



# The shrinking of the digital space during the COVID-19 pandemic: Movement building and internet governance in North Africa

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## INTRODUCTION

The analysis of the sphere of movement building and internet governance in North Africa leads inevitably to assess the shrinking of digital space and online mobilisation during the COVID-19 pandemic in the region.

North Africa – namely Algeria, Tunisia, Morocco, Western Sahara, Egypt, Libya and Mauritania – is a heated region of popular resistance and resilience movements. From the 1960s liberation wars against colonialism to the 2011 uprisings, and more recently the 2019 Algerian Hirak movement, the region has been characterised by a rise of popular pro-democracy movements.

Yet, the governmental response to this is usually characterised by oppressive mechanisms, repression against the freedom of speech and other violations of human rights. Despite the complexity of the North African civic space, these popular movements have been built online through information and strategy sharing, constructing the continuum of offline resistance in online spaces and drawing global attention and interest. However, the preventive measures due to COVID-19 are overturning, more than ever, the popular digital efforts aimed at maintaining the movements' continuum and momentum.

Analysis of the online movement building implies exposing the digital realities throughout the region. This assessment reveals that censorship of digital engagement still prevails, despite the pivotal role played by the internet in revealing the violation of human rights, and in providing an interactive platform for the people calling for freedom and dignity. During the preventive measures adopted throughout the region, the attempts at silencing the “dissidents” have risen. Consequently, the most vulnerable individuals in a humanitarian crisis have been further exposed, while the fragile post-revolutionary settings are at risk of losing momentum, since the people have been disconnected from the political

conversation. These failings are inevitably the result of an undefined judicial framework which does not fully protect the freedom of expression, resulting in several infringements of rights in the digital space.



## **NORTH AFRICAN LANDSCAPE: BETWEEN A QUEST FOR DEMOCRACY AND AUTHORITARIANISM**

↑ "Crowd of people protesting in Algeria in 2019"  
Source: Amine M'Siouri

North Africa is an interesting political, social and judicial contradiction that has been experiencing a shift in power dynamics since the 2011 uprisings in Tunisia, Libya and Egypt. Despite nine years of fervid socio-political resistance, the popular call for democracy, social justice and dignity has brought some horrific consequences to the region under oppressive regimes. A retrospective view would represent Libya as the common narrative regarding humanitarian catastrophes and armed conflicts and a peculiar situation of migrants and asylum seekers as well as a blurry political leadership. In another frame, Egypt has faced a failure paving the road to an authoritarian regime led by Abdel Fattah al-Sisi, after the removal of the long-time dictator Hosni Mubarak, worsening the socioeconomic situation.

If the shrinking of the civic space is a shared experience, two North African countries have remained passive to the popular uprisings. In fact, Mauritania's presidential transition in 2019,<sup>1</sup> the first in a decade, has raised hopes on ensuring human rights protection. However, persecutions of human rights activists and defenders and political dissidents is still frequent. In another context, the disputed Western Sahara, majoritarially occupied by Morocco and proclaimed as the Sahrawi Arab Democratic Republic by the Polisario Front, remains an unsolved

<sup>1</sup> Human Rights Watch. (2020, 14 January). Mauritania: Presidential Transition. <https://www.hrw.org/news/2020/01/14/mauritania-presidential-transition>

political issue, as the referendums regarding its independence or integration with Morocco have always failed.<sup>2</sup> This conflictual situation threatens the stability of the region and results in a general atmosphere of suffocation as Sahrawi youth are severely affected by the lack of opportunities, violence and repression.

Despite the Sahrawi conflict, Morocco has been able to sedate internal uprisings in 2011 as well as the Rif Hirak Movement of 2016 while facing migrational issues reflecting diplomatic dynamics with neighbouring Spain. The successful democratic achievements of Tunisia's 2011 uprising have ensured major steps in the post-revolutionary context, including securing fair and free elections as well as accountability mechanisms and the reinforcement of civil society and online mobilisation at the forefront of organising and resisting against the leftovers of Ben Ali's regime. Similarly, the Algerian Hirak, a popular uprising of weekly protests since 22 February 2019 – which has been compared to the 2011 uprisings by Western media despite deep ideological and historical differences – has shifted power in the region and succeeded to remove the 20-year dictator Abdelaziz Bouteflika.

