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DE DÉVELOPPEMENT

Report on digital freedoms

in French-speaking
African countries

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Glossary

CIPESA: Collaboration on International ICT Policy for East and Southern Africa.

DNS: Domain Name System (DNS) censorship is a method used to prevent access to certain websites by blocking access to their Internet Protocol (IP) address. Authorities or Internet Service Providers (ISPs) can use this method by modifying DNS records to redirect domain name requests to an error page or another blocked IP address. As a result, users cannot access blocked websites because their browser cannot find their IP address. This is an easy method to implement on the censor's side, and is therefore widely used.

DPO: Data Protection Officer, also known as *Délégué à la Protection des Données personnelles* (DPO) is a person ensuring compliance with the rules of personal data protection within an organization.

GIZ: *Deutsche Gesellschaft für Internationale Zusammenarbeit*. This is the German international development cooperation agency.

GNI/capita: GNI per capita is the country's GNI divided by the country's population. GNI is defined as GDP plus net income received from abroad for the compensation of employees, property and net taxes and subsidies on production.

HRW: Human Rights Watch, an international Non-Governmental Organization (NGO).

ICT: Information and Communication Technologies. The data-processing equipment and techniques enabling remote communication via electronics.

ITU: The International Telecommunication Union is the United Nations development agency specializing in information and communication technologies.

Malabo Convention: African Union convention on cybersecurity and personal data protection. This convention aims to strengthen and harmonize the current legislation of member states on ICT.

MFWA: Media Foundation for West Africa, an international NGO.

Net neutrality: The founding principle of the Internet which guarantees the equal treatment and routing of all information flows, regardless of their sender or recipient.

USAID: United States Agency for International Development.

VPN: Virtual Private Network allows devices to exchange information in a secure and anonymous way. This tool, for instance, allows you to bypass the online censorship of a country by creating a secure network between devices and a network or between networks which hides the country from which you are accessing Internet sites from.

White zone: A territory not covered by a cell phone or Internet network.

Report 2023 on digital freedoms in French-speaking Africa

As digital pervasion increases in African countries, its citizens face **growing risks and challenges**. Beyond the easy access to knowledge, such as online encyclopedia **Wikipedia**, and to tools associated with entertainment, such as **YouTube**, and sociable uses, via **social networks**, digital technology offers an **unprecedented space for democratic expression**. However, online civic spaces are under threat.

Several governments have enacted vaguely defined laws enabling random arrests. Several countries have implemented **repressive practices** that **restrict freedom of expression and access to information**. What is called «**digital authoritarianism**» is on the rise as evidenced by the growing number of Internet blackouts orchestrated across the African continent. Therefore, more than ever **Francophone–African countries** are facing pivotal choices in building a **cyberspace that respects digital freedoms**⁽¹⁾ and meets the needs of their citizens. Indeed, the resolution adopted in 2016 by the United Nations Human Rights Council defines **Internet access as a fundamental global right**.

Digital freedoms represent the **individual and collective liberties** associated with the digital world. These freedoms include the **right to control the software** on one's electronic devices (free software), the **right to privacy** and the **protection of one's Software Freedom**, and the **freedom to inform and communicate** (Internet freedom) without being monitored or censored.

In a world where digital technology is omnipresent, digital freedom is an indispensable condition for the exercise of fundamental rights. The digital freedom movement

is critical of the digital world as it has been dominantly deployed, and its recurring demands are for a free, open, decentralized, and surveillance-free Internet, as opposed to an Internet dominated by closed, centralized, proprietary platforms whose business models are based exclusively on advertising profiling. In particular, this movement opposes the emergence of aggressive practices and legislation instrumentalized against civil society: government-organized Internet shutdowns, the censorship of news sites and online social networks, and citizen arrests for online publications (freedom of speech). This trend is accelerating within francophone countries in Africa.



A recent UN report highlights the «dramatic effects» of Internet access cuts depriving millions of people from participating in democratic debates, and from accessing essential services linked to **education, health, and work.⁽²⁾**

⁽¹⁾ The right to privacy and the fight against mass surveillance by the state and corporations, and freedom of online expression. Complementarily, we can include free software, knowledge contribution and digital commons.

⁽²⁾ OHCHR. «Internet cuts: UN report explains 'dramatic' effects on people's lives and human rights». Accessed January 1, 2023. <https://www.ohchr.org/fr/press-releases/2022/06/Internet-shutdowns-un-report-details-dramatic-impact-peoples-lives-and-human>.

Many organizations are working toward the emergence of a cyberspace that respects digital freedoms. These organizations are active internationally (Access Now, Article 19, Association for Progressive Communication, Internews, etc.) and regionally (CIPESA, Paradigm Initiative, Pollicy, etc.). However, they operate mainly in the English-speaking world and struggle to carry out actions in favor of digital freedoms in French-speaking African countries. As a result, little knowledge has been gathered on the state of digital freedoms in French-speaking African countries. This is evidenced by the number of French-speaking African countries covered by the *Freedom of the Net study*.⁽³⁾ Of the 17 African countries covered by the study, only three are French-speaking (Morocco, Tunisia and Rwanda). English-speaking countries in Africa have significantly more coverage. Other benchmark studies on digital freedoms omit French-speaking African countries. *The African Digital Rights Network* has published several comparative studies on digital freedoms in Africa. In their studies entitled *Surveillance Law in Africa: a review of six countries* and *Digital Rights in Closing Civic Space: Lessons from Ten African Countries*, only two franco-phone countries are covered: Senegal and Cameroon. There are nevertheless regional organizations that provide studies on digital freedoms in French-speaking African countries.

However, the data remains fragmented—many countries are excluded from these reports—and are updated sporadically. The regional organization Collaboration on International ICT Policy for East and Southern Africa (CEPISA) covers mostly English-speaking countries in East and Southern Africa. It has published several studies on French-speaking countries (Senegal, Chad) but these studies date from 2019, and have not been updated since. The same is true for Paradigm Initiative.



Currently, **no organization exists that conducts an annual assessment of digital freedoms in all French-speaking African countries.** However, establishing a **state of play** is the **first step necessary to build a cyberspace that respects digital freedoms.**

⁽³⁾ Freedom House, an American NGO, publishes an annual study on the global state of digital freedoms. It is the most comprehensive comparative study on digital freedoms.

Methodology

The objective of this study is to compose an inventory of digital freedoms in 26 French-speaking countries in Africa. This report aims to complete the annual *Freedom of the Net* study by including countries that have not been covered until now. To allow a comparison to be made between countries, we followed the methodology defined by Freedom House. However, due to time and resource constraints, it has been simplified.

We have therefore focused on the most important questions that allow us to formulate an inventory of the digital freedoms of a country (see appendix). We also decided to add two questions: One on digital skills and the other on the organization of civil society in favor of digital freedoms. These questions served as a guideline for our research and interviews.

In order to research breaches of cyberspace freedoms in Francophone Africa, according to the defined methodology, we relied on some individual country reports published by CIPESA, Paradigm Initiative, and the Media Foundation for West Africa (MFWA), among others. We also compiled missing data for countries that were not covered by open source research. In parallel, we conducted 40 interviews with local experts on digital freedoms as well as with organizations working at international and regional levels, during the months of October 2022 and January 2023. During these semi-structured interviews, we addressed three themes: Barriers to access, limitations on online content, and violations of users' rights. In order to guarantee the safety of our interlocutors, all interviews have been anonymized.

Finally, based on the above research and interviews, we assigned a score for each question and established an overall score for "the state of digital freedoms" in the countries concerned. Thus, each country's overall score has been assigned accordingly:

Score A

Digital freedoms are respected and the country is considered **free**. The country's score must be between **81 and 100 points**.

Score B

Digital freedoms are partially respected and the country is considered **partially free**. The country's score must be between **56 and 80 points**.

Score C

Digital freedoms are particularly in **trouble** in the country concerned and the country is considered **partially non-free**. The country's score must be between **31 and 55 points**.

Score D

Digital freedoms are in **serious trouble** in the country concerned and the country is considered **non-free**. The country's score must be between **0 and 30 points**.

This study yielded the following overall results for the countries concerned, details of which are given in the appendix.

The state of digital freedoms in French-speaking Africa

| COUNTRY | SCORE | STATUS |
|----------------------------------|-------|--------------------|
| Algeria | C | Partially non-free |
| Benin | B | Partially free |
| Burkina Faso | C | Partially non-free |
| Burundi | D | Non-free |
| Cameroon | D | Non-free |
| Central African Republic | D | Non-free |
| Chad | D | Non-free |
| Comoros | B | Partially free |
| Democratic Republic of the Congo | C | Partially non-free |
| Djibouti | D | Non-free |
| Equatorial Guinea | D | Non-free |
| Gabon | C | Partially non-free |
| Guinea | C | Partially non-free |
| Ivory Coast | B | Partially free |
| Madagascar | C | Partially non-free |
| Mali | C | Partially non-free |
| Morocco | B | Partially free |
| Mauritius | A | Free |
| Mauritania | C | Partially non-free |
| Niger | B | Partially free |
| Republic of the Congo | C | Partially non-free |
| Rwanda | D | Non-free |
| Senegal | B | Partially free |
| Seychelles | A | Free |
| Togo | C | Partially non-free |
| Tunisia | B | Partially free |



Algeria

A. Barriers to access

1. Do infrastructure or government limitations restrict Internet access or the speed and quality of Internet connections?

(8-10 points)

Internet pervasion continues apace. **The proportion of Internet users increases from 43% to 63% between 2016 and 2020** (ITU, 2023). The ITU estimates that **88%** of Algerians own a cell phone (2018), and that **98%** of Algerians are **covered by a cellular network**, and **98%** benefit from a **3G mobile network**. In Algeria there are **106 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and **98 mobile Internet subscriptions** per 100 inhabitants in 2020. **Seventy-four percent** of households **have Internet access** in 2018. There is also a significant difference in terms of gender as **55% of men are Internet users versus 43% of women** in 2018.⁽⁴⁾

2. Do legal, regulatory, or economic barriers exist that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(9-10 points)

Internet access prices are affordable for Algerians: **a mobile subscription with 2 GB Internet represents 1.9% of GNI/capita** in 2021. **81%** of urban households **have Internet access** compared to **60%** of rural households in 2018. The issue of the digital divide is slowly emerging but seems to remain at the discursive stage.⁽⁵⁾

⁽⁴⁾ ITU. «Digital Development Dashboard: Algeria». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽⁵⁾ El Watan. «First Edition of Build Tomorrow: The Need to Reduce the Digital Divide». Accessed February 5, 2023. <https://elwatan-dz.com/premiere-edition-de-build-tomorrow-la-necessite-de-reduire-la-fracture-numerique>

3. Are there any digital skills development policies in the country?

(2-5 points)

The government launched a portal of **300 dematerialized public services from 29 ministerial departments** in December 2022.^{(6) (7)} **Eighteen percent** of individuals **have basic digital skills**, **12% have standard skills** and **7% have advanced skills** in 2018 (ITU, 2023). **Thirty-seven percent** are therefore **comfortable with digital technology** compared to **63% who are not** (ITU, 2023). The dematerialization of administrative procedures carries a risk excluding citizens. There is currently no national strategy for digital inclusion.

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(4-17 points)

Since 2018, the government has been regularly organizing national Internet blackouts during national exams, following episodes of cheating in 2016 via electronic devices. **Internet access via mobile networks was cut off** on June 6 and June 8, 2022, and **access to Facebook** was during patent exams.⁽⁸⁾⁽⁹⁾ Interviewees note the requirement to use **VPNs to access a working Internet in June 2022**.

The websites of some media and opposition organizations began to be blocked in 2010, and these blockages have increased since 2019 with the emergence of **the Hirak movement**. The latter is opposed to the continued power of **Abdelaziz Bouteflika** and his regime, later embodied by **Abdelkader Bensalah** and **Abdelmadjid Tebboune**, and claims the establishment of a **Second Republic** of Algeria. In 2010, **Radio Kalima** was the first website to be censored, in 2016 **Radio of the Voiceless'** website was censored, and the website for the **Movement for Self-Determination of Kabylia** (MAK) in 2017.⁽¹⁰⁾ This media attack continued with the sites Casbah Tribune, Tariq News and Twala.info were temporarily blocked in December 2021.⁽¹¹⁾ Media sites Radio M and Maghreb Emergent were blocked in January 2023, while Ihsane El Kadi, the founder of these two sites, was arrested the night of December 23, 2022.⁽¹²⁾

In addition, the government exercises **significant Internet and social networks** (Freedom House) **surveillance**, with highly developed listening and interception tools, especially since the presidential decree for the implementation of cybercrime prevention.

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(5-18 points)

The **Algerian Constitution** guarantees **access to information** (Article 55) and **freedom of the press** (Article 54), so **digital freedoms** should be **guaranteed by law**. Nevertheless, regulatory mechanisms amplify liberticidal texts, including the presidential decree on the prevention of cybercrime.

Algerian authorities do not generally use freedom of expression or digital freedom laws to prosecute activists, but rather appeal to **Article 87bis** of the penal code. Prosecuted activists are therefore treated as common law prisoners rather than prisoners of conscience or political prisoners. This Article defines the «crime of terrorism», which is broadly defined to include any kind of action against state symbols and collaboration with foreigners. The use of Internet networks and the dissemination of information are qualified as terrorist acts in this sense.

In addition, the 2020 reform of the criminal code criminalizes the dissemination of «fake news» and «hate speech» that are aimed at undermining «state security and national unity» and «national order and security,» resulting in prison sentences of one to three years.⁽¹³⁾

⁽⁶⁾ Njoya, Samira. «Algeria: government portal, with more than 300 digitized public services, is launched». Accessed January 8, 2023. <https://www.wearatech.africa/fr/fils/actualites/gestion-publique/algerie-le-portail-gouvernemental-avec-plus-de-300-services-publics-numerises-est-lance>.

⁽⁷⁾ «Government Portal of Public Services-Home». Accessed January 30, 2023. <https://bawabatic.dz/?&lang=fr>

⁽⁸⁾ SMEX. «The Cost of Internet Shutdowns». SMEX (blog), June 17, 2022. <https://smex.org/the-cost-of-internet-shutdowns/>

⁽⁹⁾ The Cloudflare Blog. «Exam Time Means Internet Disruptions in Syria, Sudan and Algeria». June 14, 2022. <http://blog.cloudflare.com/syria-sudan-algeria-exam-internet-shutdown/>

⁽¹⁰⁾ Ferhat, Yazid. «Algeria: The websites of the MAK and its agency Siwel blocked». Maghreb Emergent (blog), July 29, 2017. <https://maghrebemergent.net/algerie-les-sites-web-du-mak-et-son-agence-siwel-bloques/>

⁽¹¹⁾ TV5MONDE. «Algeria : ces médias en ligne cibles de blocages temporaires ou permanents». December 4, 2020. <https://information.tv5monde.com/afrique/algerie-ces-medias-en-ligne-cibles-de-blocage-temporaires-ou-permanents-386430>

⁽¹²⁾ TSA. «Blockage of Radio M and Maghreb Emergent: journalists denounce». January 23, 2023. <https://www.tsa-algerie.com/blocage-de-radio-m-et-maghreb-emergent-les-journalistes-denoncent/>

⁽¹³⁾ «Algeria | RSF». Accessed January 30, 2023. <https://rsf.org/fr/pays/alg%C3%A9rie>

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

Since the emergence of the **Hirak movement** in 2019, arrests and the intimidation of journalists, activists, human rights defenders, and members of the opposition have increased. Media outlets are also facing intimidation and legal proceedings. For instance, **Journalist Khaled Drareni** received a six-month suspended prison sentence in March 2022 for «inciting an unarmed gathering» and «undermining national unity» while covering the Hirak protests in March 2020⁽¹⁴⁾ The **journalist Mohamed Mouloudj**, incarcerated for 13 months in the prison of Koléa, was sentenced on October 18, 2022, to two years in prison, including one year for being a member of a terrorist organization after requesting an interview from an sending a text message to an opponent of the MAK for **the newspaper La Liberté**.⁽¹⁵⁾ In November 2022 journalist Belkacem Houam of the Arabic-language daily **Echorouk** was sentenced to one year in prison for an article about the export of Algerian dates. He was prosecuted for «illegal speculation», «dissemination of false information undermining public order» and «dissemination of false or slanderous information knowingly propagated in the public in order to cause a disruption of the market and a sudden and unjustified price increase».⁽¹⁶⁾ Another example is the arrest and pre-trial detention of **journalist Ishane El Kadi** (founder of Radio M and the business media outlet Maghreb Emergent) for illegal fundraising, and allegedly undermining state security in December 2022.⁽¹⁷⁾

These arrests and convictions add to a particularly difficult context for the independent press. The daily *La Liberté* ceased operations in April 2022 as a result of financial difficulties and pressure, and an attack on the majority of the press (censorship) by **the European Union and the NGO RSF**.⁽¹⁸⁾ Similarly, **the newspaper El Watan** faced serious financial difficulties as its bank accounts were blocked due to a dispute with the tax authorities and the bank.⁽¹⁹⁾ In addition, **RSF** notes online campaigns of threats and harassment against journalists suspected of being close to the Hirak movement.⁽²⁰⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(4-20 points)

There are **no organizations specialized in the defense of digital freedoms** in Algeria. The Algerian context is difficult, marked by the dissolution of traditional human rights organizations. **The Algerian League for the Defense of Human Rights**, founded in 1985 and affiliated with the **FIDH**, was dissolved in January 2023.⁽²¹⁾ It learned about its dissolution through social media and had not received either an indictment or a summons.⁽²²⁾ Only the Collective for the Defense of Prisoners of Conscience remains, which acts on behalf of prisoners of conscience, particularly members of the Hirak.

The NGO Article 19, which has an office in Tunisia, monitors and exchanges information with human rights defenders, particularly around digital freedoms. Funding by **foreign organizations is prohibited in Algeria** and human rights activists who go to Tunisia or France for training are sometimes arrested upon their return.

The **#NotACrime** campaign was launched in May 2022 to denounce attacks on civic space and fundamental freedoms. It brings together **many international human rights organizations** (e.g., Article 19, HRW, Amnesty), **Algerian unions, and local Algerian organizations**.⁽²³⁾

Due to the delicate relations existing between France and Algeria, to achieve a peaceful relationship it is important to involve activists and organizations in a framework of dialogue with the regime and to avoid confrontation. Thus, it is more appropriate to **promote the upgrading of legislation** than a more aggressive approach which would jeopardize the current status of organizations acting within Algeria.

⁽¹⁴⁾ TV5MONDE. «Algeria : la peine du journaliste Khaled Drareni réduite à 6 mois de prison avec surpris». March 3, 2022.

<https://information.tv5monde.com/afrique/algerie-la-peine-du-journaliste-khaled-drareni-reduite-6-mois-de-prison-avec-sursis-447176>

⁽¹⁵⁾ «Algeria: Mohamed Mouloudj, 13 months in prison for an SMS | RSF». Accessed January 30, 2023. <https://rsf.org/fr/alg%C3%A9rie-mohamed-mouloudj-13-mois-en-prison-pour-un-sms>

⁽¹⁶⁾ TV5MONDE. «Algérie : avec la perquisition de Radio M, le pouvoir achève de museler la presse libre». December 27, 2022.

<https://information.tv5monde.com/afrique/algerie-avec-la-perquisition-de-radio-m-le-pouvoir-acheve-de-museler-la-presse-libre-483180>

⁽¹⁷⁾ RFI. «Algeria: 2022, a 'black year' for journalism». December 31, 2022. <https://www.rfi.fr/fr/afrique/20221231-alg%C3%A9rie-2022-une-ann%C3%A9e-noire-pour-le-journalisme>

⁽¹⁸⁾ «EU and RSF React to the Disappearance of the Liberté Newspaper». April 9, 2022. <https://observalgerie.com/2022/04/09/politique/disparition-liberte-europe-rsf/>

⁽¹⁹⁾ RFI. «Algeria: 2022, a 'black year' for journalism». December 31, 2022.

⁽²⁰⁾ «Algeria | RSF». Accessed January 30, 2023. <https://rsf.org/fr/pays/alg%C3%A9rie>

⁽²¹⁾ Le Monde.fr. «En Algérie, les autorités dissolvent la principale ONG de défense des droits humains». Accessed January 23, 2023.

https://www.lemonde.fr/afrique/article/2023/01/23/en-algerie-les-autorites-dissolvent-la-principale-ong-de-defense-des-droits-humains_6158947_3212.html

⁽²²⁾ TV5MONDE. «Algeria: the Algerian League for the Defense of Human Rights learns of its dissolution through social networks». Accessed January 23, 2023.

<https://information.tv5monde.com/afrique/algerie-la-ligue-algerienne-de-defense-des-droits-de-l-homme-apprend-sa-dissolution-par-les>

⁽²³⁾ «Algeria. Launch of a campaign against the government's growing repression of human rights - Amnesty International France». Accessed January 30, 2023.

<https://www.amnesty.fr/presse/algérie-lancement-d'une-campagne-contre-la-repression>

⁽²⁴⁾ ITU. «Digital Development Dashboard: Benin». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>



Benin

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(6-10 points)

Internet pervasion in Benin continues to increase from 15% to 26% of its population between 2016 and 2020. While no data is available on cell phone ownership, the ITU estimates that **98%** of Beninese are covered by a cellular network, and that **80%** have a **3G mobile network**. There are also **98 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and **33 mobile Internet subscriptions** per 100 inhabitants, in 2021. There is **no data on gender** differences for those connected.⁽²⁴⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(4-10 points)

Beninese citizens face **high prices**, spending **6.5% of their GNI/capita** on a mobile subscription with 2 GB Internet in 2021. The mobile market is **90% owned by a duopoly** (MTN Group, Moov owned by Maroc Telecom Group) and the Beninese government deplores **insufficient annual investment**. Faced with a significant cost, activists supported by artists such as Crisba or Siano Babassa launched a **#1gigafavi campaign** on social networks to demand a reduction in the cost of Internet connection in November 2021.⁽²⁵⁾ However, the government claims to have deployed a fiber optic network in **60 of the 77 municipalities**, while **43 of municipalities** benefit from Community Digital Points (PNC) and **free Wi-Fi terminals**.⁽²⁶⁾

⁽²⁴⁾ ITU. «Digital Development Dashboard: Benin». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽²⁵⁾ Paradigm Initiative, 2022, «Benin Digital Rights and Inclusion Report», p.4

⁽²⁶⁾ Jeune Afrique, no date, «Révolution numérique au Bénin». Accessed November 19, 2022. <https://www.jeuneafrique.com/brandcontent/1119893/revolution-numerique-au-benin/>

3. Are there any digital skills development policies in the country?

(3-5 points)

The Benin government is pursuing a **dematerialization policy** of public services that increases the risks of citizen exclusion linked to the digital divide. The national portal of public services increased from **250 to 700 online public services** between 2020 and 2022. Of **97 transactional e-services**, **21** represent fully paperless administrative procedures. While this dematerialization **represents progress in terms of e-administration**, it nevertheless fuels a digital divide. The state opened **15 communal public service centers** at the end of 2021 with the support of The United Nations Development Program (UNDP) where citizens can be assisted to complete their administrative procedures by agents. These **43 centers** provide digital training for citizens.^{(27) (28)}

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(8-17 points)

No online services were blocked or experienced a major connection failure in Benin **between January and November 2022**.⁽²⁹⁾ This is also the case for **online censorship** circumvention tools (such as Tor).

However, **access to social networks had been blocked** on the day of the parliamentary elections on **April 28, 2019**.⁽³⁰⁾ Only the **two parties loyal to President Talon** had been allowed to run in these elections. The associations are, however, vigilant ahead of the **parliamentary elections on January 8, 2023**.

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(11-18 points)

Benin has the Digital Code, an innovative device on the African continent, **adopted in 2018 through Law 2017-20** ⁽³¹⁾ In particular, it frames **open access to the Internet** (Article 13) and **technological neutrality** (Article 19), the confidentiality of communications (Article 12), and data protection under the supervision of the **Personal Data Protection Authority** (Title III). It provides **a framework for online freedom** of expression notably through **Article 558** on «*Press offenses through electronic communication*». **This Code was amended by Law 2020-35** in December 2020 but did not include significant changes.

⁽²⁷⁾ Government of the Republic of Benin, 2016, «Rapprochement de l'administration des usagers: Le Gouvernement met en service quinze centres communaux de service public». Accessed November 19, 2022. <https://www.gouv.bj/actualite/1621/rapprochement-administration-usagers-gouvernement-service-quinze-centres-communaux-service-public/>

⁽²⁸⁾ Government of the Republic of Benin, 2016, «Rapprochement de l'administration des usagers: Le Gouvernement met en service quinze centres communaux de service public». Accessed November 11, 2022. <https://www.gouv.bj/actualite/1621/rapprochement-administration-usagers-gouvernement-service-quinze-centres-communaux-service-public/>

⁽²⁹⁾ Tests performed on OONI for WhatsApp, Facebook Messenger, Telegram, Signal and the social network Twitter (20/11/2022).

⁽³⁰⁾ OONI, 2019, «Benin: Social media blocking and Internet blackout amid 2019 elections». Accessed November 11, 2022. <https://ooni.org/post/2019-benin-social-media-blocking/>

⁽³¹⁾ <https://www.afapdp.org/wp-content/uploads/2018/06/Benin-Loi-2017-20-Portant-code-du-numerique-en-Republique-du-Benin.pdf>

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(10-20 points)

Amnesty International Benin and **Reporters Without Borders** denounce the imprisonment of journalists on the basis of the Digital Code. In September 2020, former **journalist Aziz Imorou** was arrested for defamation following his denunciation on Facebook of an alleged assault by one of Armand Gansè's bodyguards—Gansè is the director of the state-owned company that manages public contracts.⁽³²⁾

The **editor-in-chief and owner of the media outlet *Le Soleil Bénin Infos*** (Patrice Gbaguidi and Hervé Alladé) have been in **prison since November 2021** for criticizing government abuses, following a defamation complaint by a customs official. **Journalist Ignace Sossou** was jailed for six months for online harassment for criticizing the government and the Digital Code. **Journalist Virgile Ahouansè**, director of Web Radio Crystal News and president of the NGO Médias & Citoyenneté, was summoned and taken into custody on December 20, 2022, for «publishing false information on social networks» after investigating suspicions of summary executions in November 2022 by the police in Porto Novo.⁽³³⁾ Evidencing such practices the **Beninese Human Rights Commission** called on parliamentarians to revise the Digital Code to better **protect freedom of expression and freedom of the press** in 2021.

2. Is civil society organized in favor of digital rights and freedoms?

(14-20 points)

Caught off guard by **Internet blackouts in 2019**, civil society mobilized for the **2021 presidential elections**. Local associations VOA citoyennes, the Association des *Blogueurs du Bénin*, and Citoyen 229 participated in the **#CutNotInternet** campaign launched in **April 2021** by the Internet Society and Amnesty International Benin. The focus was on the **economic consequences of such a disruption**. This marks a first opportunity to mobilize citizens and consumers in Benin in favor of digital rights. Since then no disruptions have been observed by its members who have set up **monitoring tools**.⁽³⁴⁾

Furthermore, **the arrest of journalist Virgile Ahouansè** in December 2022 prompted the **mobilization of human rights organizations such as Amnesty International, the Organization for the Defense of Human and Peoples' Rights, and press organizations** (the Union of Journalists of the Free African Press, the Union of Media Professionals of Benin, and the NGO Médias & Citoyenneté). **Mr. Ahouansè was released** and placed under judicial supervision on December 23, 2022.⁽³⁵⁾

⁽³²⁾ https://www.lemonde.fr/afrique/article/2020/11/24/la-liberte-d-expression-recule-au-benin-estime-le-journaliste-d-investigation-ignace-sossou_6060975_3212.html

⁽³³⁾ Matin Libre. «Benin/ Journalist deprived of liberty: A flurry of reactions to the case of Virgile Ahouansè». Accessed January 7, 2023.

