WEST AFRICA
INTERNET RIGHTS
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Executive Summary

The widespread use of the internet, particularly on mobile communications devices, has revolutionised the way people communicate and interact today than ever before. New communication mediums have drawn people closer and are connecting customers to businesses, citizens to political leaders, among other socioeconomic and political activities all in a click.

This is more effective and powerful when it comes to civil and political spaces, where the internet and digital communications are seen as essential mediums in convening public or influencing opinion in support of, or in opposition to, one cause or the other. Not only has the internet empowered people to appreciate their rights to freedom of expression but also enabled citizens to participate in the process of governance as well as to explore unlimited opportunities beyond boundaries previously unreachable.

Access to information online is enabling people to make their voices heard, to express their concerns and to call duty bearers to account. Consequently, the internet has now become indispensable for people to enjoy their rights to freedom of expression, association and assembly.

However, this digital empowerment of citizens is seen as a threat by some governments who resort to network disruption to suppress dissent and crack down on assembly rights. New legal provisions are being introduced while existing laws are being revised to limit freedom of expression online and

silence critical voices through interrogations, arrests, and detentions. Throttling, cyberstalking and other forms of online harassment are also deployed to stifle online communications.

Aside the state controls, non-state actors engaged in criminal activities also use hacking, identity theft, credit card theft, ransomware etc. making the internet space unsafe. These constitute a serious deterrent to online freedom in West Africa.

This report highlights internet rights violations and other internet-related developments. The information is based on the Media Foundation for West Africa's (MFWA) daily monitoring of the digital space in West Africa. The analysis of these incidents and developments are published quarterly as the *West Africa Internet Monitor*. The April – June 2019 edition of this internet report covers ten (10) countries – Benin, Burkina Faso, Cote d'Ivoire, Liberia, Mauritania, Niger, Nigeria, Ghana, Guinea and Senegal.

Seven (7) out of the ten countries being reported on recorded incidents of digital rights violations. In all, eleven (11) incidents of digital rights violations were recorded during the quarter. These incidents were mainly arrests, detentions and seizure of equipment.

The report concludes with some recommendations for enhancing internet access and use in West Africa.

Introduction

The phenomenal growth of the internet and other Information Communication Technologies (ICTs) in the past two decades has redefined the barriers of access to information and transformed how people communicate. Increased access to smartphones and other internet-enabled devices is offering limitless opportunities to all.

The acceleration in internet penetration rates in West Africa has enhanced citizens' ability to participate in governance, thus promoting democracy in the region. This has, in turn, further enhanced people's enjoyment of their rights, especially freedom of expression and access to information both online and offline.

However, while the economic and social benefits of the internet are unanimously acknowledged, there are significant differences in governments' attitudes towards the political empowerment that social media in particular grants to citizens.
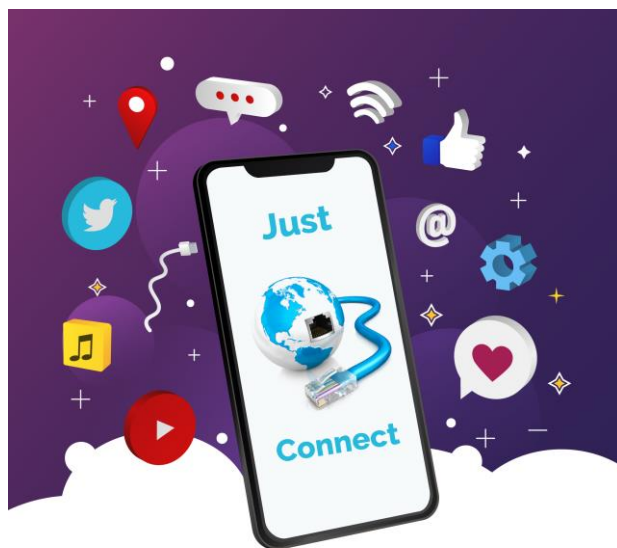
These differences are manifested in the degree of online freedom and privacy accorded to citizens in various countries.

Some governments try to stifle dissent and critical voices online and restrict access to information through shutdowns of the internet and social media platforms, arrests and detentions, introduction of repressive laws and abusive application of existing laws against dissenting voices.

