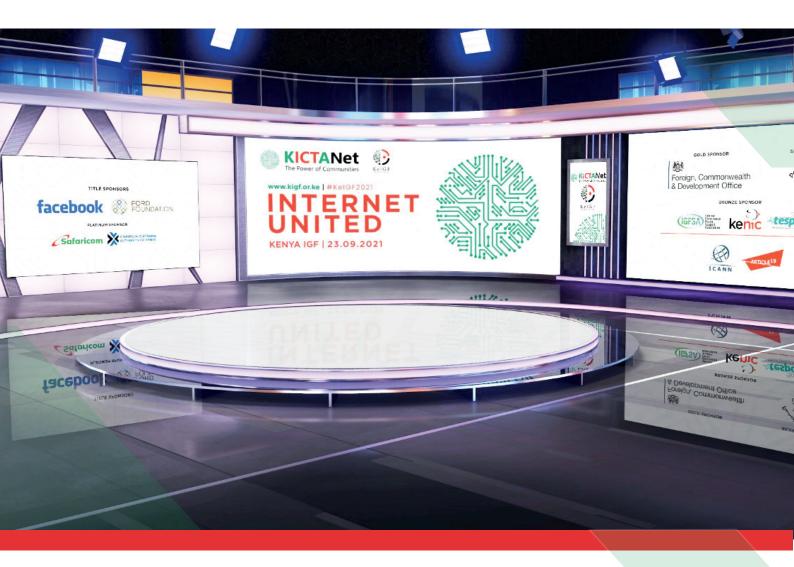
KENYA INTERNET GOVERNANCE FORUM REPORT 2021



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We appreciate all the participants for their time, active participation and for sharing their insights during the KIGF 2021.

We gratefully thank June Okal and her team comprising Megan Kathure and Mary Onyango for authoring this report. It was edited by Grace Githaiga.

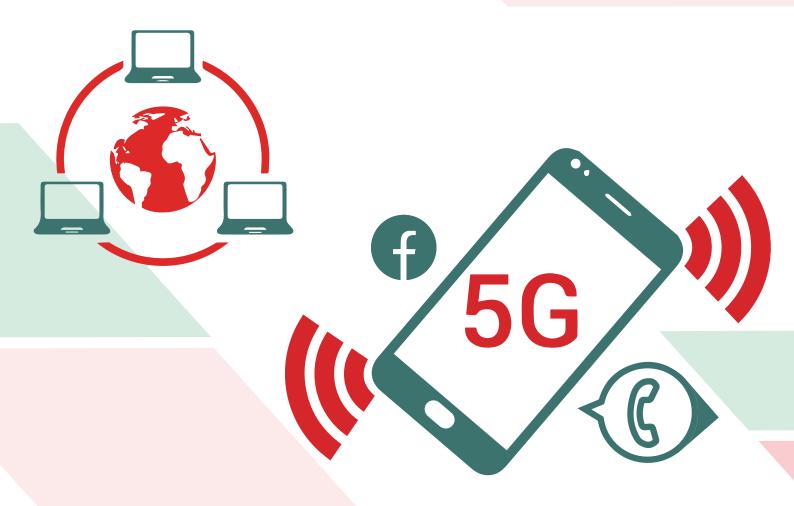
We are greatly indebted to our partners who provided resources for the event. They are the Ford Foundation, Facebook, the Communications Authority of Kenya (CA), Safaricom PLC, the United Kingdom Government's Digital Access Program, the Kenya Human Rights Commission (KHRC), Kenya Network Information Centre (KENIC), Internet Governance Forum Support Association (IGFSA), Technology Service Providers of Kenya (TESPOK), the Internet Corporation of Assigned Names and Numbers (ICANN), and ARTICLE 19 Eastern Africa.

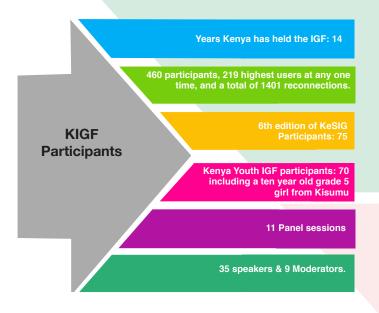
Appreciation to CIO Africa for providing the meeting platform, the sign language interpreters Jedida Orondo and Kennedy Mwangi, and to our Mcee Ian Maina who is full of energy and life, Shukran!

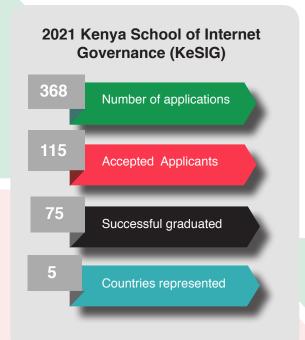
14th Kenya IGF theme "Internet United".

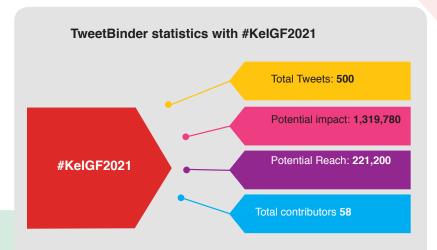
The sub-themes

- Data Governance,
- Digital Inclusion, Universal Access, and
- Meaningful connectivity,
- Trust, Security, Stability, and Resilience of the
- Internet, Elections, Data and Technology,
- Emerging Issues: 5G, Artificial Intelligence,
- Smart Cities, Digital Tax, E-learning, and FinTech











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Executive Summary

The Internet Governance Forum (IGF) is an open and inclusive multistakeholder forum where public policy issues related to key elements of internet governance, such as the internet's sustainability, robustness, security, stability and development are discussed.

Modelled along the global IGF structure and principles, the Kenya IGF is a unique platform for stakeholders to openly share perspectives and concerns on the key issues that may affect the future of internet users in the country and across the globe in general.

As has been the practice since its inception in 2008, the Kenya ICT Action Network (KICTANet) in partnership with industry stakeholders, convened and organized the Kenya IGF 2021. KICTANet worked with partners and sponsors to make the event a success. Organisations that partnered with KICTANet included the Ford Foundation, Facebook, the Communications Authority of Kenya (CA), Safaricom PLC, United Kingdom Government's Digital Access Program, the Kenya Human Rights Commission (KHRC), Kenya Network Information Centre (KENIC), Internet Governance Forum Support Association (IGFSA), Technology Service Providers of Kenya (TESPOK), the Internet Corporation of Assigned Names and Numbers (ICANN) and ARTICLE 19 Eastern Africa. This is an indication of their commitment to the development and growth of the internet in Kenya.

For the second year, and due to the ongoing COVID – 19 pandemic, the Kenya IGF was convened as a hybrid event with both physical and online participation. The forum also included a sign interpreter to ensure inclusive engagement by participants who are abled differently. The event whose theme was "Internet United" was streamed online and attended by 460 participants, with 219 highest users at any one time, and a total of 1401 reconnections.

