

State of the Internet in Zimbabwe

Keynote Address
2020

Association for Progressive Communications



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Keynote address by Koliwe Majama – Association for Progressive Communications

In its 8th year, the Hub Unconference has, for the first time, gone virtual owing to the novel coronavirus which has brought with it restrictions on movement and gathering as governments across the world attempt to contain the spread of the virus before a vaccine has been found. I have been reflecting on how the virtual nature of this year's Hub Unconference is, in fact, the opportune time for regular participants of this annual new media and journalism conference to reflect on the reality of the state of the internet in Zimbabwe. We're living at a time when, globally, citizens' daily communication, education, work, trade, and access to basic services has moved from physical interactions to, mostly, online interactions. What is undeniable, at this point, is that as the reality of the novel coronavirus remains, internet rights and freedoms are more important now than ever before, and it is important that as we ensure that this is understood across the board by states, private sector actors, internet service providers, and other stakeholders to ensure that there are appropriate measures taken to safeguard internet rights and freedoms.

By the end of 2019, 54 percent of the global population was said to be connected to the internet with studies consistently stating that people in the global south were far less likely to be online, particularly those living in rural areas, with marginal groups consisting of women, elderly people and persons with disabilities being the most deprived of access. It is important to note that this figure has changed over the last couple of months as many of the connected included those who were "only connected via their place of work, school or in public access spaces such as libraries and cafés – meaning the closures of these public spaces will push even more people offline."

As a result, there have been [calls](#) on governments and private sector actors to urgently develop strategies to increase internet access for digitally excluded communities, or those

with limited connectivity, and [recommendations](#) that during emergency situations, such as the current pandemic, governments should consider adopting national connectivity pledges and solidarity plans to encourage companies to implement policies that ensure citizens remain connected.

Internet connectivity

In its second quarter [report](#) (April-June), the country's regulator, the Postal and Telecommunications Regulatory Authority (POTRAZ), noted a decline in both mobile and internet penetration. This has been attributed to the depressed demand in the economy, at both household and industry level, and the direct impact of COVID-19 on the operations of both the formal and informal sector, thus negatively affecting disposable incomes. But internet accessibility in Zimbabwe has generally remained low mainly because of limited infrastructure, especially in rural areas, where most Zimbabweans live. The African Commission on Human and Peoples' Rights recently revised and adopted the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#) (ACHPR Declaration). The ACHPR Declaration calls on states, in cooperation with all relevant stakeholders, to "adopt laws, policies and other measures to provide universal, equitable, affordable and meaningful access to the internet without discrimination." This includes the improvement of information and communications technology (ICT) and internet infrastructure for universal coverage; the establishment of mechanisms for regulating market competition to support lower pricing and encourage diversity; the promotion of local access initiatives, such as community networks, for enabling the increased connection of marginalised, unserved or underserved communities; and the facilitation of digital literacy skills for inclusive and autonomous use.

In Zimbabwe, POTRAZ has been working towards the establishment of the Community Information Centres geared towards the promotion of internet access to marginalized communities. By the end of last year, the number of functional Information Centres stood at 87, according to the Ministry of ICT. While this is seen as a project that will result in an increase in access to the internet and the advancement of the right to information on the internet in Zimbabwe, there has been emphasis by regional rights actors on a more long term and sustainable solution. In its [position paper](#) on the coronavirus and its impact on digital rights, the African Declaration on Internet Rights and Freedoms Coalition (Afdec) highlights the importance of community networks, particularly at this time as states respond to the pandemic. In its paper, the AfDec Coalition cites examples of use of community networks infrastructure to localise COVID-19-related information to fit the local context and languages, provide e-learning platforms to facilitate the running of live or pre-recorded classes and affordable access to popular platforms such as WhatsApp where lessons recorded as videos or voice notes are shared with parents.

It is important to highlight the importance of ensuring that there are equal opportunities for Zimbabweans in underserved areas to access spectrum and that the licensing regime for these networks is affordable, and that the processes for obtaining a licence will not be as bureaucratic as it has been for most broadcasting and telecommunication services. This category of internet provision should not be burdened with taxes, levies and duties on internet access. Licence exemption provisions should be established to lessen administrative processes for small operators, not-for-profit operators and other actors interested in community networks. Zimbabwean civil society must begin a friendly campaign of licensing and regulatory frameworks for community-owned networks in the country.

