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# African Declaration

African Declaration on Internet

Rights And Freedoms

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For a positive, rights-based and democratically governed  
Internet policy environment in Africa

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# What is the African Declaration on Internet Rights and Freedoms?

The African Declaration is a **set of principles and norms** for Internet policy making  
Through these principles we are seeking to **promote human and peoples' rights online** and establish a policy environment that is underpinned by these values

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# What is the African Declaration on Internet Rights and Freedoms?

## **Our mission**

For the Declaration to be a reference document for all stakeholders who shape Internet policy-making and governance across the continent

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# SOME OF THE ORGANISATIONS INVOLVED



# The background of the African Declaration

A pan-African initiative, led by civil society group and supporters from across the region

**Builds on well established African human rights documents**

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## What is the Declaration based on?

- **African Charter on Human and Peoples' Rights of 1981**
  - **Windhoek Declaration on Promoting an Independent and Pluralistic African Press of 1991**
  - **African Charter on Broadcasting of 2001**
  - **Declaration of Principles on Freedom of Expression in Africa of 2002**
  - **African Platform on Access to Information Declaration of 2011**
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## October 2013

**African Internet  
Governance Forum in  
Nairobi**

## September 2014

**Soft launch at the global  
Internet Governance Forum**

2013

2014

2015

## February 2014

**Regional Civil Society  
meeting in  
Johannesburg**

*21 organisations discuss priority areas for human rights online, identified gaps in existing legal frameworks and initiate the drafting of the Declaration text*

## March - August 2014

**Public consultation**

*Over 40 submissions were collected including from legal experts, human rights activists and the technical community.*

## Summer 2015

**Text finalised**

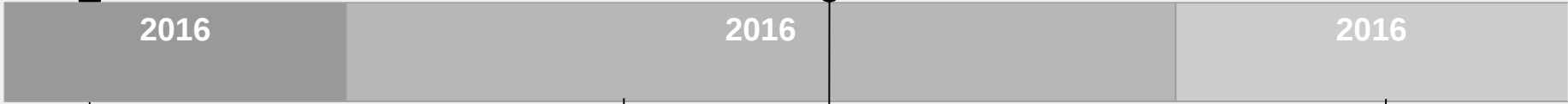
*Following a further round of input, the text is finalised, translated and published on the website [africaninternetrights.org](http://africaninternetrights.org)*

**April 2016**

**African Internet  
Governance Forum in  
Nairobi**

**April to October 2016**

**Shutdowns... Gabon,  
Ethiopia, etc.**



**May - October 2016**

**Advocacy and outreach...  
AfrISIG statement on  
shutdowns**

**November 2015**

**ACHPR Resolution Intern**

*Resolution that enables Africans to file  
complaints at the ACHPR and related bo*



# Why do we need an African Declaration?

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## THE INTERNET CAN EMPOWER PEOPLE

The Internet revolutionised media and information sharing (from one-to-many to peer-to-peer)  
It presents all of us with new ways to organise ourselves  
It paves the way for new digital services and economic growth  
New channels of communication and expression for socially marginalised and vulnerable groups

## THE INTERNET CAN BE USED TO CONTROL AND UNDERMINE RIGHTS

With new forms of expression come new forms of censorship and surveillance  
Uneven patterns of adoption amplify existing inequalities  
States are developing policies and laws to regulate and control the Internet  
Adoption of instruments which invade privacy, repress freedom of expression online and violate other rights

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## The main “baskets” of challenges to human rights online

- **Access**
  - **Censorship**
  - **Privacy**
  - **“Harmful” Content**
  - **Cyber Security**
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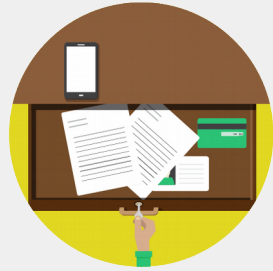
Openness