To help curb these threats and sensitise stakeholders about the need to protect the rights of people online from undue interference from both state and non-state actors, the MFWA has been monitoring and reporting online violations. The reports from the monitoring are published quarterly as The West Africa Internet Rights Monitor (The Internet Rights Monitor). This initiative is aimed at providing credible reference material for internet rights advocacy and policy dialogues at the national, regional and international levels. This edition of The Internet Rights Monitor covers ten countries – Benin, Burkina Faso, Cote d'Ivoire, Liberia, Mauritania, Niger, Nigeria, Ghana, Guinea and Senegal.

The report also highlights other internet-related developments in West Africa that are not necessarily violations.

Methodology

This report is the result of the monitoring and recording of internet-related issues, reported in ten West African countries from April to June 2019. The monitoring is undertaken by MFWA's internet right monitors and national partner organisations across West Africa.

The MFWA also undertakes general monitoring of all the countries to complement the efforts of the monitors and partners in the various countries. The quarterly report, however, focuses on countries in which significant digital developments were recorded during the period under review.

The monitoring and reporting are guided by an internet rights monitoring tool which was developed by the MFWA and shared with its national partner organisations and internet rights monitors. A user manual that provides tutorials on the monitoring tool also provides additional guidance to the monitors who send monthly reports to the MFWA. The various country reports are then analysed into quarterly reports which are published as "The West Africa Internet Rights Monitor." The West Africa Internet Rights Monitor is aimed at building a credible database on access and internet rights issues to inform advocacy and shape policy interventions in the region.

General Findings

In all, eleven (11) internet rights-related incidents were recorded. Web activists in Niger and Cote d'Ivoire, journalists in Nigeria and in Ghana were arrested and detained by security agents for their internet-related publications. Authorities denied citizens, in three countries, access to social media platforms by shutting down internet in attempts to crack down protests, to limit publicity for massive street protests against perceived corruption and bad governance and curtail malpractices during exams.

Victims of internets rights violations were three (3) journalists and four (4) social media activists, and the general public. In all the violations recorded during the period under review, the perpetrators were state officials and security agents.

Country-Specific Findings

Benin

Internet is opened and accessible in Benin. Twenty-four percent (24%)[1] of the population is estimated using internet on mobile telephone while 3.80 Million of people are using internet. The country has long been regarded as a model in West Africa with regard to respect for freedom of expression, but recent incidents of crackdown on freedom of expression and internet shutdown tarnished its credentials. In the evening of 27 April, a day before the parliamentarian elections, internet connectivity, including access to social media platforms such as Facebook and Twitter were disrupted. On April 28, 2019, date of the parliamentarian election, the authorities shut down the internet. All social media platforms, including text messages services were inaccessible during the election.

The shutdown, which is the ever first in the country, affected particularly online newspapers and social media platforms as more and more people engage on these mediums to receive and share information. The shutdown was condemned as a blatant violation of

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[1] https://www.google.com/search?q=internet+user

freedom of expression in the country. Internet was restored only the following day.

Burkina Faso

Over the past five years, Burkina Faso has built for itself a reputation as one of the most tolerant and progressive countries with a free and open space of expression in the region.

However, the country's struggle with insurgents has led it to a law that could reverse the gains it has made in the area of freedom of expression online. The National Assembly on June 21, 2019, passed a new Criminal Code to control the free flow of information and news, particularly online publication and social media.

The law introduced extremely punitive sanctions including a hefty fine of up to CFA Francs 10 million (about US$ 17, 350) prison sentences for publication, in any medium, liable to undermine security.

Notwithstanding the gloom brought by the repressive new Criminal Code, there were also efforts to promote high standards in online journalism.

On June 27, 2019 in Koudougou, a town located 75 kilometers west of the capital, Ouagadougou, members of l'Association des Editeurs et Professionnels de Médias en Ligne (AEPML), an umbrella organisation of editors of online news media in Burkina Faso, organised a workshop to promote respect for ethics and high standards in journalism in order to differentiate

content published on social media platforms by individuals from publications by online newspapers. At the end of the deliberation, participants adopted an online media charter aimed at checking fake news online in the country.

Cote d'Ivoire

Estimated at 11.06[2] Million internet users, the internet penetration is reported to be about 19% with an estimated 5 million social media users while cybersecurity concerns are on the rise.

Following a rally organised on June 23, by Valentin Kouassi, a young political activist in Adzopé, a township in the south of the country, the authorities arrested the activist and subsequently released on a set of conditions including a ban on his participation in online political discourse.