<https://matinlibre.com/2022/12/22/benin-journaliste-prive-de-liberte-avalanche-de-reactions-sur-le-cas-de-virgile-ahouanse/>

⁽³⁴⁾ Paradigm Initiative. «Londa. State of digital rights and inclusion in Africa. 2021». Accessed May, 2022. p.18 <https://paradigmhq.org/wp-content/uploads/2022/06/Londa-French-Report-Ir.pdf>

⁽³⁵⁾ Matin Libre. «Benin/ Journalist deprived of liberty: A flurry of reactions to the case of Virgile Ahouansè». Accessed January 7, 2023.

<https://matinlibre.com/2022/12/22/benin-journaliste-prive-de-liberte-avalanche-de-reactions-sur-le-cas-de-virgile-ahouanse/>

Burkina Faso

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(5-10 points)

Internet access in Burkina Faso continues to grow. In 2016 the population consisted of **12% Internet users**, this number **almost doubled in 4 years**, rising to **22% in 2020**. The ITU estimates that in 2019, **52% of Burkinabe owned a cell phone**, that **93% of the population was covered by a cellular network**, and **53% had a 3G mobile network**. Gender disparities exist in Internet usage. In 2019, **7% of women** used the Internet compared to **12% of men**.⁽³⁶⁾ Urban Burkinabe youth are the primary users of the Internet.

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(4-10 points)

The **average cost** of a 2 GB data mobile subscription with a 256 Kbps connection averaged **10.46% of Gross National Income (GNI) per capita** in 2021. An equivalent **subscription cost represented 13.28%** in 2016.⁽³⁷⁾ These **high prices** are a significant barrier to Internet use by the Burkinabe population. Burkina Faso has made **little progress**, and does **not appear to be close to reaching the 2% target set for 2025 set by the United Nations Broadband Commission (UNCBC)**. However, the use of mobile data via WhatsApp reduces the high costs associated with using a direct line for international calls.

⁽³⁶⁾ ITU. «Digital Development Dashboard: Burkina Faso». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽³⁷⁾ ITU. «ICT Price Basket: Burkina Faso». Accessed December 27, 2022. <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/IPB.aspx>

3.

Are there any digital skills development policies in the country?

(1-5 points)

UNDP is currently **supporting Burkina Faso** in its **digital transformation** to foster the **development of a digital society**. However, this support does not seem to have led to tangible actions in favor of digital inclusion. The recent **expulsion in December 2022** of the UN Resident Coordinator in Burkina Faso, **Barbara Manzi**, highlights the **conflicting relations between the ruling military junta and the UN**.

B. Content limitations



1.

Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(5-17 points)

Burkina Faso has long been **a model in the region for the exercise of freedom of expression**. However, the country recently experienced its **first Internet blackouts**. Following demonstrations by the population against the French military presence in the region, the government decided to cut access to «mobile Internet,» the most common type of access in the country, **between November 20 and 28, 2021**.⁽³⁸⁾ Access to the Internet was again restricted on **January 11, 2022**, for 15 hours, then a second time for 35 hours **between January 23 and 25**. This second shutdown occurred during the **rebellion against former president, Roch Marc Christian Kaboré**. The first and longest Internet blackout was particularly **hard on the Burkinabe people**, who remain attached to and accustomed to their freedom of information and expression.

There were no Internet blackouts during the **second rebellion led by Ibrahim Traoré** in October 2022. However, for the first time, the government decided to restrict access to some online content. **The RFI website is no longer accessible in the country**. This is a dangerous precedent. RFI is accused of publishing content “that would undermine the morale of the troops.” Topics related to the fight against terrorism have become taboo.

2.

Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(7-18 points)

Following the September 30, 2022, uprising, the ruling junta announced the **dissolution of the government, the suspension of the constitution and the transitional charter**, and the suspension of all civil political activities. The constitution was then **reinstated to allow the institution of President Ibrahim Traoré**, bypassing the procedures defined in the previous constitution. **No laws are specifically designed to restrict online freedom of expression**. However, some members of civil society are denouncing the growing number of **restrictions on the country's democratic rules**. Recently, **the Burkinabe government suspended RFI without following the procedures set out by the Conseil Supérieur de la Communication (CSC)**. This is an independent administrative authority that is supposed to guarantee the freedom of the press and online media.

⁽³⁸⁾ Media Foundation for West Africa. «Burkinabe Journalists Denounce Retrogressive Interruption of Mobile Internet,» December 17, 2021. <https://www.mfwa.org/fr/country-highlights/les-journalistes-burkinabes-denoncent-linterruption-retrogressive-de-linternet-mobile/>.

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(11-20 points)

Several civil society organizations, including the MFWA, point to the “widespread self-censorship” that is beginning to emerge in Burkina Faso following the **second rebellion in 2022**. Various civil society organizations denounce: “the questioning of the **free exercise of media professionals** with daily threats of sanctions from the authorities” as well as “**the terror exercised on journalists by instrumentalized groups**”.⁽³⁹⁾ **Journalist Newton Ahmed Barry** received a death threat in July 2022 after denouncing the conditions under which RFI was suspended in the country. The Burkinabe government condemned these death threats.⁽⁴⁰⁾ **Activists are also targeted by the authorities**. This is the case of Kambou Ollo Mathias, a member of the Balai Citoyen movement, which campaigns for a **democratic transition in Burkina Faso**. The activist is accused of having criticized Lieutenant Colonel Paul-Henri Damiba—particularly on social networks.⁽⁴¹⁾ There is currently a great deal of **uncertainty surrounding the exercise of online freedom of expression** in Burkina Faso. This is a step backwards, especially since **Burkina Faso has long been a model** in respect of freedom of expression and the recognized quality of its print media, whether online or in print.⁽⁴²⁾

2. Is civil society organized in favor of digital rights and freedoms?

(14-20 points)

No organizations specifically defend digital freedoms. However, with a **dynamic and multicultural media landscape**, many associations defend the **freedom of the press**, including the “**electronic press**”. **International Press Freedom Day** is celebrated every year.⁽⁴³⁾ Some organizations, notably the Open Burkina association, promote an **open Internet** and open data. The **Open Burkina organization** also offers training to develop the skills of Burkinabe in the field of data.⁽⁴⁴⁾

⁽³⁹⁾ Jeune Afrique. 2022. Burkina Faso: the media facing the «control of information». <https://www.jeuneafrique.com/1402456/politique/burkina-faso-les-medias-face-au-controle-de-linformation/>
⁽⁴⁰⁾ Ibid.

⁽⁴¹⁾ Media Foundation for West Africa. «Burkina Faso junta arrests, jails activist for 'contempt of state,» September 8, 2022. <https://www.mfwa.org/fr/country-highlights/la-junte-burkinabe-interpelle-emprisonne-un-activiste-pour-outrage-au-chef-detat/>.

⁽⁴²⁾ «Burkina Faso | RSF». Accessed January 16, 2023. <https://rsf.org/fr/pays/burkina-faso>.

⁽⁴³⁾ «World Press Freedom Day Celebration: 2022 Edition - CNP-NZ». Accessed January 16, 2023. <https://cnpress-zongo.org/2022/05/03/celebration-de-la-journee-mondiale-de-la-liberte-de-la-presse-edition-2022/>.

⁽⁴⁴⁾ «Open Burkina - Knowing to decide together». Accessed January 16, 2023. <https://www.openburkina.bf/>.

Burundi

A. Barriers to access

1. **Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?**

(2-10 points)

Internet access in Burundi continues to grow but remains extremely low. In 2017, 4% of the Burundian population reported using the Internet. This figure rose to 9% in 2020—which remains far below the regional average of **24% in 2020**. The majority of Burundians surfing the Internet access the network **via their cell phones**. **3G coverage remains insufficient**, as only **51%** of the population has access **to a 3G network**, and **32% to a 4G network**. However, **97%** of Burundians are covered by a cellular network. Finally, there is a significant disparity in internet usage by gender. In 2017, **4% of men and 1% of women** reported using the internet.⁽⁴⁵⁾ Users complain about the **poor quality of the connection**.

2. **Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?**

(2-10 points)

The cost of Internet access remains prohibitive. The cost of a 2 GB mobile subscription was equivalent to **13.64% of a Burundi's average per capita income** in 2021. It was **27.89%** of per capita income **in 2016**. The cost has therefore fallen, but is still far from **the 2% target set by the United Nation Broadband Commission**.⁽⁴⁶⁾ Many users complain about the speed at which their mobile subscription runs out, and believe that the regulator should do more to force operators to **respect their commitments**. Operators also offer Internet **packages that only provide access to Facebook (without video) and WhatsApp**. This practice violates the principle of **net neutrality**. For the majority of the population, Internet access remains unaffordable and is not a priority. Article 33 of Law No. 100/97 of April 18, 2014, increased the cost of licenses for telecom operators by 500%. The price went from **US\$ 200,000 to US\$ 10,000,000**.⁽⁴⁷⁾

⁽⁴⁵⁾ ITU. «Digital Development Dashboard: Burundi». Accessed January 16, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>.

⁽⁴⁶⁾ UIT. ICT price basket. Burundi.

⁽⁴⁷⁾ Ibid

3. Are there any digital skills development policies in the country?

(2-5 points)

The Burundian government has introduced an **ICT course** in its secondary education system. However, due to the lack of human and material resources, **its impact remains limited**. In response, the **RESICODI project**, jointly led by **GIZ and Enabel**, aims to **strengthen the population's digital skills**. The project relies on **nine Trade Education Centers (CEMs)**. It is divided into three parts: (1) the provision of **digital libraries** with educational content, (2) the **development and "energy security" of multimedia rooms** and (3) **strengthening the digital skills** of CEM teaching teams through the training of 19 ICT trainers.⁽⁴⁸⁾

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(5-17 points)

The Burundian state restricted Internet access during the **May 2020 presidential elections**.⁽⁴⁹⁾ Internet access to the **leading independent online media outlet, Iwacu**, was also blocked for nearly five years by the authorities. However, the site became accessible again in 2023.⁽⁵⁰⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(5-18 points)

Articles 28 and 31 of the Burundian constitution are supposed to guarantee **the privacy and freedom of citizens' expression**. However, these articles are in contradiction with many legal texts. The study "*État des lieux sur les libertés numériques au Burundi (1999–2019)*" published by **CIPESA** highlights these various problematic laws. **Law No. 1/11 published on June 4, 2013**, regulates the type of content that can be published on the Internet. Thus, reporting on **national defense issues and the national economy** is not allowed. The 2018 Media Law defines several articles loosely. **Article 62 of Law 1/19**, for example, prohibits the publication of "any content that is contrary to morality or that could **threaten public order**."⁽⁵¹⁾ Law No. 1/09 published in May 2018 allows Burundian security forces to conduct searches without a judge's warrant. This law also allows **judicial police officers** to set up a **cybersurveillance system** without prior authorization from a judge.

⁽⁴⁸⁾ D4DHUB. «Digitalization as a Resilience Factor in the Face of the Covid-19 Pandemic -». Accessed January 29, 2023. <https://d4dhub.eu/es/news/la-digitalisation-facteur-de-resilience-face-a-la-pandemie-de-covid-19>.

⁽⁴⁹⁾ Teye, Felicia Anthonio, Berhan. «#KeptOn: Burundi Silences the Majority on Election Day.» Access Now (blog), May 20, 2020. <https://www.accessnow.org/keepit-on-burundi-silences-the-majority-on-election-day/>

⁽⁵⁰⁾ RSF. «Burundi: Iwacu news website is accessible again after five years of being blocked». Accessed January 29, 2023. <https://rsf.org/fr/burundi-le-site-d-information-iwacu-est-de-nouveau-accessible-apr%C3%A8s-cinq-ans-de-blocage>

⁽⁵¹⁾ Ritimo. «Digital Security in Burundi.» ritimo, December 15, 2021. <https://www.ritimo.org/Securite-numerique-au-Burundi>.

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

Arrests of journalists, human rights defenders, or other critics of the government have long been commonplace in Burundi—especially during the long period of political instability the country experienced between 2015 and 2020. In 2016, for example, 54 political activists, members of a single WhatsApp group called “RPA Amakuru” (News from African Public Radio), were arrested and charged with “threatening state security”. “Undermining the internal security of the state” is a recurring reason for the arrest of members of civil society. For this same reason, journalist Floriane Irangabiye, who has been in exile in Rwanda for more than ten years, was arrested and then sentenced to ten years in prison upon her first return to Burundi since the 2015 crisis. Journalists and human rights defenders live in fear of being attacked or threatened, particularly by the Imbonerakure militia, which is close to the government and known for its violent acts.

2. Is civil society organized for digital rights and freedom?

(10-20 points)

Faced with these many difficulties, civil society is trying to organize in favor of digital freedoms. The Burundian consumer advocacy association (ABUCO-TI) has taken action to pressure the Telecommunications Regulation and Control Agency (ARCT) to lower Internet access costs and improve connection quality.⁽⁵²⁾ The association also conducted workshops on privacy awareness and digital freedoms with the Burundi Youth Training Center.

⁽⁵²⁾ «Lumitel: customers take up the cause against poor Internet quality - IWACU». Accessed January 29, 2023. <https://www.iwacu-burundi.org/lumitel-les-clients-montent-au-creneau-contre-la-mauvaise-qualite-de-lInternet/>



Cameroon

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(2-10 points)

Internet access in Cameroon continues to grow from 21% to 38% of its population between 2016 and 2020. While 75% of Cameroonians have a cell phone and 79% are covered by a cellular network, only 33% have a 3G mobile network and 35% an Internet subscription in 2021. There is a gender gap with 27% of men connected compared to 19% of women.⁽⁵³⁾

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(2-10 points)

Cameroonians face **prohibitive prices** for a service of varying quality, spending **60% of their GNI/capita** on a standard internet subscription⁽⁵⁴⁾ while two of the four major operators (e.g., MTN, Orange) suffer from an annual average of **60 network disruptions** (30 minutes to 2 hours each time).⁽⁵⁵⁾ In addition, although **the 2018/022 Finance Law** planned to tax foreign software downloaded on any electronic device this announcement **angered Internet users** and the **law has not yet been implemented**.

⁽⁵³⁾ ITU. «Digital Development Dashboard: Cameroon». Accessed October 28, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>.

⁽⁵⁴⁾ CIPESA. Mapping and Analysis of Privacy Laws in Africa. 2021.

⁽⁵⁵⁾ Paradigm Initiative. Cameroon Digital Rights and Inclusion Report. 2021.

<https://paradigmhq.org/wp-content/uploads/2021/05/IR-Cameroon-Digital-Rights-Inclusion-2020-Report.pdf>

3. Are there any digital skills development policies in the country?

(2-5 points)

The government launched the “Cameroon Digital 2020 Strategic Plan” in 2016 to **improve cybersecurity, infrastructure, and digital skills for citizens**. However, government-orchestrated internet outages have undermined its implementation.

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(5-17 points)

Many laws promote **censorship and limit the type of content that can be shared on social networks**. The December 12, 2010 law on **cybersecurity and cybercrime** determines fines and prison sentences for anyone who “disseminates information that cannot be verified.”⁽⁵⁶⁾ This law encourages the public not to openly challenge **information disseminated by the government**. It also prohibits anyone from making “**sexual propositions to a person of his or her sex**” through electronic communication”.⁽⁵⁷⁾ This law **discriminates against the LGBT community**, which is also subject to intimidation throughout the country.⁽⁵⁸⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(6-18 points)

Cameroon has also been **accused of using the December 23, 2014, counterterrorism law** to restrict freedom of expression.⁽⁵⁹⁾ **Human rights advocates** fear that the country’s vague definition of terrorism serves the **policy of censorship**. Indeed, in 2016, the Cameroon government was accused of reacting belatedly to the **Eseka train disaster** (80 dead, 600 injured). Citizens challenged the official version of the accident and proposed an alternative narrative by posting photos and videos on social networks. In response, the president of **the national assembly accused social media** of being “a new form of terrorism”.⁽⁶⁰⁾

⁽⁵⁶⁾ Section 78(1), Law no. 2010/012 of 21 December 2010 Relating to Cybersecurity and Cybercriminality in Cameroon.

⁽⁵⁷⁾ Ndongmo, Kathleen. Cameroon Digital Rights Landscape Report. 2021. Accessed November 19, 2022.

https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15964/Cameroon_Report.pdf

⁽⁵⁸⁾ Ibid.

⁽⁵⁹⁾ «Cameroon: UN experts call for protection of freedom of expression | UN Info,» December 11, 2018. <https://news.un.org/fr/story/2018/12/1031501>.

⁽⁶⁰⁾ Ndongmo, Kathleen. Cameroon Digital Rights Landscape Report. 2021. Accessed November 19, 2022.

https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15964/Cameroon_Report.pdf

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(2-20 points)

Cameroon has **sanctioned a large number of human rights treaties**.⁽⁶¹⁾ However, in practice, the country is regularly **accused of attacking fundamental freedoms**, particularly since the start of the **Anglophone crisis in 2016**. Indeed, journalists and human rights defenders have been imprisoned or subjected to torture. Following a tweet, **journalist Mimi Mefo Takambou was arrested** and detained in 2018 for **“spreading false information.”** In 2019, **Anglophone journalist Samuel Wazizi** was accused of terrorism and then arrested by authorities. He reportedly died in detention after being tortured. In 2021, **American–Cameroonian writer Patrice Nganang** was arrested and then expelled from the country following a post on social media.⁽⁶²⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(11-20 points)

In response, **civil society has been organizing itself**. Following the Internet blackouts targeting the majority of the country’s English-speaking minority, Cameroonians launched the **#BringBackOurInternet** and **#KeepItOn** campaigns. The latter attracted the attention of the **international community**, including **Edward Snowden**. Faced with this mobilization, the **government ended their Internet shutdown**. However, a new interruption was orchestrated a few months later and for a longer period. The cuts of 2017 and 2018 have nevertheless **popularized the use of VPNs** despite a the cost being prohibitive for widespread use.⁽⁶³⁾

Associations defending digital freedoms in Cameroon

PROTEGE QV promotes environmental protection and quality of life improvement in rural areas via the **use of local leadership and the supply of ICT** for development programs. It has been organizing Free Software Day in Cameroon since 2005 and trained female social media workers in **online safety with an APC grant in 2021**. It also facilitated a workshop on the implementation of a wireless network in 2022. **The organization is a member of APC and is part of the LEXOTA project**, a consortium of NGOs under the umbrella of Global Partners Digital that is analyzing government laws and regulations against misinformation in Sub-Saharan Africa to identify threats to freedom of expression (2022).

Supported by Internews and Paradim Initiative, **Afro Leadership** organizes meetings with journalists, civil society groups, and parliamentarians to discuss **digital rights**.

The Internet Society’s Cameroon Chapter is also a member of the **Global Encryption Coalition and organized World Encryption Day** in Cameroon in October 2022. In 2021, they had previously organized a workshop for the protection of personal data on social networks, and had participated in the training of network operators in Cameroon in partnership with the Cameroon Internet Exchange Point (CAMIX) and the National Agency for Information and Communication Technologies (ANTIC).

Case study

⁽⁶¹⁾ These include: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁽⁶²⁾ Ndongmo, Kathleen. Cameroon Digital Rights Landscape Report. 2021. Accessed November 19, 2022.

⁽⁶³⁾ Ibid https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15964/Cameroon_Report.pdf



Chad

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(4-10 points)

Internet access continues to grow slowly, with the proportion of Internet users increasing from **6% to 10% between 2016 and 2020** (ITU). While no data is available on cell phone ownership, the ITU estimates that **86%** of Chadians were covered by a cellular network, **48%** had a 3G mobile network, there were **52 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and **three mobile internet subscriptions** per 100 inhabitants in 2020. No data is available on gender differences for those connected.⁽⁶⁴⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(2-10 points)

Internet access prices are prohibitive for Chadians and **one of the most expensive on the continent**. For example, a mobile subscription with Internet (2 GB) represented **24.1% of Chad's national per capita income** in 2021. The country was connected to an **international fiber optic network in 2012** while it deployed this network between its capital N'Djamena and the city of Adré on the border with Sudan.⁽⁶⁵⁾ The country has gone from the **state-owned operator Sotel-Tchad in 1999 to four operators** (Airtel, Tigo, Salam) and a dozen ISPs since 2005. However, operators **Airtel and Moov Africa** lowered the cost of 1 GB of Internet use from 1,200 to 500 CFA francs (US\$ 1.98 to US\$ 0.83) in early 2022, following long-standing demands by the Chadian Collective Against the High Cost of Living. However, the speed is extremely low.⁽⁶⁶⁾

⁽⁶⁴⁾ ITU. «Digital Development Dashboard: Madagascar». Accessed January 6, 2023. <https://www.itu.int/443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽⁶⁵⁾ Turning the Page. «Protection Program. Fiche Pays Sécurité Numérique. Chad». 2021.

https://tournonslapage.org/fr/outils-et-ressources/Guide-s%C3%A9curit%C3%A9-num%C3%A9rique-Tchad-web_01.pdf

⁽⁶⁶⁾ RFI. «Chad: Internet prices drop but also network quality». February 6, 2022. <https://www.rfi.fr/fr/afrique/20220206-tchad-baisse-des-prix-d-Internet-mais-aussi-de-la-qualit%C3%A9-du-r%C3%A9seau>

3. Are there any digital skills development policies in the country?

(0-5 points)

The topic of **digital inclusion** is still in its infancy in Chad. The African NGO **Paradigm Initiative** helped **Internet Society Chad** organize a **two-day workshop in August 2022** on digital inclusion. The event was attended by **Mahamat Saleh**, deputy secretary general of the Ministry of Posts and Digital Economy.⁽⁶⁷⁾

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(1-17 points)

The **Internet output was significantly reduced** in October 2022 during **several days of protests** and crackdowns that left 50 dead and 300 injured.⁽⁶⁷⁾ The government **regularly resorts to cutting off communication networks** during political events. It cut access to social networks for **470 days in a row between 2018 and 2019**. In 2020, the Internet was disrupted for 192 days. In February and March 2021, the Internet and communication media (SMS/voice) were disrupted for 12 days to **limit media coverage of protests and the arrest of political opponent** Yaya Dillo. Cutting off the Internet and communications services such as WhatsApp represents **a significant cost to the Chadian economy**. For example, it is estimated that it cost **US\$ 23 million** to cut off the Internet between July and December 2020.⁽⁶⁹⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(1-18 points)

While the constitution **protects freedom of expression**, it is **severely limited** by several Chadian laws with broad and vague provisions. **The 2010 Press Law** prescribes fines and criminal penalties for defamation. Defamation is defined as «any imputation of a specific fact that is likely to harm the honor or consideration of a person or a body». **The 2015 Law on the Repression of Terrorist Acts** grants a **doubling of the criminal penalty** (prison and fines) in case of apology for terrorism via **online public communications media**. Finally, **Article 142** of the 2017 Chadian penal code punishes «insulting constituted bodies». These legal provisions in Chadian law are broad and used to **penalize online criticism of the government** in the name of national security.

Meanwhile, the use of **online censorship circumvention tools** (e.g., VPNs) is **criminalized by the Electronic Communications Law** (Article 114) with penalties ranging from **one to five years in prison and fines between 10 and 200 million CFA** (US\$ 16,500 to US\$ 330,000). The 2015 Cybercrime Law condemns public insults and online defamation (Article 106) while electronic communications services must retain connection data for ten years and install **data traffic monitoring mechanisms**.

⁽⁶⁷⁾ Chadinfos.com. «Internet society Chad and Paradigm initiative launch advocacy for digital rights and inclusion in Chad». August 30, 2022. <https://tchadinfos.com/Internet-society-tchad-et-paradigme-initiative-lancent-une-plaidoirie-pour-les-droits-et-inclusion-numerique-au-tchad/>

⁽⁶⁸⁾ RFI. «Militaries in the streets and reduced Internet speed: crisis atmosphere in Ndjamena». October 23, 2022. <https://www.rfi.fr/fr/afrique/20221023-militaires-dans-les-rues-et-d%C3%A9bit-Internet-r%C3%A9duit-ambiance-de-crise-%C3%A0-ndjamena>

⁽⁶⁹⁾ Amnesty International. «Chad. Internet blackouts hinder freedom of expression». April 9, 2021. <https://www.amnesty.org/fr/latest/news/2021/04/tchad-les-coupures-Internet-une-entrave-la-liberte-d-expression/>

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(2-20 points)

The above laws have been used to limit freedom of expression in Chad. **Human rights defender Baradine Berdei Targuio** was arrested on January 24, 2020, **imprisoned incommunicado for seven months**, and then sentenced to **three years in prison** for «undermining the constitutional order» for a Facebook post about the health of then President Idriss Déby Itno and human rights concerns in the Tibesti region. He was **amnestied on December 30, 2021** after 17 months of arbitrary detention.⁽⁷⁰⁾

The Chadian context is particularly hard on civil society. Demonstrations took place following the announcement of an additional two-year transition of power from the army to civilians. The **crackdown on October 20, 2022**, described as **Black Thursday**, left dozens dead and hundreds injured, as well as 401 people arrested and tried behind closed doors in November 2022.⁽⁷¹⁾ **Members and supporters of the opposition coalition Wakit Tamma** («the time has come») were arrested in May 2022 following the protests and charged with organizing demonstrations.⁽⁷²⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(1-20 points)

Chadian civil society is extremely weak in a country that is emerging from more than **30 years of rule by former President Idriss Déby Itno**, and is now under the **control of a military junta** that has just extended the transition period by two years to October 2022, when the transfer to civilian rule is due to take place.

Internet Society Chad is leading a number of awareness-raising activities on digital **inclusion and Internet governance** (IGF-Tchad). Meanwhile, the **Collective of Human Rights Associations**, the **Collective of Civil Society Organizations**, and the **Union of Young Lawyers of Chad** benefited from training on cybercrime law and email security by Amnesty International in 2019.⁽⁷³⁾

⁽⁷⁰⁾ Amnesty International. «Chad: Further Action: Human Rights Defender Released after Amnesty: Baradine Berdei Targuio». Accessed January 8, 2023.

<https://www.amnesty.org/fr/documents/afr20/5223/2022/fr/>

⁽⁷¹⁾ Amnesty International. «Chad: Closed-door trial of October 20, 2022 events raises serious concerns». December 2, 2022.

<https://www.amnesty.org/fr/latest/news/2022/12/tchad-le-proces-a-huis-clos-des-evenements-du-20-octobre-2022-souleve-de-serieuses-inquietudes/>

⁽⁷²⁾ Amnesty International. «Chad. Release detained opposition members and supporters». May 30, 2022.

