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Introduction

The significance of the Internet in today's world cannot be overemphasised. Today's world is undeniably driven by the internet. The Internet has proven to be an enhancer, empowering individuals, organisations and nations to do much more than they would have imagined less than 50 years ago. The Internet facilitates other aspects of life such as education, commerce, economics, governance, civic participation etc. and generally promotes development. The world bank identifies inclusion, efficiency and innovation as 3 ways in which the Internet can promote development.¹ Despite its potential, the Internet comes with its risks. It can be abused, misused and can be used as a tool for crime, hate and other evils. The friction between the positive and negative uses of the Internet often generates debates about the need for control or regulation of the Internet. While this seems to be a legitimate concern, it is never as easy as it seems. Efforts to 'regulate' the Internet are either being taken advantage of by State actors to restrict how citizens use the Internet or they inevitably lead to a restriction in the use and access to the Internet or both. This, in addition to the global digital divide.² that exists between developed and less developed countries due to gaps in infrastructure, research and development, encapsulates the state of Internet freedom in a given nation at any point in time.

This report looks at the State of Internet Freedom in Sierra Leone by mapping out the practices and measures adopted by state actors to restrict or enhance internet access and use, providing key examples of policy, measures and actions that promote internet use or Internet rights violations. The report also looks at the trends and developments around Internet use in Sierra Leone and examines the policy and regulatory landscape in the country. In addition, the report identifies opportunities for a positive Internet Freedom landscape in Sierra Leone and proposes measures that may be taken to improve the state of Internet Freedom in the Country.

¹ World Bank, World Development Report (2016) 'Enabling Digital Development: How the internet promotes development' (See Page 45)
http://documents1.worldbank.org/curated/en/896971468194972881/310436360_20160263021502/additional/102725-PUB-Replacement-PUBLIC.pdf (Accessed 15 May 2021)

² LumenLearning: 'Global digital divide'
<https://courses.lumenlearning.com/culturalanthropology/chapter/the-global-digital-divide/> (Accessed 14 May 2021)

Country Context

Sierra Leone's recent past has been marred by conflict. In 1991, a civil war erupted in the country claiming thousands of lives.³ The country is understandably still recovering from this experience. With a population of approximately 7,813,215 people as at 2019⁴ and an estimated 7,976,983 in 2020,⁵ Sierra Leone only boasts of 9% internet penetration⁶ with 3,434 fixed broadband subscriptions⁷ and 6,729,800 mobile cellular subscriptions.⁸

The country whose government is presided over by democratically-elected President Julius

Maada Bio was ranked 'partly free' in the Freedom in the World Report by Freedom House in terms of human rights, mainly as a result of police violence and restrictions usually targeted against opposition parties, threats of legal action against journalists, gender-based violence and corruption.⁹ The executive arm wields most of the political power and is jointly responsible for the outcome of the country's policies and laws, together with the Parliament. There have, however, been notable accusations of the undue influence China has on policy making in Sierra Leone.^{10 11}

Regulatory Landscape

The Ministry of Communications and Information is in charge of formulating policies and laws that regulate standards and services in the Information,

³ Momodu, S (January 16, 2017) "The Sierra Leone Civil War: 1992 - 2002.

<https://www.blackpast.org/global-african-history/sierra-leone-civil-war-1991-2002/>. (Accessed: 28 March 2021)

⁴ Population, Total Sierra Leone. World Bank

<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SL> (Accessed: 28 October 2020)

⁵ Worldometer "Sierra Leone Population". <https://www.worldometers.info/world-population/sierra-leone-population/>. (Accessed: 28 October 2020)

⁶ The World Bank "Individuals using the internet(% of population)".

<https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SL>. (Accessed: 28 October 2020)

⁷ The World Bank "Fixed Telephone Subscriptions - Sierra Leone".

<https://data.worldbank.org/indicator/IT.MLT.MAIN?locations=SL>. (Accessed: 28 October 2020)

⁸ The World Bank, "Mobile Cellular Subscriptions - Sierra Leone".