Assessing from the **Opening Remarks** made by Stephen Chege who is the Chief Corporate Affairs Officer at Safaricom PLC, Alberto Cerda of Ford Foundation, and Josephine Gauld, the British Deputy High Commissioner to Kenya, they were excited about the 2021 KIGF discussions, and emphasised the need for multistakeholder collaboration in dealing with the challenges affecting the internet at a national, regional and global scale. Through the **Keynote Address** delivered by Acting Director General, Communications Authority of Kenya - the ICT industry regulator, Mercy Wanjau identified the top three priorities that will need to be addressed in the coming year. These are the need to narrow the digital divide, enhancing user trust in terms of freedom on the internet, and provision for safeguards on disclosure of information, which would need to be a collaborative effort between stakeholders.

At the first session of the 'High Level Panel which focused on Emerging regulation of content, data and consumer rights' the Office of the Data Protection Commissioner cited the need for compliance and awareness. In recognition of new and emerging technologies, key industry players called for timely engagement to develop new frameworks that would enhance trust and balance interests between stakeholders, including end users and business partners. In summary, at the heart of new age regulation is the need to facilitate innovation and multistakeholderism.

The subsequent session on Inclusion, Universal Access and Meaningful Connectivity emphasized on the need to not only deliver connection and connectivity, but offer meaningful connectivity where there is an impact for the end user. The session speakers highlighted some programmes that have been implemented across the country towards this effort, challenges faced in content moderation and restriction of Freedom of Expression and Information as well as an illustration of the on-going work on community networks.

Trust, security, and stability was the third thematic topic of discussion. There was a rallying call for enhanced public awareness in recognition of the shift of the national cybersecurity strategy in Kenya from its enactment seven (7) years ago to date, owing to the evolution of technology, increased cybercrime threats as well as the COVID 19 pandemic – led digital transformation.

The imposition of personal values rather than national values, lack of knowledge of the national electoral technology-based system to be used, absence of transparency and accountability and a need for public education were emphasized as key concerns in the penultimate discussion on **Elections, Data and Technology.** In appreciation of the vital place for telecommunications infrastructure, the need for a legal framework recognizing and protecting critical infrastructure was noted.

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Compliance to the global standard of personal data protection by the Independent Electoral and Boundaries Commission (IEBC) was flagged as non-negotiable as the Constitutional right to privacy is non derogable. Summarily, technology should reinforce the democratic process, not undermine it.

In conclusion, the last session zeroed in on **Emerging Issues such as 5G, Artificial Intelligence, Digital Tax, E-learning and FinTech.** In the session, the importance of Digital Services Tax, its impact on the economy in attempting to extend the tax bracket specifically for non-resident providers was underscored. In addition, the potential impact of 5G technology and the crucial role of the regulator in spectrum allocation was recognized. The use of artificial intelligence particularly in financial technology service delivery was lauded in compliance with the law, with counter arguments on premature regulation in the field of fintech vis a vis the place for self-regulation. Further, user centricity in the development of e – learning solutions should be based on the key pain points flagged by key stakeholders. The need for a new smart city development rather than the retrofitting of existing cities was cited to leverage technology in an attempt to alleviate existing challenges.

The event also featured an award ceremony for the 75 participants of the Kenya School of Internet Governance (KESIG), and the presentation of the outcome report of the 2021 Youth IGF. In delivering the Vote of Thanks, Barrack Otieno, chair of the Multi Advisory Group (MAG) thanked all the sponsors, partners, speakers, MAG members, KICTANet team and attendees for their engagement. In her Closing Remarks, Mercy Ndegwa, Public Policy Director, East & Horn of Africa observed that 'Internet United' was an amazingly apt theme throughout the day, noted that the conversations and content were extremely rich and applauded KICTANet for hosting such a great event.

Conclusively, the attendees - representing various sectors including government, the private sector, civil society, the technical and academic community, and the general public - shared key session highlights and comments on the active chat box. There was unquestionable consensus on the great content, good insights, impactful learning and interesting conversations in recognition of how the internet has come to play such an important role in our lives and hence the need for its governance. One attendee lauded the virtual setup, quipping that it, 'looks like a Kenyan Apple event'.

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Background and Introduction

About the Internet Governance Forum (IGF)

The Internet Governance Forum (IGF) is an open and inclusive multistakeholder forum where public policy issues related to key elements of Internet Governance, such as the internet's sustainability, robustness, security, stability and development are discussed. The United Nations Secretary-General formally announced the establishment of the IGF in July 2006 and the first meeting was convened in October 2006.

The purpose of the IGF is to maximize the opportunity for open and inclusive dialogue and the exchange of ideas on Internet Governance (IG) related issues; create opportunities to share best practices and experiences; identify emerging issues and bring them to the attention of the relevant bodies and the general public; and contribute to capacity building for internet governance.



The event brings together stakeholders representing government, the private sector, civil society, the technical and academic community, media and the public in an informal setting to dialogue internet governance policy issues on an equal basis through an open and inclusive process. This type of cooperative engagement is usually referred to as the multistakeholder model of Internet Governance, which is one of the key features for the internet's success.

This model is paramount to ensure that the internet remains sustainable for economic and social development.

The fora are localised and their outcomes feed into each other from country to sub-regional, then regional level, finally culminating in a report that is presented at the global level.

The outcomes of the country level (Kenya IGF) feed into the regional level (East Africa IGF), continental level (Africa IGF) and ultimately at the global level (IGF).

Previously, Kenya hosted the East Africa IGF in 2008, 2009, 2012 and thereafter, the global IGF in 2011 in Nairobi. This year, the 16th Annual Global IGF which will be convened by the United Nations, will be hosted by the Government of Poland and is scheduled to take place from 6 - 10 December in Katowice.

State of ICT in Kenya

According to the Communications Authority, the number of internet subscriptions continued to grow due to increased demand for access to information online, coupled with transfer of more services to the digital space. With the COVID-19 pandemic, many consumers continue to adopt video-conferencing services as they work from home, access online entertainment and streaming Video-on-Demand services. In addition, learners continued to access Kenya Institute of Curriculum Development (KICD) e-content and lessons at home, as learning institutions remained closed across the country, as a measure to contain the spread of COVID-19 Pandemic. The total number of internet subscriptions as at December 2020 was 44.38 million, of which 25.78 million were broadband subscriptions. In addition, the Kenya Network Information Centre (KENIC) registered over 100,000 .ke domain names, setting a milestone. Moreover, 56.21 million cyber threats were detected between October and December 2020, an increase from the 35.17 detected the previous quarter.

44.38M 25.78M 56.21M

Internet subscriptions

Broadband subscriptions

Cyber threats

Kenya IGF

Given the foregoing, the importance of the internet to the development of the country cannot be gainsaid. Modelled on the IGF structure and principles, the Kenya IGF therefore, is a unique platform for all stakeholders to openly share perspectives and concerns on the key issues that may affect the future of internet users in the country and across the globe in general.

KICTANet in collaboration with Industry stakeholders, convenes and organizes the Kenya IGF. This has been the tradition since the 1st edition of the Kenya IGF, which was held in 2008. The Kenya IGF has been hosted and convened by KICTANet in every successive year since then. KICTANet works with partners and sponsors to make the event a success. As has been the tradition in the past, KICTANet partnered with the Communications Authority (CA), Facebook, Safaricom, Kenya Network Information Centre, the Kenya Human Rights Commission, Ford Foundation among others. The willingness of these crucial organizations in the industry to partner and support the event is an indication of their commitment to the development and growth of the internet in Kenya.