<https://www.amnesty.org/fr/latest/news/2022/05/tchad-liberer-les-membres-et-partisans-de-lopposition-detenus/>

⁽⁷³⁾ Turning the Page. «Protection Program. Fiche Pays Sécurité Numérique. Chad». 2021.

https://tourmonslapage.org/fr/outils-et-ressources/Guide-s%C3%A9curit%C3%A9-num%C3%A9rique-Tchad-web_01.pdf

Comoros

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(4-10 points)

Internet access in Comoros is stagnant at an **8% level between 2016 and 2017**.⁽⁷⁴⁾ While no data is available on cell phone ownership, the ITU estimates that **95% of Comorians are covered** by a cellular network, and that **95% have 3G mobile network coverage**. In addition, there were **104 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and **42 mobile internet subscriptions** per 100 inhabitants in 2020.⁽⁷⁵⁾ There is no data on gender differences for Internet connected individuals.

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(4-10 points)

Comorians face **significant price tags**, spending the equivalent of **7.9 % of Comoros' GNI/capita** on a mobile subscription with Internet in 2021.⁽⁷⁶⁾ They spent **14.3%** of GNI/capita on a mobile subscription with Internet and high usage calls in 2021.⁽⁷⁷⁾ These high prices are all the more important considering that Comoros is an oral-based society. **The telecom sector opened up in January 2017** with the award of a global license to the operator Telco.⁽⁷⁸⁾ The regulator ANRTIC has initiated a campaign throughout 2022 to **assess the quality of service of the operators** Comores Telecom and Telco.⁽⁷⁹⁾

⁽⁷⁴⁾ The most recent data available is for the year 2017 (ITU).

⁽⁷⁵⁾ ITU. «Digital Development Dashboard: Comoros». Accessed November 15, 2022. <https://www.itu.int/443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽⁷⁶⁾ Ibid.

⁽⁷⁷⁾ Ibid.

⁽⁷⁸⁾ ANADEN. «Achievements.» Accessed February 5, 2023. <https://anaden.org/realisations?year=2017>.

⁽⁷⁹⁾ Al-Watwan. «Telecommunications: Anrtic to monitor the quality of operators' services». Accessed February 5, 2023. <https://alwatan.net/societe/telecommunications-l'anrtic-will-monitor-quality-of-services-of-operators.html>

3.

Are there any digital skills development policies in the country?

(3-5 points)

The **National Digital Development Agency** (ADEN) was created in 2019 and is implementing an Digital Comoros 2028 strategy. It aims to dematerialize administrative procedures (Axis 5), generalize the use of ICTs by increasing **Internet access from 7.9% in 2017 to 54.1% in 2028**, and strengthen the supply of ICT training (in particular in the curricula of the Comorian primary and secondary education system between 2018 and 2023).⁽⁸⁰⁾ However, interviews reveal a **lack of strategy for the development** of ICT and digital skills beyond its rhetoric. On the civil society side, the Comorian ICT association, which was born out of the Federation of Comorian Consumers, is **supported by the World Bank and the French Embassy** and offers training on digital tools for young graduates.⁽⁸¹⁾

B. Content limitations



1.

Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(10-17 points)

No Internet outages or social network disruptions in 2022. **Social networks were monitored by the government and the Internet was shut down in March 2019** for one day during the presidential election. Individuals were arrested for online comments which were critical of the president in 2021.⁽⁸³⁾

2.

Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(12-18 points)

The **2001 constitution**, revised in 2018, protects the freedom of the press. However, **self-censorship is common** among Comorian journalists due to harsh penalties for defamation. In 2021, a new information code was adopted and the **Comoros Media Ethics Observatory** (ODMC) was established. Despite these measures, journalists were frequently summoned into police custody to reveal their sources.⁽⁸⁴⁾ **No journalists were imprisoned in 2022.**⁽⁸⁵⁾

According to our interviewees, **press offenses** mainly concern information about public officials as politicians generally do not press charges. **The Fédération Comorienne des Consommateurs** filed a complaint against a hydrocarbon company with a public prosecutor in July 2022 for misappropriation of public funds following the report of the **Cour des Comptes**.⁽⁸⁶⁾ No complaint was filed in return (for defamation, for example). **The director of AB Aviation** filed a complaint with the ODMC in May 2022 for disseminating “false information” when journalist Oubeid Mchangama denounced the airline’s lack of insurance on the Fcbk FM media.⁽⁸⁷⁾ **Production Minister Houmed Msaidie** filed a complaint in France (and not in Comoros) against Bashar Kiwan following the publication of WhatsApp exchanges between them, which were described as “editing” in November 2022.⁽⁸⁸⁾ **The journalist Andjouza Abouheir** received threats for articles about the management of the Covid-19 pandemic in 2021. **The then Minister of Finance Kamalidini Souef** (now Minister of PTT and Digital) was heavily criticized for his comments against journalists in 2021: “Let me be clear, if journalists say what they want, I will also do what I want” after Fcbk FM published information about his travel expenses.⁽⁸⁹⁾⁽⁹⁰⁾

⁽⁸⁰⁾ ANADEN. «Digital Strategy Digital Comoros 2028». 2021. <https://www.anaden.org/uploads/media/5e3969272d9f8/strat-comores-numerique-v2-3-comprese.pdf>

⁽⁸¹⁾ France in the Union of the Comoros. «Some examples of what France is doing in Mohéli». Accessed February 5, 2023. <https://km.ambafrance.org/Quelques-exemples-de-ce-que-fait-la-France-a-Moheli>

⁽⁸²⁾ Freedom House. «Comoros: Freedom in the World 2022 Country Report.» Accessed February 5, 2023. <https://freedomhouse.org/country/comoros/freedom-world/2022>

⁽⁸³⁾ United States Department of State. «Comoros.» Accessed February 5, 2023. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/comoros/>

⁽⁸⁴⁾ «Comoros | RSF». Accessed February 5, 2023. <https://rsf.org/fr/pays/comores>.

⁽⁸⁵⁾ Syndicat National des Journalistes Comoriens « Communiqué N°23-001/SNJC ». January 3, 2023.

⁽⁸⁶⁾ <https://www.al-fajrquotidien.com/cherte-de-la-vie-la-fcc-porte-plainte-contre-comores-hydrocarbures/>

⁽⁸⁷⁾ Observatory of Media Ethics of the Comoros. Untitled. May 11, 2022. Facebook post. <https://www.facebook.com/Odmc269>

⁽⁸⁸⁾ Al-Watwan. «WhatsApp messages case | Houmed M'saidie files a complaint against Bashar Kiwan in Paris». Accessed February 5, 2023.

<https://alwatan.net/societe/societe/affaire-des-messages-whatsapp-i-houmed-m-saidie-lawsuit-against-bachar-kiwan-in-paris.html>

⁽⁸⁹⁾ Réunion la 1ère. «Comoros: Minister of Finance apologizes to the press». Accessed February 5, 2023. <https://la1ere.francetvinfo.fr/reunion/comores-le-ministre-des-finances-presente-ses-excuses-a-la-presse-1127866.html>

⁽⁹⁰⁾ Mayotte Hebdo. «World Press Day in Comoros: Journalists demand end to intimidation.» May 5, 2022.

<https://www.mayottehebdo.com/actualite/societe/journee-mondiale-presse-comores-journalistes-reclament-fin-intimidations/>

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(14-20 points)

Interviewees emphasize that although **expression is free on the Internet and social networks**, a phenomenon of **self-censorship** translates into a fear of communicating by telephone and “social network psychosis”. It also sometimes occurs that radio managers are questioned for broadcasts or **comments deemed impertinent towards the government**.

Journalist Oubeidillah M'changama was assaulted while visiting Moroni prison on April 23, 2022, by a prisoner for a Facebook post about him that was published by another journalist.⁽⁹¹⁾ In June 2022, the phone of **Hayba FM radio editor Tahamida Mze** was snatched and thrown to the ground by a police officer while she was covering an anti-expense protest in Moroni.⁽⁹²⁾ In September 2022, **journalist Ali Abdou Mouigni** was assaulted while covering a land dispute in Moroni, hit by tear gas used by law enforcement and violently attacked by citizens.⁽⁹³⁾ **In December 2022, the National Union of Journalists of Comoros (SNJC) commemorated the death of its first president, Ali Abdou, in December 2020.** No investigation was opened into the death, and the prosecutor ruled it a natural death.⁽⁹⁴⁾

2. Is civil society organized in favor of digital rights and freedoms?

(14-20 points)

No organization that explicitly defends freedoms in Comoro. **The Comorian Federation of Consumers (FCC)** is a key organization for the **defense of consumers and Internet users**, with important work on standards and access to basic goods (water, electricity, infrastructure). The FCC has done a lot of work to **improve telecom infrastructure**. It has received a short grant from the European Union to train university professors, journalists, and doctors on digital uses (e.g., the use of search engines). The TICS Association works for **digital inclusion**. Finally, the SNJC is doing important work to **defend and equip journalists in Comoros**.

⁽⁹¹⁾ National Union of Journalists in the Comoros. «Communiqué N°01-22/SNJC. 23 April 2022.

⁽⁹²⁾ National Union of Journalists in the Comoros. «Communiqué N°22-003/SNJC. 5 June 2022.

⁽⁹³⁾ National Union of Journalists in the Comoros. «Communiqué N°22-004/SNJC. September 10, 2022.

⁽⁹⁴⁾ Mayotte Hebdo. «Comoros : two years later, the death of journalist Ali Abdoul still not elucidated», December 14, 2022.

<https://www.mayottehebdo.com/actualite/justice/comores-deux-ans-apres-le-deces-du-journaliste-ali-abdoul-toujours-pas-elucide/>



Republic of the Congo

A. Barriers to access



1.

Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(4-10 points)

Relatively **little current reliable data exists on Internet** use within the Republic of Congo. In 2017, the country **9%** of the population were Internet users. This is a low figure when compared to the regional average: In the same year, **Africa had an average of 21% Internet users**. However, mobile coverage is satisfactory within the Congo. It is worth noting significant efforts by the Republic of Congo to deploy 4G. In 2016, only 5% of the population had access to a 4G network, now **88%** of the population has **access to a mobile cellular network, 87% to 3G, and 85% to 4G**. There is now a **definite craze for Internet** use among young Congolese citizens.⁽⁹⁵⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(3-10 points)

The **cost of accessing the Internet** in the Congo is a barrier to use for most of the population. In 2021, the cost of **access to a 2 GB mobile subscription was equivalent to 12.35%** of the Republic of Congo's GNI (**it was 7.97% of Congolese GNI/Capita in 2016**). With its increase in availability the cost of Internet access has also increased and remains quite substantial on a regional scale. The average cost of a 2 GB mobile subscription in **Africa represents 5.1% of GNI/Capita**.⁽⁹⁶⁾ There are several reasons for this high cost. The Congo is currently connected to the Internet via a single cable. It will soon be connected to a second submarine cable financed by Meta.⁽⁹⁷⁾ There is also significant **fiscal pressure** on the country's **two main telecom operators**: South Africa's MTN and India's Airtel, which recently acquired United Arab Emirates-based Warid Telecom. Finally, operators must serve the entire Congolese territory, a complex challenge in the **most remote areas of the country without electricity** and where relay antennas run on diesel.

⁽⁹⁵⁾ ITU. «Digital Development Dashboard: Republic of Congo». Accessed January 3, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽⁹⁶⁾ ICT Price Basket. Republic of Congo.

⁽⁹⁷⁾ For more information on this subject, please consult the following site: <https://www.submarinenetworks.com/en/systems/asia-europe-africa/2africa>

3. Are there any digital skills development policies in the country?

(2-5 points)

There are relatively few initiatives aimed at **fostering digital literacy among the Congolese population**. However, some projects should be highlighted—notably the **YEKOLAB organization** funded by the Congolese telecom regulator ARPCE. This is a **start-up incubator** that provides free training (accessible through a competitive process) for **6 to 9 months** in computer development and Web design. The Congolese government has also announced an ambitious plan to **develop quality digital public services**. This is the «Project for the acceleration of the digital transformation of the Congo» which was due to start on **January 15th 2023**.⁽⁹⁸⁾

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(7-17 points)

The Republic of Congo is not immune to **Internet blackouts**. For example, the government orchestrated a three-day Internet blackout during the March 2021 presidential elections. No Internet blackouts were reported in 2022. There is also no **censorship** via DNS. However, **members of civil society denounce repeated cyberattacks on websites that are critical of governmental practices**—mostly run by members of the diaspora living in Europe. They suspect that the Congolese state is behind these cyberattacks but are unable to prove it due to lack of technical expertise.

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including the Internet, and are they enforced by an independent judiciary?

(8-18 points)

The Constitution of the Republic of Congo, through **Article 25**, guarantees **freedom of expression and information**.⁽⁹⁹⁾ However, in practice, this Article is not fully implemented. Two laws aimed at regulating digital uses were **recently adopted: a law for cybersecurity and another to fight cybercrime**.⁽¹⁰⁰⁾ Civil society organizations fear that the government will use this law to set up a system to monitor government opponents and restrict freedom of expression online. However, so far, these laws do not appear to have been used in this way. Members of civil society have denounced the surveillance practices of the Congolese state. The state is reportedly closely monitoring exchanges on WhatsApp forums and Facebook groups in order to **identify people who are openly critical of the government**. Members of civil society also denounce the implementation of **an identification system for Internet users**, with each SIM card being linked to an identity card or passport.

⁽⁹⁸⁾ WeAreTech.africa. 2022. Congo: Digital transformation acceleration project to be launched in January 2023.

<https://www.waretech.africa/fr/fils/actualites/finance/congo-le-projet-d-acceleration-de-la-transformation-numerique-sera-lance-des-janvier-2023>

⁽⁹⁹⁾ Constitution of the Republic of the Congo. 2015.

⁽¹⁰⁰⁾ Digital Business Africa. 2022. Congo Brazza: Two new laws passed to secure cyberspace <https://www.digitalbusiness.africa/congo-brazza-deux-nouvelles-lois-adoptees-pour-securiser-le-cyberspace/>

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(8-20 points)

During our interviews, members of civil society **denounced the frequent intimidation of the Congo**, which favors the **emergence of a form of self-censorship**. Formal condemnations are rare, but **implicit intimidation by the state** is common (difficulty in obtaining a passport, loss of a job, etc.). Recently, the Congolese state arrested and detained several activists and human rights defenders—including **Alexandre Ibacka Dzabana**, also known as Dr. Alex, and **Christ Dongui**. They were arrested in the midst of the 2021 presidential campaign for «undermining the internal security of the state». **Frontline Defenders** denounces the multiple intimidations to which human rights defenders in Congo are subjected.⁽¹⁰¹⁾

2. Is civil society organized in support of digital rights and freedom?

(9-20 points)

Civil society is not organized to defend people's digital freedoms. There are **no specialized organizations** on these issues in the Republic of Congo. However, members of civil society point to the «undeniable solidarity among Internet users» on social networks. With the **growing use of the Internet**, the Republic of Congo is fertile ground for the emergence of civil society organizations specializing in **digital freedoms**. Some organizations have offered ad hoc training on digital security. This is notably the case of the **Organization for the Development of Human Rights in Congo**.⁽¹⁰²⁾

⁽¹⁰¹⁾ Front Line Defenders. «#Republic of Congo.» Accessed January 16, 2023. <https://www.frontlinedefenders.org/fr/location/republic-congo>.

⁽¹⁰²⁾ ritimo. «Digital security in the Congo». ritimo, 15 December 2021. <https://www.ritimo.org/Securite-numerique-au-Congo>



Ivory Coast

A. Barriers to access



1.

Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(8-10 points)

Internet access in the Ivory Coast continues to grow. While in 2015, 17% of the population were Internet users this figure has almost doubled in the space of four years, rising to **36% in 2019**. In 2019, **68%** of the Ivorian population reported owning a phone. The ITU estimates that **98%** of Ivorians were covered by a cellular network, **96%** had 3G mobile coverage, and **65%** had 4G by 2021. There is also a disparity in Internet use by gender as **40% of men and 33% of women** used the Internet in 2019.⁽¹⁰³⁾ Disparities also occur regarding Internet access—very few rural areas have access to a quality connection.

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(8-10 points)

The country has **three telephone operators Orange, MTN, and Moov**. The **average cost of a 2 GB mobile data** subscription with a 256 Kbps connection was **2.58% of GNI per capita**. This is slightly **above the 2% target** set by the Broadband Commission for Sustainable Development. However, the **considerable progress** made by the Ivory Coast must be highlighted. Indeed, the cost of access to a traditional subscription has been divided (decreased) almost nine times in the space of five years. **The cost of Internet access is one of the lowest in the region**. At this rate, the Ivory Coast should soon reach the objectives of the Broadband Commission for Sustainable Development set for 2025.

⁽¹⁰³⁾ ITU. «Digital Development Dashboard: Côte d'Ivoire». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

3.

Are there any digital skills development policies in the country?**(3-5 points)**

The Ivory Coast has recently set up a “**National Program for Social and Digital Inclusion**”, which illustrates its political will to address the issue of digital disparity. However, for the time being, **digital inclusion** is the prerogative of telephone operators (notably Orange), and various private organizations. Similar to other countries on the continent, Orange has opened several **Orange Digital Centers** in the Ivory Coast in Abidjan and Bouaké. The Bouaké center is designed to respond to “issues related to access to training and **technological and digital tools** in rural areas”.⁽¹⁰⁴⁾ **The Digital Generation Foundation** (FGN) is an organization whose goal is to promote digital literacy among the Ivorian population.⁽¹⁰⁵⁾

B. Content limitations



1.

Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(17-17 points)

There is no explicit evidence of **DNS blocking websites** in the Ivory Coast. Moreover, it is **one of the few countries in the region that has never experienced an Internet blackout**, even during the various social and political unrest—including the 2020 presidential election.

2.

Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including the Internet, and are they enforced by an independent judiciary?

(12-18 points)

The Ivory Coast was **one of the first African countries** to adopt a **law on the protection of human rights defenders**.⁽¹⁰⁶⁾ **Freedom of expression** is guaranteed by **Articles 18, 19, and 20**, and by **the 2016 Constitution**. In addition, Article 89 of Law No. 2017-868, which concerns the print and online press, excludes: “police custody, preventive detention, and imprisonment” for “offenses committed through the press.”⁽¹⁰⁷⁾ Under the law, journalists can also be convicted of “offending the president”. However, this law is still not well received by journalists as it grants **substantial fines** of US\$ 8,674.64 to US\$ 17,349.28 **for press offenses**.

⁽¹⁰⁴⁾ Agence Ecofin. «Orange Côte d'Ivoire inaugurates its first Orange Digital Center Club in Bouaké». Accessed January 7, 2023, <https://www.agenceecofin.com/operateur/1010-101879-orange-cote-d-ivoire-inaugure-son-premier-orange-digital-center-club-a-bouake>

⁽¹⁰⁵⁾ For more information, please refer to: <https://generation-numerique.org/>

⁽¹⁰⁶⁾ Pourchier, Mathieu and Virginie Duval. «Digital Security in Côte d'Ivoire.» ritimo, December 15, 2021, <https://www.ritimo.org/Fiche-pays-securite-numerique-Cote-d-ivoire>

⁽¹⁰⁷⁾ JeuneAfrique.com. «Decoding: what you need to know about the new law governing the press in Côte d'Ivoire - Jeune Afrique». Accessed January 8, 2023, <https://www.jeuneafrique.com/507277/societe/decryptage-ce-qui-faut-savoir-sur-la-nouvelle-loi-regissant-la-presse-en-cote-divoire/>

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(11-20 points)

Despite a favorable environment for digital freedoms, journalists and bloggers **face intimidation** and can sometimes be **convicted in court** because of their online activities. A study published in May 2021 by **the Media Foundation for West Africa (MFWA)** reports numerous violations of online freedom of expression. Journalist **Jonas Baikéh**, for example, was threatened with death and assaulted after reporting on social media about the discomfort of a prominent businessman at a public event.⁽¹⁰⁸⁾ In October 2022, **journalist Barthélémy Téhin** was placed under judicial supervision following articles about corruption involving a senior Ivorian customs official.⁽¹⁰⁹⁾ A few months earlier, in July 2022, **journalist Noël Kouadio Konan** was taken into custody for defamation following a tweet.⁽¹¹⁰⁾

2. Is civil society organized in support of digital rights and freedom?

(12-20 points)

No associations specifically defend digital freedoms in the Ivory Coast. However, **the Network of Online Press Professionals of Côte d'Ivoire** is engaged in the front line in the fight against the **spread of conspiracy theories and false information**. This organization was involved in founding **IvoireCheck.com**, a project launched in 2020 to verify online information related to the Covid-19 pandemic. **IvoireCheck.com** brings together **several editorial offices** with different journalistic lines but who share the same goal: to fight the spread of false information.⁽¹¹¹⁾ This project is supported by **UNESCO and the African Press Agency**.

⁽¹⁰⁸⁾ MFWA. 2021. Analytical study of national policies on the use of the Internet and social networks in Côte d'Ivoire.

⁽¹⁰⁹⁾ Spicer, Sarah. «Ivorian Journalist Barthélémy Téhin Placed on Judicial Review for Reporting on Corruption.» Committee to Protect Journalists (blog), November 8, 2022. <https://cpj.org/fr/2022/11/le-journaliste-ivoirien-barthelemy-tehin-place-sous-contrôle-judiciaire-pour-un-reportage-sur-la-corruption/>

⁽¹¹⁰⁾ Spicer, Sarah. «Ivory Coast Journalist Noël Konan Jailed Overnight, Fined over a Tweet.» Committee to Protect Journalists (blog), July 29, 2022. <https://cpj.org/2022/07/ivory-coast-journalist-noel-konan-jailed-overnight-fined-over-a-tweet/>

⁽¹¹¹⁾ ODIL. «Ivorycheck». Accessed January 8, 2023. <https://odil.org/initiative/ivoirecheck/>



Democratic Republic of Congo

A. Barriers to access

1. **Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?**

(5-10 points)

Internet access in the Democratic Republic of Congo (DRC) continued to **grow from 10% to 14% of its population between 2016 and 2020** according to the ITU. While no data is available on cell phone ownership, the ITU estimates that **70% of Congolese are covered by a cellular network, and 54% have a 3G mobile network**. The country had **44 mobile subscriptions (voice & SMS) and 22 mobile Internet subscriptions** per 100 inhabitants in 2020. There are **significant regional disparities** in terms of Internet access, with access to a good quality connection limited to the country's major urban centers (Kinshasa, Goma, Kisangani, Matadi, and Lubumbashi). Finally, there is a **significant disparity in Internet use by gender: 14% of men and 7% of women are connected in DRC**.

2. **Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?**

(4-10 points)

The telecom operators in the DRC are **Orange, Vodacom, Airtel, and Africell**. Congolese are facing **prohibitive prices**, spending the equivalent of **10.9% of Congo's GNI/capita** on a mobile subscription with Internet (2 GB) in 2021. At this rate, the **DRC will not reach the 2% target** set for 2025 and the Internet will remain difficult to access for a Congolese citizen. However, the **progress made by the country should be highlighted**. The cost of access to a traditional subscription has been **divided by five** between 2016 and 2021.

3.

Are there any digital skills development policies in the country?

(2-5 points)

In September 2022, the **Ministry of Digital Affairs**, created in 2021, presented the project and the functionalities of the **DRC Digital Counter** (GN-RDC) for administrative procedures as part of the **National Digital Plan – Horizon 2025**.⁽¹¹²⁾ The Luxembourg firm **eProseed** is in charge of the development and deployment of this platform with the financial support of the **Emirati sovereign fund Royal Capital** (US\$ 130 million).⁽¹¹³⁾ The creation of this e-government platform **risks excluding citizens** in a country where nearly 85% of the population are not connected to the Internet.

However, there are projects to **develop the skills of Congolese youth**. For example, **UNICEF and the DRC Digital Academy** launched a digital academy on professional insertion in Goma in June 2022.⁽¹¹⁴⁾ An online course module “Improving the academic level of higher education candidates with digital technology” was announced in December 2022 by the **Kinshasa Digital Foundation** and funded by the French Embassy.⁽¹¹⁵⁾

B. Content limitations



1.

Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(10-17 points)

Between December 2018 and January 2019, the **Joseph Kabila government cut off Internet** and SMS services for **20 days during the presidential elections**, citing the need to preserve law and order while “fictitious results” were circulating online.⁽¹¹⁶⁾ The **government did not cut the Internet during 2022**, yet elections scheduled for December 2023 are a **point of vigilance for this year**.

2.

Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(11-18 points)

The **constitution protects freedom of expression** (Article 23), **information** (Article 24), and **association** (Article 25). However, **Law No. 96-002 of June 22, 1996**, on the press maintains a particularly repressive framework, notably through press offenses such as **Article 77**, which criminalizes any publication that offends the president of the republic. Meanwhile, **Law No. 20/017 of November 25, 2020**, on telecommunications replaced Framework Law No. 013/2002 of October 16, 2002: The government retains, among other things, the **right to interfere in communications and to monitor** telecommunications networks.

In December 2022, the DRC passed the bill authorizing the **ratification of the African Union Convention on Cybersecurity and Personal Data Protection**.⁽¹¹⁷⁾

⁽¹¹²⁾ Ministry of Digital Affairs DR Congo. «National Digital Plan – Horizon 2025». Accessed January 13, 2023.

https://www.numerique.cd/pnn/pnn/Plan_National_du_Nume%CC%81rique_HORIZON_2025.pdf

⁽¹¹³⁾ Ministry of Digital RD Congo. «MOOC-DRC: Improving the academic level of students with digital technology – Minister of Digital DR Congo.» Accessed January 13, 2023.

<https://numerique.gouv.cd/actualites/mooc-rdc-ameliorer-le-niveau-academique-des-etudiants-avec-le-numerique-gf4w8e>

⁽¹¹⁴⁾ «UNICEF and DRC Digital Academy launch digital academy focused on job placement in Goma». Accessed January 13, 2023.

<https://www.unicef.org/drcongo/communiqués-presse/academie-numerique-insertion-professionnelle-goma>

⁽¹¹⁵⁾ Ministry of Digital RD Congo. «MOOC-DRC: Improving the academic level of students with digital technology - Minister of Digital DR Congo.» Accessed January 13, 2023.

<https://numerique.gouv.cd/actualites/mooc-rdc-ameliorer-le-niveau-academique-des-etudiants-avec-le-numerique-gf4w8e>

⁽¹¹⁶⁾ «DR Congo Internet Restored after 20-Day Suspension.» Accessed January 13, 2023. <https://www.aljazeera.com/news/2019/1/20/dr-congo-internet-restored-after-20-day-suspension-over-elections>.

⁽¹¹⁷⁾ Njoya, Samira. «DR Congo to Ratify African Union Convention on Cybersecurity and Data Protection. Accessed January 13, 2023.

<https://www.wearabletech.africa/fr/fils/actualites/gestion-publique/la-rd-congo-ratifiera-la-convention-de-lunion-africaine-sur-la-cybersecurite-et-la-protection-des-donnees>.

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

According to the organization **Journalists in Danger**, the situation of journalists in the DRC is critical despite the **organization of the États généraux de la communication et des médias** in February 2022. During the year 2022, **49** journalists were threatened, **37** were arrested, **18** were assaulted, **two** were abducted, **one** was killed, and **17** radio stations or broadcasts were banned.