During the December 2019 electoral campaign, the newly elected president of Algeria, Abdelmadjid Tebboune, promised to revise the constitution. The constitutional amendments have been drafted and transmitted to political parties and representatives of pro-regime "civil society" for discussion while the country's political life is on standby due to the COVID-19 pandemic.

With common preventive measures among North African governments in response to the COVID-19 pandemic, a deteriorating trend has been identified with harmful consequences for digital engagement and activism. These responses have been shaped into coordinated guidelines towards repression and crackdown on opposition movements and activists in the region.

## **CENSORSHIP AND THE SHRINKING OF CIVIC SPACE DURING COVID-19**

In the common narrative, the internet is considered as a window and a space for North African peoples, especially activists working in sensitive spaces of post-revolutionary and revolutionary dynamics. The role of the internet has been duly emphasised since the 2011 uprisings as the entire world has been "closely" watching the socio-political events in North Africa. From popular uprisings to identity and cultural struggles, the internet has been a pro-democracy mass mobiliser and a tool against censorship. It has seen the emergence of new forms and methodologies of engagement within the civic space, namely activism and creative toolkits. These new forms and methodologies have been transformed into persecution tools serving power reinforcement and longevity of regimes, especially in the COVID-19 pandemic context.

On the national levels in Tunisia, Algeria and Morocco, the preventive health measures included the restriction of gatherings, including closing places of worship, restrictions on travel and imposing social distancing measures; a

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<sup>2</sup> <https://www.unocha.org/middle-east-and-north-africa-romena/western-sahara>

common effort within the global framework against the pandemic, including obligatory lockdowns and curfew. Ironically, only repression and oppression are not under lockdown, as the persecution of activists has increased drastically with the outbreak of the pandemic.

In Tunisia and within the economic measures that the government has designed to face the current health crisis, the internet has emerged in support of the people. In fact, in early April 2020, hundreds of people demonstrated in front of the local government offices across the country demanding the end of the lockdown and quick access to the promised governmental financial assistance. These protests have been documented by local activists and bloggers<sup>3</sup> who have later been arrested and detained. This was the case of the blogger and activist Anis Mabrouki, arrested on 14 April 2020 for live-streaming on Facebook a protest in front of the mayor's office in Tebourba, a town to the west of Tunis. Anis Mabrouki was charged with causing noises and disturbance to the public, and accusing public officials of crimes related to their jobs without furnishing proof of guilt, under Article 316 and Article 128 respectively of the Tunisian penal code.

In a similar experience, the activist Hajer Aouadi has been charged with insulting a civil servant under Article 125 and causing noises and disturbance to the public under Article 316 of the Tunisian penal code, following a video<sup>4</sup> posted on Facebook on 12 April 2020 accusing local authorities of corruption regarding the distribution of semolina, a staple food in North Africa. While Tunisia is nowadays shaped into a post-revolutionary democracy, the socio-political climate under the COVID-19 pandemic is similar to the one of the "ancien régime" under Ben Ali's rule. The government is allergic to criticism towards authorities' responses to the coronavirus, silencing journalists and online activists under the pretext of lacking patriotism or expertise. However, this is not a fresh approach in resorting to criminal laws; Amnesty International has documented a growing trend of violation of digital rights, threatening internet governance by using legislation that penalises freedom of speech – notably speech deemed to be offensive or defamatory not only towards individuals but also towards state institutions, as well as speech deemed liable to disturb the public order or morality.<sup>5</sup>