<https://data.worldbank.org/indicator/IT.CEL.SETS?locations=SL> (Accessed: 28 October 2020)

⁹ Freedom in the World 2020. Sierra Leone. Freedom House. Available at

<https://freedomhouse.org/country/sierra-leone/freedom-world/2020>. (Accessed: 28 October 2020)

¹⁰ Aaron C. van Klyton & others (2020) "Chinese investment in the Sierra Leone telecommunications sector: international financial institutions, neoliberalism and organisational fields, Review of African Political Economy, 47:164, 220-237, DOI: 10.1080/03056244.2019.1605591"

¹¹ Elcoate A (March 16, 2018) "We are Chinese': How China is Affecting Sierra Leone's Presidential Election" The Diplomat (Online). Available at <https://thediplomat.com/2018/03/we-are-chinese-how-china-is-influencing-sierra-leones-presidential-election/>. (Accessed: 28 October 2020)

Communication and Technology (ICT) sector, Telecommunications and the Media industry. It is also mandated to develop and administer ICT standards, building capacity of mass media and ICT, and the dissemination of public information through the Sierra Leone Broadcasting Corporation (SLBC).¹² The Ministry functions through the Communications and Information directorate.

The National Telecommunications Commission (NATCOM) was established by the Telecommunications Act, 2006 to regulate the Sierra Leone telecoms sector, protect consumer interest and ensure fair competition among service providers.¹³ The Commission as part of its mandate is responsible for managing and assigning the national spectrum, encouraging fair competition and investment in the sector, enforcing SIM/UIM Card Registration Regulations and supporting Universal Access to telecommunications services.

As far back as 2009, the government of Sierra Leone issued a National ICT Policy¹⁴ in line with the country's Vision 2025. Section 6 of the Vision 2025 plan outlined the goal of the government to make the country one driven by science and technology. The objectives of the plan included the teaching of science and technology at all levels of education and its use to improve productivity even in the informal sector. The Ministry of Information and Communications and the National Telecommunications Commission (NATCOM) were charged with implementing the government's defined priorities in the ICT sector.

However, in 2019, the Julius Maada Bio-led government which came into power in April 2018, released its National Innovation & Digital Strategy (NIDS) 2019 - 2029.¹⁵ The new strategy which is "aimed at guiding Sierra Leone's investments, policies, and governance frameworks for the country's present and future development" makes references to emerging technologies transforming the global economy in particular: Artificial Intelligence (AI), Internet of Things (IoT), Blockchain, Quantum

¹² "About us" Ministry of Information and Communication. Available at <http://mic.gov.sl/About-US/The-Ministry> (Accessed: 28 October 2020)

¹³ About NATCOM Sierra Leone. Available at <https://www.natcom.gov.sl/about-natcom/>. (Accessed: 28 October 2020)

¹⁴ Ministry of Information and Communications (28 October 2009), "National ICT Policy for Sierra Leone" <https://www.ellipsis.co.za/wp-content/uploads/2016/07/SierraLeone.pdf>. (Accessed: 2 November 2020)

¹⁵ Directorate of Science. (1 November 2019), "Technology and Innovation, Sierra Leone, "National Innovation & Digital Strategy 2019 - 2029" <https://www.dsti.gov.sl/wp-content/uploads/2019/11/Sierra-Leone-National-Innovation-and-Digital-Strategy.pdf>. (Accessed: 2 November 2020)

Computing, Biotechnology, Bioinformatics, and 3D Printing. The Strategy covers education, health and justice, entrepreneurship and society but also cyber security.

At the moment, Sierra Leone does not have a national cyber security strategy. Under the previous administration however, Sierra Leone had a draft National Cyber Security and Data Protection Strategy 2017 – 2022.¹⁶

Methodology

The report is compiled with the use of desktop research to access documented incidents related to Internet Freedom in Liberia, relevant reports, international, regional, and national human rights Instruments, journalistic work, etc.

The State of Internet Freedom in Sierra Leone

The State of Internet Freedom in Sierra Leone can be viewed from many perspectives. The issues of access and affordability which were previously not considered Internet Freedom issues are captured in this section. Therefore, in order to provide a snapshot of the current state of Internet Freedom in Liberia, the report looks at 5 indices for Internet Freedom in Sierra Leone namely; Access, affordability, freedom of expression online, the right to privacy online and women’s rights online. This section provides to a large extent, the basis for the recommendations offered at the latter part of the report.

