



ANNUAL STATE OF INTERNET FREEDOM REPORT IN SIERRA LEONE



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1. Introduction

This report contains an overview of the internet freedom environment in Sierra Leone. It highlights the legislative and policy environment, general issues of access and affordability and discusses relevant interventions or actions undertaken by the regional and global body that has an impact on internet freedom in Sierra Leone.

As the use of the internet has grown exponentially around the world, so have concerns about its defining attribute as a free and open means of communication. Around the world, countries, companies and citizens are grappling with pointed issues of free expression, censorship and trust. With blatantly different visions for the internet developing, this era presents challenges and also opportunities for those who wish to ensure the internet remains a backbone of liberty and economic growth. Indeed, a free, widely accessible internet stands at the heart of both global communication and global commerce. Internet freedom enables dialogue and direct diplomacy between people and civilizations, facilitating the exchange of ideas and culture while boosting trade and economic growth.¹

Internet freedom is an umbrella term that encompasses digital rights, freedom of information, the right to internet access, freedom from internet censorship, and net neutrality. In today's society, more and more fake information is being posted online prompting many people to not believe what they read on the internet. This is troublesome because many people today use the internet for their daily news, as opposed to television and newspaper. This change has continued throughout the past decade and will continue to increase. It allows for the increased flow of information and allows information to be obtained faster than ever before. Events such as elections and disasters are known about within seconds rather than hours or days (Kalathil, 2010).

¹Internet Freedom: A Background Paper https://www.aspeninstitute.org/wp-content/uploads/files/content/images/Internet_Freedom_A_Background_Paper_0.pdf

Sierra Leone began to implement massive transformative programmes in the ICT sector following the end of the country's civil war that completely destroyed its telecommunications infrastructure. Before that, Sierra Leone's first experience with the internet was in 1996 with July 26, 1996 declared as The Internet Day² in the country. It was on that day that the Sierra Leone Telecommunications Limited (SIERRATEL), the country's main telecommunications provider at the time launched the internet in the country allowing users to connect to the internet and communicate/disseminate information via a local area network. It also provided an international gateway for Sierra Leone to communicate with others through the World Wide Web. Needless to say, the internet during those days was a luxury only the government, corporate institutions and the affluent could afford.

The country is now widely connected to the global ICT network, with the existence of four GSM Mobile companies all delivering mobile telephony and mobile data services: SIERRATEL, a semi-autonomous government company; Orange Group that recently bought the Airtel Sierra Leone Company; Africell Sierra Leone, one of the oldest players in the market; and QCELL SL Ltd., a new company whose competitive data prices have completely revolutionized the mobile data landscape. Furthermore, several internet service providers also operate in the country. Since the entry of private operators into the telecoms market in 2000, the telecom sector in Sierra Leone has grown dramatically, with approximately 4 million GSM subscribers using mobile telephone services, including Sierra Leone businesses, government entities and the household sector. Of these, over one million have access to internet services.³ Sierra Leone needs to leapfrog certain technology steps in order to catch up with other nations. It is therefore the desire of the government to make critical use of ICT for economic diversification, stabilization, and growth.⁴ The planned expansion of fiber optic cable across districts in Sierra Leone is set to increase access to

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<https://firstmonday.org/ojs/index.php/fm/article/view/512/433#:~:text=Some%20customers%20have%20expressed%20dissatisfaction,Internet%20Day%20in%20Sierra%20Leone.>

³ DRAFT INFRASTRUCTURE SECTOR POLICY RESEARCH PAPER II (INFORMATION, COMMUNICATION AND TECHNOLOGY, ICT) IDENTIFYING NEEDS FOR ACHIEVING ICT RELATED SDGs9&17, GOVERNMENT OF SIERRA LEONE, 2017 https://mof.gov.sl/wp-content/uploads/2019/02/DraftSierra-Leones-SDGs_SectorResearch_Paper-ICT_Infrastructure.pdf

⁴ Government of Sierra Leone, 2019 SIERRA LEONE'S MEDIUM-TERM NATIONAL DEVELOPMENT PLAN 2019–2023

faster, more powerful internet. Several telecommunication companies also provide internet access via modems.⁵

The Telecommunications Act of 2006 as amended, which establishes the National Telecommunications Commission (NATCOM), provides for the licensing and regulation of telecommunications operators and for the promotion of universal access to basic telecommunication services, fair competition for the benefit of investors, and the users of telecommunication services.

