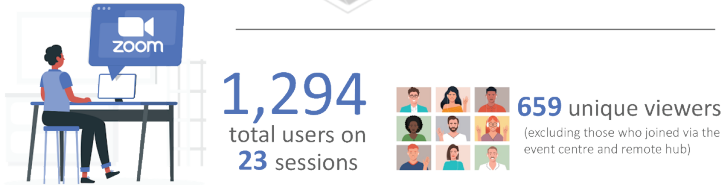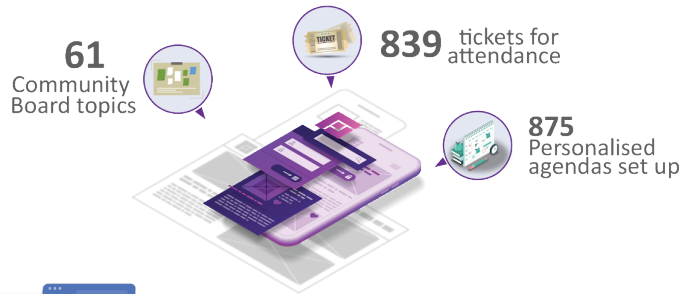
Hosted in partnership with Paradigm Initiative, this landmark event convened a spectrum of stakeholders from across the internet governance and digital rights arenas in Africa and beyond to deliberate on gaps, concerns and opportunities for advancing privacy, free expression, non-discrimination and the free flow of information online.
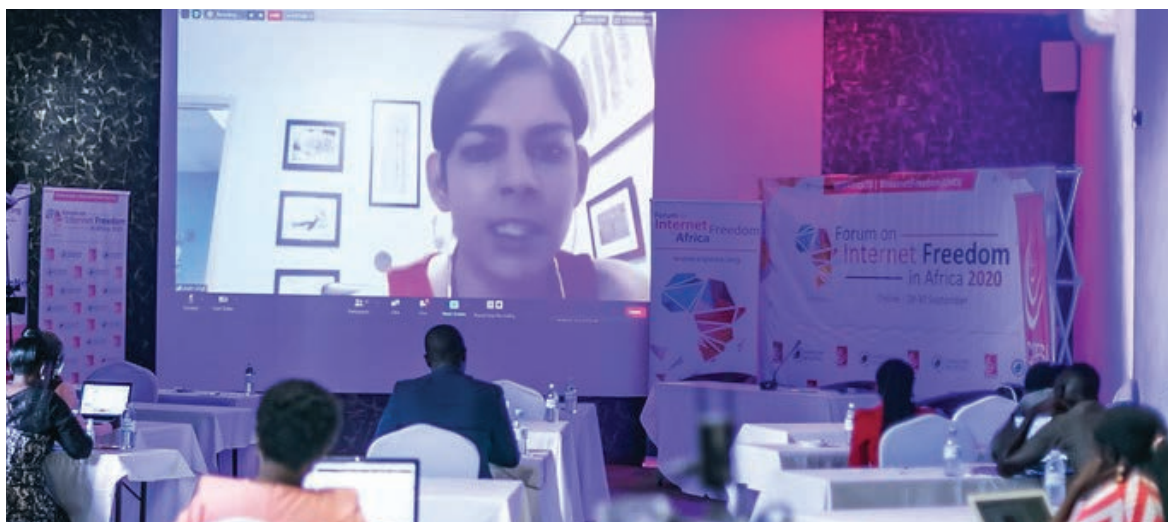
The Forum was as much online as it was offline. As part of the event, there were five remote locations each with an assortment of activities taking place. In Abidjan, Cote d'Ivoire, Action et Humanisme hosted 25 participants to engage on the barriers faced by persons with disabilities, especially during the pandemic. They reviewed the obligations of the government and developed recommendations. In the Democratic Republic of Congo, Kinsasha served as the location for a digital security training for xxx people. Similarly, in Dar es Salaam, Tanzania, the Zaina Foundation hosted 30 participants a partly practical engagement which fell within their theme of promoting digital rights in a challenging environment. A timely discussion as the country head to the polls on October 28, 2020. In Dakar, Senegal, Jonction hosted 25 people to compliment online discussion on Covid-19 and fake news. They focussed on the various obstacles to online freedom of expression in times of health crisis. Finally, Kampala, Uganda served as a viewing hub for the various online sessions in addition to hosting the launch of the 2020 edition of the State of Internet Freedom in Africa. Uganda also served as a physical location for a digital security Hub which supported and advised participants on their digital security concerns.

5 Remote Hubs

200 participants

(max of **30** people per day in some hubs due to adgerance with COVID-19 public gathering advisories)

Online center

61 Community Board topics

839 tickets for attendance

875 Personalised agendas set up

1,294 total users on **23** sessions

659 unique viewers
(excluding those who joined via the event centre and remote hub)

16.7 million potential impressions — #InternetFreedomAfrica

488 contributors

3592 Total tweets

453 contributors — 14.1 million potential impressions — #FIFAfrica20

0 misconduct reports per the Forum Code of Conduct

16 countries

45 participants

12 civic society organisations

Data4Change Data Basics Workshop

Tracking Responses to
Disinformation in Sub Saharan Africa

In June, alongside the Global Partners Digital (GPD), ARTICLE 19, PROTEGE QV and the Centre for Human Rights of the University of Pretoria, we jointly launched an interactive map to track and analyse disinformation laws, policies and patterns of enforcement across Sub-Saharan Africa.

