

Internet and digital technologies advancing or limiting right to freedom of expression? By Chenai Chair

The Collaboration on International ICT policy in East and Southern Africa (CIPESA) held its second Forum on Internet Freedom in East Africa-#FIFEA- in Kampala, Uganda from the 28th to the 29th of September. The opening day of the forum coincided with the International Right to Know day. The [Right to Know](#) was coined as the notion of “the promotion of the individual’s right of access to information and open and transparent governance.



The Forum brought together human rights defenders, journalists, government officials, academia, bloggers, developers, the arts community, law enforcement agencies and communication regulators, all of whom have a role to play in advancing the rights of citizens to privacy and freedom of expression in the online sphere as well as issues of safety and security (CIPESA, 2015). Compared to 85 participants in 2014, this year there were just under 200 people in attendance with a large number of your young participants and gender balanced.

With increasing internet access and broadband coverage in Africa, the internet has become a “a key platform for East Africans to enjoy their rights to expression and to associate with other citizens as well as leaders” (CIPESA, 2015: 4). While traditional means of communication-voice and SMS were the main means of communication everyday, in the CIPESA¹ survey on state of internet freedom, over half of the respondents made use of internet based platforms to communicate daily as well.

¹ CIPESA (2015). *State of Internet freedom in East Africa 2015: Survey on access, privacy and security online*. http://www.cipesa.org/?wpfb_dl=193

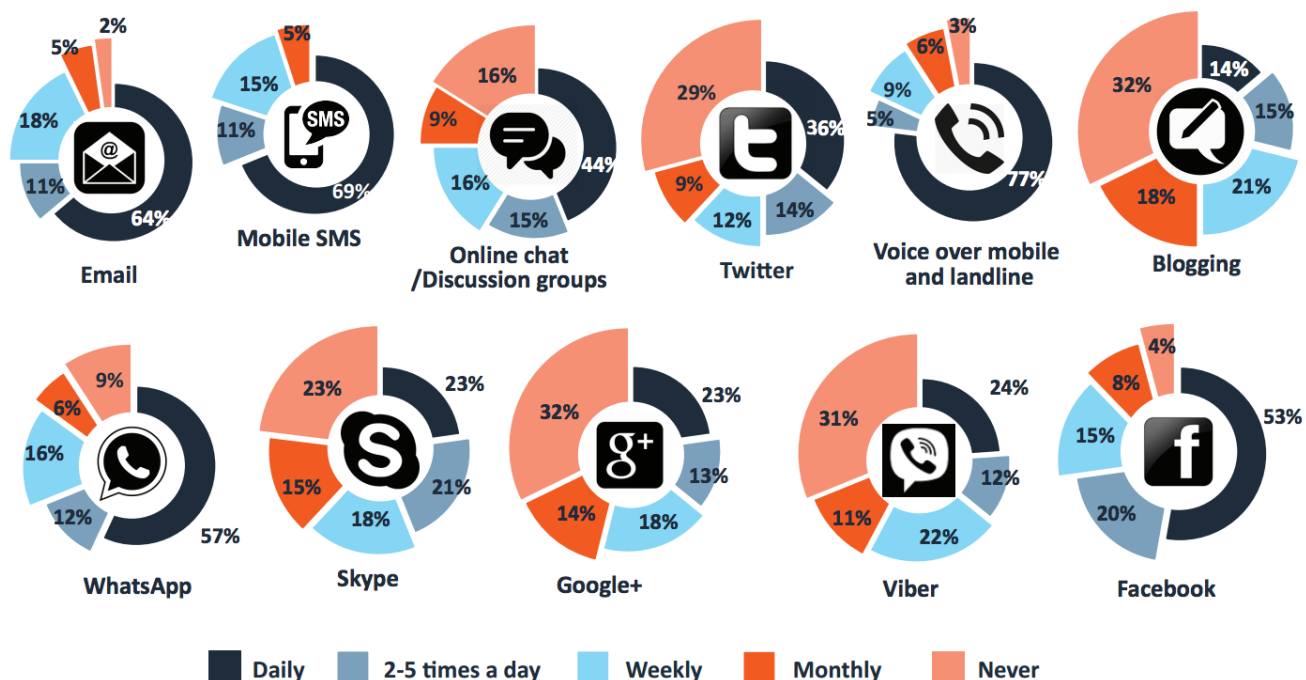


Figure 2: How regularly do you use these communication technologies?

Source: state of Internet Freedoms in East Africa Report (CIPESA, 2015: 19)

Internet access and freedom of expression

Understanding freedoms on line in relation to freedom of expression means the ability to voice one's opinions in conversations where offline, a few are given the platform to speak.

