



Emerging Issues in Digital Rights in Africa:

*A Discussion Paper for the African Declaration on Internet Rights
and Freedoms (AfDec) Coalition*

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Acronyms

ACME	African Centre for Media Excellence
AfDec	African Declaration on Internet Rights and Freedoms
APC	Association for Progressive Communications
DDI	Digital Democracy Initiative
IBP	International Budget Partnership
IPPR	Institute for Public Policy Research
ISPs	Internet Service Providers
MRA	Media Rights Agenda
MISA	Media Institute for Southern Africa (),
NIRA	Nigeria Internet Registration Association
NLP	Natural Language Processing
PIN	Paradigm Initiative
SABC	South African Broadcasting Corporation
WWW	World Wide Web

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African Declaration on Internet Rights and Freedoms

A fundamental challenge in need of urgent resolution in the digital age is how to protect human rights and freedoms on the Internet, and the African continent is no exception. The African Declaration on Internet Rights and Freedoms was developed in response to this challenge.

13 PRINCIPLES:



1. Openness



2. Internet Access and Affordability



3. Freedom of Expression



4. Right to Information



5. Freedom of Assembly and Association and the Internet



6. Cultural and Linguistic Diversity



7. Right to Development and Access to Knowledge



8. Privacy and Personal Data Protection



9. Security, Stability and Resilience of the Internet



10. Marginalised Groups and Groups at Risk



11. Right to Due Process



12. Democratic Multistakeholder Internet Governance



13. Gender Equality

Executive Summary

Even before the adoption of the African Declaration on Internet Rights and Principles (AfDec) in 2014, the information and communication sector on the continent was already experiencing rapid technological advancements, driven by the growing demand for faster, more reliable, and interactive modes of communication. This evolution, while transformative, has also brought disruptions, necessitating that policymakers identify overarching trends and understand their interconnections to develop comprehensive and practical solutions for key global human rights challenges.

Within the AfDec community, there is broad consensus that the Declaration, in its current form, serves as a forward-looking framework capturing a wide range of rights. It remains a valuable tool for civil society, journalists, and activists advocating for legal and policy reforms. However, to maintain its relevance in Africa's dynamic digital environment, the Declaration must address emerging challenges and gaps. Many stakeholders believe it falls short of providing guiding principles for some of the latest developments in the digital space.

Despite significant advancements in internet penetration over the last decade, millions of Africans, particularly those in rural and underserved areas, still lack affordable and reliable connectivity. This highlights the enduring importance of the Declaration's emphasis on universal access and the need to overcome infrastructural and socio-economic barriers. Furthermore, women and marginalised groups remain disproportionately excluded from the digital economy, underscoring the critical need to prioritise gender equity and inclusion within the Declaration's framework.

A major limitation of the Declaration is its non-binding nature, which renders its principles aspirational rather than enforceable. This has significantly hindered its practical impact across the continent, making it challenging to compel governments to uphold the digital rights and freedoms it outlines.

Stakeholders have identified a wide range of emerging digital rights issues with both global significance and specific relevance to Africa. These include challenges such as algorithmic bias, data sovereignty, equitable access to digital infrastructure, and safeguards against surveillance abuses. To address these complexities, there is a growing consensus on the need to update the Declaration. Refinements to existing provisions and the addition of new ones are essential to ensure it remains a forward-looking, actionable framework capable of addressing the evolving digital rights landscape in Africa.

Introduction and Methodology

The objective of this research is to identify and provide an assessment of emerging issues in the digital rights landscape in Africa, to inform discussions around need to update the African Declaration on Internet Rights and Freedoms.

The research used a variety of methodologies and approaches, including desk research, interviews and online surveys, to gather information and insights into the topic, targeting some members of the AfDec community, digital rights activists and organisations, technology and human rights experts, among others.

