# Assessing the level of respect of the Internet rights and freedoms in Africa: Burundi, Cameroon, Congo, Ivory Coast, Senegal and Chad study cases.

With the growth of the information society, the use of the Internet and digital tools for educational, professional and social purposes has increased considerably in Africa, as elsewhere in the world; a situation particularly boosted in the context of the health crisis caused by the COVID19 pandemic. However, although Africa has the highest Internet growth rate in the world (20% per year), freedom of expression and access to information, and freedom of assembly and association on the Internet - to mention just a few examples - are far from being respected on the continent.

So, in an effort to help operationalize the UN Human Rights Council resolution of 05 July 2012, which states that **"the rights enjoyed by people offline must also be protected online"**, and based on the Internet Rights and Freedoms Index (IRFI) developed in 2017 by PROTEGE QV, organizations and independent experts from six Sub-Saharan African countries that share French as one of their national languages (Burundi, Cameroon, Chad, Congo, Ivory Coast and Senegal), have set about proposing an approach for assessing the level of respect for human rights online by their governments..

Based on the reality of the six above mentioned countries, this work has led to the development and evaluation of the African Index of Internet Rights and Freedoms (AIIRF), backed by the 13 key principles of the African Declaration on Internet Rights and Freedoms (AfDec) (www.africaninternetrights.org adopted on 4 November 2016 by the African Commission on Human and Peoples' Rights in Banjul (Gambia). The 13 principles are: **Openness; Internet access and affordability; Freedom of expression; Right to information; Freedom of assembly and association and the internet; Cultural and linguistic diversity; Right to development and access to knowledge; Privacy and personal data protection; Security, stability and resilience of the internet; Marginalised groups and groups at risk; Right to due process; Democratic multi-stakeholder governance of the internet; Gender equality**.

## The six countries of the research :
## Burundi, Cameroon, Congo, Ivory Coast, Senegal, Chad

**Senegal**
Capital : Dakar
Population : 16,88 millions inhabitants
Country's surface area : 196 712 km²
GNP per capita : 1 636.89 $
Internet penetration rate : 99.03%

**Ivory Coast**
Capital : Yamoussoukro
Population : 29,5 millions inhabitants
Country's surface area : 322 462 km²
GNP per capita : 2 549.04 $
Internet penetration rate : 68%

**Cameroon**
Capital : Yaoundé
Population : 27,2 millions inhabitants
Country's surface area : 475 000 km²
GNP per capita : 1666.93 $
Internet penetration rate : 36.5%

**Chad**
Capital : Njamena
Population : 17,01 millions inhabitants
Country's surface area : 1 284 000 Km²
GNP per capita : 710 $
Internet penetration rate : 14.2%

**Congo**
Capital : Brazzaville
Population : 5,7 millions inhabitants
Country's surface area : 342 000 km²
GNP per capita : 2448 $
Internet penetration rate : 25.4%

**Burundi**
Capital : Gitega
Population : 12,5 millions inhabitants
Country's surface area : 27 834 km²
GNP per capita : 221.5 $
Internet penetration rate : 21.3%

*Figure 1: Localization of the six countries covered by the research*

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The Lazerfeld methodology was adopted for the development of the AIIRF, taking Internet rights and freedoms as the concept and the 13 fundamental principles of the African Declaration on Internet Rights and Freedoms as the dimensions. These different dimensions or sub-indices have been broken down into indicators identified using the international RAND method, and filled in following data collection (primarily institutional) in each of the countries for the year 2022.

## How well these rights and freedoms are respected in the six countries of the research ?

The results are presented by domain and for all 13 dimensions (fundamental principles) mentioned above.
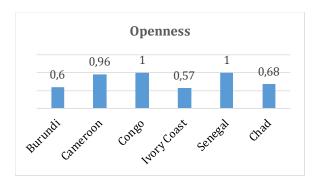


*Figure 2: Results for the "Openness" field.*

**Openness :** *«The architecture of the Internet must be preserved as a free, open, equal and non-discriminatory means of exchanging information, communication and culture. ».*

According to the AfDec, openness should be understood as the open and distributed Internet architecture, the practice of interoperability and network neutrality.

Although the six countries are above average, it should be noted that the portability of mobile subscriber numbers from one operator to another is not effective in Ivory Coast, and that content has been censored in Burundi over the past 5 years.

