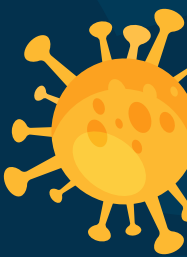
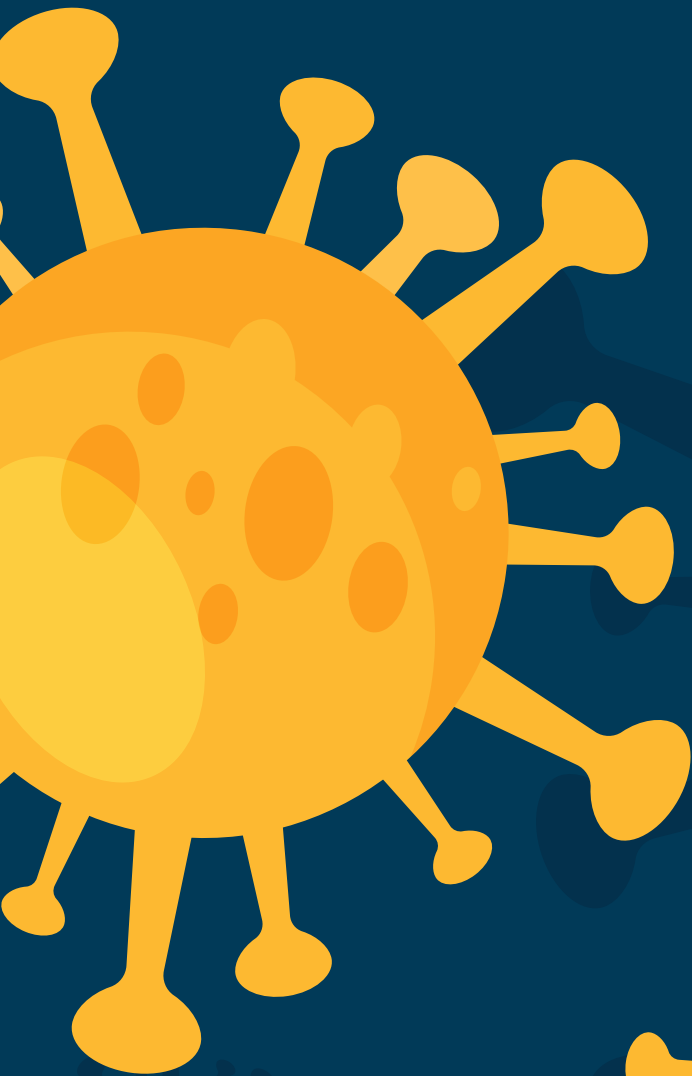


How the
Covid-19 Fight Has Hurt
Digital Rights
in **East Africa**

January 2021



Introduction

The fight against the novel coronavirus (COVID-19) pandemic in Kenya, Tanzania, and Uganda has dealt a blow to the promotion and preservation of human rights in the region. Moreover, the outbreak of COVID-19 could not have come at a worse time, as the countries were preparing for their respective general elections (October 2020 for Tanzania, January 2021 for Uganda, and a potential referendum in 2021 and the August 2022 elections in Kenya).

Even before confirmation of COVID-19 cases in the region, the three East African countries had instituted COVID-19 mitigation measures. Many of these measures are still being implemented, and some of them have negatively affected peoples' fundamental human rights, including freedom of expression, access to information, privacy and data protection as well as freedom of assembly and association.

On March 18, 2020, Uganda instituted its first set of measures that included the closure of schools and a ban on all political, religious, and social gatherings.¹ A week after the March 22, 2020 confirmation of the first case in the country,² the Ministry of Health issued the Public Health (Control of COVID-19) (No. 2) Rules, 2020 that introduced further restrictions including a dusk-to-dawn curfew, the closure of institutions of learning and places of worship, the suspension of public gatherings, a ban on public transport and the closure of the country's borders and the international airport to passenger traffic.³

In Kenya, the government introduced several measures⁴ to curb the spread of COVID-19 that included the suspension of public gatherings and other social distancing requirements; limitation of travel into and outside the country; imposition of a dusk-to-dawn curfew under the Public Order Act, 2003; as well as inter-county travel bans between the capital, Nairobi, and three other high-risk counties of Mombasa, Kilifi and Kwale.⁵