There is no shortage of examples of arrests and threats. On January 26, 2022, **journalist Silvano Kaluta** of Radio Colombe **was arrested** by the security services following a Facebook post with information about the *Forces démocratiques de libération du Rwanda*. **Placide Ucirca**, **director of the online media outlet lavoixdelituri.net** in Bunia, **was arrested** on March 11, 2022, by military personnel following an article about the release of 29 members of the Lendu community under pressure from the armed group CODECO. **Pero Luwara**, **head of the online media outlet CPL TV**, was **physically assaulted and threatened** by UDPS/Katanga activists in Lubumbashi on April 24, 2022, while covering the interprovincial conference of Greater Katanga-Greater Kasai under the auspices of Prime Minister Sama Lukonde. **Michel Hangi**, **a technician with the community radio station Soleil Levant**, was **killed** on July 17, 2022, in North Kivu. In Kinshasa, **Africa News publisher Achille Kadima** received **death threats** from MP Daniel Safu in October 2022 for refusing to get involved in an extortion case.⁽¹¹⁸⁾ Interviewees also alleged that human rights defenders were targeted, such as the snatching of a cell phone by security services.

2.

Is civil society organized in favor of digital rights and freedoms?

(15-20 points)

While there is no digital freedom organization as such in DRC, the fabric of civil society is beginning to take notice of these issues. **The Carter Center** offers training on media communications. Like **Voices of the Voiceless**, it supports organizations on the topic of censorship. Meanwhile, Journalists in Danger is beginning to focus on the **digital dimension**. In partnership with other NGOs, **SOS Information Juridique Multi-Sectorielle** (SOS-IJM) supports human rights defenders in eastern DRC through the initiative «Reinforcing Initiatives to Assist Human Rights Defenders in Congo» (RISC), which it leads and which is **supported by the Dutch Ministry of Foreign Affairs**. They help human rights defenders to **ensure their physical, legal and digital protection**.⁽¹¹⁹⁾

⁽¹¹⁸⁾ Journalists in Danger. «Report 2022: Alerts and Threats to Press Freedom. Open Letters on the State of the Media in DR Congo,» November 2022. https://jed-afrique.org/wp-content/uploads/2022/11/RAPPORT-2022-VF_compressed_1pdf.io1_compressed_1pdf.io_pdf

⁽¹¹⁹⁾ Acting together for human rights. «RISC.» Accessed February 5, 2023. <https://agir-ensemble-droits-humains.org/fr/nos-projets/risc/>.



Djibouti

President Ismail Omar Guelleh has led the Republic of Djibouti since 1999 and was re-elected to a fifth term in April 2021 with **97% of the vote**. Elections were boycotted by opposition parties claiming unfree elections. The regime is **particularly harsh on those critical of the government and censors the websites of critical organizations** such as the newspaper *La Voix de Djibouti*. Surrounded by unstable neighbors, Djibouti is a **pillar of regional stability**. With three international military bases (the United States, China, France), the country is an important relay for regional dispatches. Despite such strategic positioning, there is **little chance that the regime will evolve** or that civil society will manage to consolidate itself into a genuine space for civic expression. **Social networks represent a rare space for freedom of expression**, but under the surveillance of the regime and whose access is sometimes limited by the government, according to RSF. Djibouti's stated **ambition to become a hub of digital innovation** echoes a Rwandan-style positioning: an authoritarian regime at the head of a small, organized, innovative country that is a pole of regional stability.

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(7-10 points)

Internet access continues to increase in Djibouti. The proportion of Internet users increased from **31% to 59%** between 2016 and 2020, for example. **Fifty-six percent** of Djiboutians owned a cell phone in 2017 with a significant gender difference: **52%** of women owned a cell phone compared to **61%** of men in 2017. The ITU estimates that **90%** of Djiboutians were covered by a cellular network, **90%** had a 3G mobile network, and there were **44** cell phone subscriptions (voice & SMS) per 100 inhabitants and 26 mobile Internet subscriptions per 100 inhabitants in 2021. There is also a gender difference in Internet users with **52%** of women and **60%** of men being Internet users.⁽¹²⁰⁾

⁽¹²⁰⁾ ITU. «Digital Development Dashboard: Djibouti». Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

2. **Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?**

(4-10 points)

Djibouti is **strategically positioned on the Gulf of Aden**, which gives it access to **nine submarine cables** via two access points. Five submarine cable projects concern it: **2Africa, Africa-1, India Europe Xpress, Raman and SeaMeWe**. The country can therefore access a connectivity capacity of up to 1634 GB/sec. Despite these assets, Djiboutians face high prices and spend **6.1% of their GNI/capita** on a mobile subscription with Internet (2 GB) in 2021.⁽¹²¹⁾ The country is far from the Broadband Commission for Sustainable Development) **target of 2%** by 2025. There is also a significant digital divide between rural and urban areas (mainly Djibouti City).⁽¹²²⁾ In addition, the telecoms sector **is monopolized by the state-owned company Djibouti Télécom**, whose performance is limited, while the opening up to competition has been slow to materialize despite attempts to open up the capital (40%), which have not materialized since 2021. The company launched its mobile payment platform Djibouti Money in 2020. While this platform aims at financial inclusion, the context of repression in the country may raise questions about the nature of the control facilitated over transactions.

3. **Are there any digital skills development policies in the country?**

(2-5 points)

No digital inclusion program exists for citizens. Djiboutians' digital skills were measured in 2017, revealing that **17%** have basic skills, **13%** have standard skills, and **5%** have advanced skills. **Sixty-five percent** of the population is therefore not comfortable with digital use in a context of building digital public services.⁽¹²³⁾

B. Content limitations

1. **Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?**

(3-17 points)

There has **never been a government shutdown of the Internet** in Djibouti. However, the state-owned ISP regularly blocks the **websites of the European-exiled opposition radio station La Voix de Djibouti** and the **Association for the Respect of Human Rights** in Djibouti.⁽¹²⁴⁾ The government monitors the online publications of perceived opponents. Online critics of the government risk being arrested.⁽¹²⁵⁾ According to RSF, the government **limits access to social networks** by deliberately restricting access to **spaces where expression is free**.⁽¹²⁶⁾ Access to **Facebook was reportedly blocked**, on the mobile Internet network at least between August and December 2021, following scuffles between Afar and Somali Issa ethnic groups in Djibouti City in response to events in Ethiopia. Interviewees confirm that the blocking continues today, **forcing the use of VPNs**. The **regime uses Pegasus spyware** as revealed by the New York Times in January 2022⁽¹²⁷⁾ while interviewees allege the additional use of Chinese surveillance tools.

⁽¹²¹⁾ Ibid.

⁽¹²²⁾ Direction générale du Trésor. «Telecoms: A sector monopolized by an operator with limited performance and whose opening to competition is overdue». June 2, 2022.

<https://www.tresor.economie.gouv.fr/Pays/DJ/telecoms-un-secteur-monopolise-par-un-operateur-aux-performances-limitees-et-dont-l-ouverture-a-la-concurrence-se-fait-attendre>

⁽¹²³⁾ World Bank. «Djibouti Launches Digital Transformation to Improve Public Administration.» Accessed January 30, 2023.

<https://www.banquemonde.org/fr/news/press-release/2018/04/25/djibouti-lanches-digital-transformation-to-improve-services-to-citizens>

⁽¹²⁴⁾ Freedom House. «Djibouti: Freedom in the World 2022 Country Report.» Accessed January 30, 2023. <https://freedomhouse.org/country/djibouti/freedom-world/2022>

⁽¹²⁵⁾ Ibid.

⁽¹²⁶⁾ «Djibouti | RSF». Accessed January 30, 2023. <https://rsf.org/fr/pays/djibouti>

⁽¹²⁷⁾ Bergman, Ronen, and Mark Mazzetti. «The Battle for the World's Most Powerful Cyberweapon.» The New York Times, January 28, 2022, sect. Magazine.

<https://www.nytimes.com/2022/01/28/magazine/nso-group-israel-spyware.html>

2.

Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(2-18 points)

While **freedom of expression and political pluralism** are protected, in principle, by the **1992 constitution**, in practice they are limited and **self-censorship is encouraged**. Defamation and the distribution of false news are punishable by **criminal penalties**.⁽¹²⁸⁾ The law on freedom of communication grants prison sentences for **press offenses**, as well as a restrictive framework for the creation of a media outlet (age, nationality), and the Commission for the Approval of Audiovisual Media has not yet been established.⁽¹²⁹⁾ The **National Communications Commission** grants media licenses and the National Security Service plays a role in the licensing process.⁽¹³⁰⁾ The tools to create media based on free expression in Djibouti do not exist.

C. Violations of user rights



1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(1-20 points)

Citizens and journalists critical of the government face intimidation and arbitrary arrest. Correspondents of *La Voix de Djibouti* are **forced underground and arrested** in order to intimidate them or to reveal their sources.⁽¹³¹⁾ As soon as *La Voix de Djibouti* contributors are identified, they are **followed day and night**, arrested, and their **working equipment is confiscated**. For example, **Hassan Daher Elabe was arrested** in January 2023 while covering a meeting of a Djiboutian political party and the arrest of its members. On December 27, 2022, **Saïd Abdillahi Yassin was arrested** while covering a teachers' demonstration protesting about their living and working conditions as well as 6 months of unpaid salaries.

In January 2021, eight people were arrested for a week after posting an online video critical of their political representatives. In June 2021, **blogger Walid Hassan was detained for eight days** in an undisclosed location before being sentenced to prison for defamation.⁽¹³²⁾ **BBC reporter Mahamoud Osman Boulhan was arrested** on August 2, 2021.⁽¹³³⁾

In July 2020, journalist Charmarke Saïd Darar (*La Voix de Djibouti*) was arrested while covering protests following the detention and alleged torture of an air force pilot. He spent a month in captivity without access to a lawyer, enduring police interrogation and physical assault as well as food and water deprivation.⁽¹³⁴⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(1-20 points)

Civil society is non-existent or marginal in Djibouti. Organizations critical of the government are run from abroad by **exiled opponents** like *La Voix de Djibouti*. There is also the Djibouti-based **Ligue Djiboutienne des droits humains**, which is run by the only lawyer who defends those arrested by the regime. **Trade unionists** are also subject to **intimidation** including members of the teachers' union. **Teachers** have also been arrested for alleged links to the opposition. **The PLS-DLS dockworkers' collective** regularly demonstrates. **The Air Djibouti union** was dissolved following the dismissal of all its members who went into exile.

Organizations working on economic and social development issues are tolerated by the regime. At a regional level, the **organization Defend Defenders covers East Africa and the Horn of Africa from Uganda**, and offers a computer security help desk for human rights defenders. However, its resources are in English. RSF and CPJ are also active in the country.

⁽¹²⁸⁾ Freedom House. Ibid.

⁽¹²⁹⁾ RWB. Ibid.

⁽¹³⁰⁾ Freedom House. Ibid.

⁽¹³¹⁾ RWB. Ibid.

⁽¹³²⁾ United States Department of State. «Djibouti.» Accessed January 30, 2023. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/djibouti/>.

⁽¹³³⁾ United States Department of State. «HUMAN RIGHTS REPORT 2021 - DJIBOUTI.» 2021.

<https://dj.usembassy.gov/wp-content/uploads/sites/142/RAPPORT-2021-SUR-LES-DROITS-DE-LA-PERSONNE-%E2%80%93-DJIBOUTI.pdf>

⁽¹³⁴⁾ Freedom House Ibid.



Equatorial Guinea

Equatorial Guinea has had an **authoritarian regime led by President Teodoro Obiang Nguema Mbasogo** since the 1979 coup. The **political opposition and the press** face a particularly difficult environment. Investment in digital **infrastructure is minimal** and lags far behind the regional context. Digital freedoms are not respected.

A. Barriers to access



1.

Do infrastructural or government limitations restrict internet access or the speed and quality of internet connections?

(2-10 points)

Internet access in Equatorial Guinea stagnated, going from **24% to 26%** of its population **between 2016 and 2017**.⁽¹³⁵⁾ While there is no data on cell phone ownership, ITU estimates that **70%** of Equatoguineans are covered by a cellular network, **60%** have 3G mobile network coverage, there are **40 cell phone subscriptions** (voice & SMS) per 100 inhabitants and **1 mobile internet subscription per 100 inhabitants** in 2020.⁽¹³⁶⁾ There is no data on gender differences for those connected.

⁽¹³⁵⁾ The most recent data available is for the year 2017 (ITU)

⁽¹³⁶⁾ ITU Digital Development Dashboard, International Telecommunications Union, 2022 <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx> (accessed on 19/11/2022)

2. **Are there any legal, regulatory or economic barriers that limit the diversity of service providers? Is access to the Internet prohibitively expensive or out of reach for some segments of the population for geographic, social or other reasons?**

(0-10 points)

Equatoguineans face very high prices, spending **23.5% of their GNI/capita on a mobile Internet subscription** in 2021.⁽¹³⁷⁾ They spend **20.6% of their GNI/capita on a fixed internet subscription** in 2021. There is no data for the price of a mobile subscription with internet and high usage calls.⁽¹³⁸⁾

3. **Are there any digital skills development policies in the country?**

(0-5 points)

In 2021, **the GSMA and ECA** have asked Equatorial Guinea to **prioritize digital inclusion** through investments in mobile infrastructure and digital economy development to **close the digital transformation gap**.⁽¹³⁹⁾

B. Content limitations



1. **Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?**

(1-17 points)

The government blocked access to the Internet for 10 days during the 2017 legislative and municipal elections. Citizens cannot access Facebook or opposition blogs such as Diario Rombe and Radio Macuto. **The websites of opposition parties and exile groups have been blocked** by the government since 2013. The websites of some Spanish newspapers are regularly blocked.⁽¹⁴⁰⁾ Attempts to access opposition websites were redirected to the government's press site or displayed an error message. In November 2021, **the government suggested it could be able to monitor conversations on Whatsapp**. The U.S. State Department emphasizes that the purpose of such a threatening message is to **discourage criticism from citizens**, although it would be unlikely that the government has the technical means to do so.⁽¹⁴¹⁾

2. **Do the constitution or other laws fail to protect rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?**

(1-18 points)

Access to information was restricted, although this right is guaranteed by the constitution. Press offenses are not decriminalized. **There is no media regulatory body**. Journalists are regularly sued for slander or libel, which leads to self-censorship.⁽¹⁴²⁾

⁽¹³⁷⁾ ITU, *ibid*

⁽¹³⁸⁾ *Ibid*

⁽¹³⁹⁾ AITN. «GSMA and ECA Call on Central African Governments to Prioritize Digital Inclusion.» AITN (blog), July 26, 2021.

<https://afriqueitnews.com/tech-media/gsma-cea-demandant-gouvernements-dafrique-centrale-de-donner-priorite-inclusion-numerique/>.

⁽¹⁴⁰⁾ Freedom House. «Equatorial Guinea: Freedom in the World 2022 Country Report. Accessed January 15, 2023. <https://freedomhouse.org/country/equatorial-guinea/freedom-world/2022>.

⁽¹⁴¹⁾ United States Department of State. «Equatorial Guinea.» <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/equatorial-guinea/>. Accessed January 15, 2023.

⁽¹⁴²⁾ Reporters Without Borders. «Equatorial Guinea | RSF.» November 27, 2020. <https://rsf.org/fr/pays-guinee-equatoriale>.

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(1-20 points)

Journalists were **threatened, arbitrarily detained, and wiretapped**. In 2021, journalists were suspended from TVGE for criticism of the government's handling of Covid-19. **Critical journalists are denounced as «enemies of the regime»** and face regular threats. **Reporters Without Borders** highlights the impunity of acts of violence against journalists.⁽¹⁴³⁾

Torture and physical assaults by security forces were common. Those accused of the 2017 coup attempt on trial in 2019 **reported torture to extract confessions**, while two died in custody.⁽¹⁴⁴⁾ Four Spanish-based opponents were reportedly kidnapped in South Sudan in late 2019 and transported to Equatorial Guinea. In January 2023, **Julio Obama Mefuman died in prison** two weeks after an **investigation was opened in Madrid for «kidnapping» and «torture» of Feliciano Efa Mangue**, himself (both Spanish dual nationals) and two Equatorial Guinean opponents. **The investigation targets three people close to the president**, including his son Carmelo Ovono Obiang, who is head of foreign intelligence.⁽¹⁴⁵⁾

2. Is civil society organized in favor of digital rights and freedoms?

(1-20 points)

Civil society is extremely weak or non-existent. The opposition group **Movement for the Liberation of the Third Republic of Equatorial Guinea (MLGE3R)** is in exile in Spain and labeled a terrorist organization by the regime. **The Convergence for Social Democracy (CPDS)** is the only authorized opposition party in a country where President Obiang was re-elected with 94.9% of the vote in November 2022 and has held power since 1979.⁽¹⁴⁶⁾ CPDS leader Andres Esono Ondo denounced on Twitter «the death in custody of Julio Obama» in January 2023.⁽¹⁴⁷⁾

In 2020, the home of **former Supreme Court President Juan Carlos Ondó Angué was surrounded** by security forces. He had been removed from office in 2018 after supporting a colleague who refused to support a «government-backed corruption scheme» and died in custody. It was the arrival of French, Spanish and US diplomats that reportedly prevented his arrest. He was accused of participating in the 2017 coup attempt. **He has since been living in exile.**⁽¹⁴⁸⁾ In 2019, the **Center for Studies and Initiatives for the Development of Equatorial Guinea (CEID-GE) was dissolved** by government decree several months after its director was placed under house arrest to prevent him from receiving a human rights award given at an event hosted by the French and German embassies.⁽¹⁴⁹⁾

⁽¹⁴³⁾ Freedom House. Ibid.

⁽¹⁴⁴⁾ United States Department of State. Ibid.

⁽¹⁴⁵⁾ Le Monde.fr. « En Guinée équatoriale, mort en prison de l'opposant Julio Obama Mefuman ». 17 janvier 2023.

https://www.lemonde.fr/afrique/article/2023/01/17/en-guinee-equatoriale-mort-en-prison-de-l-opposant-julio-obama-mefuman_6158175_3212.html.

⁽¹⁴⁶⁾ Le Figaro. «Equatorial Guinea: President Obiang re-elected with 94.9% in the face of a muzzled opposition,» November 26, 2022.

<https://www.lefigaro.fr/international/guinee-equatoriale-le-president-obiang-reelu-avec-94-9-face-a-une-opposition-muselee-20221126>.

⁽¹⁴⁷⁾ Twitter. « <https://twitter.com/aesonondo/status/1614734113336094721> ». Accessed January 15, 2023. <https://twitter.com/aesonondo/status/1614734113336094721>.

⁽¹⁴⁸⁾ Reporters Without Borders. Ibid.

⁽¹⁴⁹⁾ Freedom House. Ibid.



Gabon

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(8-10 points)

Internet access continues to increase in Gabon: the proportion of Internet users increased from **48% to 62% between 2016 and 2020**. While no data is available on cell phone ownership, the ITU estimates that **99%** of Gabonese were covered by a cellular network, **98%** had a 3G mobile network, and that there were **134 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and 96 mobile Internet subscriptions per 100 inhabitants in 2021. No data exists on gender differences in Internet connectivity.⁽¹⁵⁰⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(7-10 points)

Fiber optic broadband network infrastructure was gradually put in place during the 2010s with the help of donors such as the **African Development Bank and the World Bank**. The CAB 4 project, which aims to **connect Central Africa**, also provided the country with an **efficient communications network called the Gabonese National Backbone**. This network is managed by a private company, **Axione** (a subsidiary of Bouygues Energies & Services), as a delegated public service operator. Since the network was commercialized, **rates have dropped significantly and quality has improved**.⁽¹⁵¹⁾ As a result, Gabonese people benefit from relatively affordable prices and will spend **2.2% of their GNI/capita** on a mobile subscription with Internet (2 GB) in 2021.⁽¹⁵²⁾ The country is close to reaching the Broadband Commission for Sustainable Development) **target of 2% by 2025**.

⁽¹⁵⁰⁾ ITU. «Digital Development Dashboard: Gabon». Accessed January 29, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>.

⁽¹⁵¹⁾ General Directorate of the Treasury. «Gabon. Le Secteur du numérique». November 10, 2020. <https://www.tresor.economie.gouv.fr/Pays/GA/le-secteur-du-numerique>

⁽¹⁵²⁾ Ibid.

3. Are there any digital skills development policies in the country?

(2-5 points)

Gabon has mainly **invested in developing its digital infrastructure and digitizing its administration**. There do not seem to be any policies to develop citizens' basic digital skills beyond the training of programmers at the **University of Science and Technology of Masuku and School 241**.⁽¹⁵³⁾ In January and February 2023, the International Organization of *La Francophonie* will **deploy the "D-CLIC, formez-vous au numérique"** (get trained in digital) program for young people and women with an entrepreneurial training focus.⁽¹⁵⁴⁾ The country aims to develop an **ecosystem of digital startups** like the incubator **Société d'Innovation Numérique du Gabon**, 30% owned by the state and the rest by private shareholders such as Gabon Telecom and Vivendi.⁽¹⁵⁵⁾

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(6-17 points)

The Internet was shut down during the **2016 presidential elections and the 2019 uprising attempt**. The Internet was not shut down in 2022. In contrast, the online newspaper **7jours infos** was **suspended by the HAC** for one month in January 2022 following an article questioning the president's ability to lead the country.⁽¹⁵⁶⁾

Gabon reportedly **uses network surveillance and interception tools**. **Silam, the presidential eavesdropping center**, is said to have a high degree of autonomy from its supervisory authority, the **Directorate General of Special Services of the Presidency**, and works with the specialized private companies **Amesys** (now Ames and Nexa Technologies), **Ercom, and Suneris Solutions**.⁽¹⁵⁷⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(8-18 points)

Gabon's constitution protects freedom of expression, and the 2016 communication code ended prison sentences for press offenses. RSF notes that **journalists are still summoned** to the police station citing the penal code. The **president of the High Authority for Communication (HAC)**, the media regulatory body, can **sanction a media outlet** without consulting the organization's nine members (seven of whom are appointed by the government) thanks to **Article 55** of the organic law governing the HAC.⁽¹⁵⁸⁾

"Ordinance No. 15/PR/2018 of February 23, 2018, regulating cybersecurity and the fight against cybercrime in the Gabonese Republic" compels operators and providers of electronic communications services to **retain connection and traffic data** for ten years, and to install **traffic monitoring mechanisms for data on their networks**. This data can be used in judicial investigations.⁽¹⁵⁹⁾

Gabon has a **National Commission for the Protection of Personal Data** with Law No. 001/2011 of 25 September 2011 on the protection of personal data. **Article 227** of the Code provides for penalties of up to five years in prison and 3 million CFA francs (4.1 million US dollars) for disseminating false news, and **Article 228** provides for up to ten years in prison and 5 million CFA francs (8.2 million US dollars) for "undermining the discipline or morale of the armed forces".⁽¹⁶⁰⁾

⁽¹⁵³⁾ JeuneAfrique.com. «Why Gabon has not become a digital hub - Jeune Afrique. Accessed February 5, 2023. <https://www.jeuneafrique.com/mag/1093955/economie/pourquoi-le-gabon-nest-pas-devenu-un-hub-numerique/>.

⁽¹⁵⁴⁾ We are tech africa. «IOF launches digital skills training in Tunisia, Togo and soon in Djibouti and Gabon.» February 9, 2022.

<https://www.waretech.africa/fr/fils/solutions/i-of-lance-une-formation-aux-competences-numeriques-en-tunisie-au-togo-et-bientot-a-djibouti-et-au-gabon>

⁽¹⁵⁵⁾ JeuneAfrique.com. «Why Gabon has not become a digital hub - Jeune Afrique». Accessed February 5, 2023.

<https://www.jeuneafrique.com/mag/1093955/economie/pourquoi-le-gabon-nest-pas-devenu-un-hub-numerique/>

⁽¹⁵⁶⁾ «Gabon | RSF.» Accessed February 5, 2023. <https://rsf.org/fr/pays/gabon>

⁽¹⁵⁷⁾ JeuneAfrique.com. «Between surveillance of opponents and terrorists, the juicy market of espionage in Africa - Jeune Afrique». Accessed February 5, 2023.

<https://www.jeuneafrique.com/mag/886073/politique/entre-surveillance-des-opposants-et-des-terroristes-le-juteux-marche-de-lespionnage-en-afrique/>

⁽¹⁵⁸⁾ «Gabon | RSF.» Accessed February 5, 2023. <https://rsf.org/fr/pays/gabon>

⁽¹⁵⁹⁾ ritimo. «Digital Security in Gabon.» ritimo, December 15, 2021. <https://www.ritimo.org/Fiche-pays-securite-numerique-Gabon>

⁽¹⁶⁰⁾ Criminal Code of Gabon. Law no.042/2018 of July 05, 2019. <https://www.droit-afrique.com/uploads/Gabon-Code-2019-penal.pdf>

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(9-20 points)

Arrests of journalists are rare, except for the case of Bertin Ngoua Edou who was detained for four days in 2020 following an article on an alleged corruption case. **Journalists and human rights defenders are subject to intimidation.**

During the 2016 presidential elections, the Ivorian hacker Yeo Sihifowa was arrested in the offices of the Gabonese opponent Jean Ping. He was accused of wanting to “feed social networks with false minutes and falsify the results of the election, transmit signals without authorization using fraudulent telecommunications facilities”. After **4 years in prison**, he was tried and sentenced in August 2020 to five years in prison, a fine of 2 million CFA francs (US\$ 3,309) and a 10-year ban on residence, then **expelled from Gabon in September 2020**.⁽¹⁶¹⁾

In February 2022, **trade unionist Jean-Rémy Yama**—president of *Dynamique unitaire*, the country’s main trade union coalition, president of the National Union of Teachers and Researchers, and an active member of *Tournons La Page*—**was arrested at Libreville Airport** and remanded in custody on charges of “breach of trust” in a case involving the construction of company housing. FIDH and the World Organization Against Torture denounced such judicial harassment along with an arbitrary arrest.⁽¹⁶²⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(5-20 points)

Gabonese civil society is weak. RSF noted that despite a growing **online press, the culture of a free and independent press** generally struggles to establish itself in Gabon, and suffers from a **climate of self-censorship** under the influence of the regime. No Gabon-based organizations contributed to the 2021 Universal Periodic Report. However, the **NGOs Paradigm Initiative** (Nigeria), **Small Media Foundation** (United Kingdom), and **CIPESA** (Uganda) did contribute, and represent potential international partners for **improving the state of digital freedoms in the country**. The *Tournons La Page* (Gabon coalition) brings together 6 organizations of which Brainforest, Club90, *Dynamique unitaire*, *Educaf*, *Femme Lève-toi* and ROLBG are field actors.

⁽¹⁶¹⁾ ritimo. «Digital Security in Gabon». ritimo, December 15, 2021. <https://www.ritimo.org/Fiche-pays-securite-numerique-Gabon>.

⁽¹⁶²⁾ International Federation for Human Rights. «Gabon: Arbitrary detention and judicial harassment of trade unionist Jean-Rémy Yama.» Accessed February 5, 2023. <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/gabon-detention-arbitraire-et-harcelement-judiciaire-de-jean-remy>.



Guinea

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(4-10 points)

Internet access in Guinea continues to grow. While in 2016 the population had 13% Internet users, this figure almost doubled in the space of 4 years, rising to 26% by 2020. **Seventy-seven percent** of the Guinean population has a cell phone, but the ITU estimates that **88%** of Guineans are covered by a cellular network and **40%** have a 3G mobile network. Guinea had **24 mobile Internet subscriptions** per 100 inhabitants in 2021. There are also significant regional disparities in terms of Internet access, with access to a good quality connection limited to the country's major urban centers. Finally, there is a significant disparity in Internet use by gender: **29% of men and 15% of women** use the Internet in Guinea. In order to improve the connection quality, Guinea recently launched a fiber optic **deployment program called "National Backbone"**. The results are still awaited by the population.

