



West Africa Internet Rights Monitor

January-March, 2019

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Executive Summary

Media Foundation for West Africa (MFWA) has been monitoring and tracking internet-related developments in West Africa as part of freedom of expression advocacy. This report presents findings of the monitoring exercise across the sub-region during the period of January to March 2019.

The report highlights incidents of online freedom violations and discusses the challenges confronting internet access and use in the region. The report covers seven countries – Burkina Faso, Cote d’Ivoire, Mauritania, Nigeria, Ghana, Guinea and Senegal. Four out of the seven countries recorded incidents of digital rights violations.

In all, four incidents of violations were recorded during the quarter. These incidents were mainly arrest and detentions and seizure of equipment. The report highlights other related developments in West Africa and 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 accessibility of smartphones and other internet-enabled devices is offering limitless opportunities to all in terms of communication and information sharing.

The rise in internet penetration rates in West Africa has enhanced democracy in the region. This has in turn, further enhanced respect for human rights including press freedom and freedom of expression both online and offline.

Despite the democratic transitions in West Africa, some governments are yet to completely rid themselves of the old autocratic habits as they view the digital empowerment of their citizens with some suspicions. Consequently, they are finding new ways to restrict the online freedom space and are continuously repressing dissenting voices under the pretext of protecting “national security.” This represents threats to online expression and access to information.

To help curb this threat to online freedom and sensitise stakeholders about the need to protect their rights from undue interference from both state and non-state actors, the MFWA has been monitoring and reporting online violations. The report also highlights other internet-related developments in West Africa that are not necessarily violations. The reports from the monitoring are published periodically as The West Africa Internet Rights Monitor (The Internet Rights Monitor) and are 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 seven countries – Burkina Faso, Cote d'Ivoire, Mauritania, Nigeria, Ghana, Guinea and Senegal.

The methodology, findings and recommendations from the three-month (January-March 2019) monitoring are presented below.

Methodology

This report is the result of the monitoring and recording of internet-related issues, especially violations against online expression, recorded in seven West African countries from January to March 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 abuses and other 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 monitoring 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

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.

Findings

In all, four internet rights-related incidents were recorded. An opposition politician in Cote d'Ivoire was arrested, detained and sentenced for publishing what was deemed as false information by the Ivorian authorities. In Mauritania, police arrested two bloggers for allegedly posting false information on their Facebook page. The editor of an online magazine was also detained in Guinea following a defamation complaint by a top official.

Victims of internet rights violations were mainly social media activists (2) and journalists (2), and one politician. In all the instances recorded during the period under review, the perpetrators were state security agents.

Country-Specific Findings

Burkina Faso

Burkina Faso is considered as one of the most tolerant countries in the region when it comes to freedom of expression. While the online space is open, access to internet service on mobile devices is limited due to low incomes and generally substandard quality of service. Internet penetration rate is very low. It is estimated at 18% with Facebook as the leading social media platform patronised by 96, 86%^[1] users.

To improve the situation and enhance citizens' access to the internet, Madam Hadja Fatimata Ouattara, the Minister of Digital Economy, on January 15, 2019, granted the first ever 4G license to Orange Burkina Faso, the biggest mobile company in the country. When the technology is deployed, it is expected to improve the quality of internet service, while the overall internet user population is expected to exceed the existing figure of 3, 704 265^[2] at the time this report was being put together.

Also as part of the government's efforts to stimulate digital innovations, e-business and data protection among others, the Minister for Digital Economy, Madam Hadja Fatimata Ouattara, launched the third edition of the Conférences au Faso sur le Numérique (COFAN)^[3] and the Hackathons 226 on February 22, 2019 in Bobo Dioulasso, the second largest city in the country. This year's event was held under the theme: Digital entrepreneurship, regulation and user's data protection (Entrepreneuriat numérique, protection et régulation des données des utilisateurs). This initiative seeks to promote digital development in the country, particularly among the youth and serve as a platform for e-business incubators to boost the growth of Burkina Faso's digital economy.