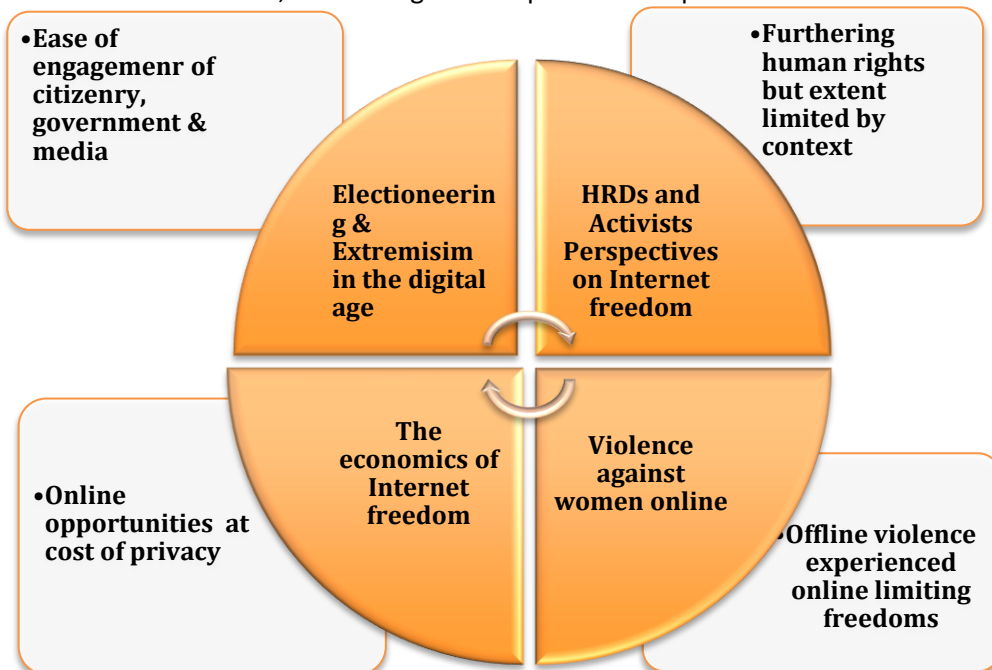


Figure 1: What Internet means in freedom of expression
Source: Authors own

In **electioneering and extremism in the digital age**, the internet and digital technology meant an influx of information about and from parties and candidates to garner votes. While at the same time it provided a platform for misinformation from candidates, media and users. This double-edged sword as a result of increased access to the internet raised the question of striking a balance. Balance could be struck, when users had access to a multitude of sources of information and used logic to deduct what made sense and what did not. Trying to control opinions people put online was deemed as violating freedom of expression. Policy and regulation was to be designed to deal with issues arising from misinformation instead of preempting information what one can share. However this raised

the point-was there an assumption of responsible, logical users online? Educational levels of users and non-users, as one participant pointed out, needed to be kept in mind in assuming a logical responsible user.

To **human rights defenders (HRDs)**, the online space, when they were preaching the message approved by the political and cultural contexts they operated in, meant an increased outlet of information. Yet the moment they began to question powers that be and raise issues that society or those in political power did not seek to be answered, it became a battle zone. As some of the panelists pointed out, in their country contexts, censorship was rife, with a constant need to change website names and host sites out of the continent. For example the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) community in Uganda were reportedly targets of spy software called Zeus following the signing of the Anti homosexuality bill into law (CIPESA, 2015: 31). This malware was meant to collect personal information on a user's device. Where freedom of expression is not respected offline and limited by policy and regulation as well as traditional views, internet rights are likely to face a similar limitation.

Violence against women (VAW) online raised the point of the need to recognize evolving forms of violence against women from the offline to the online space. Violence offline that often exerted power over women, limiting their freedom of choice and silencing them was being used for the same purpose online. Anecdotal information indicates an increase of violence fuelled by greater access to ICTs and a lack of acts criminalizing VAW online. Violence is seen through threatening and violent language to harm one, cyber stalking and sharing of intimate material without permission with the aim to bring down- "revenge porn". Often time's victims are unable to report due to uncertainty on what to do or whom to report to. Revenge porn has been on the rise with one instance reported of a teenager resorting to suicide following threats of revenge porn. Thus there is need to recognize the issue of violence online for purpose of policy and legislation. In this engagement one needs to be cautious of prescribing protectionist policies that assume women as passive users of the net. The online freedom for women should not be for them to self-censor but rather be able to engage freely online without fear.

So what were the issues of **economics internet freedom**? The internet provides opportunities for empowerment, creativity and livelihood. However the cost of ensuring access to the internet still remained with the need to put in place appropriate infrastructure. Increased access to the internet has also led to the rise in issues of privacy and transparency of users.. Non-users are also affected, as they are also information consumers, though as third parties. Privacy online by users is limited unless one has been trained on digital security to protect their information or is aware of privacy issues arising from access and use of the internet. The lack of simplified user agreements by service providers often results in people signing waivers to what their information may be used for. While there is a drive to connect the next billion, there is need to be aware that with greater access comes greater challenges in ensuring freedom online. A need for capacity building and education on possibilities and opportunities of the internet need to be conducted.

Freedom of expression advanced or limited online?

Internet freedom, in this forum, came across as the ability to operate and post freely online without fear of intimidation whilst respecting the basic human rights of others online. Internet freedom meant being able to have access to necessary information to reach a well-informed conclusion on a perspective. Internet freedom also meant a right for one to choose what information could be shared publicly and what would remain private. It also meant the ability for citizens, media and government to engage with each other on new platforms such as social media. Thus online platforms provided an advancement of freedom of expression.

Governments and security forces were cited as the main culprits in infringing the right to freedom of expression online. However government alone is not considered the sole barrier to freedom online, fellow citizens, hackers and fraudsters are a threat to internet freedom (CIPESA, 2015). Freedom online only exists as far as there is a respect for this individual right by relevant authorities, as far as there is an understanding of these rights in the societies we live in and as far as there is an awareness of these rights by the users.

The way forward

There is need to engage with policy makers and regulators in furthering Internet freedoms. There is need to push implementation of government policies meant to insure internet freedom as civil society. Research needs to be conducted to gauge understanding of internet freedoms for those who do not necessarily identify as activists, bloggers or technologists. With anecdotal information providing data on issues around violence against women

online for instance, there is need for development of research frameworks to gather necessary evidence in order to lobby policy makers for change in Africa.

Freedom online risks being pushed as a stand-alone right that does not advance other social welfare rights. In this forum, discussion did not highlight what freedom online meant in being able to advance other human rights. Is freedom online being fought for in isolation? There is need for discussion in highlighting how Internet freedoms further advance other human rights.