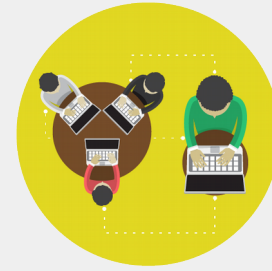
Internet Access  
and Affordability



Freedom of  
Expression



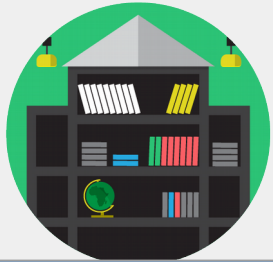
Right to  
Information



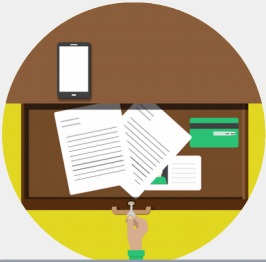
Freedom of  
Assembly and  
Association



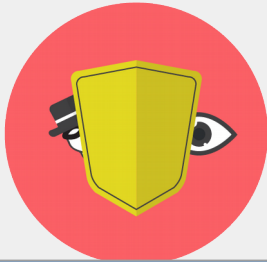
Cultural and  
Linguistic  
Diversity



Right to  
Development  
And Access to  
Knowledge



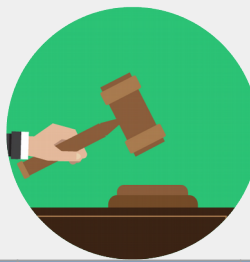
Privacy and  
Data  
Protection



Security,  
Stability and  
Resilience of  
the Internet



Marginalised  
Groups And  
Groups At Risk



Right To  
Due  
Process



Democratic  
Multistakeholder  
Internet  
Governance



Gender  
Equality



# OPENNESS

The Internet should have an open and distributed architecture, and should continue to be based on open standards and application interfaces and guarantee interoperability so as to enable a common exchange of information and knowledge. Opportunities to share ideas and information on the Internet are integral to promoting freedom of expression, media pluralism and cultural diversity. Open standards support innovation and competition, and a commitment to network neutrality promotes equal and non-discriminatory access to and exchange of information on the Internet

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# INTERNET ACCESS AND AFFORDABILITY

Access to the Internet should be available and affordable to all persons in Africa without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Access to the Internet plays a vital role in the full realisation of human development, and facilitates the exercise and enjoyment of a number of human rights and freedoms, including the right to freedom of expression and information, the right to education, the right to assembly and association, the right to full participation in social, cultural and political life and the right to social and economic development.

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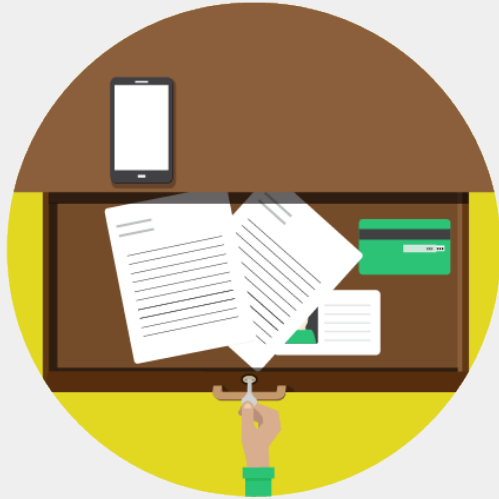


# FREEDOM OF EXPRESSION

Everyone has the right to hold opinions without interference.

Everyone has a right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds through the Internet and digital technologies and regardless of frontiers.

The exercise of this right should not be subject to any restrictions, except those which are provided by law, pursue a legitimate aim as expressly listed under international human rights law (namely the rights or reputations of others, the protection of national security, or of public order, public health or morals) and are necessary and proportionate in pursuance of a legitimate aim.



# RIGHT TO INFORMATION

Everyone has the right to access information on the Internet. All information, including scientific and social research, produced with the support of public funds, should be freely available to all, including on the Internet.





# FREEDOM OF ASSEMBLY AND ASSOCIATION AND THE INTERNET

Everyone has the right to use the Internet and digital technologies in relation to freedom of assembly and association, including through social networks and platforms.

No restrictions on usage of and access to the Internet and digital technologies in relation to the right to freedom of assembly and association may be imposed unless the restriction is prescribed by law, pursues a legitimate aim as expressly listed under international human rights law (as specified in Principle 3 of this Declaration) and is necessary and proportionate in pursuance of a legitimate aim.