A day after the government confirmed its first coronavirus case, Tanzania introduced a series of measures that included the closure of schools and the suspension of sports events on March 17, 2020. Additional directives, including quarantining travellers from countries with confirmed cases of COVID-19 at the travellers' own cost, were announced by President Pombe Magufuli.⁶

¹ Museveni address on coronavirus, <https://www.newvision.co.ug/news/1516707/-live-museveni-addresses-nation-coronavirus>

² Uganda confirms coronavirus, <https://www.newvision.co.ug/news/1516875/uganda-confirms-coronavirus>

³ The Public Health (Control of COVID - 19) (No. 2) Rules, 2020, <https://ulii.org/ug/legislation/statutory-instrument/2020/55>

⁴ Kenya announces 7pm-5am curfew in response to COVID-19 pandemic, <https://www.monitor.co.ug/video/3286562-5504106-rhmswe/index.html>

⁵ COVID-19: Kenya bans travel in and out of Nairobi, other areas, <https://www.aljazeera.com/news/2020/4/6/covid-19-kenya-bans-travel-in-and-out-of-nairobi-other-areas>

⁶ Tanzanian President Under Fire For Worship Meetings Amid Virus,

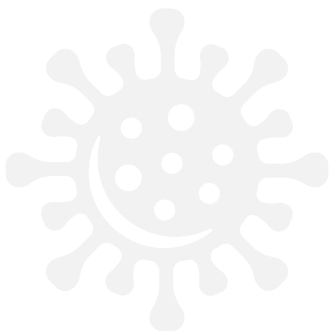
<https://www.bloomberg.com/news/articles/2020-03-22/tanzanian-president-under-fire-for-worship-meetings-amid-virus>



While many of the restrictions such as the closure of international borders, schools and churches and prohibitions on public gatherings have since been relaxed, the long-term impact of these and other restrictions persist.

The measures aimed at minimising public gatherings were accompanied with a problematic onslaught on the media, the political opposition and ordinary citizens, which undermined the enjoyment of the rights to freedom of expression, assembly and association, and the right to access a variety of news and information, which was critical to informed decision-making particularly during electoral processes.

The rights of individuals to peaceful assembly and association is linked to their ability to freely express their opinions, and to share, and have access to information, both offline and online. However, as part of the COVID-19 mitigation measures, the governments in all three countries adopted a series of statutory instruments which quickly suspended constitutional guarantees without reasonable justification or meaningful stakeholder consultation.⁷



⁶ *How Uganda's Fight Against Covid-19 is Hurting Digital Rights Amidst a Looming Election*, <https://cipesa.org/2020/12/how-ugandas-fight-against-covid-19-is-hurting-digital-rights-amidst-a-looming-election/>

Invoking of Repressive Laws to Stifle Free Expression

Governments in Kenya, Tanzania and Uganda enacted or amended and invoked their laws to legitimise the onslaught on freedom of expression in the face of COVID-19. For example, in July 2020, the Tanzania government replaced the 2018 Tanzania’s Electronic and Postal Communications (Online Content) Regulations⁸ with the more strict Tanzania Electronic and Postal Communications (Online Content Regulations 2020).⁹ The 2020 regulations aggravate the crackdown on free speech as they require the registration of all online publishers, impose annual license fees on all online content services, grant the regulator sweeping powers to suspend media outlets and journalists, and detail a broad list of prohibited content, which includes the publication of “content with information with regards to the outbreak of a deadly or contagious disease in the country or elsewhere without the approval of the respective authorities.” The penalty for breach of the regulations is a fine of not less than five million Tanzanian shillings (USD 2,140), imprisonment for not less than 12 months, or both.

