

# Koliwe Majama

Report  
2017

Digital Rights Presentation - Zimbabwe



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**Internet Freedom Forum (IFF) – Lagos, Nigeria**

## **Digital Rights presentation - Zimbabwe**

### **General information**

Zimbabwe is a Southern African country whose population was in December 2016, projected by ZimStats as [14.2 million](#), by 2015 the World Bank put the population at [15.2 million](#)

According to ZimStats' latest release of the Poverty Analysis in Zimbabwe, the country's poverty datum<sup>1</sup> line stands between \$430 and \$574 for an average household of 5 and \$96 for a self-sustaining individual, depending on location (provincial stats).

Currently the country face a cash crisis, even after the government introduced bond notes<sup>2</sup> to try and ease the shortage of foreign currency that the country had been trading in since 2009. To complement the bond notes citizens are adopting the use of mobile money, online and mobile banking service and Point-Of-Sale (POS) purchases.

### **Freedom of expression/Access to information online**

Several warnings against use of social media have been issued over the past two years. These have been issued by the **Presidium**<sup>3</sup> by state Security forces issued by the **Commander of the Zimbabwe Defence Forces**<sup>4</sup> General Constantino Chiwenga, **Police Commissioner** General Augustine Chihuri and **Army Commander** Lieutenant General Valerio Sibanda<sup>5</sup>, against citizens 'abusing' social media to share information and organise the protests. Recently on 18 April, 2017 **ZANU PF Members of parliament, Psychology Maziwisa during a**

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<sup>1</sup> A poverty datum line (*PDL*) represents the cost of a given standard of living that must be attained if a person is deemed not to be poor.

<sup>2</sup> The Herald [26 November 2016 ] Bond notes finally out  
<http://www.herald.co.zw/bond-notes-finally-out/>

<sup>3</sup> <http://www.zimbabweonlinenews.com/president-mugabe-warns-against-inciting-violence/> & <http://www.sundaymail.co.zw/social-media-regulation-is-nigh/>

<sup>4</sup> The Herald [9 August 2016] ZDF stand by President , says General Chiwenga  
<http://www.herald.co.zw/zdf-stand-by-president-says-general-chiwenga/>

<sup>5</sup> Zimbabwe army commander warns citizens against social media misuse

<http://www.techzim.co.zw/2016/08/zimbabwe-army-commander-warns-citizens-social-media-misuse/>

live interview at the Independence Day commemorations criticized Zimbabweans online as unpatriotic.

The state media has been in the forefront of misleading/misinformation of the citizenry on what constitutes cyber terrorism<sup>6</sup>. They have, as a result instilled fear and self-censorship among citizens when exercising their rights to free expression, access to information and freedom of conscience.<sup>7</sup>

Online self-censorship & citizens policing of each other in aid of the state is high on even private groups- MISA Zimbabwe recorded 27 arrests in 2016, and in most of the cases, the police had received a lead on the offenders. However, the face of social media has changed as Zimbabwean freelance journalists and online content producers now offer an alternative to the main and licensed broadcasters and newspapers via Facebook live broadcasts, posts, podcasts, blogs and videos also shared via Whatsapp. At the beginning of this year, social movement #This Flag, independent content producer, Ruvheneko Parirenyatwa have had very critical conversations on Facebook live on politics, service delivery and social issues.

### **Access to Internet infrastructure**

According to the regulator of the sector, the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), internet penetration rate stood at 50.1% in the third quarter of 2016.

Currently the country has five (5) mobile service providers, three of the players are state-owned TelOne, NetOne, and Telecel [which it took over in November, 2016] and privately owned Econet and Africom. This near monopoly has implications on free expression as it means that the government has majority control on the networks.

An urban-rural divide exists among Zimbabwean internet users. This is because most base stations that facilitate access to the internet via mobile phones are in urban areas. Network quality and coverage are still poor, with only 88 percent and 54 percent of Zimbabwe's population covered by 2G and 3G enabled base stations, respectively.

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<sup>6</sup> The Herald [15 August 2016] Social media terrorists exposed.  
<http://www.herald.co.zw/social-media-terrorists-exposed/>

<sup>7</sup> MISA Zimbabwe statement [August 2016] State **must stop misleading on cyber terrorism**

Mobile Network Operators at a breakfast meeting organized by MISA-Zimbabwe in May 2016 expressed concerns on role of the Universal Services Fund (USF) especially in meeting them halfway on rural infrastructure, stating rural areas go beyond their corporate social responsibility, as they do not fetch much revenue.