The information and insights contained in this research report have been informed by survey responses from or interviews with the following experts and stakeholders:

- ▶ Poncelet Ileleji, a computer scientist and pioneering internet entrepreneur in The Gambia. He is the founder of Jokkolabs Banjul, a digital social innovation centre in The Gambia that aims to empower young people and the community through skills development and positive engagements.
- ▶ Alimi Adamu, a Nigerian/American human rights lawyer and Principal at Adamu and Adamu and Co. He is Convenor and Chief Executive of Safer Roads Action Network in Nigeria.
- ▶ Sylvie Siyam, an engineer in Electromechanics and Energetics, co-founder and President of PROTEGE QV, a non-governmental association in Cameroon with a focus on Information and Communication Technologies.
- ▶ Avis Momeni, an Environmentalist, ICT Digital Rights Advocate and General Secretary of PROTEGE QV, based in Cameroon
- ▶ Izak Minnaar, a journalist, consultant and trainer in journalism, elections, information and digital rights, and former Editor of Digital News at the South African Broadcasting Corporation (SABC). He is based in South Africa.
- ▶ Thobekile Matimbe, Researcher, Human Rights Lawyer and Senior Manager for Partnerships and Engagements at Paradigm Initiative (PIN), She is based in Zimbabwe.
- ▶ Frederico Links, a journalist, researcher, and trainer. He is a Research Associate at Namibia's Institute for Public Policy Research (IPPR). He is based in Namibia.

- ▶ Anriette Esterhuysen, human rights defender and computer networking pioneer from South Africa. She was Executive Director of the Association for Progressive Communications (APC) and has also served as Chair of the Multistakeholder Advisory Group of the United Nations Internet Governance Forum.
- ▶ Charlie Martial Ngounou, a technology expert from Cameroon. He is Founder and President of AfroLeadership, a panafrikan NGO advocating for AI Ethics, Data Ethics, Tech Ethics, Human Rights, Digital Rights, Data Rights, Open Governance, Participatory Democracy, Fiscal Transparency and Public Accountability. He is also an Open Budget Survey Researcher for the International Budget Partnership (IBP) in Cameroon and Central African Republic.
- ▶ Obioma Okonkwo, a lawyer and digital rights expert. She is Head of the Legal Department at Media Rights Agenda (MRA), based in Nigeria. She is also a member of the Advisory Board of the Digital Democracy Initiative (DDI), based in Copenhagen, Denmark.
- ▶ Apolo Kakaire, a communication expert and Manager, Communication and Advocacy at the African Centre for Media Excellence (ACME) in Uganda.
- ▶ Helen Sithole, a lawyer, policy researcher, tech law and information rights expert. She is the Legal and ICT Policy Lead at the Media Institute for Southern Africa (MISA), based in Zimbabwe.
- ▶ Remmy Nweke, is the Lead Consulting Strategist, DigitalSENSE Africa Media and Group Executive Editor for @ITREALMS Media Group, based in Nigeria. He is also a member of the Board of Trustees of the Nigeria Internet Registration Association (NIRA).

Background

The African Declaration on Internet Rights and Freedoms is a groundbreaking document that outlines key principles for protecting digital rights and ensuring open and inclusive internet governance in Africa. It was developed collaboratively by civil society organisations with the aim of addressing challenges presented by the digital age in the African context.

The Declaration addresses unique regional challenges like limited internet access, digital inequality, and government censorship. Although not legally binding, the Declaration serves as a normative framework for guiding governments, private entities, and civil society in promoting and upholding digital rights on the continent.

The Declaration seeks to promote human rights standards and principles of openness in internet policy formulation and implementation and is intended to elaborate on the principles which are necessary to uphold human and people's rights on the internet as part of efforts to cultivate an internet environment that could best meet Africa's social and economic development needs.

In summary, the Declaration seeks to promote human rights in the digital age, ensuring that fundamental freedoms are protected online as they are offline; advocate for universal internet access, recognising it as a critical enabler of socio-economic development and democratic participation; encourage transparent and inclusive internet governance that reflects the needs and rights of African citizens; and provide a framework for addressing emerging digital challenges, including surveillance, data protection, and freedom of expression.

The Declaration has four main sections, namely the Preamble, Key Principles, Application of the Principles (Realising the Principles), and Call to Action. It outlined 13 "Key Principles", which address a range of digital rights and freedoms, namely:

- ▶ Openness
- ▶ Internet Access and Affordability
- ▶ Freedom of Expression
- ▶ Right to Information
- ▶ Freedom of Assembly and Association on 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 Multistakeholder Internet Governance Framework
- ▶ Gender Equality

Emerging Digital Rights Issues

Since the Declaration was adopted, numerous digital rights issues have emerged and gained prominence due to technological developments and advances as well as changes in societal, governmental, and corporate behaviours.

