DIGITAL RIGHTS

- Right to freedom of expression
- Right to privacy
- Right to credit for personal works
- Right to digital access
- Right to our identity

BASELINE RESEARCH ON THE STATE OF DIGITAL RIGHTS IN ZIMBABWE

COMMISSIONED BY AFRICA FREEDOM OF EXPRESSION EXCHANGE.

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MAY 2017

Country profile

Zimbabwe is a Southern African country with a population of 14.2 million[1] as of December 2016.

According to Zimbabwe's National Statistics Agency, ZIMSTAT's Poverty Analysis, the country's datum line stands between US$430 and US$574 per average household of five and $96 for self-sustaining individuals. Currently Zimbabwe faces a huge cash crisis that saw the introduction of a new local currency, the bond notes in November 2016.[2] The introduction of bond notes is expected to ease the shortage of the United States Dollar, which had been the official trading currency since 2009. The cash shortage has also increased mobile money, online banking and point of sale transactions.

Zimbabweans first experienced the internet in 1991, and at the time, it was mainly academic purposes. The internet was later commercialised and expanded largely through leased lines from South Africa. In 1997, the first direct connection to the United States was launched after the Post and Telecommunication Corporation (PTC) launched an internet hub and began to sell its bandwidth to private Internet Service Providers (ISPs).[3] During that period there was a significant increase in the number of ISPs, which over time began to consolidate mergers and acquisitions. The first ISPs included *MWEB*, *Zimbabwe Online*, *Africa Online*, *ComOne* operated by *TelOne*, and *Ecoweb* operated by *Econet Wireless.* Today Zimbabwe has 15 registered ISPs.

There are five mobile network operators (MNOs) in Zimbabwe. The majority of the MNOs are owned by the state these include fixed telecoms operator, *TelOne*, NetOne, and *Telecel*, whose takeover by the government was completed in November 2016. Only *Econet* and *Africom* are privately owned. High licensing fees continue to be a hinderance to the growth of the sector. Both Internet Access and Service Providers (IAPs and ISPs) require between USD$2 -3 million in license fees, depending on the type of service they wish to provide. Added to that is the requirement that service providers remit 3.5% of their annual turnover to contribute to the Universal Services

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[1] The Sunday Mail, 28 February, 2016 Zim population swelling, http://www.sundaymail.co.zw/zim-population-swelling/

[2] The Herald, 28 November, 2016 Bond notes finally out, http://www.herald.co.zw/bond-notes-finally-out/

[3] OpenNet Initiative. (2009). ZimbabweProfile. https://opennet.net/research/profiles/zimbabwe

Fund (USF).

In Zimbabwe, as with many African country's, internet access is limited by poor telecommunications and electricity infrastructure, low bandwidth, high cost of internet services and widespread poverty. This means internet-enabled devices and data are way above the reach of the ordinary Zimbabwean and are often not a priority.

In spite of all the challenges, Zimbabwe's internet growth rate has, over the years, remained relatively one of the fastest in Africa. In the year 2000 Zimbabwe's 0.4% internet penetration rate was below the continental average of 0.78%, it took a leap in 2014 to 47%[4] against a continental average 20.71%. To date Zimbabwe's internet penetration rate is above the world average of 49.6%[5]. According to the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), internet penetration stood at 50.1% during the third quarter of 2016. The majority of internet access in the country is over a significant number of the 6 million registered mobile subscriptions. Mobile phone internet access particularly via social media applications, *Whatsapp* and *Facebook* is significantly more affordable and accessible, than telephony and postal services. Broadband expansion with two main players - *Zimbabwe online* (ZOL) and *TelOne* [promotion] is slowly expanding.

Key ICT for development issues

Since the year 2000, there have been significant key ICT developments. These include:

Formation of relevant bodies

In the 2009, the Ministry of Information Communications Technologies, Postal and Courier Services was created and was followed by the establishment of a Cabinet Committee on Scientific Research, Technology Development and Applications. In 2015, the Zimbabwe Internet Governance Forum (ZIGF) was appointed to spearhead internet policy and legislation issues. POTRAZ serves as its secretariat.

Development of ICT Infrastructure

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4 IT News Africa. (2012, 25 April). Africa's top ten countries with fastest internet speeds.
http://www.itnewsafrica.com/2012/04/africas-top-ten-countries-with-fastest-internet-speeds

5 Internet World Stats (March, 2017) http://www.internetworldstats.com/stats.htm

Currently all government ministries in the main centres of the country are computerised; according to the ICT Minister, Supa Mandiwanzira, the country is on a drive to 80% broadband access by 2020.[6] Since 2014, the Ministry of ICT has been launching ICT information centres in rural communities. In March, 2017, *Telone* launched its data centre, which is expected to develop into the phase of the National Data Centre.