### **Network neutrality principle/pricing/promotions**

According to Research ICT Africa, Zimbabwe has the third most expensive data costs on the African continent, with the cheapest monthly 1 GB data package in the country set at \$30, but for instance 1GB daily bundle costs \$2.00 on Econet Wireless

In January 2017, POTRAZ set the floor prices, which came into effect on 9 January 2017, for traditional voice services at 12cents per minute and 2cents per megabyte for data. This was in reaction to the 10-12 percent reduction in traditional voice and SMS revenue experienced by Mobile Network Operators in 2016 owing to growing data use. 3 days later, owing to public outcry Information, Communication Technologies Minister, Supa Mandiwanzira, on 12 January issued a directive for immediate suspension of the increase, which came into effect on 9 January, 2016. Two network operators, *Econet Wireless* and *Telecel Zimbabwe* had already effected the increases. Mudslinging as Minister/POTRAZ/MNOs argued about how the procedure for arriving at the price. To date data remains bundled for Over-the-Top services.

There is need for a pricing model for the sector given that Zimbabwe's mobile data tariffs are among the highest on the continent. It should bring balance between business interests and citizens' rights to access. This can be achieved by ensuring competition and innovation in the sector in the interest of promoting access, affordability and respect for human rights.

There is an expansion of broadband expansion in the country with two main players - Zimbabwe online (ZOL) and TelOne [promotion].

### **Blocking/filtering/shutdown incident/technical attacks**

There have been no reports on websites blocked or filtered in Zimbabwe

However the WhatsApp shutdown of July 2016 during a nationwide stay away, remains unaccounted for following denial by government and the service providers. However, Freedom House in its Freedom on the net 2016 report got a confirmation from sources in the telecoms sector that they had received

instructions from the government to impose the shutdown<sup>8</sup>. This is a near possibility especially considering that the Broadcasting Authority of Zimbabwe (BAZ) ordered a blackout of the same stay away on the national radio stations<sup>9</sup>

In July 2016, state linked websites – that of the ruling party ZANU PF, the state broadcaster Zimbabwe Broadcast Corporation (ZBC) and POTRAZ were hacked by an internet vigilante group named Anonymous Africa, in an apparent response to the shutdown of Whatsapp service.<sup>10</sup>

### **Policy & legislation**

In August, 2016, Zimbabwe's National ICTs policy was adopted. It sets out the framework for the **Data Protection Bill, the Electronic Transaction and Electronic Commerce Bill** and the **Computer Crime and Cyber Crimes Bills**.

The Publication and consultative processes [run by ICT Ministry and drafters, the Law Development Commission and the technical support the Centre for Applied Legal Research] for the three much awaited cybercrimes bills marked movement in the governance of the Internet in Zimbabwe. However, the Zimbabwe Internet Governance Forum (ZIGF) has not been visible during the processes.

Civil society has been active with MISA Zimbabwe and the Digital Society of Zimbabwe drawing up with position on the Computer Crime and Cyber Crimes bill, used to raise awareness on shortcomings of bill [2015], subsequently updated it in 2016 and also came up with model law

A number of recommendations submitted by MISA-Zimbabwe and other stakeholders have been incorporated into the bill. 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 is still need to have human rights defenders.
- Defined a period for surveillance by adopting SADC Model Law provision that interception through remote forensic should last for 3 months maximum. It

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<sup>8</sup> Freedom House [2016] Freedom on the net – Zimbabwe report  
<https://freedomhouse.org/report/freedom-net/2016/zimbabwe>

<sup>9</sup> New Zimbabwe [7 July 2016] Govt orders broadcast media blackout  
<http://www.newzimbabwe.com/news-30081-Riots+Govt+orders+broadcast+media+blackout/news.aspx>

<sup>10</sup> <http://thesoutherndaily.co.zw/2016/07/06/zanu-zim-govt-hacked/> &  
<http://thesoutherndaily.co.zw/2016/07/06/zanu-zim-govt-hacked/>

however still has issues with the lack of a provision that should obligate the police and the cooperating service provider to inform the court again once this process has been completed. This poses potential of abuse of this remote access capability. And the requirement for police officers to satisfy the court that other methods for obtaining information have failed.

- However there are other laws that continue to be used to limit digital rights that include the ICA and CODE.

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