In Uganda, the communications regulator, Uganda Communication Commission (UCC), in March 2020 issued a public advisory note cautioning the public against misusing digital platforms to publish, distribute and forward false, unverified, or misleading stories and reports.¹⁰ The regulator warned that any suspects would be prosecuted for offending the Computer Misuse Act 2011,¹¹ the Data Protection and Privacy Act 2019,¹² and Section 171 of the Penal Code Act Cap 120.¹³

In Kenya, section 22 of the Computer Misuse and Cyber Crimes Act, 2018 prohibits the publication of false publications, that is, false, misleading, or fictitious data or misinformation with intent that the data shall be considered or acted upon.¹⁴ The offence carries a penalty of not more than five million shillings (USD 46,240) or imprisonment of up to two years, or both. Section 23 prohibits the publication of false information that is calculated or results in panic, chaos, or violence, or is likely to discredit the information of a person. This offence carries a penalty of no more than five million shillings (USD 46,240) or imprisonment not exceeding 10 years, or both.



⁸ *The Electronic and Postal Communications (Online Content) Regulations, 2018*, <https://crm.misa.org/upload/web/supp-gn-no-133-16-03-2018-epoca-online-content-regulations-2018.pdf>

⁹ *The Electronic and Postal Communications (Online Content) Regulations, 2020*, [https://www.tcra.go.tz/document/The%20Electronic%20and%20Postal%20Communications%20\(Online%20Content\)%20Regulations,%202020](https://www.tcra.go.tz/document/The%20Electronic%20and%20Postal%20Communications%20(Online%20Content)%20Regulations,%202020)

¹⁰ https://twitter.com/UCC_Official/status/1241725721367756800

¹¹ *Computer Misuse Act, 2011, 2010*, <https://ulii.org/ug/legislation/act/2015/2-6>

¹² *Data Protection and Privacy Act, 2019*, <https://ict.go.ug/wp-content/uploads/2019/03/Data-Protection-and-Privacy-Act-2019.pdf>

¹³ *Penal Code Act 1950*, <https://ulii.org/ug/legislation/consolidated-act/120>

¹⁴ *Computer Misuse and Cybercrimes Act, 2018*, <http://kenyalaw.org/ki/fileadmin/pdfdownloads/Acts/ComputerMisuseandCybercrimesActNo5of2018.pdf>

Criminalisation of COVID-19 False News

In addition to enacting or invoking repressive COVID-19 related laws and regulations, the governments have regularly issued threats and invoked laws predating the pandemic to intimidate, arrest, and detain persons, including whistle-blowers and critics, in order to censor any COVID-9 related misinformation.

For example, in March 2020, the Tanzania Prime Minister, Kassim Majaliwa, warned the public against spreading misinformation around the COVID-19 outbreak, noting that those found guilty would be dealt with.¹⁵ He directed the Tanzania Communication Regulatory Authority (TCRA) to monitor and apprehend persons disseminating fake news, which he said was causing confusion in society. These threats were quickly followed up with arrests and prosecution of individuals and media houses, including suspension of their publication licenses.



In March 2020, the UCC summoned three media houses - BBS, NTV, and Spark TV – and asked them to show cause why regulatory sanctions should not be taken against them.¹⁶ The UCC accused the media houses of airing content that had the potential “to confuse, divert and mislead unsuspecting members of the public against complying with the guidelines issued by Government authorities on the coronavirus.”

In April 2020, two individuals, Adam Obec of the Kampala Capital City Authority (KCCA)¹⁷ and Pastor Augustine Yiga (now deceased)¹⁸ of Revival Church in Kampala,¹⁹ were arrested on allegations of spreading false information and harmful propaganda in relation to COVID-19. According to the police, Obec had circulated information on social media claiming that Uganda had recorded its first COVID-19 death, an action that had purportedly triggered fear and panic in the public and undermined the government’s efforts to contain the pandemic.

¹⁵ Tanzania: Prime Minister Acts Tough on Fake News 'Cooks', <https://allafrica.com/stories/202003220009.html>

¹⁶ Ucc calls out 3 tv stations on COVID-19, <https://uccinfo.blog/2020/03/29/ucc-calls-out-3-tv-stations-on-COVID-19/>

¹⁷ COVID-19 CRISIS: KCCA staff arrested over spreading fake news on coronavirus, <https://www.pmldaily.com/news/2020/04/COVID-19-crisis-kcca-staff-arrested-over-spreading-fake-news-on-coronavirus.html>

¹⁸ Pastor Yiga arrested for misleading public on COVID-19, <https://www.monitor.co.ug/News/National/Pastor-Yiga-arrested-misleading-public-COVID19/688334-5507644-1380ounz/index.html>