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(3-10 points)

The country has **three telephone operators** (Orange, Cellcom, and MTN). The average cost of a 2 GB mobile data subscription with a 256 Kbps connection for an average Guinean citizen is currently **11.02% of their GNI/capita**. Internet access costs are still **far from the 2% target** set by the Broadband Commission for Sustainable Development. The Internet remains **difficult to access for the average Guinean**. However, the **progress made by Guinea should be noted**. The cost of access to a traditional subscription has been divided by two in the space of five years.

3. Are there any digital skills development policies in the country?

(3-5 points)

The Orange Guinea Foundation recently signed an agreement with the Ministry of Higher Education, Scientific Research and Innovation to deploy a program to develop the digital skills of the Guinean population. The program relies on local NGOs (Wafrica, Child Fund, Mindleaps, etc.), and is behind the opening of many spaces dedicated to public digital use. Some of them are reserved for women, notably the 7 “digital houses”. These houses aim to promote the social and professional integration of Guinean women through the development of digital skills via training courses lasting from 6 months to one year.⁽¹⁶³⁾

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(7-17 points)

The Guinean government has restricted Internet access several times in recent years. In March 2020, the Internet was cut off for four days as millions of Guineans were called to vote in a constitutional revision referendum. This vote allowed Alpha Conde to run for a third term. Subsequently, during the October 2020 presidential election, the Internet was cut off again for a week, and Facebook for several months. These Internet outages occurred during major political protests.

Since the September 2021 rebellion by Mamadi Doumbouya, the political power in place has not cut off the Internet.⁽¹⁶⁴⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(5-18 points)

Guinea is a signatory to the Universal Declaration of Human Rights but has not ratified the Malabo Convention. Many Articles of Guinean law go against the grain of the UDHR and are valuable tools for setting up a system for monitoring the population—notably the 2016 law on cybersecurity and personal data protection.⁽¹⁶⁵⁾ Indeed, Article 67 of the Cybersecurity and Data Protection Law 2016-037 requires Internet users within a cybercafe to be identified in advance by cybercafe operators. Article 57 prohibits the importation, sale, and use of encryption devices unless authorized by the government.⁽¹⁶⁶⁾ The use of encryption without authorization is punishable by imprisonment for one to five years and a fine of 150 to 600 million Guinean francs (US\$ 15,800 to US\$ 62,800).⁽¹⁶⁷⁾ Thus, the NGO Internet Without Borders points to the “numerous shortcomings in the consideration of democratic requirements in the fight against cybercrime”.⁽¹⁶⁸⁾

⁽¹⁶³⁾ The Orange Guinea Foundation. «The Orange Guinea Foundation (FOG) signs a protocol with the Ministry of Higher Education, Scientific Research and Innovation (MESRSI).» 2022.

https://www.orange-guinee.com/fondation-orange-guinee/resources/other/CP_Signature%20FOG%20_%20MESRSI%20VF.pdf

⁽¹⁶⁴⁾ Media Defence. «Guinea: Our Application Following the Internet Shutdowns.» Accessed January 6, 2023. <https://www.mediadefence.org/news/guinea-our-application-following-the-Internet-shutdowns/>

⁽¹⁶⁵⁾ It is worth recalling Article 12 of the UDHR, which states that: «No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.»

⁽¹⁶⁶⁾ Encryption is a technique used to protect the integrity and confidentiality of data by transforming it into an undecipherable code. This code can only be decrypted with a specific key. Encryption is used to secure online communications and data stored on computers.

⁽¹⁶⁷⁾ CIPESA. Privacy Imperilled: Analysis of Surveillance, Encryption, and Data Localisation Laws in Africa. 2022.

⁽¹⁶⁸⁾ «Guinea: Internet Without Borders' Analysis of the Future Cybercrime and Personal Data Law.» Internet Without Borders, May 11, 2016, <https://Internetwithoutborders.org/guinee-analyse-par-Internet-sans-frontieres-de-la-future-loi-cybercriminalite-et-donnees-personnelles/>

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(5-20 points)

Following demonstrations, the Guinean government **suspended the National Front for the Defense of the Constitution (FNDC)**, accusing the organization of provoking “armed demonstrations on public roads and places” and using “social networks as a **showcase for its ideas and actions**”.⁽¹⁶⁹⁾ The FNDC advocated for a **rapid democratic transition following the 2021 uprising**. Members of civil society report an **increase in repression and a “very rapid judicialization” of online freedom of expression**. Civil society members denounced the “systematic prosecution of those who dare to challenge the government”.

2.

Is civil society organized in favor of digital rights and freedoms?

(12-20 points)

No organizations specifically defend digital freedoms in Guinea. However, several associative structures are now interested in this issue. **The first Internet blackout** in the country was **a shock for the population**. It made civil society aware of the importance of defending **a free and open Internet**. Thus, the **Association of Guinean Bloggers**, the **Village 2.0 Association**, the **Guinean League for Human Rights**, and the **African Training Center for Human Rights and the Environment** filed a complaint with the Economic Community of West African States (ECOWAS) Court of Justice. These organizations are seeking to have **the Guinean state condemned** following the October and March 2020 Internet blackouts.⁽¹⁷⁰⁾

⁽¹⁶⁹⁾ MFWA. «The right to protest greatly endangered in Guinea». Accessed January 6, 2023. <https://www.mfwa.org/fr/issues-in-focus/le-droit-a-la-manifestation-fortement-en-peril-en-guinee/>

⁽¹⁷⁰⁾ Villagers 2.0, The. «Guinea: Complaint against the State at the ECOWAS Court of Justice on Internet Shutdown.» Villagers 2.0, July 5, 2021, <https://www.lesvillageois.org/index.php/2021/07/05/guinee-plainte-contre-letat-a-la-cour-de-justice-de-la-cedeao-sur-la-coupure-dInternet/>



Madagascar

Madagascar faces **major development challenges** (173rd HDI rank in 2021) and the south of the country is experiencing a **food insecurity crisis**.⁽¹⁷¹⁾ The country has been stabilizing since the establishment of a semi-parliamentary regime in 2010 following the political crisis of 2009. Often classified as a **hybrid regime**, the country mixes authoritarianism and freedom. It does not restrict the Internet to its citizens, but **in 2016 it adopted the Communication Code, which limits freedom of expression online** (e.g., fake news, defamation). Although the country has a low proportion of Internet users, **65% of its citizens** believe that the media should be free to publish without government control, and **31% believe that the media cannot comment on news without censorship or government interference**, according to 2022 data.⁽¹⁷²⁾ The upcoming presidential elections in November 2023 are a time to be vigilant online: the crackdown on citizens critical of the outgoing government and a possible new attempt at Russian interference in the results, as in 2018, remains likely.⁽¹⁷³⁾

A. Barriers to access

1. **Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?**

(5-10 points)

Internet access has continued on the island since Madagascar's **first Internet connection was established in 1995**. The proportion of Internet users increased from **5% to 15% between 2016 and 2018** (ITU). While there is no data on cell phone ownership, the ITU estimates that in 2021 **88%** of Malagasy citizens were covered by a cellular network, **67% had a 3G mobile network**, and there were **56 cell phone subscriptions** (voice & SMS) per 100 inhabitants and **18 mobile Internet subscriptions** per 100 inhabitants. No data exists on gender differences for those connected.⁽¹⁷⁴⁾

⁽¹⁷¹⁾ «Emergency in Southern Madagascar | World Food Programme». Accessed January 6, 2023. <https://fr.wfp.org/urgences/urgence-au-sud-de-madagascar>

⁽¹⁷²⁾ Afrobarometer. «The media should be free to publish any opinions or ideas according to the Malgach». Accessed January 6, 2023.

https://www.afrobarometer.org/wp-content/uploads/2022/12/Comm-de-presse_Malgaches-demandent-des-medias-libres-Afrobarometer-21dec22.pdf

⁽¹⁷³⁾ TV5MONDE. «Russian interference in Madagascar: Gaëlle Borgia's investigation wins Pulitzer Prize.» May 7, 2020.

<https://information.tv5monde.com/afrique/ingerence-russe-madagascar-l-enquete-de-gaëlle-borgia-remporte-le-prix-pulitzer-358288>

⁽¹⁷⁴⁾ ITU. «Digital Development Dashboard: Madagascar.» Accessed January 6, 2023. <https://www.itu.int/443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(2-10 points)

The island benefits from a **fast connection thanks to the three submarine cables and the 2Africa cable** which will be installed in 2023. However, it is the cities that benefit from excellent connections, **which is not the case for rural areas** where the vast majority of the population resides. However, mobile banking has democratized the Internet through network access, with offers such as Orange Money for example. Moreover, Malagasy citizens are faced with high prices and **spend 13.2% of their GNI/capita** on a mobile subscription with Internet (2 GB) in 2021.⁽¹⁷⁵⁾ The telecom market is divided into three players: **Orange, Airtel and the incumbent Telma**. Interviewees allege that the extra tariffs intended to finance infrastructure are not being reinvested.

An operator like Telma gives its customers **free access to Facebook**. This lack of net neutrality is a worrying trend: limiting the Internet to a closed service like Facebook is a misleading vision of the open space that the Web actually is, in which information and knowledge circulate freely. **These closed gardens limit the emancipation and freedom of Internet users**. The confusion induced between Facebook and the Internet presents risks for the democratic life of Madagascar. It places important moderation responsibilities on a company that has not always recruited enough people in sufficient numbers or quality elsewhere in the world. It feeds a polarization on a single platform. **Finally, it does not allow the free circulation of information outside the platform**. This risk for the public space is drawn from what has been observed in Burma for example.⁽¹⁷⁶⁾

3.

Are there any digital skills development policies in the country?

(2-5 points)

The government wants to **deploy e-governance** at the national level and train its citizens in digital skills. It signed a **partnership with the International Finance Corporation, in December 2022**, to train **6,000 Malagasy individuals from the private and public sectors** in advanced and specialized computer skills.⁽¹⁷⁷⁾ However, basic digital skills are not covered. In this respect, **Orange Solidarité Madagascar** is deploying a digital inclusion program in partnership with Malagasy associations. Thus, **42 Digital Houses for Women** have enabled unemployed and unqualified women to be trained in the digital sector (Internet use and software handling) with the help of a kit containing tablets, PCs, Raspberry Pi servers, a printer, and a video projector.⁽¹⁷⁸⁾ The Digital Schools program has **173 schools** in the country.^{(179) (180)}

B. Content limitations



1.

Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(12-17 points)

The government of Madagascar has **never resorted to cutting off the Internet**. The Communications Code, **however, limits freedom of expression** with laws against false information and online defamation. In **a regime described as a hybrid** by the Democracy Index in 2021, there is reportedly a disconnect between formal laws that meet international rule of law standards and informal practices of arrest and intimidation.

⁽¹⁷⁵⁾ Ibid.

⁽¹⁷⁶⁾ Wong, Julia Carrie. «Overreacting to Failure: Facebook's New Myanmar Strategy Baffles Local Activists». The Guardian, February 7, 2019, sect. Technology. <https://www.theguardian.com/technology/2019/feb/07/facebook-myanmar-genocide-violence-hate-speech>

⁽¹⁷⁷⁾ Njoya, Samira. «Madagascar and IFC Partner to Train 6,000 Malagasy in IT Skills». Accessed January 6, 2023.

<https://www.wearatech.africa/fr/fils/actualites/finance/madagascar-et-la-sfi-s-associant-pour-former-6-000-malgaches-aux-competences-informatiques>

⁽¹⁷⁸⁾ A first digital house in Madagascar! Accessed January 6, 2023. <https://www.fondationorange.com/Une-premiere-maison-digitale-a-Madagascar?lang=fr>

⁽¹⁷⁹⁾ Orange news Madagascar. «The 160th and 161st Digital Schools Deployed». April 9, 2022. <https://actu.orange.mg/les-160eme-et-161eme-ecoles-numeriques-deployees/>

⁽¹⁸⁰⁾ Quenum, Adoni Conrad. «Madagascar: Orange inaugurates 41st digital house for women and 173rd digital school». Accessed January 6, 2023.

<https://www.wearatech.africa/fr/fils/actualites/tech/madagascar-orange-inaugure-la-41e-maison-digitale-pour-les-femmes-et-la-173e-ecole-numerique>

2.

Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(8-18 points)

The **Communication Code**, adopted in 2016 and reformed in 2020, retains prison sentences. Among other things, it provides for the **establishment of a regulatory authority**, but the latter **does not yet exist**. Its field of competence is therefore exercised by the administration: the Ministries of Communication and Culture. It also provides for **substantial fines and the possibility of closing down media** outlets in case of “dissemination of misleading information” (Article 30). In 2021, the government considered banning certain programs of several media considered “likely to disturb public order” (Article 140) before changing its mind.⁽¹⁸¹⁾

Human rights defender Jeannot Randriamanana was sentenced on May 10, 2022, to a two-year suspended prison term for “defamation and humiliation of members of parliament and public officials” (Article 258 of the penal code) and “impersonation” (Article 20 of the cybercrime law). A **member of the Independent Observatory for Economic, Social and Cultural Rights in Madagascar, Mr. Randriamanana** had taken to Facebook to criticize the mismanagement and alleged misappropriation of humanitarian funds intended for the district of Nosy Varika (Eastern Madagascar) by public figures. According to Amnesty International, he is **charged with fraudulent use of the office of journalist** (“impersonation”) for relaying information online. This sentence was upheld on 12 July, 2022, by the Fianarantsoa Court of Appeal.

C. Violations of user rights



1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(10-20 points)

The executive director of **Transparency International Initiative Madagascar** was summoned and questioned by the police on November 23, 2022. The Lychee Exporters Group had **filed a complaint for “abusive and defamatory denunciations”** following criticisms of potential corruption in the lychee trade sector by TI-MG in early November at the Antananarivo anti-corruption center.⁽¹⁸²⁾

Interviewees allege the **monitoring of Facebook group content, the closure of Facebook pages**, threats and even **arrests of administrators of these groups** and their entourage, labeling them as terrorists in the name of state security.

2.

Is civil society organized in favor of digital rights and freedoms?

(5-20 points)

Malagasy civil society **is not organized in favor of digital rights and freedoms**. No organization is specialized in the subject. Citizens operate in a context where **press offenses still exist** and government criticism on social networks can lead to **prosecutions for defamation**. Local NGOs defend human rights but few have the capacity to be independent and effective.⁽¹⁸³⁾

The **Independent National Commission on Human Rights** is a government body with a mandate to **investigate human rights violations**: it is funded by the government, but its 11 commissioners are elected by human rights organizations. The NHRC has initiated several investigations, but none have resulted in sanctions or convictions.⁽¹⁸⁴⁾

⁽¹⁸¹⁾ «Madagascar | RSF». Accessed January 6, 2023. <https://rsf.org/fr/pays/madagascar>

⁽¹⁸²⁾ Amnesty International. «Madagascar. TI-MG Executive Director Summoned After Exposing Corruption,» November 23, 2022.

<https://www.amnesty.org/fr/latest/news/2022/11/ketakandriana-rafitoson-summoned/>

⁽¹⁸³⁾ Antananarivo, U. S. Embassy. «REPORT ON THE HUMAN RIGHTS SITUATION IN MADAGASCAR IN 2021.» U.S. Embassy in Madagascar, May 10, 2022.

<https://mg.usembassy.gov/fr/rapport-sur-la-situation-des-droits-de-lhomme-a-madagascar-en-2021/>

⁽¹⁸⁴⁾ Ibid.



A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(5-10 points)

Internet access in Mali rose from **14% to 27%** of its population between 2016 and 2020. While no data is available on cell phone ownership, the ITU estimated in 2021 that **100%** of Malians are covered by a cellular network, **68%** have a 3G mobile network, **100%** have a cell phone subscription (voice & SMS), and **40%** have a mobile Internet subscription. No data exists on gender differences for those connected.⁽¹⁸⁵⁾

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(3-10 points)

However, Malians face **high prices**, spending the equivalent of **10.1% of Mali's GNI/capita** on a mobile subscription with Internet in 2021.⁽¹⁸⁶⁾ This higher cost than the regional trend was already denounced by the **#Mali100mega campaign** in 2015 by the associations Jokkolabs and Doniblog.⁽¹⁸⁷⁾ In order to reduce costs, the Malian government has announced the possible **introduction of a fourth mobile operator in 2021**.⁽¹⁸⁸⁾ The network faced **attacks on its infrastructure by armed groups** around Timbuktu in July 2021.⁽¹⁸⁹⁾ Interviewees allege that operators must **pay a ransom** to armed groups to keep the infrastructure intact, but that this approach is not always effective. Similarly, these interviewees denounce the digital divide in the north of the country.

⁽¹⁸⁵⁾ ITU. «Digital Development Dashboard: Mali». Accessed December 2, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>.

⁽¹⁸⁶⁾ ITU, *ibid*

⁽¹⁸⁷⁾ Fatouma Harber. «Association asks why Internet in Mali is so expensive compared to Senegal and Ivory Coast.» May 14, 2015. <https://fr.globalvoices.org/2015/05/14/174546/>

⁽¹⁸⁸⁾ Jeune Afrique, 2021, «Mali: negotiations reopened with Algiers for a telecom license

<https://www.jeuneafrique.com/1282892/economie/mali-negociations-rouvertes-avec-alger-pour-une-licence-telecoms/> (accessed on 11/25/2022)

⁽¹⁸⁹⁾ CIPESA, 2022, The State of Media Freedom and Journalists' Safety in Africa 2022, https://cipesa.org/wp-content/files/The_State_of_Media_Freedom_and_Safety_of_Journalists_in_Africa_Report.pdf (accessed 11/25/)

3. Are there any digital skills development policies in the country?

(1-5 points)

Mali includes a “**training plan for digital use**” in its **Mali Numérique 2020 strategy** (2015–2020).⁽¹⁹⁰⁾ However, the results are difficult to access. **The Agence de Gestion du Fonds d’Accès Universel** (Universal Access Fund Management Agency), created in 2016, has opened **113 universal Internet access centers**, including 23 in December, 2022, in Bamako and Kati.⁽¹⁹¹⁾ Malian NGOs provide training for citizens such as Sankoré Labs in Timbuktu, Musodev with women, ISOC Mali, while the *Association des Blogueurs du Mali* and DONIBlog train in online citizen journalism. Cactic **introduces young people to computer tools in schools**.

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(4-17 points)

Interviewees highlight the tendency for **networks to be disrupted** during political events such as elections and protests. They allege that **WhatsApp was blocked** in early 2022, although there is no clear line between this blocking and a form of censorship. It is also said that **Facebook was slowed down** and users were forced to use a **VPN** for a day or two—to get around this bottleneck during the summer of 2021 in the context of protests against the arrest of young artists.

Social networks and messaging services were partially blocked between July 10 and 15, 2020, amidst protests for political reform. The country experienced an **Internet blackout between August 15 and 16, 2018**, at the time of the presidential elections.⁽¹⁹²⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(4-18 points)

Mali has not signed the Budapest Convention on Cybercrime (2001), nor the Malabo Convention on Cybersecurity and Personal Data Protection of the African Union (2014). The **Malian constitution guarantees freedom of expression** (Article 2) and **freedom of the press** (Article 7). However, Malian law has adopted broad laws that may limit freedom of expression, including online, in favor of online surveillance, and regulating the use of encryption.

The Law on the Suppression of Cybercrime (Law No. 2019-056) authorizes the computerized seizure of data in the context of criminal investigations, but does not specify the nature of this processing nor a time limit for deleting the data. This contradicts the Personal Data Protection Act (No. 2013-015) on the principle of **collecting data for a specific purpose with a deletion period** (Article 7). In addition, it authorizes real-time surveillance through the **interception of communications** and compels technical providers to implement the necessary means under **penalty of imprisonment and/or fines** (Article 83–86).⁽¹⁹³⁾ Finally, it punishes threats and insults made via an information system (e.g., six months to ten years in prison; fines) (Articles 20 and 21), without, however, clearly defining the elements constituting a threat or an Insult.⁽¹⁹⁴⁾

The Law on the Rules Applicable to Cryptology Means, Modalities, Services and Systems (Law No. 2016-011) places the **regulation of cryptographic activities** and services under the authority of the Telecommunications, Information and Communication Technologies and Posts Regulatory Authority (Article 6).⁽¹⁹⁵⁾ The law requires cryptographic service providers to register with the authorities and declare the technologies used.⁽¹⁹⁶⁾

⁽¹⁹⁰⁾ Ministry of Digital Economy, Information and Communication, «Mali Numérique». 2021. <https://communication.gouv.ml/wp-content/uploads/2021/01/DraftMN2020.pdf>

⁽¹⁹¹⁾ Koné, Assane. «Accès Universel à Internet : L’AGEFAU inaugure 23 nouveaux centres dont celui du Prytanée Militaire de Kati.»

<https://notrenation.com/Acces-Universel-a-Internet-L-AGEFAU-inaugure-23-nouveaux-centres-dont-celui-du>

⁽¹⁹²⁾ ICESA, 2022, *ibid*.

⁽¹⁹³⁾ MFWA, «ÉTUDE ANALYTIQUE DES POLITIQUES NATIONALES SUR L’USAGE DE L’INTERNET ET DES RÉSEAUX SOCIAUX AU MALI». 2021. pp. 12–13.

⁽¹⁹⁴⁾ MFWA, «ÉTUDE ANALYTIQUE DES POLITIQUES NATIONALES SUR L’USAGE DE L’INTERNET ET DES RÉSEAUX SOCIAUX AU MALI». 2021. p. 10.

⁽¹⁹⁵⁾ MFWA, «ÉTUDE ANALYTIQUE DES POLITIQUES NATIONALES SUR L’USAGE DE L’INTERNET ET DES RÉSEAUX SOCIAUX AU MALI». 2021. p. 10.

⁽¹⁹⁶⁾ CIPESA, 2022, *ibid*, p. 41.

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

Journalists and bloggers are regularly intimidated. In February to March 2022, **blogger Tandina Elhadj Bey"allah was arrested** and held in custody for 24 hours in Timbuktu following a parody video announcing his presidential candidacy. The interviewees highlight a deterioration from the Ibrahim Boubacar Keita era (September 2013 to August 2020). For instance, **interviewees criticize the status quo of intimidation to force self-censorship.** In November 2022, **journalist and blogger Konaté Malick was targeted** by a complaint and death threats following his report on Wagner for BFM and was forced to leave the country.

Interviewees highlight the virulence of online trolls against bloggers, in particular, and the creation of a climate of self-censorship. **Earlier, in 2019, General Moussa Sinko Coulibaly was questioned by police** investigators following a tweet critical of the government. Additionally, **journalist Tiégoum Boubèye Maiga**, former head of the communication unit of the Presidency of the Republic, was arrested and imprisoned in January 2020 following a tweet on the President's account. He received a 1-year suspended prison sentence for «fraudulent introduction into a computer system and fraudulent access to a computer system».⁽¹⁹⁷⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(15-20 points)

The association Doniblog (85 bloggers) carries out **fact-checking and trains bloggers in digital practices.** They regularly receive accusations and threats due to **support from the European Union.**⁽¹⁹⁸⁾ ISOC Mali has been able to train bloggers in the use of VPNs and online censorship circumvention tools.

The EU is funding a project to support bloggers through Hibiscus (a cycle of harmonization of initiatives with civil society), a capacity building project for media actors. They offer the purchase of terminals (computers, cameras) and Internet connection credits. Initiated in 2020, the project identified actors, provided equipment in November 2022, and trained 100 people on editing and newsgathering methods, as well as a dedicated module on cybersecurity.

Interviewees note the **difficulty of operating in Mali** due to the suspension of foreign-funded NGOs, even in the case of a Norwegian NGO (CEMA). They note the **presence of elements of the intelligence services during training** when it occurs in Mali. They also point out the need to sometimes **relocate training abroad** due to the refusal of visas for trainers.

⁽¹⁹⁷⁾ MFWA, 2022, *ibid*, pp. 15–16.

⁽¹⁹⁸⁾ JeuneAfrique.com. «Mali: European Union accused of trying to corrupt Malian bloggers - Jeune Afrique». Accessed February 6, 2023. <https://www.jeuneafrique.com/1345156/politique/mali-lunion-europeenne-accusee-de-vouloir-corrumpre-les-blogueurs-maliens/>



Maroc

A. Barriers to access



1.

Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(9-10 points)

Internet access in Morocco is excellent. The country has one of the highest Internet access rates on the continent. In 2016, Morocco had 58% Internet users. This figure rose to 88% in 2021—still well above the regional average of 66% in 2020.⁽¹⁹⁹⁾ A large proportion of Moroccans access the Internet via their cell phones—96% of women and 97% of men own one. In 2021, 68% of Moroccan households claimed to own a computer. Also, 3G and 4G coverage is excellent and covers 99% of the Moroccan population. Finally, there is little disparity in Internet usage by gender. In 2021, 90% of men and 86% of women reported using the Internet.⁽²⁰⁰⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(9-10 points)

The cost of accessing the Internet has dropped significantly between 2016 and 2021. The cost of a 2 GB mobile subscription was equivalent to 1.18% of Morocco's average per capita income in 2021. It was 4% in 2016. **The target set** by the Broadband Commission for Sustainable Development to reach a **cost equivalent to 2% of GNI/capita has therefore been achieved.** However, this does not prevent operators from offering restrictive packages that only give access to certain services (Facebook and WhatsApp in particular). This practice goes against the principle of Web neutrality. Users also complain about the **quality of the connection** and the **speed** at which their mobile data is used up. They call on the **National Agency for Telecommunications Regulation** to further compel operators to respect their commitments.⁽²⁰¹⁾

⁽¹⁹⁹⁾ This is the regional average for Arab countries, not the continent.

⁽²⁰⁰⁾ ITU. «Digital Development Dashboard: Morocco.» Accessed January 4, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽²⁰¹⁾ ITU. «ICT Price Basket: Morocco. Accessed December 3, 2022. <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/IPB.aspx>

3. Are there any digital skills development policies in the country?

(2-5 points)

As part of its **Morocco Digital 2025 strategy**, the kingdom plans to **dematerialize** a large part of its public services by 2025. The country aims to **digitize 50% of administrative procedures**. This constitutes a risk of exclusion for users who have difficulty with digital technology. Especially since there is no national strategy for digital inclusion at the country level. **Today, digital inclusion is still mainly the domain of civil society**. No government program exists to promote a **global increase in digital skills among the Moroccan population**.

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(17-17 points)

Morocco has never shut down the Internet and there is **no online censorship**—either during stable or contentious times.⁽²⁰²⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(9-18 points)

Article 25 of the Moroccan constitution guarantees freedom of expression: «freedom of thought, opinion and expression in all its forms are guaranteed».⁽²⁰³⁾ However, **many problematic pieces of legislation endure**. The country's judicial authorities routinely resort to **Articles 263 and 267** of the penal code, which criminalize public insults against the authorities. These **vaguely defined Articles** are regularly used to **restrict freedom of expression**. There are also contradictions between the penal code and the press code. These **contradictions can be used against journalists**. While the press code excludes prison sentences for journalists, some journalists can be arrested and detained under rules defined by the penal code.

