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Executive Summary

Internet penetration in West Africa has been increasing over the last decade. This has changed the way individuals, media outlets, state institutions, and corporate organisations interact and function nowadays. The growth of the internet has facilitated the mushrooming of online newspapers and enabled citizens' social and public engagement and participation in community initiatives and national debates.

However, the improvement in internet access and the exercise of internet rights by citizens by way of expressing views and opinions is not without challenges. Countries with autocratic regimes view the spread of the internet as a threat, particularly, when citizens and journalists are using the internet and social media to demand accountability for the use of public resources and transparency in the governance system.

As citizens' engagement online is steadily on the rise, coupled with the massive use of ICT-enabled devices and social media platforms, so has the crackdown and repression of civil and political rights in the digital space by intolerant governments amplified. The right to freedom of expression online has become the target of attacks and has sparked passionate and controversial discussions around data protection and privacy, cybersecurity, the phenomenon of fake news, and the use of artificial intelligence and online surveillance technologies.

As part of its mission to defend and promote freedom of expression both offline and online, the Media Foundation for West Africa (MFWA) has been monitoring violations of freedom of expression online and reporting on internet-related developments. The present report covering January, February, and March 2020, presents the findings of the monitoring exercise of the internet space in West Africa by the MFWA. It presents findings of the monitoring exercise across the 15 ECOWAS countries plus Mauritania. It is the first of a series of four reports on internet related issues across the sub-region that will be published in 2020.

The current report highlights incidents of digital rights violations, presents a brief overview of existing data protection and privacy laws and discusses the challenges confronting internet access and use in 11 countries – Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Liberia, Mali, Mauritania, Niger, Nigeria, and Togo.

Five out of the twelve countries recorded a total of nine incidents of digital rights violations during the quarter under review. Arrest and detention, sentencing of a journalist, internet blackout and cyberattacks against media outlets were the types of violations recorded.

The report also highlights some good developments in the digital space during the quarter. For example, there were reprieves for detained journalists and activists.

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

Introduction

Digital rights are human rights. Digital rights cut across a range of issues, from safety, security and privacy to governance of the internet. The collection and use of personal data and the activities of individuals online are amongst the issues that fall under the scope of digital rights.

In the past two decades, there has been a significant expansion of the internet space and innovative advancements in Information and Communication Technologies (ICTs).

In West Africa, the adoption of data protection is gaining roots. Personal information and privacy are guaranteed under several international and regional legal frameworks such as Article 12 and Article 17, respectively of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In 2014, the African Union adopted the Convention on Cyber Security and Personal Data Protection (the Malabo Convention). Four years before the Malabo Convention, ECOWAS had also in 2010 adopted the Supplementary Act on Personal Data Protection. Consequently, several countries in West Africa, including Mauritania have legislation on data protection and privacy. But these country-specific legislations are yet to be harmonized with the sub-regional and continental Frameworks. Out of the 15 ECOWAS countries, 11 countries have legislation on data protection and privacy.

With advances in digital communication, as evidenced by the increasing access to gadgets such as smartphones and other internet-enabled devices, it is obvious that people's information can be traced back and accessible in real-time. As the internet and its related devices are evolving at a phenomenal pace, ensuring freedom, people's safety and protection online have become crucial. While West Africa is enjoying a relatively reasonable share of the boom in communication technology, it is also making a significant stride in ensuring each and every one feels safe online.

Nevertheless, the gains made in the digital space is being marred by the misuse of the internet through cyberattacks, phishing attacks, password attacks, hacking, bullying, and harassment.

Governments are also clamping down on the legitimate use of the internet. The clampdowns are noticeable through the repressive laws, arbitrary arrests, detention, and harassment of outspoken citizens and activists in the cyber space, particularly on social media, and even through internet shutdowns at critical moments such as elections and mass protests. Added to this, the various social strata in countries in West Africa, are characterized by inequalities in digital literacy levels and access. For instance, only 18% of women in Africa have access to the internet as against 25%¹ of men. Out of this only 36% of female are using social media as January 2020, against 64%² of male.

Despite these challenges, the overall coverage and impact of the internet in West Africa have been positive. The internet has improved civic and political rights in the region and is contributing to mass education and awareness creation, particularly at this stage of the outbreak of COVID-19 disease.

As an organisation that works to promote freedom of expression online and offline, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on internet-related challenges to help to consolidate the gains and push back against the repression.

