

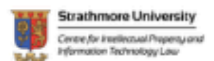


Submission to the Office of the United Nations High Commissioner for Human Rights (OHCHR): Reflections on the Super Election Year and Its Global Impact on the Protection of Human Rights

**FOCUS: DIGITAL RIGHTS AND ELECTIONS
IN AFRICA (2023-2025)**

SUBMITTED
BY

AFRICAN INTERNET RIGHTS ALLIANCE



Introduction

The period from 2023 to 2025 has been pivotal for numerous African nations, with many undergoing significant electoral processes and key decisions being made for our respective democracies. Our observation has been that digital technologies have played a dual role during these elections. While they have enhanced political engagement, civic participation and in some cases, even transparency, they have also introduced challenges that threaten the rights to freedom of peaceful assembly and association. Our submission examines key trends, challenges, and restrictions related to digital rights in the context of African elections across the continent.

1. Key Trends, Challenges, and Restrictions

1.1 Internet Shutdowns and Network Disruptions

A concerning/continuing trend during recent African elections is the intentional disruption of internet services by state authorities. These actions impede citizens' access to information, suppress freedom of expression, and hinder the organisation of peaceful assemblies. For instance, amidst protests against the 2024 elections, the Mozambique¹ government implemented an internet shutdown, citing security concerns. This move was widely criticised by CSOs who documented the incident and highlighted its detrimental impact on democratic participation.²

1. Human Rights Watch, "Mozambique: Post-Election Internet Restrictions Hinder Rights" <https://www.hrw.org/news/2024/11/06/mozambique-post-election-internet-restrictions-hinder-rights>

2. AIRA, "African Internet Rights Alliance (AIRA) Condemns Internet Shutdowns Amid Mozambique's Post-Election Protests" <https://aira.africa/african-internet-rights-alliance-aira-condemns-internet-shutdowns-amid-mozambiques-post-election-protests/>

1.2 Disinformation and Misinformation

The spread of false information has become a significant challenge in African electoral contexts. Cases of coordinated disinformation and misinformation around elections have been observed in Nigeria, Uganda, Angola and South Africa.³ In response to this, civil society actors often coordinate efforts to fact-check by forming fact-checking coalitions that leverage resources and advanced tools to monitor and debunk false narratives.⁴

1.3 Political Microtargeting

The use of data analytics to target specific voter groups with tailored political messages, though nascent, has raised ethical concerns. In Nigeria's 2023 elections, reports indicated that political parties employed microtargeting strategies.⁵

1.4 Content Moderation

The role of social media platforms in moderating content has come under scrutiny. A Mozilla investigation revealed gaps in TikTok's content moderation policies, exacerbated by moderators' limited understanding of Kenyan political discourse. These shortcomings enabled the spread of disinformation and inflammatory ethnic narratives before, during, and after the elections. One widely circulated video, for example, featured a doctored image of a political candidate wearing a bloodstained shirt and holding a knife to his own neck, with a caption falsely accusing him of being a murderer.

3. Institute of Development Studies "African elections under rising threat from online disinformation", <https://www.ids.ac.uk/news/african-elections-under-rising-threat-from-online-disinformation/>

4. Ghana (<https://africacheck.org/fact-checks/blog/mfwa-dubawa-and-ghana-fact-establish-ghana-fact-checking-coalition-ahead-december>), South Africa (<https://elections.sanef.org.za/2024/04/16/election-fact-checking-coalition/>), Nigeria (<https://reutersinstitute.politics.ox.ac.uk/news/we-cant-do-alone-nigerian-fact-checkers-teamed-debunk-politicians-false-claims-years-election>)

5. AIRA, "Contextualising Political Advertising Policy To Political Micro-Targeting In Nigerian Elections" <https://aira.africa/wp-content/uploads/2023/11/Contextualizing-Political-Advertising-Policy-to-Political-Microtargeting-in-the-Nigeria-Elections.pdf>

The video amassed over 500,000 views. In the lead-up to the election, false claims also spread across social media, including reports of military deployment in Nairobi, wild animals roaming certain regions, and premature declarations of electoral victories.⁶

2. Comparative Analysis of Restrictions

Our observations indicate that restrictions on digital rights disproportionately affect opposition parties and dissenting voices. In Senegal, during the 2024 electoral period, the government implemented significant internet restrictions that disproportionately affected opposition activities. On February 13, 2024, authorities ordered the suspension of mobile internet access, citing the spread of "hateful and subversive messages" on social media. This action coincided with the postponement of the presidential election, leading to widespread protests. The internet shutdown hindered the opposition's ability to mobilise and communicate, while government operations continued with minimal disruption⁷

A similar trend was observed during Zimbabwe's 2023 elections, where internet throttling and social media blackouts were reported on election day, making it difficult for independent observers and opposition supporters to communicate. However, state-run broadcasters and pro-government media outlets remained active, ensuring that ruling party messaging reached the electorate unhindered. This asymmetry in access to information created an environment where government-controlled narratives dominated the public space, while alternative or opposition voices were effectively silenced.