Affordability of access

Generally, communication costs have remained high in most African countries. Although there is [evidence](#) of discounted data or special affordable packages for low-income groups in some countries, in most countries governments and service providers have not put measures in place to ensure internet access by marginal groups.

Sadly, this has not been the case in Zimbabwe. In May, the regulator approved a data increase which saw the largest mobile network operator, Econet Wireless, increase its tariffs by over 100 percent for some of its data packages. Such increases, or a failure to review pricing, ignores [calls](#) for urgent action to make sure that as many people as possible can connect to the internet, including by providing discounted data or special affordable packages for low-income groups in order to expand connectivity and improve lives. Internet service providers and other relevant stakeholders should consider measures for the provision of discounted data, special affordable packages for low-income groups, the subsidisation of devices and the zero-rating of content.

Online content regulation

Increasingly, Africa is plagued by serious restrictions on freedom of expression and access to information; censorship; detention of journalists and activists for disseminating critical information; crackdowns on human rights defenders and media outlets; and violations of the right to privacy. This has moved from physical assaults to the online space and added to it is the intimidation and harassment of internet users. The government of Zimbabwe is no exception in the monitoring and controlling of internet use and access as a means of curtailing the enjoyment and advancement of digital rights across the country.

In the past couple of months, the coronavirus pandemic has brought with it concerning trends of governments' control of information using disinformation laws. In Zimbabwe, a

section was added to Statutory Instrument 83 of 2020, Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order, based on section 31 of the Criminal Law Codification and Reform Act, which [criminalises](#) the publishing or communications of false statements that are prejudicial to the state of Zimbabwe. It is important for governments to respond to misinformation and disinformation with approaches that promote transparency and media freedom, rather than relying on criminal sanctions.

Over the years several citizens have been arrested for various crimes committed online. It is not in doubt that these arrests are set to mostly instil fear amongst citizens, increase policing and self-censorship among users and blatant censorship. In my monitoring of social media and research work, I have noted an increase in the number of people that are aware of and continuously report social media accounts that are in violation of user policies by using abusive, sexist and even racist language online. The most prominent of these so far being the takedown of Zimbabwe's information ministry Twitter account, @MinOfInfoZW, following its tweets of anti-Ndebele remarks attributed to Information Minister, Monica Mutsvangwa.

In Zimbabwe, there is a trend of arrests linked to online use. Last year, at the height of citizen protests, the leader of the social Movement #ThisFlag, Evan Mawarire was arrested for calling for a protest against fuel price increase. This year, calls made on social media platforms for protests against a declining socioeconomic environment on #31July led to the arrest of several Zimbabweans, with the most prominent being that of opposition leader, Jacob Ngarivhume, who was in the forefront of organising the protests and journalist, Hopewell Chingono.

Privacy, surveillance, and data protection

It has been argued that the lack of a provision on the right to privacy in the African Charter on Human and Peoples Rights (1982) stands in the way of a progressive approach to data privacy and protection on the continent. However, the revision of the Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019) to add a new section to deal with the right to freedom of expression and access to information and the internet has incorporated the right to access, update and correct personal information into the human rights framework in Africa.

At present, there are just over 30 countries across Africa that have either an existing or proposed data protection law. This year, the importance of data protection legislation has been brought to the fore by the global pandemic with concerns over privacy of citizens' information once they officially test positive, issues of contact tracing, and use of private information beyond the pandemic. In Zimbabwe two recent cases have illustrated why we need a data protection law. Firstly, the lack of clarity and transparency on the 'sophisticated algorithm to determine distribution of aid during the pandemic announced by the Zimbabwean Minister of Finance. The second is the [police warrant](#) seeking information on the mobile phone operator's transactions, which was successfully contested at the High Court by MISA Zimbabwe and the Zimbabwe Human Rights Association.

Everyone has a right to privacy online, including the right to the protection of personal data concerning him or her. The recently gazetted [Cybersecurity and Data protection Bill](#) must ensure that any use of technology abides by the strictest protections for personal data and the right to privacy and surveillance practises are only made available according to domestic law that is consistent with international human rights law. These considerations should be complemented by the guidance provided in the ACHPR Declaration for the

safeguards needed in any law authorising targeted communication surveillance, including the prior authorisation of an independent and impartial judicial authority; due process safeguards; specific limitation on time, manner, place and scope of the surveillance; notification of the decision authorising surveillance within a reasonable time of the conclusion of such surveillance; and proactive transparency on the nature and scope of its use.