¹⁹ Pastor Augustine Yiga is dead, <https://www.independent.co.ug/pastor-augustine-yiga-is-dead/#:~:text=Kampala%2C%20Uganda%20%7C%20THE%20INDEPENDENT%20%7C,may%20God%20bless%20his%20soul>

Still in April 2020, Kakwenza Rukirabashaija, a writer and activist, was arrested by the Uganda military over a post on Facebook on April 6 that allegedly urged the public not to comply with public health guidelines issued to combat the spread of COVID-19.²⁰ In his post, Kakwenza called out the president to “be serious” about enforcing directives, and stated that “if the country plunges into the abyss of famine ... never blame coronavirus but yourself and [your] bigoted methods.” The author was thereafter charged with committing an act likely to spread a disease, contrary to section 171 of the Penal Code Act and later transferred to civil detention on remand.²¹ He was later released on a non-cash bail of ten million Uganda shillings (USD 2,700).²²

“*if the country plunges into the abyss of famine ... never blame coronavirus but yourself and bigoted methods.*”

In April 2020, Tanzanian authorities arrested and charged at least four individuals for publishing information deemed unofficial about COVID-19. Awadhi Lugoya was arrested and accused of wrongful use of social media, for opening a Facebook account called “Coronavirus Tanzania” to spread “misleading information” about the pandemic.²³ Mariamu Jumanne Sanane,²⁴ a third-year student at the University of Dar es Salaam, was arrested in April 2020 after she claimed on social media that there were 230 confirmed cases of COVID-19 and four deaths in Tanzania.

In the same month, at least three people, Africana Mlay,²⁵ Ibrahim Bukuku,²⁶ a first-year student at the University of Dodoma, and Albert Msando,²⁷ a prominent lawyer in the Arusha region, were arrested over accusations of spreading false information on social media platforms, including WhatsApp.

Still in April 2020, the Zanzibar Information Department suspended Talib Ussi Hamad, a journalist with the Tanzania Daima daily newspaper, for six months under the Registration of News Agents, Newspapers, and Books Act No. 5 of 1988 and its amendments No. 8 of 1997.²⁸ The journalist was alleged to have reported about a COVID-19 patient without the patient’s consent. He filed a case in the Zanzibar High Court in July challenging the decision. The suspension was lifted in August 2020.²⁹

²⁰ Ugandan Security Forces Arrest Writer, TV Anchor After Coronavirus Posts,

<https://www.voanews.com/africa/ugandan-security-forces-arrest-writer-tv-anchor-after-coronavirus-posts>

²¹ Missing critical book writer, Kakwenza charged, remanded, <https://nilepost.co.ug/2020/04/21/missing-critical-book-writer-kakwenza-charged-remanded/>

²² Critical book writer, Kakwenza released on bail, <https://nilepost.co.ug/2020/05/06/critical-book-writer-kakwenza-released-on-bail/>

²³ TRUE: A Tanzanian man has been arrested on charges of opening a Facebook account to spread COVID-19 misinformation,

<https://pesacheck.org/true-a-tanzanian-man-has-been-arrested-on-charges-of-opening-a-facebook-account-to-spread-976c24764967>

²⁴ Tanzanian university student arrested over spreading COVID-19 rumor, http://www.china.org.cn/world/Off_the_Wire/2020-04/11/content_75920828.htm

²⁵ Tanzanian man held for allegedly spreading false information on COVID-19, http://www.xinhuanet.com/english/2020-04/06/c_138951913.htm

²⁶ Akamatwa na polisi kwa kudanganya upupu dawa ya corona, <https://www.ippmedia.com/sw/habari/akamatwa%20na-polisi-kwa-kudanganya-upupu-dawa-ya-corona>

²⁷ Arusha advocate Albert Msando arrested over Covid-19 remarks,

<https://www.thecitizen.co.tz/news/Arusha-advocate-Albert-Msando-arrested-over-Covid-19-remarks/1840340-5538202-xxf10s/index.html>

²⁸ Tanzanian reporter banned for six months for coronavirus coverage, <https://rsf.org/en/news/tanzanian-reporter-banned-six-months-coronavirus-coverage>