**Internet access and affordability:** *«Access to the Internet should be available and affordable to all persons in Africa without discrimination on any ground such as race, colour, sex, language, religion, etc. or any other circumstance. ».*

They depend on the availability and affordability of the Internet for all, the existence of policies and regulations encouraging equal and universal access to the Internet, universal service requirements, connectivity at affordable costs, and the level of literacy and/or schooling of users, all of which are determinants of accessibility. The critical value of this sub-index for Chad results from the low rate of access to fibre optics, the low literacy rate and the absence of policies and regulations promoting equal and universal access to the Internet.
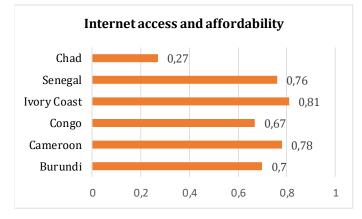


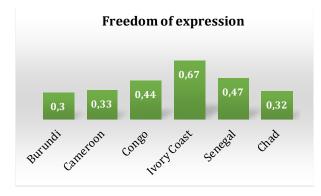*Figure 3: Results for the « Internet access and affordability » field.*



*Figure 4 : Results for the « Freedom of expression" field.*

**Freedom of expression :** *« Everyone has a right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds through the Internet and digital technologies and regardless of frontiers »*
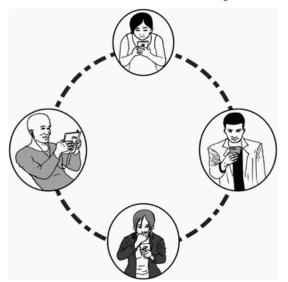
The existence of a legal framework instituting and regulating online expression, the management of online protest, the e-participation of populations in public debates, and lawsuits against journalists for articles published online, are the key aspects used to assess this sub-index. This right appears not to be respected in five out of six countries. Although freedom of expression is guaranteed by the Constitution in these countries, there are no texts providing for it online and there are few mechanisms to encourage public e-participation.

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**Right to information:** *«Everyone should have the right to access information of public interest on the Internet, including scientific and social research produced with the support of public funds. »*

The right to information, particularly on the part of governing authorities and elected representatives, could be very similar to accountability, understood as the obligation to report, justify and be answerable to citizens for decisions taken and actions undertaken. The aim here is to verify the existence of texts on the right of access to information, the proportion of public administrations with up-to-date websites, and free access to key information produced by administrations (budgets, laws and decrees, national development programmes, etc.). It is worth noting the good practice in Burundi and Ivory Coast, which have laws governing the right to information. In Chad, only 21.9% of ministries have up-to-date websites. In Cameroon, the proportion is 75%, although almost all ministries have functional websites.

| Chad | Cameroon | Ivory Coast | Senegal | Congo | Burundi |
|------|----------|-------------|---------|-------|---------|
| 0,41 | 0,58 | 0,66 | 0,67 | 0,8 | 0.96 |

*Figure 5: Results for the « Right to information » field*



**Freedom of assembly and association and the Internet:** *"Everyone should have the right to unrestricted use of the Internet for the purpose of forming associations"*

This DADLI recommendation is consistent with Point 32 of the report of the Special Rapporteur on the right of peaceful assembly and freedom of association, Mr Maina KIAI, addressed to the UN Human Rights Council on 21 May 2012, which in substance made the following observation: "The Internet, in particular social networks, and other information and communications technologies are increasingly being used to enable individuals to organise peaceful meetings...". The sub-index relating to freedom of assembly and association on the Internet has a zero value in 03 countries (Burundi, Congo and Chad) out of 06 and a critical value of 0.33 in Cameroon. In these 04 countries, digital technology is not taken into account in the laws governing freedom of assembly and association. Ivory Coast (0.83) and Senegal (1) fared well.

**Cultural and linguistic diversity :** *«Individuals and communities have the right to use their own language and any other distinctive features of their social affiliation to create, share and disseminate information via the Internet. »*

The key aspects for assessing this area are: the existence of local cultural content on the Internet, a policy to support the development and use of tools to facilitate linguistic diversity on the Internet and a programme/project to digitise scientific and cultural educational heritage. For 04 countries (Congo, Ivory Coast, Senegal and Chad) out of 06, this sub-index has a score of only 0.25. Although we note the existence of local content on the Internet in these countries, we deplore the absence of a policy to support the development and use of tools to facilitate linguistic diversity on the Internet.
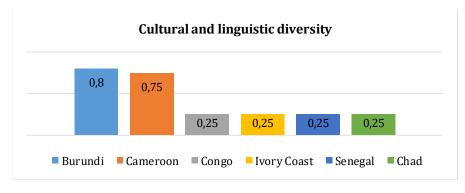
**Cultural and linguistic diversity**