Internet Access and Affordability

Access

According to the ITU in 2019¹⁷, 0.04% of every 100 persons in the Sierra Leonean population had access to fixed-telephone subscriptions. However, with mobile-cellular subscriptions being the most common way of accessing the internet, it is easy

¹⁶ National Cybersecurity and Data Protection Strategy (2017-2022) https://www.itu.int/en/ITU-D/Cybersecurity/Documents/National_Strategies_Repository/00090_03_Sierra%20Leone%20national-cyber-security-strategy-2017-final-draft.pdf (Accessed: 2 November 2020)

¹⁷ ITU “ICT Infrastructure and Market Structure” <https://www.itu.int/net4/itu-d/icteye#/compare>. (Accessed: 2 November 2020)

to understand why mobile connections saw better usage rates of 86.13% of every 100 persons subscribed compared to fixed-telephone. In addition, the percentage of households with the internet in Sierra Leone amounted to 15.57% of the entire population.

Barriers to access

According to the Global System for Mobile Communications (GSMA)'s Consumer Barriers to Mobile Internet Adoption in Africa report,¹⁸ Africa is the least developed region in the world for mobile connectivity and adoption. The report targeted conditions in Algeria, Cameroon, Democratic Republic of Congo (DRC), Côte d'Ivoire, Egypt, Ethiopia, Kenya, Morocco, Mozambique, Nigeria, Sierra Leone, South Africa and Tanzania. It further revealed that the three key barriers to internet adoption in the region are: lack of awareness and locally relevant content, lack of digital skills and affordability.

The lack of digital skills, in particular, was perceived as the biggest barrier to mobile internet in Sierra Leone by 60% of respondents. Also, 54% of respondents mentioned affordability as another major barrier.

The report also found that in Sierra Leone, 5% of monthly income was spent on mobile costs and that in total, 18% of monthly income was spent on mobile ownership.

In a report covering 70 low and middle income countries, Alliance for Affordable Internet noted that "in Sierra Leone, the average person needs to save six months' salary to buy the cheapest available smartphone".¹⁹ The country was also ranked the least affordable due to the cost of smartphones which on average, is about US\$265.

According to another report by the GSMA however, mobile internet penetration rose in Sierra Leone to 27%²⁰ in 2019 from 13% in 2014. The GSMA also scored Sierra

¹⁸GSMA (2015); 'Connected Society Consumer barriers to mobile internet adoption in Africa' <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2016/07/Consumer-Barriers-to-mobile-internet-adoption-in-Africa.pdf> (Accessed: 2 November 2020)

¹⁹ Alliance for Affordable Internet & World Wide Web Foundation, "From Luxury to Lifeline; Reducing the Cost of Mobile Devices to reach Universal Access" (Online) <https://1e8q3q16vyc81g8l3h3md6q5f5e-wpengine.netdna-ssl.com/wp-content/uploads/2020/08/Alliance-for-Affordable-Internet-Device-Pricing-PUBLIC.pdf>. (Accessed: 2 November 2020)

²⁰ GSMA (2020); 'Mobile Internet Connectivity 2020 - Sub-Saharan Africa Factsheet' <https://www.gsma.com/r/wp-content/uploads/2020/09/Mobile-Internet-Connectivity-SSA-Fact-Sheet.pdf> (Accessed: 2 November 2020)

Leone 38.6 out of 100 under its overall index and 39.3 for affordability.²¹ The GSMA mobile connectivity index also ranked it the fourth most improved country in Sub-Saharan African for mobile internet penetration.

Freedom of Expression Online

The general principles of freedom of expression are recognized in the Constitution of Sierra Leone. According to Section 25(1) of the Constitution of Sierra Leone, 1991:

“Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purpose of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with his correspondence, freedom to own, establish and operate any medium for the dissemination of information, ideas and opinions, and academic freedom in institutions of learning: Provided that no person other than the Government or any person or body authorised by the President shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever”.

Sierra Leone is also signatory to key regional and international human rights instruments with strong freedom of expression protection clauses. It is a signatory to the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights (ICCPR), both of which enjoin state parties to uphold the right to free expression. Also, Sierra Leone has ratified the African Charter on Human and Peoples’ Rights (African Charter), and its human rights policies and practices since 1983.²² Article 9 of the Charter provides for the rights of individuals to receive, express and share information and opinion within the law.²³

However, the freedom of expression landscape of the country has not been free of violations of the right to freedom of expression online. Theresa Mbomaya, 20, a first-year sociology student was arrested on November 16, 2016, for forwarding a message in a student WhatsApp group promoting a forthcoming protest against rising petrol prices. She was detained for five days and was subsequently charged with incitement.