²⁹ Z’bar govt lift lifts suspension order against journalist, <https://mct.or.tz/suspension/>

Likewise, Mwananchi daily newspaper had its online license suspended for six months and fined five million shillings (USD 2,200) by the Tanzania Communication Regulatory Authority (TCRA) after it posted a photo of President John Magufuli out shopping and surrounded by a crowd of people, eliciting online discussion about Tanzania’s approach to addressing COVID-19 and the apparent breach of social distancing guidelines.³⁰ According to TCRA, the paper breached the Electronic and Postal Communications (Online Content) Regulations as it was allegedly misleading and had caused confusion in the community.

Three other media organisations - Star Media Tanzania Ltd, Multichoice Tanzania Ltd and Azam Digital Broadcast Ltd – were on April 2, 2020 fined USD 2,200 each and ordered to apologise for “transmission of false and misleading information”³¹ about the country’s approach to managing COVID-19. In addition, Kwanza Online TV was suspended for 11 months in June 2020 for reposting on Instagram a health alert from the US Embassy warning of an “elevated” risk of COVID-19 in the country.³² The regulator found the TV station’s post to be misleading content that contravened professional standards, arguing that the media house had failed to verify the accuracy of the information in the alert.



In Kenya, the government arrested four individuals, and charged two bloggers under section 23 of the Computer Misuse and Cyber Crimes Act³³ for publishing false information. In March 2020, 23-year-old student Elijah Kitonyo was arrested after publishing claims on Twitter that the government was deceiving people regarding the COVID-19 situation in the country.³⁴ According to the authorities, this contravened the Computer Misuse and Cyber Crimes Act. During the same month, blogger Robert Alai was arrested and charged under section 22(1) of the Computer Misuse and Cyber Crimes Act, for publishing alarming and false information in a Twitter post that two people had died of COVID-19 in Mombasa.³⁵ The arrest came a day after a statement by the Cabinet Secretary for Health warning against misinformation about the virus.

³⁰ TCRA suspends Mwananchi’s online license for Six months,

<https://www.thecitizen.co.tz/news/TCRA-suspends-Mwananchi-s-online-license-for-Six-months/1840340-5527310-13ixgsgz/index.html>

³¹ Covid-19: Media fined for broadcasting against Tanzania’s stance, <https://www.thecitizen.co.tz/news/Covid-19--Media-fined-for-/1840340-5514540-ojukruz/index.html>

³² Tanzania bans Kwanza Online TV for 11 months citing ‘misleading’ Instagram post on COVID-19, <https://cpj.org/2020/07/tanzania-bans-kwanza-online-tv-for-11-months-citing-misleading-instagram-post-on-covid-19/>

³³ Computer Misuse and Cybercrimes Act, 2018, <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ComputerMisuseandCybercrimesActNo5of2018.pdf>

³⁴ DCI arrests man over Covid-19 tweet, <https://www.nation.co.ke/news/DCI-arrests-man-over-Covid-19-tweet/1056-5492720-bgpj5kz/index.html>

³⁵ Blogger Alai to be charged over alarming coronavirus post, <https://www.nation.co.ke/kenya/news/blogger-alai-to-be-charged-over-alarming-coronavirus-post--280580>

Adoption of Contact Tracing Legislation and Applications

Like many other countries, Kenya and Uganda adopted a series of COVID-19 regulations and practices, including applications, to facilitate the lawful collection and processing of personal data for purposes of tracing, contacting, isolating and treating those found to be positive as well as those that they may have interacted with (contacts).

In Kenya, the government passed legal instruments that provided for contact tracing, testing, isolation, and quarantine of suspected COVID-19 patients. In April 2020, the government issued the Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020³⁶ that empowers medical officers or public health workers to, among other things, transfer the patient to the nearest health facility.³⁷ Under section 3(2), the medical or public health official is required to immediately inform the head of the household, or the occupier of the premises, or any person who has been in attendance on or had contact with the deceased person, of the infectious nature of COVID-19 and of the precautions to be taken to prevent its transmission to other persons.