There is also the Sierra Leone Cable Limited (SALCAB), which has now been unbundled to ensure that two separate companies now respectively operate the submarine assets and the terrestrial network. SALCAB was created by the Government as part of the requirement for Sierra Leone to participate in the Africa Coast to Europe (ACE) Consortium that landed the undersea Submarine Fibre Optic Cable. The primary objective was to drive broadband penetration, promote affordability of broadband internet services in the country, and improve the voice and broadband penetration in underserved communities. This has been driven by the desire of the Government to meet the popular aspiration of increasing broadband penetration and enhancing the digital economy as an important part of national development.⁶

The country has passed into law the Cyber Security and Crime Act of 2020. The Act provides ‘for the effective, unified and comprehensive legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes; prevention of the abusive use of computer systems; to provide for the establishment of structures to promote cybersecurity and capacity building; to provide for the timely and effective collection of electronic evidence for the purpose of investigation and prosecution of cybercrime; to provide for the protection of Critical National Information Infrastructure and the protection of computer systems and networks, electronic communications, data and computer programs,

⁵Roberts, G. (2015) Mobile Technology Landscape Report, commissioned by BBC Media Action quoted in COMMUNICATION IN SIERRA LEONE: AN ANALYSIS OF MEDIA AND MOBILE AUDIENCES ANNABELLE WITTELS NICK MAYBANKS, 2016. <https://assets.publishing.service.gov.uk/media/57a0896040f0b6497400004a/mobile-media-landscape-sierra-leone-report.pdf>

⁶Background of SALCAB <https://www.google.com/search?client=opera&q=salcab&sourceid=opera&ie=UTF-8&oe=UTF-8>

intellectual property and privacy rights to provide for facilitation of international cooperation in dealing with cybercrime matters and to provide for other related matters.’ There were lot of concerns about the bill from the media (Sierra Leone Association of Journalists (SLAJ) and the Media Reform Coordinating Group (MRCG)), the civil societies and the Sierra Leone Bar Association to regulate the internet space in Sierra Leone. There were concerns that cybercrime law would restrict freedom of expression and the media, give more power to government officials to intrude on the privacy of citizens and even criminalize mobile phone use. The Ministry of Information and Communication held several consultations with stakeholders assuring them that the regulation of the cyberspace will not hinder the enjoyments of rights, including freedom of expression that is within the confines of the law.

During the development of the cyber security legislation, a lot of reference was made to the Convention on Cybercrime of the Council of Europe (CETS No.185), known as the Budapest Convention.⁷ It serves as a guideline for countries developing comprehensive national legislation against Cybercrime and as a framework for international cooperation between State Parties to this treaty.”

⁷The Budapest Convention <https://www.coe.int/en/web/cybercrime/the-budapest-convention>

2. Findings

This section of the report outlines the analysis of key thematic areas on internet rights within January 2021 to October 2021. They are presented under key findings.

2.1. Internet access

The internet penetration in the country is low. According to the Internet World Stats the internet penetration rate per population of 7,976,983 stood at 13.1 % in 2020.⁸ However, the Digital 2020 Sierra Leone puts the internet penetration in Sierra Leone at 25% in January 2020.⁹ The Digital 2020 Sierra Leone data showed there were 1.99 million internet users in Sierra Leone in January 2020.¹⁰ The same data for 2021 showed that there were 2.39 million internet users in Sierra Leone in January 2021, indicating that the number of internet users in Sierra Leone increased by 399 thousand (+20%) between 2020 and 2021. Internet penetration in Sierra Leone stood at 29.7% in January 2021.¹¹ The data were confirmed by the Ministry of Information and Communication which noted that the 2.39 million (29.7%) internet users in 2021 compared to 370K (6.0%) in 2017 has a growth rate of +20%.¹² There were 8.07 million mobile connections in Sierra Leone in January 2021. The number of mobile connections in Sierra Leone increased by 983 thousand (+14%) between January 2020 and January 2021.¹³ The Ministry of Information and Communication data confirmed the same figure of 8.07 million (99%) mobile connections in 2021 which it compared to the 5.3 Million (70%) in 2017 for which there is a growth rate of +14%.