^[2] <https://www.internetworldstats.com/stats1.htm>

^[3] <http://lefaso.net/spip.php?article88188>

Cote d'Ivoire

In Cote d'Ivoire, internet penetration is reported to be about 19% with an estimated 5 million social media users. Once a bastion of democracy and respect for freedom of expression, Cote d'Ivoire has over the past decade experienced political turmoil and civil war which have marginally affected freedom of expression, association and assembly.

During the period under review, two political figures were targeted for exercising their rights to freedom of expression online in Cote d'Ivoire.

On January 29, 2019, an opposition lawmaker, Alain Lobognon, was sentenced for 12 months imprisonment with half of the term suspended, meaning he will spend six months in prison. He was found guilty of "disseminating false publication and incitement to revolt on social networks". He was also fined CFA Francs 300,000 (about US\$ 550). Lobognon's sentencing was in connection with his post on Twitter in which he alleged that the Public Prosecutor was on the verge of arresting a Member of Parliament who was being investigated for suspected corruption.

Following the post on Twitter, Lobognon was arrested and detained from January 15, before being sentenced four days later.

Still in Cote d'Ivoire, a political activist appeared before a judge on January 28, 2019 to respond to charges of publishing 'false information' about the Ivorian government on Facebook. Daleba Nahounou, who is the Acting Secretary General of the political pressure group, Coalition of des Indignés de la Côte d'Ivoire, appeared before a judge in Abidjan to respond to interrogation over a Facebook post accusing the Ivorian authorities of abuse of power.

Ghana

The internet and social media landscape in Ghana is considered as one of the most progressive in West Africa. Meanwhile, data cost and quality of services remain the biggest challenges encountered by internet and social media users.

On March 19, 2019, Vodafone Ghana launched its 4G^[4] mobile services, bringing to two, the telephone companies offering fast speed access to internet in Ghana. This is expected to improve internet service quality in the country.

Guinea

There was one violation in Guinea involving the editor of an online news platform. Lassana Camara, editor of *conakrylive.com*, was arrested by police on March 26, 2019 and detained for eight days. Camara's arrest followed a defamation complaint by Guinea's Minister of Foreign affairs, Mamadi Toure, over an article in which the journalist alleged that the Ministry had placed orders for the supply of fuel way beyond the needs of the Ministry.

^[4] Vodafone Ghana launches 4G services, Myjoyonline.com, <https://www.myjoyonline.com/business/2019/March19th/vodafone-ghana-launches-4g-services.php>, March 19, 2019

Lassana was released on April 2, 2019 following pressure mounted on the authorities by the media fraternity which embarked on a solidarity march.

Mauritania

Internet in Mauritania is open and accessible. Poor quality service and data high cost remain a big challenge in the country. As of December 2018 an estimated 810,000 people used the internet in the country ^[5].

Facebook is the biggest point of entry for social media users in the country. However, there is intolerance for divergent views and opinions on critical issues whenever expressed online. Any attempt by outspoken individuals or bloggers is curtailed by the authorities. Web activists and dissidents are often repressed severely with arrests and detentions.

During the quarter under review, two web activists, Abderrahmane Weddady and Sheik Ould Jiddou, were arrested and detained on March 22, 2019, for publishing what the Mauritanian authorities considered as false information on their Facebook pages. Meanwhile, many media outlets such as Al-Jazeera, Al-Quds and Al-Arabya had already reported the same subject – an alleged secret bank account owned by some relatives the Mauritanian President.

Two days after they were detained, state security agents raided Weddady's home and took his computer away.

On March 27, Weddady and Jiddou were transferred to the central prison of Nouakchott. They risk prison terms of six months to five years if pronounced guilty by a court.

Nigeria

Nigeria is considered as a burgeoning country in the social media space in the region. Internet users are currently estimated at 98.39 million.^[6] This means about 50% of the population is connected to internet, the highest penetration rate in the sub-region.

WhatsApp, Facebook and Instagram are respectively the three top social media platforms in Nigeria.