The reports from the monitoring are published periodically as **The West Africa Internet Rights Monitor** and are intended to provide credible reference material for internet rights advocacy and policy dialogues at the national, regional, and international levels. This edition of The Internet

¹ World Wide Web Foundation (2019, August). <https://webfoundation.org/2019/08/including-women-and-girls-in-the-digital-revolution-lessons-from-west-africas-eskills4policymakers-workshop/>

²We are Social and Hootsuite (2020, January). Share of social media users by gender. Retrieved from <https://datareportal.com/reports/digital-2020-global-digital-overview>

Rights Monitor covers 10 countries – Benin, Burkina Faso, Cote d’Ivoire, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, and Togo.

The methodology, findings, and recommendations from the three-month (January -February and March 2020) monitoring are presented below.

Methodology

This report is the result of the monitoring, documentation, and reporting of internet-related issues, especially violations against online expression, recorded in West Africa from January to March 2020. The monitoring is undertaken by MFWA’s internet right monitors and national partner organisations across West Africa.

The quarterly report focuses on countries in which abuses and other developments were recorded during this quarter.

The monitoring and reporting are directed 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 information 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.

General Findings

In all, five countries recorded internet rights-related violations. Other countries recorded other developments related to the promotion of inclusive digital rights, and a prosecution against abusive social media use. Two journalists and a blogger were arrested and detained in Mauritania for publishing a video on social media. Six activists were also arrested in Mauritania for criticizing the government. A journalist was also arrested, detained by the security forces, and handed a suspended sentence by a court in Niger for his social media publication on COVID-19. Internet was disrupted in Guinea and Togo around elections as repressive measure by the government to stifle dissidence. Two online media outlets in Nigeria and Togo also suffered cyberattacks.

Victims of internet rights violations during this first quarter were mainly political activists (seven) and journalists (five), one social media activist, and two media houses. All the violations recorded during the period under review were perpetrated by state security agencies and state officials.

Regarding data policy and frameworks, 11 countries in West Africa have enacted data protection laws as the time of this report was finalised. The Gambia, Guinea Bissau, Sierra Leone, and Liberia are the countries without data protection laws.

Further, as part of efforts to curb the spread of fake news on the COVID-19 pandemic, several media outlets embarked on the fight against fake news. The MFWA launched a fact-check project in that direction.

Country-Specific Findings

Benin

As of December 2019, mobile internet users in Benin were estimated at around 6,499,553³ with about 1.1million active social media users. Benin has a mandatory SIM card registration policy. This requires individuals to provide their personal information before accessing mobile telephony services. The country adopted a data protection and privacy law, on April 27, 2009. On June 23, 2017, digital communication law complementary to data protection and privacy law was adopted. Its art.6⁴ ensures protection against discrimination, use of the data for the repression of freedom of expression, opinion, and religion. However, the law overlays provisions for abusive interpretation. As such, authorities can use excuses such as the "public interest" to target and retrieve personal data of dissident voices.

Personal data and privacy are placed under an autonomous and independent institution known as L'Autorité de Protection des Données à Caractère Personnel (APDP). The APDP is responsible for ensuring that information technology is at the service of the citizens and that its use does not infringe on human rights, privacy, or individual or public freedoms.

The country did not record an incident of violation of freedom of expression online, nor personal data and privacy violation during the period under review. However, on February 28, 2020, Ignace Sossou, a journalist working with an online media outlet, was sentenced to 18 months in prison and fined CFA Francs 200,000 (about USD400) for sharing on social media remarks made by the Public Prosecutor, Mario Metonou during a forum on fake news in Benin in December 2019. He appeared before an Appeal Court seeking the overturn of his 18 months conviction. But the hearing was adjourned to a future date.

In other developments during the period under review, MTN Benin extended its management services partnership with Swedish technology provider, Ericsson, to include network services focused on artificial intelligence (AI), automation and analytics. The partnership⁵ is expected to solve internet issues, technical faults encountered by the telecommunication company and improve communication and internet services to its subscribers.

Burkina Faso

As of January 2020, there were 4.9 million internet users in Burkina Faso.⁶ Out of this, there was an estimated 1,823,500 Facebook users. Internet users were estimated at around 4.59 million by We Are Social & Hootsuite, a database platform on internet and social media. Burkina Faso has a mandatory SIM card registration, identity linked-digital or mobile services access policy. The country adopted data protection and privacy law: Loi n° 010-2004/AN, on April 20, 2004.