Internet access in Sierra Leone is increasing since the introduction of 3G cellular phone services across the country and the arrival of the ACE cable in Freetown in the second half of 2011. Freetown has internet cafes and other businesses offering internet access. Problems experienced with access to the internet

⁸ Internet Penetration in Africa- <https://www.internetworldstats.com/stats1.htm>

⁹ Digital 2020 Sierra Leone <https://datareportal.com/reports/digital-2020-sierra-leone>

¹⁰ Ibid

¹¹ Digital 2021 Sierra Leone <https://datareportal.com/reports/digital-2021-sierra-leone>

¹² Progress on the Implementation of the Medium-Term National Development Plan, a presentation by the Ministry of Information & Communications at the 2nd ANNUAL MEDIA RETREAT ON THE MANIFESTO COMMITMENT OF H.E BRIG. RTD J.M BIO on the 25th-28th December 2021

¹³ Digital 2021 Sierra Leone <https://datareportal.com/reports/digital-2021-sierra-leone>

include an intermittent electricity supply and a slow connection speed in especially outside the capital city of Freetown.¹⁴ Although internet connectivity is mostly available in urban areas, the connection speed, service reliability and quality can be a nightmare.¹⁵ This view is shared by many Sierra Leoneans, including those who subscribe for modems but hardly get effective services for some of them.

Most of the people access the internet through mobile phone operators. According to the National Telecommunication Commission (NATCOM), there are four Mobile Network Operators and 17 authorized or licensed operators of Internet Service Providers (ISP). Sierra Leone's mobile cellular network has a coverage of 80.3% of the population.¹⁶

2.2. Internet data cost

With low household income and high poverty levels, internet affordability constitutes a major impediment to internet availability in Sierra Leone. The World Data Lab (WDL) has developed a framework for measuring the number of people left behind in the internet revolution. Within this context of internet poverty, “people who can’t afford a basic package of connectivity—set at 1.5 gigabytes (GB) per month at a minimum download speed of 3 megabits per second (Mbps) (equivalent to 6 seconds to load a standard web page)—are internet-poor”. This poverty measurement framework closely mirrors the extreme poverty line, currently at \$1.90 (2011 PPP), which represents a basket of minimum basic needs (mostly of food, clothes, and shelter).

Mobile phone companies in Sierra Leone offer a number of regular and promotional data plans and packages. The regular plans are generally not affordable to most citizens. For instance, Africell charges mobile broadband subscribers about Le 55,000 which is equivalent to about 5 USD for 2 GB of data while Orange charges \$6 for a 2.5 GB bundle. There are also wireless or Wi-Fi broadband which can cost up to \$50 a month for modems/routers that offer

¹⁴ ["Sierra Leone's costly step into the brave new world of faster internet access"](#), *The Sierra Leone Telegraph*, 5 March 2013.

¹⁵ Interview with Abdulai Kamara, a civil society activist.

¹⁶ Presentation by the Management of the National Telecommunications Commission (NATCOM) at the Ministry of Information And Communications Media Retreat - 25th-28th December 2021

speeds of about 3MBPS.¹⁷ However, there are also special promotional plans designed to address issues of affordability. Most providers offer special social media bundles that allow users to access social media applications like WhatsApp, Facebook and Twitter at reduced rates. These services come in 'daily' packages with costs starting from \$0.036 to \$0.040, weekly packages starting at \$0.18 to monthly packages starting at \$4.94.¹⁸ These are the lowest rates among the four mobile telecommunication companies. However, in terms of quality of service, these plans offer considerably lower and frustrating speeds.

2.3. Surveillance

Sierra Leone's constitution and laws provide for the right to privacy of individuals as well as freedom of speech and the press, and the government generally respects these rights. However, the country also has several laws in her books that give the government enormous powers to surveil citizens through communication interception and broad access to citizens' personal data held by telecommunications companies, banks etc. For instance, Section 15(1) of the recently passed Cybersecurity and Crime Act, 2021 empowers a judge to order the collection, recording or interception of specific communication for the purpose of investigation of felonious offences and for international cooperation. Section 13(1)(b) of the Anti-Money Laundering and Combating of Financing of Terrorism Act allows the country's Financial Intelligence Unit to "request and obtain any information that it considers relevant to an unlawful activity, money laundering activities or financing of terrorism and that is publicly available, including commercially available databases or information that is collected, or maintained or stored in databases, maintained by Government Ministries, Departments and Agencies." Subsection c of the same Act empowers the FIU to obtain similar data from reporting entities which includes banks and financial institutions.