²¹ GSMA (2019); ‘Mobile Connectivity Index: Sierra Leone | Detail and Analysis’ <https://www.mobileconnectivityindex.com/#year=2019&zoneIsocode=SLE&analysisView=SLE> (Accessed: 2 November 2020)

²² African Commission on Human and Peoples’ Rights, “Ratification Table: African Charter on Human and Peoples’ Rights” <https://www.achpr.org/ratificationtable?id=49> (Accessed: 2 November 2020)

²³ African Charter on Human and Peoples’ Rights” Available at <https://www.achpr.org/legalinstruments/detail?id=49> (Accessed 28 October 2020)

Following the incident, the Sierra Leonean government released a statement calling for social media forum moderators to be held criminally responsible for content posted to their pages, regardless of authorship.²⁴ After much condemnation and backlash, the State prosecutor withdrew the case from the court stating that the State will no longer further any prosecution against the accused.²⁵ On December 4, 2020 a Magistrate Court in the capital, Freetown, charged journalist Mahmud Tim Kargbo for sharing “insulting” and “scurrilous” information via Facebook and WhatsApp about a senior police officer in the country, which allegedly caused “annoyance” to the official.

Further, Sylvia Blyden, who is the publisher of the Awareness Times newspaper, was charged with, among other things, seditious and defamatory libel, conspiracy to pervert the course of justice and publication of false news for alleging on social media that former Defence Minister Alfred Paolo Conteh had been ill-treated in detention.²⁶ Blyden was charged with violating sections 27, 32, and 33 of Sierra Leone’s Public Order Act (POA).²⁷

Prior to October 2020, Part V of the Public Order Act of 1965 catered to defamatory and seditious libel in Sierra Leone. Its provisions were taken advantage of by the government to hinder unfavorable witness testimonies and to target individuals whose expressions had been deemed ‘hate speech’ as shown in the preceding paragraph. However, in July 2020, Parliament repealed Part V of the 1965 POA, used to prosecute people on defamation and sedition charges for exercising their right to freedom of expression, and President Bio in October 2020 finally assented to the repeal of the 55-year-old law.²⁸ In his words, “I have always argued that the repeal will unshackle free speech, expand democratic spaces, and consolidate our democracy. It will open up the space for the growth of the media industry in the

²⁴ Inveen (24 November, 2016) “Free speech becomes a talking point in Sierra Leone as WhatsApp storm rages” The Guardian <https://www.theguardian.com/global-development/2016/nov/24/free-speech-talking-point-sierra-leone-whatsapp-storm-rages> (Accessed 20 October 2020)

²⁵ Awoko Publications (24 January 2017); ‘Sierra Leone News: Whatsapp trial ends... Theresa Mbomaya freed’ <https://awokonewspaper.sl/sierra-leone-news-whatsapp-trial-ends-theresa-mbomaya-freed/> (Accessed 14 October 2020)

²⁶ Amnesty International (2021) “The State of the World’s Human Rights: Sierra Leone” <https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>

²⁷ MFWA, (06 July 2020); ‘Sierra Leonean Government Persecute Journalist, Activist Over Social Media Posts’ <https://www.mfwa.org/issues-in-focus/sierra-leonean-government-persecute-journalist-activist-over-social-media-posts/> (Accessed 14 October 2020)

²⁸ MFWA (24 July 2020); ‘Major Boost for Press Freedom as Sierra Leone Scraps Criminal Libel Law after 55 Years’ <https://www.mfwa.org/issues-in-focus/major-boost-for-press-freedom-as-sierra-leone-scraps-criminal-libel-law-after-55-years/> (Accessed: 5 November 2020)

country. Professionalism will be enhanced and the best and brightest and more women, especially, will be encouraged to work their trade”. Remarkably, the arrest and prosecution of journalist Mahmud Tim Kargbo for allegedly causing “annoyance” to officials through a Facebook post, took place after the Public Order Act was repealed, which gives a cause to worry if the repeal of POA is going to make the intended impact and if the government is really committed to freedom of expression both offline and online.

In July 23, 2020, the Sierra Leone Parliament unanimously approved the Independent Media Commission Act 2020 as a replacement for the repealed 1965 Public Order Act (POA).²⁹ The Act provides for the continuation of the Independent Media Commission to cater to the registration and regulation of mass media such as radio, television or direct to home digital satellite service broadcasting. It is also mandated for the and registration of persons and institutions engaged in the publication of newspapers and magazines. However, many human rights defenders have noted that the law gives the government the powers to shut down media houses and ban individual journalists from practicing their profession.³⁰ The concern seems legitimate given the past precedent of the IMC and previous clampdown on media houses.³¹

It must be said that the President of Sierra Leone displayed support for free speech and press freedom by announcing his plan with the Independent Media Commission to support 130 registered newspapers, 165 registered radio stations, and 42 registered television stations.³² Furthermore, while there have been fears about the monitoring of social media communications including WhatsApp,³³ there hasn't been clear evidence of arrests made on that basis.

