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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - FOURTH SESSION

THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION

REPORT OF THE DELEGATION TO THE SIXTH FORUM ON INTERNET
FREEDOM IN AFRICA, 2019 HELD IN ADDIS ABABA, ETHIOPIA FROM 23RD TO

26TH SEPTEMBER, 2019

THE NATIONAL ASSEMBLY
PAPERS LAJD

DATE: 04 MAR 2020

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WEDNESDAY

TABLED
BY:

HON. WILLIAM KISANG
CHAIRPERSON - C.I.I.

CLERK AT
THE TABLE:

DIRECTORATE OF COMMITTEE SERVICES

CLERK'S CHAMBERS

PARLIAMENT BUILDINGS

NAIROBI-KENYA

MARCH, 2020

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CHAIRPERSON'S FOREWORD

A delegation of three (3) Members of the Departmental Committee on Communication, Information and Innovation was nominated to attend the sixth forum on Internet Freedom in Africa (FIFAfrica) held in Addis Ababa, Ethiopia on 23rd to 26th September, 2019 which was organized by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA).

The forum which is held annually convenes a spectrum of stakeholders from across the internet governance and online rights arenas in Africa and beyond to deliberate on gaps, concerns and opportunities for advancing privacy, free expression, non-discrimination and the free flow of information online.

The Forum further responds to rising challenges to the enjoyment of internet freedom in various countries, including arrests and intimidation of online users, internet disruptions, and a proliferation of laws and regulations that undermine the potential of digital technology to drive socio-economic and political development on the continent.

FIFAfrica brings together the key actors including African policy makers, regulators, human rights defenders, law enforcement representatives, and the media, paving the way for broader work on advancing online rights in Africa and promoting the multi-stakeholder model of internet governance.

The Committee appreciates the support offered by the Offices of the Speaker and the Clerk of the National Assembly for both logistical and technical support accorded to the Committee in the execution of its mandate.

Pursuant to Standing Order No. 199, it is my pleasant duty to present the report of the Departmental Committee on Communication, Information and Innovation on the proceedings of the forum on Internet Freedom in Africa, 2019.

HON. WILLIAM KISANG, M.P.

-

CHAIRPERSON

PREFACE

1.1 Committee Mandate

1. The Departmental Committee on Communications, Information and Innovation is established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows:
 - a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - b. Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - c. Study and review all legislation referred to it;
 - d. Study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
 - (fa) examine treaties, agreements and conventions;
 - g. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - i. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - j. Examine any questions raised by Members on a matter within its mandate.
2. In accordance with Second Schedule of the Standing Orders, the Committee is mandated to oversee Communication, Information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT) development and advancement of technology and modernization of production strategies.

1.2 Committee Membership

1 The Departmental Committee on Communication, Information and Innovation was constituted by the House in December 2017 and comprises of the following Members-

Hon. Kisang William Kipkemoi, M.P (**Chairperson**)
MP for Marakwet West Constituency

