

---

# FOC Regional Consultations

Summary of Regional Consultation  
in Sub-Saharan Africa

# Table of Contents

Context	3
Summary	3
Trends	3
Recommendations	6
Annex	7



## Context

---

- As 2022 Chair of the Freedom Online Coalition (FOC), Canada facilitated six multi-stakeholder regional consultations to engage directly with stakeholders and gather knowledge about Internet freedom challenges at the regional and sub-regional level.
- The multi-stakeholder consultations will feed into the FOC's upcoming "Ottawa Agenda", which will update the group's founding document, the **Tallinn Agenda**, with a set of commitments for promoting human rights online.



## Summary

---

- During the Sub-Saharan Africa consultation held under Chatham House Rule, experts from civil society, media, academia, and the private sector revealed that digital inequality is growing in Africa, aggravated by a lack of infrastructure and affordable services as well as widespread digital illiteracy.
- At the same time, African governments are "digitizing" their service delivery models, further entrenching inequalities and ensuring that marginalized communities do not have access to basic services like healthcare and education.
- Multilateral and multi-stakeholder cooperation is essential for the global governance and regulation of platforms.



## Trends

---

On the issue of medium and long-term trends and their impact on human rights, participants cited increasing **digital inequality**, an unregulated and increasingly concentrated platform data economy, and the increased deployment of Machine Learning (ML) and Artificial Intelligence (AI)

in automated decision making by both the public and private sector. Participants noted that human rights online are precarious in the region, faces threats such as widespread misinformation and disinformation, repressive cybercrime laws, and a lack of protection for online journalism.

Troubling legal frameworks and the lack of digital expertise were also broadly cited. Many “Internet” laws, for example, are passed without the input of experts and are thus advertently or inadvertently limiting liberties, including those of human rights defenders. Experts agreed that there are also many legal frameworks that are not “*fit-for-purpose*” vis-à-vis the Internet and require review to ensure online spaces are considered.

There was broad agreement that while governments are increasingly adopting **digital identification systems**, they are doing so without legal frameworks or, when they are in place, they need to be more human rights focused or otherwise risk excluding marginalized communities. Those without government IDs or who find digital literacy challenging, for example, are not able to register and are then cut off from government services like healthcare and social protections.

Participants underlined that personal data is similarly not protected by regulation, including in the context of elections. Experts noted that Africa is often a consumer, rather than a developer of technologies. The public-private partnerships that govern the use of technologies in an African context are often not open to the public and do not allow for citizen engagement.

Asked about the most pressing challenges for the protection and promotion of human rights in online and digital contexts, experts cited a number of wide-ranging issues, including: marginalization and lack of access, undermining of information integrity by populist and authoritarian politicians and regimes, cyberattacks, Internet shutdowns and fragmentation, global platform concentration, and the rise of the authoritarian state-controlled model for Internet governance.

When asked about how governments can defend against **Internet fragmentation**, participants referred to more effective basic infrastructure, more inclusive and participatory Internet governance, and a more even distribution of opportunities associated with the “*free, open, interoperable, secure*”

*and reliable Internet.”*

Infrastructure was noted as a key challenge in Africa. While new technology continues to emerge, basic **connectivity** remains a challenge across much of the region with many people being left behind. For those who are connected, access is often sporadic and unreliable, and basic services like electricity still present a challenge.

Structural challenges have been exacerbated by the pandemic. Experts stated that digital inequalities reflect structural inequalities. Some communities lost years’ worth of education opportunities and millions of jobs in the last two years due to low Internet penetration rates, with participants stating that Africans were denied their economic and social rights. Even in countries with 95 per cent broadband coverage, such as Rwanda, South Africa and Senegal, challenges persist around demand, **affordability of access** and devices, and taxation issues.

Experts also provided views on how governments should bridge digital divides and increase **digital literacy**. The focus for governments should be on developing infrastructure and digital literacy, all with an affordability lens, including a review of taxation as well. However, experts noted policymakers often lack the skills and expertise to consider digital policies. They identified the need for more digital policy and rights experts in the region. More broadly, participants highlighted that solutions require global and multi-stakeholder cooperation, emphasizing that the Internet is a digital public good. One expert cited the need for more effective global governance and regulation of online platforms and a fairer global digital tax regime (i.e., the taxation of global digital public goods).

The implications of not having access to the Internet and the subsequent harms are many, including policymakers developing laws based on incomplete statistics, marginalized communities being excluded from global platforms, and the lack of presence of Africans in data sets. Digital inequalities in the data economy are also increasing, which creates a paradox: as existing technologies continue to evolve, inequalities continue to increase, including between those who are passive consumers and those who are able to use the Internet actively.



## Recommendations

---

Participants recognized that the FOC can play an essential role in articulating and defending a democratic and inclusive vision of the global Internet. Participants recommended several actions that FOC members, individually or collectively, could undertake to increase Internet freedom regionally and worldwide. The FOC should:

- Collectively advocate for governments to commit to an open Internet and report Internet shutdowns.
- Monitor the use of, and build norms against, misinformation and disinformation laws, which undermine trust in democratic political systems.
- Report procurement and use of spyware technology.
- Penalise or sanction cyberattacks.
- Incentivize small business and reduce regulatory transaction costs, regulate big business, and enable sharing and collaboration.
- Increase pressure in multilateral bodies to encourage more states in the region to ratify cybersecurity and cybercrime resolutions.

# Annex

---

## Discussion Questions

- What regional or global trends related to the evolution of digital technologies and the internet will have the greatest impact on human rights online and offline in the coming 5-10 years?
- What are the most pressing challenges to the protection and promotion of human rights online, both regionally and internationally?
- How do we define free, open, interoperable, secure and reliable Internet at the infrastructure and governance levels? How can governments defend against Internet fragmentation?
- Where should governments focus their attention and international assistance support in bridging digital divides and increasing digital literacy?
- How should the FOC respond to growing attempts made to restrict democratic voices online (i.e. internet shutdowns, disinformation, spyware technologies)?
- What programs, initiatives or processes should the FOC engage on in the next 5-10 years to help protect human rights and fundamental freedoms and advance meaningful digital inclusion?
- How can the FOC deepen dialogue and cooperation with the private sector on the effective implementation of the UN Guiding Principles on Business and Human Rights?