

The West Africa Internet Rights Monitor

MONITORING REPORT FOR OCTOBER -DECEMBER 2017

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Executive Summary

The internet plays a vital role in today's world as it presents numerous opportunities and continues to influence a number of activities. The upsurge of new devices and inventions such as smartphones, tablets and other internet-enabled devices have opened up entirely new and diverse ways to connect and communicate.

Although the internet continues to be a driver of change and access to it is increasingly being recognised as inherent to the right to free expression, the activities of some state and non-state actors infringe on rights and freedoms of individuals online. A number of governments have also put in place measures to control the internet through filtration, surveillance and shutdowns.

To help track and report on some of the major and evolving internet freedom developments and challenges in the region, the Media Foundation for West Africa (MFWA) conducted a three-month monitoring of eight target countries - Benin, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, The Gambia and Togo. The monitoring was carried out under the MFWA's project titled *Enhancing Freedom of Expression Rights Online in West Africa through Policy Advocacy and Campaigns*.

As part of the monitoring process, the MFWA's national partner organisations and correspondents submitted monthly on-the-ground internet-related information which is gathered using an internet rights monitoring tool developed by the MFWA. The report highlights internet-related developments and challenges in the target countries. It also makes recommendations for addressing the identified issues in the digital landscape in the target countries and West Africa as a whole.

This report covers findings from October – December 2017. High cost of data, poor quality of service and lack of internet-specific laws were identified as the major challenges in the internet environment of almost all the eight target countries. Five out of the eight countries recorded internet related incidents.

The report suggests continued engagements among regulators, operators and consumers to ensure that the above challenges are addressed. It also emphasised the need for more sensitisation about the UN General Assembly Resolution 68/167 which affirms that the rights that people have offline must also be protected online by both state and non-state actors.

Introduction

The use of internet-enabled smartphones and other handheld devices are generally improving internet penetration across West Africa. Government and private sector investments in infrastructure development are also contributing to the growth in internet usage across the region. The value of this expansion in internet accessibility and usage for the region can be appreciated in the fact that it is offering people the opportunity to exercise their rights to information, expression, assembly, education, political participation and economic development, among others. It has also improved communication and helped in eliminating geographical barriers within and across countries in the region and beyond.

Despite the priceless potential the internet offers for country-level and regional development, interferences such as surveillance, censorship, shutdowns (partial and full), together with the passage of new and application of existing repressive legislations by some governments in the region are restricting people from fully benefiting from developments that the internet and other ICTs offer. It has, therefore, become necessary to monitor and track developments on the internet landscape in the region to ensure timely interventions in shaping policy

and safeguarding the exercise of rights online.

The Media Foundation for West Africa (MFWA) has been contributing to addressing the situation through its project dubbed *Enhancing Freedom of Expression Rights Online in West Africa through Policy Advocacy and Campaigns*. The project, which is being carried out with funding support from Access Now, seeks to monitor, track and report on developments (negative and positive) in the internet landscape; advocate against online repression; and contribute to influencing policy frameworks that support and promote people's rights online.

The project covers eight countries in West Africa – Benin, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, The Gambia and Togo. Internet-related developments in the eight countries are tracked and reported to the MFWA. The monitoring reports are then collated into quarterly reports and published as “The West Africa Internet Rights Monitor” (*The Internet Rights Monitor*). The Internet Rights Monitor is expected to serve as a reference material and a tool to inspire evidence-based advocacy and policy dialogues on internet freedom by the MFWA and other local, regional and international rights organisations.

Methodology

The monitoring, tracking and reporting of internet-related developments in the eight target countries under the project are done by MFWA's national partner organisations and internet right monitors. To ensure consistency in monitoring and data gathering across the target countries, a basic internet rights monitoring tool and a manual were updated and shared with those doing the monitoring.