Furthermore, Section 21(1) of the National Security and Central Intelligence Act also empowers the Office of National Security (ONS) to intercept communication of national security interests through a warrant. Although such an application for

¹⁷ Analyses the figures from internet rates in Sierra Leone

¹⁸ The figures are calculated from the charges of the mobile telecommunication companies.

a warrant according to Section 22 of the same Act requires a specification of the identity of the person whose communication is to be surveilled, the duration as well as a justification, in a country that lacks robust laws for data privacy and protection, it is not unreasonable to assume that the government can use these provisions to arbitrarily spy on critics, opposition politicians and journalists. Moreover, most surveillance activities are done without any oversight mechanisms. There are no existing laws that mandate the publication of reports or summaries of surveillance activities carried out by law enforcement or security agencies.

Other legislations including Section 19 of the Telecommunications Subscribers Identification and Registration Management Regulations 2020 makes provision for access by “authorized” persons to subscriber data stored in a central electronic database of communications service subscribers, known as the central subscriber information database. Worryingly, Sierra Leone’s telecommunications regulations do not explicitly specify the production of a warrant as a prerequisite for ‘lawful interception’ or access to subscriber data.

Surveillance can become a powerful tool for limiting internet freedom, especially freedom of expression online. According to the 2021 State of Internet Freedom in Africa report by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), surveillance has become a principal threat to digital rights in Africa, a weakening force to civil society and independent voices, and ultimately a driver of authoritarianism. Thomas Moore-Conteh¹⁹, a digital rights advocate in Sierra Leone argues that the absence of comprehensive laws on Data Protection and Privacy in Sierra Leone exposes the privacy of citizens to surveillance or even more nefarious acts by government or mischievous individuals or entities.

The 2020 US Department of State Country Reports on Human Rights Practices noted that there were credible reports that the government monitored private online communications without appropriate legal authority.²⁰

¹⁹ Executive Director, Citizens Advocacy Network (CAN)

²⁰ 2020 Country Reports on Human Rights Practices: Sierra Leone

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

MARCH 30, 2021 <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sierra-leone/>

2.4. Data protection and privacy

There is still no data protection law in Sierra Leone. According to the Ministry of Information, the Data Protection and Privacy Law is at the stakeholders' consultation stage.²¹ The absence of comprehensive legislation for data protection and privacy is one of the defaults in the interconnected digital environment which has exposed individual, organizations and Government to lots of risk..²² There are concerns about the draft policy/law on privacy. In a letter dated 24th February 2020, the Right to Access Information Commission (RAIC) drew the attention of the Minister of Information and Communications to a so-called data protection policy/ law. In that message, the RAIC called for a multi-sectoral approach in developing the document.²³

However, the need for data protection in Sierra Leone is increasingly recognized as telecommunication companies and Internet Service Providers (ISPs) say they apply strict restrictions to ensure their customer details are protected. According to Orange²⁴ Customer Service Intelligence, Milton S. Samura, they maintain a high level of confidentiality; customers' details are highly classified and they are not even exposed among staffs. "We also have a legal system that deals with customer Data Protection and Privacy in the company", he said.²⁵ He explained that for an individual to request for their own data, history or any information, the persons will have to first go the CID and make the request given a valuable reason and CID will now send an email to the corporate social responsibility officer in request of the information on the individual's behalf. They will have to check if the person requesting is the actual owner in their registration details. In the case of requesting for someone else's information the request will not be granted. However, he admitted that the State could request subscriber information from Mobile Network Operators in writing, with such a

²¹ Progress on the Implementation of the Medium-Term National Development Plan, a presentation by the Ministry of Information & Communications at the 2nd ANNUAL MEDIA RETREAT ON THE MANIFESTO COMMITMENT OF H.E BRIG. RTD J.M BIO on the 25th-28th December 2021

²² Interviews with CSOs

²³ Annual Report of the RAIC, 2019-2020 <https://raic.gov.sl/images/raic-Annual-report-2019-2020-print-d2.pdf>

²⁴ Orange Telecommunications Company is one of the local mobile phones companies in the country.

²⁵ Interview conducted by Jonette-Ann Greene with Mr. Milton S. Samura, a staff from the Customer service intelligence Department of Orange (SL) Ltd on data protection.

request specifying the reason for the request and bearing the signatures of the Director-General of the National Telecommunications Communication (NATCOM), the Inspector General of Police, and must be approved by the Ministry of Information and Communication before the requested information is provided.