AfDec stakeholders have identified a comprehensive list of issues that, in their view, warrant an update or revision of the Declaration to ensure its continued strategic relevance. The specific issues highlighted by survey respondents. Below is also an attempt to categorise the issues, including the following, with many exhibiting overlapping themes.:

1. Freedom of Expression & Information

1.1 Online Censorship & Surveillance:

- 1.1.1 Freedom of expression and online censorship
- 1.1.2 Surveillance and mass data collection
- 1.1.3 Internet shutdowns
- 1.1.4 States' duty to call for tech accountability without interfering with human rights
- 1.1.5 States' duty to call on internet intermediaries to respect freedom of expression
- 1.1.6 Cybersecurity and cybercrime laws that violate human rights.
- 1.1.7 Hacking of CCTV & privacy rights
- 1.1.8 Surveillance transparency

1.2 Disinformation & Misinformation:

- 1.2.1 Digital disinformation;
- 1.2.2 Disinformation panic
- 1.2.3 Deep fakes
- 1.2.4 Complete absence or lack of widespread media and information literacy initiatives
- 1.2.5 Meaningful access - both in terms of technical criteria and in terms of meaningful content

1.3 Online Harms:

- 1.3.1 Mechanisms to deal with online harms
- 1.3.2 A more complex approach to freedom of expression as a result of increased use of online space for harmful speech
- 1.3.3 Digital rights and hate speech
- 1.3.4 Gendered online violence

1.4 AI & Freedom of Expression:

- 1.4.1 AI and contemporary/new media
- 1.4.2 Algorithmic bias
- 1.4.3 Intellectual property rights with generative AI

2. Privacy & Data Protection

2.1 Online Privacy & Data Protection:

- 2.1.1 Online privacy and data protection
- 2.1.2 Data privacy and protection
- 2.1.3 Access to data and data transparency
- 2.1.4 Data governance challenges
- 2.1.5 Hard wiring of surveillance into business models of platforms
- 2.1.6 Personal data at risk with online merchants
- 2.1.7 Biometric digital identities
- 2.1.8 Data governance challenges
- 2.1.9 Governance and Misuse of Data in developing economies

2.2 Surveillance:

- 2.2.1 Surveillance and mass data collection

3. Digital Rights & Equality

3.1 Access & Equity:

- 3.1.1 Net neutrality and open internet
- 3.1.2 The relaxation of regulations in the implementation of community networks in Africa
- 3.1.3 Meaningful access - both in terms of technical criteria and in terms of meaningful content
- 3.1.4 Growing digital inequality and access challenges becoming more complex
- 3.1.5 Internet of Things and connectivity challenges
- 3.1.6 Broadband cable cuts and efficacy of wireless
- 3.1.7 Disability rights

3.2 Digital Rights & Human Rights:

- 3.2.1 Digital rights vs human rights

3.3 Capacity Building:

- 3.3.1 Low capacities of governments, members of parliament and even media to understand and enforce digital rights
- 3.3.2 Failure to take digital rights into account in national laws and regulations
- 3.3.3 Lack of awareness among populations of their online rights

- 3.3.4 Insufficient number and lack of organisation at national level of digital rights activists.
- 3.3.5 Lack of general digital safety guidance for African consumers
- 3.3.6 Complete absence or lack of widespread media and information literacy initiatives

3.4 Multistakeholderism:

- 3.4.1 Lack / absence of multistakeholderism in African tech and cyber policy crafting

4. Technology & Development

4.1 AI & Emerging Technologies:

- 4.1.1 Legislation on the application of artificial intelligence
- 4.1.2 The exploitation of citizens' digital data in improving electoral systems
- 4.1.3 Digitalisation of birth certificates.
- 4.1.4 The application of digital warning systems in the prevention of disasters and harmful climate effects
- 4.1.5 Development of adequate safeguards in the use and deployment of artificial intelligence and emerging technologies
- 4.1.6 AI and digital rights and ethics
- 4.1.7 AI and Ethics

4.2 Cybersecurity:

- 4.2.1 Development of cybersecurity laws that respect the right to privacy and other human rights is lacking.
- 4.2.2 Cybersecurity and cybercrime laws and policies that violate human rights.
- 4.2.3 Online fraud

5. Other Important Considerations

- 5.1 Labour & Digital Rights: Labour and digital rights technology
- 5.2 Environmental Impact: Electronic waste and rising digital tools
- 5.3 Economic Impacts: Governance of digital platforms and media viability

These issues have global significance but are also relevant for the African continent, although some more so than others.

Key Concepts

Below are some of the most critical and dominant digital rights issues identified, including their sub-themes, scopes and implications for digital rights and freedoms.