If cultural practices, including traditions, social norms and taboos, are contagious in this multicultural region, this is also the case of repressive measures and oppression techniques. In fact, Algerian authorities have embarked on a campaign of arbitrary prosecutions aimed at silencing the Hirak movement and its activists, especially amid the COVID-19 pandemic.<sup>6</sup> Several arrests of online

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3 Noury, R. (2020, 21 April). COVID-19, Tunisia: Two Bloggers Arrested for Criticising Government. *Focus on Africa*. <https://www.focusonafrika.info/en/covid-19-tunisia-two-bloggers-arrested-for-criticising-government> and <https://www.inhiyez.com/archives/2203>

4 <https://www.youtube.com/watch?v=VWEJznRoOKU>

5 Amnesty International. (2020, 21 April). Tunisia: End prosecution of bloggers for criticizing government's response to COVID-19. <https://www.amnesty.org/en/latest/news/2020/04/tunisia-end-prosecution-of-bloggers-for-criticizing-governments-response-to-covid19>

6 Amnesty International. (2020, 27 April). Algeria: End repression against Hirak activists and journalists amid COVID-19. <https://www.amnesty.org/en/latest/news/2020/04/algeria-end-repression-against-hirak-activists-and-journalists-amid-covid19>

activists for Facebook posts have occurred since mid-March 2019, on charges such as encouraging illegal gatherings, insulting an official body, insulting the person of the president as well as attacking and threatening the territorial integrity of the state. Walid Kechida, a 25-year-old activist, has been arrested for creating a Facebook group named “Hirak memes” and charged with contempt and offending the person of President Abdelmadjid Tebboune, and attacking religious laws. In the same context, the pro-Hirak websites Maghreb Emergent, Interlignes Algérie and Radio M have been blocked during the lockdown period in contradiction of Article 50 of the Algerian constitution, which guarantees the freedom of print, audiovisual and online media.<sup>7</sup> Regarding this situation, Algerians question the efficiency of these repressive measures under the COVID-19 lockdown and remain uncertain regarding the future of the Hirak movement, at a time where online mobilisation and digital rights are endangered.

Meanwhile, the Moroccan government has drafted Bill 20.22 that punishes freedom of speech on social media platforms, including the calls to boycott products and spreading false information online.<sup>8</sup> The bill has been met by a total refusal from the Morocco online community regarding its content that restricts freedom of thought, opinion and expression guaranteed by Article 25 of the country’s constitution.<sup>9</sup> Human rights defenders have criticised the government for failing to make clear the draft decree in an official statement, noting that Bill 20.22 could be used to “muzzle Moroccans’ mouths” on social media, which were effectively used to organise the 2018 boycott campaign Moukatioun, which had been the largest action in Morocco’s history in shifting political demands into a concrete call for actions targeting the economic sector. In response to this popular rejection, the Moroccan government has requested the postponement of passing the bill.

If the COVID-19 pandemic has been a political crackdown opportunity for North African governments, it has also highlighted the unequal effects of the pandemic on the most vulnerable members of the population, especially women. Soumeya Lerari Mouzai, an Algerian feminist activist and blogger, has emphasised:

COVID-19 has exacerbated existing issues in North Africa, such as violence against women and intrafamilial violence, including violence against minors. In addition, the loss and lack of revenue has reinforced several cases such as unwanted pregnancies and lack of access to birth control. Also, the lack of structures and shelters to host and support women, through psychological and legal support, is peculiar within the region, along to fast tracking measures to ensure full protection of victims.<sup>10</sup>

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7 Constitution of the People’s Democratic Republic of Algeria, 2016.

8 Guerraoui, S. (2020, 30 April). “Fake news” draft bill sparks strong rejection in Morocco. *Middle East Online*. <https://meo.news/en/%E2%80%9Cfake-news%E2%80%9D-draft-bill-sparks-strong-rejection-morocco>

9 Constitution of the Kingdom of Morocco, 2011.

10 Interview with Soumeya Lerari Mouzai, Algerian feminist activist and blogger at [www.kalimateblog.wordpress.com](http://www.kalimateblog.wordpress.com), 2 June 2020.