²⁹ Thomas A. “Sierra Leone Parliament has got rid of the country’s criminal libel laws” <https://www.thesierraleonetelegraph.com/sierra-leone-parliament-has-got-rid-of-the-countrys-criminal-libel-laws/>. (Accessed: 30 October 2020)

³⁰ Fofanah, M. “Sierra Leone – Why Everyone is Not Celebrating the New Media Law” (Online) Available at <http://www.ipsnews.net/2020/07/sierra-leone-why-everyone-not-celebrating-new-media-law/> (Accessed: 5 November 2020)

³¹ MFWA Concerned About Threats to Suspend Media Outlets in Sierra Leone <https://www.mfwa.org/country-highlights/mfwa-concerned-about-threats-to-suspend-media-outlets-in-sierra-leone/> (Accessed: 5 November 2020)

³² Available at [Statement By His Excellency, Dr. Julius Maada Bio, President Of The Republic Of Sierra Leone On The Occasion Of The Repeal Of Pa](#) (Accessed: 10 November 2020)

³³ J Hitchen (28 May 2018); ‘How Sierra Leone polices social media’ <https://mg.co.za/article/2018-05-28-how-sierra-leone-polices-social-media/> (Accessed: 10 November 2020)

In 2018, there was speculation about an internet shutdown during the Presidential elections. While international media credited the shutdown to an undersea cable,³⁴ local media speculated that it was instituted by the government to prevent the National Electoral Commission from disseminating election results to party affiliates.³⁵ Internet censorship outfit, Open Observatory Network Interference (OONI) remarked that, “It seems that the network disruptions were caused by an ACE submarine cable cut but that Google traffic and BGP data suggest that the second disruption, following the runoff elections, could be an internet blackout”.³⁶

Clause 35 of a proposed Cybercrimes Act 2021 criminalises what it termed ‘cyberstalking’. This is a very vague provision which is prone to abuse and can be seen from other countries with similar provisions in their cyber laws (e.g The Nigerian Cybercrimes Act 2015).³⁷ It is the provision mostly used to persecute journalists, human rights workers and opposition voices including civil society.

The Right to Privacy

The 1991 Constitution of the Republic of Sierra Leone provides for the protection of privacy of the home and other property. Section 22(1) provides that “Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises, or interference with his correspondence, telephone conversations and telegraphic and electronic communications.” The country however, does not have a data protection law.

There was no significant evidence of online surveillance or privacy breaches engineered by the government in Sierra Leone. In a report on the use of Social Media during elections in Sierra Leone, it was observed that the Sierra Leone government’s approach to surveillance was to focus on monitoring Whatsapp groups as opposed

³⁴ Yahoo News “An Entire Country’s Internet Was Cut Off for 2 Days After an Underwater Cable Broke” <https://yhoo.it/3gxucBs> (Accessed: 2 November 2020)

³⁵ Shaban R.A (April 1 2018) “Why Sierra Leone temporarily shut down the internet after the runoff vote”. (Online) <https://www.africanews.com/2018/04/01/why-sierra-leone-temporarily-shutdown-internet-after-runoff-vote/> (Accessed: 2 November 2020)

³⁶ Xynou, et al. (2018) “Sierra Leone: Network disruptions amid 2018 runoff elections”. (Online) Available at <https://ooni.org/post/sierra-leone-network-disruptions-2018-elections/>. (Accessed 2 November 2020)

³⁷ Nkanga P (September 21, 2016) “How Nigeria’s cybercrime law is being used to try to muzzle the press” <https://cpj.org/2016/09/how-nigerias-cybercrime-law-is-being-used-to-try-t/> (Accessed: 2 November 2020)

to individual accounts.³⁸ This is done by planting spies in Whatsapp groups, to counter narratives or report views being shared to the government.

Meanwhile, the head of NATCOM confirmed ahead of the 2018 elections that they engaged mobile service providers “to ensure that social media users are closely monitored, especially those that attack government officers”.³⁹ He also suggested that equipment were purchased for social media monitoring and that Facebook was equally consulted for the same purpose.