Laws, policies, practices and human rights online situation in the country
While Zimbabwe still has no cyberlaws in place, government continues to use alternative laws to limit the full utilisation of the internet. Prominently used laws so far include the Criminal Law Codification (Reform) Act and the Postal and Telecommunications Act

The first internet related arrests date back to 2005, with the arrest of 40 citizens during an Internet café raid. This followed the circulation of an email, traced back to the café, that 'insulted' President Robert Mugabe.[7] In March 2011, the first Facebook arrest was made whenBulawayo based, Vikas Mavhudzi, was incarcerated for 30 days and charged for a comment he posted on main opposition leader, Morgan Tsvangirai's Facebook page relating to the Egyptian uprisings. This was followed the arrest of Edmund Kudzayi and his brother in 2013 on allegations of running Facebook account of anonymous muckracker, Baba Jukwa. The *Baba Jukwa* page became a nationwide phenomenon towards the harmonised election of 2013 election for its slandering of the ruling ZANU PF elite and drew a following of over 400 000. What followed at the beginning of 2015 was an array of citizen arrests largely on *Whatsapp* and *Facebook* and, *Twitter* to a lesser extent.

By 2016, the face of social media had changed as the platforms widened opportunities for political discourse and mobilisation for civil action. Social movements #ThisFlag and #Tajamuka built a following and utilised social media to organise protests that included the largest citizen led mass stayaway since independence on 6 July, 2016. Social movement leaders, Pastor Evan Mawarire and Promise Mkwanazi were arrested at the time. Clearly the swift adoption of the National ICTs policy in August 2016 was prompoted by these 'disturbances. The policy, which had been shelved since

6 Government targets 80% broadband access by 2020 http://www.chronicle.co.zw/govt-targets-80-percent-broadband-access-by-2020/

7 OpenNet Initiative. (2007). *Sub-Saharan Africa Report*. https://opennet.net/research/regions/ssafrica

2009 sets out the framework for the anticipated cyber laws, namely the Data Protection Bill, the Electronic Transaction and Electronic Commerce Bill and the Computer Crime and Cyber Crimes Bills.

However, there are problematic clauses rooted in the policy that will have a bearing on the laws when enacted. These include the centralisation of information storage, management and protection through the establishment of a National Data Centre which will house all internet gateways and infrastructure.

Section 2

Internet rights and freedoms

In it's over three decades in power, Robert Mugabe's government, has maintained strict watch and control of dissent by the media and citizens. Offline political commentary, and expression has over the years taken form in public 'utterances', graffiti, defaced images of the ruling elite and in some instances artistic expression in the form of film, song and paintings resulting in citizens, journalists and artists arrests while exercising their rights to free expression. The internet has extended the space for this and with an even greater reach, thereby causing the government anxieties.

Digital security activists have also raised concerns about the levels of awareness of online uses on their rights to the privacy of communications and their ability to secure their communication in response to possible violation of that privacy. At the same time feminists and marginalised groups such as the Lesbian Gay Bi-Sexual Transgender and Intersex (LGBTI) community argue that the internet, for them is not a 'technolgy of freedom' as they continue to face violence on line, based on their sex and sexuality. In response African civil society organisations came up with the African Declaration on Internet Rights and Freedoms8 which is currently used as an advocacy tool to promote human rights standards and principles of openness in internet access. The declaration largely adopts principles outlined in other human rights instruments such as the African Charter on Human and Peoples' Rights, the Windhoek Declaration on Promoting an Independent and Pluralistic African Press, the African Charter on Broadcasting, the Declaration of Principles on Freedom of

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8 African Declaration on Internet Rights and Freedoms. http://africaninternetrights.org

Expression in Africa, and the African Platform on Access to Information Declaration.

§ Overview of Internet laws, policy and practices

Currently the Zimbabwean law does not reflect technological advancement neither does it attempt to respond to the apparent convergence of the telecommunications, broadcasting and print media in the country. However, it is clear that newer legislation is necessary, not only in response to the changing environment, but also in order to align existing legislation with the constitution of 2013. The country's constitution provides a more expansive bill of rights that recognises socio economic rights, in comparison to the Lancaster House Constitution.