*Figure 6: Results for the « Cultural and linguistic diversity » field*

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**Right to development and access to knowledge :** *«Schools for children and other learners should have access to devices connected to the Internet". »*

This dimension of the Index is consistent with Sustainable Development Goal 4, which reads as follows: *"Ensure equal access to quality education for all and promote opportunities for lifelong learning"*. The evaluation of this aspect focused on verifying the existence of media and information literacy programmes in school curricula, as well as policies that improve girls' access to quality education and ICTs. Given the importance of the Internet for education, it is regrettable that 02 out of 06 countries (Congo, Chad) scored zero on the sub-index relating to this right, while Senegal scored 0.5. However, Burundi (1), Cameroon (1) and Ivory Coast (1) fared well.

**Privacy and personal data protection :** *«Everyone has the right to respect for his or her private life online, including the right to protection of his or her personal data . »*

This principle is one of the major challenges of the information society. The security of personal data storage and the monitoring of communications are at the heart of the evaluation of this aspect. 04 out of 06 countries have scores below the average: Burundi (0.4), Cameroon (0.14), Congo (0.43) and Chad (0.29). Cameroon's critical score is due, among other reasons, to the lack of secure storage centres for personal data, the absence of a law on communications surveillance, and the lack of official programmes to raise awareness over the misuse of data provided online. Ivory Coast (0.79) and Senegal (0.86) look more competitive in this area.
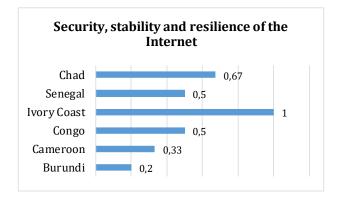
### Security, stability and resilience of the Internet

| Country | Score |
|---|---|
| Chad | 0,67 |
| Senegal | 0,5 |
| Ivory Coast | 1 |
| Congo | 0,5 |
| Cameroon | 0,33 |
| Burundi | 0,2 |

*Figure 7: Results for the respect of the « Security, stability and resilience of the Internet » field*

**Security, stability and resilience of the Internet :** *« Everyone has the right to enjoy the security, stability and resilience of the Internet. »*

The aspects used to assess this area of the Index focused on the following points: ratification of the Malabo Convention on cybersecurity and the protection of personal data, the existence of an appropriately equipped IT security incident response team, and the existence of a national cybersecurity strategy. The scores of Burundi (0.2) and Cameroon (0.33) are confirmed by their rank on the Cybersecurity Index scale (156th and 93rd respectively out of 160 countries assessed worldwide).

**Marginalised Groups and Groups at risk :** *"The right of all people, without discrimination, to use the Internet...must be respected and protected"*

Verification of the existence of specific public programmes to promote ICTs for vulnerable groups and their inclusion in the texts governing the Internet revealed that 03 countries (Congo, Senegal, Chad) out of 06 had a score of zero for this sub-index. Cameroon (0.33) is also in a critical zone. It should be noted that reading the Cameroon Digital 2020 Strategic Plan does not reveal any specific actions aimed at people with disabilities. Ivory Coast (0.50) just managed the average, while Burundi's score (0.7) is the highest for this sub-index.
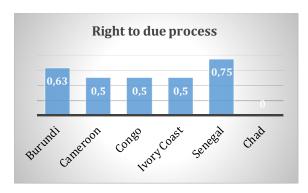
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Policy brief

**Right to due process**

0,63 | 0,5 | 0,5 | 0,5 | 0,75 | 0

Burundi | Cameroon | Congo | Ivory Coast | Senegal | Chad

*Figure 8: Results for the « Right to due process » field*

**Right to due process :** *« Everyone has the right to due process in relation to any legal claim or breach of law relating to the Internet".*

The setting up of specialised courts, with well-trained staff to deal with these offences, and capable of ruling with the diligence required by the dazzling development of ICTs and the increasingly sophisticated techniques used by malicious individuals, is slow in coming. Chad's score of zero for this sub-index is regrettable, as is the fact that 03 countries (Cameroon, Congo, Ivory Coast) out of 06 have a score of 0.5, while Burundi's is 0.63. The score for Senegal (0.75), a country where online crimes and offences are provided for in the Civil Code and Penal Code, should be appreciated.