Jubilee Party

Hon. George Macharia Kariuki (**Vice Chairperson**)
MP for Ndia Constituency

Jubilee Party

Hon. Liza, Chelule Chepkorir, MP
M.P for Nakuru County

Jubilee Party

Hon. Gertrude Mbeyu Mwanyanje
MP for Kilifi County
Orange Democratic Party

Hon. Alfah O. Miruka, MP
M.P for Bomachoge Chache Constituency

Kenya National Congress

Hon. Wamuchomba, Gathoni, MP
MP for Kiambu County

Jubilee Party

Hon. Annie Wanjiku Kibeh, MP
MP for Gatundu North Constituency

Jubilee Party

Hon. (Eng.) Mark Nyamita Ogola, MP
MP for Uriri Constituency

Orange Democratic Party

Hon. Joshua Kimilu, Kivinda, MP
MP for Kaiti Constituency

Wiper Democratic Party

Hon. John Kiarie Waweru, MP
MP for Dagoretti South

Jubilee Party

Hon. Marwa Kitayama Maisori, MP
MP for Kuria East Constituency

Jubilee Party

Hon. Erastus Nzioka Kivasu, M.P.
MP for Mbooni
New Democrats Party

Hon. Mwambu Mabongah, MP
MP for Bumula Constituency

Independent

Hon. Innocent Momanyi Obiri, MP
Bobasi Constituency

People's Democratic Party

Hon. Maritim Sylvanus, MP
MP for Ainamoi Constituency

Jubilee Party

Hon. Godfrey Osotsi Atieno, MP
Nominated

African National Congress

Hon. Mwangaza Kawira, MP
MP for Meru County

Independent

Hon. Anthony, Tom Oluoch, MP
MP for Mathare Constituency

Orange Democratic Part

Hon. Jonah Mburu, MP
MP for Lari Constituency

Jubilee Party

1.3 Committee Secretariat

2 The Committee is facilitated by the following secretariat:-

Ms. Hellen Kina
Clerk Assistant II/ Lead Clerk

Ms. Ella Kendi
Clerk Assistant II

Ms. Marlene Ayiro
Senior Legal Counsel

Mr. Gorod Abdirahaman
Fiscal Analyst II

Ms. Lorna Okatch
Research Officer III

1.4 The Committee delegation to the Forum

3 Following the invitation by CIPESA, the Committee nominated the following Members to attend the Forum on Internet Freedom in Africa –

1. Hon. Mark Nyamita, MP – **Leader of the Delegation**
2. Hon. Jonah Mburu, MP
3. Hon. Gertrude Mbeyu, MP

The Members were accompanied by Ms. Ella Kendi, Clerk Assistant and secretary to the delegation.

2.0 INTRODUCTION

- 4 The 2019 forum was held in Addis Ababa, Ethiopia with an aim of expanding the conversation, as well as knowledge and skills development to different parts of the continent. In its inaugural years, the Forum took place in Kampala, Uganda and since then, the Forum's expanding footprint has seen it being hosted in Johannesburg, South Africa in partnership with the Association for Progressive Communications (APC) in 2017 and in Accra, Ghana in partnership with the Media Foundation West Africa (MFWA) in 2018.
- 5 FIFAfrica has six cross-cutting objectives that support CIPESA's mission of promoting effective and inclusive ICT policy in Africa. The objectives are as follows:
 - a) Networking and Collaboration
 - b) Promote Access to Information
 - c) Practical Skills and Knowledge Development
 - d) Provide an exhibition space for individuals and organisations advancing digital rights to showcase their work.
 - e) Connect Research to Policy Discussions
 - f) Showcase Advocacy Efforts
- 6 Internet freedom in Africa has been on the decline over the past years with several countries continually adopting aggressive and sophisticated measures that curtail internet freedoms. Most of the governments of the affected countries have turned internet shutdowns into a tool of political hegemony and control for political stability. In fact, governments are using digital technologies to surveil, censor and suppress fundamental and basic freedoms of their people through among others censorship, filtering, blocking, throttling and internet shutdowns. The curtailment and regression has been primarily characterized by the proliferation of retrogressive and repressive policies and laws that criminalize online communication and dissent.
- 7 Most governments have over time embraced the integration of Information Communication Technologies (ICT), including internet-powered applications and services, in government functions and operations. This has partly revolutionized service delivery by partly promoting government efficiency.
- 8 However, several governments are rapidly introducing digitalization, e-government and digital identity programmes that require citizens to provide detailed personal information, including biometrics for voters' cards, identity cards, and driver's licences, among others. This has been in addition to the requirements for SIM card registration. While sections of society welcome some of these measures as necessary to enhance security and government service delivery, they enhance African states' surveillance capacity which in turn affects citizens' digital rights such as privacy, expression and access to information.
- 9 Internet freedom is multi-faceted, and just like it requires to have a multiplicity of stakeholders working jointly, a diversity in the voices, backgrounds, viewpoints, and thematic work areas. As such, there is continued proactive effort to include marginalised communities and at-risk groups including women and vulnerable minorities such as the persons with disabilities (PWDs) – in attendance, on panels, workshops and in session themes. The forum further creates more interactions between developers of internet freedom tools and users to address the disjoint that often emerges when tools are developed in isolation of intended user needs and contexts.
- 10 Many African countries are currently faced with various internet freedom challenges, some of which do not receive sufficient attention from national, regional or global actors. The diversity of discussions at FIFAfrica thus reflect current trends and concerns in access and usage of the internet and related technologies. Additionally, the robust discussions are supported by a diversity of participants reflecting increased awareness

among Africa's growing internet user and stakeholder community for the need to pave the way for broader and more impactful work on advancing digital rights advocacy and drawing up common strategies to promote internet freedom.