In relation to internet usage, Zimbabwe's constitution guarantees the right to privacy which includes the right to privacy of communications (Section 57); the right to freedom of association and assembly (Section 58); the right to freedom of conscience which includes freedom of thought, opinion, religion or belief and the freedom to practice and propagate and give expression to such thought, opinion, religion or belief (Section 60); the right to freedom of expression and freedom of the media which includes freedom to seek, receive and communicate ideas and other information, freedom of artistic expression and academic freedom (Section 61); and the right of access to any information required in the interest of public accountability.[9]

While the aforementioned rights are not absolute, Zimbabwe's constitution provides a basis for their protection and promotion. Unfortunately while these ideals exist, there seems to be no political will to ensure their reflection in the statutes. As a result, existing public order and national security laws, which previously targeted the traditional media and activists offline impose the same restrictions online. These include the Access to Information and Protection of Privacy Act (AIPPA), Public Order and Security Act (POSA), the Official Secrets Act and the aforementioned Criminal (Codification and Reform) Act.

§ Internet/Social Media Shutdowns

The 2-hr disruption of Whatsapp service across the country's three main mobile networks during the nationwide stayaway on 6 July 2016 clearly demonstrates the anxieties of the government over the use of mobile social media for political

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9 Constitution of Zimbabwe, Section 3 (1) (f), 2013.
http://www.zimlii.org/files/zm/constitution/2013%20New%20Constitution%20of%20Zimbabwe.pdf

expedience and action. Although the shutdown remains unaccounted for Freedom House reported a confirmation from sources in the telecoms sector that they had received instructions from the government to shut down WhatsApp.10

There are a number of reasons why the likelihood of another shutdown cannot be ruled out in Zimbabwe, especially as the country heads towards an election in 2018. These include:

- Trends in the region that have seen governments impose a partial or blanket shutdown during elections
- The fact that the Zimbabwean government has over the years moved in to significantly control the telecommunications sector through ownership
- The apparent vulnerability of ISPs in Zimbabwe as will be noted below in the section on intermediary liability.

§ Arbitrary Blocking and Filtering

Currently there is no documented evidence of government influencing or manipulating online content, systematic monitoring[11] or physical attacks on bloggers. What is documented are citizens arrests and online journalists and/or news platforms being questioned for stories they have published12.

Instances of blocking in the country include, direct warnings to mobile networks against allowing 'political' messaging on their networks. In December 2009, *Econet Wireless* was warned against this when there was mass circulation of protest SMS' on its network over Robert Mugabes candidature during the Zimbabwe African National Union Patriotic Front (ZANU PF) congress. The following year, Broadcasting Authority of Zimbabwe (BAZ) forced *Econet Wireless* to suspend Kubatana's Freedom

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10 Freedom House. (2016). *Freedom on the Net 2016: Zimbabwe* https://freedomhouse.org/report/freedom-net/2016/zimbabwe

11 Freedom House. (2014). *Freedom on the Net: Zimbabwe.* https://freedomhouse.org/report/freedom-net/2014/zimbabwe

12 Newsday (2016) The Source being raided https://www.newsday.co.zw/2015/03/26/breaking-the-source-being-raided/ & MISA Zimbabwe (2016) Media Centre Director released http://zimbabwe.misa.org/2016/04/08/media-centre-director-released/https://www.newsday.co.zw/2015/03/26/breaking-the-source-being-raided/

Fone Interactive Voice Response (IVR). The order was later successfully challenged in court.[13]

However, in 2016 anonymous hackers attacked state aligned websites hacked in response to the internet shutdown. These included two incidences of hacking of the ZANU PF website, the state broadcaster Zimbabwe Broadcast Corporation (ZBC) and the regulator, POTRAZ, all of which were hacked in July 2016.

§ Criminalising legitimate expression

In 2016, warnings against the 'abuse' of social media by citizens increased via the state media. The warnings were largely in response   to the sharing of information and mobilisation for protests. Authorities who issued warnings include President Robert Mugabe and his Vice, Emmerson Mnangagwa, state security representatives that included, Commander of the Zimbabwe Defence Forces General Constantino Chiwenga, Police Commissioner General Augustine Chihuri and Army Commander Lieutenant General Valerio Sibanda. On 18 April 2017 at the Independence day commemorations in Harare, the state broadcaster, ZBC interviewed, ZANU PF Member of Parliament, Psychology Maziwisa, who labeled online free expression and dissent as 'unpatriotic'.