On June 7, 2019, a social media activist, Soro Tangboho, alias Carton Noir, was sentenced to one-year imprisonment. The court found him guilty of 'disturbing the public order' and 'incitement to xenophobia' meanwhile the social media activist was arrested in December 2018 for filming live on Facebook, some policemen allegedly extorting money from moto riders in Khorogo, a northern city in Cote d'Ivoire.

The 2019 edition of Africa IT & Forum was organised in Cote d'Ivoire on April 25-26, 2019. The forum brought together more than 500 participants

2 https://www.slideshare.net/DataReportal/digital-2019-cote-divoire-january-2019-v01

from the private and public sectors in West Africa and beyond. The forum deliberated on crucial strategic and technical issues related to digital transition, emerging issues of e-economy and data protection. The forum also sought to map innovative startups on the continent to accelerate the digital empowerment of the youth and their socioeconomic inclusion in the region.

As a growing regional economic power in the digital sector, Cote d'Ivoire has intensified efforts to secure the cyberspace ecosystem. As part of its strategy, the government, in partnership with the World Bank and Global Cyber Security Capacity Center in the UK, launched a four-day workshop on cybersecurity in Cote d'Ivoire-Abidjan on June 17, 2019. The workshop served to assess the digital ecosystem and step up efforts in addressing emerging challenges.

Ghana

Ghana has a track record of respect for freedom of expression both online and online. Mobile telephone users are expected to reach 40 Million[3] by 2020. Internet is fast growing. One-third of the population has access to internet with 8.75 MBPS speed of internet connections on mobile telephone.

During the period under review, security operatives raided the office of an online media, *ModernGhana.com,* on June 27,

2019. They arrested and detained two personnel of the media outfit and seized computers. The action followed an article the media platform published about the National Security Minister, Albert Kan Dapaah, and a Member of Parliament for Effutu constituency, Alexander Afenyo-Martin.

Emmanuel Ajarfor Abugri and Emmanuel Yeboah Britwum, respectively deputy editor and reporter of *modernghana.com* later said they were tortured during their three-day detention and interrogation. Emmanuel Ajarfor was later charged on three counts—conspiracy to commit crime to wit stealing, unauthorized access to electronic records and stealing, but the case was later withdrawn.

Still in Ghana, President Akufo-Addo, on June 18, 2019, urged the financial institutions to improve their digital bank system in tackling cyber-attacks and digital payment fraud. The President made the call during the opening session of the African Regional Conference of the Society Worldwide Interbank Financial Telecommunication (SWIFT) in Accra.

A day after the President's call, a senior police officer revealed that some 86 Ghanaian top companies have had their emails accounts attacked by cybersecurity fraudsters. [4] The director in charge of the Cyber Crime Unit of the Criminal Investigation Department (CID), of the Ghana Police Service, ACP Dr. Gustav Herbert Yankson revealed on

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3 https://www.myjoyonline.com/business/2018/march-19th/ghanas-mobile-phone-subscribers-to-hit-40m-by-2020-report.php

4 Daily Guide, Thursday, June 20, 2019, page 3.

June 19, 2019, that "there are 86 credentials about Ghana that have been sold out on the dark web". ACP Gustav further advised corporate institutions, including financial institutions, banks, telecoms' and states institutions to take the necessary measures to protect their data and cyber space. He also called on the general public to protect their privacy and personal sensitive information online.

Guinea

In Guinea, internet penetration is reported to be about 14% with an estimated 1.90 million[5] active social media users. Even though the online space is open, access to internet service on mobile phone is limited with a substandard quality of service. To improve citizens' access to internet, Orange, one of the three telecom companies operating in Guinea, on April 15, 2019, launched a 4G service to provide better access to internet service.

Also, to help expand the digital economy of the country, the government designated a week for celebrating the country's digital journey. The fourth edition of the annual *Semaine du Numerique* (Digital Week) celebration was launched by President Alpha Conde on June 11, 2019. The event sought to promote a cross-sectoral growth of the country's socio-economic activities.

Liberia

The Internet is open in Liberia with a low penetration rate of 11%[6]. Like many parts of the sub-region, Liberia is also experiencing a steady increase in access to internet on mobile devices, with social media being one of the primary sources of information. Mobile internet is used as a major catalyst for citizens' mobilization and empowerment to demand accountability and fight against corruption.