Theme

The theme for 2021 Kenya IGF was "Internet United". The sub-themes prioritized for discussion which helped in framing the discussions were:

- Data Governance Discussions on the fundamental challenge of ensuring the benefits of the data revolution to contribute to inclusive economic development while protecting the rights of people.
- 2. **Digital Inclusion -** Providing a framework for assessing and considering the various elements and policies which can improve access to equitable opportunities in the digital age. Digital inclusion is about having the right access, skills, motivation and trust to confidently go online.
- 3. Security, Stability, Safety and Resilience A platform to review the potential risks to security and safety from various angles with due consideration to how stability and resilience can be achieved. Brainstorming on strategies for protection of both systems and users, taking into account a multidisciplinary perspective to potential solutions and the importance of stakeholder collaboration for responding to the growing range of threats to the global internet and its users.

Expected Outcomes

The main intended outcome of the Kenya IGF was to maximize opportunities for open and inclusive dialogue and the exchange of ideas on Internet Governance (IG) related issues. Others include:

- a) Creation of opportunities to share best practices and experiences;
- b) Identification of emerging issues and bringing them to the attention of the relevant bodies and the general public;
- c) Contribution to capacity building for Internet Governance;
- d) Bringing new voices into the Internet Governance Conversation and
- e) Development of a common national position with key recommendations to feed into the East Africa and Africa IGFs.

Participants

The event aimed to reach at least 500 participants representing various sectors including government, the private sector, civil society, the technical and academic community, and the general public. The meeting exceeded this target with 460 unique viewers and 1401 total users.

Further, the Kenya IGF featured an award ceremony for the 75 participants of the Kenya School of Internet Governance (KESIG). The school is an initiative of KICTANet and other industry partners, to promote awareness and knowledge of stakeholders in Kenya to enable them to contribute actively to Internet Governance. Additionally, the event featured the participation of young people who attended the Youth IGF which was convened as a virtual event with a target participation of 50, but successfully surpassed the target with an overall participation of 73 attendees.

Methodology

The format of the Forum included thematic moderated online discussions prior to the face to face meeting, thematic moderated panel sessions and moderated plenary discussions. The event was free to attend and was streamed online.



The MC Ian Muiruri and sign language interpreter Jedida Orondo took participants through a dance routine during a break



Backstage at the Kenya IGF 2021

Opening Remarks

Panelists: Stephen Chege - Chief Corporate Affairs Officer - Safaricom PLC,

Alberto Cerda - Global Program Officer

Josephine Gauld - British Deputy High Commissioner to Kenya



Stephen Chege, Chief Corporate Affairs Officer at Safaricom PLC highlighted the importance of the internet during the pandemic, noting that 96percent of users in Kenya were connected to the internet via mobile phone

The forum commenced with the emcee Ian Muiruri welcoming all attendees and introduction of Grace Githaiga, Convenor, Kenya ICT Action Network (KICTANet) who welcomed all attendees, shared the history and background of KICTANet highlighting the multistakeholder approach, and the importance of the Kenyan Internet Governance forum. Grace highlighted the need for collaboration principles, flagged the key focus sub themes for the 2021 KIGF and thanked the partners and collaborators for their generosity and support of the forum.

Stephen Chege congratulated KICTANet for hosting the 14th Kenyan IGF which has been a catalyst for impactful and engaging policy discussions in ICT. He flagged the importance of the internet during the pandemic, noting that 96% of users in Kenya were connected to the internet via mobile phone. Chege highlighted the report by Vodacom and Safaricom which indicated the need to close the digital divide, advocated for multilevel partnership to close the gap, and a friendly policy environment to focus on the cost of access, and impact of access to the consumer. For instance, the proposed removal of VAT of mobile devices, enhanced local manufacturing of devices in Africa, and programmes such as Safaricom's lipa mdogo mdogo- pay as you go platform to allow for devices purchase in an attempt to enhance internet penetration.

In highlighting the need for increased partnerships and collaboration between private sector, regulators and government, and civil society, he spoke on the place for user privacy and data protection, as well as child online protection measures that are critical with the current online learning led situation.



"The internet has a positive impact enabling participation and engagement but raises negative issues like harassment, misinformation and content moderation - Alberto Cerda Silva, Global Program Officer at Ford Foundation"

Alberto Cerda commenced his statement by remarking, 'the internet has a positive impact enabling participation and engagement but raises negative issues like harassment, misinformation and content moderation. According to him, the core of the conversation on governance of the internet was to balance competing interests and issues affecting global internet use allowing multistakeholders to engage. He spoke to the role of Kenyan society in shaping international rules of internet management – internet for innovation, economic development, preservation of democratic society, and in enabling social justice across the country.

Josephine Gauld lauded the internet's resiliency during the COVID – 19 pandemic noting the 25 – 30% internet use increase that continued to enable remote work and socialization. Regrettably, she observed that as Kenya's digital economy continued to grow, there had been a corresponding increase in Child Sexual Abuse Material (CSAM) online, cyber attacks and breaches, highlighting the need for close collaboration. She affirmed the UK government's commitment to the multistakeholder approach with government, private sector and civil society. As an example, she cited United Kingdom's Digital Access Programme collaboration with the ICT Authority (ICTA), Communications Authority (CA), the and the Ministry of Information and Communications Technology (MoICT), to provide affordable and secure internet connectivity, digital skills, digital content, reaching +2M beneficiaries, including 5000 people living with disability. The programme has empowered community health workers, provided public hotspots in low-income areas, enhanced skills for unemployed women, enabled sharing of agricultural content for farmers in Laikipia with 693 stakeholders working towards a thriving digital ecosystem in Kenya.

Keynote Address



The internet has become a critical tool for social change and continues to shape human progress at a click of a button - Ag Director General, Communications Authority of Kenya (CA), Mercy Wanjau.

The keynote address was delivered by Mercy Wanjau, the Acting Director General, Communications Authority of Kenya (CA). Her speech was reminiscent of the media mogul Marshall McLuhan concept of the internet as a "global village". And 30 years after the Wide World Web (WWW) was introduced to the public, she remarked, the internet has become a critical tool for social change and continues to shape human progress at a click of a button. It has enhanced people's lives such as access to education, services and e-commerce. However, for enhanced online participation, citizens "must exploit the use of the internet".

In response to the emerging issues and challenges including COVID 19, Wanjau said the internet rallied the world. It availed the much-needed information on the pandemic, galvanized the global population in overcoming the crisis as well as providing solutions. Indeed, the internet was a fall back during the lockdowns in Kenya and the rest of the world as most organizations, schools and government departments, resorted to online working and services in a bid to contain the spread of the pandemic.

The Government of Kenya has considered the internet as a socio-economic transformation framework as provided for in the Constitution 2010. In this regard the CA, as the Information, Communication and Technology (ICT) regulator, provides high quality service standards as a means to an enabling environment for internet services. In addition to providing access to information, and licensing of domain names for

e-commerce to thrive, CA has instituted the National Cyber Security framework for use of the internet, which covers punishment of internet crimes.