Qcell (SL) Limited²⁶ Code of Conduct states that “We are aware of the risks which electronic data processing and electronic communication entail with regard data security and the protection of privacy. We comply with all corresponding statutory regulations in this respect. Personal data may only be acquired, processed or used if there are clearly defined, legitimate reasons for doing so. It must be ensured that personal data is safely stored at all times and is only forwarded to other persons if the necessary precautionary measures have been taken.”

Data protection and privacy constitute a critical human rights concern contained in the Malabo Convention and several other treaties to which Sierra Leone is a signatory. Sierra Leone MUST therefore, expedite effort to ratify the Malabo Convention and enact a Data Protection Law.”²⁷

2.5. Internet shutdowns

There is very little recent evidence of the government actively using internet shutdowns as a means of limiting internet freedom. The last internet shutdown in the country was in March 2018, shortly after voting in the 2018 presidential runoff elections closed. It is not however unreasonable to fear that the current regime could employ a similar tactic to curtail freedom of expression and access to information in the 2023 elections. Moreover, internet disruptions are a somewhat frequent occurrence in Sierra Leone and are sometimes caused by lack of electricity supply, and connectivity challenges by the service providers. For instance, Orange Sierra Leone’s internet service was recently disrupted for more than eight hours without any notice. The company later released a statement stating that its major fiber optic installation in Freetown was

²⁶ Qcell Telecommunications Company is one of the local mobile phones companies in the country.

²⁷ Thomas Moore-Conteh , Executive Director, Citizens Advocacy Network (CAN)

destroyed in a major motor vehicle accident. Service was subsequently restored and some data compensation provided to users. There have been similar extended service disruptions involving the other mobile network operators. Sierra Leone internet providers have been generally unable to provide reliable internet connectivity to the vast majority of citizens.²⁸ This vulnerability or inability to consistently provide stable internet could easily be exploited for political gains.

2.6. Introduction of repressive laws and other mechanisms adopted by the government and other stakeholders to restrict or enhance internet freedom in the country

On repressive laws, Sierra Leone made strides to remove obnoxious laws such as Part V of the Public Order Act from its books. The country has also made notable gains in guaranteeing press freedom as reflected in the country's improvement in the World Press Freedom Index in 2020. But there are several existing laws in our books that help shrink the digital space in very significant ways. For instance, Acts, such as the National Central Intelligence Act and the 2020 Telecommunications Regulations contain provisions that authorize surveillance and interception of communication of citizens. In many cases, these provisions are very broad and do not provide solid mechanisms for redress in the case of abuses.

When the country announced plans for the introduction of a cybersecurity legislation, many people feared it was another attempt to stifle dissent and limit freedom of expression online. The bill drafting process was however subjected to a fairly broad public consultation process that resulted in a final Act that addressed many of the misapprehensions with the initial drafts. The government in 2021 passed the Cyber Security and Crime Act, 2021. The Act seeks "to provide for the effective, unified and comprehensive legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes; prevention of the abusive use of computer systems; to provide for the establishment of structures to promote

²⁸ Interviews with CSOs

cybersecurity and capacity building; to provide for the timely and effective collection of electronic evidence for the purpose of investigation and prosecution of cybercrime; to provide for the protection of Critical National Information Infrastructure and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights to provide for facilitation of international cooperation in dealing with cybercrime matters and to provide for other related matters.” The President stated at the signing ceremony that “As we embrace digital technologies and participate in that digital space, we must also invest in digital infrastructure and introduce the required legal and regulatory reforms to support that participation. We must tackle questions of access and inclusion but also deal with digital freedoms and rights. We must also prioritize the safe and secure uses of digital technologies so that digital technologies support inclusive national development.” The President praised civil society organizations, the press, citizens, for their immense contributions to shaping the final product of the bill and thanked them for their ideas, thoughts, and perspectives. The law has been viewed by stakeholders and individuals as a means to restrict internet freedom in the country. But the Government through the Ministry of Information has been giving assurance that the law is about ensuring rights and obligations in the digital space.

The misuse of internet and social media is the order of the day, which has interfered with the digital convenience of lot of people, especially the youth.²⁹ The violations of internet rights in Sierra Leone are mostly along political issues. Tense social media exchanges characterized by unrestrained use of invectives and other cyber bullying techniques are a dominant feature of both intra and inter-party politics. There are innumerable insulting comments contained in WhatsApp audios, Facebook comments and similar conduits targeting the President³⁰, Opposition leaders³¹, the First Lady³², civil society activists and journalists.