§ Imposition of Intermediary Liability

The Interception of Communications Act (ICA), 2007 and the Statutory Instrument 142/2013, Postal and Telecommunications (Subscriber Registration) Regulations makes service providers legally liable for the information that travels across their networks.[14] Both undermine the constitutionally guaranteed rights of users to privacy and have the potential to be abused by the state for narrow partisan interests.

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13 Freedom House. (2012). *Freedom on the Net 2012: Zimbabwe.* https://freedomhouse.org/report/freedom-net/2012/zimbabwe
14 Hogg, B. (2014). Op. cit.

As they are legally liable for third-party content on their networks or platforms, ISPs may 'censor' content that they deem 'controversial', a 'national threat', 'causing disorder or disaffection'.15 ISPs therefore serve as watchdogs on behalf of the state and have the capability to enforce controls on the behaviour of their users .

§ Respect of Net Neutrality by ISPs / Pricing of Data/Promotions

Within the broader continental context, net-neutrality is marked by the introduction of zero-rated or cheaply bundled access to *Facebook* by mobile operators through what has come to be known as *Facebook Zero* , In Zimbabwe, *Econet* introduced unlimited $3 per month (or 95c per week) *Facebook* access for its subscribers in October 2013. Its attempts to, zero-rate an online marketplace, *Tengai*, came to naught after the site hacked by a net neutrality proponent hacktivist, Anonymous Zimbabwe.

According to Research ICT Africa, data in Zimbabwe, remains the third most expensive on the continent. The cheapest monthly 1 GB data package costs $30, and 1GB daily bundle on the country's largest network, *Econet* costs $2.00. Over the top services data remains bundled across all the networks.

On 9 January 2017, high floor tariff prices for data announced by POTRAZ came into effect. The fees were set at 12 cents per minute for traditional voice services and 2 cents per megabyte of data. The move was set to cushion MNO's from a 10-12 percent reduction in traditional voice and SMS revenue owing to growing data use. Three days later, following a public outcry Minister of Information, Communication Technologies Minister, Supa Mandiwanzira, on 12 January issued a directive for immediate suspension of the increase. Two network operators, *Econet Wireless* and *Telecel Zimbabwe* had already effected the increases.

§ Cyber-attacks

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15 Criminal Law Codification and Reform Act – Zimbabwe http://www.veritaszim.net/node/108

No cyber attacks have been reported so far although there have been attempts by government to propagandise free expression as cyber crime.

In 2016, the state owned newspaper, *The Herald*, carried on its front page a misleading story on what constitutes cyber terrorism. According to MISA-Zimbabwe, the story was aimed at instilling fear and self-censorship among citizens as the exercise their rights to free expression, access to information and freedom of conscience[16]. The trends of the 27 arrests that MISA Zimbabwe recorded in 2016 also indicate a trend of citizens policing of each other in aide of the state.

§ Surveillance and lawful interception

Extensive state monitoring of their citizens communications and internet usage is a high possibility in Zimbabwe. In March 2015, *Econet Wireless* issued a press statement[17] confirming that the company had on a number of occasions gone to court to prevent law enforcement officers from taking call data records of specific customers.

The Interception of Communications Act (ICA) has a clear intention of intercepting personal and/or private communications without limitation.[18] The ICA provides a limited number of individuals that are authorised to apply for a warrant of arrest[19], before the responsible minister.[20] The law states that non-compliance or failure to cooperate by service providers is a criminal offence.

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16 MISA Zimbabwe position in Cyber terrorism (2016) http://zimbabwe.misa.org/2016/08/12/misa-zimbabwe-position-on-the-definition-of-cyber-terrorism/

17Econet Wireless. (2015). Press release on protection of customer information and privacy. https://www.econet.co.zw/media-centre/general-news/press-release-protection-customer-information-and-privacy

18 Grounds for interception include economic interests, public order, public safety, crime, see section 6,

19 Section 5 (1)a-d, chief of intelligence, police, commissioner of taxes, director general in President's Office

20 Ordinarily Minister of Transport and Communications. However during the inclusive government, this instrument was moved to from Information and Communications Technology to Office of the President and Cabinet through Statutory Instrument 49 of 2010, renewed under Statutory Instrument 19 of 2014

However it is important to note that the commercial interests of the private sector expose it to the risk of being complicit with authoritarian governments. This status has made surveillance, censorship, monitoring, trials, and arrests of especially political activists in Zimbabwe easier. The commercial interests of ISPs in Zimbabwe are rooted largely in the licensing conditions of the ISPs, which involve both the State and the Private sector as they collude on a common motive – revenue.