The map offers a birds-eye view of trends in state responses to disinformation across the region, as well as in-depth analysis of the state of play in individual countries, using a bespoke framework to assess whether laws, policies and other state responses are human rights-respecting.

The interactive tool was developed against a backdrop of the various state actions on Covid-19 related disinformation. Spanning 31 countries - and with a goal of expanding - all data, analysis and insight on the map has been generated by groups and actors based in Africa.

disinformationtracker.org

A new tool to track government responses to disinformation in Sub-Saharan Africa

Our Policy Positions,
Interventions and Commentaries Across Africa

Mali: On December 5, 2019, the president of Mali promulgated Law n° 2019-056 on the Suppression of Cybercrime. Although timely and relevant, a number of provisions posed potential threats to privacy and freedom of expression online, especially in view of Mali's democracy deficits and low press freedom ranking. We reviewed this law and highlighted that it requires revisions to safeguard and uphold constitutional guarantees of freedom of expression and privacy, online and offline.

Ethiopia: In March 2020, Ethiopia enacted the Hate Speech and Disinformation Prevention and Suppression Proclamation to address hate speech and disinformation, which have historically troubled the country. However, whereas government regulation is legitimate to control hate speech, the new law poses a threat to freedom of expression and access to information online. In this brief, we outlined the problematic provisions of the Proclamation and calls upon the government to amend or repeal the law.

Malawi: On February 3, 2020 Malawi scored a democracy victory when the Constitutional Court nullified the May 2019 presidential elections and ordered for fresh polls. This election related matter informed some aspects of its May Universal Periodic Review (UPR) by the Human Rights Council. Whereas previous reviews did not receive elections-related recommendations, Malawi's democratic credentials – freedom of expression, media freedom, and access to information – came under scrutiny. As part of Internet Freedom and UPR advocacy efforts at the Human Rights Council, the Centre for Human Rights and Rehabilitation (CHRR), CIPESA , and Small Media made a series of recommendations to UN members to consider putting forward to the Malawi delegation during the review.

Universal Periodic Review Recommendations for Malawi

- In compliance with international standards and the right to freedom of expression guaranteed under Article 19 of the ICCPR and section 35 of the Malawi Constitution, guarantee freedom of expression and opinion online as well as offline for media and individuals, including marginalised and discriminated groups by repealing all laws that restrict freedom of expression, including the Protected Flag, Emblems and Names Act, libel and defamation laws.
- Refrain from implementing internet shutdowns or disruptions under any circumstances.
- Ensure that the 2017 Access to Information Act is fully implemented and all public bodies are in full compliance in providing their data regularly in accessible formats.
- Hasten efforts to provide equal access to technology and communications to all citizens, including disadvantaged and marginalised groups of the population, by removing barriers to access and improving affordability, as well as expanding infrastructure and desisting from internet disruptions.
- Approve the legislation on personal data protection and privacy in order to provide safeguards on the use of personal data and to protect the right to privacy online.

Malawi: In July, we issued a joint statement alongside the Centre for Human Rights and Rehabilitation (CHRR), and other organisations urging the Malawi government to review the cost of telecommunications services, especially in view of Covid-19 restrictions.

The statement was followed by an appeal by the newly appointed Minister of Information tasking the Malawi Communications Regulatory Authority (MACRA) to take measures to reduce internet tariffs. SThe Minister agreed with CHRR, CIPESA and others that the cost of the internet in Malawi was too high noting that while the government may not be able to reduce taxes on services, telecommunications companies should not enjoy huge profit margins.

Senegal: Senegal passed a data protection law twelve years ago and was among the first African states and the first African Francophone country to ratify the Africa Union Convention on Cyber Security and Personal Data Protection in 2016, thus establishing itself among the pioneers in data governance in Africa.

Given rapid developments related to biometrics, big data, artificial intelligence, and cloud computing, among others, the government of Senegal is in the process of repealing law n° 2008-12 of January 25, 2008 which governs personal data protection. A draft bill published at the tail end of 2019 to replace the preceding law is currently under public consultation.

In response, in February, we partnered with Jonction Senegal and Facebook to host a workshop to review the bill in addition to making relevant recommendations from a digital rights perspective.

The workshop brought together 25 participants including officials from the Personal Data Commission (CDP), the Ministry of Digital Economy and Telecommunications, the Ministry of Women, Family and Gender, the Ministry of Justice, and representatives from the private sector, and civil society organisations including human rights defenders, lawyers, academia, bloggers and journalists.