- 11 According to the GSMA, unique mobile subscriber penetration in Sub-Saharan Africa stood at 44% at the end of 2017, which is well below the global average of 66%. Despite this ranking, the region has witnessed continued affronts to digital rights including network disruptions, data privacy and protection challenges, gaps in ICT policy and regulations, continued suppression of legitimate online freedom of expression for media, critical voices and civil society, the introduction of financial restrictions to internet access and generally shrinking spaces for the enjoyment of digital rights.

3.0 KEY PRIORITY AREAS FOR THE DELEGATION

- 12 In order to zero-in on relevant sessions, the delegation focused its participation in the following priority areas that are critical for the internet freedom in Kenya:

(i) Building an Enabling Environment for Inclusive Digital Transformation in Africa

The panel discussions featured the digital economy, including cross-border services, digital trade, and electronic commerce (eCommerce) and the contribution to democratic and economic development by expanding market access for local businesses, promoting inclusive trade, creating jobs, and expanding tax revenue for governments to provide essential services. It was highlighted that as the scope of digital innovation expands around the continent, so must national and regional priorities and policies align to facilitate greater competitiveness, inclusiveness all while respecting online freedoms and digital rights.

(ii) Building Capacity and Collaborations for Digital Rights Research in Africa

In this session, the delegation noted that evidence-based digital rights advocacy has become crucial in Africa as a growing number of governments and powerful private actors continue to undermine citizens' online rights through legal and extra-legal means. To solve this it was essential to increase the amount and depth of research originating from, and relevant to, Africa. Equally, it is necessary to expand beyond traditional research methods to include contemporary approaches such as network measurements, social network analysis, and data mining.

(iii) Trends in Internet Freedom in Africa

The delegation made the following key observations in this session;

- a) The Internet has become an indispensable tool in enabling citizens to enjoy their rights to free expression, which is now accepted as an enabler of other rights. It has also contributed to increased citizen participation in public discourse on issues of interest in different countries around the African continent and beyond. Further, it has expanded economic activities by providing a platform for buyers and sellers who are spatially removed from each other to be able to transact businesses. Its ability to close up geographical gaps also means that it is a useful tool for connecting people for reasons other than civic actions and business.
- b) In Africa, the proliferation of Internet-enabling devices such as mobile phones, computers and laptops, and the emergence of social media platforms have made it easier for everyone, including the rich and poor, the educated and uneducated, the employed and unemployed, to benefit from the power of the Internet. Across African countries, although Internet penetration has been very low for many years, it is fast rising.

- c) Given the important role that the Internet plays in empowering citizens to actively engage in governance and issues of interest and concern, there is need for governments and stakeholders to prioritise Internet access and use in their respective countries. Over the past decade, internet enabling devices have become increasingly accessible to citizens, empowering them to participate in national discourse, demand better public service delivery, and for many other purposes.

4.0 OBSERVATIONS

Following the deliberations, the Committee observed that:-

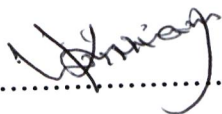
1. FIFAfrica provides a unique platform to assemble a diverse audience with the shared vision of understanding and discussing the current threats, emerging issues, and opportunities for action to promote access, privacy and security online in Africa. It is one of the few gatherings that assemble an African audience within the continent to discuss matters related to upholding internet freedom.
2. In several countries, it is becoming increasingly challenging to utilize the internet to defend human rights, strengthen independent local media and democratization, and demand accountable and transparent governance, or to freely access information and contribute content in the diversity of African languages. This is undermining the core principle of the internet as a free and open platform.
3. A recent trend in several African Countries shows that an increasing number of African countries are resorting to the use of internet disruptions to limit people's access and use of social media and the internet during elections and in times of social and political unrest.
4. Misinformation has become a common part of our digital media environments and it is compromising the ability of our societies to form informed opinions. It generates misperceptions, which have affected the decision making processes in many domains, including economy, health, environment, and elections, among others.