In this regard, the internet has been an amplifier calling to adopt an intersectional perspective, cognisant of the effects of COVID-19 on women and on the advancement of women's rights.

The COVID-19 measures, including repression, have endangered the civic space in North Africa and the freedom of expression as governments cross into digital censorship to ensure the continuity of authoritarian power in the online sphere. Yet, an interesting phenomenon is the frequent strategy of self-censorship in the absence of clear laws on media freedom, especially online and new media. This self-censorship may compromise the local narrative and lead to self-repression among online activists and creatives. Consequently, the reforms regarding freedom of expression in North Africa must arise from a political will permitting the population to hold opinions without interference, as emphasised by Principle 3 of the African Declaration on Internet Rights and Freedoms.<sup>11</sup> The radicality of these reforms must ensure open access to online information as a right guaranteed by the constitutions.

In the Tunisian context, for example, the contradiction lies within the legislative framework, as Tunisia's 2014 constitution guarantees the right of freedom of expression under Article 31,<sup>12</sup> further fostered by the country being a party to the International Covenant on Civil and Political Rights (ICCPR), which also guarantees the right to freedom of expression. However, Article 86 of the Telecommunication Code stipulates that anyone convicted of harming others or disrupting their lives through public communication networks may face up to two years of prison.

Furthermore, as previously mentioned, the penal code has provisions that criminalise defamation and the spreading of content liable to cause harm to public order or good morals. These contradictions expose critical questions about ensuring the continuity of the 2011 Jasmine Revolution's achievements but also the future aspects of the country's democratic transition. Additionally, these contradictions regarding the links between national and international internet governance mechanisms may lead to poor governance related to digital rights and the internet, and consequently a misuse of power among democratic stakeholders.<sup>13</sup> Similarly, the Algerian Hirak movement is facing a shutdown which may disturb the continuity of its momentum in revolution and post-revolution contexts.

The Algerian government is taking advantage of the COVID-19 pandemic in an attempt to silence the movement that ensured a remarkable continuum for more than one year until its suspension due to the pandemic. This situation threatens the loss of momentum and prevents any recurrence as the crackdown continues on opponents, journalists, independent media and internet users. Algerians are currently scared by the signs of regression due to the oppression and dictatorship of the Bouteflikian era. Despite the efforts of the resistance movements to bring onto the table the idea of a parallel republic within a dem-

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11 <https://engage.africaninternetrights.org/en/node/3>

12 Constitution of the Republic of Tunisia, 2014.

13 <https://engage.africaninternetrights.org/en/node/42>

ocratic framework, the Algerian government duplicates efforts to maintain the authoritarian regime even in the online sphere. However, Algerians continue to resist online, demanding mainly the release of prisoners of conscience. Under the banner of “Songs for Freedom”,<sup>14</sup> Algerian artists took part in a virtual concert organised by Free Algeria on 23 May, calling for the freedom of prisoners of conscience, freedom of expression and media freedom. In fact, despite Article 36 of the Algerian constitution that stipulates that the freedom of conscience and the freedom of opinion are inviolable,<sup>15</sup> Drareni, Tabou and Kechida, to cite a few among the 63 prisoners of opinion as of 3 June, according to the non-exhaustive list of the National Committee for the Liberation of Detainees (CNLD),<sup>16</sup> remain jailed in silence.

While the draft Bill 20.22 has aroused an ardent debate on online freedom of expression, the online Moroccan sphere is also currently discussing privacy and personal data protection<sup>17</sup> issues. In fact, on 1 June, the Moroccan Ministry of Health launched Wiqaytna, a COVID-19 tracking application, as part of a national awareness campaign, after undergoing tests related to users’ privacy from the National Commission for the Control of Personal Data Protection (CNDP). Wiqaytna compiles the list of people with whom the user has interacted through Bluetooth and notifies them if one of them has tested positive for COVID-19. However, human rights and digital rights defenders have raised concerns about potential violations of fundamental rights and freedoms, warning of the potential extension of this application into a model for a surveillance policy. As noted by the Moroccan Association for Human Rights, that may cause a wave of intimidation and arrests of online activists, even in the post-pandemic era.<sup>18</sup>