In Uganda, the government passed various statutory instruments that can be interpreted to be the legal basis for contact tracing. These included the Public Health (Control of COVID-19) Rules, 2020 under the Public Health Act Cap.281, which gave powers to a medical officer or a health inspector to enter any

premises in order to search for any cases of COVID-19 or inquire whether there is or has been on the premises, any cases of COVID-19.³⁸ Additionally, section 5 of the rules empowers the medical officer of health to order the quarantine or isolation of all contacts of the suspected COVID-19 patients.



The other regulation was the Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order, 2020 that allows a medical officer of health to examine for COVID-19, any person arriving in Uganda and, for this purpose, to board any vehicle, aircraft or vessel arriving in Uganda and examine any person on board the vehicle, aircraft or vessel.³⁹

³⁶ Ministry of Health (2020) Public Health (Prevention, Control and Suppression of COVID-19) Rules, 2020, <https://www.kenyachamber.or.ke/wp-content/uploads/2020/04/COVID-19RULES.pdf>

³⁷ *Ibid*, Section 3(1)

³⁸ Section 6(1) of the Public Health (Control of Covid-19) Rules of 2020, <https://ulii.org/ug/legislation/statutory-instrument/2020/52>

³⁹ Section 2 of The Public Health (Prevention of COVID - 19) (Requirements and Conditions of Entry into Uganda) Order, 2020,; <https://ulii.org/ug/legislation/statutory-instrument/2020/46>

In July 2020, the East African Community (EAC) which groups Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda commenced a partnership with Switzerland-based The Commons Project, to develop a digital health passport app called CommonPass.⁴⁰ The app allows travellers to share their recent COVID-19 test results while ensuring the authenticity of the results and preserving their privacy. Travellers using CommonPass would be expected to take tests at accredited laboratories which could share the results to their mobile phone. The application would be similar to the “Yellow Card” international certificate of vaccination, and the test results could be authenticated by authorised healthcare, airlines or immigration authorities.⁴¹ The CommonPass initiative builds on the CommonHealth Map,⁴² which tracks COVID-19 cases across the region, and the coronavirus check risk assessment tool, which is available in Swahili, Kinyarwanda, English, French and other languages.

The region has also witnessed the development and use of various unproven technologies and mobile applications to support contact tracing. This has increased the potential for abuse and presents a risk for repurposing the technologies for mass surveillance after the pandemic.⁴³

In Kenya, the government was reported to be monitoring the mobile phones of individuals who were under self-isolation, and arresting those who violated the restrictions imposed on their movements.⁴⁴ The government had enlisted the National Intelligence Service (NIS) to facilitate access to patients’ phone location data to trace their last movements, a procedure which was not feasible at large scale, and was expensive.

In Uganda, the government in partnership with Defining Technologies, a Ugandan firm, developed a contact tracing app which purportedly alerts users and the Ministry of Health in case someone has been in contact with a Covid-19 positive person.⁴⁵

Unfortunately, some of these measures were adopted without adequate safeguards or oversight. While both Kenya⁴⁶ and Uganda⁴⁷ have recently enacted a data protection and privacy legislation, it was not until late last year that Kenya appointed a Data Protection Commissioner,⁴⁸ while Uganda is yet to operationalise the office. In addition, the two countries are yet to pass the relevant regulations needed to operationalise their data protection laws. Tanzania is yet to pass a privacy and data protection act.⁴⁹

40 East African Community develops CommonPass health passport app, <https://privacyinternational.org/examples/4077/east-african-community-develops-commonpass-health-passport-app>

41 Digital technology re-opening Africa, <https://www.newtimes.co.rw/opinions/digital-technology-re-opening-africa>

41 Coronavirus (COVID-19) - East African Community, <https://www.eac.int/coronavirus>

43 The Erosion of Digital Rights in the Fight Against Covid-19 in Kenya, <https://cipesa.org/2020/09/the-erosion-of-digital-rights-in-the-fight-against-covid-19-in-kenya/>

44 State taps phones of isolated cases, <https://www.standardmedia.co.ke/nairobi/article/2001365401/state-taps-phones-of-isolated-cases>

45 Ugandans develop app for Covid-19 contact tracing, <https://www.monitor.co.ug/uganda/news/national/ugandans-develop-app-for-covid-19-contact-tracing-1891426>

46 Data Protection Act, 2019, http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/2019/TheDataProtectionAct__No24of2019.pdf