Burkina Faso did not record any online freedom violation during the quarter under review. However, there was a seeming tussle over mobile communication and internet services pricing. On January 30, 2020, the mobile phone operator Orange, in a press release, announced an increase in telephony communication and mobile internet services by 2.04%. Orange justified the pricing adjustment citing the new fiscal law that raised taxes on telecommunication companies in the country from 5% to 7%. However, the move was decried by consumers association, Ligue des

³ by ARCEP Benin. Evolution et répartition du parc du parc internet mobile par operateur. Retrieved from <https://arcep.bj/wp-content/uploads/2020/02/Tableau-de-bord-Internet-au-31-Décembre-2019.pdf>

⁴ République du Bénin. Assemblée Nationale (April, 2009). Loi n° 2009-09 portant protection des données à caractère personnel en République du Bénin. Retrieved from <https://www.afapdp.org/wp-content/uploads/2018/05/Benin-LOI-SUR-PROTECTION-DES-DONNEES-A-CARACTERE-PERSONNEL-2009.pdf>

⁵ Comms Update (2020, April 27). MTN Benin expands managed services partnership with Ericsson, focusing on AI (<https://www.commsupdate.com/articles/2020/03/27/mtn-benin-expands-managed-services-partnership-with-ericsson-focusing-on-ai/>)

⁶ Digital 2020: Burkina Faso, DataReportal, February 17, 2020, <https://datareportal.com/reports/digital-2020-burkina-faso>

Consommateurs. In a tweet on February 2, 2020, Burkina Prime Minister Christophe Dabiré said that the increase in the tariffs was "unacceptable".⁷ Consequently, the intended increment in communication and mobile internet services was shelved.

Côte d'Ivoire

As of January 2020, there was an estimated 12.2 million internet users in Cote d'Ivoire. Acquiring a SIM card and using mobile internet are subject to providing personal information. The collection and processing of personal data are regulated by the law: Loi N°. 2013-450, adopted on June 19, 2013. The law protects liberties online, but at the same time, it gives some room for the authorities to retrieve individual information and use it, for "public security" purposes. Autorité de Régulation des Télécommunications/TIC de Cote d'Ivoire (ARTCI) is the state independent institution responsible for the enforcement of the data protection policy.

During the period under review, there was no reported incident of digital rights violation. However, a positive development was recorded regarding the offer of a better and faster mobile internet service with the arrival of a new telecommunication company.

On March 10, 2020, the Vivendi Africa Group (GVA)⁸, launched CanalBox, its "very high speed" internet solution for the general public in Cote d'Ivoire. It is expected that this intervention will improve citizens' access to the internet in the country.

Ghana

At the end of March 2020, the total number of mobile telephony subscriptions in the country was 41,959,298⁹. The total number of the population reported to be using mobile internet was estimated at around 30,250,461. SIM acquisition is subject to mandatory registration of personal identity information. Personal data is governed by the Data Protection Act which was enacted in 2012. The Data Protection Commission is the independent statutory body mandated with guaranteeing the protection of individual privacy and personal data by regulating the processing of personal information.

During the quarter under review, there were no reported digital rights or data protection and privacy violations. However, two court actions were recorded. One was against the abusive use of social media while the other was a warrant for the arrest of a social media commentator.

On January 17, Justice Eric Kyei Baffour, presiding over an Accra High Court, issued a bench warrant for the arrest of a social media commentator, Kelvin Ebo Taylor, who is believed to be domiciled in the United States. The warrant came at the back of alleged derogatory statements made by Taylor on social media which, according to the court, has brought the justice system and the person of the judge into disrepute.