However, authorities in Liberia violated this fundamental right when it shut down the internet on June 7, 2019, in a bid to stifle a street protest organised by Council of Patriots to demand an end to perceived corruption and bad governance in the country. Access to internet and social media platforms were restored the following day of the protest.

Mauritania

Unlike Guinea where the authorities heeded to the concerns of the populace and did not restrain internet access during national exams, in Mauritania, the government ignored public concerns and ordered a disruption of social media platforms two times during final year examinations.

The first internet shutdown occurred on May 27 to 28, 2019 during high school diploma examinations which took place from 29 to 31 May, 2019. The second one occurred on June 10 to 13, 2019. Access

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[5] https://datareportal.com/reports/digital-2019-guinea

[6] https://datareportal.com/reports/digital-2019-liberia

to internet and social media platforms such as Messenger, WhatsApp, Facebook, were blocked from 08:00 to 18:00 hours, period of two national examination.

Even though the measure was condemned as blatant violation of freedom of expression and wanton denial of access to information to people who rely on internet for diverse socioeconomic activities, the minister justified the unpopular measure. "We attach great importance to this national diploma that opens the way to higher education for a bachelor's degree. This is why we are reinforcing the measures of monitoring of the tests," said Eslamou Ould Sidi El Mokhtar, Minister of National Education.

There was yet another digital rights violation when the government interrupted internet on mobile devices on June 23, while the fixed internet access (ADSL) was blocked on June 25, in order to paralyze streets protests against the result of the disputed presidential election[7].

Niger

In Niger, internet penetration is estimated at 10% with 2.33 million[8] internet users while access to reliable and high standard internet services remains a challenge. The situation is worsened by terrorist attacks in the country. Internet is open and accessible, but the government in its fight against terrorism recently adopted a law that is detrimental to online freedom.

On May 16, 2019, the police arrested[9] a citizen over a Facebook post that criticised the government for a deadly terror attack on the town of Tango Tongo. Anawar Abdoulaye was held in police custody in Niamey for 8 days. After being released on May 24, he was again summoned to the prosecutor's office on May 29, where he was notified to appear in court on June 3. Abdoulaye was charged with "demoralising the army with a view to undermine national security" under Article 76 of the Criminal Code, as well as "defamatory remarks about the Head of State," under Article 49-51 of the Press Code.

The authorities struck again on June 13 when they arrested[10] Ibrahim Tanimun, an activist for a false tweet. Tanimun, popularly called General Rusky, had mistakenly claimed that a generator set bought by the country's electricity company was rather rented. The activist, a member of Nigérien Cyber Citoyen, was summoned before the public prosecutor and placed in custody despite having corrected the tweet before any official complaints.

On June 25, 2019, the parliament adopted a cybercrime law that imposed fines of about US$ 8,700 and prison sentences of up to three years for online publications deemed to "undermine public order".

"It is an offense punishable by imprisonment for six (6) months to three (3) years and a fine of CFA francs

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7 http://www.mfwa.org/country-highlights/mfwa-welcomes-restoration-of-the-internet-release-of-journalists-in-mauritania/

8 https://datareportal.com/reports/digital-2019-niger

9 https://airinfoagadez.com/2019/05/17/niamey-niger-anawar-abdoulaye-un-internaute-interpelle-hier/

10 https://www.actuniger.com/societe/15211-reseaux-sociaux-le-webactiviste-ibrahim-tanimun-a-la-pj-pour-un-tweet-sur-la-nigelec

1million to CFA francs 5 million for anyone to produce, make available to others or disseminate, through an information system, data of a nature liable to undermine public order or human dignity," reads Article 31 of the cybercrime law.

Nigeria

Nigeria has the largest population of internet users, estimated at 98.39 million. Violations of internet rights and freedom of expression are common. These include arbitrary arrests and detentions and criminal defamation suits aimed at intimidating journalists, activists and political opponents.

State security agents mostly perpetrate these violations. In most instances, however, the security agents act on orders of state officials, influential and powerful people to perpetuate these acts aimed at suppressing dissent.

One of such violations was recorded on May 8, 2019. Police in Rivers State arrested journalist and human rights activist Stephen Kefas, for reposting an article on Facebook. The article Kefas reposted was published primarily by *SaharaReporters*, an online news portal. The article was considered as an exclusive story detailing the events leading into the death of Dr. Galadima Maiwada, a traditional ruler in Kaduna State, north-western Nigeria.