The Director General emphasized on the importance of having a "United Internet" as a call for action from all stakeholders to ensure that the internet is available to all. She reiterated that this can be achieved through: Narrowing the digital divide where people are allowed to acquire skills that can enable them be online and participate in the digital economy; CA connecting people by laying structures for connectivity and licensing for digital commerce; and Data and privacy concerns with emphasis on enhanced user trust where citizens have freedom of information through the internet and protection online, especially vulnerable groups such as children. Information and data must be protected and transferred or accessed by consent of the user. She lauded the Data Protection Act, 2019 which has come in handy and provides a framework for enhanced user trust.

As a conclusion and recommendation, Ms Wanjau praised the efforts of the Kenya IGF for the multistakeholder model of internet Governance to address internet related issues.



"The government alone cannot meet the priorities cited above.

Collaborative security on the internet and a shared collective

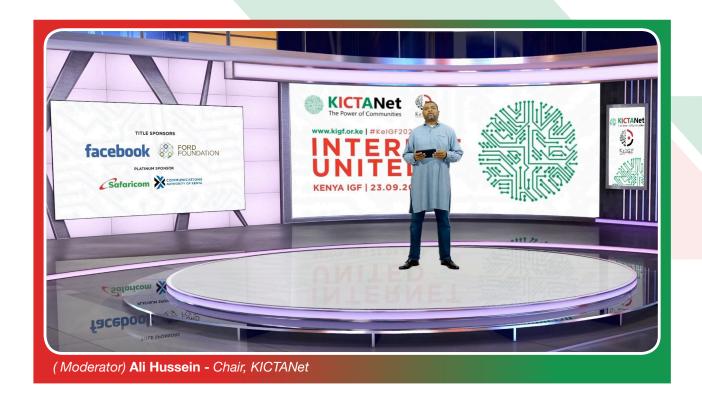
connectivity is for the greater use of the people".

"

The keynote concerns set pace for subsequent discussions by panelists on the prohibitive costs of accessing the internet and in some cases without infrastructure, especially in the rural areas.

SESSION 1:

HIGH LEVEL PANEL - EMERGING REGULATION OF CONTENT, DATA AND CONSUMER RIGHTS





Jon Fanzun (Swiss Digital Foreign Policy)



Kui Kinyanjui (Head of Regulatory and Public Policy at Safaricom PLC



PANELISTS

Data Protection Commissioner (ODPC)

Immaculate Kassait



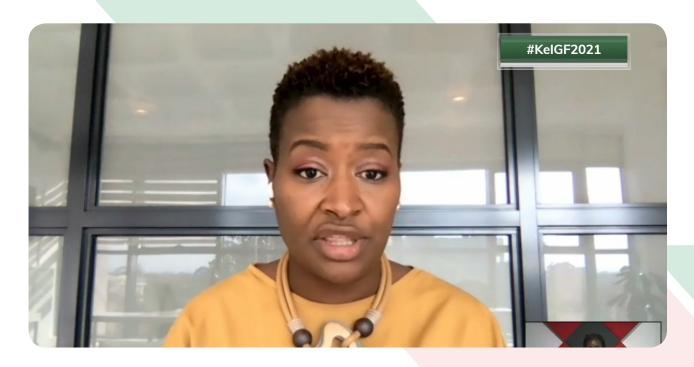
Patricia Muchiri
Communications



Mercy Ndegwa (Public Policy Director, East & Horn

Authority of Kenya (Public Policy Directol, East & Hor of Africa at Facebook)

To kick start the session, **Ali Hussein** noted the ever-evolving nature of digital content and the resultant regulatory challenges it poses. He cited the emergence of the metaverse, a new form of virtual reality in which big technology companies are investing.



All Kenyans should make sure we avoid hate speech, and content that cause harm offline, be careful when sharing unverified content - Mercy Ndegwa, Facebook.

Mercy Ndegwa from **Facebook** reiterated the shift in technology adoption in devices, from use of desktops, personal computers and mobile phones, indicating that the next frontier of technology will be one aiding more connection amongst people. Noting that there will be more digital innovation, she cited the need to have regulation at the top of stakeholders' minds.

Challenging variations in existing regulatory frameworks in the digital space, Ndegwa stressed the importance of harmonization in policymaking stating that such harmonization will act as an enabler of, rather than throttle digital innovation. She urged for use of an international principle-based approach in policy making and promotion of interoperability within laws. She added that such interoperability, drives growth and stability in technology ecosystems and scalability and consistent consumer protection across digital devices. She concluded by calling for more collaboration and community building.



Immaculate Kassait, Data Protection Commissioner said that centering the human element in data governance ensures adherence to the data protection principles of purpose and data minimisation.

Immaculate Kassait, Data Protection Commissioner alluded to industry practice of 'commoditizing' people urging industry players to integrate the essence of human dignity when handling data. She urged for use of the principle of privacy by design in design and deployment of systems. Citing the prevalent question of "Who has the right to exploit data?" The Data Protection Commissioner offered an alternative perspective, one of asking controllers whether they have sought data subjects' consent to process their data. To this she added that centering the human element in data governance ensures adherence to the data protection principles of purpose and data minimisation.

The commissioner observed that there is a need to create awareness on data protection principles, conduct data protection impact assessment by countries undertaking high risk projects and rally for compliance by all stakeholders in data protection.

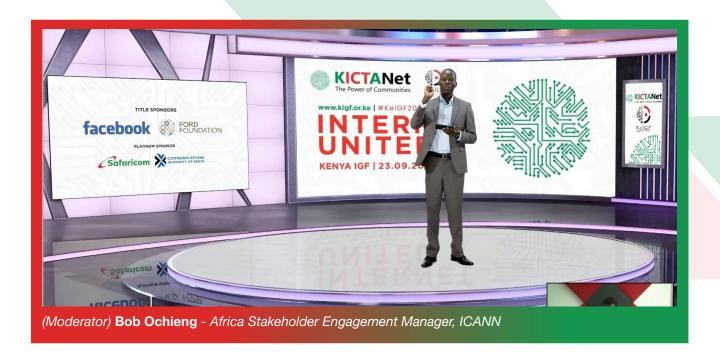
Jun Fanzun, Swiss Digital Foreign Policy echoed the call for placing the human at the centre in data and consumer rights and collecting only relevant data. "If you do not produce data, there is no abuse of data. There should be a way to balance what data to produce and how that data is used". He further highlighted that human beings must be at the centre of all digital policy-making whilst stakeholders should ensure to put in place technologies regulations such as blockchain at the multistakeholder level. In conclusion he recommended for "technology to be driven by humans and not the other way round."

Making reference to a report by KPMG, Kui Kinyanjui, from Safaricom PLC pointed out an existing lack of trust by consumers over data management by companies. In retrospect, she highlighted the efforts Safaricom has undertaken to not only secure its customer's privacy but also their trust. The said efforts include appointing an inhouse data protection officer and masking subscriber's mobile number in mobile payment transactions. In her concluding remarks, Kui resounded the call for collaboration among stakeholders. In closing, she opined "We cannot stifle innovation, our economies are dependent on this."

Patricia Muchiri from the Communications Authority of Kenya spoke on consumer protection and the need for collaborative exchange of ideas. As a regulator "we must begin to partner with the industry on regulatory frameworks on the whole issue of consumer protection. This is the space for international exchange of ideas" she noted. Her sentiments were in line with the Authority's legislative mandate to protect consumer rights within the communications environment.