Meanwhile, there is a secondary legislation issued by the National Telecommunication Commission in the year 2020 which has not attracted a lot of attention but can be used to violate privacy rights and may give legal cover for government’s monitoring activities - The Telecommunications (Subscribers Identification and Registration) Regulation 2020. Clause 24 of the Regulation allows law enforcement officers of a “certain rank” in Sierra Leone to access users' confidential information without judicial oversight.⁴⁰

The Sierra Leone government has also proposed a Cybercrime Bill which critics fear could endanger aspects of privacy and data protection. The Bill’s stated objective is to fight cybercrimes and to provide for the prevention of the abusive use of computer systems.⁴¹

Perhaps we should look at the positives in the draft legislation first. The Bill makes provision for judicial oversight with respect to search and seizure of stored computer data. Clause 5 of the proposed provides that;

Upon an application by a police officer or other authorised person to a Judge of the High Court that there is reasonable grounds to believe that there may be in a specified computer system, program, data, computer data storage medium material which -
(a) may be reasonably required as evidence in proving a specifically identified offence in a criminal investigation or criminal proceedings;

³⁸ Hitchen (See 34 above)

³⁹ M Massaquoi, ConcordTimes (26 June 2017); ‘NATCOM Boss Echoes Govt.’s Plan to Ban Social Media’ <http://slconcordtimes.com/natcom-boss-echoes-govt-s-plan-to-ban-social-media/> (Accessed 12 October 2020)

⁴⁰ Natcom, “The Telecommunications Subscribers Identification and Registration Management Regulations, 2020” (Online). Available at <https://www.natcom.gov.sl/wp-content/uploads/2021/02/The-Telecommunications-Subscribers-Identification-and-Registration-Management-Regulations-2020.pdf>

⁴¹ Cybercrimes Act 2020 (Currently a Bill). <http://mic.gov.sl/Media/News/cyber-crime-act-2020> (Accessed: 16 March 2021)

(b) has been acquired by a person as a result of the commission of an offence, the Judge may issue a warrant which shall authorise the police officer or other authorised person, with such assistance as may be necessary, to access, seize or secure a specified computer system, program, data or computer data storage medium

The clause makes further safeguards in sub-clause 7 by imposing criminal liability on authorised police officers who go beyond the purpose for which a warrant was issued by the court. It is however noteworthy that the bill makes provision that allows “authorised person” to access personal data in an open-ended manner. The interpretation section of the bill didn’t define ‘authorised person’ and this leaves the phrase open to all forms of interpretation.

Perhaps the most glaring deficiency of the bill would be the overwhelming power it gives the Minister of Information and Communication beyond the purview of the executive arm of government, to determine penalties for offences practically in a discretionary manner. The Bill also failed to define the penalties but left them to the discretion of the minister. This is dangerous, prone to abuse and make vulnerable government critics, civil society organisations, media and others who hold the government accountable. The bill vested the responsibility to make regulations in the Minister (Not the Ministry). Typically, a specialised agency should be making such regulations.

The Bill has equally come under criticism from stakeholders who say it does not conform with International human rights standards and is liable to abuse as its major shortcoming. Global Digital Rights advocacy organisation, Access Now and Sierra Leone-based Campaign for Human Rights and Development International (CHRDI) describe the proposed law as far-reaching, one that could result in human rights abuses.⁴² The Bill cedes too much power to the police to take away phones and computers and gives too much latitude to state agents to abuse rights of individuals under the guise of a criminal investigation.

Other groups such as Sierra Leoneans in Technology, believes that the proposed Cyber Crimes Act has some reasonable provisions that are needed to decrease cybercrimes in Sierra Leone but worries that the Bill represents a threat to data

⁴² AR Thomas ‘Access Now and CHRDI express concern over Cybercrime Bill’
<https://www.thesierraleonetelegraph.com/access-now-and-chrdi-express-concern-over-cybercrime-bill/>
(Accessed 18 April 2021)

protection, citizens' privacy, human rights, and freedom of expression.⁴³ Should the Bill become law in its current form, the existing issues with the repealed Public Order Act as well as a host of novel concerns are expected to resurface barely a year after its repeal. The difficulty is compounded by the absence of a Data Protection Law.