Also, on January 22, 2020, the Kaneshie Magistrate Court in Accra convicted Emmanuel Asare and Nuetey Latif Ahinguah, also known as Oliver to a 12-month prison sentence¹⁰ with hard labour for impersonating the Minister of Finance, Ken Ofori-Atta on social media. This court actions came as a result of the fight against online fraudsters and the rising phenomenon of impersonation of high-profile personalities in the country. These cyber criminals defrauded unsuspecting people

⁷ Burkina24.com (2020, February 2). Burkina : Le Premier ministre juge "inacceptable" l'augmentation des tarifs de Orange Burkina. Retrieved from <https://www.burkina24.com/2020/02/02/burkina-le-premier-ministre-juge-inacceptable-l'augmentation-des-tarifs-de-orange-burkina/>

⁸ Lawani Babatunde (2020, March 11). Côte d'Ivoire / Internet : Un nouvel opérateur propose une offre « ultra-rapide, fiable et illimitée. Retrieved from <https://afrik-une.blogspot.com/2020/03/cote-divoire-internet-un-nouvel.html?m=1&fbclid=IwAR1u1jIhUG2mlKqerDkM7YO0UCcKNrjmqaGLgsizdjMMWg1xkHB3wcGAsvg>

⁹ National Communication Authority (2020, January). Telecom voice subscription. Retrieved from <https://www.nca.org.gh/assets/COMMUNICATIONS-INDUSTRY-STATISTICS-MV-Q1.pdf>

¹⁰ Citi Newsroom (2020, January 23). Man jailed 12 months for impersonating Ofori-Atta on social media. Retrieved from <https://citinewsroom.com/2020/01/man-jailed-12-months-for-impersonating-ofori-atta-on-social-media/>

who transferred to them huge sums on mobile wallets under the pretext of securing them either employment, or offer them cars to buy at ‘give away’ prices.

Guinea

As of January 2020, mobile telephony subscriptions were estimated at 13.17 million¹¹ Facebook users were also estimated to be around 2,086,000¹² people. Personal data and privacy protection are ensured by the Cybersecurity and Data Protection Law: L2016- 037 AN adopted in 2016. The law has been widely described as detrimental¹³ to freedom of expression online.

Guinea recorded two internet related incidents during this quarter: the arrest of an activist over a post on social media, and the disruption to access to internet on the eve of elections.

On February 14, the police arrested Yamoussa Lansana Sylla, a member of the opposition Union des forces republicaines (UFR) after he posted comments on Facebook in which he criticised President Alpha Conde’s proposed third term in office. Sylla was detained until he was arraigned in court on March 4, 2020, on charges of defamation and incitement to violence. The court granted him provisional release and adjourned the case to March 11.

Also, on the eve of the scheduled parliamentary and referendum on March 22, 2020, access to the internet and social media was disrupted across the country. Two of the country’s biggest internet providers had announced, two days prior to the election, that their services would be disrupted as a result of planned subsea cable maintenance works.

Liberia

As of February 2020, internet users in Liberia were estimated at around 624,600. There is also an estimated 576,000¹⁴ Facebook users. Unlike the other countries featured in this report, Liberia has not yet enacted data protection and privacy law.

During the period, an intervention aimed at improving the digital economy was launched.

On January 14, 2020, the United Bank for Africa Liberia Limited and Orange Liberia launched the Mobile Money Push and Pull Service. The service¹⁵, also known as Bank to Wallet is expected to provide an alternative channel to deposit or withdraw money from a UBA Customer’s Account to their Orange Money Wallet and vice versa.

Mali

As of March 2020, there were 1,795,400¹⁶ Facebook users estimated by NapoleonCat Stats in Mali. Just like many countries in the sub-region, SIM card acquisitions is subject to mandatory registration. The country adopted data protection and privacy law in 2013. All persons have their data protected, without distinction as to race, origin, colour, sex, age, language, religion, fortune, birth, nationality or any other status. However, the country adopted a cybercrime (law N 2019-056) that endangered privacy and freedom of expression online. The enforcement of the data

¹¹ Simon K. (2020, January). Mobile connections in Guinea. Retrieved from <https://datareportal.com/reports/digital-2020-guinea>

¹² NapoleonCat (2020, March). Social media users in Guinea. Retrieved from <https://napoleoncat.com/stats/social-media-users-in-mali/2020/03>

¹³Internet Without Borders. Guinée : analyse par internet sans frontières de la future loi cybercriminalité et données personnelles - internet sans frontières. Retrieved from : <https://internetwithoutborders.org/guinee-analyse-par-internet-sans-frontieres-de-la-future-loi-cybercriminalite-et-donnees-personnelles/>

¹⁴ NapoleonCat (2020, March). Social media users in Liberia. Retrieved from <https://napoleoncat.com/stats/social-media-users-in-liberia/2020/03>

¹⁵ David A.Yates (2020, January 15).Daily Observer. UBA Liberia, Orange Launch ‘Bank to Wallet’ Service

<https://www.liberianobserver.com/news/uba-liberia-orange-launch-bank-to-wallet-service/>

¹⁶ NapoleonCat (2019, December). Social media user in Mali. Retrieved from <https://napoleoncat.com/stats/social-media-users-in-mali/2019/12>

protection law is placed under the responsibility of an independent body, Autorité de la Protection des Données à caractère Personnel (APDP).