SESSION 2:

INCLUSION, UNIVERSAL ACCESS AND MEANINGFUL CONNECTIVITY



PANELISTS



Josephine Gauld
(British Deputy High Commissioner to Kenva)



Chief Executive Officer, Kenya Network Information Centre (KENIC)



Josephine Miliza
Regional Coordinator at KICTANet
for APC LOCNet



Mugambi Kiai Regional Director, ARTICLE19 Eastern Africa

The session was moderated by **Bob Ochieng, ICANN.** He opened the discussion with the statement: "there is no internet without inclusion, universal access and meaningful connectivity" and invited the panelists and audience to give views on those key facts.

Joel Karubiu, KeNIC noted that the provision of a secure internet ecosystem gateway to the internet in Kenya was key. Kenya Network Information Centre (KENIC) is the gateway to the internet. Users need to be aware of its existence, and subscribe to domain names to access the platform for socio-economic growth, for example, in e-learning and e-commerce.

According to **Mugambi Kiai of ARTICLE 19**, the internet needs to be regarded as a highway for the commons (space where we all share) and regulations must be thought of as a paradigm of rights of equality, justice and inclusiveness. The constitutional rights guaranteed in the Bill of Rights spell out freedom of expression and the sharing of ideas with others, access to information, and inclusivity in all spheres of life, especially for the disadvantaged groups with various disabilities. Issues such as health and education are information for the commons and it was affirmed the state should provide facilitation.

The panelists noted that the COVID-19 pandemic has been a learning curve. People had to learn new knowledge and skills, for example, on cyber hygiene. There was inequality in learning systems and a whole year was lost due to a lack of connectivity. Although some partners organized e- learning online platform to continue with education, it was not universal due to unavailability of electricity and devices. Indeed, comments from the participants were an outcry on the prohibitive costs of being online.



Josephine Gauld, British Deputy High Commissioner to Kenya cited the UK Digital Access programme which has catalysed affordable, inclusive, safe and secure digital access for underserved or excluded populations.

Josephine Gauld, from the British High Commission informed participants how they created hot spots in informal settlements where people could access information using unlicensed high speed internet spectrum. Some partners were also said to be working with communities having barriers such as language on the internet, access to roads or cables, to build their own connectivity infrastructure. Based on her experience with communities, Josephine Miliza contended that it was no longer a luxury to get connected but a need in this digital era.

In discussing the use of internet resources and the need for capacity building, a concern was raised on what people do online, whether they are active contributors or just consumers of information. Panellists agreed that users need to be made aware of the meaningful and expansive use of the internet beyond communication and commercial transactions.



Joel Karubui
Chief Executive Officer, Kenya Network Information Centre (KENIC)

According to **Joel Karubiu**, **KENIC**, 5 percent of youth in Kenya are said to be earning online. This is a negligible number given that the youth account for 60 percent of the population. For inclusivity, more need to embrace the internet for the growth of businesses and non-commercial purposes. However, inclusivity can only be meaningful when internet users have digital skills, are connected and have access to infrastructure.

In embracing the internet as fundamental to a meaningful ecosystem of inclusivity, having a secure and accessible online presence must be regarded as an individual's right to expression and information sharing. Conclusively, the user should be aware of the internet's capability through enhanced capacity building; and all stakeholders must collaborate in upholding the rights of the internet user.

SESSION 3:

TRUST, SECURITY, AND STABILITY



PANELISTS



Joseph Mathenge (Serianu Limited)



Veronica Maina (Legal Analyst, National Cyber Command Centre (NC3)



Dr. Paula Musuva Lecturer, USIU



Francis Sitati
Regional Director, ARTICLE19
Eastern Africa



Ben Roberts
Group Chief Technology and
Innovation Officer at Liquid
Intelligent Technologies

Central to the discussion in the panel session was assessing Kenya's cybersecurity strategy. The Panellists deliberated on the country's critical infrastructure stability, its state of resilience to cyber-attacks, and the status of the regulatory environment.

Joseph Mathenge, Serianu Limited reiterated the need to protect critical infrastructure and emphasized that cybersecurity professionals should conduct continuous visibility of their organisation's security posture.



Ben Roberts from Liquid Intelligent Technologies highlighted two areas of growth witnessed in Kenya's cybersecurity critical infrastructure; advancement of the country to a regional hub and systems migration to the cloud. On the back of such progress, he underscored the importance of improving and maintaining Kenya's network resilience. Ben Roberts explained that with a shift in working models such as working from home, remote working employees are a big attack surface as firewall systems are often bypassed with such new working models. Accordingly, he pressed for employees training for the creation of a first line of defence in organisations. In his concluding remarks, he emphasised to the participants the importance of listening to experts when dealing with cybersecurity technologies and policies. Further, he criticised the media for failing to host reputable speakers with proven track records in the field of cybersecurity when educating the public.

Dr. Paula Musuva of United States International University – Africa pointed out that Kenya had made strides in actualising its national cybersecurity strategy through the initiation of a National ICT Policy, and the adoption of a Data Protection Act and the Computer Misuse and Cybercrimes Act. She however conceded that more needed to be done in building capacity within a multi agency setting such as the United Nations Group of Governmental Experts (GGE) on Advancing responsible State behaviour in cyberspace in the context of international security and the Open-Ended Working Group (OEWG) on Developments in the Field of ICTs in the Context of International Security.

Correlating how the COVID-19 pandemic brought the world to a halt, Dr Paula questioned Kenya's critical infrastructure resilience to withstand a cybersecurity attack on a wide scale. She consequently stressed on the testing and securing of such infrastructure. Dr Paula raised concern on the repeated failure by

stakeholders to place the "human at the centre" and to raise appropriate levels of skills to navigate cyberspace safely. She pointed out how cyber attackers are leveraging on vulnerable entities such as smaller organisations who are less equipped and skilled in cybersecurity, making them an easy target of cybersecurity breaches. In her concluding remarks and commenting on top priorities that Kenya would need to address, and the roles to be played by stakeholders, Dr Paula elaborated on investing in relevant curriculum which adequately prepares the country's youth for the future market needs. She placed emphasis on tapping into existing talent and having a well-coordinated and proper response to cyber security issues in the same way as other nations' states are doing.

Remarking on the cyber risk landscape witnessed in Kenya in light of COVID-19 **Francis Sitati** from the **KE-CIRT** at the Communications Authority of Kenya, alluded to various types of methodologies and technologies that have been used to conduct cyberattacks. These include ransomware, malware, use of fictitious government directives to lure people to vulnerable sites, exploiting scanned vulnerabilities in remote working tools, phishing emails, and use of sensationalist headlines for click-baiting. Sitati informed participants of the various mechanisms the KE-CIRT has put in place of multistakeholdersim.

To this end, he pointed out the following institutions as having engaged with K-CERT: The Kenya Computer Response Incident team- which has taken a stakeholder mapping of the best practices for cyberthreats, The Information and Communication Technology (ICT) Authority, the Central Bank of Kenya, Technology Service Providers of Kenya (TESPOK), the Kenya Education Network (KENET), critical infrastructure providers such as internet Service Providers, Regional and International Stakeholders such as the International Telecommunication Union (ITU), and the Forum of Incident Response and Security Teams.