Women's rights online

A study which featured more than 45,800 face-to-face interviews in 34 African countries between late 2016 and late 2018, by Afrobarometer reported⁴⁴ that “women were less likely than men to own mobile phones, to use them every day, to have phones with access to the Internet, to own computers, to access the Internet regularly, or to get news from the Internet or by social media.” The internet is a valuable resource for women as it opens doors to new opportunities and experiences and facilitates growth and development across many important areas. It is therefore important that women have access to internet platforms to take advantage of these benefits. In Sierra Leone, the GSMA Consumer Barriers to Internet Adoption report revealed a 1% gap in mobile phone ownership and a 27% gap in internet usage in Sierra Leone.

However, the economic realities women face means that women's internet needs are deprioritised to make way for other expenses, thus depriving many women of several opportunities and cutting them off from important sources of livelihood.

In periods of great danger and need such as the current COVID-19 pandemic⁴⁵ and the resulting lockdown, internet access mitigates the effects of the ensuing hardships which could cut across all sectors. As past pandemics have shown, the needs of women and girls are often deprioritised to protect the health and safety of the public.⁴⁶ In this way, internet access restrictions against women could constitute human rights violations and prevent access to justice.

⁴³ 2020 Cyberimes Bill: Sierra Leoneans in Technology's Response. (Online) available at <https://slint.org/blog/slinteresponse-sierra-leone-2020-cyber-crimes-bill>

⁴⁴ Afrobarometer, (09 March 2020) 'African women have less access to the Internet than African men do, that's a problem' <https://afrobarometer.org/blogs/african-women-have-less-access-internet-african-men-do-thats-problem> (Accessed 09 March 2021)

⁴⁵ <https://frontpageafricaonline.com/front-slider/liberia-gender-ministrys-exempt-during-covid-19-lockdown-increases-sex-domestic-violence-says-child-rights-activist/>

⁴⁶ TheConversation (10 May 2020); 'Sexual and gender-based violence during COVID-19: lessons from Ebola' <https://theconversation.com/sexual-and-gender-based-violence-during-covid-19-lessons-from-ebola-137541> (Accessed: 5 October 2020)

In addition to the economic and technical dysfunctions militating against women's access online, it is important to emphasise the impact of online violence against women on the presence of women on the internet. Online violence against women which is often trivialised as a reflection of existing offline violence, is strengthened by existing patriarchal norms and structures.⁴⁷ This violence causes self-censorship, anxiety, shame and the departure of women from online spaces.⁴⁸

In the same vein, internet shutdowns have been known to uniquely affect minorities such as women. As the internet provides platforms for commerce, education, entertainment, health and others that might be otherwise denied to women, internet shutdown incidents are worrying for the wellbeing and empowerment of women due to the risk of disconnection they pose.

The sparse nature of available data is yet another roadblock to women's rights in Sierra Leone. The available data regarding sex-disaggregated mobile and internet usage gaps are incredibly hard to come about or non-existent. This lack of information makes it very difficult to determine what the right approaches to fighting online violence against women or closing the digital gender gap should be.

However, the 2009 ICT Policy of Sierra Leone addresses issues affecting the socio-economic development of women as low level of literacy among women, and the girl-child, especially at grassroots level and proposes the following:

- i. To remove gender imbalance in ICT education.
- ii. Ensure that priority is given to girl child/women, by reducing or waiving tuition fees or awarding grants and providing scholarships.
- iii. The establishment of a Ministry of Gender and Social Welfare website that addresses developmental issues for women, youth and physically challenged by 2010.

As at the time of producing this report, the website (mswgca.gov.sl) associated with the ministry is non-responsive, thereby increasing the level of difficulty involved in finding information on these issues. This raises implementation concerns. It is not

⁴⁷ Urgent Action Fund Africa 'ICT and Violence against Women' <https://www.uaf-africa.org/ict-and-violence-against-women/> (Accessed: November 2020)

⁴⁸ UN Women (21 July 2020); 'Take five: Why we should take online violence against women and girls seriously during and beyond COVID-19' <https://www.unwomen.org/en/news/stories/2020/7/take-five-cecilia-mwende-maundu-online-violence> (Accessed: 24 October 2020)

enough to make noble plans, they must be implemented to add value to the ecosystem.

Conclusion

This State of Internet Freedom in Sierra Leone report took a look at important indices of Internet freedom in the country. The report identifies the policy and regulatory framework governing the internet and provides a snapshot of the state of certain rights, notably the right to freedom of expression and the right to privacy.

Access to the internet is unrestricted in Sierra Leone. However, there is concern about the proposed a Cybercrime Bill especially, its perceived deficiency in terms of privacy and data protection.