§ Data protection

Personal data or information must only be collected and/or processed by states and non-state actors, such as access providers, mail providers, hosts and other intermediaries, in compliance with well-established data protection principles. Central to the collection, retention and disposal of data are rights to privacy. In Zimbabwe, transparency reports both from government and service providers would be critical in determining the extent to which users' right to privacy are protected in as far as data is concerned. The aforementioned precedent by *Econet Wireless* when it announced that it had to go to court in order to challenge demands from state officials for private individuals' data shows that transparency is plausible.

§ Access to the Internet

Zimbabwe's urban-rural divide exists mainly because the greater number of base stations that facilitate access to the internet via mobile phones are found in the urban areas.

Other critical elements to that limit access to the internet include:

- Affordability as mentioned above,
- Local content that is, relevant and understandable [language] to the development of the poor and marginalised.
- Legal and regulatory environment conducive for business, innovation and enterprise.
- Promotion of the Youth in their access to and skills in using the internet and related technologies.

- Media and information literacy in schools and in other public institutions as a means of enabling all people to access, interpret and make informed judgements as users of information, and at the same time, create information.

ISPs have expressed concerns over the use of the USF to cater for rural connectivity, stating that rural goes beyond their corporate social responsibility as they are driven by a profit motive, which rural users cannot contribute to. 21 In a move to ease connectivity issues, government adopted the infrastructure-sharing policy through Statutory Instrument 137 (2016). The policy sees to eliminate duplication of existing and future telecommunication infrastructure so as to maximize its reach.

§ Copyrights issues

Stakeholders have called on policy makers and other internet stakeholders to prioritise copyright on the in order to protect intellectual property rights. Although there has been no movement in this regard, copyright issues have been raised in respect of content production by stakeholders and the national Internet Governance Forum.

§ Relevant Ministries, Departments and Agencies (MDAs)

In Zimbabwe, the key policy players are outlined below:

Policy players

Ministry	Role
Ministry of ICTs, Postal and Courier Services	Broad mandate for ICT, postal and courier policy and regulatory framework development and creating a supportive and enabling communications infrastructure to ensure universal access to ICTs including developing ICT access channels57.

21 Making the case for net neutrality regulation in Zimbabwe (2016)
http://www.dszim.org/2016/05/19/making-the-case-for-net-neutrality-regulation-in-zimbabwe/

Ministry of Media, Information and Publicity and the regulatory agency Postal	The Ministry of Media, Information and Publicity is responsible for broadcasting and communication.

Regulatory/Voluntary Authorities in the ICT sector

Regulator	Mandate
Zimbabwe Media Commission	Promote and develop freedom of the press Regulate broadcasting in public interest & ensure fairness and diversity
Broadcasting Authority of Zimbabwe	Planning, management, allocation, regulation of the broadcasting frequency spectrum Licensing and regulation broadcasting systems License and regulate signal carriers
Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ).	Plays the regulatory role.
Zimbabwe Internet Governance Forum	Plays intermediary role and is driven by the need to promote a multi-stakeholder approach to internet law and policy. To increase awareness and build capacity on Internet Policy/Governance issues and ensures Zimbabwe's representation at regional and global forums.

Section 3: Civil Society

§ Overview of civil society actors working on internet issues

Following government's swift launch of the ZIGF, on 17 June 2015[22], stakeholders, particularly civil society, the media, netizens and the technical community, raised concerns, on the bias in the representation of stakeholders at the launch.

MISA-Zimbabwe, took the lead and convened a multistakeholder conference in August, 2015 to incorporate a broader representation of internet stakeholders to engage on regulation and development of the internet. The conference drew up resolutions that were adopted to guide thematic areas during the first Internet Governance Forum (ZIG-15) held in Harare on 19 October 2015.

The resolutions continue to guide civil society internet governance interventions. These include:

- The Cyber Indaba Conference organised by the Digital Society of Zimbabwe (DSZ) in which it collaborated with MISA-Zimbabwe on the 10 December 2015.

- The Katswe Sistahood campaign against the country's anti-pornography law as it pushes for the criminalisation revenge pornography in the Computer Crimes and Cyber Crimes Bill.[23]

MISA-Zimbabwe also officially collaborated with the DSZ as it stepped up lobby and advocacy on the Computer Crime and Cyber Crimes bill. The organisations came up with a position on the bill that was distributed to civil society to inform their participation in the consultative meetings run by ICT Ministry and drafters, the Law Development Commission with the technical support the Centre for Applied Legal Research.