On June 16, a cybercriminal was reported to have attacked MTN Nigeria's server system for two hours. The criminal who hacked the system operator, reportedly caused the server to send text messages to customers,

urging them to recharge their phones As result subscribers could have accessed free of charges up to 130 GB per individual. The financial loss from the two-hour interference was estimated at Naira 700 million (about US$ 1,925,000).

Senegal

Senegal has internet users estimated at 9,749,527[11]. During the quarter under review, the country did not record any violations. This is in keeping with the country's culture of respect for freedom of expression rights.

Dakar, the capital of Senegal hosted, from June 13-14, 2019, the first edition of Journée de la Femme Digitale (JFD) (Digital Women Day) in Africa. The event sought to empower and celebrate women who are impacting their communities through socioeconomic activities by using digital technologies. It also sought to inspire women to be more innovative and entrepreneurial in the digital space.

At the event, the Major of Dakar, Soham El Wardini, indicated the country's commitment to strengthening and developing ICT and creating a sustainable digital economy.

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11 https://www.internetworldstats.com/stats1.htm

Conclusions and Recommendations

The internet space in West Africa is unrestricted. However, the adoption of new repressive laws and the application of criminal legal provisions to crack down freedom of expression on internet is hampering freedom in this digital era in West Africa.

Outspoken citizens and dissident voices, social media activists and critical journalists who work in online media are often targets of repressions through abusive use of legal frameworks and broad interpretations of such frameworks.

There is a growing trend of internet shutdowns being used to curb socio-political protests. The violations recorded in Benin, Cote d'Ivoire, Ghana, Mauritania, Liberia, Niger and Nigeria highlight this trend of intolerance for dissent.

In the cases mentioned above, security forces and states officials have blatantly violated people's rights guaranteed by national constitutions. They are also in breach of regional and international frameworks such as International Covenant and Political Rights (ICCPR) and Declaration of Principles on Freedom of Expression in Africa which guarantee freedom of expression, access to information and to protect against interference with freedom of expression.

Furthermore, the continued attacks on freedom of expression online is at variance with resolution A/HRC/38/L.10[12] adopted by consensus on July 4, 2018, by member states of UN Human Rights Council (HRC), which declared that "the same human rights that people have offline must be protected online."

These violations are all the more disturbing in view of the critical and indispensable role of the internet in the social and economic sectors. Social media, for instance, is a major channel of communication between people for socialisation and economic purposes. Together with websites, social media now serves as an important advertising and branding tool for industries and organisations.

Tens of thousands of people receive online education and training online, while the banking and mobile money systems are run on the internet, making it a powerful economic resource. Journalists use the internet to file reports and traditional media organisations are increasingly creating online versions of their channels.

Social media is now widely used to exchange ideas, inform the public, demand accountability from public officials and create civic awareness. The attacks on people expressing themselves online could, therefore, have a chilling effect on freedom of expression and deter people from expressing dissenting opinions or even participating in national discourse.

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[12] https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/195/78/PDF/G1819578.pdf?OpenElement

In view of the above, it is obvious that any network disruption is a disruption of the economic and social life of a country or of the affected region. It is, therefore, imperative that all stakeholders continue to engage and adopt measures and strategies to secure the internet from any negative interference.

In light of the foregoing, the MFWA makes the following recommendations towards improving the internet freedom environment in West Africa;

- Governments should, at all times, ensure that internet is open before, during and after elections, public demonstrations.
- Governments should adopt a multi-stakeholder approach in reviewing internet-related laws. This will ensure stakeholder participation in the process, joint ownership and human-rights respecting implementation of internet policies and frameworks.
- Governments should review/amend legal provisions to be compatible with regional and international legal framework on internet rights and embark on massive citizens' education on the appropriate use of internet.

- Security agencies should review their officials training curricula by incorporating internet issues and online related human rights. Security agents should not let themselves be manipulated by powerful citizens, politicians and states officials in arresting and detaining dissidents' voices.
- Governments should ensure that violations against online expression are thoroughly investigated and perpetrators duly punished.
- Journalists, social media activists must seek reparation and redress whenever their rights are violated.
- Online platforms and applications should be used responsibly by all.

MEDIA FOUNDATION FOR WEST AFRICA

Media Foundation for West Africa

30 Duade Street, Kokomlemle,

Telephone: +233 (0) 302 555 327

Twitter: @TheMFWA

Facebook: Media Foundation for West Africa

info@mfwa.org

www.mfwa.org