Though Mali went to the polls under the threat of terrorist attacks and the outbreak of COVID-19 to elect their parliamentarians, there were no reported digital violations during period. Some good developments were recorded in terms of the boosting of the digital economy and reinforcing the capacity of all actors in the sector.

From February 18 -19, 2020, the Ministry of Digital Economy, collaborated with some local actors to hold the first edition of the Bamako Digital Days. The two-day forum was under the theme "Boosting productivity through digital tools". The event brought together participants from 20 countries, including national multiple stakeholders across all sectors to contribute to finding concrete answers to socio-economic and cultural issues by digital professionals.

Mauritania

The country is making some strides towards human rights in general. But the freedom of expression online and digital rights conditions in the country require significant reforms.

As of January 2020, 4.53 million people were using mobile communication devices, while 1.37 million were estimated internet users. This represented less than half of the mobile connection. Social media users were at 790,000. Like other countries featured in this report, SIM used for telecommunication and internet is subject to mandatory personal data registration. The legislation guiding data protection and privacy is Loi 2017-020, which was adopted on July 22, 2017. The state agency in charge of the implementation of the protection of data and privacy is Autorité Nationale de Protection des Données Personnelles, an institution established under the supervision of the Prime Minister.

During this quarter, Mauritania recorded incidents of digital rights infringement. Between January 22 and 26, 2020, a blogger, Mohamed Ali Ould Abdel Aziz, two journalists Abdou Ould Tadjeddine and Cheikh Ould Mami were arrested and detained for producing and sharing a video on social media that criticized President Mohamed Chikh El Ghazouani and his government. However, the three were later released on January 27.

On February 26, 2020, six members of Alliance pour la Refondation de l'Etat Mauritanien, (AREM) a movement advocating for political and social reforms in Mauritania were imprisoned on charges of "terrorism, contempt for the Muslim religion" and "insults against God." Their arrest and subsequent imprisonment followed a search of the online communications by state security agents, in which they found an audio discussion in which the members underlined the need for Mauritania to deepen its democratic culture and rid itself of retrogressive cultural and religious practices.

Niger

As of the last quarter 2019, the Autorité de Régulation des Communications Electroniques et de la Poste (ARCEP) estimated mobile telephony subscriptions at 10, 714,856¹⁷. As of March 2020, internet users were only about 2.78 million people. Social media penetration is also meagre, with Facebook users estimated at about 515,100 people. Niger adopted its data protection and privacy law (Loi n° 2017-28-du 03 mai 2017) in 2017. La Haute Autorité de Protection des Données à caractère Personnel (HAPDP) is an independent administrative authority in charge of ensuring

¹⁷ARCEP (2019, December).Observatoire QT4 2029.Retrieved from <file:///C:/Users/MFWANEW4/Downloads/OBSERVATOIRET42019.pdf>

that the processing of personal data complies with national legal provisions and international conventions to which Niger has acceded.

On March 5, 2020, security forces arrested an independent journalist, Kaka Touda, and detained him for four days before transferring him to the civil prison in Niamey on a detention warrant. The journalist was handed a three-month suspended sentence for "dissemination of information likely to disturb public order" under Niger's 2019 cybercrime code. The journalist had published on March 4, that a suspected case of coronavirus infection had been recorded at the Niamey General Hospital, a claim rejected as false by the hospital authorities.

Nigeria

With the largest population in Africa, Nigeria has the highest number of internet users in West Africa and is the first telecom market in the sub-region. As of March 2020, the number of active internet subscriptions in the country was 131,647,895¹⁸. The number of mobile connections was estimated at 83% of the population in January 2020. Facebook had an estimated 27,670,000¹⁹ users in March, making it the most popular social media platform in the country. Internet speed in the country is, however, low.

Concerning personal information on telephony users, Nigeria National Commission ensures data privacy and confidentiality of subscribers remained protected. This is governed by the Registration of Telephone Subscribers Regulations Act, adopted in 2011.