Nigeria has, however, in recent years made several attempts in passing laws to regulate online freedom. In 2018, the government put before the Senate a controversial bill to check what they termed as "misuse of internet by Nigerians." Before that, Nigeria had adopted the Cybercrime (Prohibition, Prevention etc.) Law in May 2015. Further, Sections 59(1) and (2) of the Criminal Code Act and Section 418 of the Penal Code are used to try false publication offences.

While there are justified applications of these laws in some cases, they are also unjustly being used to suppress dissent online. The Cybercrime Act, for example, was used to harass a journalist during the reporting period.

Police officers on March 1, 2019, arrested Obinna Don Norman, owner and editor in chief of *The Realm* online news outlet, for criticising the government of Abia State in South Eastern Nigeria.

^[5] <https://www.internetworldstats.com/africa.htm#mr>

^[6] <https://www.pulse.ng/bi/tech/how-nigerians-are-using-the-internet-in-2019/kz097rg>

Norman was subsequently charged with defamation and detained in the Afara Ibeku Prison. He was granted bail on April 2, 2019 but remains in detention as he is yet to meet the bail conditions.

Contrary to widespread fears about possible internet shutdown before, during and after presidential elections in Nigeria, no election-related internet disruption was recorded.

In response to public fears that the internet could be shut during the elections the Office of National Security Adviser (ONASA) released a statement on February 1, 2019, reaffirming that the country “remains committed to protecting the rights of the public to accessing Information and Communication Technology facilities.” The internet was truly left untouched during the elections.

Further, in an attempt to discourage what is described as fake news ahead of the presidential election, the International Centre for Investigative Reporting (ICIR) Nigeria initiated a project called *Crosscheck Nigeria*. The project targeted possible election-related misinformation, by fact-checking information and claims made by politician on online platforms and other trending social media news. This helped check the spreading of propaganda and falsehood.

Senegal

Senegal has been at the vanguard of democratic transition in West Africa over some decades now. The country reaffirmed its culture of democratic tolerance and respect for civil rights by conducting peaceful presidential elections in February without any network disruption.

On February 19, 2019, [a joint declaration](#) signed by several freedom of expression groups including MFWA called on the government to guarantee that the internet remains open before, during and after the country’s election. The authorities heeded to the call and kept the internet on throughout the electioneering period.

Elsewhere, the security agency in their efforts to fight against [cybercrime](#), arrested three suspected criminals who had hacked into the banking system in West Africa. The cyber criminals are suspected to have stolen about 6 Billion Francs CFA (over US\$ 10.2 million) from Senegalese banks and about 11 Billion (over US\$ 18.7 Million) from various banks in West Africa.

Conclusions and Recommendations

The internet space is relatively unrestricted in the West Africa region, meanwhile, the violations recorded in Cote d'Ivoire, Nigeria, Guinea and Mauritania highlights a growing intolerance for online dissent and political activism.

Violations against citizens for expressing themselves online are becoming common, with arbitrary arrests and detentions being used as a tool to intimidate critics.

The various incidents show clearly that laws are being interpreted subjectively to crackdown on dissidents or critics online despite having freedom of expression guaranteed in their respective Constitutions. These countries have also ratified regional and international legal frameworks which mandate them to protect and promote freedom of expression offline as well as online.

Internet shutdown is used as a means of repression public outrage against unpopular decisions. It is also used to shrink civil and political space and undermine public mobilization to demand accountability and good governance. Furthermore, internet shutdowns penalize small and mediums businesses operating online, social activities and public service delivery.

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

- Governments should, at all times, ensure that internet is open before, during and after elections, and embark on massive citizens' education on the appropriate use of internet.
- Courts should ensure that they interpret laws in line with the letter and spirit of regional and international legal frameworks on internet rights.
- Security forces should desist from arbitrary arrests and detentions of citizens exercising their rights to freedom of expressions
- Governments should ensure that violations against online expression are thoroughly investigated and the perpetrators duly punished.
- Internet users must seek reparation and redress whenever their rights are violated.
- Online platforms and applications should be used responsibly by all.



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