A number of recommendations submitted by MISA-Zimbabwe and other

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22 https://www.intgovforum.org/cms/documents/igf-initiatives/igf-regional-and-national-initiatives/igf-regional-and-national-initiatives-2015-1/527-zigf-report-2015/file

23 https://www.dailynews.co.zw/articles/2016/07/21/women-petition-parly-over-revenge-porn

stakeholders have been incorporated into what was distributed as the final version of the bill before the last consultative meeting held in Bulawayo.

These include, among others:

- The expansion of the purpose to safeguarding of individual rights in the process of collection of evidence or prosecution of cybercrimes
- The inclusion of technologists into the Computer and Cybercrime Committee that is established in the Bill to oversee the implementation of law and policy related to cybercrimes and security. However there us still need to have human rights defenders
- Definition of a period of three (3) months maximum for surveillance through remote forensic. However there are still has issues with the lack of a provision that obligates the police and the cooperating service provider to inform the court again once this process has been completed.

MISA-Zimbabwe has also come up with model law Cybercrimes law which it uses to interact with the Parliamentary Portfolio Committee on Information Communication Technologies as the bill is expected to be tabled in the fifth session of the eighth parliament.

Zimbabwe Lawyers for Human Rights (ZLHR) is a key civil society player that offers technical assistance on analysis of internet related law and legal defence for citizens arrests whilst exercising their rights online. ZLHR was very prominent in the defence of #ThisFlag movement leader, Pastor Evan Mawarire in his high profile case where he was, but also in a number of provincial cases of citizens arrested on social media platforms.

§ National and possibly international civil society groups who are active

All the aforementioned civil society organisations are active and continue to be involved in the internet governance space.

However other important organisations that are active in the space include the technical civil society based community. These include the regional registries, such as

AfriNIC Number Resource Organisations, Address Supporting Organisations, the Internet Engineering Task Force, IANA and The Internet Corporation for Assigned Names and Numbers ICANN.[24]

Both the Regional and Global Internet Governance Forums are critical spaces that can be utilized to push for positions and concerns around internet developments in Zimbabwe and the region within the global context.

§ Civil society organisations that can be brought together to advocate for internet freedom

All the main civil society organisations mentioned above are already working collaboratively in their efforts to influence internet policy in the country.

However, the main organisations remain –

1. MISA –Zimbabwe owing to the rapport it has created with both the ICT ministry and the regulator. The collaborative meeting held by MISA – Zimbabwe and POTRAZ are evidence of this.
2. The Digital Society of Zimbabwe on the other hand has been very influential in the pushing and adoption of civil society recommendations on the pending bills. The rapport that the organisation has created with members of the Law Development Commission as a technical partner, representing civil society cannot be understated.
3. The ZLHR in as far as legal defence is concerned.

Section 4

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24 RIPE Network Coordination Centre. https://www.ripe.net/participate/internet-governance/internet-technical-community

§ Conclusions and recommendations

The opportunities arising from the emergence of the internet in Zimbabwe cannot be ignored., particularly because of the number of citizens exercising their rights online and the is actively playing a role in the everyday communication and transacting of the ordinary Zimbabwean. It therefore is critical that for the realisation of its full potential, the internet is allowed to be 'open' through a democratic legal and regulatory environment that allows for competition and innovative developments in the sector. It is critical also that both public and private, respect and protect human rights on the internet.

Areas of concern where work is needed to improve the law, policy and practice

Measures are needed in the following areas to expand access to the internet:

- Local content and multilingualism: The development of local content is an integral part of Zimbabwe's digital economy, ensuring that users are able to access content and information in a language that is best suited to them. Localisation issue are of importance in respect of especially the development of applications and also access for the ordinary user.
- Digital migration and the digital dividend: The country's digital migration is expected to facilitate better use of the transmission spectrum, by freeing up spectrum for other purposes; this is known as the "digital dividend". It would be critical to look at the opportunities presented by the migration.
- Advocacy for universal and open access to the internet content, free from discriminatory prioritisation, filtering or traffic control on commercial, political or other grounds should continue even after the enactment of the Cyber laws.

- There is need to advocate for a pricing model for the sector given the inconsistencies in prices and duration of promotions.. The policy, which should be based on a regional scan, should determine duration of promotions and promotes fair competition of players.