Like the rest of the countries across the globe battling to contain the outbreak of the pandemic of COVID-19, the Minister of Information and Culture, Lai Mohamed, announced on February 28, 2020, that the government has partnered with Facebook to combat the spread of fake news. The initiative²⁰ seeks to fight against the spread of panic among the citizenry and also use the state mass media institutions to educate the population about the coronavirus disease.

The following violations were recorded over the period.

In between February 28 and March 1, 2020, Premium Times Nigeria, an online media platform was attacked by a hacker²¹. The attack disrupted the access to the online media platform. The hacker performed vulnerability scans of the online media outlet and launched Denial of Service aiming to take the website down.

On February 29, 2020, two journalists, Samuel Ogundipe and Musikilu Mojeed, reporter and editor respectively working for the online newspaper *Premium Times* were forced to go into hiding after receiving intelligence that the Department of State Service is on the hunt to arrest and intimidate them to reveal their sources.

Ogundipe and Mojeed published a story suggesting a power struggle between President Muhammadu Buhari's security chiefs. The story cited a leaked memo from the National Security Adviser, Babagana Monguno, instructing all service chiefs to stop taking instructions from President Buhari's Chief of Staff, Abba Kyari. Following the story, security agents were spotted surveying the residences of the journalists, apparently in an attempt to arrest them.

¹⁸Nigeria Communications Commission (2020, February). Active Internet Subscriptions by Technology (March 2019-February 2020). Retrieved from <https://www.ncc.gov.ng/statistics-reports/industry-overview#view-graphs-tables-5>

¹⁹ NapoleonCat(2020, March).Facebook users in Nigeria, March 2020.Retrieved from <https://napoleontat.com/stats/facebook-users-in-nigeria/2020/03>

²⁰ Legit (2020, February). Coronavirus: Facebook working with Nigeria against fake news. Retrieved from: <https://www.legit.ng/1306927-coronavirus-facebook-working-nigeria-fake-news---fg.html>

²¹ Qurium Foundation (2020, March 10). a cyberattack against premium times nigeria attributed to "student" at the federal university of technology, akure <https://www.qurium.org/alerts/nigeria/premium-times-nigeria-ddos-attack/>

A few positive developments were recorded.

On February 13, Agba Jalingo, publisher of the online newspaper, *Cross River Watch*, was granted bail after 174 days of detention. The journalist was arrested on August 22, 2019, after he published a report alleging that the Cross River State government had diverted monies allocated in the State budget for the establishment of a community bank. A Federal High Court in Calabar granted the journalist 10 million Naira (about USD 27,300) bail, following a successful application by his lawyer, Attah Ochinke.

On March 20, 2020, the Court of Appeal in Abuja, led by Justice Muhammed Idris reduced to two years, the seven years' jail term of activist Ibrahim Wala who was convicted in April 2019, for his Facebook post which accused, the chairman of the National Hajj Commission of Nigeria, Abdullahi Mukhtar, of corruption in the management of the 2018 hajj operations.

Togo

Internet users in Togo are estimated to be 1.7million with 650,000 the citizens accessing social media. As of March, the figure of people accessing Facebook was 519,500²². Mobile telephony users were estimated in January around 6.5million. Acquisition of SIM cards used for mobile telephony communication is subject to mandatory registration. The country, in October 23, 2019, enacted a data protection and privacy law: Loi N° 2019-014 relative à la protection des données à caractère personnel. As the time of this report, the body dedicated to ensuring the implementation of the data protection and privacy law is yet to be established.

During this quarter, there was internet blackout during the February 22 presidential elections. Social media networks such as Facebook and Messenger were inaccessible in several parts of the country beginning at 17:00 GMT. Twitter and WhatsApp were, however, partially accessible.

From March 19-28, forensic analysis²³ conducted by Qurium also showed that access to the online newspaper *Confidential Report* was blocked. The forensic analysis test suggested that the newspaper portal was only unreachable from inside Togo. The state media regulator when contacted, denied the possibility of the attack being state-sponsored and suggested the inaccessibility of the website could be as a result of "technical problems".