47 Data Protection and Privacy Act, 2019 <https://ulii.org/ug/legislation/act/2019/1>

48 Kenya appoints its first ever data protection commissioner,

<https://iapp.org/news/a/kenya-appoints-its-first-ever-data-protection-commissioner/#:~:text=Kassait%2C%20a%20former%20director%20of,the%20Data%20Protection%20Act%202019.>

49 Tanzania - Data Protection Overview

<https://www.dataguidance.com/notes/tanzania-data-protection-overview>

Worsening the Digital Exclusion

Even before the advent of the COVID-19 pandemic, there was digital exclusion which mainly affected persons with disabilities, women, the elderly, and those in rural communities. In Uganda, the refusal by government to suspend⁵⁰ the implementation of the Over-The Top (OTT) tax, even after several appeals from different stakeholders,⁵¹ continued to undermine efforts to increase access to and affordability of digital technologies by a large majority. In turn, this has denied a large population access to critical COVID-19 related information that is being shared through social media platforms.

In addition, many persons with disabilities missed out on crucial COVID-19 related information due to the failure by broadcasters and telecom operators to provide information and services in disability friendly formats.⁵² Apart from a few incidents, most television stations across the three countries did not have sign language interpretation during crucial public awareness campaigns, such as press conferences, expert discussions and updates from the national COVID-19 task forces.⁵³

The “un-connectedness” was made worse as a sizable number of people who were accessing the internet at their places of work could no longer do so due to the COVID-19 movement restrictions and closure of workplaces.⁵⁴ The pressure of having to continue working from home created an increased demand for internet services, and highlighted the ever-rising digital divide since only a small number of people in the region have access to fast and affordable internet,⁵⁵ yet access to the internet and digital public services is increasingly being seen as essential for a dignified living.⁵⁶



⁵⁰ Gov't asked to suspend OTT, <https://www.independent.co.ug/govt-asked-to-suspend-ott/>

⁵¹ <https://twitter.com/cipesaug/status/1245728955220529155>

⁵² Why Access to Information on Covid-19 is Crucial to Persons with Disabilities in Africa, <https://cipesa.org/2020/04/why-access-to-information-on-covid-19-is-crucial-to-persons-with-disabilities-in-africa/>

⁵³ *Ibid*

⁵⁴ Advancing Digital Rights amidst COVID-19 in Uganda: Policy Brief, <https://africafoicentre.org/download/advancing-digital-rights-amidst-covid-19-in-uganda-policy-brief/>

⁵⁵ The Erosion of Digital Rights in the Fight Against Covid-19 in Kenya, <https://cipesa.org/2020/09/the-erosion-of-digital-rights-in-the-fight-against-covid-19-in-kenya/>

⁵⁶ Digital technologies and the covid 19 pandemic, <https://www.uclga.org/news/digital-technologies-and-the-covid-19-pandemic/>

Erosion of **Civil Liberties** and Undermining citizen participation

The different measures that have been adopted by Kenya, Tanzania, and Uganda, including enactment and enforcement of repressive laws on misinformation/fake news, as well as intimidations, arrests, detentions and suspension of media operations have led to an erosion of civil liberties online and offline. Human rights defenders, journalists, activists, the political opposition, and ordinary citizens have been forced to self-censor, disengage from participating in public affairs, and refrain from exercising their rights to participate.

Additionally, the rapid adoption of technologies such as surveillance software in the fight against COVID-19 without consideration of the complex and long-term human rights impact has had considerable impact on citizens' rights to participation as it has infringed citizens' right to privacy, free expression, and access to information.



Recommendations

- Review and amend all the COVID-19 legislation on surveillance and quarantine to conform to international standards on the right to privacy, data collection and processing as well as freedom of expression and access to information.
- Governments should explore ways of ensuring affordability of the internet by more citizens, especially for those with limited resources, including suspending internet-related taxes such as the OTT tax in Uganda, and the exorbitant registration fees for online content producers in Tanzania.
- Civil society actors, including the media and academia, should push governments to ensure the respect for privacy, freedom of speech, assembly and access to information; as well as transparency, and accountability in the conduct of COVID-19 related data collection and surveillance.



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