To tackle the rise in cyber-attacks at both national and international level, Sitati advocated for a continuous engagement of stakeholders in cybersecurity such as telecommunications companies and facilitation in management of critical internet resources such as domain names. He additionally highlighted the need to fast track development of appropriate cyber legislations noting the essential role for consumer wellness in the cyberspace given the upsurge in e-commerce transactions and users.

Veronica Maina Legal Analyst at the National Cyber Command Centre (NC3) observed that despite having appropriate mechanisms to combat cybersecurity incidents, such mechanisms would prove inefficient if there was no public awareness or educating the masses on how to limit their exposure to cybersecurity incidents. She placed emphasis on information sharing and urged for greater harmonization efforts in mutlistakeholderism among relevant organisations as an overarching principle that would ensure trust, security and stability of cyberspace.

SESSION 4:

ELECTIONS, DATA AND TECHNOLOGY



PANELISTS



Bernard Mugend Kenya Human Rights Commission,



Tevin Mwenda

KICTANet Research Fellow,



Mulle Musau National Coordinator Election Observation Group (ELOG),



CEO, Technology Service Providers of Kenya (TESPOK)

The moderator **Stephanie Muchai** invited the panelists to enlighten the participants on the preparedness of Kenya on technology and data usage during elections, given that the country is due to hold general elections in 2022.

'Technology is crucial to any elections; the systems need to demonstrate transparency to the voter who owns the elections.' This comment from **Bernard Mugendi**, **Kenya Human Rights Commission**, was pivotal in discussing what can ail an election process and lead to disaster such as was experienced in previous elections outcomes, especially in 2017 when technology was used.

Over 90 per cent of technology service providers have adequate infrastructure, however, according to **Fiona Asonga, CEO at TESPOK**, that infrastructure has been disrupted by vandalism on systems ultimately posing a challenge to optimize technology operations. Nevertheless, despite that challenge, the select technology solution which the Independent, Electoral and Boundaries Commission (IEBC) will employ, will need to demonstrate efficacy and transparency, and one where people must be able to understand the system to gain trust, noted by **Mulle Musau from Election Observation Group (ELOG)**.

As a best practice, **Asonga** outlined



Two aspects when one is using technology: awareness and value systems which are usually transferred on the technology platform where there is human interaction. Human influences begin to interpret what technology can do even when there is nothing new. Hence the human value system unconsciously makes a person describe technology in the way they have understood it.

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She called for the need to separate individual values and national values to maintain transparency. Given the crucial importance of awareness and the need for transfer of skills on technology, IEBC will have to train its officials and the voter on how the technology they will employ will be used. Other stakeholders such as the National Coordination Election Observation Group too, will have to understand the technicalities of the entire process to make meaningful observations.

Improper data usage was also cited as a challenge due to the fact that the upcoming elections would be the first time Kenya will be holding elections with the Data Protection Act in place. The IEBC is expected to be keen on the privacy rights of the voter as a data subject with reference to the law. IEBC will have to work closely with the Data Protection Commissioner to ensure the privacy rights of the voter are not violated. Guidelines on how data will be used will also have to be explained to the voter for transparency. **According to Tevin Mwenda**, **KICTANet**, the legal framework on the elections as stipulated in the Constitution should be fair, accountable and verifiable. This includes the Integrated Electoral System which all stakeholders during elections such as the political parties, civil society, observation groups, will need to embrace.

In summary, the session focused on the voter owning the elections and any technology employed being able to demonstrate understanding, trust and transparency for the voter to accept the outcome. The existing legal framework on procurement and the data protection will also need to be upheld to win the population's public trust lost in previous elections.

SESSION 5:

EMERGING ISSUES – 5G, ARTIFICIAL INTELLIGENCE, DIGITAL TAX, E-LEARNING AND FINTECH



PANELISTS



Nickson Omondi (Digital Tax, KRA)



Steve Kamuya (Director, Key Account Group, Huawei Kenya)



Dr. Isaac Rutenberg (Centre for Intellectual Property and Information Technology Law (CIPIT)



Peninah Kimani (Chief Digital Officer, Longhorn Publishers)



Mary Mwangi
(CEO, Data Integrated)



Stella Muhoro (CEO, Data Integrated)

The Panel discussed the role and integration of emerging technologies in existing legal frameworks and their potential for growth. **Nickson Omondi from the Kenya Revenue Authority** when asked about the impact of digital tax on e-commerce, indicated that given the current landscape it was important to have fiscal policies that were alive to electronic transactions. As such, he opined that the effect of digital taxes can be

KENYA ICT ACTION NETWORK

looked at in two forms: enabling the development of digital infrastructure, and good service provision. He alluded to the new Digital Service Tax as a contributor in building Kenya's technology infrastructure that aims to enable Kenya's digital economy to thrive.

Steve Kamuya of Huawei Kenya spoke on the gaps and opportunities of Artificial Intelligence, 5G and Broadband Access in Kenya pointing that the challenge in leveraging these technologies arise from existing low network connectivity. He also indicated that issues of availability and cost of spectrum licenses would be key determinants in 5G growth. He reiterated that ensuring connectivity in the rural areas would be key but would at the same time need to make commercial sense rallying for a friendly operational environment such as the acceleration of the national broadband strategy so as to close the digital divide.

Dr. Isaac Rutenberg from the Centre for Intellectual Property and Information Technology Law (CIPIT) at Strathmore University, making observations on Kenya's Fintech regulatory environment, stated that there needs to be a balance while establishing regulatory frameworks that allow the ecosystem to grow uninhibited. He added that self-regulation of FinTech players rarely worked since companies prioritize the goal of maximising profits vis-a-vis addressing market concerns.

Mary Mwangi of Data Integrated noted that there are great untapped opportunities in Artificial Intelligence (AI) and Fintech in Kenya. She criticised the lengthy bureaucratic process businesses go through for certification and urged the government to create a one-stop shop where all requisite licenses can be obtained for registrations in a bid to save time and money.

Discussing E-learning, **Peninah Kimani from Longhorn Publishers** stated that a change in mind-set would be critical for the growth of edu-tech due to the paradigm shift in the world with prevalence in technologies. She further added that the curriculum should be adapted to meet these existing realities. On creating an enabling environment for e-learning, Kimani advocated for tax incentives to book publishers to be rolled out collaboratively and holistically keeping in mind the need to understand the mind-set of young learners and the environments they are going into.

KONZA technopolis' Stella Muhoro described what constitutes a smart city indicating that it was one that uses ICT to enhance the performance of life, efficiency and cost reduction. She highlighted the need for deliberate efforts from the industry to support KONZA, and ensure awareness of what was possible for this city.

REPORT FROM THE YOUTH IGF



Lynn Ouko, a Grade 5 learner giving the 2021 Youth IGF report

Young attendee, 10 year old Lynn Ouko, a Grade 5 learner who is a Child Online Safety advocate from the Youth IGF cohort, shared with meeting participants the key takeaways from the preceding session. These included child online protection, access, sensitization on the internet for business use by marginalized communities, women and the youth, the role of private public partnerships, and the participation of digital platforms in bridging the gaps. She concluded that the event was an outstanding success.