Conclusions and Recommendations

The internet space is still relatively unrestricted in the West Africa region. The rate of internet penetration is also increasing steadily, particularly, through the early stage of the scourge of coronavirus as many people rely on the internet to access information about the pandemic. Despite the impressive growth, there are persistent concerns about poor service delivery, lack of appropriate infrastructure and technologies, unequal access to the internet based on gender. Internet covering the most hinterland, in the individual countries across the sub-region remains a deficit. Data cost remains also a challenge.

Equally disturbing is the often-unregulated collection and processing of personal information, the use of new applications of surveillance and artificial intelligence to track the spread of COVID-19, which could be abused to target government critics and opponents. This highlights the need for a review of existing data protection policy frameworks. As new applications and technologies

²²NapoleonCat (2020, March). Facebook users in Togo. Retrieved from <https://napoleoncat.com/stats/facebook-users-in-togo/2019/03>

²³ Qurium (2020, March 27). Togolese investigative media " The Confidential Report" Blocked by Authorities. Retrieved from <https://www.qurium.org/alerts/togo/haac-blocks-the-confidential-report>

evolved, so does the potential for its abusive use by autocratic regimes to infringe fundamental rights, privacy, and freedom of expression online.

The first quarter of 2020, recorded two cases of internet blackout, and social media disruption. This is due to governments resorting to internet disruption to stifle dissent and freedom of expression online before, during, and after elections in Togo and Guinea.

Also, several countries on the coast of West Africa experienced internet disruptions because of technical issues and submarine cable maintenance. The West Africa Cable System (WACS), which connects most of the countries in the region, developed a fault which caused major telecom companies and internet service providers to lose connectivity²⁴.

In the wake of the pandemic of COVID-19, fake news has spiked up, inundating the web, and social media. To counter this scourge, several initiatives have been rolled out to provide accurate and updated information on the pandemic and to fact-check and flag false information. However, some governments' responses to the phenomenon of fake news about the corona virus have been repressive and disproportionate. For instance, in Niger, a freelance journalist was detained for several days before being released for his publication about coronavirus disease infection at Niamey's general hospital. Two journalists were also heavily fined in Cote d'Ivoire after that two fresh inmates of Abidjan's biggest prison have been infected with the virus.

Cybercrime laws are invoked to suppress the online activities of critical journalists and activists. The arrest and detention of journalists in Mauritania over their online publications based on cybercrime laws illustrate this disturbing trend. Added to the journalists, a blogger and two activists were arrested for using the internet devices to criticize the Mauritanian government.

Whereas the violations are deplorable, users need to avoid abusing the internet and spreading fake news that has the potential to mislead and cause harm among the citizenry. Criminal and nefarious use of the Internet provides a pretext for governments to target legitimate use of digital resources that exposes corruption in governance and challenges authoritarian attitudes.

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 freedom of expression rights are respected online as well as offline,
- Governments should ensure that violations against online expression are thoroughly investigated and perpetrators duly punished.
- Security agents should avoid the illegal arrests and detentions of journalists and activists for simply expressing their rights to civil and political participation in online debates and discourses on national issues.
- Institutions and independent bodies that are mandated to guarantee the protection of personal information and privacy should ensure proper implementation of policy and work with all stakeholders to improve transparency and confidence in the management of such data.

²⁴ Africanews(2020, January 17). Internet slows across Africa as major undersea cables falter <https://www.africanews.com/2020/01/17/africa-internet-outage-after-cable-issue/>

- State institutions in charge of data protection and privacy must step up efforts in ensuring effective individual information protection in this era of coronavirus pandemic, update existing frameworks and work towards harmonizing them at the sub-region level.
- Countries without existing legislation on data protection and privacy law are urged to pass data law to ensure individual information protection and privacy online.
- Courts should ensure that the interpretation of laws is compatible with regional and international legal frameworks on internet rights.
- The governments should embark on massive citizens' education on the responsible use of the internet, in particular, in this era of the COVID-19 global pandemic.
- Telecoms communications and digital regulatory bodies should intensify efforts in improving internet delivery services, and offer affordable internet mobile broadband pricing concerning the Internet Universality Indicators.
- All stakeholders must work pro-actively and collaboratively in addressing online freedom and cybersecurity issues
- Governments must work with civil society to adopt legislation and mechanisms that are human rights-friendly, and ensure that they are fully and efficiently functioning to curb the trend of the growing insecurity in cyberspace.
- Internet users must seek reparation and redress whenever their rights are violated.
- All users of online platforms and applications should demonstrate responsibility and respect for the rights of others.



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