The monitors use the monitoring tool

provided to track on-the-ground developments which they in turn submit to the MFWA. The country reports are then collated and analysed into quarterly reports which are published at the end of every three months. This edition of *The Internet Rights Monitor* covers the period, October to December 2017. It presents general and country-specific findings from the three-month monitoring undertaken in the eight target countries, and concludes with recommendations for improving the digital landscape in the region.

General Findings

Internet penetration rates are improving across the countries monitored as a result of increased access and use of mobile broadband and internet-enabled mobile devices such as smartphones, tablets and other handheld devices. The rise in subscription of mobile data is being complemented by investments from both government and the private sector in the ICTs sector. In spite of these improvements, many people in West Africa are not connected to the internet as a result of inadequate infrastructure, high data costs, poor service delivery, among others. For the relatively few who are

online, internet access and use vary according to geographical location in a country. In Mali for instance, internet accessibility outside the capital is quite a challenge. Also, there are some cases of internet users being subjected to abuse online, a situation which needs to be checked to ensure safe and secure use of the internet by all.

The internet landscape in the target countries is generally free and less regulated. Many of the countries do not have specific internet-related laws. Sections of some existing laws are sometimes used to guide and regulate

online activities in some countries.

None of the countries monitored experienced network shutdown or disruption; neither were there reports about mass surveillance, filtering, blocking, etc. however, six internet related incidents were cited in five of the countries monitored. The five are Benin, Niger, Nigeria, Ghana and The Gambia. Togo, Côte d'Ivoire and Mali are the countries that recorded no incident.

Despite the violations recorded during

the monitoring which have the potential to threaten free expression online, a number of encouraging developments also took place in a number of the countries as detailed under the country-by-country findings. At the regional level, during the 15th meeting of ECOWAS Ministers in charge of Telecommunications and ICTs in Praia, Cape Verde in October 2017, approval was given for a regional roaming regulation for ECOWAS Member States.

Country-specific Findings

During the three-month monitoring period, six incidents were recorded in five countries – Benin, Nigeria, Niger, Ghana and The Gambia. Côte d'Ivoire, Mali and Togo recorded no incidents during the October-December monitoring period. Below are the findings

on country-by-country basis as recorded during the reporting period.

Figure 1 below presents the frequencies of incidents recorded in the various countries during the October to December reporting period.