5.0 RECOMMENDATIONS

The Committee recommends that:-

1. The Ministry of Information, Communication and Technology to prioritise telecommunications infrastructure provision in underserved populations and geographic locations to help bridge national and local inequities in digital resources and opportunities.
2. The telecommunication operators and the Internet Service Providers (ISP) to develop and adopt clear due diligence mechanisms among telecommunication operators, especially ISPs to manage illegal Internet shutdown orders.
3. Parliament to amend or repeal laws that repress free expression and adopt international legal provisions that protect citizens' digital rights and freedoms.
4. The Committee to be undertaking broad-based consultation with media, civil society and other relevant stakeholders in the formulation of laws and policies related to digital rights and freedom of expression.
5. The Ministry in-charge of national security to resource relevant security agencies to successfully investigate and punish abuse of digital rights and freedoms.

SIGNED.....



DATE.....03/03/2020.....

HON. WILLIAM KISANG, M.P. - CHAIRPERSON

DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION AND INNOVATION

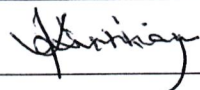
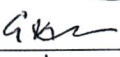
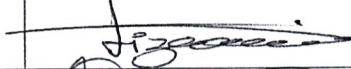
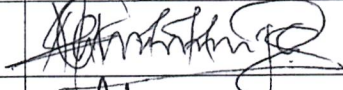
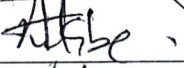


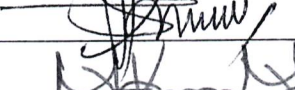

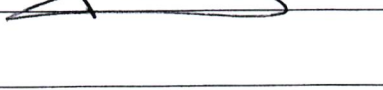
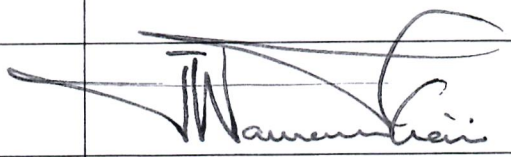
**THE DEPARTMENTAL COMMITTEE ON COMMUNICATION, INFORMATION
AND INNOVATION**

ADOPTION LIST



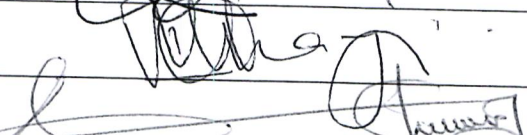
Adoption of the reports on:-

- i.) Sixth Forum on Internet Freedom in Africa, 2019 held in Addis Ababa, Ethiopia from 23rd to 26th September, 2019
- ii.) 2019 Shenzhen Smart City Forum with International Friendship Cities on 14th to 15th May, 2019 in the Republic of China
- iii.) ITU Regional Week on Emerging Technologies for Sustainable Development and Digital Transformation 26th to 30th August, 2019 in Dubai United Arab Emirates
- iv.) Internet Forum (IGF), 2019 held in Berlin, Germany from 25th to 29th November, 2019

DATE 3/3/2020..... TIME 11:30am..... VENUE 11th Floor Protection House.

NO.	NAME	SIGNATURE
1.	Hon. Kisang, William Kipkemoi, M.P - Chairperson	
	Hon. George, Macharia Kariuki, M.P - Vice – Chairperson	
3.	Hon. Liza, Chelule Chepkorir, M.P.	
4.	Hon. Alfah, O. Miruka, M.P.	
5.	Hon. Annie Wanjiku Kibeh, M.P.	
6.	Hon. Joshua Kimilu, Kivinda, M.P.	
7.	Hon. Marwa Kitayama Maisori, M.P.	
8.	Hon. Mwambu Mabongah, M.P.	
9.	Hon. Maritim Sylvanus, M.P.	
10.	Hon. Mwangaza Kawira, M.P.	
11.	Hon. Jonah Mburu, M.P.	
12.	Hon. Gertrude Mbeyu Mwanyanje, M.P.	
13.	Hon. Wamuchomba, Gathoni, M.P.	
14.	Hon. (Eng). Mark Nyamita Ogola, M.P.	
15.	Hon. John Kiarie Waweru, M.P.	

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AND INNOVATION**

16.	Hon. Erastus Nzioka Kivasu, M.P.	
17.	Hon. Godfrey Osotsi, Atieno, M.P.	
18.	Hon. Innocent Momanyi, Obiri, M.P.	
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