6. Mozilla, "From Dance App to Political Mercenary: How disinformation on TikTok gaslights political tensions in Kenya" <https://foundation.mozilla.org/en/campaigns/kenya-tiktok/>

7. RFI, "Senegal shuts down internet and bans election delay protest" <https://www.rfi.fr/en/africa/20240213-senegal-shuts-down-internet-and-bans-protest-over-election-delay>

In contrast, some African countries have demonstrated greater digital openness during elections. For instance, Ghana's 2024 elections saw unrestricted internet access, allowing civil society and fact-checking organisations to counter false narratives in real-time.

3. Legislative and Policy Measures

While, to our knowledge, there are no specific legislative or policy measures particularly adopted to negatively impact digital rights during the election period in Africa, there are already existing policies and legislation that impact digital rights during electoral periods across several African states. For instance, in Tanzania, the Cybercrimes Act has been used to arrest individuals for online posts deemed "false" or "misleading," leading to self-censorship among citizens and journalists.⁸

Ethiopia also enacted the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020 which purportedly aims to curb hate speech and disinformation; however, it has been criticised for its vague definitions and potential to suppress dissent.⁹ Such laws, while purportedly aimed at maintaining public order, often have a chilling effect on free expression and hinder open political discourse.

8. The Chanzo, "News Two Arrested for Publishing 'False' Information About Govt Officials on Social Media" <https://thechanzo.com/2024/03/14/two-arrested-for-publishing-false-information-about-govt-officials-on-social-media/>

9. ARTICLE 19, "Ethiopia: Hate speech and disinformation law must not be used to suppress the criticism of the Government" <https://www.article19.org/resources/ethiopia-hate-speech-and-disinformation-law-must-not-be-used-to-suppress-the-criticism-of-the-government/>

4. State Response to Electoral Protests

In instances of electoral protests, state responses have varied. In the aftermath of Nigeria's 2023 presidential election, opposition candidate Atiku Abubakar led a peaceful protest in Abuja, challenging the election results. Hundreds of supporters participated without reports of violence or heavy-handed tactics by law enforcement.¹⁰

Following the general elections on October 9, 2024, Mozambique experienced widespread protests due to allegations of electoral fraud favouring the ruling Frelimo party. The unrest led to significant violence, with reports indicating that over 300 people were killed in clashes with security forces. The situation escalated to the point where the government imposed bans on protests in an attempt to quell the unrest.¹¹

In Ghana, during the 2024 general elections, the government maintained a facilitative approach toward peaceful assemblies.¹²

In June 2023, protests erupted in Senegal after opposition leader Ousmane Sonko was convicted on charges that his supporters claimed were politically motivated to prevent his candidacy in the upcoming presidential election. The demonstrations resulted in at least 23 deaths and numerous arrests. The unrest continued into 2024, particularly after the government postponed the presidential election initially scheduled for February 25, leading to further clashes between protesters and security forces.¹³

10 Reuters, "Nigeria's Atiku, supporters march to protest presidential election results" <https://www.reuters.com/world/africa/nigerias-atiku-supporters-march-protest-presidential-election-results-2023-03-06/>

11. BBC, "Mozambique bans protests after weeks of post-poll violence" <https://www.bbc.com/news/articles/ckgzx16450po>

12 Reuters "Ghana opposition holds protests against alleged voter roll irregularities" <https://www.reuters.com/world/africa/ghana-opposition-holds-protests-against-alleged-voter-roll-irregularities-2024-09-17/>

13 Aljazeera, "Police and protesters clash after Senegal election postponed" <https://www.aljazeera.com/news/2024/2/4/eu-postponed-senegal-election-opens-period-of-uncertainty>

5. Public Participation Mechanisms

Mechanisms for public and CSO participation in policy development vary across the continent.