Privacy and Data Protection

The sub-themes in this area include mass data collection, surveillance technologies, data breaches, and data sovereignty.

Governments and corporations increasingly collect vast amounts of user data, often without informed consent. The rise of AI-powered surveillance, facial recognition, and biometric data use by governments and private firms has also raised concerns about overreach and abuse. Massive leaks of sensitive user data have exposed the vulnerabilities in how companies handle personal information. Governments pushing for local storage of citizens' data (through data localisation laws) has created debates about privacy, security, and global internet regulation. These are all issues that require further clarity and guidance.

Online Censorship and Content Moderation

The sub-themes are platform regulation, Government censorship and algorithmic bias.

Social media platforms are facing increasing scrutiny over their policies and practices for moderating harmful content, such as misinformation and hate speech, while ensuring that the right to freedom of expression is preserved and adequately protected. In countries such as China, Russia, and others, governments have tightened controls on online information through firewalls, content bans, or internet shutdowns. There are widespread concerns that AI algorithms controlling content visibility may perpetuate biases, censor marginalised voices, or prioritise sensationalism.

Freedom of Expression and Digital Authoritarianism

The main sub-themes are the criminalisation of dissent and internet shutdowns. Some governments are using digital tools in an insidious manner to target activists, journalists, and dissidents, often using spyware like Pegasus. Simultaneously, legal and policy frameworks, including anti-cybercrime laws, are being weaponised to suppress critical voices. Additionally, internet shutdowns are increasingly employed as a tool to stifle protests and political dissent, particularly in developing nations.

AI Ethics and Algorithmic Transparency

Sub-themes: discrimination and inequality, deepfakes and disinformation, and accountability of AI decisions.

AI-powered chatbots, voice recognition, and virtual assistants are improving user support and enhancing user experience in digital communication. Advanced Natural Language Processing (NLP) models can analyse and respond to human language more accurately, facilitating real-time language translation, sentiment analysis, and automated content creation.

However, algorithms in hiring, policing, or lending have shown evidence of bias, deepening societal inequalities. AI-generated content is challenging factual information, particularly during elections or geopolitical conflicts. Lack of transparency in algorithmic decision-making poses challenges for understanding and addressing errors or abuses.

Digital Inclusion and Access

Sub-themes: Access gaps, digital literacy, and Net Neutrality.

Despite increased internet penetration in many parts of the continent, many people still lack affordable, meaningful connectivity, especially in some of the poorest countries. With technology becoming an integral part of peoples' daily lives, the disparities in digital literacy are intensifying existing inequalities. The rollback of net neutrality protections in countries like the United States has rekindled debates about access, fairness and monopolistic practices by Internet Service Providers (ISPs).

Platform Accountability and Misinformation

The sub-themes are: disinformation campaigns, algorithmic amplification, and content monetisation models.

Coordinated campaigns, often state-sponsored, have influenced elections, fueled division, and spread false narratives globally. Many platforms are prioritising engagement over accuracy, thereby amplifying polarising or misleading content. Besides, the ad-driven model incentivises the spread of clickbait and questionable content.

Cybersecurity and Digital Harms

The sub-themes are ransomware attacks, online harassment, and child exploitation content.

Attacks on hospitals, banks, governments facilities and databases, private companies, critical infrastructure, among others, have increased in recent years, highlighting vulnerabilities in cybersecurity. Social media has enabled widespread harassment, disproportionately targeting women, minorities, and members of the LGBTQ+ community. The proliferation of child exploitation content has also led to calls for stricter platform oversight and government regulation.

Intellectual Property and Digital Ownership

The rise of digital ownership through blockchain, is raising questions about intellectual property rights, fraud, and regulation. Content creators, corporations, and platforms are experiencing tensions over issues of fair use, compensation, and licensing.

Decentralisation and Web3

Sub-themes: The rise of cryptocurrencies and decentralised platforms

Bitcoin and decentralised financial systems are raising questions about regulation, energy consumption, and their impact on traditional finance. Web 3.0, a vision for the next generation of the World Wide Web (WWW) that uses decentralised technologies to create a more user-centric internet and aims to make the internet more secure, private, accessible, and resistant to censorship, is also reported to be creating challenges around governance, security, and inclusivity.

Findings

The findings of this research affirm that the African Declaration on Internet Rights and Principles remains a critical tool for advocating digital rights and freedoms across the continent. It has successfully established a normative framework that aligns with global human rights standards while addressing unique African challenges, such as digital inequality, limited connectivity, and government censorship. However, the research also reveals that the Declaration has several limitations that hinder its ability to respond to emerging digital rights issues.