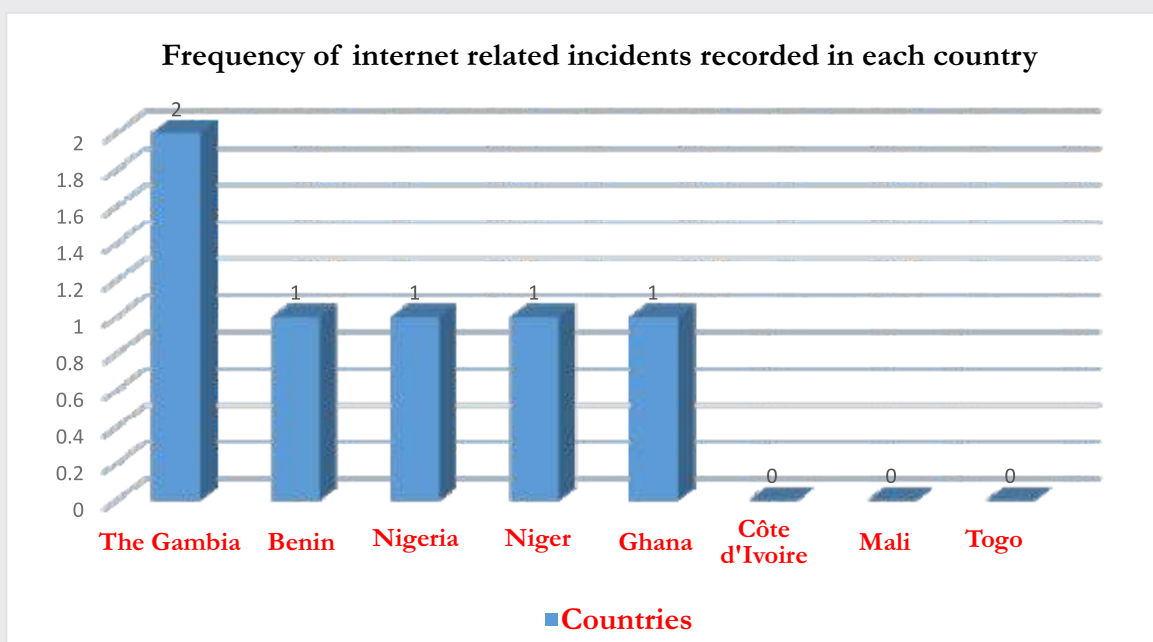


Figure 1: Frequency of internet related incidents recorded in each country

Benin



The internet environment in Benin is generally free with no known restrictions or internet-specific regulations. However, high cost of data and poor quality of service remain challenges to internet access and use in the country.

During the quarter under review, Benin recorded one online free expression incident. A news website, Les Pharaons, was blocked on November 12, 2017. The management of the news website suspected sabotage from state officials. According to them, the blackout followed the publication of an article echoing virulent criticism of the appointment of one Gilbert Togbonnoon as State Prosecutor by a lawyer and politician, Lionel Agbo,

In a positive development, the Minister for Digital Economy and Communication, Ms. Rafiatou Monrou, held a working session with telecommunication operators over consumer complaints about poor quality of internet services in the country. During the meeting, it was found that the low quality of services were due to outmoded equipment and under-utilised submarine cable capacities. Subsequently, the Director General of Benin's Telecom Infrastructures was tasked to propose a plan for a downward review of the pricing on data packages. In October 2017, the Development of Telecommunications Infrastructures and ICTs (PDI2T) project was launched. The project is expected to provide a number of solutions to the country's internet infrastructure challenges, and improve quality in connectivity in Benin.

Côte d'Ivoire



Internet accessibility is generally low in Côte d'Ivoire and connectivity is mainly available in large urban cities. High data cost remains a challenge as one gigabyte of data costs about CFA Francs 5,000 (USD10). 3G and 4G technologies do not cover even the whole of the capital, Abidjan.

In the April-June 2017 *Internet Rights Monitor*, it was reported that a new press Bill (Loi sure la presse) that sought to criminalise speech offenses made through the press or other means of publication was introduced into Côte d'Ivoire's Parliament, but following public condemnation and pressure from national and regional groups and organisations, it was withdrawn. Fortunately, the bill was passed into law on December 21, 2017 with some amendments that cut out the repressive clauses.

With the exception of occasional abusive exchanges on social media platforms against political rivals, Côte d'Ivoire's online environment is relatively free.

Ghana



Some of the main challenges confronting Ghana's internet environment include inadequate infrastructure particularly in rural and remote areas, poor service delivery, high cost of data, among others. Even though cyber fraud continues to be a bane across the West Africa region, Ghana experienced an upsurge in mobile money fraud during the quarter under review. As a result, the leading telecom and mobile money operator, MTN Ghana, as part of efforts to clean its platform of fraudsters and restore credibility to its mobile money platform, sanctioned 3,000 mobile money agents. At the time of finalising this report, some of the agents involved were being processed for prosecution.

Another worrying incident that happened in the country during the monitoring period was the destruction of over 100 mobile phones belonging to some Senior High School students of the Karaga Senior High School in the Northern Region of Ghana by some teachers on October 1, 2017. The teachers had explained, the students were distracting their classes with their phones and the burning of the phones is to reinforce strict compliance with the ban on the use of mobile phones in all second-cycle schools. The affected students threatened to embark on demonstration against the actions taken by the teachers. This move by the students was, however, stalled by the district police command.

In other developments, a number of events and activities were held to discuss issues related to the internet and ICTs in Ghana. The government of Ghana, through the Ministry of Communication, organised the National Cyber Security Week under the theme “Securing Ghana's Digital Journey” from October 23 - 27, 2017. Some of the major issues discussed during the weeklong event included Cyber Security Governance, Child Online Protection, Cyber Hygiene and Awareness, Cyber Security Solutions and Capacity Building.