²⁹ Interviews with CSOs

³⁰ <https://www.facebook.com/1035837491/posts/10224000686858425/>,
<https://www.facebook.com/1035837491/posts/10224001682203308/>

³¹ <https://www.facebook.com/groups/dawish25/permalink/4625822884130107/> ,
<https://www.facebook.com/100000601537443/posts/5189546254408708/>,

<https://m.facebook.com/groups/159867534148304/permalink/2134396946695343/>
³² <https://m.facebook.com/groups/1830390163936384/permalink/2775813466060711/>

There is also a general trend of individuals attacking others for their posts on digital platforms.³³ Within this context, several, popular (perhaps notorious) political commentators or more precisely social media vigilantes have emerged across both sides of Sierra Leone's political divide.

While efforts have been made by the government to eliminate laws that stifle freedom of expression and shrink the digital space, there are several evidences of journalists and activists being arrested, beaten, intimidated or receiving threats for expressing themselves online or doing their work. In April 2021, the Media Reform Coordinating Group (MRCG), the Sierra Leone Association of Journalists (SLAJ) and an international partner signed a petition³⁴ calling on the Sierra Leonean Government to end the prosecution of Fayia Amara Fayia, a journalist with the Standard Times newspaper who was being prosecuted in connection with his work.

In October this year, the entire staff of the Star Radio station, including its proprietor, Philip Neville, a fierce critic of the government, were arrested and detained at the CID in Freetown on allegations of illegal abstraction of electricity. The Police would later release the detained staff with the exception of the Proprietor and the Station Manager. The Local rights group, Legal Link immediately took to Twitter to call for their release citing the need for the authorities to respect freedom of expression.

According to the National Cyber Security and Data Protection strategy 2017-2022, "The Government of Sierra Leone has now seen cyber threats as part of its routine concerns and poses a greater risk to the state of Sierra Leone".

³³ <https://www.facebook.com/622154410/posts/10160549122439411/>

³⁴ <http://mrcgonline.org/index.php/impact-resources/177-petition-to-drop-case-against-journalist-fayia-amara-fayia>

2.7. Gender-based gaps in internet-related policy

Despite making up more than 50% of the country's population, women in Sierra Leone are disproportionately less likely to own a smartphone or use the internet compared to men. A 2021 poll³⁵ by the Institute for Governance Reform indicated that only 46% of women in Sierra Leone owned a mobile phone while 56% of men possessed either basic or feature phones or a smartphone. This digital divide affects women's ability to fully benefit from the enormous opportunities available in the digital space including access to information or education or financial services. Additionally, in comparison to men, women generally lack the digital literacy and skills required to safely and fully participate online. A number of organizations including the Media Foundation for West Africa (MFWA) have been trying to address this digital literacy gap through tailored training programs for women. In 2021, MFWA provided digital rights advocacy training to 225 female journalists, bloggers and activists in Ghana, Liberia and Sierra Leone.³⁶

Beyond inequality of access and digital capacity gaps, another area of concern for women's digital participation is gender-based online violence. There is a paucity of data and published materials on this subject, but women and girls routinely report being victims of online sexual harassment, cyberbullying, online mobbing and occasionally sextortion. It is not uncommon to find leaked sex tapes on social media platforms in Sierra Leone.

³⁵ <http://igrsl.org/wp-content/uploads/2021/06/Presentation-Cybercrime-and-COVID.pdf>

³⁶ <https://www.mfwa.org/issues-in-focus/reducing-the-gender-digital-inequality-in-west-africa-heres-how-we-are-responding/>

3. Conclusion/Recommendation

The report has outlined the internet freedom environment in Sierra Leone with specific reference to the legislative and policy environment, access and affordability, data protection and safety in the digital space. The recently enacted Cyber Security and Crime Act, 2021 law is considered as one that will affect internet freedom. A data protection law is absolutely important for making the digital space safer, promoting consumers and creating the right ecosystem for digital entrepreneurship to thrive. A personal data protection law will provide a comprehensive arrangement for guaranteeing the privacy of citizens both online and offline in accordance with Section 22 of the Sierra Leone Constitution. The government's failure to pass a data protection law alongside the cybersecurity legislation raises serious questions about the government's commitment to fully promoting citizens' digital rights. The absence of a data protection law continues to create a regulatory gap that significantly undermines citizens' data, consumer protection and potentially opens the door to data exploitation by private entities and government agencies alike. It means citizens' data can be manipulated, abused or breached without any proper redress mechanisms. Data protection is also fundamentally linked to press freedom. In the absence of a data protection law, as is currently the case in Sierra Leone, journalists, activists and ordinary citizens who are critical of the government can readily be targeted through sophisticated surveillance mechanisms that generally violate basic data privacy and protection conventions.