ACTIONS POINTS AND WAY FORWARD

Lead rapporteur June Okal delivered the key highlights and action points from the day's sessions on behalf of the rapporteur team which had been keenly monitoring all of the ongoing conversations and sessions throughout the day.

KENYA SCHOOL OF INTERNET GOVERNANCE AWARD CEREMONY



Principle Rosemary Kimwatu conducting the 2021 Kenya School of Internet Governance award ceremony

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The sixth edition of the Kenya School of Internet Governance (KeSIG) was held on a virtual learning platform between 10 – 24 September 2021, and is convened annually by KICTANet. KeSIG's mission is to increase the capacity of key actors and potential actors in the local internet governance space. These actors include traditional human rights defenders and civil society organizations, students, academia, the tech community, and government departments.

Rosemary Koech – Kimwatu of Safaricom PLC who headed the faculty, asked a few participants to share their experiences as students of KeSIG. Joel Karubiu of KeNIC lauded the session for being very interactive and informative, thanked the faculty who made it easy for the students and learners, and appreciated his fellow colleagues. In closing, he quipped, "I encourage anyone interested in Internet space to join KeSIG."

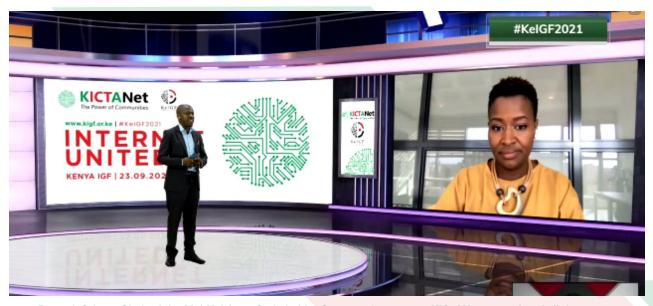
Amrit Singh Labhuram, Research Assistant at Centre for Intellectual Property and Information Technology law (CIPIT) shared his experience at Kenya School Internet Governance (KeSIG) and pointed that "KeSIG introduced me to a strong community of technology policy enthusiasts. Further, KeSIG has been instrumental in developing my understanding and appreciation of inclusive internet governance."

Twahir Kassim of KICTANet and Lamuka Hub opined that "KICTANet has been consistent in its dedication to ICT policymaking and internet governance as a multifaceted field". He appreciated the learnings from stakeholders and sharing of their best practices for instance with community networks development and data transfers.

Fellow and graduand Cherie Oyier noted, "the school made me realise how limited my knowledge on IG was. It was helpful to understand the backend process and realizing that I am a stakeholder with an equal voice."

Advocate and graduand, Crispine Bosire noted how important conversations can be and appreciated the real-life ability to link technical expertise with legal knowledge. The school's principal, Kimwatu congratulated all 75 participants of the 2021 KESIG who worked hard and qualified for a certificate.

In delivering the Vote of Thanks, Barrack Otieno, Chair of the MultiAdvisory Stakeholder Group and Trustee at KICTANet appreciated all the sponsors, partners, and everyone who made KIGF possible. They include the MultiAdvisory Stakeholder Group (MAG), UKAID, the Ford Foundation, ARTICLE 19 Eastern Africa, the Internet Corporation of Assigned Names and Numbers (ICANN), the Kenya National Commission of Human Rights (KNCHR), the technical and media partners CIO Africa as well as the technical team in studio.



Barrack Otieno, Chair of the MultiAdvisory Stakeholder Group and Trustee at KICTANet appreciated all the sponsors, partners, and everyone who made KIGF possible. Mercy Ndegwa urged all Kenyans to avoid hate speech, and content that causes harm offline, and to be careful when sharing unverified content

CLOSING REMARKS

'Inclusion is for all. Use the power given to you responsibly' remarked **Mercy Ndegwa**, from while delivering her closing remarks. She appreciated the good discussion points, the panellists and speakers for the rich conversations. Focusing on the theme of the IGF 2021, she valued the meaning of 'Internet United' personally and at a higher community level. She observed that it was important for people to unite and pull together - not pulling from different sides. She emphasized that the space is inclusive and there was a need to try to connect the unconnected through enhanced access and accessibility for those with access. She celebrated the ability of people to reinvent themselves digitally from content creators who rose during the pandemic and the responsibility of users as indirect teachers in sharing accurate information. As a rallying call to listeners and attendees, Ndegwa aptly concluded, 'think of the power in your hands; to create open access and spaces for others ensuring that inclusion is available for all.'



Kenya Internet Governance Forum (Kenya IGF) 2021

September 23, 2021

Theme: Internet United

Time	Agenda	Moderator
8:00 - 8:15 am	Arrival and Registration	KICTANet MAG Team, Nzambi Kakusu
8:15 - 8:30 am	Welcome and Introductions	Conference Moderator: Ian Maina
8:30 - 9:00 am	Opening Remarks Stephen Chege, Chief Corporate Affairs Officer - Safaricom PLC Alberto Cerda Silva, Global Program Officer for Internet Rights and Access at Ford Foundation Josephine Gauld, British Deputy High Commissioner to Kenya	Grace Githaiga, Convenor, KICTANet
9:00 - 9:15 am	Keynote Address Mercy Wanjau, Ag. Director- General, Communications Authority	How can we foster inclusive Internet governance approaches and digital cooperation, respond to the emerging issues and challenges including COVID-19? What are the top three priorities that will need to be addressed in the coming year and what roles can be played by stakeholders?

9:15 - 9:20 am	Interlude: Spots from event sponsors		
9:20 - 10:15	Session 1: High-Level Panel - Emerging regulation of content, data and consumer rights		
am	Panel:	Moderator: Ali Hussein, Chair, KICTANet	
	Jon Fanzun Swiss Digital Foreign Policy	Session Questions:	
	Kui Kinyanjui, Head of Regulatory and Public Policy at Safaricom PLC Immaculate Kassait, Data Protection Commissioner (ODPC) Patricia Muchiri, Communications Authority Mercy Ndegwa, Public Policy Director, East & Horn of Africa at Facebook	 How to ensure that approaches to content moderation are compliant with human rights frameworks, are transparent and accountable, and enable a safe, united and inclusive Internet? What is needed to ensure that data governance frameworks are effective in mandating the responsible and trustworthy use of data, with respect for privacy? What regulatory approaches could be effective in upholding consumer rights, offering adequate remedies for rights violations, and eliminating unfair and deceptive practices from the part of Internet companies? What are the top three priorities that will need to be addressed in the coming year and what roles can be played by stakeholders? 	
10:15 - 10:30 am	Plenary Session		
10.30 - 10.35 am	Interlude: Spots from event spo	onsors	
	Session 2: Inclusion, Universal Access and Meaningful Connectivity		
10:35 - 11:20 am	Panel:	Moderator: Bob Ochieng ICANN Session Questions	
	Josephine Gauld , Deputy British High Commission Joel Karubiu, Chief Executive Officer, Kenya Network Information Centre (KENIC) Josephine Miliza, Regional Coordinator at KICTANet, APC LocNet Mugambi Kiai, Regional	 What can be learned from the COVID-19 pandemic context about the relationship between digital inequality and social and economic rights? What are the main challenges that people face in obtaining and making full use of Internet access? How can the significant expansion of mobile infrastructure around the world, as well as other existing and emerging 	