The maiden Tech-In-Ghana Conference and Exhibition was also hosted by the Ministry of Communications. Speaking at the event, the Minister for communications, Hon. Ursula Owusu-Ekuful said government plans to introduce computer programming into the educational curricula at all levels of education starting from the next academic year.

In another forum, the Minister for Communications disclosed government's intention to supply Senior High School (SHS) students with mobile phones installed with school syllabus to enable students do away with the carrying of large note and textbooks to school. The phones, she clarified, will have user restrictions before being given to students. The Minister stated her ministry is in talks with the Ghana Education Service (GES) to re-visit its decision on the ban of mobile phone use among second-cycle students across the country and expressed her hope about a possible amendment of that decision.

The monitoring period also witnessed the launch of the National Digital Property Addressing System also known as the Ghana Post GPS. The GPS seeks to provide an effective means of addressing in the country through the use of an information technology application.

Also in the course of the quarter (October - December 2017), Ghana's National Communications Authority (NCA) approved a merger between Bharti Ghana Limited (Airtel) and Millicom Ghana Limited (Tigo) subject to some conditions. This merger is expected to result in an entity which will be the second largest mobile network operator in the country. According to the NCA, the merged company will have both 2G and 3G Licence valid until October 30, 2021 and January 25, 2024 respectively.

Then the Ghana Investment Fund for Electronic Communications (GIFEC), as part of its project aimed at extending ICTs connectivity and access in deprived communities over the next four years, signed a memorandum of understanding with the Youth Employment Agency (YEA) to mark the beginning of the project. Five hundred recruited youth were to receive training and employment as ICT educators in un-served and underserved communities across the country.

The Deputy Minister of Communications, Hon. Vincent Sowah Odotei commissioned and officially handed over enhanced community information centre (eCIC) to the Nkoranza Community in the Brong Ahafo Region on November 3, 2017. In a related happening the Deputy Minister for Communications, Hon George Andah, also commissioned and officially handed over enhanced Community Information Centers (eCIC) on November 7, 2017 to Elimina and Abooso in the Central Region. The eCICs constructed by the Ministry of Communication is expected to provide opportunity to the unserved and underserved communities in the country to access ICTs.

Mali



Mali's internet landscape is generally free with no specific internet-related legal frameworks. The cost of data in Mali remains one of the highest in the region as one gigabyte of data costs CFA Francs 7500 (USD13.56). As a result, relatively few people in the country are able to afford, leaving the masses unconnected. The country's internet environment is also challenged with poor service delivery. For example, in the period under review, Orange Mali and Malitel had a lot of internet interruptions in some parts of the country, especially in Timbuktu and Gao. As a result, the association of young radio journalists from Timbuktu, along with some young people from Timbuktu, demonstrated against the poor quality of internet services in the region.

Also in the quarter under review, the new telecommunication network, Alpha Telecom (ATEL), launched its first call in the district of Bamako.

On December 14, 2017, the Malian telecommunication regulator, Autorité Malienne de Régulation des Télécommunication et Postes (AMRTP) hosted a forum between telecommunications network providers and associations of consumers to discuss ways the digital environment could be improved. At the end of the forum, representatives of the telecommunication companies, organisers and participants agreed that the cost of data must be reduced and the quality of service improved.

Nigeria



Nigeria has a vibrant telecommunications sector with a generally free internet environment. In spite of the relatively free internet landscape, there are occasional abuses for some online expressions and activities. With the exception of the cybercrime law of May 2015, the country does not have specific internet-related laws as found in other West African countries.