Recommendations to the Senegal data protection bill

- Set a minimum age of consent
- The president of the ADPD should be appointed through an internal election by members in order to guarantee the authority's autonomy.
- Provide for adequate resource allocation to the APDP to facilitate smooth implementation and enforcement of the law
- Provide for APDP oversight in procurement and contracting of public or government projects involving personal data collection and processing
- Provide for authority of the APDP to collect and recover financial penalties imposed on offenders and pass them on to the victims of data breaches.
- Strengthen the financial autonomy of the APDP by granting it 50% of the amounts recovered from any data protection operations
- Provide for legal personality of the ADPD to give it perpetual succession with capacity to sue and be sued in its name.

Tanzania: On July 17, 2020, the Tanzania government issued new Electronic and Postal Communications (Online Content) Regulations, 2020 that apply to online content production, hosting and dissemination. The regulations entrenched the licencing and taxation of bloggers, online discussion forums, radio and television webcasters, and repress online speech, privacy and access to information.

The country has been widely criticised for its lacklustre response to the Covid-19 pandemic, yet the regulations aim to further stifle access to health information by prohibiting the publication of content. We highlighted various gaps and concerts with the regulation here.

Niger: In April 2020, the Nigerien Council of Ministers tabled a bill aimed at securing a legitimate basis for intercepting electronic communications "in the interest of national security" (Exposé de Motifs).

The bill was unanimously adopted on May 29 by the National Assembly as opposition politicians boycotted the vote, arguing that it allows for widespread monitoring of communications "under false pretences other than those related to security and the fight against terrorism." In spite of the boycott, the bill became law pursuant to Article 58 of the Nigerien Constitution.

With this new law and the Cybercrime Act, Niger joined the horde of African countries including Cameroon, Chad, Nigeria and Tanzania, which use national security as a pretext to introduce legislation that limits freedom of expression and opinion, the right to privacy and other civil liberties. We highlight some concerns here (French).

Uganda: In continuation of our monitoring of the "social media tax", we noted that despite several requests to suspend the tax during the pandemic, the government opted to uphold it, thereby excluding segments of the population from easily accessing information and resources via the taxable platforms.

For many across the world, social media serves the role of filling information vacuums and providing channels for citizens to demand accountability and transparency. In Uganda, the government and other agencies utilised social media as one of the avenues for disseminating information to citizens, including providing status updates on confirmed cases, as well as running public health and safety campaigns but failed to acknowledge that the tax had a negative impact on access.

Egypt, Sierra Leone, Uganda and Zambia: In partnership with the Centre for Human Rights, University of Pretoria we conducted a four country study to explore the extent of state-sponsored digital challenges that the civil society in Africa is faced with. It illustrated the challenges faced by civil society organisations and the importance of digital security measures.

The report documents the threats to civil society in the digital age by examining the legislative and regulatory framework, as well as state action in four countries in Africa: Egypt, Sierra Leone, Uganda and Zambia. The recommendations emanating from the research called for the states to revise and repeal identified restrictive laws and align them with international standards.

Benin, Botswana, Burkina Faso, Cameroon, Côte d'Ivoire, Democratic Republic of the Congo, Eswatini, Ethiopia, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Togo, Uganda, Zambia and Zimbabwe: See section on Tracking Responses to Disinformation in Sub Saharan Africa which details an interactive map tracking disinformation. The map offers a birds-eye view of trends in state responses to disinformation across the region, as well as in-depth analysis of the state of play in individual countries, using a bespoke framework to assess whether laws, policies and other state responses are human rights-respecting.

Kenya and Nigeria: In June, as part of the African Internet Rights Alliance (AIRA) we expressed concerns about the use of cybercrimes legislation to restrict rights and freedoms in the two countries, and petitioned the Special Rapporteur for Freedom of Expression and Access to Information in Africa, and the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to help redress the situation in the two countries.

The alliance urged the two Special Rapporteurs to publicly call on the governments of Kenya and Nigeria to ensure that their cyber-crimes laws do not restrict fundamental rights and freedoms during the Covid-19 pandemic.

Content Moderation:
Platforms Must Preserve the Data

We are in the middle of an unprecedented opportunity to research how online information flows ultimately affect health outcomes, and to evaluate the macro- and micro-level consequences of relying on automation to moderate content in a complex and evolving information environment.

As such, In April 2020 we joined 74 organisations and individuals in signing a letter to technology platforms urging them to preserve this data which is being automatically blocked or removed from the platforms so that it can be made available to researchers and journalists and included in their transparency reports.

The use of technology in times of a global crisis shows the importance of technology platforms and magnified their real world impact such as when unproven Covid-19 cures were disseminated online leading to fatalities. While numerous forms of content moderation have emerged in recent years, most have concerningly relied on automated content moderation.

Despite this. the various social media platforms have been used to communicate, assemble, research the virus, provide mutual aid, and more. However, this was accompanied with an increase of their reliance on automated content moderation during the pandemic, while simultaneously removing misinformation and apparently inaccurate information about Covid-19 at an unprecedented rate. We must preserve the data.