While there is very little recent evidence of government actively using internet shutdowns as a means of limiting internet freedom --the last internet shutdown in the country was in March 2018, shortly after voting in the 2018 presidential runoff elections closed--, it is not however unreasonable to fear that the current regime could employ a similar tactic to curtail freedom of expression and access to information in the 2023 elections.

Notwithstanding the many reforms in opening up the digital space and promoting freedom of expression, challenges still persist. There are several existing laws in our books that help shrink the digital space in very significant ways. Sierra Leone must therefore continue to take steps to make access to the

internet safer and more affordable for all. Additionally, there is a need for more awareness-raising targeting citizens. It is important that citizens have a basic understanding of their rights and responsibilities online.

4. Recommendations

Since Data privacy is intrinsically linked to internet freedom and freedom of expression online, Sierra Leone should expedite the legislation of a data protection law through a transparent and consultative process. There should be a stakeholders working group to develop a data protection law. This will help to address any possible conflict and concerns that may emerge when the law is developed.

- ✓ The government (including their respective ministries, departments, and agencies - such as security agencies as well as regulatory bodies) should ensure that the rights of people in the digital space are protected at all times. The government should ensure full commitment to abiding by all international agreements and policies on digital rights and freedom of expression. This will ensure that government matches its words with positive actions.
- ✓ Regional and international blocs including AU, UN, and ECOWAS should be clear about the rationale and limit of cyber security laws. This is because there are references to documents of those institutions by national governments while developing their cyber security laws. Such a move would address any wrong interpretation and enforcement of the said laws by national governments. It will also further reinforce the points that such rights and responsibilities are not limited to a particular country.
- ✓ Business community/industry players such as telecommunication operators should ensure the protection of subscribers data. The business community and the industry players have been accused of taking little or no action in protecting both the cyberspace and ensuring the freedoms of individuals. Since the business community and the industry players provide access, there also have a responsibility to ensure sanity in the digital space.

- ✓ Social media companies like Facebook and WhatsApp should do more to discourage the use of their platforms for attacks and the spreading of fake news and misinformation in the digital space. There are concerns that without the platforms, there would be no misuse of the digital space. However, it is strongly recommended any form of regulation by social media companies should hinder the enjoyment of fundamental human rights, including freedom of expression.

- ✓ To increase internet access especially for rural communities, Sierra Leone should improve transparency with the administration of the Universal Access Development Fund, aimed at promoting access in underserved areas. While the Fund has rolled out various access projects towards increased connectivity including the roll out of community access centers, ICT accessibility for persons with disabilities, internet connectivity for schools and tertiary institutions and promotion of local content, among others, there have however been reports of misappropriation of universal access funds - with a 2019 audit revealing that funds earmarked for infrastructure were instead used to cover NATCOM salaries.

- ✓ Civil society organizations should continue to monitor and advocate for digital rights in the country. This will first require their increased knowledge of the internet and digital rights-related issues which are still at their embryonic stage in the country. They will also need improved advocacy skills on digital rights.

- ✓ The media should continue to report on and follow up on cases on digital rights. The media institutions are also affected by the same digital rights issues, including attacks and intimidation. The media institutions should organise training programmes to build the capacity of journalists to effectively report and monitor digital rights.

- ✓ The public should desist from posting and distributing unethical and derogatory content in the digital space. There is a growing trend of cases and instances of abuse of the digital space. If such acts continue, they will undermine advocacy efforts on freedom of expression, including internet and digital rights. Governments will use the instances of unethical behaviours as reasons to develop and propagate repressive laws on freedom of expression.
- ✓ Specific policies designed to reduce the gender digital divide should be pursued. More capacity development programs in digital literacy for women are needed. This will help to enhance women's ability to fully benefit from the enormous opportunities available in the digital space including access to information.

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