Over the October-December monitoring period, a student of Redeemers University, Debo Adedayo, was expelled from the university few weeks to his graduation for posting an inappropriate content on social media. In Adedayo's post read: "2 hours with the legendary professor Wande Abimbola and I will forever cherish the memory. Unlike four years under the so-called Daddy VC's and directors of DSSD in some universities like that, who had zero impact except for hatred, bitterness and negativity. Yet those are the ones that parade themselves as most righteous... Bloody Hypocrites! ... I am a gentle boy oo and I no like trouble. That is why I didn't mention any name, but if the shoe fits in, pls wear it. Na Gucci shoe." The school stated in a letter dated October 6, 2017, that Debo Adedayo posted certain messages on social media platforms which were offensive and portrayed some officials of the school in bad light. According to the school, the act, going by the principles guiding students' conduct in the University, is punishable by expulsion. He took to his Facebook and Twitter accounts to express his displeasure about the school's decision to expel him explaining that his earlier post had nothing to do with the school. He also indicated he had proofs to counter the accusations levelled against him; adding that his parents were taking legal action against the University.

In a relatively positive development, an IT-based civic organisation, BudgIT, used twitter to successfully mobilise public opinion against the arrest of one of its staff, Moses Motini. The authorities in Bida, Niger State arrested Motini "for breach of public order" while he was conducting a public education on the 2017 federal budget of Nigeria. But a flurry of protest tweets brought a lot of pressure on the authorities

who eventually released Motini.

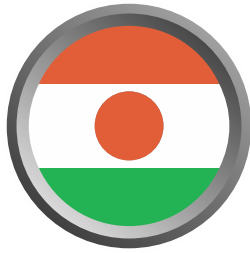
In another positive development, the Digital Rights and Freedom Bill (HB. 490), which was reported in the April-June *Internet Rights Monitor* to have passed second reading, was also approved by the House of Representatives on December 19, 2017. The Bill seeks to protect human rights online in the Nigerian cyberspace. The Bill is now expected to proceed to the Conference Committee of the Senate and House of Representatives for further approval before the final assent by the President.

A number of workshops and conferences on internet-related issues took place in Nigeria during the period under review. On October 13-14, 2017, Tech Culture, in collaboration with Foundation for Partnership Initiatives in the Niger Delta (PIND) and Paradigm Initiative (PIN), organised a two-day digital rights and policy training. Issues discussed at the training included human rights online, data privacy and how to bridge the digital gender gap. Then on October 24-26, 2017, a three-day conference on how ICT can be used for social innovation and inclusiveness and promote digital development was organised by Sustainability, Policy, and Innovative Development Research Solutions (SPIDER) and ICT 4 Social Innovation (ICT4SI) in Abuja.

The Federal Ministry of Communication also organised a meeting on November 16-17, 2017 on social media for good governance and leveraging ICT for national development. Government officials and other key industry stakeholders attended the meeting. The Alliance for Affordable Internet (A4AI) organised a meeting on advancing access to affordable broadband in Nigeria on November 28, 2017. Speaking at the event, Dr. Isaias Barreto da Rosa, ECOWAS Commissioner for Telecommunications and Information Technologies stressed the importance of the universal service fund as an enabler of digital inclusion in West Africa.

Other internet-related events organised in Nigeria during the reporting period included digital skill training by Young African Leaders Initiative (YALI) on December 2, 2017, and a series of seminars on data protection in Ibadan from December 4 – 6, 2017 by the African Academy Network on Internet Policy and the Ibadan School of Government and Public Policy.

Niger



Niger, like the other countries in the sub region, has a relatively free internet environment with no internet-specific laws or regulations. Cost of data is, however, relatively high – one gigabyte of data costs about USD5.2.

During the October-December 2017 monitoring period, Samira Sabou, a journalist who works at the state-owned publishing firm, Office National d'Édition et de Presse (ONEP), publishers of two newspapers, *Le Sahel* and *Le Sahel Dimanche*, was sacked from the firm after she posted a picture of herself imitating President Mahamadou Issoufou on Facebook. The original picture which had the President standing cross-legged between two sofas with each hand clutching the shoulders of the sofas had been extensively publicised on social media in Niger after it was published by *The Australian* newspaper. However, Samira Sabou's decision on October 18, 2017 to take a picture of herself in a similar pose and post it on Facebook got her sacked.