## CONCLUSION

The interesting North African socio-political shift from offline activism to online movement building during the COVID-19 pandemic has exposed practices violating human rights, including digital rights, but also resulted in mechanisms of online repression omitting freedom of expression and digital rights and endangering sound internet governance principles as set out in the 2014 African Declaration on Internet Rights and Freedoms.<sup>19</sup> Consequently, it has deepened the shrinking of civic space, exposing an experience duplicated in different contexts throughout the African continent.

This assessment leads one to interrogate the future of movement building and internet governance in the region, and on the continent. Accordingly, it becomes

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14 <https://www.youtube.com/watch?v=liwuU1AEqHE&feature=youtu.be&fbclid=IwAR3IzIcco05w2Hc4Q2uVPLQ3LetBycLjJo8XODCa16FJmso372HPp0Rc8ow>

15 Constitution of the People’s Democratic Republic of Algeria, 2016.

16 [https://www.facebook.com/comitenationalpourelaliberationdesdetenusCNLD/posts/164035688299904?\\_tn\\_ =K-R](https://www.facebook.com/comitenationalpourelaliberationdesdetenusCNLD/posts/164035688299904?_tn_ =K-R)

17 <https://engage.africaninternetrights.org/en/node/38>

18 Chahir, A. (2020, 29 May). Morocco’s coronavirus surveillance system could tip into Big Brother. *Middle East Eye*. <https://www.middleeasteye.net/opinion/risks-moroccos-coronavirus-surveillance-system>

19 <https://africaninternetrights.org/articles>

imperative that North African governments fully implement concrete principles of online rights as set out in Part IV of the Declaration of Principles on Freedom of Expression and Access to Information in Africa,<sup>20</sup> issued in 2019 by the African Commission on Human and Peoples' Rights in recognition of the role of the internet as a tool to promote individual and collective participation in democratic processes.

This will be in line with international principles to ensure the right to freedom of expression and to receive and impart information, as duly stated in Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), and to ensure that governments do not infringe on the right to privacy. In order to ensure that the right to internet freedom is universally recognised, the implementation requires a cross-sectoral approach between the governments, civil society organisations, the academic community and activists, to ensure mechanisms of accountability against states abusing laws on internet access.

Along with the digital divide and the current documented state abuses and infringement of digital rights, the internet is still an unequal space, with access still limited to a privileged population, leaving behind the most vulnerable, including the elders, the poorest and those living in remote areas who are consequently disconnected. Beyond the digital divide, women and other vulnerable individuals are targeted and abused on digital platforms, with devastating consequences for their mental well-being and safety.

To enable these marginalised groups to exercise their rights online, states need to act in line with Principle 43 of the ACHPR Declaration, which compels them to take legislative and other measures to implement the principles on freedom of expression and access to information rights.

With the advancement of the internet and its growth as an essential service, new forms of digital abuse are established, reproducing the societal structures, such as so-called "revenge porn", or non-consensual sharing of intimate images. Therefore, it is pivotal that the cross-sectoral approach includes a feminist and pan-African perspective to ensure a just internet for all.

In addition, if the future of the internet is envisioned as a pro-democratic space, it should welcome democratic offline practices into the digital space and duplicate participatory practices including relevant stakeholders. Governments, civil society, marginalised groups and collectives, tech communities, academia and the private sector must take effective roles in the future digital realities. These roles must be clearly established, including accountability mechanisms and equal decision-making and leadership positions.

Therefore, these future digital realities must apply the learnings of the COVID-19 pandemic and become a showcase of human rights violations, exposing the misuse of power and corruption, holding dictatorial regimes accountable, and most of all, building trans-regional solidarity.

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<sup>20</sup> <https://www.achpr.org/presspublic/publication?id=80>