**Democratic Multi-stakeholder Internet Governance:** *"The Internet governance framework must be open, inclusive, accountable, transparent and collaborative".*

Internet governance was born out of the desire of the United Nations, through its specialised body the International Telecommunication Union, to reduce inequalities in access to information for the world's inhabitants through ICTs. Through the African Declaration on Internet Governance, the Ministers in charge of Information and Communication Technologies of African countries, meeting in Algiers on 13 February 2017, committed themselves, among other things, to "work together to put in place a global, transparent and inclusive framework for Internet governance", transparent and inclusive Internet governance framework based on the principles of openness, which includes freedom of expression, respect for and protection of privacy, universal access and technical interoperability, ethics and respect for cultural and linguistic diversity in cyberspace". The Congo scored zero on this sub-index, noting the absence of an annual national forum on Internet governance.
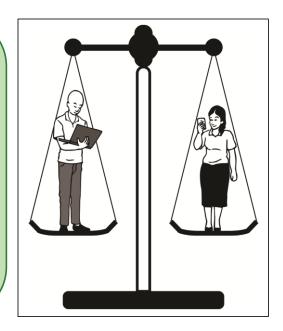
| Congo | Burundi | Senegal | Chad | Cameroon | Ivory Coast |
|---|---|---|---|---|---|
| 0 | 0,4 | 0,75 | 0,75 | 0,81 | 0,83 |

*Figure 9: Results for the " Democratic Multi-stakeholder Internet governance » field.*

**Gender equality:** *«Men and women should have equal access to learning, defining, using and configuring the Internet. »*

This dimension of the Index is consistent with Sustainable Development Goal 5, and two of its targets were included in the assessment of this dimension, namely: Target 5.5 Ensure women's full and effective participation and equal access to leadership roles at all levels of decision-making in political, economic and public life; Target 5b Strengthening the use of key technologies, particularly information and communications technologies, to promote women's empowerment. The country's ability to address existing gender inequalities was also considered. The country's ability to address existing gender inequalities was also considered. 05 out of 06 countries are below average (Cameroon, Chad, Congo, Ivory Coast and Senegal). Only Burundi has an acceptable score.

| Burundi | Cameroon | Congo | Ivory Coast | Senegal | Chad |
|---|---|---|---|---|---|
| 0,6 | 0,39 | 0,14 | 0,47 | 0,35 | 0,27 |

# Assessing the level of respect of the Internet rights and freedoms in Africa: Burundi, Cameroon, Congo, Ivory Coast, Senegal and Chad study cases.

The aggregated results of the 2022 measurement of the African Index of Internet Rights and Freedoms (AIIRF 2022) are shown in the opposite figure. The AIIRF 2022 values (on a scale of 0 to 1) for Congo (0.36) and Chad (0.30) are below average. The other 04 countries (Burundi (0.54), Cameroon (0.56), Ivory Coast (0.68), Senegal (0.60)), although above average, do not reach the top tier (between 0.75 and 1).

There is still considerable room for improvement for all six countries covered in the research.
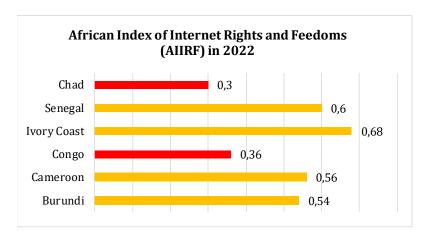
**African Index of Internet Rights and Feedoms (AIIRF) in 2022**

| Country | Value |
|---|---|
| Chad | 0,3 |
| Senegal | 0,6 |
| Ivory Coast | 0,68 |
| Congo | 0,36 |
| Cameroon | 0,56 |
| Burundi | 0,54 |

*Figure 10: A picture of AIIRF for the six countries in 2022*

## Some recommendations / areas for improvement?

In addition to the country-specific recommendations, the following cross-cutting but non-exhaustive recommendations are proposed:

**To governments**
- Ratify the African Union Convention on Cyber Security and develop a national cyber security strategy;
- Enable the use of online platforms to promote the exercise of all human rights, including freedom of association and assembly;
- Account to citizens how they use their surveillance powers and promote the establishment of an independent monitoring body for this purpose;

**To parliamentarians**
- Speed up the adoption of laws governing the exercise of fundamental freedoms online (law on the protection of personal data, law on the right of access to information, etc.);
- Adopt a law on surveillance in line with international standards governing the right to privacy;
- Amend the laws governing freedom of association and assembly to include the digital dimension;
- Organise capacity-building sessions for legislators on online human rights;

**To regulators**
- Be more vigilant in ensuring that operators respect the quality and cost of the various services offered to the public;

**To Cvil Society Organizations**
- Form a coalition to respond effectively to digital threats to civic spaces;
- Lobby for improvements to the legal and institutional framework for the protection and promotion of human rights online.