C. Violations of user rights



1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(5-20 points)

Political activists, journalists, and members of civil society are regularly targeted by Moroccan authorities. **Three main red lines must not be crossed** in terms of **freedom of expression** in Morocco. **The first is religion**. A 23-year-old Italian-Moroccan woman, living in Marseille for her studies, was arrested when she got off the plane in Rabat and sentenced to three and a half years in prison for «undermining Islam». She was accused of having posted on Facebook a text imitating verses from the Koran which creatively mimicked an «apology of alcohol». She was convicted under **Article 267** of the Moroccan penal code, which punishes «anyone who undermines the Islamic religion [...] including by electronic mean».⁽²⁰⁴⁾

⁽²⁰²⁾ Freedom House. «Morocco: Freedom on the Net 2022 Country Report.» Accessed March 1, 2023. <https://freedomhouse.org/country/morocco/freedom-net/2022>

⁽²⁰³⁾ «Kingdom of Morocco, Constitution of 2011, MJP Digital Library.» Accessed January 29, 2023. <https://mjp.univ-perp.fr/constit/ma2011.htm#2>

⁽²⁰⁴⁾ Franceinfo. «Morocco: a young Italian-Moroccan woman sentenced to 3.5 years in prison for posts on Facebook.» July 5, 2021.

https://www.francetvinfo.fr/monde/afrique/societe-africaine/maroc-une-jeune-italo-marocaine-condamnee-a-3-ans-et-demi-de-prison-ferme-pour-des-posts-sur-facebook_4689851.html

The second line not to be crossed is criticism of the monarchy. The **American-Moroccan YouTuber Chakib Omerani**, openly critical of King Mohamed VI, was also arrested on arrival at Rabat Airport and **sentenced to three months in prison** for «insulting constitutional institution». ⁽²⁰⁵⁾ Finally, **the third line never to be crossed is the questioning of Morocco's sovereignty in the Western Sahara.** In this case, intimidation will come from both the state and a section of the Moroccan people. The country has also been **implicated in the Pegasus affair.** Moroccan intelligence services are being accused of misusing Israeli spyware against members of civil society. The country is now among the countries for which the Israeli Ministry of Defense has banned the export of Pegasus software. ⁽²⁰⁶⁾

2.

Is civil society organized in support of digital rights and freedom?

(12-20 points)

Faced with these **numerous abuses**, civil society is trying to organize itself. **Dr. Hisham Almiraat**, cyberactivist and blogger since 2007, was one of the first to **raise awareness in Moroccan civil society on issues of privacy and surveillance.** His **Association of Digital Rights**, a pioneer in the defense of digital freedoms in the country, was **dissolved by the Moroccan state** for «undermining state security». There is therefore no longer any association specifically defending digital freedoms in Morocco. However, some associations are mobilizing on these issues. This is particularly true of the **Adala Justice Association, which campaigns for freedom of expression.**

⁽²⁰⁵⁾ L'Orient-Le Jour. «YouTuber in jail for videos criticizing power,» March 27, 2021. <https://www.lorientlejour.com/article/1256743/un-youtubeur-en-prison-pour-des-videos-critiquant-le-pouvoir.html>

⁽²⁰⁶⁾ Yabiladi.com. «Pegasus case: Morocco banned from importing Israeli cybersecurity technology?» Accessed January 30, 2023. <https://www.yabiladi.com/articles/details/121479/affaire-pegasus-maroc-interdit-d-importer.html>



Mauritania

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(6-10 points)

Internet access in Mauritania continues to increase—in 2016 the population had **24%** Internet users, this figure has almost doubled in the space of four years, rising to **41%** by 2020. While no data is available on cell phone ownership, the ITU estimates that **99%** of Mauritians are covered by a cellular network, and **44%** of the population has access to a 3G mobile network. **The deployment of 4G is limited to large urban areas.** Internet access in rural areas is still limited. No data is available on gender differences for those connected.

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(7-10 points)

The country has **three telephone operators: Mauritel, Mattel, and Chinguitel.** The average cost of a 2 GB data mobile subscription with a 256 Kbps connection averaged **3.82% of Mauritani's GNI/capita** in 2021. **Prices are still above the 2% target** set by the Broadband Commission for Sustainable Development. However, **Mauritania has made considerable progress.** Indeed, the cost of access to a traditional subscription has been divided by almost ten in the space of five years. In 2016, access to the same type of package represented **29.19% of Mauritani's GNI/capita.** At this rate, Mauritania could reach the UNCBD's 2025 targets.

3. Are there any digital skills development policies in the country?

(2-5 points)

Internet access and the development of the population's digital skills are a **major challenge for the country**—especially since **44% of the Mauritanian population lives in rural areas** with extremely limited Internet access.⁽²⁰⁷⁾ **The UNDP is supporting the Ministry of Digital Transformation, Innovation and Modernization of the Administration** in the creation of **ANETA (Agence Numérique de l'État)**, one of whose main missions is «accelerating digital inclusion»⁽²⁰⁸⁾ The country is also at the origin of an ambitious roadmap: «**The National Agenda for Digital Transformation 2022-2025**».⁽²⁰⁹⁾ Part of this roadmap aims to **promote digital literacy** among the Mauritanian population. However, this roadmap is struggling to lead to tangible actions in terms of digital inclusion.

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(8-17 points)

On several occasions, the Mauritanian government has **restricted access to the Internet**. In order to prevent possible cheating attempts during the national exam period, the government blocked Internet access on two occasions: From **May 27 to 31, 2019**, and from **June 10 to 13, 2019**. A month later, the government decided to cut Internet access between **June 23, 2019**, and **July 7, 2019**, following **contentious presidential elections**. Mauritanian human rights organizations accuse the government of shutting down the Internet in order to stifle any opposition movement following the elections.

There is **no censorship via DNS** unlike in the early 2000s when access to certain websites was banned.

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(8-18 points)

On **November 9, 2021**, the Mauritanian parliament passed a law on the «protection of national symbols and the criminalization of attacks on the authority of the state and the honor of citizen». Many human rights organizations fear that this law will **set back freedom of expression** in Mauritania.⁽²¹⁰⁾ The law contains **numerous provisions that run counter to international standards for online freedom of expression**.⁽²¹¹⁾ Article 2 of the law **provides for prison sentences** for anyone who undermines the authority of the state, namely: «anyone who deliberately uses information technology, digital communication and social communication platforms to undermine the constant values and sacred principles of Islam, national unity, territorial integrity or insult the person of the president of the republic, the flag and the national anthem». Members of civil society consider this law to be a setback for freedom of expression in the country.

⁽²⁰⁷⁾ United Nations Development Programme. «UNDP Helps Accelerate Inclusive Digital Transformation in Mauritania.» Accessed January 7, 2023. <https://www.undp.org/fr/mauritania/news/le-pnud-aide-%C3%A0-acc%C3%A9l%C3%A9r-la-transformation-num%C3%A9rique-inclusive-en-mauritanie>

⁽²⁰⁸⁾ Ibid.

⁽²⁰⁹⁾ <https://mtnima.gov.mr/sites/default/files/Agenda%20Num%C3%A9rique%202022-25%20MTNIMA.pdf>

⁽²¹⁰⁾ Fatafta, Kassem Mnejja, Chérif El Kadhi, Marwa. «Law on the Protection of National Symbols: A Threat to Freedom of Expression on Social Networks in Mauritania.» Access Now (blog), December 2, 2021, <https://www.accessnow.org/protection-of-national-symbols-mauritania/>

⁽²¹¹⁾ Ibid.

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(10-20 points)

There is **relative freedom of expression** in Mauritania; it is possible to criticize the government on social networks, but **no one is safe from arrest**. Since the passage of the law on national symbols, it is also more **risky to criticize the president**, which tends to foster a form of **self-censorship** among the Mauritanian population. Several people have been arrested for posts on social media-- including journalists and human rights activists. **Mauritanian blogger Hamda Ould Oubeidallah was jailed** in October 2021 after being convicted of «insult, defamation, and incitement via social networks». **Blogger and whistleblower Mohamed Ould Yacoub was also arrested** in May 2022 following a Facebook post in which he denounced the practices of the Mauritanian Investment Bank.⁽²¹²⁾

2. Is civil society organized in favor of digital rights and freedoms?

(8-20 points)

There is **no Mauritanian organization dedicated exclusively to defending digital freedoms**. However, Internet blackouts and the recent law on the protection of national symbols have made local human rights organizations aware of the **importance of defending digital freedoms**. **The Mauritanian Association of Women Heads of Household** is one organization that **signed the Access Now platform** against the law on the protection of national symbols.⁽²¹³⁾

⁽²¹²⁾ «Mauritania: One blogger released, another arrested. The Media Foundation for West Africa.» Accessed January 7, 2023. <https://www.mfwa.org/fr/country-highlights/mauritanie-un-blogueur-libere-un-autre-arrete/>

⁽²¹³⁾ Fatafta, Kassem Mnejja, Chérif El Kadhi, Marwa. Law on the Protection of National Symbols: A threat to freedom of expression on social networks in Mauritania.» Access Now (blog), December 2, 2021. <https://www.accessnow.org/protection-des-symboles-nationaux-mauritanie/>



Mauritius is a **stable African democracy with strong Internet access**. The proposal to implement social media monitoring and censorship in Mauritius caused an outcry locally and internationally in 2021. **The mobilization of civil society and the abandonment of the proposal reflect a healthy climate for digital freedoms**, with issues closer to the continued development of citizen” digital skills and the resilience of its infrastructure.

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(9-10 points)

Internet access in Mauritius continues to grow from **52% to 65% of its population** between 2016 and 2020. The ITU estimates that **79%** of Mauritians owned a cell phone, **99%** of Mauritians were covered by a 4G mobile network, and there were **109 mobile Internet subscriptions per 100 inhabitants** in 2021.⁽²¹⁴⁾ Unusually, there is a significant proportion of Internet users with a fixed Internet subscription: **36 per 100 inhabitants** in 2020. There is a slight gender differential in the number of people connected: **64% of women are connected to the Internet compared to 66% of men**.

⁽²¹⁴⁾ ITU. «Digital Development Dashboard: Mauritius.» Accessed November 27, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

2. **Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?**

(10-10 points)

Mauritians are benefiting from **low tariffs, spending 0.9% of their GNI/capita** on a mobile subscription with Internet (2 GB) in 2021.⁽²¹⁵⁾ The price of Internet access has decreased thanks to **Mauritius Teleco's aggressive plan** to make Internet more affordable. The mobile market is dominated by Mauritius Telecom (63% market share)⁽²¹⁶⁾, whose **largest shareholder is Orange (40%) followed by the government (33.49%)**. However this infrastructure is at risk as interviewees highlight the **low number of submarine cables**, which leaves the country vulnerable in the event of a problem (e.g., a severed cable).

3. **Are there any digital skills development policies in the country?**

(4-5 points)

The digital skills of Mauritians were measured in 2020. Thus, **33%** of individuals have basic digital skills, **21%** have standard skills and **3%** have advanced skills, for a total of **57%** of the population who **are comfortable with digital and 43% who are not**. The Post Office and the National Computer Board have made an effort to popularize computers, and **computer courses are taught in public schools** while smartphones are sold at affordable prices.

The ICT authority has a universal service fund that allows it to finance infrastructure **for digital inclusion**. It is funding digital service centers in post offices across the island to allow users to have **free access to Internet-connected computers** to complete their administrative procedures since October 2021.^{(217) (218)} Free Wi-Fi zones are deployed in **234 sites** across Mauritius and Rodrigues.⁽²¹⁹⁾

India and Mauritius signed a **memorandum of cooperation in September 2022** for the digital transformation of Mauritius, particularly with regard to the dematerialization of public services.⁽²²⁰⁾

B. Content limitations



1. **Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?**

(17-17 points)

There is **no blocking or filtering of content** protected by international human rights standards in Mauritius.

2. **Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?**

(16-18 points)

Mauritius is one of the few countries to have **ratified the Malabo Convention (2014)**, which provides a framework for the fight against **cybercrime, the protection of personal data and the supervision of electronic transactions**. The island did so in 2018.⁽²²¹⁾

⁽²¹⁵⁾ Ibid

⁽²¹⁶⁾ Le Mauricien. «Mobile telephony: MT marks the milestone of one million customers». Accessed February 5, 2023.

<https://www.lemauricien.com/actualites/societe/telephonie-mobile-mt-marque-letape-du-million-de-clients/490147/>

⁽²¹⁷⁾ Le Mauricien - Mauritius News. «Digital Services Centers Project: Computers and Printers in Post Offices». Accessed February 5, 2023.

<https://mauritiushindinews.com/hindi-newspaper-in-mauritius/digital-services-centers-project-computers-and-printers-in-post-offices-le-mauricien/>

⁽²¹⁸⁾ ICTA. «Signature Ceremony for the Award of Contract for the Digital Services Centre (DSC) Project». July 6, 2021. https://www.icta.mu/documents/2021/10/dsc_ceremony.pdf

⁽²¹⁹⁾ ICTA. «WSIS High-level Policy Forum. Session 7: Inclusiveness, Access to Information and Knowledge for all - Bridging Digital Divides.» June 1, 2022.

https://www.icta.mu/documents/2022/06/WSIS_Session9_Statement_Chairman_ICTA.pdf

⁽²²⁰⁾ We are tech Africa. «Mauritius announces several digital cooperation projects with India». September 30, 2022.

<https://www.wearetech.africa/fr/fils/actualites/tech/l-ile-maurice-annonce-plusieurs-projets-de-cooperation-numerique-avec-l-inde>

⁽²²¹⁾ African Union, March 23, 2022, «LIST OF COUNTRIES THAT HAVE SIGNED, RATIFIED/ADOPTED

AFRICAN UNION CONVENTION ON CYBERSECURITY AND PERSONAL DATA PROTECTION».

https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf

In April 2021, the **Communication and Information Technology Authority of Mauritius** began a consultation with civil society to consider **proposed amendments to the ICT Act**. These aimed to tackle hate speech on social networks and allow state surveillance of citizen activities while weakening encryption. The regulator proposed the **obligation to decrypt Web traffic** considered as «social media». To do this, the government would issue **security certificates for HTTPS traffic** that pass through government-owned proxy servers. A National Digital Ethics Committee, an administrative entity created for this purpose, would then analyze the so-called harmful content to be blocked.⁽²²²⁾ However, the **project was abandoned in the face of significant mobilization of local and international civil society**, and opposition from the private sector **such as Google and Mozilla**, who criticized a system that would jeopardize trust and online security.⁽²²³⁾

In 2018, the **ICT law was amended** to make the online publication of material considered «upsetting» or «disturbing» punishable by prison. **Citizens were arrested on the basis of this law** following criticism of the government. Freedom House noted that **153 cases were referred to the government's Cybercrime Unit** in the first half of 2021—which is responsible for investigating violations of the ICT law—but with transparency through publication of the charges.⁽²²⁴⁾ However, the judiciary has set a precedent by rejecting the application of the amendment due to the vagueness of the concept of «annoying».⁽²²⁵⁾

The **Mauritius Cyber Threat Information Sharing Platform (MAUSHIELD)** was launched in September 2022. It is a national real-time cyber threat information sharing system. This center comes on the heels of the **Cybersecurity and Cybercrime Act of 2021**.^{(226) (227)}

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(20-20 points)

Threats and intimidation against journalists are rare.⁽²²⁸⁾

2. Is civil society organized in favor of digital rights and freedoms?

(20-20 points)

Civil society has mobilized in the campaign **against the proposed amendments to the ICT Act in 2021**. Cyberstorm, a group of **open source developers and contributors to secure communication protocols**, has been at the forefront of warning about the technical dangers of such a proposal, which would weaken the security of the Web⁽²²⁹⁾, before the campaign was led by a coalition of international actors including **Access Rights, the Electronic Frontier Foundation and CIPESA**. The May 2021 consultation received a majority of responses from Mauritian citizens and local NGOs, according to a statement from the Authority.⁽²³⁰⁾ An **online petition** was also launched, gathering almost **23,000 signatures**.⁽²³¹⁾ In the face of this mobilization, the project was abandoned in August 2021.⁽²³²⁾

⁽²²²⁾ Access Rights, 2021, «Joint civil society statement in response to the Information & Telecommunications Authority Consultation paper on proposed amendments to the ICT Act for regulating the use and addressing the abuse and misuse of Social Media in Mauritius dated April 14, 2021», p. 3. <https://www.accessnow.org/cms/assets/uploads/2021/05/Mauritius-ICT-Act-Submission.pdf>

⁽²²³⁾ Mozilla, 2021, «Defending users' security in Mauritius». <https://blog.mozilla.org/netpolicy/2021/05/12/defending-users-security-in-mauritius/>

⁽²²⁴⁾ Freedom House. «Mauritius: Freedom in the World 2022 Country Report.» Accessed February 5, 2023. <https://freedomhouse.org/country/mauritius/freedom-world/2022>

⁽²²⁵⁾ «A Supreme Court Judgement deems the offence of causing annoyance in the ICT Act to be 'hopelessly vague'». Accessed February 5, 2023.

<https://www.christinameetoo.com/2021/06/05/a-supreme-court-judgement-deems-the-offence-of-causing-annoyance-in-the-icta-to-be-hopelessly-vague/>

⁽²²⁶⁾ «MAUSHIELD - Mauritius Cyber Threat Information Sharing Platform.» Accessed February 5, 2023. <https://maushield.govmu.org/misp/>

⁽²²⁷⁾ Redaction, La. «Cybersecurity: MAUSHIELD Platform Launched To Facilitate Information Sharing On Cyber Threats.» Actu.Mu (blog), September 13, 2022.

<https://actu.mu/cybersecurite-lancement-de-la-plateforme-maushield-pour-faciliter-lechange-dinformation-sur-les-cybermenaces/>

⁽²²⁸⁾ «Mauritius | RSF.» Accessed February 5, 2023. <https://rsf.org/fr/pays/maurice>.

⁽²²⁹⁾ Defi Media Group. «ICTA proposes censoring social networks and messaging services». Accessed February 5, 2023. <https://defimedia.info/licta-propose-de-censurer-les-reseaux-sociaux-et-les-services-de-messagerie>

⁽²³⁰⁾ ICTA. «Promoting innovation through effective communication» https://web.archive.org/web/20210514174005/https://www.icta.mu/mediaoffice/2021/comm_icta_fait_le_point.html

⁽²³¹⁾ Change.org. «22,951 People Signed and Won This Petition.» Accessed February 5, 2023.

<https://www.change.org/p/the-information-and-communication-technologies-authority-mauritius-reject-the-proposed-amendments-to-the-icta-act-dated-14-04-2021>

⁽²³²⁾ Defi Media Group. «Controversy: GM's social media surveillance put in a drawer.» Accessed February 5, 2023. <https://defimedia.info/controverse-la-surveillance-des-reseaux-sociaux-par-le-gm-mis-dans-un-tiroir>

Niger

A. Barriers to access

1. Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(5-10 points)

Internet access in Niger has continued to grow since the country **first established an Internet connection in 1996**. While in **2016, 4%** of the Nigerien population reported using the Internet, this figure increased to **22% by 2021**. The share of fixed Internet remains marginal in Niger—**only 0.13%** of the population has access.⁽²³³⁾

Fiber optic deployment is limited to the **capital city of Niamey** and some major oil and gas groups elsewhere in the country. Around **99%** of Nigeriens **access the Internet** via their cell phones, and **65%** of Nigeriens **own a mobile phone**, although **3G coverage** remains inadequate. Only **24%** of the population has access to a 3G network. However, **92%** of Nigeriens are covered by a **cellular network**. Finally, there is a significant disparity in Internet use by gender: **16% of men and 5% of women** use the Internet in Niger.⁽²³⁴⁾

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(4-10 points)

The cost of Internet access remains prohibitive. The country faces several structural constraints. Niger is a landlocked country and has **no direct access to submarine cables**. Internet access is therefore via the **Beninese, Burkinabe and Nigerian networks**. A major Internet access project via Algeria is currently underway. Niger is a huge country, four fifths of which are covered by the Sahara desert.

⁽²³³⁾ ARCEP Niger. 2021. Annual report.

⁽²³⁴⁾ ITU. «Digital Development Dashboard: Niger.» Accessed November 24, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

In the most remote regions, Internet access is only available via satellite. Thus, the cost of access to a **2 GB mobile subscription** was equivalent to **15.34% of Niger's GDP/capita in 2021**. It was **20.75% of GDP/capita in 2016**. The cost has therefore fallen, but only slightly if compared with neighboring countries.⁽²³⁵⁾ Finally, many users complain about the speed at which their mobile subscription runs out, and believe that the regulator should do more to force operators to respect their commitments.

3. Are there any digital skills development policies in the country?

(4-5 points)

The Nigerien government recently created the **National Agency for the Information Society (ANSI)** to make the Internet accessible throughout the country. To do this, the agency is implementing the **Niger 2.0 strategic plan**. This roadmap is divided into three axes: (1) the development of **online public services** (e-government), (2) the «**Smart Village**» program which aims to reduce the digital divide between urban and rural areas, and (3) the creation of a «**City of Innovation and Technology**» and a **National Data Center**. A digital community center in the city of Zinder was recently inaugurated. Funded by the European Union, it aims to promote the development of digital skills among the Nigerien population.

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(8-17 points)

The day after the results of the Nigerien presidential election were announced on **February 23, 2021, the Internet was cut off for 11 days**. This Internet blackout was very badly received by the population, which accused the government of wanting to rig the elections and muzzle opposition movements. This is not the first time that the country's Internet has been cut off. In 2015, the government temporarily cut off access to **Facebook and Twitter** following riots caused by the publication of cartoons of the Prophet of Islam by **Charlie Hebdo**.

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information and freedom of the press, including on the Internet, and are they enforced by an independent judiciary?

(10-18 points)

The Nigerien government recently enacted laws decried by some members of civil society—including the **Cybercrime Law of July 03, 2019**. **Article 31** of the law provides for a prison sentence of six months to three years and a fine of up to five million CFA francs for anyone engaging in «dissemination of false news». This law is in contrast to Ordinance No. 2010-35 of June 4, 2010, which is supposed to guarantee journalist freedom of expression by decriminalizing «offenses committed through the press». Thus, **Article 67** of this ordinance states that: «In matters of press offenses, preventive detention is prohibited. The judge may not issue either a detention warrant or an arrest warrant».⁽²³⁶⁾ However, many journalists have been arrested under the cybercrime law.

The **law of May 29, 2020**, on «the interception of certain electronic communications in Niger» is also viewed with mixed feelings by members of civil society. Some consider it necessary to effectively fight terrorism, while others fear that this law will allow the state to establish a regime of surveillance of the population.⁽²³⁷⁾ The law also contradicts Article 29 of the 2010 Nigerien constitution, which is supposed to guarantee «the secrecy of correspondence and communication».⁽²³⁸⁾

⁽²³⁵⁾ ITU. «ICT Price Basket: Niger.» Accessed December 27, 2022. <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/IPB.aspx>

⁽²³⁶⁾ Media Foundation for West Africa. Analytical study of national policies on the use of the Internet and social networks in Niger. Accessed on

⁽²³⁷⁾ Rule of Law Africa. September 2020. Niger passes new law on interception of communications (AFEX, 2020).

<https://etatdedroitafrique.org/le-niger-adopte-une-nouvelle-loi-sur-linterception-des-communications-afex/>

⁽²³⁸⁾ Constitution of Niger. http://cour-constitutionnelle-niger.org/documents/constitution_7eme_rep.pdf

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(10-20 points)

Internet access in Niger has fostered the emergence of some **20 online media outlets** as well as strong **activity on social networks**—notably **Facebook**, the country’s most popular social network.⁽²³⁹⁾ The country has **more than 20 online media outlets**. However, the **recent cybercrime law** poses a significant risk to Nigerien journalists and bloggers. For example, **blogger Samira Sabou** was arrested and detained in June 2021 under **Article 29 of the cybercrime law**. She is accused of having published a post on Facebook relaying accusations of embezzlement within the Ministry of Defense.⁽²⁴⁰⁾ More than a dozen people have been arrested under this law.⁽²⁴¹⁾

2. Is civil society organized in support of digital rights and freedom?

(11-21 points)

Due to the erosion of digital freedoms, civil society is organizing in Niger. Following the March 2021 Internet blackout, **the Nigerien Network for Transparency and Budget Analysis** (Rotab) and the **Association of Young Lawyers** (AJAN) filed a complaint against the State of Niger and telecommunication operators in the court of Niamey. There is no Nigerien organization that specifically defends digital freedoms, but more and more NGOs are mobilizing on this issue.

⁽²³⁹⁾ MFWA. 2021. ANALYTICAL STUDY OF NATIONAL POLICIES ON THE USE OF THE INTERNET AND SOCIAL NETWORKS IN NIGER.

⁽²⁴⁰⁾ Article 19, «Niger: Unconditional release of journalist and blogger Samira Sabou,» June 11, 2021. <https://www.article19.org/fr/resources/niger-release-journalist-samira-sabou-unconditionally/>

⁽²⁴¹⁾ Amnesty International. May 2020, «Niger. Cybercrime law is a tool to repress dissenting voices».

Central African Republic

A. Barriers to access

1. **Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?**

(2-10 points)

Internet access in the Central African Republic remains very low. In 2017 the population had 4% of mobile Internet subscribers, and although this figure rose to **10% in 2020** it is low compared to the regional average (29%). There is little up-to-date data on Internet use in the Central African Republic. It must be said that the country has gone through **many periods of political instability**. Some regions are no longer under the control of the state and **insecurity is high**, which has a **negative impact on the quality of the country's critical infrastructure** (roads, electricity, telecommunications). Indeed, under these conditions, operators are **not able to deploy and maintain relay antennas**. There are many white zones in the Central African Republic. The Central African Republic, being a landlocked country, does not have access to submarine cables. However, the country has embarked on a bold fiber optic deployment project called **the Central African Fiber Optic Backbone (CAB)**.⁽²⁴²⁾

2. **Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?**

(2-10 points)

The **cost** of Internet access remains **prohibitive**. For example, the cost of a 2 GB mobile subscription was equivalent to **24% of the GNI/capita** in Central Africa in 2020. **It was 53% of GNI/capita in 2017**. Although the cost has dropped, Internet access is still **out of reach for the majority of Central Africans** and remains of **poor quality**. Many users complain about the speed at which their mobile subscription runs out and feel the regulator is powerless to deal with the abusive practices of some operators.

⁽²⁴²⁾ «Central African Republic - Central African Fiber Optic Backbone (CAB) - CAR Component». Accessed January 15, 2023. <https://projectsportal.afdb.org/dataportal/VProject/show/P-CF-GB0-002?lang=fr>

3. Are there any digital skills development policies in the country?

(1-5 points)

There are **no national policies** aimed at encouraging a global increase in the population's digital skills. However, some **associations offer training for professionals**. This is notably the case for the **Association des Blogueurs Centrafricains** which has trained journalists and members of the government in the use of digital tools. As part of the Central African Fiber Optic Backbone project, a digital training center is scheduled to open at the University of Bangui.⁽²⁴³⁾

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(6-17 points)

There is **no website blocking via DNS in the Central African Republic**. However, some human rights organizations have fallen **victim to cyberattacks**. This is notably the case for the website of **the Network of Journalists for Human Rights in Central Africa**, which faced multiple hacks in 2019. These hacks forced the organization into **7 months of inactivity on social networks**, and resulted in the **loss of all data on their website**. In addition, several organizations complain about the **slowdown of the Internet connection during events**. Unfortunately, they do not have the technical means to know if this cut is deliberate or not as telecommunication network breakdowns in the Central African Republic are not uncommon.