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		Director, ARTICLE19 Eastern Africa	technologies such as satellite, fibre, and wireless networks, be used to expand affordable access? • What are the relevant regulatory issues that require attention to enabling broader affordable and quality access at the community level? • What are the top three priorities that will need to be addressed in the coming year, and what roles can be played by stakeholders?
1	11:20 - 11:35 am	Plenary session	
-	11:35 - 11:40 om	Interlude: Spots from event spo	onsors
	11:40 - 12:40	Session 3: Trust, security, and stability	
	om	Panel:	Moderator: Mutheu Khimulu, Legal Specialist in Cyber security
		Joseph Mathenge, Serianu Limited Veronica Maina, Legal Analyst National Cybercrime Coordination Centre (NC3) Dr. Paula Musuva, USIU Francis Sitati, KE-CIRT Ben Roberts, Group Chief Technology and Innovation Officer Liquid Telkom	 Cyber security Session Questions: What are the critical areas for consideration in review of our national cybersecurity strategy. Comment on the cyber risk landscape in light of COVID-19. What mechanism has the K-CIRT put in place in terms of reporting back to stakeholders (embracing multistakeholderism) What are the overarching principles that will ensure trust, security and stability of our cyberspace? What can be done at the national and international level to tackle cyber attacks? What are the human rights considerations in trust, security and stability? What are the top three priorities that will need to be addressed in the coming year and what roles can be played by stakeholders?
1	12:40 - 1:10 om	Plenary Session	
	1:10 - 1:30 om	Interlude and Health Break	Spots from program sponsors

	Session 4: Elections, Data and Technology	
1:30 - 2:15 pm	Panel Mulle Musau, National Coordinator Election Observation Group (ELOG) Tevin Mwenda, KICTANet Research Fellow Bernard Mugendi, Kenya Human Rights Commission Fiona Asonga, CEO, Technology Service Providers of Kenya	Moderator: Stephanie Muchai Session Questions • What are the data and technology challenges that are likely to arise in the various stages of the election process? • How can we protect the privacy rights of voters and remedy breaches given the data collection by IEBC, ORPP, political parties etc. • What technical and policy measures should be taken to ensure efficient and effective use of election data and technology during elections? • What are the top three priorities that will need to be addressed in the coming year and what roles can be played by stakeholders?
2:15 - 2:30 pm	Plenary Session	
	Interlude: Spots from event sponsors	
2:35 - 3:20 pm	Session 5: Emerging Issues (learning and FinTech) Panel Nickson Omondi Digital Service Tax KRA Steve Kamuya, Director, Key Account Group, Huawei Kenya Dr. Isaac Rutenberg, Centre for Intellectual Property and Information Technology Law (CIPIT), Strathmore Law School Penina Kimani, Chief Digital Officer, Longhorn Publishers Mary Mwangi, CEO, Data Integrated Stella Muhoro, Chief Manager Business Development, KONZA Technopolis	Moderator: Keith Andere Session Questions • What is the impact of the Digital Service Tax on ecommerce in Kenya • How has the country leveraged on elearning during the COVID 19 Pandemic • Why do we need smart cities? • How has the changing legal and regulatory landscape affected the FinTech EcoSystem in Kenya • What is artificial intelligence and how is it going to change our lives? • 5G and Broadband access • What are the top three priorities that will need to be addressed in the coming year and what roles can be played by stakeholders?

3:35 pm		
3:35 - 3:40 pm	Interlude: Spots from event sponsors	
3:40 - 3:50 pm	Report from Youth IGF	Lynn Ouko, a Grade 5 learner
3:50 - 4:10 pm	Actions Points and Way Forward Rapporteurs Summary	Rapporteur - June Okal
4:10 - 4:30 pm	Kenya School of Internet Governance Award Ceremony	KICTANet - Rosemary Kimwatu
4:30 - 4:40 pm	Closing Session Mercy Ndegwa, Public Policy Director, East & Horn of Africa at Facebook	KIGF MAG, KICTANet - Barrack Otieno
	End of Event	

PARTNERS



Ford Foundation believes in the inherent dignity of all people. But around the world, too many people are excluded from the political, economic, and social institutions that shape their lives. In addressing this reality, the foundation is guided by a vision of social justice—a world in which all individuals, communities, and peoples work toward the protection and full expression of their human rights; are active participants in the decisions that affect them; share equitably in the knowledge, wealth, and resources of society; and are free to achieve their full potential.



Facebook builds technologies that help people connect with friends and family, find communities, and grow businesses



The Communications Authority of Kenya (CA) is the regulatory authority for the communications sector in Kenya. Established in 1999 by the Kenya Information and Communications Act, 1998, the Authority is responsible for facilitating the development of the information and communications sectors including; broadcasting, cybersecurity, multimedia, telecommunications, electronic commerce, postal, and courier services.



Safaricom PLC is a listed Kenyan mobile network operator headquartered at Safaricom House in Nairobi, Kenya. It is the largest telecommunications provider in Kenya, and one of the most profitable companies in the East and Central Africa region.



The Foreign, Commonwealth & Development Office is a department of the Government of the United Kingdom. It was created on 2 September 2020 through the merger of the Foreign & Commonwealth Office and the Department for International Development.



The Kenya Human Rights Commission (KHRC) was founded in 1991 and registered in Kenya in 1994 as a national non-governmental organisation (NGO). Throughout its existence, the core agenda of the Commission has been campaigning for the entrenchment of a human rights and democratic culture in Kenya. Its founders and staff are among the foremost leaders and activists in struggles for human rights and democratic reforms in Kenya. KHRC works at community level with human rights networks (HURINETS) across Kenya and links community, national and international human rights concerns.



KeNIC is a company, limited by guarantee, licensed to manage and administer the dot ke Country Code Top-Level Domain (.Ke ccTLD) name. This took place after intensive consultations with the Local Internet Community. This public-private partnership was therefore the initial step in facilitating the growth and uptake of the Internet sub-sect ICT in Kenya. KeNIC's Mission is "To manage and promote a secure and reliable .KE domain namespace."



The Internet Governance Forum Support Association (IGFSA) is set up to support the United Nations Internet Governance Forum (IGF). The goal of the IGFSA is to provide stable and sustainable support for the IGF Secretariat and to fund related activities. The IGFSA was launched on September 1, 2014 at the ninth IGF meeting in Istanbul, Turkey.



Technology Service Providers of Kenya (TESPOK) is a professional, non-profit organization representing the interests of Technology service providers in Kenya. Established in 1999, the strength of the Association rests on its ability to be truly representative of the Kenyan industry as a whole.



One World, One Internet

ICANN is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable, and interoperable. It promotes competition and develops policy on the Internet's unique identifiers. Through its coordination role of the Internet's naming system, it does have an important impact on the expansion and evolution of the Internet.



ARTICLE 19 works across the region in partnership with other national and regional organisations and mechanisms to safeguard freedom of expression and information, and to create solidarity networks aimed at achieving this goal. We engage with regional bodies including the African Commission on Human and Peoples' Rights, the African Court, the African Union, and the East African Community.