The Gambia



The internet landscape in The Gambia is improving gradually. Most Gambians access the internet via mobile devices. High cost of data and poor quality of service continue to be some of the major challenges affecting internet access and use in the country.

During the period under review, a Gambian citizen, Nanding Marong, lodged a civil complaint against a fellow citizen, Fatou Manneh, over a “defamatory” WhatsApp post. The former alleged that Fatou had published on WhatsApp two naked pictures of her, accompanied by a slanderous audio recording. The defendant was found liable and consequently ordered to pay a fine of D10, 000 (\$200) or, in default, serve a prison term of one year. She was also ordered to pay a compensation of D50, 000 (\$1049) to the complainant, or serve a one-year prison term in default.

In another development, a dozen Gambian soldiers of The Gambia Armed Forces (GAF), who were arrested at different times between July and November 2017 in connection with a WhatsApp group chat allegation, appeared before the Court Martial on November 17, 2017, at the 1 Infantry Battalion in Yundum, facing nine counts of charges including treason, concealment of treason, mutiny and defamation, among others. The 12 soldiers were arraigned before a panel of judges presided by Sainabou Wadda-Ceesay. The other members of the panel were Colonel Salifu Bojang, President of the Panel, and Lieutenant Colonel Seedy Joof, Major Abdoulie Manneh, Major Lamin K Sanyang and Major Basiru Sarr. The case was adjourned and the soldiers were remanded to Mile II Prisons. On November 28, 2017, when the 12 soldiers appeared before the Court, they denied any wrongdoing. At the time of finalising this report, the trial was ongoing.

Togo



Togo's internet environment is generally unrestricted and free. Major online-related challenges in the country include unreliable internet access, poor connectivity and high cost of data – one gigabyte of data costs about USD8. No online-related violation was recorded in Togo during the three-month monitoring period.

Conclusion and Recommendations

Internet access and use in the West Africa region, as observed from the eight target countries monitored from October to December 2017, continue to grow gradually. This can largely be attributed to factors such as increased access to internet-enabled smartphones and other handheld devices; increased availability of mobile broadband services; deployment of 3G and 4G technology in some countries; and investments from governments and private sector. This growth is increasingly bringing the benefits the internet and other ICTs offer to the doorstep of increasing number of West Africans. However, more people in the region remain unconnected as a result of factors such as inadequate infrastructure, high cost of data, poor service delivery, and digital gap between urban and rural areas within countries.

Generally, findings from the monitoring of the eight countries also show that the internet landscape across the countries is largely unrestricted and unregulated. However, online expression sometimes results in abuses which often go unaddressed. Over the three-month monitoring period for instance, out of the six incidents cited, two of the incidents cited over the monitoring period involved individuals being abused for their expressions online. One other incident involved the use of social media platform by an individual to abuse another person's right. At the time of finalising this report, none of the abuses had been redressed.

On the other hand, the quarter under review witnessed a number of positive developments including the passing of the Digital Rights and Freedoms Bill by the Nigerian House of Representatives; the release of a staff of BudgIT following online pressure from the organisation and other individuals from Nigeria; and a number of internet-related forums and other events – some of which brought regulators, operators and consumers together to discuss network challenges and some of which also got some government officials making known governments' plans in the area of expanding ICTs access to some target groups.

In view of the above findings, it is recommended that;

- Regulators should continue facilitating engagements with operators and consumers to ensure that challenges in the areas of cost, infrastructure and unreliable services are addressed.
- More sensitisation is needed about the UN General Assembly Resolution 68/167 which affirms that the rights that people have offline must also be protected online for both state and non-state actors to recognise and respect people's expression online.
- Internet users should always seek redress whenever their rights are violated.
- Online platforms and applications should be used responsibly by all.

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