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information and freedom of the press, including on the Internet, and are they enforced by an independent judiciary?

(6-18 points)

Article 15 of the constitution of the Central African Republic is supposed to guarantee freedom of the press, of opinion, and of expression. The **High Council for Communication** must ensure that **freedom of the press and expression** is respected.⁽²⁴⁴⁾

However, the government's recent statements **contradict these legal texts** because the government is working on a bill to **regulate the use of social networks**. In his speech during national independence day, President Faustin-Archange called for the regulation of social networks: «Due to the massive presence of our citizens on social networks and their increasing consumption of misinformation, the government must regulate the law of social network».⁽²⁴⁵⁾ **Another bill criminalizes of press offenses** as well as the establishment of a **governmental control of the media regulator**, whether in print or online.⁽²⁴⁶⁾

⁽²⁴³⁾ Ibid.

⁽²⁴⁴⁾ Paradigm Initiative. Internet Freedom in the Central African Republic (CAR). 2021. <https://paradigmhq.org/wp-content/uploads/2021/12/Internet-Freedom-in-Central-African-Republic-CAR-French.pdf>

⁽²⁴⁵⁾ Media, Ubangi. «Central African Republic: Message to the Nation from President Touadera on the occasion of 62 years of independence». Oubangui Médias, August 12, 2022.

<https://oubangui medias.com/2022/08/12/centrafrique-message-a-la-nation-du-president-touadera-a-loccasion-des-62-ans-dindependance/>.

⁽²⁴⁶⁾ «CAR: RSF denounces the authorities' plan to penalize press offenses | RSF». Accessed January 15, 2023.

<https://rsf.org/fr/rca-rsf-d%C3%A9nonc-le-projet-des-autorit%C3%A9s-de-p%C3%A9naliser-les-d%C3%A9lits-de-presse>.

C. Violations of user rights

1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

Intimidation of journalists and bloggers is common in the Central African Republic. Journalist Christian Azoudaoua, also known as «Sasso» and editor of the newspaper *Le Charpentier*, was arrested in September 2022 after publishing an article implicating Evariste Ngamana, vice president of the national assembly, in a case of embezzlement of national assembly funds. The journalist was sent to prison outside of any legal framework. Journalist Fiacre Salabé was also the target of intimidation after criticizing the government's plan to place the High Council for Communication under its supervision.⁽²⁴⁷⁾ He was assaulted on September 4 and October 8, 2022, by demonstrators. The country is facing an increasing number of orchestrated threats against journalists, including anonymous calls and threatening text messages.

2. Is civil society organized in support of digital rights and freedom?

(9-20 points)

Although the majority of the Central African population is still far from digital, some associations are positioning themselves on the front lines to defend digital freedoms. This is notably the case of the Central African Bloggers Association which is supported by Paradigm Initiative and Internews. The Central African Republic has also hosted events dedicated to the defense of digital freedoms, including the Digital Rights and Inclusion Forum (DRIF22) organized by Paradigm Initiative.

⁽²⁴⁷⁾ Ibid.



Rwanda

A. Barriers to access



1.

Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(6-10 points)

Internet access continues to increase in Rwanda. The proportion of Internet users increased from **18% to 24% between 2016 and 2020**. While no data is available on cell phone ownership, the ITU estimates that **99%** of Rwandans were covered by a cellular network, 99% had a 3G mobile network, there were **81 cell phone subscriptions** (voice & SMS) per 100 inhabitants, and **47 mobile Internet subscriptions** per 100 inhabitants in 2021. No data is available on gender differences in connectivity.⁽²⁴⁸⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(4-10 points)

Rwandans face **high prices and thus spend 6.5% of their GNI/capita** on a mobile subscription with Internet (2 GB) in 2021.⁽²⁴⁹⁾ The country is **far from the Broadband Commission for Sustainable Development target** of 2% by 2025. MTN dominates the cell phone sector, and interviews indicate that the **quality of service is not always optimal**. **Korea Telecom has a monopoly on the 4G network**, which covers **97%** of the population. However, Internet access is mainly concentrated in and around Kigali, with **rural areas suffering from the digital divide through high costs** for a poor population working mainly in the food-producing agricultural sector.⁽²⁵⁰⁾

⁽²⁴⁸⁾ ITU. «Digital Development Dashboard: Rwanda.» Accessed January 6, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽²⁴⁹⁾ Ibid.

⁽²⁵⁰⁾ Freedom House. «Rwanda: Freedom on the Net 2021 Country Report.» Accessed January 30, 2023. <https://freedomhouse.org/country/rwanda/freedom-net/2021>

It is in this sense that Rwanda has received **US\$ 100 million** from the World Bank to improve broadband Internet access and develop digital public services as well as the digital innovation ecosystem by December 2021.⁽²⁵¹⁾

The country's main problem is its **dependence on its neighbors** for Internet access, particularly Uganda due to the conflict involving them. In this regard, the arrival of the satellite Internet operator Starlink since January 1, 2023, allows Rwanda to secure its own Internet access.

3. Are there any digital skills development policies in the country?

(3-5 points)

Rwanda is rolling out a **paperless public services program** financed by an **AFD loan** in January 2023.⁽²⁵²⁾ The digital public services portal is accessible via a **digital identity system**.⁽²⁵³⁾ In 2019, less than 10% of Rwandans had digital skills. The government aims to increase this figure to **60% of the population by 2024**.⁽²⁵⁴⁾ The **Digital Ambassadors Program**, funded and supported by GIZ, is led by **the Ministry of ICT and Innovation** and deploys service access points in all 30 districts of the country to **develop digital literacy and use of digital public services**. This program goes hand in hand with the **Aatingi e-learning platform** developed by the BMZ. Specifically, Aatingi content is downloaded and stored offline on Raspberry Pi microcomputers to be deployed in white or low connectivity areas, allowing **training sessions to be held in locations with the least internet connectivity**.⁽²⁵⁵⁾

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(6-17 points)

The Internet has never been **cut off by the government** in Rwanda. However, many sites which are critical of the government are run by exiled opponents (e.g., the Rwandan newspaper, The Prophet and Inyenyeri News) as well as several Ugandan news sites are **blocked by the Rwanda Utilities Regulatory Agency**. Most of **major international media groups'** websites are not blocked, and as the Freedom House report points out, this is likely due to the fact that the **vast majority of the population speaks mainly Kinyarwanda**. Social networks and messaging applications are not blocked (e.g., Facebook, WhatsApp, etc.).

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(2-18 points)

Freedom of the press, expression, and access to information are protected by **Article 38 of the Rwandan Constitution**. However, the Rwandan legislative framework is particularly **repressive against those critical of the government**. The 2018 reform of the **penal code decriminalized defamation but retained prison sentences** (five to seven years) and significant fines for insulting and defaming the president in the media (Article 236).⁽²⁵⁶⁾ **Article 194** also includes prison sentences ranging from seven to ten years in peacetime and life imprisonment in wartime for disseminating «false information [...] with the intention of arousing hostile international opinion [against Rwanda].»

⁽²⁵¹⁾ World Bank. «World Bank Provides \$100 Million to Accelerate Rwanda's Digital Transformation.» Accessed January 30, 2023.

<https://www.worldbank.org/en/news/press-release/2021/12/01/world-bank-provides-100-million-to-accelerate-rwanda-s-digital-transformation>

⁽²⁵²⁾ «Rwanda: a loan to digitize public services and support innovation». Accessed February 5, 2023. <https://www.afd.fr/fr/actualites/rwanda-pret-numeriser-services-publics-et-soutenir-innovation>

⁽²⁵³⁾ To learn more about the existing digital identity system framework in Rwanda: https://researchictafrica.net/wp/wp-content/uploads/2021/11/Rwanda_31.10.21.pdf

⁽²⁵⁴⁾ Freedom House. «Rwanda: Freedom on the Net 2021 Country Report.» Accessed January 30, 2023. <https://freedomhouse.org/country/rwanda/freedom-net/2021>

⁽²⁵⁵⁾ Ndushabandi, Jean Bosco. «Promoting Digital Literacy through Digital Ambassadors Program & Atingi.» Digital Transformation Center Rwanda (blog), July 29, 2021.

<https://digicenter.rw/promoting-digital-literacy-through-the-digital-ambassadors-program-and-the-e-learning-platform-atingi/>

⁽²⁵⁶⁾ «Rwanda | RSF.» Accessed January 30, 2023. <https://rsf.org/en/country/rwanda>

In 2018, the **Law on the Prevention and Punishment of Cyber Crimes** grants up to five years in prison and a **fine of 1 to 3 million francs (US\$ 900 to US\$ 2,700)** for «spreading rumors that may incite fear, insurrection, or violence [...] or that may cause a person to lose credibility» (Article 39). Article 41 provides for prison sentences of 15 to 20 years and a **fine of between 20 and 50 million francs (US\$ 18,000 to US\$ 45,000)** for anyone who «creates, publishes or uses a site of a terrorist group». However, exiled opposition groups are often labeled as terrorist groups by the government. This **limits freedom of expression and creates a climate of self-censorship**.

In addition, **the law against «genocide ideology»**, amended in 2013, provides for penalties of up to nine years and fines for anyone «who disseminates genocide ideology in public through documents, speeches, images, media or any other means.» This provision is being used against voices critical of the government.⁽²⁵⁷⁾

Finally, Rwanda is one of the few countries to have **ratified the African Union Convention on Cybersecurity and Personal Data Protection in 2019**. Law No. 058/2021 of October 13, 2021 on the protection of personal data and privacy was published on October 15, 2021, in the Official Gazette of Rwanda. It establishes a framework for the protection of personal data (appointment of a DPO, record keeping, personal data processed). However, it does not provide for the creation of an independent authority in charge of enforcing this law and assigns this mission to the **National Cybersecurity Authority**. The NGO Paradigm Initiative regrets the lack of means and specific mandate that would limit the proper implementation of the **right to personal data protection**. Moreover, this law does not provide for a specific framework that would protect **access to certain data by the media**, an aspect denounced by **Article 19 in Eastern Africa**.⁽²⁵⁸⁾

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

Journalist John Williams Ntwali, editor of The Chronicles, **died on January 18, 2023**, in a motorcycle accident. This investigative journalist was known for his critical stance towards the government. His death came several days after he denounced (on his YouTube channel Pax TV) the disappearance of two teachers from Gakenke following their arrest in March 2022 by the intelligence services for having published a **video deemed «compromising for national unity»**. In June 2022, **he told Human Rights Watch** that he had been threatened by the intelligence services.⁽²⁵⁹⁾

Amnesty International and Forbidden Stories have revealed Rwanda's use of **Pegasus spyware**, a service of the Israeli company NSO Group, **against Rwandan and foreign journalists, opponents, and political figures**. The phone of **Carine Kanimba, daughter of opposition leader Paul Rusesabagina** sentenced to 25 years in prison in April 2022,⁽²⁶⁰⁾ has been infected since at least 2021.⁽²⁶¹⁾ **Asylum-seeking journalist Cassien Ntamuhanga, former Ugandan Prime Minister Ruhakana Rugunda and Burundian Prime Minister Alain-Guillaume Bunyoni are among those potentially targeted**.⁽²⁶²⁾ The Rwandan government denies the use of Pegasus software.

In December 2022, political **opponent Theophile Ntirutwa** was sentenced to **seven years in prison** for disseminating «false information or harmful propaganda with the intention of provoking international opinion hostile to the Rwandan state. Ntirutwa was found **guilty because of phone calls he made to Victoire Ingabire**, leader of his Dalfa-Umurinzi party, and to a journalist, in which he claimed that a fatal incident in his store in 2020 was an attempted murder orchestrated by armed police and military against him.⁽²⁶³⁾

⁽²⁵⁷⁾ Freedom House, *ibid*.

⁽²⁵⁸⁾ Paradigm Initiative. «Rwanda Digital Rights and Inclusion Report.» May 2022. <https://paradigmhq.org/wp-content/uploads/2022/06/Londa-Rwanda-Report-2021-Ir.pdf>

⁽²⁵⁹⁾ «Rwanda: RSF calls for independent investigation into death of journalist critical of government | RSF». Accessed February 5, 2023.

<https://rsf.org/fr/rwanda-rsf-demande-une-enqu%C3%AAte-ind%C3%A9pendante-sur-la-mort-d-un-journaliste-critique-du-pouvoir>

⁽²⁶⁰⁾ RFI. «Rwanda: 25-year prison sentence upheld on appeal against opponent Paul Rusesabagina.» April 4, 2022.

<https://www.rfi.fr/fr/afrique/20220404-rwanda-la-peine-de-25-ans-de-prison-confirm%C3%A9e-en-appel-contre-l-opposant-paul-rusesabagina>

⁽²⁶¹⁾ Amnesty International. «Project Pegasus. Rwandan authorities chose to target thousands of activists, journalists and political figures with NSO spyware.» July 19, 2021.

<https://www.amnesty.org/fr/latest/press-release/2021/07/rwandan-authorities-chose-thousands-of-activists-journalists-and-politicians-to-target-with-nso-spyware/>

⁽²⁶²⁾ RFI. «Pegasus in Rwanda: opponents and diplomats tapped, investigation finds.» July 20, 2021.

<https://www.rfi.fr/fr/afrique/20210720-pegasus-au-rwanda-des-opposants-et-diplomates-sur-%C3%A9coute-selon-l-enqu%C3%AAte>

⁽²⁶³⁾ Human Rights Watch. «Rwanda: Politician Convicted for Allegedly Tarnishing Country's Image.» January 18, 2023. <https://www.hrw.org/fr/news/2023/01/18/rwanda-un-homme-politique-condamne-pour-avoir-pretendument-terni-l'image-du-pays>.

Since 2018, **many people have been arrested and prosecuted** for posting videos critical of the government on YouTube, particularly regarding the Covid-19-related confinements. **Dieudonné Niyonsenga, known as «Cyuma Hassan,» and head of Ishema TV** was arrested in April 2020 after a report on the impact of the latest measures on vulnerable populations. The Kigali High Court sentenced him to **seven years in prison** for forgery, impersonation, and obstructing public works in November 2021.⁽²⁶⁴⁾ **YouTuber Aimable Karasira**, a former university professor and government critic, was **arrested and charged in June 2021** with genocide denial. He appeared in a court hearing in Kigali on May 30, 2022. **Aimable Karasira criticized acts of torture against Dieudonné Niyonsenga and himself in detention.**⁽²⁶⁵⁾ After four years in detention, the three journalists from the Web TV Iwacu TV were **acquitted in October 2022** of charges of «inciting insurrection» and «spreading false information.»⁽²⁶⁶⁾

2.

Is civil society organized in favor of digital rights and freedoms?

(5-20 points)

There is no organization defending digital freedoms in Rwanda. The arrest of journalists, opponents, and activists creates a particularly **harsh climate for human rights defenders in Rwanda.** **The Rwandan League for the Promotion and Defense of Human Rights** is one of the few human rights organizations in Rwanda. Created in 1991, it also **denounced, along with the FIDH, signs of genocide in March 1993.** It is subject to **judicial harassment** by the Rwandan government.⁽²⁶⁷⁾ Regional organizations such as CIPESA and Defend Defenders (based in Uganda) cover Rwanda.

⁽²⁶⁴⁾ Human Rights Watch. «Rwanda: Jailed Government Critic Denounces Prison Torture,» June 13, 2022. <https://www.hrw.org/fr/news/2022/06/13/rwanda-un-detracteur-du-gouvernement-incarcere-denonce-la-torture-en-prison>.

⁽²⁶⁵⁾ Ibid.

⁽²⁶⁶⁾ RFI. «Rwanda: three Iwacu TV journalists acquitted after four years in prison,» October 6, 2022. <https://www.rfi.fr/fr/afrique/20221006-rwanda-trois-journalistes-de-iwacu-tv-acquitt%C3%A9-apr%C3%A8s-quatre-ans-sous-les-barreaux>.

⁽²⁶⁷⁾ FIDH. «Rwanda: Democratic space, hostage of the Rwandan Patriotic Front (RPF). Human Rights Violations in 2022». July 2022. https://www.fidh.org/IMG/pdf/rwanda797fweb_vf.pdf



Senegal

A. Barriers to access

1. Do infrastructure limitations or the government restrict Internet access or the speed and quality of Internet connections?

(8-10 points)

Internet access in Senegal continues to increase. While in 2016 the population had 14% Internet users, this figure almost doubled in the space of 4 years, rising to 27% by 2020. While no data is available on cell phone ownership, the ITU estimates that 99% of Senegalese are covered by a cellular network, 99% have a 3G mobile network. There were 118 mobile subscriptions per 100 inhabitants (voice & SMS) and 94 mobile Internet subscriptions per 100 inhabitants in 2021.⁽²⁶⁸⁾

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(8-10 points)

The country has three telephone operators that offer, among other services, voice, mobile, and wired Internet. The average cost of a 2 GB data mobile subscription with a 256 Kbps connection is 2.87% of GNI/capita. Prices are still above the 2% target set by the Broadband Commission for Sustainable Development. However, the progress made by Senegal should be highlighted. The cost of access to a traditional subscription has been divided by three in the space of five years. At this rate, Senegal will reach the 2% target set for 2025. However, the quality of the connection varies greatly between the different regions of the country. The major cities have access to a quality Internet connection, but this is at the expense of rural areas where Internet access remains limited.

⁽²⁶⁸⁾ ITU. «Digital Development Dashboard: Senegal». Accessed November 24, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

3. Are there any digital skills development policies in the country?

(3-5 points)

Several civil society organizations regret that the government is not putting in place an effective action plan to promote a global **increase in the digital skills of the population**. In order to fill this gap, several civil society organizations propose **innovative initiatives**. This is the case of **Paradigm Initiative** which, through its LIFE program (life skills, ICTs, financial literacy, entrepreneurship), provides young Senegalese citizens with **training to develop their digital skills**. This training is intended for people living **in communities far from digital technology**. The **Polaris** association also offers training that aims to promote a civic appropriation of ICTs by young Senegalese citizens.⁽²⁶⁹⁾

B. Content limitations



1. Does the state block or filter, or require ISPs to block or filter, Internet content, particularly material protected by international human rights standards?

(12-17 points)

Senegal is **not immune to Internet blackouts**. In 2021, **following the arrest and detention of Ousmane Sonko**, a fervent opponent of the government, violent demonstrations broke out across the country. As the protests continued, Internet access was **restricted between April 4 and 5, 2021**. Despite this, the country is a **favorable space for digital freedoms**. This is evidenced by the smooth running of democratic online debates during presidential campaigns. **Felicia Anthonio**, **Access Now's #KeepItOn** campaign manager, explains that «Senegal has shown the region how the Internet can be used to **promote democracy** and encourage online civic engagement during elections».⁽²⁷⁰⁾

2. Does the constitution or other laws protect essential rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence?

(11-18 points)

Senegal has adopted **numerous laws** that are supposed to guarantee the **right to privacy** of its citizens: **The UDHR** and the **Malabo Convention**. Moreover, **Article 13** of the Senegalese Constitution also guarantees the right to privacy of Senegalese citizens: «The secrecy of correspondence, postal, telegraphic, telephone and electronic communications **is inviolable**». Restrictions to this inviolability can only be ordered by law. The country is also one of the first in Africa to have set up a **commission on the protection of personal data**.⁽²⁷¹⁾ However, the country is also the source of **controversial legislation**. The **encryption capabilities of electronic communications are limited** by Senegal's National Cryptology Commission. The limitation of encryption power **contradicts Article 13** of the Senegalese constitution.⁽²⁷²⁾ Senegal is also criticized for not having a clear legislative framework that provides a more precise framework for intelligence services.⁽²⁷³⁾ Finally, the Senegalese government announced on February 3, 2021, its willingness to put in place a: **“regulation and supervision system specific to social networks”**. For the time being, no text has been voted on, but many human rights defenders fear that the establishment of a regulatory authority for social networks will undermine **freedom of expression online**. **Article 19** has issued a statement with several civil society organizations to alert the government to the potential negative effects of the bill on online freedom of expression.⁽²⁷⁴⁾

⁽²⁶⁹⁾ ITU. «ICT Price Basket: Senegal». Accessed December 30, 2022. <https://www.itu.int/en/ITU-D/Statistics/Dashboards/Pages/IPB.aspx>

⁽²⁷⁰⁾ Anthonio, Alexia Skok, Felicia. «Senegal Must Keep the Internet Accessible during Elections». Access Now, January 20, 2022, <https://www.accessnow.org/senegal-internet-elections/>

⁽²⁷¹⁾ See <https://www.cdp.sn>

⁽²⁷²⁾ Roberts et al. 2021. Surveillance Law in Africa: a review of six countries.

https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16893/Roberts_Surveillance_Law_in_Africa.pdf?sequence=1&isAllowed=y

⁽²⁷³⁾ Ibid.

⁽²⁷⁴⁾ «Senegal: Project of regulation of social networks in Senegal: We alert - Article 19». Accessed January 6, 2023. <https://article19ao.org/wp-content/uploads/2021/05/D%c3%a9claration-conjointe-pdf>.

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(12-20 points)

Article 254 of the penal code condemns offense against the president of the republic. However, this law does not clearly define what constitutes an «**offense**» **against the head of state**. Under this law, many activists have been arrested following posts on social networks. For example, **opposition MP Sheikh Abdou Mbacké Bara was arrested and detained** for «offending the head of state, defamation, and spreading false news» in June 2022. He was released a month later after making a public apology.⁽²⁷⁵⁾ **Internet users Othmane Diagne and Papito Kara are being held in prison** on charges of «disseminating false news, deleting, modifying, fabricating and introducing computer data». They are accused of having relayed such news on social networks via the hijacked front page of *L'Observateur*—the most read daily newspaper in Senegal.⁽²⁷⁶⁾ These numerous arrests are encouraging a form of self-censorship among the population.

2.

Is civil society organized in favor of digital rights and freedoms?

(14-20 points)

Senegal is home to **many organizations** that defend **digital freedoms**. The international NGO **Article 19** has offices in Dakar. **Paradigm Initiative**, a regional organization, is located in the south of the country in Thiès. The Senegalese organization **ASUTIC** is also involved in the front lines in the defense of digital freedoms. The association has led a **campaign to defend the neutrality of the Internet** in the country. In particular, it has opposed the launch of Facebook Flex—a free version of Facebook without videos, images, and external links. The association denounces this violation of net neutrality by Facebook, which it describes as «a digital enclosure in which poor people in Africa will only be able to access a limited set of services that are not adapted to their needs».⁽²⁷⁷⁾

⁽²⁷⁵⁾ <https://www.france24.com/fr/afrique/20220710-l%C3%A9gislatives-au-s%C3%A9n%C3%A9gal-la-campagne-s-ouvre-apr%C3%A8s-des-mois-de-tension>

⁽²⁷⁶⁾ «Rebound in the case Outhmane Diagne and Papito Kara». Seneweb.com, January 6, 2023, https://www.seneweb.com/news/Justice/rebondissement-dans-lrsquo-affaire-outh_n_397739.html.

⁽²⁷⁷⁾ Savana, Albert. «ICT: ASUTIC denounces Facebook's digital colonialism in Africa». Financial Afrik, August 25, 2020, <https://www.financialafrik.com/2020/08/25/tic-lasutic-denonce-le-colonialisme-numerique-de-facebook-en-afrique/>



Seychelles

A. Barriers to access



1.

Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(10-10 points)

Internet access in the Seychelles is excellent. The ITU estimates that by 2021, 99% of Seychellois were covered by a 4G network. In terms of usage, 57% of the population were Internet users in 2016, and this figure has continued to grow, rising to 79% by 2021. Internet access and usage remain well above the regional average. On average, 49% of Africans are covered by a 4G network and 29% use the Internet.⁽²⁷⁸⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(10-10 points)

The average cost of a 2 GB mobile data subscription with a 256 Kbps connection averaged 2.5% of the Seychelles' GNI/capita. This is slightly above the Broadband Commission for Sustainable Development target of 2%. The cost of access has increased. In 2016, it represented 1.59% of the national income per capita of the Seychelles. Since March 7, 2022, the country has been connected to the submarine cable Pakistan East Africa Cable Express, which should improve the quality of the connection of the Seychelles network.

⁽²⁷⁸⁾ ITU. «Digital Development Dashboard: Seychelles». Accessed February 4, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

3. Are there any digital skills development policies in the country?

(2-5 points)

There is **no up-to-date data** assessing the digital skills of Seychellois citizens. However, several initiatives from civil society aim to **promote the use of digital technology and the development of skills**. The **WebCup association**, created in 2009, has as its objective: «The development of skills and talents for the emergence of a digital economy in the Indian Ocean». The association organizes **an annual hackathon** during which several teams compete to develop a website on a given theme.⁽²⁷⁹⁾

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(17-17 points)

The state of Seychelles has **never restricted access to the Internet**. There is also no censorship via DNS nor any other system.

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including the Internet, and are they enforced by an independent judiciary?

(17-18 points)

The legal framework in the Seychelles is **supportive of digital freedoms**. The Seychelles Constitution guarantees **freedom of expression and information through Article 19**: «Everyone has the right to freedom of expression, which includes the **freedom to hold opinions and to receive and impart information and ideas** without interference from any authority and regardless of frontiers”. Defamation was decriminalized in 2021, a major advance in freedom of expression.⁽²⁸⁰⁾ **Freedom House** ranks the Seychelles as a free country.⁽²⁸¹⁾

C. Violations of user rights



1. Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(18-20 points)

The archipelago has risen to **thirteenth place in the world press freedom** index established each year by **Reporters Without Borders**.⁽²⁸²⁾ This is the **best ranking on the African continent**—the country is now a model for the region. RSF reports that «**attacks on journalists are very rare**». They are mainly expressed on social networks, particularly by political party activists.

2. Is civil society organized for digital rights and freedom?

(10-20 points)

There is no association that specifically defends digital freedoms in the Seychelles. However, since 2014, there is an **association for the defense of journalists and press freedoms**: The Association of Seychelles Media Professionals. There is also a Seychellois **branch of the association *Droits Humains Océan Indien - Dis Moi*** which offers online human rights training.⁽²⁸³⁾

⁽²⁷⁹⁾ «WebCup Seychelles | A site using WebCup Network». Accessed January 22, 2023. <https://seychelles.webcup.fr>

⁽²⁸⁰⁾ «Seychelles | RSF». Accessed January 30, 2023. <https://rsf.org/fr/pays/seychelles>

⁽²⁸¹⁾ Freedom House. «Seychelles: Country Profile.» Accessed January 30, 2023. <https://freedomhouse.org/country/seychelles>

⁽²⁸²⁾ «Seychelles | RSF». Accessed January 30, 2023. <https://rsf.org/fr/pays/seychelles>

⁽²⁸³⁾ Defi Media Group. «Indian Ocean e-learning: DIS-MOI closes human rights education program in Seychelles». Accessed March 1, 2023. <https://defimedia.info/formation-en-ligne-de-locean-indien-dis-moi-cloture-son-programme-deducation-aux-droits-humains-aux-seychelles>



A. Barriers to access



1.

Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(5-10 points)

Internet pervasion in Togo continues. While in 2016 the population had **19%** of Internet subscribers via mobile, this figure rose to **31% by 2021**. The majority of Togolese citizens access the Internet via their cell phones. In 2017, **44%** of Togolese owned one, and 3G coverage is good. In 2020, **91%** of the population had access to the 3G network and **67%** to 4G. However, accessing the **Internet outside of urban areas remains complicated**.⁽²⁸⁴⁾

2.

Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(3-10 points)

The **cost** of Internet access remains **prohibitive**. The cost of accessing a 2 GB mobile subscription was **equivalent to 11.37% of Togo's GNI/capita** in 2021 compared to **18.74% in 2016**. The cost has therefore fallen marginally.⁽²⁸⁵⁾ The country is still **far from the target set by the UN Broadband Commission for a 2 GB mobile subscription cost equivalent to 2% of the national income per capita in 2025**. Finally, **many users complain about the speed** at which their mobile subscription runs out and feel that the regulator should do more to force operators to respect their commitments.

⁽²⁸⁴⁾ ITU. «Digital Development Dashboard: Togo». Accessed December 8, 2022. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽²⁸⁵⁾ ICT Price Basket.

3. Are there any digital skills development policies in the country?

(1-5 points)

The Togolese government has launched a «**national campaign on digital citizenship**» in 2021 to promote responsible **use of social networks** among young people. However, there is **no national program** to promote a global increase in the digital skills of Togolese. Several organizations in the field are trying to fill the gap left by the state. Thus, the **International Organization of the Francophonie** (OIF) offers, through its **D-CLIC program**, training in Web and mobile development to Togolese youth.⁽²⁸⁶⁾

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(5-17 points)

The country has experienced **numerous Internet outages**. Togo restricted Internet access **from September 5 to 10 and September 19 to 21, in 2017**. This cut off occurred following protests against the amendment of the constitution allowing Faure Gnassingbé to remain in power. **The NGO Access Now** also reports that Internet access was restricted **between December 8 and 12, 2018**.⁽²⁸⁷⁾ A new Internet cut off occurred during the February 2020 presidential elections.⁽²⁸⁸⁾ As a result of these numerous blackouts, the **Togolese state is the first to have been condemned by the ECOWAS court of justice**.⁽²⁸⁹⁾

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information and freedom of the press, including on the Internet, and are they enforced by an independent judiciary?

(5-18 points)

Freedom of expression is supposed to be **guaranteed by Articles 25 and 26 of the constitution**.⁽²⁹⁰⁾ However, several laws prevent the emergence of an **online space that respects digital freedoms**. **Law No. 2018-2016** on cybersecurity and the fight against cybercrime is described as liberticidal by many NGOs. Indeed, this text criminalizes: «the dissemination of false news, the dissemination of images, writings contrary to morality» moreover «This law gives, among other things, **police forces additional powers**, including surveillance outside of any judicial review.»⁽²⁹¹⁾ The law provides for **six months to two years in prison and a fine of 2 million to 10 million CFA francs** (US\$ 3,200 to US\$ 16,200). A study conducted by the Media Foundation for West Africa highlights the many laws against freedom of expression in Togo.⁽²⁹²⁾

⁽²⁸⁶⁾ Atangana, Vanessa Ngono. «IOF launches digital skills training in Tunisia, Togo, and soon in Djibouti and Gabon». Accessed January 8, 2023.

<https://www.wearotech.africa/fr/fils/solutions/l-oif-lance-une-formation-aux-competences-numeriques-en-tunisie-au-togo-et-bientot-a-djibouti-et-au-gabon>

⁽²⁸⁷⁾ Access Now has developed a database of all Internet shutdowns worldwide. It can be accessed via the following link:

<https://docs.google.com/spreadsheets/d/1DvPAuHNLp5BXG0nnZDGNoilwEeu2ogdXEIDvT4Hyfk/edit#gid=1399965468>

⁽²⁸⁸⁾ Anthonio, Felicia. «Internet Outage Taints Togo's 2020 Presidential Elections: What Happened and What's Next». Access Now (blog), March 5, 2020.

<https://www.accessnow.org/une-coupure-Internet-entache-les-elections-presidentielles-de-2020-au-togo-ce-qui-s'est-passe-et-la-suite/>

⁽²⁸⁹⁾ Amnesty International. «Togo. ECOWAS Court Ruling Sends Clear Message that Voluntary Internet Shutdowns Violate Freedom of Expression». June 25, 2020.

<https://www.amnesty.org/fr/latest/news/2020/06/togo-envoie-un-message-clair-que-les-coupures-volontaires-Internet-violent-la-liberte/>

⁽²⁹⁰⁾ Togolese Constitution of the Fourth Republic. [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/38025/110367/F-1481961433/TGO-38025%20\(VERSION%20CONSOLIDATED\).pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/38025/110367/F-1481961433/TGO-38025%20(VERSION%20CONSOLIDATED).pdf)

⁽²⁹¹⁾ Ritimo. «Digital Security in Togo». ritimo, December 15, 2021. <https://www.ritimo.org/Securite-numerique-au-Togo>

⁽²⁹²⁾ Asante, Kwaku. «Online Freedom of Expression in Togo: Between Internet Shutdowns, Repressive Laws and Expensive Connection». The Media Foundation for West Africa, April 27, 2021. <https://www.mfwa.org/fr/la-liberte-d-expression-en-ligne-au-togo-entre-coupure-dinternet-des-lois-repressives-et-une-connexion-chere/>

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(4-20 points)

The Togolese legislative framework, with little respect for digital freedoms, tends to promote **widespread self-censorship mechanisms within the population**.⁽²⁹³⁾ The repercussions of these repressive laws on members of civil society are numerous. **Amnesty International denounces** the arrest of two journalists, **Ferdinand Ayité and Joël Egah**, after they posted comments on YouTube that were critical of two ministers. This arrest took place five months after Togolese society had learned that the journalist had been targeted by the Pegasus software.⁽²⁹⁴⁾ The Togolese state is a **client of the Israeli company NSO Group. More than 300 Togolese cell phone numbers have been targeted by Pegasus**—including that of David Ekoué Dosseh, founder of the citizen platform Togo Debout.⁽²⁹⁵⁾

2.

Is civil society organized in support of digital rights and freedom?

(12-20 points)

Following the 2017 Internet blackouts, Togolese civil society organized to **file a complaint with the ECOWAS Court of Justice** for «infringing on the freedom of expression of the Togolese population». **Seven NGOs and the journalist Houefa Akpedje** succeeded in having **Togo condemned before the Court of Justice**.⁽²⁹⁶⁾ This is an important victory and a first for Internet blackouts on the continent. Many civil society organizations, both Togolese and African, have welcomed this decision and hope that it will set a precedent. **Columbia University's Global Freedom of Expression** has published a detailed case study on the subject.⁽²⁹⁷⁾

⁽²⁹³⁾ Ritimo. «Digital Security in Togo». ritimo, December 15, 2021. <https://www.ritimo.org/Securite-numerique-au-Togo>

⁽²⁹⁴⁾ «Ferdinand Ayité». Accessed January 15, 2023. <https://forbiddenstories.org/fr/journaliste/ferdinand-ayite/>

⁽²⁹⁵⁾ RFI. «In Togo, more than 300 phone numbers targeted by Pegasus». July 24, 2021.

<https://www.rfi.fr/fr/afrique/20210724-au-togo-plus-de-300-num%C3%A9ros-de-t%C3%A9l%C3%A9phone-cibl%C3%A9s-par-pegasus>

⁽²⁹⁶⁾ Amnesty International Togo, the Media Institute for Democracy and Human Rights (IM2DH), La Lanterne, Action by Christians for the Abolition of Torture (ACAT), the Association of Victims of Torture in Togo (ASVITTO), the League of Consumers of Togo (LCT), the Togolese Association for Education in Human Rights and Democracy (ATEDHD)

⁽²⁹⁷⁾ Global Freedom of Expression. «Amnesty International Togo and Ors v. The Togolese Republic.» Accessed January 15, 2023.

<https://globalfreedomofexpression.columbia.edu/cases/amnesty-international-togo-and-ors-v-the-togolese-republic/>.



A. Barriers to access

1. Do ICT infrastructures or the government restrict access to the Internet? Do they affect the speed and quality of Internet connections?

(9-10 points)

Internet coverage in Tunisia is excellent. By 2021, 99% of the Tunisian population had access to the 3G network and 96% to 4G. Also, 80% of Tunisians own a cell phone and 72% are Internet users. There is a significant disparity in Internet usage and cell phone ownership by gender as 61% of men and 72% of women use the Internet, while 77% of women own a phone compared to 83% of men in 2019.⁽²⁹⁸⁾

2. Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons?

(8-10 points)

The cost of accessing the Internet is one of the lowest in the region. The cost of access to a 2 GB mobile subscription was equivalent to 1.16% of GNI/capita in 2021. This cost is stable; for instance, in 2016 it represented 1.14% of Tunisia's GNI/capita.⁽²⁹⁹⁾ The country has therefore long since reached the targets set by the Broadband Commission for Sustainable Development. According to members of civil society, the quality of the connection still leaves something to be desired. Efforts could be made to get the regulator to force operators to improve the quality of their connections, to promote competition, and to fight against the rent economy.

⁽²⁹⁸⁾ ITU. «Digital Development Dashboard: Tunisia». Accessed January 14, 2023. <https://www.itu.int:443/en/ITU-D/Statistics/Dashboards/Pages/Digital-Development.aspx>

⁽²⁹⁹⁾ Ibid.

3. Are there any digital skills development policies in the country?

(3-10 points)

Tunisia's Digital Strategy 2015 contains 6 axes, one of which is dedicated exclusively to «digital and financial inclusion». However, results are still awaited on the ground. Private organizations also propose initiatives for digital inclusion. This is the case of Tunisie Telecom and its program Ichmilni. This initiative aims to cover the 94 white zones in Tunisia and also provides for the establishment of a mobile truck to strengthen the digital skills of the population. Tunisian universities offer quality training in computer science. However, the country is facing a significant leakage of its talents abroad.

B. Content limitations



1. Does the state block or filter, or require service providers to block or filter, certain types of content on the Internet, particularly content protected by international human rights standards?

(17-17 points)

Since the 2011 revolution, no more website blocking occurs via DNS. Under the Ben Ali regime, this censorship was operated by the Tunisian Internet Agency. Tunisia is one of the few countries in Africa that has never experienced an Internet blackout. However, many members of civil society denounce a tightening of the laws that aim to promote a form of widespread self-censorship among the population.⁽³⁰⁰⁾

2. Does the constitution or other laws protect rights such as freedom of expression, anonymous communication and encryption, access to information and freedom of the press, including on the Internet, and are they enforced by an independent judiciary?

(8-18 points)

Following the establishment of the Parliamentary Republic in 2014, Tunisia experienced a period of openness where freedom of expression was protected by Article 31 of the new constitution. In 2022, a new constitution was passed following a referendum. It guarantees freedom of expression through Article 37. However, some laws contradict these articles and fuel confusion about freedom of expression in Tunisia—notably the decree-law 2022-54 of September 13, 2022, on cybercrime. This decree provides for up to five years in prison and 50,000 dinars (US\$ 16,200) in fines for anyone who “deliberately uses communication networks and information systems to produce, promote, publish or send false information or rumors.”⁽³⁰¹⁾ This law illustrates the erosion of freedoms in Tunisia. Many civil society actors denounce this law, which can be used as an instrument of repression and thus promote a form of self-censorship among the Tunisian population.

⁽³⁰⁰⁾ Reporters Without Borders. 2022. «Unprecedented decree law criminalizing ‘rumors and false news’ threatens journalism in Tunisia» <https://rsf.org/fr/un-d%C3%A9cret-loi-sans-pr%C3%A9cedent-criminalisant-les-rumeurs-et-fausses-nouvelles-menace-l-exercice-du>

⁽³⁰¹⁾ Le Monde. 2022. «In Tunisia, a decree law threatens free expression». Accessed January 2023. https://www.lemonde.fr/afrique/article/2022/09/22/en-tunisie-un-decret-loi-menace-la-libre-expression_6142694_3212.html

C. Violations of user rights

1.

Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards?

(7-20 points)

Criticism of the government has become much riskier with numerous arrests under legislative **decree 2022-54**. In **2022**, **Nizar Bahloul**, director of an online media outlet, was **arrested and questioned** after being accused of «spreading false news» aimed at «defaming» a government official.⁽³⁰²⁾ An investigation was also opened against lawyer **Mehdi Zagrouba** following a Facebook post that targeted the Tunisian prime minister. Since President Kais Saïed assumed full power, more than **31 cases** have been brought against individuals who have publicly criticized the Tunisian president. **Many members of civil society complain** of a return of the «crime of lese-majesty», in this case critiquing the ruling power, and they **denounce the growing self-censorship** that is taking place in Tunisia.

2.

Is civil society organized in support of digital rights and freedom?

(18-20 points)

Many civil society organizations are standing up to the **shrinking civic space** in Tunisia and denounce the democratic **erosion that the country is undergoing**.⁽³⁰³⁾ A broad fabric of human rights organizations took root in Tunisia in the years leading up to the 2011 revolution. One of the best known is **Nawaat**, which was founded in April 2004 by several Tunisian cyberactivists and was censored until the departure of Ben Ali in 2011. Nawaat played a **leading role during the Tunisian revolution** and is now again at the forefront to **defend digital freedoms**. Tunisia hosts several international organizations on its soil defending digital freedoms. For example, **Access Now and Article 19** have offices in Tunisia.

⁽³⁰²⁾ Jeune Afrique. 2022. «Tunisia: Journalist summoned for an article on the Prime Minister». Accessed January 2023.

<https://www.jeuneafrique.com/1392995/politique/tunisie-un-journaliste-convoque-pour-un-article-sur-la-premiere-ministre/>

⁽³⁰³⁾ AccessNow. 2022. «Impending restrictions that threaten Tunisian civil society must be stopped». Accessed January 2023. <https://www.accessnow.org/tunisia-civil-society/>

Conclusions

The context in French-speaking Africa covered in this report evidences the diversity of digital freedom throughout these 26 countries. However, major regional trends are emerging:



Internet shutdowns during elections, for instance, during demonstrations or national exams in Chad, Burkina Faso and Algeria in 2022.



The deployment of mass or targeted surveillance solutions, including the use of Pegasus spyware documented in Rwanda, Togo, Morocco and Djibouti.



The practice of online censorship with the blocking of local and international media websites.



The recent deployment of cybersecurity and anti-disinformation laws that are often instrumentalized against journalists, human rights defenders, and citizens critical of governmental practices.



A recurrent lack of legislation for the protection of personal data and failing to ratify the Malabo Convention. This convention establishes a harmonized and independent legal framework for data protection and privacy, in particular by creating an independent data protection authority.

At the same time, this report notes the glaring lack of network structuring organizations defending digital freedoms in Francophone Africa. However, the transnational network in English-speaking Africa provides support through computer security resources for journalists and human rights defenders, dedicated hotlines, training and international events (e.g., Forum on Internet Freedom in Africa). French-speaking Africa lags behind the English-speaking world as various African countries are implementing legislation and practices that threaten freedoms in the online civic space.

Several explanatory factors can be identified to explain this discrepancy:

The diversity of the economic, political, and socio-cultural contexts of the 26 countries involved.

Their linguistic aspects: The structure of the international network of digital freedoms is overwhelmingly Anglophone. In this respect, the Freedom House report on online liberties is symptomatic and covers few French-speaking countries, which is the starting point of this study. The main human rights organizations are predominantly based in English-speaking countries (e.g., Cipesa and Defend Defenders in Uganda, Paradigm Initiative in Nigeria, Access Now in Europe, in the United States but it also has an office in Tunisia). Networks focused on freedom of expression and information such as RSF and Article 19 have offices in Senegal and Tunisia, respectively. These are traditional organizations that are interested in issues of digital freedom but traditionally have defended professional journalists and only recently made a change into protecting digital freedom in general.

International donors are seizing the subject of digital freedoms, which are an indispensable condition for the emergence of a free, open, and innovative society. Thus, USAID, the United Kingdom and the Netherlands fund the Paradigm Initiative organization, while CIPESA is funded by Sweden. An international NGO like Hivos (Netherlands) receives significant support from the US (1 million €), Swedish (6.8 million €) and Dutch (19.1 million €) governments in 2021.⁽³⁰⁴⁾ These funds support the **Digital Defenders Partnership program**⁽³⁰⁵⁾, a structural element of their «Civil Rights in the Digital Age» axis, and allow them to equip digital freedom defenders, particularly in some African countries. *Agence Française de Développement's* (AFD's) international counterparts are taking the subject in hand and are able to have an impact on issues that cannot be ignored. AFD has the means to invest in this field of action in Francophone Africa. Our study identified an extensive network of potential partners, tools, and methodologies to achieve the best possible impact on increasing people's digital freedoms.

⁽³⁰⁴⁾ Hivos. Annual Report 2021. Accessed March 06, 2023. <https://hivos.org/assets/2022/06/Hivos-Annual-Report-2021-draft.pdf>

⁽³⁰⁵⁾ <https://www.digitaldefenders.org>

Recommendations

Over a short, medium and long-term basis, it is already possible to have a significant impact on digital freedoms across Africa. We propose three key words to position AFD as a trusted and benchmark player: **evaluate, build, and federate.**



- Deepening the **monitoring of digital freedoms in French-speaking countries** with a prioritization of countries according to their scores in this report and the possibility of action.
- Publication of an **annual report** through the updating of the data in this report via a system of local referents.
- Implementation of a **secure information feedback form** to ensure permanent monitoring.
- Evaluation of the **cost of Internet outages** and the impact of these outages on different countries' development.



- To equip **journalists and human rights defenders** to ensure their **digital safety** in a concrete way. This can be accomplished by:
 - Establishing a pack of secure communication tools financed over three years (E.g., a Proton Mail pack with secure emails, a VPN, and a collaborative space, all available on cell phones.⁽³⁰⁶⁾).
 - Funding an Internet connection and secure computer equipment.
 - Translating cybersecurity and anti-misinformation resources from English into French, even vernacular languages, and generating new knowledge.
 - Mutualization of a technical and human analysis system of electronic devices of people at risk. For example, financing Citizen Lab or Nothing2Hide mission to analyze the phones of journalists potentially infected by Pegasus spyware. Similar to the work of Nothing2Hide, it is advisable to organize the transfer of skills to a referent who is able to facilitate and carry out technical operations locally.
- Fund and support existing **digital freedom organizations** to scale up by:
 - Funding existing francophone organizations like Nothing2Hide so that they can continue their current or planned interventions (e.g., DRC, Togo) and expand to new countries in need.
 - Funding transnational organizations of reference to act in French-speaking countries (e.g., funding a position for a French-speaking person at Access Now).
 - Designing training programs. Local civil society should be supported through a system of scholarships with a specific training objective in cybersecurity, the fight against disinformation, and advocacy with the authorities. This program should be designed in accordance with the needs of the field and contain quantified objectives on results.
 - Publishing a call for projects to identify and support (e.g., finance, train, equip) organizations, human rights defenders, activists, and defending digital freedoms in French-speaking African countries.
- Transforming the **missions of human rights NGOs to integrate issues of online freedoms** that affect them, following the example of recent changes in the **international NGOs Article 19 or RSF**. This aspect also concerns consumer associations, particularly on the issues of an accessible Internet and to force regulators to make ISPs respect their commitments (e.g., cost, net neutrality, etc.).
- Setting up an **automated information communication channel to direct the concerned public** (journalists, bloggers, human rights defenders, civil society activists) to existing resources or organizations. In concrete terms, this would mean setting up a **chatbot in French on WhatsApp**, the most widespread and secure channel in the countries concerned. For example, if a journalist fears being the victim of a phishing attempt. They can write via WhatsApp to the information line that allows them to make a quick diagnosis of the situation, and directs them to the most appropriate resources (e.g., an Access Now helpline).

⁽³⁰⁶⁾ Proton Mail offers an easy-to-use software suite to protect the privacy of Internet users. Proton Mail greatly simplifies the use of email encryption.

- Funding a **laboratory or research center dedicated to digital freedoms** within a **major African university**. For example, a three-year program dedicated to digital freedoms to produce an African Citizen Lab⁽³⁰⁷⁾ which provides:
 - A research professorship position (in charge of forming connections with social scientists, technical experts and members of civil society),
 - Technical analysis of electronic devices,
 - Short courses in cybersecurity,
 - Relay and if necessary develop tools for people at risk,
 - Produce and integrate cybersecurity and digital freedom awareness modules into a pilot group of journalism schools in Africa.
- **Establishment of a community Internet network** (MESH network) to enable resilience to Internet outages and online censorship. This locally co-constructed network must be done with a transfer of skills to the users to allow the continuation of the project once the funding ends.
- Fund **French-language events and roundtables** to provide **visibility to those concerned** so that they can expose local issues, obtain **transnational contacts**, and build an **international network to defend digital freedoms**.
- Map and facilitate the **participation of stakeholders** in **regional and international events on digital freedoms, human rights, and civil society governance**.



⁽³⁰⁷⁾ The Citizen Lab is a research laboratory on digital freedoms. Housed at the University of Toronto, the Citizen Lab became known worldwide following its revelations on the Pegasus affair.

A summary of AFD's transversal actions as a donor in the institutional framework



Negotiate a public **policy loan with African states** on the condition that they agree to measures that promote **Internet freedoms**.

- Signature and ratification of the Malabo Convention,
- Enact data protection/privacy laws,
- Creation of independent administrative authorities to ensure compliance with personal data protection laws,
- Strengthen the powers of the national telecom regulator so that it can compel operators to respect their commitments,
- Commitment not to cut off the Internet,
- Commitment to net neutrality,
- Integration of digital freedom issues in the broader scope of the defense of human rights in the framework of French diplomacy.



Creation of a **working group** with other **funders** to harmonize funding **efforts toward digital freedom initiatives**. This working group should bring together **funders** (Sida, USAID, GiZ, etc.) as well as **private actors** (Open Society, Ford Foundation, etc.).



Actively participate in the **Freedom Online Coalition**.



Commit to the United Nations Guiding **Principles on Business and Human Rights** (UNGPs).

Appendix 1:

Detailed table of scores for the countries studied

| COUNTRY | LETTER | STATUS | TOTAL | 25 points | 10 points | 10 points | 5 points | 35 points | 17 points | 18 points | 40 points | 20 points | 20 points |
|------------------------------|---|--------------------|-------|-------------------------------------|--|--|---|--------------------------------------|---|--|--|---|--|
| | (A: 100-81; B: 80-56; C: 55 - 31; D: 30-0) | | | A) Barriers to access (0/25 points) | 1) Do infrastructural or government limitations restrict Internet access or the speed and quality of Internet connections? (0-10 points) | 2) Are there legal, regulatory, or economic barriers that limit the diversity of service providers? Is Internet access prohibitively expensive or out of reach for some segments of the population for geographic, social, or other reasons? (0-10 points) | 3) Are there any digital skills development policies in the country? (0-5 points) | B) Content Limitations (0-35 points) | 1) Does the state block or filter, or require ISPs to block or filter, Internet content, especially material protected by international human rights standards? (0-17 points) | 2) Does the constitution or other laws fail to protect rights such as freedom of expression, anonymous communication and encryption, access to information, and freedom of the press, including on the Internet, and are they enforced by a judicial system that lacks independence? (0-18 points) | C) Violations of user rights (0-40 points) | 1) Are individuals penalized or subjected to extralegal intimidation for online activities, especially those protected by international human rights standards? (0-20 points) | 2) Is civil society organized in favor of digital rights and freedoms? (0-20 points) |
| Algeria | C | Partially non-free | 36 | 19 | 8 | 9 | 2 | 9 | 4 | 5 | 8 | 4 | 4 |
| Benin | B | Partially free | 56 | 13 | 6 | 4 | 3 | 19 | 8 | 11 | 24 | 10 | 14 |
| Burkina Faso | C | Partially non-free | 47 | 10 | 5 | 4 | 1 | 12 | 5 | 7 | 25 | 11 | 14 |
| Burundi | D | Non-free | 30 | 6 | 2 | 2 | 2 | 10 | 5 | 5 | 14 | 4 | 10 |
| Cameroon | D | Non-free | 30 | 6 | 2 | 2 | 2 | 11 | 5 | 6 | 13 | 2 | 11 |
| Central African Republic | D | Non-free | 30 | 5 | 2 | 2 | 1 | 12 | 6 | 6 | 13 | 4 | 9 |
| Chad | D | Non-free | 11 | 6 | 4 | 2 | 0 | 2 | 1 | 1 | 3 | 2 | 1 |
| Comoros | B | Partially free | 61 | 11 | 4 | 4 | 3 | 22 | 10 | 12 | 28 | 14 | 14 |
| Democratic Republic of Congo | C | Partially non-free | 51 | 11 | 5 | 4 | 2 | 21 | 10 | 11 | 19 | 4 | 15 |
| Djibouti | D | Non-free | 20 | 13 | 7 | 4 | 2 | 5 | 3 | 2 | 2 | 1 | 1 |
| Equatorial Guinea | D | Non-free | 6 | 2 | 2 | 0 | 0 | 2 | 1 | 1 | 2 | 1 | 1 |
| Gabon | C | Partially non-free | 45 | 17 | 8 | 7 | 2 | 14 | 6 | 8 | 14 | 9 | 5 |
| Guinea | C | Partially non-free | 39 | 10 | 4 | 3 | 3 | 12 | 7 | 5 | 17 | 5 | 12 |
| Ivory Coast | B | Partially free | 74 | 22 | 8 | 8 | 3 | 29 | 17 | 12 | 23 | 11 | 12 |
| Madagascar | C | Partially non-free | 44 | 9 | 5 | 2 | 2 | 20 | 12 | 8 | 15 | 10 | 5 |
| Mali | C | Partially non-free | 36 | 9 | 5 | 3 | 1 | 8 | 4 | 4 | 19 | 4 | 15 |
| Mauritania | C | Partially non-free | 49 | 15 | 6 | 7 | 2 | 16 | 8 | 8 | 18 | 10 | 8 |
| Mauritius | A | Free | 96 | 23 | 9 | 10 | 4 | 33 | 17 | 16 | 40 | 20 | 20 |
| Morocco | B | Partially free | 63 | 20 | 9 | 9 | 2 | 26 | 17 | 9 | 17 | 5 | 12 |
| Niger | C | Partially non-free | 52 | 13 | 5 | 4 | 4 | 18 | 8 | 10 | 21 | 10 | 11 |
| Republic of the Congo | C | Partially non-free | 41 | 9 | 4 | 3 | 2 | 15 | 7 | 8 | 17 | 8 | 9 |
| Rwanda | D | Non-free | 30 | 13 | 6 | 4 | 3 | 8 | 6 | 2 | 9 | 4 | 5 |
| Senegal | B | Partially free | 68 | 19 | 8 | 8 | 3 | 23 | 12 | 11 | 26 | 12 | 14 |
| Seychelles | A | Free | 84 | 22 | 10 | 10 | 2 | 34 | 17 | 17 | 28 | 18 | 10 |
| Togo | C | Partially non-free | 35 | 9 | 5 | 3 | 1 | 10 | 5 | 5 | 16 | 4 | 12 |
| Tunisia | B | Partially free | 70 | 20 | 9 | 8 | 3 | 25 | 17 | 8 | 25 | 7 | 18 |

Towards a World in Common

AFD Group contributes to the implementation of France's policies for sustainable development and international solidarity. The Group includes Agence Française de Développement (AFD), which finances the public sector, NGOs, research and training; its subsidiary Proparco, which is dedicated to the private sector; and Expertise France, a technical cooperation agency. The Group finances, supports and accelerates the transitions needed for a fairer, more resilient world.

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