# CULTURAL AND LINGUISTIC DIVERSITY

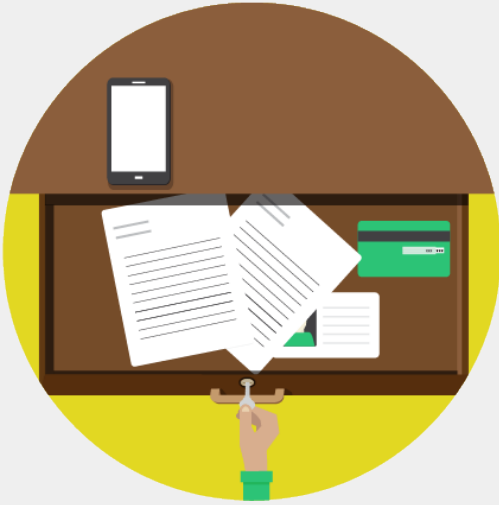
Individuals and communities have the right to use their own language or any language of their choice to create, share and disseminate information and knowledge through the Internet.

Linguistic and cultural diversity enriches the development of society. Africa's linguistic and cultural diversity, including the presence of all African and minority languages, should be protected, respected and promoted on the Internet.



# RIGHT TO DEVELOPMENT AND ACCESS TO KNOWLEDGE

Individuals and communities have the right to development, and the Internet has a vital role to play in helping to achieve the full realisation of nationally and internationally agreed sustainable development goals. It is a vital tool for giving everyone the means to participate in development processes.



# PRIVACY AND PERSONAL DATA PROTECTION

Everyone has the right to privacy online, including the right to the protection of personal data concerning him or her. Everyone has the right to communicate anonymously on the Internet, and to use appropriate technology to ensure secure, private and anonymous communication.

The right to privacy on the Internet should not be subject to any restrictions, except those that are provided by law, pursue a legitimate aim as expressly listed under international human rights law, (as specified in Article 3 of this Declaration) and are necessary and proportionate in pursuance of a legitimate aim.

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# SECURITY, STABILITY AND RESILIENCE OF THE INTERNET

Everyone has the right to benefit from security, stability and resilience of the Internet. As a universal global public resource, the Internet should be a secure, stable, resilient, reliable and trustworthy network. Different stakeholders should continue to cooperate in order to ensure effectiveness in addressing risks and threats to security and stability of the Internet.

Unlawful surveillance, monitoring and interception of users' online communications by state or non-state actors fundamentally undermine the security and trustworthiness of the Internet.

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# MARGINALISED GROUPS AND GROUPS AT RISK

The rights of all people, without discrimination of any kind, to use the Internet as a vehicle for the exercise and enjoyment of their human rights, and for participation in social and cultural life, should be respected and protected.



# RIGHT TO DUE PROCESS

Everyone has the right to due process in relation to any legal claims or violations of the law regarding the Internet.

Standards of liability, including defences in civil or criminal cases, should take into account the overall public interest in protecting both the expression and the forum

in which it is made; for example, the fact that the Internet operates as a sphere for public expression and dialogue.

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# DEMOCRATIC MULTISTAKEHOLDER INTERNET GOVERNANCE

Everyone has the right to participate in the governance of the Internet. The Internet should be governed in such a way as to uphold and expand human rights to the fullest extent possible. The Internet governance framework must be open, inclusive, accountable, transparent and collaborative.





# GENDER EQUALITY

To help ensure the elimination of all forms of discrimination on the basis of gender, women and men should have equal access to learn about, define, access, use and shape the Internet. Efforts to increase access should therefore recognise and redress existing gender inequalities, including women's underrepresentation in decision-making roles, especially in Internet governance.

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# How can you get involved?

## ENDORSE AND USE

Show your support for the Declaration on  
africaninternetrights.org  
ACHPR country reviews

## SHARE

Make your voice heard and share the Declaration on twitter via

#AfricanInternetRights

## DISCUSS

Join the discussion on our mailing list and learn more about the Declaration

info@africaninternetrights.org

## ENGAGE

Share your experience and stories on our platform

engage.africaninternetrights.org