In Ghana, the Electoral Commission (EC) has implemented platforms to foster stakeholder engagement, enabling CSOs to actively contribute to electoral reforms. A notable example is the Inter-Party Advisory Committee (IPAC), which serves as a forum for dialogue among political parties, CSOs, and the EC. In a historic move, the EC opened an IPAC meeting to the press and civil society, enhancing transparency and inclusivity in the electoral process.¹⁴ Additionally, the Coalition of Domestic Election Observers (CODEO), comprising various CSOs, plays a pivotal role in monitoring elections to ensure their credibility. CODEO's efforts have been instrumental in promoting free, fair, and transparent elections in Ghana.¹⁵

Conversely, in Ethiopia, participatory mechanisms for CSOs have historically been constrained. The enactment of the Charities and Societies Proclamation in 2009 imposed stringent regulations on CSOs, particularly those receiving foreign funding, thereby limiting their capacity to engage in advocacy and policy dialogue. In response to these challenges, recent initiatives aim to bolster the role of CSOs in governance. For instance, the "Capacity Development Program for Local and Grassroots CSOs," co-funded by the European Union and Welthungerhilfe, seeks to enhance the capacity of local organisations in Ethiopia to participate actively in governance and policy processes.¹⁶

14. YouTube Video, Joy News "Top Story: Ghana's EC Opens IPAC Meeting to Press and Civil Society for the First Time in History" https://www.youtube.com/watch?v=T3wK5-cAVRM&ab_channel=JoyNews

15 <https://codeoghana.org/>

16 Welthungerhilfe (WHH), "Empowering Civil Society Organizations in Ethiopia", <https://www.welthungerhilfe.org/news/latest-articles/empowering-civil-society-organizations-in-ethiopia>

6. Impact of Technology on Assembly and Association Rights

Technology has significantly influenced the rights to assembly and association, serving both as a facilitator for mobilisation and a tool for repression. Digital platforms enable activists to organise and advocate efficiently; however, they also expose them to increased surveillance and punitive actions by authorities.

Facilitation of Mobilisation and Advocacy

Digital platforms have become essential tools for civil society actors to organise protests, disseminate information, and rally support.

Surveillance and Repression

Conversely, authorities have utilised technology to monitor and suppress dissent. In Egypt, security forces have employed digital surveillance tools to track activists' online activities, leading to arrests and fostering a climate of fear among civil society actors. For example, in March 2024, six individuals, including a child, were arrested in Cairo after writing slogans in solidarity with Palestine and criticising the government. These arrests were reportedly linked to their online expressions and activities

17. Amnesty International, "Egypt: Release protesters and activists detained over Palestine solidarity" <https://www.amnesty.org/en/latest/news/2024/06/egypt-release-protesters-and-activists-detained-over-palestine-solidarity/>

7. Recommendations

We recommend

- **Preventing Internet Shutdowns:** Governments should commit to maintaining uninterrupted Internet access during elections. Internet shutdowns impede citizens' access to information and suppress freedom of expression.
- **Combating Disinformation:** All stakeholders should actively collaborate to establish fact-checking coalitions and communities that promote media literacy programs and reject false information.
- **Protecting Privacy Rights:** Governments should enact and enforce laws that safeguard individuals from unwarranted digital surveillance is crucial.
- **Promoting Digital Inclusion:** Governments should invest in infrastructure and policies that provide affordable internet access to all citizens, especially marginalised and rural communities.
- **Ensuring Fair Content Moderation:** Social media platforms need to creatively collaborate and lead the development (and execution of) transparent and accountable content moderation policies

14. YouTube Video, Joy News "Top Story: Ghana's EC Opens IPAC Meeting to Press and Civil Society for the First Time in History" https://www.youtube.com/watch?v=T3wK5-cAVRM&ab_channel=JoyNews

15 <https://codeoghana.org/>

16 Welthungerhilfe (WHH), "Empowering Civil Society Organizations in Ethiopia", <https://www.welthungerhilfe.org/news/latest-articles/empowering-civil-society-organizations-in-ethiopia>

About Reporting Organisation

The African Internet Rights Alliance (AIRA) is a coalition of 10 leading internet rights CSOs in Africa with a strategic focus on influencing regional and global policies and addressing critical digital rights challenges emerging on the continent, particularly around issues of network disruptions, information integrity, and the protection of digital rights in electoral and democratic processes.

Our key goals are to build a rich and Afro-centric network of stakeholders and promote collaborative learning, peer support, and actionable policy engagement.

AIRA Members

Amnesty International, Kenya

ARTICLE 19 Eastern Africa

BudgIT

Co-Creation Hub/iHUB

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The Collaboration on International ICT Policy for East and Southern Africa (CIPEA)

KICTANet

Legal Resources Centre

Paradigm Initiative (PIN)

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