Lack of digital skills, low income, and low internet penetration were identified among the key barriers to internet access in Sierra Leone. Five percent of monthly income is spent on mobile costs in Sierra Leone which is ranked among the least affordable.

The report also explored the subject of women rights online and identified the lack of gender-disaggregated data and gender-based violence and other forms of digitally-enhanced harassment as an impediment to assessing women's rights online in Sierra Leone. Also, of concern is the wide digital divide between the urban and rural populations, with the latter enduring limited access and lesser speed and connection quality.

Also, while libel has been decriminalised, the Cybercrime Bill contains provisions that can be used to subject journalists to harassment, including criminal prosecution. There is generally a positive outlook for the internet sector in Sierra Leone is ranked among the fastest-growing in Africa.

Recommendations

- i. Further engagement on the Independent Media Commission (IMC) Act is needed:

The government of Sierra Leone took very notable positive steps by repealing the Public Order Act, a law which has been used to violate rights in the past. However, legitimate concerns have been raised about the IMC Act 2020, regarding the power it gives the government to shut down media houses and ban journalists from practicing their profession. The government of Sierra Leone should engage further with the media, human rights groups and the broader civil society community to review these concerns and come up with mutually acceptable outcomes.
- ii. The recent introduction of the Cybercrime bill has raised legitimate concerns about what appears to be an attempt by the government to re-introduce through the backdoor what it had previously abolished under the Public Order Act. Sierra Leone has a chance to get it right from the outset by removing controversial provisions from the proposed law. Sierra Leone can, perhaps, pick one or two things from the Nigerian experience with its cybercrimes law. Passed to solve similar problems, and with shared objectives, the law became a tool for the limitation of privacy and freedom of expression rights in Nigeria. The law with provisions on cyberstalking became a tool in the hands of politicians and powerful people to harass activists, journalists and active citizens. The ECOWAS court has recently ruled that these provisions are unconstitutional urging the Nigerian government to repeal them.
- iii. The government of Sierra Leone should work vigorously towards the expansion of internet penetration in the country in accordance with the stated policy priority objectives of the Ministry of Information and Communications, to facilitate the development of knowledge-based information society. The current state of Internet penetration in the country is very low and deprives the bulk of its citizens, participation in the global digital economy. Further, Sierra Leone must fill its digital skills gap and work towards cost-reduction to ensure affordability. These two hurdles represent the biggest barriers to mobile internet in Sierra Leone and therefore must become policy priorities for the country. The COVID-19 pandemic taught the world an important lesson on the need for affordability and access to Internet access. The digital economy is projected to be worth \$23 trillion

dollars by the year 2025, representing 24.5% of the total global economy from what was just a 16% contribution in 2016. Nations that aren't fully participating in the digital economy are therefore missing out and are at a disadvantage.

- iv. **Gender Disaggregated Data and Policy:** As observed in the report, key data on women's participation online is non-existent. To this end, the government of Sierra Leone is urged to undertake research to get disaggregated data on women's participation online. Also, the ICT Policy and other digital policy initiatives of the government of Sierra Leone must take into account, the unequal participation of women online and therefore must be developed, and revised (where required) to reflect the nuances of gender and other minority groups such as persons living with disabilities and others to amplify their specific needs and makes provision to cater for such need to ensure equity.
- v. The Universal Periodic Review presents an important opportunity for the government of Sierra Leone to receive honest feedback from actors outside of government. Since the country is one of many undergoing the Universal Periodic Review (UPR) at the upcoming 38th session of the United Nations Human Rights Council in May 2021, the government is encouraged to engage with the process with the view to incorporate feedback and recommendations on Internet Freedom from civil society and human right defenders to improve internet freedom and digital rights in the country.
- vi. As a State party to the African Charter, the government of Sierra Leone is urged to leverage the recent declaration of principles on Freedom of Expression and Access to Information in Africa (2019). The declaration contains principles that can help Sierra Leone to strengthen the human rights safeguard for the draft cybercrime bill, the Telecommunications (Subscribers Identification and Registration) Regulation 2020 and any other relevant legislation in Sierra Leone, in a bid to ensure that these legislations don't become tools of oppression and for clampdown on the right to freedom of expression and the rights to privacy.
- vii. It is important for Sierra Leone to enact a Data Protection Law to provide a comprehensive framework for data protection and guarantee privacy protection in the country.



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