Strengths of the Declaration

▶ **Alignment with Human Rights Frameworks:**

The Declaration grounds its principles in established international human rights standards, ensuring global relevance while addressing Africa-specific needs such as affordable connectivity and cultural diversity.

▶ **Advocacy Tool:**

The Declaration provides a robust platform for civil society, journalists, and activists to advocate for policy reforms that advance digital rights and freedoms.

▶ **Inclusivity:**

By addressing issues such as gender equity and the rights of marginalised communities, the Declaration acknowledges and reflects the diversity of African societies.

▶ **Forward-Looking Principles:**

The Declaration recognises the transformative potential of the internet, emphasising its role in advancing socio-economic development and safeguarding fundamental rights.

Limitations and Challenges

▶ **Non-Binding Nature:**

The Declaration's principles are aspirational and lack enforceability, limiting their practical impact at both regional and national levels. This non-binding status makes it challenging to hold governments and corporations accountable for upholding digital rights.

▶ **Limited Awareness:**

Many policymakers, civil society actors, and even some stakeholders within the digital rights community are unaware of the Declaration, reducing its visibility and effectiveness in driving meaningful reforms.

▶ **Gaps in Addressing Emerging Issues:**

The Declaration does not adequately address contemporary challenges such as algorithmic bias, data sovereignty, disinformation, surveillance, and the environmental impact of digital technologies.

▶ **Implementation Barriers:**

Weak institutional mechanisms for monitoring and compliance hinder the Declaration's ability to effect change, particularly in countries with limited resources or political will.

Key Recommendations from Stakeholders

▶ **Strengthen Universal Access:**

Millions of Africans, particularly in rural and underserved areas, still lack affordable and meaningful connectivity. Addressing infrastructural and socio-economic barriers to universal access remains a priority. The Declaration must also emphasise digital literacy and quality of service to bridge the digital divide.

▶ **Enhance Protections Against Online Harms:**

With the rise in surveillance, spyware, and online disinformation, the Declaration must introduce stronger protections for privacy and freedom of expression. This includes safeguards against the misuse of technologies by governments and corporations.

▶ **Incorporate Emerging Technologies:**

Principles on the ethical use, accountability, and regulation of technologies such as AI, blockchain, and biometric systems must be incorporated to address their societal impacts.

▶ **Promote Gender Equity and Inclusion:**

Expanding the scope of gender equality to include protections against technologically facilitated gender-based violence and support for women's digital inclusion is crucial.

▶ **Accountability for Tech Companies:**

The Declaration should mandate transparency in content moderation algorithms, data monetisation practices, and the enforcement of terms of service by tech companies operating in Africa.

▶ **Strengthen Implementation Mechanisms:**

Embedding the Declaration into binding frameworks of regional organisations such as the African Union and sub-regional bodies like ECOWAS and SADC can enhance its visibility and enforceability. Establishing mechanisms for regular monitoring, reporting, and compliance will also bolster its impact.

Conclusion

The African Declaration on Internet Rights and Freedoms remains a vital framework for addressing the complexities of digital rights and governance on the continent. It underscores the interconnectedness of digital inclusion, privacy, freedom of expression, and equitable development. However, rapid technological advancements and evolving socio-political contexts necessitate urgent updates to its principles to maintain relevance and impact.

Strengthening the Declaration requires an emphasis on addressing emerging issues, such as the ethical governance of artificial intelligence, safeguarding personal data, combating online harms, and ensuring Africa's digital sovereignty. Integrating provisions for the accountability of tech companies, protection against digital abuse, and the regulation of disinformation reflects the growing need for a holistic, rights-based approach to digital governance.

Implementation challenges, including the non-binding nature of the Declaration and limited awareness among key stakeholders, remain barriers to its effectiveness. Addressing these gaps through advocacy, capacity building, and embedding its principles in binding regional and national frameworks will enhance its enforceability and influence. Moreover, prioritising inclusivity - by promoting meaningful connectivity, gender equity, and accessibility for marginalised groups - will ensure the Declaration meets Africa's diverse needs.

As the continent continues to digitise, the Declaration offers a critical lens for balancing technological innovation with human rights protections. Through targeted updates and strategic implementation, it can serve as a blueprint for promoting a resilient, inclusive, and rights-based digital ecosystem in Africa.

